

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

5671

2013-2014 Regular Sessions

I N A S S E M B L Y

March 5, 2013

Introduced by M. of A. ENGLEBRIGHT, SCARBOROUGH, COOK, WEISENBERG, ROSA,
COLTON, PAULIN, LAVINE -- Multi-Sponsored by -- M. of A. ARROYO,
KEARNS, RIVERA -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to minimum standards for
the security and safety of school grounds

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

- 1 Section 1. Section 305 of the education law is amended by adding a new
2 subdivision 43 to read as follows:
3 43. THE COMMISSIONER, IN CONJUNCTION WITH THE SUPERINTENDENT OF STATE
4 POLICE AND THE COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND
5 EMERGENCY SERVICES, SHALL ESTABLISH, BY RULE, MINIMUM STANDARDS FOR THE
6 SECURITY AND SAFETY OF SCHOOL BUILDINGS, GROUNDS AND PROPERTY SO AS TO
7 PROVIDE AN APPROPRIATELY SAFE LEARNING ENVIRONMENT. SUCH STANDARDS SHALL
8 INCLUDE, BUT NOT BE LIMITED TO, THE SECURITY OF BUILDING DOORS, WINDOWS
9 AND OTHER POINTS OF ENTRY, AND ACCESS TO SCHOOL GROUNDS AND PROPERTY,
10 INCLUDING GUIDELINES FOR FENCES AND SECURITY GATES.
11 S 2. Subparagraphs (iii) and (iv) of paragraph i of subdivision 2 of
12 section 2023-a of the education law, as added by section 2 of part A of
13 chapter 97 of the laws of 2011, are amended and a new subparagraph (v)
14 is added to read as follows:
15 (iii) in years in which the normal contribution rate of the New York
16 state teachers' retirement system, as defined by paragraph a of subdivision
17 two of section five hundred seventeen of this chapter, increases by
18 more than two percentage points from the previous year, a tax levy
19 necessary for expenditures for the coming fiscal year for school
20 district employer contributions to the New York state teachers' retirement
21 system caused by growth in the normal contribution rate minus two
22 percentage points; [and]
23 (iv) a capital tax levy[.]; AND

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

LBD07804-02-3

(V) A TAX LEVY NECESSARY FOR EXPENDITURES FOR THE UPDATING AND ENHANCING OF THE SECURITY AND SAFETY OF SCHOOL BUILDINGS, GROUNDS AND PROPERTY.

S 3. The opening paragraph of subdivision 6 of section 3602 of the education law, as amended by chapter 416 of the laws of 2007, is amended to read as follows:

Any apportionment to a school district pursuant to this subdivision shall be based upon base year approved expenditures for capital outlays incurred prior to July first, two thousand one from its general fund, capital fund or reserved funds and current year approved expenditures for debt service, including debt service for refunding bond issues eligible for an apportionment pursuant to paragraph g of this subdivision and lease or other annual payments to the New York city educational construction fund created by article ten of this chapter or the city of Yonkers educational construction fund created by article ten-B of this chapter which have been pledged to secure the payment of bonds, notes or other obligations issued by the fund to finance the construction, acquisition, reconstruction, rehabilitation or improvement of the school portion of combined occupancy structures, or for lease or other annual payments to the New York state urban development corporation created by chapter one hundred seventy-four of the laws of nineteen hundred sixty-eight, pursuant to agreement between such school district and such corporation relating to the construction, acquisition, reconstruction, rehabilitation or improvement of any school building, or for annual payments to the dormitory authority pursuant to any lease, sublease or other agreement relating to the financing, refinancing, acquisition, design, construction, reconstruction, rehabilitation, improvement, furnishing and equipping of, or otherwise provide for school district capital facilities or school district capital equipment made under the provisions of section sixteen hundred eighty of the public authorities law, or for annual payments pursuant to any lease, sublease or other agreement relating to the financing, refinancing, acquisition, design, construction, reconstruction, rehabilitation, improvement, furnishing and equipping of, or otherwise providing for educational facilities of a city school district under the provisions of section sixteen of chapter six hundred five of the laws of two thousand, or for payments, pursuant to any assignment authorized by section twenty-seven hundred ninety-nine of the public authorities law, of debt service in furtherance of funding the five-year educational facilities capital plan of the city of New York school district or related debt service costs and expenses as set forth in such section, for annual payments pursuant to any lease, sublease or other agreement relating to the financing, refinancing, design, reconstruction, rehabilitation, improvement, furnishing and equipping of, or otherwise providing for projects authorized pursuant to the city of Syracuse and the board of education of the city school district of the city of Syracuse cooperative school reconstruction act, for annual payments pursuant to any lease, sublease or other agreement relating to the financing, refinancing, design, reconstruction, rehabilitation, improvement, furnishing and equipping of, or otherwise providing for projects authorized pursuant to the city of Rochester and the board of education of the city school district of the city of Rochester school facilities modernization program act, or for lease, lease-purchase or other annual payments to another school district or person, partnership or corporation pursuant to an agreement made under the provisions of section four hundred three-b, subdivision eight of section twenty-five hundred three, or subdivision six of section twenty-five

1 hundred fifty-four of this chapter, provided that the apportionment for
2 such lease or other annual payments under the provisions of section four
3 hundred three-b, subdivision eight of section twenty-five hundred three,
4 or subdivision six of section twenty-five hundred fifty-four of this
5 chapter, other than payments under a lease-purchase agreement or an
6 equivalent agreement, shall be based upon approved expenditures in the
7 current year. Approved expenditures for capital outlays from a school
8 district's general fund, capital fund or reserved funds that are
9 incurred on or after July first, two thousand two, and are not aidable
10 pursuant to subdivision six-f of this section, shall be aidable as debt
11 service under an assumed amortization established pursuant to paragraphs
12 e and j of this subdivision. In any such case approved expenditures
13 shall be only for new construction, reconstruction, purchase of existing
14 structures, for site purchase and improvement, for new garages, for
15 original equipment, furnishings, machinery, or apparatus, and for
16 professional fees and other costs incidental to such construction or
17 reconstruction, or purchase of existing structures. In the case of a
18 lease or lease-purchase agreement entered pursuant to section four
19 hundred three-b, subdivision eight of section twenty-five hundred three
20 or subdivision six of section twenty-five hundred fifty-four of this
21 chapter, approved expenditures for the lease or other annual payments
22 shall not include the costs of heat, electricity, water or other utili-
23 ties or the costs of operation or maintenance of the leased facility. An
24 apportionment shall be available pursuant to this subdivision for
25 construction, reconstruction, rehabilitation or improvement in a build-
26 ing, or portion thereof, being leased by a school district only if the
27 lease is for a term of at least ten years subsequent to the date of the
28 general construction contract for such construction, reconstruction,
29 rehabilitation or improvement. Each school district shall prepare a five
30 year capital facilities plan, pursuant to regulations developed by the
31 commissioner for such purpose, provided that in the case of a city
32 school district in a city having a population of one million inhabitants
33 or more, such facilities plan shall comply with the provisions of
34 section twenty-five hundred ninety-p of this chapter and this subdivi-
35 sion. Such plan shall include, but not be limited to, a building inven-
36 tory, and estimated expense of facility needs, for new construction,
37 additions, alterations, reconstruction, major repairs, energy consump-
38 tion and maintenance by school building, as appropriate. Such five year
39 plan shall include a priority ranking of projects, INCLUDING THOSE
40 NECESSARY TO COMPLY WITH SUCH SAFETY STANDARDS AS ARE ESTABLISHED PURSU-
41 ANT TO SUBDIVISION FORTY-THREE OF SECTION THREE HUNDRED FIVE OF THIS
42 CHAPTER, and shall be amended if necessary to reflect subsequent on-site
43 evaluations of facilities conducted by state supported contractors.

44 S 4. This act shall take effect on the first of July next succeeding
45 the date on which it shall have become a law, provided that the amend-
46 ments to section 2023-a of the education law, made by section two of
47 this act, shall not affect the expiration and repeal of such section,
48 and shall expire and be deemed repealed therewith.