

STATE OF NEW YORK

273

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

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:

1 Section 1. The opening paragraph of subdivision 1 and subdivisions 1-a
2 and 2 of section 1126 of the education law, the opening paragraph of
3 subdivision 1 and subdivision 2 as amended and subdivision 1-a as added
4 by chapter 363 of the laws of 2018, are amended to read as follows:

5 In any case where an oral or written allegation is made to a teacher,
6 school nurse, school guidance counselor, school psychologist, school
7 social worker, school administrator, school board member or other school
8 personnel required to hold a teaching or administrative license or
9 certificate, as well as a licensed and registered physical therapist,
10 licensed and registered occupational therapist, licensed and registered
11 speech-language pathologist, teacher aide, employed school bus driver or
12 school resource officer, that a child has been subjected to child abuse
13 by an employee or volunteer in an educational setting, such person shall
14 upon receipt of such allegation:

15 1-a. (i) In any case where an oral or written allegation is made to a
16 school bus driver employed by a school or a person or entity that
17 contracts with a school to provide transportation services to children
18 that a child has been subjected to child abuse by an employee or volun-
19 teer in an educational setting, such driver shall upon receipt of such
20 allegation, promptly report or cause a report to be made to his or her
21 supervisor employed by such school or contracting person or entity.

22 (ii) In any case where an oral or written report or allegation is made
23 to a supervisor who is employed by a school or a person or entity that
24 contracts with a school to provide transportation services to children

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

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1 from a person employed by the contracted person or entity, that a child
2 in such school has been subjected to child abuse by an employee or
3 volunteer in an educational setting, such supervisor shall upon receipt
4 of such allegation promptly complete a written report of such allegation
5 including the full name of the child alleged to be abused; the name of
6 the child's parent or guardian; the identity of the person making the
7 allegation and their relationship to the alleged child victim; the name
8 of the employee or volunteer against whom the allegation was made; and a
9 listing of the specific allegations of child abuse in an educational
10 setting. Such written report shall be upon a form as prescribed in
11 section eleven hundred thirty-two of this article, and shall be
12 personally delivered to the school district superintendent employed by
13 the school district where the child abuse occurred or, for a school
14 other than a school district or public school, the school administrator
15 employed by the school where the child abuse occurred.

16 2. In any case where it is alleged that a child was abused by an
17 employee or volunteer of a school other than a school within the school
18 district of the child's attendance, the report of such allegations shall
19 be promptly forwarded to the superintendent of schools of the school
20 district of the child's attendance and the school district where the
21 abuse allegedly occurred, whereupon both school superintendents shall
22 comply with sections eleven hundred twenty-eight and eleven hundred
23 twenty-eight-a of this article. If such case involves a school that is
24 not a school district or public school, the appropriate school adminis-
25 trator or administrators, in addition to any appropriate superintendent
26 of schools, shall be notified, whereupon all such individuals shall
27 comply with sections eleven hundred twenty-eight and eleven hundred
28 twenty-eight-a of this article.

29 § 2. Subdivision 3 of section 1132 of the education law, as added by
30 chapter 363 of the laws of 2018, is amended to read as follows:

31 3. All persons employed on or after July first, two thousand nineteen
32 by a school, other than a school district or public school, in titles
33 equivalent to a teacher or administrator as defined in the regulations
34 of the commissioner, and any school bus driver employed by a school or
35 any person or entity that contracts with a school to provide transporta-
36 tion services to children shall be required to complete two hours of
37 coursework or training regarding the identification and reporting of
38 child abuse and maltreatment. The coursework or training shall be
39 obtained from an institution or provider that has been approved by the
40 department to provide such coursework or training. The coursework or
41 training shall include information regarding the physical and behavioral
42 indicators of child abuse and maltreatment and the statutory reporting
43 requirements set out in sections four hundred thirteen through four
44 hundred twenty of the social services law, including but not limited to,
45 when and how a report must be made, what other actions the reporter is
46 mandated or authorized to take, the legal protections afforded repor-
47 ters, and the consequences for failing to report. Each employee in such
48 titles shall provide the school administrator of the school with
49 documentation showing that he or she completed the required training. In
50 addition, each school bus driver shall provide such school or contract-
51 ing person or entity with documentation showing that he or she completed
52 the required training. The department shall be authorized to request
53 such records on a periodic basis and may publish a list of any persons
54 or schools who are not in compliance with this subdivision on its
55 website.

1 § 3. Section 1134 of the education law, as added by chapter 363 of the
2 laws of 2018, is amended to read as follows:

3 § 1134. Reporting to the vulnerable persons' central register and the
4 statewide central register of child abuse and maltreatment. Where a
5 person employed by a school is required to report an incident of child
6 abuse in an educational setting to the vulnerable persons' central
7 register pursuant to article eleven of the social services law or the
8 statewide central register of child abuse and maltreatment pursuant to
9 article six of the social services law and he or she reports such inci-
10 dent thereto, such person shall have been deemed to have complied with
11 the reporting requirements of this article.

12 § 4. This act shall take effect on the same date and in the same
13 manner as chapter 363 of the laws of 2018, takes effect.