

STATE OF NEW YORK

2618

2025-2026 Regular Sessions

IN ASSEMBLY

January 21, 2025

Introduced by M. of A. SAYEGH, SANTABARBARA, BUTTENSCHON, ALVAREZ, FALL, TAYLOR, LEVENBERG, COLTON, CUNNINGHAM, CONRAD, WILLIAMS, ZINERMAN, COOK, McDONOUGH, CHANG, PIROZZOLO, DeSTEFANO, K. BROWN, BRABENEC, LEMONDES, NOVAKHOV, BENDETT, GRAY, SHIMSKY, BEEPHAN, TAGUE, GALLAHAN, HYNDMAN, BROOK-KRASNY -- 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 Assembly, 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-

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

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1 ment system caused by growth in the normal contribution rate minus two
2 percentage points; [~~and~~]

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

4 (v) a tax levy necessary for expenditures for the updating and enhanc-
5 ing of the security and safety of school buildings, grounds and proper-
6 ty.

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

10 Any apportionment to a school district pursuant to this subdivision
11 shall be based upon base year approved expenditures for capital outlays
12 incurred prior to July first, two thousand one from its general fund,
13 capital fund or reserved funds and current year approved expenditures
14 for debt service, including debt service for refunding bond issues
15 eligible for an apportionment pursuant to paragraph g of this subdivi-
16 sion and lease or other annual payments to the New York city educational
17 construction fund created by article ten of this chapter or the city of
18 Yonkers educational construction fund created by article ten-B of this
19 chapter which have been pledged to secure the payment of bonds, notes or
20 other obligations issued by the fund to finance the construction, acqui-
21 sition, reconstruction, rehabilitation or improvement of the school
22 portion of combined occupancy structures, or for lease or other annual
23 payments to the New York state urban development corporation created by
24 chapter one hundred seventy-four of the laws of nineteen hundred sixty-
25 eight, pursuant to agreement between such school district and such
26 corporation relating to the construction, acquisition, reconstruction,
27 rehabilitation or improvement of any school building, or for annual
28 payments to the dormitory authority pursuant to any lease, sublease or
29 other agreement relating to the financing, refinancing, acquisition,
30 design, construction, reconstruction, rehabilitation, improvement,
31 furnishing and equipping of, or otherwise provide for school district
32 capital facilities or school district capital equipment made under the
33 provisions of section sixteen hundred eighty of the public authorities
34 law, or for annual payments pursuant to any lease, sublease or other
35 agreement relating to the financing, refinancing, acquisition, design,
36 construction, reconstruction, rehabilitation, improvement, furnishing
37 and equipping of, or otherwise providing for educational facilities of a
38 city school district under the provisions of section sixteen of chapter
39 six hundred five of the laws of two thousand, or for payments, pursuant
40 to any assignment authorized by section twenty-seven hundred ninety-
41 nine-tt of the public authorities law, of debt service in furtherance of
42 funding the five-year educational facilities capital plan of the city of
43 New York school district or related debt service costs and expenses as
44 set forth in such section, for annual payments pursuant to any lease,
45 sublease or other agreement relating to the financing, refinancing,
46 design, reconstruction, rehabilitation, improvement, furnishing and
47 equipping of, or otherwise providing for projects authorized pursuant to
48 the city of Syracuse and the board of education of the city school
49 district of the city of Syracuse cooperative school reconstruction act,
50 for annual payments pursuant to any lease, sublease or other agreement
51 relating to the financing, refinancing, design, reconstruction, rehabil-
52 itation, improvement, furnishing and equipping of, or otherwise provid-
53 ing for projects authorized pursuant to the city of Rochester and the
54 board of education of the city school district of the city of Rochester
55 school facilities modernization program act, for annual payments pursu-
56 ant to any lease, sublease or other agreement relating to the financing,

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

52 § 4. The opening paragraph of subdivision 6 of section 3602 of the
53 education law, as amended by chapter 529 of the laws of 2023, is amended
54 to read as follows:

55 Any apportionment to a school district pursuant to this subdivision
56 shall be based upon base year approved expenditures for capital outlays

1 incurred prior to July first, two thousand one from its general fund,
2 capital fund or reserved funds and current year approved expenditures
3 for debt service, including debt service for refunding bond issues
4 eligible for an apportionment pursuant to paragraph g of this subdivi-
5 sion and lease or other annual payments to the New York city educational
6 construction fund created by article ten of this chapter or the city of
7 Yonkers educational construction fund created by article ten-B of this
8 chapter which have been pledged to secure the payment of bonds, notes or
9 other obligations issued by the fund to finance the construction, acqui-
10 sition, reconstruction, rehabilitation or improvement of the school
11 portion of combined occupancy structures, or for lease or other annual
12 payments to the New York state urban development corporation created by
13 chapter one hundred seventy-four of the laws of nineteen hundred sixty-
14 eight, pursuant to agreement between such school district and such
15 corporation relating to the construction, acquisition, reconstruction,
16 rehabilitation or improvement of any school building, or for annual
17 payments to the dormitory authority pursuant to any lease, sublease or
18 other agreement relating to the financing, refinancing, acquisition,
19 design, construction, reconstruction, rehabilitation, improvement,
20 furnishing and equipping of, or otherwise provide for school district
21 capital facilities or school district capital equipment made under the
22 provisions of section sixteen hundred eighty of the public authorities
23 law, or for annual payments pursuant to any lease, sublease or other
24 agreement relating to the financing, refinancing, acquisition, design,
25 construction, reconstruction, rehabilitation, improvement, furnishing
26 and equipping of, or otherwise providing for educational facilities of a
27 city school district under the provisions of section sixteen of chapter
28 six hundred five of the laws of two thousand, or for payments, pursuant
29 to any assignment authorized by section twenty-seven hundred ninety-
30 nine-~~tt~~ of the public authorities law, of debt service in furtherance of
31 funding the five-year educational facilities capital plan of the city of
32 New York school district or related debt service costs and expenses as
33 set forth in such section, for annual payments pursuant to any lease,
34 sublease or other agreement relating to the financing, refinancing,
35 design, reconstruction, rehabilitation, improvement, furnishing and
36 equipping of, or otherwise providing for projects authorized pursuant to
37 the city of Syracuse and the board of education of the city school
38 district of the city of Syracuse cooperative school reconstruction act,
39 for annual payments pursuant to any lease, sublease or other agreement
40 relating to the financing, refinancing, design, reconstruction, rehabil-
41 itation, improvement, furnishing and equipping of, or otherwise provid-
42 ing for projects authorized pursuant to the city of Rochester and the
43 board of education of the city school district of the city of Rochester
44 school facilities modernization program act, for annual payments pursu-
45 ant to any lease, sublease or other agreement relating to the financing,
46 refinancing, design, construction, reconstruction, rehabilitation,
47 improvement, furnishing and equipping of, or otherwise providing for
48 projects authorized pursuant to the Yonkers city school district facili-
49 ties modernization program act, or for lease, lease-purchase or other
50 annual payments to another school district or person, partnership or
51 corporation pursuant to an agreement made under the provisions of
52 section four hundred three-b, subdivision eight of section twenty-five
53 hundred three, or subdivision six of section twenty-five hundred fifty-
54 four of this chapter, provided that the apportionment for such lease or
55 other annual payments under the provisions of section four hundred
56 three-b, subdivision eight of section twenty-five hundred three, or

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

45 § 5. This act shall take effect on the first of July next succeeding
46 the date on which it shall have become a law; provided, however, that if
47 chapter 529 of the laws of 2023 shall not have taken effect on or before
48 such date then section four of this act shall take effect on the same
49 date and in the same manner as such chapter of the laws of 2023 takes
50 effect.