

STATE OF NEW YORK

7157--B

2025-2026 Regular Sessions

IN SENATE

April 3, 2025

Introduced by Sen. COONEY -- read twice and ordered printed, and when printed to be committed to the Committee on Cities 2 -- reported favorably from said committee and committed to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend chapter 416 of the laws of 2007, establishing the city of Rochester and the board of education of the city school district of the city of Rochester school facilities modernization program act, in relation to granting further authority to the RJSCB to modernize educational facilities in the city of Rochester

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

1 Section 1. Sections 4, 5 and 6 of chapter 416 of the laws of 2007,
2 establishing the city of Rochester and the board of education of the
3 city school district of the city of Rochester school facilities modern-
4 ization program act, as amended and the third and fifth undesignated
5 paragraphs of subdivision 6 as added by chapter 614 of the laws of 2021,
6 are amended to read as follows:

7 § 4. Project authorization. No more than: (a) 13 projects, up to a
8 total cost of three hundred twenty-five million dollars in phase one,
9 and (b) 26 projects, up to a total cost of four hundred thirty-five
10 million dollars in phase two, and (c) 12 projects, up to a total cost of
11 [~~four hundred seventy-five million dollars~~] six hundred million dollars
12 in phase three shall be authorized and undertaken pursuant to this act,
13 unless otherwise authorized by law.

14 § 5. Comprehensive school facilities modernization plan. The super-
15 intendent shall submit to the RJSCB a comprehensive draft plan recom-
16 mending and outlining the projects for phase two and phase three it
17 proposes to be undertaken pursuant to this act. The RJSCB shall consider

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

LBD10903-07-5

1 the plan in developing a comprehensive school facilities modernization
2 plan recommending and outlining the projects it proposes to be poten-
3 tially undertaken pursuant to this act. Such plan shall include: (a) an
4 estimate of total costs to be financed, proposed financing plan,
5 proposed method of financing, terms and conditions of the financing,
6 estimated financing costs, and, if city general obligation bonds or
7 notes are not proposed as the method of financing, a comparison of
8 financing costs between such bonds or notes and the proposed method of
9 financing. Payment of debt service on bonds, notes or other obligations
10 issued to secure financing of not more than \$325,000,000 in phase one,
11 \$435,000,000 in phase two, and [~~\$475,000,000~~] \$600,000,000 in phase
12 three for projects undertaken pursuant to this act shall not be consid-
13 ered when determining the "city amount" required pursuant to subpara-
14 graph (ii) of paragraph a of subdivision 5-b of section 2576 of the
15 education law; provided, however, that this provision shall not other-
16 wise affect the determination of said "city amount" with respect to
17 funding unrelated to projects undertaken pursuant to this act. The plan
18 should also address what specific options would be used to ensure that
19 sufficient resources exist to cover the local share of any such project
20 cost on an annual basis; (b) information concerning the potential
21 persons to be involved in the financing and such person's role and
22 responsibilities; (c) estimates on the design, reconstruction and reha-
23 bilitation costs by project, any administrative costs for potential
24 projects, and an outline of the timeframe expected for completion of
25 each potential project; (d) a detailed description of the request for
26 proposals process and an outline of the criteria to be used for
27 selection of the program manager, the independent compliance officer and
28 all contractors; provided that the RJSCB may extend the contracts of the
29 providers of professional services for phase one or two upon the
30 adoption of findings that doing so would be in the public interest; the
31 contracts of the program manager and the independent compliance officer
32 for phase two will be rebid and the contracts of the program manager and
33 the independent compliance officer for phase three will be rebid, and
34 provided further that the program manager and the independent compliance
35 officer and any new or different providers of professional services
36 shall be engaged in compliance with the provisions of section eight of
37 this act; (e) any proposed amendments to the city school district's
38 five-year capital facilities plan submitted in accordance with subdivi-
39 sion 6 of section 3602 of the education law and the regulations of the
40 commissioner; and (f) a diversity plan to develop diversity goals,
41 including appropriate community input and public discussion, and develop
42 strategies that would create and coordinate any efforts to ensure a more
43 diverse workforce for the projects. The diversity plan should address
44 accountability for attainment of the diversity goals, what forms of
45 monitoring would be used, and how such information would be publicly
46 communicated.

47 Prior to the development of the comprehensive school facilities
48 modernization plan, the RJSCB and district shall hold as many public
49 hearings as may be necessary to ensure sufficient public input and allow
50 for significant public discussion on school building needs in such city,
51 with at least one hearing to be held in each neighborhood potentially
52 impacted by a proposed project.

53 All projects proposed in the comprehensive school facilities modern-
54 ization plan shall be included by the city school district as a special
55 section of the district's five-year capital facilities plan that is

1 required pursuant to subdivision 6 of section 3602 of the education law
2 and the regulations of the commissioner.

3 The RJSCB shall submit the components of such comprehensive plan
4 outlined in subdivision (a) of this section to the comptroller, along
5 with any other information requested by the comptroller, for [~~his or~~
6 ~~her~~] such comptroller's review and approval.

7 § 6. Project selection. Notwithstanding any general, special or local
8 law to the contrary and upon approval by the comptroller pursuant to
9 section five of this act, the RJSCB may select projects to be undertaken
10 pursuant to this act, as provided for in such approved comprehensive
11 plan. After the RJSCB has selected a new project and plans and specifi-
12 cations for such project have been prepared and approved by the RJSCB,
13 which are consistent with the approved comprehensive plan, the RJSCB
14 shall deliver such plans and specifications to the superintendent of the
15 city school district and the mayor of the city of Rochester for review
16 to ensure that sufficient resources exist to pay the local share of any
17 such project cost on an annual basis and that the plans meet program
18 needs, and upon the approval of the superintendent, to the commissioner
19 for [~~his or her~~] their approval. After approval by the superintendent
20 and commissioner, the plans and specifications shall be returned to the
21 RJSCB. All such specifications shall detail the number of students the
22 completed project is intended to serve, the site description, the types
23 of subjects to be taught, the types of activities for school, recre-
24 ational, social, safety, or other purposes intended to be incorporated
25 in the school building or on its site and such other information as the
26 RJSCB and the commissioner shall deem necessary or advisable. The
27 district program manager shall establish reasonable guidelines or limits
28 on incidental costs to assure that to the greatest extent possible such
29 costs for each project do not exceed the state's maximum incidental cost
30 allowance, in order to maximize efficient use of state building aid.

31 Notwithstanding any other provision of law to the contrary, the RJSCB
32 shall submit estimated project costs for the projects authorized pursu-
33 ant to subdivisions (b) and (c) of section four of this act on a form
34 provided by the commissioner after the completion of schematic plans and
35 specifications for review by the commissioner. For projects authorized
36 pursuant to subdivision (b) of section four of this act, if the total
37 project costs associated with such projects exceed the sum of the esti-
38 mated individual approved cost allowance of each building project by
39 more than the lesser of 43 million dollars or ten percent of the
40 approved costs authorized pursuant to subdivision (b) of section four of
41 this act, and the city school district has not otherwise demonstrated to
42 the satisfaction of the state education department the availability of
43 additional local shares for such excess costs, then the RJSCB shall not
44 proceed with the preparation of final plans and specifications for such
45 projects until the projects have been redesigned or value-engineered to
46 reduce estimated project costs so as not to exceed the above cost
47 limits. For projects authorized pursuant to subdivision (c) of section
48 four of this act, if the [~~total estimated building aid payable~~] esti-
49 mated aidable project costs for projects authorized pursuant to subdivi-
50 sion (c) of section four of this act, based upon the sum of the esti-
51 mated individual approved cost allowance of each building, is less than
52 ninety-five percent of the total project costs, the RJSCB shall not
53 proceed with preparation of final plans and specifications for such
54 projects until the projects have been redesigned or value engineered to
55 reduce estimated costs so as not to exceed this cost limit.

1 Notwithstanding any other provision of law to the contrary, the RJSCB
2 shall submit estimated project costs for the projects authorized pursu-
3 ant to subdivision (c) of section four of this act on a form provided
4 by the commissioner after the completion of twenty-five percent of the
5 final plans and specifications for review by the commissioner. If the
6 [~~total estimated building aid payable~~] estimated aidable project costs
7 for projects authorized pursuant to subdivision (c) of section four of
8 this act, based upon the sum of the estimated individual approved cost
9 allowance of each building, is less than ninety-five percent of the
10 total project costs, the RJSCB shall not proceed with the completion of
11 the remaining seventy-five percent of the plans and specifications for
12 such projects until the projects have been redesigned or value-engi-
13 neered to reduce estimated costs so as not to exceed this cost limit.

14 Notwithstanding any other provision of law to the contrary, the RJSCB
15 shall submit estimated project costs for the projects authorized pursu-
16 ant to subdivisions (b) and (c) of section four of this act on a form
17 provided by the commissioner after the completion of fifty percent of
18 the final plans and specifications for review by the commissioner. For
19 projects authorized pursuant to subdivision (b) of section four of this
20 act, if the total project costs associated with such projects exceed the
21 sum of the estimated individual approved cost allowance of each building
22 project by more than the lesser of 43 million dollars or ten percent of
23 the approved costs authorized pursuant to subdivision (b) of section
24 four of this act, and the city school district has not otherwise demon-
25 strated to the satisfaction of the state education department the avail-
26 ability of additional local share for such excess costs, then the RJSCB
27 shall not proceed with the completion of the remaining fifty percent of
28 the plans and specifications for such projects until the projects have
29 been redesigned or value-engineered to reduce estimated project costs so
30 as not to exceed the above cost limits. For projects authorized pursu-
31 ant to subdivision (c) of section four of this act, if the [~~total esti-~~
32 ~~mated building aid payable~~] estimated aidable project costs for projects
33 authorized pursuant to subdivision (c) of section four of this act,
34 based upon the sum of the estimated individual approved cost allowance
35 of each building, is less than ninety-five percent of the total project
36 costs, the RJSCB shall not proceed with the completion of the remaining
37 fifty percent of the plans and specifications for such projects until
38 the projects have been redesigned or value-engineered to reduce esti-
39 mated project costs so as not to exceed this cost limit.

40 Notwithstanding any other provision of law to the contrary, the RJSCB
41 shall submit estimated project costs for the projects authorized pursu-
42 ant to subdivision (c) of section four of this act on a form provided
43 by the commissioner after the completion of seventy-five percent of the
44 final plans and specifications for review by the commissioner. If the
45 [~~total estimated building aid payable~~] estimated aidable project costs
46 for projects authorized pursuant to subdivision (c) of section four of
47 this act, based upon the sum of the estimated individual approved cost
48 allowance of each building, is less than ninety-five percent of the
49 total project costs, the RJSCB shall not proceed with the completion of
50 the remaining twenty-five percent of the plans and specifications for
51 such projects until the projects have been redesigned or value-engi-
52 neered to reduce estimated project costs so as not to exceed this cost
53 limit.

54 § 2. Subdivision (c) of section 21 of chapter 416 of the laws of 2007,
55 establishing the city of Rochester and the board of education of the
56 city school district of the city of Rochester school facilities modern-

1 ization program act, as added by chapter 614 of the laws of 2021, is
2 amended to read as follows:

3 (c) On or before June 30, [~~2031~~ 2033, or upon completion of the 12
4 projects authorized in phase three pursuant to this act, whichever shall
5 first occur, the RJSCB shall issue a report to the city, the city school
6 district, the governor, the commissioner, the comptroller, the temporary
7 president of the senate, the speaker of the assembly, the minority lead-
8 er of the senate, the minority leader of the assembly, the state board
9 of regents, and the chairs and ranking minority members of the New York
10 state senate and assembly committees on education, the finance committee
11 of the New York state senate, and the ways and means committee of the
12 New York state assembly. Such report shall identify the fiscal and peda-
13 gogical results of the projects undertaken pursuant to this act, along
14 with recommendations for its continuance, amendments, or discontinuance.

15 § 3. This act shall take effect immediately and shall apply to all
16 contracts entered into, renewed, modified or amended on or after such
17 effective date.