

# STATE OF NEW YORK

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5770

2019-2020 Regular Sessions

## IN ASSEMBLY

February 19, 2019

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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 building aid for health services space

The People of the State of New York, represented in Senate and Assembly, 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  
25 used. Rated capacity of a building or an addition shall be determined by

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

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1 the commissioner based on space standards and other requirements for  
2 building construction specified by the commissioner. Such assigned  
3 capacity ratings shall include, in addition to those spaces used for the  
4 instruction of pupils, those spaces which are used for elementary and  
5 secondary school libraries, cafeterias, prekindergarten instructional  
6 rooms, teachers' conference rooms, gymnasiums ~~and~~, auditoriums and  
7 school based health, dental and mental health services. For new  
8 construction projects approved on or after July first, two thousand, by  
9 the voters of the school district or by the board of education of a city  
10 school district in a city with more than one hundred twenty-five thou-  
11 sand inhabitants, and/or the chancellor in a city school district in a  
12 city having a population of one million or more, such rated capacity for  
13 new buildings and additions constructed to replace existing buildings  
14 that, in the judgment of the commissioner, have not been adequately  
15 maintained and have not reached their projected useful life shall be  
16 reduced by the commissioner by an amount proportional to the remaining  
17 unused portion of the useful life of the existing buildings, provided  
18 however that the commissioner may waive such requirement upon a finding  
19 that replacement of the existing building is necessary to protect the  
20 health and safety of students or staff, that reconstruction and modern-  
21 ization of the existing building would not adequately address such  
22 health and safety problems, and that the need to replace the building  
23 was not caused by failure to adequately maintain the building. If the  
24 commissioner of labor resets the statewide index reflecting changes in  
25 the costs of labor and materials since July first, nineteen hundred  
26 ninety-two, the commissioner shall adopt regulations to supersede the  
27 basic per pupil allowance of up to six thousand three hundred seventy-  
28 five dollars to the imputed allowance in effect at that time.

29 § 2. Subparagraph (iii) of paragraph (j) of subdivision 1 of section  
30 414 of the education law, as added by chapter 513 of the laws of 2005,  
31 is amended to read as follows:

32 (iii) Except where otherwise authorized by law, the cost of providing  
33 health, dental or mental health services shall not be a charge upon the  
34 school district or board of cooperative educational services, and shall  
35 be paid from federal, state or other local funds available for such  
36 purpose. Building space used for such a clinic shall be excluded from  
37 the rated capacity of the school building for the purpose of computing  
38 building aid pursuant to subdivision six of section thirty-six hundred  
39 two of this chapter or aid pursuant to subdivision five of section nine-  
40 teen hundred fifty of this chapter, except when building aid is specif-  
41 ically authorized pursuant to subparagraph one of paragraph a of subdi-  
42 vision six of section thirty-six hundred two of this chapter.

43 § 3. This act shall take effect immediately.