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I N   A S S E M B L Y

February 3, 2010

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Introduced by M. of A. NOLAN -- read once and referred 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  
23    within, a public school facility housing programs for nondisabled  
24    pupils, as approved by the commissioner, a factor of three shall be  
25    used. Rated capacity of a building or an addition shall be determined by  
26    the commissioner based on space standards and other requirements for  
27    building construction specified by the commissioner. Such assigned  
28    capacity ratings shall include, in addition to those spaces used for the

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

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