

# STATE OF NEW YORK

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8114--E

2017-2018 Regular Sessions

## IN ASSEMBLY

May 30, 2017

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Introduced by M. of A. FAHY, SANTABARBARA, WOERNER, STECK, JENNE, THIELE, RA, PALMESANO, ENGLEBRIGHT, LAVINE, McDONOUGH, FITZPATRICK, JAFFEE, WALLACE, GIGLIO, SIMON, CROUCH, GALEF, NORRIS, ARROYO, FERNANDEZ, TAYLOR, COLTON, DICKENS, JEAN-PIERRE, D'URSO, WEPRIN, LAWRENCE -- Multi-Sponsored by -- M. of A. McDONALD, STEC, WALSH -- read once and referred to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- reference changed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to enacting "Jacobe's law"

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

1 Section 1. This act shall be known and may be cited as "Jacobe's law".  
2 § 2. The education law is amended by adding a new section 15-a to read  
3 as follows:

4 § 15-a. Reporting by school employees. 1. School employees, as defined  
5 in subdivision four of this section, shall investigate and verify, in  
6 accordance with the provisions of this article, that a reported incident  
7 of harassment, bullying or discrimination has occurred.

8 2. Upon a verified incident of harassment, bullying or discrimination,  
9 a licensed or certified school counselor, school social worker, school  
10 psychologist, school nurse, principal or assistant principal shall  
11 discuss with each student involved in the incident whether he or she has

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

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1 any health, safety or privacy concerns with the school employee making a  
2 reasonable and good faith effort to contact their parent or person in  
3 parental relation. Any discussions shall be immediately documented by  
4 such school counselor, school social worker, school psychologist, school  
5 nurse, principal or assistant principal.

6 3. If a student does not express a health, safety or privacy concern,  
7 the school employee shall make a reasonable and good faith effort to  
8 contact the parent or person in parental relation of the students  
9 involved in the incident by telephone, email, mail or other means to  
10 discuss the incident and ways to effectively address the situation. If a  
11 student does express a health, safety or privacy concern, such school  
12 counselor, school social worker, school psychologist, school nurse,  
13 principal or assistant principal shall determine, using their profes-  
14 sional judgement, if contacting a student's parent or person in parental  
15 relation would be in the best interest of the student.

16 4. As used in this section "school employee" shall mean the principal,  
17 superintendent or the principal's or superintendent's designee who is  
18 charged with receiving reports of harassment, bullying and discrimi-  
19 nation in accordance with paragraph a of subdivision one of section  
20 thirteen of this article.

21 § 3. Section 16 of the education law, as amended by chapter 102 of the  
22 laws of 2012, is amended to read as follows:

23 § 16. Protection of people who report harassment, bullying or discrim-  
24 ination. Any person having reasonable cause to suspect that a student  
25 has been subjected to harassment, bullying or discrimination, by an  
26 employee or student, on school grounds or at a school function, who,  
27 acting reasonably and in good faith, reports such information to school  
28 officials, to the commissioner or to law enforcement authorities, acts  
29 in compliance with paragraph e or i of subdivision one of section thir-  
30 teen of this article or with section fifteen-a of this article, or  
31 otherwise initiates, testifies, participates or assists in any formal or  
32 informal proceedings under this article, shall have immunity from any  
33 civil liability that may arise from the making of such report or from  
34 initiating, testifying, participating or assisting in such formal or  
35 informal proceedings, and no school district or employee shall take,  
36 request or cause a retaliatory action against any such person who,  
37 acting reasonably and in good faith, either makes such a report or  
38 initiates, testifies, participates or assists in such formal or informal  
39 proceedings.

40 § 4. This act shall take effect immediately.