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

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6933--A

2013-2014 Regular Sessions

I N   A S S E M B L Y

April 25, 2013
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Introduced by M. of A. CUSICK -- read once and referred to the Committee
   on Education -- committee discharged, bill amended, ordered reprinted
   as amended and recommitted to said committee

AN ACT to amend the education law, in relation to prohibiting school
   district employees from having contact with children under the age of
   eighteen on social media

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

 1   Section 1. The education law is amended by adding a new section 3036
 2 to read as follows:
 3   S 3036. PROHIBITION OF CONTACT ON SOCIAL MEDIA. 1. NO TEACHER, TEACH-
 4 ER'S AIDE, ADMINISTRATOR, OR OTHER EMPLOYEE OF A SCHOOL DISTRICT SHALL
 5 BE FRIENDS WITH, FOLLOW, OR OTHERWISE ASSOCIATE WITH A CHILD UNDER THE
 6 AGE OF EIGHTEEN VIA SOCIAL MEDIA WITHOUT THE WRITTEN CONSENT OF A PARENT
 7 OR LEGAL GUARDIAN UNLESS SUCH CHILD IS A FAMILY MEMBER; PROVIDED, HOWEV-
 8 ER, THAT THIS SECTION SHALL NOT PREVENT A TEACHER, TEACHER'S AIDE,
 9 ADMINISTRATOR, OR OTHER EMPLOYEE OF A SCHOOL DISTRICT FROM INTERACTING
10 WITH OR ASSOCIATING WITH A CHILD UNDER THE AGE OF EIGHTEEN ON A WEBSITE
11 OR SOCIAL MEDIA WHICH IS APPROVED BY THE SCHOOL TO BE USED FOR EDUCA-
12 TIONAL PURPOSES.
13   2. FOR THE PURPOSES OF THIS SECTION:
14   A. THE TERM "FAMILY MEMBER" SHALL MEAN A SON, DAUGHTER, AUNT, UNCLE,
15 NIECE, NEPHEW, OR GRANDCHILD OF THE TEACHER OR A SON, DAUGHTER, AUNT,
16 UNCLE, NIECE, NEPHEW, OR GRANDCHILD OF THE SPOUSE OR PARTNER OF SUCH
17 TEACHER, TEACHER'S AIDE, ADMINISTRATOR, OR OTHER EMPLOYEE OF A SCHOOL
18 DISTRICT.
19   B. THE TERM "SOCIAL MEDIA" SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO,
20 FORMS OF COMMUNICATION THROUGH WHICH USERS PARTICIPATE IN ONLINE COMMU-
21 NITIES TO SHARE INFORMATION, IDEAS, PERSONAL MESSAGES, AND OTHER
22 CONTENT. SOCIAL MEDIA SHALL ALSO INCLUDE TEXT MESSAGES AND THE TRANS-
23 MISSION OF IMAGES VIA ELECTRONIC FORMS OF COMMUNICATION.
24   S 2. This act shall take effect on the sixtieth day after it shall
25 have become a law.