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I N   S E N A T E

February 1, 2011

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A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to contracts of excellence, library funding, reimbursement of school districts, apportionment of school aid, building aid, foundation aid base, apportionment of school aid and of current year approved expenditures for debt service, academic enhancement aid, high tax aid, Medicaid reimbursement, gap elimination adjustment, grants, and maximum class size; to amend the state finance law, in relation to base grant; to amend chapter 756 of the laws of 1992 relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to apportionment and reimbursement; to amend chapter 169 of the laws of 1994 relating to certain provisions related to the 1994-95 state operations, aid to localities, capital projects and debt service budgets, chapter 82 of the laws of 1995, amending the education law and certain other laws relating to state aid to school districts and the appropriation of funds for the support of government, chapter 386 of the laws of 1996 amending the education law relating to providing for a waiver allowing state aid in certain circumstances, chapter 472 of the laws of 1998 amending the education law relating to the lease of school buses by school districts, chapter 147 of the laws of 2001 amending the education law relating to conditional appointment of school district, charter school or BOCES employees, chapter 425 of the laws of 2002 amending the education law relating to the provision of supplemental educational services, attendance at a safe public school and the suspension of pupils who bring a firearm to or possess a firearm at a school, chapter 101 of the laws of 2003 amending the education law relating to implementation of the No Child Left Behind Act of 2001, in relation to school aid and extending the expiration of certain provisions of such chapters; to amend the general municipal law, in relation to withdrawals from the employee accrued liability reserve fund, in relation to school bus driver training; in relation to the support of public libraries; to

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

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provide special apportionment for salary expenses; to provide special apportionment for public pension expenses; in relation to suballocation of certain education department accruals; in relation to purchases by the city school district of Rochester; and providing for the repeal of certain provisions upon expiration thereof (Part A); Intentionally omitted (Part A-1); to amend the education law, in relation to expenses for textbooks, school library materials, software programs and computer equipment; to amend the general municipal law and the education law, in relation to the funding of mandates; to amend the education law, in relation to the school paperwork elimination and reduction act of 2011; and to repeal certain provisions of the education law relating thereto; to amend the education law, in relation to the apportionment of public monies in reorganized school districts; and to amend the education law, in relation to grants for the math and science high schools program (Part B); to repeal article 9 of the arts and cultural affairs law relating to the New York state theatre institute corporation and section 97-u of state finance law relating to the New York state theatre institute corporation fund, and to establish procedures for the transfer and ownership of rights and real property currently held by the entity formerly referred to as the New York state theatre institute (Part C); to amend the education law and the state finance law, in relation to procurement in support of the state university; to amend the education law, in relation to operations of the state university construction fund; and to amend the civil service law and the education law, in relation to state university health care facilities (Part D); to amend the education law, in relation to tuition assistance program award determinations (Part E); Intentionally omitted (Part F); to amend the education law, in relation to restrictions on eligibility to receive awards and loans; and to repeal certain provisions of such law relating thereto (Part G); to amend the education law, in relation to tuition assistance program awards (Part H); to amend the education law, in relation to good academic standing requirements (Part I); to amend the education law, in relation to tuition assistance program awards for graduate school students; and to repeal certain provisions of such law relating thereto (Part J); to amend chapter 31 of the laws of 1985, amending the education law relating to regents scholarships in certain professions, in relation to the physician loan forgiveness program (Part K); to amend chapter 57 of the laws of 2005 amending the education law relating to the New York state nursing faculty loan forgiveness incentive program and the New York state nursing faculty scholarship program, in relation to the effectiveness thereof (Part L); to amend chapter 161 of the laws of 2005, amending the education law and other laws relating to the social worker loan forgiveness program, in relation to the effectiveness thereof (Part M); to amend the real property tax law and the tax law, in relation to containing the cost of the STAR program and allowing the renunciation of STAR and other property tax exemptions (Part N); to amend the education law, in relation to maintenance costs for students with disabilities placed in a residential school under article 89 of the education law; and to amend the social services law, in relation to expenditures by social services districts for children in residential schools (Part O); Intentionally omitted (Part P); Intentionally omitted (Subpart A); and to amend the executive law, the family court act and the county law, in relation to funding and utilization of juvenile detention (Subpart B) (Part Q); to amend the social services law, in relation to the fee

charged for clearances from the statewide central register of child abuse or maltreatment (Part R); to amend the social services law, in relation to increasing the standards of monthly need for aged, blind and disabled persons (Part S); to amend the social services law, in relation to sanctions imposed for noncompliance with public assistance work requirements; and to repeal certain provisions of such law relating thereto and providing for the repeal of such provisions upon expiration thereof (Part T); to amend the social services law, in relation to adjusting the needs standards for determining eligibility for assistance (Part U); Intentionally omitted (Part V); to amend chapter 62 of the laws of 2003 amending the state finance law and other laws relating to authorizing and directing the state comptroller to loan money to certain funds and accounts, in relation to extending the interest assessment surcharge fund (Part W); to amend the education law, in relation to eligibility requirements for student financial aid and to amend the education law, in relation to annual apportionment amounts received by the state university (Part X); to amend the education law, in relation to authorizing a five percent increase in tuition paid by out-of-state residents attending the state university of New York (Part Y); to amend the social services law, in relation to agreements pertaining to the authorization of kinship guardian assistance payments (Part Z); to amend the family court act and the executive law, in relation to placement of respondents with the office of children and family services (Part AA); to amend the executive law, in relation to requiring the office of children and family services to provide weekly reports on youth detention centers (Part BB); to amend the social services law, in relation to households receiving monthly grants of public assistance (Part CC); to amend the social services law, in relation to providing for a personal needs allowance (Part DD); to amend the education law, in relation to annual professional performance reviews of classroom teachers and building principals and in relation to retaining quality teachers and teachers in shortage subject areas when teaching positions are eliminated in city school districts of cities having one million or more inhabitants; and to repeal certain provisions of such law relating thereto (Part EE); to amend part NN of chapter 57 of the laws of 2008 relating to authorizing the New York state mortgage agency to transfer certain moneys, in relation to the use of surplus funds from the greater Catskills flood remediation program (Part FF); to amend the social services law, in relation to consolidating toll free human services hotlines (Part GG); Intentionally omitted (Part HH); to amend the education law, in relation to tuition and self-supporting revenues of the state university; and providing for the repeal of such provisions upon expiration thereof (Part II); and to amend the executive law, in relation to requiring a report on the cost and operating capacity at the office of children and family services and providing for adjustment of reimbursement rates (Part JJ)

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

1 Section 1. This act enacts into law major components of legislation  
2 which are necessary to implement the state fiscal plan for the 2011-2012  
3 state fiscal year. Each component is wholly contained within a Part  
4 identified as Parts A through JJ. The effective date for each particular

provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section three of this act sets forth the general effective date of this act.

## PART A

Section 1. Intentionally omitted.

S 2. Subparagraph (vii) of paragraph a of subdivision 2 of section 211-d of the education law, as added by section 3 of part A of chapter 57 of the laws of 2009, is amended to read as follows:

(vii) (A) Notwithstanding any other provision of this section to the contrary, a school district that submitted a contract for excellence for the two thousand seven--two thousand eight school year and the two thousand eight--two thousand nine school year and is required to submit a contract for excellence for the two thousand nine--two thousand ten school year but did not fully expend all of its two thousand seven--two thousand eight foundation aid subject to the contract for excellence restrictions during the two thousand seven--two thousand eight school year may re-allocate and expend such unexpended funds during the two thousand eight--two thousand nine and two thousand nine--two thousand ten school years for allowable contract for excellence programs and activities as defined in subdivision three of this section in a manner prescribed by the commissioner. For purposes of determining maintenance of effort pursuant to subparagraph (vi) of this paragraph for the two thousand eight--two thousand nine school year, funds expended pursuant to this subparagraph shall be included in the total budgeted amount approved by the commissioner in the district's contract for excellence for the two thousand seven--two thousand eight school year; provided that such amount shall not be counted more than once in determining maintenance of effort for the two thousand nine--two thousand ten school year or thereafter.

(B) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION TO THE CONTRARY, A SCHOOL DISTRICT THAT SUBMITTED A CONTRACT FOR EXCELLENCE FOR THE TWO THOUSAND NINE--TWO THOUSAND TEN SCHOOL YEAR BUT DID NOT FULLY EXPEND ALL OF ITS TWO THOUSAND NINE--TWO THOUSAND TEN FOUNDATION AID SUBJECT TO THE CONTRACT FOR EXCELLENCE RESTRICTIONS DURING THE TWO THOUSAND NINE--TWO THOUSAND TEN SCHOOL YEAR MAY RE-ALLOCATE AND EXPEND SUCH UNEXPENDED FUNDS DURING THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR FOR ALLOWABLE CONTRACT FOR EXCELLENCE PROGRAMS AND ACTIVITIES AS DEFINED IN SUBDIVISION THREE OF THIS SECTION IN A MANNER PRESCRIBED BY THE COMMISSIONER.

S 3. Subdivision 12 of section 273 of the education law, as amended by chapter 2 of the laws of 2011, is amended to read as follows:

12. The commissioner is hereby authorized to expend [in state fiscal year two thousand six--two thousand seven three million dollars and in state fiscal year two thousand seven--two thousand eight eight million dollars and in state fiscal year two thousand eight--two thousand nine seven million nine hundred forty thousand dollars and in state fiscal year two thousand nine--two thousand ten eight million dollars and in state fiscal year two thousand ten--two thousand eleven eight million dollars subject to an appropriation] FUNDS ANNUALLY for formula grants to public library systems, reference and research library resources

1 systems, and school library systems operating under an approved plan of  
2 service. Such formula grants shall be provided for the period commencing  
3 July first and ending on June thirtieth next following. Such formula  
4 grants will be distributed in the following manner:

5 a. Each public library system established pursuant to sections two  
6 hundred fifty-five and two hundred seventy-two of this part and operat-  
7 ing under a plan approved by the commissioner is entitled to receive  
8 ANNUALLY thirty-nine thousand dollars and an amount equal to ten and  
9 ninety-four hundredths percent of the amount of state aid received for  
10 the current year by such system under paragraphs a, c, d, e and n of  
11 subdivision one of this section [for the two thousand ten--two thousand  
12 eleven state fiscal year];

13 b. Each reference and research library resources system established  
14 pursuant to section two hundred seventy-two of this part and operating  
15 under a plan approved by the commissioner is entitled to receive ANNUAL-  
16 LY thirty-nine thousand dollars and an amount equal to ten and ninety-  
17 four hundredths percent of the amount of state aid received for the  
18 current year under paragraph a of subdivision four of this section [for  
19 the two thousand ten--two thousand eleven state fiscal year]; and

20 c. Each school library system established pursuant to section two  
21 hundred eighty-two of this part and operating under a plan approved by  
22 the commissioner is entitled to receive ANNUALLY thirty-nine thousand  
23 dollars and an amount equal to ten and ninety-four hundredths percent of  
24 the amount of state aid received for the current year by such system  
25 under paragraphs a, b, c, d, e and f of subdivision one of section two  
26 hundred eighty-four of this part [for the two thousand ten--two thousand  
27 eleven state fiscal year].

28 S 4. Intentionally omitted.

29 S 5. Intentionally omitted.

30 S 6. Intentionally omitted.

31 S 7. Intentionally omitted.

32 S 8. Intentionally omitted.

33 S 9. Intentionally omitted.

34 S 10. Intentionally omitted.

35 S 11. Intentionally omitted.

36 S 12. Intentionally omitted.

37 S 13. Intentionally omitted.

38 S 14. Intentionally omitted.

39 S 15. Intentionally omitted.

40 S 16. Intentionally omitted.

41 S 17. Intentionally omitted.

42 S 18. Intentionally omitted.

43 S 19. Intentionally omitted.

44 S 20. Intentionally omitted.

45 S 21. Paragraph (a) of subdivision 1 of section 2856 of the education  
46 law, as amended by section 12 of part A of chapter 57 of the laws of  
47 2009, is amended to read as follows:

48 (a) The enrollment of students attending charter schools shall be  
49 included in the enrollment, attendance, membership and, if applicable,  
50 count of students with disabilities of the school district in which the  
51 pupil resides. The charter school shall report all such data to the  
52 school districts of residence in a timely manner. Each school district  
53 shall report such enrollment, attendance and count of students with  
54 disabilities to the department. The school district of residence shall  
55 pay directly to the charter school for each student enrolled in the

1 charter school who resides in the school district the charter school  
2 basic tuition, which shall be:

3 (I) FOR SCHOOL YEARS PRIOR TO THE TWO THOUSAND NINE--TWO THOUSAND TEN  
4 SCHOOL YEAR AND FOR SCHOOL YEARS FOLLOWING THE TWO THOUSAND TWELVE--TWO  
5 THOUSAND THIRTEEN SCHOOL YEAR, an amount equal to one hundred percent of  
6 the amount calculated pursuant to paragraph f of subdivision one of  
7 section thirty-six hundred two of this chapter for the school district  
8 for the year prior to the base year increased by the percentage change  
9 in the state total approved operating expense calculated pursuant to  
10 paragraph t of subdivision one of section thirty-six hundred two of this  
11 chapter from two years prior to the base year to the base year;  
12 [provided, however, that]

13 (II) for the two thousand nine--two thousand ten school year, the  
14 charter school basic tuition shall be the amount payable by such  
15 district as charter school basic tuition for the two thousand eight--two  
16 thousand nine school year[.];

17 (III) FOR THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN THROUGH TWO THOU-  
18 SAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEARS, THE CHARTER SCHOOL  
19 BASIC TUITION SHALL BE THE BASIC TUITION COMPUTED FOR THE TWO THOUSAND  
20 TEN--TWO THOUSAND ELEVEN SCHOOL YEAR PURSUANT TO THE PROVISIONS OF  
21 SUBPARAGRAPH (I) OF THIS PARAGRAPH.

22 S 22. Subdivision 1 of section 2856 of the education law, as separate-  
23 ly amended by chapter 4 of the laws of 1998 and section 12 of part A of  
24 chapter 57 of the laws of 2009, is amended to read as follows:

25 1. (A) The enrollment of students attending charter schools shall be  
26 included in the enrollment, attendance and, if applicable, count of  
27 students with disabilities of the school district in which the pupil  
28 resides. The charter school shall report all such data to the school  
29 districts of residence in a timely manner. Each school district shall  
30 report such enrollment, attendance and count of students with disabili-  
31 ties to the department. The school district of residence shall pay  
32 directly to the charter school for each student enrolled in the charter  
33 school who resides in the school district THE CHARTER SCHOOL BASIC  
34 TUITION WHICH SHALL BE:

35 (I) FOR SCHOOL YEARS PRIOR TO THE TWO THOUSAND NINE--TWO THOUSAND TEN  
36 SCHOOL YEAR AND FOR SCHOOL YEARS FOLLOWING THE TWO THOUSAND TWELVE--TWO  
37 THOUSAND THIRTEEN SCHOOL YEAR, an amount equal to one hundred percent of  
38 the amount calculated pursuant to paragraph f of subdivision one of  
39 section [thirty six] THIRTY-SIX hundred two of this chapter for the  
40 school district for the year prior to the base year increased by the  
41 percentage change in the state total approved operating expense calcu-  
42 lated pursuant to [subdivision eleven] PARAGRAPH T OF SUBDIVISION ONE of  
43 section [thirty six] THIRTY-SIX hundred two of this chapter from two  
44 years prior to the base year to the base year; [provided, however, that]

45 (II) for the two thousand nine--two thousand ten school year, the  
46 charter school basic tuition shall be the amount payable by such  
47 district as charter school basic tuition for the two thousand eight--two  
48 thousand nine school year;

49 (III) FOR THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN THROUGH TWO THOU-  
50 SAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEARS, THE CHARTER SCHOOL  
51 BASIC TUITION SHALL BE THE BASIC TUITION COMPUTED FOR THE TWO THOUSAND  
52 TEN--TWO THOUSAND ELEVEN SCHOOL YEAR PURSUANT TO THE PROVISIONS OF  
53 SUBPARAGRAPH (I) OF THIS PARAGRAPH.

54 (B) The school district shall also pay directly to the charter school  
55 any federal or state aid attributable to a student with a disability  
56 attending charter school in proportion to the level of services for such

1 student with a disability that the charter school provides directly or  
2 indirectly. Notwithstanding anything in this section to the contrary,  
3 amounts payable pursuant to this subdivision may be reduced pursuant to  
4 an agreement between the school and the charter entity set forth in the  
5 charter. Payments made pursuant to this subdivision shall be made by the  
6 school district in six substantially equal installments each year begin-  
7 ning on the first business day of July and every two months thereafter.  
8 Amounts payable under this subdivision shall be determined by the  
9 commissioner. Amounts payable to a charter school in its first year of  
10 operation shall be based on the projections of initial-year enrollment  
11 set forth in the charter. Such projections shall be reconciled with the  
12 actual enrollment at the end of the school's first year of operation,  
13 and any necessary adjustments shall be made to payments during the  
14 school's second year of operation.

15 S 23. Intentionally omitted.

16 S 24. Intentionally omitted.

17 S 25. Intentionally omitted.

18 S 26. The opening paragraph and paragraphs a, b and b-1 of subdivision  
19 4 of section 3602 of the education law, the opening paragraph, subpara-  
20 graph 1 of paragraph a and paragraphs b and b-1 as amended by section 13  
21 of part A of chapter 57 of the laws of 2009, paragraph a as amended by  
22 section 14 of part B of chapter 57 of the laws of 2008, are amended to  
23 read as follows:

24 In addition to any other apportionment pursuant to this chapter, a  
25 school district, other than a special act school district as defined in  
26 subdivision eight of section four thousand one of this chapter, shall be  
27 eligible for total foundation aid equal to the product of total aidable  
28 foundation pupil units multiplied by the district's selected foundation  
29 aid, which shall be the greater of five hundred dollars (\$500) or foun-  
30 dation formula aid, provided, however that for the two thousand seven--  
31 two thousand eight through two thousand eight--two thousand nine and  
32 [two thousand eleven--two thousand twelve through] two thousand [twelve]  
33 THIRTEEN--two thousand [thirteen] FOURTEEN THROUGH TWO THOUSAND  
34 FIFTEEN--TWO THOUSAND SIXTEEN school years, no school district shall  
35 receive total foundation aid in excess of the sum of the total founda-  
36 tion aid base for aid payable in the two thousand seven--two thousand  
37 eight school year computed pursuant to subparagraph (i) of paragraph j  
38 of subdivision one of this section, plus the phase-in foundation  
39 increase computed pursuant to paragraph b of this subdivision, and  
40 provided further that total foundation aid shall not be less than the  
41 product of the total foundation aid base computed pursuant to paragraph  
42 j of subdivision one of this section and one hundred three percent, nor  
43 more than the product of such total foundation aid base and one hundred  
44 fifteen percent, and provided further that for the two thousand nine--  
45 two thousand ten [and two thousand ten--two thousand eleven] THROUGH TWO  
46 THOUSAND TWELVE--TWO THOUSAND THIRTEEN school years, each school  
47 district shall receive total foundation aid in an amount equal to the  
48 amount apportioned to such school district for the two thousand eight--  
49 two thousand nine school year pursuant to this subdivision. Total aida-  
50 ble foundation pupil units shall be calculated pursuant to paragraph g  
51 of subdivision two of this section. For the purposes of calculating aid  
52 pursuant to this subdivision, aid for the city school district of the  
53 city of New York shall be calculated on a citywide basis.

54 a. Foundation formula aid. Foundation formula aid shall equal the  
55 remainder when the expected minimum local contribution is subtracted  
56 from the product of the foundation amount, the regional cost index, and

the pupil need index, or: (foundation amount x regional cost index x pupil need index)- expected minimum local contribution.

(1) The foundation amount shall reflect the average per pupil cost of general education instruction in successful school districts, as determined by a statistical analysis of the costs of special education and general education in successful school districts, provided that the foundation amount shall be adjusted annually to reflect the percentage increase in the consumer price index as computed pursuant to section two thousand twenty-two of this chapter, provided that for the two thousand eight--two thousand nine school year, for the purpose of such adjustment, the percentage increase in the consumer price index shall be deemed to be two and nine-tenths percent (0.029), and provided further that the foundation amount for the two thousand seven--two thousand eight school year shall be five thousand two hundred fifty-eight dollars, and provided further that for the two thousand seven--two thousand eight through [two thousand twelve--two thousand thirteen] TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN school years, [such] THE foundation amount shall be further adjusted by the phase-in foundation percent established pursuant to paragraph b of this subdivision.

(2) The regional cost index shall reflect an analysis of labor market costs based on median salaries in professional occupations that require similar credentials to those of positions in the education field, but not including those occupations in the education field, provided that the regional cost indices for the two thousand seven--two thousand eight school year and thereafter shall be as follows:

Labor Force Region	Index
Capital District	1.124
Southern Tier	1.045
Western New York	1.091
Hudson Valley	1.314
Long Island/NYC	1.425
Finger Lakes	1.141
Central New York	1.103
Mohawk Valley	1.000
North Country	1.000

(3) The pupil need index shall equal the sum of one plus the extraordinary needs percent, provided, however, that the pupil need index shall not be less than one nor more than two. The extraordinary needs percent shall be calculated pursuant to paragraph w of subdivision one of this section.

(4) The expected minimum local contribution shall equal the lesser of (i) the product of (A) the quotient arrived at when the selected actual valuation is divided by total wealth foundation pupil units, multiplied by (B) the product of the local tax factor, multiplied by the income wealth index, or (ii) the product of (A) the product of the foundation amount, the regional cost index, and the pupil need index, multiplied by (B) the positive difference, if any, of one minus the state sharing ratio for total foundation aid. The local tax factor shall be established by May first of each year by determining the product, computed to four decimal places without rounding, of ninety percent multiplied by the quotient of the sum of the statewide average tax rate as computed by the commissioner for the current year in accordance with the provisions of paragraph e of subdivision one of section thirty-six hundred nine-e of this part plus the statewide average tax rate computed by the commissioner for the base year in accordance with such provisions plus the statewide average tax rate computed by the commissioner for the year



1 prior to the base year in accordance with such provisions, divided by  
2 three, provided however that for the two thousand seven--two thousand  
3 eight school year, such local tax factor shall be sixteen thousandths  
4 (0.016), and provided further that for the two thousand eight--two thou-  
5 sand nine school year, such local tax factor shall be one hundred  
6 fifty-four ten thousandths (0.0154). The income wealth index shall be  
7 calculated pursuant to paragraph d of subdivision three of this section,  
8 provided, however, that for the purposes of computing the expected mini-  
9 mum local contribution the income wealth index shall not be less than  
10 sixty-five percent (0.65) and shall not be more than two hundred percent  
11 (2.0) and provided however that such income wealth index shall not be  
12 more than ninety-five percent (0.95) for the two thousand eight--two  
13 thousand nine school year. The selected actual valuation shall be calcu-  
14 lated pursuant to paragraph c of subdivision one of this section. Total  
15 wealth foundation pupil units shall be calculated pursuant to paragraph  
16 h of subdivision two of this section.

17 b. Phase-in foundation increase. (1) The phase-in foundation increase  
18 shall equal the product of the phase-in foundation increase factor  
19 multiplied by the greater of (i) the positive difference, if any, of (A)  
20 the product of the total aidable foundation pupil units multiplied by  
21 the district's selected foundation aid less (B) the total foundation aid  
22 base for aid payable in the two thousand seven--two thousand eight  
23 school year computed pursuant to subparagraph (i) of paragraph j of  
24 subdivision one of this section or (ii) the product of the phase-in  
25 due-minimum percent multiplied by the total foundation aid base for aid  
26 payable in the two thousand seven--two thousand eight school year  
27 computed pursuant to subparagraph (i) of paragraph j of subdivision one  
28 of this section.

29 (2) For the two thousand seven--two thousand eight school year, the  
30 phase-in foundation percent shall equal one hundred seven and sixty-  
31 eight hundredths percent (1.0768), the phase-in foundation increase  
32 factor shall equal twenty percent (0.20), and the phase-in due-minimum  
33 percent shall equal twelve and fifty-five hundredths percent (0.1255);

34 for the two thousand eight--two thousand nine school year, the phase-  
35 in foundation percent shall equal one hundred five and twenty-six  
36 hundredths percent (1.0526), the phase-in foundation increase factor  
37 shall equal thirty-seven and one-half percent (0.375), and the phase-in  
38 due-minimum percent shall equal twelve and fifty-five hundredths percent  
39 (0.1255);

40 for the two thousand nine--two thousand ten school year, the phase-in  
41 foundation percent shall equal one hundred two and five tenths percent  
42 (1.025), the phase-in foundation increase factor shall equal thirty-sev-  
43 en and one-half percent (0.375), and the phase-in due-minimum percent  
44 shall equal twelve and fifty-five hundredths percent (0.1255);

45 for the two thousand ten--two thousand eleven school year, the phase-  
46 in foundation percent shall equal one hundred seven and sixty-eight  
47 hundredths percent (1.0768), the phase-in foundation increase factor  
48 shall equal thirty-seven and one-half percent (0.375), and the phase-in  
49 due-minimum percent shall equal twelve and fifty-five hundredths percent  
50 (0.1255);

51 for the two thousand eleven--two thousand twelve school year, the  
52 phase-in foundation percent shall equal [one hundred five and six  
53 hundredths percent (1.0506)] ONE HUNDRED THIRTEEN AND FOURTEEN ONE  
54 HUNDREDTHS PERCENT (1.1314), the phase-in foundation increase factor  
55 shall equal [fifty-three and one-tenth percent (0.531)] THIRTY-SEVEN AND  
56 ONE-HALF PERCENT (0.375), and the phase-in due-minimum percent shall

1 equal [twelve and fifty-five hundredths percent (0.1255)] NINETEEN AND  
2 FORTY-ONE HUNDREDTHS PERCENT (0.1941); and  
3 for the two thousand twelve--two thousand thirteen school year, the  
4 phase-in foundation percent shall equal [one hundred two and five  
5 hundredths percent (1.0250)] ONE HUNDRED TEN AND THIRTY-EIGHT HUNDREDTHS  
6 PERCENT (1.1038), the phase-in foundation increase factor shall equal  
7 [seventy-five percent (0.75)] THIRTY-SEVEN AND ONE-HALF PERCENT (0.375),  
8 and the phase-in due-minimum percent shall equal [twelve and fifty-five  
9 hundredths percent (0.1255)] NINETEEN AND FORTY-ONE HUNDREDTHS PERCENT  
10 (0.1941); AND

11 FOR THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN SCHOOL YEAR, THE  
12 PHASE-IN FOUNDATION PERCENT SHALL EQUAL ONE HUNDRED SEVEN AND  
13 SIXTY-EIGHT HUNDREDTHS PERCENT (1.0768), THE PHASE-IN FOUNDATION  
14 INCREASE FACTOR SHALL EQUAL FORTY-FIVE AND ONE-HALF PERCENT (0.455), AND  
15 THE PHASE-IN DUE-MINIMUM PERCENT SHALL EQUAL NINETEEN AND FORTY-ONE  
16 HUNDREDTHS PERCENT (0.1941);

17 FOR THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR, THE  
18 PHASE-IN FOUNDATION PERCENT SHALL EQUAL ONE HUNDRED FIVE AND SIX  
19 HUNDREDTHS PERCENT (1.0506), THE PHASE-IN FOUNDATION INCREASE FACTOR  
20 SHALL EQUAL SIXTY-ONE AND ONE-HALF PERCENT (0.615), AND THE PHASE-IN  
21 DUE-MINIMUM PERCENT SHALL EQUAL NINETEEN AND FORTY-ONE HUNDREDTHS  
22 PERCENT (0.1941); AND

23 FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR, THE  
24 PHASE-IN FOUNDATION PERCENT SHALL EQUAL ONE HUNDRED TWO AND FIVE TENTHS  
25 PERCENT (1.0250), THE PHASE-IN FOUNDATION INCREASE FACTOR SHALL EQUAL  
26 EIGHTY PERCENT (0.800), AND THE PHASE-IN DUE-MINIMUM PERCENT SHALL EQUAL  
27 NINETEEN AND FORTY-ONE HUNDREDTHS PERCENT (0.1941).

28 b-1. Notwithstanding any other provision of law to the contrary, for  
29 the two thousand seven--two thousand eight through [two thousand thir-  
30 teen--two thousand fourteen] TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN  
31 school years, the additional amount payable to each school district  
32 pursuant to this subdivision in the current year as total foundation  
33 aid, after deducting the total foundation aid base, shall be deemed a  
34 state grant in aid identified by the commissioner for general use for  
35 purposes of sections seventeen hundred eighteen and two thousand twen-  
36 ty-three of this chapter.

37 S 27. The closing paragraph of subdivision 5-a of section 3602 of the  
38 education law, as amended by section 14 of part A of chapter 57 of the  
39 laws of 2009, is amended to read as follows:

40 For the two thousand eight--two thousand nine school year, each school  
41 district shall be entitled to an apportionment equal to the product of  
42 fifteen percent and the additional apportionment computed pursuant to  
43 this subdivision for the two thousand seven--two thousand eight school  
44 year. For the two thousand nine--two thousand ten [and] THROUGH two  
45 thousand [ten] TWELVE--two thousand [eleven] THIRTEEN school years, each  
46 school district shall be entitled to an apportionment equal to the  
47 amount set forth for such school district as "SUPPLEMENTAL PUB EXCESS  
48 COST" under the heading "2008-09 BASE YEAR AIDS" in the school aid  
49 computer listing produced by the commissioner in support of the budget  
50 for the two thousand nine--two thousand ten school year and entitled  
51 "SA0910".

52 S 28. Intentionally omitted.

53 S 29. Clause (c) of subparagraph 1 of paragraph e of subdivision 6 of  
54 section 3602 of the education law, as amended by section 3 of part A-3  
55 of chapter 58 of the laws of 2006, is amended to read as follows:

1 (c) By the first day of September of the current year the comptroller  
2 of the city of New York shall provide to the commissioner an analysis,  
3 as prescribed by the commissioner, of the actual average interest rate  
4 applied to all capital debt incurred by the city of New York AND THE NEW  
5 YORK CITY TRANSITIONAL FINANCE AUTHORITY for school purposes [(or by the  
6 New York city transitional finance authority for school purposes, if no  
7 such capital debt is incurred by the city of New York)] during the base  
8 year and of the estimated average interest rate applied to all capital  
9 debt to be incurred by the city of New York AND THE NEW YORK CITY TRAN-  
10 SITIONAL FINANCE AUTHORITY for school purposes [(or by the New York city  
11 transitional finance authority for school purposes, if no such capital  
12 debt is incurred by the city of New York)] during the current year. Upon  
13 approval by the commissioner such actual average interest rate shall be  
14 established as the interest rate applicable to the base year for the  
15 purposes of this subparagraph and subparagraph two of this paragraph,  
16 and such estimated average interest rate shall be tentatively estab-  
17 lished as the interest rate applicable to the current year, except that  
18 all apportionments of aid payable during the current year based on such  
19 estimated average interest rate shall be recalculated in the following  
20 year and adjusted as appropriate based on the appropriate actual average  
21 interest rate then established by the commissioner.

22 S 30. Clause (d) of subparagraph 5 of paragraph e of subdivision 6 of  
23 section 3602 of the education law, as added by section 55-a of part A of  
24 chapter 57 of the laws of 2009, is amended to read as follows:

25 (d) Notwithstanding any other law, rule or regulation to the contrary,  
26 any interest rate calculated under this subdivision shall take into  
27 account any federal subsidy payments made or to be made to the applica-  
28 ble [issuer] SCHOOL DISTRICT OR AN ISSUER ON BEHALF OF THE SCHOOL  
29 DISTRICT under the terms of a federally authorized debt instrument which  
30 have the effect of reducing the actual interest costs incurred by [such  
31 issuer] THE SCHOOL DISTRICT OR AN ISSUER ON BEHALF OF THE SCHOOL  
32 DISTRICT over the life of such capital debt, irrespective of any federal  
33 government right of set-off.

34 S 31. Paragraph e of subdivision 6 of section 3602 of the education  
35 law is amended by adding a new subparagraph 8 to read as follows:

36 (8) NOTWITHSTANDING ANY OTHER PROVISION OF THE LAW TO THE CONTRARY,  
37 WHERE, DURING THE PERIOD OF ASSUMED AMORTIZATION RELATING TO A PROJECT  
38 FOR THE CONSTRUCTION, ACQUISITION, RECONSTRUCTION, REHABILITATION OR  
39 IMPROVEMENT OF A SCHOOL BUILDING, THE SCHOOL BUILDING IS SOLD OR OWNER-  
40 SHIP IS OTHERWISE TRANSFERRED TO AN ENTITY OTHER THAN THE SCHOOL  
41 DISTRICT OR CITY AND SUCH TRANSFER RESULTS IN THE BUILDING NO LONGER  
42 BEING OPERATED BY THE SCHOOL DISTRICT AS A PUBLIC ELEMENTARY OR SECOND-  
43 ARY SCHOOL THAT IS NOT INDEPENDENT OR AUTONOMOUS, THE DISTRICT SHALL,  
44 WITHIN SIXTY DAYS OF THE TRANSFER OF OWNERSHIP, NOTIFY THE COMMISSIONER  
45 OF SUCH SALE OR TRANSFER, AND SHALL PROVIDE SUCH ADDITIONAL INFORMATION  
46 ABOUT THE SALE OR TRANSFER AS THE COMMISSIONER MAY REQUIRE, IN A FORM  
47 PRESCRIBED BY THE COMMISSIONER, AND THE COMMISSIONER SHALL RE-COMPUTE  
48 THE BUILDING AID, IF ANY, PAYABLE FOR SUCH PROJECT PURSUANT TO THIS  
49 SUBPARAGRAPH, EXCEPT TO THE EXTENT SUCH RE-COMPUTATION WOULD CONFLICT  
50 WITH THE PROVISIONS OF SECTION TWENTY-SEVEN HUNDRED NINETY-NINE-TT OF  
51 THE PUBLIC AUTHORITIES LAW. THE COMMISSIONER SHALL DEDUCT THE REVENUES  
52 RECEIVED BY THE SCHOOL DISTRICT OR CITY AS A RESULT OF SUCH SALE OR  
53 TRANSFER FROM THE APPROVED TOTAL PROJECT COST AND, BASED ON SUCH  
54 ADJUSTED PROJECT COST, ESTABLISH A NEW ASSUMED AMORTIZATION FOR THE  
55 REMAINING USEFUL LIFE OF THE PROJECT UNDER THE APPLICABLE PROVISIONS OF  
56 THIS PARAGRAPH.

1 S 32. Intentionally omitted.

2 S 33. Intentionally omitted.

3 S 34. Intentionally omitted.

4 S 35. Subdivision 12 of section 3602 of the education law, as added by  
5 section 19 of part B of chapter 57 of the laws of 2008, the closing  
6 paragraph as added by section 18 of part A of chapter 57 of the laws of  
7 2009, is amended to read as follows:

8 12. Academic enhancement aid. A school district that as of April first  
9 of the base year has been continuously identified as a district in need  
10 of improvement for at least five years shall, for the two thousand  
11 eight--two thousand nine school year, be entitled to an additional  
12 apportionment equal to the positive remainder, if any, of (a) the lesser  
13 of fifteen million dollars or the product of the total foundation aid  
14 base, as defined by paragraph j of subdivision one of this section,  
15 multiplied by ten percent (0.10), less (b) the positive remainder of (i)  
16 the sum of the total foundation aid apportioned pursuant to subdivision  
17 four of this section and the supplemental educational improvement grants  
18 apportioned pursuant to subdivision eight of section thirty-six hundred  
19 forty-one of this [act] ARTICLE, less (ii) the total foundation aid  
20 base.

21 For the two thousand nine--two thousand ten [and] THROUGH two thousand  
22 [ten] TWELVE--two thousand [eleven] THIRTEEN school years, each school  
23 district shall be entitled to an apportionment equal to the amount set  
24 forth for such school district as "EDUCATION GRANTS, ACADEMIC EN" under  
25 the heading "2008-09 BASE YEAR AIDS" in the school aid computer listing  
26 produced by the commissioner in support of the budget for the two thou-  
27 sand nine--two thousand ten school year and entitled "SA0910", and such  
28 apportionment shall be deemed to satisfy the state obligation to provide  
29 an apportionment pursuant to subdivision eight of section thirty-six  
30 hundred forty-one of this article.

31 S 36. The opening paragraph of subdivision 16 of section 3602 of the  
32 education law, as amended by section 19 of part A of chapter 57 of the  
33 laws of 2009, is amended to read as follows:

34 Each school district shall be eligible to receive a high tax aid  
35 apportionment in the two thousand eight--two thousand nine school year,  
36 which shall equal the greater of (i) the sum of the tier 1 high tax aid  
37 apportionment, the tier 2 high tax aid apportionment and the tier 3 high  
38 tax aid apportionment or (ii) the product of the apportionment received  
39 by the school district pursuant to this subdivision in the two thousand  
40 seven--two thousand eight school year, multiplied by the due-minimum  
41 factor, which shall equal, for districts with an alternate pupil wealth  
42 ratio computed pursuant to paragraph b of subdivision three of this  
43 section that is less than two, seventy percent (0.70), and for all other  
44 districts, fifty percent (0.50). Each school district shall be eligible  
45 to receive a high tax aid apportionment in the two thousand nine--two  
46 thousand ten [and] THROUGH two thousand [ten] TWELVE--two thousand  
47 [eleven] THIRTEEN school years in the amount set forth for such school  
48 district as "HIGH TAX AID" under the heading "2008-09 BASE YEAR AIDS" in  
49 the school aid computer listing produced by the commissioner in support  
50 of the budget for the two thousand nine--two thousand ten school year  
51 and entitled "SA0910".

52 S 37. Intentionally omitted.

53 S 38. The opening paragraph of subdivision 10 of section 3602-e of the  
54 education law, as amended by section 21 of part A of chapter 57 of the  
55 laws of 2009, is amended to read as follows:

1 Notwithstanding any provision of law to the contrary, for aid payable  
2 in the two thousand eight--two thousand nine school year, the grant to  
3 each eligible school district for universal prekindergarten aid shall be  
4 computed pursuant to this subdivision, and for the two thousand nine--  
5 two thousand ten and two thousand ten--two thousand eleven school years,  
6 each school district shall be eligible for a maximum grant equal to the  
7 amount computed for such school district for the base year in the elec-  
8 tronic data file produced by the commissioner in support of the two  
9 thousand nine--two thousand ten education, labor and family assistance  
10 budget, provided, however, that in the case of a district implementing  
11 programs for the first time or implementing expansion programs in the  
12 two thousand eight--two thousand nine school year where such programs  
13 operate for a minimum of ninety days in any one school year as provided  
14 in section 151-1.4 of the regulations of the commissioner, FOR THE TWO  
15 THOUSAND NINE--TWO THOUSAND TEN AND TWO THOUSAND TEN--TWO THOUSAND ELEV-  
16 EN SCHOOL YEARS, such school district shall be eligible for a maximum  
17 grant equal to the amount computed pursuant to paragraph a of subdivi-  
18 sion nine of this section in the two thousand eight--two thousand nine  
19 school year, AND FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE AND  
20 TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEARS EACH SCHOOL  
21 DISTRICT SHALL BE ELIGIBLE FOR A MAXIMUM GRANT EQUAL TO THE AMOUNT SET  
22 FORTH FOR SUCH SCHOOL DISTRICT AS "UNIVERSAL PREKINDERGARTEN" UNDER THE  
23 HEADING "2011-12 ESTIMATED AIDS" IN THE SCHOOL AID COMPUTER LISTING  
24 PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET REQUEST  
25 FOR THE 2011-12 SCHOOL YEAR AND ENTITLED "BT111-2", and provided further  
26 that the maximum grant shall not exceed the total actual grant expendi-  
27 tures incurred by the school district in the current school year as  
28 approved by the commissioner.

29 S 39. Intentionally omitted.

30 S 40. Intentionally omitted.

31 S 41. Intentionally omitted.

32 S 42. Clause (iii) of subparagraph 3 of paragraph b of subdivision 1  
33 of section 3609-a of the education law, as amended by section 32 of part  
34 B of chapter 57 of the laws of 2007, is amended to read as follows:

35 (iii) Determining final payment for the state fiscal year. Prior to  
36 transmitting the March payment to the state comptroller, based on  
37 current year, base year and prior school year state aid payments made or  
38 scheduled to be made from the general support for public schools appro-  
39 priations for the state fiscal year ending March thirty-first, the  
40 commissioner shall determine the extent to which the amount designated  
41 for June pursuant to clause (vi) of subparagraph two of this paragraph,  
42 as adjusted in accordance with clause (ii) of this subparagraph, net of  
43 any disallowances, would need to be advanced and paid on or before March  
44 thirty-first in order to use the remainder of such appropriations,  
45 EXCLUDING AMOUNTS ASSIGNED TO THE DEPARTMENT OF HEALTH PURSUANT TO  
46 SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED NINE-B OF THIS ARTICLE, on  
47 or before March thirty-first, or to the extent to which the amount  
48 designated for March would need to be proportionally reduced so as not  
49 to exceed such state fiscal year appropriations. The commissioner shall  
50 report the amount of money required to be advanced or deferred and the  
51 percent it represents of the June or March amounts, as the case may be,  
52 to the director of the budget, the chairperson of the senate finance  
53 committee and the chairperson of the assembly ways and means committee.  
54 To the extent that moneys are advanced or deferred pursuant to this  
55 paragraph, they shall be in the same proportion as each school  
56 district's share bears to the total of such June or March amount. Upon

1 approval of the director of the budget, the commissioner shall transmit  
2 the schedule of any such partial June prepayments or such reduced March  
3 payments to the state comptroller. Any portion of the March payment  
4 deferred shall be added to the June payment; any portion of the June  
5 payment advanced shall be paid on or before March thirty-first.

6 S 43. Subparagraph 4 of paragraph b of subdivision 1 of section 3609-a  
7 of the education law, as amended by section 25 of part A of chapter 57  
8 of the laws of 2009, is amended to read as follows:

9 (4) State share of medicaid reimbursements. For the purposes of this  
10 subparagraph, FOR AID PAYABLE IN THE TWO THOUSAND TEN--TWO THOUSAND  
11 ELEVEN SCHOOL YEAR, the first reporting period shall run from May first  
12 of the base year through January thirty-first of the current year, and  
13 the second reporting period shall run from February first of the current  
14 year through [April thirtieth] MARCH THIRTY-FIRST of the current year.  
15 FOR AID PAYABLE IN THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL  
16 YEAR AND THEREAFTER, THE FIRST REPORTING PERIOD SHALL RUN FROM APRIL  
17 FIRST OF THE BASE YEAR THROUGH DECEMBER THIRTY-FIRST OF THE CURRENT  
18 YEAR, AND THE SECOND REPORTING PERIOD SHALL RUN FROM JANUARY FIRST OF  
19 THE CURRENT YEAR THROUGH MARCH THIRTY-FIRST OF THE CURRENT YEAR.  
20 Notwithstanding any inconsistent provisions of law to the contrary, the  
21 sustaining advance payment due any school district pursuant to clause  
22 (ii) of subparagraph three of this paragraph in March shall be reduced  
23 by fifty percent of any federal participation during the first reporting  
24 period pursuant to title XIX of the social security act, in special  
25 education programs provided pursuant to article eighty-nine of this  
26 chapter for services provided on or before June thirtieth, two thousand  
27 nine; the June payment due any school district pursuant to clause (v) of  
28 subparagraph three of this paragraph shall be reduced by fifty percent  
29 of any federal participation during the second reporting period for  
30 services provided on or before June thirtieth, two thousand nine. Not  
31 later than ten days after the end of [a] THE FIRST reporting period  
32 ENDING ON JANUARY THIRTY-FIRST, TWO THOUSAND ELEVEN, NOT LATER THAN  
33 FORTY-ONE DAYS AFTER EACH FIRST REPORTING PERIOD THEREAFTER AND NOT  
34 LATER THAN FORTY DAYS AFTER THE END OF EACH SECOND REPORTING PERIOD, the  
35 commissioner of health, as the authorized fiscal agent of the state  
36 education department, shall certify to the commissioner and the director  
37 of the budget the total amount of such federal moneys paid to a school  
38 district for such services during such reporting period. Following each  
39 cycle payment, the commissioner of health shall report to the commis-  
40 sioner the aggregate amount of such federal medicaid payments to each  
41 school district. The commissioner shall recoup such amounts first, to  
42 the extent possible, from the specified payment, then by withholding any  
43 other moneys due the school district and finally by direct billing to  
44 any school district still owing moneys to the state. All moneys withheld  
45 or paid to the state on account of this paragraph shall be credited by  
46 the comptroller to the local assistance account for general support for  
47 public schools.

48 S 44. Intentionally omitted.

49 S 45. Paragraphs a and a-1 of subdivision 1 of section 3609-b of the  
50 education law, paragraph a as amended by section 26 and paragraph a-1 as  
51 added by section 27 of part A of chapter 57 of the laws of 2009, are  
52 amended to read as follows:

53 a. Any moneys to be apportioned by the commissioner to school  
54 districts during the school year pursuant to this section for services  
55 provided on or before June thirtieth, two thousand nine THAT WERE REIM-  
56 BURSED BY THE STATE ON OR BEFORE APRIL FIRST, TWO THOUSAND ELEVEN shall,

1 in the first instance, be designated as the state share of moneys due a  
2 school district pursuant to title XIX of the social security act, on  
3 account of school supportive health services provided to students with  
4 disabilities in special education programs pursuant to article eighty-  
5 nine of this chapter and to those pupils who are qualified handicapped  
6 persons as defined in the federal rehabilitation act of nineteen hundred  
7 seventy-three, as amended. Some or all of such state share may be  
8 assigned on behalf of school districts to the department of health, as  
9 provided herein; any remaining state share moneys shall be paid to  
10 school districts on the same schedule as the federal share of such title  
11 XIX payments and shall be based on the monthly report of the commission-  
12 er of health to the commissioner; and any remaining moneys to be appor-  
13 tioned to a school district pursuant to this section shall be paid in  
14 accordance with the provisions of subdivision two of this section. The  
15 amount to be assigned to the department of health, as determined by the  
16 commissioner of health, for any school district shall not exceed the  
17 federal share of any moneys due such school district pursuant to title  
18 XIX. Moneys designated as state share moneys shall be paid to such  
19 school districts based on the submission and approval of claims related  
20 to such school supportive health services, in the manner provided by  
21 law.

22 a-1. Any moneys to be apportioned by the commissioner to school  
23 districts during the school year pursuant to this section for services  
24 provided during the two thousand nine--two thousand ten school year and  
25 thereafter, OR FOR SERVICES PROVIDED IN A PRIOR SCHOOL YEAR THAT WERE  
26 NOT REIMBURSED BY THE STATE ON OR BEFORE APRIL FIRST, TWO THOUSAND ELEV-  
27 EN, shall, in the first instance, be designated as the state share of  
28 moneys due a school district pursuant to title XIX of the social securi-  
29 ty act, on account of school supportive health services provided to  
30 students with disabilities in special education programs pursuant to  
31 article eighty-nine of this chapter and to those pupils who are quali-  
32 fied handicapped persons as defined in the federal rehabilitation act of  
33 nineteen hundred seventy-three, as amended. Such state share shall be  
34 assigned on behalf of school districts to the department of health, as  
35 provided herein; the amount designated as such nonfederal share shall be  
36 transferred by the commissioner to the department of health based on the  
37 monthly report of the commissioner of health to the commissioner; and  
38 any remaining moneys to be apportioned to a school district pursuant to  
39 this section shall be paid in accordance with the provisions of subdivi-  
40 sion two of this section. The amount to be assigned to the department of  
41 health, as determined by the commissioner of health, for any school  
42 district shall not exceed the federal share of any moneys due such  
43 school district pursuant to title XIX. Moneys designated as state share  
44 moneys shall be paid to such school districts by the department of  
45 health based on the submission and approval of claims related to such  
46 school supportive health services, in the manner provided by law.

47 S 46. Paragraph b of subdivision 2 of section 3612 of the education  
48 law, as amended by chapter 2 of the laws of 2011, is amended to read as  
49 follows:

50 b. Such grants shall be awarded to school districts, within the limits  
51 of funds appropriated therefor, through a competitive process that takes  
52 into consideration the magnitude of any shortage of teachers in the  
53 school district, the number of teachers employed in the school district  
54 who hold temporary licenses to teach in the public schools of the state,  
55 the number of provisionally certified teachers, the fiscal capacity and  
56 geographic sparsity of the district, the number of new teachers the

1 school district intends to hire in the coming school year and the number  
2 of summer in the city student internships proposed by an eligible school  
3 district, if applicable. Grants provided pursuant to this section shall  
4 be used only for the purposes enumerated in this section. Notwithstand-  
5 ing any other provision of law to the contrary, a city school district  
6 in a city having a population of one million or more inhabitants receiv-  
7 ing a grant pursuant to this section may use no more than eighty percent  
8 of such grant funds for any recruitment, retention and certification  
9 costs associated with transitional certification of teacher candidates  
10 for the school years two thousand one--two thousand two through [two  
11 thousand ten--two thousand eleven] TWO THOUSAND ELEVEN--TWO THOUSAND  
12 TWELVE.

13 S 47. Intentionally omitted.

14 S 48. Intentionally omitted.

15 S 49. Intentionally omitted.

16 S 50. Intentionally omitted.

17 S 51. Intentionally omitted.

18 S 52. Intentionally omitted.

19 S 53. Intentionally omitted.

20 S 54. Intentionally omitted.

21 S 55. Intentionally omitted.

22 S 56. Intentionally omitted.

23 S 57. Intentionally omitted.

24 S 58. Subdivision 6 of section 4402 of the education law, as amended  
25 by chapter 2 of the laws of 2011, is amended to read as follows:

26 6. Notwithstanding any other law, rule or regulation to the contrary,  
27 the board of education of a city school district with a population of  
28 one hundred twenty-five thousand or more inhabitants shall be permitted  
29 to establish maximum class sizes for special classes for certain  
30 students with disabilities in accordance with the provisions of this  
31 subdivision. For the purpose of obtaining relief from any adverse fiscal  
32 impact from under-utilization of special education resources due to low  
33 student attendance in special education classes at the middle and  
34 secondary level as determined by the commissioner, such boards of educa-  
35 tion shall, during the school years nineteen hundred ninety-five--nine-  
36 ty-six through June thirtieth, two thousand [eleven] TWELVE of the [two  
37 thousand ten--two thousand eleven] TWO THOUSAND ELEVEN--TWO THOUSAND  
38 TWELVE school year, be authorized to increase class sizes in special  
39 classes containing students with disabilities whose age ranges are  
40 equivalent to those of students in middle and secondary schools as  
41 defined by the commissioner for purposes of this section by up to but  
42 not to exceed one and two tenths times the applicable maximum class size  
43 specified in regulations of the commissioner rounded up to the nearest  
44 whole number, provided that in a city school district having a popu-  
45 lation of one million or more, classes that have a maximum class size of  
46 fifteen may be increased by no more than one student and provided that  
47 the projected average class size shall not exceed the maximum specified  
48 in the applicable regulation, provided that such authorization shall  
49 terminate on June thirtieth, two thousand. Such authorization shall be  
50 granted upon filing of a notice by such a board of education with the  
51 commissioner stating the board's intention to increase such class sizes  
52 and a certification that the board will conduct a study of attendance  
53 problems at the secondary level and will implement a corrective action  
54 plan to increase the rate of attendance of students in such classes to  
55 at least the rate for students attending regular education classes in  
56 secondary schools of the district. Such corrective action plan shall be



submitted for approval by the commissioner by a date during the school year in which such board increases class sizes as provided pursuant to this subdivision to be prescribed by the commissioner. Upon at least thirty days notice to the board of education, after conclusion of the school year in which such board increases class sizes as provided pursuant to this subdivision, the commissioner shall be authorized to terminate such authorization upon a finding that the board has failed to develop or implement an approved corrective action plan.

S 59. Intentionally omitted.

S 60. Intentionally omitted.

S 61. Intentionally omitted.

S 62. Intentionally omitted.

S 63. Clause (b) of subparagraph (iii) of paragraph b of subdivision 11 of section 4410 of the education law, as amended by chapter 205 of the laws of 2009, is amended to read as follows:

(b) Any moneys due municipalities pursuant to this paragraph for services provided during the two thousand nine--two thousand ten school year and thereafter, OR FOR SERVICES PROVIDED IN A PRIOR SCHOOL YEAR THAT WERE NOT REIMBURSED BY THE STATE ON OR BEFORE APRIL FIRST, TWO THOUSAND ELEVEN, shall, in the first instance, be designated as the state share of moneys due a municipality pursuant to title XIX of the social security act, on account of school supportive health services provided to preschool students with disabilities pursuant to this section. Such state share shall be assigned on behalf of municipalities to the department of health, as provided herein; the amount designated as such nonfederal share shall be transferred by the commissioner to the department of health based on the monthly report of the commissioner of health to the commissioner; and any remaining moneys to be apportioned to a municipality pursuant to this section shall be paid in accordance with this section. The amount to be assigned to the department of health, as determined by the commissioner of health, for any municipality shall not exceed the federal share of any moneys due such municipality pursuant to title XIX of the social security act. Moneys designated as state share moneys shall be paid to such municipality by the department of health based on the submission and approval of claims related to such school supportive health services, in the manner provided by law.

S 64. Subparagraph 4 of paragraph b of subdivision 4 of section 92-c of the state finance law, as amended by section 46 of part B of chapter 57 of the laws of 2007, is amended to read as follows:

(4) each eligible school district shall be entitled to an additional lottery grant equal to the result of multiplying the district's total aidable FOUNDATION pupil units for the base year COMPUTED PURSUANT TO PARAGRAPH G OF SUBDIVISION TWO OF SECTION THIRTY-SIX HUNDRED TWO OF THIS ACT by:

$$\text{Base Grant} \times (1 + \text{aid ratio})$$

Where, the base grant shall equal the sum of the net total available moneys after making payments pursuant to subparagraphs (1), (2), (2-a) and (3) above, plus an amount from the general support for public schools-- general fund local assistance account equal to the June lottery payment, divided by the total aidable FOUNDATION pupil units of the state and where the Aid Ratio is equal to one minus the pupil wealth ratio of the district as such term is defined in section thirty-six

hundred two of the education law. In no case shall a school district aid ratio exceed one (1) or be less than minus one (-1).

S 65. Subdivision b of section 2 of chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, as amended by section 41 of part A of chapter 57 of the laws of 2009, is amended to read as follows:

b. Reimbursement for programs approved in accordance with subdivision a of this section [for the 2006-07 school year shall not exceed 64.7 percent of the lesser of such approvable costs per contact hour or nine dollars and twenty-five cents per contact hour where a contact hour represents sixty minutes of instruction services provided to an eligible adult, reimbursement for the 2007-08 school year shall not exceed 63.3 percent of the lesser of such approvable costs per contact hour or nine dollars and ninety cents per contact hour where a contact hour represents sixty minutes of instruction services provided to an eligible adult], reimbursement for the 2008-09 school year shall not exceed 62.8 percent of the lesser of such approvable costs per contact hour or ten dollars and sixty-five cents per contact hour [where a contact hour represents sixty minutes of instruction services provided to an eligible adult and], reimbursement for the 2009-10 school year shall not exceed 64.1 percent of the lesser of such approvable costs per contact hour or eleven dollars and fifty cents per contact hour [where a contact hour represents sixty minutes of instruction services provided to an eligible adult], REIMBURSEMENT FOR THE 2010-11 SCHOOL YEAR SHALL NOT EXCEED 62.6 PERCENT OF THE LESSER OF SUCH APPROVABLE COSTS PER CONTACT HOUR OR TWELVE DOLLARS AND FIVE CENTS PER CONTACT HOUR AND REIMBURSEMENT FOR THE 2011-12 SCHOOL YEAR SHALL NOT EXCEED 62.9 PERCENT OF THE LESSER OF SUCH APPROVABLE COSTS PER CONTACT HOUR OR TWELVE DOLLARS AND FIFTEEN CENTS PER CONTACT HOUR, WHERE A CONTACT HOUR REPRESENTS SIXTY MINUTES OF INSTRUCTION SERVICES PROVIDED TO AN ELIGIBLE ADULT.

Notwithstanding any other provision of law to the contrary, [for the 2006-07 school year such contact hours shall not exceed one million nine hundred twenty-three thousand seventy-six (1,923,076) hours; whereas for the 2007-08 school year such contact hours shall not exceed one million eight hundred thirty-seven thousand sixty (1,837,060) hours; whereas] for the 2008-09 school year such contact hours shall not exceed one million nine hundred forty-six thousand one hundred seven (1,946,107) hours; whereas for the 2009-10 school year such contact hours shall not exceed one million seven hundred sixty-three thousand nine hundred seven (1,763,907) hours; WHEREAS FOR THE 2010-11 SCHOOL YEAR SUCH CONTACT HOURS SHALL NOT EXCEED ONE MILLION FIVE HUNDRED TWENTY-FIVE THOUSAND ONE HUNDRED NINETY-EIGHT (1,525,198) HOURS; WHEREAS FOR THE 2011-12 SCHOOL YEAR SUCH CONTACT HOURS SHALL NOT EXCEED ONE MILLION SEVEN HUNDRED ONE THOUSAND FIVE HUNDRED SEVENTY (1,701,570) HOURS.

Notwithstanding any other provision of law to the contrary, the apportionment calculated for the city school district of the city of New York pursuant to subdivision 11 of section 3602 of the education law shall be computed as if such contact hours provided by the consortium for worker education, not to exceed the contact hours set forth herein, were eligible for aid in accordance with the provisions of such subdivision 11 of section 3602 of the education law.

S 66. Section 4 of chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, is amended by adding a new subdivision p to read as follows:

P. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY AFTER THE COMPLETION OF PAYMENTS FOR THE 2011-2012 SCHOOL YEAR. NOTWITHSTANDING ANY INCONSISTENT PROVISIONS OF LAW, THE COMMISSIONER OF EDUCATION SHALL WITHHOLD A PORTION OF EMPLOYMENT PREPARATION EDUCATION AID DUE TO THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK TO SUPPORT A PORTION OF THE COSTS OF THE WORK FORCE EDUCATION PROGRAM. SUCH MONEYS SHALL BE CREDITED TO THE ELEMENTARY AND SECONDARY EDUCATION FUND-LOCAL ASSISTANCE ACCOUNT AND SHALL NOT EXCEED THIRTEEN MILLION DOLLARS (\$13,000,000).

S 67. Section 6 of chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, as amended by chapter 2 of the laws of 2011, is amended to read as follows:

S 6. This act shall take effect July 1, 1992, and shall be deemed repealed on June 30, [2011] 2012.

S 68. Subdivision 1 of section 167 of chapter 169 of the laws of 1994 relating to certain provisions related to the 1994-95 state operations, aid to localities, capital projects and debt service budgets, as amended by chapter 2 of the laws of 2011, is amended to read as follows:

1. Sections one through seventy of this act shall be deemed to have been in full force and effect as of April 1, 1994 provided, however, that sections one, two, twenty-four, twenty-five and twenty-seven through seventy of this act shall expire and be deemed repealed on March 31, 2000; provided, however, that section twenty of this act shall apply only to hearings commenced prior to September 1, 1994, and provided further that section twenty-six of this act shall expire and be deemed repealed on March 31, 1997; and provided further that sections four through fourteen, sixteen, and eighteen, nineteen and twenty-one through twenty-one-a of this act shall expire and be deemed repealed on March 31, 1997; and provided further that sections three, fifteen, seventeen, twenty[, ] AND twenty-two [and twenty-three] of this act shall expire and be deemed repealed on March 31, [2012] 2013.

S 69. Subdivisions 22 and 24 of section 140 of chapter 82 of the laws of 1995, amending the education law and certain other laws relating to state aid to school districts and the appropriation of funds for the support of government, as amended by chapter 2 of the laws of 2011, are amended to read as follows:

(22) sections one hundred twelve, one hundred thirteen, one hundred fourteen, one hundred fifteen and one hundred sixteen of this act shall take effect on July 1, 1995; provided, however, that section one hundred thirteen of this act shall remain in full force and effect until July 1, [2011] 2012 at which time it shall be deemed repealed;

(24) sections one hundred eighteen through one hundred thirty of this act shall be deemed to have been in full force and effect on and after July 1, 1995; provided further, however, that the amendments made pursuant to section one hundred nineteen of this act shall be deemed to be repealed on and after July 1, [2011] 2012;

S 70. Section 2 of chapter 386 of the laws of 1996, amending the education law relating to providing for a waiver allowing state aid in certain circumstances, as amended by chapter 2 of the laws of 2011, is amended to read as follows:

S 2. This act shall take effect immediately, provided that the provisions of this act shall be deemed to have been in full force and effect on and after January 1, 1996[, ] and provided, further that this act shall be deemed repealed on and after January 1, 2015].

S 71. Section 7 of chapter 472 of the laws of 1998 amending the education law relating to the lease of school buses by school districts, as

1 amended by section 46 of part A of chapter 57 of the laws of 2009, is  
2 amended to read as follows:

3 S 7. This act shall take effect September 1, 1998, and shall expire  
4 and be deemed repealed September 1, [2011] 2013.

5 S 72. Section 12 of chapter 147 of the laws of 2001, amending the  
6 education law relating to conditional appointment of school district,  
7 charter school or BOCES employees, as amended by chapter 2 of the laws  
8 of 2011, is amended to read as follows:

9 S 12. This act shall take effect on the same date as chapter 180 of  
10 the laws of 2000 takes effect, and shall expire July 1, [2011] 2012 when  
11 upon such date the provisions of this act shall be deemed repealed.

12 S 73. Section 4 of chapter 425 of the laws of 2002, amending the  
13 education law relating to the provision of supplemental educational  
14 services, attendance at a safe public school and the suspension of  
15 pupils who bring a firearm to or possess a firearm at a school, as  
16 amended by chapter 2 of the laws of 2011, is amended to read as follows:

17 S 4. This act shall take effect July 1, 2002 and shall expire and be  
18 deemed repealed June 30, [2011] 2012.

19 S 74. Section 5 of chapter 101 of the laws of 2003, amending the  
20 education law relating to implementation of the No Child Left Behind Act  
21 of 2001, as amended by chapter 2 of the laws of 2011, is amended to read  
22 as follows:

23 S 5. This act shall take effect immediately; provided that sections  
24 one, two and three of this act shall expire and be deemed repealed on  
25 June 30, [2011] 2012.

26 S 75. Intentionally omitted.

27 S 76. Intentionally omitted.

28 S 77. Intentionally omitted.

29 S 78. Intentionally omitted.

30 S 79. Intentionally omitted.

31 S 80. Intentionally omitted.

32 S 81. Section 6-p of the general municipal law is amended by adding a  
33 new subdivision 10 to read as follows:

34 10. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE GOVERN-  
35 ING BOARD OF A SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL  
36 SERVICES MAY, DURING THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL  
37 YEAR, AUTHORIZE A WITHDRAWAL FROM THIS FUND IN AN AMOUNT NOT TO EXCEED  
38 THE DOLLAR VALUE OF EXCESS FUNDING IN THE FUND AS DETERMINED AND CERTI-  
39 FIED BY THE GOVERNING BOARD. FUNDS WITHDRAWN PURSUANT TO THIS SUBDIVI-  
40 SION MAY ONLY BE USED FOR THE PURPOSE OF MAINTAINING EDUCATIONAL  
41 PROGRAMMING DURING THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL  
42 YEAR. GOVERNING BOARDS WHICH MAKE SUCH A WITHDRAWAL SHALL SUBMIT, IN A  
43 FORM PRESCRIBED BY THE COMMISSIONER OF EDUCATION, RELEVANT INFORMATION  
44 ABOUT THE WITHDRAWAL, WHICH SHALL INCLUDE BUT NOT BE LIMITED TO, THE  
45 AMOUNT OF SUCH WITHDRAWAL, THE DATE OF WITHDRAWAL, AND THE USE OF SUCH  
46 WITHDRAWN FUNDS. SUCH FUNDS WITHDRAWN BY BOARDS OF COOPERATIVE EDUCA-  
47 TIONAL SERVICES SHALL BE RETURNED TO ITS COMPONENT DISTRICTS IN A MANNER  
48 PRESCRIBED BY THE COMMISSIONER OF EDUCATION.

49 S 82. School bus driver training. In addition to apportionments other-  
50 wise provided by section 3602 of the education law, for aid payable in  
51 the 2011-2012 school year, the commissioner of education shall allocate  
52 school bus driver training grants to school districts and boards of  
53 cooperative education services pursuant to sections 3650-a, 3650-b and  
54 3650-c of the education law, or for contracts directly with not-for-pro-  
55 fit educational organizations for the purposes of this section. Such

1 payments shall not exceed four hundred thousand dollars (\$400,000) per  
2 school year.

3 S 83. Support of public libraries. The moneys appropriated for the  
4 support of public libraries by the chapter of the laws of 2011 enacting  
5 the local assistance budget shall be apportioned for the 2011--12 state  
6 fiscal year in accordance with the provisions of sections 271, 272, 273,  
7 282, 284, and 285 of the education law as amended by the provisions of  
8 this chapter and the provisions of this section, provided that library  
9 construction aid pursuant to section 273-a of the education law shall  
10 not be payable from the appropriations for the support of public  
11 libraries and provided further that no library, library system or  
12 program, as defined by the commissioner of education, shall receive less  
13 total system or program aid than it received for the year 2001--2002  
14 except as a result of a reduction adjustment necessary to conform to the  
15 appropriations for support of public libraries.

16 Notwithstanding any other provision of law to the contrary the moneys  
17 appropriated for the support of public libraries for the year 2011--2012  
18 by a chapter of the laws of 2011 enacting the local assistance budget  
19 shall fulfill the state's obligation to provide such aid and, pursuant  
20 to a plan developed by the commissioner of education and approved by the  
21 director of the budget, the aid payable to libraries and library systems  
22 pursuant to such appropriations shall be reduced proportionately to  
23 assure that the total amount of aid payable does not exceed the total  
24 appropriations for such purpose.

25 S 84. Special apportionment for salary expenses. a. Notwithstanding  
26 any other provision of law, upon application to the commissioner of  
27 education, not sooner than the first day of the second full business  
28 week of June, 2012 and not later than the last day of the third full  
29 business week of June, 2012, a school district eligible for an appor-  
30 tionment pursuant to section 3602 of the education law shall be eligible  
31 to receive an apportionment pursuant to this section, for the school  
32 year ending June 30, 2012, for salary expenses incurred between April 1  
33 and June 30, 2012 and such apportionment shall not exceed the sum of (i)  
34 the deficit reduction assessment of 1990-91 as determined by the commis-  
35 sioner of education, pursuant to paragraph f of subdivision 1 of section  
36 3602 of the education law, as in effect through June 30, 1993, plus (ii)  
37 186 percent of such amount for a city school district in a city with a  
38 population in excess of 1,000,000 inhabitants, plus (iii) 209 percent of  
39 such amount for a city school district in a city with a population of  
40 more than 195,000 inhabitants and less than 219,000 inhabitants accord-  
41 ing to the latest federal census plus (iv) the net gap elimination  
42 adjustment for 2010-2011, as determined by the commissioner of education  
43 pursuant to paragraph e of subdivision 1 of section 3609-a of the educa-  
44 tion law as in effect through June 30, 2011, and provided further that  
45 such apportionment shall not exceed such salary expenses. Such applica-  
46 tion shall be made by a school district, after the board of education or  
47 trustees have adopted a resolution to do so and in the case of a city  
48 school district in a city with a population in excess of 125,000 inhab-  
49 itants, with the approval of the mayor of such city.

50 b. The claim for an apportionment to be paid to a school district  
51 pursuant to subdivision a of this section shall be submitted to the  
52 commissioner of education on a form prescribed for such purpose, and  
53 shall be payable upon determination by such commissioner that the form  
54 has been submitted as prescribed. Such approved amounts shall be payable  
55 on the same day in September of the school year following the year in  
56 which application was made as funds provided pursuant to subparagraph

(4) of paragraph b of subdivision 4 of section 92-c of the state finance law, on the audit and warrant of the state comptroller on vouchers certified or approved by the commissioner of education in the manner prescribed by law from moneys in the state lottery fund and from the general fund to the extent that the amount paid to a school district pursuant to this section exceeds the amount, if any, due such school district pursuant to subparagraph (2) of paragraph a of subdivision 1 of section 3609-a of the education law in the school year following the year in which application was made.

c. Notwithstanding the provisions of section 3609-a of the education law, an amount equal to the amount paid to a school district pursuant to subdivisions a and b of this section shall first be deducted from the following payments due the school district during the school year following the year in which application was made pursuant to subparagraphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of section 3609-a of the education law in the following order: the lottery apportionment payable pursuant to subparagraph (2) of such paragraph followed by the fixed fall payments payable pursuant to subparagraph (4) of such paragraph and then followed by the district's payments to the teachers' retirement system pursuant to subparagraph (1) of such paragraph, and any remainder to be deducted from the individualized payments due the district pursuant to paragraph b of such subdivision shall be deducted on a chronological basis starting with the earliest payment due the district.

S 85. Special apportionment for public pension accruals. a. Notwithstanding any other provision of law, upon application to the commissioner of education, not later than June 30, 2012, a school district eligible for an apportionment pursuant to section 3602 of the education law shall be eligible to receive an apportionment pursuant to this section, for the school year ending June 30, 2012 and such apportionment shall not exceed the additional accruals required to be made by school districts in the 2004-05 and 2005-06 school years associated with changes for such public pension liabilities. The amount of such additional accrual shall be certified to the commissioner of education by the president of the board of education or the trustees or, in the case of a city school district in a city with a population in excess of 125,000 inhabitants, the mayor of such city. Such application shall be made by a school district, after the board of education or trustees have adopted a resolution to do so and in the case of a city school district in a city with a population in excess of 125,000 inhabitants, with the approval of the mayor of such city.

b. The claim for an apportionment to be paid to a school district pursuant to subdivision a of this section shall be submitted to the commissioner of education on a form prescribed for such purpose, and shall be payable upon determination by such commissioner that the form has been submitted as prescribed. Such approved amounts shall be payable on the same day in September of the school year following the year in which application was made as funds provided pursuant to subparagraph (4) of paragraph b of subdivision 4 of section 92-c of the state finance law, on the audit and warrant of the state comptroller on vouchers certified or approved by the commissioner of education in the manner prescribed by law from moneys in the state lottery fund and from the general fund to the extent that the amount paid to a school district pursuant to this section exceeds the amount, if any, due such school district pursuant to subparagraph (2) of paragraph a of subdivision 1 of

1 section 3609-a of the education law in the school year following the  
2 year in which application was made.

3 c. Notwithstanding the provisions of section 3609-a of the education  
4 law, an amount equal to the amount paid to a school district pursuant to  
5 subdivisions a and b of this section shall first be deducted from the  
6 following payments due the school district during the school year  
7 following the year in which application was made pursuant to subpara-  
8 graphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of  
9 section 3609-a of the education law in the following order: the lottery  
10 apportionment payable pursuant to subparagraph (2) of such paragraph  
11 followed by the fixed fall payments payable pursuant to subparagraph (4)  
12 of such paragraph and then followed by the district's payments to the  
13 teachers' retirement system pursuant to subparagraph (1) of such para-  
14 graph, and any remainder to be deducted from the individualized payments  
15 due the district pursuant to paragraph b of such subdivision shall be  
16 deducted on a chronological basis starting with the earliest payment due  
17 the district.

18 S 86. a. Notwithstanding any other law, rule or regulation to the  
19 contrary, any moneys appropriated to the state education department may  
20 be suballocated to other state departments or agencies, as needed, to  
21 accomplish the intent of the specific appropriations contained therein.

22 b. Notwithstanding any other law, rule or regulation to the contrary,  
23 moneys appropriated to the state education department from the general  
24 fund/aid to localities, local assistance account-001, shall be for  
25 payment of financial assistance, as scheduled, net of disallowances,  
26 refunds, reimbursement and credits.

27 c. Notwithstanding any other law, rule or regulation to the contrary,  
28 all moneys appropriated to the state education department for aid to  
29 localities shall be available for payment of aid heretofore or hereafter  
30 to accrue and may be suballocated to other departments and agencies to  
31 accomplish the intent of the specific appropriations contained therein.

32 d. Notwithstanding any other law, rule or regulation to the contrary,  
33 moneys appropriated to the state education department for general  
34 support for public schools may be interchanged with any other item of  
35 appropriation for general support for public schools within the general  
36 fund local assistance account office of prekindergarten through grade  
37 twelve education program.

38 S 87. Notwithstanding the provision of any law, rule, or regulation to  
39 the contrary, the city school district of the city of Rochester, upon  
40 the consent of the board of cooperative educational services of the  
41 supervisory district serving its geographic region may purchase from  
42 such board for the 2011-12 school year, as a non-component school  
43 district, services required by article 19 of the education law.

44 S 88. The amounts specified in this section shall be a setaside from  
45 the state funds which each such district is receiving from the total  
46 foundation aid:

47 a. for the purpose of the development, maintenance or expansion of  
48 magnet schools or magnet school programs for the two thousand eleven--  
49 two thousand twelve school year. To the city school district of the city  
50 of New York there shall be paid forty-eight million one hundred seven-  
51 ty-five thousand dollars (\$48,175,000) including five hundred thousand  
52 dollars (\$500,000) for the Andrew Jackson High School; to the Buffalo  
53 city school district, twenty-one million twenty-five thousand dollars  
54 (\$21,025,000); to the Rochester city school district, fifteen million  
55 dollars (\$15,000,000); to the Syracuse city school district, thirteen  
56 million dollars (\$13,000,000); to the Yonkers city school district,

1 forty-nine million five hundred thousand dollars, (\$49,500,000); to the  
2 Newburgh city school district, four million six hundred forty-five thou-  
3 sand dollars (\$4,645,000); to the Poughkeepsie city school district, two  
4 million four hundred seventy-five thousand dollars (\$2,475,000); to the  
5 Mount Vernon city school district, two million dollars (\$2,000,000); to  
6 the New Rochelle city school district, one million four hundred ten  
7 thousand dollars (\$1,410,000); to the Schenectady city school district,  
8 one million eight hundred thousand dollars (\$1,800,000); to the Port  
9 Chester city school district, one million one hundred fifty thousand  
10 dollars (\$1,150,000); to the White Plains city school district, nine  
11 hundred thousand dollars (\$900,000); to the Niagara Falls city school  
12 district, six hundred thousand dollars (\$600,000); to the Albany city  
13 school district, three million five hundred fifty thousand dollars  
14 (\$3,550,000); to the Utica city school district, two million dollars  
15 (\$2,000,000); to the Beacon city school district, five hundred sixty-six  
16 thousand dollars (\$566,000); to the Middletown city school district,  
17 four hundred thousand dollars (\$400,000); to the Freeport union free  
18 school district, four hundred thousand dollars (\$400,000); to the Green-  
19 burgh central school district, three hundred thousand dollars  
20 (\$300,000); to the Amsterdam city school district, eight hundred thou-  
21 sand dollars (\$800,000); to the Peekskill city school district, two  
22 hundred thousand dollars (\$200,000); and to the Hudson city school  
23 district, four hundred thousand dollars (\$400,000).

24 b. notwithstanding the provisions of paragraph a of this subdivision,  
25 a school district receiving a grant pursuant to this subdivision may use  
26 such grant funds for: (i) any instructional or instructional support  
27 costs associated with the operation of a magnet school; or (ii) any  
28 instructional or instructional support costs associated with implementa-  
29 tion of an alternative approach to reduction of racial isolation and/or  
30 enhancement of the instructional program and raising of standards in  
31 elementary and secondary schools of school districts having substantial  
32 concentrations of minority students. The commissioner of education shall  
33 not be authorized to withhold magnet grant funds from a school district  
34 that used such funds in accordance with this paragraph, notwithstanding  
35 any inconsistency with a request for proposals issued by such commis-  
36 sioner.

37 c. for the purpose of attendance improvement and dropout prevention  
38 for the two thousand eleven--two thousand twelve school year, for any  
39 city school district in a city having a population of more than one  
40 million, the setaside for attendance improvement and dropout prevention  
41 shall equal the amount set aside in the base year. For the two thousand  
42 eleven--two thousand twelve school year, it is further provided that any  
43 city school district in a city having a population of more than one  
44 million shall allocate at least one-third of any increase from base year  
45 levels in funds set aside pursuant to the requirements of this subdivi-  
46 sion to community-based organizations. Any increase required pursuant to  
47 this subdivision to community-based organizations must be in addition to  
48 allocations provided to community-based organizations in the base year.

49 d. for the purpose of teacher support for the two thousand eleven--two  
50 thousand twelve school year: to the city school district of the city of  
51 New York, sixty-two million seven hundred seven thousand dollars  
52 (\$62,707,000); to the Buffalo city school district, one million seven  
53 hundred forty-one thousand dollars (\$1,741,000); to the Rochester city  
54 school district, one million seventy-six thousand dollars (\$1,076,000);  
55 to the Yonkers city school district, one million one hundred forty-seven  
56 thousand dollars (\$1,147,000); and to the Syracuse city school district,



1 eight hundred nine thousand dollars (\$809,000). All funds made available  
2 to a school district pursuant to this subdivision shall be distributed  
3 among teachers including prekindergarten teachers and teachers of adult  
4 vocational and academic subjects in accordance with this subdivision and  
5 shall be in addition to salaries heretofore or hereafter negotiated or  
6 made available; provided, however, that all funds distributed pursuant  
7 to this section for the current year shall be deemed to incorporate all  
8 funds distributed pursuant to former subdivision 27 of section 3602 of  
9 the education law for prior years. In school districts where the teach-  
10 ers are represented by certified or recognized employee organizations,  
11 all salary increases funded pursuant to this section shall be determined  
12 by separate collective negotiations conducted pursuant to the provisions  
13 and procedures of article 14 of the civil service law, notwithstanding  
14 the existence of a negotiated agreement between a school district and a  
15 certified or recognized employee organization.

16 S 89. Severability. The provisions of this act shall be severable, and  
17 if the application of any clause, sentence, paragraph, subdivision,  
18 section or part of this act to any person or circumstance shall be  
19 adjudged by any court of competent jurisdiction to be invalid, such  
20 judgment shall not necessarily affect, impair or invalidate the applica-  
21 tion of any such clause, sentence, paragraph, subdivision, section, part  
22 of this act or remainder thereof, as the case may be, to any other  
23 person or circumstance, but shall be confined in its operation to the  
24 clause, sentence, paragraph, subdivision, section or part thereof  
25 directly involved in the controversy in which such judgment shall have  
26 been rendered.

27 S 90. This act shall take effect immediately; and shall be deemed to  
28 have been in full force and effect on and after April 1, 2011, provided,  
29 however, that:

30 1. sections seventy-two through seventy-four of this act shall take  
31 effect immediately and shall be deemed to have been in full force and  
32 effect on and after June 30, 2011;

33 2. sections two, three, sixty-five and sixty-six of this act shall  
34 take effect immediately and shall be deemed to have been in full force  
35 and effect on and after July 1, 2010;

36 3. sections twenty-six, twenty-seven, thirty-five, thirty-six, thir-  
37 ty-eight, forty-two through forty-four, forty-six, fifty-eight, sixty-  
38 four, eighty-two, eighty-seven and eighty-eight of this act shall take  
39 effect July 1, 2011;

40 4. section sixty-seven of this act shall take effect immediately, and  
41 shall be deemed to have been in full force and effect on and after the  
42 effective date of section 85 of part H of chapter 83 of the laws of  
43 2002;

44 5. section sixty-eight of this act shall be deemed to have been in  
45 full force and effect on and after the effective date of section 101 of  
46 chapter 436 of the laws of 1997;

47 6. section sixty-nine of this act shall take effect immediately, and  
48 shall be deemed to have been in full force and effect as of the effec-  
49 tive date of section 140 of chapter 82 of the laws of 1995;

50 7. section seventy of this act shall take effect immediately and shall  
51 be deemed to have been in full force and effect on and after January 1,  
52 2011;

53 8. section eighty-six of this act shall take effect immediately, and  
54 shall be deemed to have been in full force and effect on and after April  
55 1, 2010 and shall be deemed repealed on March 31, 2012;

1 9. the amendment to section 2856 of the education law made by section  
2 twenty-one of this act shall not affect the expiration and reversion of  
3 such subdivision and shall be deemed to expire therewith when upon such  
4 date the provisions of section twenty-two of this act shall take effect;

5 10. notwithstanding the provisions of article 5 of the general  
6 construction law, the provisions of subdivision 6 of section 4402 of the  
7 education law, as amended by section fifty-eight of this act, are hereby  
8 revived and shall continue in full force and effect as such provisions  
9 existed on July 1, 2011; provided that the amendments to such subdivi-  
10 sion 6 shall not affect the repeal of such subdivision;

11 11. the amendments to chapter 756 of the laws of 1992 relating to  
12 funding a program for work force education conducted by the consortium  
13 for worker education in New York city made by sections sixty-five and  
14 sixty-six of this act shall not affect the repeal of such chapter and  
15 shall be deemed repealed therewith;

16 12. notwithstanding the provisions of article 5 of the general  
17 construction law, the provisions of section 4 of chapter 425 of the laws  
18 of 2002 amending the education law relating to the provision of supple-  
19 mental educational services, attendance at a safe public school and the  
20 suspension of pupils who bring a firearm at a school, as amended by  
21 section seventy-three of this act are hereby revived and shall continue  
22 in full force and effect as such provisions existed on June 30, 2011;  
23 and

24 13. notwithstanding the provisions of article 5 of the general  
25 construction law, the provisions of section 5 of chapter 101 of the laws  
26 of 2003 amending the education law relating to implementation of the No  
27 Child Left Behind Act of 2001, as amended by section seventy-four of  
28 this act are hereby revived and shall continue in full force and effect  
29 as such provisions existed on June 30, 2011.

30 PART A-1

31 Intentionally omitted.

32 PART B

33 Section 1. Subdivision 2 of section 701 of the education law, as  
34 amended by section 8 of part L of chapter 405 of the laws of 1999, is  
35 amended to read as follows:

36 2. A text-book, for the purposes of this section shall mean: (i) any  
37 book, or a book substitute, which shall include hard covered or paper-  
38 back books, work books, or manuals and (ii) for expenses incurred after  
39 July first, nineteen hundred ninety-nine, any courseware or other  
40 content-based instructional materials in an electronic format, as such  
41 terms are defined in the regulations of the commissioner, which a pupil  
42 is required to use as a text, or a text-substitute, in a particular  
43 class or program in the school he or she legally attends. FOR EXPENSES  
44 INCURRED ON OR AFTER JULY FIRST, TWO THOUSAND ELEVEN, A TEXT-BOOK SHALL  
45 ALSO MEAN ITEMS OF EXPENDITURE THAT ARE ELIGIBLE FOR AN APPORTIONMENT  
46 PURSUANT TO SECTIONS SEVEN HUNDRED ELEVEN, SEVEN HUNDRED FIFTY-ONE  
47 AND/OR SEVEN HUNDRED FIFTY-THREE OF THIS TITLE, WHERE SUCH ITEMS ARE  
48 DESIGNATED BY THE SCHOOL DISTRICT AS ELIGIBLE FOR AID PURSUANT TO THIS  
49 SECTION, PROVIDED, HOWEVER, THAT IF AIDED PURSUANT TO THIS SECTION, SUCH  
50 EXPENSES SHALL NOT BE AIDABLE PURSUANT TO ANY OTHER SECTION OF LAW.  
51 Expenditures aided pursuant to this section shall not be eligible for  
52 aid pursuant to ANY OTHER section [seven hundred eleven or seven hundred

fifty-one] of [this chapter] LAW. Courseware or other content-based instructional materials in an electronic format included in the definition of textbook pursuant to this subdivision shall be subject to the same limitations on content as apply to books or book substitutes aided pursuant to this section.

S 2. Subdivision 2 of section 711 of the education law, as added by chapter 53 of the laws of 1985, is amended to read as follows:

2. School library materials, for the purposes of this article shall mean both audio/visual materials and printed materials that may or may not require magnification which meet all of the following criteria: (1) materials which are catalogued and processed as part of the school library or media center for use by elementary and/or secondary school children and teachers; (2) materials which with reasonable care and use may be expected to last more than one year; and (3) materials which would not be eligible for aid pursuant to sections seven hundred one and seven hundred fifty-one of this [chapter] TITLE. School library materials meeting these criteria may include (i) hard cover and paperback books, periodicals, that is, publications which appear at regular intervals of less than one year on a continuing basis for an indefinite period, documents other than books, pamphlets, musical scores, other printed and published materials, and (ii) for school year nineteen hundred eighty-six--eighty-seven and thereafter, audio/visual materials including films, film strips, micro-film, sound recordings, processed slides, transparencies, [kinescopies] KINESCOPES, video tapes, maps, charts, globes, pictorial works, including pictures and picture sets, reproductions, photographs, graphic works, and any other audio/visual materials of a similar nature made. FOR EXPENSES INCURRED ON OR AFTER JULY FIRST, TWO THOUSAND ELEVEN, SCHOOL LIBRARY MATERIALS SHALL ALSO MEAN ITEMS OF EXPENDITURE THAT ARE ELIGIBLE FOR AN APPORTIONMENT PURSUANT TO SECTIONS SEVEN HUNDRED ONE, SEVEN HUNDRED FIFTY-ONE AND/OR SEVEN HUNDRED FIFTY-THREE OF THIS TITLE, WHERE SUCH ITEMS ARE DESIGNATED BY THE SCHOOL DISTRICT AS ELIGIBLE FOR AID PURSUANT TO THIS SECTION, PROVIDED, HOWEVER, THAT IF AIDED PURSUANT TO THIS SECTION, SUCH EXPENSES SHALL NOT BE AIDABLE PURSUANT TO ANY OTHER SECTION OF LAW.

S 3. Subdivision 2 of section 751 of the education law, as amended by section 6 of part A of chapter 57 of the laws of 2009, is amended to read as follows:

2. A software program, for the purposes of this article shall mean (a) a computer program which a pupil is required to use as a learning aid in a particular class in the school the pupil legally attends, or (b) for expenses incurred after July first, two thousand nine, any content-based instructional materials in an electronic format that are aligned with state standards which are accessed or delivered through the internet based on a subscription model. Such electronic format materials may include a variety of media assets and learning tools, including video, audio, images, teacher guides, and student access capabilities as such terms are defined in the regulations of the commissioner. FOR EXPENSES INCURRED ON OR AFTER JULY FIRST, TWO THOUSAND ELEVEN, A SOFTWARE PROGRAM SHALL ALSO MEAN ITEMS OF EXPENDITURE THAT ARE ELIGIBLE FOR AN APPORTIONMENT PURSUANT TO SECTIONS SEVEN HUNDRED ONE, SEVEN HUNDRED ELEVEN AND/OR SEVEN HUNDRED FIFTY-THREE OF THIS TITLE, WHERE SUCH ITEMS ARE DESIGNATED BY THE SCHOOL DISTRICT AS ELIGIBLE FOR AID PURSUANT TO THIS SECTION, PROVIDED, HOWEVER, THAT IF AIDED PURSUANT TO THIS SECTION, SUCH EXPENSES SHALL NOT BE AIDABLE PURSUANT TO ANY OTHER SECTION OF LAW.

1 S 4. Subdivision 1 of section 753 of the education law, as added by  
2 section 7-a of part B of chapter 57 of the laws of 2007, is amended to  
3 read as follows:

4 1. In addition to any other apportionment under this chapter, a school  
5 district shall be eligible for an apportionment under the provisions of  
6 this section for approved expenses for (i) the purchase or lease of  
7 micro and/or mini computer equipment or terminals for instructional  
8 purposes or (ii) technology equipment, as defined in paragraph c of  
9 subdivision two of this section, used for instructional purposes, or  
10 (iii) for the repair of such equipment and training and staff develop-  
11 ment for instructional purposes as provided hereinafter, OR (IV) FOR  
12 EXPENSES INCURRED ON OR AFTER JULY FIRST, TWO THOUSAND ELEVEN, ANY ITEMS  
13 OF EXPENDITURE THAT ARE ELIGIBLE FOR AN APPORTIONMENT PURSUANT TO  
14 SECTIONS SEVEN HUNDRED ONE, SEVEN HUNDRED ELEVEN AND/OR SEVEN HUNDRED  
15 FIFTY-ONE OF THIS TITLE, WHERE SUCH ITEMS ARE DESIGNATED BY THE SCHOOL  
16 DISTRICT AS ELIGIBLE FOR AID PURSUANT TO THIS SECTION, PROVIDED, HOWEV-  
17 ER, THAT IF AIDED PURSUANT TO THIS SECTION, SUCH EXPENSES SHALL NOT BE  
18 AIDABLE PURSUANT TO ANY OTHER SECTION OF LAW. Such aid shall be  
19 provided pursuant to a plan developed by the district which demonstrates  
20 to the satisfaction of the commissioner that the instructional computer  
21 hardware needs of the district's public school students have been  
22 adequately met and that the school district has provided for the loan of  
23 instructional computer hardware to students legally attending nonpublic  
24 schools pursuant to section seven hundred fifty-four of this article.  
25 The apportionment shall equal the lesser of such approved expense in the  
26 base year or, the product of (i) the technology factor, (ii) the sum of  
27 the public school district enrollment and the nonpublic school enroll-  
28 ment in the base year as defined in subparagraphs two and three of para-  
29 graph n of subdivision one of section thirty-six hundred two of this  
30 chapter, and (iii) the building aid ratio, as defined in subdivision  
31 four of section thirty-six hundred two of this chapter. For aid payable  
32 in the two thousand seven--two thousand eight school year and thereaft-  
33 er, the technology factor shall be twenty-four dollars and twenty cents.  
34 A school district may use up to twenty percent of the product of (i) the  
35 technology factor, (ii) the sum of the public school district enrollment  
36 and the nonpublic school enrollment in the base year as defined in  
37 subparagraphs two and three of paragraph n of subdivision one of section  
38 thirty-six hundred two of this chapter, and (iii) the building aid ratio  
39 for the repair of instructional computer hardware and technology equip-  
40 ment and training and staff development for instructional purposes  
41 pursuant to a plan submitted to the commissioner.

42 S 5. Intentionally Omitted.

43 S 6. The general municipal law is amended by adding a new section 25  
44 to read as follows:

45 S 25. FUNDING OF MANDATES. 1. DEFINITIONS. AS USED IN THIS SECTION,  
46 THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS UNLESS THE CONTEXT  
47 SHALL OTHERWISE REQUIRE:

48 (A) "MANDATE" MEANS:

49 (I) ANY STATE LAW, RULE, OR REGULATION WHICH CREATES A NEW PROGRAM OR  
50 REQUIRES A HIGHER LEVEL OF SERVICE FOR AN EXISTING PROGRAM WHICH A  
51 MUNICIPAL CORPORATION IS REQUIRED TO PROVIDE; OR

52 (II) ANY GENERAL LAW WHICH GRANTS A NEW PROPERTY TAX EXEMPTION OR  
53 INCREASES AN EXISTING PROPERTY TAX EXEMPTION WHICH THE MUNICIPAL CORPO-  
54 RATION IS REQUIRED TO PROVIDE.

55 (B) "UNFUNDED MANDATE" SHALL MEAN:

(I) ANY STATE LAW, RULE, OR REGULATION WHICH CREATES A NEW PROGRAM OR REQUIRES A HIGHER LEVEL OF SERVICE FOR AN EXISTING PROGRAM WHICH A MUNICIPAL CORPORATION IS REQUIRED TO PROVIDE AND WHICH RESULTS IN A NET ADDITIONAL COST TO THE MUNICIPAL CORPORATION;

(II) ANY ALTERATION IN FUNDING PROVIDED TO A MUNICIPAL CORPORATION FOR THE PURPOSE OF DEFRAYING THE COSTS OF A PROGRAM WHICH IT IS REQUIRED TO PROVIDE, THEREBY RESULTING IN A NET ADDITIONAL COST TO THE MUNICIPAL CORPORATION; OR

(III) ANY GENERAL LAW WHICH GRANTS A NEW PROPERTY TAX EXEMPTION OR INCREASES AN EXISTING PROPERTY TAX EXEMPTION WHICH THE MUNICIPAL CORPORATION IS REQUIRED TO PROVIDE, THEREBY RESULTING IN A NET ADDITIONAL COST TO THE MUNICIPAL CORPORATION.

(C) "NET ADDITIONAL COST" MEANS THE COST OR COSTS INCURRED OR ANTICIPATED TO BE INCURRED WITHIN A ONE YEAR PERIOD BY A LOCAL GOVERNMENT IN PERFORMING OR ADMINISTERING A MANDATE AFTER SUBTRACTING THEREFROM ANY REVENUES RECEIVED OR RECEIVABLE BY THE LOCAL GOVERNMENT ON ACCOUNT OF THE MANDATED PROGRAM OR SERVICE, INCLUDING BUT NOT LIMITED TO:

(I) FEES CHARGED TO THE RECIPIENTS OF THE MANDATED PROGRAM OR SERVICE;

(II) STATE OR FEDERAL AID PAID SPECIFICALLY OR CATEGORICALLY IN CONNECTION WITH THE PROGRAM OR SERVICE; AND

(III) AN OFFSETTING SAVINGS RESULTING FROM THE DIMINUTION OR ELIMINATION OF ANY OTHER PROGRAM OR SERVICE DIRECTLY ATTRIBUTABLE TO THE PERFORMANCE OR ADMINISTRATION OF THE MANDATED PROGRAM.

2. EXEMPTIONS TO THE FUNDING OF MUNICIPAL CORPORATION MANDATES REQUIREMENT. (A) THE STATE SHALL NOT BE REQUIRED TO FUND ANY NEW OR EXPANDED PROGRAMS IF:

(I) THE MANDATE IS REQUIRED BY A COURT ORDER OR JUDGMENT;

(II) THE MANDATE IS PROVIDED AT THE OPTION OF THE LOCAL GOVERNMENT UNDER A LAW, REGULATION, RULE, OR ORDER THAT IS PERMISSIVE RATHER THAN MANDATORY;

(III) THE MANDATE RESULTS FROM THE PASSAGE OF A HOME RULE MESSAGE WHEREBY A LOCAL GOVERNMENT REQUESTS AUTHORITY TO IMPLEMENT THE PROGRAM OR SERVICE SPECIFIED IN THE STATUTE, AND THE STATUTE IMPOSES COSTS ONLY UPON THAT LOCAL GOVERNMENT WHICH REQUESTS THE AUTHORITY TO IMPOSE THE PROGRAM OR SERVICE;

(IV) THE MANDATE IS REQUIRED BY, OR ARISES FROM, AN EXECUTIVE ORDER OF THE GOVERNOR EXERCISING HIS OR HER EMERGENCY POWERS; OR

(V) THE MANDATE IS REQUIRED BY STATUTE OR EXECUTIVE ORDER THAT IMPLEMENTS A FEDERAL LAW OR REGULATION AND RESULTS FROM COSTS MANDATED BY THE FEDERAL GOVERNMENT TO BE BORNE AT THE LOCAL LEVEL, UNLESS THE STATUTE OR EXECUTIVE ORDER RESULTS IN COSTS WHICH EXCEED THE COSTS MANDATED BY THE FEDERAL GOVERNMENT.

(B) EACH ACT ESTABLISHING A MANDATE SHALL PROVIDE THAT THE EFFECTIVE DATE OF ANY SUCH MANDATE IMPOSED ON MUNICIPAL CORPORATIONS SHALL BE CONSISTENT WITH THE NEEDS OF THE STATE AND MUNICIPAL CORPORATIONS TO PLAN IMPLEMENTATION THEREOF AND CONSISTENT WITH THE AVAILABILITY OF REQUIRED FUNDS.

S 7. The education law is amended by adding a new section 1527-a to read as follows:

S 1527-A. FUNDING OF MANDATES IMPOSED ON SCHOOL DISTRICTS. 1. DEFINITIONS. AS USED IN THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS UNLESS THE CONTEXT SHALL OTHERWISE REQUIRE:

(A) "MANDATE" MEANS:

(I) ANY STATE LAW, RULE, OR REGULATION WHICH CREATES A NEW PROGRAM OR REQUIRES A HIGHER LEVEL OF SERVICE FOR AN EXISTING PROGRAM WHICH A

SCHOOL DISTRICT ORGANIZED EITHER BY SPECIAL LAWS OR PURSUANT TO THE PROVISIONS OF A GENERAL LAW, IS REQUIRED TO PROVIDE; OR

(II) ANY GENERAL LAW WHICH GRANTS A NEW PROPERTY TAX EXEMPTION OR INCREASES AN EXISTING PROPERTY TAX EXEMPTION WHICH ANY SUCH SCHOOL DISTRICT IS REQUIRED TO PROVIDE.

(B) "UNFUNDED MANDATE" SHALL MEAN:

(I) ANY STATE LAW, RULE, OR REGULATION WHICH CREATES A NEW PROGRAM OR REQUIRES A HIGHER LEVEL OF SERVICE FOR AN EXISTING PROGRAM WHICH ANY SUCH SCHOOL DISTRICT IS REQUIRED TO PROVIDE AND WHICH RESULTS IN A NET ADDITIONAL COST TO SUCH SCHOOL DISTRICT;

(II) ANY ALTERATION IN FUNDING PROVIDED TO ANY SUCH SCHOOL DISTRICT FOR THE PURPOSE OF DEFRAYING THE COSTS OF A PROGRAM WHICH IT IS REQUIRED TO PROVIDE, THEREBY RESULTING IN A NET ADDITIONAL COST TO SUCH SCHOOL DISTRICT; OR

(III) ANY GENERAL LAW WHICH GRANTS A NEW PROPERTY TAX EXEMPTION OR INCREASES AN EXISTING PROPERTY TAX EXEMPTION WHICH ANY SUCH SCHOOL DISTRICT IS REQUIRED TO PROVIDE, THEREBY RESULTING IN A NET ADDITIONAL COST TO SUCH SCHOOL DISTRICT.

(C) "NET ADDITIONAL COST" MEANS THE COST OR COSTS INCURRED OR ANTICIPATED TO BE INCURRED WITHIN A ONE YEAR PERIOD BY A SCHOOL DISTRICT IN PERFORMING OR ADMINISTERING A MANDATE AFTER SUBTRACTING THEREFROM ANY REVENUES RECEIVED OR RECEIVABLE BY THE SCHOOL DISTRICT ON ACCOUNT OF THE MANDATED PROGRAM OR SERVICE, INCLUDING BUT NOT LIMITED TO:

(I) FEES CHARGED TO THE RECIPIENTS OF THE MANDATED PROGRAM OR SERVICE;

(II) STATE OR FEDERAL AID PAID SPECIFICALLY OR CATEGORICALLY IN CONNECTION WITH THE PROGRAM OR SERVICE; AND

(III) AN OFFSETTING SAVINGS RESULTING FROM THE DIMINUTION OR ELIMINATION OF ANY OTHER PROGRAM OR SERVICE DIRECTLY ATTRIBUTABLE TO THE PERFORMANCE OR ADMINISTRATION OF THE MANDATED PROGRAM.

2. EXEMPTIONS TO THE FUNDING OF SCHOOL DISTRICT MANDATES REQUIREMENT.

(A) THE STATE SHALL NOT BE REQUIRED TO FUND ANY NEW OR EXPANDED PROGRAMS FOR SCHOOL DISTRICTS IF:

(I) THE MANDATE IS REQUIRED BY A COURT ORDER OR JUDGMENT;

(II) THE MANDATE IS PROVIDED AT THE OPTION OF THE SCHOOL DISTRICT UNDER A LAW, REGULATION, RULE, OR ORDER THAT IS PERMISSIVE RATHER THAN MANDATORY;

(III) THE MANDATE RESULTS FROM THE PASSAGE OF A HOME RULE MESSAGE WHEREBY A SCHOOL DISTRICT REQUESTS AUTHORITY TO IMPLEMENT THE PROGRAM OR SERVICE SPECIFIED IN THE STATUTE, AND THE STATUTE IMPOSES COSTS ONLY UPON THAT SCHOOL DISTRICT WHICH REQUESTS THE AUTHORITY TO IMPOSE THE PROGRAM OR SERVICE;

(IV) THE MANDATE IS REQUIRED BY, OR ARISES FROM, AN EXECUTIVE ORDER OF THE GOVERNOR EXERCISING HIS OR HER EMERGENCY POWERS; OR

(V) THE MANDATE IS REQUIRED BY STATUTE OR EXECUTIVE ORDER THAT IMPLEMENTS A FEDERAL LAW OR REGULATION AND RESULTS FROM COSTS MANDATED BY THE FEDERAL GOVERNMENT TO BE BORNE AT THE LOCAL LEVEL, UNLESS THE STATUTE OR EXECUTIVE ORDER RESULTS IN COSTS WHICH EXCEED THE COSTS MANDATED BY THE FEDERAL GOVERNMENT.

(B) EACH ACT ESTABLISHING A MANDATE SHALL PROVIDE THAT THE EFFECTIVE DATE OF ANY SUCH MANDATE IMPOSED ON SCHOOL DISTRICTS SHALL BE CONSISTENT WITH THE NEEDS OF THE STATE AND SCHOOL DISTRICTS TO PLAN IMPLEMENTATION THEREOF, AND ALSO CONSISTENT WITH THE AVAILABILITY OF REQUIRED FUNDS.

S 8. Short title. Sections eight through twenty-three of this act shall be known and may be cited as "the school paperwork elimination and reduction act of 2011".

S 9. Intentionally omitted.

1 S 10. Section 101-b of the education law, as added by chapter 378 of  
2 the laws of 2010, is amended to read as follows:

3 S 101-b. Paperwork reduction. 1. [The] IT SHALL BE THE DUTY OF THE  
4 commissioner [shall be authorized to receive and accept reports, plans,  
5 applications and all other information required to be reported by stat-  
6 ute or regulation through electronic means. The commissioner shall  
7 accept hard copy non-electronic filings or submissions if the school  
8 district is able to demonstrate that complying with electronic  
9 submission requirements would create undue hardship for the school  
10 district or some other good cause exists that would make electronic  
11 submission extremely impractical for the school district.] TO REDUCE THE  
12 PAPER WORK BURDEN ON SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE EDUCA-  
13 TIONAL SERVICES BY ELIMINATING AND AVOIDING DUPLICATIVE REPORTING  
14 REQUIREMENTS WHEREVER POSSIBLE, AND BY CONSOLIDATING PLANS, REPORTS AND  
15 APPLICATIONS, WHERE POSSIBLE, WHILE FOCUSING PLANNING AND REPORTING ON  
16 RESULTS RATHER THAN THE PROCESSES TO ACHIEVE THEM. THE COMMISSIONER  
17 SHALL CONFORM STATE REPORTING AND PLANNING REQUIREMENTS TO FEDERAL  
18 REQUIREMENTS, WHERE POSSIBLE, AND SHALL SEEK FEDERAL WAIVERS WHERE NEED-  
19 ED TO ALIGN STATE AND FEDERAL REQUIREMENTS.

20 2. [It shall be the duty of the commissioner to review all existing  
21 reports and plans that school districts and boards of cooperative educa-  
22 tional services are required to submit and by November first, two thou-  
23 sand ten, the commissioner shall submit to the board of regents, the  
24 governor, the speaker of the assembly, the temporary president of the  
25 senate, the director of the budget and the chairs of the respective  
26 fiscal and education committees of the senate and assembly specific  
27 recommendations to eliminate unnecessary or duplicative reporting  
28 requirements; and where possible, recommendations to consolidate  
29 reports, plans and other information required to be submitted to the  
30 commissioner including which recommendations could be implemented admin-  
31 istratively and which would require statutory authorization.] THE  
32 COMMISSIONER SHALL REDUCE THE NUMBER OF PLANS, REPORTS AND APPLICATIONS  
33 REQUIRED BY LAW, OF SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE EDUCA-  
34 TIONAL SERVICES BY ESTABLISHING STREAMLINED AND UNIFIED ELECTRONIC DATA  
35 COLLECTION SYSTEMS WHICH ELIMINATE REDUNDANT REPORTING, CONNECT PLANNING  
36 AND REPORTING, AND WHICH FOCUS ON COLLECTING DATA AND REQUIRING PLANNING  
37 ONLY WHEN NECESSARY TO ASSURE FISCAL AND PROGRAMMATIC ACCOUNTABILITY, TO  
38 FOSTER CONTINUOUS SCHOOL IMPROVEMENT AND CLOSE THE GAP BETWEEN ACTUAL  
39 AND DESIRED STUDENT ACHIEVEMENT, AND TO ASSURE SCHOOLS PROVIDE A SAFE  
40 AND SECURE ENVIRONMENT AND/OR PROTECT THE HEALTH AND SAFETY OF STUDENTS  
41 AND STAFF. SUCH SYSTEMS SHALL MATCH OVERSIGHT WITH THE DEGREE OF RISK BY  
42 LINKING PLANNING AND REPORTING TO THE STATE SYSTEM OF ACCOUNTABILITY  
43 REQUIRED UNDER FEDERAL LAW, PROVIDING FOR AN AUDIT BASED ASSESSMENT OF  
44 RISK OF POOR STUDENT PERFORMANCE, POOR FISCAL PERFORMANCE OR IMPROPER  
45 MANAGEMENT OR USE OF PUBLIC FUNDS. THE COMMISSIONER SHALL ESTABLISH  
46 PARTNERSHIPS WITH SELECTED SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE  
47 EDUCATIONAL SERVICES TO PROMOTE BETTER USE OF REQUIRED PLANNING AND  
48 REPORTING AND SHALL ASSURE THAT REPORTING REQUIREMENTS INCLUDE DATA  
49 WHICH CAN BE USED TO IDENTIFY BEST PRACTICES. THE COMMISSIONER SHALL  
50 PROVIDE FOR THE SHARING OF EFFECTIVE PLANNING PRACTICES WITH SCHOOL  
51 DISTRICTS AND, TO THE EXTENT PRACTICABLE, SHALL PROVIDE TECHNICAL  
52 ASSISTANCE ON THE USE OF DATA FOR PLANNING, INVOLVE BOARDS OF COOPER-  
53 ATIVE EDUCATIONAL SERVICES AND INSTITUTIONS OF HIGHER EDUCATION IN  
54 PROVIDING TRAINING ON THE USE OF DATA FOR STRATEGIC PLANNING TO SUPER-  
55 INTENDENTS OF SCHOOLS, SCHOOL BUSINESS OFFICIALS AND TEACHERS, PROVIDE

1 FOR TRAINING ON THE USE OF DATA IN PLANNING TO SCHOOL BOARD MEMBERS AND  
2 INVOLVE RESEARCHERS IN DATA ANALYSIS AND EVALUATION.

3 S 11. Section 215-b of the education law, as amended by chapter 301 of  
4 the laws of 1996, is amended to read as follows:

5 S 215-b. Annual report by commissioner to governor and legislature.  
6 The commissioner shall prepare and submit to the governor, the president  
7 pro tem of the senate and the speaker of the assembly not later than  
8 January first, nineteen hundred ninety-six and by the first day of Janu-  
9 ary in each year thereafter, a report detailing the financial and  
10 statistical outcomes of boards of cooperative educational services which  
11 shall[, at minimum,] set forth with respect to the preceding school  
12 year[: tuition costs for selected programs; standard per pupil cost  
13 information for selected services as determined by the commissioner; and  
14 aggregate expenditure data for the following categories: administration,  
15 instructional services, career education, special education, rent and  
16 facilities and other services; and such other information as deemed  
17 appropriate] INFORMATION NECESSARY TO ASSURE THE ACCOUNTABILITY OF  
18 BOARDS OF COOPERATIVE EDUCATIONAL SERVICES FOR ITS FISCAL AND PROGRAM-  
19 MATIC RESOURCES, AS SET FORTH IN REGULATIONS TO BE PRESCRIBED by the  
20 commissioner. The format for such report shall be developed in consulta-  
21 tion with school district officials and the director of the budget. Such  
22 report will include changes from the year prior to the report year for  
23 each such item for all boards of cooperative educational services. Such  
24 report shall be distributed to all school districts and boards of coop-  
25 erative educational services and shall be made available to all other  
26 interested parties upon request.

27 S 12. Subdivision 2 of section 806 of the education law, as amended by  
28 chapter 946 of the laws of 1973, is amended to read as follows:

29 2. The regents shall determine the subjects to be included in such  
30 courses of instruction in highway safety and traffic regulation includ-  
31 ing bicycle safety, and the period of instruction in each of the grades  
32 in such subjects. [They shall adopt rules providing for attendance upon  
33 such instruction and for such other matters as are required for carrying  
34 into effect the teaching of the courses of instruction prescribed by  
35 this section. The commissioner of education shall be responsible for  
36 the enforcement of such section and shall cause to be inspected and  
37 supervise the instruction to be given in such subjects. The commissioner  
38 may, in his discretion, cause all or a portion of the public school  
39 money to be apportioned to a district or city to be withheld for failure  
40 of the school authorities of such district or city to provide instruc-  
41 tion in such courses and to compel attendance upon such instruction, as  
42 herein prescribed, and for a noncompliance with the rules of the regents  
43 adopted as herein provided.]

44 S 13. Subparagraph 1 of paragraph b of subdivision 4 of section 1950  
45 of the education law, as amended by chapter 474 of the laws of 1996, is  
46 amended to read as follows:

47 (1) Prepare, prior to the annual meeting of members of the boards of  
48 education and school trustees, held as provided in paragraph o of this  
49 subdivision, a tentative budget of expenditures for the program costs, a  
50 tentative budget for capital costs, and a tentative budget for the  
51 administration costs of the board of cooperative educational services.  
52 Such budgets shall include the proposed budget for the upcoming school  
53 year, the previous school year's actual costs and the current school  
54 year's projected costs for each object of expenditure. Such program,  
55 capital and administrative budgets shall be separately delineated in  
56 accordance with the definition of program, capital and administrative



1 costs which shall be promulgated by the commissioner after consultation  
2 with school district officials and the director of the budget. Personal  
3 service costs for each budget shall include the number of full-time  
4 equivalent positions funded and total salary and, except as noted here-  
5 in, fringe benefit costs for such positions by program. Each program  
6 budget shall also include the local and statewide unit costs of such  
7 programs and services proposed for the upcoming school year, such actual  
8 unit costs for the previous school year, and the current school year's  
9 projected unit costs, all established in accordance with paragraph d of  
10 this subdivision. The capital budget shall include facility construction  
11 and lease expenditures authorized pursuant to paragraphs p, t and u of  
12 this subdivision, payments for the repayment of indebtedness related to  
13 capital projects, payments for the acquisition or construction of facil-  
14 ities, sites or additions, provided that such budget shall contain a  
15 rental, operations and maintenance section that will include base rent  
16 costs, total rent costs, operations and maintenance charges, cost per  
17 square foot for each facility rented or leased by such board of cooper-  
18 ative educational services, and any and all expenditures associated with  
19 custodial salaries and benefits, service contracts, supplies, utilities,  
20 maintenance and repairs for such facilities, and that such budget shall  
21 include the annual debt service and total debt for all facilities  
22 financed by bonds or notes of the component districts, annual rental and  
23 lease payments and total rental and lease costs for all facilities rent-  
24 ed by such board; such capital budget shall also include expenditures  
25 resulting from court judgments and orders from administrative bodies or  
26 officers, and, to the extent a board's administrative budget has been  
27 adopted, one-time costs incurred in the first year in which an employee  
28 retires. The administrative budget shall include, but need not be limit-  
29 ed to, office and central administrative expenses, traveling expenses  
30 and salaries and benefits of supervisors and administrative personnel  
31 necessary to carry out the central administrative duties of the supervi-  
32 sory district, any and all expenditures associated with the board, the  
33 office of district superintendent, general administration, central  
34 support services, planning, and all other administrative activities.  
35 Such administrative budget shall also specify the amount of supplementa-  
36 ry salary and benefits, if any, which the board determines should be  
37 paid to the district superintendent of schools and the board shall  
38 append to such budget a detailed statement of the total compensation to  
39 be paid the district superintendent of schools by the board, including a  
40 delineation of the salary, annualized cost of benefits and any in-kind  
41 or other form of remuneration to be paid, plus, commencing with the  
42 presentation of the budget for the nineteen hundred ninety-seven--nine-  
43 ty-eight school year, [a list of items of expense eligible for  
44 reimbursement on expense accounts in the ensuing school year and] a  
45 statement of the amount of expenses paid to the district superintendent  
46 of schools in the prior year for purposes of carrying out his or her  
47 official duties.

48 S 14. Subparagraph 5 of paragraph b of subdivision 4 of section 1950  
49 of the education law, as amended by chapter 378 of the laws of 2010, is  
50 amended to read as follows:

51 (5) The trustees or board of education of each component school  
52 district of the board of cooperative educational services shall adopt a  
53 public resolution which shall approve or disapprove such tentative  
54 administrative budget at a regular or special meeting to be held within  
55 the component district on the date designated pursuant to subdivision  
56 two-a of this section as the date for election of members of the board

1 of cooperative educational services, or in the case of the board of  
2 education of a central high school district on the regular business day  
3 next following such designated date.

4 If the resolutions adopted by the trustees or boards of education of a  
5 majority of the component school districts of the board of cooperative  
6 educational services actually voting approve the tentative administra-  
7 tive budget, the board of cooperative educational services may adopt the  
8 tentative administrative budget without modification. If a majority of  
9 the component school districts actually voting fail to adopt resolutions  
10 approving such tentative administrative budget, or if the number of  
11 component school districts approving the budget equals the number of  
12 school districts disapproving the budget, the board of cooperative  
13 educational services shall prepare and adopt a contingency administra-  
14 tive budget which shall not exceed the amount of the administrative  
15 budget of the board of cooperative educational services for the previous  
16 school year except to accommodate expenditure increases attributable to  
17 supplemental retirement allowances payable pursuant to section five  
18 hundred thirty-two of this chapter and section seventy-eight of the  
19 retirement and social security law. THE BOARD OF COOPERATIVE EDUCA-  
20 TIONAL SERVICES SHALL NOT BE REQUIRED TO SUBMIT ITS SEPARATE ADMINISTRA-  
21 TIVE BUDGET TO THE COMMISSIONER FOR APPROVAL.

22 S 15. Subparagraph 2-a of paragraph d of subdivision 4 of section 1950  
23 of the education law is REPEALED.

24 S 16. Subparagraphs 3 and 4 of paragraph d of subdivision 4 of section  
25 1950 of the education law, as amended by chapter 474 of the laws of  
26 1996, are amended to read as follows:

27 (3) Requests for shared services; operating plan; required notice.  
28 Requests for such shared services shall be filed by component school  
29 districts with the board of cooperative educational services not later  
30 than the first day of February of each year, provided that such requests  
31 shall not be binding upon the component school district. The board of  
32 cooperative educational services shall submit its proposed annual oper-  
33 ating plan for the ensuing school year to the department for approval  
34 not later than the fifteenth day of February of each year. Such board  
35 shall, through its executive officer, notify each component school  
36 district on or before the tenth day of March concerning the services  
37 [which] THAT have been approved by the commissioner to be made available  
38 for the ensuing school year. Such notice shall set forth the local  
39 uniform cost of each such service, based on (i) anticipated partic-  
40 ipation in the ensuing school year, or (ii) participation in the current  
41 year, or (iii) a two or three year average including participation in  
42 the current year, which unit cost shall be the same for all participat-  
43 ing component districts and shall be based upon a uniform methodology  
44 approved annually by at least three-quarters of the participating compo-  
45 nent school districts after consultation by local school officials with  
46 their respective boards[; provided, however, such unit cost shall be  
47 subject to final adjustment for programs for students with disabilities  
48 based on actual participation in accordance with regulations of the  
49 commissioner. Notwithstanding the determination of the local uniform  
50 unit cost methodology selected in accordance with this paragraph, each  
51 board of cooperative education services shall annually report to the  
52 commissioner the budgeted unit cost and, when available, the actual unit  
53 cost of such programs and services, in accordance with both the local  
54 uniform unit cost methodology and a statewide uniform unit cost method-  
55 ology prescribed by the commissioner by regulation, where the budgeted  
56 statewide unit cost shall be based on the anticipated participation in

1 the ensuing year and the actual statewide unit cost shall be based on  
2 actual participation through the end of each year].

3 (4) Contracts for shared services; allocation of costs. Each component  
4 school district shall on or before the first day of May following such  
5 notification notify the board of cooperative educational services of its  
6 intention to participate or not to participate in such shared services  
7 and the specific services which such district elects to utilize. Each  
8 participating component school district shall be required to pay the  
9 board of cooperative educational services for the cost of the services  
10 set forth in such notification, except for adjustments caused by subse-  
11 quent unanticipated changes in the district's enrollment. The board of  
12 cooperative educational services shall enter into contracts with its  
13 component school districts for such requested services. A copy of each  
14 executed contract for such purpose shall be [filed with the commissioner  
15 by] ON FILE WITH the board of cooperative educational services AND  
16 AVAILABLE FOR PUBLIC INSPECTION UPON REQUEST on or prior to the first  
17 day of August of each year. Notwithstanding the provisions of paragraph  
18 b of this subdivision, any component school district which does not  
19 elect to participate in any such specific cooperative services author-  
20 ized under this paragraph shall not be required to pay any share of the  
21 moneys provided in the budget as salaries of teachers or other personnel  
22 employed in providing such service, for equipment and supplies for such  
23 service or for transportation of pupils to and from the place where such  
24 service is maintained. Provided, further, that a board of cooperative  
25 educational services may allocate the cost of such services to component  
26 school districts in accordance with terms agreed upon between such board  
27 and three-quarters of the boards of education and trustees of local  
28 school districts participating in the service.

29 S 17. Paragraph aa of subdivision 4 of section 1950 of the education  
30 law, as added by chapter 595 of the laws of 1978, is amended to read as  
31 follows:

32 aa. Notwithstanding any other provision of law, a board of cooperative  
33 educational services may[, with the prior written approval of the  
34 commissioner,] contract to accept from a leasing company which has qual-  
35 ified as lowest bidder pursuant to the provisions of the general municipi-  
36 pal law a sum sufficient to purchase data processing equipment from the  
37 manufacturer thereof, pay such sum to the manufacturer of said equip-  
38 ment, receive the equipment and title thereto and convey the same to the  
39 leasing company with a simultaneous lease of the equipment from such  
40 leasing company to the board of cooperative educational services for a  
41 specified period of years. Before any such agreement shall be executed,  
42 the board of cooperative educational services shall adopt a resolution  
43 determining that such agreement is in the best financial interest of the  
44 board. Such lease may be renewed for a further specified period of years  
45 [with the prior approval of the commissioner of education].

46 S 18. Subdivision 2 of section 2201 of the education law, as amended  
47 by chapter 295 of the laws of 1993, is amended to read as follows:

48 2. Whenever a vacancy hereafter occurs in the office of district  
49 superintendent of schools in any supervisory district or whenever the  
50 commissioner receives a letter of resignation from a district super-  
51 intendent, the commissioner [shall] MAY survey the field in the county  
52 where the vacancy occurred, and if it shall find that the continuance of  
53 the number of supervisory districts then existing is no longer necessary  
54 to serve adequately the educational interests of the county he or she  
55 shall be authorized to conduct a study to examine the possible reorgan-

1 ization of such supervisory district if no such study has been conducted  
2 within five years.

3 S 19. Subdivision 5 of section 2802 of the education law, as amended  
4 by chapter 378 of the laws of 2010, is amended to read as follows:

5 5. By April first of each year, the commissioner shall report to the  
6 governor, the legislature and the regents concerning the prevalence of  
7 violence and disruptive incidents in the public schools, and the effec-  
8 tiveness of school programs undertaken to reduce violence and assure the  
9 safety and security of students and school personnel. The report shall  
10 summarize the information available from the incident reporting system,  
11 and compare the incidence of violent and disruptive incidents of schools  
12 and school districts and boards with other schools and school districts  
13 and boards based on similarity in size and grade levels and other char-  
14 acteristics, including student need and resources, as determined by the  
15 commissioner. [The report shall also, to the extent possible, relate the  
16 results available from the incident reporting system, together with such  
17 other analysis and information as the commissioner determines is appro-  
18 priate, to the effectiveness of school violence measures undertaken by  
19 participating schools and school districts, including the school codes  
20 and school safety plans required by sections twenty-eight hundred one  
21 and twenty-eight hundred one-a of this article.]

22 S 20. Paragraph d of subdivision 26-a of section 3602 of the education  
23 law is REPEALED.

24 S 21. Subdivision 13 of section 3602-e of the education law is  
25 REPEALED.

26 S 22. Clause (e) of subparagraph 5 of paragraph b of subdivision 1 of  
27 section 4402 of the education law is REPEALED.

28 S 23. Paragraph b of subdivision 1 of section 4452 of the education  
29 law is REPEALED.

30 S 24. Subparagraph 2 of paragraph d of subdivision 4 of section 1950  
31 of the education law, as added by chapter 474 of the laws of 1996, is  
32 amended to read as follows:

33 (2) Certain services prohibited. Commencing with the [nineteen hundred  
34 ninety-seven--ninety-eight] TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE  
35 school year, the commissioner shall [not] be authorized to approve as an  
36 aidable shared service pursuant to this subdivision any cooperative  
37 maintenance services or municipal services, including but not limited  
38 to, lawn mowing services and heating, ventilation or air conditioning  
39 repair or maintenance or trash collection, or any other municipal  
40 services as defined by the commissioner, PROVIDED THAT THE BOARD OF  
41 COOPERATIVE EDUCATIONAL SERVICES DEMONSTRATES TO THE SATISFACTION OF THE  
42 COMMISSIONER THAT THE PROVISION OF SUCH SERVICE BY THE BOARD OF COOPER-  
43 ATIVE EDUCATIONAL SERVICES WILL RESULT IN A COST SAVINGS TO PARTICIPAT-  
44 ING SCHOOL DISTRICTS. [On and after the effective date of this para-  
45 graph, the commissioner shall not approve, as an aidable shared service,  
46 any new cooperative maintenance or municipal services for the nineteen  
47 hundred ninety-six--ninety-seven school year, provided that the commis-  
48 sioner may approve the continuation of such services for one year if  
49 provided in the nineteen hundred ninety-five--ninety-six school year.]

50 S 25. The education law is amended by adding a new section 1527-b to  
51 read as follows:

52 S 1527-B. SHARED SUPERINTENDENT PROGRAM. NOTWITHSTANDING ANY OTHER  
53 PROVISION OR LAW, RULE OR REGULATION TO THE CONTRARY, THE GOVERNING  
54 BOARD OF A SCHOOL DISTRICT WITH AN ENROLLMENT OF LESS THAN ONE THOUSAND  
55 STUDENTS IN THE PREVIOUS YEAR SHALL BE AUTHORIZED TO ENTER INTO A SCHOOL  
56 SUPERINTENDENT SHARING CONTRACT WITH NO MORE THAN TWO ADDITIONAL SCHOOL

1 DISTRICTS EACH OF WHICH HAVE FEWER THAN ONE THOUSAND IN ENROLLED PUPILS  
2 IN THE PREVIOUS YEAR. EACH SHARED SUPERINTENDENT ARRANGEMENT SHALL BE  
3 GOVERNED BY THE BOARDS OF EDUCATION OF THE SCHOOL DISTRICTS PARTICIPAT-  
4 ING IN THE SHARED CONTRACT. PROVIDED HOWEVER, THAT THIS SECTION SHALL  
5 NOT BE CONSTRUED TO ALTER, EFFECT OR IMPAIR ANY EMPLOYMENT CONTRACT  
6 WHICH IS IN EFFECT ON OR BEFORE JULY FIRST, TWO THOUSAND EIGHT. ANY  
7 SCHOOL DISTRICT WHICH HAS ENTERED INTO A SCHOOL SUPERINTENDENT SHARING  
8 PROGRAM WILL CONTINUE TO BE ELIGIBLE TO COMPLETE SUCH CONTRACT NOTWITH-  
9 STANDING THAT THE ENROLLMENT OF THE SCHOOL DISTRICT EXCEEDED ONE THOU-  
10 SAND STUDENTS AFTER ENTERING INTO A SHARED SUPERINTENDENT CONTRACT.

11 S 26. Section 3602 of the education law is amended by adding a new  
12 subdivision 6-d to read as follows:

13 6-D. BUILDING AID FOR JOINT MUNICIPAL FACILITIES. A. AS USED IN THIS  
14 SUBDIVISION, "MUNICIPAL CORPORATION" SHALL MEAN A COUNTY, A CITY, A  
15 TOWN, OR A VILLAGE.

16 B. ONE OR MORE SCHOOL DISTRICTS ELIGIBLE FOR TOTAL FOUNDATION AID  
17 PURSUANT TO THIS SECTION THAT ENTER INTO AN AGREEMENT WITH ONE OR MORE  
18 MUNICIPAL CORPORATIONS AND/OR PUBLIC BENEFIT CORPORATIONS, IN ACCORDANCE  
19 WITH SECTION ONE HUNDRED NINETEEN-O OF THE GENERAL MUNICIPAL LAW AND  
20 THIS SUBDIVISION, MAY RECEIVE BUILDING AID PURSUANT TO THIS SUBDIVISION  
21 FOR THE SCHOOL DISTRICT SHARE OF APPROVED EXPENDITURES FOR THE  
22 CONSTRUCTION OR RECONSTRUCTION OF ONE OR MORE SINGLE SITE JOINT MUNICI-  
23 PAL FACILITIES. EXPENSES OF THE JOINT MUNICIPAL FACILITY CONSTRUCTION OR  
24 RECONSTRUCTION PROJECT ATTRIBUTABLE TO THE PARTICIPATION OF MUNICIPAL  
25 CORPORATIONS AND PUBLIC BENEFIT CORPORATIONS SHALL NOT BE ELIGIBLE FOR  
26 BUILDING AID PURSUANT TO THIS SUBDIVISION. TO BE ELIGIBLE FOR SUCH AID,  
27 THE GENERAL CONTRACTS FOR THE PROJECT SHALL HAVE BEEN AWARDED ON OR  
28 AFTER JULY FIRST, TWO THOUSAND EIGHT, AND THE PROJECT AND JOINT AGREE-  
29 MENT SHALL HAVE BEEN APPROVED BY THE COMMISSIONER. FOR PARTICIPATING  
30 SCHOOL DISTRICTS IN WHICH THE SCHOOL BUDGET IS SUBJECT TO VOTER  
31 APPROVAL, THE JOINT AGREEMENT SHALL BE SUBJECT TO VOTER APPROVAL.

32 C. TO BE ELIGIBLE FOR BUILDING AID FOR THE JOINT FACILITY, THE JOINT  
33 AGREEMENT SHALL DESIGNATE THE BOARD OF EDUCATION OF THE SCHOOL DISTRICT  
34 ON WHOSE LAND, OWNED OR LEASED, SUCH SINGLE SITE JOINT MUNICIPAL FACILI-  
35 TY WILL BE LOCATED AS THE LEAD SCHOOL DISTRICT; PROVIDED THAT WHERE SUCH  
36 FACILITY WILL OCCUPY ADJOINING SITES IN MORE THAN ONE PARTICIPATING  
37 SCHOOL DISTRICT, ANY SCHOOL DISTRICT IN WHICH A PART IS SITUATED MAY BE  
38 DESIGNATED AS THE LEAD SCHOOL DISTRICT. NOTWITHSTANDING ANY PROVISION  
39 OF LAW, THE LEAD SCHOOL DISTRICT SHALL BE AUTHORIZED TO CONTRACT INDEBT-  
40 EDNESS FOR THE PURPOSE OF THE JOINT PROJECT PURSUANT TO THE LOCAL  
41 FINANCE LAW AS IF THE ENTIRE PROJECT WAS CONDUCTED SOLELY BY THE LEAD  
42 SCHOOL DISTRICT. THE JOINT AGREEMENT SHALL DESIGNATE THE PARTY OR  
43 PARTIES THAT WILL OPERATE, MAINTAIN AND/OR MANAGE THE JOINT FACILITY.  
44 THE LEAD SCHOOL DISTRICT SHALL SERVE AS FISCAL AGENT FOR ALL PARTICIPAT-  
45 ING SCHOOL DISTRICTS FOR THE PURPOSE OF CLAIMING AND RECEIVING BUILDING  
46 AID PURSUANT TO SUBDIVISION SIX OF THIS SECTION. THE JOINT AGREEMENT  
47 SHALL INCLUDE A LEASE AGREEMENT BETWEEN THE LEAD SCHOOL DISTRICT AND ALL  
48 OTHER PARTICIPATING PARTIES WHEREBY ALL PARTIES AGREE TO LEASE THE  
49 FACILITY FOR A TERM NOT LESS THAN THE PERIOD WITHIN WHICH ALL BONDS OR  
50 NOTES ISSUED TO FINANCE THE PROJECT WILL MATURE. PARTICIPATING SCHOOL  
51 DISTRICTS SHALL NOT BE ELIGIBLE FOR AN APPORTIONMENT PURSUANT TO ANY  
52 PROVISION OF THIS CHAPTER FOR ANY LEASE EXPENSE INCURRED FOR THE JOINT  
53 FACILITY AND SUCH EXPENSE SHALL NOT BE INCLUDED IN THE APPROVED OPERAT-  
54 ING EXPENSE OF ANY SUCH SCHOOL DISTRICT, PROVIDED HOWEVER, THAT NOTHING  
55 SHALL PROHIBIT THE INCLUSION OF A SCHOOL DISTRICT'S SHARE OF THE NET  
56 ADMINISTRATIVE, OPERATION AND MAINTENANCE COSTS OF THE JOINT PROJECT IN

1 THE SCHOOL DISTRICT'S APPROVED OPERATING EXPENSE OR TRANSPORTATION OPER-  
2 ATING EXPENSE, AS APPLICABLE. THE JOINT AGREEMENT SHALL PROVIDE FOR A  
3 CREDIT OF THE STATE AID RECEIVED BY THE LEAD SCHOOL DISTRICT FOR THE  
4 JOINT PROJECT AGAINST THE EXPENSES OF SUCH PROJECT AND SHALL PROVIDE A  
5 METHOD OF ALLOCATING THE NET COST OF THE JOINT FACILITY TO THE PARTIC-  
6 IPATING SCHOOL DISTRICTS AND PARTICIPATING MUNICIPAL CORPORATIONS AND  
7 PUBLIC BENEFIT CORPORATIONS, DISTRIBUTING (I) THE GROSS COST BASED ON  
8 EACH SCHOOL DISTRICT'S SHARE OF THE USE OF THE FACILITY, AND (II) THE  
9 STATE AID BASED ON EACH SCHOOL DISTRICT'S AID RATIO (AS APPLICABLE) AND  
10 EACH SCHOOL DISTRICT'S USE-SHARE OF THE AIDABLE EXPENSE. PARTICIPATING  
11 MUNICIPAL CORPORATIONS OR PUBLIC BENEFIT CORPORATIONS SHALL NOT BE  
12 ELIGIBLE FOR SUCH CREDIT OF STATE AID.

13 D. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A PUBLIC BENEFIT CORPO-  
14 RATION, IN ADDITION TO ANY OTHER AUTHORIZATION CONFERRED BY LAW FOR  
15 PERFORMANCE OF ITS POWERS AND DUTIES ON A COOPERATIVE, JOINT OR CONTRACT  
16 BASIS SHALL BE AUTHORIZED TO ENTER INTO AN AGREEMENT PURSUANT TO SECTION  
17 ONE HUNDRED NINETEEN-O OF THE GENERAL MUNICIPAL LAW AND THIS SUBDIVISION  
18 FOR THE PROVISION OF A JOINT MUNICIPAL FACILITY WITH ONE OR MORE SCHOOL  
19 DISTRICTS AND ONE OR MORE MUNICIPAL CORPORATIONS.

20 E. UPON APPROVAL OF THE JOINT AGREEMENT, THE LEAD SCHOOL DISTRICT  
21 SHALL BE ELIGIBLE FOR AN APPORTIONMENT PURSUANT TO SUBDIVISION SIX OF  
22 THIS SECTION AS IF THE JOINT PROJECT WAS CONDUCTED SOLELY BY SUCH LEAD  
23 SCHOOL DISTRICT; PROVIDED, HOWEVER, THAT SUCH AID SHALL EQUAL THE SUM OF  
24 THE PRODUCTS OF EACH PARTICIPATING SCHOOL DISTRICT'S BUILDING AID RATIO  
25 SELECTED PURSUANT TO PARAGRAPH C OF SUBDIVISION SIX OF THIS SECTION FOR  
26 AID PAYABLE IN THE CURRENT YEAR MULTIPLIED BY SUCH DISTRICT'S SHARE OF  
27 THE USE OF THE FACILITY.

28 F. WHERE THE LEAD SCHOOL DISTRICT REORGANIZES WITH SOME OR ALL OTHER  
29 DISTRICTS PARTICIPATING IN THE JOINT AGREEMENT SUBSEQUENT TO APPROVAL OF  
30 THE JOINT AGREEMENT, SUCH REORGANIZED SCHOOL DISTRICT SHALL BE ELIGIBLE  
31 FOR REORGANIZATION INCENTIVE BUILDING AID PURSUANT TO SUBPARAGRAPH ONE  
32 OF PARAGRAPH C OF SUBDIVISION FOURTEEN OF THIS SECTION, FOR EXPENDITURES  
33 FOR ANY DEBT SERVICE FOR INDEBTEDNESS OUTSTANDING AFTER THE EFFECTIVE  
34 DATE OF SUCH REORGANIZATION THAT WERE INCURRED FOR THE FINANCING OF  
35 CONSTRUCTION OF THE JOINT MUNICIPAL FACILITY SO LONG AS SUCH FACILITY  
36 CONTINUES TO BE USED BY SUCH REORGANIZED DISTRICT, AS IF THE JOINT  
37 MUNICIPAL FACILITY HAD BEEN CONSTRUCTED BY THE REORGANIZED SCHOOL  
38 DISTRICT SUBSEQUENT TO REORGANIZATION.

39 G. NOTWITHSTANDING THE PROVISIONS OF SECTION THIRTY-SIX HUNDRED NINE-A  
40 OF THIS PART, AID FOR JOINT PROJECTS SHALL BE PAID IN ACCORDANCE WITH A  
41 SCHEDULE ESTABLISHED BY THE COMMISSIONER AND APPROVED BY THE DIRECTOR OF  
42 THE BUDGET.

43 S 27. Intentionally omitted.

44 S 28. Intentionally omitted.

45 S 29. Intentionally omitted.

46 S 30. Clause (vi) of subparagraph 1 of paragraph c of subdivision 14  
47 of section 3602 of the education law, as amended by section 34 of part B  
48 of chapter 57 of the laws of 2008, is amended to read as follows:

49 (vi) where such proposed reorganization includes at least two school  
50 districts employing eight or more teachers forming a central high school  
51 district pursuant to section nineteen hundred thirteen of this chapter,  
52 beginning with July first, nineteen hundred sixty-five or the first  
53 school year of operation as a reorganized district after such date, such  
54 reorganized school district shall be entitled to an additional appor-  
55 tionment of twenty-five per centum of the sum of: (A) its apportionment  
56 as provided in subdivision six of this section whenever such apporportion-

1 ment is computed on the basis of its approved base year expenditures for  
2 capital outlay from its general, capital, or a reserve fund incurred  
3 prior to July first, two thousand one, or on the basis of its approved  
4 base year expenditures for capital outlay from its general, capital or a  
5 reserve fund incurred in the two thousand one--two thousand two school  
6 year and computed pursuant to subdivision six of this section as if such  
7 expenditures were aidable under such subdivision, and current year  
8 approved expenditures for debt service for school building purposes and  
9 (B) its apportionment as provided in subdivision six of this section,  
10 the general contracts for which shall have been awarded on or after the  
11 date this act takes effect and prior to July first, two thousand [ten]  
12 TWELVE or within ten years from the effective date of reorganization,  
13 whichever is later as provided in subdivision six of this section, and  
14 which said sum shall be payable for and during the terms of any indebt-  
15 edness created for the purpose of financing such construction or other  
16 facility as aforesaid, provided however, that in no event may the total  
17 apportionment under this paragraph, under subdivision twelve of section  
18 thirty-six hundred forty-one of this article, and under subdivisions six  
19 and six-f of this section for any project exceed the product of (1)  
20 ninety-eight percent for a high need school district, as defined pursu-  
21 ant to guidelines of the commissioner for the two thousand five--two  
22 thousand six school year, for all school building projects approved by  
23 the voters of the school district or by the board of education of a city  
24 school district in a city with more than one hundred twenty-five thou-  
25 sand inhabitants, and/or the chancellor in a city school district in a  
26 city having a population of one million or more, on or after July first,  
27 two thousand five, or ninety-five per cent for any other school building  
28 project or school district, multiplied by (2) the sum of the base year  
29 approved expenditures for capital outlay for school building purposes  
30 from the general fund, capital fund or from a reserve fund, and current  
31 year approved expenditures for debt service for such purposes for such  
32 project.

33 S 31. Section 3641 of the education law, is amended by adding a new  
34 subdivision 15 to read as follows:

35 15. MATH AND SCIENCE HIGH SCHOOLS. BEGINNING WITH THE TWO THOUSAND  
36 ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR AND EACH YEAR THEREAFTER THERE  
37 SHALL BE GRANTS PROVIDED IN EQUAL AMOUNTS FOR THE MATH AND SCIENCE HIGH  
38 SCHOOLS PROGRAM WHICH INCLUDES TECH VALLEY HIGH SCHOOL, BARD COLLEGE AND  
39 NAZARETH COLLEGE. SUCH GRANTS MAY BE USED FOR OPERATING COSTS OF MATH  
40 AND SCIENCE PROGRAMS OR FOR MATH AND SCIENCE INITIATIVES.

41 S 32. This act shall take effect immediately, provided that:

42 1. sections one, two, three and four of this act shall take effect  
43 April 1, 2011;

44 2. sections six and seven of this act shall be deemed to have been in  
45 full force and effect on and after April 1, 2011 and shall apply to any  
46 general or special law imposing mandates on municipal corporations or  
47 school districts enacted on or after such effective date;

48 3. sections twenty-four and twenty-five of this act shall take effect  
49 July 1, 2011; and

50 4. section thirty of this act shall be deemed to have been in full  
51 force and effect on and after July 1, 2010.

52

## PART C

53 Section 1. Article 9 of the arts and cultural affairs law is REPEALED.

54 S 2. Section 97-u of the state finance law is REPEALED.

1 S 3. Notwithstanding any inconsistent provision of law, all rights and  
2 property previously held by the entity formerly referred to as the New  
3 York state theatre institute corporation, as established in chapter 824  
4 of the laws of 1992, and as repealed in this act, shall pass to and be  
5 vested within the office of general services.

6 S 4. This act shall take effect immediately.

7 PART D

8 Section 1. Subdivision 5 of section 355 of the education law, subdivi-  
9 sion 5 as added by chapter 552 of the laws of 1985, paragraph a of  
10 subdivision 5 as amended by chapter 682 of the laws of 2007, paragraph c  
11 of subdivision 5 as added by chapter 103 of the laws of 1989 and para-  
12 graph d of subdivision 5 as added by chapter 537 of the laws of 1997, is  
13 amended to read as follows:

14 5. Notwithstanding the provisions of [paragraph] SUBDIVISIONS two AND  
15 THREE of section one hundred twelve and sections one hundred fifteen,  
16 one hundred sixty-one, AND one hundred sixty-three [and one hundred  
17 seventy-four] of the state finance law and sections three and six of the  
18 New York state printing and public documents law or any other law to the  
19 contrary, the state university trustees are authorized and empowered to:

20 a. (i) purchase materials, equipment and supplies, including computer  
21 equipment and motor vehicles[, where the amount for a single purchase  
22 does not exceed twenty thousand dollars], (ii) execute contracts for  
23 [services and] construction AND CONSTRUCTION-RELATED contracts [to an  
24 amount not exceeding twenty thousand dollars] and (iii) contract for  
25 printing [to an amount not exceeding five thousand dollars], without  
26 prior approval by any other state officer or agency, but subject to  
27 rules and regulations of the state comptroller not otherwise inconsis-  
28 tent with the provisions of this section and in accordance with [the  
29 rules and regulations] GUIDELINES promulgated by the state university  
30 board of trustees after consultation with the state comptroller. [In  
31 addition, the trustees, after consultation with the commissioner of  
32 general services, are authorized to annually negotiate with the state  
33 comptroller increases in the aforementioned dollar limits and the  
34 exemption of any articles, categories of articles or commodities from  
35 these limits. Rules and regulations] CONTRACTS FOR SERVICES SHALL BE  
36 SUBJECT TO THE APPROVAL OF THE STATE COMPTROLLER IN ACCORDANCE WITH THE  
37 PROVISIONS AND DOLLAR THRESHOLD OF SUBDIVISION TWO OF SECTION ONE  
38 HUNDRED AND TWELVE OF THE STATE FINANCE LAW; PROVIDED, THAT THE TRUSTEES  
39 ARE AUTHORIZED TO NEGOTIATE ANNUALLY WITH THE STATE COMPTROLLER  
40 INCREASES IN THE DOLLAR THRESHOLD FOR CONTRACTS FOR SERVICES. GUIDE-  
41 LINES, RULES, OR REGULATIONS promulgated by the state university board  
42 of trustees shall, to the extent practicable, require that competitive  
43 proposals be solicited for purchases, and shall include requirements  
44 that purchases and contracts authorized under this section be at the  
45 lowest available price, including consideration of prices available  
46 through other state agencies, consistent with quality requirements, and  
47 as will best promote the public interest. Such purchases may be made  
48 directly from any contractor pursuant to any contract for commodities  
49 let by the office of general services or any other state agency;

50 b. to establish cash advance accounts for the purpose of purchasing  
51 materials, supplies, or services, for cash advances for travel expenses  
52 and per diem allowances, or for advance payment of wages and salary. The  
53 account may be used to purchase such materials, supplies, or services  
54 where the amount of a single purchase does not exceed two hundred fifty



1 dollars, in accordance with such guidelines as shall be prescribed by  
2 the state university trustees after consultation with the state comp-  
3 troller.

4 c. establish guidelines in consultation with the commissioner of  
5 general services authorizing participation by the state university in  
6 programs administered by the office of general services for the purchase  
7 of available New York state food products. The commissioner of general  
8 services shall provide assistance to the state university necessary to  
9 enable the university to participate in these programs.

10 [d. (1) Award contract extensions for campus transportation without  
11 competitive bidding where such contracts were secured either through  
12 competitive bidding or through evaluation of proposals in response to a  
13 request for proposals pursuant to subparagraph (2) of this paragraph,  
14 however such extensions may be rejected if the amount to be paid to the  
15 contractor in any year of such proposed extension fails to reflect any  
16 decrease in the regional consumer price index for the New York, New  
17 York-Northeastern, New Jersey area, based upon the index for all urban  
18 consumers (CPI-U) during the preceding twelve-month period. At the time  
19 of any contract extension, consideration shall be given to any compet-  
20 itive proposal offered by a public transportation agency. Such contract  
21 may be increased for each year of the contract extension by an amount  
22 not to exceed the regional consumer price index increase for the New  
23 York, New York-Northeastern, New Jersey area, based upon the index for  
24 all urban consumers (CPI-U), during the preceding twelve-month period,  
25 provided it has been satisfactorily established by the contractor that  
26 there has been at least an equivalent increase in the amount of his cost  
27 of operation, during the period of the contract.]

28 S 2. Subdivision 2 of section 112 of the state finance law, as amended  
29 by chapter 319 of the laws of 1992, paragraph (a) of subdivision 2 as  
30 amended by section 2 of part D of chapter 56 of the laws of 2006, is  
31 amended to read as follows:

32 2. (a) Before any contract made for or by any state agency, depart-  
33 ment, board, officer, commission, or institution, except the office of  
34 general services, shall be executed or become effective, whenever such  
35 contract exceeds fifty thousand dollars in amount and before any  
36 contract made for or by the office of general services shall be executed  
37 or become effective, whenever such contract exceeds eighty-five thousand  
38 dollars in amount, it shall first be approved by the comptroller and  
39 filed in his or her office, provided, however, that the comptroller  
40 shall make a final written determination with respect to approval of  
41 such contract within ninety days of the submission of such contract to  
42 his or her office unless the comptroller shall notify, in writing, the  
43 state agency, department, board, officer, commission, or institution,  
44 prior to the expiration of the ninety day period, and for good cause, of  
45 the need for an extension of not more than fifteen days, or a reasonable  
46 period of time agreed to by such state agency, department, board, offi-  
47 cer, commission, or institution and provided, further, that such written  
48 determination or extension shall be made part of the procurement record  
49 pursuant to paragraph f of subdivision one of section one hundred  
50 sixty-three of this chapter. THE FOREGOING NOTWITHSTANDING, ANY  
51 CONTRACT MADE FOR OR BY THE STATE UNIVERSITY OF NEW YORK FOR GOODS SHALL  
52 NOT BE SUBJECT TO THE PROVISIONS OF THIS PARAGRAPH.

53 (b) Whenever any liability of any nature shall be incurred by or for  
54 any state department, board, officer, commission, or institution OTHER  
55 THAN THE CITY UNIVERSITY OF NEW YORK AND THE STATE UNIVERSITY OF NEW

1 YORK, notice that such liability has been incurred shall be immediately  
2 given in writing to the state comptroller.

3 S 3. Subparagraph (iv) of paragraph a of subdivision 3 of section 163  
4 of the state finance law, as amended by chapter 430 of the laws of 1997,  
5 is amended to read as follows:

6 (iv) The commissioner is authorized to permit any officer, body or  
7 agency of the state or of a political subdivision or a district therein,  
8 or fire company or volunteer ambulance service as such are defined in  
9 section one hundred of the general municipal law, to make purchases of  
10 commodities through the office of general services' centralized  
11 contracts, pursuant to the provisions of section one hundred four of the  
12 general municipal law. The commissioner is authorized to permit any  
13 county extension service association as authorized under subdivision  
14 eight of section two hundred twenty-four of the county law, or any asso-  
15 ciation or other entity as specified in and in accordance with section  
16 one hundred nine-a of the general municipal law, OR ANY NON-PROFIT  
17 CORPORATION ORGANIZED IN FURTHERANCE OF THE OBJECTS AND PURPOSES OF THE  
18 STATE UNIVERSITY OF NEW YORK, or any other association or entity as  
19 specified in state law, to make purchases of commodities through the  
20 office of general services' centralized contracts; provided, however,  
21 that such entity so empowered shall accept sole responsibility for any  
22 payment due with respect to such purchase; AND PROVIDED FURTHER, HOWEV-  
23 ER, THAT COMMODITIES SO PURCHASED BY A NON-PROFIT CORPORATION ORGANIZED  
24 IN FURTHERANCE OF THE OBJECTS AND PURPOSES OF THE STATE UNIVERSITY OF  
25 NEW YORK SHALL NOT BE USED DIRECTLY OR INDIRECTLY BY A FOR-PROFIT CORPO-  
26 RATION OR OTHER ENTITY WHICH CONTRACTS WITH THE NON-PROFIT CORPORATION,  
27 NOR SHALL SUCH COMMODITIES SO PURCHASED BY SUCH NON-PROFIT CORPORATION  
28 BE OFFERED FOR RESALE.

29 S 4. Paragraph e of subdivision 4 of section 163 of the state finance  
30 law, as amended by chapter 95 of the laws of 2000, is amended to read as  
31 follows:

32 e. Any officer, body or agency of a political subdivision as defined  
33 in section one hundred of the general municipal law or a district there-  
34 in, may make purchases of services through the office of general  
35 services' centralized contracts for services, subject to the provisions  
36 of section one hundred four of the general municipal law. The commis-  
37 sioner may permit and prescribe the conditions for the purchase of  
38 services through the office of general services' centralized contracts  
39 for services by any public authority or public benefit corporation of  
40 the state including the port authority of New York and New Jersey, OR  
41 ANY NON-PROFIT CORPORATION ORGANIZED IN FURTHERANCE OF THE OBJECTS AND  
42 PURPOSES OF THE STATE UNIVERSITY OF NEW YORK, OTHER THAN THE RESEARCH  
43 FOUNDATION OF THE STATE UNIVERSITY OF NEW YORK; PROVIDED, HOWEVER, THAT  
44 SERVICES SO PURCHASED BY A NON-PROFIT CORPORATION ORGANIZED IN FURTHER-  
45 ANCE OF THE OBJECTS AND PURPOSES OF THE STATE UNIVERSITY OF NEW YORK,  
46 OTHER THAN THE RESEARCH FOUNDATION OF THE STATE UNIVERSITY OF NEW YORK,  
47 SHALL NOT BE USED DIRECTLY OR INDIRECTLY BY A FOR-PROFIT CORPORATION OR  
48 OTHER ENTITY WHICH CONTRACTS WITH THE NON-PROFIT ORGANIZATION. The  
49 commissioner is authorized to permit any public library, association  
50 library, library system, cooperative library system, the New York  
51 Library Association, and the New York State Association of Library  
52 Boards or any other library except those which are operated by for  
53 profit entities, to make purchases of services through the office of  
54 general services' centralized contracts; provided, however, that such  
55 entity so empowered shall accept sole responsibility for any payment due  
56 with respect to such purchase.

1 S 5. Subdivisions 12 and 15 of section 373 of the education law, as  
2 added by chapter 251 of the laws of 1962, are amended and a new subdivi-  
3 sion 20 is added to read as follows:

4 12. To [make] PROCURE and execute contracts, lease agreements, and all  
5 other instruments necessary or convenient for the exercise of its corpo-  
6 rate powers and the fulfillment of its corporate purposes under this  
7 article. NOTWITHSTANDING SECTION ONE HUNDRED TWELVE OF THE STATE FINANCE  
8 LAW OR ANY OTHER LAW TO THE CONTRARY, ALL SUCH FUND PROCUREMENTS SHALL  
9 BE SUBJECT ONLY TO PROCUREMENT GUIDELINES THAT ARE ANNUALLY ADOPTED BY  
10 THE FUND TRUSTEES, WHICH SHALL CONFORM TO THE PROVISIONS OF TITLE FOUR  
11 OF ARTICLE NINE OF THE PUBLIC AUTHORITIES LAW EXCEPT SECTION  
12 TWENTY-EIGHT HUNDRED SEVENTY-NINE-A OF SUCH LAW;

13 15. To engage the services of construction, engineering, architec-  
14 tural, legal and financial consultants, surveyors and appraisers, on a  
15 contract basis or as employees, for professional service and technical  
16 assistance and advice AND NOTWITHSTANDING SECTION ONE HUNDRED TWELVE OF  
17 THE STATE FINANCE LAW OR ANY OTHER LAW TO THE CONTRARY, TO DETERMINE ITS  
18 STAFFING, SUPPORT SERVICES AND EQUIPMENT NEEDS WHICH IN THE JUDGMENT OF  
19 THE FUND ARE NECESSARY TO FULFILL ITS PURPOSES AS SET FORTH IN SECTION  
20 THREE HUNDRED SEVENTY-TWO OF THIS ARTICLE; and

21 20. NOTWITHSTANDING ANY LAW TO THE CONTRARY, ALL RIGHTS AND BENEFITS,  
22 INCLUDING TERMS AND CONDITIONS OF EMPLOYMENT, AND PROTECTION OF CIVIL  
23 SERVICE AND COLLECTIVE BARGAINING STATUS OF ALL EMPLOYEES OF THE FUND  
24 SHALL BE PRESERVED AND PROTECTED. EMPLOYEES IN ANY NEWLY CREATED POSI-  
25 TIONS WITHIN THE FUND SHALL BE CONSIDERED PUBLIC EMPLOYEES FOR ALL  
26 PURPOSES OF ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW.

27 S 6. Subdivision 8 of section 376 of the education law, as added by  
28 chapter 251 of the laws of 1962, the opening paragraph and paragraph a  
29 as amended by chapter 877 of the laws of 1990 and paragraph f as added  
30 by chapter 769 of the laws of 1978, is amended to read as follows:

31 8. All contracts which are to be awarded pursuant to this subdivision  
32 shall be awarded by public letting in accordance with the following  
33 provisions, notwithstanding any contrary provision of section ONE  
34 HUNDRED TWELVE, one hundred thirty-five, one hundred thirty-six, one  
35 hundred thirty-nine or one hundred forty of the state finance law OR ANY  
36 OTHER LAW, provided, however, that where the estimated expense of any  
37 contract which may be awarded pursuant to this subdivision is less than  
38 TWO HUNDRED fifty thousand dollars, a performance bond and a bond for  
39 the payment of labor and material may, in the discretion of the fund,  
40 not be required, and except that in the discretion of the fund, a  
41 contract may be entered into for such purposes without public letting  
42 where the estimated expense thereof is less than twenty thousand  
43 dollars, or where in the judgment of the fund an emergency condition  
44 exists as a result of damage to an existing academic building, dormitory  
45 or other facility which has been caused by an act of God, fire or other  
46 casualty, or any other unanticipated, sudden and unexpected occurrence,  
47 that has resulted in damage to or a malfunction in an existing academic  
48 building, dormitory or other facility and involves a pressing necessity  
49 for immediate repair, reconstruction or maintenance in order to permit  
50 the safe continuation of the use or function of such facility, or to  
51 protect the facility or the life, health or safety of any person, and  
52 the nature of the work is such that in the judgment of the fund it would  
53 be impractical and against the public interest to have public letting;  
54 provided, however, that the fund, prior to awarding a contract hereunder  
55 because of an emergency condition notify the comptroller of its intent  
56 to award such a contract:

1 a. [If contracts are to be publicly let, the] THE letting agency shall  
2 advertise the invitation to bid OR THE REQUEST FOR PROPOSALS in [a news-  
3 paper published in the city of Albany and in] such [other newspapers]  
4 NEWSPAPER as will be most likely in its opinion to give adequate notice  
5 to contractors of the work required [and of the invitation to bid]  
6 provided, however, that where the estimated expense of any contract  
7 which may be awarded pursuant to this subdivision is less than TWO  
8 HUNDRED fifty thousand dollars, the letting agency may advertise the  
9 invitation to bid solely through the procurement opportunities newslet-  
10 ter published pursuant to section one hundred forty-two of the economic  
11 development law. The invitation to bid OR REQUEST FOR PROPOSALS shall  
12 contain such information as the letting agency shall deem appropriate  
13 [and a statement of the time and place where all bids received pursuant  
14 to such notice will be publicly opened and read].

15 b. The letting agency shall not award any contract after public  
16 bidding except to the lowest bidder who in its opinion is qualified to  
17 perform the work required and is responsible and reliable. The letting  
18 agency may, however, reject any or all bids, again advertise for bids,  
19 or waive any informality in a bid if it believes that the public inter-  
20 est will be promoted thereby.

21 c. The invitation to bid, REQUEST FOR PROPOSALS and the contract  
22 awarded shall contain such other terms and conditions, and such  
23 provisions for penalties, as the letting agency may deem desirable.

24 d. [The form of any] ANY contract awarded pursuant to this subdivision  
25 shall [be approved by the attorney general and by the comptroller and  
26 shall] contain a clause that the contract shall be deemed executory to  
27 the extent of the moneys available and that no liability shall be  
28 incurred by the fund beyond the moneys available therefor.

29 e. The letting agency shall require such deposits, bonds and security  
30 in connection with the submission of bids OR REQUEST FOR PROPOSALS, the  
31 award of contracts and the performance of work as it shall determine to  
32 be in the public interest and for the protection of the state, the state  
33 university, the fund and the letting agency.

34 f. Notwithstanding the provisions of any other law to the contrary,  
35 all contracts for public work awarded by the state university  
36 construction fund pursuant to this subdivision shall be in accordance  
37 with section one hundred thirty-nine-f of the state finance law.

38 G. EXCEPT AS PROVIDED IN THE COLLECTIVE BARGAINING AGREEMENT BETWEEN  
39 THE FUND AND ITS REPRESENTED EMPLOYEES, ALL WORK CURRENTLY PERFORMED BY  
40 REPRESENTED EMPLOYEES OF THE FUND UPON THE EFFECTIVE DATE OF THIS PARA-  
41 GRAPH SHALL CONTINUE TO BE PERFORMED BY SUCH EMPLOYEES. NOTHING IN THE  
42 CHAPTER OF THE LAWS OF TWO THOUSAND ELEVEN WHICH ADDED THIS PARAGRAPH  
43 SHALL RESULT IN A DISPLACEMENT OF ANY CURRENTLY EMPLOYED REPRESENTED  
44 WORKER OR LOSS OF POSITION, INCLUDING PARTIAL DISPLACEMENT SUCH AS A  
45 REDUCTION IN WORK HOURS, WAGES OR OTHER BENEFITS.

46 S 7. Subdivision 4 of section 377 of the education law, as added by  
47 chapter 624 of the laws of 1999, is amended to read as follows:

48 4. Monies received by the fund, FOR ALL OF ITS OPERATING AND ADMINIS-  
49 TRATIVE COSTS OR in connection with approved university-related economic  
50 development facilities, [other than state appropriations to the fund,]  
51 may be deposited in a general account and other such accounts as the  
52 fund may deem necessary, for the transaction of its business [or in  
53 relation to construction or property management activities undertaken in  
54 connection with such projects] and shall be paid out on checks signed by  
55 the chairman of the fund or such other person or persons as the trustees  
56 of the fund may authorize.

1 S 8. Subdivision 14 of section 130 of the civil service law, as added  
2 by chapter 685 of the laws of 1995, is amended to read as follows:

3 14. Notwithstanding any foregoing provisions of this section to the  
4 contrary, wage rates and/or pay differentials paid by the state PURSUANT  
5 TO SUBDIVISION THIRTEEN OF SECTION THREE HUNDRED FIFTY-FIVE-A OF THE  
6 EDUCATION LAW, AS ADDED BY CHAPTER SIX HUNDRED EIGHTY-FIVE OF THE LAWS  
7 OF NINETEEN HUNDRED NINETY-FIVE, to teaching and research center nurses  
8 of the state university of New York [pursuant to subdivision thirteen of  
9 section three hundred fifty-five-a of the education law] may be based on  
10 a study of representative peer institutions in private or other public  
11 hospitals in the same geographic area as a hospital of the state univer-  
12 sity which shows that WAGE RATES AND/OR pay differentials of nurses  
13 employed by such peer institutions are higher than the wage rates and/or  
14 pay differentials paid by the state to teaching and research center  
15 nurses of the state university. Whenever, in the opinion of the chief  
16 administrative officer of the health science centers at which teaching  
17 and research center nurses are employed, additional compensation for  
18 such employees is necessary to maintain adequate support to protect the  
19 health, safety and welfare of patients, such chief administrative offi-  
20 cer OR PRESIDENT shall request the state university board of trustees to  
21 conduct such a study.

22 S 9. Subdivision 6 of section 350 of the education law, as added by  
23 chapter 363 of the laws of 1998, is amended to read as follows:

24 6. "Clinic" shall mean a facility LICENSED UNDER ARTICLE TWENTY-EIGHT  
25 OF THE PUBLIC HEALTH LAW AS A DIAGNOSTIC AND TREATMENT CENTER WHICH IS  
26 located either within or outside of a state university health care  
27 facility providing services related to the medical education mission of  
28 the university, but shall not include state university student health  
29 services.

30 S 10. Paragraph b of subdivision 16 of section 355 of the education  
31 law, as added by chapter 363 of the laws of 1998, is amended to read as  
32 follows:

33 b. Notwithstanding the provisions of subdivision two of section one  
34 hundred twelve of the state finance law [relating to the dollar thresh-  
35 old requiring the comptroller's approval of contracts and], subdivision  
36 six of section one hundred sixty-three of the state finance law[,] AND  
37 SECTION SIXTY-THREE OF THE EXECUTIVE LAW, (I) authorize contracts for  
38 the purchase of goods [and services] for state university health care  
39 facilities WITHOUT PRIOR APPROVAL BY ANY OTHER STATE OFFICER OR AGENCY,  
40 INCLUDING CONTRACTS:

41 [(1) for any contract which does not exceed seventy-five thousand  
42 dollars; or

43 (2)] for joint or group purchasing [arrangements which do not exceed  
44 seventy-five thousand dollars without prior approval by any other state,  
45 officer or agency] OF GOODS, in accordance with procedures and require-  
46 ments found in paragraph a of subdivision five of this section, AND (II)  
47 AUTHORIZE CONTRACTS FOR JOINT OR GROUP PURCHASING OF SERVICES WHICH DO  
48 NOT EXCEED SEVENTY-FIVE THOUSAND DOLLARS WITHOUT PRIOR APPROVAL BY ANY  
49 OTHER STATE, OFFICER OR AGENCY IN ACCORDANCE WITH PROCEDURES AND  
50 REQUIREMENTS FOUND IN PARAGRAPH A OF SUBDIVISION FIVE OF THIS SECTION.

51 [(3) contracts] CONTRACTS authorized [hereunder] PURSUANT TO THIS  
52 PARAGRAPH shall be subject to article fourteen of the civil service law  
53 and the applicable provisions of agreements between the state and  
54 employee organizations pursuant to article fourteen of the civil service  
55 law.

1 The trustees are authorized to negotiate annually with the state comp-  
2 troller increases in the aforementioned dollar [limits] LIMIT.

3 S 11. Notwithstanding any inconsistent provision in section 8 of the  
4 court of claims act, subdivision 10 of section 355 of the education law  
5 or any other provision of law, a state university health care facility  
6 may include in a contract authorized by paragraph a of subdivision 16 of  
7 section 355 of the education law, other than a contract with state  
8 employees relating to terms and conditions of their employment, a  
9 provision that some or all disputes arising under or related to such  
10 contract shall be resolved by binding arbitration in accordance with the  
11 rules of a nationally-recognized arbitration association.

12 S 12. This act shall take effect immediately provided that the amend-  
13 ments to section 163 of the state finance law made by sections three and  
14 four of this act shall not affect the repeal of such section and shall  
15 be deemed repealed therewith.

16 PART E

17 Section 1. Subitem (c) of item 1 of clause (A) of subparagraph (i) of  
18 paragraph a of subdivision 3 of section 667 of the education law, as  
19 amended by section 1 of part B of chapter 60 of the laws of 2000, is  
20 amended and a new subitem (d) is added to read as follows:

21 (c) For students first receiving aid in [the] two thousand--two thou-  
22 sand one and thereafter, five thousand dollars[.]; OR

23 (D) FOR UNDERGRADUATE STUDENTS ENROLLED IN A PROGRAM OF STUDY AT A  
24 PUBLIC OR NON-PUBLIC DEGREE-GRANTING INSTITUTION THAT DOES NOT OFFER A  
25 PROGRAM OF STUDY THAT LEADS TO A BACCALAUREATE DEGREE, OR AT A REGIS-  
26 TERED NOT-FOR-PROFIT BUSINESS SCHOOL QUALIFIED FOR TAX EXEMPTION UNDER  
27 SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE FOR FEDERAL INCOME TAX  
28 PURPOSES THAT DOES NOT OFFER A PROGRAM OF STUDY THAT LEADS TO A BACCA-  
29 LAUREATE DEGREE, FOUR THOUSAND DOLLARS. PROVIDED, HOWEVER, THAT THIS  
30 SUBITEM SHALL NOT APPLY TO STUDENTS ENROLLED IN A PROGRAM OF STUDY LEAD-  
31 ING TO A CERTIFICATE OR DEGREE IN NURSING.

32 S 2. This act shall take effect July 1, 2011.

33 PART F

34 Intentionally omitted.

35 PART G

36 Section 1. Paragraphs b and c of subdivision 6 of section 661 of the  
37 education law are REPEALED and two new paragraphs b and c are added to  
38 read as follows:

39 B. A STUDENT WHO IS IN DEFAULT ON A STUDENT LOAN MADE UNDER ANY STAT-  
40 UTORY NEW YORK STATE OR FEDERAL EDUCATION LOAN PROGRAM SHALL BE INELIGI-  
41 BLE TO RECEIVE ANY AWARD OR LOAN PURSUANT TO THIS ARTICLE UNTIL THE  
42 STUDENT CURES THE DEFAULT STATUS PURSUANT TO APPLICABLE LAW AND REGU-  
43 LATION.

44 C. A STUDENT WHO HAS FAILED TO COMPLY WITH THE TERMS OF ANY SERVICE  
45 CONDITION IMPOSED BY AN AWARD MADE PURSUANT TO THIS ARTICLE OR HAS  
46 FAILED TO REPAY AN AWARD MADE PURSUANT TO THIS ARTICLE, AS REQUIRED BY  
47 PARAGRAPH A OF SUBDIVISION FOUR OF SECTION SIX HUNDRED SIXTY-FIVE OF  
48 THIS SUBPART, SHALL BE INELIGIBLE TO RECEIVE ANY AWARD OR LOAN PURSUANT  
49 TO THIS ARTICLE SO LONG AS SUCH FAILURE TO COMPLY OR REPAY CONTINUES.

S 2. This act shall take effect July 1, 2011; provided that the provisions of this act shall apply to any student who is in default in the repayment of any student loan or under the terms of any award pursuant to article 14 of the education law.

## PART H

Section 1. Subclause 1 of clause (A) of subparagraph (i) of paragraph a of subdivision 3 of section 667 of the education law, as amended by section 1 of part B of chapter 60 of the laws of 2000, is amended to read as follows:

(1) In the case of students who have not been granted an exclusion of parental income or had a dependent for income tax purposes during the tax year next preceding the academic year for which application is made, EXCEPT FOR THOSE STUDENTS WHO HAVE BEEN GRANTED EXCLUSION OF PARENTAL INCOME WHO HAVE A SPOUSE BUT NO OTHER DEPENDENT:

(a) For students first receiving aid after nineteen hundred ninety-three--nineteen hundred ninety-four and before two thousand--two thousand one, four thousand one hundred twenty-five dollars; or

(b) For students first receiving aid in nineteen hundred ninety-three--nineteen hundred ninety-four or earlier, three thousand five hundred seventy-five dollars; or

(c) For students first receiving aid in [the] two thousand--two thousand one and thereafter, five thousand dollars.

S 2. Subclause 2 of clause (A) of subparagraph (i) of paragraph a of subdivision 3 of section 667 of the education law, as amended by section 1 of part B of chapter 60 of the laws of 2000, is amended to read as follows:

(2) In the case of students receiving awards pursuant to subparagraph (iii) of this paragraph AND THOSE STUDENTS WHO HAVE BEEN GRANTED EXCLUSION OF PARENTAL INCOME WHO HAVE A SPOUSE BUT NO OTHER DEPENDENT.

(a) For students first receiving aid in nineteen hundred ninety-four--nineteen hundred ninety-five and nineteen hundred ninety-five--nineteen hundred ninety-six and thereafter, three thousand twenty-five dollars, or

(b) For students first receiving aid in nineteen hundred ninety-two--nineteen hundred ninety-three and nineteen hundred ninety-three--nineteen hundred ninety-four, two thousand five hundred seventy-five dollars, or

(c) For students first receiving aid in nineteen hundred ninety-one--nineteen hundred ninety-two or earlier, two thousand four hundred fifty dollars; or

S 3. Subparagraph (iii) of paragraph a of subdivision 3 of section 667 of the education law, as amended by section 1 of part B of chapter 60 of the laws of 2000, is amended to read as follows:

(iii) (A) For students who have been granted exclusion of parental income and were single with no dependent for income tax purposes during the tax year next preceding the academic year for which application is made, the base amount, as determined in subparagraph (i) of this paragraph, shall be reduced in relation to income as follows:

Amount of income	Schedule of reduction of base amount
------------------	---

[(A)] (1) Less than three thousand	None
------------------------------------	------





1 (ii) For students first receiving aid in two thousand seven--two thou-  
 2 sand eight, THROUGH AND INCLUDING TWO THOUSAND NINE--TWO THOUSAND TEN,  
 3 AND FOR REMEDIAL STUDENTS AS DEFINED IN PARAGRAPH D OF THIS SUBDIVISION  
 4 WHO FIRST RECEIVED AID IN TWO THOUSAND SEVEN--TWO THOUSAND EIGHT, and  
 5 thereafter, and enrolled in two-year undergraduate programs whose terms  
 6 are organized in semesters:

7	Before Being	1	2	3	4	5	6
8	Certified						
9	for This						
10	Payment						
11	A Student	0	3	9	18	30	45
12	Must Have						
13	Accrued at						
14	Least This						
15	Many Credits						
16	With at Least	0	.5	.75	1.3	2.0	2.0
17	This Grade						
18	Point Average						

19 (iii) For students first receiving aid in two thousand seven--two  
 20 thousand eight, THROUGH AND INCLUDING TWO THOUSAND NINE--TWO THOUSAND  
 21 TEN, AND FOR REMEDIAL STUDENTS AS DEFINED IN PARAGRAPH D OF THIS SUBDI-  
 22 VISION WHO FIRST RECEIVED AID IN TWO THOUSAND SEVEN--TWO THOUSAND EIGHT,  
 23 and thereafter, and enrolled in four-year or five-year undergraduate  
 24 programs whose terms are organized on a trimester basis:

25	Before Being	1	2	3	4	5	6	7	8
26	Certified								
27	for This								
28	Payment								
29	A Student	0	2	4	9	17	25	33	40
30	Must Have								
31	Accrued at								
32	Least This								
33	Many Credits								
34	With At Least	0	1.1	1.1	1.2	1.2	1.3	2.0	2.0
35	This Grade								
36	Point Average								

37 and,

38	Before Being	9	10	11	12	13	14	15
39	Certified							
40	for This							
41	Payment							
42	A Student	50	60	70	80	90	100	110
43	Must Have							
44	Accrued at							
45	Least This							
46	Many Credits							

1 With At Least 2.0 2.0 2.0 2.0 2.0 2.0 2.0  
 2 This Grade  
 3 Point Average

4 (iv) For students first receiving aid in two thousand seven--two thou-  
 5 sand eight, THROUGH AND INCLUDING TWO THOUSAND NINE--TWO THOUSAND TEN,  
 6 AND FOR REMEDIAL STUDENTS AS DEFINED IN PARAGRAPH D OF THIS SUBDIVISION  
 7 WHO FIRST RECEIVED AID IN TWO THOUSAND SEVEN--TWO THOUSAND EIGHT, and  
 8 thereafter, and enrolled in two-year undergraduate programs whose terms  
 9 are organized on a trimester basis:

10	Before Being	1	2	3	4	5	6	7	8	9
11	Certified									
12	for This									
13	Payment									

14	A Student	0	2	4	9	15	21	30	37	45
15	Must Have									
16	Accrued at									
17	Least This									
18	Many Credits									

19	With At Least	0	.5	.5	.75	.75	1.3	2.0	2.0	2.0
20	This Grade									
21	Point Average									

22 S 2. Paragraph c of subdivision 6 of section 665 of the education law  
 23 is amended by adding four new subparagraphs (v), (vi), (vii) and (viii)  
 24 to read as follows:

25 (V) FOR STUDENTS FIRST RECEIVING AID IN TWO THOUSAND TEN--TWO THOUSAND  
 26 ELEVEN AND THEREAFTER, WHO DO NOT MEET THE DEFINITION OF REMEDIAL  
 27 STUDENT AS DEFINED IN PARAGRAPH D OF THIS SUBDIVISION, AND ARE ENROLLED  
 28 IN A FOUR-YEAR OR FIVE-YEAR UNDERGRADUATE PROGRAM WHOSE TERMS ARE ORGAN-  
 29 IZED IN SEMESTERS:

30	BEFORE BEING	1ST	2ND	3RD	4TH	5TH	6TH	7TH	8TH	9TH	10TH
31	CERTIFIED										
32	FOR THIS										
33	PAYMENT										

34	A STUDENT	0	6	15	27	39	51	66	81	96	111
35	MUST HAVE										
36	ACCRUED AT										
37	LEAST THIS										
38	MANY CREDITS										

39	WITH AT LEAST	0	1.5	1.8	1.8	2.0	2.0	2.0	2.0	2.0	2.0
40	THIS GRADE										
41	POINT AVERAGE										

42 (VI) FOR STUDENTS FIRST RECEIVING AID IN TWO THOUSAND TEN--TWO THOU-  
 43 SAND ELEVEN AND THEREAFTER, WHO DO NOT MEET THE DEFINITION OF REMEDIAL  
 44 STUDENT AS DEFINED IN PARAGRAPH D OF THIS SUBDIVISION, AND ARE ENROLLED  
 45 IN A TWO-YEAR UNDERGRADUATE PROGRAM WHOSE TERMS ARE ORGANIZED IN SEMES-  
 46 TERS:

1	BEFORE BEING	1ST	2ND	3RD	4TH	5TH	6TH
2	CERTIFIED						
3	FOR THIS						
4	PAYMENT						

5	A STUDENT	0	6	15	27	39	51
6	MUST HAVE						
7	ACCRUED AT						
8	LEAST THIS						
9	MANY CREDITS						

10	WITH AT LEAST	0	1.3	1.5	1.8	2.0	2.0
11	THIS GRADE						
12	POINT AVERAGE						

13 (VII) FOR STUDENTS FIRST RECEIVING AID IN TWO THOUSAND TEN--TWO THOU-  
 14 SAND ELEVEN AND THEREAFTER, WHO DO NOT MEET THE DEFINITION OF REMEDIAL  
 15 STUDENT AS DEFINED IN PARAGRAPH D OF THIS SUBDIVISION, AND ARE ENROLLED  
 16 IN A FOUR-YEAR OR FIVE-YEAR UNDERGRADUATE PROGRAM WHOSE TERMS ARE ORGAN-  
 17 IZED ON A TRIMESTER BASIS:

18	BEFORE BEING	1ST	2ND	3RD	4TH	5TH	6TH	7TH	8TH
19	CERTIFIED								
20	FOR THIS								
21	PAYMENT								

22	A STUDENT	0	4	8	14	22	30	38	46
23	MUST HAVE								
24	ACCRUED AT								
25	LEAST THIS								
26	MANY CREDITS								

27	WITH AT LEAST	0	1.1	1.5	1.5	1.8	2.0	2.0	2.0
28	THIS GRADE								
29	POINT AVERAGE								
30	AND,								

31	BEFORE BEING	9TH	10TH	11TH	12TH	13TH	14TH	15TH
32	CERTIFIED							
33	FOR THIS							
34	PAYMENT							

35	A STUDENT	56	66	76	86	96	106	116
36	MUST HAVE							
37	ACCRUED AT							
38	LEAST THIS							
39	MANY CREDITS							

40	WITH AT LEAST	2.0	2.0	2.0	2.0	2.0	2.0	2.0
41	THIS GRADE							
42	POINT AVERAGE							

43 (VIII) FOR STUDENTS FIRST RECEIVING AID IN TWO THOUSAND TEN--TWO THOU-  
 44 SAND ELEVEN AND THEREAFTER, WHO DO NOT MEET THE DEFINITION OF REMEDIAL  
 45 STUDENT AS DEFINED IN PARAGRAPH D OF THIS SUBDIVISION, AND ARE ENROLLED

1 IN A TWO-YEAR UNDERGRADUATE PROGRAM WHOSE TERMS ARE ORGANIZED ON A  
2 TRIMESTER BASIS:

	BEFORE BEING	1ST	2ND	3RD	4TH	5TH	6TH	7TH	8TH	9TH
3	CERTIFIED									
4	FOR THIS									
5	PAYMENT									

7	A STUDENT	0	2	6	14	22	30	38	46	54
8	MUST HAVE									
9	ACCRUED AT									
10	LEAST THIS									
11	MANY CREDITS									

12	WITH AT LEAST	0	1.0	1.3	1.5	1.5	1.8	2.0	2.0	2.0
13	THIS GRADE									
14	POINT AVERAGE									

15 S 3. Subdivision 6 of section 665 of the education law is amended by  
16 adding a new paragraph d to read as follows:

17 D. FOR PURPOSES OF PARAGRAPH C OF THIS SUBDIVISION, A REMEDIAL STUDENT  
18 SHALL MEAN A STUDENT CARRYING A FULL-TIME PROGRAM: (A) WHOSE SCORES ON A  
19 RECOGNIZED COLLEGE PLACEMENT EXAM OR NATIONALLY RECOGNIZED STANDARDIZED  
20 EXAM INDICATE THE NEED FOR REMEDIATION, AS CERTIFIED BY THE APPROPRIATE  
21 COLLEGE OFFICIAL AND APPROVED BY THE COMMISSIONER, AND WHO IS ENROLLED  
22 IN UP TO NINE SEMESTER HOURS OF NON-CREDIT REMEDIAL COURSES, AS APPROVED  
23 BY THE COMMISSIONER, IN THEIR FIRST TERM OF STUDY, AND UP TO SIX SEMES-  
24 TER HOURS OF NON-CREDIT REMEDIAL COURSES, AS APPROVED BY THE COMMISSION-  
25 ER, IN EACH TERM THEREAFTER; OR (B) WHO IS ENROLLED IN THE HIGHER EDUCA-  
26 TION OPPORTUNITY PROGRAM (HEOP), THE EDUCATION OPPORTUNITY PROGRAM  
27 (EOP), THE SEARCH FOR EDUCATION, ELEVATION AND KNOWLEDGE (SEEK) PROGRAM,  
28 OR THE COLLEGE DISCOVERY PROGRAM. STUDENTS WHO QUALIFY FOR ANY OF THESE  
29 STATED CONDITIONS SHALL REMAIN SUBJECT TO THE APPLICABLE ACADEMIC STAND-  
30 ARDS CRITERIA PURSUANT TO SUBPARAGRAPHS (I), (II), (III), AND (IV) OF  
31 PARAGRAPH C OF THIS SUBDIVISION.

32 S 4. This act shall take effect July 1, 2011.

### 33 PART J

34 Section 1. Subdivision 2 of section 667 of the education law, as added  
35 by chapter 83 of the laws of 1995, is amended to read as follows:

36 2. Duration. No undergraduate shall be eligible for more than four  
37 academic years of study, or five academic years if the program of study  
38 normally requires five years. Students enrolled in a program of remedial  
39 study, approved by the commissioner in an institution of higher educa-  
40 tion and intended to culminate in a degree in undergraduate study shall,  
41 for purposes of this section, be considered as enrolled in a program of  
42 study normally requiring five years. An undergraduate student enrolled  
43 in an eligible two year program of study approved by the commissioner  
44 shall be eligible for no more than three academic years of study. [No  
45 graduate student shall be eligible for more than four academic years of  
46 study provided, however, that no graduate student shall be eligible for  
47 more than one degree program at the master's, first professional or  
48 doctorate level. No student shall be eligible for a total of more than  
49 the equivalent of eight years of combined undergraduate and graduate  
50 study.] Any semester, quarter, or term of attendance during which a

1 student receives any award under this article, after the effective date  
2 of the former scholar incentive program and prior to academic year nine-  
3 teen hundred eighty-nine--nineteen hundred ninety, shall be counted  
4 toward the maximum term of eligibility for tuition assistance under this  
5 section, except that any semester, quarter or term of attendance during  
6 which a student received an award pursuant to section six hundred  
7 sixty-six of this [article] SUBPART shall be counted as one-half of a  
8 semester, quarter or term, as the case may be, toward the maximum term  
9 of eligibility under this section. Any semester, quarter or term of  
10 attendance during which a student received an award pursuant to section  
11 six hundred sixty-seven-a of this [article] SUBPART shall not be counted  
12 toward the maximum term of eligibility under this section.

13 S 2. Paragraph c of subdivision 3 of section 667 of the education law  
14 is REPEALED and paragraph d is relettered paragraph c.

15 S 3. Subdivision 5 of section 663 of the education law, as amended by  
16 chapter 622 of the laws of 2008, is amended to read as follows:

17 5. Adjustments of income. [(a) Except for purposes of paragraphs a and  
18 b of subdivision three of section six hundred sixty-seven of this part  
19 if, during the academic year in which the applicant will receive an  
20 award, one or more of either the parents of the applicant or other  
21 dependent children of such parents, the spouse of the applicant, or one  
22 or more dependent children of the applicant, in addition to the appli-  
23 cant, will be in full-time attendance in an approved program, the  
24 combined net taxable income determined under subdivision one of this  
25 section shall be divided by the total number of the aforesaid persons  
26 (including the applicant) who will be in such attendance, and the  
27 resulting quotient shall be deemed the applicable income in determining  
28 the applicant's award for such academic year.

29 (b)] In the determination of income for purposes of paragraphs a and b  
30 of subdivision three of section six hundred sixty-seven of this part if,  
31 during the academic year in which the applicant will receive an award,  
32 one of either the parents of the applicant or other dependent child of  
33 such parents, the spouse of the applicant, or one or more dependent  
34 children of the applicant, in addition to the applicant, will be in  
35 full-time attendance in an approved program, the combined net taxable  
36 income determined under subdivision one of this section shall be reduced  
37 by three thousand dollars and an additional two thousand dollars for  
38 each other such person additional to the aforesaid persons (including  
39 the applicant) who will be in such attendance, and the resulting amount  
40 shall be deemed the applicable income in determining the applicant's  
41 award for the academic year.

42 S 4. Paragraph a of subdivision 3 of section 663 of the education law,  
43 as amended by chapter 62 of the laws of 1977, is amended to read as  
44 follows:

45 a. In determining the amount of an award for [graduate and undergradu-  
46 ate] students, the income of the parents shall be excluded if the  
47 student has been emancipated from his parents.

48 S 5. The opening paragraph of subparagraph 1 of paragraph b of subdi-  
49 vision 3 of section 663 of the education law, as amended by chapter 101  
50 of the laws of 1992, is amended to read as follows:

51 The applicant is a student who was married on or before December thir-  
52 ty-first of the calendar year prior to the beginning of the academic  
53 year for which application is made or is an undergraduate student who  
54 has reached the age of twenty-two on or before June thirtieth prior to  
55 the academic year for which application is made [or is a graduate  
56 student,] and who, during the calendar year next preceding the semester,

1 quarter or term of attendance for which application is made and at all  
2 times subsequent thereto up to and including the entire period for which  
3 application is made:

4 S 6. Paragraph d of subdivision 3 of section 663 of the education law,  
5 as amended by chapter 62 of the laws of 1977, is amended to read as  
6 follows:

7 d. Any [graduate or] undergraduate student who was allowed to exclude  
8 parental income pursuant to the provisions of subdivision three of  
9 section six hundred three of this chapter as they existed prior to July  
10 first, nineteen hundred seventy-four may continue to exclude such income  
11 for so long as he continues to comply with such provisions.

12 S 7. This act shall take effect July 1, 2011.

13 PART K

14 Section 1. Section 17 of chapter 31 of the laws of 1985, amending the  
15 education law relating to regents scholarships in certain professions,  
16 as amended by section 1 of part I of chapter 57 of the laws of 2008, is  
17 amended to read as follows:

18 S 17. This act shall take effect immediately; provided, however, that  
19 the scholarship and loan forgiveness programs established pursuant to  
20 the provisions of this act shall terminate upon the granting of such  
21 awards for the 2008-2009 school year PROVIDED, HOWEVER, THAT THE REGENTS  
22 PHYSICIAN LOAN FORGIVENESS PROGRAM ESTABLISHED PURSUANT TO THIS ACT  
23 SHALL NOT TERMINATE UNTIL THE GRANTING OF SUCH AWARDS FOR THE 2015-16  
24 SCHOOL YEAR, PROVIDED THAT THE FINAL DISBURSEMENT OF ANY MULTI-YEAR  
25 AWARDS GRANTED IN SUCH SCHOOL YEAR SHALL BE PAID.

26 S 2. This act shall take effect immediately and shall be deemed to  
27 have been in full force and effect on the same date and in the same  
28 manner as part I of chapter 57 of the laws of 2008, takes effect.

29 PART L

30 Section 1. Section 3 of part V of chapter 57 of the laws of 2005  
31 amending the education law relating to the New York state nursing facul-  
32 ty loan forgiveness incentive program and the New York state nursing  
33 faculty scholarship program, as added by section 4 of part D of chapter  
34 63 of the laws of 2005, is amended to read as follows:

35 S 3. This act shall take effect on the same date and in the same  
36 manner as Part H of [a] THIS chapter [of the laws of 2005 amending the  
37 labor law and other laws relating to implementing the state fiscal plan  
38 for the 2005-2006 state fiscal year, as proposed in legislative bill  
39 numbers S.3667 and A.6841, takes effect]; provided that section two of  
40 this act shall take effect on the same date and in the same manner as  
41 Part I of [a] THIS chapter [of the laws of 2005 amending the labor law  
42 and other laws relating to implementing the state fiscal plan for the  
43 2005-2006 state fiscal year, as proposed in legislative bill numbers  
44 S.3667 and A.6841, takes effect]; and provided further that this act  
45 shall expire and be deemed repealed on June 30, [2010] 2016.

46 S 2. This act shall take effect immediately.

47 PART M

48 Section 1. Subdivision (a) of section 50 of chapter 161 of the laws of  
49 2005, amending the education law and other laws relating to the social  
50 worker loan forgiveness program is amended to read as follows:

(a) section two of this act shall expire and be deemed repealed June 30, [2011] 2016; and provided, further that the amendment to paragraph b of subdivision 1 of section 679-c and the amendment to paragraph 2 of subdivision a of section 679-d of the education law made by sections three and four of this act shall not affect the repeal of such sections and shall be deemed repealed therewith;

S 2. This act shall take effect immediately.

## PART N

Section 1. Paragraph (b) of subdivision 12 of section 425 of the real property tax law, as added by section 1 of part B of chapter 389 of the laws of 1997, is amended and a new paragraph (d) is added to read as follows:

(b) Procedure. The assessed value attributable to each such improperly granted exemption shall be entered separately on the next ensuing tentative or final assessment roll. The provisions of section five hundred fifty-one or five hundred fifty-three of this chapter, relating to the entry by the assessor of omitted real property on a tentative or final assessment roll, shall apply so far as practicable to the revocation procedure, except that the tax rate to be applied to any revoked exemption shall be the tax rate that was applied to the corresponding assessment roll, AND THAT INTEREST SHALL THEN BE ADDED TO EACH SUCH PRODUCT AT THE RATE PRESCRIBED BY SECTION NINE HUNDRED TWENTY-FOUR-A OF THIS CHAPTER OR SUCH OTHER LAW AS MAY BE APPLICABLE FOR EACH MONTH OR PORTION THEREON SINCE THE LEVY OF TAXES UPON THE ASSESSMENT ROLL OR ROLLS UPON WHICH THE EXEMPTION WAS GRANTED.

(D) APPLICABILITY. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT BE APPLICABLE TO THE EXTENT THAT THE PRIOR EXEMPTIONS SHALL HAVE BEEN RENOUNCED PURSUANT TO SECTION FOUR HUNDRED NINETY-SIX OF THIS ARTICLE.

S 2. The real property tax law is amended by adding a new section 496 to read as follows:

S 496. VOLUNTARILY RENUNCIATION OF AN EXEMPTION. 1. A PROPERTY OWNER WHO WISHES TO GIVE UP HIS OR HER CLAIM TO AN EXEMPTION ON ONE OR MORE PRECEDING ASSESSMENT ROLLS MAY RENOUNCE THE EXEMPTION IN THE MANNER PROVIDED BY THIS SECTION.

2. AN APPLICATION TO RENOUNCE AN EXEMPTION SHALL BE MADE ON A FORM PRESCRIBED BY THE COMMISSIONER AND SHALL BE FILED WITH THE COUNTY DIRECTOR OF REAL PROPERTY TAX SERVICES NO LATER THAN TWENTY YEARS AFTER THE LEVY OF TAXES UPON THE ASSESSMENT ROLL ON WHICH THE RENOUNCED EXEMPTION APPEARS. THE COUNTY DIRECTOR, AFTER CONSULTING WITH THE ASSESSOR AS APPROPRIATE, SHALL COMPUTE THE TOTAL AMOUNT OWED ON ACCOUNT OF THE RENOUNCED EXEMPTION AS FOLLOWS:

(A) FOR EACH ASSESSMENT ROLL ON WHICH THE RENOUNCED EXEMPTION APPEARS, THE ASSESSED VALUE THAT WAS EXEMPTED SHALL BE MULTIPLIED BY THE TAX RATE OR RATES THAT WERE APPLIED TO THAT ASSESSMENT ROLL. INTEREST SHALL THEN BE ADDED TO EACH SUCH PRODUCT AT THE RATE PRESCRIBED BY SECTION NINE HUNDRED TWENTY-FOUR-A OF THIS CHAPTER OR SUCH OTHER LAW AS MAY BE APPLICABLE FOR EACH MONTH OR PORTION THEREON SINCE THE LEVY OF TAXES UPON SUCH ASSESSMENT ROLL.

(B) THE SUM OF THE CALCULATIONS MADE PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION WITH RESPECT TO ALL OF THE ASSESSMENT ROLLS IN QUESTION SHALL BE DETERMINED.

(C) A PROCESSING FEE OF FIVE HUNDRED DOLLARS SHALL BE ADDED TO THE SUM DETERMINED PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION.

1 3. AFTER COMPUTING THE TOTAL AMOUNT DUE ON ACCOUNT OF THE RENOUNCED  
2 EXEMPTION, THE COUNTY DIRECTOR SHALL RETURN THE FORM TO THE APPLICANT  
3 WITH THE TOTAL AMOUNT DUE NOTED THEREON. A COPY OF SUCH FORM SHALL BE  
4 PROVIDED TO THE ASSESSOR, AND IN THE CASE OF THE STAR EXEMPTION, TO THE  
5 COMMISSIONER. WITHIN FIFTEEN DAYS AFTER THE MAILING OF SUCH FORM, THE  
6 APPLICANT SHALL PAY THE TOTAL AMOUNT DUE AS SHOWN THEREON TO THE COUNTY  
7 TREASURER, WHO SHALL ISSUE A RECEIPT FOR SUCH PAYMENT. AFTER DEDUCTING  
8 THE PROCESSING FEE, THE COUNTY TREASURER SHALL DISTRIBUTE THE AMOUNT  
9 COLLECTED AMONG THE AFFECTED MUNICIPAL CORPORATIONS ACCORDING TO THE  
10 TAXES AND INTEREST OWING TO EACH, PROVIDED THAT IN THE CASE OF THE STAR  
11 EXEMPTION AUTHORIZED BY SECTION FOUR HUNDRED TWENTY-FIVE OF THIS ARTI-  
12 CLE, THE AMOUNT COLLECTED, INCLUDING INTEREST, SHALL BE PAID TO THE  
13 STATE IN THE MANNER DIRECTED BY THE COMMISSIONER.

14 4. NOTWITHSTANDING THE FOREGOING PROVISIONS OF THIS SECTION, IN A CITY  
15 WITH A POPULATION OF ONE MILLION OR MORE, AN EXEMPTION MAY BE RENOUNCED  
16 ON A FORM PRESCRIBED BY THE COMMISSIONER OF FINANCE, AND THE DUTIES  
17 IMPOSED BY THIS SECTION UPON THE COUNTY TREASURER SHALL BE PERFORMED BY  
18 THE COMMISSIONER OF FINANCE.

19 S 3. Paragraph (e) of subdivision 3 of section 550 of the real proper-  
20 ty tax law, as added by chapter 160 of the laws of 1988, is amended to  
21 read as follows:

22 (e) an incorrect entry of a partial exemption on an assessment roll  
23 for a parcel which is not eligible for such partial exemption; PROVIDED  
24 THAT THE EXEMPTION HAS NOT BEEN RENOUNCED PURSUANT TO SECTION FOUR  
25 HUNDRED NINETY-SIX OF THIS CHAPTER; or

26 S 4. Paragraph (f-1) of subdivision 1 of section 553 of the real prop-  
27 erty tax law, as added by chapter 616 of the laws of 2002, is amended to  
28 read as follows:

29 (f-1) an incorrect entry of a partial exemption on the immediately  
30 preceding year's assessment roll for a parcel which was not eligible for  
31 such exemption, provided that there has not been a transfer of title  
32 subsequent to the filing of such roll AND PROVIDED FURTHER THAT THE  
33 EXEMPTION HAS NOT BEEN RENOUNCED PURSUANT TO SECTION FOUR HUNDRED NINE-  
34 TY-SIX OF THIS CHAPTER;

35 S 5. Subdivision 2 of section 1306-a of the real property tax law, as  
36 added by section 16 of part B of chapter 389 of the laws of 1997, is  
37 amended to read as follows:

38 2. Tax savings. (A)(I) The tax savings for each parcel receiving the  
39 exemption authorized by section four hundred twenty-five of this chapter  
40 shall be computed by subtracting the amount actually levied against the  
41 parcel from the amount that would have been levied if not for the  
42 exemption, PROVIDED HOWEVER, THAT BEGINNING WITH THE TWO THOUSAND  
43 ELEVEN-TWO THOUSAND TWELVE SCHOOL YEAR, THE TAX SAVINGS APPLICABLE TO  
44 ANY "PORTION" (WHICH AS USED HEREIN SHALL MEAN THAT PART OF AN ASSESSING  
45 UNIT LOCATED WITHIN A SCHOOL DISTRICT) SHALL NOT EXCEED THE TAX SAVINGS  
46 APPLICABLE TO THAT PORTION IN THE PRIOR SCHOOL YEAR MULTIPLIED BY ONE  
47 HUNDRED TWO PERCENT, WITH THE RESULT ROUNDED TO THE NEAREST DOLLAR. THE  
48 TAX SAVINGS ATTRIBUTABLE TO THE BASIC AND ENHANCED EXEMPTIONS SHALL BE  
49 CALCULATED SEPARATELY. IT SHALL BE THE RESPONSIBILITY OF THE COMMISSION-  
50 ER TO CALCULATE TAX SAVINGS LIMITATIONS FOR PURPOSES OF THIS  
51 SUBDIVISION.

52 (II) THE TAX SAVINGS APPLICABLE TO A PORTION FOR THE TWO THOUSAND  
53 TEN-TWO THOUSAND ELEVEN SCHOOL YEAR SHALL BE DETERMINED BY MULTIPLYING  
54 THE EXEMPT AMOUNT APPLICABLE TO THE PORTION FOR THE TWO THOUSAND TEN-TWO  
55 THOUSAND ELEVEN SCHOOL YEAR BY THE TAX RATE APPLICABLE TO THE PORTION



FOR THE TWO THOUSAND TEN-TWO THOUSAND ELEVEN SCHOOL YEAR, WITH SEPARATE CALCULATIONS FOR THE BASIC AND ENHANCED EXEMPTIONS.

(III) WHERE A SCHOOL TAX RATE WAS CHANGED IN THE MIDST OF THE PRIOR SCHOOL YEAR, AN ANNUALIZED SCHOOL TAX RATE SHALL BE USED FOR THIS PURPOSE. THE ANNUALIZED TAX RATE FOR THIS PURPOSE SHALL BE DETERMINED BY CALCULATING THE AVERAGE OF THE TAX RATES IN EFFECT AT VARIOUS TIMES DURING THE SCHOOL YEAR, WEIGHTED ACCORDING TO THE LENGTH OF TIME DURING WHICH THEY WERE RESPECTIVELY APPLICABLE.

(B) A statement shall then be placed on the tax bill for the parcel in substantially the following form: "Your tax savings this year resulting from the New York state school tax relief (STAR) program is \$\_\_\_\_\_."

S 6. Section 171-u of the tax law is amended by adding a new subdivision 5 to read as follows:

(5)(A) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE COMMISSIONER MAY ADOPT RULES PRESCRIBING A UNIFORM STATEWIDE SYSTEM OF PARCEL IDENTIFICATION NUMBERS AND A UNIFORM STATEWIDE ASSESSMENT CALENDAR APPLICABLE TO ALL "ASSESSING UNITS", AS THAT TERM IS DEFINED BY SECTION ONE HUNDRED TWO OF THE REAL PROPERTY TAX LAW, PROVIDED THAT NO SUCH RULE SHALL APPLY TO AN ASSESSMENT ROLL WITH A TAXABLE STATUS DATE OCCURRING PRIOR TO JANUARY FIRST, TWO THOUSAND THIRTEEN. THE RULES SO PRESCRIBED SHALL TAKE PRECEDENCE OVER ANY AND ALL GENERAL, SPECIAL AND LOCAL LAWS, ORDINANCES AND RESOLUTIONS TO THE CONTRARY.

(B) THE UNIFORM STATEWIDE ASSESSMENT CALENDAR SO PRESCRIBED SHALL PROVIDE FOR A UNIFORM VALUATION DATE, A UNIFORM TAXABLE STATUS DATE, A UNIFORM DATE FOR THE FILING OF TENTATIVE ASSESSMENT ROLLS, A UNIFORM DATE FOR THE HEARING OF COMPLAINTS ON TENTATIVE ASSESSMENTS, AND A UNIFORM DATE FOR THE FILING OF FINAL ASSESSMENT ROLLS. THE CALENDAR MAY NOT, HOWEVER, OVERRIDE THE DATES OTHERWISE SET BY LAW FOR THE LEVY OR COLLECTION OF TAXES, NOR MAY IT OVERRIDE THE DATES OTHERWISE SET BY LAW FOR LOCAL FISCAL YEARS TO BEGIN OR END.

(C) NOTWITHSTANDING THE FOREGOING PROVISIONS OF THIS SUBDIVISION, THE COMMISSIONER MAY, AT HIS OR HER DISCRETION, ADOPT RULES THAT ARE APPLICABLE ONLY TO "SPECIAL ASSESSING UNITS," AS THAT TERM IS DEFINED BY SECTION EIGHTEEN HUNDRED ONE OF THE REAL PROPERTY TAX LAW, WHICH PRESCRIBE AN ALTERNATIVE SYSTEM OF PARCEL IDENTIFICATION NUMBERS AND AN ALTERNATIVE ASSESSMENT CALENDAR SOLELY FOR SUCH SPECIAL ASSESSING UNITS.

S 7. This act shall take effect immediately.

## PART O

Section 1. Paragraph c of subdivision 1 of section 4405 of the education law, paragraph c as added by section 2 of part G2 of chapter 62 of the laws of 2003, is amended to read as follows:

c. Expenditures made by a social services district for the maintenance of a child with a disability placed in a residential school under the provisions of this article, including a child with a disability placed by a school district committee on special education pursuant to this article in a special act school district, or a state school subject to the provisions of articles eighty-seven and eighty-eight of this chapter, shall be subject to [twenty] TWENTY-EIGHT AND FOUR HUNDREDTHS percent reimbursement by the child's school district of residence pursuant to the provisions of subdivision ten of section one hundred fifty-three of the social services law. The amount of such reimbursement shall be a charge upon such school district of residence.

1 S 2. Subdivision 10 of section 153 of the social services law, as  
2 amended by section 1 of part G2 of chapter 62 of the laws of 2003, is  
3 amended to read as follows:

4 10. Expenditures made by a social services district for the mainte-  
5 nance of children with disabilities, placed by school districts, pursu-  
6 ant to section forty-four hundred five of the education law shall, if  
7 approved by the office of children and family services, be subject to  
8 [forty percent reimbursement by the state and twenty] TWENTY-EIGHT AND  
9 FOUR HUNDREDTHS PERCENT REIMBURSEMENT BY THE STATE AND TWENTY-EIGHT AND  
10 FOUR HUNDREDTHS percent reimbursement by school districts in accordance  
11 with paragraph (c) of subdivision one of section forty-four hundred five  
12 of the education law, after first deducting therefrom any federal funds  
13 received or to be received on account of such expenditures, except that  
14 in the case of a student attending a state-operated school for the deaf  
15 or blind pursuant to article eighty-seven or eighty-eight of the educa-  
16 tion law who was not placed in such school by a school district such  
17 expenditures shall be subject to fifty percent reimbursement by the  
18 state after first deducting therefrom any federal funds received or to  
19 be received on account of such expenditures and there shall be no  
20 reimbursement by school districts. Such expenditures shall not be  
21 subject to the limitations on state reimbursement contained in subdivi-  
22 sion two of section one hundred fifty-three-k of this [chapter] TITLE.  
23 In the event of the failure of the school district to make the mainte-  
24 nance payment pursuant to the provisions of this subdivision, the state  
25 comptroller shall withhold state reimbursement to any such school  
26 district in an amount equal to the unpaid obligation for maintenance and  
27 pay over such sum to the social services district upon certification of  
28 the commissioner of the office of children and family services and the  
29 commissioner of education that such funds are overdue and owed by such  
30 school district. The commissioner of the office of children and family  
31 services, in consultation with the commissioner of education, shall  
32 promulgate regulations to implement the provisions of this subdivision.

33 S 3. This act shall take effect immediately and shall be deemed to  
34 have been in full force and effect on and after January 1, 2011;  
35 provided, however, that the amendments to subdivision 10 of section 153  
36 of the social services law made by section two of this act shall not  
37 affect the expiration of such subdivision and shall expire therewith.

38 PART P

39 Intentionally omitted.

40 PART Q

41 SUBPART A

42 Intentionally omitted.

43 SUBPART B

44 Section 1. Subdivision 3 of section 502 of the executive law, as added  
45 by chapter 465 of the laws of 1992, is amended to read as follows:

46 3. "Detention" means the temporary care and maintenance of youth held  
47 away from their homes pursuant to article three or seven of the family  
48 court act, or held pending a hearing for alleged violation of the condi-

1 tions of release from [a division] AN OFFICE OF CHILDREN AND FAMILY  
2 SERVICES facility or authorized agency, or held pending a hearing for  
3 alleged violation of the condition of parole as a juvenile offender, or  
4 held pending return to a jurisdiction other than the one in which the  
5 youth is held, or held pursuant to a securing order of a criminal court  
6 if the youth named therein as principal is charged as a juvenile offen-  
7 der or held pending a hearing on an extension of placement or held pend-  
8 ing transfer to a facility upon commitment or placement by a court. Only  
9 alleged or convicted juvenile offenders who have not attained their  
10 eighteenth birthday shall be subject to detention in a detention facili-  
11 ty.

12 S 2. Subdivision 4, paragraphs (b) and (c) of subdivision 5 and subdi-  
13 vision 7 of section 503 of the executive law, as amended by chapter 465  
14 of the laws of 1992, are amended to read as follows:

15 4. The [division] OFFICE OF CHILDREN AND FAMILY SERVICES shall visit  
16 and inspect all facilities used for detention and make periodic reports  
17 of the operation and adequacy of such facilities, and the need for  
18 provision of such facilities to the county executive, if there be one,  
19 the county legislature and the family court judges of the county in  
20 which such facilities are located, and the office of court adminis-  
21 tration. The department of social services shall cooperate with the  
22 division for youth to make arrangements for joint visitation and  
23 inspection of foster care programs certified by the department of social  
24 services and serving youth detained, in cities having a population of  
25 one million or more, pursuant to article seven of the family court act.

26 (b) The [division] OFFICE OF CHILDREN AND FAMILY SERVICES may suspend  
27 a certification for good cause shown. Suspension shall mean that no  
28 persons coming within the provisions of article three or seven of the  
29 family court act and no alleged or convicted juvenile offender may be  
30 received for care in a detention facility, but persons already in care  
31 may remain in care. The [division] OFFICE may impose such conditions in  
32 the event of a suspension as it shall deem necessary and proper.

33 (c) [The division] SUCH OFFICE may revoke a certification for good  
34 cause shown. Revocation shall mean that no persons coming within the  
35 provisions of article three or seven of the family court act and no  
36 alleged or convicted juvenile offender may be received for care nor  
37 remain at the detention facility.

38 7. The person in charge of each detention facility shall keep a record  
39 of all time spent in such facility for each youth in care. The detention  
40 facility shall deliver a certified transcript of such record to the  
41 [division] OFFICE, social services district, or other agency taking  
42 custody of the youth pursuant to article three or seven of the family  
43 court act, before, or at the same time as the youth is delivered to the  
44 [division] OFFICE, district or other agency, as is appropriate.

45 S 3. Subdivisions 1, 2, 2-a, 3 and 4 of section 530 of the executive  
46 law, subdivisions 1, 3 and 4 as amended by chapter 880 of the laws of  
47 1976, subdivision 2 as amended by chapter 920 of the laws of 1982,  
48 subdivision 2-a as added and paragraph (a) of subdivision 4 as amended  
49 by chapter 419 of the laws of 1987, the closing paragraph of subdivision  
50 2-a as amended by chapter 465 of the laws of 1992, and paragraph (c) of  
51 subdivision 4 as added by chapter 169 of the laws of 1994, are amended  
52 to read as follows:

53 1. Definitions. As used in this section, the [terms "local charge" and  
54 "state charge" shall have the meaning ascribed to them in the social  
55 services law] TERM "MUNICIPALITY" SHALL MEAN A COUNTY, OR A CITY HAVING  
56 A POPULATION OF ONE MILLION OR MORE.

2. Expenditures made by [social services districts] MUNICIPALITIES in providing care, maintenance and supervision to youth in detention facilities designated pursuant to sections seven hundred twenty-four and 305.2 of the family court act and certified by the division for youth, shall be subject to reimbursement by the state upon approval by the division in accordance with its regulations, as follows:

(1) the full amount expended by the district for care, maintenance and supervision of state charges;

(2) fifty percent of the amount expended for the care, maintenance and supervision of local charges where counties conform with requirements of subdivision B of section two hundred eighteen-a of the county law.

2-a. Expenditures made by the city of New York in providing care, maintenance and supervision to youth detained pursuant to article seven of the family court act in foster care facilities approved by the state department of social services shall be subject to reimbursement by the state upon the approval of the division, as follows:

(1) the full per diem rate set by the state department of social services for such programs for the care, maintenance and supervision of state charges;

(2) fifty percent of the per diem rate set by the state department of social services for such programs for the care, maintenance and supervision of local charges. Notwithstanding the provisions of this subdivision, section three hundred ninety-eight-a of the social services law shall not apply to facilities certified by the division pursuant to section five hundred three of this chapter. (A) MUNICIPALITIES SHALL IMPLEMENT THE USE OF DETENTION RISK ASSESSMENT INSTRUMENTS IN A MANNER PRESCRIBED BY THE OFFICE SO AS TO INFORM DETENTION DECISIONS. NOTWITHSTANDING ANY OTHER PROVISION OF STATE LAW TO THE CONTRARY, DATA NECESSARY FOR COMPLETION OF A DETENTION RISK ASSESSMENT INSTRUMENT AND CLAIMING REIMBURSEMENT FOR DETENTION SHALL BE SHARED BETWEEN LAW ENFORCEMENT, PROBATION, COURTS, DETENTION ADMINISTRATORS, AND DETENTION PROVIDERS, AND A COPY OF THE COMPLETED DETENTION RISK ASSESSMENT INSTRUMENT SHALL BE MADE AVAILABLE TO THE APPLICABLE DETENTION PROVIDER.

(B) A MUNICIPALITY MAY ALSO USE THE DETENTION SERVICES FUNDS UNDER THIS SECTION FOR A PARTICULAR PROGRAM YEAR FOR FIFTY PERCENT STATE REIMBURSEMENT FOR ALTERNATIVE TO DETENTION AND ALTERNATIVE TO RESIDENTIAL PLACEMENT PROGRAMS PROVIDED DURING AN APPLICABLE PROGRAM YEAR TO AT-RISK, ALLEGED OR ADJUDICATED JUVENILE DELINQUENTS IN COMMUNITY-BASED NON-RESIDENTIAL SETTINGS. ANY CLAIMS SUBMITTED BY A MUNICIPALITY FOR REIMBURSEMENT FOR DETENTION SERVICES OR ALTERNATIVE TO DETENTION OR RESIDENTIAL PLACEMENT PROGRAMS PROVIDED DURING A PARTICULAR PROGRAM YEAR FOR WHICH THE MUNICIPALITY DOES NOT RECEIVE STATE REIMBURSEMENT FROM THE MUNICIPALITY'S DISTRIBUTION OF DETENTION SERVICES FUNDS FOR THAT PROGRAM YEAR MAY BE CLAIMED AGAINST THE MUNICIPALITY'S DISTRIBUTION OF FUNDS AVAILABLE UNDER THIS SECTION FOR THE NEXT APPLICABLE PROGRAM YEAR. THE OFFICE MAY REQUIRE THAT SUCH CLAIMS BE SUBMITTED TO THE OFFICE ELECTRONICALLY AT SUCH TIMES AND IN THE MANNER AND FORMAT REQUIRED BY THE OFFICE.

3. Wherever detention services are not provided directly or indirectly by a [social services district] MUNICIPALITY, the [district] MUNICIPALITY shall act as the intermediary between the [division] OFFICE OF CHILDREN AND FAMILY SERVICES and the agency lawfully providing such services, for the purpose of claiming and receiving reimbursement, furnishing financial information and obtaining approval for reserved accommodations pursuant to this section.

1 4. (a) The [social services districts] MUNICIPALITY must notify the  
2 [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES of state aid  
3 received under other state aid formulas by each detention facility, and,  
4 in the city of New York, by each foster care facility which is providing  
5 care, maintenance and supervision for which the [district] MUNICIPALITY  
6 is seeking reimbursement pursuant to this section, including but not  
7 limited to, aid for education, probation and mental health services.

8 (b) In computing reimbursement to the [social services districts]  
9 MUNICIPALITY pursuant to this section, the [division] OFFICE shall  
10 insure that the aggregate of state aid under all state aid formulas  
11 shall not exceed fifty percent of the cost of care, maintenance and  
12 supervision provided TO detainees, exclusive of federal aid for such  
13 purposes.

14 (c) Reimbursement for administrative related expenditures as defined  
15 by the [director of the division for youth] OFFICE OF CHILDREN AND FAMI-  
16 LY SERVICES, for secure and nonsecure detention services shall not  
17 exceed seventeen percent of the total approved expenditures for facili-  
18 ties of twenty-five beds or more and shall not exceed twenty-one percent  
19 of the total approved expenditures for facilities with less than twen-  
20 ty-five beds.

21 S 4. Subparagraphs 1 and 2 of paragraph (a) and paragraph (b) of  
22 subdivision 5 of section 530 of the executive law, as amended by chapter  
23 920 of the laws of 1982, are amended to read as follows:

24 (1) temporary care, maintenance and supervision provided alleged juve-  
25 nile delinquents and persons in need of supervision in detention facili-  
26 ties certified pursuant to sections seven hundred twenty-four and 305.2  
27 of the family court act by the [division for youth] OFFICE OF CHILDREN  
28 AND FAMILY SERVICES, pending adjudication of alleged delinquency or  
29 alleged need of supervision by the family court, or pending transfer to  
30 institutions to which committed or placed by such court or while await-  
31 ing disposition by such court after adjudication or held pursuant to a  
32 securing order of a criminal court if the person named therein as prin-  
33 cipal is under sixteen; or,

34 (2) temporary care, maintenance and supervision provided juvenile  
35 delinquents and persons in need of supervision in approved detention  
36 facilities at the request of the [division for youth] OFFICE OF CHILDREN  
37 AND FAMILY SERVICES pending release revocation hearings or while await-  
38 ing disposition after such hearings; or

39 (b) Payments made for reserved accommodations, whether or not in full  
40 time use, approved by the [division for youth] OFFICE OF CHILDREN AND  
41 FAMILY SERVICES and certified pursuant to sections seven hundred twen-  
42 ty-four and 305.2 of the family court act, in order to assure that  
43 adequate accommodations will be available for the immediate reception  
44 and proper care therein of youth for which detention costs are reimburs-  
45 able pursuant to paragraph (a) of this subdivision, shall be reimbursed  
46 as expenditures for care, maintenance and supervision of local charges  
47 under the provisions of this section, provided the [division] OFFICE  
48 shall have given its prior approval for reserving such accommodations.

49 S 5. Subdivision 9 of section 530 of the executive law, as added by  
50 section 2 of part C of chapter 83 of the laws of 2002, is amended to  
51 read as follows:

52 9. The agency administering detention for each county and the city of  
53 New York shall submit to the office of children and family services, AT  
54 SUCH TIMES AND in such form and manner AND CONTAINING SUCH INFORMATION  
55 as required by the office of children and family services, a quarterly  
56 report on youth remanded pursuant to article three or seven of the fami-

1 ly court act who are detained for forty-five days or more in any twelve  
2 month period INCLUDING THE RISK LEVEL OF EACH DETAINED YOUTH AS ASSESSED  
3 BY A DETENTION RISK ASSESSMENT INSTRUMENT APPROVED BY THE OFFICE OF  
4 CHILDREN AND FAMILY SERVICES. THE OFFICE MAY REQUIRE THAT SUCH DATA ON  
5 DETENTION USE BE SUBMITTED TO THE OFFICE ELECTRONICALLY. Such report  
6 shall include, but not be limited to[:], the reason for the court's  
7 determination in accordance with section 320.5 or seven hundred thirty-  
8 nine of the family court act to detain the youth; the offense or  
9 offenses with which the youth is charged; and all other reasons why the  
10 youth remains detained. Detention agencies shall submit each quarterly  
11 report to the office within thirty days of the end of the quarter and  
12 the office shall submit a compilation of all of the separate reports for  
13 the quarter to the governor and the legislature within forty-five days  
14 of the end of the quarter. The first quarterly report shall cover the  
15 last quarter of two thousand two. THE OFFICE SHALL SUBMIT A COMPILATION  
16 OF ALL THE SEPARATE REPORTS TO THE GOVERNOR AND THE LEGISLATURE.

17 S 6. Subdivision (c) of section 531 of the executive law, as added by  
18 chapter 43 of the laws of 1978, is amended to read as follows:

19 (c) expenditures made by each [such social services district] MUNICI-  
20 PALITY for the care, maintenance and supervision of youths in secure and  
21 non-secure detention for which reimbursement is approved pursuant to  
22 section five hundred thirty of this chapter, or for which reimbursement  
23 is due to the state pursuant to subdivision seven of such section,  
24 including the numbers of such youths in each category of detention  
25 facility and the per diem rates charged.

26 S 7. Paragraph (b) of subdivision 3 of section 320.5 of the family  
27 court act, as added by section 1 of part DD of chapter 57 of the laws of  
28 2008, is amended to read as follows:

29 (b) Any finding directing detention pursuant to paragraph (a) of this  
30 subdivision made by the court shall state the facts, THE LEVEL OF RISK  
31 THE YOUTH WAS ASSESSED PURSUANT TO A DETENTION RISK ASSESSMENT INSTRU-  
32 MENT APPROVED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES, and THE  
33 reasons for such finding INCLUDING, IF A DETERMINATION IS MADE TO PLACE  
34 A YOUTH IN DETENTION WHO WAS ASSESSED AT A LOW OR MEDIUM RISK ON SUCH A  
35 RISK ASSESSMENT INSTRUMENT, THE PARTICULAR REASONS WHY DETENTION WAS  
36 DETERMINED TO BE NECESSARY.

37 S 8. Subdivision (a) of section 735 of the family court act, as added  
38 by section 7 of part E of chapter 57 of the laws of 2005, is amended to  
39 read as follows:

40 (a) Each county and any city having a population of one million or  
41 more shall offer diversion services as defined in section seven hundred  
42 twelve of this article to youth who are at risk of being the subject of  
43 a person in need of supervision petition. Such services shall be  
44 designed to provide an immediate response to families in crisis, to  
45 identify and utilize appropriate alternatives to detention and SERVICES  
46 AND PROGRAMS to divert youth from being the subject of a petition in  
47 family court. Each county and such city shall designate either the local  
48 social services district or the probation department as lead agency for  
49 the purposes of providing diversion services.

50 S 9. The opening paragraph and paragraph 2 of subdivision A and subdi-  
51 visions B and C of section 218-a of the county law, the opening para-  
52 graph of subdivision A as amended by chapter 465 of the laws of 1992,  
53 paragraph 2 of subdivision A as amended by chapter 555 of the laws of  
54 1978, subdivision B as amended by chapter 419 of the laws of 1987 and  
55 subdivision C as added by section 12 of part E of chapter 57 of the laws  
56 of 2005, are amended to read as follows:

1 To assure that suitable and conveniently accessible accommodations and  
2 proper and adequate detention in secure and non-secure detention facili-  
3 ties, as defined in section five hundred two of the executive law and  
4 the regulations of the [division for youth] OFFICE OF CHILDREN AND FAMI-  
5 LY SERVICES, will be available when required for the temporary care,  
6 maintenance and security of alleged and convicted juvenile offenders,  
7 AND alleged and adjudicated juvenile delinquents and alleged and adjudi-  
8 cated persons in need of supervision. Such regulations shall not require  
9 any county to provide temporary care in a secure detention facility for  
10 residents of any other county except upon a space available basis. The  
11 county executive, if there be one, otherwise the board of supervisors  
12 shall designate the agency of county government responsible for the  
13 administration of the county juvenile detention program and shall so  
14 advise the [New York state division for youth] OFFICE OF CHILDREN AND  
15 FAMILY SERVICES, and may make provisions therefor as follows:

16 2. Authorize a contract between its county and one or more other coun-  
17 ties, which is or are operating a conveniently accessible detention  
18 facility certified by the [division for youth] OFFICE OF CHILDREN AND  
19 FAMILY SERVICES and in compliance with regulations of the [division for  
20 youth] OFFICE, providing for the reception, temporary accommodation and  
21 care in such facility of alleged or adjudicated juvenile delinquents and  
22 persons in need of supervision held for or at the direction of its fami-  
23 ly court, for and in consideration of the payments to be made therefor,  
24 on a per capita basis, pursuant to the terms of such contract.

25 B. Notwithstanding any other provision of law, each board of supervi-  
26 sors shall provide or assure the availability of conveniently accessible  
27 and adequate non-secure detention facilities, certified by the [state  
28 division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES, as resources  
29 for the family court in the county pursuant to articles seven and three  
30 of the family court act, to be operated in compliance with the regu-  
31 lations of the [division for youth] OFFICE for the temporary care and  
32 maintenance of alleged and adjudicated juvenile delinquents and persons  
33 in need of supervision held for or at the direction of a family court.

34 C. Each county shall offer diversion services to children who are at  
35 risk of being the subject of a petition under article seven of the fami-  
36 ly court act. Such services shall be designed to provide an immediate  
37 response to families in crisis and to identify and utilize appropriate  
38 [alternatives to juvenile detention] SERVICES.

39 S 10. This act shall take effect immediately.

40 S 2. Severability clause. If any clause, sentence, paragraph, subdivi-  
41 sion, section or part of this act shall be adjudged by any court of  
42 competent jurisdiction to be invalid, such judgment shall not affect,  
43 impair, or invalidate the remainder thereof, but shall be confined in  
44 its operation to the clause, sentence, paragraph, subdivision, section  
45 or part thereof directly involved in the controversy in which such judg-  
46 ment shall have been rendered. It is hereby declared to be the intent of  
47 the legislature that this act would have been enacted even if such  
48 invalid provisions had not been included herein.

49 S 3. This act shall take effect immediately.

50

## PART R

51 Section 1. Paragraph (f) of subdivision 1 of section 424-a of the  
52 social services law, as amended by chapter 441 of the laws of 1993, is  
53 amended to read as follows:

1 (f) The [department] OFFICE OF CHILDREN AND FAMILY SERVICES shall  
2 charge a fee of [five] TWENTY-FIVE dollars when[, pursuant to regu-  
3 lations of the department,] it conducts [a] AN INITIAL search of its  
4 records OF AN INDIVIDUAL AND FIVE DOLLARS FOR EACH SUBSEQUENT SEARCH FOR  
5 THE INDIVIDUAL, within the statewide central register for child abuse or  
6 maltreatment in accordance with this section or regulations of the  
7 [department] OFFICE to determine whether an applicant for employment [as  
8 specified in paragraph (b) of this subdivision] is the subject of an  
9 indicated child abuse or maltreatment report[, except that fees shall  
10 not be charged for requests for screenings related to applications for]  
11 INCLUDING AN APPLICANT TO BE A child day care [providers or for employ-  
12 ment with child day care providers including requests] PROVIDER AND A  
13 REQUEST made pursuant to subdivision six of this section. Such fees  
14 shall be deposited in [an] A SPECIAL REVENUE - OTHER account and shall  
15 be made available to the [department] OFFICE for costs incurred in the  
16 implementation of this section. [Procedures for payment of such fees  
17 shall be established by the regulations of the department.] THE OFFICE  
18 MUST ESTABLISH PROCEDURES WHEREBY ALL RECORDS WITHIN THE STATEWIDE  
19 CENTRAL REGISTER FOR CHILD ABUSE OR MALTREATMENT CONTAIN PERSONAL IDEN-  
20 TIFYING INFORMATION THAT WILL ALLOW AN AUTOMATED SEARCH OF RECORDS  
21 RECEIVED ON OR AFTER APRIL FIRST, TWO THOUSAND ELEVEN.

22 S 2. This act shall take effect immediately and shall apply to any  
23 request for a search of the records of the statewide central register of  
24 child abuse or maltreatment that is received by the office of children  
25 and family services on or after April 1, 2011.

26

## PART S

27 Section 1. Paragraphs (a), (b), (c) and (d) of subdivision 1 of  
28 section 131-o of the social services law, as amended by section 1 of  
29 part I of chapter 58 of the laws of 2010, are amended to read as  
30 follows:

31 (a) in the case of each individual receiving family care, an amount  
32 equal to at least \$130.00 for each month beginning on or after January  
33 first, two thousand [ten] ELEVEN.

34 (b) in the case of each individual receiving residential care, an  
35 amount equal to at least \$150.00 for each month beginning on or after  
36 January first, two thousand [ten] ELEVEN.

37 (c) in the case of each individual receiving enhanced residential  
38 care, an amount equal to at least \$178.00 for each month beginning on or  
39 after January first, two thousand [ten] ELEVEN.

40 (d) for the period commencing January first, two thousand [eleven]  
41 TWELVE, the monthly personal needs allowance shall be an amount equal to  
42 the sum of the amounts set forth in subparagraphs one and two of this  
43 paragraph:

44 (1) the amounts specified in paragraphs (a), (b) and (c) of this  
45 subdivision; and

46 (2) the amount in subparagraph one of this paragraph, multiplied by  
47 the percentage of any federal supplemental security income cost of  
48 living adjustment which becomes effective on or after January first, two  
49 thousand [eleven] TWELVE, but prior to June thirtieth, two thousand  
50 [eleven] TWELVE, rounded to the nearest whole dollar.

51 S 2. Paragraphs (a), (b), (c), (d), (e) and (f) of subdivision 2 of  
52 section 209 of the social services law, as amended by section 2 of part  
53 I of chapter 58 of the laws of 2010, are amended to read as follows:



1 (a) On and after January first, two thousand [ten] ELEVEN, for an  
2 eligible individual living alone, \$761.00; and for an eligible couple  
3 living alone, \$1115.00.

4 (b) On and after January first, two thousand [ten] ELEVEN, for an  
5 eligible individual living with others with or without in-kind income,  
6 \$697.00; and for an eligible couple living with others with or without  
7 in-kind income, \$1057.00.

8 (c) On and after January first, two thousand [ten] ELEVEN, (i) for an  
9 eligible individual receiving family care, \$940.48 if he or she is  
10 receiving such care in the city of New York or the county of Nassau,  
11 Suffolk, Westchester or Rockland; and (ii) for an eligible couple  
12 receiving family care in the city of New York or the county of Nassau,  
13 Suffolk, Westchester or Rockland, two times the amount set forth in  
14 subparagraph (i) of this paragraph; or (iii) for an eligible individual  
15 receiving such care in any other county in the state, \$902.48; and (iv)  
16 for an eligible couple receiving such care in any other county in the  
17 state, two times the amount set forth in subparagraph (iii) of this  
18 paragraph.

19 (d) On and after January first, two thousand [ten] ELEVEN, (i) for an  
20 eligible individual receiving residential care, \$1109.00 if he or she is  
21 receiving such care in the city of New York or the county of Nassau,  
22 Suffolk, Westchester or Rockland; and (ii) for an eligible couple  
23 receiving residential care in the city of New York or the county of  
24 Nassau, Suffolk, Westchester or Rockland, two times the amount set forth  
25 in subparagraph (i) of this paragraph; or (iii) for an eligible individ-  
26 ual receiving such care in any other county in the state, \$1079.00; and  
27 (iv) for an eligible couple receiving such care in any other county in  
28 the state, two times the amount set forth in subparagraph (iii) of this  
29 paragraph.

30 (e) (i) On and after January first, two thousand [ten] ELEVEN, for an  
31 eligible individual receiving enhanced residential care, \$1368.00; and  
32 (ii) for an eligible couple receiving enhanced residential care, two  
33 times the amount set forth in subparagraph (i) of this paragraph.

34 (f) The amounts set forth in paragraphs (a) through (e) of this subdi-  
35 vision shall be increased to reflect any increases in federal supple-  
36 mental security income benefits for individuals or couples which become  
37 effective on or after January first, two thousand [eleven] TWELVE but  
38 prior to June thirtieth, two thousand [eleven] TWELVE.

39 S 3. This act shall take effect December 31, 2011.

40

## PART T

41 Section 1. Subdivision 1 of section 341 of the social services law, as  
42 amended by section 1 of part D of chapter 61 of the laws of 2006, is  
43 amended to read as follows:

44 1. (a) Consistent with federal law and regulations and this title, if  
45 a participant has failed or refused to comply with the requirements of  
46 this title, the social services district shall issue a notice in plain  
47 language indicating that such failure or refusal has taken place, THE  
48 EFFECT OF SUCH NONCOMPLIANCE ON THE PARTICIPANT'S PUBLIC ASSISTANCE  
49 BENEFITS, and of the right of such participant to conciliation to  
50 resolve the reasons for such failure or refusal to avoid a pro-rata  
51 reduction OR DISCONTINUANCE in public assistance benefits for a period  
52 of time set forth in section three hundred forty-two of this title. The  
53 notice shall indicate the specific instance or instances of willful  
54 refusal or failure to comply without good cause with the requirements of

1 this title and the necessary actions that must be taken to avoid a pro-  
2 rata reduction OR DISCONTINUANCE in public assistance benefits. The  
3 notice shall indicate that the participant has [seven] TEN days to  
4 request conciliation with the district regarding such failure or refusal  
5 [in the case of a safety net participant and ten days in the case of a  
6 family assistance participant]. PROVIDED, HOWEVER, THAT FOR A MEMBER OF  
7 A HOUSEHOLD WITH DEPENDENT CHILDREN WHO DOES NOT REQUEST A CONCILIATION  
8 CONFERENCE WITHIN THE TEN DAY PERIOD, THE LOCAL SOCIAL SERVICES DISTRICT  
9 SHALL MAKE AN ADDITIONAL EFFORT TO CONTACT THE HOUSEHOLD, INCLUDING A  
10 REASONABLE ATTEMPT FOR TELEPHONE CONTACT, TO OFFER CONCILIATION AND TO  
11 INDICATE THAT THE PARTICIPANT HAS TEN DAYS TO REQUEST CONCILIATION. The  
12 notice shall also include an explanation in plain language of what would  
13 constitute good cause for non-compliance and examples of acceptable  
14 forms of evidence that may warrant an exemption from work activities,  
15 including evidence of domestic violence, and physical or mental health  
16 limitations that may be provided at the conciliation conference to  
17 demonstrate such good cause for failure to comply with the requirements  
18 of this title. SUCH NOTICE SHALL ALSO INCLUDE INFORMATION TO EXPLAIN  
19 THE BENEFITS OF COMPLIANCE, INCLUDING THE AVAILABILITY OF GUARANTEED  
20 CHILD CARE BENEFITS. If the participant does not contact the district  
21 within the specified number of days, the district shall issue ten days  
22 notice of intent to discontinue or reduce assistance, pursuant to regu-  
23 lations of the department. Such notice shall also include a statement of  
24 the participant's right to a fair hearing relating to such discontin-  
25 uance or reduction. If such participant contacts the district within  
26 [seven days in the case of a safety net participant or within ten days  
27 in the case of a family assistance participant] THE SPECIFIED NUMBER OF  
28 DAYS, it will be the responsibility of the participant to give reasons  
29 for such failure or refusal.

30 (b) Unless the district determines as a result of such conciliation  
31 process that such failure or refusal was willful and was without good  
32 cause, no further action shall be taken. If the district determines that  
33 such failure or refusal was willful and without good cause, the district  
34 shall notify such participant in writing, in plain language and in a  
35 manner distinct from any previous notice, by issuing ten days notice of  
36 its intent to discontinue or reduce assistance. Such notice shall  
37 include the reasons for such determination, the specific instance or  
38 instances of willful refusal or failure to comply without good cause  
39 with the requirements of this title, the necessary actions that must be  
40 taken to avoid a pro-rata reduction OR DISCONTINUANCE in public assist-  
41 ance benefits, and the right to a fair hearing relating to such discon-  
42 tinuance or reduction. Unless extended by mutual agreement of the  
43 participant and the district, conciliation shall terminate and a deter-  
44 mination shall be made within [fourteen] THIRTY days of the date a  
45 request for conciliation is made [in the case of a safety net partic-  
46 ipant or within thirty days of the conciliation notice in the case of a  
47 family assistance participant].

48 S 2. Subdivision 5 of section 341 of the social services law is  
49 REPEALED and subdivision 6 is renumbered subdivision 5.

50 S 3. Subdivisions 2 and 3 of section 342 of the social services law,  
51 as added by section 148 of part B of chapter 436 of the laws of 1997,  
52 are amended to read as follows:

53 2. [In] NOTWITHSTANDING SUBDIVISION EIGHT OF SECTION ONE HUNDRED  
54 FIFTY-THREE OF THIS ARTICLE, IN the case of an applicant for or recipi-  
55 ent of public assistance [who is a parent or caretaker of a dependent

child], the public assistance benefits otherwise available to the household of which such individual is a member shall be [reduced pro-rata]:

(a) REDUCED PRO-RATA for the first instance of failure to comply without good cause with the requirement of this article until the individual is willing to comply;

(b) TERMINATED AND CASE CLOSED for the second instance of failure to comply without good cause with the requirements of this article[, for a period of three months and thereafter] until the individual is willing to comply;

(c) TERMINATED AND CASE CLOSED for the third and all subsequent instances of failure to comply without good cause with the requirements of this article, for a period of six months [and thereafter] OR until the individual is willing to comply, WHICHEVER PERIOD IS LONGER.

3. [In the case of an individual who is a member of a household without dependent children applying for or in receipt of safety net assistance the public assistance benefits otherwise available to the household of which such individual is a member shall be reduced pro-rata:

(a) for the first such failure or refusal, until the failure or refusal ceases or ninety days, whichever period of time is longer;

(b) for the second such failure or refusal, until the failure ceases or for one hundred fifty days, whichever period of time is longer; and

(c) for the third and all subsequent such failures or refusals, until the failure ceases or one hundred eighty days, whichever period of time is longer.] WITH RESPECT TO THE SANCTIONS SET FORTH IN SUBDIVISION TWO OF THIS SECTION, IF THE INDIVIDUAL COMPLIES WITH THE REQUIREMENT OF THIS ARTICLE WITHIN THE SIX-MONTH MINIMUM SANCTION DURATIONS SET FORTH IN PARAGRAPH (C) OF SUBDIVISION TWO OF THIS SECTION THE HOUSEHOLD SHALL RECEIVE A PRO-RATA REDUCED GRANT FOR THE REMAINING MINIMUM PERIOD. CONTINUED COMPLIANCE AFTER THE MINIMUM DURATION SHALL RESTORE THE GRANT TO THE FULL AMOUNT.

S 4. The office of temporary and disability assistance, in consultation with the office of children and family services, shall submit a report to the chairperson of the senate finance committee, the chairperson of the assembly ways and means committee, and the director of the division of budget on the implementation of the full family sanction policy. Such report shall include the number of sanctioned cases that had their case closed due to the new sanction policy, the monthly benefit of those sanctioned cases that had their cases closed and the number of sanctioned cases involving case closure that subsequently were reopened upon demonstrated willingness to comply with work requirements. Such report shall also determine if there were child welfare referrals made since October, 1, 2011 that were a function of the new sanction policy. This report shall be submitted by December 31, 2012.

S 5. This act shall take effect October 1, 2011 and shall expire on September 30, 2013, when upon such date the provisions of this act shall be deemed repealed.

#### PART U

Section 1. Paragraph (a-2) of subdivision 2 of section 131-a of the social services law, as added by section 1 of part Y of chapter 57 of the laws of 2009, is amended to read as follows:

(a-2) For the period beginning July first, two thousand [ten] ELEVEN and ending June thirtieth, two thousand [eleven] TWELVE, the following schedule shall be the standard of monthly need for determining eligibil-

ity for all categories of assistance in and by all social services districts:

Number of Persons in Household

One	Two	Three	Four	Five	Six
[\$141]	[\$225]	[\$300]	[\$386]	[\$477]	[\$551]
\$126	\$201	\$268	\$345	\$426	\$492

For each additional person in the household there shall be added an additional amount of [seventy-five] SIXTY-SEVEN dollars monthly.

S 2. Paragraph (a-3) of subdivision 2 of section 131-a of the social services law, as added by section 1 of part Y of chapter 57 of the laws of 2009, is amended to read as follows:

(a-3) For the period beginning July first, two thousand [eleven and thereafter,] TWELVE the following schedule shall be the standard of monthly need for determining eligibility for all categories of assistance in and by all social services districts:

Number of Persons in Household

One	Two	Three	Four	Five	Six
[\$158]	[\$252]	[\$335]	[\$432]	[\$533]	[\$616]
\$141	\$225	\$300	\$386	\$477	\$551

For each additional person in the household there shall be added an additional amount of [eighty-four] SEVENTY-FIVE dollars monthly.

S 3. Subdivision 2 of section 131-a of the social services law is amended by adding a new paragraph (a-4) to read as follows:

(A-4) FOR THE PERIOD BEGINNING JULY FIRST, TWO THOUSAND THIRTEEN AND THEREAFTER, THE FOLLOWING SCHEDULE SHALL BE THE STANDARD OF MONTHLY NEED FOR DETERMINING ELIGIBILITY FOR ALL CATEGORIES OF ASSISTANCE IN AND BY ALL SOCIAL SERVICES DISTRICTS:

NUMBER OF PERSONS IN HOUSEHOLD

ONE	TWO	THREE	FOUR	FIVE	SIX
\$158	\$252	\$335	\$432	\$533	\$616

FOR EACH ADDITIONAL PERSON IN THE HOUSEHOLD THERE SHALL BE ADDED AN ADDITIONAL AMOUNT OF EIGHTY-FOUR DOLLARS MONTHLY.

S 4. Paragraph (a-2) of subdivision 3 of section 131-a of the social services law, as added by section 2 of part Y of chapter 57 of the laws of 2009, is amended to read as follows:

(a-2) For the period beginning July first, two thousand [ten] ELEVEN and ending June thirtieth, two thousand [eleven] TWELVE, persons and families determined to be eligible by the application of the standard of need prescribed by the provisions of subdivision two of this section, less any available income or resources which are not required to be disregarded by other provisions of this chapter, shall receive maximum monthly grants and allowances in all social services districts, in accordance with the following schedule, for public assistance:

Number of Persons in Household

One	Two	Three	Four	Five	Six
[\$141]	[\$225]	[\$300]	[\$386]	[\$477]	[\$551]
\$126	\$201	\$268	\$345	\$426	\$492

For each additional person in the household there shall be added an additional amount of [seventy-five] SIXTY-SEVEN dollars monthly.

S 5. Paragraph (a-3) of subdivision 3 of section 131-a of the social services law, as added by section 2 of part Y of chapter 57 of the laws of 2009, is amended to read as follows:

(a-3) For the period beginning July first, two thousand [eleven and thereafter,] TWELVE persons and families determined to be eligible by the application of the standard of need prescribed by the provisions of subdivision two of this section, less any available income or resources

which are not required to be disregarded by other provisions of this chapter, shall receive maximum monthly grants and allowances in all social services districts, in accordance with the following schedule, for public assistance:

Number of Persons in Household

One	Two	Three	Four	Five	Six
[\$158]	[\$252]	[\$335]	[\$432]	[\$533]	[\$616]
\$141	\$225	\$300	\$386	\$477	\$551

For each additional person in the household there shall be added an additional amount of [eighty-four] SEVENTY-FIVE dollars monthly.

S 6. Subdivision 3 of section 131-a of the social services law is amended by adding a new paragraph (a-4) to read as follows:

(A-4) FOR THE PERIOD BEGINNING JULY FIRST, TWO THOUSAND THIRTEEN AND THEREAFTER, PERSONS AND FAMILIES DETERMINED TO BE ELIGIBLE BY THE APPLICATION OF THE STANDARD OF NEED PRESCRIBED BY THE PROVISIONS OF SUBDIVISION TWO OF THIS SECTION, LESS ANY AVAILABLE INCOME OR RESOURCES WHICH ARE NOT REQUIRED TO BE DISREGARDED BY OTHER PROVISIONS OF THIS CHAPTER, SHALL RECEIVE MAXIMUM MONTHLY GRANTS AND ALLOWANCES IN ALL SOCIAL SERVICES DISTRICTS, IN ACCORDANCE WITH THE FOLLOWING SCHEDULE, FOR PUBLIC ASSISTANCE:

NUMBER OF PERSONS IN HOUSEHOLD

ONE	TWO	THREE	FOUR	FIVE	SIX
\$158	\$252	\$335	\$432	\$533	\$616

FOR EACH ADDITIONAL PERSON IN THE HOUSEHOLD THERE SHALL BE ADDED AN ADDITIONAL AMOUNT OF EIGHTY-FOUR DOLLARS MONTHLY.

S 7. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2011.

PART V

Intentionally omitted.

PART W

Section 1. Section 39 of part P2 of chapter 62 of the laws of 2003 amending the state finance law and other laws relating to authorizing and directing the state comptroller to loan money to certain funds and accounts, as amended by section 1 of part Z of chapter 57 of the laws of 2009, is amended to read as follows:

S 39. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2003; provided, however, that sections one, three, four, six, seven through fifteen, and seventeen of this act shall expire March 31, 2004, when upon such date the provisions of such sections shall be deemed repealed; and sections thirty and thirty-one of this act shall expire December 31, [2011] 2013 and the amendments made to section 69-c of the state finance law by section thirty-two of this act shall not affect the expiration and repeal of such section and shall be deemed to be expired therewith.

S 2. This act shall take effect immediately.

PART X

Section 1. Subdivision 4 of section 661 of the education law, as amended by chapter 309 of the laws of 1996, paragraph a as amended by section 1 and paragraph c as amended, paragraphs d and e as added and paragraph f as relettered by section 2 of part E-1 of chapter 57 of the

1 laws of 2007 and paragraph f as added by chapter 332 of the laws of  
2 1998, is amended to read as follows:

3 4. Attendance in approved courses of study in approved institutions.  
4 To be eligible to receive payments from the president a student:

5 a. Must be matriculated in an approved program, as defined by the  
6 commissioner pursuant to article thirteen OF THIS CHAPTER, OR PURSUANT  
7 TO PARAGRAPH B OF THIS SUBDIVISION, in an institution situated in the  
8 state, which has been approved and operating in this state for at least  
9 one year, and has been approved for participation in federal student  
10 financial aid programs authorized by Title IV of the Higher Education  
11 Act of 1965, as amended. Nothing in this subdivision shall preclude  
12 payment of an award to a recipient who receives instruction outside the  
13 state, which instruction is conducted by an institution situated in the  
14 state, and is part of the student's program of study at such institu-  
15 tion; provided, however, that nothing in this subdivision shall preclude  
16 the receipt of a loan pursuant to section six hundred eighty of this  
17 article; provided, further, that students not attending institutions  
18 eligible for participating in federal Title IV financial aid programs on  
19 or before July first, two thousand seven: (i) who received their first  
20 award under this article before the two thousand six--two thousand seven  
21 academic year shall be eligible for payments until the end of the two  
22 thousand nine--two thousand ten academic year; or (ii) who received  
23 their first award under this article for the two thousand six--two thou-  
24 sand seven academic year through and including the two thousand nine--  
25 two thousand ten academic year shall be eligible for payments until the  
26 end of the two thousand fourteen--two thousand fifteen academic year.

27 b. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY AND THE  
28 RULES AND REGULATIONS PROMULGATED PURSUANT THERETO, THE PRESIDENT SHALL  
29 MAKE TUITION ASSISTANCE PROGRAM AWARDS AVAILABLE TO FULL-TIME RESIDENT  
30 UNDERGRADUATE STUDENTS NOT CURRENTLY ELIGIBLE FOR AWARDS UNDER SUBDIVI-  
31 SION THREE OF SECTION SIX HUNDRED SIXTY-SEVEN OF THIS PART AND WHO ARE  
32 ATTENDING AN EDUCATIONAL INSTITUTION IN THIS STATE THAT:

33 (I) IS EXEMPT FROM FEDERAL TAXATION UNDER SECTION 501(C)(3) OF THE  
34 INTERNAL REVENUE CODE; AND

35 (II) HAS ITS HEADQUARTERS AND MAIN CAMPUS LOCATED WITHIN THE STATE AND  
36 IS ELIGIBLE FOR FUNDS UNDER TITLE IV OF THE HIGHER EDUCATION ACT OF  
37 1965, AS AMENDED; AND

38 (III) IS ACCREDITED BY AN AGENCY RECOGNIZED BY THE UNITED STATES  
39 SECRETARY OF EDUCATION, OR BY A SUCCESSOR FEDERAL AGENCY; AND

40 (IV) ENROLLMENT IN WHICH INSTITUTION WOULD RENDER THE STUDENT ELIGIBLE  
41 TO RECEIVE A FEDERAL PELL GRANT IN ACCORDANCE WITH SECTION ONE THOUSAND  
42 SEVENTY OF TITLE TWENTY OF THE UNITED STATES CODE, ET. SEQ. AND THE  
43 REGULATIONS PROMULGATED THEREUNDER; AND

44 (V) PROVIDES A PROGRAM OF INSTRUCTION LASTING AT LEAST THREE YEARS,  
45 FOR WHICH THE STUDENT IS ENROLLED.

46 B-1. TUITION ASSISTANCE PROGRAM AWARDS THAT ARE MADE AVAILABLE TO  
47 STUDENTS PURSUANT TO PARAGRAPH B OF THIS SUBDIVISION SHALL NOT BE  
48 AWARDED IF AN APPLICANT:

49 (I) DOES NOT MEET THE CITIZENSHIP REQUIREMENTS PURSUANT TO SUBDIVISION  
50 THREE OF THIS SECTION;

51 (II) DOES NOT MEET THE INCOME REQUIREMENTS PURSUANT TO SECTION SIX  
52 HUNDRED SIXTY-THREE OF THIS SUBPART;

53 (III) DOES NOT MAINTAIN GOOD ACADEMIC STANDING PURSUANT TO PARAGRAPH C  
54 OF SUBDIVISION SIX OF SECTION SIX HUNDRED SIXTY-FIVE OF THIS SUBPART,  
55 AND IF THERE IS NO APPLICABLE EXISTING ACADEMIC STANDARDS SCHEDULE  
56 PURSUANT TO SUCH SUBDIVISION, THEN SUCH RECIPIENT SHALL BE PLACED ON THE

1 ACADEMIC STANDARDS SCHEDULE APPLICABLE TO STUDENTS ENROLLED IN A  
2 FOUR-YEAR OR FIVE-YEAR UNDERGRADUATE PROGRAM;

3 (IV) IS IN DEFAULT IN THE REPAYMENT OF ANY STATE OR FEDERAL STUDENT  
4 LOAN, HAS FAILED TO COMPLY WITH THE TERMS OF ANY SERVICE CONDITION  
5 IMPOSED BY AN ACADEMIC PERFORMANCE AWARD MADE PURSUANT TO THIS ARTICLE,  
6 OR HAS FAILED TO MAKE A REFUND OF ANY AWARD; OR

7 (V) IS INCARCERATED IN ANY FEDERAL, STATE OR OTHER PENAL INSTITUTION.

8 C. Must be in full-time attendance, as defined by the commissioner,  
9 except as otherwise specifically provided in THIS article [fourteen],  
10 and, for a student having completed his or her second academic year,  
11 must have a cumulative C average or its equivalent. The president may  
12 waive the requirement that the student have a cumulative C average or  
13 its equivalent for undue hardship based on: (i) the death of a relative  
14 of the student; (ii) the personal injury or illness of the student; or  
15 (iii) other extenuating circumstances; and

16 [c.] D. For students who first receive aid pursuant to this chapter in  
17 academic year nineteen hundred ninety-six--nineteen hundred ninety-seven  
18 to academic year two thousand six--two thousand seven, must have a  
19 certificate of graduation from a school providing secondary education,  
20 or the recognized equivalent of such certificate; or have achieved a  
21 passing score, as determined by the United States secretary of educa-  
22 tion, on a federally approved examination which demonstrates that the  
23 student can benefit from the education being offered;

24 [d.] E. For students who first receive aid pursuant to this chapter in  
25 academic year two thousand six--two thousand seven, must have a certif-  
26 icate of graduation from a recognized school providing secondary educa-  
27 tion within the United States, or the recognized equivalent of such  
28 certificate, or have been admitted to such institution after receiving a  
29 passing score on a federally approved ability to benefit test that has  
30 been independently administered and evaluated, as provided by the  
31 commissioner;

32 [e.] F. For students who first receive aid pursuant to this chapter in  
33 academic year two thousand seven--two thousand eight or thereafter, must  
34 have (i) a certificate of graduation from a school providing secondary  
35 education from a state within the United States; or (ii) the recognized  
36 equivalent of such certificate; or (iii) received a passing score on a  
37 federally approved ability to benefit test that has been identified by  
38 the board of regents as satisfying the eligibility requirements of this  
39 section and has been independently administered and evaluated as defined  
40 by the commissioner[.];

41 [f. for] G. FOR students who are disabled as defined by the Americans  
42 With Disability Act of 1990, 42 USC 12101, the full-time attendance  
43 requirement is eliminated. Such disabled students may be in part-time  
44 attendance, as defined by the commissioner in order to be eligible to  
45 receive payments from the president.

46 S 2. Subdivision 8-b of section 355 of the education law, as added by  
47 section 2 of part GG of chapter 57 of the laws of 2009, is amended to  
48 read as follows:

49 8-b. Notwithstanding the provision of any law, rule or regulation to  
50 the contrary, the state university shall be entitled to annually receive  
51 an apportionment and payment of state assistance equal to all moneys  
52 derived as a result of the tuition increase, calculated as the differ-  
53 ence in the amount generated using the tuition rates authorized by the  
54 state university trustees for the two thousand seven--two thousand eight  
55 academic year and the amount generated using the tuition rates author-  
56 ized by state university trustees for the two thousand nine--two thou-

1 sand ten academic year, pursuant to the following schedule: for the two  
2 thousand nine--two thousand ten academic year, the state university  
3 shall receive an amount equal to twenty percent of such tuition  
4 increase; for the two thousand ten--two thousand eleven academic year,  
5 the state university shall receive an amount equal to thirty percent of  
6 such tuition increase; for the two thousand eleven--two thousand twelve  
7 academic year, the state university shall receive an amount equal to  
8 forty percent of such tuition increase; [and] for the two thousand  
9 twelve--two thousand thirteen academic year, the state university shall  
10 receive an amount equal to [fifty] SEVENTY-FIVE percent of such tuition  
11 increase; AND FOR THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN  
12 ACADEMIC YEAR AND EACH ACADEMIC YEAR THEREAFTER, THE STATE UNIVERSITY  
13 SHALL RECEIVE AN AMOUNT EQUAL TO ONE HUNDRED PERCENT OF SUCH TUITION  
14 INCREASE. Such apportionment shall be for the enhanced investment in the  
15 state university of the state of New York and shall be used to supple-  
16 ment, not supplant, state gross general fund support, unless the direc-  
17 tor of the budget determines that state fiscal conditions preclude such  
18 an outcome and, in which case, the director shall submit a report  
19 regarding the recommended funding levels and whether the tuition  
20 increase apportionment provisions of this subdivision have been complied  
21 with for the state university of the state of New York to the chairs of  
22 the senate finance committee and the assembly ways and means committee  
23 and the chairs of the senate higher education committee and the assembly  
24 higher education committee no later than fifteen days following the  
25 release of the executive budget.

26 S 3. This act shall take effect immediately; provided, that section  
27 one of this act shall apply to semesters commencing on and after January  
28 1, 2012 and to all subsequent academic years.

29

## PART Y

30 Section 1. Subparagraph 4 of paragraph h of subdivision 2 of section  
31 355 of the education law, as amended by chapter 309 of the laws of 1996,  
32 is amended to read as follows:

33 (4) The trustees shall not impose a differential tuition charge based  
34 upon need or income. All students enrolled in programs leading to like  
35 degrees at state-operated institutions of the state university shall be  
36 charged a uniform rate of tuition except for differential tuition rates  
37 based on state residency. Provided, however, THAT FOR THE 2011-2012  
38 ACADEMIC YEAR THE TRUSTEES MAY AUTHORIZE A FIVE PERCENT TUITION INCREASE  
39 PER SEMESTER FOR OUT-OF-STATE RESIDENTS. PROVIDED FURTHER, HOWEVER, THAT  
40 ONE HUNDRED PERCENT OF THE TUITION REVENUE GENERATED BY SUCH INCREASE  
41 SHALL BE RETAINED BY THE STATE UNIVERSITY OF NEW YORK AND that the trus-  
42 tees may authorize the presidents of the colleges of technology and the  
43 colleges of agriculture and technology to set differing rates of tuition  
44 for each of the colleges for students enrolled in degree-granting  
45 programs leading to an associate degree and non-degree granting programs  
46 so long as such tuition rate does not exceed the tuition rate charged to  
47 students who are enrolled in like degree programs or degree-granting  
48 undergraduate programs leading to a baccalaureate degree at other state-  
49 operated institutions of the state university of New York. The trustees  
50 shall not adopt changes affecting tuition charges prior to the enactment  
51 of the annual budget.

52 S 2. This act shall take effect immediately.

53

## PART Z



1 Section 1. Subdivision 3 of section 458-b of the social services law,  
2 as added by section 4 of part F of chapter 58 of the laws of 2010, is  
3 amended to read as follows:

4 3. If the social services official determines that the child is eligi-  
5 ble for kinship guardianship assistance payments and it is in the best  
6 interests of the child for the relative to become the legal guardian of  
7 the child, the social services official [shall] MAY enter into an agree-  
8 ment with the prospective relative guardian authorizing the provision of  
9 kinship guardianship assistance payments, non-recurring guardianship  
10 payments, and other services and payments available under this title  
11 subject to the issuance by the court of letters of guardianship of the  
12 child to the prospective relative guardian and the child being finally  
13 discharged from foster care to such relative. In determining whether it  
14 is in the best interests of the child for the relative to become the  
15 relative guardian of the child, the social services official must deter-  
16 mine and document that compelling reasons exist for determining that the  
17 return home of the child and the adoption of the child are not in the  
18 best interests of the child and are, therefore, not appropriate perman-  
19 ency options. A copy of the fully executed agreement must be provided by  
20 the social services official to the prospective relative guardian.

21 S 2. This act shall take effect on the same date and in the same  
22 manner as section 4 of part F of chapter 58 of the laws of 2010 takes  
23 effect.

#### 24 PART AA

25 Section 1. Section 353.3 of the family court act, as amended by  
26 section 6 of part G of chapter 58 of the laws of 2010, is amended to  
27 read as follows:

28 S 353.3 Placement. 1. In accordance with section 352.2 of this part,  
29 the court may place the respondent in his or her own home or in the  
30 custody of a suitable relative or other suitable private person or the  
31 commissioner of the local social services district or the office of  
32 children and family services pursuant to article nineteen-G of the exec-  
33 utive law, subject to the orders of the court.

34 2. Where the respondent is placed with the commissioner of the local  
35 social services district, the court may direct the commissioner to place  
36 him or her with an authorized agency or class of authorized agencies,  
37 including, if the court finds that the respondent is a sexually  
38 exploited child as defined in subdivision one of section four hundred  
39 forty-seven-a of the social services law, an available long-term safe  
40 house. Unless the dispositional order provides otherwise, the court so  
41 directing shall include one of the following alternatives to apply in  
42 the event that the commissioner is unable to so place the respondent:

43 (a) the commissioner shall apply to the court for an order to stay,  
44 modify, set aside, or vacate such directive pursuant to the provisions  
45 of section 355.1 of this part; or

46 (b) the commissioner shall return the respondent to the family court  
47 for a new dispositional hearing and order.

48 3. Where the respondent is placed with the office of children and  
49 family services, the court shall[, unless it directs the office to place  
50 him or her with an authorized agency or class of authorized agencies,  
51 including if the court finds that the respondent is a sexually exploited  
52 child as defined in subdivision one of section four hundred forty-sev-  
53 en-a of the social services law, an available long-term safe house

pursuant to subdivision four of this section,] authorize the office to do one of the following:

(a) place the respondent in a secure facility [without a further hearing at any time or from time to time during the first sixty days of residency in office of children and family services facilities. Notwithstanding the discretion of the office to place the respondent in a secure facility at any time during the first sixty days of residency in a office of children and family services facility, the respondent may be placed in a non-secure facility. In the event that the office desires to transfer a respondent to a secure facility at any time after the first sixty days of residency in office facilities, a hearing shall be held pursuant to subdivision three of section five hundred four-a of the executive law]; or

(b) place the respondent in a limited secure facility. The respondent may be transferred by the office to a secure facility after a hearing is held pursuant to section five hundred four-a of the executive law; provided, however, that during the first twenty days of residency in office facilities, the respondent shall not be transferred to a secure facility unless the respondent has committed an act or acts which are exceptionally dangerous to the respondent or to others[; or

(c) place the respondent in a non-secure facility. No respondent placed pursuant to this paragraph may be transferred by the office of children and family services to a secure facility].

4. [Where the respondent is placed with the office of children and family services, the court may direct the office to place the respondent with an authorized agency or class of authorized agencies, including, if the court finds that the respondent is a sexually exploited child as defined in subdivision one of section four hundred forty-seven-a of the social services law, an available long-term safe house, and in the event the office is unable to so place the respondent or, discontinues the placement with the authorized agency, the respondent shall be deemed to have been placed with the office pursuant to paragraph (b) or (c) of subdivision three of this section. In such cases, the office shall notify the court, presentment agency, respondent's attorney and parent or other person responsible for the respondent's care, of the reason for discontinuing the placement with the authorized agency and the level and location of the youth's placement.

5.] If the respondent has committed a felony the initial period of placement shall not exceed eighteen months. If the respondent has committed a misdemeanor such initial period of placement shall not exceed twelve months. If the respondent has been in detention pending disposition, the initial period of placement ordered under this section shall be credited with and diminished by the amount of time spent by the respondent in detention prior to the commencement of the placement unless the court finds that all or part of such credit would not serve the needs and best interests of the respondent or the need for protection of the community.

[6.] 5. The court may at any time conduct a hearing in accordance with section 355.1 of this part concerning the need for continuing a placement.

6. IN THE CASE OF A RESPONDENT PLACED PURSUANT TO SUBDIVISION THREE OF THIS SECTION, SHOULD THE COURT DETERMINE THAT PLACEMENT IN A SECURE FACILITY IS NO LONGER NECESSARY, THE COURT MAY EITHER PLACE THE RESPONDENT IN A LIMITED SECURE FACILITY OR MAY PROCEED TO SCHEDULE A NEW DISPOSITIONAL HEARING AND ENTER AN ORDER UNDER SECTION 352.2 OF THIS PART.

1 7. The place in which or the person with whom the respondent has been  
2 placed under this section shall submit a report to the court, respond-  
3 ent's attorney of record, and presentment agency at the conclusion of  
4 the placement period, except as provided in paragraphs (a) and (b) of  
5 this subdivision. Such report shall include recommendations and such  
6 supporting data as is appropriate. The court may extend a placement  
7 pursuant to section 355.3 of this part.

8 (a) Where the respondent is placed pursuant to subdivision two or  
9 three of this section and where the agency is not seeking an extension  
10 of the placement pursuant to section 355.3 of this part, such report  
11 shall be submitted not later than thirty days prior to the conclusion of  
12 the placement.

13 (b) Where the respondent is placed pursuant to subdivision two or  
14 three of this section and where the agency is seeking an extension of  
15 the placement pursuant to section 355.3 of this part and a permanency  
16 hearing pursuant to section 355.5 of this part, such report shall be  
17 submitted not later than sixty days prior to the date on which the  
18 permanency hearing must be held and shall be annexed to the petition for  
19 a permanency hearing and extension of placement.

20 (c) Where the respondent is placed pursuant to subdivision two [or  
21 three] of this section, such report shall contain a plan for the  
22 release, or conditional release (pursuant to section five hundred ten-a  
23 of the executive law), of the respondent to the custody of his or her  
24 parent or other person legally responsible, to independent living or to  
25 another permanency alternative as provided in paragraph (d) of subdivi-  
26 sion seven of section 355.5 of this part. If the respondent is subject  
27 to article sixty-five of the education law or elects to participate in  
28 an educational program leading to a high school diploma, such plan shall  
29 include, but not be limited to, the steps that the agency with which the  
30 respondent is placed has taken and will be taking to facilitate the  
31 enrollment of the respondent in a school or educational program leading  
32 to a high school diploma following release, or, if such release occurs  
33 during the summer recess, upon the commencement of the next school term.  
34 If the respondent is not subject to article sixty-five of the education  
35 law and does not elect to participate in an educational program leading  
36 to a high school diploma, such plan shall include, but not be limited  
37 to, the steps that the agency with which the respondent is placed has  
38 taken and will be taking to assist the respondent to become gainfully  
39 employed or enrolled in a vocational program following release.

40 8. In its discretion, the court may recommend restitution or require  
41 services for the public good pursuant to section 353.6 of this part in  
42 conjunction with an order of placement.

43 9. If the court places a respondent with the office of children and  
44 family services pursuant to this section after finding that such child  
45 committed a felony, the court may, in its discretion, further order that  
46 such respondent shall be confined in a residential facility for a mini-  
47 mum period set by the order, not to exceed six months.

48 10. A placement pursuant to this section with the commissioner of the  
49 local social services district shall not be directed in any detention  
50 facility, but the court may direct detention pending transfer to a  
51 placement authorized and ordered under this section for no more than  
52 thirty days after the order of placement is made or in a city of one  
53 million or more, for no more than fifteen days after such order of  
54 placement is made. Such direction shall be subject to extension pursuant  
55 to subdivision three of section three hundred ninety-eight of the social  
56 services law.

1 S 2. Section 504 of the executive law, the section heading as amended,  
2 subdivisions 1 and 3 as added and such section as renumbered by chapter  
3 465 of the laws of 1992 and subdivisions 2 and 4 as amended by chapter  
4 687 of the laws of 1993, is amended to read as follows:

5 S 504. [Division] OFFICE OF CHILDREN AND FAMILY SERVICES facilities.  
6 1. The [division] OFFICE OF CHILDREN AND FAMILY SERVICES, HEREINAFTER  
7 REFERRED TO AS THE "OFFICE," shall operate and maintain secure[,] AND  
8 limited secure [and non-secure] facilities for the care, custody, treat-  
9 ment, housing, education, rehabilitation and guidance of youth placed  
10 with or committed to the [division] OFFICE.

11 2. Each separate facility may bear the name, designated by the [divi-  
12 sion] OFFICE, of an individual known for outstanding service to youth.

13 3. A youth attending a local public school while in residence at a  
14 [division] OFFICE facility shall be deemed a resident of the school  
15 district where the youth's parent or guardian resides at the commence-  
16 ment of each school year for the purpose of determining which school  
17 district shall be responsible for the youth's tuition.

18 4. The [division] OFFICE shall determine the particular [division]  
19 facility [or program] in which a child placed with the [division] OFFICE  
20 shall be cared for, based upon an evaluation of such child. [The divi-  
21 sion shall also have authority to discharge or conditionally release  
22 children placed with it and to transfer such children from a limited  
23 secure or non-secure facility to any other limited secure or non-secure  
24 facility, when the interest of such children requires such action;  
25 provided that a child transferred to a non-secure facility from a limit-  
26 ed secure facility may be returned to a limited secure facility upon a  
27 determination by the division that, for any reason, care and treatment  
28 at the non-secure facility is no longer suitable.]

29 S 3. Section 507-a of the executive law, as amended by chapter 465 of  
30 the laws of 1992, paragraph (a) of subdivision 1 as amended by chapter  
31 309 of the laws of 1996, is amended to read as follows:

32 S 507-a. Placement and commitment WITH THE OFFICE OF CHILDREN AND  
33 FAMILY SERVICES; procedures. 1. Youth may be placed in or committed to  
34 the custody of the [division] OFFICE OF CHILDREN AND FAMILY SERVICES  
35 HEREINAFTER REFERRED TO AS THE "OFFICE":  
36 (a) for placement, as a juvenile delinquent pursuant to the family  
37 court act; or

38 (b) for commitment pursuant to the penal law.  
39 2. (a) Consistent with other provisions of law, only those youth who  
40 have reached the age of seven but who have not reached the age of twen-  
41 ty-one may be placed in, committed to or remain in the [division's]  
42 OFFICE'S custody. Whenever it shall appear to the satisfaction of the  
43 [division] OFFICE that any youth placed therewith is not of proper age  
44 to be so placed or is not properly placed, or is mentally or physically  
45 incapable of being materially benefited by the program of the [division]  
46 OFFICE, the [division] OFFICE shall cause the return of such youth to  
47 the county from which placement was made.

48 (b) The [division] OFFICE shall deliver such youth to the custody of  
49 the placing court, along with the records provided to the [division]  
50 OFFICE pursuant to section five hundred seven-b of this [article] TITLE,  
51 there to be dealt with by the court in all respects as though no place-  
52 ment had been made.

53 (c) The cost and expense of the care and return of such youth incurred  
54 by the [division] OFFICE shall be reimbursed to the state by the social  
55 services district from which such youth was placed in the manner  
56 provided by section five hundred twenty-nine of this article.

1 3. The [division] OFFICE may photograph any youth in its custody.  
2 Such photograph may be used only for the purpose of assisting in the  
3 return of conditionally released children and runaways pursuant to  
4 section five hundred ten-b of this article. Such photograph shall be  
5 destroyed immediately upon the discharge of the youth from [division]  
6 OFFICE custody.

7 4. (a) A youth placed with or committed to the [division] OFFICE may,  
8 immediately following placement or commitment, be remanded to an appro-  
9 priate detention facility.

10 (b) The [division] OFFICE shall admit a child placed with the [divi-  
11 sion] OFFICE to a facility [of the division] within fifteen days of the  
12 date of the order of placement [with the division] and shall admit a  
13 juvenile offender committed to the [division] OFFICE to a facility [of  
14 the division] within ten days of the date of the order of commitment [to  
15 the division, except as provided in section five hundred seven-b of this  
16 article.

17 5. Consistent with other provisions of law, in the discretion of the  
18 director, youth who attain the age of eighteen while in division custody  
19 may reside in a non-secure facility until the age of twenty-one,  
20 provided that such youth attend a full-time vocational or educational  
21 program and are likely to benefit from such program].

22 S 4. Section 507-b of the executive law, as amended by chapter 465 of  
23 the laws of 1992, subdivision 4 as added by chapter 687 of the laws of  
24 1993, is amended to read as follows:

25 S 507-b. Placement and commitment WITH THE OFFICE OF CHILDREN AND  
26 FAMILY SERVICES; papers to be furnished. 1. No placement or commitment  
27 order to the [division] OFFICE OF CHILDREN AND FAMILY SERVICES, HEREIN-  
28 AFTER REFERRED TO AS THE "OFFICE," which recites the facts upon which it  
29 was based shall be deemed or held to be invalid by reason of any imper-  
30 fection or defect in form.

31 2. The court shall immediately notify the [division] OFFICE of the  
32 placement or commitment of any youth therewith. The orders of the court  
33 and copies of the probation report and all other relevant evaluative  
34 records in the possession of the court, detention facility, and  
35 probation department related to such youth, including but not limited to  
36 any diagnostic, educational, medical, psychological and psychiatric  
37 records, fingerprints, photographs, a certified copy of the sentence and  
38 any pre-sentence memoranda filed with the court, where applicable, and  
39 reports relating to assaults or other violent acts, attempts at suicide  
40 or escape by the youth shall be delivered together with the youth or  
41 earlier to a person authorized by the director to receive the child,  
42 notwithstanding any contrary provision of law.

43 3. The court shall, before placing or committing any such youth,  
44 inquire into and determine the age of the youth at the time of placement  
45 or commitment, and the youth's age as so determined shall be stated in  
46 the order. The statement of the age of such youth in such order shall  
47 be conclusive evidence as to such age in any action to recover damages  
48 for allegedly unlawful detention under such order, and shall be presump-  
49 tive evidence thereof in any other inquiry, action or proceeding relat-  
50 ing to such detention.

51 [4. Notwithstanding the time frames provided in paragraph (b) of  
52 subdivision four of section five hundred seven-a of this article, the  
53 division may delay acceptance of a youth placed or committed to the  
54 division in accordance with division regulations promulgated prior to  
55 the effective date of this subdivision.]

56 S 5. This act shall take effect April 1, 2012.

1

## PART BB

2 Section 1. Section 507-a of the executive law is amended by adding a  
3 new subdivision 6 to read as follows:

4 6. THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL PROVIDE AN ELEC-  
5 TRONIC WEEKLY REPORT TO THE LEGISLATURE INCLUDING THE FOLLOWING INFORMA-  
6 TION FOR EACH FACILITY OPERATED BY SUCH OFFICE:

7 (A) BUDGETED CAPACITY;

8 (B) AVAILABLE CAPACITY;

9 (C) POPULATION;

10 (D) TEMPORARY ABSENCES;

11 (E) TOTAL YOUTH;

12 (F) TEMPORARY BEDS;

13 (G) VACANCIES (-)/OVERAGE; AND

14 (H) THE NUMBER OF YOUTH IN THE CUSTODY OF SUCH OFFICE WHO ARE NOT  
15 RESIDING IN A FACILITY OPERATED BY SUCH OFFICE.

16 S 2. This act shall take effect April 1, 2011.

17

## PART CC

18 Section 1. Subdivision 1 of section 131-a of the social services law,  
19 as amended by section 12 of part B of chapter 436 of the laws of 1997,  
20 is amended to read as follows:

21 1. Any inconsistent provision of this chapter or other law notwith-  
22 standing, social services officials shall, in accordance with the  
23 provisions of this section and regulations of the department, provide  
24 public assistance to needy persons who constitute or are members of a  
25 family household, who are determined to be eligible in accordance with  
26 standards of need established in subdivision two OF THIS SECTION.  
27 Provision for such persons, for all items of need, less any available  
28 income or resources which are not required to be disregarded by other  
29 provisions of this chapter, shall be made in accordance with this  
30 section. Such provision shall be made in monthly or semi-monthly allow-  
31 ances and grants within the limits of the schedules included in subdivi-  
32 sion three of this section, except for additional amounts which shall be  
33 included therein for shelter, fuel for heating, additional cost of meals  
34 for persons who are unable to prepare meals at home, and for other items  
35 for which specific provision is otherwise made in article five OF THIS  
36 CHAPTER, AND EXCEPT THAT, WHERE A HOUSEHOLD IS LIVING TOGETHER WITH ONE  
37 OR MORE PERSONS IN RECEIPT OF SUPPLEMENTAL SECURITY INCOME WHO ARE CLAS-  
38 SIFIED BY THE FEDERAL SOCIAL SECURITY ADMINISTRATION AS LIVING ALONE,  
39 THE AMOUNT IN SUCH SCHEDULE SHALL BE APPORTIONED PRO RATA. As used in  
40 this section the term "shelter" may include a grant not to exceed two  
41 thousand five hundred dollars toward the purchase of an interest in a  
42 cooperative. A social services official shall require assignment of  
43 recipient's equity in such cooperative housing in accordance with the  
44 rules of the board and regulations of the department.

45 S 2. This act shall take effect April 1, 2011 and shall apply to  
46 grants paid on and after October 1, 2011.

47

## PART DD

48 Section 1. Subdivision 10 of section 159 of the social services law,  
49 as amended by chapter 713 of the laws of 2005, is amended to read as  
50 follows:

10. Social services [district] DISTRICTS providing safety net assistance to persons receiving care as defined in paragraphs (c), (d) and (e) of subdivision three of section two hundred nine of [the social services law] THIS ARTICLE shall pay such facility at the rate provided for care and maintenance under the supplemental security income program for beneficiaries of that program in the same facility, less the amount of any personal needs allowance included in the supplemental security program. In addition, social services districts shall provide such persons receiving safety net assistance with a personal needs allowance in the amount included in the supplemental security payment level as a personal needs allowance for recipients of that program residing in the particular facility; EXCEPT THAT THEY SHALL PROVIDE SUCH PERSONS RESIDING IN A RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM OR COMMUNITY RESIDENTIAL FACILITY FOR ALCOHOLISM, AS THOSE TERMS ARE USED IN PARAGRAPH (D) OF SUBDIVISION THREE OF SECTION TWO HUNDRED NINE OF THIS ARTICLE, WITH A PERSONAL NEEDS ALLOWANCE OF FORTY-FIVE DOLLARS PER MONTH.

S 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after March 1, 2011.

#### PART EE

Section 1. Subdivisions 2, 3, 7 and 8 of section 3012-c of the education law, as added by chapter 103 of the laws of 2010, are amended to read as follows:

2. a. The annual professional performance reviews conducted pursuant to this section for classroom teachers and building principals shall differentiate teacher and principal effectiveness using the following quality rating categories: highly effective, effective, developing and ineffective, with explicit minimum and maximum scoring ranges for each category, as prescribed in the regulations of the commissioner. Such annual professional performance reviews shall result in a single composite teacher or principal effectiveness score, which incorporates multiple measures of effectiveness related to the criteria included in the regulations of the commissioner. Except for the student growth measures prescribed in paragraphs e, f and g of this subdivision, the elements comprising the composite effectiveness score shall be locally developed, consistent with the standards prescribed in the regulations of the commissioner, through negotiations conducted, pursuant to the requirements of article fourteen of the civil service law.

b. Annual professional performance reviews conducted by school districts on or after July first, two thousand eleven of classroom teachers of common branch subjects or English language arts or mathematics in grades four to eight and all building principals of schools in which such teachers are employed shall be conducted pursuant to this subdivision and shall use two thousand ten--two thousand eleven school year student data as the baseline for the initial computation of the composite teacher or principal effectiveness score for such classroom teachers and principals.

c. Annual professional performance reviews conducted by school districts or boards of cooperative educational services on or after July first, two thousand [twelve] ELEVEN of all classroom teachers and all building principals shall be conducted pursuant to this subdivision and shall use two thousand [eleven] TEN--two thousand [twelve] ELEVEN school year student data as the baseline for the initial computation of the composite teacher or principal effectiveness score for such classroom teachers and principals. For purposes of this section, an administrator

1 in charge of an instructional program of a board of cooperative educa-  
2 tional services shall be deemed to be a building principal.

3 d. Prior to any evaluation being conducted in accordance with this  
4 section, each individual who is responsible for conducting an evaluation  
5 of a teacher or building principal shall receive appropriate training in  
6 accordance with the regulations of the commissioner of education.

7 e. For annual professional performance reviews conducted in accordance  
8 with paragraph b of this subdivision in the two thousand eleven--two  
9 thousand twelve school year, forty percent of the composite score of  
10 effectiveness shall be based on student achievement measures as follows:

11 (i) twenty percent of the evaluation shall be based upon student growth  
12 data on state assessments as prescribed by the commissioner or a compa-  
13 rable measure of student growth if such growth data is not available;  
14 and (ii) twenty percent shall be based on other locally selected meas-  
15 ures of student achievement that are determined to be rigorous and  
16 comparable across classrooms in accordance with the regulations of the  
17 commissioner and as are developed locally in a manner consistent with  
18 procedures negotiated pursuant to the requirements of article fourteen  
19 of the civil service law.

20 f. For annual professional performance reviews conducted in accordance  
21 with paragraph c of this subdivision in any school year prior to the  
22 first school year for which the board of regents has approved use of a  
23 value-added growth model, but not earlier than the two thousand [twelve]  
24 ELEVEN--two thousand [thirteen] TWELVE school year, forty percent of the  
25 composite score of effectiveness shall be based on student achievement  
26 measures as follows: (i) twenty percent of the evaluation shall be based  
27 upon student growth data on state assessments as prescribed by the  
28 commissioner or a comparable measure of student growth if such growth  
29 data is not available; and (ii) twenty percent shall be based on other  
30 locally selected measures of student achievement that are determined to  
31 be rigorous and comparable across classrooms in accordance with the  
32 regulations of the commissioner and as are developed locally in a manner  
33 consistent with procedures negotiated pursuant to the requirements of  
34 article fourteen of the civil service law.

35 g. For annual professional performance reviews conducted in accordance  
36 with paragraph c of this subdivision in the first school year for which  
37 the board of regents has approved use of a value-added growth model and  
38 thereafter, forty percent of the composite score of effectiveness shall  
39 be based on student achievement measures as follows: (i) twenty-five  
40 percent of the evaluation shall be based upon student growth data on  
41 state assessments as prescribed by the commissioner or a comparable  
42 measure of student growth if such growth data is not available; and (ii)  
43 fifteen percent shall be based on other locally selected measures of  
44 student achievement that are determined to be rigorous and comparable  
45 across classrooms in accordance with the regulations of the commissioner  
46 and as are locally developed in a manner consistent with procedures  
47 negotiated pursuant to the requirements of article fourteen of the civil  
48 service law. The department shall develop the value-added growth model  
49 and shall consult with the advisory committee established pursuant to  
50 subdivision seven of this section prior to recommending that the board  
51 of regents approve its use in evaluations.

52 h. The remaining percent of the evaluations, ratings and effectiveness  
53 scores shall be locally developed, consistent with the standards  
54 prescribed in the regulations of the commissioner, through negotiations  
55 conducted pursuant to article fourteen of the civil service law.



1 i. For purposes of this section, student growth means the change in  
2 student achievement for an individual student between two or more points  
3 in time.

4 3. Nothing in this section shall be construed to excuse school  
5 districts or boards of cooperative educational services from complying  
6 with the standards set forth in the regulations of the commissioner for  
7 conducting annual professional performance reviews of classroom teachers  
8 or principals, including but not limited to required quality rating  
9 categories, in conducting evaluations prior to July first, two thousand  
10 eleven, [or] AND, for classroom teachers or principals subject to para-  
11 graph c of subdivision two of this section, prior to July first, two  
12 thousand [twelve] ELEVEN.

13 7. The regulations adopted pursuant to this section shall be developed  
14 in consultation with an advisory committee consisting of representatives  
15 of teachers, principals, superintendents of schools, school boards,  
16 school district and board of cooperative educational services officials  
17 and other interested parties. The regulations shall also take into  
18 account any (i) professional teaching standards; (ii) standards for  
19 professional contexts; and (iii) standards for a continuum of system  
20 support for teachers and principals developed in consultation with the  
21 advisory committee. Regulations promulgated pursuant to this section  
22 shall be effective no later than [July] MAY first, two thousand eleven,  
23 for implementation in the two thousand eleven--two thousand twelve  
24 school year.

25 8. Notwithstanding any other provision of law, rule or regulation to  
26 the contrary, all collective bargaining agreements applicable to class-  
27 room teachers or building principals entered into after July first, two  
28 thousand ten shall be consistent with requirements of this section.  
29 Nothing in this section shall be construed to abrogate any conflicting  
30 provisions of any collective bargaining agreement in effect on July  
31 first, two thousand ten during the term of such agreement and until the  
32 entry into a successor collective bargaining agreement, provided that  
33 notwithstanding any other provision of law to the contrary, upon expira-  
34 tion of such term and the entry into a successor collective bargaining  
35 agreement the provisions of this section shall apply. Furthermore,  
36 nothing in this section or in any rule or regulation promulgated here-  
37 under shall in any way, alter, impair or diminish the rights of a local  
38 collective bargaining representative to negotiate evaluation procedures  
39 in accordance with article fourteen of the civil service law with the  
40 school district or board of cooperative educational services; PROVIDED  
41 HOWEVER SHOULD A SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL  
42 SERVICES AND A LOCAL COLLECTIVE BARGAINING REPRESENTATIVE FAIL TO AGREE  
43 TO NEW EVALUATION PROCEDURES NO LATER THAN ONE HUNDRED EIGHTY DAYS PRIOR  
44 TO THE START OF THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR  
45 AND SUBSEQUENT SCHOOL YEARS, THE MATTER SHALL BE REFERRED TO THE PUBLIC  
46 EMPLOYMENT RELATIONS BOARD FOR ARBITRATION. WITHIN TWO DAYS OF RECEIPT  
47 OF NOTIFICATION FROM THE SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCA-  
48 TIONAL SERVICES OR THE LOCAL COLLECTIVE BARGAINING REPRESENTATIVE, THE  
49 BOARD SHALL SUBMIT TO THE PARTIES A LIST OF QUALIFIED, DISINTERESTED  
50 PERSONS FOR THE SELECTION OF A SINGLE ARBITRATOR. EACH PARTY SHALL  
51 ALTERNATELY STRIKE FROM THE LIST ONE OF THE NAMES WITH THE ORDER OF  
52 STRIKING DETERMINED BY LOT, UNTIL THE REMAINING ONE PERSON SHALL BE  
53 DESIGNATED TO HEAR THE MATTER. THIS PROCESS SHALL BE COMPLETED WITHIN  
54 ONE DAY OF RECEIPT OF THIS LIST. THE PARTIES SHALL NOTIFY THE BOARD OF  
55 THE DESIGNATED ARBITRATOR. THE ARBITRATION SHALL BE COMMENCED NO LATER  
56 THAN SEVEN DAYS AND COMPLETED NO LATER THAN THIRTY DAYS FROM THE DATE OF

1 THE NOTIFICATION OF THE BOARD PROVIDED THAT NOTWITHSTANDING ANY OTHER  
2 PROVISION OF LAW, RULE OR REGULATION TO THE CONTRARY, NO ADJOURNMENTS  
3 MAY BE GRANTED THAT WOULD EXTEND THE ARBITRATION BEYOND SUCH THIRTY  
4 DAYS. THE ARBITRATOR SHALL ISSUE A DECISION TO THE PARTIES WITHIN TEN  
5 DAYS UPON COMPLETION OF THE HEARING. SAID DECISION SHALL BE FINAL AND  
6 BINDING ON THE RESPECTIVE PARTIES FOR THE TWO THOUSAND ELEVEN--TWO THOU-  
7 SAND TWELVE SCHOOL YEAR AND SUBSEQUENT SCHOOL YEARS AND NOT SUBJECT TO  
8 JUDICIAL REVIEW PURSUANT TO ARTICLE SEVENTY-FIVE OF THE CIVIL PRACTICE  
9 LAW AND RULES OR ANY OTHER LAW, RULE OR REGULATION. THE RESPECTIVE  
10 PARTIES SHALL EQUALLY SHARE THE COST OF THE ARBITRATOR. SHOULD THE  
11 SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES AND A LOCAL  
12 COLLECTIVE BARGAINING REPRESENTATIVE FAIL TO AGREE TO NEW EVALUATION  
13 PROCEDURES PURSUANT TO ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW NO  
14 LATER THAN ONE HUNDRED EIGHTY DAYS PRIOR TO THE START OF EACH SUCCESSIVE  
15 SCHOOL YEAR, THE PUBLIC ARBITRATION PROCESS SET FORTH IN THIS SECTION  
16 SHALL APPLY FOR EACH SUCCESSIVE SCHOOL YEAR FOR WHICH THERE IS NO AGREED  
17 TO EVALUATION PROCESS.

18 S 2. Intentionally omitted.

19 S 3. The section heading of section 2588 of the education law, as  
20 added by chapter 521 of the laws of 1976, is amended to read as follows:

21 Seniority, retention and displacement rights in connection with aboli-  
22 tion of positions in city school districts of cities having [more than]  
23 one million inhabitants OR MORE.

24 S 4. Subdivision 3 of section 2588 of the education law is REPEALED  
25 and a new subdivision 3 is added to read as follows:

26 3. (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION  
27 TO THE CONTRARY, THE CITY SCHOOL DISTRICT AND ITS EMPLOYEES' COLLECTIVE  
28 BARGAINING AGENTS SHALL ESTABLISH A PROCEDURE GOVERNING THE ABOLISHMENT  
29 OR REDUCTION OF TEACHING OR SUPERVISORY POSITIONS CITYWIDE PURSUANT TO  
30 THE REQUIREMENTS OF ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW. ANY SUCH  
31 LOCALLY ESTABLISHED PROCESS SHALL NOT PERMIT AN EMPLOYEE'S LENGTH OF  
32 SERVICE TO BE THE SOLE FACTOR IN ANY DECISION REGARDING WHICH POSITIONS  
33 ARE TO BE ABOLISHED AND WHICH PERSONS OCCUPYING SUCH POSITIONS SHALL BE  
34 LAID OFF; PROVIDED, HOWEVER, THAT ANY CONSIDERATION OF AN EMPLOYEE'S  
35 LENGTH OF FAITHFUL AND COMPETENT SERVICE AS A FACTOR FOR THE ABOLISHMENT  
36 OF POSITIONS OR PERSONS TO BE LAID OFF OCCUPYING SUCH POSITIONS MAY ONLY  
37 BE CONSIDERED IN A MANNER BENEFICIAL TO AN EMPLOYEE AND THAT ANY SUCH  
38 LOCALLY ESTABLISHED PROCESS SHALL NOT PERMIT AN EMPLOYEE'S SALARY TO BE  
39 A FACTOR IN ANY DECISION REGARDING WHICH POSITIONS ARE TO BE ABOLISHED  
40 AND WHICH PERSONS OCCUPYING SUCH POSITIONS SHALL BE LAID OFF; AND  
41 PROVIDED FURTHER THAT ANY SUCH LOCALLY ESTABLISHED PROCESS MUST ENSURE  
42 THAT HIGH QUALITY TEACHERS IN HIGH-NEED SCHOOLS ARE NOT LAID OFF AND  
43 THAT HIGH-NEED SCHOOLS DO NOT BEAR A DISPROPORTIONATE SHARE OF WORKFORCE  
44 REDUCTIONS PURSUANT TO A CITYWIDE LAYOFF; PROVIDED HOWEVER, NOTHING  
45 SHALL PROHIBIT THE CITY SCHOOL DISTRICT FROM ABOLISHING ALL POSITIONS IN  
46 A LICENSE AREA PURSUANT TO SUBPARAGRAPH (IV) OF THIS PARAGRAPH. FOR  
47 PURPOSES OF THIS SECTION, A HIGH-NEED SCHOOL SHALL BE DEFINED AS A  
48 SCHOOL IN WHICH AT LEAST NINETY PERCENT OF THE ENROLLED STUDENTS ARE  
49 ELIGIBLE APPLICANTS FOR THE FREE AND REDUCED PRICE LUNCH PROGRAM. FOR  
50 POSITIONS COVERED BY SECTION THREE THOUSAND TWELVE-C OF THIS CHAPTER,  
51 ANY SUCH LOCALLY DEVELOPED PROCESS SHALL BE SIGNIFICANTLY BASED ON THE  
52 ANNUAL PROFESSIONAL PERFORMANCE REVIEW FOR TEACHERS AND SUPERVISORS  
53 PURSUANT TO SECTION THREE THOUSAND TWELVE-C OF THIS CHAPTER AND ITS  
54 IMPLEMENTING REGULATIONS. UNTIL AND UNLESS SUCH A PROCESS HAS BEEN  
55 ESTABLISHED AT LEAST NINETY DAYS BEFORE THE EFFECTIVE DATE OF ANY SUCH  
56 ABOLISHMENT OR REDUCTION OF TEACHING OR SUPERVISORY POSITIONS CITYWIDE

FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR, THE FOLLOWING SHALL APPLY:

(I) THE FOLLOWING TEACHERS OR SUPERVISORS SHALL BE LAID OFF PRIOR TO ANY OTHER TEACHERS OR SUPERVISORS:

(A) ANY TEACHER OR SUPERVISOR WHO RECEIVED TWO RATINGS OF "UNSATISFACTORY" ON HIS OR HER ANNUAL PROFESSIONAL PERFORMANCE REVIEW IN THE LAST FIVE SCHOOL YEARS;

(B) ANY TEACHER OR SUPERVISOR WHO RECEIVED ONE RATING OF "UNSATISFACTORY" ON HIS OR HER ANNUAL PROFESSIONAL PERFORMANCE REVIEW IN THE TWO THOUSAND NINE--TWO THOUSAND TEN OR TWO THOUSAND TEN--TWO THOUSAND ELEVEN SCHOOL YEAR;

(C) ANY TEACHER OR SUPERVISOR, IF THE PERSON IS A TENURED EMPLOYEE, WHO WITHIN THE LAST FIVE YEARS HAS BEEN FINED OR SUSPENDED WITHOUT PAY AS A PENALTY IMPOSED PURSUANT TO SECTION THREE THOUSAND TWENTY-A OF THIS CHAPTER OR AS A RESULT OF A SETTLEMENT OF CHARGES BROUGHT PURSUANT TO SECTION THREE THOUSAND TWENTY-A OF THIS CHAPTER;

(D) ANY TEACHER OR SUPERVISOR NOT CURRENTLY APPOINTED TO A REGULAR POSITION IN A SCHOOL FOR A PERIOD OF SIX MONTHS OR MORE AS OF THE EFFECTIVE DATE OF ANY CITYWIDE LAYOFF PURSUANT TO THIS SECTION;

(E) ANY TEACHER OR SUPERVISOR CONVICTED OF A QUALIFYING CRIMINAL OFFENSE IN THE PAST FIVE YEARS AND SINCE BEING APPOINTED AS A TEACHER OR SUPERVISOR. "QUALIFYING CRIMINAL OFFENSE" SHALL MEAN:

(1) ANY FELONY, ANY CLASS A MISDEMEANOR, OR ANY CLASS B MISDEMEANOR UNDER ARTICLE ONE HUNDRED TWENTY, ONE HUNDRED THIRTY, ONE HUNDRED THIRTY-FIVE, ONE HUNDRED FORTY, ONE HUNDRED FIFTY-FIVE, TWO HUNDRED TWENTY, TWO HUNDRED THIRTY, TWO HUNDRED FORTY-FIVE, TWO HUNDRED SIXTY, TWO HUNDRED SIXTY-THREE OR TWO HUNDRED SIXTY-FIVE OF THE PENAL LAW, OR A FELONY OR MISDEMEANOR UNDER SECTIONS ELEVEN HUNDRED NINETY-TWO AND ELEVEN HUNDRED NINETY-THREE OF THE VEHICLE AND TRAFFIC LAW, OR

(2) ANY OFFENSE IN ANY OTHER JURISDICTION FOR WHICH A SENTENCE TO A TERM OF IMPRISONMENT OF ONE YEAR OR OF MORE THAN ONE YEAR WAS AUTHORIZED AND IS AUTHORIZED IN THIS STATE IRRESPECTIVE OF WHETHER SUCH SENTENCE WAS IMPOSED, OR

(3) ANY OFFENSE IN ANY OTHER JURISDICTION THE COMMISSION OF WHICH CONSTITUTES THE SUBSTANTIAL EQUIVALENT OF ANY OFFENSE UNDER ARTICLE ONE HUNDRED TWENTY, ONE HUNDRED THIRTY, ONE HUNDRED THIRTY-FIVE, ONE HUNDRED FORTY, ONE HUNDRED FIFTY-FIVE, TWO HUNDRED TWENTY, TWO HUNDRED THIRTY, TWO HUNDRED FORTY-FIVE, TWO HUNDRED SIXTY, TWO HUNDRED SIXTY-THREE OR TWO HUNDRED SIXTY-FIVE OF THE PENAL LAW OR A FELONY OR MISDEMEANOR UNDER SECTIONS ELEVEN HUNDRED NINETY-TWO AND ELEVEN HUNDRED NINETY-THREE OF THE VEHICLE AND TRAFFIC LAW;

(F) ANY TEACHER OR SUPERVISOR, IF THE PERSON IS A TENURED EMPLOYEE, WHO WITHIN THE LAST FIVE YEARS HAS BEEN FINED AS A PENALTY IMPOSED PURSUANT TO CHARGES RELATED TO CHRONIC ABSENTEEISM, CHRONIC LATENESS, OR IMPROPER USE OR RECORDING OF LEAVE TIME OR AS A RESULT OF SETTLEMENT OF CHARGES BROUGHT PURSUANT TO CHARGES RELATED TO CHRONIC ABSENTEEISM, CHRONIC LATENESS OR IMPROPER USE OR RECORDING OF LEAVE TIME;

(G) ANY TEACHER OR SUPERVISOR WHO WITHIN THE LAST FIVE YEARS WAS THE SUBJECT OF AN INVESTIGATION WHERE ALLEGATIONS OF MISCONDUCT WERE SUBSTANTIATED BY THE CITY SCHOOL DISTRICT'S SPECIAL COMMISSIONER OF INVESTIGATION, THE CITY SCHOOL DISTRICT'S OFFICE OF SPECIAL INVESTIGATIONS OR THE CITY SCHOOL DISTRICT'S OFFICE OF EQUAL OPPORTUNITY; AND

(H) ANY TEACHER OR SUPERVISOR WHO HAS FAILED TO FULFILL ALL REQUIREMENTS FOR CERTIFICATION FROM THE DEPARTMENT AS OF AUGUST THIRTY-FIRST OF THE YEAR IN WHICH THERE IS A CITYWIDE LAYOFF;

(II) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION TO THE CONTRARY, IN THE CASE THAT THE NUMBER OF TEACHING OR SUPERVISORY POSITIONS THAT ARE ABOLISHED, OR THE NUMBER OF TEACHING OR SUPERVISORY EMPLOYEES THAT ARE LAID OFF PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH IS GREATER THAN THE NUMBER OF SUCH POSITIONS THAT MUST BE ABOLISHED OR REDUCED AS A RESULT OF A CITYWIDE LAYOFF, THEN THE DECISION CONCERNING WHICH POSITIONS ARE TO BE ABOLISHED, AND WHICH PERSONS OCCUPYING SUCH POSITIONS ARE TO BE LAID OFF, SHALL BE MADE IN ACCORDANCE WITH THIS SUBPARAGRAPH.

THE FOLLOWING PROTOCOL SHALL BE USED UNTIL SUCH TIME THAT THE TOTAL NUMBER OF EMPLOYEES IDENTIFIED IS EQUAL TO THE TOTAL NUMBER OF TEACHING OR SUPERVISORY POSITIONS ABOLISHED. FOR PURPOSES OF THE PROTOCOL, THE CATEGORIES LISTED AS CLAUSES (A), (B), (C), (D), (E), (F), (G), AND (H) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE RANKED ALPHABETICALLY (A) THROUGH (H), PROVIDED THAT (A) SHALL BE RANKED THE HIGHEST PRIORITY AND (H) SHALL BE RANKED THE LOWEST PRIORITY. THE PROTOCOL SHALL BE ESTABLISHED AS FOLLOWS:

(A) TEACHERS OR SUPERVISORS WHO FALL WITHIN ALL EIGHT OF THE CATEGORIES LISTED AS CLAUSES (A), (B), (C), (D), (E), (F), (G) AND (H) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH, IN ORDER OF THE COMBINED RANK PRIORITY OF THOSE EIGHT CATEGORIES;

(B) TEACHERS OR SUPERVISORS WHO FALL WITHIN SEVEN OF THE CATEGORIES LISTED AS CLAUSES (A), (B), (C), (D), (E), (F), (G) AND (H) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH, IN ORDER OF THE COMBINED RANK PRIORITY OF THOSE SEVEN CATEGORIES;

(C) TEACHERS OR SUPERVISORS WHO FALL WITHIN SIX OF THE CATEGORIES LISTED AS CLAUSES (A), (B), (C), (D), (E), (F), (G) AND (H) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH, IN ORDER OF THE COMBINED RANK PRIORITY OF THOSE SIX CATEGORIES;

(D) TEACHERS OR SUPERVISORS WHO FALL WITHIN FIVE OF THE CATEGORIES LISTED AS CLAUSES (A), (B), (C), (D), (E), (F), (G) AND (H) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH, IN ORDER OF THE COMBINED RANK PRIORITY OF THOSE FIVE CATEGORIES;

(E) TEACHERS OR SUPERVISORS WHO FALL WITHIN FOUR OF THE CATEGORIES LISTED AS CLAUSES (A), (B), (C), (D), (E), (F), (G) AND (H) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH, IN ORDER OF THE COMBINED RANK PRIORITY OF THOSE FOUR CATEGORIES;

(F) TEACHERS OR SUPERVISORS WHO FALL WITHIN THREE OF THE CATEGORIES LISTED AS CLAUSES (A), (B), (C), (D), (E), (F), (G) AND (H) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH, IN ORDER OF THE COMBINED RANK PRIORITY OF THOSE THREE CATEGORIES;

(G) TEACHERS OR SUPERVISORS WHO FALL WITHIN TWO OF THE CATEGORIES LISTED AS CLAUSES (A), (B), (C), (D), (E), (F), (G) AND (H) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH, IN ORDER OF THE COMBINED RANK PRIORITY OF THOSE TWO CATEGORIES;

(H) TEACHERS OR SUPERVISORS WHO RECEIVED TWO RATINGS OF "UNSATISFACTORY" IN ANY OF THE LAST FIVE SCHOOL YEARS ON THEIR ANNUAL PROFESSIONAL PERFORMANCE REVIEW; PROVIDED, HOWEVER THAT IF FEWER LAYOFFS ARE REQUIRED THAN THERE ARE PERSONS IN THIS CATEGORY, LAYOFFS SHALL BE DONE IN THE FOLLOWING ORDER:

(1) A TEACHER OR SUPERVISOR WITH THE HIGHEST NUMBER OF UNSATISFACTORY RATINGS IN THE LAST FIVE YEARS; AND

(2) A TEACHER OR SUPERVISOR WITH AN UNSATISFACTORY RATING RECEIVED IN THE MOST RECENT YEAR OR YEARS;

(I) A TEACHER OR SUPERVISOR WHO RECEIVED AN UNSATISFACTORY RATING IN EITHER THE TWO THOUSAND NINE--TWO THOUSAND TEN OR TWO THOUSAND TEN--TWO

1 THOUSAND ELEVEN SCHOOL YEAR, HOWEVER THAT IF FEWER LAYOFFS ARE REQUIRED  
2 THAN THERE ARE PERSONS IN THIS CATEGORY, LAYOFFS SHALL BE DONE IN THE  
3 FOLLOWING ORDER:

4 (1) A TEACHER OR SUPERVISOR WITH UNSATISFACTORY RATINGS IN BOTH TWO  
5 THOUSAND NINE--TWO THOUSAND TEN AND TWO THOUSAND TEN--TWO THOUSAND ELEV-  
6 EN; AND

7 (2) A TEACHER OR SUPERVISOR WITH AN UNSATISFACTORY RATING RECEIVED IN  
8 THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN SCHOOL YEAR;

9 (J) ANY TEACHER OR SUPERVISOR, IF THE PERSON IS A TENURED EMPLOYEE,  
10 WHO WITHIN THE LAST FIVE YEARS HAS BEEN FINED OR SUSPENDED WITHOUT PAY  
11 AS A PENALTY IMPOSED PURSUANT TO SECTION THREE THOUSAND TWENTY-A OF THIS  
12 CHAPTER OR AS A RESULT OF A SETTLEMENT OF CHARGES BROUGHT PURSUANT TO  
13 SECTION THREE THOUSAND TWENTY-A OF THIS CHAPTER; PROVIDED, HOWEVER THAT  
14 IF FEWER LAYOFFS ARE REQUIRED THAN THERE ARE PERSONS IN THIS CATEGORY  
15 PERSONS SHALL BE LAID OFF IN ORDER OF THE MOST RECENT DISPOSITION;

16 (K) ANY TEACHER OR SUPERVISOR WITH A CURRENT STATUS AS A TEACHER OR  
17 SUPERVISOR NOT APPOINTED TO A PERMANENT POSITION IN A SCHOOL FOR A PERI-  
18 OD OF SIX MONTHS OR MORE AS OF THE EFFECTIVE DATE OF ANY CITYWIDE LAYOFF  
19 PURSUANT TO THIS SECTION; PROVIDED, HOWEVER THAT IF FEWER LAYOFFS ARE  
20 REQUIRED THAN THERE ARE PERSONS IN THIS CATEGORY, LAYOFFS SHALL BE DONE  
21 IN ORDER OF PERSONS WHO HAVE BEEN WITHOUT AN APPOINTED POSITION TO A  
22 SCHOOL THE LONGEST PERIOD OF TIME;

23 (L) ANY TEACHER OR SUPERVISOR CONVICTED OF A QUALIFYING CRIMINAL  
24 OFFENSE IN THE PAST FIVE YEARS AND SINCE BEING APPOINTED AS A TEACHER OR  
25 SUPERVISOR. "QUALIFYING CRIMINAL OFFENSE" SHALL MEAN:

26 (1) ANY FELONY, ANY CLASS A MISDEMEANOR, OR ANY CLASS B MISDEMEANOR  
27 UNDER ARTICLE ONE HUNDRED TWENTY, ONE HUNDRED THIRTY, ONE HUNDRED THIR-  
28 TY-FIVE, ONE HUNDRED FORTY, ONE HUNDRED FIFTY-FIVE, TWO HUNDRED TWENTY,  
29 TWO HUNDRED THIRTY, TWO HUNDRED FORTY-FIVE, TWO HUNDRED SIXTY, TWO  
30 HUNDRED SIXTY-THREE OR TWO HUNDRED SIXTY-FIVE OF THE PENAL LAW OR A  
31 FELONY OR MISDEMEANOR UNDER SECTIONS ELEVEN HUNDRED NINETY-TWO AND ELEV-  
32 EN HUNDRED NINETY-THREE OF THE VEHICLE AND TRAFFIC LAW, OR

33 (2) ANY OFFENSE IN ANY OTHER JURISDICTION FOR WHICH A SENTENCE TO A  
34 TERM OF IMPRISONMENT OF ONE YEAR OR OF MORE THAN ONE YEAR WAS AUTHORIZED  
35 AND IS AUTHORIZED IN THIS STATE IRRESPECTIVE OF WHETHER SUCH SENTENCE  
36 WAS IMPOSED, OR

37 (3) ANY OFFENSE IN ANY OTHER JURISDICTION THE COMMISSION OF WHICH  
38 CONSTITUTES THE SUBSTANTIAL EQUIVALENT OF ANY OFFENSE UNDER ARTICLE ONE  
39 HUNDRED TWENTY, ONE HUNDRED THIRTY, ONE HUNDRED THIRTY-FIVE, ONE HUNDRED  
40 FORTY, ONE HUNDRED FIFTY-FIVE, TWO HUNDRED TWENTY, TWO HUNDRED THIRTY,  
41 TWO HUNDRED FORTY-FIVE, TWO HUNDRED SIXTY, TWO HUNDRED SIXTY-THREE OR  
42 TWO HUNDRED SIXTY-FIVE OF THE PENAL LAW OR A FELONY OR MISDEMEANOR UNDER  
43 SECTIONS ELEVEN HUNDRED NINETY-TWO AND ELEVEN HUNDRED NINETY-THREE OF  
44 THE VEHICLE AND TRAFFIC LAW; PROVIDED, HOWEVER THAT IF FEWER LAYOFFS ARE  
45 REQUIRED THAN THERE ARE PERSONS IN THIS CATEGORY, LAYOFFS SHALL BE DONE  
46 IN THE FOLLOWING ORDER:

47 I. A TEACHER OR SUPERVISOR CONVICTED OF A FELONY IN THE LAST FIVE  
48 YEARS AND SINCE BEING APPOINTED AS A TEACHER OR SUPERVISOR, WITH LAYOFFS  
49 DONE BASED UPON THE CHRONOLOGICAL ORDER OF THE DATE OF CONVICTION,  
50 BEGINNING WITH THE MOST RECENT; AND

51 II. A TEACHER OR SUPERVISOR CONVICTED OF A CLASS A MISDEMEANOR IN THE  
52 LAST FIVE YEARS AND SINCE BEING APPOINTED AS A TEACHER OR SUPERVISOR,  
53 WITH LAYOFFS DONE BASED UPON THE CHRONOLOGICAL ORDER OF THE DATE OF  
54 CONVICTION, BEGINNING WITH THE MOST RECENT; AND

55 III. A TEACHER OR SUPERVISOR CONVICTED IN THE LAST FIVE YEARS AND  
56 SINCE BEING APPOINTED AS A TEACHER OR SUPERVISOR OF A CLASS B MISDEMEA-

1 NOR UNDER ARTICLE ONE HUNDRED TWENTY, ONE HUNDRED THIRTY, ONE HUNDRED  
2 THIRTY-FIVE, ONE HUNDRED FORTY, ONE HUNDRED FIFTY-FIVE, TWO HUNDRED  
3 TWENTY, TWO HUNDRED THIRTY, TWO HUNDRED FORTY-FIVE, TWO HUNDRED SIXTY,  
4 TWO HUNDRED SIXTY-THREE OR TWO HUNDRED SIXTY-FIVE OF THE PENAL LAW OR A  
5 MISDEMEANOR UNDER SECTIONS ELEVEN HUNDRED NINETY-TWO AND ELEVEN HUNDRED  
6 NINETY-THREE OF THE VEHICLE AND TRAFFIC LAW, WITH LAYOFFS DONE BASED  
7 UPON THE CHRONOLOGICAL ORDER OF THE DATE OF CONVICTION, BEGINNING WITH  
8 THE MOST RECENT;

9 (M) ANY TEACHER OR SUPERVISOR WHO HAS RECEIVED A FINE AS A PENALTY OR  
10 AS PART OF A STIPULATION IN SETTLEMENT OF CHARGES OF CHRONIC ABSENTEEISM  
11 OR LATENESS, OR IMPROPER USE OR RECORDING OF LEAVE TIME; PROVIDED,  
12 HOWEVER THAT IF FEWER LAYOFFS ARE REQUIRED THAN THERE ARE PEOPLE IN THIS  
13 CATEGORY, LAYOFFS SHALL BE DONE IN ORDER OF THE MOST RECENT DISPOSITION;

14 (N) ANY TEACHER OR SUPERVISOR WHO WITHIN THE LAST FIVE YEARS WAS THE  
15 SUBJECT OF AN INVESTIGATION WHERE ALLEGATIONS OF MISCONDUCT WERE  
16 SUBSTANTIATED BY THE CITY SCHOOL DISTRICT'S SPECIAL COMMISSIONER OF  
17 INVESTIGATION, THE CITY SCHOOL DISTRICT'S OFFICE OF SPECIAL INVESTI-  
18 GATIONS OR THE CITY SCHOOL DISTRICT'S OFFICE OF EQUAL OPPORTUNITY,  
19 PROVIDED HOWEVER IF THERE ARE FEWER LAYOFFS THAN THERE ARE PERSONS IN  
20 THIS CATEGORY, LAYOFFS SHALL BE DONE IN ORDER OF THE MOST RECENT INVE-  
21 TIGATION OF SUBSTANTIATED ALLEGATIONS; AND

22 (O) ANY TEACHER OR SUPERVISOR WHO HAS FAILED TO FULFILL ALL THE  
23 REQUIREMENTS FOR STATE CERTIFICATION AS OF AUGUST THIRTY-FIRST OF THE  
24 SCHOOL YEAR IN WHICH THERE IS A CITYWIDE LAYOFF, PROVIDED HOWEVER IF  
25 THERE ARE FEWER LAYOFFS THAN THERE ARE PERSONS IN THIS CATEGORY, TEACH-  
26 ERS WHO HAVE BEEN WITHOUT FULL CERTIFICATION FROM THE DEPARTMENT THE  
27 LONGEST SHALL BE LAID OFF FIRST.

28 (III) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION  
29 TO THE CONTRARY, IN THE CASE THAT THE NUMBER OF TEACHING OR SUPERVISORY  
30 POSITIONS THAT ARE ABOLISHED, OR THE NUMBER OF TEACHING OR SUPERVISORY  
31 EMPLOYEES THAT ARE LAID OFF PURSUANT TO SUBPARAGRAPH (I) OF THIS PARA-  
32 GRAPH IS FEWER THAN THE NUMBER OF SUCH POSITIONS THAT MUST BE ABOLISHED  
33 OR REDUCED, THE DECISION CONCERNING WHICH ADDITIONAL POSITIONS ARE TO BE  
34 ABOLISHED, AND WHICH PERSONS OCCUPYING SUCH POSITIONS ARE TO BE LAID  
35 OFF, SHALL BE MADE IN ACCORDANCE WITH THIS SUBPARAGRAPH. UPON NOTIFICA-  
36 TION BY THE CITY SCHOOL DISTRICT OF THE PUBLIC EMPLOYMENT RELATIONS  
37 BOARD, THE MATTER OF HOW ADDITIONAL LAYOFFS SHALL BE EFFECTUATED SHALL  
38 BE REFERRED TO ARBITRATION. WITHIN TWO DAYS OF RECEIPT OF THE PETITION  
39 THE BOARD SHALL SUBMIT TO THE PARTIES A LIST OF QUALIFIED, DISINTERESTED  
40 PERSONS FOR THE SELECTION OF A SINGLE ARBITRATOR. EACH PARTY SHALL  
41 ALTERNATELY STRIKE FROM THE LIST ONE OF THE NAMES WITH THE ORDER OF  
42 STRIKING DETERMINED BY LOT, UNTIL THE REMAINING ONE PERSON SHALL BE  
43 DESIGNATED TO HEAR THE MATTER. THIS PROCESS SHALL BE COMPLETED WITHIN  
44 ONE DAY OF RECEIPT OF THIS LIST. THE PARTIES SHALL NOTIFY THE BOARD OF  
45 THE DESIGNATED ARBITRATOR. THE ARBITRATION SHALL BE COMMENCED NO LATER  
46 THAN SEVEN DAYS AND COMPLETED NO LATER THAN THIRTY DAYS OF THE DATE THE  
47 PARTIES NOTIFIED THE BOARD OF THE DESIGNATION OF THE ARBITRATOR,  
48 PROVIDED THAT NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGU-  
49 LATION TO THE CONTRARY, NO ADJOURNMENTS MAY BE GRANTED THAT WOULD EXTEND  
50 THE ARBITRATION BEYOND SUCH THIRTY DAYS. THE ARBITRATOR SHALL ISSUE A  
51 DECISION TO THE PARTIES WITHIN TEN DAYS OF COMPLETION OF THE HEARING.  
52 SAID DECISION SHALL BE FINAL AND BINDING ON THE RESPECTIVE PARTIES AND  
53 NOT SUBJECT TO JUDICIAL REVIEW PURSUANT TO ARTICLE SEVENTY-FIVE OF THE  
54 CIVIL PRACTICE LAW AND RULES OR ANY OTHER LAW, RULE OR REGULATION. EACH  
55 OF THE RESPECTIVE PARTIES SHALL EQUALLY SHARE THE COST OF THE ARBITRA-  
56 TOR. ANY DECISION ISSUED PURSUANT TO THIS SUBPARAGRAPH SHALL NOT PERMIT

1 AN EMPLOYEE'S LENGTH OF SERVICE TO BE THE SOLE FACTOR IN ANY DECISION  
2 REGARDING WHICH POSITIONS ARE TO BE ABOLISHED AND WHICH PERSONS OCCUPY-  
3 ING SUCH POSITIONS SHALL BE LAID OFF; PROVIDED, HOWEVER, THAT ANY  
4 CONSIDERATION OF AN EMPLOYEE'S LENGTH OF FAITHFUL AND COMPETENT SERVICE  
5 AS A FACTOR FOR THE ABOLISHMENT OF POSITIONS OR PERSONS TO BE LAID OFF  
6 OCCUPYING SUCH POSITIONS MAY ONLY BE CONSIDERED IN A MANNER BENEFICIAL  
7 TO AN EMPLOYEE AND SHALL NOT PERMIT AN EMPLOYEE'S SALARY TO BE A FACTOR  
8 IN ANY DECISION REGARDING WHICH POSITIONS ARE TO BE ABOLISHED AND WHICH  
9 PERSONS OCCUPYING SUCH POSITIONS SHALL BE LAID OFF; AND PROVIDED FURTHER  
10 THAT ANY DECISION MUST ENSURE THAT IN A HIGH-NEED SCHOOL THE NUMBER OF  
11 STAFF LAID OFF SHALL NOT EXCEED THE PERCENTAGE OF THE OVERALL NUMBER OF  
12 POSITIONS IN THE SCHOOL THAT REPRESENTS HALF OF THE AVERAGE PERCENTAGE  
13 OF STAFF LAID OFF CITYWIDE; PROVIDED HOWEVER, SAID PERCENTAGE MAY BE  
14 EXCEEDED WHERE THE CITY SCHOOL DISTRICT CHOOSES TO ABOLISH ALL POSITIONS  
15 IN A LICENSE AREA PURSUANT TO SUBPARAGRAPH (IV) OF THIS PARAGRAPH. SAID  
16 PERCENTAGES SHALL BE CALCULATED EXCLUDING ANY TEACHERS OR SUPERVISORS  
17 LAID OFF PURSUANT TO SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH. FOR  
18 PURPOSES OF THIS SECTION, A HIGH-NEED SCHOOL SHALL BE DEFINED AS A  
19 SCHOOL IN WHICH AT LEAST NINETY PERCENT OF THE ENROLLED STUDENTS ARE  
20 ELIGIBLE APPLICANTS FOR THE FREE AND REDUCED PRICE LUNCH PROGRAM.

21 (IV) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION TO  
22 THE CONTRARY, ANY LOCALLY DEVELOPED PROCESS PURSUANT TO THE REQUIREMENTS  
23 OF ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW, AND DECISION ISSUED PURSU-  
24 ANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, OR THE LAYOFFS EFFECTUATED  
25 PURSUANT TO SUBPARAGRAPH (V) OF THIS PARAGRAPH, THE CITY SCHOOL DISTRICT  
26 SHALL NOT BE PROHIBITED FROM ABOLISHING ALL POSITIONS IN AN ENTIRE  
27 LICENSE AREA.

28 (V) SHOULD THE CITY SCHOOL DISTRICT AND ITS COLLECTIVE BARGAINING  
29 AGENTS FAIL TO ESTABLISH A PROCEDURE GOVERNING THE ABOLISHMENT OR  
30 REDUCTION OF TEACHING OR SUPERVISORY POSITIONS CITYWIDE PURSUANT TO  
31 ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW NO LATER THAN NINETY DAYS  
32 PRIOR TO THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR AND  
33 SUBSEQUENT SCHOOL YEARS, THE MATTER SHALL BE SUBMITTED TO ARBITRATION  
34 PURSUANT TO THE PROCEDURES IN SUBPARAGRAPH (III) OF PARAGRAPH (A) OF  
35 SUBDIVISION THREE OF THIS SECTION. ANY DECISION ISSUED PURSUANT TO THIS  
36 SUBPARAGRAPH SHALL BE SIGNIFICANTLY BASED ON THE ANNUAL PROFESSIONAL  
37 PERFORMANCE REVIEW FOR THE PRECEDING SCHOOL YEAR PURSUANT TO SECTION  
38 THREE THOUSAND TWELVE-C OF THIS CHAPTER AND SHALL NOT PERMIT AN EMPLOY-  
39 EE'S LENGTH OF SERVICE TO BE THE SOLE FACTOR IN ANY DECISION REGARDING  
40 WHICH POSITIONS ARE TO BE ABOLISHED AND WHICH PERSONS OCCUPYING SUCH  
41 POSITIONS SHALL BE LAID OFF; PROVIDED, HOWEVER, THAT ANY CONSIDERATION  
42 OF AN EMPLOYEE'S LENGTH OF FAITHFUL AND COMPETENT SERVICE AS A FACTOR  
43 FOR THE ABOLISHMENT OF POSITIONS OR PERSONS TO BE LAID OFF OCCUPYING  
44 SUCH POSITIONS MAY ONLY BE CONSIDERED IN A MANNER BENEFICIAL TO AN  
45 EMPLOYEE AND SHALL NOT PERMIT AN EMPLOYEE'S SALARY TO BE A FACTOR IN ANY  
46 DECISION REGARDING WHICH POSITIONS ARE TO BE ABOLISHED AND WHICH PERSONS  
47 OCCUPYING SUCH POSITIONS SHALL BE LAID OFF; AND PROVIDED FURTHER THAT  
48 ANY DECISION ENSURE THAT IN A HIGH-NEED SCHOOL THE NUMBER OF STAFF LAID  
49 OFF SHALL NOT EXCEED THE PERCENTAGE OF THE OVERALL NUMBER OF POSITIONS  
50 IN THE SCHOOL THAT REPRESENTS HALF OF THE AVERAGE PERCENTAGE OF STAFF  
51 LAID OFF CITYWIDE; PROVIDED HOWEVER, SAID PERCENTAGE MAY BE EXCEEDED  
52 WHERE THE CITY SCHOOL DISTRICT CHOOSES TO ABOLISH ALL POSITIONS IN A  
53 LICENSE AREA PURSUANT TO SUBPARAGRAPH (IV) OF THIS PARAGRAPH. SAID  
54 PERCENTAGES SHALL BE CALCULATED EXCLUDING ANY TEACHERS OR SUPERVISORS  
55 LAID OFF PURSUANT TO SUBPARAGRAPHS (I) AND (II) OF PARAGRAPH (A) OF THIS  
56 SUBDIVISION. FOR PURPOSES OF THIS SECTION, A HIGH-NEED SCHOOL SHALL BE

1 DEFINED AS A SCHOOL IN WHICH AT LEAST NINETY PERCENT OF THE ENROLLED  
2 STUDENTS ARE ELIGIBLE APPLICANTS FOR THE FREE AND REDUCED PRICE LUNCH  
3 PROGRAM.

4 (B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION TO  
5 THE CONTRARY, THE CITY SCHOOL DISTRICT AND ITS EMPLOYEES' COLLECTIVE  
6 BARGAINING AGENTS SHALL ESTABLISH A PROCEDURE GOVERNING THE ABOLISHMENT  
7 OR REDUCTION OF TEACHING OR SUPERVISORY POSITIONS AT INDIVIDUAL SCHOOLS  
8 IN ORDER TO MEET SCHOOL BUDGETARY NEEDS, REORGANIZE FUNCTIONS, OR FOR  
9 OTHER COMPELLING REASONS OUTSIDE OF A CITYWIDE REDUCTION IN ACCORDANCE  
10 WITH PARAGRAPH (A) OF THIS SUBDIVISION, PURSUANT TO THE REQUIREMENTS OF  
11 ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW. ANY SUCH LOCALLY ESTABLISHED  
12 PROCESS SHALL NOT PERMIT AN EMPLOYEE'S LENGTH OF SERVICE TO BE THE SOLE  
13 FACTOR IN ANY DECISION REGARDING WHICH POSITIONS ARE TO BE ABOLISHED AND  
14 WHICH PERSONS OCCUPYING SUCH POSITIONS SHALL BE EXCESSED; PROVIDED  
15 HOWEVER THAT ANY CONSIDERATION OF AN EMPLOYEE'S LENGTH OF FAITHFUL AND  
16 COMPETENT SERVICE AS A FACTOR FOR THE ABOLISHMENT OF POSITIONS OR  
17 PERSONS TO BE EXCESSED OCCUPYING SUCH POSITIONS MAY ONLY BE CONSIDERED  
18 IN A MANNER BENEFICIAL TO AN EMPLOYEE AND THAT THE PROMULGATION OF ANY  
19 SUCH REGULATION SHALL NOT PERMIT AN EMPLOYEE'S SALARY TO BE A FACTOR IN  
20 ANY DECISION REGARDING WHICH POSITIONS ARE TO BE ABOLISHED AND WHICH  
21 PERSONS OCCUPYING SUCH POSITIONS SHALL BE EXCESSED. FOR POSITIONS  
22 COVERED BY SECTION THREE THOUSAND TWELVE-C OF THIS CHAPTER, ANY SUCH  
23 LOCALLY DEVELOPED PROCESS SHALL BE SIGNIFICANTLY BASED ON THE ANNUAL  
24 PROFESSIONAL PERFORMANCE REVIEW FOR TEACHERS AND SUPERVISORS PURSUANT TO  
25 SUCH SECTION THREE THOUSAND TWELVE-C AND ITS IMPLEMENTING REGULATIONS.  
26 UNTIL AND UNLESS SUCH A PROCESS HAS BEEN ESTABLISHED AT LEAST NINETY  
27 DAYS BEFORE THE START OF THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE  
28 SCHOOL YEAR, THE FOLLOWING SHALL APPLY:

29 (I) DECISIONS CONCERNING WHICH POSITIONS ARE TO BE ABOLISHED SHALL BE  
30 MADE IN ACCORDANCE WITH THE SAME PROCESS PRESCRIBED FOR MAKING LAYOFF  
31 DECISIONS SET FORTH IN SUBPARAGRAPHS (I) AND (II) OF PARAGRAPH (A) OF  
32 THIS SUBDIVISION. IN THE CASE THAT THE NUMBER OF TEACHING OR SUPERVISORY  
33 EMPLOYEES EXCESSED IS FEWER THAN THE NUMBER OF SUCH POSITIONS THAT MUST  
34 BE EXCESSED PURSUANT TO THIS SUBPARAGRAPH, THE MATTER SHALL BE REFERRED  
35 TO ARBITRATION AS SET FORTH IN SUBPARAGRAPH (III) OF PARAGRAPH (A) OF  
36 THIS SUBDIVISION. ANY DECISION BY AN ARBITRATOR PURSUANT TO THIS  
37 SUBPARAGRAPH SHALL NOT PERMIT AN EMPLOYEE'S LENGTH OF SERVICE TO BE THE  
38 SOLE FACTOR IN ANY DECISION REGARDING WHICH POSITIONS ARE TO BE ABOL-  
39 IShed AND WHICH PERSONS OCCUPYING SUCH POSITIONS SHALL BE EXCESSED;  
40 PROVIDED HOWEVER THAT ANY CONSIDERATION OF AN EMPLOYEE'S LENGTH OF  
41 FAITHFUL AND COMPETENT SERVICE AS A FACTOR FOR THE ABOLISHMENT OF POSI-  
42 TIONS OR PERSONS TO BE EXCESSED OCCUPYING SUCH POSITIONS MAY ONLY BE  
43 CONSIDERED IN A MANNER BENEFICIAL TO AN EMPLOYEE AND THAT THE PROMULGA-  
44 TION OF ANY SUCH REGULATION SHALL NOT PERMIT AN EMPLOYEE'S SALARY TO BE  
45 A FACTOR IN ANY DECISION REGARDING WHICH POSITIONS ARE TO BE ABOLISHED  
46 AND WHICH PERSONS OCCUPYING SUCH POSITIONS SHALL BE EXCESSED. THE ARBI-  
47 TRATOR SHALL FURTHER BE REQUIRED TO INCORPORATE THE FOLLOWING FACTORS IN  
48 ANY AWARD SETTING FORTH A PROCESS FOR THE DISTRICT REGARDING WHICH POSI-  
49 TIONS SHALL BE ABOLISHED AND WHICH PERSONS OCCUPYING SUCH POSITIONS ARE  
50 TO BE EXCESSED:

51 (A) SCHOOLS' NEEDS FOR PARTICULAR LICENSE AREAS; AND

52 (B) WHEN MORE THAN ONE PERSON HOLDS A POSITION WITHIN THE SAME LICENSE  
53 AREA:

54 (1) SIGNIFICANT RELEVANT CONTRIBUTIONS, ACCOMPLISHMENTS, OR PERFORM-  
55 ANCE OF EACH SUCH PERSON;



1 (2) RELEVANT SUPPLEMENTAL PROFESSIONAL EXPERIENCES OF EACH SUCH PERSON  
2 AS DEMONSTRATED ON THE JOB;

3 (3) OFFICE OR SCHOOL NEEDS, INCLUDING CURRICULUM SPECIALIZED EDUCA-  
4 TION, DEGREES, LICENSES OR AREAS OF EXPERTISE; AND

5 (4) LENGTH OF SATISFACTORY SERVICE BY EACH SUCH PERSON. SHOULD CITY-  
6 WIDE LAYOFFS IN ACCORDANCE WITH PARAGRAPH (A) OF THIS SUBDIVISION BE  
7 CARRIED OUT, A DETERMINATION OF WHETHER ANY TEACHER OR SUPERVISOR SHALL  
8 BE LAID OFF WHOSE POSITION HAS BEEN ABOLISHED AND IS IN EXCESS FROM A  
9 REGULARLY APPOINTED POSITION IN THE DISTRICT FOR LESS THAN SIX MONTHS,  
10 SHALL BE MADE PURSUANT TO SUBPARAGRAPHS (I) AND (II) OF PARAGRAPH (A) OF  
11 THIS SUBDIVISION.

12 (II) SHOULD THE CITY SCHOOL DISTRICT AND ITS COLLECTIVE BARGAINING  
13 AGENTS FAIL TO ESTABLISH A PROCEDURE GOVERNING THE ABOLISHMENT OR  
14 REDUCTION OF TEACHING OR SUPERVISORY POSITIONS AT INDIVIDUAL SCHOOLS  
15 PURSUANT TO ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW NO LATER THAN  
16 NINETY DAYS PRIOR TO THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN  
17 SCHOOL YEAR AND SUBSEQUENT SCHOOL YEARS, THE MATTER SHALL BE SUBMITTED  
18 TO ARBITRATION PURSUANT TO THE PROCEDURES IN SUBPARAGRAPH (III) OF PARA-  
19 GRAPH A OF SUBDIVISION THREE OF THIS SECTION. ANY DECISION ISSUED PURSU-  
20 ANT TO THIS SUBPARAGRAPH SHALL BE SIGNIFICANTLY BASED ON THE ANNUAL  
21 PROFESSIONAL PERFORMANCE REVIEW FOR THE PRECEDING SCHOOL YEAR PURSUANT  
22 TO SECTION THREE THOUSAND TWELVE-C OF THIS CHAPTER AND SHALL NOT PERMIT  
23 AN EMPLOYEE'S LENGTH OF SERVICE TO BE THE SOLE FACTOR IN ANY DECISION  
24 REGARDING WHICH POSITIONS ARE TO BE ABOLISHED AND WHICH PERSONS OCCUPY-  
25 ING SUCH POSITIONS SHALL BE EXCESSED; PROVIDED, HOWEVER, THAT ANY  
26 CONSIDERATION OF AN EMPLOYEE'S LENGTH OF FAITHFUL AND COMPETENT SERVICE  
27 AS A FACTOR FOR THE ABOLISHMENT OF POSITIONS OR PERSONS TO BE EXCESSED  
28 OCCUPYING SUCH POSITIONS MAY ONLY BE CONSIDERED IN A MANNER BENEFICIAL  
29 TO AN EMPLOYEE AND SHALL NOT PERMIT AN EMPLOYEE'S SALARY TO BE A FACTOR  
30 IN ANY DECISION REGARDING WHICH POSITIONS ARE TO BE ABOLISHED AND WHICH  
31 PERSONS OCCUPYING SUCH POSITIONS SHALL BE EXCESSED;

32 S 5. Subdivision 4 of section 2588 of the education law is REPEALED  
33 and a new subdivision 4 is added to read as follows:

34 4. WHENEVER A TEACHING OR SUPERVISORY POSITION IS ABOLISHED PURSUANT  
35 TO SUBPARAGRAPH (III) OF PARAGRAPH (A) OF SUBDIVISION THREE OF THIS  
36 SECTION EFFECTIVE BEFORE OR DURING THE TWO THOUSAND ELEVEN--TWO THOUSAND  
37 TWELVE SCHOOL YEAR, SHOULD A VACANCY OCCUR IN THE SAME POSITION AT THE  
38 SAME SCHOOL OR ADMINISTRATIVE OFFICE WITHIN ONE YEAR OF THE DATE WHEN  
39 THE POSITION WAS ABOLISHED, THE PRINCIPAL, OR THE CHANCELLOR OR HIS OR  
40 HER DESIGNEE, SHALL OFFER THE POSITION TO THE PERSON WHO HELD THE POSI-  
41 TION BEFORE IT WAS ABOLISHED. IF THE PERSON REJECTS THE OFFER, OR FAILS  
42 TO RESPOND TO THE OFFER WITHIN THIRTY DAYS, THE PERSON SHALL NO LONGER  
43 HAVE A RIGHT TO RETURN TO THE POSITION. IF MORE THAN ONE POSITION WAS  
44 ABOLISHED IN THE SAME LICENSE AREA AT THE SAME SCHOOL OR ADMINISTRATIVE  
45 OFFICE, AND THERE ARE FEWER VACANCIES IN THE SAME LICENSE AREA THAN  
46 PERSONS WHOSE POSITIONS WERE ABOLISHED, THE PRINCIPAL, OR THE CHANCELLOR  
47 SHALL HAVE THE DISCRETION TO DETERMINE WHICH PERSON SHOULD BE OFFERED  
48 THE POSITION FIRST. THE CHANCELLOR SHALL PROMULGATE GUIDANCE TO DETER-  
49 MINE THE RIGHT OF RETURN OF ANY TEACHERS OR SUPERVISORS LAID OFF PURSU-  
50 ANT TO SUBPARAGRAPH (IV) OF PARAGRAPH (A) OF SUBDIVISION THREE OF THIS  
51 SECTION. TEACHERS OR SUPERVISORS LAID OFF PURSUANT TO SUBPARAGRAPH (I)  
52 OF PARAGRAPH (A) OF SUBDIVISION THREE OF THIS SECTION AND SUBPARAGRAPH  
53 (II) OF PARAGRAPH (A) OF SUBDIVISION THREE OF THIS SECTION, AND ALL  
54 TEACHERS OR SUPERVISORS LAID OFF EFFECTIVE FOR THE TWO THOUSAND TWELVE-  
55 -TWO THOUSAND THIRTEEN SCHOOL YEAR AND BEYOND, SHALL HAVE NO RIGHTS TO  
56 RETURN TO A VACANT POSITION PURSUANT TO THIS SECTION.

1 S 6. Subdivision 7 of section 2588 of the education law is REPEALED.

2 S 7. Severability. If any clause, sentence, paragraph, section or part  
3 of this act shall be adjudged by any court of competent jurisdiction to  
4 be invalid and after exhaustion of all further judicial review, the  
5 judgment shall not affect, impair or invalidate the remainder thereof,  
6 but shall be confined in its operation to the clause, sentence, para-  
7 graph, section or part of this act directly involved in the controversy  
8 in which the judgment shall have been rendered.

9 S 8. This act shall take effect immediately.

10 PART FF

11 Section 1. Section 3 of part NN of chapter 57 of the laws of 2008  
12 relating to authorizing the New York state mortgage agency to transfer  
13 certain moneys, as amended by section 1 of part B of chapter 2 of the  
14 laws of 2009, is amended to read as follows:

15 S 3. (A) Within the amounts transferred to the corporation pursuant to  
16 section one of this act for the greater Catskills flood remediation  
17 program, the corporation shall provide funds to the counties of Broome,  
18 Chenango, Delaware, Herkimer, Montgomery, Orange, Otsego, Schoharie,  
19 Sullivan, Tioga and Ulster, upon application by a county and within the  
20 amounts available for disbursement to such county, to enable the coun-  
21 ties to purchase and demolish one or two family homes that have been  
22 certified by the local building inspector and county emergency manage-  
23 ment director, to the satisfaction of the corporation, as having been  
24 subject to one or more incidents of flooding since April 1, 2004 and as  
25 likely to be subject to a future flood incident that would cause  
26 substantial damage thereto. Any application by a county for disbursement  
27 of funds under this act shall demonstrate, to the satisfaction of the  
28 corporation, that: (1) the home is occupied as the primary residence of  
29 an owner with a family income of up to one hundred fifty percent of the  
30 area median income as defined by the United States department of housing  
31 and urban development, provided, however, that an otherwise eligible  
32 home shall be eligible for purchase under this act if the current owner  
33 can demonstrate that the home was occupied as the owner's primary resi-  
34 dence prior to a flood event that rendered the home unsuitable for habi-  
35 tation; (2) the current appraised value of the home does not exceed two  
36 hundred fifty thousand dollars and the purchase price for the home will  
37 not exceed the appraised value less the amount of any property casualty  
38 insurance or disaster relief payments received by the owner as compen-  
39 sation for damage incurred in a flood incident; (3) all recorded liens  
40 or other encumbrances on the home will be released at closing; (4) the  
41 county provides assurances that the home will be condemned and the prop-  
42 erty will be dedicated and maintained in perpetuity for a use that is  
43 compatible with open space, recreational, flood mitigation or wetlands  
44 management practices; and (5) disbursements under this section shall be  
45 limited to the costs of acquisition of eligible homes, including legal,  
46 appraisal, recording and other transaction costs, and the costs of demo-  
47 lition. In selecting homes for purchase pursuant to this act, each  
48 county shall give preference to homes with a current appraised value of  
49 less than one hundred fifty thousand dollars and to homes that have been  
50 subject to two or more incidents of flooding since April 1, 2004. The  
51 corporation shall establish policies and procedures consistent with this  
52 section, which shall include county reporting requirements, and shall  
53 report to the governor, the speaker of the assembly, the temporary pres-  
54 ident of the senate and the director of the division of the budget on or

1 before December 31, 2008 regarding the implementation of this section.  
2 Of the amounts transferred to the corporation pursuant to section one of  
3 this act, the amounts disbursed to counties pursuant to this section  
4 shall not exceed the following amounts: Broome, \$750,000; Chenango,  
5 \$750,000; Delaware, \$2,000,000; Herkimer, \$750,000; Montgomery,  
6 \$750,000; Orange, \$2,000,000; Otsego, \$750,000; Schoharie, \$750,000;  
7 Sullivan, \$3,750,000; Tioga, \$750,000; and Ulster, \$2,000,000.

8 (B) ANY FUNDS NOT UNDER CONTRACT OR GRANT AGREEMENT BETWEEN ANY COUNTY  
9 PROVIDED FOR BY THIS SECTION AND THE STATE OF NEW YORK OR ANY OF ITS  
10 DIVISIONS OR AGENCIES ON OR BY JANUARY 1, 2010 MAY BE USED, UPON A FIND-  
11 ING BY THE CORPORATION THAT SUCH FUNDS ARE AVAILABLE, BY ULSTER COUNTY,  
12 WHETHER THE FUNDS ARE ALLOCATED TO SUCH COUNTY OR TO ANOTHER COUNTY  
13 UNDER THIS PROGRAM, TO PURCHASE HOMES WHICH OTHERWISE MEET THE REQUIRE-  
14 MENTS OF SUBDIVISION (A) OF THIS SECTION AND ARE IN ULSTER COUNTY,  
15 AND/OR OTHERWISE PURCHASE HOMES WHICH ARE VALUED AT UNDER \$250,000 UPON  
16 A FINDING BY THE CORPORATION THAT: (1) THE HOMES HAVE BEEN SUBJECTED TO  
17 SEEPAGE OF WATER INTO THE HOMES EITHER THROUGH THE WALLS OR FOUNDATION  
18 OF SUCH HOME OR WATER OTHERWISE ENTERS INTO THE HOME OTHER THAN THROUGH  
19 PIPES INTENDED FOR SUCH PURPOSE, AND (2) THE HOME IS SITUATED WITHIN TWO  
20 MILES OF AN UNDERGROUND AQUEDUCT OWNED, MAINTAINED OR OPERATED BY THE  
21 CITY OF NEW YORK OR ANY BOARD, AGENCY, DEPARTMENT OR BUREAU THEREOF AND  
22 IS USED FOR THE TRANSPORT OF DRINKING WATER TO THE CITY OF NEW YORK.  
23 THE REQUIREMENTS ENUMERATED IN PARAGRAPHS ONE THROUGH FIVE OF SUBDIVI-  
24 SION (A) OF THIS SECTION SHALL APPLY, PROVIDED, HOWEVER THAT NOTWITH-  
25 STANDING THE REQUIREMENTS OF PARAGRAPH ONE OF SUBDIVISION (A) OF THIS  
26 SECTION, NO PERSON OR PERSONS WHO OTHERWISE MEETS THE REQUIREMENTS OF  
27 THIS SUBDIVISION SHALL BE EXCLUDED ON THE BASIS OF INCOME AND IT IS  
28 FURTHER PROVIDED THAT THE COSTS OF DEMOLITION OF ANY HOME PURCHASED  
29 THROUGH THIS SECTION ARE AN ELIGIBLE COST. IN MAKING DETERMINATIONS OF  
30 WHICH HOMES TO PURCHASE, THE COUNTY SHALL FIRST SEEK TO EXPEND FUNDS TO  
31 PURCHASE THOSE HOMES WHICH MEET THE REQUIREMENTS ENUMERATED IN PARA-  
32 GRAPHS ONE AND TWO OF THIS SUBDIVISION.

33 S 2. This act shall take effect immediately.

34 PART GG

35 Section 1. The social services law is amended by adding a new section  
36 37-a to read as follows:

37 S 37-A. CONSOLIDATION OF TOLL FREE HOTLINES. 1. THE COMPTROLLER SHALL  
38 CONDUCT A STUDY IN CONSULTATION WITH THE OFFICE OF CHILDREN AND FAMILY  
39 SERVICES AND A NOT-FOR-PROFIT ENTITY WITH EXPERIENCE IN PROVIDING  
40 BROAD-BASED ACCESS TO A LARGE SPECTRUM OF HUMAN SERVICES ON THE NEW YORK  
41 STATE OPERATED TOLL FREE NUMBERS THAT PROVIDE INFORMATION ON HUMAN  
42 SERVICES. THE STUDY SHALL IDENTIFY WHICH OF THE EXISTING STATE OPERATED  
43 TOLL FREE HUMAN SERVICES HOTLINES SHALL BE CONSOLIDATED UNDER THE 211  
44 RESOURCE AND REFERRAL HOTLINE. SUCH STUDY SHALL BE PROVIDED TO THE  
45 LEGISLATURE AND THE DIVISION OF THE BUDGET NO LATER THAN JULY  
46 THIRTY-FIRST, TWO THOUSAND ELEVEN.

47 2. STATE OPERATED TOLL FREE HUMAN SERVICES HOTLINES IDENTIFIED UNDER  
48 SUCH STUDY SHALL BE ELIMINATED EFFECTIVE DECEMBER THIRTY-FIRST, TWO  
49 THOUSAND ELEVEN AND SUCH SERVICES SHALL BE PROVIDED BY THE 211 RESOURCE  
50 AND REFERRAL HOTLINE BEGINNING JANUARY FIRST, TWO THOUSAND ELEVEN.

51 3. FUNDING PROVIDED FOR IN THE STATE FISCAL YEAR TWO THOUSAND ELEVEN-  
52 -TWO THOUSAND TWELVE STATE BUDGET FOR THE COSTS ASSOCIATED WITH THE  
53 EXISTING STATE OPERATED TOLL FREE HUMAN SERVICES HOTLINES IDENTIFIED FOR  
54 CONSOLIDATION APPROPRIATED BUT NOT ENCUMBERED AS OF DECEMBER

THIRTY-FIRST, TWO THOUSAND ELEVEN SHALL BE TRANSFERRED TO THE INTERNAL SERVICES 211 SYSTEM ACCOUNT ON JANUARY FIRST, TWO THOUSAND TWELVE.

4. AGENCIES ADMINISTERING THE EXISTING STATE OPERATED TOLL FREE HUMAN SERVICES HOTLINES ARE REQUIRED TO TRANSFER PAYMENT FOR THE 211 SYSTEM SERVICES UNDER THE INTERNAL SERVICES 211 SYSTEM ACCOUNT IN AN AMOUNT TO BE APPORTIONED BY THE DIRECTOR OF THE BUDGET BUT NOT LESS THAN THREE MILLION NINE HUNDRED THOUSAND DOLLARS BEGINNING ON JANUARY FIRST, TWO THOUSAND TWELVE AND THEREAFTER.

S 2. This act shall take effect immediately.

#### PART HH

Intentionally omitted.

#### PART II

Section 1. Section 352 of the education law is amended by adding a new subdivision 4 to read as follows:

4. NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY, THE STATE SHALL ANNUALLY APPROPRIATE AND PAY AN AMOUNT EQUAL TO AVAILABLE STATE SUPPORT FOR THE STATE UNIVERSITY. SUCH STATE PAYMENT SHALL BE MADE IN FOUR INSTALLMENTS, ON OR BEFORE THE FIRST WEEK OF JULY, OCTOBER, JANUARY AND APRIL.

S 2. State university of New York appropriation structure. Notwithstanding any other provision of law to the contrary, gross operating support for the state-operated and statutory and contract colleges of the state university of New York shall be appropriated in a newly created agency fund, and all gross operating expenses thereof, except for general state charges centrally administered, shall be charged against such fund in the first instance. The state comptroller may establish such fund to allow for the full deposit of funds to support such appropriations from the state's general fund and the state university of New York tuition revenue account according to annual transfer amounts approved for such purpose.

S 3. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget, on or before March 31, 2012, the following amounts:

1. \$832,303,500 to be transferred in four payments falling on or before the first week of April, July, October, and January from the general fund to the State University of New York Agency Trust Fund (176). This amount shall represent the state share of funding, net of available appropriations, for the time period between April 1, 2011 and March 31, 2012.

2. An amount up to \$1,281,784,000 to be transferred from the State University Income Fund (345) State University Revenue Offset Account (12) to the State University of New York Agency Trust Fund (176). This amount shall represent the total amount of tuition and other revenue available for the time period between July 1, 2011 and June 30, 2012.

S 4. This act shall take effect immediately and shall expire and be deemed repealed June 30, 2015.

#### PART JJ

Section 1. Subdivision 6 of section 529 of the executive law is amended by adding two new paragraphs (a) and (d) to read as follows:

1 (A) NO LATER THAN JUNE THIRTIETH EACH YEAR, THE OFFICE OF CHILDREN AND  
2 FAMILY SERVICES SHALL PROVIDE THE STATE LEGISLATURE AND SOCIAL SERVICES  
3 DISTRICTS WITH A DETAILED REPORT ON TOTAL COST AND THE OPERATING CAPACI-  
4 TY AT OFFICE OF CHILDREN AND FAMILY SERVICES FACILITIES DURING THE PRIOR  
5 STATE FISCAL YEAR. SUCH REPORT SHALL INCLUDE BUT NEED NOT BE LIMITED TO  
6 INFORMATION ON COSTS RELATED TO LABOR, PHYSICAL PLANT MAINTENANCE AND  
7 FOOD AND UTILITY EXPENDITURES AS WELL AS INFORMATION ON THE MAXIMUM  
8 NUMBER OF JUVENILES THAT CAN BE PLACED IN OFFICE FACILITIES AND STAFFING  
9 LEVELS AT SUCH FACILITIES. SUCH REPORT SHALL ALSO INCLUDE INFORMATION ON  
10 JUVENILES THAT HAVE BEEN MOVED FROM ONE FACILITY TO ANOTHER DURING THE  
11 STATE FISCAL YEAR AND SHALL NAME THE FACILITIES FROM WHICH SUCH JUVE-  
12 NILES WERE MOVED AND IN WHICH THEY WERE LATER PLACED. IF THE REPORT  
13 PROVIDED PURSUANT TO THIS PARAGRAPH IS BASED, IN WHOLE OR IN PART, ON AN  
14 AUDIT PERFORMED ON BEHALF OF THE OFFICE OF CHILDREN AND FAMILY SERVICES,  
15 THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL PROVIDE THE STATE  
16 LEGISLATURE AND SOCIAL SERVICES DISTRICTS WITH A COPY OF SUCH AUDIT AT  
17 THE TIME IT PROVIDES THE REPORT FOR THE PRIOR STATE FISCAL YEAR.

18 (D) IF THE OFFICE OF CHILDREN AND FAMILY SERVICES USES INTERIM  
19 REIMBURSEMENT RATES TO BILL LOCALITIES FOR A STATE FISCAL YEAR AND  
20 ADJUSTS THOSE RATES AFTER THE CLOSE OF SUCH FISCAL YEAR, SUCH OFFICE  
21 SHALL ISSUE FINAL ADJUSTED REIMBURSEMENT RATES NO LATER THAN MARCH THIR-  
22 TY-FIRST DURING THE STATE FISCAL YEAR IMMEDIATELY FOLLOWING THE STATE  
23 FISCAL YEAR FOR WHICH REIMBURSEMENT RATES ARE ADJUSTED. IF THE OFFICE OF  
24 CHILDREN AND FAMILY SERVICES FAILS TO ADJUST RATES BY SUCH DATE, NO  
25 ADJUSTMENTS TO THE ORIGINAL REIMBURSEMENT RATE FOR THE PRIOR STATE  
26 FISCAL YEAR SHALL BE PERMITTED.

27 S 2. This act shall take effect immediately.

28 S 2. Severability clause. If any clause, sentence, paragraph, subdivi-  
29 sion, section or part of this act shall be adjudged by any court of  
30 competent jurisdiction to be invalid, such judgment shall not affect,  
31 impair, or invalidate the remainder thereof, but shall be confined in  
32 its operation to the clause, sentence, paragraph, subdivision, section  
33 or part thereof directly involved in the controversy in which such judg-  
34 ment shall have been rendered. It is hereby declared to be the intent of  
35 the legislature that this act would have been enacted even if such  
36 invalid provisions had not been included herein.

37 S 3. This act shall take effect immediately provided, however, that  
38 the applicable effective date of Parts A through JJ of this act shall be  
39 as specifically set forth in the last section of such Parts.