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Introduced by M. of A. WOERNER, HEVESI, McDONALD, SHIMSKY, LUNSFORD, BARRETT, LEVENBERG, KAY, O'PHARROW, SIMONE, KELLES, KASSAY -- read once and referred to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to updating provisions relating to dignity for all students

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. Subdivisions 1, 2, 7 and 8 of section 11 of the education law, subdivisions 1 and 2 as added by chapter 482 of the laws of 2010, subdivision 7 as amended and subdivision 8 as added by chapter 102 of the laws of 2012, are amended and three new subdivisions 11, 12 and 13 are added to read as follows:

1. "School property" shall mean 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

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

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school; or in or on a school bus, as defined in section one hundred forty-two of the vehicle and traffic law; or in or within a school administrative building.

2. "School function" shall mean a school board or trustee meeting or a school-sponsored [~~extra-curricular~~] or school-authorized 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 including but not limited to field trips and athletic practices, scrimmages and events.

7. "Harassment" [~~and "bullying"~~] shall mean the creation of a hostile environment by conduct or by threats, intimidation or abuse, including by bullying, cyberbullying or coercive control, that (a) has or would have the effect of unreasonably [~~and substantially~~] interfering with [~~a~~] the student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or (b) reasonably causes or would reasonably be expected to cause [~~a~~] such student to fear for [~~his or her~~] their physical safety; or (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to [~~a~~] such student; or (d) occurs off school property and creates or would foreseeably create a risk of [~~substantial~~] unreasonable disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. Acts of harassment, [~~and~~] bullying and coercive control shall include, but not be 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. For the purposes of this definition the term "threats, intimidation or abuse" shall include verbal and non-verbal actions.

8. "Cyberbullying" shall mean harassment [~~or~~], bullying or coercive control as defined in [~~subdivision seven of~~] this section, [~~including paragraphs (a), (b), (c) and (d) of such subdivision,~~] where such harassment [~~or~~], bullying, or coercive control occurs through any form of electronic communication, including but not limited to cell phones, email, social media or text messaging.

11. "Bullying" shall mean a pattern of deliberate aggressive acts by a person or group intended to harm, dominate or humiliate another person who is in any way perceived to be more vulnerable than the aggressor. Bullying may involve verbal attacks, teasing, physical attacks, or threats of harm to such other person or another person, intentionally sharing personal or private information or images about someone without their consent causing embarrassment or reputational harm to them, intentionally altering the personal information or the social media account of a person without their consent, intentionally using artificial intelligence to mimic or alter a person's likeness or voice without their consent, deliberately excluding a person from activities, or other forms of intimidation. The deliberate targeting of a more vulnerable person by one person or a group of persons distinguishes "bullying" from "conflict" or other kinds of aggression not addressed by this article. "Bullying" involves one person or a group with an intent to harm, dominate or humiliate another person who is perceived by the bully as having less power, including but not limited to less physical strength or social power, and in a "conflict" there is a disagreement between two active parties.

12. "Coercive control" shall mean a pattern of behavior used by a person with leverage over another person to influence such other person's conduct by dominating, isolating or instilling fear or

confusion in them and which results in distress or erodes their sense of autonomy or safety. Coercive control may manifest between student partners in an affectionate relationship or between a school employee, school coach or board member or trustee and a student, and may involve surveillance over the other person, isolating the other person from friends or family, gaslighting the other person, punishing the other person for asserting autonomy, or asserting rules over the other person's friendships, clothing, movements, communications, bodily autonomy or emotional expression through fear, guilt or manipulation.

13. "Gaslighting" shall mean the act of manipulating a person into doubting their own perceptions, memory, or understanding of reality.

§ 3. Subdivision 1 of section 12 of the education law, as amended by chapter 102 of the laws of 2012, is amended to read as follows:

1. No student shall be subjected to harassment [~~or~~], bullying or coercive control by employees, school coaches, school board members or trustees, or students on school property [~~or~~], at a school function or through any form of electronic communication; nor shall any student be subjected to discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex by school employees, school coaches, school board members or trustees, or students on school property [~~or~~], at a school function or through any form of electronic communication. Nothing in this subdivision shall be construed to prohibit a denial of admission into, or exclusion from, a course of instruction based on a person's gender that would be permissible under section thirty-two hundred one-a or paragraph (a) of subdivision two of section twenty-eight hundred fifty-four of this chapter and title IX of the Education Amendments of 1972 (20 U.S.C. section 1681, et. seq.), or to prohibit, as discrimination based on disability, actions that would be permissible under section 504 of the Rehabilitation Act of 1973.

§ 4. Subdivisions 1, 2, 4 and 5 of section 13 of the education law, subdivisions 1 and 2 as amended and subdivisions 4 and 5 as added by chapter 102 of the laws of 2012, are amended and a new subdivision 6 is added to read as follows:

1. Policies and procedures intended to create a school environment that is free from harassment, bullying, coercive control and discrimination, that include but are not limited to provisions which:

a. identify the principal, superintendent or the principal's or superintendent's designee as the school employee charged with receiving reports of harassment, bullying, coercive control and discrimination;

b. enable students and parents to make an oral or written report of harassment, bullying, coercive control or discrimination to teachers, administrators and other school personnel that the school district deems appropriate, as identified in the district's policies, procedures and guidelines;

c. require school employees, school coaches or school board members or trustees who witness harassment, bullying, coercive control or discrimination, or receive an oral or written report of harassment, bullying, coercive control or discrimination, to promptly orally notify the principal, superintendent or the principal's or superintendent's designee, or in the case of an employee, school coach or school board member or trustee who receives a written report, to promptly deliver such report, not later than one school day after such school employee, school coach or school board member or trustee witnesses or receives a report of harassment, bullying, coercive control or discrimination[~~, and to file a written report with the principal, superintendent or the principal or~~

~~superintendent's designee not later than two school days after making such oral report~~];

d. require the principal, superintendent or the principal's or superintendent's designee to **(i) prepare a written report not later than one school day after receiving an oral report of harassment, bullying, coercive control or discrimination from a school employee, school coach or school board member or trustee; (ii)** lead or supervise the thorough investigation of all reports of harassment, bullying**, coercive control** and discrimination, **including to promptly but not later than one school day after receiving a report of harassment, bullying, coercive control or discrimination, contact the individual who made such report, where possible, to discuss allegations, any witnesses or other corroboration including but not limited to screenshots of electronic communications, and desired resolutions, and to prepare a written report of such meeting;** and [~~to~~] **(iii)** ensure that such investigation is completed promptly after **the completion or** receipt of any written reports made under this section;

e. require the school, when an investigation reveals any such verified harassment, bullying**, coercive control** or discrimination, to take prompt actions reasonably calculated to end the harassment, bullying**, coercive control** 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**, coercive control** 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, bullying, coercive control or discrimination is in the best interest of the student**;

f. prohibit retaliation against any individual who, in good faith, reports, or assists in the investigation of, harassment, bullying**, coercive control** or discrimination;

f-1. provide for the receipt of credible anonymous tips and information regarding harassment, bullying, coercive control or discrimination;

g. include a school strategy to prevent harassment, bullying**, coercive control** and discrimination**, including but not limited to, parent education sessions and semiannual age-appropriate school assemblies regarding topics such as conflict resolution and de-escalation techniques**;

h. require the principal to make a regular report on data and trends related to harassment, bullying**, coercive control** and discrimination to the superintendent;

i. require the principal, superintendent or the principal's or superintendent's designee, to notify promptly the appropriate local law enforcement agency when such principal, superintendent or the principal's or superintendent's designee, believes that any harassment, bullying**, coercive control** or discrimination constitutes criminal conduct;

j. include appropriate references to the provisions of the school district's code of conduct**, including the code of conduct for school coaches,** adopted pursuant to section twenty-eight hundred one of this chapter that are relevant to harassment, bullying**, coercive control** and discrimination;

k. require each school, at least once during each school year, to provide all school employees, **school coaches,** students [~~and~~]**,** parents **or guardians and school board members or trustees** with a written or electronic copy of the school district's policies created pursuant to this section, or a plain-language summary thereof, including notification of

the process by which students, parents [~~and~~] **or guardians,** school employees**, school coaches or school board members or trustees** may report harassment, bullying**, or coercive control** and discrimination**, provide copies of such plain-language summary to all students at a general assembly held at the beginning of the school year, and conspicuously post a written notification informing students about such policy, the name of the school employee designated to receive reports of harassment, bullying, coercive control or discrimination and the web address for the New York state center for school safety in the school lobby and in every restroom used by students as well as other parts of the school where students are likely to see such posted notification**. [~~This subdivision shall not be construed to require additional distribution of such policies and guidelines if they are otherwise distributed to school employees, students and parents~~];

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 a school strategy to foster safe, responsible use of the internet and electronic communications; and

2. Guidelines to be used in school training programs to discourage the development of harassment, bullying**, coercive control and** discrimination, and to make school employees**, school coaches and school board members or trustees** aware of the effects of harassment, bullying, **coercive control,** cyberbullying and discrimination on students and that are designed:

a. to raise the awareness and sensitivity of school employees**, school coaches and school board members or trustees** to potential harassment, bullying**, coercive control** and discrimination, and

b. to enable employees**, school coaches and school board members or trustees** to prevent and respond to harassment, bullying**, coercive control** and discrimination; and

4. Guidelines relating to the development of measured, balanced and age-appropriate responses to instances of harassment, bullying**, coercive control** or discrimination by students, with remedies and procedures following a progressive model that make appropriate use of intervention, discipline and education, vary in method according to the nature of the behavior, the developmental age of the student and the student's history of problem behaviors, and are consistent with the district's code of conduct; and

5. Training required by this section shall address the social patterns of harassment, bullying**, coercive control** 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**, coercive control** and discrimination **including but not limited to training in restorative justice and mediation techniques**, and strategies for effectively addressing problems of exclusion, bias and aggression in educational settings[~~.~~]**; and**

6. The governing board or body of a local educational agency shall review, at minimum every fifth year following the effective date of this subdivision, its policies, procedures, and guidelines on harassment, bullying, coercive control and discrimination and, if necessary, update such policies, procedures, and guidelines.

§ 5. Subdivisions 1 and 5 of section 14 of the education law, subdivision 1 as amended by chapter 102 of the laws of 2012, and subdivision 5

as amended by chapter 90 of the laws of 2013, are amended to read as follows:

1. Provide direction, which may include development of model policies and, to the extent possible, direct services, to school districts related to preventing harassment, bullying, coercive control and discrimination and to fostering an environment in every school where all children can learn free of manifestations of bias;

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 coach, 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, coercive control and discrimination, and strategies for effectively addressing problems of exclusion, bias and aggression in educational settings.

§ 6. 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~~] relevant incidents of harassment, bullying and discrimination on school grounds [~~or~~], at a school function, or through any form of electronic communication 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 or coercive control and discrimination, [~~provided that the commissioner may comply with the requirements of this section through use of the existing uniform violent incident reporting system~~] including, but not limited to, whether an incident constituted harassment, bullying, coercive control, cyberbullying, discrimination or any combination thereof; whether an incident involved a student, school employee, school coach or school board member or trustee aggressor and whether such aggressor acted individually or in a group; the school's response to such incident; whether a targeted student withdrew from school or relocated schools within the current or immediately subsequent school year following a report of an incident; and the total number of reports dismissed and the resolution for each. Notwithstanding any provision in this article to the contrary, effective resolution of an incident does not negate the district's obligation to report it to the department. In addition, the department [~~may conduct research or~~] shall request the comptroller to 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 may benefit from assistance 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 temporary president of the senate, speaker of the assembly, minority leader of the senate, minority leader of the

assembly, chair and ranking member of the senate education committee and chair and ranking member of the assembly education committee every two years on or before the first day of November.

§ 7. Section 16 of the education law, as amended by chapter 102 of the laws of 2012, is amended to read as follows:

§ 16. Protection of people who report harassment, bullying, coercive control or discrimination. Any person having reasonable cause to suspect that a student has been subjected to harassment, bullying, coercive control or discrimination, by an employee, school coach, school board member or trustee or student, on school grounds [~~or~~], at a school function or through any form of electronic communication, who, acting reasonably and in good faith, reports such information to school officials, to the commissioner or to law enforcement authorities, acts in compliance with paragraph e or i of subdivision one of section thirteen of this article, or otherwise initiates, testifies, participates or assists in any formal or informal proceedings under this article, shall have immunity from any civil liability that may arise from the making of such report or from initiating, testifying, participating or assisting in such formal or informal proceedings, and no school district [~~or~~], employee, school coach, or school board member or trustee shall take, request or cause a retaliatory action against any such person who, acting reasonably and in good faith, either makes such a report or initiates, testifies, participates or assists in such formal or informal proceedings.

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

ARTICLE 2-B
STUDENT SUICIDE PREVENTION

Section 24. Legislative intent.
25. Definitions.
26. Policies, procedures, and guidelines.
27. Reporting.
28. Application.
29. Severability and construction.

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

1. According to data from the National Center for Health Statistics, suicide remains a critical issue. In two thousand twenty-one suicide was 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. In the two thousand

twenty-four Trevor Project National Survey, thirty-nine percent of lesbian, gay, bisexual, transgender, queer or questioning (LGBTQ) youth seriously considered attempting suicide in the past year, and twelve percent attempted suicide.

5. There are national hotlines available to help adults and youth, including 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.

§ 25. 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.

7. "Mechanical restraints" means any device that restricts an individual's freedom of movement and that the individual cannot easily remove, including but not limited to handcuffs and nylon or velcro restraints.

§ 26. 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-seven, 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, coercive control, 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 themself;

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, other than a law enforcement agency;

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

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

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

d. LGBTQ students; and

e. students who have been the target of harassment, bullying, coercive control or discrimination.

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. The policies, procedures and guidelines adopted pursuant to this section shall ensure that school officials are solely responsible for responding to student behavior. Such policies, procedures and guidelines shall make clear that law enforcement involvement in addressing student behavior should be the last resort and shall make clear that unless otherwise authorized by state law:

a. Law enforcement officers and school resource officers shall not use mechanical restraints on a student unless such restraints are necessary to prevent imminent and serious physical injury to such student or another person, and the use of such restraints is limited in duration to the time period in which such student presents a risk of causing serious physical injury to themselves or others; and

b. Any determination that a student requires hospital transport for a mental health evaluation shall whenever practicable be made by a clinically trained mental health professional. Such student shall be accompanied during such transport by a designated school employee, and such person shall stay with the student until their parent or parent's designee arrives. The school shall be responsible for contacting the parent when such hospital transport is needed.

5. 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.

6. 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.

7. 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.

§ 27. Reporting. 1. The commissioner, in conjunction with the commissioner of health, shall create a procedure under which incidents of suicide or attempted suicide by students are reported to the department at least on an annual basis. Such procedure shall provide that such reports shall also delineate whether such student was the subject of a report of harassment, bullying, coercive control or discrimination; and whether they had transferred into the school within the preceding twelve months. In addition, the department shall request the comptroller to 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 may benefit from assistance 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 temporary president of the senate, speaker of the assembly, minority leader of the senate, minority leader of the assembly, chair and ranking member of the senate education committee and chair and ranking member of the assembly education committee every two years on or before the first day of November.

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

§ 29. 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.

§ 9. 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. 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, coercive control, 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.

2. For the purposes of this section, [~~"tolerance," "respect for others" and "dignity" shall include awareness and sensitivity to harass-~~

~~ment, 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.~~] the following terms shall have the following meanings:

a. "Tolerance", "respect for others", and "dignity" shall include awareness and sensitivity to harassment, bullying, coercive control, discrimination, and civility in the relations 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.

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 one of this section and create a clear and coherent set of media literacy education standards which capture the full range of skills, experiences, and competencies that research indicates is necessary for media literacy.

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 education standards set forth in this section and shall update such standards as necessary.

7. The media literacy education 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.

§ 10. Subdivision 1 and the opening paragraph and paragraphs m and n of subdivision 2 of section 2801 of the education law, subdivision 1 as amended by chapter 402 of the laws of 2005, the opening paragraph of subdivision 2 as amended by chapter 380 of the laws of 2001, paragraph m of subdivision 2 as amended and paragraph n of subdivision 2 as added by chapter 482 of the laws of 2010, are amended and a new paragraph o of subdivision 2 is added 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 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~~] 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~~] or within a school administrative building.

(ii) "School function" means a school board or trustee meeting or 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 including but not limited to field trips and athletic practices, scrimmages and events.

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

The board of education or the trustees, as defined in section two of this chapter, of every school district within the state, however created, and every board of cooperative educational services and county vocational extension board, shall adopt and amend, as appropriate, a code of conduct for the maintenance of order on school property, including a school function, which shall govern the conduct of students, teachers, coaches, board members or trustees, and other school personnel as well as visitors and shall provide for the enforcement thereof. Such policy may be adopted by the school board or trustees only after at least one public hearing that provides for the participation of school personnel, parents, students and any other interested parties. Such code of conduct shall include, at a minimum:

m. a minimum suspension period for acts that would qualify the pupil to be defined as a violent pupil pursuant to paragraph a of subdivision two-a of section thirty-two hundred fourteen of this chapter, provided that the suspending authority may reduce such period on a case by case basis to be consistent with any other state and federal law; [~~and~~]

n. provisions to comply with [~~article~~] articles two and two-B of this chapter[~~.~~]; and

o. an additional code of conduct for coaches. To assist local educational agencies in developing a code of conduct for coaches, the department shall develop and maintain a model code in accordance with this section to serve as a guide for local educational agencies. Such model code shall be posted on the department's internet website and, at a minimum, shall include provisions regarding the program mission, a coach's health, safety and wellness obligations to the students, a coach's obligations to parents and spectators, a central summary of mandated credentials, training and licenses or certifications applicable to coaches, a communications policy as between coaches and students and parents, and an ethics policy.

§ 11. Paragraph a of 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 paragraph a-1 is added to read as follows:

a. (i) 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, provided that such one hundred hours shall include, at a minimum, five hours of professional development that incorporates the principles and practices

of the department's culturally responsive-sustaining framework and is related to each of the following:

(A) media literacy education, as defined by the commissioner, that 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; and

(B) dignity for all students and suicide prevention education, in accordance with articles two and two-B of this chapter, that is provided by or in coordination with a teacher or guidance counselor in every school district.

(ii) Utilizing funds appropriated for the professional development topics listed in subparagraph (i) of this paragraph, the department shall create and provide model curricula and teaching and professional development resources on its website. 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~~] their continuing teacher and leader effectiveness requirements.

a-1. Notwithstanding the provisions of paragraph a of this subdivision, any library media specialist shall complete a minimum of fifteen hours of professional development related to media literacy education. The commissioner shall require that 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.

§ 12. Section 3006-a of the education law is amended by adding a new subdivision 4 to read as follows:

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.

§ 13. This act shall take effect July 1, 2027.