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

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I N A S S E M B L Y

April 20, 2016

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

AN ACT to amend the education law, in relation to the reporting of child abuse in an educational setting by employees of contractors providing transportation to the children of a school district

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

Section 1. Subdivisions 3, 4 and 5 of section 1125 of the education law, subdivisions 3 and 4 as added by chapter 180 of the laws of 2000 and subdivision 5 as amended by section 1 of part E of chapter 501 of the laws of 2012, are amended to read as follows:

3. "Employee" shall mean any person receiving compensation from a school district, OR EMPLOYEE OR FORMER EMPLOYEE OF ANY PERSON OR ENTITY WHICH CONTRACTS WITH A SCHOOL DISTRICT TO PROVIDE TRANSPORTATION TO CHILDREN, or employee of a contracted service provider, or worker placed within the school under a public assistance employment program, pursuant to title nine-B of article five of the social services law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact.

4. "Volunteer" shall mean any person, other than an employee, who provides services to a school or school district, OR TO A PERSON OR ENTITY WHICH CONTRACTS WITH A SCHOOL DISTRICT TO PROVIDE TRANSPORTATION TO CHILDREN, which involve direct student contact.

5. "Educational setting" shall mean the building and grounds of a public school district, the vehicles provided DIRECTLY OR BY CONTRACT by the school district for the transportation of students to and from school buildings, field trips, co-curricular and extra-curricular activities both on and off school district grounds, all co-curricular and extra-curricular activity sites, and any other location where direct contact between an employee or volunteer and a child has allegedly occurred. Such term shall not include a special act school district as

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

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defined in section four thousand one of this chapter which shall be subject to article eleven of the social services law.

S 2. Section 1126 of the education law is amended by adding a new subdivision 1-a to read as follows:

1-A. ANY EMPLOYEE OF A PERSON OR ENTITY WHICH CONTRACTS WITH A SCHOOL DISTRICT TO PROVIDE TRANSPORTATION TO CHILDREN SHALL REPORT OR CAUSE A REPORT TO BE MADE TO SUCH PERSON OR ENTITY WHEN SUCH EMPLOYEE KNOWS OR HAS REASON TO BELIEVE THAT ANY EMPLOYEE, FORMER EMPLOYEE OR VOLUNTEER OF THE CONTRACTING PERSON OR ENTITY SUBJECTED A CHILD TO CHILD ABUSE IN AN EDUCATIONAL SETTING. IN ANY CASE WHERE AN ORAL OR WRITTEN ALLEGATION IS MADE TO A PERSON OR ENTITY WHICH CONTRACTS WITH A SCHOOL DISTRICT TO PROVIDE TRANSPORTATION TO CHILDREN THAT A CHILD HAS BEEN SUBJECTED TO CHILD ABUSE BY AN EMPLOYEE, FORMER EMPLOYEE OR VOLUNTEER IN AN EDUCATIONAL SETTING, SUCH PERSON OR ENTITY SHALL UPON RECEIPT OF SUCH ALLEGATION PROMPTLY COMPLETE A WRITTEN REPORT OF SUCH ALLEGATION INCLUDING THE FULL NAME OF THE CHILD ALLEGED TO BE ABUSED; THE IDENTITY OF THE PERSON MAKING THE ALLEGATION AND THEIR RELATIONSHIP TO THE ALLEGED CHILD VICTIM; THE NAME OF THE EMPLOYEE, FORMER EMPLOYEE OR VOLUNTEER AGAINST WHOM THE ALLEGATION WAS MADE; AND A LISTING OF THE SPECIFIC ALLEGATIONS OF CHILD ABUSE IN AN EDUCATIONAL SETTING. SUCH WRITTEN REPORT SHALL BE UPON A FORM AS PRESCRIBED IN SECTION ELEVEN HUNDRED THIRTY-TWO OF THIS ARTICLE, AND SHALL BE PERSONALLY DELIVERED TO THE SCHOOL DISTRICT SUPERINTENDENT.

S 3. The opening paragraph of section 1128 of the education law, as added by chapter 180 of the laws of 2000, is amended to read as follows:

Upon receipt of a written report described in paragraph (a) of subdivision one OR SUBDIVISION ONE-A of section eleven hundred twenty-six of this article alleging that a child has been abused in an educational setting, a school administrator or superintendent shall where there is a reasonable suspicion to believe that an act of child abuse has occurred:

S 4. Subdivision 1 of section 1128-a of the education law, as added by chapter 180 of the laws of 2000, is amended to read as follows:

1. Where a superintendent of schools forwards to law enforcement a report as described in paragraph (a) of subdivision one OR SUBDIVISION ONE-A of section eleven hundred twenty-six of this article, he or she shall refer such report to the commissioner where the employee or volunteer alleged to have committed an act of child abuse as defined in this article holds a certification or license issued by the department.

S 5. This act shall take effect on the sixtieth day after it shall have become a law.