

STATE OF NEW YORK

3844

2019-2020 Regular Sessions

IN SENATE

February 19, 2019

Introduced by Sens. STAVISKY, LAVALLE -- read twice and ordered printed,
and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to requiring postsecondary institutions that participate in study abroad programs to report crime and harm that occurs to participating students

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 "Safe Student Study Abroad Act" also known as the "Ravi Thackurdeen
3 Safe Student Study Abroad Act".

4 § 2. The education law is amended by adding a new article 130-A to
5 read as follows:

ARTICLE 130-A

SAFE STUDENT STUDY ABROAD

Section 6457. Definitions.

6 6458. General provisions.

7 6459. Reporting.

8 6460. Student resources.

9 6461. Program assessment.

10 § 6457. Definitions. As used in this article, the following terms
11 shall have the following meanings:

12 1. "College", "university" and "postsecondary" shall mean any institu-
13 tion of higher education, recognized and approved by the regents, which
14 provides a course of study leading to the granting of a postsecondary
15 degree or diploma.

16 2. "Third party entities" shall mean any for profit or not-for-profit
17 business that is not a college, university or postsecondary institution
18 which provides a study abroad program or coordinates a program between
19 college, university or postsecondary institution in the United States
20 and a study abroad program.

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

23 LBD10056-01-9

3. "Study abroad program" shall mean programs which are coordinated by college, university or postsecondary institutions and third party entities in the state of New York, that provide students with the opportunity to work or study, wholly or in principal part, outside of the United States of America.

4. "Study abroad organization" shall mean college, university or postsecondary institutions as well as third party entities that offer study abroad programs.

§ 6458. General provisions. Study abroad organizations shall prioritize the health, safety, and security of its students through policies, procedures, advising, orientation, and training.

1. Study abroad organizations shall prioritize health, safety, and security in program development, implementation and management by conducting appropriate risk assessments for such program sites and activities, maintaining written emergency plans and protocols, and identifying and leveraging relevant authorities, networks and resources.

2. Study abroad organizations' staff shall be trained to anticipate and respond responsibly to student health, safety, or security issues and students shall be provided training to responsibly manage their own health, safety, and security while abroad. Study abroad organizations shall establish measures to monitor and advise students on health, safety, and security issues through the United States department of state and other appropriate resources.

3. Study abroad organizations shall maintain appropriate insurance policies at recommended levels, operate in compliance with local laws, and follow best practices in reporting on critical incidents.

4. Study abroad organizations may adopt and implement policies in accordance with the Standards of Good Practice for Education Abroad, made available by the Forum on Education Abroad.

§ 6459. Reporting. 1. Beginning one year after the effective date of this article, study abroad organizations shall make and file an annual report to the department by August fifteenth of each year. Such report shall be prepared by all reasonably available data and shall consist of data from the previous two years and comply with the federal health insurance portability and accountability act (HIPAA) of 1996, as amended, Title IX of the Education Amendments of 1972 (20 U.S.C. section 1681, et. seq.) and all other applicable regulations. Data representing individuals shall be in numerical form omitting personal information.

2. The report mandated by this section shall include:

a. for the previous academic year, including summer terms, the effectiveness of the study abroad program at protecting students from crime and harm, whether changes to such program are needed and how such changes will be implemented;

b. for the ten years preceding the date of the report, when such data is reasonably attainable, the number of:

i. deaths of program participants including manner of death;

ii. accidents and illnesses that resulted in hospitalization including the type of such accident or illness;

iii. sexual assaults against program participants;

iv. incidents that resulted in a police report including type of incident; and

v. with respect to the incidents described in subparagraphs i through iv of this paragraph, whether the incidents occurred:

(1) during program participation;

(2) during students own time;

(3) on campus;

- (4) off campus;
- (5) the location of the incident; and
- (6) the time of the incident.

c. Study abroad organizations shall also report on ethical relationships and conflict of interest avoidance policies with all major partners.

§ 6460. Student resources. 1. Study abroad organizations shall provide each student who is interested in participating in a program of study abroad, with pre-registration information advising that includes:

a. all current travel information, including all travel warnings and travel alerts, issued by the bureau of consular affairs of the department of state for such countries;

b. all current safety alerts known within thirty miles of the campus including information obtained by students from post-trip orientation sessions or reports; and

c. the reporting information required by the department as identified in section sixty-four hundred fifty-nine of this article.

2. Study abroad organizations shall provide each student who returns from a study abroad program with an anonymous post-semester evaluation questionnaire, and the opportunity for a documented exit interview which shall focus on the program's effectiveness in best practices and student safety. These reports are to be made available to the public upon request.

3. Study abroad organizations shall include references to the availability of the reports identified in section sixty-four hundred fifty-nine of this article and this section on all websites and printed materials.

§ 6461. Program assessment. The department shall, using existing staff and budget, assess the effectiveness of this article and appropriate state regulation of postsecondary study abroad programs. The assessment shall focus on the protection, the health and safety of students in postsecondary study abroad programs; and the reporting process. The department shall make their assessments and the reports required in section sixty-four hundred fifty-nine of this article to any state legislator upon request.

§ 3. This act shall take effect immediately.