

STATE OF NEW YORK

6245

2019-2020 Regular Sessions

IN SENATE

May 29, 2019

Introduced by Sen. ROBACH -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend chapter 416 of the laws of 2007, establishing the city of Rochester and the board of education of the city school district of the city of Rochester school facilities modernization program act, in relation to granting further authority to the RJSCB to modernize educational facilities in the city of Rochester

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Chapter 416 of the laws of 2007, establishing the city of
2 Rochester and the board of education of the city school district of the
3 city of Rochester school facilities modernization program act, is
4 amended by adding a new section 1-a to read as follows:

5 § 1-a. Legislative findings. The legislature finds that city of
6 Rochester schools are in need of extensive reconstruction and moderniza-
7 tion and certain schools are past their useful life. The average age of
8 the city school district of the city of Rochester buildings is 74 years
9 which is significantly above the 65 years average age of schools in New
10 York state. Even by maximizing the debt borrowing under existing
11 constitutional and statutory limits, the city school district of the
12 city of Rochester is unable to finance modernization of its facilities
13 at a reasonable rate as needs are far greater than the availability of
14 capital. The city school district's facilities are landlocked in highly
15 dense urban neighborhoods lacking proper program spaces, adequate and
16 efficient mechanical, electrical and plumbing systems, proper school bus
17 staging areas for drop-offs and dismissals, adequate athletic facilities
18 and other essential school amenities required for the safe and proper
19 administration of an educational institution, and while the Rochester
20 city school district has invested significant capital, deterioration of
21 building stock outpaces the city school district's ability to repair it.

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

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1 The legislature further finds that such deterioration of the schools
2 and inability to expand school sites to provide even a modicum of
3 customary facilities and amenities to students is a serious impediment
4 to learning and teaching. If the quality of education in the city is to
5 be improved, existing schools must be rehabilitated and reconstructed.
6 This will include the retirement of the oldest facilities, which facili-
7 ties are beyond cost-effective repair, to be replaced by more efficient-
8 ly operating buildings with better use of space. Renovations shall
9 result in facilities more conducive to current education requirements
10 and shall be equipped to operate at lower maintenance costs with
11 improved energy efficiency.

12 The student population with special needs and students with English as
13 a second language has been rising. This shift in enrollment has required
14 overuse of available classroom space for regular instruction and
15 resulted in a shortage of libraries, art rooms, music rooms, computer
16 rooms and other common school facility elements. As the city school
17 district close buildings that can no longer be repaired the rehabili-
18 tation and reconstruction of other existing facilities in phase three
19 will allow for reallocation of classroom space to essential specialized
20 uses. The city's fiscal limitations, however, magnify the inability to
21 maintain existing aging facilities or provide new facilities to accommo-
22 date the shifting student populations.

23 The legislature further finds that as a result of the foregoing,
24 legislation granting certain new or additional authority to the RJSCB as
25 agent to the city and the city school district as set forth in such
26 legislation is necessary, which authority should enable both parties to
27 better, more economically and more innovatively manage the acquisition,
28 design, construction, financing, operation, and maintenance of modern-
29 ized educational facilities.

30 § 2. Subdivisions (g), (i) and (j) of section 2 of chapter 416 of the
31 laws of 2007, establishing the city of Rochester and the board of educa-
32 tion of the city school district of the city of Rochester school facili-
33 ties modernization program act, as amended by chapter 533 of the laws of
34 2014, are amended and five new subdivisions (p), (q), (r), (s) and (t)
35 are added to read as follows:

36 (g) "Project" shall mean: (i) work at an existing school building site
37 that involves the design, reconstruction, or rehabilitation of ~~all or a~~
38 portion of an existing school building for its continued use as a school
39 of the city school district, which may include an addition to existing
40 school buildings for such continued use and which also may include (1)
41 the construction or reconstruction of athletic fields, playgrounds, and
42 other recreational facilities for such existing school buildings; and/or
43 (2) the acquisition and installation of all equipment necessary and
44 attendant to and for the use of such existing school ~~[building]~~ build-
45 ings, including but not limited to items located at sites not within a
46 project that will allow the RJSCB to conduct district-wide technology
47 improvements to benefit existing school buildings; and/or (3) the acqui-
48 sition of additional real property by the city to facilitate the
49 project; (ii) the acquisition of land for new school buildings or recon-
50 structed existing schools for parking, athletic fields, playgrounds and
51 other recreational facilities; and/or (iii) construction of new school
52 buildings and acquisition of land with existing improvements which may
53 also include (1) the construction or reconstruction of athletic fields,
54 athletic facilities, playgrounds, and other recreational facilities for
55 such new school buildings and/or for district-wide utilization; and (2)
56 the acquisition and installation of all equipment necessary and attend-

1 ant to and for the use of such reconstructed or new school buildings,
2 and/or athletic facilities including, but not limited to, items located
3 at sites not within a project that will allow the RJSCB to conduct
4 district-wide technology improvements to benefit such new school build-
5 ings and/or athletic facilities.

6 (i) "Program manager" shall mean ~~[an]~~ the independent program manage-
7 ment firm hired by the RJSCB to oversee the implementation of the facil-
8 ities modernization plan, and to assist ~~[it]~~ the RJSCB in: (i) develop-
9 ing and implementing procedures for the projects undertaken and
10 contracted for by the RJSCB; (ii) reviewing plans and specifications for
11 projects; (iii) developing and implementing policies and procedures to
12 utilize employment resources to provide sufficient skilled employees for
13 such projects including developing and implementing training programs,
14 if required; (iv) managing such projects and acting as the owner's
15 authorized representative; and (v) providing such planning, design,
16 financing, and other services as may be appropriate to implement one or
17 more construction or reconstruction projects pursuant to this act.

18 (j) "Independent compliance officer" shall mean an independent compli-
19 ance firm hired by the RJSCB with an in-depth knowledge base and breadth
20 of experience conducting minority and women-owned business enterprise
21 (MWBE) and disadvantaged business enterprise (DBE) utilization compli-
22 ance monitoring for public contracts within New York state ~~[including~~
23 ~~school districts]~~. Such firm shall support the facilities modernization
24 program, and the program manager, by developing and implementing an
25 MWBE/DBE utilization master plan for the governance of all project
26 contracts to ensure compliance with all federal, state, and local laws,
27 rules, and regulations as applicable; and auditing contractors and
28 subcontractors in construction and reconstruction projects like those to
29 be undertaken and contracted for by the RJSCB pursuant to this act.

30 (p) "Capital improvement plan" shall mean the city school district's
31 ongoing, annually updated five-year capital financing plan for the
32 construction and reconstruction of facilities, the acquisition and
33 replacement of vehicles and equipment and the completion of other long-
34 term capital projects undertaken and financed by the issuance of general
35 obligation bonds by the city on behalf of the city school district
36 pursuant to existing state law applicable to all school districts.

37 (q) "Comprehensive school facilities modernization plan" or "facili-
38 ties modernization plan" or "facilities modernization program" shall
39 mean the comprehensive, strategic plan developed by the city school
40 district and the RJSCB to be implemented in several phases for the
41 construction, renovation, rehabilitation and equipping of new and exist-
42 ing educational facilities and collateral educational, athletic and
43 recreational facilities located in the city, which plan shall be
44 included in a special section of the city school district's ongoing
45 five-year capital improvement plan, as required by subdivision 6 of
46 section 3602 of the education law and the regulations of the commission-
47 er, and such other matters set forth in subdivision six of this section;
48 which plan shall identify by the number of buildings to be constructed
49 or reconstructed to the satisfaction of SED and include a district wide
50 technology plan and related incidental expenses as adopted by the RJSCB
51 after a public hearing.

52 (r) "MWBE/DBE utilization master plan" shall mean a plan prepared by
53 the independent compliance officer and the program manager to the satis-
54 faction of the RJSCB to meet the goals set forth in the RJSCB approved
55 diversity plan.

1 (s) "Professional services" shall mean accounting, legal, program
2 management, and other such services provided by a formally certified or
3 licensed member of such profession or such professional organization.

4 (t) "SED" shall mean the New York state department of education.

5 § 3. Subdivision (b) of section 3 of chapter 416 of the laws of 2007,
6 establishing the city of Rochester and the board of education of the
7 city school district of the city of Rochester school facilities modern-
8 ization program act, as amended by chapter 533 of the laws of 2014, is
9 amended to read as follow:

10 (b) Such board shall be composed of seven voting members: three of
11 whom shall be appointed by the mayor of the city; three of whom shall be
12 appointed by the superintendent of the board of education of the city
13 school district; and one of whom shall be independent from both the city
14 school district and the city but who shall have been agreed upon by the
15 mayor and the superintendent; and one non-voting member who shall be the
16 independent compliance officer, or the representative of the independent
17 compliance officer. One of the voting members shall be chosen, by such
18 voting members, to serve as chair of the board. Members of the board
19 shall not receive a salary or other compensation for such board duties,
20 but shall be entitled to reimbursement for actual and necessary expenses
21 incurred in the performance of his or her board duties. Members of the
22 board shall not be disqualified from holding public office or employ-
23 ment, nor shall they forfeit any office or employment by reason of their
24 appointment, notwithstanding the provisions of any general, special, or
25 local law, ordinance or city charter to the contrary. ~~[The board will~~
26 ~~be reconstituted]~~ To provide for the continuing functioning of the
27 multiphase facilities modernization program, on the effective date of
28 the chapter of the laws of ~~[2014]~~ 2019 that amended this subdivision
29 ~~[and the term of each prior board member shall automatically expire on~~
30 ~~such date provided however that nothing shall preclude the reappointment~~
31 ~~of an existing board member],~~ the board in its constituted form shall
32 continue to exist for the accomplishment of any of the purposes speci-
33 fied in this act and the board, its members, officers and employees and
34 its operations and activities shall in all respects be governed by the
35 provisions of this act.

36 § 4. Paragraph 6 of subdivision (c) of section 3 of chapter 416 of the
37 laws of 2007, establishing the city of Rochester and the board of educa-
38 tion of the city school district of the city of Rochester school facili-
39 ties modernization program act, as added by chapter 533 of the laws of
40 2014, is amended to read as follows:

41 6. To engage an executive director or appoint an advisory staff
42 consisting of city and city school district employees to provide over-
43 sight of the program manager ~~[provided that the executive director shall~~
44 ~~not have been or be a member of the RJSCB within the twenty-four month~~
45 ~~period preceding or subsequent to serving as the executive director].~~

46 § 5. Section 4, 5, 9, 10, 11 and 21 of chapter 416 of the laws of
47 2007, establishing the city of Rochester and the board of education of
48 the city school district of the city of Rochester school facilities
49 modernization program act, as amended by chapter 533 of the laws of
50 2014, are amended to read as follow:

51 § 4. Project authorization. No more than: (a) 13 projects, up to a
52 total cost of three hundred twenty-five million dollars in phase one,
53 and (b) 26 projects, up to a total cost of four hundred thirty-five
54 million dollars in phase two, and (c) 15 school building projects, plus
55 a district-wide technology project, up to a total cost of six hundred
56 and fifteen million dollars in phase three shall be authorized and

undertaken pursuant to this act, unless otherwise authorized by law.
Moneys within such limits that are determined to be unnecessary to achieve completion of any such phase or remaining after the completion of such phase may be applied to the costs of any other phase or to planning costs for any phase subsequent thereto.

§ 5. Comprehensive school facilities modernization plan. The superintendent shall submit to the RJSCB ~~[a]~~ comprehensive draft ~~[plan]~~ plans recommending and outlining the projects for phase two and phase three it proposes to be undertaken pursuant to this act. The RJSCB shall consider the plan in developing a comprehensive school facilities modernization plan recommending and outlining the projects it proposes to be potentially undertaken pursuant to this act. Such plan shall include: (a) an estimate of total costs to be financed, proposed financing plan, proposed method of financing, terms and conditions of the financing, estimated financing costs, and, if city general obligation bonds or notes are not proposed as the method of financing, a comparison of financing costs between such bonds or notes and the proposed method of financing. Payment of debt service on bonds, notes or other obligations issued to secure financing of not more than \$325,000,000 in phase one ~~[and]~~, \$435,000,000 in phase two, and \$615,000,000 in phase three for projects undertaken pursuant to this act, or issued to refund such obligations, shall not be considered when determining the "city amount" required pursuant to subparagraph (ii) of paragraph a of subdivision 5-b of section 2576 of the education law; provided, however, that this provision shall not otherwise affect the determination of said "city amount" with respect to funding unrelated to projects undertaken pursuant to this act. The plan should also address what specific options would be used to ensure that sufficient resources exist to cover the local share of any such project cost on an annual basis; (b) information concerning the potential persons to be involved in the financing and such person's role and responsibilities; (c) estimates on the design, reconstruction and rehabilitation costs by project, any administrative costs for potential projects, and an outline of the timeframe expected for completion of each potential project; (d) a detailed description of the request for proposals process and an outline of the criteria to be used for selection of the program manager, the independent compliance officer and all contractors; provided that the RJSCB may for phase three either extend the contracts of the providers of professional services for phase ~~[one]~~ two upon the adoption of findings that doing so would be in the public interest~~[, the contracts of the program manager and the independent compliance officer for phase two will be rebid, and provided further that the program manager and the independent compliance officer and any new]~~ or ~~[different providers]~~ re-bid such of professional services ~~[shall be engaged]~~ contracts in compliance with the provisions of section eight of this act; (e) any proposed amendments to the city school district's five-year capital facilities plan submitted in accordance with subdivision 6 of section 3602 of the education law and the regulations of the commissioner; and (f) a ~~[preliminary]~~ diversity plan to develop diversity goals, including appropriate community input and public discussion, and develop strategies that would create and coordinate any efforts to ensure a more diverse workforce for the projects. The ~~[preliminary]~~ diversity plan should address accountability for attainment of the diversity goals, what forms of monitoring would be used, and how such information would be publicly communicated.

The core model program developed as part of the phase three strategic plan shall include spaces to fully support the diverse programs required

1 to address the high needs population in Rochester such as response to
2 intervention rooms, English for speakers of other languages rooms,
3 restorative practice and other behavioral intervention rooms, school
4 based health clinics, dedicated occupational therapy and/or physical
5 therapy sensory stimulation rooms and full kitchens with serving areas.
6 In addition, a significant percentage of the students with disabilities
7 are placed in integrated co-teaching and consultant teacher classrooms
8 with their non-disabled peers. Such students with disabilities require
9 access to special education related services and resources. Many of
10 these spaces are not customarily assigned building aid units under the
11 current department of education building aid formulas. For purposes of
12 the phase three strategic plan, all required core model program elements
13 along with all instructional spaces comprising the approved test fit
14 concepts shall be eligible for the 98 percent state reimbursement aid
15 allowed by municipal law to result in a nominal local cost of approxi-
16 mately 2 percent.

17 Prior to the development of the comprehensive school facilities
18 modernization plan for each phase authorized pursuant to this act, the
19 RJSCB and the city school district shall hold as many public hearings as
20 may be necessary to ensure sufficient public input and allow for signif-
21 icant public discussion on school building needs in such city, with at
22 least one hearing to be held in each neighborhood potentially impacted
23 by a proposed project.

24 All projects proposed in the comprehensive school facilities modern-
25 ization [~~plan~~] plans shall be included by the city school district as a
26 special section of the district's five-year capital facilities plan that
27 is required pursuant to subdivision 6 of section 3602 of the education
28 law and the regulations of the commissioner.

29 The RJSCB shall submit the components of such comprehensive [~~plan~~]
30 plans outlined in subdivision (a) of this section to the comptroller,
31 along with any other information requested by the comptroller, for his
32 or her review and approval.

33 § 9. Contracts generally. Notwithstanding the provisions of any
34 general, special, or local law or judicial decision to the contrary:

35 (a) The RJSCB may require a contractor, as a condition to being
36 awarded a contract, subcontract, lease, grant, bond, covenant or other
37 agreement for a project to enter into a project labor agreement for the
38 work involved with such project when such requirement is made part of
39 the bid specifications for the project and when the RJSCB determines
40 that the record supporting the decision to enter into such an agreement
41 establishes that it is justified by the interests underlying the compet-
42 itive bidding laws. In addition, the RJSCB may revise and extend the
43 requirements of the project labor agreement entered into for phase one
44 projects to the projects authorized in phase [~~two~~] three, contingent
45 upon the completion of a supplemental project labor agreement benefit
46 analysis and other requirements of the RJSCB in regards to diversity
47 goals, pre-apprenticeship, and apprenticeship participation.

48 (b) Any contract, subcontract, lease, grant, bond, covenant or other
49 agreement for projects undertaken pursuant to this act shall not be
50 subject to section 101 of the general municipal law when the RJSCB has
51 chosen to require a project labor agreement, pursuant to subdivision (a)
52 of this section. This exemption shall only apply to the projects under-
53 taken pursuant to this act and shall not apply to projects undertaken by
54 any other school district or municipality unless otherwise specifically
55 authorized.

1 (c) Whenever the RJSCB enters in a contract, subcontract, lease,
2 grant, bond, covenant or other agreement for the construction, recon-
3 struction, demolition, excavation, rehabilitation, repair, renovation,
4 alteration, or improvement for a project undertaken pursuant to this
5 act, it shall be deemed to be a public works project for the purposes of
6 article 8 of the labor law, and all the provisions of article 8 of the
7 labor law shall be applicable to all the work involved with such project
8 including the enforcement of prevailing wage requirements by the state
9 department of labor.

10 (d) Every contract entered into by resolution of the RJSCB for
11 construction or reconstruction of a project pursuant to this act shall
12 contain a provision that the design of such project shall be subject to
13 the review and approval of the city school district superintendent or
14 the superintendent's designee and that the design and construction stan-
15 dards of such project shall be subject to the review and approval of the
16 commissioner; provided, however, the department of education shall
17 appoint a dedicated department representative to be the department's
18 project manager for all aspects of the facilities modernization program
19 including, but not limited to, having authority to expedite the depart-
20 ment's review and to grant approvals related to program reports, master
21 plan, building plans and specifications. In addition, every such
22 contract for construction or reconstruction shall contain a provision
23 that the contractor shall furnish a labor and material bond guaranteeing
24 prompt payment of moneys that are due to all persons furnishing labor
25 and materials pursuant to the requirements of any contracts for a
26 project undertaken pursuant to this section and a performance bond for
27 the faithful performance of the project, which shall conform to the
28 provisions of section 103-f of the general municipal law, and that a
29 copy of such performance and payment bonds shall be kept by the RJSCB
30 and shall be open to public inspection.

31 (e) For the purposes of article 15-A of the executive law, any person
32 entering into a contract for a project authorized pursuant to this act
33 shall be deemed a state agency as that term is defined in such article
34 and such contracts shall be deemed state contracts within the meaning of
35 that term as set forth in such article.

36 (f) Notwithstanding the provisions of this act or of any general or
37 special law to the contrary, for any contract, subcontract, lease,
38 grant, bond, covenant or other agreement for construction, recon-
39 struction, demolition, excavation, rehabilitation, repair, renovation,
40 alteration, or improvement entered into by the RJSCB with respect to
41 each project undertaken pursuant to this act, the RJSCB shall consider
42 the financial and organizational capacity of contractors and subcontrac-
43 tors in relation to the magnitude of work they may perform, the record
44 of performance of contractors and subcontractors on previous work, the
45 record of contractors and subcontractors in complying with existing
46 labor standards and maintaining harmonious labor relations, and the
47 commitment of contractors to work with minority and women-owned business
48 enterprises pursuant to article 15-A of the executive law through joint
49 ventures or subcontractor relationships. The RJSCB shall further
50 require, on any contract in excess of one million dollars for
51 construction, reconstruction, demolition, excavation, rehabilitation,
52 repair, renovation, alteration, or improvement, which use apprentice-
53 able and construction-related trade classifications, that each contrac-
54 tor [~~and subcontractor~~] shall: (1) participate in apprentice training
55 programs in the trades of work it employs that: have been approved for
56 not less than three years by the state department of labor; have gradu-

ated at least one apprentice in the last 3 years; have at least one apprentice currently enrolled in such apprentice training program; and have demonstrated that the program has made significant efforts to attract and retain minority apprentices; and (2) employ one or more apprentices in connection with its contract with the RJSCB. If a prime contract is subject to the foregoing apprenticeship requirements, any subcontractors let by the prime contractor over five hundred thousand dollars, which use apprentice-able and construction-related trade classifications, are also subject to the apprenticeship requirements of this paragraph.

§ 10. Program managers. (a) All contracts entered into by resolution of the RJSCB for projects for phase one, phase two and phase three undertaken pursuant to this act shall be managed by ~~an~~ the independent program manager. The ~~selection of~~ RJSCB may elect to either extend the existing contract of the phase two program manager ~~shall~~ for phase three upon the adoption of findings that doing so would be in the public interest or select a phase three program manager pursuant to the competitive process established in section eight of this act. ~~[Prior to issuance of the contract, the program manager selected shall be approved by the superintendent, mayor, city council and the Rochester city school district.]~~ The program manager shall have experience in planning, designing, and constructing new and/or reconstructing existing school buildings, public facilities, commercial facilities, and/or infrastructure facilities, and in the negotiation and management of labor contracts and agreements, training programs, educational programs, and physical technological requirements for educational programs. The program manager shall manage all projects undertaken pursuant to this act, review project schedules, review payment schedules, prepare cost estimates and assess the safety programs of contractors and all training programs, if required. The program manager shall implement procedures for verification by it that all work for which payment has been requested has been satisfactorily completed.

(b) The program manager, and its affiliates or subsidiaries, if any, shall be prohibited from awarding contracts or being awarded contracts for, or performing any work on, projects undertaken pursuant to this act. Contracts awarded by the RJSCB for construction work required for the construction, reconstruction, rehabilitation or renovation of a project pursuant to this act shall be awarded pursuant to public bidding in compliance with section 103 of the general municipal law.

§ 11. Independent compliance officers. All contracts entered into by resolution of the RJSCB for projects for phase one, phase two and phase three undertaken by this act shall be monitored by an independent compliance officer. The RJSCB may elect to either extend the existing contract of the phase two independent compliance officer for phase three upon the adoption of findings that doing so would be in the public interest or select a phase three independent compliance officer pursuant to the competitive process established in section eight of this act. The independent compliance officer shall: develop, implement, advertise, promote and monitor policies and procedures to utilize and provide sufficient MWBE, DBE and skilled minority employment resources participation opportunities to be followed by prime contractors and subcontractors for such projects; review, modify if necessary, and approve the preliminary diversity plan established pursuant to section five of this act; provide technical assistance to potential MWBE and DBE contractors and subcontractors interested in bidding on any such projects; obtain and maintain records and documentation to confirm compliance with any

requirements contained in the approved diversity plan, for any such project; identify contractors in non-compliance with any such requirements contained in the approved diversity plan or in violation of any federal, state and local laws, rules or regulations; monitor and report the upward/downward price adjustment and payment amounts to MWBEs and DBEs listed on contractors utilization plan for any such project; develop and work with the RJSCB to enforce agreed financial or monetary sanctions for any contractor's non-compliance with the MWBE/DBE utilization master plan. In addition, the independent compliance officer shall: develop, implement, advertise, promote and monitor MWBE/DBE policies and procedures for each project to be followed by prime contractors and subcontractors for such projects; obtain and maintain records and documentation to confirm compliance with any applicable requirements for each project; identify contractors in non-compliance with any such requirements pursuant to this section or in violation of any federal, state and local laws, rules or regulations. The independent compliance officer shall report to the ~~RJCSB~~ RJSCB on a monthly basis.

§ 21. Reporting requirements. (a) On June 30, 2008 and annually thereafter, until completion of the 39 projects authorized pursuant to this act, the RJSCB shall issue a report to the governor, the comptroller, the commissioner, the temporary president of the senate, the speaker of the assembly, the city, the city council and the city school district on the progress and status of the projects undertaken by the RJSCB. Provided further, that if any such entities request information on the progress and status of the projects prior to such report, it shall be provided to such entities by the RJSCB.

~~[In addition, on]~~ (b) On or before June 30, 2021, or upon completion of the 26 projects authorized in phase two pursuant to this act, whichever shall first occur, the RJSCB shall issue a report to the city, the city school district, the governor, the commissioner, the comptroller, the temporary president of the senate, the speaker of the assembly, the minority leader of the senate, the minority leader of the assembly, the state board of regents, and the chairs and ranking minority members of the New York state senate and assembly committees on education, the finance committee of the New York state senate, and the ways and means committee of the New York state assembly. Such report shall identify the fiscal and pedagogical results of the projects undertaken pursuant to this act, along with recommendations for its continuance, amendments, or discontinuance.

(c) On or before June 30, 2026, or upon completion of the 15 school building projects authorized in phase three pursuant to this act, whichever shall first occur, the RJSCB shall issue a report to the city, the city school district, the governor, the commissioner, the comptroller, the temporary president of the senate, the speaker of the assembly, the minority leader of the senate, the minority leader of the assembly, the state board of regents, and the chairs and ranking minority members of the New York state senate and assembly committees on education, the finance committee of the New York state senate, and the ways and means committee of the New York state assembly. Such report shall identify the fiscal and pedagogical results of the projects undertaken pursuant to this act, along with recommendations for its continuance, amendments, or discontinuance.

§ 6. Chapter 416 of the laws of 2007, establishing the city of Rochester and the board of education of the city school district of the city of Rochester school facilities modernization program act, is amended by adding a new section 21-a to read as follows:

1 § 21-a. Any person who knowingly files a false written report or other
2 false written instrument with the RJSCB, the independent compliance
3 officer or program manager may be subject to criminal penalties pursuant
4 to the applicable provisions of the penal law in addition to any other
5 penalties authorized by law.

6 § 7. This act shall take effect immediately.