

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sens. MONTGOMERY, ADAMS, DUANE, HASSELL-THOMPSON, KLEIN, KRUEGER, OPPENHEIMER, PARKER, SQUADRON, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to the construction of school based health and mental health clinics in certain cities

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

1 Section 1. Subparagraph 1 of paragraph a of subdivision 6 of section
2 3602 of the education law, as amended by section 5 of part A of chapter
3 60 of the laws of 2000, is amended to read as follows:
4 (1) For new construction and the purchase of existing structures, the
5 cost allowances shall be based upon the rated capacity of the building
6 or addition and a basic per pupil allowance of up to six thousand three
7 hundred seventy-five dollars adjusted monthly by a statewide index
8 reflecting changes in the cost of labor and materials since July first,
9 nineteen hundred ninety-two, established by the commissioner of labor,
10 modified by an annual county or multi-county labor market composite wage
11 rate, established by the commissioner of labor in consultation with the
12 commissioner, for July first of the base year, commencing July first,
13 nineteen hundred ninety-seven for general construction contracts awarded
14 on or after July first, nineteen hundred ninety-eight, indexed to the
15 median of such county or multi-county rates, but not less than one.
16 Such base allowance shall apply to a building or an addition housing
17 grades prekindergarten through six and shall be adjusted for a building
18 or an addition housing grades seven through nine by a factor of one and
19 four-tenths, for a building or an addition housing grades seven through
20 twelve by a factor of one and five-tenths, for a building or addition
21 housing special education programs by a factor of two, except that where
22 such building or addition is connected to, or such space is located

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

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1 within, a public school facility housing programs for nondisabled
2 pupils, as approved by the commissioner, a factor of three shall be
3 used. Rated capacity of a building or an addition shall be determined by
4 the commissioner based on space standards and other requirements for
5 building construction specified by the commissioner. Such assigned
6 capacity ratings shall include, in addition to those spaces used for the
7 instruction of pupils, those spaces which are used for elementary and
8 secondary school libraries, cafeterias, prekindergarten instructional
9 rooms, teachers' conference rooms, gymnasiums [and], auditoriums AND IN
10 A CITY WITH MORE THAN ONE HUNDRED TWENTY-FIVE THOUSAND INHABITANTS UP TO
11 TWO THOUSAND SQUARE FEET FOR SCHOOL BASED HEALTH AND MENTAL HEALTH CLIN-
12 ICS. For new construction projects approved on or after July first, two
13 thousand, by the voters of the school district or by the board of educa-
14 tion of a city school district in a city with more than one hundred
15 twenty-five thousand inhabitants, and/or the chancellor in a city school
16 district in a city having a population of one million or more, such
17 rated capacity for new buildings and additions constructed to replace
18 existing buildings that, in the judgment of the commissioner, have not
19 been adequately maintained and have not reached their projected useful
20 life shall be reduced by the commissioner by an amount proportional to
21 the remaining unused portion of the useful life of the existing build-
22 ings, provided however that the commissioner may waive such requirement
23 upon a finding that replacement of the existing building is necessary to
24 protect the health and safety of students or staff, that reconstruction
25 and modernization of the existing building would not adequately address
26 such health and safety problems, and that the need to replace the build-
27 ing was not caused by failure to adequately maintain the building. If
28 the commissioner of labor resets the statewide index reflecting changes
29 in the costs of labor and materials since July first, nineteen hundred
30 ninety-two, the commissioner shall adopt regulations to supersede the
31 basic per pupil allowance of up to six thousand three hundred seventy-
32 five dollars to the imputed allowance in effect at that time.

33 S 2. Subparagraph (iii) of paragraph (j) of subdivision 1 of section
34 414 of the education law, as added by chapter 513 of the laws of 2005,
35 is amended to read as follows:

36 (iii) Except where otherwise authorized by law, the cost of providing
37 health, dental or mental health services shall not be a charge upon the
38 school district or board of cooperative educational services, and shall
39 be paid from federal, state or other local funds available for such
40 purpose. Building space used for such a clinic shall be excluded from
41 the rated capacity of the school building for the purpose of computing
42 building aid pursuant to subdivision six of section thirty-six hundred
43 two of this chapter or aid pursuant to subdivision five of section nine-
44 teen hundred fifty of this chapter, EXCEPT WHEN BUILDING AID IS SPECIF-
45 ICALLY AUTHORIZED IN A CITY WITH MORE THAN ONE HUNDRED TWENTY-FIVE THOU-
46 SAND INHABITANTS PURSUANT TO SUBPARAGRAPH ONE OF PARAGRAPH A OF
47 SUBDIVISION SIX OF SECTION THIRTY-SIX HUNDRED TWO OF THIS CHAPTER.

48 S 3. This act shall take effect immediately.