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Int. No. 740

By the Public Advocate (Mr. Green) and by Council Members Michels, Quinn, Carrion, Clarke, DiBrienza, Freed, Henry, Marshall and Watkins; also Council Members Fisher, Foster, Harrison, Koslowitz, Leffler, Linares, McCaffrey, Miller, Perkins, Pinkett, Robles and Robinson

A Local Law to amend the administrative code of the city of New York, in relation to creating a parents' right to know about environmental hazards in and around public school buildings.

Be it enacted by the Council as follows:

Section 1. Title 24 of the administrative code of the city of New York is amended by adding thereto a new chapter 8 to read as follows:

Chapter 8

Parents' Right-to-Know Law

§24-801 Short title. This chapter shall be known and may be cited as the "New York City

Parents' Right-to-Know Law."

§24-802 Definitions. For the purpose of this chapter, the following terms shall have the

following meanings:

(a) "School facility" means any structure, or any portion thereof, operated by or on behalf of the board of education of the city of New York for use as a classroom for the instruction of students or for the administration of educational or research programs, including any playground or playground equipment, gymnasium, cafeteria or other facility designed for athletic or recreational activities or for an academic course in physical education, whether or not the board of education or the city of New York holds title to such structure.

(b) "School grounds" means the premises, or any portion thereof, of a school facility.

§24-803 Right of Access to Information. (a) Every (i) parent or guardian of a child under the age of eighteen in a school facility, and (ii) employee of the board of education of the city of New York who works in a school facility shall have a right to receive, upon written request with or without citation to this chapter, a copy of any report of any inspection, test or analysis of environmental conditions, building conditions or renovation activity in the child's or employee's school or on such school grounds, where such report is related to air quality, drinking water quality, dust or fumes, lead-based paint or other toxic or potentially toxic substances. Such persons shall also have a right to receive a copy of any report of inspections, tests or analyses regarding any environmental contamination or hazard within five hundred feet of such school facility. The documents subject to this chapter shall include, but not be limited to, all test results, analyses or findings conducted by or on behalf of the board of education, the New York city school construction authority or any other agency of the city of New York, the state of New York or the federal government for the purpose of determining whether environmental conditions require remediation of a site or pose a risk to the health of any student or employee, if a copy of such document is in the possession of a city agency.

(b) Any city agency that prepares or is in possession of a document covered by

subdivision (a) of this section shall provide a copy of the report to the commissioner of the department of environmental protection. In addition, whenever a city agency shall issue a written notice of violation for a violation of any law, code, rule or regulation regarding public health or safety, the condition of a building, any building system or appurtenance thereto or any form of work performed in connection with the erection, enlargement, repair, remodeling or repainting of a school facility, the agency shall provide a copy of such written notice to the commissioner of the department of environmental protection.

(c) The commissioner of environmental protection shall provide to the principal or director of the affected school facility or school grounds two copies of every report and notice of violation relating to such school facility or school grounds provided to or in the possession of the department pursuant to this section upon receipt. The commissioner shall also prepare and provide to such principal or director a posting including (i) the name of the school facility affected; (ii) the title of the report or a citation to the law, code, rule or regulation for which the notice of violation was issued; (iii) the date the report was prepared or notice of violation was issued; (iv) the date the report or notice of violation was provided to the principal or director of the school facility affected; and (v) the name of the agency that prepared the report or for whom the report was prepared, or that issued the notice of violation. The department of environmental protection shall maintain a log of all information contained in the postings it prepares and provide access to that log through a site on the internet.

(d) Every report and notice of violation provided to the principal or director of a school facility shall be made available to parents or guardians of students and employees at that facility for review upon their request. The principal shall provide a copy of every report and notice of violation to the president of the parents association in such school and shall post information regarding the opportunity to review the report or notice of violation in a conspicuous location at

such school facility so that parents and employees are duly informed. Copies of reports or notices of violation shall be made available to parents and guardians of students and employees at an affected facility upon written request at a cost of five cents per page.

§24-804 **Dispute Resolution.** (a) A parent, guardian or employee who believes that an agency has failed to comply with any provision of this chapter may file a written complaint with the commissioner of environmental protection, in such form and manner as determined by rules promulgated by the department. The complaint shall identify (i) the school facility; (ii) the agency that is allegedly in non-compliance; and (iii) the nature of the alleged violation.

(b) Within five business days of receiving a complaint, the commissioner shall make a determination as to the validity in whole or part of the complaint and shall notify the complainant, the affected agency and/or school facility of the determination and the reasons therefor. Where the commissioner determines that a violation of the law has occurred, the commissioner shall request the affected agency and/or school facility to correct the violation within five business days of receipt of the determination. A copy of the determination shall be forwarded to the mayor and the chancellor of the board of education.

§24-805 **Exemptions.** This chapter shall not apply to any portion of any report that: (i) is specifically exempted from disclosure by state or federal law, code, rule or regulation; (ii) if disclosed would constitute an unwarranted invasion of personal privacy under article 6 of the New York state public officers law; (iii) if disclosed would impair present or imminent contract awards or collective bargaining negotiations; (iv) is compiled for law enforcement purposes and if disclosed would (1) interfere with law enforcement investigations or judicial proceedings; (2) deprive a person of a right to a fair trial or impartial adjudication; (3) identify a confidential source or disclose confidential information relating to a criminal investigation; or (4) reveal criminal techniques or procedures, except routine techniques and procedures; or (v) if disclosed would

endanger the life or safety of any person.

§24-806 Rules. The commissioner shall have the power to promulgate such rules as may be necessary to carry out the purposes of this chapter.

§2. This local law shall take effect immediately.

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