# STATE OF NEW YORK

5169

2017-2018 Regular Sessions

# IN ASSEMBLY

February 6, 2017

Introduced by M. of A. McDONOUGH, FINCH, BICHOTTE, JAFFEE, RAIA, MURRAY, MONTESANO, GIGLIO, BRABENEC, KEARNS, LUPINACCI, CASTORINA, RA, CROUCH, HUNTER -- Multi-Sponsored by -- M. of A. BUTLER, COOK, ENGLEBRIGHT, McLAUGHLIN -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to requiring school administrators in private schools to report allegations of child abuse in an educational setting

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

Section 1. Subdivisions 2, 5 and 6 of section 1125 of the education law, subdivisions 2 and 6 as added by chapter 180 of the laws of 2000 and subdivision 5 as amended by section 1 of part E of chapter 501 of the laws of 2012, are amended to read as follows:

2. "Child" shall mean a person under the age of twenty-one years enrolled in a school district in this state, other than a school district within a city having a population of one million or more**, or any person under the age of twenty-one enrolled in a private school in this state**.

5. "Educational setting" shall mean the building and grounds of a public school district **or private school**, the vehicles provided by the school district **or private school** for the transportation of students to and from school buildings, field trips, co-curricular and extra-curricular activities both on and off school district grounds, all co-curricular and extra-curricular activity sites, and any other location where direct contact between an employee or volunteer and a child has allegedly occurred. Such term shall not include a special act school district as defined in section four thousand one of this chapter which shall be subject to article eleven of the social services law.

6. "Administrator" or "school administrator" shall mean a principal of a public **or private** school, charter school or board of cooperative educational services, or other chief school officer.

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

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§ 2. The section heading and subdivision 1 of section 1128-a of the education law, as added by chapter 180 of the laws of 2000, are amended to read as follows:

Additional duties of superintendents **and administrators**. 1. Where a superintendent of schools**, or in the case of a private school a school administrator,** forwards to law enforcement a report as described in paragraph (a) of subdivision one of section eleven hundred twenty-six of this article, he or she shall refer such report to the commissioner where the employee or volunteer alleged to have committed an act of child abuse as defined in this article holds a certification or license issued by the department.

§ 3. Subdivision 3 of section 1133 of the education law, as added by chapter 180 of the laws of 2000, is amended to read as follows:

3. Any superintendent of schools **or school administrator** who reasonably and in good faith reports to law enforcement officials information regarding allegations of child abuse or a resignation as required by this article shall have immunity from any liability, civil or criminal, which might otherwise result by reason of such actions.

§ 4. This act shall take effect immediately.