

STATE OF NEW YORK

2229

2019-2020 Regular Sessions

IN SENATE

January 23, 2019

Introduced by Sen. SANDERS -- 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 preventing and reporting acts of harassment at schools

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

1 Section 1. Subdivision 1 of section 13 of the education law is amended
2 by adding four new paragraphs m, n, o and p to read as follows:

3 m. include penalties or disciplinary measures for individuals found to
4 have violated the policies and guidelines created pursuant to this
5 section;

6 n. specify that harassment is a basis for granting to a student who
7 has been harassed a transfer to another school, commonly called a "safe-
8 ty transfer";

9 o. specify that harassment is a basis for disciplining any student who
10 engages or has engaged in the harassment of others;

11 p. require each school to post copies of the school district's poli-
12 cies and guidelines created pursuant to this section in prominent places
13 within each school and require such copies to be translated and made
14 available in the ten most common languages spoken in the school district
15 and in any other language spoken by more than ten percent of the parents
16 or guardians of children attending any individual school;

17 § 2. The opening paragraph of subdivision 2 of section 13 of the
18 education law, as amended by chapter 102 of the laws of 2012, is amended
19 and three new subdivisions 6, 7 and 8 are added to read as follows:

20 Guidelines to be used in school training programs, such training
21 programs to be given on a regular basis to all pedagogical staff and
22 school safety officers, to discourage the development of harassment,
23 bullying and discrimination, and to make school employees aware of the
24 effects of harassment, bullying, cyberbullying and discrimination on
25 students and that are designed:

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

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1 6. Guidelines to be used in presentations to be given to students
2 about conduct and harassment issues; such guidelines shall be designed
3 to discourage the development of harassment by:

4 a. raising the awareness and sensitivity of pupils regarding potential
5 harassment, and

6 b. fostering empathy and empathetic conduct among students.

7 7. The principal of each school shall be the person responsible for
8 ensuring the dissemination of the anti-harassment policies and guide-
9 lines to all staff of each school, all school safety officers, all
10 members of the school safety committee, and to all students and their
11 parents or guardians, and for providing training to pedagogical staff
12 and school safety officers. Such principal shall also ensure that the
13 name and contact information of a school employee who can provide copies
14 of such policies and guidelines is made available to all students,
15 parents, guardians, staff and to the school safety committee. Such prin-
16 icipal may designate a subordinate to assume the responsibilities
17 required by this subdivision.

18 8. The policies and guidelines created pursuant to this section shall
19 be included in the school district's code of conduct adopted pursuant to
20 section twenty-eight hundred one of this chapter.

21 § 3. Section 15 of the education law, as amended by chapter 102 of the
22 laws of 2012, is amended to read as follows:

23 § 15. Reporting [~~by commissioner~~]. 1. The principal of each school
24 shall be the enforcement officer responsible for ensuring the enforce-
25 ment of the anti-harassment policies and guidelines established pursuant
26 to section thirteen of this article and to whom reports of incidents of
27 harassment on school premises or at a school function may be made. Each
28 such principal may designate a subordinate to assume these responsibil-
29 ities. The superintendent of each district within his or her jurisdic-
30 tion, or the designee of such superintendent, shall be the person to
31 whom reports of incidents of harassment on school premises or at a
32 school function may be made when such report concerns the principal or
33 other person appointed or designated as the enforcement officer of a
34 school.

35 2. The commissioner shall create procedures under which incidents of
36 harassment on school premises or at school functions are tracked
37 centrally for record keeping purposes, and procedures under which such
38 incidents of harassment are reported promptly to the principal or his or
39 her designee, or the superintendent or his or her designee, who must
40 complete, for each such incident, an incident report indicating informa-
41 tion about the incident, including, but not limited to, the parties, the
42 location where such incident took place, the date and time such incident
43 occurred and type of harassment involved.

44 3. The commissioner shall create a procedure under which material
45 incidents of harassment, bullying and discrimination on school grounds
46 or at a school function are reported to the department at least on an
47 annual basis. Such procedure shall provide that such reports shall,
48 wherever possible, also delineate the specific nature of such incidents
49 of harassment, bullying and discrimination, provided that the commis-
50 sioner may comply with the requirements of this section through use of
51 the existing uniform violent incident reporting system. In addition the
52 department may conduct research or undertake studies to determine
53 compliance throughout the state with the provisions of this article.

54 4. By no later than July thirtieth of each year, the department shall
55 publish a statistical summary of all incidents of harassment that
56 occurred on school premises or at a school function during the preceding

1 school year. Such summary report shall indicate, at a minimum, the
2 number and nature of incidents of harassment broken down by school,
3 school district, region, borough and grade level, and shall be published
4 on the department's website and by such other means as, in the commis-
5 sioner's discretion, are reasonably determined to best disseminate such
6 information to the public.

7 5. The department shall also include, on each school's annual report
8 card or any similar document that the department creates, summary infor-
9 mation about incidents of harassment at such school, which information
10 shall include:

11 a. a comparison of all incidents of harassment at such school with all
12 incidents of harassment in all similar schools, as determined by the
13 department; and

14 b. the number of safety transfers that were granted from such school
15 to another school during the preceding school year.

16 § 4. This act shall take effect on the one hundred eightieth day after
17 it shall have become a law. Effective immediately, the addition, amend-
18 ment and/or repeal of any rule or regulation necessary for the implemen-
19 tation of this act on its effective date are authorized to be made and
20 completed on or before such effective date.