

# STATE OF NEW YORK

7157--A

2025-2026 Regular Sessions

## IN SENATE

April 3, 2025

Introduced by Sen. COONEY -- read twice and ordered printed, and when printed to be committed to the Committee on Cities 2 -- reported favorably from said committee and committed to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend chapter 416 of the laws of 2007, establishing the city of Rochester and the board of education of the city school district of the city of Rochester school facilities modernization program act, in relation to granting further authority to the RJSCB to modernize educational facilities in the city of Rochester

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

1 Section 1. Sections 4, 5 and 6 of chapter 416 of the laws of 2007,  
2 establishing the city of Rochester and the board of education of the  
3 city school district of the city of Rochester school facilities modern-  
4 ization program act, as amended and the third and fifth undesignated  
5 paragraphs of subdivision 6 as added by chapter 614 of the laws of 2021,  
6 are amended to read as follows:

7 § 4. Project authorization. No more than: (a) 13 projects, up to a  
8 total cost of three hundred twenty-five million dollars in phase one,  
9 and (b) 26 projects, up to a total cost of four hundred thirty-five  
10 million dollars in phase two, and (c) 12 projects, up to a total cost of  
11 [~~four hundred seventy five million dollars~~] six hundred million dollars  
12 in phase three shall be authorized and undertaken pursuant to this act,  
13 unless otherwise authorized by law.

14 § 5. Comprehensive school facilities modernization plan. The super-  
15 intendent shall submit to the RJSCB a comprehensive draft plan recom-  
16 mending and outlining the projects for phase two and phase three it  
17 proposes to be undertaken pursuant to this act. The RJSCB shall consider  
18 the plan in developing a comprehensive school facilities modernization  
19 plan recommending and outlining the projects it proposes to be poten-

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

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1 tially undertaken pursuant to this act. Such plan shall include: (a) an  
2 estimate of total costs to be financed, proposed financing plan,  
3 proposed method of financing, terms and conditions of the financing,  
4 estimated financing costs, and, if city general obligation bonds or  
5 notes are not proposed as the method of financing, a comparison of  
6 financing costs between such bonds or notes and the proposed method of  
7 financing. Payment of debt service on bonds, notes or other obligations  
8 issued to secure financing of not more than \$325,000,000 in phase one,  
9 \$435,000,000 in phase two, and [~~\$475,000,000~~] \$600,000,000 in phase  
10 three for projects undertaken pursuant to this act shall not be consid-  
11 ered when determining the "city amount" required pursuant to subpara-  
12 graph (ii) of paragraph a of subdivision 5-b of section 2576 of the  
13 education law; provided, however, that this provision shall not other-  
14 wise affect the determination of said "city amount" with respect to  
15 funding unrelated to projects undertaken pursuant to this act. The plan  
16 should also address what specific options would be used to ensure that  
17 sufficient resources exist to cover the local share of any such project  
18 cost on an annual basis; (b) information concerning the potential  
19 persons to be involved in the financing and such person's role and  
20 responsibilities; (c) estimates on the design, reconstruction and reha-  
21 bilitation costs by project, any administrative costs for potential  
22 projects, and an outline of the timeframe expected for completion of  
23 each potential project; (d) a detailed description of the request for  
24 proposals process and an outline of the criteria to be used for  
25 selection of the program manager, the independent compliance officer and  
26 all contractors; provided that the RJSCB may extend the contracts of the  
27 providers of professional services for phase one or two upon the  
28 adoption of findings that doing so would be in the public interest; the  
29 contracts of the program manager and the independent compliance officer  
30 for phase two will be rebid and the contracts of the program manager and  
31 the independent compliance officer for phase three will be rebid, and  
32 provided further that the program manager and the independent compliance  
33 officer and any new or different providers of professional services  
34 shall be engaged in compliance with the provisions of section eight of  
35 this act; (e) any proposed amendments to the city school district's  
36 five-year capital facilities plan submitted in accordance with subdivi-  
37 sion 6 of section 3602 of the education law and the regulations of the  
38 commissioner; and (f) a diversity plan to develop diversity goals,  
39 including appropriate community input and public discussion, and develop  
40 strategies that would create and coordinate any efforts to ensure a more  
41 diverse workforce for the projects. The diversity plan should address  
42 accountability for attainment of the diversity goals, what forms of  
43 monitoring would be used, and how such information would be publicly  
44 communicated.

45 Prior to the development of the comprehensive school facilities  
46 modernization plan, the RJSCB and district shall hold as many public  
47 hearings as may be necessary to ensure sufficient public input and allow  
48 for significant public discussion on school building needs in such city,  
49 with at least one hearing to be held in each neighborhood potentially  
50 impacted by a proposed project.

51 All projects proposed in the comprehensive school facilities modern-  
52 ization plan shall be included by the city school district as a special  
53 section of the district's five-year capital facilities plan that is  
54 required pursuant to subdivision 6 of section 3602 of the education law  
55 and the regulations of the commissioner.

1 The RJSCB shall submit the components of such comprehensive plan  
2 outlined in subdivision (a) of this section to the comptroller, along  
3 with any other information requested by the comptroller, for [~~his or~~  
4 ~~her~~] such comptroller's review and approval.

5 § 6. Project selection. Notwithstanding any general, special or local  
6 law to the contrary and upon approval by the comptroller pursuant to  
7 section five of this act, the RJSCB may select projects to be undertaken  
8 pursuant to this act, as provided for in such approved comprehensive  
9 plan. After the RJSCB has selected a new project and plans and specifi-  
10 cations for such project have been prepared and approved by the RJSCB,  
11 which are consistent with the approved comprehensive plan, the RJSCB  
12 shall deliver such plans and specifications to the superintendent of the  
13 city school district and the mayor of the city of Rochester for review  
14 to ensure that sufficient resources exist to pay the local share of any  
15 such project cost on an annual basis and that the plans meet program  
16 needs, and upon the approval of the superintendent, to the commissioner  
17 for [~~his or her~~] their approval. After approval by the superintendent  
18 and commissioner, the plans and specifications shall be returned to the  
19 RJSCB. All such specifications shall detail the number of students the  
20 completed project is intended to serve, the site description, the types  
21 of subjects to be taught, the types of activities for school, recre-  
22 ational, social, safety, or other purposes intended to be incorporated  
23 in the school building or on its site and such other information as the  
24 RJSCB and the commissioner shall deem necessary or advisable. The  
25 district program manager shall establish reasonable guidelines or limits  
26 on incidental costs to assure that to the greatest extent possible such  
27 costs for each project do not exceed the state's maximum incidental cost  
28 allowance, in order to maximize efficient use of state building aid.

29 Notwithstanding any other provision of law to the contrary, the RJSCB  
30 shall submit estimated project costs for the projects authorized pursu-  
31 ant to subdivisions (b) and (c) of section four of this act on a form  
32 provided by the commissioner after the completion of schematic plans and  
33 specifications for review by the commissioner. For projects authorized  
34 pursuant to subdivision (b) of section four of this act, if the total  
35 project costs associated with such projects exceed the sum of the esti-  
36 mated individual approved cost allowance of each building project by  
37 more than the lesser of 43 million dollars or ten percent of the  
38 approved costs authorized pursuant to subdivision (b) of section four of  
39 this act, and the city school district has not otherwise demonstrated to  
40 the satisfaction of the state education department the availability of  
41 additional local shares for such excess costs, then the RJSCB shall not  
42 proceed with the preparation of final plans and specifications for such  
43 projects until the projects have been redesigned or value-engineered to  
44 reduce estimated project costs so as not to exceed the above cost  
45 limits. For projects authorized pursuant to subdivision (c) of section  
46 four of this act, if the [~~total estimated building aid payable~~] esti-  
47 mated aidable project costs for projects authorized pursuant to subdivi-  
48 sion (c) of section four of this act, based upon the sum of the esti-  
49 mated individual approved cost allowance of each building, is less than  
50 ninety-five percent of the total project costs, the RJSCB shall not  
51 proceed with preparation of final plans and specifications for such  
52 projects until the projects have been redesigned or value engineered to  
53 reduce estimated costs so as not to exceed this cost limit.

54 Notwithstanding any other provision of law to the contrary, the RJSCB  
55 shall submit estimated project costs for the projects authorized pursu-  
56 ant to subdivision (c) of section four of this act on a form provided

1 by the commissioner after the completion of twenty-five percent of the  
2 final plans and specifications for review by the commissioner. If the  
3 [~~total estimated building aid payable~~] estimated aidable project costs  
4 for projects authorized pursuant to subdivision (c) of section four of  
5 this act, based upon the sum of the estimated individual approved cost  
6 allowance of each building, is less than ninety-five percent of the  
7 total project costs, the RJSCB shall not proceed with the completion of  
8 the remaining seventy-five percent of the plans and specifications for  
9 such projects until the projects have been redesigned or value-engi-  
10 neered to reduce estimated costs so as not to exceed this cost limit.

11 Notwithstanding any other provision of law to the contrary, the RJSCB  
12 shall submit estimated project costs for the projects authorized pursu-  
13 ant to subdivisions (b) and (c) of section four of this act on a form  
14 provided by the commissioner after the completion of fifty percent of  
15 the final plans and specifications for review by the commissioner. For  
16 projects authorized pursuant to subdivision (b) of section four of this  
17 act, if the total project costs associated with such projects exceed the  
18 sum of the estimated individual approved cost allowance of each building  
19 project by more than the lesser of 43 million dollars or ten percent of  
20 the approved costs authorized pursuant to subdivision (b) of section  
21 four of this act, and the city school district has not otherwise demon-  
22 strated to the satisfaction of the state education department the avail-  
23 ability of additional local share for such excess costs, then the RJSCB  
24 shall not proceed with the completion of the remaining fifty percent of  
25 the plans and specifications for such projects until the projects have  
26 been redesigned or value-engineered to reduce estimated project costs so  
27 as not to exceed the above cost limits. For projects authorized pursu-  
28 ant to subdivision (c) of section four of this act, if the [~~total esti-~~  
29 ~~mated building aid payable~~] estimated aidable project costs for projects  
30 authorized pursuant to subdivision (c) of section four of this act,  
31 based upon the sum of the estimated individual approved cost allowance  
32 of each building, is less than ninety-five percent of the total project  
33 costs, the RJSCB shall not proceed with the completion of the remaining  
34 fifty percent of the plans and specifications for such projects until  
35 the projects have been redesigned or value-engineered to reduce esti-  
36 mated project costs so as not to exceed this cost limit.

37 Notwithstanding any other provision of law to the contrary, the RJSCB  
38 shall submit estimated project costs for the projects authorized pursu-  
39 ant to subdivision (c) of section four of this act on a form provided  
40 by the commissioner after the completion of seventy-five percent of the  
41 final plans and specifications for review by the commissioner. If the  
42 total estimated building aid payable for projects authorized pursuant to  
43 subdivision (c) of section four of this act, based upon the sum of the  
44 estimated individual approved cost allowance of each building, is less  
45 than ninety-five percent of the total project costs, the RJSCB shall not  
46 proceed with the completion of the remaining twenty-five percent of the  
47 plans and specifications for such projects until the projects have been  
48 redesigned or value-engineered to reduce estimated project costs so as  
49 not to exceed this cost limit.

50 § 2. Subdivision (c) of section 21 of chapter 416 of the laws of 2007,  
51 establishing the city of Rochester and the board of education of the  
52 city school district of the city of Rochester school facilities modern-  
53 ization program act, as added by chapter 614 of the laws of 2021, is  
54 amended to read as follows:

55 (c) On or before June 30, [~~2031~~] 2033, or upon completion of the 12  
56 projects authorized in phase three pursuant to this act, whichever shall

1 first occur, the RJSCB shall issue a report to the city, the city school  
2 district, the governor, the commissioner, the comptroller, the temporary  
3 president of the senate, the speaker of the assembly, the minority lead-  
4 er of the senate, the minority leader of the assembly, the state board  
5 of regents, and the chairs and ranking minority members of the New York  
6 state senate and assembly committees on education, the finance committee  
7 of the New York state senate, and the ways and means committee of the  
8 New York state assembly. Such report shall identify the fiscal and peda-  
9 gogical results of the projects undertaken pursuant to this act, along  
10 with recommendations for its continuance, amendments, or discontinuance.

11 § 3. This act shall take effect immediately and shall apply to all  
12 contracts entered into, renewed, modified or amended on or after such  
13 effective date.