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

4666

2011-2012 Regular Sessions

I N A S S E M B L Y

February 4, 2011

Introduced by M. of A. J. MILLER -- read once and referred to the Committee on Education

AN ACT to amend the education law, the family court act and the social services law, in relation to prohibiting students who are parents from participating in public school extracurricular activities

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

Section 1. The education law is amended by adding a new section 3207-b to read as follows:

S 3207-B. STUDENTS WHO ARE PARENTS PROHIBITED FROM PARTICIPATION IN EXTRACURRICULAR ACTIVITIES. 1. A STUDENT WHO IS THE PARENT OF A CHILD, WHILE SUCH CHILD IS RECEIVING PUBLIC ASSISTANCE, SHALL NOT BE PERMITTED TO PARTICIPATE IN EXTRACURRICULAR ACTIVITIES TAKING PLACE AFTER THE TIME WHEN CLASSES ARE IN SESSION.

2. WHEN SCHOOL AUTHORITIES ARE PUT ON NOTICE THAT A STUDENT MAY BE INELIGIBLE TO PARTICIPATE IN SUCH ACTIVITIES BECAUSE THE STUDENT IS THE PARENT OF SUCH A CHILD, THE SCHOOL AUTHORITIES SHALL IMMEDIATELY INVESTIGATE SUCH MATTER. UPON FINDING THAT SUCH A STUDENT IS INELIGIBLE, SCHOOL AUTHORITIES SHALL IMMEDIATELY PROHIBIT SUCH STUDENT FROM SUCH PARTICIPATION. NOTICE THEREOF SHALL IMMEDIATELY BE GIVEN TO THOSE SCHOOL EMPLOYEES SUPERVISING SUCH ACTIVITIES. AN EMPLOYEE IN SUCH CAPACITY WHO FAILS TO EXCLUDE A STUDENT SHALL BE INELIGIBLE TO CONTINUE IN THAT CAPACITY FOR THE REMAINDER OF THE SCHOOL YEAR. IF THE SCHOOL AUTHORITIES FAIL TO PERFORM THESE DUTIES PROPERLY AND PROMPTLY, THE ACTIVITY IN WHICH SUCH STUDENT IMPERMISSIBLY PARTICIPATES SHALL BE INELIGIBLE FOR PUBLIC FUNDING FOR THE REMAINDER OF THE SCHOOL YEAR.

3. FOR THE PURPOSES OF THIS SECTION THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

A. "PARENT" MEANS THE MOTHER OF A CHILD AND INCLUDES THE FATHER OF A CHILD WHERE: (I) THE FATHER IS MARRIED TO THE MOTHER OF THE CHILD, (II) THE FATHER IS LISTED IN THE PUTATIVE FATHER REGISTRY PURSUANT TO SECTION

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

LBD08220-01-1

THREE HUNDRED SEVENTY-TWO-C OF THE SOCIAL SERVICES LAW, OR (III) THE FATHER HAS VOLUNTARILY ACKNOWLEDGED PATERNITY PURSUANT TO SECTION FORTY-ONE HUNDRED THIRTY-FIVE-B OF THE PUBLIC HEALTH LAW. A PERSON IS CONSIDERED A PARENT FOR PURPOSES OF THIS SECTION WHERE THE CHILD IS IN FOSTER CARE IF THE CHILD IS RECEIVING PUBLIC ASSISTANCE.

B. "RECEIVING PUBLIC ASSISTANCE" INCLUDES ANY CASE IN WHICH EITHER THE PARENT OR CHILD IS DERIVING ANY BENEFITS FROM ANY PUBLIC ASSISTANCE PROGRAM ADMINISTERED BY THE DEPARTMENT OF FAMILY ASSISTANCE OR A LOCAL SOCIAL SERVICES DISTRICT.

C. "EXTRACURRICULAR ACTIVITIES" INCLUDES, BUT IS NOT LIMITED TO: ATHLETICS, RECREATION, ART, MUSIC, DRAMA, CULTURAL FIELD TRIPS, AND COMMUNITY SERVICE, BUT DOES NOT INCLUDE TUTORING, MENTORING, OR OTHER ACADEMIC ASSISTANCE INTENDED TO ASSIST THE STUDENT IN HIS OR HER STUDIES.

S 2. Section 542 of the family court act is amended by adding a new subdivision (d) to read as follows:

(D) WHERE A RESPONDENT AGAINST WHOM AN ORDER OF FILIATION IS ENTERED IS ELIGIBLE TO ATTEND PUBLIC SCHOOL, THE COURT SHALL NOTIFY THE PUTATIVE FATHER REGISTRY OF SUCH FACT AND OF THE NAME OF THE SCHOOL BEING ATTENDED, IF ANY, WHERE SUCH INFORMATION CAN BE ASCERTAINED.

S 3. Section 372-c of the social services law is amended by adding a new subdivision 4-a to read as follows:

4-A. WHERE A MALE LISTED IN THE PUTATIVE FATHER REGISTRY IS ELIGIBLE TO ATTEND PUBLIC SCHOOL, SUCH FACT SHALL BE NOTED AND SUCH MALE'S LISTING IN THE REGISTRY MAY BE DISCLOSED TO ANY PUBLIC SCHOOL BEING ATTENDED BY SUCH MALE.

S 4. The commissioners of education and the office of temporary and disability assistance, and the chief administrator of the unified court system shall jointly promulgate such rules and regulations as in their judgment shall be appropriate to carry out the provisions of this act. In furtherance thereof, the disclosure of any otherwise confidential information to any school official, social services official, or court official (including parties' attorneys), insofar as necessary to implement the provisions of this act, is hereby authorized.

S 5. This act shall take effect on the one hundred twentieth day after it shall have become a law. Any rules and regulations necessary for the timely implementation of this act on its effective date shall be promulgated on or before such date.