

1088

2011-2012 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 5, 2011

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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 ASSEM-  
BLY, 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

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

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

31 S 2. Subparagraph (iii) of paragraph (j) of subdivision 1 of section  
32 414 of the education law, as added by chapter 513 of the laws of 2005,  
33 is amended to read as follows:

34 (iii) Except where otherwise authorized by law, the cost of providing  
35 health, dental or mental health services shall not be a charge upon the  
36 school district or board of cooperative educational services, and shall  
37 be paid from federal, state or other local funds available for such  
38 purpose. Building space used for such a clinic shall be excluded from  
39 the rated capacity of the school building for the purpose of computing  
40 building aid pursuant to subdivision six of section thirty-six hundred  
41 two of this chapter or aid pursuant to subdivision five of section nine-  
42 teen hundred fifty of this chapter, EXCEPT WHEN BUILDING AID IS SPECIF-  
43 ICALLY AUTHORIZED IN A CITY WITH MORE THAN ONE HUNDRED TWENTY-FIVE THOU-  
44 SAND INHABITANTS PURSUANT TO SUBPARAGRAPH ONE OF PARAGRAPH A OF  
45 SUBDIVISION SIX OF SECTION THIRTY-SIX HUNDRED TWO OF THIS CHAPTER.

46 S 3. This act shall take effect immediately.