

1784--A

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. MILLMAN, STEVENSON, ORTIZ, JAFFEE, JACOBS, COLTON, MAISEL, WEISENBERG, GIBSON, TITONE, BARRON, COOK, WEPRIN, ROSENTHAL -- Multi-Sponsored by -- M. of A. BRENNAN, CAHILL, CAMARA, MARKEY, RIVERA, SCHIMEL, 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 requiring that all special education students attending schools scheduled to be closed or to undergo a significant change be assigned to new schools prior to the implementation of the closing or change

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

- 1 Section 1. Paragraphs (b) and (e) of subdivision 2-a of section 2590-h  
2 of the education law, as amended by chapter 345 of the laws of 2009, are  
3 amended to read as follows:  
4 (b) Such educational impact statement shall include the following  
5 information regarding the proposed school closing or significant change  
6 in school utilization:  
7 (i) the current and projected pupil enrollment of the affected school,  
8 the prospective need for such school building, the ramifications of such  
9 school closing or significant change in school utilization upon the  
10 community, initial costs and savings resulting from such school closing  
11 or significant change in school utilization, the potential disposability  
12 of any closed school;  
13 (ii) the impacts of the proposed school closing or significant change  
14 in school utilization to any affected students;  
15 (iii) an outline of any proposed or potential use of the school build-  
16 ing for other educational programs or administrative services;

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

LBD01919-02-3

1 (iv) the effect of such school closing or significant change in school  
2 utilization on personnel needs, the costs of instruction, adminis-  
3 tration, transportation, and other support services;

4 (v) the type, age, and physical condition of such school building,  
5 maintenance, and energy costs, recent or planned improvements to such  
6 school building, and such building's special features;

7 (vi) the ability of other schools in the affected community district  
8 to accommodate pupils following the school closure or significant change  
9 in school utilization, THE CURRENT AND PROJECTED PUPIL ENROLLMENT AT  
10 EACH SUCH OTHER SCHOOL AND A LIST OF AFFECTED SPECIAL EDUCATION SCHOOL  
11 STUDENTS SCHEDULED TO ATTEND EACH SUCH OTHER SCHOOL; and

12 (vii) information regarding such school's academic performance includ-  
13 ing whether such school has been identified as a school under registra-  
14 tion review or has been identified as a school requiring academic  
15 progress, a school in need of improvement, or a school in corrective  
16 action or restructuring status.

17 (e) (I) Except as otherwise provided in paragraph (f) of this subdivi-  
18 sion, all proposed school closings or significant changes in school  
19 utilization shall be approved by the city board pursuant to section  
20 twenty-five hundred ninety-g of this article and shall not take effect  
21 until all the provisions of this subdivision have been satisfied and the  
22 school year in which such city board approval was granted, has ended.

23 (II) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (F) OF THIS SUBDIVI-  
24 SION, NO PROPOSED SCHOOL CLOSING OR SIGNIFICANT CHANGE IN SCHOOL UTILI-  
25 ZATION SHALL TAKE EFFECT UNTIL ALL SPECIAL EDUCATION PUPILS IN THE  
26 AFFECTED SCHOOL HAVE BEEN ASSIGNED TO NEW SCHOOLS WITHIN THE CITY OF NEW  
27 YORK AND THE CHANCELLOR HAS VERIFIED THAT EACH NEW SCHOOL WITHIN THE  
28 CITY OF NEW YORK ACCEPTING SPECIAL EDUCATION STUDENTS FROM THE AFFECTED  
29 SCHOOL CAN ACCOMMODATE SUCH PUPILS AS WELL AS AN ADDITIONAL INCREASE IN  
30 THE TOTAL NUMBER OF PUPILS OF NO LESS THAN TEN PERCENT OF THE TOTAL  
31 SCHOOL PUPIL POPULATION.

32 S 2. This act shall take effect immediately; provided that the amend-  
33 ments to subdivision 2-a of section 2590-h of the education law made by  
34 section one of this act shall not affect the repeal of such subdivision  
35 and shall be deemed repealed therewith.