

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

4465--A

2011-2012 Regular Sessions

I N S E N A T E

April 6, 2011

Introduced by Sen. AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- recommitted to the Committee on Education in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to imposing a moratorium on the initiation of school closings 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:

1 Section 1. Paragraphs (a) and (f) of subdivision 2-a of section
2 2590-h of the education law, as amended by chapter 345 of the laws of
3 2009, are amended to read as follows:
4 (a) Notwithstanding any other provision to the contrary, prepare an
5 educational impact statement regarding any proposed school closing or
6 significant change in school utilization, including the phase-out, grade
7 reconfiguration, re-siting, or co-location of schools, for any public
8 school located within the city district; PROVIDED HOWEVER THAT THE CHAN-
9 CELLOR SHALL NOT BE AUTHORIZED TO PREPARE OR FILE AN EDUCATIONAL IMPACT
10 STATEMENT FOR ANY PROPOSED SCHOOL CLOSING, SCHOOL PHASE-OUT, OR GRADE
11 RECONFIGURATION THAT WOULD TAKE EFFECT DURING THE TWO THOUSAND THIR-
12 TEEN--TWO THOUSAND FOURTEEN SCHOOL YEAR OR THE TWO THOUSAND
13 FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR.
14 (f) In the event that the chancellor determines that a school closing
15 or significant change in school utilization is immediately necessary for
16 the preservation of student health, safety or general welfare, the chan-
17 cellor may temporarily close a public school or adopt a significant
18 change in the school's utilization on an emergency basis. Such emergency
19 school closing or significant change in school utilization shall only
20 remain in effect for six months, during such time the chancellor shall
21 comply with the requirements of this subdivision in order for such

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

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1 school closure or significant change in school utilization to extend
2 beyond the six month period; PROVIDED THAT ANY EMERGENCY SCHOOL CLOSING
3 OCCURRING DURING THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN SCHOOL
4 YEAR OR THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR
5 SHALL ONLY REMAIN IN EFFECT DURING SUCH TIME AS ABSOLUTELY NECESSARY IN
6 ORDER TO PRESERVE STUDENT HEALTH, SAFETY OR GENERAL WELFARE.

7 S 2. Paragraph (h) of subdivision 1 of section 2590-g of the education
8 law, as amended by chapter 345 of the laws of 2009, is amended to read
9 as follows:

10 (h) approve proposals for all school closures or significant changes
11 in school utilization including the phase-out, grade reconfiguration,
12 re-siting, or co-location of schools, following any hearing pursuant to
13 subdivision two-a of section twenty-five hundred ninety-h of this arti-
14 cle; PROVIDED THAT THE CITY BOARD SHALL NOT APPROVE ANY PROPOSAL FOR A
15 SCHOOL CLOSING, SCHOOL PHASE-OUT, OR GRADE RECONFIGURATION THAT WOULD
16 TAKE EFFECT DURING THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN
17 SCHOOL YEAR OR THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL
18 YEAR.

19 S 3. Section 305 of the education law is amended by adding a new
20 subdivision 43 to read as follows:

21 43. THE COMMISSIONER SHALL ESTABLISH A SCHOOL CLOSURE EVALUATION AND
22 REVIEW COMMITTEE, WHICH SHALL REVIEW THE IMPACTS RELATING TO THE NUMBER
23 OF LOW-PERFORMING SCHOOLS THAT HAVE BEEN CLOSED IN THE CITY SCHOOL
24 DISTRICT LOCATED IN A CITY OF ONE MILLION OR MORE INHABITANTS INCLUDING,
25 BUT NOT LIMITED TO, THE IMPACT TO STUDENT EDUCATIONAL EXPERIENCE AND
26 ACHIEVEMENT, AND SHALL ALSO CONSIDER WHETHER ALTERNATIVE POLICIES WOULD
27 HAVE A MORE POSITIVE IMPACT ON STUDENT ACHIEVEMENT. THE COMMITTEE SHALL
28 INCLUDE, BUT NOT BE LIMITED TO, ACADEMICIANS WHO STUDY EDUCATIONAL
29 OUTCOMES, PSYCHOMETRICIANS AND EDUCATION POLICY EXPERTS. THE COMMISSION-
30 ER SHALL REPORT THE COMMITTEE'S FINDINGS TO THE CHAIRS OF THE SENATE AND
31 ASSEMBLY EDUCATION COMMITTEE AND THE CHAIR OF THE SENATE FINANCE COMMIT-
32 TEE AND THE CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE NO LATER THAN
33 SEPTEMBER THIRTIETH, TWO THOUSAND FOURTEEN.

34 S 4. This act shall take effect immediately; provided that the amend-
35 ments made to sections 2590-h and 2590-g of the education law by
36 sections one and two of this act shall not affect the expiration of such
37 sections pursuant to chapter 345 of the laws of 2009 and shall expire
38 and be deemed repealed therewith.