

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:

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

6 1-a. (i) In any case where an oral or written allegation is made to a
7 school bus driver employed by a school or a person or entity that
8 contracts with a school to provide transportation services to children
9 that a child has been subjected to child abuse by an employee or volun-
10 teer in an educational setting, such driver shall upon receipt of such
11 allegation, promptly report or cause a report to be made to his or her
12 supervisor employed by such school or contracting person or entity.

13 (ii) In any case where an oral or written report or allegation is made
14 to a supervisor who is employed by a school or a person or entity that
15 contracts with a school to provide transportation services to children
16 from a person employed by the school or the contracted person or entity,
17 that a child in such school has been subjected to child abuse by an
18 employee or volunteer in an educational setting, such supervisor shall
19 upon receipt of such allegation promptly complete a written report of
20 such allegation including the full name of the child alleged to be
21 abused; the name of the child's parent or guardian; the identity of the
22 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.

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

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

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

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

42 § 1134. Reporting to the vulnerable persons' central register and the
43 statewide central register of child abuse and maltreatment. Where a
44 person employed by a school is required to report an incident of child
45 abuse in an educational setting to the vulnerable persons' central
46 register pursuant to article eleven of the social services law or the
47 statewide central register of child abuse and maltreatment pursuant to
48 article six of the social services law and he or she reports such inci-
49 dent thereto, such person shall have been deemed to have complied with
50 the reporting requirements of this article.

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