

STATE OF NEW YORK

7385--A

2025-2026 Regular Sessions

IN ASSEMBLY

March 25, 2025

Introduced by M. of A. BRONSON, CLARK, MEEKS, LUNSFORD -- read once and referred to the Committee on Education -- 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
18 the plan in developing a comprehensive school facilities modernization
19 plan recommending and outlining the projects it proposes to be poten-
20 tially undertaken pursuant to this act. Such plan shall include: (a) an

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

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

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

50 All projects proposed in the comprehensive school facilities modern-
51 ization plan shall be included by the city school district as a special
52 section of the district's five-year capital facilities plan that is
53 required pursuant to subdivision 6 of section 3602 of the education law
54 and the regulations of the commissioner.

55 The RJSCB shall submit the components of such comprehensive plan
56 outlined in subdivision (a) of this section to the comptroller, along

1 with any other information requested by the comptroller, for [~~his or~~
2 ~~her~~] such comptroller's review and approval.

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

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

52 Notwithstanding any other provision of law to the contrary, the RJSCB
53 shall submit estimated project costs for the projects authorized pursu-
54 ant to subdivision (c) of section four of this act on a form provided
55 by the commissioner after the completion of twenty-five percent of the
56 final plans and specifications for review by the commissioner. If the

1 ~~[total estimated building aid payable]~~ estimated aidable project costs
2 for projects authorized pursuant to subdivision (c) of section four of
3 this act, based upon the sum of the estimated individual approved cost
4 allowance of each building, is less than ninety-five percent of the
5 total project costs, the RJSCB shall not proceed with the completion of
6 the remaining seventy-five percent of the plans and specifications for
7 such projects until the projects have been redesigned or value-engi-
8 neered to reduce estimated costs so as not to exceed this cost limit.

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

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

49 § 2. Subdivision (c) of section 21 of chapter 416 of the laws of 2007,
50 establishing the city of Rochester and the board of education of the
51 city school district of the city of Rochester school facilities modern-
52 ization program act, as added by chapter 614 of the laws of 2021, is
53 amended to read as follows:

54 (c) On or before June 30, ~~[2031]~~ 2033, or upon completion of the 12
55 projects authorized in phase three pursuant to this act, whichever shall
56 first occur, the RJSCB shall issue a report to the city, the city school

1 district, the governor, the commissioner, the comptroller, the temporary
2 president of the senate, the speaker of the assembly, the minority lead-
3 er of the senate, the minority leader of the assembly, the state board
4 of regents, and the chairs and ranking minority members of the New York
5 state senate and assembly committees on education, the finance committee
6 of the New York state senate, and the ways and means committee of the
7 New York state assembly. Such report shall identify the fiscal and peda-
8 gogical results of the projects undertaken pursuant to this act, along
9 with recommendations for its continuance, amendments, or discontinuance.
10 § 3. This act shall take effect immediately and shall apply to all
11 contracts entered into, renewed, modified or amended on or after such
12 effective date.