STATE OF NEW YORK

4978--A

2023-2024 Regular Sessions

IN ASSEMBLY

February 27, 2023

Introduced by M. of A. SANTABARBARA, GONZALEZ-ROJAS, BURDICK, WILLIAMS, COLTON, SAYEGH, GLICK, SIMONE, GUNTHER, KELLES, BENDETT, TAGUE, JENSEN, DeSTEFANO, McDONOUGH, K. BROWN, BRABENEC, MANKTELOW, J. A. GIGLIO, RAGA, REYES, TAPIA, LEVENBERG, MCGOWAN, FLOOD, LEMONDES, CHANG -- read once and referred to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law and the social services law, in relation to requiring schools and daycare facilities to maintain evacuation plans for children with disabilities during a lockdown or emergency situation

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 4411 to read as follows:

§ 4411. Emergency evacuation plans for children with disabilities. 1. Notwithstanding any provision of law to the contrary, it shall be the duty of every board of education or trustees of each school district and the city school district of the city of New York to establish and maintain an emergency evacuation plan for children with disabilities in schools.

2. Each emergency evacuation plan required pursuant to this section shall include, but not be limited to, the following elements:

(a) procedures for evacuating children with disabilities;

(b) a list of children attending each school within the district who have a disability and who would need assistance with evacuation during a lockdown or any other emergency situation; and

(c) the location and type of evacuation assistance devices or assistive technologies that are available within the building.

3. Each school district shall make the plan required pursuant to this section available upon request to:

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

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(a) local law enforcement and fire safety personnel; and

(b) employees, parents of children, and other personnel as deemed necessary.

4. A copy of such plan shall be maintained at all times in a place easily accessible by law enforcement, fire safety personnel and school employees.

5. On an annual basis, every school district shall update their emergency evacuation plan and provide the children, parents and school employees with notice detailing the updated provisions of such plan.

§ 2. The social services law is amended by adding a new section 390-n to read as follows:

§ 390-n. Emergency evacuation plans for children with disabilities in daycare facilities. 1. Notwithstanding any provision of law to the contrary, it shall be the duty of every owner of a daycare facility operating in the state who provides daycare services to children with disabilities to establish and maintain an emergency evacuation plan for children with disabilities. For purposes of this section, "daycare facility" shall mean licensed and registered child daycare homes, programs and facilities.

2. Each emergency evacuation plan required pursuant to this section shall include, but not be limited to, the following elements:

(a) procedures for evacuating children with disabilities;

(b) a list of children attending the daycare facility who have a disability and who would need assistance with evacuation during a lockdown or any other emergency situation; and

(c) the location and type of evacuation assistance devices or assistive technologies that are available within the daycare facility.

3. Each daycare facility shall make the plan required pursuant to this section available upon request to:

(a) local law enforcement and fire safety personnel; and

(b) employees, parents of children, and other personnel as deemed necessary.

4. A copy of such plan shall be maintained at all times in a place easily accessible by law enforcement, fire safety personnel and daycare facility employees.

5. On an annual basis, every daycare facility shall update their emergency evacuation plan and provide the children, parents and facility employees with notice detailing the updated provisions of such plan.

6. Nothing in this section shall require a daycare facility that does not provide care to a child with a disability to create an emergency evacuation plan for children with disabilities. In addition, nothing in this section shall require a daycare facility to create a plan pursuant to this section if the daycare facility is already subject to a federal or state law or regulation requiring them to have a plan for the emergency evacuation of children if the plan addresses the evacuation of children with disabilities under its care.

§ 3. This act shall take effect immediately.