

2991

2009-2010 Regular Sessions

I N A S S E M B L Y

January 22, 2009

Introduced by M. of A. O'DONNELL, ALFANO, GOTTFRIED, MILLMAN, GREENE --  
Multi-Sponsored by -- M. of A. BARRA, DIAZ, GALEF, GLICK, PHEFFER,  
ROSENTHAL -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to radon testing in  
schools

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

- 1 Section 1. The education law is amended by adding a new section 409-j  
2 to read as follows:  
3 S 409-J. RADON TESTING IN SCHOOLS. 1. THE PROVISIONS OF THIS SECTION  
4 SHALL APPLY TO ALL PUBLIC AND PRIVATE SCHOOLS AND EDUCATIONAL INSTI-  
5 TUTIONS WITHIN THE STATE, SERVING STUDENTS AT ANY LEVEL FROM KINDERGAR-  
6 TEN THROUGH TWELFTH GRADE.  
7 2. EVERY SCHOOL OR INSTITUTION SET FORTH IN SUBDIVISION ONE OF THIS  
8 SECTION SHALL CONDUCT RADON TESTS, MONITOR ACTIVITIES AND REMEDIATION IN  
9 THE MANNER AND WITH THE FREQUENCY PROVIDED BY RULES AND REGULATIONS  
10 PROMULGATED BY THE COMMISSIONER.  
11 3. EVERY SCHOOL OR INSTITUTION SET FORTH IN SUBDIVISION ONE OF THIS  
12 SECTION SHALL MAKE AVAILABLE, IN A LOCATION EASILY ACCESSIBLE TO THE  
13 PUBLIC DURING ADMINISTRATIVE HOURS, THE FOLLOWING INFORMATION:  
14 (A) RESULTS OF ANY TESTS, MONITORING ACTIVITIES, REMEDIATION OR  
15 STUDIES PERFORMED, OR RECOMMENDATIONS WITH RESPECT TO RADON; AND  
16 (B) RECORDS OF ALL ACTIONS TAKEN OR AUTHORIZED BY THE SCHOOL OFFI-  
17 CIALS, SCHOOL EMPLOYEES OR SCHOOL DISTRICT.  
18 4. (A) COPIES OF THE INFORMATION REQUIRED BY SUBDIVISION THREE OF THIS  
19 SECTION RELATING TO RADON SHALL BE MADE AVAILABLE AT A REASONABLE CHARGE  
20 AND SUCH DATA MAY ALSO BE AVAILABLE IN ELECTRONIC FORM IF ACCESS IS  
21 EASILY AVAILABLE AND INSTRUCTIONS ARE PROVIDED.  
22 (B) ANNUALLY, AS DETERMINED BY EACH SCHOOL, SUCH INFORMATION FILED  
23 DURING THE PREVIOUS TWELVE MONTHS SHALL BE STORED IN A LOCATION CONSIST-  
24 ENT WITH OTHER ENVIRONMENTAL AND BUILDING MAINTENANCE DOCUMENTS FOR A

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

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1 PERIOD OF TEN YEARS UNLESS SUCH DOCUMENTS ARE REQUIRED BY FEDERAL OR  
2 STATE LAW TO BE STORED FOR A LONGER PERIOD OF TIME.

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

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

16 S 2. This act shall take effect September 1, 2010.