

STATE OF NEW YORK

2028

2017-2018 Regular Sessions

IN ASSEMBLY

January 17, 2017

Introduced by M. of A. FAHY, McDONALD, BRINDISI, SIMON, SEPULVEDA, JOYNER, STECK, SKARTADOS, MAGNARELLI, BLAKE, CROUCH, WALKER, STIRPE, RYAN, MAYER, RAIA -- Multi-Sponsored by -- M. of A. COOK -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to the allocation of building aid funds to failing and persistently failing schools

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 3602 of the education law is amended by adding a
2 new subdivision 6-i to read as follows:

3 6-i. Apportionment of building aid for eligible projects in struggling
4 and persistently struggling schools for the purpose of converting such
5 schools to community schools. a. In lieu of the apportionment payable
6 pursuant to subdivision six of this section, the commissioner is hereby
7 authorized to apportion building aid to a school district pursuant to
8 this subdivision in the amount equal to the product of: (1) its approved
9 expenditures in the base year for capital outlays from the district's
10 general fund, capital fund or reserved funds that are incurred on or
11 after July first of this base year, or its current year approved expend-
12 itures for debt service or a lease, lease-purchase or other agreement
13 relating to an educational facility to the extent such expenditures
14 would have been aidable in the current year pursuant to subdivision six
15 of this section or its base year approved expenditures for a lease-pur-
16 chase agreement to the extent such expenditures would be aidable in the
17 base year pursuant to subdivision six of this section, and (2) the
18 district's applicable building aid ratio as defined pursuant to para-
19 graph c of subdivision six of this section for an eligible school
20 construction project, as defined in paragraph c of this subdivision, in
21 an eligible school, as defined in paragraph b of this subdivision.
22 Approved expenditures for eligible school construction projects that are

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

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1 eligible for an apportionment pursuant to this subdivision shall not be
2 eligible for aid pursuant to subdivision six of this section.

3 b. For purposes of this subdivision, an "eligible school" shall mean
4 an school designated as a struggling or persistently struggling school
5 pursuant to the regulations of the commissioner, as of the date of the
6 commissioner's approval of an eligible school construction project, that
7 is converting to a community school pursuant to subdivision seven of
8 section two hundred eleven-f of this chapter.

9 c. For purposes of this subdivision, an "eligible school construction
10 project" shall mean any project for the financing, refinancing, acquisi-
11 tion, design, construction, reconstruction, rehabilitation or improve-
12 ment of an eligible school for the purposes of establishing sustainable
13 community schools that foster community and parent engagement.

14 d. An apportionment pursuant to this subdivision shall be determined
15 pursuant to subdivision six of this section, except that the commission-
16 er shall assign special rating capacities for community school facility
17 spaces in an eligible school, which shall include but not be limited to
18 health suites, adult education spaces, guidance suites, resource rooms,
19 remedial rooms and parent/community rooms, shared and classroom spaces
20 including but not limited to career technical education classrooms,
21 auditoriums, cafeterias, large group instruction rooms and gymnasiums as
22 defined in regulations of the commissioner; provided, however, that cost
23 allowances for eligible school construction projects under this section
24 shall be the lesser of one hundred fifteen per centum of the cost allow-
25 ances for comparable instructional space determined under subdivision
26 six of this section or the actual costs relating to the construction,
27 acquisition, reconstruction, rehabilitation or improvement of a school
28 building.

29 § 2. This act shall take effect on the first of July next succeeding
30 the date on which it shall have become a law.