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:

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

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

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

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

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

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