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:

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

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

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

2. All such colleges and other institutions of higher education shall conduct regular training on the provisions of the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) that such colleges and other institutions of higher education deem relevant to their policies on the notification of a parent, guardian, or emergency contact of a violation by a student under the age of twenty-one for the use or possession of alcohol or a controlled substance. Provided, however, these trainings shall include information on the provisions of FERPA (20 U.S.C. § 1232g; 34 CFR Part 99.36) related to health and 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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response to student alcohol or controlled substance related hospitalizations or overdoses. These trainings shall be conducted for such colleges' and institutions' administration and staff with responsibilities related to FERPA compliance, student rule infractions and student discipline, controlled substance or alcohol disciplinary violations, and response to student controlled substance or alcohol related hospitalizations or overdoses. Such colleges and institutions may set the parameters for such trainings and time intervals of such trainings.

§ 3. This act shall take effect immediately.