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

1947--B

2015-2016 Regular Sessions

I N S E N A T E

January 15, 2015

Introduced by Sens. KLEIN, ADDABBO, AVELLA, CARLUCCI, HANNON, HASSELL-THOMPSON, LARKIN, PARKER, SAVINO, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- recommitted to the Committee on Education in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to enacting "Erin Merryn's law"

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

Section 1. Short title. This act shall be known and may be cited as "Erin Merryn's law".

S 2. Legislative findings and intent. The legislature finds and declares that child sexual abuse, estimated to affect up to one in four girls and up to one in six boys, poses a grave threat to the health and safety of young people, and its damaging effects can last a lifetime.

The legislature also finds and declares that child sexual exploitation, including the use of children in pornography and prostitution, and child abduction pose a similar threat to the health and safety of young people, and put child victims at grave risk of death or severe bodily harm.

The legislature also finds and declares that the incidence of child sexual abuse, child sexual exploitation and child abduction can be reduced by raising awareness among young children of common dangers and warning signs, empowering children to better protect themselves from sexual predators, and teaching children how to obtain any necessary assistance or services.

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

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It is hereby declared to be the public policy and in the public interest of this state to establish a comprehensive program to provide an age-appropriate course of instruction in the prevention of child abduction, child sexual exploitation and child sexual abuse.

S 3. Section 305 of the education law is amended by adding a new subdivision 55 to read as follows:

55. A. THE COMMISSIONER SHALL MAKE RECOMMENDATIONS TO THE REGENTS RELATING TO INSTRUCTION TO PREVENT CHILD SEXUAL EXPLOITATION AND CHILD ABUSE IN GRADES KINDERGARTEN THROUGH EIGHT.

B. PRIOR TO MAKING THE RECOMMENDATIONS TO THE REGENTS, THE COMMISSIONER SHALL:

(I) SEEK THE RECOMMENDATIONS OF TEACHERS, SCHOOL ADMINISTRATORS, TEACHER EDUCATORS AND OTHERS WITH EDUCATIONAL EXPERTISE IN THE PROPOSED CURRICULUM;

(II) SEEK COMMENT FROM PARENTS, STUDENTS AND OTHER INTERESTED PARTIES;

(III) CONSIDER THE AMOUNT OF INSTRUCTIONAL TIME SUCH CURRICULUM WILL REQUIRE AND WHETHER SUCH TIME WOULD DETRACT FROM OTHER MANDATED COURSES OF STUDY;

(IV) CONSIDER THE FISCAL IMPACT, IF ANY, ON THE STATE AND SCHOOL DISTRICTS; AND

(V) CONSIDER ANY ADDITIONAL FACTORS THE COMMISSIONER DEEMS RELEVANT.

C. NO LATER THAN ONE HUNDRED EIGHTY DAYS AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION, THE COMMISSIONER SHALL PROVIDE A RECOMMENDATION TO THE REGENTS TO EITHER ADOPT AND PROMULGATE APPROPRIATE RULES AND REGULATIONS IMPLEMENTING SUCH CURRICULUM OR REJECT THE IMPLEMENTATION OF SUCH CURRICULUM. UPON RECEIVING A RECOMMENDATION FROM THE COMMISSIONER, PURSUANT TO THIS SUBDIVISION, THE REGENTS SHALL VOTE TO EITHER ACCEPT OR REJECT THE COMMISSIONER'S RECOMMENDATION NO LATER THAN SIXTY DAYS AFTER RECEIVING SUCH RECOMMENDATION.

D. IF THE REGENTS ADOPT SUCH CURRICULUM, THE CURRICULUM REQUIREMENT SHALL TAKE EFFECT NO LATER THAN THE NEXT SCHOOL YEAR AFTER SUCH CURRICULUM HAS BEEN ADOPTED.

E. IF THE REGENTS REJECT SUCH CURRICULUM, THE COMMISSIONER SHALL PROVIDE A REPORT AS TO THE DETERMINATION OF THE REGENTS TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY AND THE CHAIRS OF THE SENATE AND ASSEMBLY COMMITTEES ON EDUCATION PROVIDING THE REASONS FOR SUCH REJECTION NOT LATER THAN THIRTY DAYS AFTER THE REGENTS REJECT SUCH CURRICULUM.

S 4. This act shall take effect immediately.