

STATE OF NEW YORK

4978

2023-2024 Regular Sessions

IN ASSEMBLY

February 27, 2023

Introduced by M. of A. SANTABARBARA -- read once and referred to the Committee on Education

AN ACT to amend the education law and the social services law, in relation to requiring schools and daycare facilities to maintain evacuation plans for children with disabilities during a lockdown or emergency situation

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The education law is amended by adding a new section 4411
2 to read as follows:

3 § 4411. Emergency evacuation plans for children with disabilities. 1.
4 Notwithstanding any provision of law to the contrary, it shall be the
5 duty of every board of education or trustees of each school district and
6 the city school district of the city of New York to establish and main-
7 tain an emergency evacuation plan for children with disabilities in
8 schools.

9 2. Each emergency evacuation plan required pursuant to this section
10 shall include, but not be limited to, the following elements:

11 (a) procedures for evacuating children with disabilities;

12 (b) a list of children attending each school within the district who
13 have a disability and who would need assistance with evacuation during a
14 lockdown or any other emergency situation; and

15 (c) the location and type of evacuation assistance devices or assis-
16 tive technologies that are available within the building.

17 3. Each school district shall make the plan required pursuant to this
18 section available upon request to:

19 (a) local law enforcement and fire safety personnel; and

20 (b) employees, parents of children, and other personnel as deemed
21 necessary.

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

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1 4. A copy of such plan shall be maintained at all times in a place
2 easily accessible by law enforcement, fire safety personnel and school
3 employees.

4 5. On an annual basis, every school district shall update their emer-
5 gency evacuation plan and provide the children, parents and school
6 employees with notice detailing the updated provisions of such plan.

7 § 2. The social services law is amended by adding a new section 390-n
8 to read as follows:

9 § 390-n. Emergency evacuation plans for children with disabilities in
10 daycare facilities. 1. Notwithstanding any provision of law to the
11 contrary, it shall be the duty of every owner of a daycare facility
12 operating in the state to establish and maintain an emergency evacuation
13 plan for children with disabilities. For purposes of this section,
14 "daycare facility" shall mean licensed and registered child daycare
15 homes, programs and facilities.

16 2. Each emergency evacuation plan required pursuant to this section
17 shall include, but not be limited to, the following elements:

18 (a) procedures for evacuating children with disabilities;

19 (b) a list of children attending the daycare facility who have a disa-
20 bility and who would need assistance with evacuation during a lockdown
21 or any other emergency situation; and

22 (c) the location and type of evacuation assistance devices or assis-
23 tive technologies that are available within the daycare facility.

24 3. Each daycare facility shall make the plan required pursuant to this
25 section available upon request to:

26 (a) local law enforcement and fire safety personnel; and

27 (b) employees, parents of children, and other personnel as deemed
28 necessary.

29 4. A copy of such plan shall be maintained at all times in a place
30 easily accessible by law enforcement, fire safety personnel and daycare
31 facility employees.

32 5. On an annual basis, every daycare facility shall update their emer-
33 gency evacuation plan and provide the children, parents and facility
34 employees with notice detailing the updated provisions of such plan.

35 § 3. This act shall take effect immediately.