

6878

2013-2014 Regular Sessions

I N A S S E M B L Y

April 23, 2013

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

AN ACT to amend the education law, in relation to prohibiting the use of handcuffs on students with a documented mental, physical or developmental disability in a public school located in a city with a population of a million or more

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

1 Section 1. The education law is amended by adding a new section 3214-a
2 to read as follows:
3 S 3214-A. HANDCUFFS PROHIBITED; STUDENTS WITH DISABILITIES. 1. IN A
4 PUBLIC SCHOOL LOCATED IN A CITY WITH A POPULATION OF A MILLION OR MORE,
5 THE USE OF HANDCUFFS ON A STUDENT WHO IS TWELVE YEARS OLD OR YOUNGER,
6 AND WHO HAS AN INDIVIDUALIZED EDUCATION PROGRAM OR OTHER FORM OF
7 DOCUMENTATION CITING A PHYSICAL OR MENTAL HEALTH CONDITION OR PHYSICAL,
8 MENTAL OR DEVELOPMENTAL DISABILITY, SHALL BE PROHIBITED AS A RESPONSE TO
9 PROPERTY DESTRUCTION, DISRUPTION OF SCHOOL ORDER, A STUDENT'S REFUSAL TO
10 COMPLY WITH A SCHOOL RULE OR DIRECTIVE, OR VERBAL THREATS THAT DO NOT
11 CONSTITUTE A THREAT OF IMMINENT, SERIOUS PHYSICAL HARM.
12 2. IN THE EVENT THAT SUCH STUDENT IS INVOLVED IN AN INCIDENT OR
13 DISTURBANCE, AS DESCRIBED IN SUBDIVISION ONE OF THIS SECTION, THE PRIN-
14 CIPAL OR A SCHOOL ADMINISTRATOR SHALL IMMEDIATELY CONTACT THE STUDENT'S
15 PARENT OR PARENTS, GUARDIAN OR GUARDIANS OR COUNSELOR.
16 3. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PRECLUDE ANY SCHOOL
17 PERSONNEL OF A PUBLIC SCHOOL FROM USING REASONABLE FORCE TO PROTECT
18 STUDENTS, OTHER PERSONS OR THEMSELVES FROM ASSAULT OR IMMINENT, SERIOUS
19 PHYSICAL HARM.
20 S 2. This act shall take effect on the one hundred eightieth day after
21 it shall have become a law. Provided, however, that effective immediate-
22 ly, the addition, amendment and/or repeal of any rule or regulation
23 necessary for the implementation of this act on its effective date are
24 authorized and directed to be made and completed on or before such
25 effective date.

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

LBD08001-01-3