

# 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:

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

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

21 § 2. This act shall take effect immediately.

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

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