

3647

2011-2012 Regular Sessions

I N   S E N A T E

February 28, 2011

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Introduced by Sens. KLEIN, ADAMS, HASSELL-THOMPSON, SAVINO -- read twice  
and ordered printed, and when printed to be committed to the Committee  
on Education

AN ACT to amend the education law, in relation to use of school facilities by not-for-profit and charitable organizations for after-school programs

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

1     Section 1. Subdivision 1 of section 414 of the education law is  
2     amended by adding a new paragraph (l) to read as follows:  
3     (L) FOR BONA FIDE AFTER-SCHOOL PROGRAMS OPERATED BY A NOT-FOR-PROFIT  
4     OR CHARITABLE ORGANIZATION. SUCH PROGRAMS SHALL PRESENT SOME FORM OF  
5     EDUCATIONAL INSTRUCTION OR ACADEMIC MATERIAL, OR PROMOTE PHYSICAL EDUCATION.  
6  
7     S 2. Subdivision 2 of section 414 of the education law, as amended by  
8     chapter 513 of the laws of 2005, is amended to read as follows:  
9     2. The trustees or board of education shall determine the terms and  
10    conditions for such use which may include rental at least in an amount  
11    sufficient to cover all resulting expenses for the purposes of paragraphs (a), (b), (c), (d), (e), (g), (i), (j) and (k) of subdivision one  
12    of this section. FOR THE PURPOSES OF PARAGRAPH (1) OF SUBDIVISION ONE OF  
13    THIS SECTION, THE TRUSTEES OR BOARD OF EDUCATION MAY PROVIDE THAT EITHER  
14    NO FEE OR A MINIMAL FEE BE IMPOSED UPON THE NOT-FOR-PROFIT OR CHARITABLE  
15    ORGANIZATION. Any such use, pursuant to [paragraphs] PARAGRAPH (a), (c),  
16    (d), (h) [and], (j) OR (L) of subdivision one of this section, shall not  
17    allow the exclusion of any district child solely because said child is  
18    not attending a district school or not attending the district school  
19    which is sponsoring such use or on which grounds the use is to occur.  
20    S 3. Subdivision 27 of section 2590-h of the education law, as amended  
21    by chapter 345 of the laws of 2009, is amended to read as follows:  
22

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

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1 27. Promulgate regulations, in conjunction with each community super-  
2 intendent, establishing a plan for providing access to school facilities  
3 in each community school district, when not in use for school purposes,  
4 in accordance with the provisions of section four hundred fourteen of  
5 this chapter. Such plan shall set forth a reasonable system of fees not  
6 to exceed the actual costs and specify that no part of any fee shall  
7 directly or indirectly benefit or be deposited into an account which  
8 inures to the benefit of the custodians or custodial engineers.  
9 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION TO THE  
10 CONTRARY, SUCH PLAN MAY PROVIDE THAT EITHER NO FEE OR A MINIMAL FEE  
11 SHALL BE CHARGED FOR THE USE OF SCHOOL FACILITIES BY A NOT-FOR-PROFIT OR  
12 CHARITABLE ORGANIZATION. THE USE OF SUCH FACILITIES SHALL ONLY BE FOR  
13 BONA FIDE AFTER-SCHOOL PROGRAMS THAT PRESENT SOME FORM OF EDUCATIONAL  
14 INSTRUCTION OR ACADEMIC MATERIAL, OR PROMOTE PHYSICAL EDUCATION.

15 S 4. Subdivision 27 of section 2590-h of the education law, as amended  
16 by chapter 720 of the laws of 1996, is amended to read as follows:

17 27. Develop, in conjunction with each community superintendent, a plan  
18 for providing access to school facilities in each community school  
19 district, when not in use for school purposes, in accordance with the  
20 provisions of section four hundred fourteen of this chapter. Such plan  
21 shall set forth a reasonable system of fees not to exceed the actual  
22 costs and specify that no part of any fee shall directly or indirectly  
23 benefit or be deposited into an account which inures to the benefit of  
24 the custodians or custodial engineers. NOTWITHSTANDING ANY OTHER  
25 PROVISION OF LAW, RULE OR REGULATION TO THE CONTRARY, SUCH PLAN MAY  
26 PROVIDE THAT EITHER NO FEE OR A MINIMAL FEE SHALL BE CHARGED FOR THE USE  
27 OF SCHOOL FACILITIES BY A NOT-FOR-PROFIT OR CHARITABLE ORGANIZATION. THE  
28 USE OF SUCH FACILITIES SHALL ONLY BE FOR BONA FIDE AFTER-SCHOOL PROGRAMS  
29 THAT PRESENT SOME FORM OF EDUCATIONAL INSTRUCTION OR ACADEMIC MATERIAL,  
30 OR PROMOTE PHYSICAL EDUCATION.

31 S 5. This act shall take effect on the one hundred eightieth day after  
32 it shall have become a law; provided that the amendments to subdivision  
33 27 of section 2590-h of the education law, made by section three of this  
34 act, shall be subject to the expiration and reversion of such section,  
35 pursuant to subdivision 12 of section 17 of chapter 345 of the laws of  
36 2009, as amended, when upon such date the provisions of section four of  
37 this act shall take effect.