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

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I N A S S E M B L Y

May 4, 2011

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:

Section 1. This act shall be known and may be cited as the "green schools New York act".

S 2. Subdivision 3 of section 408 of the education law, as amended by section 2 of part A-1 of chapter 58 of the laws of 2006, is amended and a new subdivision 3-a is added to read as follows:

3. The commissioner shall approve the plans and specifications, heretofore or hereafter submitted pursuant to this section, for the erection or purchase of any school building or addition thereto or remodeling thereof on the site or sites selected therefor pursuant to this chapter, if such plans conform to the requirements and provisions of this chapter and the regulations of the commissioner adopted pursuant to this chapter in all other respects; provided, however, that the commissioner of education shall not approve the plans for the erection or purchase of any school building or addition thereto unless the site has been selected with reasonable consideration of the following factors; its place in a comprehensive, long-term school building program; area required for outdoor educational activities; educational adaptability, environment, accessibility; soil conditions; initial and ultimate cost. [In developing such plans and specifications, school districts are encouraged to review the energy conservation and saving best practices available from the department and the New York state energy research and development authority.]

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

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

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

1. The commissioner [of general services], after consultation with the [commissioner of education] NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY and subject to the approval of the director of the budget, shall promptly prepare or acquire as many master sets of complete plans and specifications for the construction of new school buildings and appurtenant facilities as shall be sufficient to provide at least six different master sets each for elementary, junior high and high schools, based on the number of pupils to be accommodated therein. Such plans and specifications shall be prepared so as to provide adequate classrooms and other necessary space and facilities at the lowest cost consistent with sound construction principles and practices, and the attainment of educational objectives, and shall provide for heating, ventilation, lighting, sanitation and health, fire and accident protection adequate to maintain healthful, safe, and comfortable conditions therein. Such plans and specifications shall be so prepared that any possible future addition to any such school building may be economically effectuated. SUCH PLANS SHALL COMPLY WITH THE CRITERIA ESTABLISHED IN THE DEPARTMENT'S MANUAL OF PLANNING STANDARDS - APPENDIX: NY - CHPS VERSION 1.1: HIGH PERFORMANCE SCHOOLS GUIDELINES. In addition, the commissioner [of general services] shall, as often as he OR SHE deems advisable but at least annually, review such master sets and, after consultation with the [commissioner of education] NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY, and subject to approval of the director of the budget, may revise or cancel any of such sets or prepare new sets.

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