

STATE OF NEW YORK

7154

IN SENATE

(Prefiled)

January 3, 2018

Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to requiring postsecondary institutions that participate in study abroad programs to report crime and harm that occurs to participating students

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "Safe Student Study Abroad Act" also known as the "Ravi Thackurdeen
3 Safe Student Study Abroad Act".

4 § 2. The education law is amended by adding a new article 130-A to
5 read as follows:

ARTICLE 130-A

SAFE STUDENT STUDY ABROAD

Section 6457. Definitions.

6 6458. General provisions.

7 6459. Reporting.

8 6460. Student resources.

9 6461. Program assessment.

10 § 6457. Definitions. As used in this article, the following terms
11 shall have the following meanings:

12 1. "College", "university" and "postsecondary" shall mean any institu-
13 tion of higher education, recognized and approved by the regents, which
14 provides a course of study leading to the granting of a postsecondary
15 degree or diploma.

16 2. "Third party entities" shall mean any for profit or not-for-profit
17 business that is not a college, university or postsecondary institution
18 which provides a study abroad program or coordinates a program between
19 college, university or postsecondary institution in the United States
20 and a study abroad program.

21 3. "Study abroad program" shall mean programs which are coordinated by
22 college, university or postsecondary institutions and third party enti-
23 ties in the state of New York, that provide students with the opportu-
24 nities in the state of New York, that provide students with the opportu-

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

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1 nity to work or study, wholly or in principal part, outside of the
2 United States of America.

3 4. "Study abroad organization" shall mean college, university or post-
4 secondary institutions as well as third party entities that offer study
5 abroad programs.

6 § 6458. General provisions. Study abroad organizations shall prior-
7 itize the health, safety, and security of its students through policies,
8 procedures, advising, orientation, and training.

9 1. Study abroad organizations shall prioritize health, safety, and
10 security in program development, implementation and management by
11 conducting appropriate risk assessments for such program sites and
12 activities, maintaining written emergency plans and protocols, and iden-
13 tifying and leveraging relevant authorities, networks and resources.

14 2. Study abroad organizations' staff shall be trained to anticipate
15 and respond responsibly to student health, safety, or security issues
16 and students shall be provided training to responsibly manage their own
17 health, safety, and security while abroad. Study abroad organizations
18 shall establish measures to monitor and advise students on health, safe-
19 ty, and security issues through the United States department of state
20 and other appropriate resources.

21 3. Study abroad organizations shall maintain appropriate insurance
22 policies at recommended levels, operate in compliance with local laws,
23 and follow best practices in reporting on critical incidents.

24 4. Study abroad organizations may adopt and implement policies in
25 accordance with the Standards of Good Practice for Education Abroad,
26 made available by the Forum on Education Abroad.

27 § 6459. Reporting. 1. Beginning one year after the effective date of
28 this article, study abroad organizations shall make and file an annual
29 report to the department by August fifteenth of each year. Such report
30 shall be prepared by all reasonably available data and shall consist of
31 data from the previous two years and comply with the federal health
32 insurance portability and accountability act (HIPAA) of 1996, as
33 amended, Title IX of the Education Amendments of 1972 (20 U.S.C. section
34 1681, et. seq.) and all other applicable regulations. Data representing
35 individuals shall be in numerical form omitting personal information.

36 2. The report mandated by this section shall include:

37 a. for the previous academic year, including summer terms, the effec-
38 tiveness of the study abroad program at protecting students from crime
39 and harm, whether changes to such program are needed and how such chang-
40 es will be implemented;

41 b. for the ten years preceding the date of the report, when such data
42 is reasonably attainable, the number of:

43 i. deaths of program participants including manner of death;
44 ii. accidents and illnesses that resulted in hospitalization including
45 the type of such accident or illness;

46 iii. sexual assaults against program participants;
47 iv. incidents that resulted in a police report including type of inci-
48 dent; and

49 v. with respect to the incidents described in subparagraphs i through
50 iv of this paragraph, whether the incidents occurred:

51 (1) during program participation;

52 (2) during students own time;

53 (3) on campus;

54 (4) off campus;

55 (5) the location of the incident; and

56 (6) the time of the incident.

1 c. Study abroad organizations shall also report on ethical relation-
2 ships and conflict of interest avoidance policies with all major part-
3 ners.

4 § 6460. Student resources. 1. Study abroad organizations shall provide
5 each student who is interested in participating in a program of study
6 abroad, with pre-registration information advising that includes:

7 a. all current travel information, including all travel warnings and
8 travel alerts, issued by the bureau of consular affairs of the depart-
9 ment of state for such countries;

10 b. all current safety alerts known within thirty miles of the campus
11 including information obtained by students from post-trip orientation
12 sessions or reports; and

13 c. the reporting information required by the department as identified
14 in section sixty-four hundred fifty-nine of this article.

15 2. Study abroad organizations shall provide each student who returns
16 from a study abroad program with an anonymous post-semester evaluation
17 questionnaire, and the opportunity for a documented exit interview which
18 shall focus on the program's effectiveness in best practices and student
19 safety. These reports are to be made available to the public upon
20 request.

21 3. Study abroad organizations shall include references to the avail-
22 ability of the reports identified in sections sixty-four hundred fifty-
23 nine and sixty-four hundred sixty of this article on all websites and
24 printed materials.

25 § 6461. Program assessment. 1. The department shall, using existing
26 staff and budget, assess the effectiveness of this article and appropri-
27 ate state regulation of postsecondary study abroad programs. The assess-
28 ment shall focus on the protection, the health and safety of students in
29 postsecondary study abroad programs; and the reporting process. The
30 department shall make their assessments and the reports required in
31 section sixty-four hundred fifty-nine of this article to any state
32 legislator upon request.

33 § 3. This act shall take effect immediately.