

# STATE OF NEW YORK

10046

## IN ASSEMBLY

May 2, 2024

Introduced by M. of A. McMAHON, McDONOUGH -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to requiring each college and other institution of higher education to make publicly available its policy on notifying the parent, guardian, or emergency contact of a student under twenty-one years old of certain controlled substance or alcohol violations

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

1 Section 1. Short title. This act shall be known and may be cited as  
2 "Beau's law".

3 § 2. The education law is amended by adding a new section 6438-d to  
4 read as follows:

5 § 6438-d. Parent, guardian, or emergency contact notification of alco-  
6 hol or controlled substance violations. 1. Beginning with the first  
7 academic year following the effective date of this section, every  
8 college or other institution of higher education pursuant to section  
9 sixty-four hundred thirty of this article shall make publicly accessible  
10 its policy on notification of a parent, guardian, or emergency contact  
11 of a violation by a student under the age of twenty-one for the use or  
12 possession of alcohol or a controlled substance. Such violations may  
13 include but shall not be limited to, rule infractions, violations of  
14 federal, state, or local law, or controlled substance or alcohol related  
15 hospitalizations or overdoses.

16 2. All such colleges and other institutions of higher education shall  
17 conduct regular training on the provisions of the Family Educational  
18 Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) that  
19 such colleges and other institutions of higher education deem relevant  
20 to their policies on the notification of a parent, guardian, or emergen-  
21 cy contact of a violation by a student under the age of twenty-one for  
22 the use or possession of alcohol or a controlled substance. Provided,  
23 however, these trainings shall include information on the provisions of  
24 FERPA (20 U.S.C. § 1232g; 34 CFR Part 99.36) related to health and  
25 safety emergencies and its impact on such colleges' or institutions'

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

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1 response to student alcohol or controlled substance related hospitaliza-  
2 tions or overdoses. These trainings shall be conducted for such  
3 colleges' and institutions' administration and staff with responsibil-  
4 ities related to FERPA compliance, student rule infractions and student  
5 discipline, controlled substance or alcohol disciplinary violations, and  
6 response to student controlled substance or alcohol related hospitaliza-  
7 tions or overdoses. Such colleges and institutions may set the parame-  
8 ters for such trainings and time intervals of such trainings.

9 § 3. This act shall take effect immediately.