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

7603--A

2009-2010 Regular Sessions

I N A S S E M B L Y

April 16, 2009

Introduced by M. of A. NOLAN -- read once and referred to the Committee on Education -- recommitted to the Committee on Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 playgrounds within such district

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

Section 1. Section 2556 of the education law is amended by adding a new subdivision 14 to read as follows:

14. A. THE CHANCELLOR OF A CITY SCHOOL DISTRICT IN A CITY HAVING A POPULATION OF ONE MILLION OR MORE SHALL COMPILE AN INVENTORY OF AND ISSUE A WRITTEN REPORT ABOUT THE OUTDOOR PLAYGROUNDS IN THE CITY SCHOOL DISTRICT. SUCH INVENTORY AND REPORT SHALL:

(I) IDENTIFY EACH OUTDOOR PLAYGROUND LOCATED AT EDUCATIONAL FACILITIES, AS DEFINED IN SUBDIVISION NINE OF SECTION TWENTY-FIVE HUNDRED NINETY-A OF THIS TITLE, OF THE CITY SCHOOL DISTRICT. EACH OUTDOOR PLAYGROUND SHALL BE IDENTIFIED BY THE COMMUNITY SCHOOL DISTRICT IN WHICH THE OUTDOOR PLAYGROUND IS LOCATED, ITS ADDRESS, SIZE AND PHYSICAL CONDITION;

(II) IDENTIFY WHICH OUTDOOR PLAYGROUNDS ARE USED FOR PHYSICAL EDUCATION, ACTIVITY AND/OR RECREATION; FOR EACH SUCH OUTDOOR PLAYGROUND, A DESCRIPTION OF HOW OFTEN STUDENTS OF THE CITY DISTRICT USE THE OUTDOOR PLAYGROUND, THE ACTIVITIES CONDUCTED, AND ANY LIMITATIONS ON THE USES OF THE PLAYGROUND;

(III) IDENTIFY WHICH OUTDOOR PLAYGROUNDS ARE NOT USED FOR PHYSICAL EDUCATION, ACTIVITY OR RECREATION. FOR EACH SUCH PLAYGROUND, AN EXPLANATION OF WHY IT IS NOT BEING USED FOR PHYSICAL EDUCATION, PHYSICAL ACTIVITY 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.

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(IV) A DESCRIPTION OF HOW EACH OUTDOOR PLAYGROUND IS USED DURING THE SCHOOL DAY AND AFTER SCHOOL BY STUDENTS OF THE CITY SCHOOL DISTRICT;

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

(VI) ANY OTHER FACTS, INFORMATION AND RECOMMENDATIONS WHICH THE CHANCELLOR DEEMS NECESSARY TO IMPROVE THE OUTDOOR PLAYGROUNDS OF THE EDUCATIONAL FACILITIES OF THE CITY SCHOOL DISTRICT. SUCH IMPROVEMENTS SHALL BE THOSE THAT ENHANCE THE PHYSICAL EDUCATION, PHYSICAL AND MENTAL FITNESS, AND WELL-BEING OF THE STUDENTS OF THE CITY DISTRICT.

B. ON OR BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND ELEVEN, THE CHANCELLOR SHALL SUBMIT THE INVENTORY AND REPORT, COMPILED PURSUANT TO PARAGRAPH A OF THIS SUBDIVISION, TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY AND THE DEPARTMENT.

C. FOR THE PURPOSES OF THIS SUBDIVISION, "OUTDOOR PLAYGROUND" MEANS OUTDOOR SPACE WHICH IS LOCATED AT EDUCATIONAL FACILITIES, AND IS USED OR INTENDED TO BE USED BY STUDENTS FOR PHYSICAL EDUCATION, PHYSICAL ACTIVITY AND/OR RECREATION.

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

52. TO COMPILE AN INVENTORY OF AND ISSUE A WRITTEN REPORT ABOUT THE OUTDOOR PLAYGROUNDS IN THE CITY DISTRICT, AS REQUIRED BY SUBDIVISION FOURTEEN OF SECTION TWENTY-FIVE HUNDRED FIFTY-SIX OF THIS TITLE.

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