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

6594

I N S E N A T E

January 29, 2016

Introduced by Sen. SANDERS -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to preventing and reporting acts of harassment at schools

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

Section 1. Subdivision 1 of section 13 of the education law is amended by adding four new paragraphs m, n, o and p to read as follows:

M. INCLUDE PENALTIES OR DISCIPLINARY MEASURES FOR INDIVIDUALS FOUND TO HAVE VIOLATED THE POLICIES AND GUIDELINES CREATED PURSUANT TO THIS SECTION;

N. SPECIFY THAT HARASSMENT IS A BASIS FOR GRANTING TO A STUDENT WHO HAS BEEN HARASSED A TRANSFER TO ANOTHER SCHOOL, COMMONLY CALLED A "SAFETY TRANSFER";

O. SPECIFY THAT HARASSMENT IS A BASIS FOR DISCIPLINING ANY STUDENT WHO ENGAGES OR HAS ENGAGED IN THE HARASSMENT OF OTHERS;

P. REQUIRE EACH SCHOOL TO POST COPIES OF THE SCHOOL DISTRICT'S POLICIES AND GUIDELINES CREATED PURSUANT TO THIS SECTION IN PROMINENT PLACES WITHIN EACH SCHOOL AND REQUIRE SUCH COPIES TO BE TRANSLATED AND MADE AVAILABLE IN THE TEN MOST COMMON LANGUAGES SPOKEN IN THE SCHOOL DISTRICT AND IN ANY OTHER LANGUAGE SPOKEN BY MORE THAN TEN PERCENT OF THE PARENTS OR GUARDIANS OF CHILDREN ATTENDING ANY INDIVIDUAL SCHOOL;

S 2. The opening paragraph of subdivision 2 of section 13 of the education law, as amended by chapter 102 of the laws of 2012, is amended and three new subdivisions 6, 7 and 8 are added to read as follows:

Guidelines to be used in school training programs, SUCH TRAINING PROGRAMS TO BE GIVEN ON A REGULAR BASIS TO ALL PEDAGOGICAL STAFF AND SCHOOL SAFETY OFFICERS, to discourage the development of harassment, bullying and discrimination, and to make school employees aware of the effects of harassment, bullying, cyberbullying and discrimination on students and that are designed:

6. GUIDELINES TO BE USED IN PRESENTATIONS TO BE GIVEN TO STUDENTS ABOUT CONDUCT AND HARASSMENT ISSUES; SUCH GUIDELINES SHALL BE DESIGNED TO DISCOURAGE THE DEVELOPMENT OF HARASSMENT BY:

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

LBD13521-01-6

A. RAISING THE AWARENESS AND SENSITIVITY OF PUPILS REGARDING POTENTIAL HARASSMENT, AND

B. FOSTERING EMPATHY AND EMPATHETIC CONDUCT AMONG STUDENTS.

7. THE PRINCIPAL OF EACH SCHOOL SHALL BE THE PERSON RESPONSIBLE FOR ENSURING THE DISSEMINATION OF THE ANTI-HARASSMENT POLICIES AND GUIDELINES TO ALL STAFF OF EACH SCHOOL, ALL SCHOOL SAFETY OFFICERS, ALL MEMBERS OF THE SCHOOL SAFETY COMMITTEE, AND TO ALL STUDENTS AND THEIR PARENTS OR GUARDIANS, AND FOR PROVIDING TRAINING TO PEDAGOGICAL STAFF AND SCHOOL SAFETY OFFICERS. SUCH PRINCIPAL SHALL ALSO ENSURE THAT THE NAME AND CONTACT INFORMATION OF A SCHOOL EMPLOYEE WHO CAN PROVIDE COPIES OF SUCH POLICIES AND GUIDELINES IS MADE AVAILABLE TO ALL STUDENTS, PARENTS, GUARDIANS, STAFF AND TO THE SCHOOL SAFETY COMMITTEE. SUCH PRINCIPAL MAY DESIGNATE A SUBORDINATE TO ASSUME THE RESPONSIBILITIES REQUIRED BY THIS SUBDIVISION.

8. THE POLICIES AND GUIDELINES CREATED PURSUANT TO THIS SECTION SHALL BE INCLUDED IN THE SCHOOL DISTRICT'S CODE OF CONDUCT ADOPTED PURSUANT TO SECTION TWENTY-EIGHT HUNDRED ONE OF THIS CHAPTER.

S 3. Section 15 of the education law, as amended by chapter 102 of the laws of 2012, is amended to read as follows:

S 15. Reporting [by commissioner]. 1. THE PRINCIPAL OF EACH SCHOOL SHALL BE THE ENFORCEMENT OFFICER RESPONSIBLE FOR ENSURING THE ENFORCEMENT OF THE ANTI-HARASSMENT POLICIES AND GUIDELINES ESTABLISHED PURSUANT TO SECTION THIRTEEN OF THIS ARTICLE AND TO WHOM REPORTS OF INCIDENTS OF HARASSMENT ON SCHOOL PREMISES OR AT A SCHOOL FUNCTION MAY BE MADE. EACH SUCH PRINCIPAL MAY DESIGNATE A SUBORDINATE TO ASSUME THESE RESPONSIBILITIES. THE SUPERINTENDENT OF EACH DISTRICT WITHIN HIS OR HER JURISDICTION, OR THE DESIGNEE OF SUCH SUPERINTENDENT, SHALL BE THE PERSON TO WHOM REPORTS OF INCIDENTS OF HARASSMENT ON SCHOOL PREMISES OR AT A SCHOOL FUNCTION MAY BE MADE WHEN SUCH REPORT CONCERNS THE PRINCIPAL OR OTHER PERSON APPOINTED OR DESIGNATED AS THE ENFORCEMENT OFFICER OF A SCHOOL.

2. THE COMMISSIONER SHALL CREATE PROCEDURES UNDER WHICH INCIDENTS OF HARASSMENT ON SCHOOL PREMISES OR AT SCHOOL FUNCTIONS ARE TRACKED CENTRALLY FOR RECORD KEEPING PURPOSES, AND PROCEDURES UNDER WHICH SUCH INCIDENTS OF HARASSMENT ARE REPORTED PROMPTLY TO THE PRINCIPAL OR HIS OR HER DESIGNEE, OR THE SUPERINTENDENT OR HIS OR HER DESIGNEE, WHO MUST COMPLETE, FOR EACH SUCH INCIDENT, AN INCIDENT REPORT INDICATING INFORMATION ABOUT THE INCIDENT, INCLUDING, BUT NOT LIMITED TO, THE PARTIES, THE LOCATION WHERE SUCH INCIDENT TOOK PLACE, THE DATE AND TIME SUCH INCIDENT OCCURRED AND TYPE OF HARASSMENT INVOLVED.

3. The commissioner shall create a procedure under which material incidents of harassment, bullying and discrimination on school grounds or at a school function are reported to the department at least on an annual basis. Such procedure shall provide that such reports shall, wherever possible, also delineate the specific nature of such incidents of harassment, bullying and discrimination, provided that the commissioner may comply with the requirements of this section through use of the existing uniform violent incident reporting system. In addition the department may conduct research or undertake studies to determine compliance throughout the state with the provisions of this article.

4. BY NO LATER THAN JULY THIRTIETH OF EACH YEAR, THE DEPARTMENT SHALL PUBLISH A STATISTICAL SUMMARY OF ALL INCIDENTS OF HARASSMENT THAT OCCURRED ON SCHOOL PREMISES OR AT A SCHOOL FUNCTION DURING THE PRECEDING SCHOOL YEAR. SUCH SUMMARY REPORT SHALL INDICATE, AT A MINIMUM, THE NUMBER AND NATURE OF INCIDENTS OF HARASSMENT BROKEN DOWN BY SCHOOL, SCHOOL DISTRICT, REGION, BOROUGH AND GRADE LEVEL, AND SHALL BE PUBLISHED

ON THE DEPARTMENT'S WEBSITE AND BY SUCH OTHER MEANS AS, IN THE COMMISSIONER'S DISCRETION, ARE REASONABLY DETERMINED TO BEST DISSEMINATE SUCH INFORMATION TO THE PUBLIC.

5. THE DEPARTMENT SHALL ALSO INCLUDE, ON EACH SCHOOL'S ANNUAL REPORT CARD OR ANY SIMILAR DOCUMENT THAT THE DEPARTMENT CREATES, SUMMARY INFORMATION ABOUT INCIDENTS OF HARASSMENT AT SUCH SCHOOL, WHICH INFORMATION SHALL INCLUDE:

A. A COMPARISON OF ALL INCIDENTS OF HARASSMENT AT SUCH SCHOOL WITH ALL INCIDENTS OF HARASSMENT IN ALL SIMILAR SCHOOLS, AS DETERMINED BY THE DEPARTMENT; AND

B. THE NUMBER OF SAFETY TRANSFERS THAT WERE GRANTED FROM SUCH SCHOOL TO ANOTHER SCHOOL DURING THE PRECEDING SCHOOL YEAR.

S 4. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided however, that effective immediately, the addition, amendment, and/or repeal of any rule or regulation necessary for the implementation of this act shall be made and completed on or before such effective date.