

# STATE OF NEW YORK

11399

## IN ASSEMBLY

May 15, 2026

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Hevesi) --  
read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to establishing the crimes of grooming of a child in the first and second degree and predatory sexual misconduct toward a child enrolled in school in the first and second degree; to amend the education law, in relation to updating the code of professional employee conduct for schools to include training on predatory misconduct and grooming; to amend the social services law, in relation to updating training for persons required to report cases of suspected child abuse or maltreatment; and to amend the correction law, in relation to classifying the crimes of grooming of a child in the first degree and predatory sexual misconduct towards a child in the first degree as a sex offense for purposes of the sex offender registry

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 the "New York state child anti-grooming act".

3 § 2. The penal law is amended by adding four new sections 260.36,  
4 260.37, 260.38 and 260.39 to read as follows:

5 § 260.36 Predatory misconduct toward a child enrolled in school in the  
6 second degree.

7 1. A person is guilty of predatory misconduct toward a child enrolled  
8 in school in the second degree when such person is an employee or volun-  
9 teer of a school district, charter school, or nonpublic school with  
10 direct contact with a child and commits any act in an educational  
11 setting or school that is directed toward or with such child and that is  
12 intended to establish or advance, or that a reasonable person would  
13 understand as being intended to establish or advance, a romantic or  
14 sexual relationship with such child, including, but not limited to, any  
15 verbal, nonverbal, written, or electronic communication or physical  
16 activity. Such an act includes, but is not limited to, any of the  
17 following: a sexual or romantic invitation to a child; dating or solici-  
18 ting a date with a child; engaging in sexualized or romantic dialogue

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

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1 with a child; making sexually suggestive comments that are directed  
2 toward or with a child; self-disclosure or physical exposure of a sexu-  
3 al, romantic, or erotic nature to a child; or a sexual, indecent, roman-  
4 tic, or erotic contact with a child.

5 2. Nothing in this section shall be construed to prohibit an employee  
6 or volunteer who is a teacher, school nurse, school guidance counselor,  
7 school psychologist, school social worker, school administrator, or  
8 other school personnel required to hold a teaching or administrative  
9 license or certificate whose professional duties include instruction,  
10 counseling or other educational, health or mental health services from,  
11 in the normal course of their duties and in accordance with applicable  
12 professional standards and state learning standards, engaging in conduct  
13 or discussions that are reasonably necessary to support and facilitate  
14 student learning and development, including but not limited to, age-ap-  
15 propriate instruction on human development, health, sexuality, consent,  
16 and healthy respectful relationships, or to provide valid medical or  
17 mental health care services to a child.

18 3. It is an affirmative defense that at the time of the offense (a)  
19 the defendant and child are both enrolled in the same educational  
20 setting or school and that such child is at least seventeen years of age  
21 and such defendant is less than five years older than such child; (b)  
22 the defendant is enrolled in another educational setting or school and  
23 the child is at least seventeen years of age and such defendant is less  
24 than five years older than such child; or (c) the defendant and the  
25 child are married as such term is defined by section 130.00 of this  
26 chapter.

27 4. For the purposes of this section, the terms "child", "employee",  
28 "volunteer", "educational setting" and "school" shall have the same  
29 meaning as such terms are defined by section eleven hundred twenty-five  
30 of the education law.

31 Predatory misconduct toward a child enrolled in school in the second  
32 degree is a class A misdemeanor.

33 § 260.37 Predatory misconduct toward a child enrolled in school in the  
34 first degree.

35 1. A person is guilty of predatory misconduct toward a child enrolled  
36 in school in the first degree when:

37 (a) Such person is an employee or volunteer of a school district,  
38 charter school, or nonpublic school who commits any act in an educa-  
39 tional setting or school that is directed toward or with a child and  
40 that is intended to establish or advance, or that a reasonable person  
41 would understand as being intended to establish or advance, a romantic  
42 or sexual relationship with such child, including, but not limited to,  
43 any verbal, nonverbal, written, or electronic communication or physical  
44 activity. Such an act includes, but is not limited to, any of the  
45 following: a sexual or romantic invitation to a child; dating or solici-  
46 ting a date with a child; engaging in sexualized or romantic dialogue  
47 with a child; making sexually suggestive comments that are directed  
48 toward or with a child; self-disclosure or physical exposure of a sexu-  
49 al, romantic, or erotic nature to a child; or a sexual, indecent, roman-  
50 tic, or erotic contact with a child; and

51 (b) Such person has previously been convicted of a crime defined in  
52 article one hundred thirty of this chapter or section 260.36, 260.38 or  
53 260.39 of this article.

54 2. Nothing in this section shall be construed to prohibit an employee  
55 or volunteer who is a teacher, school nurse, school guidance counselor,  
56 school psychologist, school social worker, school administrator, or

1 other school personnel required to hold a teaching or administrative  
2 license or certificate whose professional duties include instruction,  
3 counseling or other educational, health or mental health services from,  
4 in the normal course of their duties and in accordance with applicable  
5 professional standards and state learning standards, engaging in conduct  
6 or discussions that are reasonably necessary to support and facilitate  
7 student learning and development, including but not limited to, age-ap-  
8 propriate instruction on human development, health, sexuality, consent,  
9 and healthy respectful relationships, or to provide valid medical or  
10 mental health care services to a child.

11 3. It is an affirmative defense that at the time of the offense (a)  
12 the defendant and child are both enrolled in the same educational  
13 setting or school and such child is at least seventeen years of age and  
14 such defendant is less than five years older than such child; (b) the  
15 defendant is enrolled in another educational setting or school and the  
16 child is at least seventeen years of age and such defendant is less than  
17 five years older than such child; or (c) the defendant and the child are  
18 married as such term is defined by section 130.00 of this chapter.

19 4. For the purposes of this section, the terms "child", "employee",  
20 "volunteer", "educational setting" and "school" shall have the same  
21 meaning as such terms are defined by section eleven hundred twenty-five  
22 of the education law.

23 Predatory misconduct toward a child enrolled in school in the first  
24 degree is a class E felony and requires registration as a sex offender  
25 pursuant to article six-C of the correction law.

26 § 260.38 Grooming of a child in the second degree.

27 A person is guilty of grooming of a child in the second degree when  
28 such person knowingly uses a computer online service, internet service,  
29 local bulletin board service or any other device capable of electronic  
30 data storage or transmission, performs an act in person or by conduct  
31 through a third party, or uses written or graphic imagery communication  
32 to seduce, solicit, lure, or entice, or attempt to seduce, solicit,  
33 lure, or entice, a child, a child's guardian, or another person believed  
34 by such person to be a child or child's guardian, to commit any sex  
35 offense as defined by section one hundred sixty-eight-a of the  
36 correction law, to distribute photographs depicting the sex organs of  
37 such child, or to otherwise engage in any unlawful sexual conduct with a  
38 child or with another person believed by such person to be a child.

39 Grooming of a child in the second degree is a class A misdemeanor.

40 § 260.39 Grooming of a child in the first degree.

41 A person is guilty of grooming of a child in the first degree when:

42 1. Such person knowingly uses a computer online service, internet  
43 service, local bulletin board service, or any other device capable of  
44 electronic data storage or transmission, performs an act in person or by  
45 conduct through a third party, or uses written or graphic imagery commu-  
46 nication to seduce, solicit, lure, or entice, or attempt to seduce,  
47 solicit, lure, or entice, a child, a child's guardian, or another person  
48 believed by such person to be a child or child's guardian, to commit any  
49 sex offense as defined by section one hundred sixty-eight-a of the  
50 correction law, to distribute photographs depicting the sex organs of  
51 such child, or to otherwise engage in any unlawful sexual conduct with a  
52 child or with another person believed by such person to be a child; and

53 2. Such person has previously been convicted of a crime defined in  
54 article one hundred thirty of this chapter or section 260.36, 260.37 or  
55 260.39 of this article.

1 Grooming of a child in the first degree is a class E felony and  
2 requires registration as a sex offender pursuant to article six-C of the  
3 correction law.

4 § 3. Paragraphs (j) and (k) of subdivision 3 of section 130.05 of the  
5 penal law, paragraph (j) as added by section 1 of part JJ of chapter 55  
6 of the laws of 2018 and paragraph (k) as added by chapter 503 of the  
7 laws of 2024, are amended and a new paragraph (l) is added to read as  
8 follows:

9 (j) detained or otherwise in the custody of a police officer, peace  
10 officer, or other law enforcement official and the actor is a police  
11 officer, peace officer or other law enforcement official who either: (i)  
12 is detaining or maintaining custody of such person; or (ii) knows, or  
13 reasonably should know, that at the time of the offense, such person was  
14 detained or in custody~~[-]~~; or

15 (k) under the supervision of a local probation department, pursuant to  
16 section two hundred seventy-two of the correction law, or another local  
17 department or agency which fulfills a similar function and the actor is  
18 an employee who knows or reasonably should know that such person is  
19 committed to the supervision of a local probation department. For  
20 purposes of this paragraph, "employee" means an employee of such local  
21 probation department or agency who, as part of [~~his or her~~] such  
22 person's employment, supervises the victim at the time of the offense or  
23 has supervised the victim and the victim is still under supervision of a  
24 local probation department or agency at the time of the offense~~[-]~~; or

25 (l) a child in an educational setting or school and the actor is eigh-  
26 teen years of age or older and an employee or volunteer at such educa-  
27 tional setting or school where such child is enrolled. For the purposes  
28 of this paragraph, the terms "child", "employee", "volunteer", "educa-  
29 tional setting" and "school" shall have the same meaning as such terms  
30 are defined by section eleven hundred twenty-five of the education law.

31 § 4. Section 130.10 of the penal law is amended by adding a new subdivi-  
32 sion 5 to read as follows:

33 5. In any prosecution under paragraph (l) of subdivision three of  
34 section 130.05 of this article, it shall be an affirmative defense that  
35 at the time of the offense (a) the actor and child are both enrolled in  
36 the same educational setting or school and that such child is at least  
37 seventeen years of age and such actor is less than five years older than  
38 such child; (b) the actor is enrolled in another educational setting or  
39 school and the child is at least seventeen years of age and such actor  
40 is less than five years older than such child; or (c) the actor and the  
41 child are married as such term is defined by section 130.00 of this  
42 article. For the purposes of this subdivision, the terms "child",  
43 "educational setting" and "school" shall have the same meaning as such  
44 terms are defined by section eleven hundred twenty-five of the education  
45 law.

46 § 5. Subdivision 1 of section 1125 of the education law, as amended by  
47 chapter 551 of the laws of 2023, is amended and a new subdivision 11 is  
48 added to read as follows:

49 1. "Child abuse" shall mean any of the following acts committed in an  
50 educational setting by an employee or volunteer against a child: (a)  
51 intentionally or recklessly inflicting physical injury, serious physical  
52 injury or death, or (b) intentionally or recklessly engaging in conduct  
53 which creates a substantial risk of such physical injury, serious phys-  
54 ical injury or death, or (c) any child sexual abuse as defined in this  
55 section, or (d) the commission or attempted commission against a child  
56 of the crime of disseminating indecent materials to minors pursuant to

1 article two hundred thirty-five of the penal law, or (e) using corporal  
2 punishment as defined by the commissioner or, (f) the commission or  
3 attempted commission of the crime of grooming as defined in sections  
4 260.38 and 260.39 of the penal law, or (g) the commission or attempted  
5 commission of the crime of predatory misconduct toward a child enrolled  
6 in school pursuant to sections 260.36 and 260.37 of the penal law.

7 11. "Predatory misconduct" shall mean any act, including, but not  
8 limited to, any verbal, nonverbal, written, or electronic communication  
9 or physical activity, by an employee or volunteer of the school  
10 district, charter school, or non-public school who commits any act in an  
11 educational or school setting that is directed toward or with a child  
12 and is intended to establish or advance what a reasonable person would  
13 understand as being intended to establish or advance a romantic or sexu-  
14 al relationship with the child. Such an act includes, but is not limited  
15 to, any of the following: a sexual or romantic invitation; dating or  
16 soliciting a date; engaging in sexualized or romantic dialogue; making  
17 sexually suggestive comments that are directed toward or with a child;  
18 self-disclosure of a sexual, romantic, or erotic nature; or physical  
19 exposure of a sexual, romantic, or erotic nature; or a sexual, indecent,  
20 romantic, or erotic contact with the child. Nothing in this subdivision  
21 shall be construed to prohibit an employee or volunteer who is a teach-  
22 er, school nurse, school guidance counselor, school psychologist, school  
23 social worker, school administrator, or other school personnel required  
24 to hold a teaching or administrative license or certificate whose  
25 professional duties include instruction, counseling or other educa-  
26 tional, health or mental health services from, in the normal course of  
27 their duties and in accordance with applicable professional standards  
28 and state learning standards, engaging in conduct or discussions that  
29 are reasonably necessary to support and facilitate student learning and  
30 development, including age-appropriate instruction on human development,  
31 health, sexuality, consent, and healthy respectful relationships, or to  
32 provide valid medical or mental health care services to the child.

33 § 6. The education law is amended by adding two new sections 2801-c  
34 and 2801-d to read as follows:

35 § 2801-c. Code of professional employee conduct. 1. a. The board of  
36 education or the trustees, as defined in section two of this chapter, of  
37 every school district within the state, however created, and every board  
38 of cooperative educational services and county vocational extension  
39 board, charter school, shall adopt and amend, as appropriate, an employ-  
40 ee code of professional conduct for employees, as defined in subdivision  
41 three of section eleven hundred twenty-five of this chapter, that  
42 addresses all of the following:

43 (i) Incorporates the definition of "predatory misconduct" as defined  
44 in section eleven hundred twenty-five of this chapter.

45 (ii) Identifies the expectations for employees of the school district,  
46 charter school, or non-public school regarding how to maintain a profes-  
47 sional relationship with students, including the expectations for staff-  
48 student boundaries, recognizing the age and developmental level of the  
49 students served, and establishes guidelines for all of the following  
50 situations:

51 (A) transporting a student;

52 (B) taking or possessing a photo or a video of a student; and

53 (C) meeting with a student or contacting a student outside of the  
54 employee's professional role.

55 (iii) References the employee reporting requirements required pursuant  
56 to article six of the social services law, including but not limited to

1 sections four hundred thirteen through four hundred twenty of the social  
2 services law, the abused and neglected child reporting act and under  
3 title IX of the federal education amendments of 1972.

4 (iv) References required employee training that is related to child  
5 abuse and educator ethics that are applicable under state and federal  
6 law.

7 b. The board of education or the trustees, as defined in section two  
8 of this chapter, of every school district within the state, however  
9 created, and every board of cooperative educational services and county  
10 vocational extension board, charter school, shall develop training on  
11 the provisions of this subdivision and provide such training to employ-  
12 ees.

13 c. The employee code of professional conduct policy shall be posted on  
14 the website, if any, of each school district, charter school, or non-  
15 public school and must be included in any staff, student, or parent  
16 handbook provided by the school district, or charter school.

17 d. A violation of the employee code of professional conduct policy may  
18 subject an employee to disciplinary action up to and including dismissal  
19 from employment. Failure to report a violation of the employee code of  
20 professional conduct policy may subject an employee to disciplinary  
21 action up to and including dismissal from employment.

22 2. Such board of education or the trustees, as defined in section two  
23 of this chapter, of every school district within the state, however  
24 created, and every board of cooperative educational services and county  
25 vocational extension board, charter school may adopt a similar code of  
26 conduct for volunteers, as defined in subdivision four of section eleven  
27 hundred twenty-five of this chapter; provided, however, if such board of  
28 education or the trustees, as defined in section two of this chapter, of  
29 every school district within the state, however created, and every board  
30 of cooperative educational services and county vocational extension  
31 board, charter school has a code of conduct or similar policy that is  
32 applicable to volunteers, such codes of conduct or policies shall be  
33 amended to include the provisions of subparagraph (i) and (ii) of para-  
34 graph a of subdivision one of this section.

35 § 2801-d. Code of professional employee conduct; non-public and  
36 private schools. 1. a. For the purposes of this section, "employee"  
37 shall mean any employee of a non-public or private elementary or second-  
38 ary school which elects to adopt or amend an employee code of profes-  
39 sional conduct pursuant to this section, or employee of a contracted  
40 service provider or worker placed within such school under a public  
41 assistance employment program, pursuant to title nine-B of article five  
42 of the social services law, and consistent with the provisions of such  
43 title for the provision of services to such school, its students or  
44 employees, directly or through contract, whereby such services performed  
45 by such person involve direct student contact.

46 b. For the purposes of this section, "volunteer" shall mean any  
47 person, other than an employee, who has direct student contact and  
48 provides services to a non-public or private elementary or secondary  
49 school which elects to adopt or amend an employee code of professional  
50 conduct pursuant to this section.

51 2. a. Any non-public or private elementary or secondary school is  
52 authorized to adopt and amend, as appropriate, an employee code of  
53 professional conduct for employees, as defined in subdivision three of  
54 section eleven hundred twenty-five of this chapter, that addresses all  
55 of the following:

1 (i) Incorporates the definition of "predatory misconduct" as defined  
2 in section eleven hundred twenty-five of this chapter.

3 (ii) Identifies the expectations for employees of the school district,  
4 charter school, or non-public school regarding how to maintain a profes-  
5 sional relationship with students, including the expectations for staff-  
6 student boundaries, recognizing the age and developmental level of the  
7 students served, and establishes guidelines for all of the following  
8 situations:

9 (A) transporting a student;

10 (B) taking or possessing a photo or a video of a student; and

11 (C) meeting with a student or contacting a student outside of the  
12 employee's professional role.

13 (iii) References the employee reporting requirements required pursuant  
14 to article six of the social services law, including but not limited to  
15 sections four hundred thirteen through four hundred twenty of the social  
16 services law, the abused and neglected child reporting act and under  
17 title IX of the federal education amendments of 1972.

18 (iv) References required employee training that is related to child  
19 abuse and educator ethics that are applicable under state and federal  
20 law.

21 (b) Non-public and private schools are authorized to develop and  
22 provide training on the provisions of this subdivision to employees.

23 (c) The employee code of professional conduct policy shall be posted  
24 on the website, if any, of each such school.

25 (d) A violation of the employee code of professional conduct policy  
26 may subject an employee to disciplinary action up to and including  
27 dismissal from employment. Failure to report a violation of the employee  
28 code of professional conduct policy may subject an employee to discipli-  
29 nary action up to and including dismissal from employment.

30 3. Any non-public or private elementary or secondary school may adopt  
31 a similar code of conduct for volunteers, as defined in this section. If  
32 such school elects to adopt or amend an employee professional code of  
33 conduct that is applicable to employees pursuant to subdivision one of  
34 this section, and such school elects to adopt or amend a code of conduct  
35 for volunteers, such code of conduct shall include the provisions of  
36 subparagraphs (i) and (ii) of paragraph a of subdivision two of this  
37 section.

38 § 7. Section 413 of the social services law is amended by adding a new  
39 subdivision 7 to read as follows:

40 7. The office of children and family services shall update training  
41 issued to persons and officials required to report cases of suspected  
42 child abuse or maltreatment to include guidance on identifying an abused  
43 or maltreated child who is being subject to grooming as defined in  
44 sections 260.38 and 260.39 of the penal law. Such guidance shall be  
45 developed in consultation with the state education department. People  
46 and officials required to report cases of suspected child abuse or  
47 maltreatment shall have two years from the effective date of this subdi-  
48 vision to receive such updated mandated reporter training.

49 § 8. Paragraph (b) of subdivision 2 of section 412 of the social  
50 services law, as amended by section 2-a of part D of chapter 501 of the  
51 laws of 2012, is amended and a new paragraph (c) is added to read as  
52 follows:

53 (b) who has had serious physical injury inflicted upon ~~[him or her]~~  
54 such child by other than accidental means; or

55 (c) against whom an offense defined in section 260.36, 260.37, 260.38,  
56 or 260.39 of the penal law has been committed, provided that this shall

1 not be construed to limit or supersede the authority of law enforcement  
2 to investigate criminal offenses. Allegations involving conduct defined  
3 in section 260.36, 260.37, 260.38 or 260.39 of the penal law shall be  
4 referred to appropriate law enforcement authorities, and any child  
5 protective investigation shall not delay or interfere with a criminal  
6 investigation.

7 § 9. Subdivision 2 of section 168-a of the correction law is amended  
8 by adding a new paragraph (f) to read as follows:

9 (f) a conviction of or a conviction for an attempt to commit any of  
10 the provisions of section 260.37 or 260.39 of the penal law.

11 § 10. The education law is amended by adding and new section 1135 to  
12 read as follows:

13 § 1135. Employment history and child sexual abuse. 1. (a) When  
14 responding to a request for or providing or requesting employment  
15 records of employees, prospective employees, or applicants, or volunteer  
16 service records for volunteers, prospective volunteers, or applicants,  
17 the board of education or the trustees, as defined in section two of  
18 this chapter, of every school district within the state, however  
19 created, and every board of cooperative educational services and county  
20 vocational extension board, and charter school, shall request, provide  
21 or respond, as applicable, to such with the following information:

22 i. the dates of employment or volunteer service of the employee,  
23 volunteer, or prospective employee, prospective volunteer, or applicant;

24 ii. a notation or statement of any and each incidence when the employ-  
25 ee, volunteer, or prospective employee, or prospective volunteer:

26 (A) has been the subject of an allegation of child sexual abuse, as  
27 defined by paragraph (c) or paragraph (f) of subdivision one of section  
28 eleven hundred twenty-five of this article or subdivision nine of  
29 section eleven hundred twenty-five of this article and such allegation  
30 has been reported in accordance with section eleven hundred twenty-six  
31 or eleven hundred twenty-eight of this article; whether there was an  
32 investigation; whether the investigation was completed, closed or pend-  
33 ing; and whether the investigation resulted in a finding that the alle-  
34 gation was founded, substantiated, indicated, false, unfounded or unsub-  
35 stantiated; or

36 (B) was discharged from, was asked to resign from, resigned from, or  
37 was otherwise separated from any employment or volunteer service, was  
38 disciplined by the employer, or had an employment contract not renewed  
39 due to an adjudication or finding of child abuse or while an allegation  
40 of child abuse was pending or under investigation, unless the investi-  
41 gation resulted in a finding that the allegation was false, unfounded,  
42 or unsubstantiated; or

43 (C) has ever had a license or certificate suspended, surrendered, or  
44 revoked due to an adjudication or finding of child sexual abuse or while  
45 an allegation of child sexual abuse as defined by paragraph (c) or para-  
46 graph (f) of subdivision one of section eleven hundred twenty-five of  
47 this article or subdivision nine of section eleven hundred twenty-five  
48 of this article, was pending or under investigation, unless the investi-  
49 gation resulted in a finding that the allegation was false, unfounded,  
50 or unsubstantiated.

51 (b) The board of education or the trustees, as defined in section two  
52 of this chapter, of every school district within the state, however  
53 created, and every board of cooperative educational services and county  
54 vocational extension board, and charter school, shall maintain in the  
55 employment records of employees or for volunteers such similar records

1 that contain the information as is required to comply with the  
2 provisions of paragraph (a) of this subdivision.

3 (c) Penalties for willful failure of an employee, school administrator  
4 or superintendent to comply with the provisions of this subdivision  
5 shall be the same as the penalty for failure to comply pursuant to  
6 section eleven hundred twenty-nine of this article including, for a  
7 school administrator or superintendent, a civil penalty not to exceed  
8 five thousand dollars upon an administrative determination by the  
9 commissioner.

10 2. (a) When responding to a request for or providing or requesting  
11 employment records of employees, prospective employees, or applicants,  
12 or volunteer service records for volunteers, prospective volunteers, or  
13 applicants, any non-public or private elementary or secondary school is  
14 authorized to request, provide or respond to such with the following  
15 information:

16 i. the dates of employment or volunteer service of the employee,  
17 volunteer, applicant, prospective employee, or prospective volunteer;

18 ii. a notation or statement of any and each incidence when the employ-  
19 ee, volunteer, applicant, prospective employee, or prospective volun-  
20 teer;

21 (A) has been the subject of an allegation of child sexual abuse, as  
22 defined by paragraph (c) or paragraph (f) of subdivision one of section  
23 eleven hundred twenty-five of this article or subdivision nine of  
24 section eleven hundred twenty-five of this article and such allegation  
25 has been reported in accordance with section eleven hundred twenty-six  
26 or eleven hundred twenty-eight of this article; whether there was an  
27 investigation; whether the investigation was completed, closed or pend-  
28 ing; and whether the investigation resulted in a finding that the alle-  
29 gation was founded, substantiated, indicated, false, unfounded or unsub-  
30 stantiated; or

31 (B) was discharged from, was asked to resign from, resigned from, or  
32 was otherwise separated from any employment or volunteer service, was  
33 disciplined by the employer, or had an employment contract not renewed  
34 due to an adjudication or finding of child abuse or while an allegation  
35 of child abuse was pending or under investigation, unless the investi-  
36 gation resulted in a finding that the allegation was false, unfounded,  
37 or unsubstantiated; or

38 (C) has ever had a license or certificate suspended, surrendered, or  
39 revoked due to an adjudication or finding of child sexual abuse or while  
40 an allegation of child sexual abuse as defined by paragraph (c) or para-  
41 graph (f) of subdivision one of section eleven hundred twenty-five of  
42 this article or subdivision nine of section eleven hundred twenty-five  
43 of this article, was pending or under investigation, unless the investi-  
44 gation resulted in a finding that the allegation was false, unfounded,  
45 or unsubstantiated.

46 (b) Any non-public or private elementary or secondary school is  
47 authorized to maintain in the employment records of employees, or for  
48 volunteers such similar records, that contain the information as is  
49 required to comply with the provisions of paragraph (a) of this subdivi-  
50 sion.

51 (c) When any non-public or private elementary or secondary school  
52 elects to maintain records pursuant to paragraph (b) of this subdivi-  
53 sion, penalties for willful failure of an employee or school administra-  
54 tor to comply with the provisions of this subdivision shall be the same  
55 as the penalty for failure to comply pursuant to section eleven hundred  
56 twenty-nine of this article including, for a school administrator or

1 equivalent school leader, a civil penalty not to exceed five thousand  
2 dollars upon an administrative determination by the commissioner.

3 § 11. Subdivisions 2 and 3 of section 1132 of the education law,  
4 subdivision 2 as amended by chapter 363 of the laws of 2018 and subdivi-  
5 sion 3 as amended by chapter 164 of the laws of 2019, are amended to  
6 read as follows:

7 2. The commissioner shall promulgate rules and regulations for train-  
8 ing necessary for the implementation of this article provided all  
9 employees specifically described in section eleven hundred twenty-six of  
10 this article shall be required to complete training pursuant to such  
11 rules and regulations. Such training shall include, at a minimum, infor-  
12 mation regarding the physical and behavioral indicators of child abuse  
13 and maltreatment and the statutory reporting requirements set out in  
14 sections four hundred thirteen, four hundred fourteen, four hundred  
15 fifteen, four hundred sixteen, four hundred seventeen, four hundred  
16 eighteen, four hundred nineteen [~~and~~], four hundred twenty of the social  
17 services law, and section eleven hundred thirty-five of this article,  
18 including but not limited to, when and how a report must be made, what  
19 other actions the reporter is mandated or authorized to take, the legal  
20 protections afforded reporters, and the consequences for failing to  
21 report.

22 3. All persons employed on or after July first, two thousand nineteen  
23 by a school, other than a school district or public school, in titles  
24 equivalent to a teacher or administrator as defined in the regulations  
25 of the commissioner, and any school bus driver employed by a school or  
26 any person or entity that contracts with a school to provide transporta-  
27 tion services to children shall be required to complete two hours of  
28 coursework or training regarding the identification and reporting of  
29 child abuse and maltreatment. The coursework or training shall be  
30 obtained from an institution or provider that has been approved by the  
31 department to provide such coursework or training. The coursework or  
32 training shall include information regarding the physical and behavioral  
33 indicators of child abuse and maltreatment and the statutory reporting  
34 requirements set out in sections four hundred thirteen through four  
35 hundred twenty of the social services law, and section eleven hundred  
36 thirty-five of this article, including but not limited to, when and how  
37 a report must be made, what other actions the reporter is mandated or  
38 authorized to take, the legal protections afforded reporters, and the  
39 consequences for failing to report. Each employee in such titles shall  
40 provide the school administrator of the school with documentation show-  
41 ing that [~~he or she~~] such school bus driver completed the required  
42 training. In addition, each school bus driver shall provide such school  
43 or contracting person or entity with documentation showing that [~~he or~~  
44 ~~she~~] such school bus driver completed the required training. The depart-  
45 ment shall be authorized to request such records on a periodic basis and  
46 may publish a list of any persons or schools who are not in compliance  
47 with this subdivision on its website.

48 § 12. Subdivision 1 of section 3036 of the education law, as added by  
49 chapter 205 of the laws of 2014, is amended to read as follows:

50 1. Notwithstanding any other provision of law, the commissioner shall  
51 prescribe regulations requiring that all persons currently holding a  
52 temporary coaching license or a professional coaching certificate and  
53 persons applying for such license or certificate shall, in addition to  
54 all the other licensure or certification requirements, have completed  
55 two hours of coursework or training regarding the identification and  
56 reporting of child abuse and maltreatment. The coursework or training

1 shall be obtained from an institution or provider which has been  
2 approved by the department to provide such coursework or training. The  
3 coursework or training shall include information regarding the physical  
4 and behavioral indicators of child abuse and maltreatment and the statu-  
5 tory reporting requirements set out in sections four hundred thirteen  
6 through four hundred twenty of the social services law, and section  
7 eleven hundred thirty-five of this chapter, including but not limited  
8 to, when and how a report must be made, what other actions the reporter  
9 is mandated or authorized to take, the legal protections afforded repor-  
10 ters, and the consequences for failing to report. Each applicant shall  
11 provide the department with documentation showing that [~~he or she~~] such  
12 reporter has completed the required training.

13 § 13. Severability clause. If any clause, sentence, paragraph, subdi-  
14 vision, section or part of this act shall be adjudged by any court of  
15 competent jurisdiction to be invalid, such judgment shall not affect,  
16 impair, or invalidate the remainder thereof, but shall be confined in  
17 its operation to the clause, sentence, paragraph, subdivision, section  
18 or part thereof directly involved in the controversy in which such judg-  
19 ment shall have been rendered. It is hereby declared to be the intent of  
20 the legislature that this act would have been enacted even if such  
21 invalid provisions had not been included herein.

22 § 14. This act shall take effect on the ninetieth day after it shall  
23 have become a law.