

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:

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

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

6 N. SPECIFY THAT HARASSMENT IS A BASIS FOR GRANTING TO A STUDENT WHO
7 HAS BEEN HARASSED A TRANSFER TO ANOTHER SCHOOL, COMMONLY CALLED A "SAFE-
8 TY TRANSFER";

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

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

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

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

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

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

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

3 B. FOSTERING EMPATHY AND EMPATHETIC CONDUCT AMONG STUDENTS.

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

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

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

20 S 15. Reporting [by commissioner]. 1. THE PRINCIPAL OF EACH SCHOOL
21 SHALL BE THE ENFORCEMENT OFFICER RESPONSIBLE FOR ENSURING THE ENFORCE-
22 MENT OF THE ANTI-HARASSMENT POLICIES AND GUIDELINES ESTABLISHED PURSUANT
23 TO SECTION THIRTEEN OF THIS ARTICLE AND TO WHOM REPORTS OF INCIDENTS OF
24 HARASSMENT ON SCHOOL PREMISES OR AT A SCHOOL FUNCTION MAY BE MADE. EACH
25 SUCH PRINCIPAL MAY DESIGNATE A SUBORDINATE TO ASSUME THESE RESPONSIBIL-
26 ITIES. THE SUPERINTENDENT OF EACH DISTRICT WITHIN HIS OR HER JURISDIC-
27 TION, OR THE DESIGNEE OF SUCH SUPERINTENDENT, SHALL BE THE PERSON TO
28 WHOM REPORTS OF INCIDENTS OF HARASSMENT ON SCHOOL PREMISES OR AT A
29 SCHOOL FUNCTION MAY BE MADE WHEN SUCH REPORT CONCERNS THE PRINCIPAL OR
30 OTHER PERSON APPOINTED OR DESIGNATED AS THE ENFORCEMENT OFFICER OF A
31 SCHOOL.

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

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

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

1 ON THE DEPARTMENT'S WEBSITE AND BY SUCH OTHER MEANS AS, IN THE COMMIS-
2 SIONER'S DISCRETION, ARE REASONABLY DETERMINED TO BEST DISSEMINATE SUCH
3 INFORMATION TO THE PUBLIC.

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

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

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

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