

# STATE OF NEW YORK

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4943

2017-2018 Regular Sessions

## IN SENATE

March 3, 2017

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Introduced by Sens. DIAZ, HAMILTON -- read twice and ordered printed,  
and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to authorizing school  
districts to establish policies prohibiting the wearing of gang-relat-  
ed apparel, markings or symbols

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

1 Section 1. Section 305 of the education law is amended by adding a new  
2 subdivision 56 to read as follows:

3 56. The commissioner is authorized and directed to develop rules and  
4 regulations authorizing the board of any school district to adopt a  
5 policy that prohibits students from wearing gang-related apparel, mark-  
6 ings or symbols if the board of the school district determines that the  
7 policy is necessary for the health and safety, or security of the school  
8 environment. For the purpose of this subdivision, gang-related apparel,  
9 markings and symbols shall include, but not necessarily be limited to,  
10 clothing that contains a name or identifying sign, a symbol that  
11 promotes a criminal street gang, or a tattoo or other physical marking  
12 that is not covered with clothing, or style of dress that promotes a  
13 criminal street gang. Such school district policy may authorize the  
14 school district superintendent to mandate counseling or community  
15 service, or both, in order to continue attendance in the school  
16 district, provided that such policy contains a procedure that complies  
17 with due process requirements regarding student suspension provided in  
18 section thirty-two hundred fourteen of this chapter.

19 § 2. Severability. If any provision of this act, or the application  
20 thereof to any person or circumstance, shall be adjudged by any court of  
21 competent jurisdiction to be invalid or unconstitutional, such judgment  
22 shall not affect, impair or invalidate the remainder thereof, but shall  
23 be confined in its operation to the provision of this act, or in its

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

LBD07141-01-7

1 application to the person or circumstance, directly involved in the  
2 controversy in which such judgment shall have been rendered.  
3 § 3. This act shall take effect on the ninetieth day after it shall  
4 have become a law.