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

5829

2013-2014 Regular Sessions

I N A S S E M B L Y

March 7, 2013

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

AN ACT to amend the education law, in relation to requiring notification procedures to be established requiring notice to be given prior to certain construction projects in school buildings or a district leasing school property

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 421 to read as follows:

S 421. PRE-CONSTRUCTION NOTIFICATION OF CERTAIN CONSTRUCTION PROJECTS. 1. THE NEW YORK CITY DEPARTMENT OF EDUCATION OR THE CHANCELLOR OF THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK SHALL ESTABLISH NOTIFICATION PROCEDURES IN ADVANCE OF A CONSTRUCTION PROJECT OF TEN THOUSAND DOLLARS OR MORE TO BE CONDUCTED IN A SCHOOL BUILDING IN A CITY WITH A POPULATION OF ONE MILLION OR MORE, WHETHER THE BUILDING IS OWNED OR LEASED BY THE SCHOOL DISTRICT, OR OF THE DISTRICT LEASING SCHOOL PROPERTY.

2. THE NOTIFICATION PROCEDURES REQUIRED TO BE ESTABLISHED PURSUANT TO SUBDIVISION ONE OF THIS SECTION SHALL REQUIRE NOTICE TO BE PROVIDED TO PARENTS OF STUDENTS WHO USE OR ARE EXPECTED TO USE THE SCHOOL BUILDING WHERE CONSTRUCTION WILL OCCUR, RESIDENTS OF THE COMMUNITY WHERE THE SCHOOL BUILDING IS LOCATED, ELECTED OFFICIALS OF THE SCHOOL DISTRICT, STATE AND LOCAL ELECTED OFFICIALS REPRESENTING THE DISTRICT IN WHICH THE SCHOOL BUILDING IS LOCATED AND COMMUNITY BOARDS IN THE SCHOOL DISTRICT; PROVIDED, HOWEVER, THAT WHERE CONSTRUCTION IS TO BE ENTIRELY INTERNAL AND IS NOT DETERMINED TO CONSTITUTE SIGNIFICANT RECONSTRUCTION OR RENOVATION OF EXISTING BUILDINGS, NOTIFICATION NEED ONLY BE PROVIDED TO SCHOOL PERSONNEL, PARENTS, AND STUDENTS. SUCH NOTICE REQUIREMENT MAY BE MET BY PUBLICATION IN DISTRICT NEWSLETTERS, DIRECT MAILINGS, OR HOLDING A PUBLIC HEARING ON THE PROJECT TO INFORM PARENTS, STUDENTS, SCHOOL

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

LBD08905-04-3

PERSONNEL AND COMMUNITY MEMBERS; PROVIDED, HOWEVER, THAT NOTIFICATION SHALL BE PROVIDED TO ELECTED OFFICIALS AND MEMBERS OF COMMUNITY BOARDS DIRECTLY, BY MAIL OR BY EMAIL.

3. SUCH NOTIFICATION PROCEDURES SHALL PROVIDE NOTICE AT LEAST TWO MONTHS PRIOR TO THE DATE ON WHICH CONSTRUCTION IS SCHEDULED TO BEGIN, PROVIDED THAT IN THE CASE OF EMERGENCY CONSTRUCTION PROJECTS, SUCH NOTICE SHALL BE PROVIDED AS FAR IN ADVANCE OF THE START OF CONSTRUCTION AS IS PRACTICABLE.

4. SUCH NOTICE SHALL INCLUDE INFORMATION ON THE DISTRICT'S OBLIGATIONS UNDER THIS SECTION TO PROVIDE A SAFE SCHOOL ENVIRONMENT DURING CONSTRUCTION PROJECTS. IF ANY HAZARDOUS MATERIALS ARE PRESENT AT THE CONSTRUCTION SITE, ESPECIALLY OR MOST IMPORTANTLY ASBESTOS AND PCBS (POLYCHLORINATED BIPHENYL), NOTIFICATION OF THE PRESENCE OF SUCH HAZARDOUS MATERIALS SHALL BE PROVIDED TO THE STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, STATE AND LOCAL ELECTED OFFICIALS, COMMUNITY BOARDS, AND RESIDENTS OF PROPERTY ADJACENT TO OR IN CLOSE PROXIMITY OF THE PROPERTY CONTAINING THE HAZARDOUS MATERIALS. SUCH NOTIFICATION SHALL EXPLICITLY STATE WHICH HAZARDOUS MATERIALS ARE EXPECTED TO BE PRESENT, THE ANTICIPATED START AND END DATES OF THE CONSTRUCTION PROJECT, AND THE HOURS DURING WHICH CONSTRUCTION IS EXPECTED TO TAKE PLACE.

S 2. This act shall take effect immediately.