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

March 20, 2012

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

AN ACT to amend the education law, in relation to requiring notification by the superintendent of a school district to a transfer school or school district where an employee or volunteer has a report of child abuse in an educational setting

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

Section 1. Section 1128-a of the education law is amended by adding a new subdivision 3 to read as follows:

3. (A) IF AN EMPLOYEE OR VOLUNTEER HAS A REPORT OF CHILD ABUSE IN AN EDUCATIONAL SETTING WHICH IS MADE PURSUANT TO THIS ARTICLE AND SUCH EMPLOYEE OR VOLUNTEER REQUESTS A TRANSFER TO ANOTHER SCHOOL WITHIN FIVE YEARS FROM THE DATE SUCH REPORT IS MADE, THE SUPERINTENDENT SHALL REPORT THE ALLEGATION TO THE TRANSFER SCHOOL. SUCH REPORT SHALL REMAIN IN THE EMPLOYEE OR VOLUNTEER'S FILE UNTIL IT IS DEEMED TO BE ELIGIBLE TO BE EXPUNGED PURSUANT TO SUBDIVISION TWO OF THIS SECTION.

(B) WILLFUL FAILURE OF A SUPERINTENDENT TO NOTIFY THE SCHOOL OR SCHOOL DISTRICT TO WHERE THE TRANSFER IS BEING REQUESTED OF A REPORT OF CHILD ABUSE, AS REQUIRED BY PARAGRAPH (A) OF THIS SUBDIVISION, SHALL BE PUNISHABLE BY A CIVIL PENALTY NOT TO EXCEED FIVE THOUSAND DOLLARS UPON AN ADMINISTRATIVE DETERMINATION BY THE COMMISSIONER.

(C) WHERE THE EMPLOYEE OR VOLUNTEER IS THE RECIPIENT OF A REPORT OF CHILD ABUSE IN AN EDUCATIONAL SETTING AT A TRANSFER SCHOOL AND A SUPERINTENDENT IS DETERMINED BY THE COMMISSIONER TO HAVE VIOLATED PARAGRAPH (B) OF THIS SUBDIVISION, SUCH SUPERINTENDENT SHALL BE GUILTY OF A CLASS A MISDEMEANOR.

S 2. This act shall take effect immediately.

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

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