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

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I N S E N A T E

January 29, 2010

Introduced by Sens. MONTGOMERY, ADAMS, DUANE, HASSELL-THOMPSON, KLEIN, KRUEGER, OPPENHEIMER, SQUADRON, THOMPSON, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

Section 1. Subparagraph 1 of paragraph a of subdivision 6 of section 3602 of the education law, as amended by section 5 of part A of chapter 60 of the laws of 2000, is amended to read as follows:

(1) For new construction and the purchase of existing structures, the cost allowances shall be based upon the rated capacity of the building or addition and a basic per pupil allowance of up to six thousand three hundred seventy-five dollars adjusted monthly by a statewide index reflecting changes in the cost of labor and materials since July first, nineteen hundred ninety-two, established by the commissioner of labor, modified by an annual county or multi-county labor market composite wage rate, established by the commissioner of labor in consultation with the commissioner, for July first of the base year, commencing July first, nineteen hundred ninety-seven for general construction contracts awarded on or after July first, nineteen hundred ninety-eight, indexed to the median of such county or multi-county rates, but not less than one. Such base allowance shall apply to a building or an addition housing grades prekindergarten through six and shall be adjusted for a building or an addition housing grades seven through nine by a factor of one and four-tenths, for a building or an addition housing grades seven through twelve by a factor of one and five-tenths, for a building or addition housing special education programs by a factor of two, except that where such building or addition is connected to, or such space is located within, a public school facility housing programs for nondisabled pupils, as approved by the commissioner, a factor of three shall be

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

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used. Rated capacity of a building or an addition shall be determined by the commissioner based on space standards and other requirements for building construction specified by the commissioner. Such assigned capacity ratings shall include, in addition to those spaces used for the instruction of pupils, those spaces which are used for elementary and secondary school libraries, cafeterias, prekindergarten instructional rooms, teachers' conference rooms, gymnasiums [and], auditoriums AND IN A CITY WITH MORE THAN ONE HUNDRED TWENTY-FIVE THOUSAND INHABITANTS UP TO TWO THOUSAND SQUARE FEET FOR SCHOOL BASED HEALTH AND MENTAL HEALTH CLINICS. For new construction projects approved on or after July first, two thousand, by the voters of the school district or by the board of education of a city school district in a city with more than one hundred twenty-five thousand inhabitants, and/or the chancellor in a city school district in a city having a population of one million or more, such rated capacity for new buildings and additions constructed to replace existing buildings that, in the judgment of the commissioner, have not been adequately maintained and have not reached their projected useful life shall be reduced by the commissioner by an amount proportional to the remaining unused portion of the useful life of the existing buildings, provided however that the commissioner may waive such requirement upon a finding that replacement of the existing building is necessary to protect the health and safety of students or staff, that reconstruction and modernization of the existing building would not adequately address such health and safety problems, and that the need to replace the building was not caused by failure to adequately maintain the building. If the commissioner of labor resets the statewide index reflecting changes in the costs of labor and materials since July first, nineteen hundred ninety-two, the commissioner shall adopt regulations to supersede the basic per pupil allowance of up to six thousand three hundred seventy-five dollars to the imputed allowance in effect at that time.

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

(iii) Except where otherwise authorized by law, the cost of providing health, dental or mental health services shall not be a charge upon the school district or board of cooperative educational services, and shall be paid from federal, state or other local funds available for such purpose. Building space used 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 or aid pursuant to subdivision five of section nineteen hundred fifty of this chapter, EXCEPT WHEN BUILDING AID IS SPECIFICALLY AUTHORIZED IN A CITY WITH MORE THAN ONE HUNDRED TWENTY-FIVE THOUSAND INHABITANTS PURSUANT TO SUBPARAGRAPH ONE OF PARAGRAPH A OF SUBDIVISION SIX OF SECTION THIRTY-SIX HUNDRED TWO OF THIS CHAPTER.

S 3. This act shall take effect immediately.