



LOWER HUDSON EDUCATION COALITION

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MEMORANDUM IN OPPOSITION

S.3397 (Skoufis) / A.9011 (Eachus)

Students need to be in school buildings

On behalf of the Lower Hudson Education Coalition (LHEC), we are writing to express our **concerns and opposition** to S.3397 (Skoufis) /A.9011 (Eachus) **in its current form** that would establish a maximum temperature in school buildings and indoor facilities. While we recognize the importance of protecting students and faculty from excessive temperatures, as drafted, this bill would be impossible for school districts to implement.

First, this bill would require all common, union free, central, central high schools, city school districts and boards of cooperative educational services (BOCES), to develop a policy for ensuring the health and safety of students, faculty, and other employees, on extreme heat days which is of utmost importance.

However, the bill provides no clear guidance nor definitions as to what the policy must require, does not define what “ensuring the health and safety” means, and provides no funding mechanism to provide typical accommodations such as fans or air conditioning units. This bill would effectively require school boards to implement a cooling plan without necessary resources from the state, guidance on efficient energy use, technical assistance regarding what the facilities plans are expected to include, and without time to include the upgrades in the school budget.

Second, this bill would define “extreme heat condition days” as “days when occupiable educational and support services spaces are found to be 82 degrees or greater Fahrenheit.” Further, the bill states that “educational and support services spaces cannot be occupied if room temperatures reach 88 degrees Fahrenheit.” The bill also defines how room temperature should be measured and what a support services space is.

Yet, the actions the bill would mandate, such as turning off lights, opening windows and doors, increasing air circulation, and fans are examples of what a school is supposed to do if this situation occurs. These options, while largely commonsense and are often actions that are already taken by schools, are not a guarantee to lower indoor air temperatures. Further, the bill also does not speak to who is responsible to be monitoring the heat index of every room within the school building.

Third, this bill would take effect on September 1, 2025. It is unreasonable to expect that school administrators and boards of education will have the time, ability, or resources to develop a complex cooling plan by this date without substantial state support. In addition, it is disingenuous to require that all schools make these changes with “solutions” that may not, in fact, fully solve the problem. Raising and lowering the room temperature in school buildings is not as simple as closing blinds or opening/closing a door. It requires advanced mechanical systems to effectively and evenly adjust indoor climate.

Finally, this bill would add “extreme heat conditions” to the definition of “emergency situation” that would require evacuation, sheltering, and lock-down. Assuming sheltering and lock-downs would be inappropriate in the situation of an extreme heat condition, evacuation would be the only remedy here. However, school calendar day-requirements are increasingly inflexible in how school boards can set their schedules to



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comply with this requirement. With the increased number of state holidays, required number of in-class days, and extreme weather instances, evacuating schools on hot days would lead to schools operating year-round. In addition, relying on remote school days to account for these instances would be disruptive and increase potential learning loss from lack of in-person education. As we have seen, the reliance on remote learning is problematic for several families, specifically those who do not have access to reliable technology and parents who do not have flexibility in their schedules to stay home or pick up their children early.

While heating and cooling our public schools is an important issue that must be addressed, this bill is not the way to do it. The state must take a deliberative approach to funding upgrades to aging school facilities and provide detailed information on how school boards can best protect students and faculty from extreme weather effects.

In conclusion, we strongly urge you to reconsider the proposed legislation per the concerns outlined above. We would be more than willing to engage in a constructive dialogue to explore alternative solutions that address these concerns.