

STATE OF NEW YORK

7293

2021-2022 Regular Sessions

IN ASSEMBLY

May 4, 2021

Introduced by M. of A. ENGLEBRIGHT, COOK, COLTON, PAULIN, BENEDETTO --
Multi-Sponsored by -- M. of A. PERRY, J. RIVERA -- read once and
referred to the Committee on Education

AN ACT to amend the education law, in relation to minimum standards for
the security and safety of school grounds

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

1 Section 1. Section 305 of the education law is amended by adding a new
2 subdivision 57 to read as follows:

3 57. The commissioner, in conjunction with the superintendent of state
4 police and the commissioner of the division of homeland security and
5 emergency services, shall establish, by rule, minimum standards for the
6 security and safety of school buildings, grounds and property so as to
7 provide an appropriately safe learning environment. Such standards shall
8 include, but not be limited to, the security of building doors, windows
9 and other points of entry, and access to school grounds and property,
10 including guidelines for fences and security gates.

11 § 2. Subparagraphs (iii) and (iv) of paragraph i of subdivision 2 of
12 section 2023-a of the education law, as added by section 2 of part A of
13 chapter 97 of the laws of 2011, are amended and a new subparagraph (v)
14 is added to read as follows:

15 (iii) in years in which the normal contribution rate of the New York
16 state teachers' retirement system, as defined by paragraph a of subdivi-
17 sion two of section five hundred seventeen of this chapter, increases by
18 more than two percentage points from the previous year, a tax levy
19 necessary for expenditures for the coming fiscal year for school
20 district employer contributions to the New York state teachers' retire-
21 ment system caused by growth in the normal contribution rate minus two
22 percentage points; ~~and~~

23 (iv) a capital tax levy~~[-]~~; and

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

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(v) a tax levy necessary for expenditures for the updating and enhancing of the security and safety of school buildings, grounds and property.

§ 3. The opening paragraph of subdivision 6 of section 3602 of the education law, as amended by chapter 355 of the laws of 2016, is amended to read as follows:

Any apportionment to a school district pursuant to this subdivision shall be based upon base year approved expenditures for capital outlays incurred prior to July first, two thousand one from its general fund, capital fund or reserved funds and current year approved expenditures for debt service, including debt service for refunding bond issues eligible for an apportionment pursuant to paragraph g of this subdivision and lease or other annual payments to the New York city educational construction fund created by article ten of this chapter or the city of Yonkers educational construction fund created by article ten-B of this chapter which have been pledged to secure the payment of bonds, notes or other obligations issued by the fund to finance the construction, acquisition, reconstruction, rehabilitation or improvement of the school portion of combined occupancy structures, or for lease or other annual payments to the New York state urban development corporation created by chapter one hundred seventy-four of the laws of nineteen hundred sixty-eight, pursuant to agreement between such school district and such corporation relating to the construction, acquisition, reconstruction, rehabilitation or improvement of any school building, or for annual payments to the dormitory authority pursuant to any lease, sublease or other agreement relating to the financing, refinancing, acquisition, design, construction, reconstruction, rehabilitation, improvement, furnishing and equipping of, or otherwise provide for school district capital facilities or school district capital equipment made under the provisions of section sixteen hundred eighty of the public authorities law, or for annual payments pursuant to any lease, sublease or other agreement relating to the financing, refinancing, acquisition, design, construction, reconstruction, rehabilitation, improvement, furnishing and equipping of, or otherwise providing for educational facilities of a city school district under the provisions of section sixteen of chapter six hundred five of the laws of two thousand, or for payments, pursuant to any assignment authorized by section twenty-seven hundred ninety-nine of the public authorities law, of debt service in furtherance of funding the five-year educational facilities capital plan of the city of New York school district or related debt service costs and expenses as set forth in such section, for annual payments pursuant to any lease, sublease or other agreement relating to the financing, refinancing, design, reconstruction, rehabilitation, improvement, furnishing and equipping of, or otherwise providing for projects authorized pursuant to the city of Syracuse and the board of education of the city school district of the city of Syracuse cooperative school reconstruction act, for annual payments pursuant to any lease, sublease or other agreement relating to the financing, refinancing, design, reconstruction, rehabilitation, improvement, furnishing and equipping of, or otherwise providing for projects authorized pursuant to the city of Rochester and the board of education of the city school district of the city of Rochester school facilities modernization program act, for annual payments pursuant to any lease, sublease or other agreement relating to the financing, refinancing, design, construction, reconstruction, rehabilitation, improvement, furnishing and equipping of, or otherwise providing for projects authorized pursuant to the Yonkers city school district facili-

1 ties modernization program act, or for lease, lease-purchase or other
2 annual payments to another school district or person, partnership or
3 corporation pursuant to an agreement made under the provisions of
4 section four hundred three-b, subdivision eight of section twenty-five
5 hundred three, or subdivision six of section twenty-five hundred fifty-
6 four of this chapter, provided that the apportionment for such lease or
7 other annual payments under the provisions of section four hundred
8 three-b, subdivision eight of section twenty-five hundred three, or
9 subdivision six of section twenty-five hundred fifty-four of this chap-
10 ter, other than payments under a lease-purchase agreement or an equiv-
11 alent agreement, shall be based upon approved expenditures in the
12 current year. Approved expenditures for capital outlays from a school
13 district's general fund, capital fund or reserved funds that are
14 incurred on or after July first, two thousand two, and are not aidable
15 pursuant to subdivision six-f of this section, shall be aidable as debt
16 service under an assumed amortization established pursuant to paragraphs
17 e and j of this subdivision. In any such case approved expenditures
18 shall be only for new construction, reconstruction, purchase of existing
19 structures, for site purchase and improvement, for new garages, for
20 original equipment, furnishings, machinery, or apparatus, and for
21 professional fees and other costs incidental to such construction or
22 reconstruction, or purchase of existing structures. In the case of a
23 lease or lease-purchase agreement entered pursuant to section four
24 hundred three-b, subdivision eight of section twenty-five hundred three
25 or subdivision six of section twenty-five hundred fifty-four of this
26 chapter, approved expenditures for the lease or other annual payments
27 shall not include the costs of heat, electricity, water or other utili-
28 ties or the costs of operation or maintenance of the leased facility. An
29 apportionment shall be available pursuant to this subdivision for
30 construction, reconstruction, rehabilitation or improvement in a build-
31 ing, or portion thereof, being leased by a school district only if the
32 lease is for a term of at least ten years subsequent to the date of the
33 general construction contract for such construction, reconstruction,
34 rehabilitation or improvement. Each school district shall prepare a five
35 year capital facilities plan, pursuant to regulations developed by the
36 commissioner for such purpose, provided that in the case of a city
37 school district in a city having a population of one million inhabitants
38 or more, such facilities plan shall comply with the provisions of
39 section twenty-five hundred ninety-p of this chapter and this subdivi-
40 sion. Such plan shall include, but not be limited to, a building inven-
41 tory, and estimated expense of facility needs, for new construction,
42 additions, alterations, reconstruction, major repairs, energy consump-
43 tion and maintenance by school building, as appropriate. Such five year
44 plan shall include a priority ranking of projects, including those
45 necessary to comply with such safety standards as are established pursu-
46 ant to subdivision fifty-seven of section three hundred five of this
47 chapter, and shall be amended if necessary to reflect subsequent on-site
48 evaluations of facilities conducted by state supported contractors.

49 § 4. This act shall take effect on the first of July next succeeding
50 the date on which it shall have become a law.