STATE OF NEW YORK

911--A

Cal. No. 1265

2023-2024 Regular Sessions

IN SENATE

January 9, 2023

Introduced by Sens. LIU, CHU -- read twice and ordered printed, and when printed to be committed to the Committee on New York City Education -- recommitted to the Committee on New York City Education in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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;

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

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(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;

(vi) the ability of other schools in the affected community district to accommodate pupils following the school closure or significant change in school utilization**, including a list of such schools with each school's most recently available enrollment, utilization rate, and percentage of special education pupils and the total number of special education students impacted by the school closure or the change in school utilization**; 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.

§ 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.