S T A T E O F N E W Y O R K

4596

2011-2012 Regular Sessions

I N A S S E M B L Y

February 4, 2011

Introduced by M. of A. CUSICK, TITONE, CASTRO, WRIGHT, GABRYSZAK, N. RIVERA, P. RIVERA, SIMOTAS -- Multi-Sponsored by -- M. of A. McENENY, PERRY, PHEFFER, TOBACCO, WEISENBERG -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to providing dating violence education and dating violence policies in school districts, boards of cooperative educational services and county vocational education and extension boards

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Short title. This act shall be known and may be cited as the "Jessica Tush act".

S 2. The education law is amended by adding a new section 815 to read as follows:

S 815. DATING VIOLENCE EDUCATION. 1. EACH SCHOOL DISTRICT SHALL INCORPORATE DATING VIOLENCE EDUCATION THAT IS AGE-APPROPRIATE INTO THE ANNUAL CURRICULUM FRAMEWORK FOR STUDENTS IN GRADES SEVEN THROUGH TWELVE AND WHICH SHALL BE INCORPORATED INTO VARIOUS CLASS SUBJECTS, INCLUDING HEALTH.

(A) DATING VIOLENCE EDUCATION SHALL INCLUDE, BUT NOT BE LIMITED TO, DEFINING DATING VIOLENCE, RECOGNIZING DATING VIOLENCE WARNING SIGNS AND THE ROLE OF CELL PHONES, TEXT MESSAGES, INTERNET AND OTHER ELECTRONIC MEANS IN CONNECTION WITH DATING VIOLENCE AND CHARACTERISTICS OF HEALTHY RELATIONSHIPS. ADDITIONALLY, STUDENTS SHALL BE PROVIDED WITH THE SCHOOL DISTRICT'S DATING VIOLENCE POLICY AS PROVIDED IN SECTION TWENTY-EIGHT HUNDRED THREE OF THIS CHAPTER.

(B) FOR THE PURPOSES OF THIS SECTION:

(I) "DATING VIOLENCE" MEANS A PATTERN OF BEHAVIOR WHERE ONE PERSON USES THREATS OF, OR ACTUALLY USES, PHYSICAL, SEXUAL, VERBAL OR EMOTIONAL ABUSE TO CONTROL HIS OR HER DATING PARTNER AND INCLUDES THREATS MADE BY CELL PHONE, TEXT MESSAGE, INTERNET OR OTHER ELECTRONIC MEANS.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD00574-01-1

(II) "DATING PARTNER" MEANS ANY PERSON INVOLVED IN AN INTIMATE ASSOCIATION WITH ANOTHER PRIMARILY CHARACTERIZED BY THE EXPECTATION OF AFFECTIONATE INVOLVEMENT WHETHER CASUAL, SERIOUS OR LONG-TERM.

(III) "AT SCHOOL" MEANS IN A CLASSROOM, ON OR IMMEDIATELY ADJACENT TO SUCH SCHOOL PREMISES, ON A SCHOOL BUS OR OTHER SCHOOL-RELATED VEHICLE, AT AN OFFICIAL SCHOOL BUS STOP, OR AT ANY SCHOOL-SPONSORED ACTIVITY OR EVENT WHETHER OR NOT IT IS ON SCHOOL GROUNDS.

(C) TO ASSIST SCHOOL DISTRICTS IN DEVELOPING A DATING VIOLENCE EDUCATION PROGRAM, THE DEPARTMENT SHALL REVIEW AND APPROVE THE GRADE LEVEL TOPICS RELATING TO DATING VIOLENCE AND HEALTHY RELATIONSHIPS.

2. UPON WRITTEN REQUEST TO THE SCHOOL PRINCIPAL, A PARENT OR LEGAL GUARDIAN OF A PUPIL LESS THAN EIGHTEEN YEARS OF AGE, WITHIN A REASONABLE PERIOD OF TIME AFTER THE REQUEST IS MADE, SHALL BE PERMITTED TO EXAMINE THE DATING VIOLENCE EDUCATION PROGRAM INSTRUCTION MATERIALS AT THE SCHOOL IN WHICH HIS OR HER CHILD IS ENROLLED.

S 3. The education law is amended by adding a new section 2803 to read as follows:

S 2803. DATING VIOLENCE POLICY. 1. AS USED IN THIS SECTION:

(A) "DATING VIOLENCE" MEANS A PATTERN OF BEHAVIOR WHERE ONE PERSON USES THREATS OF, OR ACTUALLY USES, PHYSICAL, SEXUAL, VERBAL OR EMOTIONAL ABUSE TO CONTROL HIS OR HER DATING PARTNER AND INCLUDES THREATS MADE BY CELL PHONE, TEXT MESSAGE, INTERNET OR OTHER ELECTRONIC MEANS.

(B) "DATING PARTNER" MEANS ANY PERSON, REGARDLESS OF GENDER, INVOLVED IN AN INTIMATE RELATIONSHIP WITH ANOTHER PRIMARILY CHARACTERIZED BY THE EXPECTATION OF AFFECTIONATE INVOLVEMENT WHETHER CASUAL, SERIOUS OR LONG-TERM.

(C) "AT SCHOOL" MEANS IN A CLASSROOM, ON OR IMMEDIATELY ADJACENT TO SCHOOL PREMISES, ON A SCHOOL BUS OR OTHER SCHOOL-RELATED VEHICLE, AT AN OFFICIAL SCHOOL BUS STOP, OR AT ANY SCHOOL-SPONSORED ACTIVITY OR EVENT WHETHER OR NOT IT IS ON SCHOOL GROUNDS.

2. THE DEPARTMENT, IN CONJUNCTION WITH THE OFFICE FOR THE PREVENTION OF DOMESTIC VIOLENCE, SHALL DEVELOP A MODEL DATING VIOLENCE POLICY TO ASSIST SCHOOL DISTRICTS, BOARDS OF COOPERATIVE EDUCATIONAL SERVICES AND COUNTY VOCATIONAL EDUCATION AND EXTENSION BOARDS IN DEVELOPING POLICIES FOR DATING VIOLENCE REPORTING AND RESPONSE. THE MODEL POLICY SHALL BE ISSUED ON OR BEFORE APRIL FIRST, TWO THOUSAND TWELVE.

3. EACH SCHOOL DISTRICT, BOARD OF COOPERATIVE EDUCATIONAL SERVICES AND COUNTY VOCATIONAL EDUCATION AND EXTENSION BOARD SHALL ESTABLISH A SPECIFIC POLICY TO ADDRESS INCIDENTS OF DATING VIOLENCE INVOLVING STUDENTS AT SCHOOL BY DECEMBER FIRST, TWO THOUSAND TWELVE. EACH SCHOOL DISTRICT, BOARD OF COOPERATIVE EDUCATIONAL SERVICES AND COUNTY VOCATIONAL EDUCATION AND EXTENSION BOARD SHALL VERIFY COMPLIANCE WITH THE DEPARTMENT ON AN ANNUAL BASIS THROUGH THE SCHOOL DISTRICT REPORT CARDS OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES REPORT CARD REQUIRED BY THIS CHAPTER.

(A) SUCH POLICY SHALL INCLUDE, BUT NOT BE LIMITED TO, A STATEMENT THAT DATING VIOLENCE WILL NOT BE TOLERATED, DATING VIOLENCE REPORTING PROCEDURES, GUIDELINES TO RESPONDING TO AT-SCHOOL INCIDENTS OF DATING VIOLENCE AND DISCIPLINE PROCEDURES SPECIFIC TO SUCH INCIDENTS. SUCH POLICY SHALL FURTHER AUTHORIZE A STUDENT WHO IS A VICTIM OF DATING VIOLENCE TO REQUEST THAT THE PERPETRATOR OF THE VIOLENCE BE TRANSFERRED TO ANOTHER SCHOOL.

(B) TO ENSURE NOTICE OF THE SCHOOL DISTRICT'S, BOARD OF COOPERATIVE EDUCATIONAL SERVICES' AND COUNTY VOCATIONAL EDUCATION AND EXTENSION BOARD'S DATING VIOLENCE POLICY, THE POLICY SHALL BE PUBLISHED IN ANY SCHOOL DISTRICT, BOARD OF COOPERATIVE EDUCATIONAL SERVICES AND COUNTY

VOCATIONAL EDUCATION AND EXTENSION BOARD POLICY AND HANDBOOK THAT SETS FORTH THE COMPREHENSIVE RULES, PROCEDURES AND STANDARDS OF CONDUCT FOR STUDENTS AT SCHOOL.

4. EACH SCHOOL DISTRICT, BOARD OF COOPERATIVE EDUCATIONAL SERVICES AND COUNTY VOCATIONAL EDUCATION AND EXTENSION BOARD SHALL PROVIDE DATING VIOLENCE TRAINING TO ALL ADMINISTRATORS, TEACHERS, NURSES AND MENTAL HEALTH STAFF AT THE MIDDLE AND HIGH SCHOOL LEVELS. UPON THE RECOMMENDATION OF THE ADMINISTRATOR, OTHER STAFF MAY BE INCLUDED OR MAY ATTEND THE TRAINING ON A VOLUNTEER BASIS. THE DATING VIOLENCE TRAINING SHALL INCLUDE, BUT NOT BE LIMITED TO, BASIC PRINCIPLES OF DATING VIOLENCE, WARNING SIGNS OF DATING VIOLENCE AND THE ROLE OF CELL PHONES, TEXT MESSAGES, INTERNET, AND OTHER ELECTRONIC MEANS IN CONNECTION WITH DATING VIOLENCE AND THE SCHOOL DISTRICT'S DATING VIOLENCE POLICY, TO ENSURE THAT THEY ARE ABLE TO APPROPRIATELY RESPOND TO INCIDENTS OF DATING VIOLENCE AT SCHOOL. THEREAFTER, THIS TRAINING SHALL BE PROVIDED YEARLY TO ALL NEWLY HIRED STAFF DEEMED APPROPRIATE TO RECEIVE THE TRAINING BY THE SCHOOL'S ADMINISTRATION.

5. EACH SCHOOL DISTRICT, BOARD OF COOPERATIVE EDUCATIONAL SERVICES AND COUNTY VOCATIONAL EDUCATION AND EXTENSION BOARD SHALL INFORM THE STUDENTS' PARENTS OR LEGAL GUARDIANS OF THE DATING VIOLENCE POLICY. IF REQUESTED, THE SCHOOL DISTRICT, BOARD OF COOPERATIVE EDUCATIONAL SERVICES OR COUNTY VOCATIONAL EDUCATION AND EXTENSION BOARD SHALL PROVIDE THE PARENTS OR LEGAL GUARDIANS WITH THE SCHOOL DISTRICT'S DATING VIOLENCE POLICY AND RELEVANT INFORMATION.

6. EACH SCHOOL DISTRICT, BOARD OF COOPERATIVE EDUCATIONAL SERVICES AND COUNTY VOCATIONAL EDUCATION AND EXTENSION BOARD SHALL PROVIDE PARENT AWARENESS DATING VIOLENCE TRAINING TO EDUCATE PARENTS ON SIGNS OF DATING VIOLENCE AND WAYS TO PREVENT TEEN DATING VIOLENCE TO ALL PARENTS OF CHILDREN AT THE MIDDLE AND HIGH SCHOOL LEVELS. THE PARENT AWARENESS DATING VIOLENCE TRAINING SHALL INCLUDE, BUT NOT BE LIMITED TO, BASIC PRINCIPLES OF DATING VIOLENCE, WARNING SIGNS OF DATING VIOLENCE AND THE ROLE OF CELL PHONES, TEXT MESSAGES, INTERNET, AND OTHER ELECTRONIC MEANS IN CONNECTION WITH DATING VIOLENCE AND THE SCHOOL DISTRICT'S DATING VIOLENCE POLICY, TO ENSURE THAT THEY ARE ABLE TO RECOGNIZE INCIDENTS OF DATING VIOLENCE AND TO ADVISE PARENTS WHAT THEY CAN DO IF THEY SUSPECT THEIR CHILD IS A VICTIM OR PERPETRATOR OF DATING VIOLENCE. PARENT AWARENESS DATING VIOLENCE TRAINING SHALL BE PROVIDED YEARLY.

7. THIS SECTION DOES NOT PREVENT A VICTIM FROM SEEKING REDRESS UNDER ANY OTHER AVAILABLE LAW, EITHER CIVIL OR CRIMINAL. THIS SECTION DOES NOT CREATE OR ALTER ANY TORT LIABILITY.

S 4. The education law is amended by adding a new section 816 to read as follows:

S 816. RESPECT AND SELF-ESTEEM EDUCATION. 1. (A) EACH SCHOOL DISTRICT SHALL INCORPORATE RESPECT AND SELF-ESTEEM EDUCATION THAT IS AGE-APPROPRIATE INTO THE ANNUAL CURRICULUM FRAMEWORK FOR STUDENTS IN GRADES KINDERGARTEN THROUGH SIX.

(B) TO ASSIST SCHOOL DISTRICTS IN DEVELOPING A RESPECT AND SELF-ESTEEM EDUCATION PROGRAM, THE DEPARTMENT SHALL REVIEW AND APPROVE THE GRADE LEVEL TOPICS RELATING TO RESPECT AND SELF-ESTEEM.

2. UPON WRITTEN REQUEST TO THE SCHOOL PRINCIPAL, A PARENT OR LEGAL GUARDIAN OF A PUPIL LESS THAN EIGHTEEN YEARS OF AGE, WITHIN A REASONABLE PERIOD OF TIME AFTER THE REQUEST IS MADE, SHALL BE PERMITTED TO EXAMINE THE RESPECT AND SELF-ESTEEM EDUCATION PROGRAM INSTRUCTION MATERIALS AT THE SCHOOL IN WHICH HIS OR HER CHILD IS ENROLLED.

S 5. This act shall take effect on the one hundred twentieth day after it shall have become a law.