

4465--A

2011-2012 Regular Sessions

I N   S E N A T E

April 6, 2011

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Introduced by Sen. AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- recommitted to the Committee on Education in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to imposing a moratorium on the initiation of school closings in cities with a population of one million or more

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1.     Paragraphs (a) and (f) of subdivision 2-a of section  
2     2590-h of the education law, as amended by chapter 345 of the laws of  
3     2009, are amended to read as follows:  
4     (a) Notwithstanding any other provision to the contrary, prepare an  
5     educational impact statement regarding any proposed school closing or  
6     significant change in school utilization, including the phase-out, grade  
7     reconfiguration, re-siting, or co-location of schools, for any public  
8     school located within the city district; PROVIDED HOWEVER THAT THE CHAN-  
9     CELLOR SHALL NOT BE AUTHORIZED TO PREPARE OR FILE AN EDUCATIONAL IMPACT  
10    STATEMENT FOR ANY PROPOSED SCHOOL CLOSING, SCHOOL PHASE-OUT, OR GRADE  
11    RECONFIGURATION THAT WOULD TAKE EFFECT DURING THE TWO THOUSAND THIR-  
12    TEEN--TWO THOUSAND FOURTEEN SCHOOL YEAR OR THE TWO THOUSAND  
13    FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR.  
14    (f) In the event that the chancellor determines that a school closing  
15    or significant change in school utilization is immediately necessary for  
16    the preservation of student health, safety or general welfare, the chan-  
17    cellor may temporarily close a public school or adopt a significant  
18    change in the school's utilization on an emergency basis. Such emergency  
19    school closing or significant change in school utilization shall only  
20    remain in effect for six months, during such time the chancellor shall  
21    comply with the requirements of this subdivision in order for such

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

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1 school closure or significant change in school utilization to extend  
2 beyond the six month period; PROVIDED THAT ANY EMERGENCY SCHOOL CLOSING  
3 OCCURRING DURING THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN SCHOOL  
4 YEAR OR THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR  
5 SHALL ONLY REMAIN IN EFFECT DURING SUCH TIME AS ABSOLUTELY NECESSARY IN  
6 ORDER TO PRESERVE STUDENT HEALTH, SAFETY OR GENERAL WELFARE.

7 S 2. Paragraph (h) of subdivision 1 of section 2590-g of the education  
8 law, as amended by chapter 345 of the laws of 2009, is amended to read  
9 as follows:

10 (h) approve proposals for all school closures or significant changes  
11 in school utilization including the phase-out, grade reconfiguration,  
12 re-siting, or co-location of schools, following any hearing pursuant to  
13 subdivision two-a of section twenty-five hundred ninety-h of this arti-  
14 cle; PROVIDED THAT THE CITY BOARD SHALL NOT APPROVE ANY PROPOSAL FOR A  
15 SCHOOL CLOSING, SCHOOL PHASE-OUT, OR GRADE RECONFIGURATION THAT WOULD  
16 TAKE EFFECT DURING THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN  
17 SCHOOL YEAR OR THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL  
18 YEAR.

19 S 3. Section 305 of the education law is amended by adding a new  
20 subdivision 43 to read as follows:

21 43. THE COMMISSIONER SHALL ESTABLISH A SCHOOL CLOSURE EVALUATION AND  
22 REVIEW COMMITTEE, WHICH SHALL REVIEW THE IMPACTS RELATING TO THE NUMBER  
23 OF LOW-PERFORMING SCHOOLS THAT HAVE BEEN CLOSED IN THE CITY SCHOOL  
24 DISTRICT LOCATED IN A CITY OF ONE MILLION OR MORE INHABITANTS INCLUDING,  
25 BUT NOT LIMITED TO, THE IMPACT TO STUDENT EDUCATIONAL EXPERIENCE AND  
26 ACHIEVEMENT, AND SHALL ALSO CONSIDER WHETHER ALTERNATIVE POLICIES WOULD  
27 HAVE A MORE POSITIVE IMPACT ON STUDENT ACHIEVEMENT. THE COMMITTEE SHALL  
28 INCLUDE, BUT NOT BE LIMITED TO, ACADEMICIANS WHO STUDY EDUCATIONAL  
29 OUTCOMES, PSYCHOMETRICIANS AND EDUCATION POLICY EXPERTS. THE COMMISSION-  
30 ER SHALL REPORT THE COMMITTEE'S FINDINGS TO THE CHAIRS OF THE SENATE AND  
31 ASSEMBLY EDUCATION COMMITTEE AND THE CHAIR OF THE SENATE FINANCE COMMIT-  
32 TEE AND THE CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE NO LATER THAN  
33 SEPTEMBER THIRTIETH, TWO THOUSAND FOURTEEN.

34 S 4. This act shall take effect immediately; provided that the amend-  
35 ments made to sections 2590-h and 2590-g of the education law by  
36 sections one and two of this act shall not affect the expiration of such  
37 sections pursuant to chapter 345 of the laws of 2009 and shall expire  
38 and be deemed repealed therewith.