

STATE OF NEW YORK

10083--A

IN ASSEMBLY

April 29, 2022

Introduced by M. of A. BRONSON -- read once and referred to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to enacting the "Trevyan Rowe child and young teen mental health community safety act"

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

1 Section 1. The education law is amended by adding a new article 2-A to
2 read as follows:

ARTICLE 2-A

CHILD & YOUNG TEEN MENTAL HEALTH

Section 20. Short title.

21. Definitions.

22. Child and young teen mental health and community safety.

23. Reporting.

24. Commission.

10 § 20. Short title. This article shall be known and may be cited as the
11 "Trevyan Rowe child and young teen mental health community safety act".

12 § 21. Definitions. For the purposes of this section, the following
13 terms shall have the following meanings:

14 1. "Harassment" and "bullying" shall mean the creation of a hostile
15 environment by conduct or by threats, intimidation or abuse, including
16 cyberbullying, that (a) has or would have the effect of unreasonably and
17 substantially interfering with a student's educational performance,
18 opportunities or benefits, or mental, emotional or physical well-being;
19 or (b) reasonably causes or would reasonably be expected to cause a
20 student to fear for his or her physical safety; or (c) reasonably causes
21 or would reasonably be expected to cause physical injury or emotional
22 harm to a student; or (d) occurs off school property and creates or
23 would foreseeably create a risk of substantial disruption within the
24 school environment, where it is foreseeable that the conduct, threats,
25 intimidation or abuse might reach school property. Acts of harassment
26 and bullying shall include, but not be limited to, those acts based on a
27 person's actual or perceived race, color, weight, national origin,

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

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ethnic group, religion, religious practice, disability, sexual orientation, gender or sex. For the purposes of this definition the term "threats, intimidation or abuse" shall include verbal and non-verbal actions.

2. "Cyberbullying" shall mean harassment or bullying as defined in subdivision one of this section, including paragraphs (a), (b), (c) and (d) of such subdivision, where such harassment or bullying occurs through any form of electronic communication.

3. "School property" shall mean in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus, as defined in section one hundred forty-two of the vehicle and traffic law.

4. "Disability" shall mean (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques; (b) a record of such an impairment; or (c) a condition regarded by others as such an impairment.

5. "Sexual orientation" shall mean actual or perceived heterosexuality, homosexuality or bisexuality.

6. "Gender" shall mean actual or perceived sex and shall include a person's gender identity or expression.

7. "Race" shall, for the purposes of this article include traits historically associated with race, including but not limited to, hair texture and protective hairstyles as defined by section eleven of this title.

8. "At-risk children or young teenagers" shall mean children or teenagers seventeen years of age or younger who (a) have a disability or who identify as lesbian, gay, bisexual, transgender, queer, gender non-conforming; and (b) are in need of mental or behavioral health support due to anxiety, trauma, harassment or bullying, physical or mental abuse, suicidal ideation, or self-harm.

9. "Police officer" shall have the same meaning as defined by subdivision thirty-four of section 1.20 of the criminal procedure law.

10. "Peace officer" shall mean a person listed in section 2.10 of the criminal procedure law.

§ 22. Child and young teen mental health and community safety. 1. The board of education and the trustees or sole trustee of every school district shall create policies, procedures, and guidelines, including prevention, intervention, and postvention planning to direct teachers, school administrators, school safety staff, bus drivers, other school district employees, social workers, police officers, and peace officers on how to respond to children or young teenagers, including but not limited to at-risk children or young teenagers, who have:

(a) Demonstrated suicidal ideation, intentions, or inflicted self-harm;

(b) Been victims of harassment or bullying; and/or

(c) Without permission, wandered or eloped from school property, or threatened to do so.

2. In creating the policies, procedures, and guidelines pursuant to subdivision one of this section, a board of education and the trustees or sole trustee of a school district shall coordinate with pediatric mental and behavioral health services providers, community health agencies, local law enforcement and public safety agencies, and any other

1 local municipal agency offering relevant mental or behavioral health
2 services.

3 3. Upon creation of the policies, procedures, and guidelines pursuant
4 to subdivision one of this section, and annually thereafter, a board of
5 education of a school district shall distribute such policies, proce-
6 dures, and guidelines to all teachers, school administrators, school
7 safety staff, bus drivers, and other employees of such school district,
8 and any local social services agencies, and local law enforcement and
9 public safety agencies.

10 § 23. Reporting. The commissioner shall create a procedure under which
11 boards of education of every school district shall report to the depart-
12 ment annually on the policies, procedures, and guidelines developed
13 pursuant to subdivision one of section twenty-two of this article. The
14 commissioner may comply with the requirements of this section through
15 use of the existing uniform violent incident reporting system under
16 section twenty-eight hundred two of this chapter, and/or the reporting
17 requirements for harassment, bullying and discrimination on school
18 grounds or at a school function under section fifteen of this title.

19 § 24. Commission. 1. There is hereby created in the department a
20 "commission on child and young teen mental health and community safety"
21 to evaluate the safety and security of children in primary and secondary
22 public and private schools in this state. The commission, in consulta-
23 tion with the office of children and family services and the office of
24 mental health shall perform the following duties:

25 (a) evaluate the safety and security of students in primary and
26 secondary private and public schools in this state;

27 (b) identify any disparate treatment regarding mental health or behav-
28 ioral health services provided to students in primary and secondary
29 private and public schools in this state and in Monroe county;

30 (c) examine the effects of COVID-19 on the mental health and behav-
31 ioral health of primary and secondary students in this state, as it
32 relates to returning to in-person learning;

33 (d) identify any racial or ethnic disparities in the delivery of
34 educational supports and services to students in primary and secondary
35 private and public schools in this state, whether such students partic-
36 ipate in person or through distance learning methods; and

37 (e) suggest modifications to the personalized recovery-oriented
38 services (PROS) program to allow participants to access mental health
39 services outside of such program through a healthcare provider of their
40 choice without losing eligibility for comprehensive assistance under
41 such program to encourage natural supports and improve medication
42 management.

43 2. The commission shall consist of eleven members to be appointed as
44 follows:

45 (a) one member shall be appointed by the governor;

46 (b) one member shall be appointed by the speaker of the assembly;

47 (c) one member shall be appointed by the temporary president of the
48 senate;

49 (d) one member shall be appointed by the minority leader of the assem-
50 bly;

51 (e) one member shall be appointed by the minority leader of the
52 senate;

53 (f) two members shall be appointed by the commissioner of mental
54 health;

55 (g) two members shall be appointed by the commissioner of the office
56 of children and family services; and

1 (h) two members shall be appointed by the commissioner.

2 3. The members of the commission shall receive no compensation for
3 their services, but shall be allowed their actual and necessary expenses
4 incurred in the performance of their duties hereunder.

5 4. The commission may acquire directly from the head of any depart-
6 ment, agency, or instrumentality of the state, available information
7 which the commission considers useful in the discharge of its duties.
8 All departments, agencies, and instrumentalities of the state shall
9 cooperate with the commission with respect to such information and shall
10 furnish all information requested by the commission to the extent
11 permitted by law.

12 5. The commission shall submit a report of its findings and recommen-
13 dations to the governor, the temporary president of the senate, the
14 speaker of the assembly and the minority leaders of the senate and the
15 assembly no later than one year after the effective date of a chapter of
16 the laws of two thousand twenty-two that added this article.

17 § 2. This act shall take effect on the sixtieth day after it shall
18 have become a law; provided, however, that effective immediately, the
19 addition, amendment and/or repeal of any rule or regulation necessary
20 for the implementation of this act on its effective date are authorized
21 to be made and completed on or before such effective date.