

7448

2011-2012 Regular Sessions

I N   A S S E M B L Y

May 4, 2011

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Introduced by M. of A. LUPARDO, CAHILL, KAVANAGH, GOTTFRIED, PAULIN, ROSENTHAL, LANCMAN, KELLNER, JAFFEE, MILLMAN, CASTRO, SPANO, SCHROEDER, SCHIMEL, ROBINSON, LATIMER, ORTIZ, GALEF -- Multi-Sponsored by -- M. of A. BING, COOK, GLICK, MAISEL, McENENY, TITONE -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to establishing the green schools New York act

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

1     Section 1. This act shall be known and may be cited as the "green  
2 schools New York act".  
3     S 2. Subdivision 3 of section 408 of the education law, as amended by  
4 section 2 of part A-1 of chapter 58 of the laws of 2006, is amended and  
5 a new subdivision 3-a is added to read as follows:  
6     3. The commissioner shall approve the plans and specifications, here-  
7 tofore or hereafter submitted pursuant to this section, for the erection  
8 or purchase of any school building or addition thereto or remodeling  
9 thereof on the site or sites selected therefor pursuant to this chapter,  
10 if such plans conform to the requirements and provisions of this chapter  
11 and the regulations of the commissioner adopted pursuant to this chapter  
12 in all other respects; provided, however, that the commissioner of  
13 education shall not approve the plans for the erection or purchase of  
14 any school building or addition thereto unless the site has been  
15 selected with reasonable consideration of the following factors; its  
16 place in a comprehensive, long-term school building program; area  
17 required for outdoor educational activities; educational adaptability,  
18 environment, accessibility; soil conditions; initial and ultimate cost.  
19 [In developing such plans and specifications, school districts are  
20 encouraged to review the energy conservation and saving best practices  
21 available from the department and the New York state energy research and  
22 development authority.]

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

LBD11179-02-1

1 3-A. IN DEVELOPING SUCH PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION  
2 OF NEW SCHOOLS OR THE SUBSTANTIAL RECONSTRUCTION OF AN EXISTING SCHOOL,  
3 SCHOOL DISTRICTS SHALL BE REQUIRED TO COMPLY WITH THE CRITERIA ESTAB-  
4 LISHED IN THE DEPARTMENT'S MANUAL OF PLANNING STANDARDS - APPENDIX: NY -  
5 CHPS VERSION 1.1: HIGH PERFORMANCE SCHOOLS GUIDELINES.

6 S 3. Subdivision 1 of section 408-a of the education law, as amended  
7 by chapter 420 of the laws of 1968, is amended to read as follows:

8 1. The commissioner [of general services], after consultation with the  
9 [commissioner of education] NEW YORK STATE ENERGY RESEARCH AND DEVELOP-  
10 MENT AUTHORITY and subject to the approval of the director of the budg-  
11 et, shall promptly prepare or acquire as many master sets of complete  
12 plans and specifications for the construction of new school buildings  
13 and appurtenant facilities as shall be sufficient to provide at least  
14 six different master sets each for elementary, junior high and high  
15 schools, based on the number of pupils to be accommodated therein. Such  
16 plans and specifications shall be prepared so as to provide adequate  
17 classrooms and other necessary space and facilities at the lowest cost  
18 consistent with sound construction principles and practices, and the  
19 attainment of educational objectives, and shall provide for heating,  
20 ventilation, lighting, sanitation and health, fire and accident  
21 protection adequate to maintain healthful, safe, and comfortable condi-  
22 tions therein. Such plans and specifications shall be so prepared that  
23 any possible future addition to any such school building may be econom-  
24 ically effectuated. SUCH PLANS SHALL COMPLY WITH THE CRITERIA ESTAB-  
25 LISHED IN THE DEPARTMENT'S MANUAL OF PLANNING STANDARDS - APPENDIX: NY -  
26 CHPS VERSION 1.1: HIGH PERFORMANCE SCHOOLS GUIDELINES. In addition, the  
27 commissioner [of general services] shall, as often as he OR SHE deems  
28 advisable but at least annually, review such master sets and, after  
29 consultation with the [commissioner of education] NEW YORK STATE ENERGY  
30 RESEARCH AND DEVELOPMENT AUTHORITY, and subject to approval of the  
31 director of the budget, may revise or cancel any of such sets or prepare  
32 new sets.

33 S 4. This act shall take effect on the three hundred sixty-fifth day  
34 after it shall have become a law; provided however that effective imme-  
35 diately, the department of education is authorized to promulgate, amend  
36 or repeal any rule or regulation which it deems necessary or appropriate  
37 to implement this act.