

THREE WAYS SCHOOL DISTRICTS ARE AFFECTED BY CUOMO'S NEW EXECUTIVE ORDER 202.13

Hodgson Russ Education Alert
March 31, 2020

Early on Monday, March 30, 2020, Governor Cuomo issued Executive Order 202.13 (the "Order"), which impacts schools in several ways.

1) Suspension of Provision(s) of New York State Education Law Section 414

Section 414 generally pertains to the use of school grounds and property, including the provision of childcare services on site. In this regard, the statute specifically contemplates that the cost of such childcare services are borne by the parent or person responsible for the support of the child. The Order suspends the statute through April 28, 2020 to the "extent necessary to allow the school districts to pay for the cost of such child care services." As you may recall, school districts were recently required to establish and submit plans to the State Education Department which included provisions relative to the care of children of essential health care workers and first responders. This new Executive Order makes clear that the Districts, rather than parents, must pay for the costs associated with providing this care.

2) Election & Budget Vote Timelines

School board elections, and associated budget votes, are postponed until at least June 1, 2020, and are subject to further directives including future delays. No date has been set for when the elections will be held.

As a result of the change in timeline for the budget vote/board election, school districts should not publish the annual vote notice at this time, pending further confirmation from the State as to the actual date of the vote and any further modifications to the usual annual vote notice procedures and timelines.

Further, the circulation, filing, and collection of any designating petitions for office are also postponed. Therefore, until further guidance is issued, we recommend that you do not encourage any candidate to collect signatures for the School Board, and do not collect any petitions for the School Board.

Attorneys

John Alessi
Luisa Bostick
Peter Bradley
Andrew Drilling
Ryan Everhart
Michael Flanagan
Andrew Freedman
John Godwin
Elizabeth Holden
Richard Kaiser
Michael Maxwell
Elizabeth McPhail
Lindsay Menasco
Paul Meosky
Kinsey O'Brien
A. Joseph Scott III
Daniel Spitzer
Jeffrey Stone
Jeffrey Swiatek
Marla Waiss
Sujata Yalamanchili

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3) School Construction Projects

The Executive Order formalizes that Empire State Development Corporation makes the final determination on permissible construction work. Our recent client alert relative to school district construction work can be found [here](#).

If you have questions about how the impact of the new Executive Order on your District, please call or email Jeff Swiatek (716.848.1449) or Andrew Freedman (716.848.1332) in our Education Practice.

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