

# STATE OF NEW YORK

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945

2021-2022 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 6, 2021

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

AN ACT to amend the education law, in relation to authorizing leases  
outside the boundaries of the school district

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

1 Section 1. The opening paragraph of subdivision 1 of section 403-b of  
2 the education law, as amended by chapter 700 of the laws of 1992, is  
3 amended to read as follows:

4 The board of education of any union free or central school district is  
5 hereby authorized to enter into a lease with any other union free or  
6 central school district providing for the use and occupancy by any such  
7 school district of a school building, or a portion thereof, owned by  
8 such other school district, provided such lessee school district is  
9 within a reasonable distance, as determined by the commissioner, from  
10 the lessor school district, subject to the conditions set forth in this  
11 subdivision. The board of education of any union free or central school  
12 district is hereby authorized to enter into a lease with any person,  
13 partnership or corporation for use and occupancy of a building or facil-  
14 ity, or a portion thereof, owned by such person, partnership, or corpo-  
15 ration for use as a school facility provided that such building or  
16 facility is located within the school district and subject to the condi-  
17 tions set forth in this subdivision; provided, however, that a board of  
18 education of any union free or central school district may be authorized  
19 to enter into a lease with any person, partnership or corporation for  
20 use and occupancy of a building or facility, or a portion thereof, owned  
21 by such person, partnership or corporation for use as a school facility  
22 when such building or facility is located outside the school district  
23 when it is demonstrated to the satisfaction of the commissioner that

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

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1 extenuating circumstances exist which necessitate a lease outside the  
2 boundaries of the school district.

3 § 2. Subdivision 7 of section 1709 of the education law, as added by  
4 chapter 130 of the laws of 1976, is amended to read as follows:

5 7. To lease, on a temporary basis, necessary space not located on  
6 school property and/or is not located within the school district, when  
7 the facilities of the district are overcrowded or damaged or destroyed  
8 or when it is demonstrated to the satisfaction of the commissioner that  
9 extenuating circumstances exist which necessitate a lease outside the  
10 boundaries of the school district, and to furnish and equip such space  
11 for school district use. The use of such space shall be subject to annu-  
12 al approval by the commissioner.

13 § 3. This act shall take effect immediately.