STATE OF NEW YORK

8380

IN SENATE

January 25, 2024

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

AN ACT to amend the education law, in relation to updating provisions relating to dignity for all students; and making an appropriation therefor

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

Section 1. Section 10 of the education law, as added by chapter 482 of the laws of 2010, is amended to read as follows:

§ 10. Legislative intent. The legislature finds that students' ability to learn and to meet high academic standards, and a school's ability to educate its students, are compromised by incidents of discrimination or harassment including bullying, taunting or intimidation. It is hereby declared to be the policy of the state to afford all students in public schools an environment free of discrimination and harassment**, whether in the school building or on the internet**. The purpose of this article is to foster civility in public schools and to prevent and prohibit conduct which is inconsistent with a school's educational mission.

§ 2. Paragraphs e and l of subdivision 1 of section 13 of the education law, as added by chapter 102 of the laws of 2012, are amended and a new paragraph m is added to read as follows:

e. require the school, when an investigation reveals any such verified harassment, bullying or discrimination, to take prompt actions reasonably calculated to end the harassment, bullying or discrimination, eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence of the behavior, and ensure the safety of the student or students against whom such harassment, bullying or discrimination was directed. Such actions shall be consistent with the guidelines created pursuant to subdivision four of this section **and shall take into consideration whether notification of persons in parental relation to the student who is the subject of such harassment is in the best interest of the student**;

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

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l. maintain current versions of the school district's policies created pursuant to this section on the school district's internet website, if one exists; **and**

m. include safe, responsible use of the internet and electronic communications; and

§ 3. Subdivision 5 of section 14 of the education law, as amended by chapter 90 of the laws of 2013, is amended to read as follows:

5. [~~The commissioner shall prescribe~~] **Prescribe** regulations that school professionals applying on or after December thirty-first, two thousand thirteen for a certificate or license, including but not limited to a certificate or license valid for service as a classroom teacher, school counselor, school psychologist, school social worker, school administrator or supervisor or superintendent of schools shall, in addition to all other certification or licensing requirements, have completed training on the social patterns of harassment, bullying and discrimination, as defined in section eleven of this article, including but not limited to those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, the identification and mitigation of harassment, bullying and discrimination, and strategies for effectively addressing problems of exclusion, bias and aggression in educational settings.

§ 4. Section 15 of the education law, as amended by chapter 102 of the laws of 2012, is amended to read as follows:

§ 15. Reporting by commissioner **and use of reports**. **1.** The commissioner shall create a procedure under which material incidents of harassment, bullying and discrimination on school grounds or at a school function are reported to the department at least on an annual basis. Such procedure shall provide that such reports shall, wherever possible, also delineate the specific nature of such incidents of harassment, bullying and discrimination, provided that the commissioner may comply with the requirements of this section through use of the existing uniform violent incident reporting system. In addition**,** the department may conduct research or undertake studies to determine compliance throughout the state with the provisions of this article.

2. The commissioner shall use such reports and data to identify schools and districts that are failing to meet the standards and objectives of this article. The commissioner shall promulgate policies and procedures for improving conditions at these schools to ensure proper training, support, and compliance with all requirements.

3. The commissioner shall deliver the report referenced in subdivision one of this section to the legislature every two years.

§ 5. The education law is amended by adding a new article 2-A to read as follows:

ARTICLE 2-A

STUDENT SUICIDE PREVENTION

Section 20. Legislative intent.
21. Definitions.
22. Policies, procedures, and guidelines.
23. Application.
24. Severability and construction.

§ 20. Legislative intent. The legislature finds and declares the following:

1. According to data from the federal centers for disease control and prevention as reported in the year two thousand sixteen, suicide is the second leading cause of death for youth and young adults ten to twenty-

four years of age, inclusive, in both the United States and in New York state.

2. As children and teens spend a significant amount of their young lives in school, the personnel who interact with them on a daily basis are essential gatekeepers for recognizing warning signs of suicide and making the appropriate referrals for help.

3. In a national survey conducted by the Jason Foundation, a teacher was identified as the number one person to whom a student would turn to help a friend who might be suicidal. It is imperative that when a young person comes to a teacher for help, such teacher has the knowledge, tools, and resources to respond correctly.

4. In the year two thousand eighteen, the federal centers for disease control and prevention found in its Youth Risk Behavior Survey that lesbian, gay, and bisexual youth are almost four times more likely to seriously consider attempting suicide, have made a suicide plan, or have attempted suicide, than their heterosexual peers.

5. There are national hotlines available to help adults and youth, including lesbian, gay, bisexual, transgender, queer, or questioning (LGBTQ) youth, who are experiencing suicidal ideation or who are worried about a family member or peer who may be at risk, including the National Suicide Prevention Lifeline, the Crisis Text Line, the Trevor Project Lifeline, and TrevorChat.

6. According to the Family Acceptance Project, research has found that, for an LGBTQ youth, having at least one supportive adult can reduce the youth's risk of suicide.

7. New York state schools face the serious issues of students at high risk of suicide and death by suicide in the school communities. School personnel must be supported by clear policies and procedures, which serve as an easily-accessible roadmap, eliminate confusion over educator roles and the referral process, and equip educators with the tools to respond safely when a suicide does occur in the school community.

§ 21. Definitions. For the purposes of this article, the following terms shall have the following meanings:

1. "Crisis situation" means a situation where a teacher or other local educational agency employee believes a student or other individual is in imminent danger of a suicide attempt.

2. "LGBTQ" means individuals who identify, with regards to gender, as being lesbian, gay, bisexual, transgender, queer, or questioning.

3. "Local educational agency" means a school district, board of cooperative educational services, school, or the education department.

4. "Suicide intervention" means specific actions schools can take in response to suicidal behavior by a student, including, but not limited to:

a. student supervision;

b. notification of parents or guardians;

c. crisis situation response protocols;

d. when and how to request an immediate mental health assessment or emergency services; and

e. school re-entry procedures following a student mental health crisis.

5. "Suicide postvention" means planned support and interventions schools can implement after a suicide attempt or suicide death of a member of the school community that are designed to:

a. reduce the risk of the spread of suicidal thoughts or intentions;

b. provide support for affected students and school-based personnel;

c. address the social stigma associated with suicide; and

d. disseminate factual information about suicide and its prevention.

6. "Suicide prevention" means specific actions schools can take to recognize and reduce suicidal behavior, including, but not limited to:

a. identifying risks and protective factors for suicide and suicide warning signs;

b. establishing a process by which students are referred to a mental and behavioral health provider for help;

c. making available school-based and community-based mental health supports;

d. providing the location of available online and community suicide prevention resources, including local crisis centers and hotlines;

e. adopting policies and protocols regarding suicide prevention, intervention, and postvention, school safety, and response to crisis situations;

f. training for school personnel who interact directly with students in recognizing suicide risks and warning signs and how to refer students for further assessment and evaluation; and

g. instruction to students in problem-solving and coping skills to promote students' mental, emotional, and social health and well-being, and instruction in recognizing and appropriately responding to signs of suicidal intent in others.

§ 22. Policies, procedures, and guidelines. 1. The governing board or body of every local educational agency that serves students in grades seven to twelve, inclusive, shall, before the first day of August, two thousand twenty-four, adopt policies, procedures, and guidelines on student suicide prevention, intervention, and postvention for students in such grades. Such policies, procedures, and guidelines shall be developed in consultation with school and community stakeholders, school-employed mental health professionals, and suicide prevention experts, and shall include, but not be limited to:

a. methods to increase awareness of the relationship between suicide and suicide risk factors, including, but not limited to:

i. mental health and substance use conditions;

ii. childhood abuse, neglect, or trauma;

iii. prolonged stress, including individual experiences such as bullying, harassment, family or relationship stress, or other stressful life events, as well as collective stressors such as systemic bias and discrimination;

iv. exposure to another person's suicide, or sensationalized or graphic accounts of suicide; and

v. previous suicide attempts or history of suicide within a student's family;

b. identification of training opportunities on recognizing suicide risks, and referral procedures available to school employees;

c. availability of expertise from school employees who have been trained in recognizing suicide risks, and referral procedures;

d. how school employees should respond to suspicion, concerns, or warning signs of suicide in students;

e. how school employees should respond to a crisis situation where a student is in imminent danger to himself or herself;

f. policies and protocols for communication with parents, including those that specify what to do if parental notification is not in the best interest of the student;

g. counseling services available within the school for students and their families that are related to suicide prevention;

h. availability of information concerning crisis situation intervention, suicide prevention, and mental health services in the community for students and their families and school employees;

i. identification and development of partnerships with community organizations and agencies for referral of students to health, mental health, substance use, and social support services, including development of at least one memorandum of understanding between the local education agency and such an organization or agency in the community or region;

j. development of a culturally competent plan to assist survivors of attempted suicide and to assist students and school employees in coping with an attempted suicide or a suicide death within the school community; and

k. development of any other related program or activity for students or school employees.

2. The policies, procedures, and guidelines adopted pursuant to subdivision one of this section shall specifically address the needs of high-risk groups, including, but not limited to, the following:

a. youth who have lost a friend or family member to suicide;

b. youth with disabilities or with chronic health conditions, including mental health and substance use conditions;

c. youth experiencing homelessness or in out-of-home settings, such as foster care; and

d. LGBTQ youth.

3. The policies, procedures, and guidelines adopted pursuant to subdivision one of this section shall be written to ensure that a school employee acts only within the authorization and scope of such employee's credential or license. Nothing in this section shall be construed as authorizing or encouraging a school employee to diagnose or treat mental health conditions unless such employee is specifically licensed and employed to do so.

4. Notwithstanding any other provision of law to the contrary, no cause of action may be brought for any loss or damage caused by any act or omission resulting from the implementation of the provisions of this article, or resulting from any training, or lack of training, required by this article. Nothing in this article shall be construed to impose any specific duty of care.

5. To assist local educational agencies in developing policies for student suicide prevention, the department shall develop and maintain model policies, procedures, and guidelines in accordance with this section to serve as a guide for local educational agencies. Such model policies, procedures, and guidelines shall be posted within thirty days of their completion on the department's internet website, along with relevant resources and information to support schools in developing and implementing the policies, procedures, and guidelines required under subdivision one of this section.

6. The governing board or body of a local educational agency that serves students in grades seven to twelve, inclusive, shall review, at minimum every fifth year following the effective date of this article, its policies, procedures, and guidelines on student suicide prevention and, if necessary, update such policies, procedures, and guidelines.

§ 23. Application. The provisions of this article shall apply to all private and public educational institutions in New York state.

§ 24. Severability and construction. The provisions of this article shall be severable, and if any court of competent jurisdiction declares any phrase, clause, sentence or provision of this article to be invalid,

or its applicability to any government agency, person or circumstance is declared invalid, the remainder of this article and its relevant applicability shall not be affected. The provisions of this article shall be liberally construed to give effect to the purposes thereof.

§ 6. Section 801-a of the education law, as amended by section 102 of the laws of 2012, is amended to read as follows:

§ 801-a. Instruction in civility, citizenship [~~and~~], character education, digital citizenship, and media literacy.

1. For the purposes of this section, the following terms shall have the following meanings:

a. "Tolerance", "respect for others", and "dignity" shall include awareness and sensitivity to harassment, bullying, discrimination, and civility in the relations of people of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, genders, and sexes.

b. "Digital citizenship" shall mean a diverse set of skills related to current technology and social media, including the norms of appropriate, responsible, and healthy behavior and focuses on empowering learners to use online resources, applications, and spaces to improve communities and curate a positive and effective digital footprint.

c. "Media literacy" shall mean the ability to use media and to access, analyze, evaluate, create, and act using all forms of communication and encompasses the foundational skills that lead to digital citizenship.

2. The regents shall ensure that the course of instruction in grades kindergarten through twelve includes a component on civility, citizenship, and character education. Such component shall instruct students on the principles of honesty, tolerance, personal responsibility, and respect for others, with an emphasis on discouraging acts of harassment, bullying, discrimination, observance of laws and rules, courtesy, dignity, and other traits which will enhance the quality of their experiences in, and contributions to, the community. Such component shall include instruction of safe, responsible use of the internet and electronic communications. The regents shall determine how to incorporate such component in existing curricula and the commissioner shall promulgate any regulations needed to carry out such determination of the regents. [~~For the purposes of this section, "tolerance," "respect for others" and "dignity" shall include awareness and sensitivity to harassment, bullying, discrimination and civility in the relations of people of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, genders, and sexes.~~]

3. The regents, in conjunction with the commissioner, shall ensure that the course of instruction in grades kindergarten through twelve includes a component on media literacy. Such component shall include instruction of internet safety, civility, and digital citizenship with a focus on the principles of safe, responsible use of the internet and electronic communications. The boards of education and trustees of the cities and school districts of the state shall require instruction to be given in media literacy by the teachers employed in the schools therein. If available, instruction in media literacy shall be provided by library media specialists employed by the schools therein.

4. The commissioner, in conjunction with the regents, shall incorporate existing state media literacy standards into the component described in subdivision two of this section and create a clear and coherent set of media literacy education standards, which shall include,

but not be limited to, the following skills, experiences, and competencies:

a. reading experiences balanced between literature and informational texts, which include both print and digital sources;

b. integration and evaluation of content and information presented in diverse media and formats, including visual, quantitative, and oral;

c. use of technology and digital tools, including the internet, for writing and drawing to increase learning and communication and to interact and collaborate with others;

d. writing of informative and explanatory texts to examine and convey complex ideas and information clearly and accurately through the effective selection, organization, and analysis of content, including multimedia;

e. strategic use of digital media and visual displays to express information and enhance understanding of presentations;

f. the ability to assess how point of view or purpose shapes the content and style of a text, drawing on a wide range of global and diverse texts;

g. gathering of relevant information from multiple sources and assessing the credibility and accuracy of such sources, for the purpose of integrating such information in writing without plagiarizing;

h. effectively communicating conclusions and taking informed action based on such conclusions;

i. the ability to create, produce, respond, interpret, and connect with artistic work and techniques;

j. managing information with a focus on the ability to access and use information obtained from other people, community resources, and computer networks and using technology to acquire, organize, and communicate information by entering, modifying, retrieving, and storing data;

k. demonstration of digital citizenship by maintaining ethical decision making and behavior and avoid the spread of misinformation in the exchange and use of information;

l. use of digital tools to communicate and work with others to build knowledge, convey ideas, learn with others, create and revise collaborative products, support individual learning, and contribute to the learning of others;

m. use of digital tools to create and revise simple, complex, and multimedia digital artifacts;

n. identification of ways other people put their own information into online spaces;

o. the ability to explain how actions in online spaces can have consequences in other spaces and the connection between the persistence of data on the internet, personal online identity, and personal privacy;

p. actively managing digital presence and digital footprint to reflect an understanding of the permanence and potential consequences of actions in online spaces;

q. designing and implementing strategies that support safety and security of digital information, personal identity, property, and physical and mental health when operating in the digital world;

r. identifying types of cyberbullying and developing strategies to combat cyberbullying and harassment; and

s. any additional media literacy standards outlined in state department publications or in the codes, rules and regulations of the state of New York, as deemed necessary.

5. The commissioner, in conjunction with the regents, shall update the New York state professional teaching standards to incorporate media

literacy and educate library media specialists and teachers on the relevant standards of media literacy so that library media specialists and teachers can effectively incorporate such standards into their curriculums.

6. The commissioner, in conjunction with the regents, shall annually review the media literacy standards set forth in this section to ensure such standards capture the full range of skills, experiences, and competencies that research indicates is necessary for media literacy, and shall update such standards as necessary.

7. The media literacy standards set forth in this section shall serve as an overview of the state's interdisciplinary approach to media literacy education and shall emphasize the importance of media literacy for civic readiness.

§ 7. Subdivision 1 of section 2801 of the education law, as amended by chapter 402 of the laws of 2005, is amended to read as follows:

1. a. For purposes of this section, [~~school property~~] the following terms shall have the following meanings:

(i) "School property" means:

(A) in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of a public elementary or secondary school; or

(B) in or on a school bus, as defined in section one hundred forty-two of the vehicle and traffic law[~~; and a school function shall mean~~].

(ii) "School function" means a school-sponsored or school-authorized [~~extra-curricular~~] extra curricular event or activity, regardless of where such event or activity takes place, including any event or activity that may take place in another state.

b. This section shall also apply to cyberbullying, whether on or off school property or at or away from a school function.

§ 8. Subdivision 2 of section 3006-a of the education law, as added by section 2 of subpart C of part EE of chapter 56 of the laws of 2015, is amended and a new subdivision 4 is added to read as follows:

2. a. During each five-year registration period beginning on or after July first, two thousand sixteen, an applicant for registration shall successfully complete a minimum of one hundred hours of continuing teacher and leader education, as defined by the commissioner. The department shall issue rigorous standards for courses, programs, and activities, that shall qualify as continuing teacher and leader education pursuant to this section. For purposes of this section, a peer review teacher, or a principal acting as an independent trained evaluator, conducting a classroom observation as part of the teacher evaluation system pursuant to section three thousand twelve-d of this article may credit such time towards his or her continuing teacher and leader effectiveness requirements.

b. During each five-year registration period beginning on or after a date which shall be determined by the commissioner, any teacher who is an applicant for registration shall successfully complete a minimum of five hours of professional development related to media literacy education and any library media specialist shall complete a minimum of fifteen hours of professional development related to media literacy education, as defined by the commissioner. Such professional development related to media literacy education shall be counted toward the one hundred hours of continuing teacher and leader education required by paragraph a of this subdivision. The commissioner shall require that:

(i) professional development related to media literacy education incorporates the principles and practices of the department's culturally responsive-sustaining framework;

(ii) professional development related to media literacy education is provided by or in coordination with a library media specialist or an employee from a school district's library system in every school district;

(iii) library media specialists in every school district receive specific training in how to provide professional development related to media literacy education to teachers of all grade levels and subject areas contained in their schools, which shall include instruction on how to effectively integrate media literacy education into such teachers' curricula; and

(iv) the department creates and provides model curricula and teaching and professional development resources which incorporate media literacy education on its website.

c. During each five-year registration period beginning on or after a date which shall be determined by the commissioner, any teacher who is an applicant for registration shall successfully complete a minimum of five hours of professional development related to articles two and two-A of this chapter. Such professional development shall be counted toward the one hundred hours of continuing teacher and leader education required by paragraph a of this subdivision. The commissioner shall require that:

(i) professional development related to articles two and two-A of this chapter incorporates the principles and practices of the department's culturally responsive-sustaining framework;

(ii) professional development related to articles two and two-A of this chapter is provided by or in coordination with a teacher or guidance counselor in every school district; and

(iii) the department creates and provides model curricula and teaching and professional development resources which incorporate the principles and practices articulated in articles two and two-A of this chapter on its website.

d. Nothing in this section shall limit the ability of local school districts to agree pursuant to collective bargaining to additional hours of professional development or continuing teacher or leader education above the minimum requirements set forth in this section.

[~~c.~~] e. A certified individual who has not satisfied the continuing teacher and leader education requirements shall not be issued a five-year registration certificate by the department and shall not practice unless and until a registration or conditional registration certificate is issued as provided in subdivision three of this section. For purposes of this subdivision, "continuing teacher and leader education requirements" shall mean activities designed to improve the teacher or leader's pedagogical and/or leadership skills, targeted at improving student performance, including but not limited to formal continuing teacher and leader education activities. Such activities shall promote the professionalization of teaching and be closely aligned to district goals for student performance which meet the standards prescribed by regulations of the commissioner. To fulfill the continuing teacher and leader education requirement, programs must be taken from sponsors approved by the department, which shall include but not be limited to school districts, pursuant to the regulations of the commissioner.

4. For the purposes of this section, "library media specialist" shall mean an individual employed by a school district as a library media

specialist pursuant to section 91.2 of title eight of the codes, rules and regulations of the state of New York.

§ 9. The sum of fifteen million dollars ($15,000,000), or so much thereof as may be necessary, is hereby appropriated to the department of education out of moneys in the state treasury in the general fund to the credit of the state purposes account, not otherwise appropriated, and made immediately available, for the purposes of carrying out the provisions of this act. Five million dollars ($5,000,000) of such funds shall be used for purposes including, but not limited to, the development and distribution of teacher trainings, model lessons, and continuing education classes. Five million dollars ($5,000,000) of such funds shall be used for purposes including, but not limited to, the development and implementation of media literacy standards, teacher trainings, and continuing professional development. Five million dollars ($5,000,000) of such funds shall be used for purposes including, but not limited to, the development and distribution of policies, standards, and trainings related to suicide prevention. Such moneys shall be payable on the audit and warrant of the state comptroller on vouchers certified or approved by the commissioner of the department of education in the manner prescribed by law.

§ 10. This act shall take effect immediately.