STATE OF NEW YORK

4978--B

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 -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

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

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

Section 1. The social services law is amended by adding a new section 390-n to read as follows:

§ 390-n. Emergency evacuation and lockdown plans for children with disabilities in daycare facilities. 1. (a) Notwithstanding any provision of law to the contrary, it shall be the duty of every owner and/or operator of a child daycare facility operating in the state to establish and maintain emergency evacuation and lockdown plans for children with disabilities within one hundred twenty days of the effective date of this section. For purposes of this section, "child daycare facility" shall include the child care programs set forth in subdivision one of section three hundred ninety of this title, except for an "enrolled legally exempt provider" as such term is defined in paragraph (g) of such subdivision.

(b) The emergency evacuation and lockdown plan shall be provided to the office of children and family services within seven days of the plan being finalized.

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

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

(a) procedures for evacuating children with disabilities;

(b) lockdown procedures for children with disabilities;

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

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

3. To the extent practicable, each emergency evacuation and lockdown plan shall take into account the particular disabilities the children in the daycare facility may have.

4. (a) Each daycare facility shall make the plan required pursuant to this section available upon request to:

(i) local law enforcement and emergency responders;

(ii) employees and other personnel of the programs as deemed necessary for purposes of being able to carry out and comply with the emergency evacuation and lockdown plans set forth in this section; and

(iii) a parent or custodian; provided, however, a parent or custodian may only receive plan information that pertains directly to a child in their care and custody.

(b) All information related to a youth's diagnoses, disabilities, or identification must remain confidential as required by federal and state law.

4. A copy of the plan shall be maintained at all times in a place easily accessible by law enforcement, emergency responders and daycare facility employees.

5. On an annual basis, every daycare facility shall update the plan and provide the office of children and family services, parents and facility employees with notice detailing the updated provisions of such plan, in accordance with the provisions set forth in this section.

§ 2. This act shall take effect immediately.