

STATE OF NEW YORK

5568

2021-2022 Regular Sessions

IN ASSEMBLY

February 19, 2021

Introduced by M. of A. ENGLEBRIGHT, BENEDETTO, GALEF -- Multi-Sponsored
by -- M. of A. COLTON, COOK, DINOWITZ -- read once and referred to
the Committee on Education

AN ACT to amend the education law, in relation to parent notification of
environmental health and safety hazards in schools

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

1 Section 1. Section 409 of the education law is amended by adding a new
2 subdivision 3 to read as follows:

3 3. Notwithstanding any other provision of this section, the provisions
4 of section four hundred nine-n of this article shall apply to all school
5 districts, including city school districts regardless of population,
6 boards of cooperative educational services and pre-kindergarten
7 programs.

8 § 2. The education law is amended by adding a new section 409-n to
9 read as follows:

10 § 409-n. Parent notification of environmental health and safety
11 hazards in schools. 1. To ensure that each student, parent, person in
12 parental relation and school employee has access to information about
13 environmental health issues and hazards in their school environment, the
14 following actions shall be required to be taken by schools:

15 a. Every school district shall appoint an information access contact
16 person;

17 b. At the beginning of each school year, every school shall inform and
18 educate students, parents, persons in parental relation and school
19 employees that they have a right to all information about health and
20 safety conditions in their school facilities as required in this
21 section, including but not limited to hazardous substances used, stored
22 or present in school facilities; construction and rehabilitation activ-
23 ities; air or water quality sampling results and problems; procedures
24 for information access; identification of school district employees

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

LBD05689-02-1

1 designated to serve as information access contact persons; requirements
2 for timely response to information requests; and other procedures that
3 will ensure ready access to such information;

4 c. All schools, boards of cooperative educational services and pre-
5 kindergarten programs shall annually notify students, parents, persons
6 in parental relation and school employees of all hazardous substances
7 used, stored or present in facilities within their school, including
8 activities involving hazardous substances conducted by private contrac-
9 tors. Each school, board of cooperative educational services and pre-
10 kindergarten program shall:

11 (i) annually inventory all hazardous substances used, stored or pres-
12 ent in its facilities, which inventory shall be available for public
13 review,

14 (ii) develop written plans to eliminate or minimize the use and pres-
15 ence of hazardous substances in its facilities, including a timetable to
16 accomplish the plan components, which plans have been subject to public
17 review prior to adoption, and

18 (iii) prepare written reports of the results of all sampling, evalu-
19 ation and remediation activities as appropriate, submit such reports to
20 the school district and the department, and make available such reports
21 to the public; and

22 d. Every school, board of cooperative educational services and pre-
23 kindergarten program shall comply with the following requirements, at
24 least two school days prior to any major facility construction, demoli-
25 tion, maintenance or renovation, or any other activity with the poten-
26 tial to result in exposures to indoor or outdoor hazards that may have a
27 significant effect on the health of the occupants of the facilities:

28 (i) A warning notice shall be prominently posted at each entry point
29 of each facility and school grounds, which has the following format and
30 includes the following information:

31 "NOTICE OF SCHOOL ACTIVITIES INVOLVING HAZARDOUS SUBSTANCES

32 The purpose of this Notice is to ensure that students, parents,
33 persons in parental relation and school employees are notified that the
34 following activities will be occurring in this school:

35 School Name

36 School Address

37 Proposed Activity

38 Location of Proposed Activity

39 Hazardous Substances Utilized (if applicable)

40 Material Data Safety Sheet is available from the Contact Person listed
41 below.

42 Date/Time and Duration of Proposed Activity

43 Contact Person/Location for Further Information."

44 (ii) Schools, boards of cooperative educational services and pre-kin-
45 dergarten programs shall also provide a written notice to all parents
46 and persons in parental relation of the information specified in subpar-
47 agraph (i) of this paragraph.

48 (iii) If there is need for an unanticipated or emergency activity, as
49 defined by the commissioner, pursuant to this paragraph, the warning
50 notice form and written notice may be provided immediately following the
51 conduct of the activity.

52 (iv) Notification shall be provided to individuals pursuant to their
53 rights to information under the federal Americans with Disabilities Act,
54 the Individuals with Disabilities Education Act, and Section 504 of the
55 Rehabilitation Act.

1 2. For purposes of this section, the following terms are defined as
2 follows:

3 a. "Hazardous substances" shall mean and include lead, radon, asbes-
4 tos, formaldehyde, products containing greater than ten percent volatile
5 organic compounds and any substance listed as a substance hazardous to
6 the public health, safety or the environment in regulations promulgated
7 pursuant to article thirty-seven of the environmental conservation law.

8 b. "Facility" shall mean school buildings, lands and other appurte-
9 nances of a school district or board of cooperative educational
10 services.

11 c. "Information access contact person" shall mean a school district
12 employee, appointed by the superintendent, who is responsible for
13 providing information on school environmental health and safety
14 requested by any individual residing in the school district or board of
15 cooperative educational services.

16 § 3. This act shall take effect on the sixtieth day after it shall
17 have become a law.