

# SCHOOL LAW

## INFORMATION MEMO

DECEMBER 18, 2024

### New York Enacts School Temperature Legislation

On Dec. 14, 2024, New York enacted new legislation, “Maximum Temperatures in School Buildings and Facilities.” Beginning Sept. 1, 2025, public schools (including districts, BOCES and charter schools) must develop and implement policies to “ensur[e] the health and safety of students, faculty, and other employees, on extreme heat condition days.”

The policies are required to include actions schools must take if a room reaches certain (Fahrenheit) temperature(s):

- **82 Degrees:** If the room temperature in an occupiable educational and support services space (not including a kitchen area where students’ food is prepared) reaches 82 degrees, the school must take actions to “relieve heat-related discomfort.” The law does not mandate specific actions but gives examples of actions schools may take including pulling down blinds, using fans, turning off lights, opening doors and windows for cross-ventilation, and providing water breaks.
- **88 Degrees:** If the room temperature in an occupiable educational and support services space (not including a kitchen area where students’ food is prepared) reaches 88 degrees, the room may not be occupied.

The law describes how temperature must be measured (i.e., “...at a shaded location, three feet above the floor near the center of the room”).

Schools are also required to amend their confidential building-level safety plans. Specifically, “extreme heat condition days” are now listed as one type of “emergency situation” requiring responsive policies and procedures that “include, at a minimum, evacuation routes, shelter sites, and procedures for addressing medical needs, transportation and emergency notification of parents and guardians.”

Several outstanding questions about the practical impacts of this law and how it interfaces with other legal requirements remain. For example, whether an “extreme heat condition day” will be considered an “emergency condition” for purposes of emergency remote instruction plans; whether facilities funding for upgraded HVAC systems will be made available, or how schools/districts will be able to pay for such upgrades; how quickly students must be sent home if an entire building becomes unoccupiable, or if maximum capacity in an occupiable space cannot accommodate all students and staff; and how the differing terms in the new law as compared to the minimum temperature law (i.e., the Property Maintenance Code requiring a minimum temperature of not less than 65 degrees) will impact the policies/procedures.

Please contact [Kirsten Barclay](#), [Anne McGinnis](#), any attorney in Bond’s [school law practice](#) or the attorney you routinely work with at Bond for additional information or assistance with drafting and/or revising policies and safety plans.

