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

4474

2015-2016 Regular Sessions

I N A S S E M B L Y

February 2, 2015

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

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The education law is amended by adding a new section 3037 to read as follows:

S 3037. PROHIBITION OF CONTACT ON SOCIAL MEDIA. 1. NO TEACHER, TEACHER'S AIDE, ADMINISTRATOR, OR OTHER EMPLOYEE OF A SCHOOL DISTRICT SHALL BE FRIENDS WITH, FOLLOW, OR OTHERWISE ASSOCIATE WITH A CHILD UNDER THE AGE OF EIGHTEEN VIA SOCIAL MEDIA WITHOUT THE WRITTEN CONSENT OF A PARENT OR LEGAL GUARDIAN UNLESS SUCH CHILD IS A FAMILY MEMBER; PROVIDED, HOWEVER, THAT THIS SECTION SHALL NOT PREVENT A TEACHER, TEACHER'S AIDE, ADMINISTRATOR, OR OTHER EMPLOYEE OF A SCHOOL DISTRICT FROM INTERACTING WITH OR ASSOCIATING WITH A CHILD UNDER THE AGE OF EIGHTEEN ON A WEBSITE OR SOCIAL MEDIA WHICH IS APPROVED BY THE SCHOOL TO BE USED FOR EDUCATIONAL PURPOSES.

2. FOR THE PURPOSES OF THIS SECTION:

A. THE TERM "FAMILY MEMBER" SHALL MEAN A SON, DAUGHTER, AUNT, UNCLE, NIECE, NEPHEW, OR GRANDCHILD OF THE TEACHER OR A SON, DAUGHTER, AUNT, UNCLE, NIECE, NEPHEW, OR GRANDCHILD OF THE SPOUSE OR PARTNER OF SUCH TEACHER, TEACHER'S AIDE, ADMINISTRATOR, OR OTHER EMPLOYEE OF A SCHOOL DISTRICT.

B. THE TERM "SOCIAL MEDIA" SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO, FORMS OF COMMUNICATION THROUGH WHICH USERS PARTICIPATE IN ONLINE COMMUNITIES TO SHARE INFORMATION, IDEAS, PERSONAL MESSAGES, AND OTHER CONTENT. SOCIAL MEDIA SHALL ALSO INCLUDE TEXT MESSAGES AND THE TRANSMISSION OF IMAGES VIA ELECTRONIC FORMS OF COMMUNICATION.

S 2. This act shall take effect on the sixtieth day after it shall have become a law.

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

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