

**WITHDRAWN AS OF 6/18/2010**

Intro. Res. No. 1507-2010

Laid on Table 4/27/2010

Introduced by Legislators Cooper and Barraga

**RESOLUTION NO. -2010, ADOPTING LOCAL LAW NO.  
-2010, A LOCAL LAW INCREASING THE  
ACCOUNTABILITY OF SCHOOLS ON BULLYING BEHAVIOR**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on April 27, 2010, a proposed local law entitled, "**A LOCAL LAW INCREASING THE ACCOUNTABILITY OF SCHOOLS ON BULLYING BEHAVIOR**"; now, therefore be it

**RESOLVED**, that said local law be enacted in form as follows:

**LOCAL LAW NO. -2010, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW INCREASING THE ACCOUNTABILITY OF  
SCHOOLS ON BULLYING BEHAVIOR**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK**, as follows:

**Section 1. Legislative Intent.**

This Legislature hereby finds and determines that bullying is a long-standing problem among school-aged children in Suffolk County and throughout the nation.

This Legislature also finds and determines that bullying that occurs among school classmates creates a hostile learning environment and negatively impacts a school's ability to educate its students.

This Legislature further finds and determines that bullies, their victims and students who witness bullying behavior have difficulty concentrating in the classroom, which can lead to a decline in student performance.

This Legislature finds that many victims of bullying are so fearful of attending school that they seek permission from their parents to stay home or go truant.

This Legislature determines that school administrators and teachers have a responsibility to establish a safe environment for their students that is conducive to learning.

This Legislature also finds that some teachers and school administrators do not take the issue of bullying seriously and fail to intervene adequately.

This Legislature further finds that many victims, their parents and other student witnesses report bullying incidents to teachers and school administrators. Too often, teachers and school administrators fail to adequately act on such reports.

This Legislature also determines that schools must be held accountable for their actions in addressing bullying perpetrated by their students against one another.

This Legislature further determines that Suffolk County should establish clear requirements for schools located in the County to address incidents of bullying.

Therefore, the purposes of this law are to establish a uniform process by which schools in Suffolk County shall address incidents of bullying.

## **Section 2. Definitions.**

“BULLYING BEHAVIOR” shall mean any physical, verbal or psychological attacks or intimidation directed against a student who cannot properly defend him- or her- self, including but not limited to assaulting; tripping; shoving; threatening; intimidating; spreading rumors about another; isolating another; humiliating; demands for money; blackmailing; destruction of another’s property; theft of another’s valued possessions; destruction of another’s work; and name-calling.

“SCHOOL” shall mean any elementary, intermediate, middle or secondary school in Suffolk County.

“SCHOOL ADMINISTRATION” shall mean the principal, assistant principal and other school staff members responsible for the instructional leadership and management of day-to-day activities of the school.

## **Section 3. Requirements.**

- A. Each school must maintain records documenting each complaint received by the school that alleges that a specific student or group of students has engaged in bullying behavior against another.
- B. When a school receives two or more allegations that a specific student or group of students has engaged in bullying behavior against another student, the school’s administration must investigate such allegations to determine their veracity.
- C. If, upon investigation of such allegations, a school determines that a specific student or group of students has engaged in bullying behavior, the school’s administration must discipline said student(s) and maintain a record of said discipline.

## **Section 4. Penalties.**

The principal of any school which fails to comply with any portion of this law shall be subject to the imposition of a civil fine by Suffolk County of one thousand dollars (\$1,000.00) for each such violation. Each failure by the school to investigate into allegations of bullying by a specific student or group of students or failure to discipline a student or group of students engaged in bullying behavior shall constitute a separate violation.

## **Section 5. Enforcement.**

The civil penalties prescribed by this law shall be recovered by an action or proceeding in any court of competent jurisdiction. All such actions or proceedings shall be brought in the name of the County by the County Attorney.

**Section 6. Applicability.**

This law shall apply to all actions occurring on or after the effective date of this law.

**Section 7. Severability.**

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

**Section 8. SEQRA Determination.**

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

**Section 9. Effective Date.**

This law shall take effect immediately upon its filing in the Office of the Secretary of State.

DATED:

APPROVED BY:

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County Executive of Suffolk County

Date: