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I N   A S S E M B L Y

May 31, 2016

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Introduced by M. of A. THIELE, McDONOUGH, FINCH, BICHOTTE, JAFFEE, RAIA, MURRAY, MONTESANO, GIGLIO, BRABENEC, KEARNS, MARKEY, LUPINACCI, DUPREY, CASTORINA, RA, CROUCH, HUNTER -- Multi-Sponsored by -- M. of A. BUTLER, CANCEL, CERETTO, COOK, ENGLEBRIGHT, McLAUGHLIN, PALMESANO -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to requiring school administrators in private schools to report allegations of child abuse in an educational setting

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

- 1     Section 1. Subdivisions 2, 5 and 6 of section 1125 of the education  
2 law, subdivisions 2 and 6 as added by chapter 180 of the laws of 2000  
3 and subdivision 5 as amended by section 1 of part E of chapter 501 of  
4 the laws of 2012, are amended to read as follows:  
5     2. "Child" shall mean a person under the age of twenty-one years  
6 enrolled in a school district in this state, other than a school  
7 district within a city having a population of one million or more, OR  
8 ANY PERSON UNDER THE AGE OF TWENTY-ONE ENROLLED IN A PRIVATE SCHOOL IN  
9 THIS STATE.  
10     5. "Educational setting" shall mean the building and grounds of a  
11 public school district OR PRIVATE SCHOOL, the vehicles provided by the  
12 school district OR PRIVATE SCHOOL for the transportation of students to  
13 and from school buildings, field trips, co-curricular and extra-curricu-  
14 lar activities both on and off school district grounds, all co-curricu-  
15 lar and extra-curricular activity sites, and any other location where  
16 direct contact between an employee or volunteer and a child has alleged-  
17 ly occurred. Such term shall not include a special act school district  
18 as defined in section four thousand one of this chapter which shall be  
19 subject to article eleven of the social services law.  
20     6. "Administrator" or "school administrator" shall mean a principal of  
21 a public OR PRIVATE school, charter school or board of cooperative  
22 educational services, or other chief school officer.

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

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1 S 2. The section heading and subdivision 1 of section 1128-a of the  
2 education law, as added by chapter 180 of the laws of 2000, are amended  
3 to read as follows:

4 Additional duties of superintendents AND ADMINISTRATORS. 1. Where a  
5 superintendent of schools, OR IN THE CASE OF A PRIVATE SCHOOL A SCHOOL  
6 ADMINISTRATOR, forwards to law enforcement a report as described in  
7 paragraph (a) of subdivision one of section eleven hundred twenty-six of  
8 this article, he or she shall refer such report to the commissioner  
9 where the employee or volunteer alleged to have committed an act of  
10 child abuse as defined in this article holds a certification or license  
11 issued by the department.

12 S 3. Subdivision 3 of section 1133 of the education law, as added by  
13 chapter 180 of the laws of 2000, is amended to read as follows:

14 3. Any superintendent of schools OR SCHOOL ADMINISTRATOR who reason-  
15 ably and in good faith reports to law enforcement officials information  
16 regarding allegations of child abuse or a resignation as required by  
17 this article shall have immunity from any liability, civil or criminal,  
18 which might otherwise result by reason of such actions.

19 S 4. This act shall take effect on the thirtieth day after it shall  
20 have become a law.