STATE OF NEW YORK

3844--A

2019-2020 Regular Sessions

IN SENATE

February 19, 2019

Introduced by Sens. STAVISKY, LAVALLE, ADDABBO, BAILEY, BIAGGI, GALLIVAN, GAUGHRAN, JACKSON, KRUEGER, MAYER, MONTGOMERY, SKOUFIS, THOMAS -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

Section 1. Short title. This act shall be known and may be cited as the "Safe Student Study Abroad Act" also known as the "Ravi Thackurdeen Safe Student Study Abroad Act".

§ 2. Title 7 of the education law is amended by adding a new article 130-A to read as follows:

ARTICLE 130-A

SAFE STUDENT STUDY ABROAD

Section 6457. Definitions.

6458. Reporting.

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

1. "College", "university" and "postsecondary" shall mean any institution of higher education, recognized and approved by the regents, which provides a course of study leading to the granting of a postsecondary degree or diploma.

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

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

LBD10056-02-9

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. 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. deaths of program participants including manner of death;

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

d. sexual assaults against program participants;

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

f. with respect to the incidents described in paragraphs b through e of this subdivision, whether the incidents occurred:

i. during program participation;

ii. during students own time;

iii. on campus; and

iv. off campus.

g. the location of the incident;

h. the time of the incident; and

i. the date of the incident.

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

4. Colleges with enrollments below three thousand will report data to the department to be made available with the institution of reference redacted.

5. Study abroad organizations shall include references to the availability of the reports identified in this section on all websites and printed materials.

6. The department shall make the reports required in this section available to any state legislator upon request.

§ 3. This act shall take effect immediately.