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

9041--A

I N A S S E M B L Y

January 19, 2016

Introduced by M. of A. FAHY, McDONALD, BRINDISI, SIMON, SEPULVEDA, LINARES, JOYNER, STECK, SKARTADOS, MAGNARELLI, BLAKE, CROUCH, WALKER, STIRPE, RYAN -- Multi-Sponsored by -- M. of A. COOK -- read once and referred to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to the allocation of building aid funds to failing and persistently failing schools

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

Section 1. Section 3602 of the education law is amended by adding a new subdivision 6-h to read as follows:

6-H. APPORTIONMENT OF BUILDING AID FOR ELIGIBLE PROJECTS IN STRUGGLING AND PERSISTENTLY STRUGGLING SCHOOLS FOR THE PURPOSE OF CONVERTING SUCH SCHOOLS TO COMMUNITY SCHOOLS. A. IN LIEU OF THE APPORTIONMENT PAYABLE PURSUANT TO SUBDIVISION SIX OF THIS SECTION, THE COMMISSIONER IS HEREBY AUTHORIZED TO APPORTION BUILDING AID TO A SCHOOL DISTRICT PURSUANT TO THIS SUBDIVISION IN THE AMOUNT EQUAL TO THE PRODUCT OF: (1) ITS APPROVED EXPENDITURES IN THE BASE YEAR FOR CAPITAL OUTLAYS FROM THE DISTRICT'S GENERAL FUND, CAPITAL FUND OR RESERVED FUNDS THAT ARE INCURRED ON OR AFTER JULY FIRST OF THIS BASE YEAR, OR ITS CURRENT YEAR APPROVED EXPENDITURES FOR DEBT SERVICE OR A LEASE, LEASE-PURCHASE OR OTHER AGREEMENT RELATING TO AN EDUCATIONAL FACILITY TO THE EXTENT SUCH EXPENDITURES WOULD HAVE BEEN AIDABLE IN THE CURRENT YEAR PURSUANT TO SUBDIVISION SIX OF THIS SECTION OR ITS BASE YEAR APPROVED EXPENDITURES FOR A LEASE-PURCHASE AGREEMENT TO THE EXTENT SUCH EXPENDITURES WOULD BE AIDABLE IN THE BASE YEAR PURSUANT TO SUBDIVISION SIX OF THIS SECTION, AND (2) THE DISTRICT'S APPLICABLE BUILDING AID RATIO AS DEFINED PURSUANT TO PARAGRAPH C OF SUBDIVISION SIX OF THIS SECTION FOR AN ELIGIBLE SCHOOL CONSTRUCTION PROJECT, AS DEFINED IN PARAGRAPH C OF THIS SUBDIVISION, IN AN ELIGIBLE SCHOOL, AS DEFINED IN PARAGRAPH B OF THIS SUBDIVISION. APPROVED EXPENDITURES FOR ELIGIBLE SCHOOL CONSTRUCTION PROJECTS THAT ARE ELIGIBLE FOR AN APPORTIONMENT PURSUANT TO THIS SUBDIVISION SHALL NOT BE ELIGIBLE FOR AID PURSUANT TO SUBDIVISION SIX OF THIS SECTION.

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

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B. FOR PURPOSES OF THIS SUBDIVISION, AN "ELIGIBLE SCHOOL" SHALL MEAN AN SCHOOL DESIGNATED AS A STRUGGLING OR PERSISTENTLY STRUGGLING SCHOOL PURSUANT TO THE REGULATIONS OF THE COMMISSIONER, AS OF THE DATE OF THE COMMISSIONER'S APPROVAL OF AN ELIGIBLE SCHOOL CONSTRUCTION PROJECT, THAT IS CONVERTING TO A COMMUNITY SCHOOL PURSUANT TO SUBDIVISION SEVEN OF SECTION TWO HUNDRED ELEVEN-F OF THIS CHAPTER.

C. FOR PURPOSES OF THIS SUBDIVISION, AN "ELIGIBLE SCHOOL CONSTRUCTION PROJECT" SHALL MEAN ANY PROJECT FOR THE FINANCING, REFINANCING, ACQUISITION, DESIGN, CONSTRUCTION, RECONSTRUCTION, REHABILITATION OR IMPROVEMENT OF AN ELIGIBLE SCHOOL FOR THE PURPOSES OF ESTABLISHING SUSTAINABLE COMMUNITY SCHOOLS THAT FOSTER COMMUNITY AND PARENT ENGAGEMENT.

D. AN APPORTIONMENT PURSUANT TO THIS SUBDIVISION SHALL BE DETERMINED PURSUANT TO SUBDIVISION SIX OF THIS SECTION, EXCEPT THAT THE COMMISSIONER SHALL ASSIGN SPECIAL RATING CAPACITIES FOR COMMUNITY SCHOOL FACILITY SPACES IN AN ELIGIBLE SCHOOL, WHICH SHALL INCLUDE BUT NOT BE LIMITED TO HEALTH SUITES, ADULT EDUCATION SPACES, GUIDANCE SUITES, RESOURCE ROOMS, REMEDIAL ROOMS AND PARENT/COMMUNITY ROOMS, SHARED AND CLASSROOM SPACES INCLUDING BUT NOT LIMITED TO CAREER TECHNICAL EDUCATION CLASSROOMS, AUDITORIUMS, CAFETERIAS, LARGE GROUP INSTRUCTION ROOMS AND GYMNASIUMS AS DEFINED IN REGULATIONS OF THE COMMISSIONER; PROVIDED, HOWEVER, THAT COST ALLOWANCES FOR ELIGIBLE SCHOOL CONSTRUCTION PROJECTS UNDER THIS SECTION SHALL BE THE LESSER OF ONE HUNDRED FIFTEEN PER CENTUM OF THE COST ALLOWANCES FOR COMPARABLE INSTRUCTIONAL SPACE DETERMINED UNDER SUBDIVISION SIX OF THIS SECTION OR THE ACTUAL COSTS RELATING TO THE CONSTRUCTION, ACQUISITION, RECONSTRUCTION, REHABILITATION OR IMPROVEMENT OF A SCHOOL BUILDING.

S 2. This act shall take effect on the first of July next succeeding the date on which it shall have become a law.