

8344

I N S E N A T E

June 24, 2010

Introduced by Sen. KLEIN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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;

22 (IV) WHETHER EACH OUTDOOR SCHOOLYARD IS USED DURING THE SCHOOL DAY AND
23 WHETHER IT IS AVAILABLE FOR USE BY STUDENTS OR THE GENERAL PUBLIC DURING
24 AFTER SCHOOL HOURS;

25 (V) FOR EACH OUTDOOR SCHOOLYARD, A DESCRIPTION OF THE CAPITAL PLANS
26 FOR CONSTRUCTION, PLACEMENT, RENOVATION AND/OR RECONFIGURATION THEREOF,

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

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1 AND ANY PLAN TO INCREASE OR DECREASE THE AVAILABILITY AND UTILIZATION
2 THEREOF; AND

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

8 B. ON OR BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND ELEVEN, THE CHAN-
9 CELLOR SHALL SUBMIT THE INVENTORY AND REPORT, COMPILED PURSUANT TO PARA-
10 GRAPH A OF THIS SUBDIVISION, TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF
11 THE SENATE, THE SPEAKER OF THE ASSEMBLY AND THE DEPARTMENT.

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

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

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

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