

STATE OF NEW YORK

10116

IN ASSEMBLY

May 6, 2024

Introduced by M. of A. WOERNER -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to protecting students from harassment and bullying by school board members and school trustees

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

1 Section 1. Subdivisions 1 and 2 of section 11 of the education law, as
2 added by chapter 482 of the laws of 2010, are amended to read as
3 follows:

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

10 2. "School function" shall mean a school-sponsored extra-curricular
11 event or activity, or a school board or trustee meeting.

12 § 2. Subdivision 1 of section 12 of the education law, as amended by
13 chapter 102 of the laws of 2012, is amended to read as follows:

14 1. No student shall be subjected to harassment or bullying by employ-
15 ees, school board members, school trustees, or students on school prop-
16 erty or at a school function; nor shall any student be subjected to
17 discrimination based on a person's actual or perceived race, color,
18 weight, national origin, ethnic group, religion, religious practice,
19 disability, sexual orientation, gender, or sex by school employees,
20 school board members, school trustees, or students on school property or
21 at a school function. Nothing in this subdivision shall be construed to
22 prohibit a denial of admission into, or exclusion from, a course of
23 instruction based on a person's gender that would be permissible under
24 section thirty-two hundred one-a or paragraph (a) of subdivision two of
25 section twenty-eight hundred fifty-four of this chapter and title IX of
26 the Education Amendments of 1972 (20 U.S.C. section 1681, et. seq.), or

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

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1 to prohibit, as discrimination based on disability, actions that would
2 be permissible under section 504 of the Rehabilitation Act of 1973.

3 § 3. Subdivision 1 of section 13 of the education law is amended by
4 adding a new paragraph m to read as follows:

5 m. develop such policies, procedures and guidelines to prevent
6 students from being bullied, harassed or discriminated against by school
7 board members and school trustees;

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

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

27 § 5. This act shall take effect on the one hundred twentieth day after
28 it shall have become a law.