

3854

2011-2012 Regular Sessions

I N A S S E M B L Y

January 28, 2011

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

AN ACT to amend the education law, the environmental conservation law
and the public health law, in relation to plans and specifications of
school buildings

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

1 Section 1. Legislative intent. The legislature finds and declares that
2 it shall be the policy of the state of New York to provide every child
3 with an environmentally safe and healthy learning environment in which
4 to grow, learn and mature into productive and healthy adults. To ensure
5 that schools provide this setting for our children, the legislature
6 finds that standards for school buildings being purchased, remodeled or
7 built must be protective of children's environmental health and safety.
8 Children are uniquely vulnerable to and may be severely affected by
9 exposure to chemicals, hazardous wastes and other environmental hazards,
10 which affect their learning abilities as well as create chemical-based
11 responses and sensitivities. It is the purpose of this legislation to
12 reduce as much as possible such exposures for children and school staff.
13 S 2. Subdivisions 2 and 3 of section 408 of the education law, subdi-
14 vision 2 as amended by chapter 414 of the laws of 1972 and subdivision 3
15 as amended by section 2 of part A1 of chapter 58 of the laws of 2006,
16 are amended to read as follows:

17 2. The commissioner [of education] shall not approve the plans for the
18 erection, LEASE or purchase of any school building or addition thereto
19 or remodeling thereof unless the same shall provide for THE FOLLOWING
20 WHERE APPLICABLE: heating, ventilation, AND AIR CONDITIONING SYSTEMS
21 CONSTRUCTED, MAINTAINED OR UPGRADED TO MEET CURRENTLY ACCEPTED INDUSTRY
22 VENTILATION STANDARDS; PLACEMENT OF AIR INTAKE VENTS SO AS TO MAXIMIZE
23 HEALTHFUL INDOOR AIR QUALITY; DESIGN PRACTICES THAT MINIMIZE INGRESS OF
24 AND CONDITIONS FAVORABLE TO PEST POPULATIONS; CONSTRUCTION TECHNIQUES

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

LBD05289-01-1

1 AND VENTILATION SYSTEMS DESIGNED TO CONTROL RADON LEVELS IN INDOOR AIR;
2 lighting[,]; sanitation[,]; storm drainage and health, fire and accident
3 protection adequate to maintain healthful, safe and comfortable condi-
4 tions therein and unless the county superintendent of highways or
5 commissioner of public works has been advised of the location of all
6 temporary and permanent entrances and exits upon all public highways and
7 the storm drainage plan which is to be used.

8 3. (A) The commissioner shall approve the plans and specifications,
9 heretofore or hereafter submitted pursuant to this section, for the
10 erection or purchase of any school building or addition thereto or
11 remodeling thereof on the site or sites selected therefor pursuant to
12 this chapter, if such plans conform to the requirements and provisions
13 of this chapter and the regulations of the commissioner adopted pursuant
14 to this chapter in all other respects; provided, however, that the
15 commissioner [of education] shall not approve the plans for the erection
16 or purchase of any school building or addition thereto unless the site
17 has been selected with reasonable consideration of the following
18 factors; its place in a comprehensive, long-term school building
19 program; area required for outdoor educational activities; educational
20 adaptability, environment, AND accessibility; soil conditions; AND
21 initial and ultimate cost. In developing such plans and specifications,
22 school districts are encouraged to review the energy conservation and
23 saving best practices available from the department and the New York
24 state energy research and development authority.

25 (B) SUCH PLANS SHALL DEMONSTRATE THAT THE SCHOOL DISTRICT HAS IN ITS
26 SELECTION OF THE SITE OR SITES FOR THE ERECTION, LEASE OR PURCHASE OF
27 ANY SCHOOL BUILDING OR ADDITION THERETO OR REMODELING THEREOF TAKEN INTO
28 CONSIDERATION THE PROXIMITY OF SUCH SITE OR SITES TO EXISTING AND KNOWN
29 ENVIRONMENTAL HAZARDS, INCLUDING INDUSTRIAL FACILITIES, COMBUSTION
30 FACILITIES, INACTIVE HAZARDOUS WASTE SITES, AND MUNICIPAL LANDFILLS, AND
31 OTHER ENVIRONMENTAL HAZARDS AS DETERMINED BY THE DEPARTMENTS OF ENVIRON-
32 MENTAL CONSERVATION AND HEALTH, AND AVOIDANCE OF SUCH WHERE PRUDENT.

33 S 3. Section 408 of the education law is amended by adding a new
34 subdivision 7 to read as follows:

35 7. NOTWITHSTANDING THE REQUIREMENTS OF THIS SECTION, THE PROVISIONS OF
36 SUBDIVISIONS TWO AND THREE OF THIS SECTION SHALL APPLY TO ALL SCHOOL
37 DISTRICTS, INCLUDING CITY SCHOOL DISTRICTS, REGARDLESS OF POPULATION AND
38 BOARDS OF COOPERATIVE EDUCATIONAL SERVICES.

39 S 4. Subdivision 1 of section 409-d of the education law, as added by
40 section 1 of part B of chapter 56 of the laws of 1998, is amended to
41 read as follows:

42 1. Program establishment. The commissioner is authorized and directed
43 to establish, develop and monitor a comprehensive public school building
44 safety program which shall include a uniform inspection, safety rating
45 and monitoring system. Such program shall require the annual inspection
46 of all public school buildings throughout New York state; establish a
47 safety rating system for such school buildings to assess the need for
48 maintenance, repairs, rehabilitation, reconstruction, construction and
49 other improvements related to the structural integrity and overall safe-
50 ty of public school buildings including but not limited to building
51 systems related to electrical, plumbing, heating, ventilation, and air
52 conditioning, sanitation and health, ENVIRONMENTAL HEALTH AND SAFETY,
53 fire and accident protection; and require that such ratings be used for
54 the purpose of developing a buildings condition survey as required
55 pursuant to subdivision four of section thirty-six hundred forty-one of
56 this chapter and a five year CAPITAL facilities plan as required pursu-

1 ant to [clause (i) of subparagraph two of paragraph b of] subdivision
2 six of section thirty-six hundred two of this chapter.

3 S 5. Subdivision 3 of section 409-e of the education law, as added by
4 section 1 of part B of chapter 56 of the laws of 1998, is amended to
5 read as follows:

6 3. Safety rating system. The commissioner shall develop pursuant to
7 regulations a safety rating system to be used by all school districts
8 and boards of cooperative educational services keyed to the structural
9 integrity and overall safety of the building and shall be developed
10 using data obtained from the building's annual inspection as required by
11 this article. Such safety rating system shall identify and assess the
12 condition of every major system component of every school building
13 including interior structures; building systems such as heating, venti-
14 lation, plumbing and electrical systems; exterior structures including
15 but not limited to roofs, masonry, stairs, and chimneys; and develop a
16 system which rates each building component based on at least the follow-
17 ing factors: overall safety INCLUDING ENVIRONMENTAL HEALTH AND SAFETY;
18 structural integrity; probable useful life; need for repair or replace-
19 ment; and maintenance. Such safety rating shall include mechanisms which
20 facilitate more frequent inspections and repairs as determined necessary
21 to protect the welfare and safety of students and staff residing in such
22 school buildings. This information shall be used for purposes of devel-
23 oping a buildings condition survey as required pursuant to section thir-
24 ty-six hundred forty-one of this chapter and a five year CAPITAL facili-
25 ties plan as required pursuant to [clause (i) of subparagraph two of
26 paragraph (b) of] subdivision six of section thirty-six hundred two of
27 this chapter.

28 S 6. The environmental conservation law is amended by adding a new
29 section 3-0319 to read as follows:

30 S 3-0319. INFORMATION FOR EDUCATION DEPARTMENT AND SCHOOL DISTRICTS.

31 PURSUANT TO SUBDIVISION THREE OF SECTION FOUR HUNDRED EIGHT OF THE
32 EDUCATION LAW, THE DEPARTMENT SHALL ANNUALLY PROVIDE ALL NECESSARY
33 INFORMATION TO THE EDUCATION DEPARTMENT, REGARDING EXISTING AND KNOWN
34 LOCATIONS OF INDUSTRIAL FACILITIES, COMBUSTION FACILITIES, INACTIVE
35 HAZARDOUS WASTE SITES, MUNICIPAL LANDFILLS, AND OTHER ENVIRONMENTAL
36 HAZARDS. WHENEVER SCHOOL DISTRICTS REQUEST THIS INFORMATION FROM THE
37 DEPARTMENT, SUCH INFORMATION SHALL BE PROVIDED WITHIN THIRTY DAYS OF
38 RECEIPT OF SUCH REQUEST.

39 S 7. The public health law is amended by adding a new section 201-a to
40 read as follows:

41 S 201-A. INFORMATION FOR EDUCATION DEPARTMENT AND SCHOOL DISTRICTS.
42 PURSUANT TO SUBDIVISION THREE OF SECTION FOUR HUNDRED EIGHT OF THE
43 EDUCATION LAW, THE DEPARTMENT SHALL ANNUALLY PROVIDE ALL NECESSARY
44 INFORMATION TO THE EDUCATION DEPARTMENT, REGARDING EXISTING AND KNOWN
45 LOCATIONS OF ENVIRONMENTAL HAZARDS SUCH AS RADON, LEAD, AND OTHER TOXIC
46 CONTAMINANTS. WHENEVER SCHOOL DISTRICTS REQUEST THIS INFORMATION FROM
47 THE DEPARTMENT, SUCH INFORMATION SHALL BE PROVIDED WITHIN THIRTY DAYS OF
48 RECEIPT OF SUCH REQUEST.

49 S 8. This act shall take effect on the sixtieth day after it shall
50 have become a law.