

## AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Education Law sections 101, 207, 305, 1125, 1126 1128, 1132, 3028-b and Chapter 363 of the Laws of 2018.

1. Subparagraph (iii) of paragraph (1) of subdivision (hh) of section 100.2 of the Regulations of the Commissioner of Education is amended, as follows:

(iii) additional duties of school administrators and superintendents pursuant to Education Law section 1128-a.

2. Paragraph (2) of subdivision (hh) of section 100.2 of the Regulations of the Commissioner of Education is amended and new paragraphs (3) and (4) shall be added to subdivision (hh) of section 100.2 of the Regulations of the Commissioner of Education as follows:

(2) Training in reporting of child abuse in an educational setting.

(i) For purposes of this paragraph, school shall include a school district, public school, charter school, nonpublic school, board of cooperative educational services, special act school district as defined in Education Law section 4001, approved preschool special education programs pursuant to Education Law section 4410, approved private residential or non-residential schools for the education of students with disabilities including private schools established under Chapter 853 of the Laws of 1976 or State operated or State supported schools in accordance with Articles 85, 87 or 88 of the Education Law.

(ii) Each school [district, each charter school and each board of cooperative educational services] shall establish, and implement on an ongoing basis, a training program regarding the procedures set forth in article 23-B of the Education Law for all

current and new teachers, school nurses, school counselors, school psychologists, school social workers, school administrators, other personnel required to hold a teaching or administrative certificate or license, and all persons employed in equivalent titles in a nonpublic school, special act school district as defined in Education Law §4100, approved preschool special education program pursuant to Education Law §4410, approved private residential or non-residential school for the education of students with disabilities including private schools established under chapter 853 of the laws of 1976, or state-operated or state-supported schools in accordance with Education Law articles eighty-five, eighty-seven or eighty-eight, and any school bus driver or supervisor employed by any school or person or entity that contracts with such school to provide transportation services to children, [and] school board members, licensed and registered physical therapists, licensed and registered occupational therapists, licensed and registered speech-language pathologists, teacher aides, and school resource officers.

[(ii)] (iii) Such program shall include, but is not limited to, training regarding:

(a) the duties of employees specifically enumerated in Education Law, section 1126 upon receipt of an allegation of child abuse in an educational setting, including when and how a report must be made, and what other actions the employee is mandated or authorized to take;

(b) confidentiality of records pursuant to Education Law, section 1127;

(c) duties of school administrators and superintendents upon receipt of a report pursuant to Education Law, section 1128, and the additional duties of superintendents pursuant to Education Law, section 1128-a;

(d) penalties for failure to report and comply pursuant to Education Law, section 1129;

(e) notification by a district attorney pursuant to Education Law, section 1130, and actions taken upon criminal conviction of a licensed or certified school employee pursuant to Education Law, section 1131; and

(f) the prohibition set forth in Education Law, section 1133 with respect to an unreported resignation or voluntary suspension of an employee or volunteer against whom an allegation of child abuse in an educational setting is made[.];

(g) information regarding the physical and behavioral indicators of child abuse and maltreatment;

(h) the statutory requirements for reporting child abuse and maltreatment as set forth in Social Services Law sections 413 through 420, including when and how a report must be made, what other actions the reporter is mandated or authorized to take, the legal protections afforded reporters, and the consequences for failure to report.

(3) Each school shall annually provide to each teacher and all other school officials a written explanation pursuant to section 3028-b of the Education Law concerning the reporting of child abuse in an educational setting, including the immunity provisions of Education Law, section 1126.

(4) For all persons employed on or after July 1, 2019 by a school other than a school district or public school, in titles equivalent to a teacher (e.g., as enumerated in section 80-3.2 of this Title) or in in a title equivalent to an administrator (e.g., the educational leadership service titles as defined in section 80-3.10 of this Title), and any school bus driver employed by any school or person or entity that contracts with a school

to provide transportation services to children shall be required to complete two hours of coursework or training regarding the identification and reporting of child abuse and maltreatment.

(i) Such program shall be obtained from an institution or provider that has been approved by the Department in accordance with the provisions of Part 57 of this Title to provide such coursework or training and shall include, but not be limited to, training regarding:

(a) the physical and behavioral indicators of child abuse and maltreatment; and

(b) the statutory reporting requirements set forth in Social Services Law sections 413 through 420, including, but not limited to:

(i) when and how a report must be made;

(ii) what other actions the reporter is mandated or authorized to take;

(iii) the legal protections afforded reporters; and

(iv) the consequences for failing to report.

(ii) Proof of completion of training. Each employee required to complete such training shall provide the school administrator of the school with documentation showing that he or she completed the required training by the later of July 1, 2020 or within 30 days of employment. In addition, each school bus driver shall provide such contracting person or entity with documentation showing that he or she completed the required training. The Department is authorized to request such records on a periodic basis and may publish a list of any persons or schools who are not in compliance with this subdivision on its website.

(iii) The coursework or training required by this paragraph shall not apply to those persons already required to undergo coursework or training regarding the identification and reporting of child abuse and maltreatment pursuant to sections three thousand three and three thousand four of the Education Law.

3. Section 57-1.1 of the Regulations of the Commissioner of Education is amended, as follows:

Subpart 57-1.1 Definition.

As used in this Subpart, a provider shall mean any teachers' or coaches' or professional organization or association, school district, institution of higher education, hospital, health care facility, government agency or office, social service agency, or employer of licensed professionals or of licensed or certified teachers or of coaches, approved by the department to offer coursework or training in the identification and reporting of child abuse and maltreatment, pursuant to sections 1132(3), 3003(4), 3004, 3007, 3036, 5003 and, 6507(3)(a) of the Education Law.

4. Subdivision (a) of section 57-1.4 of the Regulations of the Commissioner of Education is amended, as follows:

(a) Pursuant to the requirements of sections 1132(3), 3003(4), 3004, 3007, 5003, and 6507(3)(a) of the Education Law, a provider, at a minimum, shall offer the syllabus prepared by the department. However, nothing in this section shall preclude providers from offering additional coursework or training which exceeds, or expands upon, the two hour syllabus prescribed by the department.

5. A new paragraph (9) of subdivision (b) of section 200.7 of the Regulations of the Commissioner of Education is added as follows:

(9) Reporting of child abuse in an educational setting. Schools governed by this section shall comply with the requirements relating to reporting and training relating to child abuse in an educational setting set forth in Article 23-B of the Education Law and child abuse and maltreatment as set forth in Social Services Law 413 through 420 and section 100.2(hh) of this Title.

6. The opening paragraph of subdivision (a) of section 200.20 of the Regulations of the Commissioner of Education is amended as follows:

(a) The approval and operation of preschool programs for preschool students with disabilities shall be conducted in a manner consistent with section 200.7(a)(1) through (3) and (b)(3), (5) [and], (6), (8) and (9) of this Part, except that the following requirements shall apply...

