

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sens. AVELLA, HASSELL-THOMPSON, PARKER -- 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 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 FOUR-
12 TEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR OR THE TWO THOUSAND FIFTEEN--TWO
13 THOUSAND SIXTEEN 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
22 school closure or significant change in school utilization to extend

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

1 beyond the six month period; PROVIDED THAT ANY EMERGENCY SCHOOL CLOSING
2 OCCURRING DURING THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL
3 YEAR OR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR SHALL
4 ONLY REMAIN IN EFFECT DURING SUCH TIME AS ABSOLUTELY NECESSARY IN ORDER
5 TO PRESERVE STUDENT HEALTH, SAFETY OR GENERAL WELFARE.

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

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

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

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

33 S 4. This act shall take effect immediately; provided that the amend-
34 ments made to sections 2590-h and 2590-g of the education law by
35 sections one and two of this act shall not affect the expiration of such
36 sections pursuant to chapter 91 of the laws of 2002 and shall expire and
37 be deemed repealed therewith.