

2011-2012 Regular Sessions

I N   S E N A T E

(PREFILED)

January 5, 2011

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Introduced by Sens. KLEIN, DIAZ, HASSELL-THOMPSON, HUNTLEY, KRUEGER, MONTGOMERY, SAMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to directing the chancellor of a city school district in a city having a population of one million or more to inventory and report upon the outdoor schoolyards within such district

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Section 2556 of the education law is amended by adding a  
2     new subdivision 14 to read as follows:  
3     14. A. THE CHANCELLOR OF A CITY SCHOOL DISTRICT IN A CITY HAVING A  
4     POPULATION OF ONE MILLION OR MORE SHALL COMPILE AN INVENTORY OF AND  
5     ISSUE A WRITTEN REPORT ABOUT THE OUTDOOR SCHOOLYARDS IN THE CITY SCHOOL  
6     DISTRICT. SUCH INVENTORY AND REPORT SHALL:  
7     (I) IDENTIFY EACH OUTDOOR SCHOOLYARD LOCATED AT EDUCATIONAL FACILI-  
8     TIES, AS DEFINED IN SUBDIVISION NINE OF SECTION TWENTY-FIVE HUNDRED  
9     NINETY-A OF THIS TITLE, OF THE CITY SCHOOL DISTRICT. EACH OUTDOOR  
10    SCHOOLYARD SHALL BE IDENTIFIED BY THE COMMUNITY SCHOOL DISTRICT IN WHICH  
11    THE OUTDOOR SCHOOLYARD IS LOCATED, ITS ADDRESS, APPROXIMATE SIZE AND  
12    PHYSICAL CONDITION;  
13    (II) IDENTIFY WHICH OUTDOOR SCHOOLYARDS ARE USED FOR PHYSICAL EDUCA-  
14    TION, ACTIVITY AND/OR RECREATION; FOR EACH SUCH OUTDOOR SCHOOLYARD, A  
15    DESCRIPTION OF HOW OFTEN STUDENTS OF THE CITY SCHOOL DISTRICT USE THE  
16    OUTDOOR SCHOOLYARD, THE ACTIVITIES CONDUCTED, AND ANY LIMITATIONS ON THE  
17    USES OF THE SCHOOLYARD;  
18    (III) IDENTIFY WHICH OUTDOOR SCHOOLYARDS ARE NOT USED FOR PHYSICAL  
19    EDUCATION, ACTIVITY OR RECREATION. FOR EACH SUCH SCHOOLYARD, AN EXPLANA-  
20    TION OF WHY IT IS NOT BEING USED FOR PHYSICAL EDUCATION, PHYSICAL ACTIV-  
21    ITY OR RECREATION BY STUDENTS OF THE CITY SCHOOL DISTRICT;

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

LBD04766-01-1

1 (IV) WHETHER EACH OUTDOOR SCHOOLYARD IS USED AND THE FREQUENCY OF SUCH  
2 USE DURING THE SCHOOL DAY AND WHETHER IT IS AVAILABLE FOR USE BY  
3 STUDENTS OR THE GENERAL PUBLIC DURING AFTER SCHOOL HOURS;

4 (V) FOR EACH OUTDOOR SCHOOLYARD, A DESCRIPTION OF THE CAPITAL PLANS  
5 FOR CONSTRUCTION, PLACEMENT, RENOVATION AND/OR RECONFIGURATION THEREOF,  
6 AND ANY PLAN TO INCREASE OR DECREASE THE AVAILABILITY AND UTILIZATION  
7 THEREOF; AND

8 (VI) ANY OTHER FACTS, INFORMATION AND RECOMMENDATIONS WHICH THE CHAN-  
9 CELLOR DEEMS NECESSARY TO IMPROVE THE OUTDOOR SCHOOLYARDS OF THE EDUCA-  
10 TIONAL FACILITIES OF THE CITY SCHOOL DISTRICT. SUCH IMPROVEMENTS SHALL  
11 BE THOSE THAT ENHANCE THE PHYSICAL EDUCATION, PHYSICAL AND MENTAL  
12 FITNESS, AND WELL-BEING OF THE STUDENTS OF THE CITY SCHOOL DISTRICT.

13 B. ON OR BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND TWELVE, THE CHAN-  
14 CELLOR SHALL SUBMIT THE INVENTORY AND REPORT, COMPILED PURSUANT TO PARA-  
15 GRAPH A OF THIS SUBDIVISION, TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF  
16 THE SENATE, THE SPEAKER OF THE ASSEMBLY AND THE DEPARTMENT.

17 C. FOR THE PURPOSES OF THIS SUBDIVISION, "OUTDOOR SCHOOLYARD" MEANS  
18 OUTDOOR SPACE WHICH IS LOCATED AT EDUCATIONAL FACILITIES, AND IS USED OR  
19 INTENDED TO BE USED BY STUDENTS FOR PHYSICAL EDUCATION, PHYSICAL ACTIV-  
20 ITY AND/OR RECREATION.

21 S 2. Section 2590-h of the education law is amended by adding a new  
22 subdivision 52 to read as follows:

23 52. TO COMPILE AN INVENTORY OF AND ISSUE A WRITTEN REPORT ABOUT THE  
24 OUTDOOR SCHOOLYARDS IN THE CITY SCHOOL DISTRICT, AS REQUIRED BY SUBDIVI-  
25 SION FOURTEEN OF SECTION TWENTY-FIVE HUNDRED FIFTY-SIX OF THIS TITLE.

26 S 3. This act shall take effect immediately, provided that the amend-  
27 ments to section 2590-h of the education law, made by section two of  
28 this act, shall not affect the expiration of such section and shall  
29 expire therewith.