

8800--A

I N A S S E M B L Y

(PREFILED)

January 4, 2012

Introduced by M. of A. CASTRO, STEVENSON, CRESPO, RODRIGUEZ, HEASTIE, GIBSON, SCARBOROUGH, THIELE, ARROYO, JEFFRIES, HIKIND, McENENY, REILLY, BARRON, PRETLOW, CAMARA, ORTIZ, HOOPER, PERRY, ESPINAL, P. RIVERA, M. MILLER, BRINDISI, COLTON, RAMOS, MENG -- Multi-Sponsored by -- M. of A. ABBATE, AUBRY, BARCLAY, BOYLAND, BURLING, BUTLER, CALHOUN, CERETTO, CORWIN, CROUCH, CURRAN, FITZPATRICK, GABRYSZAK, GIGLIO, GRAF, HAWLEY, LOSQUADRO, MALLIOTAKIS, McDONOUGH, McLAUGHLIN, D. MILLER, J. MILLER, MOYA, MURRAY, PALMESANO, RA, RAIA, REILICH, ROBINSON, SALADINO, SCHIMMINGER, SIMANOWITZ, TEDISCO, TOBACCO, WALTER, WRIGHT -- read once and referred to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to authorizing religious meetings and worship in school buildings and school sites

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

1 Section 1. The opening paragraph and paragraph (c) of subdivision 1 of
2 section 414 of the education law, the opening paragraph as amended by
3 chapter 369 of the laws of 1977 and paragraph (c) as amended by chapter
4 345 of the laws of 2009, are amended and a new subdivision 3 is added to
5 read as follows:

6 Schoolhouses and the grounds connected therewith and all property
7 belonging to the district shall be in the custody and under the control
8 and supervision of the trustees or board of education of the district.
9 The trustees or board of education, OR IN THE CITY OF NEW YORK THE
10 COMMUNITY SCHOOL BOARD, may adopt reasonable regulations for the use of
11 such schoolhouses, grounds or other property, all portions thereof, when
12 not in use for school purposes or when the school is in use for school
13 purposes if in the opinion of the trustees or board of education use
14 will not be disruptive of normal school operations, for such other
15 public purposes as are herein provided[; except, however, in the city of
16 New York each community school board shall be authorized to prohibit any
17 use of schoolhouses and school grounds within its district which would

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

LBD13680-03-2

1 otherwise be permitted under the provisions of this section]. Such regu-
2 lations shall provide for the safety and security of the pupils and
3 shall not conflict with the provisions of this chapter and shall conform
4 to the purposes and intent of this section and shall be subject to
5 review on appeal to the commissioner of education as provided by law.
6 The trustees or board of education of each district may, subject to
7 regulations adopted as above provided, permit the use of the schoolhouse
8 and rooms therein, and the grounds and other property of the district,
9 when not in use for school purposes or when the school is in use for
10 school purposes if in the opinion of the trustees or board of education
11 use will not be disruptive of normal school operations, for any of the
12 following purposes:

13 (c) For holding social, civic, RELIGIOUS and recreational meetings and
14 entertainments, and other uses pertaining to the welfare of the communi-
15 ty; but such meetings, entertainment and uses shall be non-exclusive and
16 shall be open to the general public. Civic meetings shall include, but
17 not be limited to, meetings of parent associations and parent-teacher
18 associations.

19 3. NOTHING IN THIS SECTION SHALL AUTHORIZE THE TRUSTEES OR BOARD OF
20 EDUCATION OF THE DISTRICT TO ADOPT OR INTERPRET REGULATIONS FOR THE USE
21 OF SCHOOLHOUSES, GROUNDS OR OTHER PROPERTY, PURSUANT TO SUBDIVISION ONE
22 OF THIS SECTION, THAT WOULD RESULT IN THE EXCLUSION OR LIMITATION OF
23 SPEECH, DURING NON SCHOOL HOURS, EVEN WHERE STUDENTS MAY BE PRESENT,
24 INCLUDING SPEECH THAT EXPRESSES RELIGIOUS CONDUCT OR DISCUSSES SUBJECTS
25 FROM A RELIGIOUS VIEWPOINT.

26 S 2. This act shall take effect immediately.