STATE OF NEW YORK

5325--A

2017-2018 Regular Sessions

IN SENATE

March 21, 2017

Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to removal, from the classroom of a teacher, of violent pupils against such teacher

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The subdivision heading and the opening paragraph of subdivision 3-a of section 3214 of the education law, as added by chapter 181 of the laws of 2000, are amended to read as follows:

Teacher removal of a disruptive **or violent** pupil. In addition, any teacher shall have the power and authority to remove a disruptive **or violent** pupil, as defined in subdivision two-a of this section, from such teacher's classroom consistent with discipline measures contained in the code of conduct adopted by the board pursuant to section twenty-eight hundred one of this chapter. The school authorities of any school district shall establish policies and procedures to ensure the provision of continued educational programming and activities for students removed from the classroom pursuant to this subdivision and provided further that nothing in this subdivision shall authorize the removal of a pupil in violation of any state or federal law or regulation. No pupil shall return to the classroom until the principal makes a final determination pursuant to paragraph c of this subdivision, or the period of removal expires, whichever is less**; provided, further, that no violent pupil who commits an act of violence upon a teacher shall return to the teacher's classroom unless and until such teacher, in his or her sole discretion, grants his or her consent thereto**.

§ 2. This act shall take effect immediately.

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

LBD10731-02-7