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2015-2016 Regular Sessions

I N A S S E M B L Y

June 5, 2015

Introduced by M. of A. PAULIN, PERSAUD, SIMON -- read once and referred
to the Committee on Education

AN ACT to amend the education law, in relation to teen dating violence
education programs

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

1 Section 1. Subdivision 7 of section 11 of the education law, as
2 amended by chapter 102 of the laws of 2012, is amended to read as
3 follows:
4 7. "Harassment" and "bullying" shall mean the creation of a hostile
5 environment by conduct or by threats, intimidation, COERCION or abuse,
6 including cyberbullying OR TEEN DATING VIOLENCE, that (a) has or would
7 have the effect of unreasonably and substantially interfering with a
8 student's educational performance, opportunities or benefits, or mental,
9 emotional or physical well-being; or (b) reasonably causes or would
10 reasonably be expected to cause a student to fear for his or her phys-
11 ical safety; or (c) reasonably causes or would reasonably be expected to
12 cause physical injury or emotional harm to a student; or (d) occurs off
13 school property and creates or would foreseeably create a risk of
14 substantial disruption within the school environment, where it is fore-
15 seeable that the conduct, threats, intimidation or abuse might reach
16 school property. Acts of harassment and bullying shall include, but not
17 be limited to, those acts based on a person's actual or perceived race,
18 color, weight, national origin, ethnic group, religion, religious prac-
19 tice, disability, sexual orientation, gender or sex. For the purposes of
20 this definition the term "threats, intimidation or abuse" shall include
21 verbal and non-verbal actions.
22 S 2. Section 11 of the education law is amended by adding a new subdi-
23 vision 9 to read as follows:
24 9. "TEEN DATING VIOLENCE" SHALL MEAN EMOTIONAL ABUSE, ELECTRONIC
25 ABUSE, SEXUAL ABUSE WHICH INCLUDES SEXUAL COERCION, AND/OR PHYSICAL

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

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1 ABUSE BY A PERSON TO HARM, THREATEN, INTIMIDATE, CONTROL, AND/OR ATTEMPT
2 TO CONTROL ANOTHER PERSON IN A RELATIONSHIP OF A ROMANTIC OR INTIMATE
3 NATURE, REGARDLESS OF WHETHER THAT RELATIONSHIP IS CONTINUING OR HAD
4 CONCLUDED OR THE NUMBER OF INTERACTIONS BETWEEN THE INDIVIDUALS
5 INVOLVED.

6 S 3. Section 13 of the education law is amended by adding a new subdi-
7 vision 6 to read as follows:

8 6. GUIDELINES RELATING TO THE DEVELOPMENT OF STRATEGIES AND RESPONSES
9 TO TEEN DATING VIOLENCE AS PROVIDED IN SECTION THIRTEEN-A OF THIS ARTI-
10 CLE.

11 S 4. The education law is amended by adding a new section 13-a to read
12 as follows:

13 S 13-A. POLICIES, PROCEDURES AND GUIDELINES FOR TEEN DATING VIOLENCE
14 EDUCATION PROGRAMS. 1. THE BOARD OF EDUCATION AND THE TRUSTEES OR SOLE
15 TRUSTEE OF EVERY SCHOOL DISTRICT SHALL CREATE POLICIES, PROCEDURES AND
16 GUIDELINES TO IMPLEMENT EDUCATION PROGRAMS FOR STUDENTS IN KINDERGARTEN
17 THROUGH TWELFTH GRADE TO PREVENT, DETER AND ADDRESS INCIDENTS OF TEEN
18 DATING VIOLENCE THAT INCLUDE, BUT ARE NOT LIMITED TO:

19 A. INCORPORATING AGE-APPROPRIATE INFORMATION ABOUT HEALTHY RELATION-
20 SHIPS AND TEEN DATING VIOLENCE INTO THE SCHOOL'S EXISTING CURRICULUM
21 THAT INCLUDES: (I) A DEFINITION OF TEEN DATING VIOLENCE; (II) RECOGNI-
22 TION OF WARNING SIGNS; (III) CHARACTERISTICS OF A HEALTHY RELATIONSHIP;
23 (IV) LINKS BETWEEN BULLYING AND TEEN DATING VIOLENCE; (V) RESPONSIBLE
24 USE OF TECHNOLOGY; AND (VI) RESPONSIBLE BYSTANDER SKILLS AND BEHAVIORS;

25 B. PROVIDING TRAINING PROGRAMS FOR TEACHERS, ADMINISTRATORS AND
26 PERSONNEL;

27 C. DESIGNATING AT LEAST ONE PERSON AS A PREVENTION LIAISON WHO IS
28 RESPONSIBLE FOR COORDINATING ALL TEEN DATING VIOLENCE AND HEALTHY
29 RELATIONSHIP INITIATIVES; AND

30 D. DEVELOPING A RESPONSE PROGRAM TO INCIDENTS OF TEEN DATING VIOLENCE,
31 WHICH INCLUDES MONITORING AND REPORTING COMPONENTS.

32 2. THE BOARD OF EDUCATION AND THE TRUSTEES OR SOLE TRUSTEE OF EVERY
33 SCHOOL DISTRICT SHALL CREATE SUCH POLICIES, PROCEDURES AND GUIDELINES IN
34 CONSULTATION WITH THE NEW YORK STATE COALITION AGAINST DOMESTIC VIOLENCE
35 AND LOCAL COMMUNITY PROVIDERS, AND INCLUDE WITHOUT LIMITATION SUCH MODEL
36 PROVISIONS AS ARE RECOMMENDED BY THE NEW YORK STATE COALITION AGAINST
37 DOMESTIC VIOLENCE.

38 S 5. Paragraph j of subdivision 2 of section 2801-a of the education
39 law, as added by chapter 181 of the laws of 2000, is amended to read as
40 follows:

41 j. strategies for improving communication among students and between
42 students and staff and reporting of potentially violent incidents, such
43 as the establishment of youth-run programs, peer mediation, conflict
44 resolution, creating a forum or designating a mentor for students
45 concerned with bullying or violence, INCLUDING TEEN DATING VIOLENCE, and
46 establishing anonymous reporting mechanisms for school violence; and

47 S 6. Section 801-a of the education law, as amended by chapter 102 of
48 the laws of 2012, is amended to read as follows:

49 S 801-a. Instruction in civility, citizenship and character education.
50 The regents shall ensure that the course of instruction in grades
51 kindergarten through twelve includes a component on civility, citizen-
52 ship and character education. Such component shall instruct students on
53 the principles of honesty, tolerance, personal responsibility, respect
54 for others, with an emphasis on PREVENTING AND discouraging acts of
55 harassment, bullying, INCLUDING TEEN DATING VIOLENCE, discrimination,
56 observance of laws and rules, courtesy, dignity and other traits which

1 will enhance the quality of their experiences in, and contributions to,
2 the community. Such component shall include instruction of safe, respon-
3 sible use of the internet and electronic communications. The regents
4 shall determine how to incorporate such component in existing curricula
5 and the commissioner shall promulgate any regulations needed to carry
6 out such determination of the regents. For the purposes of this section,
7 "tolerance," "respect for others" and "dignity" shall include awareness
8 and sensitivity to harassment, bullying, INCLUDING TEEN DATING VIOLENCE,
9 discrimination and civility in the relations of people of different
10 races, weights, national origins, ethnic groups, religions, religious
11 practices, mental or physical abilities, sexual orientations, genders,
12 and sexes.

13 S 7. This act shall take effect on the one hundred twentieth day after
14 it shall have become a law; provided that the commissioner of education
15 is authorized to promulgate any and all rules and regulations and take
16 any other measures necessary to implement this act on its effective date
17 on or before such date.