S T A T E O F N E W Y O R K

618

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

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

AN ACT to amend the education law, in relation to injuries sustained by elementary and high school students participating in school sports and physical education programs; and making an appropriation therefor; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. Section 2117 of the education law is amended by adding a new subdivision 4 to read as follows:

4. THE COMMISSIONER SHALL PREPARE, BASED ON INFORMATION SUBMITTED BY EACH SCHOOL DISTRICT, AN ANNUAL REPORT OF EACH OCCURRENCE OF INJURIES SUSTAINED BY STUDENTS WHILE THEY ARE PARTICIPATING IN ELEMENTARY AND HIGH SCHOOL SPORTS AND PHYSICAL EDUCATION PROGRAMS.

A. SUCH REPORT SHALL INCLUDE INFORMATION CONCERNING TYPES OF INJURIES COMMON TO CERTAIN CATEGORIES OF STUDENTS BASED ON AGE, GRADE LEVEL, SEX, PHYSICAL HANDICAP, PRIOR HISTORY OF INJURY OR ILLNESS, SPORTS OR ACTIVITIES PARTICIPATED IN, AND ANY OTHER CATEGORIES THE COMMISSIONER MAY DEEM APPROPRIATE.

B. THE COMMISSIONER SHALL, WHEN DEEMED NECESSARY, CONDUCT INVESTIGATIONS AS TO THE INCIDENCE, CAUSE AND TYPES OF INJURIES.

C. INFORMATION SUBMITTED BY SCHOOL DISTRICTS SHALL BE KEPT CONFIDENTIAL BY THE DEPARTMENT. THE COMMISSIONER'S ANNUAL REPORT SHALL IN NO MANNER REVEAL THE IDENTITIES OF THE INDIVIDUALS INVOLVED.

D. BASED ON THE INFORMATION COMPILED, THE COMMISSIONER SHALL, IN CONSULTATION WITH THE COMMISSIONER OF HEALTH, FORMULATE POLICY AND DEVELOP PROGRAMS AND CONFERENCES FOR SCHOOL DISTRICTS ON INJURY PREVENTION AND ON SUITABLE ATHLETIC AND PHYSICAL EDUCATION PROGRAMS.

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

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E. ANNUALLY, ON OR BEFORE APRIL FIRST, THE COMMISSIONER SHALL PRESENT SUCH REPORT, INCLUDING FINDINGS, CONCLUSIONS AND RECOMMENDATIONS, TO THE GOVERNOR AND LEGISLATURE.

F. THE COMMISSIONER MAY ADOPT SUCH RULES AND REGULATIONS AS ARE NECESSARY TO EFFECTUATE THE PURPOSES AND PROVISIONS OF THIS SUBDIVISION.

S 2. The sum of two hundred thousand dollars ($200,000), or so much thereof as may be necessary, is hereby appropriated to the department of education out of any moneys in the state treasury in the general fund to the credit of the state purposes account, not otherwise appropriated, and made immediately available, for the purpose of carrying out the provisions of this act. Such moneys shall be payable on the audit and warrant of the comptroller on vouchers certified or approved by the commissioner of education in the manner prescribed by law.

S 3. This act shall take effect on the first of January next succeeding the date on which it shall have become a law and shall expire 3 years after such effective date when upon such date the provisions of this act shall be deemed repealed.