

# STATE OF NEW YORK

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5884

2019-2020 Regular Sessions

## IN ASSEMBLY

February 20, 2019

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Introduced by M. of A. MOSLEY -- read once and referred 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 2590-h  
2 of the education law, as added by chapter 345 of the laws of 2009, are  
3 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 cancellor shall not be authorized to prepare or file an educational impact  
10 statement for any proposed school closing, school phase-out, grade  
11 reconfiguration, re-siting or co-location of schools that would take  
12 effect during the two thousand twenty--two thousand twenty-one school  
13 year or the two thousand twenty-one--two thousand twenty-two school  
14 year.

15 (f) In the event that the chancellor determines that a school closing  
16 or significant change in school utilization is immediately necessary for  
17 the preservation of student health, safety or general welfare, the chan-  
18 cellor may temporarily close a public school or adopt a significant  
19 change in the school's utilization on an emergency basis. Such emergency  
20 school closing or significant change in school utilization shall only  
21 remain in effect for six months, during such time the chancellor shall  
22 comply with the requirements of this subdivision in order for such  
23 school closure or significant change in school utilization to extend  
24 beyond the six month period; provided that any emergency school closing

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

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

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

8 (h) approve proposals for all school closures or significant changes  
9 in school utilization including the phase-out, grade reconfiguration,  
10 re-siting, or co-location of schools, following any hearing pursuant to  
11 subdivision two-a of section twenty-five hundred ninety-h of this arti-  
12 cle; provided that the city board shall not approve any proposal for a  
13 school closing, school phase-out, or grade reconfiguration that would  
14 take effect during the two thousand twenty--two thousand twenty-one  
15 school year or the two thousand twenty-one--two thousand twenty-two  
16 school year.

17 § 3. Section 305 of the education law is amended by adding a new  
18 subdivision 57 to read as follows:

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

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