STATE OF NEW YORK

273--A

2019-2020 Regular Sessions

IN SENATE

(Prefiled)

January 9, 2019

Introduced by Sen. GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to child abuse in an educational setting

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

Section 1. Subdivision 1-a of section 1126 of the education law, as added by a chapter of the laws of 2018, amending the education law relating to child abuse in an educational setting, as proposed in legislative bills numbers S. 7372-B and A. 8485-B, is amended to read as follows:

1-a. (i) In any case where an oral or written allegation is made to a school bus driver employed by a **school or a** person or entity that contracts with a school to provide transportation services to children that a child has been subjected to child abuse by an employee or volunteer in an educational setting, such driver shall upon receipt of such allegation, promptly report or cause a report to be made to his or her supervisor employed by such **school or** contracting person or entity.

(ii) In any case where an oral or written report or allegation is made to a supervisor who is employed by a **school or a** person or entity that contracts with a school to provide transportation services to children from a person employed by the **school or the** contracted person or entity, that a child in such school has been subjected to child abuse by an employee or volunteer in an educational setting, such supervisor shall upon receipt of such allegation promptly complete a written report of such allegation including the full name of the child alleged to be abused; the name of the child's parent or guardian; the identity of the person making the allegation and their relationship to the alleged child

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

LBD03575-03-9

victim; the name of the employee or volunteer against whom the allegation was made; and a listing of the specific allegations of child abuse in an educational setting. Such written report shall be upon a form as prescribed in section eleven hundred thirty-two of this article, and shall be personally delivered to the school district superintendent employed by the school district where the child abuse occurred or, for a school other than a school district or public school, the school administrator employed by the school where the child abuse occurred.

§ 2. Subdivision 3 of section 1132 of the education law, as added by a chapter of the laws of 2018, amending the education law relating to child abuse in an educational setting, as proposed in legislative bills numbers S. 7372-B and A. 8485-B, is amended to read as follows:

3. All persons employed on or after July first, two thousand nineteen by a school, other than a school district or public school, in titles equivalent to a teacher or administrator as defined in the regulations of the commissioner, and any school bus driver employed by **a school or** any person or entity that contracts with a school to provide transportation services to children shall be required to complete two hours of coursework or training regarding the identification and reporting of child abuse and maltreatment. The coursework or training shall be obtained from an institution or provider that has been approved by the department to provide such coursework or training. The coursework or training shall include information regarding the physical and behavioral indicators of child abuse and maltreatment and the statutory reporting requirements set out in sections four hundred thirteen through four hundred twenty of the social services law, including but not limited to, when and how a report must be made, what other actions the reporter is mandated or authorized to take, the legal protections afforded reporters, and the consequences for failing to report. Each employee in such titles shall provide the school administrator of the school with documentation showing that he or she completed the required training. In addition, each school bus driver shall provide such **school or** contracting person or entity with documentation showing that he or she completed the required training. The department shall be authorized to request such records on a periodic basis and may publish a list of any persons or schools who are not in compliance with this subdivision on its website.

§ 3. Section 1134 of the education law, as added by a chapter of the laws of 2018, amending the education law relating to child abuse in an educational setting, as proposed in legislative bills numbers S. 7372-B and A. 8485-B, is amended to read as follows:

§ 1134. Reporting to the vulnerable persons' central register **and the statewide central register of child abuse and maltreatment**. Where a person employed by a school is required to report an incident of child abuse in an educational setting to the vulnerable persons' central register pursuant to article eleven of the social services law **or the statewide central register of child abuse and maltreatment pursuant to article six of the social services law** and he or she reports such incident thereto, such person shall have been deemed to have complied with the reporting requirements of this article.

§ 4. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2018, amending the education law relating to child abuse in an educational setting, as proposed in legislative bills numbers S. 7372-B and A. 8485-B, takes effect.