

STATE OF NEW YORK

6470

2025-2026 Regular Sessions

IN ASSEMBLY

March 5, 2025

Introduced by M. of A. SIMONE, BICHOTTE HERMELYN, BORES, BRONSON, CONRAD, DeSTEFANO, GIBBS, GLICK, HEVESI, HYNDMAN, JACKSON, KIM, LAVINE, McDONOUGH, PAULIN, PHEFFER AMATO, RAGA, REYES, ROSENTHAL, SAYEGH, SEAWRIGHT, SIMON, TAYLOR, WALSH, WEPRIN -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to enacting the "nonpublic dignity for all students act"

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

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

ARTICLE 2-A

NONPUBLIC DIGNITY FOR ALL STUDENTS ACT

Section 19. Legislative intent.

20. Definitions.

21. Discrimination and harassment prohibited.

22. Protection of people who report harassment, bullying or discrimination.

23. Severability and construction.

24. Constitutionality.

§ 19. 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 nonpublic schools an environment free of discrimination and harassment. The purpose of this article is to foster civility in nonpublic schools and to prevent and prohibit conduct which is inconsistent with a school's educational mission.

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

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

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1 1. "School property" shall mean in or within any building, structure,
2 athletic playing field, playground, parking lot, or land contained with-
3 in the real property boundary line of a nonpublic elementary or second-
4 ary school; or in or on a school bus, as defined in section one hundred
5 forty-two of the vehicle and traffic law.

6 2. "School function" shall mean a nonpublic school-sponsored extra-
7 curricular event or activity.

8 3. "Disability" shall mean disability as defined in subdivision twenty-
9 one of section two hundred ninety-two of the executive law.

10 4. "Employee" shall mean employee as defined in subdivision three of
11 section eleven hundred twenty-five of this chapter.

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

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

16 7. "Harassment" and "bullying" shall mean the creation of a hostile
17 environment by conduct or by threats, intimidation or abuse, including
18 cyberbullying, that (a) has or would have the effect of unreasonably and
19 substantially interfering with a student's educational performance,
20 opportunities or benefits, or mental, emotional or physical well-being;
21 (b) reasonably causes or would reasonably be expected to cause a student
22 to fear for their physical safety; (c) reasonably causes or would
23 reasonably be expected to cause physical injury or emotional harm to a
24 student; or (d) occurs off school property and creates, or would fore-
25 seeably create, a risk of substantial disruption within the school envi-
26 ronment, where it is foreseeable that the conduct, threats, intimidation
27 or abuse might reach school property. Acts of harassment and bullying
28 shall include, but not be limited to, those acts based on a person's
29 actual or perceived race, color, weight, national origin, ethnic group,
30 religion, religious practice, disability, sexual orientation, gender or
31 sex. For the purposes of this definition the term "threats, intimidation
32 or abuse" shall include verbal and non-verbal actions. This subdivision
33 shall not apply to any course of instruction provided by a nonpublic
34 school.

35 8. "Cyberbullying" shall mean harassment or bullying as defined in
36 subdivision seven of this section, where such harassment or bullying
37 occurs through any form of electronic communication.

38 9. "Race" shall include traits historically associated with race,
39 including but not limited to, hair texture and protective hairstyles.

40 10. "Protective hairstyles" shall include, but not be limited to, such
41 hairstyles as braids, locks, and twists.

42 § 21. Discrimination and harassment prohibited. No student shall be
43 subjected to harassment or bullying by employees or students on school
44 property or at a school function; nor shall any student be subjected to
45 discrimination based on a person's actual or perceived race, color,
46 weight, national origin, ethnic group, religion, religious practice,
47 disability, sexual orientation, gender, or sex by school employees or
48 students on school property or at a school function. Nothing in this
49 section shall be construed to prohibit a denial of admission into, or
50 exclusion from, a course of instruction based on a person's gender that
51 would be permissible under title IX of the Education Amendments of 1972
52 (20 U.S.C. section 1681, et. seq.), or to prohibit, as discrimination
53 based on disability, actions that would be permissible under section 504
54 of the Rehabilitation Act of 1973. This section shall not apply to any
55 course of instruction provided by a nonpublic school.

1 § 22. Protection of people who report harassment, bullying or discrim-
2 ination. Any person having reasonable cause to suspect that a student
3 has been subjected to harassment, bullying or discrimination, by an
4 employee or student, on school grounds or at a school function, who,
5 acting reasonably and in good faith, reports such information to school
6 officials or to law enforcement authorities, or otherwise initiates,
7 testifies, participates or assists in any formal or informal proceedings
8 under this article, shall have immunity from any civil liability that
9 may arise from the making of such report or from initiating, testifying,
10 participating or assisting in such formal or informal proceedings, and
11 no nonpublic school or employee shall take, request or cause a retali-
12 atory action against any such person who, acting reasonably and in good
13 faith, either makes such a report or initiates, testifies, participates
14 or assists in such formal or informal proceedings.

15 § 23. Severability and construction. The provisions of this article
16 shall be severable, and if any court of competent jurisdiction declares
17 any phrase, clause, sentence or provision of this article to be invalid,
18 or its applicability to any government agency, person or circumstance is
19 declared invalid, the remainder of this article and its relevant appli-
20 cability shall not be affected. The provisions of this article shall be
21 liberally construed to give effect to the purposes thereof.

22 § 24. Constitutionality. Nothing in this article shall be construed to
23 abridge the rights of nonpublic school students or employees that are
24 protected by the first amendment to the constitution of the United
25 States.

26 § 2. This act shall take effect on the first of July next succeeding
27 the date on which it shall have become a law.