S T A T E O F N E W Y O R K

978

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. GUNTHER, LIFTON, JOHN, ORTIZ -- Multi-Sponsored by -- M. of A. DESTITO, GANTT, KOON, MORELLE, PHEFFER -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to authorizing the use of schoolhouses and grounds by not-for-profit dental clinics

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

Section 1. Subdivision 1 of section 414 of the education law is amended by adding a new paragraph (l) to read as follows:

(L) FOR APPROVED SCHOOL DENTAL CLINICS.

(I) FOR PURPOSES OF THIS PARAGRAPH THE FOLLOWING TERMS SHALL MEAN:

(A) "APPROVED SCHOOL DENTAL CLINIC" MEANS A NOT-FOR-PROFIT CLINIC THAT WILL PROVIDE SERVICES DURING SCHOOL HOURS AND/OR NON-SCHOOL HOURS TO SCHOOL-AGE AND PRE-SCHOOL CHILDREN.

(B) "SERVICES" MEANS DENTAL SERVICES AND SHALL NOT INCLUDE INSTRUCTIONAL SERVICES UNLESS THE INDIVIDUAL IS CERTIFIED OR LICENSED TO TEACH.

(C) "SCHOOL" MEANS A PUBLIC SCHOOL DISTRICT, BOARD OF COOPERATIVE EDUCATIONAL SERVICES OR COUNTY VOCATIONAL EDUCATION AND EXTENSION BOARD.

(II) HEALTH PROFESSIONALS WHO PROVIDE SERVICES IN APPROVED SCHOOL DENTAL HEALTH CLINICS SHALL BE DULY LICENSED PURSUANT TO THE PROVISIONS OF TITLE EIGHT OF THIS CHAPTER, UNLESS OTHERWISE EXEMPTED BY LAW, AND SHALL BE AUTHORIZED TO PROVIDE SUCH SERVICES TO THE EXTENT PERMITTED BY THEIR RESPECTIVE PRACTICE ACTS.

(III) EXCEPT WHERE OTHERWISE AUTHORIZED BY LAW, THE COST OF PROVIDING DENTAL HEALTH SERVICES PURSUANT TO THIS PARAGRAPH SHALL NOT BE A CHARGE UPON THE SCHOOL DISTRICT. BUILDING SPACE USED EXCLUSIVELY FOR SUCH A CLINIC SHALL BE EXCLUDED FROM THE RATED CAPACITY OF THE SCHOOL BUILDING FOR THE PURPOSE OF COMPUTING BUILDING AID PURSUANT TO SUBDIVISION SIX OF SECTION THIRTY-SIX HUNDRED TWO OF THIS CHAPTER.

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

LBD02174-01-9

S 2. Subdivision 2 of section 414 of the education law, as amended by chapter 513 of the laws of 2005, is amended to read as follows:

2. The trustees or board of education shall determine the terms and conditions for such use which may include rental at least in an amount sufficient to cover all resulting expenses for the purposes of paragraphs (a), (b), (c), (d), (e), (g), (i), (j) [and], (k) AND (L) of subdivision one of this section. Any such use, pursuant to paragraphs (a), (c), (d), (h) [and], (j) AND (L) of subdivision one of this section, shall not allow the exclusion of any district child solely because said child is not attending a district school or not attending the district school which is sponsoring such use or on which grounds the use is to occur.

S 3. This act shall take effect immediately.