

# 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:

1 Section 1. Paragraphs (b) and (e) 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 (b) Such educational impact statement shall include the following  
5 information regarding the proposed school closing or significant change  
6 in school utilization:

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

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

15 (iii) an outline of any proposed or potential use of the school build-  
16 ing for other educational programs or administrative services;

17 (iv) the effect of such school closing or significant change in school  
18 utilization on personnel needs, the costs of instruction, adminis-  
19 tration, transportation, and other support services;

20 (v) the type, age, and physical condition of such school building,  
21 maintenance, and energy costs, recent or planned improvements to such  
22 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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1 (vi) the ability of other schools in the affected community district  
2 to accommodate pupils following the school closure or significant change  
3 in school utilization, the current and projected pupil enrollment at  
4 each such other school and a list of affected special education school  
5 students scheduled to attend each such other school; and

6 (vii) information regarding such school's academic performance includ-  
7 ing whether such school has been identified as a school under registra-  
8 tion review or has been identified as a school requiring academic  
9 progress, a school in need of improvement, or a school in corrective  
10 action or restructuring status.

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

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

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