

# STATE OF NEW YORK

7386

2025-2026 Regular Sessions

## IN SENATE

April 14, 2025

Introduced by Sen. MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the education law, in relation to providing grants for schoolyards and playgrounds; and making an appropriation therefor

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

1 Section 1. This act shall be known and may be cited as the "New York  
2 Living Schoolyards Act".

3 § 2. The education law is amended by adding a new section 3602-g to  
4 read as follows:

5 § 3602-g. Living schoolyard grant program. 1. Definitions. As used in  
6 this section:

7 (a) "Eligible entity" shall mean a school district, local education  
8 agency, board of cooperative educational services serving secondary  
9 students, and nonprofit organization that has expertise in outdoor  
10 learning spaces or outdoor education working in partnership with a  
11 school district, local education agency, or board of cooperative educa-  
12 tional services serving secondary students.

13 (b) "Living schoolyard" shall mean a park-like outdoor environment at  
14 an elementary school or secondary school that strengthens local ecologi-  
15 cal systems, provides hands-on learning resources, and fosters a wide  
16 range of play and social opportunities while enhancing the health and  
17 well-being of children and adults; and may include trees, gardens,  
18 outdoor meeting areas, and other elements designed by, and for, the  
19 students and the surrounding community.

20 (c) "Outdoor learning space" shall mean an outdoor physical space on  
21 school grounds that is:

22 (i) dedicated to meet or conduct curriculum-tied activities;

23 (ii) a dedicated space for outdoor classrooms that has seating and  
24 tables installed for students and teachers to meet regularly; or

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

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1 (iii) a place that is used when the need arises to take learning  
2 outdoors.

3 (d) "Program" shall mean the living schoolyard grant program estab-  
4 lished under this section.

5 2. Living schoolyard grant program. The commissioner shall establish a  
6 living schoolyard grant program which shall, out of funds appropriated  
7 for such program, provide grants on a competitive basis to eligible  
8 entities for the purposes of creating healthier and greener outdoor  
9 learning spaces at elementary and secondary schools. Such grants shall  
10 be in amounts between twenty-five thousand dollars and one hundred thou-  
11 sand dollars.

12 3. Applications. The commissioner shall accept applications from  
13 eligible entities which shall include:

14 (a) An identification of each elementary school and secondary school  
15 that will receive funding provided under this section.

16 (b) The timeframe needed to prepare outdoor learning spaces and the  
17 timeframe to begin using outdoor learning spaces.

18 (c) The percentage of students in the identified elementary schools  
19 and secondary schools who are eligible for a free or reduced price lunch  
20 under the National School Lunch Act, as amended.

21 (d) The projected number of schools that would participate in the  
22 outdoor learning spaces.

23 (e) The projected number of students and staff that would participate  
24 in the outdoor learning spaces on a daily basis.

25 (f) A description of how the eligible entity will assist students and  
26 staff that may need inclement weather clothing to participate in the  
27 outdoor learning spaces.

28 (g) A description of how the outdoor learning spaces will assist  
29 students and staff that may need inclement weather clothing to partic-  
30 ipate.

31 (h) A description of how the eligible entity will consider access  
32 needs in compliance with the Americans with Disabilities Act of 1990.

33 (i) Any other information deemed necessary by the commissioner.

34 4. Use of grant funds. (a) An eligible entity that receives a grant  
35 under this section shall use the grant funds to plan, design, and  
36 construct outdoor learning spaces. Such outdoor learning spaces shall  
37 include at least one of the following:

38 (i) An outline for, that includes the scope of, the master plan  
39 described in paragraph (b) of this subdivision.

40 (ii) A plan for educator professional development in order to support  
41 educators in utilizing the living schoolyard.

42 (iii) Identification of state learning standards that may be addressed  
43 through student involvement in the living schoolyard.

44 (iv) A plan for how the eligible entity will provide for maintenance  
45 and operation of the living schoolyard after the grant period ends.

46 (b) (i) An eligible entity that receives a grant under this section  
47 shall use the grant funds to develop a master plan, including design and  
48 construction documents, to turn some or all of the outdoor spaces of the  
49 public elementary schools and secondary schools served by the eligible  
50 entity into living schoolyards. Such master plan shall:

51 (A) be developed with community input, including students, families,  
52 educators, and school staff;

53 (B) be developed with the goal of longevity and resilience of living  
54 schoolyards after the grant period has expired; and

55 (C) include:

56 (I) ecological, climate, and biodiversity goals;

1 (II) education and health goals;

2 (III) accessibility standards;

3 (IV) the number of students to be served at each school served under  
4 the grant, the total size of each such school property in acres, and the  
5 size of the proposed living schoolyard at each site in acres;

6 (V) a school grounds concept plan drawing of the living schoolyard  
7 design proposed for each school served under the grant;

8 (VI) an identification of community partners, including nonprofit  
9 organizations or design professionals, that have expertise in outdoor  
10 learning spaces or outdoor education, if applicable; and

11 (VII) a longevity plan for how the eligible entity proposes to main-  
12 tain the living schoolyards over time.

13 (ii) The master plan developed under subparagraph (i) of this para-  
14 graph may include the following living schoolyard components:

15 (A) Growing food, planting pollinator plants, and creating habitat for  
16 wildlife.

17 (B) Conserving water, managing stormwater and observing things in  
18 nature.

19 (C) Supporting hands-on learning for prekindergarten through grade  
20 twelve activities and programs across subject areas and grade levels,  
21 such as conducting experiments regarding soil, wind, water, and other  
22 elements.

23 (D) Using the arts to prepare skits, plays, murals, drawings, and  
24 sculptures that celebrate nature, including its animals, plants,  
25 patterns, and behaviors.

26 (E) Planting native shade trees, which:

27 (I) directly protect students from the effects of extreme heat due to  
28 climate change; and

29 (II) cast shade on adjacent classroom windows in the school building  
30 to help reduce temperatures indoors and save cooling costs during the  
31 warmest parts of the school year.

32 (F) Natural playgrounds, which include natural and nature-based  
33 elements like rock gardens, sand boxes, stump logs, streams, living  
34 plants, and others that are integrated with the outdoor landscape and  
35 vegetation, and which:

36 (I) will produce less heat than traditional playgrounds and equipment;

37 (II) are more inclusive and accessible for children of all abilities;

38 (III) allow children to learn about nature; and

39 (IV) are more cost-efficient than traditional playgrounds.

40 (c) An eligible entity that receives a grant under this section shall  
41 use the grant funds to implement some or all of the master plan devel-  
42 oped in accordance with this section by turning some or all of the  
43 outdoor spaces of the public elementary schools and secondary schools  
44 served by the eligible entity into living schoolyards.

45 (d) An eligible entity that receives a grant under this section shall  
46 not use more than twenty percent of the grant funds:

47 (i) for professional development for school leadership, educators, and  
48 paraprofessionals related to outdoor teaching and bringing students  
49 outside for learning; and

50 (ii) to support an educator or other school staff member to maintain  
51 the living schoolyards of the elementary schools and secondary schools  
52 served by the eligible entity and provide professional development  
53 described in in subparagraph (i) of this paragraph.

54 (e) An eligible entity that receives a grant under this section shall  
55 not use more than sixty percent of the grant funds for the costs associ-  
56 ated with the installation of play and recreation amenities. In the

1 installation of play and recreation amenities, an eligible entity shall  
2 place an emphasis on amenities made of non-petroleum-based, natural  
3 materials.

4 5. Matching funds. (a) An eligible entity that receives a grant under  
5 this section shall provide matching funds in an amount equal to twenty  
6 percent of the grant award.

7 (b) The commissioner may waive the matching requirement under para-  
8 graph (a) of this subdivision for an eligible entity that receives a  
9 grant under this section and serves students not less than forty percent  
10 of whom are eligible for a free or reduced price lunch under the  
11 National School Lunch Act. Such calculation, in the case of high schools  
12 served by the eligible entity, may be completed using comparable data  
13 from the schools that feed into the high schools.

14 6. Clearinghouse. The commissioner shall maintain a clearinghouse of  
15 information that:

16 (a) provides examples of outdoor learning spaces, including successful  
17 models being used;

18 (b) includes input from nonprofit organizations, professionals, and  
19 other community members with expertise in outdoor learning spaces and  
20 environmental education; and

21 (c) provides links and information about state and local entities with  
22 expertise in outdoor learning spaces and environmental education.

23 7. The program shall only issue grants between July first, two thou-  
24 sand twenty-seven and June thirtieth, two thousand thirty-one.

25 § 3. The sum of one hundred fifty million dollars (\$150,000,000), or  
26 so much thereof as may be necessary, is hereby appropriated to the  
27 department of education from any moneys in the state treasury in the  
28 general fund to the credit of the state purposes account not otherwise  
29 appropriated for the purposes of carrying out the provisions of this  
30 act. Such sum shall be payable on the audit and warrant of the state  
31 comptroller on vouchers certified or approved by the commissioner of  
32 health, or such commissioner's duly designated representative in the  
33 manner provided by law.

34 § 4. This act shall take effect immediately.