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

7560

2013-2014 Regular Sessions

I N A S S E M B L Y

May 23, 2013

Introduced by M. of A. CRESPO, RODRIGUEZ, HEASTIE, GIBSON, SCARBOROUGH, THIELE, ARROYO, HIKIND, BARRON, PRETLOW, CAMARA -- Multi-Sponsored by -- M. of A. ABBATE, AUBRY, BARCLAY, BRINDISI, BUTLER, CERETTO, COLTON, CORWIN, CROUCH, CURRAN, ESPINAL, FITZPATRICK, GABRYSZAK, GIGLIO, GRAF, HAWLEY, HOOPER, MALLIOTAKIS, McDONALD, McLAUGHLIN, MILLER, MOYA, ORTIZ, PALMESANO, PERRY, RA, RAIA, RAMOS, REILICH, ROBINSON, SALADINO, SCHIMMINGER, SIMANOWITZ, TEDISCO, WALTER, WRIGHT -- read once and referred to the Committee on Education

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:

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

Schoolhouses and the grounds connected therewith and all property belonging to the district shall be in the custody and under the control and supervision of the trustees or board of education of the district. The trustees or board of education, OR IN THE CITY OF NEW YORK THE COMMUNITY SCHOOL BOARD, may adopt reasonable regulations for the use of such schoolhouses, grounds or other property, all portions thereof, when not in use for school purposes or when the school is in use for school purposes if in the opinion of the trustees or board of education use will not be disruptive of normal school operations, for such other public purposes as are herein provided[; except, however, in the city of New York each community school board shall be authorized to prohibit any use of schoolhouses and school grounds within its district which would otherwise be permitted under the provisions of this section]. Such regulations shall provide for the safety and security of the pupils and

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

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shall not conflict with the provisions of this chapter and shall conform to the purposes and intent of this section and shall be subject to review on appeal to the commissioner of education as provided by law. The trustees or board of education of each district may, subject to regulations adopted as above provided, permit the use of the schoolhouse and rooms therein, and the grounds and other property of the district, when not in use for school purposes or when the school is in use for school purposes if in the opinion of the trustees or board of education use will not be disruptive of normal school operations, for any of the following purposes:

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

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

S 2. This act shall take effect immediately.