

STATE OF NEW YORK

4654

2023-2024 Regular Sessions

IN SENATE

February 13, 2023

Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to removal, from the classroom of a teacher, of violent pupils against such teacher

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

1 Section 1. The subdivision heading and the opening paragraph of subdivision 3-a of section 3214 of the education law, as added by chapter 181 of the laws of 2000, are amended to read as follows:

2 Teacher removal of a disruptive or violent pupil. In addition, any
3 teacher shall have the power and authority to remove a disruptive or
4 violent pupil, as defined in subdivision two-a of this section, from
5 such teacher's classroom consistent with discipline measures contained
6 in the code of conduct adopted by the board pursuant to section twenty-
7 eight hundred one of this chapter. The school authorities of any school
8 district shall establish policies and procedures to ensure the provision
9 of continued educational programming and activities for students removed
10 from the classroom pursuant to this subdivision and provided further
11 that nothing in this subdivision shall authorize the removal of a pupil
12 in violation of any state or federal law or regulation. No pupil shall
13 return to the classroom until the principal makes a final determination
14 pursuant to paragraph c of this subdivision, or the period of removal
15 expires, whichever is less; provided, further, that no violent pupil who
16 commits an act of violence upon a teacher shall return to the teacher's
17 classroom unless and until such teacher, in his or her sole discretion,
18 grants his or her consent thereto.

19 § 2. This act shall take effect immediately.

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

LBD08718-01-3