STATE OF NEW YORK

7977

2025-2026 Regular Sessions

IN ASSEMBLY

April 16, 2025

Introduced by M. of A. TORRES -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to strengthening protections against discrimination, harassment, and bullying based on actual or perceived immigration status, and to improve implementation and oversight under the Dignity for All Students Act

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

Section 1. Short title. This act shall be known and may be cited as the "End Bullying and Discrimination in Schools Everywhere (BEACON) Act".

§ 2. The education law is amended by adding a new section 10-a to read as follows:

§ 10-a. Legislative findings. The legislature finds that despite the clear statutory mandates of the Dignity for All Students Act, implementation across school districts remains inconsistent. Students from immigrant and mixed-status families are especially vulnerable to bullying and harassment and frequently lack meaningful recourse. This legislation is intended not only to extend protections to these students but to enhance the oversight, transparency, and accountability necessary to fully realize the promise of the Dignity for All Students Act.

§ 3. 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. 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

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

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educational mission. **Such prohibited conduct shall include acts based on a student's actual or perceived immigration status or the immigration statuses of a student's family members.**

§ 4. Section 11 of the education law, is amended by adding a new subdivision 11 to read as follows:

11. "Immigration status" shall mean a person's actual or perceived citizenship or residency status, including but not limited to United States citizenship, lawful permanent residency, refugee or asylum status, temporary protected status, Deferred Action for Childhood Arrivals (DACA) status, or lack of lawful immigration status. For purposes of this article, protections based on immigration status shall also extend to students from mixed-status families, meaning families in which one or more members have different immigration statuses, including undocumented or noncitizen statuses.

§ 5. Subdivision 7 of section 11 of the education law, as amended by chapter 102 of the laws of 2012, is amended to read as follows:

7. "Harassment" and "bullying" shall mean the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that (a) has or would have the effect of unreasonably and substantially interfering with a 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 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 student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial 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 shall include, but not be limited to, those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, **immigration status,** 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.

§ 6. 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 by employees or students on school property or at a school function; nor shall any student be subjected to discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, **immigration status,** religion, religious practice, disability, sexual orientation, gender, or sex by school employees or students on school property or at a school function. 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.

§ 7. Subdivision 3 of section 13 of the education law, as amended by chapter 102 of the laws of 2012, is amended to read as follows:

3. Guidelines relating to the development of nondiscriminatory instructional and counseling methods, and requiring that at least one staff member at every school be thoroughly trained to handle human

relations in the areas of race, color, weight, national origin, ethnic group, **immigration status,** religion, religious practice, disability, sexual orientation, gender, and sex; and

§ 8. Section 13 of the education law is amended by adding a new subdivision 6 to read as follows:

6. Each school district shall designate a Dignity Act compliance coordinator or team responsible for ensuring effective implementation of the policies and procedures required under this article. Such coordinator or team shall monitor, and review reports of harassment, bullying, and discrimination disaggregated by protected class, including immigration status, and shall report such findings annually to the board of education. Such report shall include data, summaries of responsive actions, and any relevant policy updates.

§ 9. Section 14 of the education law is amended by adding a new subdivision 6 to read as follows:

6. The commissioner shall develop and make available to school districts guidance on preventing and responding to harassment, bullying and discrimination based on immigration status, including specific guidance on addressing cyberbullying incidents targeting immigrant students. Such guidance shall include model policies for school districts to incorporate into their codes of conduct and best practices for training school personnel and educating students and families on the rights of students under this article. This guidance shall further recognize the unique vulnerabilities of students from mixed-status families.

§ 10. 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. The commissioner shall create a procedure under which material incidents of harassment, bullying and discrimination on school grounds or at a school function are reported to the department at least on an annual basis. Such procedure shall provide that such reports shall, wherever possible, also delineate the specific nature of such incidents of harassment, bullying and discrimination, [~~provided that the~~] **disaggregated by protected category, including immigration status, and shall be made publicly available in a manner consistent with student privacy protections. The** commissioner may comply with the requirements of this section through use of the existing uniform violent incident reporting system. In addition the department may conduct research or undertake studies to determine compliance throughout the state with the provisions of this article.

§ 11. This act shall take effect on the first of July next succeeding the date on which it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.