

# STATE OF NEW YORK

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832

2017-2018 Regular Sessions

## IN ASSEMBLY

January 9, 2017

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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:

1 Section 1. Subdivisions 3, 4 and 5 of section 1125 of the education  
2 law, subdivisions 3 and 4 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 3. "Employee" shall mean any person receiving compensation from a  
6 school district, or employee or former employee of any person or entity  
7 which contracts with a school district to provide transportation to  
8 children, or employee of a contracted service provider, or worker placed  
9 within the school under a public assistance employment program, pursuant  
10 to title nine-B of article five of the social services law, and consist-  
11 ent with the provisions of such title for the provision of services to  
12 such district, its students or employees, directly or through contract,  
13 whereby such services performed by such person involve direct student  
14 contact.

15 4. "Volunteer" shall mean any person, other than an employee, who  
16 provides services to a school or school district, or to a person or  
17 entity which contracts with a school district to provide transportation  
18 to children, which involve direct student contact.

19 5. "Educational setting" shall mean the building and grounds of a  
20 public school district, the vehicles provided directly or by contract by  
21 the school district for the transportation of students to and from  
22 school buildings, field trips, co-curricular and extra-curricular activ-  
23 ities both on and off school district grounds, all co-curricular and  
24 extra-curricular activity sites, and any other location where direct

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

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1 contact between an employee or volunteer and a child has allegedly  
2 occurred. Such term shall not include a special act school district as  
3 defined in section four thousand one of this chapter which shall be  
4 subject to article eleven of the social services law.

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

7 1-a. Any employee of a person or entity which contracts with a school  
8 district to provide transportation to children shall report or cause a  
9 report to be made to such person or entity when such employee knows or  
10 has reason to believe that any employee, former employee or volunteer of  
11 the contracting person or entity subjected a child to child abuse in an  
12 educational setting. In any case where an oral or written allegation is  
13 made to a person or entity which contracts with a school district to  
14 provide transportation to children that a child has been subjected to  
15 child abuse by an employee, former employee or volunteer in an educa-  
16 tional setting, such person or entity shall upon receipt of such allega-  
17 tion promptly complete a written report of such allegation including the  
18 full name of the child alleged to be abused; the identity of the person  
19 making the allegation and their relationship to the alleged child  
20 victim; the name of the employee, former employee or volunteer against  
21 whom the allegation was made; and a listing of the specific allegations  
22 of child abuse in an educational setting. Such written report shall be  
23 upon a form as prescribed in section eleven hundred thirty-two of this  
24 article, and shall be personally delivered to the school district super-  
25 intendent.

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

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

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

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

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