

# STATE OF NEW YORK

9777

## IN ASSEMBLY

April 9, 2024

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

AN ACT to amend the education law, in relation to requiring the department of education to develop uniform statewide protocols for diapering and toileting in public schools

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

1 Section 1. Section 305 of the education law is amended by adding a new  
2 subdivision 61 to read as follows:

3 61. a. The commissioner shall promulgate rules and regulations to  
4 establish uniform statewide protocols for diapering and toileting of  
5 students in public schools. Such protocols shall include but not be  
6 limited to: requiring schools to provide students and staff with safe  
7 and accessible facilities for diapering and toileting; requiring schools  
8 to provide the proper equipment and supplies to maintain a safe and  
9 sanitary area for diapering and toileting; and defining basic procedures  
10 to promote a safe and healthy environment.

11 b. For the purposes of this subdivision, "school" shall be deemed to  
12 include, but not be limited to, a school district, public school, board  
13 of cooperative educational services, special act school district as  
14 defined in section four thousand one of this chapter, approved preschool  
15 special education program pursuant to section forty-four hundred ten of  
16 this chapter, approved private residential or non-residential school for  
17 the education of students with disabilities including private schools  
18 established under chapter eight hundred fifty-three of the laws of nine-  
19 teen hundred seventy-six, and a state-supported school in accordance  
20 with article eighty-five of this chapter.

21 § 2. This act shall take effect eighteen months after it shall have  
22 become a law. Effective immediately, the addition, amendment and/or  
23 repeal of any rule or regulation necessary for the implementation of  
24 this act on its effective date are authorized to be made and completed  
25 on or before such effective date.

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

LBD15081-01-4