§ 409-d. Comprehensive public school building safety program. 1. Program establishment. The commissioner is authorized and directed to establish, develop and monitor a comprehensive public school building safety program which shall include a uniform inspection, safety rating and monitoring system. Such program shall require the inspections of all public school buildings throughout the state (i) at least once between the period commencing with the first day of January, two thousand twenty and ending with the thirty-first day of December, two thousand twenty and (ii) at least once between the period commencing with the first day of January, two thousand twenty-two and ending with the thirty-first day of December, two thousand twenty-two, provided that such inspections shall exclude public school buildings in a school district required to conduct building condition surveys between January first, two thousand twenty and the end of such period in accordance with regulations of the commissioner adopted pursuant to subparagraph one-a of paragraph c of subdivision four of section thirty-six hundred forty-one of this chapter, and provided further that such exclusion shall not apply in the case of a school district which has not completed the building condition surveys so required and submitted the same to the department. Under such program, the commissioner may require inspections of public school buildings as deemed necessary to maintain the safety of school buildings and the welfare of the occupants, and such program shall establish a safety rating system for such school buildings to assess the need for maintenance, repairs, rehabilitation, reconstruction, construction and other improvements related to the structural integrity and overall safety of public school buildings including but not limited to building systems related to electrical, plumbing, heating, ventilation, and air conditioning, sanitation and health, fire and accident protection; and require that such ratings be used for the purpose of developing a buildings condition survey as required pursuant to subdivision four of section thirty-six hundred forty-one of this chapter and a five year facilities plan as required pursuant to clause (i) of subparagraph two of paragraph b of subdivision six of section thirty-six hundred two of this chapter.

2. Commissioner's authorization. In implementing the program, the commissioner is authorized to:

(a) require the inspection of every public school building and prescribe qualifications of persons who may perform or supervise such inspections in accordance with the provisions of this section.

(b) establish a safety rating system keyed to the structural integrity and overall safety of the building. Such system shall rate every major building system contained within a building and where practicable identify critical maintenance and include such information in the plan required in subdivision ten of section thirty-six hundred forty-one of this chapter;

(c) require each school district to develop a buildings condition survey;

(d) require each school district to develop a five year capital facilities plan;

(e) establish a process for monitoring all school buildings; and

(f) provide for waivers of the requirements of this section and/or section four hundred nine-e of this article for districts whose school building safety inspection procedures in existence on the effective date of this section are in substantial compliance with such requirements.

3. Notification. Notwithstanding any other provision of law to the contrary, the commissioner shall be authorized to notify in writing any school district or board of cooperative educational services the existence of a hazardous condition found in any school building within the school district that is in violation of applicable building, health, or safety codes or regulations that may threaten the health and/or safety of students or staffs. Such notice must be acknowledged and responded to within five business days or less. Such notice shall be delivered to the superintendent of the school district or the district superintendent of the board of cooperative educational services. In the case of a city school district in a city having a population of one million or more inhabitants such notice shall be delivered to the chancellor of the city district.