

# 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, BRABE-  
NEC, REILLY, MIKULIN, WOERNER, MANKTELOW, DeSTEFANO, GOODELL, MONTESA-  
NO, SMITH, B. MILLER -- Multi-Sponsored by -- M. of A. GALEF, HAWLEY,  
MORINELLO, TAGUE -- read once and referred to the Committee on Educa-  
tion

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 Assem-  
bly, do enact as follows:

1 Section 1. This act shall be known and may be cited as "Jacobe's law".  
2 § 2. The education law is amended by adding a new section 15-a to read  
3 as follows:

4 § 15-a. Reporting by school employees. 1. School employees, as defined  
5 in subdivision four of this section, shall investigate and verify, in  
6 accordance with the provisions of this article, that a reported incident  
7 of harassment, bullying or discrimination has occurred.

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

17 3. If a student does not express a health, safety or privacy concern,  
18 the school employee shall make a reasonable and good faith effort to  
19 contact the parent or person in parental relation of the students  
20 involved in the incident by telephone, email, mail or other means to  
21 discuss the incident and ways to effectively address the situation. If a  
22 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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1 counselor, school social worker, school psychologist, school nurse,  
2 principal or assistant principal shall determine, using their profes-  
3 sional judgement, if contacting a student's parent or person in parental  
4 relation would be in the best interest of the student.

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

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

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

29 § 4. This act shall take effect immediately.