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

4064

2011-2012 Regular Sessions

I N A S S E M B L Y

February 1, 2011

Introduced by M. of A. O'DONNELL, GOTTFRIED, MILLMAN -- Multi-Sponsored by -- M. of A. 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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The education law is amended by adding a new section 409-l to read as follows:

S 409-L. RADON TESTING IN SCHOOLS. 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 CONDUCT RADON TESTS, MONITOR ACTIVITIES AND REMEDIATION IN THE MANNER AND WITH THE FREQUENCY PROVIDED BY RULES AND REGULATIONS PROMULGATED BY THE COMMISSIONER.

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 RADON; AND

(B) RECORDS OF ALL ACTIONS TAKEN OR AUTHORIZED BY THE SCHOOL OFFICIALS, SCHOOL EMPLOYEES OR SCHOOL DISTRICT.

4. (A) COPIES OF THE INFORMATION REQUIRED BY SUBDIVISION THREE OF THIS SECTION RELATING TO RADON 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

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

LBD01739-01-1

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 2. This act shall take effect July 1, 2012.