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

1860

2009-2010 Regular Sessions

I N A S S E M B L Y

January 12, 2009

Introduced by M. of A. NOLAN, COLTON, ESPAILLAT, GREENE, MARKEY, McENENY, PHEFFER -- Multi-Sponsored by -- M. of A. COOK, FARRELL, GLICK, HOOPER, JOHN, KOON, LIFTON, SWEENEY, WEINSTEIN, WEISENBERG -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to parental access to information relating to school operation and maintenance

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

Section 1. Legislative findings. The legislature hereby finds that the quality of the school environment is important to the health of our children and the adults who work with them. Children and young adults spend a significant portion of their lives in school buildings. The legislature also finds that although all students and adults can be vulnerable when exposed to certain substances, young children especially have been shown to be generally more sensitive because of their small body size, immature immune systems, and higher rate of growth. The legislature also finds that information on the operation and maintenance of school buildings and grounds may not be readily available, easily accessible, or copied at a reasonable cost. Therefore, the legislature finds that it is reasonable for members of the public, such as parents and guardians, to have ready access to basic information on the substances and activities used to operate and maintain school buildings and school grounds.

S 2. The education law is amended by adding a new section 409-j to read as follows:

S 409-J. ACCESS TO SCHOOL HEALTH AND SAFETY INFORMATION. 1. THE PROVISIONS OF THIS SECTION SHALL APPLY TO ALL PUBLIC AND PRIVATE SCHOOLS AND EDUCATIONAL INSTITUTIONS WITHIN THE STATE, SERVING STUDENTS AT ANY LEVEL FROM KINDERGARTEN THROUGH TWELFTH GRADE.

2. EVERY SCHOOL OR INSTITUTION SET FORTH IN SUBDIVISION ONE OF THIS SECTION SHALL MAINTAIN AND MAKE AVAILABLE, IN A LOCATION EASILY ACCESSI-

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

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BLE TO THE PUBLIC DURING ADMINISTRATIVE HOURS, INFORMATION ON THE STORAGE AND ANTICIPATED SCHEDULE OF NORMAL USE OF THE FOLLOWING SUBSTANCES:

(A) SOLVENTS AS DEFINED BY THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, INCLUDING BUT NOT LIMITED TO, INSTITUTIONAL FLOOR WAX STRIPPERS, DEGREASERS AND PAINT THINNERS;

(B) ALL PESTICIDES INCLUDING, BUT NOT LIMITED TO, HERBICIDES, FUNGICIDES, INSECTICIDES AND RODENTICIDES AS DEFINED IN SECTION 33-0101 OF THE ENVIRONMENTAL CONSERVATION LAW;

(C) ALL LANDSCAPE MAINTENANCE CHEMICALS, INCLUDING BUT NOT LIMITED TO, FERTILIZERS;

(D) ALL CHEMICALS USED IN LABORATORIES; ART ROOMS; AND WOODWORKING, INDUSTRIAL, AND OTHER SHOPS; AND

(E) ALL CLEANING SOLUTIONS OTHER THAN THOSE USED FOR PERSONAL HYGIENE, INCLUDING BUT NOT LIMITED TO FLOOR MAINTENANCE CHEMICALS.

3. EVERY SCHOOL OR INSTITUTION SET FORTH IN SUBDIVISION ONE OF THIS SECTION SHALL MAKE AVAILABLE, IN A LOCATION EASILY ACCESSIBLE TO THE PUBLIC DURING ADMINISTRATIVE HOURS, THE FOLLOWING INFORMATION:

(A) RESULTS OF ANY TESTS, MONITORING ACTIVITIES, REMEDIATION OR STUDIES PERFORMED, OR RECOMMENDATIONS WITH RESPECT TO LEAD, ASBESTOS, RADON, INDOOR AIR QUALITY, DRINKING WATER QUALITY, OR OTHER ENVIRONMENTAL CONDITION;

(B) THE MAINTENANCE SCHEDULE OF ANY HEATING, VENTILATION AND AIR-CONDITIONING SYSTEMS INCLUDING THE DATES OF MAINTENANCE PERFORMED AND THE OPERATIONAL CONDITION OF THE SYSTEMS; AND

(C) RECORDS OF ALL ACTIONS TAKEN OR AUTHORIZED BY THE SCHOOL OFFICIALS, SCHOOL EMPLOYEES OR SCHOOL DISTRICT TO ABATE ANY ENVIRONMENTAL QUALITY, HEALTH AND/OR SAFETY CONDITIONS OR VIOLATIONS.

4. (A) COPIES OF THE INFORMATION REQUIRED BY SUBDIVISION THREE OF THIS SECTION RELATING TO THE SUBSTANCES SET FORTH IN SUBDIVISION TWO OF THIS SECTION SHALL BE MADE AVAILABLE AT A REASONABLE CHARGE AND SUCH DATA MAY ALSO BE AVAILABLE IN ELECTRONIC FORM IF ACCESS IS EASILY AVAILABLE AND INSTRUCTIONS ARE PROVIDED.

(B) ANNUALLY, AS DETERMINED BY EACH SCHOOL, SUCH INFORMATION FILED DURING THE PREVIOUS TWELVE MONTHS SHALL BE STORED IN A LOCATION CONSISTENT WITH OTHER ENVIRONMENTAL AND BUILDING MAINTENANCE DOCUMENTS FOR A PERIOD OF TEN YEARS UNLESS SUCH DOCUMENTS ARE REQUIRED BY FEDERAL OR STATE LAW TO BE STORED FOR A LONGER PERIOD OF TIME.

(C) AT LEAST ANNUALLY, PARENTS OF ALL STUDENTS SHALL RECEIVE PRINTED NOTICE FROM EITHER AN INDIVIDUAL SCHOOL OR THE SCHOOL DISTRICT THAT SUCH INFORMATION IS AVAILABLE. SUCH NOTICE MAY BE PART OF A SCHOOL'S OR SCHOOL DISTRICT'S PARENT INFORMATION PROGRAM, INCLUDING BUT NOT LIMITED TO NEWSLETTERS, LETTERS, FLYERS, AND OTHER PRINTED MEANS OF DISTRIBUTING INFORMATION.

5. NO SCHOOL OR EMPLOYEE OF A SCHOOL SHALL BE HELD CIVILLY OR CRIMINALLY LIABLE FOR ANY FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION, UNLESS SUCH FAILURE CONSTITUTES NEGLIGENCE, GROSS NEGLIGENCE, OR INTENTIONAL MISCONDUCT. NOTHING CONTAINED IN THIS SECTION SHALL BE CONSTRUED AS LIMITING ANY LEGAL CAUSE OF ACTION OR REMEDY AT LAW, IN STATUTE OR IN EQUITY THAT EXISTED PRIOR TO THE EFFECTIVE DATE OF THIS SECTION.

S 3. This act shall take effect September 1, 2011.