



THE STATE EDUCATION DEPARTMENT | THE UNIVERSITY OF THE STATE OF NEW YORK | ALBANY, NY 12234

Office for Elementary, Middle, Secondary and Continuing Education

Charles A. Szuberla, Jr., Coordinator  
Office of Facilities, Management and Information Services  
Room 874 EBA (518) 474-2238

To: District Superintendents  
Superintendents of Schools  
Chancellor of the City of New York

Date: June 10, 2002  
**TIMELY**

From: Charles A. Szuberla, Jr.

Subject: Rebuilding Schools to Uphold Education (RESCUE)

The \$195 million in RESCUE aid for school construction and renovations first appropriated in the 1999-2000 and 2000-2001 State budgets has not been fully utilized. The RESCUE Aid can be applied to bond principal reduction or as a cash outlay. RESCUE aid payments can not be applied towards interest payments. Payments will be made from annual budgetary appropriations. Districts may use their full apportionment or any portion of their full apportionment on one or more eligible projects. The application process is described below.

Eligible projects for RESCUE Aid include projects for the design, planning, construction, acquisition, reconstruction, rehabilitation or improvement of a public school building used primarily for instruction that is

- an accessibility project,
- an educational technology project,
- a health and safety project,
- a physical capacity expansion project, and or
- a construction emergency project.

In addition, the project must have been approved by the Commissioner on or after July first, nineteen hundred ninety-eight or before October first, two thousand three. Any school district receiving RESCUE aid shall provide an assurance to the Commissioner that all projects funded under this subdivision will be maintained in good repair.

- "Accessibility project" means an eligible school construction project, which, as a primary purpose, enhances accessibility to public school buildings used primarily for instruction for individuals with disabilities.
- "Construction emergency project" means an eligible school construction project to remediate emergency situations which arise in public school buildings used primarily for instruction as a result of significant damage caused by an unanticipated and sudden occurrence which results in the necessity for immediate repair.
- "Educational technology project" means an eligible school construction project which, as a primary purpose, enhances the use of technology in public school buildings used primarily for instruction, including but not limited to, electrical upgrades, wiring, cabling installations, fiber optics, conduits, raceways, telecommunication systems and wireless options.

- "Health and safety project" means an eligible school construction project which, as a primary purpose, addresses the reduction or elimination of the risk of personal injury or harm to occupants of public school buildings used primarily for instruction, including but not limited to environmental remediation, the eradication of fire and health code violations, the provision of adequate ventilation, and the rehabilitation and repair of existing facilities.
- "Physical capacity expansion project" means an eligible school construction project which, as a primary purpose, expands the availability of adequate and appropriate instructional space in a public school building used primarily for instruction, including but not limited to expansions which provide for reduced class size.

In order to qualify for an apportionment of the 1999-2000 \$145 million appropriation as an eligible project for RESCUE aid, projects must also meet one or more of the following additional criteria:

- 1) A letter of intent was on file with the State Education Department by August 1, 1999; or
- 2) The project has been approved by the voters by January 15, 2000; or in the case of a school district in a city with a population of one million or more, the project is specifically referenced in the five-year educational facilities capital plan pursuant to Section 2590-P of the Education Law on file with the Commissioner as of August 1, 1999; or
- 3) A letter of intent is filed with the State Education Department by July 1, 2000 *and* the project is determined by the Department to be a priority project necessary to: address the safety or health of students and staff including, but not limited to climate control; or to assure accessibility of individuals with disabilities.

In order to qualify for an apportionment of the 2000-2001 \$50 million appropriation as an eligible project for RESCUE aid, projects must simply meet the criteria of being approved by the voters, or the board of education of a school district where voter approval is not required, on or after July 1, 1998 and before July 1, 2003 and being approved by the Commissioner on or after July 1, 1998 and before October 1, 2003.

**NOTE:** Please note that letter of intent and voter authorization dates for recently approved projects may be found on the Office of Facilities Planning web site at: <http://www.emsc.nysed.gov/facplan/articles/projects.html>. Your RESCUE allocations can be found on the State Aid Office web site at: <http://stateaid.nysed.gov>.

### **Application**

You must file an application an application to receive RESCUE aid. A district may apply for its apportionment at any time before the end of the 2002-2003 school year. The apportionment of the \$145 million is based on your district's 1998-99 proportion of the total state resident public and non-public enrollment. The apportionment of the \$50 million is based on your district's 1999-2000 proportion of the total state resident public and non-public enrollment. The minimum apportionment is \$20,000 for both appropriations.

The application process is as follows:

1. For projects previously approved by Facilities Planning, submit a separate letter indicating the amount of RESCUE funds and the purpose for which these funds will be used. In addition, districts must submit form FPFI, Request for Revision of Financial Information.

2. For projects pending approval at Facilities Planning, districts must submit a separate letter as described above and re-submit Form FP-F, Application for examination and Approval of Final Plans and Specifications.

3. For new Applications district must submit Form FP-F as above and clearly indicate the use of RESCUE funds on the application.

RESCUE Aid may be used as explained below in combination with State Building Aid to offset a portion of the district's local share.

1. District Building Aid ratio (including 10% incentive aid) less than 90%:
  - RESCUE Aid may be used in conjunction with regular building aid and any reorganization incentive building aid to cover 95% of the approved project cost.
2. District Enhanced Building Aid ratio (including 10% incentive aid) equal to or greater than 90%:
  - RESCUE Aid may be used in conjunction with regular building aid and any reorganization incentive building aid to cover up to 98% of the approved project cost.

In addition, RESCUE Aid may be used to fund the principal portion (but not the associated interest payment) of those costs that are in excess of costs that are eligible for building aid.

#### **Districts Eligible for an Apportionment Greater Than \$100,000**

Any school district eligible for an apportionment in excess of \$100,000 from the 1999-2000 allocation of \$145 million who is applying to the commissioner for approval shall demonstrate: 1) that the project is contained within its five year capital facilities plan and is a critical priority project, or 2) that such project is considered a construction emergency, or 3) that such project is an approved building aidable project.

#### **Questions**

Further questions should be directed to the Office of Facilities Planning at (518) 474-3906 or Office of State Aid (518) 474-2977.

#### **Attachments**

Cc: B. Porter  
R. Trautwein  
A. Hyary  
C. Thurnau  
J. O'Donnell  
L. Costello