STATE OF NEW YORK

1062

2023-2024 Regular Sessions

IN ASSEMBLY

January 13, 2023

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

AN ACT to amend the education law, in relation to requiring that all special education students attending schools scheduled to be closed or to undergo a significant change be assigned to new schools prior to the implementation of the closing or change

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

Section 1. Paragraphs (b) and (e) of subdivision 2-a of section 2590-h of the education law, as added by chapter 345 of the laws of 2009, are amended to read as follows:

(b) Such educational impact statement shall include the following information regarding the proposed school closing or significant change in school utilization:

(i) the current and projected pupil enrollment of the affected school, the prospective need for such school building, the ramifications of such school closing or significant change in school utilization upon the community, initial costs and savings resulting from such school closing or significant change in school utilization, the potential disposability of any closed school;

(ii) the impacts of the proposed school closing or significant change in school utilization to any affected students;

(iii) an outline of any proposed or potential use of the school building for other educational programs or administrative services;

(iv) the effect of such school closing or significant change in school utilization on personnel needs, the costs of instruction, administration, transportation, and other support services;

(v) the type, age, and physical condition of such school building, maintenance, and energy costs, recent or planned improvements to such school building, and such building's special features;

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

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(vi) the ability of other schools in the affected community district to accommodate pupils following the school closure or significant change in school utilization**, the current and projected pupil enrollment at each such other school and a list of affected special education school students scheduled to attend each such other school**; and

(vii) information regarding such school's academic performance including whether such school has been identified as a school under registration review or has been identified as a school requiring academic progress, a school in need of improvement, or a school in corrective action or restructuring status.

(e) **(i)** Except as otherwise provided in paragraph (f) of this subdivision, all proposed school closings or significant changes in school utilization shall be approved by the city board pursuant to section twenty-five hundred ninety-g of this article and shall not take effect until all the provisions of this subdivision have been satisfied and the school year in which such city board approval was granted, has ended.

(ii) Except as otherwise provided in paragraph (f) of this subdivision, no proposed school closing or significant change in school utilization shall take effect until all special education pupils in the affected school have been assigned to new schools within the city of New York and the chancellor has verified that each new school within the city of New York accepting special education students from the affected school can accommodate such pupils as well as an additional increase in the total number of pupils of no less than ten percent of the total school pupil population.

§ 2. This act shall take effect immediately; provided that the amendments to subdivision 2-a of section 2590-h of the education law made by section one of this act shall not affect the repeal of such subdivision and shall be deemed repealed therewith.