STATE OF NEW YORK

1555

2017-2018 Regular Sessions

IN SENATE

January 10, 2017

Introduced by Sen. AVELLA -- 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:

Section 1. Paragraphs (a) and (f) of subdivision 2-a of section 2590-h of the education law, as added by chapter 345 of the laws of 2009, are amended to read as follows:

(a) Notwithstanding any other provision to the contrary, prepare an educational impact statement regarding any proposed school closing or significant change in school utilization, including the phase-out, grade reconfiguration, re-siting, or co-location of schools, for any public school located within the city district**; provided however that the chancellor shall not be authorized to prepare or file an educational impact statement for any proposed school closing, school phase-out, grade reconfiguration, re-siting or co-location of schools that would take effect during the two thousand eighteen--two thousand nineteen school year or the two thousand nineteen--two thousand twenty school year**.

(f) In the event that the chancellor determines that a school closing or significant change in school utilization is immediately necessary for the preservation of student health, safety or general welfare, the chancellor may temporarily close a public school or adopt a significant change in the school's utilization on an emergency basis. Such emergency school closing or significant change in school utilization shall only remain in effect for six months, during such time the chancellor shall comply with the requirements of this subdivision in order for such school closure or significant change in school utilization to extend beyond the six month period**; provided that any emergency school closing occurring during the two thousand eighteen--two thousand nineteen school**

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

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year or the two thousand nineteen--two thousand twenty school year shall only remain in effect during such time as absolutely necessary in order to preserve student health, safety or general welfare.

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

(h) approve proposals for all school closures or significant changes in school utilization including the phase-out, grade reconfiguration, re-siting, or co-location of schools, following any hearing pursuant to subdivision two-a of section twenty-five hundred ninety-h of this article**; provided that the city board shall not approve any proposal for a school closing, school phase-out, or grade reconfiguration that would take effect during the two thousand eighteen--two thousand nineteen school year or the two thousand nineteen--two thousand twenty school year**.

§ 3. Section 305 of the education law is amended by adding a new subdivision 56 to read as follows:

56. The commissioner shall establish a school closure evaluation and review committee, which shall review the impacts relating to the number of low-performing schools that have been closed in the city school district located in a city of one million or more inhabitants including, but not limited to, the impact to student educational experience and achievement, and shall also consider whether alternative policies would have a more positive impact on student achievement. The committee shall include, but not be limited to, academicians who study educational outcomes, psychometricians and education policy experts. The commissioner shall report the committee's findings to the chairs of the senate and assembly education committees and the chair of the senate finance committee and the chair of the assembly ways and means committee no later than September thirtieth, two thousand nineteen.

§ 4. This act shall take effect immediately; provided that the amendments to sections 2590-h and 2590-g of the education law made by sections one and two of this act shall not affect the expiration of such sections and shall expire and be deemed repealed therewith.