STATE OF NEW YORK

3394

2023-2024 Regular Sessions

IN ASSEMBLY

February 3, 2023

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to apportionment for capital outlays and debt service for school building purposes to certain high need school districts

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subparagraphs 1 and 3 of paragraph a of subdivision 6 of section 3602 of the education law, as amended by section 5 of part A of chapter 60 of the laws of 2000, are amended to read as follows:

(1) For new construction and the purchase of existing structures, the cost allowances shall be based upon the rated capacity of the building or addition and a basic per pupil allowance of up to six thousand three hundred seventy-five dollars adjusted monthly by a statewide index reflecting changes in the cost of labor and materials since July first, nineteen hundred ninety-two, established by the commissioner of labor, modified by an annual county or multi-county labor market composite wage rate, established by the commissioner of labor in consultation with the commissioner, for July first of the base year, commencing July first, nineteen hundred ninety-seven for general construction contracts awarded on or after July first, nineteen hundred ninety-eight, indexed to the median of such county or multi-county rates, but not less than one. **For aid payable in school year two thousand twenty-three--twenty-four and thereafter, for school districts located in counties with a population of more than nine hundred forty thousand and less than one million inhabitants according to the two thousand ten federal census and are eligible for aid pursuant to clause (c) of subparagraph two of paragraph c of this subdivision, such aid shall be adjusted by the annual county labor market composite wage rate of the city school district of such city having a population of one million or more inhabitants.** Such base allowance shall apply to a building or an addition housing grades prek-

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

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indergarten through six and shall be adjusted for a building or an addition housing grades seven through nine by a factor of one and four-tenths, for a building or an addition housing grades seven through twelve by a factor of one and five-tenths, for a building or addition housing special education programs by a factor of two, except that where such building or addition is connected to, or such space is located within, a public school facility housing programs for nondisabled pupils, as approved by the commissioner, a factor of three shall be used. Rated capacity of a building or an addition shall be determined by the commissioner based on space standards and other requirements for building construction specified by the commissioner. Such assigned capacity ratings shall include, in addition to those spaces used for the instruction of pupils, those spaces which are used for elementary and secondary school libraries, cafeterias, prekindergarten instructional rooms, teachers' conference rooms, gymnasiums and auditoriums. For new construction projects approved on or after July first, two thousand, by the voters of the school district or by the board of education of a city school district in a city with more than one hundred twenty-five thousand inhabitants, and/or the chancellor in a city school district in a city having a population of one million or more, such rated capacity for new buildings and additions constructed to replace existing buildings that, in the judgment of the commissioner, have not been adequately maintained and have not reached their projected useful life shall be reduced by the commissioner by an amount proportional to the remaining unused portion of the useful life of the existing buildings, provided however that the commissioner may waive such requirement upon a finding that replacement of the existing building is necessary to protect the health and safety of students or staff, that reconstruction and modernization of the existing building would not adequately address such health and safety problems, and that the need to replace the building was not caused by failure to adequately maintain the building. If the commissioner of labor resets the statewide index reflecting changes in the costs of labor and materials since July first, nineteen hundred ninety-two, the commissioner shall adopt regulations to supersede the basic per pupil allowance of up to six thousand three hundred seventy-five dollars to the imputed allowance in effect at that time.

(3) Cost allowances for reconstructing or modernizing structures shall not exceed one hundred per centum of the cost allowances for the equivalent new construction over the projected useful life of the building, to be determined in accordance with the regulations of the commissioner. Reconstruction projects shall reasonably meet the criteria established for new construction, including but not limited to energy, fire, personal safety and space per pupil standards. **For aid payable in school year two thousand twenty-three--twenty-four and thereafter, for school districts located in counties with a population of more than nine hundred forty thousand and less than one million inhabitants according to the two thousand ten federal census and are eligible for aid pursuant to clause (c) of subparagraph two of paragraph c of this subdivision, such aid shall be adjusted by the annual county labor market composite wage rate of the city school district of such city having a population of one million or more inhabitants.**

§ 2. This act shall take effect immediately.