

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;

(II) education and health goals;
(III) accessibility standards;
(IV) the number of students to be served at each school served under the grant, the total size of each such school property in acres, and the size of the proposed living schoolyard at each site in acres;
(V) a school grounds concept plan drawing of the living schoolyard design proposed for each school served under the grant;
(VI) an identification of community partners, including nonprofit organizations or design professionals, that have expertise in outdoor learning spaces or outdoor education, if applicable; and
(VII) a longevity plan for how the eligible entity proposes to maintain the living schoolyards over time.
(ii) The master plan developed under subparagraph (i) of this paragraph may include the following living schoolyard components:
(A) Growing food, planting pollinator plants, and creating habitat for wildlife.
(B) Conserving water, managing stormwater and observing things in nature.
(C) Supporting hands-on learning for prekindergarten through grade twelve activities and programs across subject areas and grade levels, such as conducting experiments regarding soil, wind, water, and other elements.
(D) Using the arts to prepare skits, plays, murals, drawings, and sculptures that celebrate nature, including its animals, plants, patterns, and behaviors.
(E) Planting native shade trees, which:
(I) directly protect students from the effects of extreme heat due to climate change; and
(II) cast shade on adjacent classroom windows in the school building to help reduce temperatures indoors and save cooling costs during the warmest parts of the school year.
(F) Natural playgrounds, which include natural and nature-based elements like rock gardens, sand boxes, stump logs, streams, living plants, and others that are integrated with the outdoor landscape and vegetation, and which:
(I) will produce less heat than traditional playgrounds and equipment;
(II) are more inclusive and accessible for children of all abilities;
(III) allow children to learn about nature; and
(IV) are more cost-efficient than traditional playgrounds.
(c) An eligible entity that receives a grant under this section shall use the grant funds to implement some or all of the master plan developed in accordance with this section by turning some or all of the outdoor spaces of the public elementary schools and secondary schools served by the eligible entity into living schoolyards.
(d) An eligible entity that receives a grant under this section shall not use more than twenty percent of the grant funds:
(i) for professional development for school leadership, educators, and paraprofessionals related to outdoor teaching and bringing students outside for learning; and
(ii) to support an educator or other school staff member to maintain the living schoolyards of the elementary schools and secondary schools served by the eligible entity and provide professional development described in in subparagraph (i) of this paragraph.
(e) An eligible entity that receives a grant under this section shall not use more than sixty percent of the grant funds for the costs associated 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.