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

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I N A S S E M B L Y

January 25, 2012

Introduced by M. of A. WALTER, CASTELLI, DUPREY, REILICH, MONTESANO, RAIA -- Multi-Sponsored by -- M. of A. ARROYO, BARCLAY, BURLING, CALHOUN, CASTRO, CERETTO, COLTON, CONTE, CORWIN, CROUCH, CURRAN, GIGLIO, McDONOUGH, McKEVITT, J. MILLER, MURRAY, RA, RABBITT, SALADINO, TEDISCO, TITONE -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to requiring provisions in schools that prohibit harassment, intimidation or bullying whether by electronic communication or a written, verbal, physical or sexual act

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

Section 1. Section 2 of the education law is amended by adding a new subdivision 20 to read as follows:

20. HARASSMENT, INTIMIDATION, OR BULLYING. THE TERM "HARASSMENT, INTIMIDATION, OR BULLYING" MEANS AN ELECTRONIC COMMUNICATION, OR A WRITTEN, VERBAL, PHYSICAL, OR SEXUAL ACT THAT IS REASONABLY PERCEIVED TO HAVE THE EFFECT OF:

A. HARMING A STUDENT PHYSICALLY OR EMOTIONALLY OR DAMAGING A STUDENT'S PROPERTY, OR PLACING A STUDENT IN A REASONABLE FEAR OF PERSONAL HARM OR PROPERTY DAMAGE; OR

B. INSULTING OR DEMEANING A STUDENT OR GROUP OF STUDENTS CAUSING SUBSTANTIAL DISRUPTION IN, OR SUBSTANTIAL INTERFERENCE WITH, THE ORDERLY OPERATION OF THE SCHOOL.

S 2. Paragraphs d and f of subdivision 2 of section 2801 of the education law, as added by chapter 181 of the laws of 2000, are amended and three new paragraphs, c-1, c-2 and f-1 are added to read as follows:

C-1. PROVISIONS PROHIBITING:

(I) HARASSMENT, INTIMIDATION, OR BULLYING; OR

(II) REPRISAL, RETALIATION, OR FALSE ACCUSATIONS AGAINST A VICTIM, WITNESS, OR ONE WITH RELIABLE INFORMATION ABOUT AN ACT OF HARASSMENT, INTIMIDATION OR BULLYING;

C-2. PROVISIONS STATING THAT A SCHOOL EMPLOYEE, STUDENT OR VOLUNTEER WHO WITNESSES, OR HAS RELIABLE INFORMATION THAT A STUDENT HAS BEEN

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

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SUBJECT TO HARASSMENT, INTIMIDATION, OR BULLYING SHALL REPORT THE INCIDENT TO THE APPROPRIATE SCHOOL OFFICIAL;

d. disciplinary measures to be taken in incidents involving the possession or use of illegal substances or weapons, the use of physical force, vandalism, violation of another student's civil rights and threats of violence, INCLUDING HARASSMENT, INTIMIDATION OR BULLYING;

f. procedures by which violations are reported, INCLUDING A PROVISION FOR ANONYMOUSLY REPORTING, determined, discipline measures imposed and discipline measures carried out, CONSEQUENCES AND APPROPRIATE REMEDIAL ACTION FOR PERSONS FOUND TO HAVE FALSELY ACCUSED ANOTHER;

F-1. PROCEDURES FOR PROMPT INVESTIGATION OF REPORTS OF SERIOUS VIOLATIONS AND COMPLAINTS;

S 3. This act shall take effect on the sixtieth day after it shall have become a law.