S T A T E  O F  N E W  Y O R K

1291

2009-2010 Regular Sessions

I N  A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. WRIGHT, PHEFFER -- Multi-Sponsored by -- M. of A. O'DONNELL -- read once and referred to the Committee on Education

AN ACT to amend the New York city charter, in relation to notification when the city board of education is considering the opening, closing and/or consolidation of a school

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

Section 1. The legislature finds that the issue which generally elicits the greatest passions of the community and its elected state and local public officials is that of school closings and/or consolidation. It has come to the attention of the legislature that the New York city department of education has recently failed to notify elected state and local public officials when school closings and/or consolidations were planned within the respective communities of such elected public officials. The legislature further finds that it has a duty to be responsive to the important issues raised by its constituencies and other locally elected public officials.

S 2. The New York city charter is amended by adding a new section 530 to read as follows:

S 530. NOTIFICATION. THE NEW YORK CITY BOARD OF EDUCATION SHALL NOTIFY THE ELECTED STATE AND LOCAL PUBLIC OFFICIALS WHO REPRESENT AN AFFECTED COMMUNITY, THE APPROPRIATE CITY COMMUNITY BOARD HAVING JURISDICTION AND THE PARENTS OR GUARDIANS OF CHILDREN ATTENDING AN AFFECTED SCHOOL WHEN SUCH BOARD OF EDUCATION IS CONSIDERING THE OPENING, CLOSING AND/OR CONSOLIDATION OF A SCHOOL. A COPY OF SUCH NOTIFICATION SHALL ALSO BE DISPLAYED IN A PROMINENT LOCATION WITHIN ANY SCHOOL OR SCHOOLS IN THE CITY SCHOOL DISTRICT THAT MAY BE AFFECTED BY SUCH AN OPENING, CLOSING AND/OR CONSOLIDATION. THE BOARD OF EDUCATION SHALL ALSO SEEK INPUT FROM THE ELECTED LOCAL AND PUBLIC OFFICIALS REPRESENTING THE COMMUNITY AFFECTED BY THE OPENING, CLOSING AND/OR CONSOLIDATION. THE BOARD OF

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

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EDUCATION SHALL DEVELOP A PROGRAM TO ENSURE SUCH NOTIFICATION OCCURS AT LEAST TWELVE MONTHS PRIOR TO ANY PROJECTED SCHOOL OPENING, CLOSING AND/OR CONSOLIDATION AS WELL AS A MECHANISM FOR MEANINGFUL INPUT BY THE ELECTED STATE AND LOCAL PUBLIC OFFICIALS REPRESENTING SUCH AFFECTED COMMUNITIES.

IN THE EVENT THE BOARD OF EDUCATION HAS PROJECTED THE CLOSING AND/OR CONSOLIDATION OF A SCHOOL DUE TO THE UNDERUTILIZATION OF FACILITIES, THE BOARD OF EDUCATION SHALL ENSURE THAT SUCH CLOSING AND/OR CONSOLIDATION RESULTS IN STUDENTS BEING SENT FROM THE LOW ACHIEVING SCHOOL TO THE HIGHER ACHIEVING SCHOOL.

S 3. This act shall take effect on the one hundred twentieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized and directed to be made and completed on or before such effective date.