





TO: P-12 Education Committee
Higher Education Committee

FROM: Ken Wagner 
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SUBJECT: Proposed Amendment of Sections 57-1.1 and 135.4 and addition of Section 135.7 of the Regulations of the Commissioner of Education, relating to Child Abuse and Maltreatment Identification and Reporting Coursework or Training for Coaches

DATE: September 8, 2014

AUTHORIZATION(S):

SUMMARY

Issue for Discussion

Should the Board of Regents amend sections 57-1.1 and 135.4 and add a new section 135.7 of the Regulations of the Commissioner of Education relating to Child Abuse and Maltreatment Identification and Reporting Coursework or Training for Coaches?

Reason(s) for Consideration

Required by State statute (Chapter 205 of the Laws of 2014).

Proposed Handling

The proposed rule is being presented to the P-12 Education and Higher Education Committees for discussion at the September 2014 Board of Regents meeting.

Procedural History

On August 6, 2014, the Governor signed into law Chapter 205 of the Laws of 2014 which added a new Education Law §3036 to require all individuals currently holding or applying for a temporary coaching license or a professional coaching certificate, to complete two hours of training regarding the identification and reporting of child abuse and maltreatment. Chapter 205 of the Laws of 2014 also amended the Social Services Law to expressly include coaches as mandated reporters of suspected child abuse.

A Notice of Proposed Rule Making will be published in the State Register on October 1, 2014. A copy of the proposed rule is attached. Supporting materials are available upon request from the Secretary to the Board of Regents.

Background Information

Chapter 205 of the Laws of 2014, among other things, added a new Education Law section 3036 which directs the Commissioner to adopt regulations requiring all individuals currently holding or applying for a temporary coaching license or a professional coaching certificate to complete two hours of coursework or training relating to the physical and behavioral indicators of child abuse and the mandated reporting requirement. The statute requires coaches to obtain such training from an institution or provider approved by the State Education Department. The training must include both information regarding the physical and behavioral indicators of child abuse and maltreatment, and the statutory reporting requirements set forth in Social Services Law.

The Department has long recognized the vital role coaches play in the health and safety of New York State students. Therefore, to ensure that these individuals are properly trained to identify suspected child abuse or maltreatment, the Department currently administratively requires candidates for temporary coaching licenses and continuing certificates to obtain training in the identification and reporting of child abuse and maltreatment. The enactment of Chapter 205 of the Laws of 2014, and these proposed implementing regulations, simply codifies existing practice by expressly requiring such vital training.

Timetable for Implementation

It is anticipated that the proposed rule will be presented for adoption at the December 2014 Regents meeting, after publication of a Notice of Proposed Rule Making in the State Register, and expiration of the 45-day public comment period prescribed in the State Administrative Procedure Act. If adopted at the December meeting, the proposed rule will take effect on December 31, 2014.

AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Education Law sections 101, 207, 305, 803, 3204, and 3036 as added by Chapter 205 of the Laws of 2014

1. Section 57-1.1 of the Regulations of the Commissioner of Education is amended, effective December 31, 2014, as follows:

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 3003(4), 3004, 3007, 3036, 5003 and 6507(3)(a) of the Education Law.

2. Paragraph (7) of subdivision (c) of section 135.4 of the Regulations of the Commissioner of Education is amended, effective December 31, 2014, as follows:

(7) Basic code for extraclass athletic activities. Athletic participation in all schools shall be planned so as to conform to the following:

(i) General provisions. It shall be the duty of trustees and boards of education:

(a) . . .

(b) . . .

(c) to appoint individuals, whether in a paid or non-paid (volunteer) status, to serve as coaches of interschool athletic teams, other than intramural teams or extramural teams, in accordance with the following:

(1) . . .

(2) . . .

(3) Temporary coaching license. Except as provided in subclause (4) of this clause and notwithstanding the provisions of section 80-5.10 of this Title, other persons with coaching qualifications and experience satisfactory to the board of education may be appointed as temporary coaches of interschool sport teams whether in a paid or non-paid (volunteer) status, when certified teachers with coaching qualifications and experience are not available, upon the issuance by the commissioner of a temporary coaching license. A temporary coaching license, valid for one year, will be issued under the following conditions:

(i) . . .

(ii) candidates for initial temporary licensure shall have completed the first aid requirement set forth in section 135.5 of this Part prior to the first day of coaching and the coursework or training requirement for identifying and reporting child abuse and maltreatment set forth in section 135.7 of this Part;

(iii) . . .

(iv) . . .

(v) . . .

(4) professional coaching certificate.

(i) Notwithstanding the provisions of subclauses (1)-(3) of this clause, other persons with coaching qualifications and experience satisfactory to the board of education may coach a specific sport in any school, upon the issuance by the

commissioner of a professional coaching certificate. A professional coaching certificate, valid for three years, shall be issued to a candidate who submits a fee of \$50 together with an application, in a form prescribed by the commissioner, which [satisfactorial] satisfactorily establishes that:

(A) the candidate has completed the requirements set forth in items (3)(i), (iii), (iv) and (v) of this clause; and

(B) . . .

(ii) . . .

(iii) . . .

(5) . . .

(d) . . .

(e) . . .

(f) . . .

(g) . . .

(h) . . .

(i) . . .

(j) . . .

(k) . . .

(l) . . .

(m) . . .

(n) . . .

(o) . . .

(p) . . .

(q) . . .

(r) . . .

(s) . . .

(ii) . . .

3. Section 135.7 of the Regulations of the Commissioner of Education is added, effective December 31, 2014, as follows:

Section 135.7 Child Abuse and Maltreatment Identification and Reporting Coursework or Training for Coaches.

(a) All candidates for a temporary coaching license pursuant to subclause 135.4(c)(7)(i)(c)(3) of this Part or a professional coaching certificate pursuant to subclause 135.4(c)(7)(i)(c)(4) of this Part shall have completed at least two clock hours of coursework or training regarding the identification and reporting of suspected child abuse and maltreatment from an institution or provider approved by the department pursuant to Subpart 57-1 of this Title, in accordance with the requirements of section 3036 of the Education Law. Each candidate shall submit documentation satisfactory to the department showing that the candidate has completed the required coursework or training.

(b) All persons holding a temporary coaching license or professional coaching certificate on August 6, 2014 shall complete the coursework or training required by section 3036 of the Education Law from a provider approved by the department pursuant to Subpart 57-1 of this Title, and submit documentation satisfactory to the department of such completion, no later than July 1, 2015.