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

5442

2009-2010 Regular Sessions

I N A S S E M B L Y

February 13, 2009

Introduced by M. of A. MAISEL, BROOK-KRASNY, MILLMAN, GREENE, JOHN, ROBINSON, KELLNER, GABRYSZAK, ROSENTHAL -- Multi-Sponsored by -- M. of A. BRENNAN, CHRISTENSEN, DIAZ, EDDINGTON, GLICK, GOTTFRIED, JACOBS, TITONE, WEISENBERG -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to the discontinuation of certain schools 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:

Section 1. Subdivision 2 of section 2590-h of the education law, as amended by chapter 123 of the laws of 2003, is amended to read as follows:

2. Establish, control and operate new schools or programs of the types specified in subdivision one of this section, or to discontinue any such schools and programs as he or she may determine; provided, however, that the chancellor shall:

(A) consult with the affected community district education council before:

[(a)] (I) substantially expanding or reducing such an existing school or program within a community district;

[(b)] (II) initially utilizing a community district school or facility for such a school or program;

[(c)] (III) instituting any new program within a community district; AND

(B) HOLD A PUBLIC HEARING ON THE PROPOSED CLOSURE OF ANY SCHOOL. SUCH HEARING SHALL BE HELD AT THE SCHOOL THAT IS THE SUBJECT OF THE HEARING. SUCH HEARING SHALL BE HELD AT LEAST SIX MONTHS AND NO MORE THAN ONE YEAR PRIOR TO SUCH ANTICIPATED CLOSURE DATE. THE CHANCELLOR SHALL ENSURE THAT NOTICE OF THE HEARING IS POSTED IN SUCH A MANNER TO MAXIMIZE THE NUMBER OF AFFECTED INDIVIDUALS THAT RECEIVE NOTICE, INCLUDING PROVIDING NOTICE TO STUDENTS AND PARENTS OF THE STUDENTS. IN THE EVENT THAT IT IS DETER-

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

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MINED AFTER SUCH HEARING THAT A SCHOOL SHOULD BE CLOSED SUCH CLOSURE MUST WAIT UNTIL THE SCHOOL YEAR IN WHICH THE FINAL DETERMINATION HAD BEEN MADE, HAS ENDED.

S 2. This act shall take effect on the thirtieth day after it shall have become a law; provided that the amendments to section 2590-h of the education law made by section one of this act shall not affect the expiration and reversion of such subdivision and shall expire and be deemed repealed therewith.