STATE OF NEW YORK

3027

2021-2022 Regular Sessions

IN ASSEMBLY

January 22, 2021

Introduced by M. of A. WALSH, J. M. GIGLIO, PALMESANO, McDONOUGH, BRABENEC, REILLY, MIKULIN, WOERNER, MANKTELOW, DeSTEFANO, GOODELL, MONTESANO, SMITH, B. MILLER -- Multi-Sponsored by -- M. of A. GALEF, HAWLEY, MORINELLO, TAGUE -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to enacting "Jacobe's law"

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

Section 1. This act shall be known and may be cited as "Jacobe's law".

§ 2. The education law is amended by adding a new section 15-a to read as follows:

§ 15-a. Reporting by school employees. 1. School employees, as defined in subdivision four of this section, shall investigate and verify, in accordance with the provisions of this article, that a reported incident of harassment, bullying or discrimination has occurred.

2. Upon a verified incident of harassment, bullying or discrimination, a licensed or certified school counselor, school social worker, school psychologist, school nurse, principal or assistant principal shall discuss with each student involved in the incident whether he or she has any health, safety or privacy concerns with the school employee making a reasonable and good faith effort to contact their parent or person in parental relation. Any discussions shall be immediately documented by such school counselor, school social worker, school psychologist, school nurse, principal or assistant principal.

3. If a student does not express a health, safety or privacy concern, the school employee shall make a reasonable and good faith effort to contact the parent or person in parental relation of the students involved in the incident by telephone, email, mail or other means to discuss the incident and ways to effectively address the situation. If a student does express a health, safety or privacy concern, such school

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

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counselor, school social worker, school psychologist, school nurse, principal or assistant principal shall determine, using their professional judgement, if contacting a student's parent or person in parental relation would be in the best interest of the student.

4. As used in this section "school employee" shall mean the principal, superintendent or the principal's or superintendent's designee who is charged with receiving reports of harassment, bullying and discrimination in accordance with paragraph a of subdivision one of section thirteen of this article.

§ 3. Section 16 of the education law, as amended by chapter 102 of the laws of 2012, is amended to read as follows:

§ 16. Protection of people who report harassment, bullying or discrimination. Any person having reasonable cause to suspect that a student has been subjected to harassment, bullying or discrimination, by an employee or student, on school grounds or at a school function, who, acting reasonably and in good faith, reports such information to school officials, to the commissioner or to law enforcement authorities, acts in compliance with paragraph e or i of subdivision one of section thirteen of this article or with section fifteen-a of this article, or otherwise initiates, testifies, participates or assists in any formal or informal proceedings under this article, shall have immunity from any civil liability that may arise from the making of such report or from initiating, testifying, participating or assisting in such formal or informal proceedings, and no school district or employee shall take, request or cause a retaliatory action against any such person who, acting reasonably and in good faith, either makes such a report or initiates, testifies, participates or assists in such formal or informal proceedings.

§ 4. This act shall take effect immediately.