

# STATE OF NEW YORK

1062--A

2023-2024 Regular Sessions

## IN ASSEMBLY

January 13, 2023

Introduced by M. of A. EPSTEIN -- read once and referred to the Committee on Education -- recommitted to the Committee on Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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;

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

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

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

11 (vii) information regarding such school's academic performance includ-  
12 ing whether such school has been identified as a school under registra-  
13 tion review or has been identified as a school requiring academic  
14 progress, a school in need of improvement, or a school in corrective  
15 action or restructuring status.

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

22 (ii) Except as otherwise provided in paragraph (f) of this subdivi-  
23 sion, no proposed school closing or significant change in school utili-  
24 zation shall take effect until all special education pupils in the  
25 affected school have been assigned to new schools within the city of New  
26 York and the chancellor has verified that each new school within the  
27 city of New York accepting special education students from the affected  
28 school can accommodate such pupils.

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