

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 subdivision 3-a of section 3214 of the education law, as added by chapter 181 of the laws of 2000, are amended to read as follows:

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

19 § 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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