

2015-2016 Regular Sessions

I N   A S S E M B L Y

January 8, 2015

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Introduced by M. of A. ENGLEBRIGHT, GALEF -- Multi-Sponsored by -- M. of  
A. CAHILL, COLTON -- read once and referred to the Committee on Educa-  
tion

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

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

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

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

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

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

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

40 S 4. Subdivision 1 of section 409-d of the education law, as amended  
41 by chapter 437 of the laws of 2014, is amended to 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 establish a safety rating  
46 system for such school buildings to assess the need for maintenance,  
47 repairs, rehabilitation, reconstruction, construction and other improve-  
48 ments related to the structural integrity and overall safety of public  
49 school buildings including but not limited to building systems related  
50 to electrical, plumbing, heating, ventilation, and air conditioning,  
51 sanitation and health, ENVIRONMENTAL HEALTH AND SAFETY, fire and acci-  
52 dent protection; and require that such ratings be used for the purpose  
53 of developing a buildings condition survey as required pursuant to  
54 subdivision four of section thirty-six hundred forty-one of this chapter  
55 and a five year CAPITAL facilities plan as required pursuant to [clause

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

3 S 5. Subdivision 1 of section 409-d 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 1. Program establishment. The commissioner is authorized and directed  
7 to establish, develop and monitor a comprehensive public school building  
8 safety program which shall include a uniform inspection, safety rating  
9 and monitoring system. Such program shall require the annual inspection  
10 of all public school buildings throughout New York state; establish a  
11 safety rating system for such school buildings to assess the need for  
12 maintenance, repairs, rehabilitation, reconstruction, construction and  
13 other improvements related to the structural integrity and overall safe-  
14 ty of public school buildings including but not limited to building  
15 systems related to electrical, plumbing, heating, ventilation, and air  
16 conditioning, sanitation and health, ENVIRONMENTAL HEALTH AND SAFETY,  
17 fire and accident protection; and require that such ratings be used for  
18 the purpose of developing a buildings condition survey as required  
19 pursuant to subdivision four of section thirty-six hundred forty-one of  
20 this chapter and a five year CAPITAL facilities plan as required pursu-  
21 ant to [clause (i) of subparagraph two of paragraph b of] subdivision  
22 six of section thirty-six hundred two of this chapter.

23 S 6. Subdivision 3 of section 409-e of the education law, as added by  
24 section 1 of part B of chapter 56 of the laws of 1998, is amended to  
25 read as follows:

26 3. Safety rating system. The commissioner shall develop pursuant to  
27 regulations a safety rating system to be used by all school districts  
28 and boards of cooperative educational services keyed to the structural  
29 integrity and overall safety of the building and shall be developed  
30 using data obtained from the building's annual inspection as required by  
31 this article. Such safety rating system shall identify and assess the  
32 condition of every major system component of every school building  
33 including interior structures; building systems such as heating, venti-  
34 lation, plumbing and electrical systems; exterior structures including  
35 but not limited to roofs, masonry, stairs, and chimneys; and develop a  
36 system which rates each building component based on at least the follow-  
37 ing factors: overall safety INCLUDING ENVIRONMENTAL HEALTH AND SAFETY;  
38 structural integrity; probable useful life; need for repair or replace-  
39 ment; and maintenance. Such safety rating shall include mechanisms which  
40 facilitate more frequent inspections and repairs as determined necessary  
41 to protect the welfare and safety of students and staff residing in such  
42 school buildings. This information shall be used for purposes of devel-  
43 oping a buildings condition survey as required pursuant to section thir-  
44 ty-six hundred forty-one of this chapter and a five year CAPITAL facili-  
45 ties plan as required pursuant to [clause (i) of subparagraph two of  
46 paragraph (b) of] subdivision six of section thirty-six hundred two of  
47 this chapter.

48 S 7. The environmental conservation law is amended by adding a new  
49 section 3-0320 to read as follows:

50 S 3-0320. INFORMATION FOR EDUCATION DEPARTMENT AND SCHOOL DISTRICTS.

51 PURSUANT TO SUBDIVISION THREE OF SECTION FOUR HUNDRED EIGHT OF THE  
52 EDUCATION LAW, THE DEPARTMENT SHALL ANNUALLY PROVIDE ALL NECESSARY  
53 INFORMATION TO THE EDUCATION DEPARTMENT, REGARDING EXISTING AND KNOWN  
54 LOCATIONS OF INDUSTRIAL FACILITIES, COMBUSTION FACILITIES, INACTIVE  
55 HAZARDOUS WASTE SITES, MUNICIPAL LANDFILLS, AND OTHER ENVIRONMENTAL  
56 HAZARDS. WHENEVER SCHOOL DISTRICTS REQUEST THIS INFORMATION FROM THE

1 DEPARTMENT, SUCH INFORMATION SHALL BE PROVIDED WITHIN THIRTY DAYS OF  
2 RECEIPT OF SUCH REQUEST.

3 S 8. The public health law is amended by adding a new section 201-a to  
4 read as follows:

5 S 201-A. INFORMATION FOR EDUCATION DEPARTMENT AND SCHOOL DISTRICTS.  
6 PURSUANT TO SUBDIVISION THREE OF SECTION FOUR HUNDRED EIGHT OF THE  
7 EDUCATION LAW, THE DEPARTMENT SHALL ANNUALLY PROVIDE ALL NECESSARY  
8 INFORMATION TO THE EDUCATION DEPARTMENT, REGARDING EXISTING AND KNOWN  
9 LOCATIONS OF ENVIRONMENTAL HAZARDS SUCH AS RADON, LEAD, AND OTHER TOXIC  
10 CONTAMINANTS. WHENEVER SCHOOL DISTRICTS REQUEST THIS INFORMATION FROM  
11 THE DEPARTMENT, SUCH INFORMATION SHALL BE PROVIDED WITHIN THIRTY DAYS OF  
12 RECEIPT OF SUCH REQUEST.

13 S 9. This act shall take effect on the sixtieth day after it shall  
14 have become a law; provided, however that the amendments to subdivision  
15 1 of section 409-d of the education law made by section four of this act  
16 shall expire on the same day as such subdivision expires, when upon such  
17 date the provisions of section five of this act shall take effect.