

**CITYWIDE EDUCATION COUNCIL, DISTRICT 75
COMMITTEE ON BUSING AND SAFETY**



**ADVISORY OPINION ON THE USE OF DISTRICT 75 SCHOOLS AS
VOTER REGISTRATION AND POLLING SITES**

Due to significant safety concerns for New York City's Department of Education District 75 students as well as recent and past reported breaches of school building security, it is this committee's recommendation that the State Board of Elections and/or the City Board of Elections **immediately cease using any public school building or similar facility where District 75 students are located and/or co-located as voter polling sites.**

In the alternative, use of the buildings may continue under the following 4 (four) conditions:

- (1) There are **no** instructional sessions on **ANY ELECTION DAY** for students during that day and/or evening where the public has access to the building at the same time students occupy said building;
- (2) The building shall not be used by, or be opened to, the public **for any other purpose other than voting** (this excludes school personnel who may choose to use the building for administrative purposes);
- (3) Extra security is posted and actively manned at the entrance(s), exit(s) and at all corridors and vestibules where the public will be entering and exiting the building to vote;
- (4) All entrance(s), exit(s), corridor areas **must be clearly marked** as well as an area that is cordoned off, manned and clearly designated as **" school personnel only permitted beyond this point."**

This alternative plan is meant to give flexibility to the City/State Boards of Elections and facilitate our election process while maintaining building safety and security during and after the public voting period.

Overview - District 75

District 75 is a citywide, specialized school district within the New York City Department of Education. District 75 schools provide educational, vocational, and behavior support programs for approximately 25,000 students with moderate to severe disabilitiesⁱ. The district has sites located across New York City including multi-site special education schools, home and hospital instruction, institutional facilities and inclusive settings in community schools and community-based vocational training sitesⁱⁱ.

District 75 Students

The age range for students attending District 75 schools are ages 5 through 21 years of age. Once a student turns age 21, they transition to day programs, potential vocational employment and more.

Many of our students are non-verbal, meaning they do not have a "strong cache of "internalized "rules" by which to monitor, plan and execute interpersonal interactions."ⁱⁱⁱ Specific to this population is the increased risks of injury or death due to "elopement/wandering behaviors associated with Autism Spectrum Disorders (ASDS)."^{iv} All of our students require some form of adaptive behavioral related services due to global deficits in understanding the dangers within their social and environmental surroundings. Adaptive behavior is a "... collection of conceptual, social, and practical skills that all people learn in order to function in their daily lives..."^v

Consequently, District 75 students require extra safety protocols within the school building and during outdoor activities. Due to their deficits and comorbidities as explained above, any breaches in school security place students at significant risk for harm.

DISTRICT 75 SCHOOLS

As referred to above, District 75 schools are citywide with some being "self-contained" and most others "co-located" in and around public school buildings shared with non-District 75 students. These statistics are broken down below as follows:

TOTAL NUMBER OF CITYWIDE DISTRICT 75 SCHOOLS

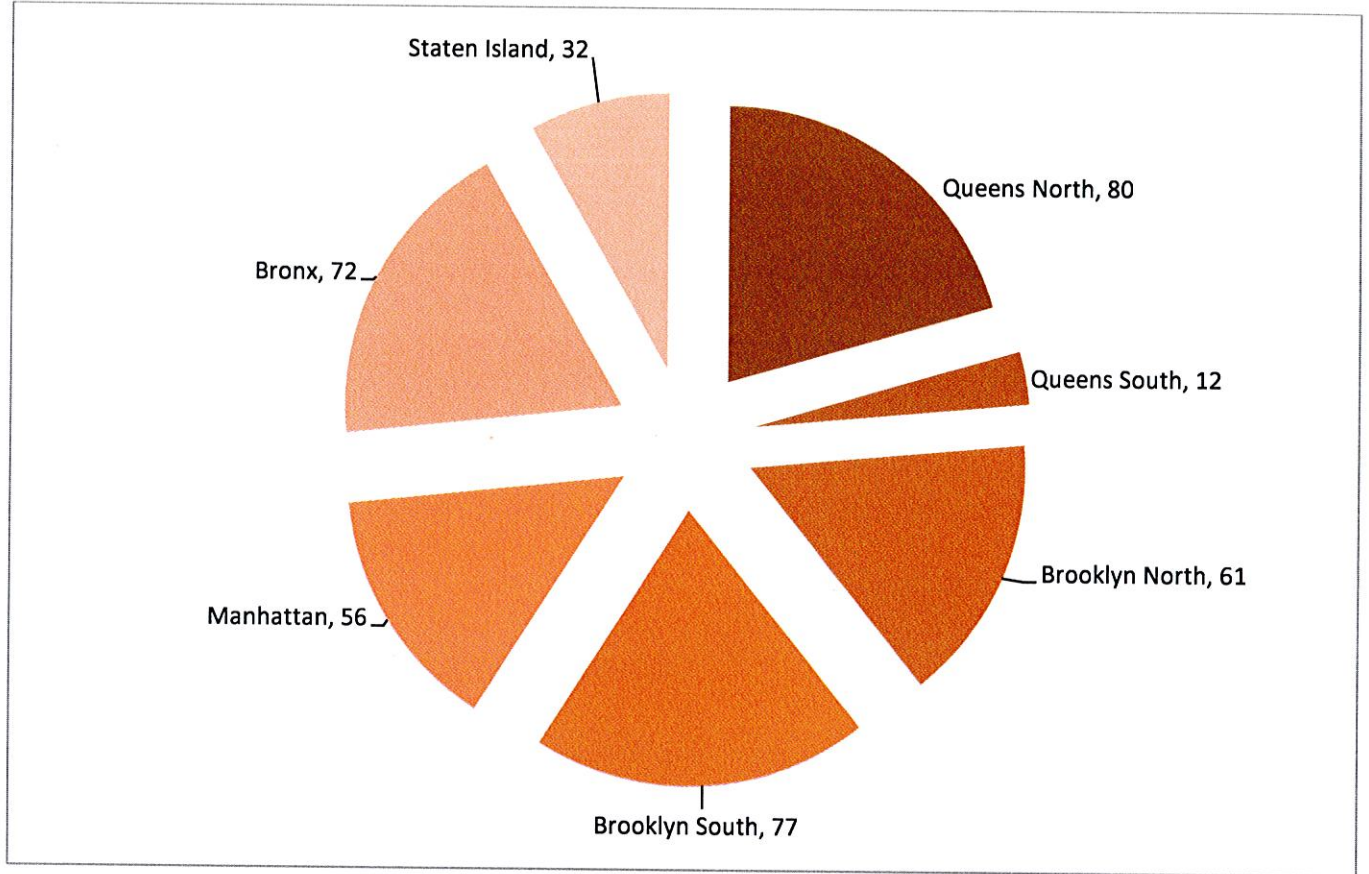


Figure 1 Derived from NYC DOE Office of Assessment and Accountability, December 8, 2016

TOTAL NUMBER OF CITYWIDE DISTRICT 75 DESIGNATED SCHOOL SITES (self contained and co-located)

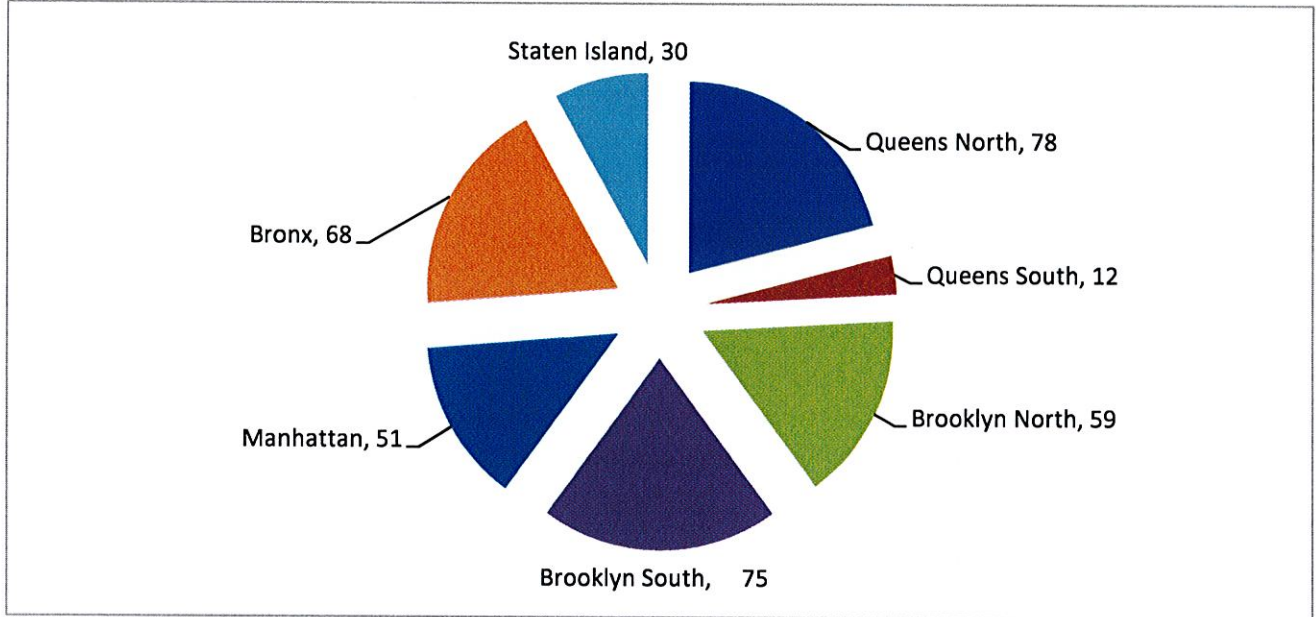


Figure 2 Derived from NYC DOE Office of Assessment and Accountability, December 8, 2016

TOTAL CITYWIDE DISTRICT 75 SCHOOLS AND SITE STATISTICS

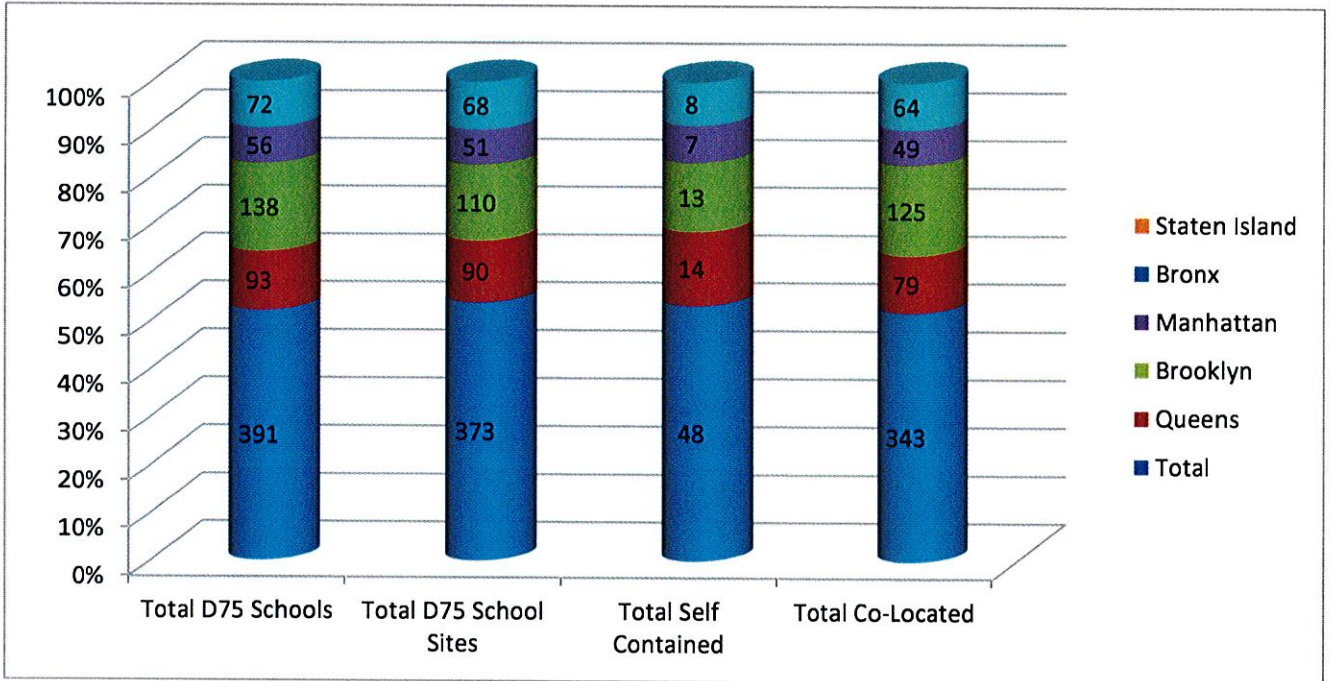


Figure 3 Derived from NYC DOE Office of Assessment and Accountability, December 8, 2016 (note: Home-based, hospital based and institutional-based programs not included. Borough to Borough school site overlap not reflected).

In summary, District 75 exclusively oversees and provides services to approximately 25,000 students having moderate to severe physical, intellectual and developmental disabilities with many students having multiple disabilities. The majority of their programs and services (391) are received citywide in 373 public schools buildings across the five boroughs of New York City. Excluding site locations at hospitals, in-home instruction and rehabilitation centers, we have calculated the NYC Board of Elections is utilizing 152 District 75 school sites as voter polling centers for all elections (general, primary and any other election governed by that state and city boards of elections).^{vi} A list of school sites with their corresponding Board of Election polling identification numbers are attached hereto as Exhibit 1.

CURRENT PENDING LEGISLATION /PROPOSALS

There are numerous proposals in various periodicals and from interest groups specifically discussing the utilization of public schools as polling places.

Our interest focuses on two legislative bills: one currently pending in the New York State Assembly (A6040B) and one in the New York State Senate (S4787A)(attached hereto as Exhibits 2 and 3 respectively). Both bills have been revised and recommitted to the Committee on Education. In reading both respective bills as amended, it is this committee's opinion that *both bills are significantly flawed as they do not fully address the present dangers to students and security breaches presently experienced by public schools used as voter polling places and students will continue to be at risk .*

The Senate bill S4787A looks to amend Education Law §3604 and Election Law§4-104. The Pertinent provisions would be to amend existing education law to include "GENERAL ELECTION DAY" as a closed school day to students. The election law would be amended to remove public school buildings as entities that can be deemed "unsuitable" presumably by the designating local or State Board of Elections.

The Assembly bill: A6040B similarly looks to amend election law §4-104, and education law §3604. The Pertinent provisions are the same as S4787A, which, after committee reconciliation, would amend state education Law to include : "GENERAL ELECTION DAY" as a closed school day to students and amend state election law to remove public school buildings as entities that can be deemed unsuitable by the designating local or State Board of Elections.

Unfortunately, both bills do not fully address the safety concerns of using public schools as voter polling sites. In its present form, the new legislation would still permit the operation of public schools as polling sites, during instructional days, in elections *other than "general elections."* This is a significant flaw and should be remedied by the state legislature while both bills remain recommitted to their respective Education Committees.

LEGAL ANALYSIS/COURT PRECEDENTS

The *Committee on Busing and Safety* of the Citywide Council for District 75 does not have a staff attorney nor was one retained for this matter. However, the issue of student safety on instructional days and the significant lapses in security at the schools during voter polling is in direct contradiction to "*Avonte's Law*" - - legislation passed in New York State requiring, in part, alarms be placed on school doors. It is noted here that the New York City Council passed its own version of the law and is now being emulated in some form on the federal level.

CONCLUSIONS

Based on actual reported incidences, during elections, that placed District 75 students in imminent danger and threatened the safety and well-being of students and staff, this committee recommends the following:

(1) **Completely eliminate** the use of all District 75 school sites as voter polling sites,

OR

(2) Adopt our recommended, **alternative four conditions** outlined on page 1 of this document which would permit the continue using of the current buildings while maintaining strict building safety.

Additionally, this committee cannot fully support the proposed legislation in its present form unless the language conforms to our recommendations that **no instructional classes be permitted on any election day** as well as fully adopt the other conditional safety measures. The potential for significant security breaches and subsequent unsafe and dangerous environments will continue should D75 school sites remain open to the voting public during student sessions. Current legislation does not support school closing on any day other than a "General Election" thereby exposing students to potential dangers during the primary and special election cycles.

Respectfully Submitted:

A handwritten signature in black ink, appearing to read "A. Caponera", followed by a period.

Anthony A. Caponera, **Committee Chairman**

Concurring Committee Members:

GLORIA SMITH

JOHN CAMACHO

DIANE MCNEIL

CRAIG SPENCER

AMY MING TSAI

REBECCA GREEN

ⁱ Fioriña, Carly, Chancellor, New York City Department of Education "Getting to Know District 75 Schools" Web: http://schools.nyc.gov/NR/rdonlyres/F05D2757-0850-469B-9BEE-7D73E5712E74/0/District75FAQ_FINAL.pdf

ⁱⁱ Ibid

ⁱⁱⁱ Mamen, Maggie Ph.D., C.Psych "Non Verbal Learning Disabilities -Impact on Social Functioning; And Interpersonal Skills" Reprinted from the LDAO newsletter, Communiqué, Vol. 29, No. 2, Summer, 2000 (Mamen, 2000)

^{iv} Anderson C et al . Pediatrics. 2012 Nov;130(5):870-7. doi: 10.1542/peds.2012-0762. Epub 2012 Oct 8.

^v American Association of Intellectual Disabilities (AIDD) <https://aidd.org/intellectual-disability/diagnostic-adaptive-behavior-scale#.WcFGSciGNPY>

^{vi} Information derived from New York City Board of Election Website <https://nyc.pollsitelocator.com/search>.

EXHIBIT 1

BRONX

1. MS 101 Edward R. Byrne
2750 Lafayette Avenue, Bronx, NY 10465
site X0109
2. PS 152 Evergreen
1007 Evergreen Avenue, Bronx, NY 10472
site X0006
3. PS 15 Institute for Environmental Learning
2195 Andrews Avenue, Bronx, NY 10453
site 10546
4. MS 390 (PS 26)
1930 Andrews Avenue South, Bronx, NY 10453
site X0071
5. Columbus High School
925 Astor Avenue, Bronx, NY 10469
site X0210
6. PS 12 Lewis and Clark School (2)
2555 Trauman Avenue, Bronx, NY 10461
site X0103
7. MS 203 (PS 183)
339 Morris Avenue, Bronx, NY 10451
site 10072
8. PS/MS 194
2365 Waterbury Avenue, Bronx, NY 10462
site 11180
9. PS 186 Walter J. Damrosch School
750 Jennings Street, Bronx, NY 10459
site X0189
10. PS 306
40 West Tremont Avenue, Bronx, NY 10453
SITE 10359
11. Mott Haven Campus (2)
730 Concourse Village West, Bronx, NY 10451
SITE 11682
12. MS 301 (PS 120) Paul L. Dunbar
890 Cauldwell Avenue, Bronx, NY 10456
site X0205
13. PS 186 Walter J. Damrosch School (2)
750 Jennings Street, Bronx, NY 10459
site X0189
14. PS 179 (PS 40)
468 East 140 Street, Bronx, NY 10454
Site 10075
15. PS 75
984 Faile Street, Bronx, NY 10459
site X0215
16. IS 74 The Hunts Point School
730 Bryant Avenue, Bronx, NY 10474
site X0188
17. PS 277
519 St Ann's Avenue, Bronx, NY 10451
site X0163
18. PS 42 Claremont
1537 Washington Avenue, Bronx, NY 10457
SITE X0221
19. PS 79 Elen School for Math, Science, and
Technology 125 East 181 Street, Bronx, NY
10453 SITE X0023
20. PS 195
1250 Ward Avenue, Bronx, NY 10472
SITE X0024
21. PS 189/IS 462-Rosa Parks Educational Campus
3441 Steenwick Avenue, Bronx, NY 10475
SITE 11456

MANHATTAN

1. Elias Howe Primary School 51 Manhattan (2)
525 West 44 Street, New York, NY 10036
SITE 11481
2. PS 276
55 Battery Place, New York, NY 10280
SITE 11225
3. PS 15
333 East 4 Street, New York, NY 10009
M0191
4. PS 188 Or 196
442 East Houston Street, New York, NY 10002
M0232
5. The River School/PS 281
425 East 35 Street, New York, NY 10016
SITE 11485
6. PS 33
281 9 Avenue, New York, NY 10001
SITE M0155
7. PS 47(Sch for Hearing Impaired)
225 East 23 Street, New York, NY 10010
SITE M0128
8. MS 114
331 East 91 Street, New York, NY 10128
SITE 11194
9. Park West High School
525 West 50 Street, New York, NY 10019
SITE 11220
10. PS/JHS 117
240 East 109 Street, New York, NY 10029
SITE M0140
11. PS 48
4360 Broadway, New York, NY 10033
SITE 10746
12. 21st Century Leadership Academy
501 West 152 Street, New York, NY 10031
SITE 11263
13. PS 169
110 East 88 Street, New York, NY 10128
SITE M0018
14. PS 102
315 East 113 Street, New York, NY 10029
SITE M0173
15. PS 146
421 East 106 Street, New York, NY 10029
SITE M0223
16. PS 102 (2)
315 East 113 Street, New York, NY 10029
SITE M0173
17. PS 185/PS 208
21 West 111 Street, New York, NY 10026
SITE 11532
18. PS 751
113 East 4 Street, New York, NY 10003
SITE 00007
19. Bayard Rustin High School
351 West 18 Street, New York, NY 10011
SITE 10099
20. HS Fashion Industry
225 West 24 Street, New York, NY 10011
SITE 00019
21. PS 53 Or 811
466 West End Avenue, New York, NY 10024
SITE M0237
22. PS 75
735 West End Avenue, New York, NY 10025
SITE M0289
23. PS 163
163 West 97 Street, New York, NY 10025
SITE M0072

STATEN ISLAND

1. IS 7 Elias Bernstein
1270 Huguenot Avenue, Staten Island, NY 10312
SITE S002
2. IS 61 William A. Morris (2)
445 Castleon Avenue, Staten Island, NY 10301
SITE 00067
3. IS 75 Frank D. Paulo
455 Huguenot Ave, Staten Island, NY 10312
SITE 10008
4. New Dorp High School
465 New Dorp Lane, Staten Island, NY 10306
SITE 10012
5. PS 37
15 Fairfield Street, Staten Island, NY 10308
SITE 10010
6. PS 30 Westerleigh
200 Wardwell Avenue, Staten Island, NY 10314
SITE S0078
7. The Michael J. Petrides School - Building K (2)
715 Ocean Terrace, Staten Island, NY 10301
SITE 10709
8. PS 40
91 Henderson Avenue, Staten Island, NY 10301
SITE S0061
9. PS 22 Graniteville
1860 Forest Avenue, Staten Island, NY 10303
SITE 10636
10. PS/IS 48 William G. Wilcox School
1050 Targee Street, Staten Island, NY 10304
SITE 11480
11. Jerome Parker Campus CSI HS School (2)
100 Essex Drive, Staten Island, NY 10314
SITE 11595
12. Staten Island School of Civic Leadership
280 Regis Drive, Staten Island, NY 10314
SITE S0031
13. IS 24 Myra S. Barnes
225 Cleveland Avenue, Staten Island, NY 10308
SITE S0026
14. New Dorp High School
465 New Dorp Lane, Staten Island, NY 10306
SITE 10012
15. Jerome Parker Campus CSI HS School
100 Essex Drive, Staten Island, NY 10314
SITE 11595
16. PS 12 Lewis and Clark School (P721X@H293X)
2555 Trahan Avenue, Bronx, NY 10461
SITE X0103

QUEENS SOUTH

1. PS/MS 42 - Robert Vernam School
488 Beach 66 Street, Arverne, NY 11692
SITE 11686
2. JHS 226-Virgil I. Grisson (2)
121-10 Rockaway BLVD, South Ozone Park, NY 11420
SITE Q0025
3. High School for Construction Trades
94-06 104 Street, Ozone Park, NY 11416
SITE 11597
4. PS 142-Queens Transition Center /Queens Academy (2)
142-10 Linden Boulevard, Jamaica, NY 11436
SITE Q0047
5. Elmhurst Campus HS
45-10 94 Street, Elmhurst, NY 11373
SITE 11159
6. Thomas A. Edison HS (2)
165-65 84 Avenue, Jamaica, NY 11432
SITE 10208

QUEENS NORTH

1. PS 26-Rufus King (2)
195-02 69 Avenue, Fresh Meadows, NY 11365
SITE Q0098
2. PS 213-Carl Ullman School
231-02 67 Avenue, Oakland Gardens, NY 11364
SITE Q0126
3. PS 161-Arthur Ashe School
101-33 124 Street, South Richmond Hill, NY 11419
SITE 10735
4. PS / IS 270-Gordon Parks School
233-15 Merrick Boulevard, Rosedale, NY 11422
SITE 10861
5. PS 290 - Academy for Scholars
55-20 Metropolitan Avenue, Ridgewood, NY 11385
SITE 11528
6. IS 5-Walter Crowley Intermediate School
50-40 Jacobus Street, Elmhurst, NY 11373
SITE 10589
7. PS 58-School of Heroes
72-50 Grand Avenue, Maspeth, NY 11378
SITE 10732
8. PS 209-Clearview Gardens
16-10 Utopia Parkway, Whitestone, NY 11357
SITE Q0077
9. PS 239
17-15 Weirfield Street, Ridgewood, NY 11385
SITE 10862
10. PS 88-Seneca
60-85 Catalpa Avenue, Ridgewood, NY 11385
SITE Q0213
11. PS 239
17-15 Weirfield Street, Ridgewood, NY 11385
10862
12. PS 254-Rosa Parks School
84-40 101 Street, Richmond Hill, NY 11418
SITE 10961
13. PS 48 William Wordsworth (2)
108-29 155 Street, Jamaica, NY 11433
SITE 11388
14. PS 177
56-37 188 Street, Fresh Meadows, NY 11365
SITE Q0201
15. PS 139-Rego Park
93-06 63 Drive, Rego Park, NY 11374
SITE Q0299
16. JHS 190-Russell Sage
68-17 Austin Street, Forest Hills, NY 11375
SITE Q0234
17. PS 186-Castlewood (3)
252-12 72 Avenue, Bellerose, NY 11426
SITE Q0129
18. PS 115-Glen Oaks
80-51 261 Street, Glen Oaks, NY 11004
SITE Q0257
19. PS 205-Alexander Graham Bell
75-25 Bell Boulevard, Oakland Gardens, NY 11364
SITE Q0250
20. PS 168 JHS
158-40 76 Road, Fresh Meadows, NY 11366
SITE Q0073
21. PS 7-Louis F. Simeone
80-55 Cornish Avenue, Elmhurst, NY 11373
SITE 10453
22. PS 128-Lorraine Turzco Juniper Valley Elementary
69-10 65 Drive, Middle Village, NY 11379
SITE Q0237
23. PS 154-Queens
75-02 162 Street, Fresh Meadows, NY 11366
SITE Q0248
24. Renaissance Charter School
35-59 81 Street, Jackson Heights, NY 11372
SITE 10566
25. Hunter's Point Community Middle School
1-50 51 Avenue, Long Island City, NY 11101
SITE 11628
26. PS/IS 314
88-08 164 Street, Jamaica, NY 11432
SITE 11687
27. PS 76-William Haller
36-36 10 Street, Astoria, NY 11106
SITE Q0159
28. IS 78 - Middle School
46-08 5 Street, Long Island City, NY 11101
SITE 11668
29. Information Technology H. S.
21-16 44 Road, Long Island City, NY 11101
SITE 11112
30. PS 187/811Q
61-25 Marathon Parkway, Little Neck, NY 11362
SITE Q0217
31. Francis Lewis HS
58-20 Utopia Parkway, Fresh Meadows, NY 11365
SITE Q0206
32. Bayside HS
32-24 Corporal Kennedy Street, Bayside, NY 11361
SITE Q0144
33. PS 69-Jackson Heights
77-02 37 Avenue, Jackson Heights, NY 11372
SITE Q0251
34. PS 191-Mayflower
85-15 258 Street, Floral Park, NY 11001
SITE Q0271
35. PS 130
200-01 42 Avenue, Bayside, NY 11361
SITE Q0100
36. PS 41-Crocheron
214-43 35 Avenue, Bayside, NY 11361
SITE Q0117
37. MS 72-Catherine & Count Basie
133-25 Guy R Brewer Boulevard, Jamaica, NY 11434
SITE Q0039
38. Frank Sinatra HS
35-12 35 Avenue, Astoria, NY 11106
SITE 11182

BROOKLYN NORTH

1. PS 81
990 Dekalb Avenue, Brooklyn, NY 11221
SITE B0376
2. MS 678 (PS 72)
605 Shepherd Avenue, Brooklyn, NY 11208
SITE B0293
3. IS 395/PS 109
1001 East 45 Street, Brooklyn, NY 11203
SITE 10984
4. PS 224
755 Workman Avenue, Brooklyn, NY 11208
SITE B0325
5. PS 192
4715 18 Avenue, Brooklyn, NY 11204
SITE B0253
6. IS 88
544 7 Avenue, Brooklyn, NY 11215
SITE 10253
7. Spring Creek Educational Campus
1065 Elton Street, Brooklyn, NY 11208
SITE 11543
8. Warbasse Bldg 1C
2820 Ocean Parkway, Brooklyn, NY 11235
SITE B0165
9. PS 384 (2)
242 Cooper Street, Brooklyn, NY 11207
SITE B0136
10. JHS 258
141 Macon Street, Brooklyn, NY 11216
SITE B0061
11. PS 26 New
1014 Lafayette Avenue, Brooklyn, NY 11221
SITE B0016
12. PS 304
280 Hart Street, Brooklyn, NY 11206
SITE B0163
13. IS 33
70 Tompkins Avenue, Brooklyn, NY 11206
SITE B0306
14. PS 120
18 Beaver Street, Brooklyn, NY 11206
SITE B0088
15. IS 293
284 Baltic Street, Brooklyn, NY 11201
SITE B0003
16. PS 56 New
170 Gates Avenue, Brooklyn, NY 11238
B0087
17. PS 56 New
170 Gates Avenue, Brooklyn, NY 11238
B0087
18. PS 133
610 Baltic Street, Brooklyn, NY 11217
B0216
19. PS 56 New
170 Gates Avenue, Brooklyn, NY 11238
SITE B0087
20. PS 261 (2)
314 Pacific Street, Brooklyn, NY 11201
SITE B0187
21. PS 5 New
820 Hancock Street, Brooklyn, NY 11233
SITE B0346
22. Sunset Park HS
153 35 Street, Brooklyn, NY 11232
SITE 11410
23. Telecommunications HS
350 67 Street, Brooklyn, NY 11220
SITE 10052
24. Edmonds Center (IS 113)
300 Adelpi Street, Brooklyn, NY 11205
B0176
25. Old Boys HS
832 Marcy Avenue, Brooklyn, NY 11216
SITE 10597
26. PS 181
1023 New York Avenue, Brooklyn, NY 11203
SITE B0017
27. PS 289
900 St Marks Avenue, Brooklyn, NY 11213
SITE B0362
28. Clara Barton Voc HS
901 Classon Avenue, Brooklyn, NY 11225
SITE 10551
29. Canarsie HS (2)
1600 Rockaway Parkway, Brooklyn, NY 11236
SITE B0079

BROOKLYN SOUTH

1. IS 14
2424 Batchelder Street, Brooklyn, NY 11235
SITE 10333
2. PS 164
4211 14 Avenue, Brooklyn, NY 11219
SITE B0235
3. PS 178
2163 Dean Street, Brooklyn, NY 11233
SITE B0121
4. MS 2
655 Parkside Avenue, Brooklyn, NY 11226
SITE 10598
5. IS 71 -Juan Morel Campos
215 Heyward Street, Brooklyn, NY 11206
SITE B0119
6. PS/IS 180
5601 16 Avenue, Brooklyn, NY 11204
SITE B0279
7. PS 54 New
195 Sandford Street, Brooklyn, NY 11205
SITE B0103
8. PS 264
371 89 Street, Brooklyn, NY 11209
SITE 11382
9. PS 238
1633 East 8 Street, Brooklyn, NY 11223
SITE B0081
10. PS 163
09 Bay 14 Street, Brooklyn, NY 11214
SITE B0086
11. New Utrecht HS
1601 80 Street, Brooklyn, NY 11214
SITE B0080
12. PS 682
50 Avenue P, Brooklyn, NY 11204
SITE 11175
13. PS 66 IS
845 East 96 Street, Brooklyn, NY 11236
SITE 10933
14. Bay Academy-IS 98
1401 Emmons Avenue, Brooklyn, NY 11235
SITE B0060
15. PS 329
2929 West 30 Street, Brooklyn, NY 11224
SITE 10048
16. PS 286
2525 Haring Street, Brooklyn, NY 11235
B0146
17. Ed R Murrow HS
1600 Avenue L, Brooklyn, NY 11230
SITE B0077
18. IS 14
2424 Batchelder Street, Brooklyn, NY 11235
SITE 10333
- 19.

EXHIBIT 2

S T A T E O F N E W Y O R K

6040--B

2015-2016 Regular Sessions

I N A S S E M B L Y

March 11, 2015

Introduced by M. of A. STIRPE, MAGNARELLI, BRINDISI, RIVERA, MILLER, SIMON, LOPEZ, FRIEND, CUSICK, HUNTER, GUNTHER, ABINANTI, HYNDMAN -- Multi-Sponsored by -- M. of A. CERETTO, KEARNS, McDONOUGH, THIELE, WALTER -- read once and referred to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law and the election law, in relation to school session days

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 8 of section 3604 of the education law, as
2 amended by chapter 260 of the laws of 2012, is amended to read as
3 follows:
4 8. No school shall be in session on a Saturday, GENERAL ELECTION DAY
5 or a legal holiday, except [general election day,] Washington's birthday
6 and Lincoln's birthday, and except that driver education classes may be
7 conducted on a Saturday. A SCHOOL DISTRICT MAY ELECT TO REQUIRE STAFF
8 ATTENDANCE ON A GENERAL ELECTION DAY OR TO SCHEDULE A PROFESSIONAL
9 DEVELOPMENT DAY. A deficiency not exceeding four days during any school
10 year caused by teachers' attendance upon conferences held by superinten-
11 dents of schools of city school districts or other school districts
12 employing superintendents of schools shall be excused by the commission-
13 er, notwithstanding any provision of law, rule or regulation to the
14 contrary, a school district may elect to schedule such conference days
15 in the last two weeks of August, subject to collective bargaining
16 requirements pursuant to article fourteen of the civil service law, and
17 such days shall be counted towards the required one hundred eighty days
18 of session, provided however, that such scheduling shall not alter the

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

LBD06567-04-6

1 obligation of the school district to provide transportation to students
2 in non-public elementary and secondary schools or charter schools. The
3 commissioner shall excuse a deficiency not exceeding four days during
4 such school year caused by teachers' attendance upon conferences held by
5 such superintendents, provided that at least two such conference days
6 during such school year shall be dedicated to staff attendance upon
7 conferences providing staff development relating to implementation of
8 the new high learning standards and assessments, as adopted by the board
9 of regents. Notwithstanding any other provision of law, rule or regu-
10 lation to the contrary, school districts may elect to use one or more of
11 such allowable conference days in units of not less than one hour each
12 to provide staff development activities relating to implementation of
13 the new high learning standards and assessments. A district making such
14 election may provide such staff development during the regularly sched-
15 uled daily session and apply such units to satisfy a deficiency in the
16 length of one or more daily sessions of instruction for pupils as speci-
17 fied in regulations of the commissioner. The commissioner shall assure
18 that such conference days include appropriate school violence prevention
19 and intervention training, and may require that up to one such confer-
20 ence day be dedicated for such purpose.

21 S 2. Subdivision 3 of section 4-104 of the election law, as amended by
22 chapter 694 of the laws of 1989, is amended to read as follows:

23 3. A building exempt from taxation shall be used whenever possible as
24 a polling place if it is situated in the same or a contiguous election
25 district, and may contain as many distinctly separate polling places as
26 public convenience may require. The expense, if any, incidental to its
27 use, shall be paid like the expense of other places of registration and
28 voting. If a board or body empowered to designate polling places chooses
29 a public school building for such purpose, the board or agency which
30 controls such building must make available a room or rooms in such
31 building which are suitable for registration and voting and which are as
32 close as possible to a convenient entrance to such building and must
33 make available any such room or rooms which the board or body designat-
34 ing such building determines are accessible to physically disabled
35 voters as provided in subdivision one-a OF THIS SECTION. Notwithstanding
36 the provisions of any general, special or local law, if a board or body
37 empowered to designate polling places chooses a publicly owned or leased
38 building[, other than a public school building,] for such purposes the
39 board or body which controls such building must make available a room or
40 rooms in such building which are suitable for registration and voting
41 and which are as close as possible to a convenient entrance to such
42 building, and must make available any such room or rooms which the board
43 or body designating such building determines are accessible to phys-
44 ically disabled voters unless, not later than thirty days after notice
45 of its designation as a polling place, the board or body controlling
46 such building, files a written request for a cancellation of such desig-
47 nation with the board or body empowered to designate polling places on
48 such form as shall be provided by the board or body making such desig-
49 nation. The board or body empowered to so designate shall, within twenty
50 days after such request is filed, determine whether the use of such
51 building as a polling place would unreasonably interfere with the usual
52 activities conducted in such building and upon such determination, may
53 cancel such designation.

54 S 3. This act shall take effect January 1, 2017.

EXHIBIT 3

4787--A

2015-2016 Regular Sessions

I N S E N A T E

April 17, 2015

Introduced by Sens. FUNKE, AKSHAR, AMEDORE, AVELLA, GOLDEN, HAMILTON, LARKIN, MARCHIONE, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- recommitted to the Committee on Education in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law and the election law, in relation to school session days

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 8 of section 3604 of the education law, as
2 amended by chapter 260 of the laws of 2012, is amended to read as
3 follows:
4 8. No school shall be in session on a Saturday, GENERAL ELECTION DAY
5 or a legal holiday, except [general election day,] Washington's birthday
6 and Lincoln's birthday, and except that driver education classes may be
7 conducted on a Saturday. A SCHOOL DISTRICT MAY ELECT TO REQUIRE STAFF
8 ATTENDANCE ON A GENERAL ELECTION DAY OR TO SCHEDULE A PROFESSIONAL
9 DEVELOPMENT DAY. A deficiency not exceeding four days during any school
10 year caused by teachers' attendance upon conferences held by superinten-
11 dents of schools of city school districts or other school districts
12 employing superintendents of schools shall be excused by the commission-
13 er, notwithstanding any provision of law, rule or regulation to the
14 contrary, a school district may elect to schedule such conference days
15 in the last two weeks of August, subject to collective bargaining
16 requirements pursuant to article fourteen of the civil service law, and
17 such days shall be counted towards the required one hundred eighty days
18 of session, provided however, that such scheduling shall not alter the
19 obligation of the school district to provide transportation to students
20 in non-public elementary and secondary schools or charter schools. The
21 commissioner shall excuse a deficiency not exceeding four days during

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

LBD04519-04-6

1 such school year caused by teachers' attendance upon conferences held by
2 such superintendents, provided that at least two such conference days
3 during such school year shall be dedicated to staff attendance upon
4 conferences providing staff development relating to implementation of
5 the new high learning standards and assessments, as adopted by the board
6 of regents. Notwithstanding any other provision of law, rule or regu-
7 lation to the contrary, school districts may elect to use one or more of
8 such allowable conference days in units of not less than one hour each
9 to provide staff development activities relating to implementation of
10 the new high learning standards and assessments. A district making such
11 election may provide such staff development during the regularly sched-
12 uled daily session and apply such units to satisfy a deficiency in the
13 length of one or more daily sessions of instruction for pupils as speci-
14 fied in regulations of the commissioner. The commissioner shall assure
15 that such conference days include appropriate school violence prevention
16 and intervention training, and may require that up to one such confer-
17 ence day be dedicated for such purpose.

18 S 2. Subdivision 3 of section 4-104 of the election law, as amended by
19 chapter 694 of the laws of 1989, is amended to read as follows:

20 3. A building exempt from taxation shall be used whenever possible as
21 a polling place if it is situated in the same or a contiguous election
22 district, and may contain as many distinctly separate polling places as
23 public convenience may require. The expense, if any, incidental to its
24 use, shall be paid like the expense of other places of registration and
25 voting. If a board or body empowered to designate polling places chooses
26 a public school building for such purpose, the board or agency which
27 controls such building must make available a room or rooms in such
28 building which are suitable for registration and voting and which are as
29 close as possible to a convenient entrance to such building and must
30 make available any such room or rooms which the board or body designat-
31 ing such building determines are accessible to physically disabled
32 voters as provided in subdivision one-a OF THIS SECTION. Notwithstanding
33 the provisions of any general, special or local law, if a board or body
34 empowered to designate polling places chooses a publicly owned or leased
35 building[, other than a public school building,] for such purposes the
36 board or body which controls such building must make available a room or
37 rooms in such building which are suitable for registration and voting
38 and which are as close as possible to a convenient entrance to such
39 building, and must make available any such room or rooms which the board
40 or body designating such building determines are accessible to phys-
41 ically disabled voters unless, not later than thirty days after notice
42 of its designation as a polling place, the board or body controlling
43 such building, files a written request for a cancellation of such desig-
44 nation with the board or body empowered to designate polling places on
45 such form as shall be provided by the board or body making such desig-
46 nation. The board or body empowered to so designate shall, within twenty
47 days after such request is filed, determine whether the use of such
48 building as a polling place would unreasonably interfere with the usual
49 activities conducted in such building and upon such determination, may
50 cancel such designation.

51 S 3. This act shall take effect January 1, 2017.