

STATE OF NEW YORK

2388

2019-2020 Regular Sessions

IN ASSEMBLY

January 22, 2019

Introduced by M. of A. WALLACE -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to providing dating violence education and dating violence policies in school districts, boards of cooperative educational services and county vocational education and extension boards

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "Kari Ann Gorman act."

3 § 2. Legislative findings and intent. The legislature finds, deter-
4 mines and declares that when a student is a victim of dating violence,
5 his or her academic life suffers and his or her safety at school is
6 jeopardized. The legislature finds that a policy to create an environ-
7 ment free of dating violence shall be a part of each school district. It
8 is the intent of the legislature to enact legislation that would require
9 each school district to establish a policy for responding to incidents
10 of dating violence and to provide dating violence education to students,
11 parents, staff, faculty and administrators, in order to prevent dating
12 violence and to address incidents involving dating violence.

13 § 3. The education law is amended by adding a new section 817 to read
14 as follows:

15 § 817. Dating violence education. 1. Each school district shall
16 incorporate dating violence education that is age-appropriate into the
17 annual health curriculum framework for students in grades seven through
18 twelve.

19 (a) Dating violence education shall include, but not be limited to,
20 defining dating violence, recognizing dating violence warning signs and
21 characteristics of healthy relationships. Additionally, students shall
22 be provided with the school district's dating violence policy as
23 provided in section twenty-eight hundred three of this chapter.

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

LBD00322-01-9

1 (b) For the purposes of this section:

2 (i) "Dating violence" means a pattern of behavior where one person
3 uses threats of, or actually uses, physical, sexual, verbal or emotional
4 abuse to control his or her dating partner.

5 (ii) "Dating partner" means any person involved in an intimate associ-
6 ation with another primarily characterized by the expectation of affec-
7 tionate involvement whether casual, serious or long-term.

8 (iii) "At school" means in a classroom, on or immediately adjacent to
9 such school premises, on a school bus or other school-related vehicle,
10 at an official school bus stop, or at any school-sponsored activity or
11 event whether or not it is on school grounds.

12 (c) To assist school districts in developing a dating violence educa-
13 tion program, the department shall review and approve the grade level
14 topics relating to dating violence and healthy relationships.

15 2. Upon written request to the school principal, a parent or legal
16 guardian of a pupil less than eighteen years of age, within a reasonable
17 period of time after the request is made, shall be permitted to examine
18 the dating violence education program instruction materials at the
19 school in which his or her child is enrolled.

20 § 4. The education law is amended by adding a new section 2803 to read
21 as follows:

22 § 2803. Dating violence policy. 1. As used in this section:

23 (a) "Dating violence" means a pattern of behavior where one person
24 uses threats of, or actually uses, physical, sexual, verbal or emotional
25 abuse to control his or her dating partner.

26 (b) "Dating partner" means any person, regardless of gender, involved
27 in an intimate relationship with another primarily characterized by the
28 expectation of affectionate involvement whether casual, serious or long-
29 term.

30 (c) "At school" means in a classroom, on or immediately adjacent to
31 school premises, on a school bus or other school-related vehicle, at an
32 official school bus stop, or at any school-sponsored activity or event
33 whether or not it is on school grounds.

34 2. The department, in conjunction with the office for the prevention
35 of domestic violence, shall develop a model dating violence policy to
36 assist school districts, boards of cooperative educational services and
37 county vocational education and extension boards in developing policies
38 for dating violence reporting and response. The model policy shall be
39 issued on or before April first, two thousand twenty-two.

40 3. Each school district, board of cooperative educational services and
41 county vocational education and extension board shall establish a
42 specific policy to address incidents of dating violence involving
43 students at school by December first, two thousand twenty-two. Each
44 school district, board of cooperative educational services and county
45 vocational education and extension board shall verify compliance with
46 the department on an annual basis through the school district report
47 cards or board of cooperative educational services report card required
48 by this chapter.

49 (a) Such policy shall include, but not be limited to, a statement that
50 dating violence will not be tolerated, dating violence reporting proce-
51 dures, guidelines to responding to at-school incidents of dating
52 violence and discipline procedures specific to such incidents.

53 (b) To ensure notice of the school district's, board of cooperative
54 educational services' and county vocational education and extension
55 board's dating violence policy, the policy shall be published in any
56 school district, board of cooperative educational services and county

1 vocational education and extension board policy and handbook that sets
2 forth the comprehensive rules, procedures and standards of conduct for
3 students at school.

4 4. Each school district, board of cooperative educational services and
5 county vocational education and extension board shall provide dating
6 violence training to all administrators, teachers, nurses and mental
7 health staff at the middle and high school levels. Upon the recommenda-
8 tion of the administrator, other staff may be included or may attend the
9 training on a volunteer basis. The dating violence training shall
10 include, but not be limited to, basic principles of dating violence,
11 warning signs of dating violence and the school district's dating
12 violence policy, to ensure that they are able to appropriately respond
13 to incidents of dating violence at school. Thereafter, this training
14 shall be provided yearly to all newly hired staff deemed appropriate to
15 receive the training by the school's administration.

16 5. Each school district, board of cooperative educational services and
17 county vocational education and extension board shall inform the
18 students' parents or legal guardians of the dating violence policy. If
19 requested, the school district, board of cooperative educational
20 services or county vocational education and extension board shall
21 provide the parents or legal guardians with the school district's dating
22 violence policy and relevant information. It is strongly recommended
23 that the school district, board of cooperative educational services or
24 county vocational education and extension board provide parent awareness
25 training.

26 6. This section does not prevent a victim from seeking redress under
27 any other available law, either civil or criminal. This section does not
28 create or alter any tort liability.

29 § 5. This act shall take effect immediately.