

STATE OF NEW YORK

9074

IN SENATE

June 15, 2018

Introduced by Sen. TEDISCO -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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, social worker or psychologist
10 shall discuss with each student involved in the incident whether he or
11 she has any health, safety or privacy concerns with the school employee
12 making a reasonable and good faith effort to contact their parent or any
13 person in parental relation. Any discussions shall be immediately docu-
14 mented by such school counselor, social worker or psychologist.

15 3. If a student does not express a health, safety or privacy concern,
16 the school employee shall make a reasonable and good faith effort to
17 contact the parent or person in parental relation of the students
18 involved in the incident by telephone, email, mail or other means to
19 discuss the incident and ways to effectively address the situation. If a
20 student does express a health, safety or privacy concern, such school
21 counselor, social worker or psychologist shall determine, using their
22 professional judgement, if contacting a student's parent or person in
23 parental relation would be in the best interest of the student.

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

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

LBD03008-18-8

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

3 § 16. Protection of people who report harassment, bullying or discrim-
4 ination. Any person having reasonable cause to suspect that a student
5 has been subjected to harassment, bullying or discrimination, by an
6 employee or student, on school grounds or at a school function, who,
7 acting reasonably and in good faith, reports such information to school
8 officials, to the commissioner or to law enforcement authorities, acts
9 in compliance with paragraph e or i of subdivision one of section thir-
10 teen of this article or with section fifteen-a of this article, or
11 otherwise initiates, testifies, participates or assists in any formal or
12 informal proceedings under this article, shall have immunity from any
13 civil liability that may arise from the making of such report or from
14 initiating, testifying, participating or assisting in such formal or
15 informal proceedings, and no school district or employee shall take,
16 request or cause a retaliatory action against any such person who,
17 acting reasonably and in good faith, either makes such a report or
18 initiates, testifies, participates or assists in such formal or informal
19 proceedings.

20 § 4. This act shall take effect immediately.