

STATE OF NEW YORK

8716

IN SENATE

March 4, 2024

Introduced by Sen. BROUK -- 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 enacting the "Trevyan Rowe child and young teen mental health community safety act"

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

1 Section 1. The education law is amended by adding a new article 2-A to
2 read as follows:

ARTICLE 2-A

CHILD & YOUNG TEEN MENTAL HEALTH

Section 20. Short title.

21. Definitions.

22. Child and young teen mental health and community safety.

23. Reporting.

24. Commission.

10 § 20. Short title. This article shall be known and may be cited as the
11 "Trevyan Rowe child and young teen mental health community safety act".

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

14 1. "Harassment" and "bullying" shall mean the creation of a hostile
15 environment by conduct or by threats, intimidation or abuse, including
16 cyberbullying, that (a) has or would have the effect of unreasonably and
17 substantially interfering with a student's educational performance,
18 opportunities or benefits, or mental, emotional or physical well-being;
19 or (b) reasonably causes or would reasonably be expected to cause a
20 student to fear for his or her physical safety; or (c) reasonably causes
21 or would reasonably be expected to cause physical injury or emotional
22 harm to a student; or (d) occurs off school property and creates or
23 would foreseeably create a risk of substantial disruption within the
24 school environment, where it is foreseeable that the conduct, threats,
25 intimidation or abuse might reach school property. Acts of harassment
26 and bullying shall include, but not be limited to, those acts based on a
27 person's actual or perceived race, color, weight, national origin,
28 ethnic group, religion, religious practice, disability, sexual orien-

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

LBD01789-01-3

1 tation, gender or sex. For the purposes of this definition the term
2 "threats, intimidation or abuse" shall include verbal and non-verbal
3 actions.

4 2. "Cyberbullying" shall mean harassment or bullying as defined in
5 subdivision one of this section, including paragraphs (a), (b), (c) and
6 (d) of such subdivision, where such harassment or bullying occurs
7 through any form of electronic communication.

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

13 4. "Disability" shall mean (a) a physical, mental or medical impair-
14 ment resulting from anatomical, physiological, genetic or neurological
15 conditions which prevents the exercise of a normal bodily function or is
16 demonstrable by medically accepted clinical or laboratory diagnostic
17 techniques; (b) a record of such an impairment; or (c) a condition
18 regarded by others as such an impairment.

19 5. "Sexual orientation" shall mean actual or perceived heterosexuali-
20 ty, homosexuality or bisexuality.

21 6. "Gender" shall mean actual or perceived sex and shall include a
22 person's gender identity or expression.

23 7. "Race" shall, for the purposes of this article include traits
24 historically associated with race, including but not limited to, hair
25 texture and protective hairstyles as defined by section eleven of this
26 title.

27 8. "At-risk children or young teenagers" shall mean children or teen-
28 agers seventeen years of age or younger who (a) have a disability or who
29 identify as lesbian, gay, bisexual, transgender, queer, gender non-con-
30 forming; and (b) are in need of mental or behavioral health support due
31 to anxiety, trauma, harassment or bullying, physical or mental abuse,
32 suicidal ideation, or self-harm.

33 9. "Police officer" shall have the same meaning as defined by subdivi-
34 sion thirty-four of section 1.20 of the criminal procedure law.

35 10. "Peace officer" shall mean a person listed in section 2.10 of the
36 criminal procedure law.

37 § 22. Child and young teen mental health and community safety. 1. The
38 board of education and the trustees or sole trustee of every school
39 district shall create policies, procedures, and guidelines, including
40 prevention, intervention, and postvention planning to direct teachers,
41 school administrators, school safety staff, bus drivers, other school
42 district employees, social workers, police officers, and peace officers
43 on how to respond to children or young teenagers, including but not
44 limited to at-risk children or young teenagers, who have:

45 (a) Demonstrated suicidal ideation, intentions, or inflicted self-
46 harm;

47 (b) Been victims of harassment or bullying; and/or

48 (c) Without permission, wandered or eloped from school property, or
49 threatened to do so.

50 2. In creating the policies, procedures, and guidelines pursuant to
51 subdivision one of this section, a board of education and the trustees
52 or sole trustee of a school district shall coordinate with pediatric
53 mental and behavioral health services providers, community health agen-
54 cies, local law enforcement and public safety agencies, and any other
55 local municipal agency offering relevant mental or behavioral health
56 services.

1 3. Upon creation of the policies, procedures, and guidelines pursuant
2 to subdivision one of this section, and annually thereafter, a board of
3 education of a school district shall distribute such policies, proce-
4 dures, and guidelines to all teachers, school administrators, school
5 safety staff, bus drivers, and other employees of such school district,
6 and any local social services agencies, and local law enforcement and
7 public safety agencies.

8 § 23. Reporting. The commissioner shall create a procedure under which
9 boards of education of every school district shall report to the depart-
10 ment annually on the policies, procedures, and guidelines developed
11 pursuant to subdivision one of section twenty-two of this article. The
12 commissioner may comply with the requirements of this section through
13 use of the existing uniform violent incident reporting system under
14 section twenty-eight hundred two of this chapter, and/or the reporting
15 requirements for harassment, bullying and discrimination on school
16 grounds or at a school function under section fifteen of this title.

17 § 24. Commission. 1. There is hereby created in the department a
18 "commission on child and young teen mental health and community safety"
19 to evaluate the safety and security of children in primary and secondary
20 public and private schools in this state. The commission, in consulta-
21 tion with the office of children and family services and the office of
22 mental health shall perform the following duties:

23 (a) evaluate the safety and security of students in primary and
24 secondary private and public schools in this state;

25 (b) identify any disparate treatment regarding mental health or behav-
26 ioral health services provided to students in primary and secondary
27 private and public schools in this state and in Monroe county;

28 (c) examine the effects of COVID-19 on the mental health and behav-
29 ioral health of primary and secondary students in this state, as it
30 relates to returning to in-person learning;

31 (d) identify any racial or ethnic disparities in the delivery of
32 educational supports and services to students in primary and secondary
33 private and public schools in this state, whether such students partic-
34 ipate in person or through distance learning methods; and

35 (e) suggest modifications to the personalized recovery-oriented
36 services (PROS) program to allow participants to access mental health
37 services outside of such program through a healthcare provider of their
38 choice without losing eligibility for comprehensive assistance under
39 such program to encourage natural supports and improve medication
40 management.

41 2. The commission shall consist of eleven members to be appointed as
42 follows:

43 (a) one member shall be appointed by the governor;

44 (b) one member shall be appointed by the speaker of the assembly;

45 (c) one member shall be appointed by the temporary president of the
46 senate;

47 (d) one member shall be appointed by the minority leader of the assem-
48 bly;

49 (e) one member shall be appointed by the minority leader of the
50 senate;

51 (f) two members shall be appointed by the commissioner of mental
52 health;

53 (g) two members shall be appointed by the commissioner of the office
54 of children and family services; and

55 (h) two members shall be appointed by the commissioner.

1 3. The members of the commission shall receive no compensation for
2 their services, but shall be allowed their actual and necessary expenses
3 incurred in the performance of their duties hereunder.

4 4. The commission may acquire directly from the head of any depart-
5 ment, agency, or instrumentality of the state, available information
6 which the commission considers useful in the discharge of its duties.
7 All departments, agencies, and instrumentalities of the state shall
8 cooperate with the commission with respect to such information and shall
9 furnish all information requested by the commission to the extent
10 permitted by law.

11 5. The commission shall submit a report of its findings and recommen-
12 dations to the governor, the temporary president of the senate, the
13 speaker of the assembly and the minority leaders of the senate and the
14 assembly no later than one year after the effective date of this
15 section.

16 § 2. This act shall take effect on the sixtieth day after it shall
17 have become a law; provided, however, that effective immediately, the
18 addition, amendment and/or repeal of any rule or regulation necessary
19 for the implementation of this act on its effective date are authorized
20 to be made and completed on or before such effective date.