STATE OF NEW YORK

3764

2021-2022 Regular Sessions

IN ASSEMBLY

January 28, 2021

Introduced by M. of A. ZEBROWSKI -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to requiring private schools to provide to the commissioner of education copies of their current certificate of occupancy and most recent fire safety report prior to receipt of apportionment funds or a Basic Educational Data System code

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

Section 1. The education law is amended by adding a new section 409-m to read as follows:

§ 409-m. Non-public school building requirements in relation to health and safety. 1. Prior to the issuance of a Basic Educational Data System (BEDS) code to a non-public school and annually thereafter, the non-public school shall be required to submit to the commissioner, at minimum, valid copies of the following:

(a) a certificate of incorporation or a charter issued by the board of regents;

(b) a current certificate of occupancy and use issued by the municipality where the school buildings are located;

(c) a recent fire inspection completed by an eligible authority pursuant to subdivision three of section eight hundred seven-a of this title;

(d) a statement of the maximum capacity of the building being used for educational purposes as set by the local government; and

(e) a list of additional occupants at the same address that is a registered non-public school.

2. Nothing in this section shall limit the commissioner's authority to require additional documentation from non-public schools as deemed necessary.

3. On or before December thirty-first, two thousand twenty-two, all non-public schools that currently have a Basic Educational Data System

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

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(BEDS) code regardless of when it was first issued shall provide the department with valid copies of the items pursuant to subdivision one of this section as part of an annual recertification. A failure to provide these documents by December thirty-first, two thousand twenty-two and each year thereafter will result in reimbursements to the non-public school being withheld and if not received within ninety days, at the discretion of the commissioner, can result in a revocation of the school's Basic Educational Data System (BEDS) code, provided that the non-public school is afforded the right to be heard by the commissioner.

§ 2. This act shall take effect immediately. Effective immediately the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made on or before such date.