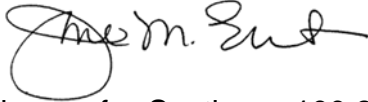






TO: The Honorable the Members of the Board of Regents

FROM: Jhone M. Ebert 

SUBJECT: Proposed Addition of Section 100.2(nn) to the Commissioner's Regulations to Implement Chapter 105 of the Laws of 2016 To Require that Every Public School and Charter School Post the Child Abuse Hotline Telephone Number and Provide Directions to Access the New York State Office of Children and Family Services Website

DATE: December 29, 2016

AUTHORIZATION(S):  

SUMMARY

Issue for Decision (Consent Agenda)

Should the Board of Regents add a new section 100.2(nn) to the Commissioner's regulations to implement Chapter 105 of the Laws of 2016 by requiring that every public school, including charter schools, post the child abuse hotline telephone number and provide directions to access the New York State Office of Children and Family Services website?

Reason(s) for Consideration

State statute (Ch. 105 of the Laws of 2016).

Proposed Handling

The proposed amendment is submitted to the P-12 Education Committee for adoption as both an emergency rule, effective January 17, 2017 and as a permanent rule, effective January 25, 2017 at its January 2017 meeting. A copy of the proposed

amendment is attached as Attachment A and a Statement of Facts and Circumstances Justifying the Emergency Action is included as Attachment B.

Procedural History

The proposed amendment was discussed by the Board of Regents at its October 2016 meeting. A Notice of Proposed Rule Making was published in the State Register on November 2, 2016. Supporting materials are available upon request to the Secretary to the Board of Regents. Following the 45-day public comment period required under the State Administrative Procedure Act, no comments were received on the proposed amendment.

Background Information

On July 21, 2016, the Governor signed Chapter 105 of the Laws of 2016, which added a new section 409-I to the Education Law to require that each public school, including charter schools, post the child abuse hotline number and ensure that it is clearly visible in a location that is readily accessible for students. Specifically, the new law requires every public school, including charter schools, to post in English and in Spanish the toll-free telephone number operated by the New York State Office of Children and Family Services (OCFS) to receive reports of child abuse or neglect and directions for accessing the OCFS website. The new law requires the Commissioner to promulgate regulations to implement the new law on or before its effective date of January 17, 2017.

The proposed amendment implements Education Law §409-I by requiring:

- Each public school, including charter schools, to post in English and in Spanish the toll-free telephone number (1-800-342-3720) operated by OCFS to receive reports of child abuse or neglect and the following website link to access the OCFS website: <http://ocfs.ny.gov/main/cps/>. Each school must post such information in clearly visible locations so that it is readily accessible for students and faculty by:
 - posting such information on the district and schools' website(s), where one exists;
 - posting such information in highly-visible areas of school buildings;
 - making such information available at the district and school building-level administrative offices, where applicable;
 - providing such information to parents and persons in parental relation at least once per school year in a manner as determined by the school including, but not limited to, through electronic communication and/or sending such information home with students; and
 - providing each teacher and administrator in the school with such information.

Related Regents Item(s)

October 2016:

<http://www.regents.nysed.gov/common/regents/files/1016p12d1.pdf>.

Recommendation

Department staff recommends that the Board of Regents take the following actions:

VOTED: That a new subdivision (nn) shall be added to section 100.2 of the Regulations of the Commissioner of Education, as submitted, effective January 17, 2017 as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare in order to timely implement Chapter 105 of the Laws of 2016 by its stated effective date; and further

VOTED: That a new subdivision (nn) shall be added to section 100.2 of the Regulations of the Commissioner of Education, as submitted, effective January 25, 2017.

Timetable for Implementation

If adopted at the January 2017 Regents meeting, the proposed amendment will be effective as an emergency rule on January 17, 2017 and as a permanent rule on January 25, 2017.

Attachments

AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Education Law sections 101, 207, 409-I and Chapter 105 of the Laws of 2016.

(nn) Posting of child abuse telephone hotline number and directions for accessing the New York State Office of Children and Family Services website. Each public school and charter school shall post in English and in Spanish the toll-free telephone number (1-800-342-3720) operated by the New York State Office of Children and Family Services (OCFS) to receive reports of child abuse or neglect and directions for accessing the OCFS website at <http://ocfs.ny.gov/main/cps/>. The school must post such information in clearly visible locations so that it is readily accessible for students and employees by:

(1) posting such information on the district and/or school's website(s), if such a website exists; and

(2) posting such information in highly-visible areas of school buildings; and

(3) making such information available at the district and school building-level administrative offices, where applicable; and

(4) providing such information to parents and persons in parental relation at least once per school year in a manner as determined by the school including, but not limited to, through electronic communication and/or sending such information home with students; and

(5) providing each teacher and administrator in the school with such information.

STATEMENT OF FACTS AND CIRCUMSTANCES WHICH NECESSITATE
EMERGENCY ACTION

On July 21, 2016, the Governor signed Chapter 105 of the Laws of 2016, which added a new section 409-l to the Education law to require that each public school, including charter schools, post the child abuse hotline number and ensure that it is clearly visible in a location that is readily accessible for students. Specifically, the new law requires every public school, including charter schools, to post in English and in Spanish the toll-free telephone number operated by the New York State Office of Children and Family Services (OCFS) to receive reports of child abuse or neglect and directions for accessing the OCFS website. The new law requires the Commissioner to promulgate regulations to implement the new law on or before its effective date of January 17, 2017.

A Notice of Proposed Rule Making was published in the State Register on November 11, 2016. Following the 45 day public comment period prescribed in the State Administrative Procedure Act for proposed rule makings, the proposed amendment will be presented to the Board of Regents at its January 2017 meeting for permanent adoption. If adopted, the proposed amendment will become effective on January 25, 2017. Therefore, an emergency adoption is necessary to timely implement Chapter 105 of the Laws of 2016, by its stated effective date of January 17, 2017.