

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

S. 2808--A

A. 4008--A

S E N A T E - A S S E M B L Y

February 1, 2011

IN SENATE -- 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

IN ASSEMBLY -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means -- 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, apportionment of transportation aid, academic enhancement aid, high tax aid, Medicaid reimbursement, gap elimination adjustment, grants, 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

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

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Act of 2001, in relation to school aid and extending the expiration of certain provisions of such chapters; to amend chapter 665 of the laws of 1963, relating to the human resources school, in relation to changing such name to the Henry Viscardi school; to amend the public authorities law, in relation to approved non-profit schools for the deaf and blind or other students with disabilities, in relation to school bus driver training; in relation to the support of public libraries; to 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; to repeal section 23 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, in relation to the effectiveness thereof; to repeal certain provisions of the education law, in relation to instruction of the deaf and blind; and providing for the repeal of section 86 of this act on March 31, 2012 when upon such date the provisions of such section shall be deemed repealed (Part A); to amend the education law, in relation to expenses for textbooks, school library materials, software programs and computer equipment (Part A-1); to amend the education law, in relation to the school district management efficiency awards program and school district performance improvement awards grant (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, the public authorities law and the public buildings law, in relation to capital facilities in support of the state university and community colleges; and providing for the repeal of certain provisions upon expiration thereof (Subpart A); to amend the education law and the state finance law, in relation to procurement in support of the state and city universities; and providing for the repeal of such provisions upon expiration thereof (Subpart B); to amend the education law, in relation to state university health care facilities; and providing for the repeal of such provisions upon expiration thereof (Subpart C); and to enact certain reporting requirements; and providing for the repeal of such provisions upon expiration thereof (Subpart D) (Part D); to amend the education law, in relation to tuition assistance program award determinations (Part E); to amend the education law, in relation to income as a determinate of tuition assistance awards (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); to amend the social services law and the executive law, in relation to establishing a primary prevention incentive program; to amend the executive law, in relation to delinquent and runaway youths; to repeal subdivision 3 of section 409-a of the social services law, relating to community optional preventive services; and to repeal article 10-A of the social services law, relating to the William B. Hoyt memorial children and family trust (Part P); to amend the executive law, in relation to prior notice for closure of facilities operated by the office of children and family services; and to repeal certain provisions of such law relating thereto (Subpart A); and to amend the executive law, the family court act, the social services law and the county law, in relation to funding and utilization of juvenile detention and funding for supervision and treatment services; to repeal subdivisions 7 and 8 of section 530 of the executive law, relating to state operation of juvenile detention and approval of new juvenile detention capacity; and to repeal certain provisions of article 7 of the family court act and subdivision 12 of section 153 of the social services law, relating to the use of detention for persons alleged or adjudicated to be in need of supervision (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 the standards of monthly need for persons in receipt of public assistance (Part U); to amend the private housing finance law, in relation to the neighborhood and rural preservation program and to repeal articles 16 and 17 of such law relating thereto (Part V); and 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)

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 W. 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. Paragraph e of subdivision 1 of section 211-d of the education law, as added by section 2-a of part A of chapter 57 of the laws of 2009, is amended to read as follows:

e. Notwithstanding paragraphs a and b of this subdivision, a school district that submitted a contract for excellence for the two thousand eight--two thousand nine school year shall submit a contract for excellence for the two thousand nine--two thousand ten school year in conformity with the requirements of subparagraph (vi) of paragraph a of subdivision two of this section unless all schools in the district are identified as in good standing AND PROVIDED FURTHER THAT, A SCHOOL DISTRICT THAT SUBMITTED A CONTRACT FOR EXCELLENCE FOR THE TWO THOUSAND NINE--TWO THOUSAND TEN SCHOOL YEAR, UNLESS ALL SCHOOLS IN THE DISTRICT ARE IDENTIFIED AS IN GOOD STANDING, SHALL SUBMIT A CONTRACT FOR EXCELLENCE FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR WHICH SHALL, NOTWITHSTANDING THE REQUIREMENTS OF SUBPARAGRAPH (VI) OF PARAGRAPH A OF SUBDIVISION TWO OF THIS SECTION, PROVIDE FOR THE EXPENDITURE OF AN AMOUNT WHICH SHALL BE NOT LESS THAN THE PRODUCT OF THE AMOUNT APPROVED BY THE COMMISSIONER IN THE CONTRACT FOR EXCELLENCE FOR THE TWO THOUSAND NINE--TWO THOUSAND TEN SCHOOL YEAR, MULTIPLIED BY THE DISTRICT'S GAP ELIMINATION ADJUSTMENT PERCENTAGE. FOR PURPOSES OF THIS PARAGRAPH, THE "GAP ELIMINATION ADJUSTMENT PERCENTAGE" SHALL BE CALCULATED AS THE SUM OF ONE MINUS THE QUOTIENT OF THE SCHOOL DISTRICT'S GAP ELIMINATION ADJUSTMENT FOR TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE AS COMPUTED PURSUANT TO A CHAPTER OF THE LAWS OF TWO THOUSAND ELEVEN ENACTED TO MAKE APPROPRIATIONS FOR THE SUPPORT OF THE LOCAL ASSISTANCE BUDGET, INCLUDING SUPPORT FOR GENERAL SUPPORT FOR PUBLIC SCHOOLS, DIVIDED BY THE TOTAL AID FOR ADJUSTMENT COMPUTED PURSUANT TO A CHAPTER OF THE LAWS OF TWO THOUSAND ELEVEN ENACTED TO MAKE APPROPRIATIONS FOR THE LOCAL ASSISTANCE BUDGET, INCLUDING SUPPORT FOR GENERAL SUPPORT FOR PUBLIC SCHOOLS. PROVIDED, FURTHER, THAT SUCH AMOUNT SHALL BE EXPENDED TO SUPPORT AND MAINTAIN ALLOWABLE PROGRAMS AND ACTIVITIES APPROVED IN THE TWO THOUSAND NINE--TWO THOUSAND TEN SCHOOL YEAR OR TO SUPPORT NEW OR EXPANDED ALLOWABLE PROGRAMS AND ACTIVITIES IN THE CURRENT YEAR.

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

1 ten school years for allowable contract for excellence programs and
2 activities as defined in subdivision three of this section in a manner
3 prescribed by the commissioner. For purposes of determining maintenance
4 of effort pursuant to subparagraph (vi) of this paragraph for the two
5 thousand eight--two thousand nine school year, funds expended pursuant
6 to this subparagraph shall be included in the total budgeted amount
7 approved by the commissioner in the district's contract for excellence
8 for the two thousand seven--two thousand eight school year; provided
9 that such amount shall not be counted more than once in determining
10 maintenance of effort for the two thousand nine--two thousand ten school
11 year or thereafter.

12 (B) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION TO THE CONTRA-
13 RY, A SCHOOL DISTRICT THAT SUBMITTED A CONTRACT FOR EXCELLENCE FOR THE
14 TWO THOUSAND NINE--TWO THOUSAND TEN SCHOOL YEAR AND IS REQUIRED TO
15 SUBMIT A CONTRACT FOR EXCELLENCE FOR THE TWO THOUSAND ELEVEN--TWO THOU-
16 SAND TWELVE SCHOOL YEAR BUT DID NOT FULLY EXPEND ALL OF ITS TWO THOUSAND
17 NINE--TWO THOUSAND TEN FOUNDATION AID SUBJECT TO THE CONTRACT FOR EXCEL-
18 LENCE RESTRICTIONS DURING THE TWO THOUSAND NINE--TWO THOUSAND TEN SCHOOL
19 YEAR MAY RE-ALLOCATE AND EXPEND SUCH UNEXPENDED FUNDS DURING THE TWO
20 THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR FOR ALLOWABLE CONTRACT
21 FOR EXCELLENCE PROGRAMS AND ACTIVITIES AS DEFINED IN SUBDIVISION THREE
22 OF THIS SECTION IN A MANNER PRESCRIBED BY THE COMMISSIONER. FOR PURPOSES
23 OF DETERMINING MAINTENANCE OF EFFORT PURSUANT TO SUBPARAGRAPH (VI) OF
24 THIS PARAGRAPH FOR THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN SCHOOL
25 YEAR, FUNDS EXPENDED PURSUANT TO THIS SUBPARAGRAPH SHALL BE INCLUDED IN
26 THE TOTAL BUDGETED AMOUNT APPROVED BY THE COMMISSIONER IN THE DISTRICT'S
27 CONTRACT FOR EXCELLENCE FOR THE TWO THOUSAND NINE--TWO THOUSAND TEN
28 SCHOOL YEAR; PROVIDED THAT SUCH AMOUNT SHALL NOT BE COUNTED MORE THAN
29 ONCE IN DETERMINING MAINTENANCE OF EFFORT FOR THE TWO THOUSAND
30 ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR OR THEREAFTER.

31 S 3. Subdivision 12 of section 273 of the education law, as amended by
32 section 4-a of part A of chapter 57 of the laws of 2009, is amended to
33 read as follows:

34 12. The commissioner is hereby authorized to expend [in state fiscal
35 year two thousand six--two thousand seven three million dollars and in
36 state fiscal year two thousand seven--two thousand eight eight million
37 dollars and in state fiscal year two thousand eight--two thousand nine
38 seven million nine hundred forty thousand dollars and in state fiscal
39 year two thousand nine--two thousand ten eight million dollars subject
40 to an appropriation] FUNDS ANNUALLY for formula grants to public library
41 systems, reference and research library resources systems, and school
42 library systems operating under an approved plan of service. Such formu-
43 la grants shall be provided for the period commencing July first and
44 ending on June thirtieth next following. Such formula grants will be
45 distributed in the following manner:

46 a. Each public library system established pursuant to sections two
47 hundred fifty-five and two hundred seventy-two of this part and operat-
48 ing under a plan approved by the commissioner is entitled to receive
49 ANNUALLY thirty-nine thousand dollars and an amount equal to ten and
50 ninety-four hundredths percent of the amount of state aid received for
51 the current year by such system under paragraphs a, c, d, e and n of
52 subdivision one of this section [for the two thousand nine--two thousand
53 ten state fiscal year];

54 b. Each reference and research library resources system established
55 pursuant to section two hundred seventy-two of this part and operating
56 under a plan approved by the commissioner is entitled to receive ANNUAL-

LY thirty-nine thousand dollars and an amount equal to ten and ninety-four hundredths percent of the amount of state aid received for the current year under paragraph a of subdivision four of this section [for the two thousand nine--two thousand ten state fiscal year]; and

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

S 4. Section 407-b of the education law, as added by chapter 407 of the laws of 1989, subdivision 5 as amended by chapter 557 of the laws of 1989, subdivision 6, paragraph (a) and subparagraphs (iii) and (iv) of paragraph (b) of subdivision 8 as amended by chapter 695 of the laws of 1992 and subdivision 10 as amended by chapter 31 of the laws of 1996, is amended to read as follows:

S 407-b. Authorization for dormitory authority financing of capital facilities for state-supported schools for blind and deaf students. 1. The legislature declares that it is in the interest of the state and the children of the state to assure that state-supported schools for the instruction of blind and deaf students and other children with [handicapping conditions] DISABILITIES pursuant to article eighty-five of this chapter and chapter one thousand sixty of the laws of nineteen hundred seventy-four have sufficient facilities related to the education of such children. The legislature finds that state-supported schools for blind and deaf students providing such education [are] WERE in need of improved and additional facilities related to the education of such children, and the means to finance the construction of such improvements and additional facilities PURSUANT TO THIS SECTION. The legislature, therefore, enacts the following provisions.

2. This section shall apply to APPROVED PRIVATE SCHOOLS, FORMERLY KNOWN AS state-supported schools for the instruction of the blind and deaf students and children with other [handicapping conditions, subject to the appointment of the commissioner, pursuant to article eighty-five] DISABILITIES AS ENUMERATED IN SUBDIVISION ONE OF SECTION FORTY-TWO HUNDRED ONE of this chapter and [chapter one thousand sixty of the laws of nineteen hundred seventy-four] THE FINANCING OF THE DESIGN, CONSTRUCTION, RECONSTRUCTION, REHABILITATION, IMPROVEMENT, RENOVATION OR OTHERWISE PROVIDING FOR FURNISHING OR EQUIPPING OF EDUCATIONAL OR RESIDENTIAL FACILITIES FOR PROJECTS APPROVED BY THE COMMISSIONER FOR SUCH SCHOOLS ON OR BEFORE JUNE THIRTIETH, TWO THOUSAND ELEVEN.

3. Such [state-supported] schools may enter into leases, subleases or other agreements with the dormitory authority pursuant to title four of article eight of the public authorities law for the financing of the design, construction, reconstruction, rehabilitation, improvement, renovation or otherwise providing for furnishing or equipping of educational or residential facilities where the total estimated cost of such facilities exceeds ten thousand dollars. The plans and specifications of such capital facilities shall be subject to approval of the commissioner. Such educational or residential facilities may be constructed only on land owned by such [state-supported] school or, if the land is leased, where the lease is for a period at least equal to the appropriate period of probable usefulness for such facilities as listed in section 11.00 of

1 the local finance law, or the length of the lease, sublease or other
2 agreement with the dormitory authority, whichever is longer.

3 4. Each [state-supported] school shall, notwithstanding any other
4 provision of law, have the power to convey, lease, sublease or otherwise
5 make available to the dormitory authority without consideration, title
6 or any other rights in real property satisfactory to the dormitory
7 authority.

8 5. In addition to providing for all other matters deemed necessary and
9 proper, such leases, subleases and other agreements shall (a) require
10 the [state-supported] APPROVED PRIVATE school to pay to the dormitory
11 authority annual rentals which shall include the amount required to pay
12 the principal of and interest on obligations of the dormitory authority
13 issued in relation to providing such facilities and all incidental
14 expenses of the dormitory authority incurred in relation thereto, (b)
15 require the [state-supported] school to include an amount sufficient to
16 meet its obligations under the lease, sublease or other agreement in
17 each proposed budget submitted during the term of the lease, sublease or
18 other agreement, and (c) a provision that such agreement shall not be
19 effective unless and until it is approved by the commissioner and the
20 director of the budget.

21 6. Title or other real property rights, to the capital facilities
22 financed pursuant to this section shall remain with the dormitory
23 authority until the dormitory authority certifies to the commissioner
24 and the comptroller the receipt by it of the amount necessary to pay the
25 aggregate amount of annual rentals to the dormitory authority. At such
26 time, title or other real property rights thereto shall be transferred
27 by the dormitory authority to the [state-supported] school. In order to
28 avail itself of the provisions of this section, each [state-supported]
29 SUCH APPROVED PRIVATE SCHOOL school must also agree to continue to oper-
30 ate a program for the education of children WITH DISABILITIES pursuant
31 to [article] ARTICLES eighty-five AND EIGHTY-NINE of this chapter [and
32 chapter one thousand sixty of the laws of nineteen hundred seventy-
33 four], and any lease, sublease or other agreement with the dormitory
34 authority shall provide that, if the [state-supported] school shall
35 cease to operate at any time during the term of the agreement, the
36 school shall have the obligation to pay the total aggregate amount of
37 annual rentals to the dormitory authority. Upon a determination that the
38 [state-supported] school is unable to satisfy such obligations, the
39 state may take such title or other real property rights of the dormitory
40 authority in such land, buildings, equipment and other properties which
41 the [state-supported] school uses for its program upon payments, subject
42 to appropriations, by the state to the dormitory authority of the amount
43 required to pay the total aggregate amount of annual rentals to the
44 dormitory authority.

45 7. On or before November fifteenth of each year, the dormitory author-
46 ity shall submit, and thereafter may resubmit, to the director of the
47 budget, the state comptroller, the chairman of the senate finance
48 committee and the chairman of the assembly ways and means committee a
49 report setting forth the amounts, if any, of all annual rentals esti-
50 mated to become due in the succeeding state fiscal year to the dormitory
51 authority from the [state-supported] APPROVED PRIVATE schools ENUMERATED
52 IN SUBDIVISION ONE OF SECTION FORTY-TWO HUNDRED ONE OF THIS CHAPTER FOR
53 PROJECTS APPROVED BY THE COMMISSIONER ON OR BEFORE JUNE THIRTIETH, TWO
54 THOUSAND ELEVEN pursuant to any leases, subleases or other agreements
55 between the dormitory authority and [state-supported] SUCH schools to

1 provide educational and residential facilities for such [state-support-
2 ed] schools.

3 The state comptroller shall pay over to the dormitory authority pursu-
4 ant to appropriations therefor solely from moneys available in the
5 school capital facilities financing reserve fund the amount set forth in
6 such report at the times and in the amounts set forth in the certificate
7 filed with the comptroller by the dormitory authority pursuant to
8 subparagraph (iv) of paragraph (b) of subdivision eight of this section.

9 8. Method of payment; reserve fund. (a) Each [state-supported] school
10 which elects to avail itself of the provisions of this section shall
11 have established with the state comptroller a school capital facilities
12 financing reserve account which shall be used to pay to the dormitory
13 authority the annual rentals payable to the dormitory authority by
14 [state-supported] schools which have entered into leases, subleases or
15 other agreements with the dormitory authority to provide educational or
16 residential facilities pursuant to this section or to reimburse the
17 state for expenditures from appropriations made pursuant to subdivision
18 seven of this section. The dormitory authority shall identify to the
19 state comptroller and to the commissioner the [state-supported] schools
20 with which it has leases, subleases or other agreements pursuant to this
21 section and shall annually certify the amount of annual rentals required
22 to be paid pursuant to such leases, subleases or other agreements.

23 (b) (i) There is hereby established in the custody of the state comp-
24 troller a special fund to be known as the school capital facilities
25 financing reserve fund. Within such fund, there is hereby established a
26 special account for each [state-supported] school which enters into a
27 lease, sublease or other agreement with the dormitory authority pursuant
28 to this section.

29 (ii) Notwithstanding the provisions of any other law, such fund shall
30 consist of payments as made and determined by the commissioner. The
31 comptroller shall maintain sufficient amounts in the fund in order to
32 pay when due the annual rentals due to the dormitory authority from each
33 such [state-supported] school pursuant to any lease, sublease or other
34 agreement entered into pursuant to the provisions of this section. The
35 dormitory authority shall certify to the state comptroller the dates and
36 amounts of such payments as scheduled in its lease, subleases or other
37 agreements with such [state-supported] school. The commissioner shall
38 certify the amount of payments due the fund from [state-supported] SUCH
39 APPROVED PRIVATE schools, and shall make such payments to the fund at
40 such times as appropriate, subject to the approval of the director of
41 the budget, and after consultation with the dormitory authority.

42 (iii) Revenues in any special account in the school capital facilities
43 financing reserve fund may be commingled with any other moneys in such
44 fund. All deposits of such revenues shall be secured by obligations of
45 the United States or of the state of New York or its political subdivi-
46 sions. Such obligations shall have a market value not less than one
47 hundred five percent of the amount of such deposits. All the banks and
48 trust companies are authorized to give security for such deposits. Any
49 such revenues in such fund may, in the discretion of the comptroller, be
50 invested in obligations of the United States or the state or obligations
51 the principal of and interest on which are guaranteed by the United
52 States or by the state. Any interest earned shall be credited to such
53 fund.

54 (iv) Upon receipt by the comptroller of a certificate or certificates
55 from the dormitory authority that it requires a payment or payments from
56 the appropriate special account established for a [state-supported]

1 school to comply with any lease, sublease or other agreement pursuant to
2 this section, each of which certificate shall specify the required
3 payment or payments and the date when the payment or payments is
4 required, the comptroller shall pay from such special account on or
5 before the specified date or within thirty days after receipt of such
6 certificate or certificates, whichever is later, to the paying agent
7 designated by the dormitory authority in any such certificate, the
8 amount or amounts so certified.

9 (v) Notwithstanding any other provisions of this subdivision to the
10 extent that the state makes appropriations for the payment of annual
11 rentals to the dormitory authority required to be paid pursuant to the
12 terms of any lease, sublease or other agreement between the dormitory
13 authority and any [state-supported] schools and makes such payments,
14 moneys in the school capital facilities financing reserve fund shall be
15 used to reimburse the state for moneys so expended from such appropri-
16 ation.

17 (vi) All payments of money from the school capital facilities financ-
18 ing reserve fund shall be made on the audit and warrant of the state
19 comptroller.

20 9. All state officials are authorized and required to take whatever
21 actions are necessary to carry out the provisions of this section and
22 any leases, subleases or other agreements entered into pursuant to this
23 section, including making the required payments to the dormitory author-
24 ity.

25 10. Notwithstanding any other provision of law to the contrary, the
26 dormitory authority may execute leases, subleases, or other agreements
27 with [state supported] APPROVED PRIVATE schools for financing of the
28 design, construction, rehabilitation, improvement, renovation, acquisi-
29 tion or provision, furnishing or equipping of capital facilities;
30 provided, however, that during the two year period commencing July
31 first, nineteen hundred ninety-five, the amount of bonds inclusive of
32 principal, interest and issuance costs to be issued for each individual
33 lease, sublease, or other agreement shall not exceed fifteen million
34 dollars annually; provided further that the interest on such bonds may
35 not be deferred through additional borrowing; and provided finally that
36 the total amount of such bonds for all such leases, subleases, or agree-
37 ments with [state supported] schools during such period shall not exceed
38 sixty-five million dollars.

39 On or before September first of each year, the commissioner shall
40 submit to the chairs of the assembly ways and means committee, the
41 senate finance committee and the director of the budget, a capital plan
42 for those projects expected to be bonded for [state supported] schools
43 pursuant to this section, within such sixty-five million dollar allow-
44 ance. After application of the principles of the capital assets preser-
45 vation program, such plan shall accord priority to health and safety
46 considerations and shall specify the name, location, estimated total
47 cost of the project at the time the project is to be bid, the antic-
48 ipated bid date and the anticipated completion date and may contain any
49 further recommendations the commissioner may deem appropriate.

50 11. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE
51 PROVISIONS OF THIS SECTION AND THE DORMITORY AUTHORITY ACT, AS THE SAME
52 WERE AMENDED BY CHAPTER FOUR HUNDRED SEVEN OF THE LAWS OF NINETEEN
53 HUNDRED EIGHTY-NINE, SHALL, IN ALL RESPECTS, CONTINUE TO APPLY TO ANY
54 APPROVED PRIVATE NONRESIDENTIAL AND RESIDENTIAL SCHOOL WITH RESPECT TO
55 ANY BONDS ISSUED BY THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK FOR

1 THE BENEFIT OF SUCH SCHOOL PRIOR TO THE EFFECTIVE DATE OF THIS SUBDIVI-
2 SION.

3 S 5. Subdivision 1 of section 1104 of the education law, as amended by
4 chapter 53 of the laws of 1990, is amended to read as follows:

5 1. The commissioner [of education] in the annual apportionment of
6 public moneys shall apportion therefrom to each county maintaining
7 approved vocational education and extension work, a quota amounting to
8 one-half of the salary paid each teacher, director, assistant, and
9 supervisor, WHERE SUCH SALARY IS ATTRIBUTABLE TO A COURSE OF STUDY FIRST
10 SUBMITTED TO THE COMMISSIONER FOR APPROVAL PURSUANT TO SECTION ELEVEN
11 HUNDRED THREE OF THIS ARTICLE ON OR BEFORE JULY FIRST, TWO THOUSAND TEN,
12 but not to exceed THE AMOUNT COMPUTED BY THE COMMISSIONER BASED UPON AN
13 ASSUMED ANNUALIZED SALARY EQUAL TO ten thousand five hundred dollars PER
14 SCHOOL YEAR on account of the employment of such teacher, director,
15 assistant or supervisor.

16 S 6. Section 1104 of the education law is amended by adding a new
17 subdivision 3 to read as follows:

18 3. FOR THE APPORTIONMENT PAYABLE PURSUANT TO THIS SECTION FOR SCHOOL
19 YEARS COMMENCING PRIOR TO JULY FIRST, TWO THOUSAND NINE, THE COMMISSION-
20 ER SHALL CERTIFY NO PAYMENT TO A VOCATIONAL EDUCATION AND EXTENSION
21 BOARD BASED ON A CLAIM SUBMITTED LATER THAN THREE YEARS AFTER THE CLOSE
22 OF THE SCHOOL YEAR IN WHICH SUCH PAYMENT WAS FIRST TO BE MADE. FOR
23 CLAIMS FOR WHICH PAYMENT IS FIRST TO BE MADE IN THE TWO THOUSAND
24 NINE--TWO THOUSAND TEN SCHOOL YEAR AND THEREAFTER, THE COMMISSIONER
25 SHALL CERTIFY NO PAYMENT TO A VOCATIONAL EDUCATION AND EXTENSION BOARD
26 BASED ON A CLAIM SUBMITTED LATER THAN ONE YEAR AFTER THE CLOSE OF SUCH
27 SCHOOL YEAR. PROVIDED, HOWEVER, NO PAYMENTS SHALL BE BARRED OR REDUCED
28 WHERE SUCH PAYMENT IS REQUIRED AS A RESULT OF A FINAL AUDIT OF THE
29 STATE.

30 S 7. Intentionally omitted.

31 S 8. Subdivision 21-a of section 1604 of the education law, as added
32 by chapter 472 of the laws of 1998, is amended to read as follows:

33 21-a. To lease a motor vehicle or vehicles to be used for the trans-
34 portation of the children of the district from a school district, board
35 of cooperative educational services or county vocational education and
36 extension board or from any other source, under the conditions specified
37 in this subdivision. No such agreement for the lease of a motor vehicle
38 or vehicles shall be for a term of more than one school year, provided
39 that when THE BOARD OF TRUSTEES CAN DEMONSTRATE TO THE SATISFACTION OF
40 THE COMMISSIONER THAT THE COST OF A LEASE, IF EXTENDED OVER THE EXPECTED
41 LIFESPAN OF A SCHOOL BUS, WOULD BE LOWER THAN THE COST OF PURCHASING A
42 SCHOOL BUS, AND THE LEASE IS authorized by a vote of the qualified
43 voters of the district, such lease may have a term of up to five years.
44 Where the trustee or board of trustees enter into a lease of a motor
45 vehicle or vehicles pursuant to this subdivision for a term of one
46 school year or less, such trustee or board shall not be authorized to
47 enter into another lease for the same or an equivalent replacement vehi-
48 cle or vehicles, as determined by the commissioner, without obtaining
49 approval of the qualified voters of the school district.

50 S 9. Intentionally omitted.

51 S 10. Intentionally omitted.

52 S 11. Intentionally omitted.

53 S 12. Paragraph i of subdivision 25 of section 1709 of the education
54 law, as added by chapter 472 of the laws of 1998, is amended to read as
55 follows:

1 i. In addition to the authority granted in paragraph e of this subdi-
2 vision, the board of education shall be authorized to lease a motor
3 vehicle or vehicles to be used for the transportation of the children of
4 the district from sources other than a school district, board of cooper-
5 ative educational services or county vocational education and extension
6 board under the conditions specified in this paragraph. No such agree-
7 ment for the lease of a motor vehicle or vehicles shall be for a term of
8 more than one school year, provided that when THE BOARD OF EDUCATION CAN
9 DEMONSTRATE TO THE SATISFACTION OF THE COMMISSIONER THAT THE COST OF A
10 LEASE, IF EXTENDED OVER THE EXPECTED LIFESPAN OF A SCHOOL BUS, WOULD BE
11 LOWER THAN THE COST OF PURCHASING A SCHOOL BUS, AND THE LEASE IS author-
12 ized by a vote of the qualified voters of the district, such lease may
13 have a term of up to five years. Where the board of education enters a
14 lease of a motor vehicle or vehicles pursuant to this paragraph for a
15 term of one school year or less, such board shall not be authorized to
16 enter into another lease of the same or an equivalent replacement vehi-
17 cle or vehicles, as determined by the commissioner, without obtaining
18 approval of the voters.

19 S 13. Intentionally omitted.

20 S 14. Intentionally omitted.

21 S 15. Subparagraph 2 of paragraph d of subdivision 4 of section 1950
22 of the education law, as added by chapter 474 of the laws of 1996, is
23 amended to read as follows:

24 (2) Certain services prohibited. (I) Commencing with the nineteen
25 hundred ninety-seven--ninety-eight school year, the commissioner shall
26 not be authorized to approve as an aidable shared service pursuant to
27 this subdivision any cooperative maintenance services or municipal
28 services, including but not limited to, lawn mowing services and heat-
29 ing, ventilation or air conditioning repair or maintenance or trash
30 collection, or any other municipal services as defined by the commis-
31 sioner. On and after the effective date of this paragraph, the commis-
32 sioner shall not approve, as an aidable shared service, any new cooper-
33 ative maintenance or municipal services for the nineteen hundred
34 ninety-six--ninety-seven school year, provided that the commissioner may
35 approve the continuation of such services for one year if provided in
36 the nineteen hundred ninety-five--ninety-six school year.

37 (II) COMMENCING WITH THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE
38 SCHOOL YEAR, THE COMMISSIONER SHALL NOT BE AUTHORIZED TO APPROVE AS AN
39 AIDABLE SHARED SERVICE PURSUANT TO THIS SUBDIVISION THE FOLLOWING
40 SERVICES:

41 (A) COLLECTIVE NEGOTIATIONS AND LABOR RELATIONS;

42 (B) PERSONNEL SERVICES - RECRUITING;

43 (C) EMPLOYEE ASSISTANCE PROGRAMS;

44 (D) BUSINESS OFFICE SERVICES, INCLUDING BUT NOT LIMITED TO COOPERATIVE
45 BIDDING COORDINATION, PAYROLL, MICROFILMING, TEXTBOOK COORDINATOR, BUSI-
46 NESS MANAGER, BUSINESS OFFICE SUPPORT, MEDICAID REIMBURSEMENT, TELECOM-
47 MUNICATIONS, TELEPHONE INTERCONNECTS, INSURANCE MANAGEMENT COORDINATION
48 AND EMPLOYEE BENEFIT AND HEALTHCARE BENEFIT COORDINATION;

49 (E) PLANNING SERVICES AND MANAGEMENT;

50 (F) PUBLIC INFORMATION COORDINATOR OR SERVICES (PUBLIC RELATIONS);

51 (G) SCHOOL FOOD SERVICES AND FOOD MANAGEMENT;

52 (H) EXTRACURRICULAR ACTIVITIES AND INTER-SCHOLASTIC SPORTS COORDI-
53 NATION;

54 (I) INSTRUCTIONAL GRAPHICS, EQUIPMENT REPAIR, PRINTING, PHOTOCOPYING,
55 NON-PRINT DUPLICATION, EDUCATIONAL TELEVISION;

56 (J) ENERGY MANAGEMENT;

(K) SUBSTITUTE TEACHER COORDINATION;
(L) GASB 45 PLANNING AND VALUATION; OR
(M) ENGINEERING SERVICES.

NOTHING IN THIS CLAUSE SHALL PRECLUDE THE ABILITY OF A BOARD OF COOPERATIVE EDUCATIONAL SERVICES TO APPLY FOR AND RECEIVE AID PURSUANT TO ANY OTHER PROVISION OF LAW. ADDITIONALLY, NOTHING IN THIS CLAUSE SHALL PRECLUDE A BOARD OF COOPERATIVE EDUCATIONAL SERVICES FROM PROVIDING THESE SERVICES WITHOUT RESPECT TO AID.

S 16. Paragraphs a and g of subdivision 5 of section 1950 of the education law, paragraph a as amended by section 4 and paragraph g as amended by section 5 of part C of chapter 57 of the laws of 2004, are amended to read as follows:

a. Upon application by a board of cooperative educational services, there shall be apportioned and paid from state funds to each board of cooperative educational services an amount which shall be the product of the approved cost of services actually incurred during the base year multiplied by the sharing ratio for cooperative educational services aid which, FOR APPROVED COSTS INCURRED PRIOR TO JULY FIRST, TWO THOUSAND ELEVEN, shall equal the greater of: (i) an amount equal to one minus the quotient expressed as a decimal to three places without rounding of eight mills divided by the tax rate of the local district computed upon the actual valuation of taxable property, as determined pursuant to subdivision one of section thirty-six hundred two of this chapter [and notwithstanding section three thousand six hundred three,] expressed in mills to the nearest tenth as determined by the commissioner, provided, however, that where services are provided to a school district which is included within a central high school district or to a central high school district, such amount shall equal one minus the quotient expressed as a decimal to three places without rounding of three mills divided by the tax rates, expressed in mills to the nearest tenth, of such districts, as determined by the commissioner or (ii) the aid ratio of each school district for the current year, which shall be such component school district's board of cooperative educational services aid ratio and which shall be not less than thirty-six percent converted to decimals and shall be not more than ninety percent converted to decimals, AND WHICH, FOR APPROVED COSTS INCURRED ON OR AFTER JULY FIRST, TWO THOUSAND ELEVEN, SHALL EQUAL THE STATE SHARING RATIO FOR TOTAL FOUNDATION AID COMPUTED FOR EACH SCHOOL DISTRICT FOR THE CURRENT YEAR PURSUANT TO PARAGRAPH G OF SUBDIVISION THREE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS CHAPTER, BUT NOT LESS THAN TEN PERCENT AND NOT MORE THAN NINETY PERCENT. For the purposes of this paragraph, the tax rate of the local district computed upon the actual valuation of taxable property shall be the sum of the amount of tax raised by the school district plus any payments in lieu of taxes received by the school district pursuant to section four hundred eighty-five of the real property tax law, divided by the actual valuation of the school district, provided, however that the tax rate for a central high school district shall be the sum of the amount of tax raised by the common and union free school districts included within the central high school district for the support of the central high school district plus any payments in lieu of taxes received for the support of the central high school district pursuant to section four hundred eighty-five of the real property tax law, divided by the actual valuation of the central high school district. The tax rate for each common or union free school district which is included within a central high school district shall be the sum of the amount raised for the support of such common or union free school

1 district plus any payments in lieu of taxes received for the support of
2 the school district pursuant to section four hundred eighty-five of the
3 real property tax law, exclusive of the amount raised for the central
4 high school district, divided by the actual valuation of such common or
5 union free school district.

6 g. Any payment required by a board of cooperative educational services
7 to the dormitory authority or any payment required by a board of cooper-
8 ative educational services to acquire or construct a school facility of
9 the board of cooperative educational services, and any payments for
10 rental of facilities by a board of cooperative educational services
11 shall, for the purposes of apportionment of public moneys to the board
12 of cooperative educational services by the state of New York, be deemed
13 to be an administrative or capital expense, as designated by the commis-
14 sioner, but the entire amount of such payment shall be utilized in
15 making such apportionment and the limitation of ten percent of the total
16 expenses contained in this subdivision shall not be applicable. Any
17 expense designated by the commissioner as a capital expense shall be
18 included in the capital budget of the board of cooperative educational
19 services and, except as otherwise provided in this paragraph, shall be
20 aided in the same manner as an administrative expense. Any such payment
21 shall not be considered part of the total expenses of the board for
22 purposes of determining the administrative and clerical expenses not to
23 exceed ten percent otherwise eligible for aid under this subdivision,
24 and such payments shall be considered for the purpose of apportionment
25 during the current school year such payment is made. The apportionment
26 for such payments shall be determined by multiplying the amount of such
27 payment allocated to each component school district in the board of
28 cooperative educational services by the BOARD OF COOPERATIVE EDUCATIONAL
29 SERVICES BUILDING aid ratio, and shall be not more than ninety percent
30 converted to decimals, WHERE, FOR APPORTIONMENTS COMPUTED PRIOR TO JULY
31 FIRST, TWO THOUSAND TWELVE, THE BOARD OF COOPERATIVE EDUCATIONAL
32 SERVICES BUILDING AID RATIO SHALL BE THE AID RATIO of each such compo-
33 nent computed pursuant to subdivision three of section thirty-six
34 hundred two and used to apportion aid to that district in that current
35 school year, AND FOR APPORTIONMENTS COMPUTED ON OR AFTER JULY FIRST, TWO
36 THOUSAND TWELVE SHALL BE THE SHARING RATIO FOR COOPERATIVE EDUCATIONAL
37 SERVICES AID COMPUTED PURSUANT TO PARAGRAPH A OF THIS SUBDIVISION;
38 provided, however, the apportionment for the construction, acquisition,
39 reconstruction, rehabilitation, or improvement of board of cooperative
40 educational services facilities, including payments to the dormitory
41 authority and payments under any lease agreement, shall be based upon
42 the cost of the board of cooperative educational services school facili-
43 ties but not to exceed the cost allowance set forth in subdivision six
44 of section thirty-six hundred two of [the education law] THIS CHAPTER
45 and payments for rental facilities shall be subject to the approval of
46 the commissioner.

47 S 17. Paragraph c of subdivision 5-a of section 1950 of the education
48 law, as added by chapter 82 of the laws of 1995, is amended to read as
49 follows:

50 c. Applicable percent. The applicable percent shall be determined by
51 the number of years that an eligible district has been a component
52 district of a BOCES. In the first year, such percent shall be equal to
53 the district's [BOCES and building] SHARING RATIO FOR COOPERATIVE EDUCA-
54 TIONAL SERVICES aid [ratio] for aid payable in the first year in which
55 the district joins the BOCES, each year thereafter, such percent shall

1 be reduced by ten percent until such percent would drop below ten
2 percent at which time it shall be deemed to be zero.

3 S 18. Intentionally omitted.

4 S 19. Intentionally omitted.

5 S 20. Intentionally omitted.

6 S 21. Paragraph (a) of subdivision 1 of section 2856 of the education
7 law, as amended by section 12 of part A of chapter 57 of the laws of
8 2009, is amended to read as follows:

9 (a) The enrollment of students attending charter schools shall be
10 included in the enrollment, attendance, membership and, if applicable,
11 count of students with disabilities of the school district in which the
12 pupil resides. The charter school shall report all such data to the
13 school districts of residence in a timely manner. Each school district
14 shall report such enrollment, attendance and count of students with
15 disabilities to the department. The school district of residence shall
16 pay directly to the charter school for each student enrolled in the
17 charter school who resides in the school district the charter school
18 basic tuition, which shall be:

19 (I) FOR SCHOOL YEARS PRIOR TO THE TWO THOUSAND NINE--TWO THOUSAND TEN
20 SCHOOL YEAR AND FOR SCHOOL YEARS FOLLOWING THE TWO THOUSAND TWELVE--TWO
21 THOUSAND THIRTEEN SCHOOL YEAR, an amount equal to one hundred percent of
22 the amount calculated pursuant to paragraph f of subdivision one of
23 section thirty-six hundred two of this chapter for the school district
24 for the year prior to the base year increased by the percentage change
25 in the state total approved operating expense calculated pursuant to
26 paragraph t of subdivision one of section thirty-six hundred two of this
27 chapter from two years prior to the base year to the base year;
28 [provided, however, that]

29 (II) for the two thousand nine--two thousand ten school year, the
30 charter school basic tuition shall be the amount payable by such
31 district as charter school basic tuition for the two thousand eight--two
32 thousand nine school year[.];

33 (III) FOR THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN THROUGH TWO THOU-
34 SAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEARS, THE CHARTER SCHOOL
35 BASIC TUITION SHALL BE THE BASIC TUITION COMPUTED FOR THE TWO THOUSAND
36 TEN--TWO THOUSAND ELEVEN SCHOOL YEAR PURSUANT TO THE PROVISIONS OF
37 SUBPARAGRAPH (I) OF THIS PARAGRAPH.

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

41 1. (A) The enrollment of students attending charter schools shall be
42 included in the enrollment, attendance and, if applicable, count of
43 students with disabilities of the school district in which the pupil
44 resides. The charter school shall report all such data to the school
45 districts of residence in a timely manner. Each school district shall
46 report such enrollment, attendance and count of students with disabili-
47 ties to the department. The school district of residence shall pay
48 directly to the charter school for each student enrolled in the charter
49 school who resides in the school district THE CHARTER SCHOOL BASIC
50 TUITION WHICH SHALL BE:

51 (I) FOR SCHOOL YEARS PRIOR TO THE TWO THOUSAND NINE--TWO THOUSAND TEN
52 SCHOOL YEAR AND FOR SCHOOL YEARS FOLLOWING THE TWO THOUSAND TWELVE--TWO
53 THOUSAND THIRTEEN SCHOOL YEAR, an amount equal to one hundred percent of
54 the amount calculated pursuant to paragraph f of subdivision one of
55 section [thirty six] THIRTY-SIX hundred two of this chapter for the
56 school district for the year prior to the base year increased by the

percentage change in the state total approved operating expense calculated pursuant to [subdivision eleven] PARAGRAPH T OF SUBDIVISION ONE of section [thirty six] THIRTY-SIX hundred two of this chapter from two years prior to the base year to the base year; [provided, however, that]

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

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

(B) The school district shall also pay directly to the charter school any federal or state aid attributable to a student with a disability attending charter school in proportion to the level of services for such student with a disability that the charter school provides directly or indirectly. Notwithstanding anything in this section to the contrary, amounts payable pursuant to this subdivision may be reduced pursuant to an agreement between the school and the charter entity set forth in the charter. Payments made pursuant to this subdivision shall be made by the school district in six substantially equal installments each year beginning on the first business day of July and every two months thereafter. Amounts payable under this subdivision shall be determined by the commissioner. Amounts payable to a charter school in its first year of operation shall be based on the projections of initial-year enrollment set forth in the charter. Such projections shall be reconciled with the actual enrollment at the end of the school's first year of operation, and any necessary adjustments shall be made to payments during the school's second year of operation.

S 23. Subdivision 1 of section 3602 of the education law is amended by adding a new paragraph z to read as follows:

Z. BEGINNING WITH THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR AND THEREAFTER, "NEEDS-RESOURCE INDEX" SHALL MEAN THE NUMBER COMPUTED TO THREE DECIMALS WITHOUT ROUNDING OBTAINED WHEN (1) THE QUOTIENT OF THE EXTRAORDINARY NEEDS PERCENT OF SUCH DISTRICT DIVIDED BY THE STATEWIDE EXTRAORDINARY NEEDS PERCENT IS DIVIDED BY (2) THE COMBINED WEALTH RATIO OF SUCH DISTRICT. SUCH STATEWIDE AVERAGE EXTRAORDINARY NEEDS PERCENT SHALL BE ESTABLISHED EACH YEAR BY THE COMMISSIONER.

S 24. Paragraph j of subdivision 1 of section 3602 of the education law is amended by adding a new subparagraph (iii) to read as follows:

(III) THE TOTAL FOUNDATION AID BASE FOR AID PAYABLE IN THE TWO THOUSAND SEVEN--TWO THOUSAND EIGHT SCHOOL YEAR AND THEREAFTER, AND FOR AID CALCULATIONS FOR SUBSEQUENT SCHOOL YEARS BASED ON AID PAYABLE IN SUCH SCHOOL YEARS, SHALL BE DEEMED FINAL AND NOT SUBJECT TO CHANGE ON OR AFTER JULY FIRST OF THE SCHOOL YEAR FOLLOWING THE LAST SCHOOL YEAR IN WHICH THE COMMISSIONER MAY LAST ACCEPT AND CERTIFY FOR PAYMENT ANY ADDITIONAL CLAIM FOR SUCH SCHOOL YEAR PURSUANT TO PARAGRAPH A OF SUBDIVISION FIVE OF SECTION THIRTY-SIX HUNDRED FOUR OF THIS ARTICLE.

S 25. Subdivision 1 of section 3602 of the education law is amended by adding four new paragraphs aa, bb, cc and dd to read as follows:

AA. "TOTAL PERSONAL INCOME OF THE STATE" SHALL MEAN THE TOTAL PERSONAL INCOME OF THE STATE OF NEW YORK AS PUBLISHED BY THE UNITED STATES DEPARTMENT OF COMMERCE OR ANY SUCCESSOR AGENCY FROM WHICH INFORMATION IS AVAILABLE, AGGREGATED ON A STATE FISCAL YEAR BASIS. FOR THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR, SUCH PERSONAL INCOME SHALL BE

1 BASED ON THE DATA AVAILABLE MOST PROXIMATE AND PRIOR TO FEBRUARY FIRST,
2 TWO THOUSAND ELEVEN, AND FOR THE TWO THOUSAND THIRTEEN--TWO THOUSAND
3 FOURTEEN SCHOOL YEAR AND EACH SCHOOL YEAR THEREAFTER, SUCH PERSONAL
4 INCOME SHALL BE BASED ON THE DATA AVAILABLE MOST PROXIMATE AND PRIOR TO
5 OCTOBER THIRTY-FIRST OF THE BASE YEAR. SUBSEQUENT REVISIONS OF THE
6 PUBLISHED ESTIMATED DOLLAR AMOUNT FOR ANY STATE FISCAL YEAR ESTIMATE
7 EMPLOYED PURSUANT TO THE TERMS OF THIS SECTION SHALL NOT AFFECT THE
8 VALIDITY OF THE DETERMINATIONS MADE FOR ANY STATE FISCAL YEAR.

9 BB. "PERSONAL INCOME GROWTH INDEX" SHALL MEAN (1) FOR THE TWO THOUSAND
10 TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR, THE AVERAGE OF THE QUOTIENTS
11 FOR EACH YEAR IN THE PERIOD COMMENCING WITH THE TWO THOUSAND FIVE--TWO
12 THOUSAND SIX STATE FISCAL YEAR AND FINISHING WITH THE TWO THOUSAND
13 NINE--TWO THOUSAND TEN STATE FISCAL YEAR OF THE TOTAL PERSONAL INCOME OF
14 THE STATE FOR EACH SUCH YEAR DIVIDED BY THE TOTAL PERSONAL INCOME OF THE
15 STATE FOR THE IMMEDIATELY PRECEDING STATE FISCAL YEAR, BUT NOT LESS THAN
16 ONE AND (2) FOR THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN SCHOOL
17 YEAR AND EACH SCHOOL YEAR THEREAFTER, THE QUOTIENT OF THE TOTAL PERSONAL
18 INCOME OF THE STATE FOR THE STATE FISCAL YEAR ONE YEAR PRIOR TO THE
19 STATE FISCAL YEAR IN WHICH THE BASE YEAR COMMENCED DIVIDED BY THE TOTAL
20 PERSONAL INCOME OF THE STATE FOR THE IMMEDIATELY PRECEDING STATE FISCAL
21 YEAR, BUT NOT LESS THAN ONE.

22 CC. "EXCESS GROWTH AMOUNT" SHALL MEAN THE POSITIVE DIFFERENCE, IF ANY,
23 OF (1) THE STATEWIDE TOTAL, EXCLUDING THE GAP ELIMINATION ADJUSTMENT, OF
24 THE APPORTIONMENTS DUE AND OWING DURING THE CURRENT SCHOOL YEAR TO
25 SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE EDUCATIONAL SERVICES FROM THE
26 GENERAL SUPPORT FOR PUBLIC SCHOOLS LESS (2) THE PRODUCT OF THE PERSONAL
27 INCOME GROWTH INDEX MULTIPLIED BY THE STATEWIDE TOTAL OF SUCH APPORTION-
28 MENTS, INCLUDING THE GAP ELIMINATION ADJUSTMENT, DUE AND OWING DURING
29 THE BASE SCHOOL YEAR TO SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE
30 EDUCATIONAL SERVICES FROM THE GENERAL SUPPORT FOR PUBLIC SCHOOLS AS
31 COMPUTED BASED ON AN ELECTRONIC DATA FILE USED TO PRODUCE THE SCHOOL AID
32 COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE ENACTED
33 BUDGET FOR THE BASE YEAR.

34 DD. "GAP ELIMINATION ADJUSTMENT PERCENTAGE" SHALL MEAN THE QUOTIENT OF
35 THE GAP ELIMINATION ADJUSTMENT AMOUNT SET FORTH FOR EACH SCHOOL DISTRICT
36 AS "GAP ELIMINATION ADJUSTMENT" UNDER THE HEADING "2011-12 ESTIMATED
37 AIDS" IN THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN
38 SUPPORT OF THE EXECUTIVE BUDGET PROPOSAL FOR THE 2011-12 SCHOOL YEAR AND
39 ENTITLED "BT111-2", DIVIDED BY THE STATEWIDE TOTAL OF ALL SUCH GAP ELIM-
40 INATION ADJUSTMENT AMOUNTS SET FORTH FOR ALL DISTRICTS IN SUCH SCHOOL
41 AID COMPUTER LISTING.

42 S 26. The opening paragraph and paragraphs a, b and b-1 of subdivision
43 4 of section 3602 of the education law, the opening paragraph, subpara-
44 graph 1 of paragraph a and paragraphs b and b-1 as amended by section 13
45 of part A of chapter 57 of the laws of 2009, paragraph a as amended by
46 section 14 of part B of chapter 57 of the laws of 2008, are amended to
47 read as follows:

48 In addition to any other apportionment pursuant to this chapter, a
49 school district, other than a special act school district as defined in
50 subdivision eight of section four thousand one of this chapter, shall be
51 eligible for total foundation aid equal to the product of total aidable
52 foundation pupil units multiplied by the district's selected foundation
53 aid, which shall be the greater of five hundred dollars (\$500) or foun-
54 dation formula aid, provided, however that for the two thousand seven--
55 two thousand eight through two thousand eight--two thousand nine and
56 [two thousand eleven--two thousand twelve through] two thousand [twelve]

THIRTEEN--two thousand [thirteen] FOURTEEN THROUGH TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN school years, no school district shall receive total foundation aid in excess of the sum of the total foundation aid base for aid payable in the two thousand seven--two thousand eight school year computed pursuant to subparagraph (i) of paragraph j of subdivision one of this section, plus the phase-in foundation increase computed pursuant to paragraph b of this subdivision, and provided further that total foundation aid shall not be less than the product of the total foundation aid base computed pursuant to paragraph j of subdivision one of this section and one hundred three percent, nor more than the product of such total foundation aid base and one hundred fifteen percent, and provided further that for the two thousand nine--two thousand ten [and two thousand ten--two thousand eleven] THROUGH TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN school years, each school district shall receive total foundation aid in an amount equal to the amount apportioned to such school district for the two thousand eight--two thousand nine school year pursuant to this subdivision. Total aidable foundation pupil units shall be calculated pursuant to paragraph g of subdivision two of this section. For the purposes of calculating aid pursuant to this subdivision, aid for the city school district of the city of New York shall be calculated on a citywide basis.

a. Foundation formula aid. Foundation formula aid shall equal the remainder when the expected minimum local contribution is subtracted 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

1	Central New York	1.103
2	Mohawk Valley	1.000
3	North Country	1.000

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

9 (4) The expected minimum local contribution shall equal the lesser of
10 (i) the product of (A) the quotient arrived at when the selected actual
11 valuation is divided by total wealth foundation pupil units, multiplied
12 by (B) the product of the local tax factor, multiplied by the income
13 wealth index, or (ii) the product of (A) the product of the foundation
14 amount, the regional cost index, and the pupil need index, multiplied by
15 (B) the positive difference, if any, of one minus the state sharing
16 ratio for total foundation aid. The local tax factor shall be estab-
17 lished by May first of each year by determining the product, computed to
18 four decimal places without rounding, of ninety percent multiplied by
19 the quotient of the sum of the statewide average tax rate as computed by
20 the commissioner for the current year in accordance with the provisions
21 of paragraph e of subdivision one of section thirty-six hundred nine-e
22 of this part plus the statewide average tax rate computed by the commis-
23 sioner for the base year in accordance with such provisions plus the
24 statewide average tax rate computed by the commissioner for the year
25 prior to the base year in accordance with such provisions, divided by
26 three, provided however that for the two thousand seven--two thousand
27 eight school year, such local tax factor shall be sixteen thousandths
28 (0.016), and provided further that for the two thousand eight--two thou-
29 sand nine school year, such local tax factor shall be one hundred
30 fifty-four ten thousandths (0.0154). The income wealth index shall be
31 calculated pursuant to paragraph d of subdivision three of this section,
32 provided, however, that for the purposes of computing the expected mini-
33 mum local contribution the income wealth index shall not be less than
34 sixty-five percent (0.65) and shall not be more than two hundred percent
35 (2.0) and provided however that such income wealth index shall not be
36 more than ninety-five percent (0.95) for the two thousand eight--two
37 thousand nine school year. The selected actual valuation shall be calcu-
38 lated pursuant to paragraph c of subdivision one of this section. Total
39 wealth foundation pupil units shall be calculated pursuant to paragraph
40 h of subdivision two of this section.

41 b. Phase-in foundation increase. (1) The phase-in foundation increase
42 shall equal the product of the phase-in foundation increase factor
43 multiplied by the greater of (i) the positive difference, if any, of (A)
44 the product of the total aidable foundation pupil units multiplied by
45 the district's selected foundation aid less (B) the total foundation aid
46 base for aid payable in the two thousand seven--two thousand eight
47 school year computed pursuant to subparagraph (i) of paragraph j of
48 subdivision one of this section or (ii) the product of the phase-in
49 due-minimum percent multiplied by the total foundation aid base for aid
50 payable in the two thousand seven--two thousand eight school year
51 computed pursuant to subparagraph (i) of paragraph j of subdivision one
52 of this section.

53 (2) For the two thousand seven--two thousand eight school year, the
54 phase-in foundation percent shall equal one hundred seven and sixty-
55 eight hundredths percent (1.0768), the phase-in foundation increase

1 factor shall equal twenty percent (0.20), and the phase-in due-minimum
2 percent shall equal twelve and fifty-five hundredths percent (0.1255);
3 for the two thousand eight--two thousand nine school year, the phase-
4 in foundation percent shall equal one hundred five and twenty-six
5 hundredths percent (1.0526), the phase-in foundation increase factor
6 shall equal thirty-seven and one-half percent (0.375), and the phase-in
7 due-minimum percent shall equal twelve and fifty-five hundredths percent
8 (0.1255);
9 for the two thousand nine--two thousand ten school year, the phase-in
10 foundation percent shall equal one hundred two and five tenths percent
11 (1.025), the phase-in foundation increase factor shall equal thirty-sev-
12 en and one-half percent (0.375), and the phase-in due-minimum percent
13 shall equal twelve and fifty-five hundredths percent (0.1255);
14 for the two thousand ten--two thousand eleven school year, the phase-
15 in foundation percent shall equal one hundred seven and sixty-eight
16 hundredths percent (1.0768), the phase-in foundation increase factor
17 shall equal thirty-seven and one-half percent (0.375), and the phase-in
18 due-minimum percent shall equal twelve and fifty-five hundredths percent
19 (0.1255);
20 for the two thousand eleven--two thousand twelve school year, the
21 phase-in foundation percent shall equal [one hundred five and six
22 hundredths percent (1.0506)] ONE HUNDRED THIRTEEN AND FOURTEEN ONE
23 HUNDREDTHS PERCENT (1.1314), the phase-in foundation increase factor
24 shall equal [fifty-three and one-tenth percent (0.531)] THIRTY-SEVEN AND
25 ONE-HALF PERCENT (0.375), and the phase-in due-minimum percent shall
26 equal [twelve and fifty-five hundredths percent (0.1255)] NINETEEN AND
27 FORTY-ONE HUNDREDTHS PERCENT (0.1941); and
28 for the two thousand twelve--two thousand thirteen school year, the
29 phase-in foundation percent shall equal [one hundred two and five
30 hundredths percent (1.0250)] ONE HUNDRED TEN AND THIRTY-EIGHT HUNDREDTHS
31 PERCENT (1.1038), the phase-in foundation increase factor shall equal
32 [seventy-five percent (0.75)] THIRTY-SEVEN AND ONE-HALF PERCENT (0.375),
33 and the phase-in due-minimum percent shall equal [twelve and fifty-five
34 hundredths percent (0.1255)] NINETEEN AND FORTY-ONE HUNDREDTHS PERCENT
35 (0.1941); AND
36 FOR THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN SCHOOL YEAR, THE
37 PHASE-IN FOUNDATION PERCENT SHALL EQUAL ONE HUNDRED SEVEN AND
38 SIXTY-EIGHT HUNDREDTHS PERCENT (1.0768), THE PHASE-IN FOUNDATION
39 INCREASE FACTOR SHALL EQUAL FORTY-FIVE AND ONE-HALF PERCENT (0.455), AND
40 THE PHASE-IN DUE-MINIMUM PERCENT SHALL EQUAL NINETEEN AND FORTY-ONE
41 HUNDREDTHS PERCENT (0.1941);
42 FOR THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR, THE
43 PHASE-IN FOUNDATION PERCENT SHALL EQUAL ONE HUNDRED FIVE AND SIX
44 HUNDREDTHS PERCENT (1.0506), THE PHASE-IN FOUNDATION INCREASE FACTOR
45 SHALL EQUAL SIXTY-ONE AND ONE-HALF PERCENT (0.615), AND THE PHASE-IN
46 DUE-MINIMUM PERCENT SHALL EQUAL NINETEEN AND FORTY-ONE HUNDREDTHS
47 PERCENT (0.1941); AND
48 FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR, THE
49 PHASE-IN FOUNDATION PERCENT SHALL EQUAL ONE HUNDRED TWO AND FIVE TENTHS
50 PERCENT (1.0250), THE PHASE-IN FOUNDATION INCREASE FACTOR SHALL EQUAL
51 EIGHTY PERCENT (0.800), AND THE PHASE-IN DUE-MINIMUM PERCENT SHALL EQUAL
52 NINETEEN AND FORTY-ONE HUNDREDTHS PERCENT (0.1941).
53 b-1. Notwithstanding any other provision of law to the contrary, for
54 the two thousand seven--two thousand eight through [two thousand thir-
55 teen--two thousand fourteen] TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN
56 school years, the additional amount payable to each school district

1 pursuant to this subdivision in the current year as total foundation
2 aid, after deducting the total foundation aid base, shall be deemed a
3 state grant in aid identified by the commissioner for general use for
4 purposes of sections seventeen hundred eighteen and two thousand twen-
5 ty-three of this chapter.

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

9 For the two thousand eight--two thousand nine school year, each school
10 district shall be entitled to an apportionment equal to the product of
11 fifteen percent and the additional apportionment computed pursuant to
12 this subdivision for the two thousand seven--two thousand eight school
13 year. For the two thousand nine--two thousand ten [and] THROUGH two
14 thousand [ten] TWELVE--two thousand [eleven] THIRTEEN school years, each
15 school district shall be entitled to an apportionment equal to the
16 amount set forth for such school district as "SUPPLEMENTAL PUB EXCESS
17 COST" under the heading "2008-09 BASE YEAR AIDS" in the school aid
18 computer listing produced by the commissioner in support of the budget
19 for the two thousand nine--two thousand ten school year and entitled
20 "SA0910".

21 S 28. The opening paragraph and paragraphs a, b and c of subdivision 6
22 of section 3602 of the education law, the opening paragraph as amended
23 by chapter 416 of the laws of 2007, paragraph a as added by chapter 57
24 of the laws of 1993, the opening paragraph of paragraph a as amended by
25 chapter 260 of the laws of 1993, subparagraphs 1, 2 and 3 of paragraph a
26 as amended and subparagraph 4 of paragraph a as added by section 5 of
27 part A of chapter 60 of the laws of 2000, subparagraph 5 of paragraph a
28 as added by section 12, clause (ii) of subparagraph 2 of paragraph b as
29 amended by section 12-a and clause (c) of subparagraph 2 of paragraph c
30 as added by section 12-b of part L of chapter 57 of the laws of 2005,
31 paragraph b as amended by section 37 of part A of chapter 436 of the
32 laws of 1997, subparagraph 1 of paragraph b as amended by section 12 and
33 clause (i) of subparagraph 2 of paragraph b as amended by section 13 of
34 part C of chapter 57 of the laws of 2004, paragraph c as amended by
35 chapter 474 of the laws of 1996, subparagraph 2 of paragraph c as
36 amended by section 13 of part L of chapter 405 of the laws of 1999 and
37 clause (b) of subparagraph 2 of paragraph c as amended by section 15 of
38 part B of chapter 57 of the laws of 2008, are amended to read as
39 follows:

40 Any apportionment to a school district pursuant to this subdivision
41 shall be based upon:

42 (1) base year approved expenditures for capital outlays incurred prior
43 to July first, two thousand one from its general fund, capital fund or
44 reserved funds and

45 (2) current year approved expenditures for debt service, including:

46 (I) debt service for refunding bond issues eligible for an apportion-
47 ment pursuant to paragraph g of this subdivision and

48 (II) lease or other annual payments to the New York city educational
49 construction fund created by article ten of this chapter or the city of
50 Yonkers educational construction fund created by article ten-B of this
51 chapter which have been pledged to secure the payment of bonds, notes or
52 other obligations issued by the fund to finance the construction, acqui-
53 sition, reconstruction, rehabilitation or improvement of the school
54 portion of combined occupancy structures, or

55 (III) for lease or other annual payments to the New York state urban
56 development corporation created by chapter one hundred seventy-four of

1 the laws of nineteen hundred sixty-eight, pursuant to agreement between
2 such school district and such corporation relating to the construction,
3 acquisition, reconstruction, rehabilitation or improvement of any school
4 building, or

5 (IV) for annual payments to the dormitory authority pursuant to any
6 lease, sublease or other agreement relating to the financing, refinanc-
7 ing, acquisition, design, construction, reconstruction, rehabilitation,
8 improvement, furnishing and equipping of, or otherwise provide for
9 school district capital facilities or school district capital equipment
10 made under the provisions of section sixteen hundred eighty of the
11 public authorities law, or

12 (V) for annual payments pursuant to any lease, sublease or other
13 agreement relating to the financing, refinancing, acquisition, design,
14 construction, reconstruction, rehabilitation, improvement, furnishing
15 and equipping of, or otherwise providing for educational facilities of a
16 city school district under the provisions of section sixteen of chapter
17 six hundred five of the laws of two thousand, or

18 (VI) for payments, pursuant to any assignment authorized by section
19 twenty-seven hundred ninety-nine of the public authorities law, of
20 debt service in furtherance of funding the five-year educational facili-
21 ties capital plan of the city of New York school district or related
22 debt service costs and expenses as set forth in such section, OR

23 (VII) for annual payments pursuant to any lease, sublease or other
24 agreement relating to the financing, refinancing, design, recon-
25 struction, rehabilitation, improvement, furnishing and equipping of, or
26 otherwise providing for projects authorized pursuant to the city of
27 Syracuse and the board of education of the city school district of the
28 city of Syracuse cooperative school reconstruction act, OR

29 (VIII) for annual payments pursuant to any lease, sublease or other
30 agreement relating to the financing, refinancing, design, recon-
31 struction, rehabilitation, improvement, furnishing and equipping of, or
32 otherwise providing for projects authorized pursuant to the city of
33 Rochester and the board of education of the city school district of the
34 city of Rochester school facilities modernization program act, or

35 (IX) for lease, lease-purchase or other annual payments to another
36 school district or person, partnership or corporation pursuant to an
37 agreement made under the provisions of section four hundred three-b,
38 subdivision eight of section twenty-five hundred three, or subdivision
39 six of section twenty-five hundred fifty-four of this chapter, provided
40 that the apportionment for such lease or other annual payments under the
41 provisions of section four hundred three-b, subdivision eight of section
42 twenty-five hundred three, or subdivision six of section twenty-five
43 hundred fifty-four of this chapter, other than payments under a lease-
44 purchase agreement or an equivalent agreement, shall be based upon
45 approved expenditures in the current year.

46 Approved expenditures for capital outlays from a school district's
47 general fund, capital fund or reserved funds that are incurred on or
48 after July first, two thousand two, and are not aidable pursuant to
49 subdivision six-f of this section, shall be aidable as debt service
50 under an assumed amortization established pursuant to paragraphs e and j
51 of this subdivision. In any such case approved expenditures shall be
52 only for new construction, reconstruction, purchase of existing struc-
53 tures, for site purchase and improvement, for new garages, for original
54 equipment, furnishings, machinery, or apparatus, and for professional
55 fees and other costs incidental to such construction or reconstruction,
56 or purchase of existing structures. In the case of a lease or lease-pur-

1 chase agreement entered pursuant to section four hundred three-b, subdi-
2 vision eight of section twenty-five hundred three or subdivision six of
3 section twenty-five hundred fifty-four of this chapter, approved expend-
4 itures for the lease or other annual payments shall not include the
5 costs of heat, electricity, water or other utilities or the costs of
6 operation or maintenance of the leased facility. An apportionment shall
7 be available pursuant to this subdivision for construction, recon-
8 struction, rehabilitation or improvement in a building, or portion ther-
9 eof, being leased by a school district only if the lease is for a term
10 of at least ten years subsequent to the date of the general construction
11 contract for such construction, reconstruction, rehabilitation or
12 improvement. Each school district shall prepare a five year capital
13 facilities plan, pursuant to regulations developed by the commissioner
14 for such purpose, provided that in the case of a city school district in
15 a city having a population of one million inhabitants or more, such
16 facilities plan shall comply with the provisions of section twenty-five
17 hundred ninety-p of this chapter and this subdivision. Such plan shall
18 include, but not be limited to, a building inventory, and estimated
19 expense of facility needs, for new construction, additions, alterations,
20 reconstruction, major repairs, energy consumption and maintenance by
21 school building, as appropriate. Such five year plan shall include a
22 priority ranking of projects and shall be amended if necessary to
23 reflect subsequent on-site evaluations of facilities conducted by state
24 supported contractors.

25 a. For capital outlays for such purposes first incurred on or after
26 July first, nineteen hundred sixty-one and debt service for such
27 purposes first incurred on or after July first, nineteen hundred sixty-
28 two, WHERE SUCH EXPENDITURES ARE INCURRED FOR PROJECTS WITH COMPLETE
29 FINAL PLANS AND SPECIFICATIONS FILED FOR APPROVAL WITH THE COMMISSIONER
30 PRIOR TO FEBRUARY FIRST, TWO THOUSAND ELEVEN AND FOR COMPETITIVE
31 CONSTRUCTION FUND PROJECTS APPROVED BY THE COMMISSIONER ON OR AFTER
32 FEBRUARY FIRST, TWO THOUSAND ELEVEN, the actual approved expenditures
33 less the amount of civil defense aid received pursuant to the provisions
34 of section thirty-five of chapter seven hundred eighty-four of the laws
35 of nineteen hundred fifty-one as amended shall be allowed for purposes
36 of apportionment under this subdivision but not in excess of the follow-
37 ing schedule of cost allowances:

38 (1) For new construction and the purchase of existing structures, the
39 cost allowances shall be based upon the rated capacity of the building
40 or addition and a basic per pupil allowance of up to six thousand three
41 hundred seventy-five dollars adjusted monthly by a statewide index
42 reflecting changes in the cost of labor and materials since July first,
43 nineteen hundred ninety-two, established by the commissioner of labor,
44 modified by an annual county or multi-county labor market composite wage
45 rate, established by the commissioner of labor in consultation with the
46 commissioner, for July first of the base year, commencing July first,
47 nineteen hundred ninety-seven for general construction contracts awarded
48 on or after July first, nineteen hundred ninety-eight, indexed to the
49 median of such county or multi-county rates, but not less than one.
50 Such base allowance shall apply to a building or an addition housing
51 grades prekindergarten through six and shall be adjusted for a building
52 or an addition housing grades seven through nine by a factor of one and
53 four-tenths, for a building or an addition housing grades seven through
54 twelve by a factor of one and five-tenths, for a building or addition
55 housing special education programs by a factor of two, except that where
56 such building or addition is connected to, or such space is located

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

31 (2) Where a school district has expenditures for site purchase, grad-
32 ing or improvement of the site, original furnishings, equipment, machin-
33 ery or apparatus, or professional fees, or other incidental costs, the
34 cost allowances for new construction and the purchase of existing struc-
35 tures may be increased by the actual expenditures for such purposes but
36 by not more than:

37 (I) FOR PROJECTS APPROVED PRIOR TO FEBRUARY FIRST, TWO THOUSAND ELEVEN
38 BY THE VOTERS OF THE SCHOOL DISTRICT OR BY THE BOARD OF EDUCATION OF A
39 CITY SCHOOL DISTRICT IN A CITY WITH MORE THAN ONE HUNDRED TWENTY-FIVE
40 THOUSAND INHABITANTS, AND/OR THE CHANCELLOR IN A CITY SCHOOL DISTRICT IN
41 A CITY HAVING A POPULATION OF ONE MILLION OR MORE, AN AMOUNT EQUAL TO
42 the product of the applicable cost allowance established pursuant to
43 subparagraph one of this paragraph and twenty per centum for school
44 buildings or additions housing grades prekindergarten through six and by
45 not more than the product of such cost allowance and twenty-five per
46 centum for school buildings or additions housing grades seven through
47 twelve and by not more than the product of such cost allowance and twen-
48 ty-five per centum for school buildings or additions housing special
49 education programs as approved by the commissioner, AND

50 (II) FOR PROJECTS APPROVED ON OR AFTER FEBRUARY FIRST, TWO THOUSAND
51 ELEVEN BY THE VOTERS OF THE SCHOOL DISTRICT OR BY THE BOARD OF EDUCATION
52 OF A CITY SCHOOL DISTRICT IN A CITY WITH MORE THAN ONE HUNDRED
53 TWENTY-FIVE THOUSAND INHABITANTS, AND/OR THE CHANCELLOR IN A CITY SCHOOL
54 DISTRICT IN A CITY HAVING A POPULATION OF ONE MILLION OR MORE, AND
55 INCLUDED IN THE COMPETITIVE CONSTRUCTION FUND PURSUANT TO SUBPARAGRAPH
56 SIX OF THIS PARAGRAPH, AN AMOUNT EQUAL TO THE PRODUCT OF THE LESSER OF

1 THE COST ALLOWANCE COMPUTED PURSUANT TO SUBPARAGRAPH ONE OF THIS PARA-
2 GRAPH OR THE ACTUAL COSTS RELATING TO THE CONSTRUCTION, ACQUISITION,
3 RECONSTRUCTION, REHABILITATION OR IMPROVEMENT OF A SCHOOL BUILDING AND
4 TWENTY PER CENTUM FOR SCHOOL BUILDINGS OR ADDITIONS HOUSING GRADES PREK-
5 INDERGARTEN THROUGH SIX AND BY NOT MORE THAN THE PRODUCT OF SUCH LESSER
6 AMOUNT AND TWENTY-FIVE PER CENTUM FOR SCHOOL, BUILDINGS OR ADDITIONS
7 HOUSING GRADES SEVEN THROUGH TWELVE AND BY NOT MORE THAN THE PRODUCT OF
8 SUCH LESSER AMOUNT AND TWENTY-FIVE PER CENTUM FOR SCHOOL BUILDINGS OR
9 ADDITIONS HOUSING SPECIAL EDUCATION PROGRAMS AS APPROVED BY THE COMMIS-
10 SIONER.

11 (3) Cost allowances for reconstructing or modernizing structures shall
12 not exceed one hundred per centum of the cost allowances for the equiv-
13 alent new construction over the projected useful life of the building,
14 to be determined in accordance with the regulations of the commissioner.
15 Reconstruction projects shall reasonably meet the criteria established
16 for new construction, including but not limited to energy, fire,
17 personal safety and space per pupil standards.

18 (4) The commissioner shall promulgate regulations prescribing the
19 methodology for establishing a multi-year cost allowance for the purpose
20 of computation of building aid to school districts and a procedure for
21 school districts to appeal the determination that a building has not
22 been adequately maintained, as required by subparagraphs one and three
23 of this paragraph. Such methodology shall include the development of a
24 building replacement cost allowance schedule for the replacement of
25 major building systems of a building over its projected useful life and
26 the construction of new buildings and additions for projects that have
27 been approved on or after July first, two thousand by the voters of the
28 school district or by the board of education of a city school district
29 in a city with more than one hundred twenty-five thousand inhabitants,
30 and/or the chancellor in a city school district in a city having a popu-
31 lation of one million or more. For purposes of this subdivision, "major
32 building systems" shall mean the electrical, plumbing, heating, venti-
33 lation and air conditioning systems, and the roof and other major struc-
34 tural elements of a school building.

35 (5) For costs relating to the construction, acquisition, recon-
36 struction or leases of any school building project conducted by or on
37 behalf of a city school district in a city having a population of one
38 million inhabitants or more, where a general construction contract has
39 been awarded or a purchase or lease agreement was executed on or after
40 July first, two thousand four, the cost allowance for such project shall
41 include: (a) construction and incidental costs where such costs are
42 associated with multistory construction necessitated by substandard site
43 sizes, site security costs, difficulties with delivery of construction
44 supplies, increased fire [resistence] RESISTANCE and fire suppression
45 costs, and (b) site acquisition, environmental remediation and building
46 demolition costs, provided, however, that costs which are eligible for
47 an apportionment pursuant to this subparagraph on or before July first,
48 two thousand six shall be deemed to be debt service for the two thousand
49 five--two thousand six school year on new bonds and capital notes aida-
50 ble in July following the current year pursuant to clause (b) of subpar-
51 agraph one of paragraph f of this subdivision.

52 On or before January first, two thousand nine, the commissioner shall
53 report to the director of the budget, the chair of the senate finance
54 committee and the chair of the assembly ways and means committee on the
55 projects which received funding pursuant to the provisions of this
56 subparagraph, and the overall implementation of this subparagraph.

(6) FOR PROJECTS WITH COMPLETE FINAL PLANS AND SPECIFICATIONS FILED FOR APPROVAL WITH THE COMMISSIONER ON OR AFTER FEBRUARY FIRST, TWO THOUSAND ELEVEN, THE COMPETITIVE CONSTRUCTION FUND SHALL BE COMPRISED OF THOSE PROJECTS SELECTED BY THE COMMISSIONER WITHIN THE COMPETITIVE CONSTRUCTION CEILING AND THOSE PROJECTS SELECTED BY THE COMMISSIONER WITHIN THE EMERGENCY PROJECT CEILING.

(I) FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE STATE FISCAL YEAR AND THEREAFTER, THE COMPETITIVE CONSTRUCTION CEILING SHALL BE TWO BILLION DOLLARS (\$2,000,000,000), PROVIDED THAT FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE STATE FISCAL YEAR, SUCH ANNUAL AMOUNT SHALL BE ADJUSTED TO REFLECT THE NUMBER OF MONTHS THAT SUCH PROJECTS WITH COMPLETE FINAL PLANS AND SPECIFICATIONS FILED FOR APPROVAL WITH THE COMMISSIONER IN THE PRIOR STATE FISCAL YEAR WERE SUBJECT TO THE COMPETITIVE CONSTRUCTION CEILING. PROJECT ELIGIBILITY PURSUANT TO THIS CLAUSE WILL BE PRIORITIZED ON THE BASIS OF THE BUILDING CONDITION SURVEYS SUBMITTED PURSUANT TO SUBDIVISION SIX-E OF THIS SECTION AND SUBDIVISION FOUR OF SECTION THIRTY-SIX HUNDRED FORTY-ONE OF THIS ARTICLE, THE AGE OF THE BUILDING AND THE OVERALL NEEDS OF THE DISTRICT. COMPETITIVE CONSTRUCTION PROJECTS SHALL HAVE BEEN APPROVED BY THE VOTERS OF THE SCHOOL DISTRICT OR APPROVED BY THE TRUSTEES OR BOARD OF EDUCATION FOR SCHOOL DISTRICTS WHERE VOTER APPROVAL IS NOT REQUIRED, AND SHALL BE CATEGORIZED BY THE FOLLOWING CLASSIFICATIONS:

(A) FIRST TIER PROJECTS SHALL BE NECESSARY TO INSURE THE HEALTH AND SAFETY OF THE BUILDING'S OCCUPANTS OR OF NEIGHBORING RESIDENTS THROUGH REMEDIATION OF SPECIFIC HAZARDS IDENTIFIED BY THE DEPARTMENT OF HEALTH AND DEFICIENCIES IDENTIFIED BY FIRE SAFETY INSPECTIONS, OR THROUGH CORRECTION OF CODE DEFICIENCIES THAT ARE DETERMINED TO BE HAZARDOUS TO HEALTH OR SAFETY AND ARE IDENTIFIED THROUGH SUCH BUILDING CONDITION SURVEY;

(B) SECOND TIER PROJECTS SHALL BE NECESSARY TO AMELIORATE IMMEDIATE OVERCROWDING, AS DEFINED BY THE COMMISSIONER, IN THE SCHOOL DISTRICT;

(C) THIRD TIER PROJECTS SHALL BE NECESSARY TO REPLACE OR RENOVATE SCHOOL BUILDINGS THAT HAVE BEEN IN USE FOR MORE THAN FORTY YEARS, WHERE SUCH PROJECTS DO NOT INCLUDE A CAPACITY INCREASE GREATER THAN TEN PERCENT OF THE GROSS FLOOR AREA AND WHERE SUCH SCHOOL DISTRICT HAS A NEEDS-RESOURCE INDEX IN EXCESS OF THE STATEWIDE MEDIAN, AS ESTABLISHED BY THE COMMISSIONER;

(D) FOURTH TIER PROJECTS SHALL BE PROJECTS TO MODERNIZE OR RENOVATE SCHOOL BUILDINGS THAT HAVE BEEN IN USE FOR AT LEAST TWENTY YEARS, WHERE SUCH PROJECTS DO NOT INCLUDE A CAPACITY INCREASE GREATER THAN TEN PERCENT OF THE GROSS FLOOR AREA AND WHERE SUCH SCHOOL DISTRICT HAS A NEEDS-RESOURCE INDEX IN EXCESS OF THE STATEWIDE MEDIAN, AS ESTABLISHED BY THE COMMISSIONER;

(E) FIFTH TIER PROJECTS SHALL BE PROJECTS TO ADD SIGNIFICANT CAPACITY WHERE THE MAJORITY OF SUCH ADDED CAPACITY IS USED TO AUGMENT BASIC EDUCATIONAL SPACE SUCH AS CLASSROOMS AND LABORATORIES, OR BUILDING SYSTEM RENOVATIONS WHICH ARE DESIGNED TO EXTEND THE USEFUL LIFE OF THE BUILDING BY AT LEAST FIFTEEN YEARS AND WHERE SUCH SCHOOL DISTRICT HAS A NEEDS-RESOURCE INDEX IN EXCESS OF THE STATEWIDE MEDIAN, AS ESTABLISHED BY THE COMMISSIONER.

(F) SIXTH TIER PROJECTS SHALL BE PROJECTS THAT HAVE NOT BEEN MADE ELIGIBLE PURSUANT TO SUBCLAUSES (A), (B), (C), (D) OR (E) OF THIS CLAUSE AND ARE NOT INELIGIBLE FOR BUILDING AID PURSUANT TO SUBCLAUSE (G) OF THIS CLAUSE.

(G) NOTWITHSTANDING ANY OTHER PROVISION OF THIS CLAUSE, PROJECTS TO MODERNIZE OR RENOVATE SCHOOL BUILDINGS THAT HAVE BEEN IN USE FOR LESS

1 THAN TWENTY YEARS; PROJECTS TO RENOVATE OR RECONSTRUCT SPACE LEASED FOR
2 NON-SCHOOL DISTRICT PURPOSES, EXCLUDING SPACE LEASED TO BOARDS OF COOP-
3 ERATIVE EDUCATIONAL SERVICES; AND PROJECTS TO CORRECT DESIGN FLAWS,
4 ERRORS OR OMISSIONS AND IMPROPER CONSTRUCTION SHALL NOT BE ELIGIBLE FOR
5 AN APPORTIONMENT OF BUILDING AID PURSUANT TO THIS CLAUSE.

6 WITHIN EACH TIER CATEGORY, PROJECTS SHALL BE RANKED FIRST BY THE
7 DISTRICT'S NEED RESOURCE INDEX, THEN BY THE ADJUSTED AGE OF THE BUILD-
8 ING. PROJECTS SHALL BE SELECTED FOR INCLUSION IN THE COMPETITIVE
9 CONSTRUCTION FUND IN RANK ORDER, FIRST FROM FIRST TIER PROJECTS, THEN
10 FROM SECOND TIER PROJECTS, THEN FROM THIRD TIER PROJECTS, THEN FROM
11 FOURTH TIER PROJECTS, THEN FROM FIFTH TIER PROJECTS, THEN FROM SIXTH
12 TIER PROJECTS. SUCH DETERMINATION SHALL BE MADE PURSUANT TO REGULATIONS
13 OF THE COMMISSIONER ON A QUARTERLY BASIS, ON THE FIRST BUSINESS DAY
14 FOLLOWING FEBRUARY FIFTEENTH, THE FIRST BUSINESS DAY FOLLOWING MAY
15 FIFTEENTH, THE FIRST BUSINESS DAY FOLLOWING AUGUST FIFTEENTH AND THE
16 FIRST BUSINESS DAY FOLLOWING NOVEMBER FIFTEENTH. FOR ANY SCHOOL DISTRICT
17 NOT IN A CITY HAVING A POPULATION OF ONE MILLION OR MORE THE AGGREGATE
18 TOTAL OF THE APPROVED COST ALLOWANCES OF SELECTED PROJECTS SHALL NOT
19 EXCEED A MAXIMUM OF TEN PERCENT OF THE COMPETITIVE CONSTRUCTION CEILING.
20 FOR A CITY SCHOOL DISTRICT IN A CITY HAVING A POPULATION OF ONE MILLION
21 OR MORE THE AGGREGATE TOTAL OF THE APPROVED COST ALLOWANCES OF SELECTED
22 PROJECTS SHALL NOT EXCEED FIFTY PERCENT OF THE COMPETITIVE CONSTRUCTION
23 CEILING, PROVIDED, HOWEVER, THAT IN THE EVENT THAT ANY SUCH CITY HAS NOT
24 MADE APPLICATION FOR AND BEEN AWARDED SUCH PROJECTS AS OF APRIL FIRST,
25 THE REMAINING AMOUNT WITHIN THE COMPETITIVE CONSTRUCTION CEILING SHALL
26 BE MADE AVAILABLE FOR OTHER PROJECTS ELIGIBLE FOR FUNDING PURSUANT TO
27 THIS CLAUSE AND PROVIDED FURTHER IF SCHOOL DISTRICTS OTHER THAN SUCH
28 CITY SCHOOL DISTRICT HAS NOT MADE APPLICATION FOR AND BEEN AWARDED SUCH
29 PROJECTS AS OF APRIL FIRST FROM THE REMAINING FIFTY PERCENT THE REMAIN-
30 ING AMOUNT WITHIN THE COMPETITIVE CONSTRUCTION CEILING SHALL BE MADE
31 AVAILABLE FOR OTHER ELIGIBLE PROJECTS FOR SUCH CITY SCHOOL DISTRICT.

32 (II) FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE STATE FISCAL
33 YEAR AND THEREAFTER, THE EMERGENCY PROJECT CEILING SHALL BE THIRTY
34 MILLION DOLLARS (\$30,000,000). PROJECT ELIGIBILITY PURSUANT TO THIS
35 CLAUSE SHALL BE CONSTRUCTION EMERGENCY PROJECTS THAT ARE REVIEWED BY THE
36 STATE EDUCATION DEPARTMENT AT THE REQUEST OF THE SCHOOL DISTRICT AND ARE
37 DETERMINED TO BE NECESSARY TO REMEDIATE EMERGENCY SITUATIONS WHICH ARISE
38 IN PUBLIC SCHOOL BUILDINGS AND THREATEN THE HEALTH AND/OR SAFETY OF
39 BUILDING OCCUPANTS, AS A RESULT OF THE UNANTICIPATED DISCOVERY OF ASBES-
40 TOS OR OTHER HAZARDOUS SUBSTANCES DURING CONSTRUCTION WORK ON A SCHOOL
41 OR SIGNIFICANT DAMAGE CAUSED BY A FIRE, SNOW STORM, ICE STORM, EXCESSIVE
42 RAIN, HIGH WIND, FLOOD OR SIMILAR CATASTROPHIC EVENT WHICH RESULTS IN
43 THE NECESSITY FOR IMMEDIATE REPAIR, AND THE AGGREGATE TOTAL OF THE
44 APPROVED COST ALLOWANCES OF SELECTED PROJECTS SHALL NOT EXCEED THE EMER-
45 GENCY PROJECT CEILING. IF ANY PORTION OF THE EMERGENCY PROJECT CEILING
46 REMAINS UNALLOCATED AS OF APRIL FIRST, SUCH UNALLOCATED PORTION SHALL BE
47 MADE AVAILABLE FOR COMPETITIVE CONSTRUCTION PROJECTS ELIGIBLE FOR FUND-
48 ING PURSUANT TO CLAUSE (A) OF THIS SUBPARAGRAPH. IF, UPON SUBSEQUENT
49 REVIEW OF THE PROJECT, IT IS DEEMED NOT TO HAVE BEEN AN EMERGENCY
50 PROJECT, THE DISTRICT SHALL HAVE ITS APPORTIONMENTS PAYABLE PURSUANT TO
51 THIS SECTION REDUCED BY THE AMOUNT OF ANY APPORTIONMENTS PREVIOUSLY PAID
52 PURSUANT TO THIS CLAUSE FOR SUCH PROJECT, AND SUCH PROJECT SHALL BE
53 ELIGIBLE FOR SELECTION PURSUANT TO CLAUSE (A) OF THIS SUBPARAGRAPH.

54 b. (1) The apportionment for school building purposes to any district
55 shall be determined by adding the amount of its current year approved
56 expenditures for lease or other annual payments under the provisions of

1 section four hundred three-b, subdivision eight of section twenty-five
2 hundred three, or subdivision six of section twenty-five hundred fifty-
3 four of this chapter, other than payments under a lease-purchase agree-
4 ment or an equivalent agreement, plus the amount of its current year
5 approved expenditures under an assumed amortization for capital outlays
6 for school building purposes from its general fund, capital fund or from
7 a reserve fund to the amount of its current year approved expenditures
8 for debt service for such purposes and multiplying the sum by its aid
9 ratio. Expenditures made for computer equipment, including original
10 purchase and installation of hardware, conduit, wiring, and powering of
11 hardware installations in computer classrooms, or for building or
12 campuswide local area network systems and in-building elements of other
13 wide area networks, including the original purchase and installation of
14 conduit, wiring, and powering of hardware installations, may be included
15 in approved expenditures for building aid pursuant to this paragraph on
16 the approval of the commissioner regardless of any minimum cost require-
17 ment that may be applied to other approved expenditures pursuant to this
18 section. Such equipment expenses claimed for aid under this subdivision
19 shall not be claimed for aid under any other provisions of this chapter.

20 (2) Additional apportionment for certain school building projects.
21 (i) Eligibility. All school building projects (a) approved by the voters
22 of the school district or (b) approved by the board of education of a
23 city school district in a city with more than one hundred twenty-five
24 thousand inhabitants, and/or the chancellor in a city school district in
25 a city having a population of one million or more or (c) in the case of
26 a construction emergency project, approved by the board of education of
27 any school district or by the chancellor in a city school district in a
28 city having a population of one million or more, for projects approved
29 on or after July first, nineteen hundred ninety-eight, shall be eligible
30 for an additional apportionment pursuant to this subparagraph to the
31 extent that expenditures for such projects are otherwise aidable pursu-
32 ant to this subdivision, provided that where such projects are leases,
33 such projects would only be aidable pursuant to this subdivision follow-
34 ing the approval of the voters of the school district if entered into
35 pursuant to section four hundred three-b of the education law, and
36 provided that for all such projects so approved on or after July first,
37 two thousand, expenditures directly related to swimming pools shall not
38 be eligible for such additional apportionment, and further provided that
39 for the purposes of this subdivision a construction emergency project
40 shall mean a school construction project approved on or after July
41 first, two thousand, to remediate emergency situations which arise in
42 public school buildings and threaten the health and/or safety of build-
43 ing occupants, as a result of the unanticipated discovery of asbestos or
44 other hazardous substances during construction work on a school or
45 significant damage caused by a fire, snow storm, ice storm, excessive
46 rain, high wind, flood or similar catastrophic event which results in
47 the necessity for immediate repair.

48 (ii) Apportionment. The apportionment pursuant to this subparagraph
49 shall equal the product of such eligible approved expenses determined in
50 accordance with the provisions of clause (i) of this subparagraph and
51 this section and the incentive decimal computed for use in the year in
52 which the project was approved. The incentive decimal shall equal the
53 positive remainder resulting when the district's building aid ratio
54 selected pursuant to paragraph c of this subdivision is subtracted from
55 the enhanced building aid ratio. The enhanced building aid ratio shall
56 equal the sum of the building aid ratio selected for use in the current

1 year pursuant to paragraph c of this subdivision and one-tenth, computed
2 to three decimals without rounding, but not more than (a) ninety-eight
3 hundredths for a high need school district, as defined pursuant to regu-
4 lations of the commissioner, for all school building projects approved
5 by the voters of the school district or by the board of education of a
6 city school district in a city with more than one hundred twenty-five
7 thousand inhabitants, and/or the chancellor in a city school district in
8 a city having a population of one million or more, on or after July
9 first, two thousand five, or (b) ninety-five hundredths for any other
10 school building project or school district, nor less than one-tenth.

11 c. (1) For aid payable in the school year nineteen hundred ninety-
12 three--ninety-four and earlier, any school district may compute aid
13 under the provisions of this subdivision, or under FORMER subdivision
14 six of section thirty-six hundred one-a of this article, using the
15 building aid ratio computed for use in the current year or the aid ratio
16 computed for use in any year commencing with the nineteen hundred eight-
17 y-one--eighty-two school year as computed by the commissioner based on
18 data on file with the education department as of July first, nineteen
19 hundred ninety-six, and; provided that, school districts who are eligi-
20 ble for aid under paragraph f of subdivision fourteen of this section
21 may compute aid under the provisions of this subdivision using the aid
22 ratio so computed for the reorganized district or the highest of the aid
23 ratios so computed for any of the individual school districts which
24 existed prior to the date of the reorganized school district.

25 (2) (a) For aid payable in the school years nineteen hundred ninety-
26 four--ninety-five and thereafter for all school building projects
27 approved by the voters of the school district or by the board of educa-
28 tion of a city school district in a city with more than one hundred
29 twenty-five thousand inhabitants, and/or the chancellor in a city school
30 district in a city having a population of one million or more, before
31 July first, two thousand, any school district may compute aid under the
32 provisions of this subdivision using the building aid ratio computed for
33 use in the current year or the aid ratio computed for use in any year
34 commencing with the nineteen hundred eighty-one--eighty-two school year
35 as such earlier aid ratios are computed by the commissioner based on
36 data on file with the education department on or before July first of
37 the third school year following the school year in which aid is first
38 payable; provided that, school districts who are eligible for aid under
39 paragraph f of subdivision fourteen of this section may compute aid
40 under the provisions of this subdivision using the aid ratio so computed
41 for the reorganized district or the highest of the aid ratios so
42 computed for any of the individual school districts which existed prior
43 to the date of the reorganized school district.

44 (b) For aid payable in the school years two thousand--two thousand one
45 and thereafter for all school building projects approved by the voters
46 of the school district or by the board of education of a city school
47 district in a city with more than one hundred twenty-five thousand
48 inhabitants, and/or the chancellor in a city school district in a city
49 having a population of one million or more, on or after July first, two
50 thousand AND BEFORE FEBRUARY FIRST, TWO THOUSAND ELEVEN, any school
51 district shall compute aid under the provisions of this subdivision
52 using the sum of the high-need supplemental building aid ratio, if any,
53 computed pursuant to clause (c) of this subparagraph and the greater of
54 (i) the building aid ratio computed for use in the current year; or (ii)
55 a building aid ratio equal to the difference of the aid ratio that was
56 used or that would have been used to compute an apportionment pursuant

1 to this subdivision in the nineteen hundred ninety-nine--two thousand
2 school year as such aid ratio is computed by the commissioner based on
3 data on file with the department on or before July first of the third
4 school year following the school year in which aid is first payable,
5 less one-tenth; or (iii) for all such school building projects approved
6 by the voters of the school district or by the board of education of a
7 city school district in a city with more than one hundred twenty-five
8 thousand inhabitants, and/or the chancellor in a city school district in
9 a city having a population of one million or more, on or after July
10 first, two thousand and on or before June thirtieth, two thousand four,
11 for any school district for which the pupil wealth ratio is greater than
12 two and five-tenths in the school year in which such school building
13 project was approved by the voters of the school district or by the
14 board of education of a city school district in a city with more than
15 one hundred twenty-five thousand inhabitants, and/or the chancellor in a
16 city school district in a city having a population of one million or
17 more and for which the alternate pupil wealth ratio is less than eight-
18 y-five hundredths in such school year, and for all such school building
19 projects approved by the voters of the school district or by the board
20 of education of a city school district in a city with more than one
21 hundred twenty-five thousand inhabitants, and/or the chancellor in a
22 city school district in a city having a population of one million or
23 more, on or after July first, two thousand five and on or before June
24 thirtieth, two thousand eight, for any school district for which the
25 pupil wealth ratio was greater than two and five-tenths in the two thou-
26 sand--two thousand one school year and for which the alternate pupil
27 wealth ratio was less than eighty-five hundredths in the two thousand--
28 two thousand one school year, the additional building aid ratio;
29 provided that, school districts who are eligible for aid under paragraph
30 f of subdivision fourteen of this section may compute aid under the
31 provisions of this subdivision using the difference of the highest of
32 the aid ratios so computed for the reorganized district or the highest
33 of the aid ratios so computed for any of the individual school districts
34 which existed prior to the date of the reorganized school district less
35 one-tenth.

36 (c) For aid payable in the school years two thousand five--two thou-
37 sand six and thereafter for all school building projects approved by the
38 voters of the school district or by the board of education of a city
39 school district in a city with more than one hundred twenty-five thou-
40 sand inhabitants, and/or the chancellor in A city school district in a
41 city having a population of one million or more, on or after July first,
42 two thousand five, high need school districts, as defined pursuant to
43 regulations of the commissioner, may compute aid under the provisions of
44 this subdivision using the high-need supplemental building aid ratio,
45 which shall be the lesser of (A) the product, computed to three decimals
46 without rounding, of the greater of the building aid ratios computed
47 pursuant to subclauses i, ii and iii of clause (b) of this subparagraph
48 multiplied by five percent, or (B) the positive remainder of ninety-
49 eight one-hundredths less the greater of the building aid ratios
50 computed pursuant to subclauses i, ii and iii of clause (b) of this
51 subparagraph.

52 (D) FOR AID PAYABLE IN THE SCHOOL YEARS TWO THOUSAND ELEVEN--TWO THOU-
53 SAND TWELVE AND THEREAFTER FOR ALL SCHOOL BUILDING PROJECTS APPROVED BY
54 THE VOTERS OF THE SCHOOL DISTRICT OR BY THE BOARD OF EDUCATION OF A CITY
55 SCHOOL DISTRICT IN A CITY WITH MORE THAN ONE HUNDRED TWENTY-FIVE THOU-
56 SAND INHABITANTS, AND/OR THE CHANCELLOR IN A CITY SCHOOL DISTRICT IN A

1 CITY HAVING A POPULATION OF ONE MILLION OR MORE, ON OR AFTER FEBRUARY
2 FIRST, TWO THOUSAND ELEVEN, ANY SCHOOL DISTRICT SHALL COMPUTE AID UNDER
3 THE PROVISIONS OF THIS SUBDIVISION USING THE SUM OF THE HIGH-NEED
4 SUPPLEMENTAL BUILDING AID RATIO, IF ANY, COMPUTED PURSUANT TO CLAUSE (C)
5 OF THIS SUBPARAGRAPH AND THE BUILDING AID RATIO COMPUTED FOR USE IN THE
6 CURRENT YEAR.

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

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

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

34 (d) Notwithstanding any other law, rule or regulation to the contrary,
35 any interest rate calculated under this subdivision shall take into
36 account any federal subsidy payments made or to be made to the applica-
37 ble [issuer] SCHOOL DISTRICT OR AN ISSUER ON BEHALF OF THE SCHOOL
38 DISTRICT under the terms of a federally authorized debt instrument which
39 have the effect of reducing the actual interest costs incurred by [such
40 issuer] THE SCHOOL DISTRICT OR AN ISSUER ON BEHALF OF THE SCHOOL
41 DISTRICT over the life of such capital debt, irrespective of any federal
42 government right of set-off.

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

45 (8) NOTWITHSTANDING ANY OTHER PROVISION OF THE LAW TO THE CONTRARY,
46 WHERE, DURING THE PERIOD OF ASSUMED AMORTIZATION RELATING TO A PROJECT
47 FOR THE CONSTRUCTION, ACQUISITION, RECONSTRUCTION, REHABILITATION OR
48 IMPROVEMENT OF A SCHOOL BUILDING, THE SCHOOL BUILDING IS SOLD OR OWNER-
49 SHIP IS OTHERWISE TRANSFERRED TO AN ENTITY OTHER THAN THE SCHOOL
50 DISTRICT OR CITY AND SUCH TRANSFER RESULTS IN THE BUILDING NO LONGER
51 BEING OPERATED BY THE SCHOOL DISTRICT AS A PUBLIC ELEMENTARY OR SECOND-
52 ARY SCHOOL THAT IS NOT INDEPENDENT OR AUTONOMOUS, THE DISTRICT SHALL,
53 WITHIN SIXTY DAYS OF THE TRANSFER OF OWNERSHIP, NOTIFY THE COMMISSIONER
54 OF SUCH SALE OR TRANSFER, AND SHALL PROVIDE SUCH ADDITIONAL INFORMATION
55 ABOUT THE SALE OR TRANSFER AS THE COMMISSIONER MAY REQUIRE, IN A FORM
56 PRESCRIBED BY THE COMMISSIONER, AND THE COMMISSIONER SHALL RE-COMPUTE

THE BUILDING AID, IF ANY, PAYABLE FOR SUCH PROJECT PURSUANT TO THIS SUBPARAGRAPH, EXCEPT TO THE EXTENT SUCH RE-COMPUTATION WOULD CONFLICT WITH THE PROVISIONS OF SECTION TWENTY-SEVEN HUNDRED NINETY-NINE-TT OF THE PUBLIC AUTHORITIES LAW. THE COMMISSIONER SHALL DEDUCT THE REVENUES RECEIVED BY THE SCHOOL DISTRICT OR CITY AS A RESULT OF SUCH SALE OR TRANSFER FROM THE APPROVED TOTAL PROJECT COST AND, BASED ON SUCH ADJUSTED PROJECT COST, ESTABLISH A NEW ASSUMED AMORTIZATION FOR THE REMAINING USEFUL LIFE OF THE PROJECT UNDER THE APPLICABLE PROVISIONS OF THIS PARAGRAPH.

S 32. Clause (ii) of subparagraph 5 of paragraph i of subdivision 6 of section 3602 of the education law, as amended by section 1 of part F of chapter 383 of the laws of 2001, is amended to read as follows:

(ii) notwithstanding any inconsistent provisions of this paragraph, for aid payable in the two thousand two--two thousand three school year and thereafter, approved expenditures for debt service for energy performance contracts shall be based on assumed amortization where required by paragraph e of this subdivision, AND PROVIDED FURTHER, THAT APPROVED EXPENDITURES FOR DEBT SERVICE FOR ENERGY PERFORMANCE CONTRACTS FOR PROJECTS APPROVED BY THE VOTERS OF THE SCHOOL DISTRICT OR BY THE BOARD OF EDUCATION OF A CITY SCHOOL DISTRICT IN A CITY WITH MORE THAN ONE HUNDRED TWENTY-FIVE THOUSAND INHABITANTS, AND/OR THE CHANCELLOR IN A CITY SCHOOL DISTRICT IN A CITY HAVING A POPULATION OF ONE MILLION OR MORE, ON OR AFTER JULY FIRST, TWO THOUSAND ELEVEN SHALL NOT BE ELIGIBLE FOR AN ADDITIONAL APPORTIONMENT COMPUTED PURSUANT TO CLAUSE (II) OF SUBPARAGRAPH TWO OF PARAGRAPH B OF THIS SUBDIVISION.

S 33. Subparagraph 1 of paragraph b of subdivision 7 of section 3602 of the education law, as amended by section 17 of part B of chapter 57 of the laws of 2007, is amended and a new subparagraph 3 is added to read as follows:

(1) For the purposes of this apportionment, approved transportation operating expense shall be the actual expenditure incurred by a school district and approved by the commissioner, LESS ANY DEDUCTIONS REQUIRED BY SUBPARAGRAPH THREE OF THIS PARAGRAPH: (i) for those items of transportation operating expense allowable under subdivision one of section thirty-six hundred twenty-three-a of this article for regular aidable transportation of pupils as such terms are defined in sections thirty-six hundred twenty-one and thirty-six hundred twenty-two-a of this article, and (ii) for those items of transportation operating expense allowable under subdivision one of section thirty-six hundred twenty-three-a of this article for the transportation required or authorized pursuant to article eighty-nine of this chapter, and (iii) for providing monitors on school buses for students with disabilities, and (iv) for transportation operating expenses allowable under section thirty-six hundred twenty-three-a of this article for the transportation of homeless children authorized by paragraph c of subdivision four of section thirty-two hundred nine of this chapter, provided that the total approved cost of such transportation shall not exceed the amount of the total cost of the most cost-effective mode of transportation.

(3) (I) COMMENCING WITH AID PAYABLE IN THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN SCHOOL YEAR, TO RECEIVE AID ON ITS TOTAL ACTUAL TRANSPORTATION OPERATING EXPENSE APPROVED BY THE COMMISSIONER FOR THE BASE YEAR, A SCHOOL DISTRICT SHALL DEMONSTRATE TO THE SATISFACTION OF THE COMMISSIONER THAT IT: (I) HAS IMPLEMENTED A MAJORITY OF THE COST-EFFECTIVE TRANSPORTATION MANAGEMENT BEST PRACTICES PRESCRIBED IN THE REGULATIONS OF THE COMMISSIONER THAT ARE APPLICABLE TO THE DISTRICT, OR (II)

1 HAS ENTERED INTO A COST-EFFECTIVE SHARED TRANSPORTATION ARRANGEMENT WITH
2 ANOTHER LOCAL GOVERNMENT ENTITY.

3 (II) FOR PURPOSES OF THIS SUBPARAGRAPH, COST-EFFECTIVE TRANSPORTATION
4 MANAGEMENT BEST PRACTICES SHALL INCLUDE, BUT NEED NOT BE LIMITED TO:

5 (A) MAINTENANCE OF A REASONABLE UTILIZATION RATIO FOR BUSES;

6 (B) USE OF MULTIPLE YEAR CONTRACTS FOR PRIVATE VENDOR CONTRACTS;

7 (C) NO BUS PURCHASES MADE AT HIGHER THAN STATE CONTRACT PRICE IN THE
8 BASE YEAR;

9 (D) EARLY ADVERTISEMENT FOR NEW CONTRACTS;

10 (E) USE OF BUS ROUTING SOFTWARE WHERE POSSIBLE; AND/OR

11 (F) USE OF A STATEWIDE WEBSITE TO ADVERTISE FOR BIDS.

12 (III) A SCHOOL DISTRICT THAT FAILS TO MEET THE REQUIREMENTS OF CLAUSE
13 (I) OF THIS SUBPARAGRAPH SHALL HAVE ITS TOTAL ACTUAL TRANSPORTATION
14 OPERATING EXPENSE AS OTHERWISE APPROVED BY THE COMMISSIONER REDUCED AS
15 FOLLOWS:

16 (A) FOR AID PAYABLE IN THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOUR-
17 TEEN SCHOOL YEAR, BY TWO AND ONE HALF PERCENT;

18 (B) FOR AID PAYABLE IN THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN
19 SCHOOL YEAR, BY FIVE PERCENT;

20 (C) FOR AID PAYABLE IN THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN
21 SCHOOL YEAR, BY SEVEN AND ONE-HALF PERCENT;

22 (D) FOR AID PAYABLE IN THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVEN-
23 TEEN SCHOOL YEAR, BY TEN PERCENT.

24 S 34. Paragraph c of subdivision 7 of section 3602 of the education
25 law, as amended by section 1 of part A-4 of chapter 58 of the laws of
26 2006, is amended to read as follows:

27 c. (1) For the purposes of computing this apportionment for the two
28 thousand five--two thousand six school year and thereafter, approved
29 transportation capital, debt service, and lease expense shall be the
30 amount computed based upon an assumed amortization determined pursuant
31 to paragraph e of this subdivision for an expenditure incurred by a
32 school district and approved by the commissioner for those items of
33 transportation capital, debt service and lease expense allowable under
34 subdivision two of section thirty-six hundred twenty-three-a of this
35 article for: (i) the regular aidable transportation of pupils, as such
36 terms are defined in sections thirty-six hundred twenty-one and thirty-
37 six hundred twenty-two-a of this article, (ii) the transportation of
38 children with disabilities pursuant to article eighty-nine of this chap-
39 ter, and (iii) the transportation of homeless children pursuant to para-
40 graph c of subdivision four of section thirty-two hundred nine of this
41 chapter, provided that the total approved cost of such transportation
42 shall not exceed the amount of the total cost of the most cost-effective
43 mode of transportation.

44 (2) Approvable expenses for the purchase of school buses shall be
45 limited to the actual purchase price, or the expense as if the bus were
46 purchased under state contract, whichever is less. If the commissioner
47 determines that no comparable bus was available under state contract at
48 the time of purchase, the approvable expenses shall be the actual
49 purchase price or the state wide median price of such bus in the most
50 recent base year in which such median price was established with an
51 allowable year to year CPI increase as defined in subdivision fourteen
52 of section three hundred five of this chapter; whichever is less. Such
53 median shall be computed by the commissioner for the purposes of this
54 subdivision.

55 (3) FOR A SCHOOL BUS WITH A SEATING CAPACITY OF TEN OR MORE PASSEN-
56 GERS, INCLUDING THE DRIVER, WHICH IS PURCHASED ON OR AFTER THE EFFECTIVE

1 DATE OF THIS SUBPARAGRAPH AS A REPLACEMENT FOR AN EXISTING SCHOOL BUS,
2 THE EXPENSE OF SUCH PURCHASE SHALL NOT BE AN ALLOWABLE COST UNLESS THE
3 SCHOOL BUS BEING REPLACED IS AT LEAST TEN YEARS OLD AND HAS A MILEAGE IN
4 EXCESS OF ONE HUNDRED TWENTY THOUSAND MILES, OR A WAIVER IS GRANTED BY
5 THE COMMISSIONER PURSUANT TO THIS PARAGRAPH. FOR A SCHOOL BUS WITH A
6 SEATING CAPACITY OF LESS THAN TEN PASSENGERS, INCLUDING THE DRIVER,
7 WHICH IS PURCHASED ON OR AFTER THE EFFECTIVE DATE OF THIS SUBPARAGRAPH
8 AS A REPLACEMENT FOR AN EXISTING SCHOOL BUS, THE EXPENSE OF SUCH
9 PURCHASE SHALL NOT BE AN ALLOWABLE COST UNLESS THE SCHOOL BUS BEING
10 REPLACED IS AT LEAST SIX YEARS OLD AND HAS A MILEAGE IN EXCESS OF SEVEN-
11 TY-FIVE THOUSAND MILES, OR A WAIVER IS GRANTED BY THE COMMISSIONER
12 PURSUANT TO THIS SUBPARAGRAPH. THE COMMISSIONER MAY GRANT SUCH WAIVER
13 WHERE THE SCHOOL DISTRICT DEMONSTRATES TO THE SATISFACTION OF THE
14 COMMISSIONER THAT THE CONTINUED OPERATION OF THE VEHICLE WOULD BE UNSAFE
15 AS A RESULT OF DAMAGE TO THE VEHICLE FROM AN ACCIDENT OR OTHERWISE, OR
16 OF MECHANICAL FAILURE, THAT CANNOT BE REMEDIED BY REPAIRS WITHOUT EXCES-
17 SIVE COST TO THE SCHOOL DISTRICTS.

18 S 35. Subdivision 12 of section 3602 of the education law, as added by
19 section 19 of part B of chapter 57 of the laws of 2008, the closing
20 paragraph as added by section 18 of part A of chapter 57 of the laws of
21 2009, is amended to read as follows:

22 12. Academic enhancement aid. A school district that as of April first
23 of the base year has been continuously identified as a district in need
24 of improvement for at least five years shall, for the two thousand
25 eight--two thousand nine school year, be entitled to an additional
26 apportionment equal to the positive remainder, if any, of (a) the lesser
27 of fifteen million dollars or the product of the total foundation aid
28 base, as defined by paragraph j of subdivision one of this section,
29 multiplied by ten percent (0.10), less (b) the positive remainder of (i)
30 the sum of the total foundation aid apportioned pursuant to subdivision
31 four of this section and the supplemental educational improvement grants
32 apportioned pursuant to subdivision eight of section thirty-six hundred
33 forty-one of this [act] ARTICLE, less (ii) the total foundation aid
34 base.

35 For the two thousand nine--two thousand ten [and] THROUGH two thousand
36 [ten] TWELVE--two thousand [eleven] THIRTEEN school years, each school
37 district shall be entitled to an apportionment equal to the amount set
38 forth for such school district as "EDUCATION GRANTS, ACADEMIC EN" under
39 the heading "2008-09 BASE YEAR AIDS" in the school aid computer listing
40 produced by the commissioner in support of the budget for the two thou-
41 sand nine--two thousand ten school year and entitled "SA0910", and such
42 apportionment shall be deemed to satisfy the state obligation to provide
43 an apportionment pursuant to subdivision eight of section thirty-six
44 hundred forty-one of this article.

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

48 Each school district shall be eligible to receive a high tax aid
49 apportionment in the two thousand eight--two thousand nine school year,
50 which shall equal the greater of (i) the sum of the tier 1 high tax aid
51 apportionment, the tier 2 high tax aid apportionment and the tier 3 high
52 tax aid apportionment or (ii) the product of the apportionment received
53 by the school district pursuant to this subdivision in the two thousand
54 seven--two thousand eight school year, multiplied by the due-minimum
55 factor, which shall equal, for districts with an alternate pupil wealth
56 ratio computed pursuant to paragraph b of subdivision three of this

1 section that is less than two, seventy percent (0.70), and for all other
2 districts, fifty percent (0.50). Each school district shall be eligible
3 to receive a high tax aid apportionment in the two thousand nine--two
4 thousand ten [and] THROUGH two thousand [ten] TWELVE--two thousand
5 [eleven] THIRTEEN school years in the amount set forth for such school
6 district as "HIGH TAX AID" under the heading "2008-09 BASE YEAR AIDS" in
7 the school aid computer listing produced by the commissioner in support
8 of the budget for the two thousand nine--two thousand ten school year
9 and entitled "SA0910".

10 S 37. Section 3602 of the education law is amended by adding a new
11 subdivision 17 to read as follows:

12 17. GAP ELIMINATION ADJUSTMENT. COMMENCING WITH AID PAYABLE IN THE
13 TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR, THE AGGREGATE
14 APPORTIONMENTS DUE ANY SCHOOL DISTRICT AND PAYABLE FROM APPROPRIATIONS
15 MADE IN SUPPORT OF GENERAL SUPPORT FOR PUBLIC SCHOOLS SHALL BE REDUCED
16 BY THE GAP ELIMINATION ADJUSTMENT, AND SUCH REDUCTION SHALL BE INCLUDED
17 IN THE COMPUTATION OF "MONEYS APPORTIONED" PURSUANT TO THE OPENING PARA-
18 GRAPH OF SECTION THIRTY-SIX HUNDRED NINE-A OF THIS PART. THE GAP ELIMI-
19 NATION ADJUSTMENT FOR ANY DISTRICT SHALL EQUAL THE PRODUCT OF THE GAP
20 ELIMINATION ADJUSTMENT PERCENTAGE FOR SUCH DISTRICT AND THE EXCESS
21 GROWTH AMOUNT, AS COMPUTED PURSUANT TO SUBDIVISION ONE OF THIS SECTION.

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

25 Notwithstanding any provision of law to the contrary, for aid payable
26 in the two thousand eight--two thousand nine school year, the grant to
27 each eligible school district for universal prekindergarten aid shall be
28 computed pursuant to this subdivision, and for the two thousand nine--
29 two thousand ten and two thousand ten--two thousand eleven school years,
30 each school district shall be eligible for a maximum grant equal to the
31 amount computed for such school district for the base year in the elec-
32 tronic data file produced by the commissioner in support of the two
33 thousand nine--two thousand ten education, labor and family assistance
34 budget, provided, however, that in the case of a district implementing
35 programs for the first time or implementing expansion programs in the
36 two thousand eight--two thousand nine school year where such programs
37 operate for a minimum of ninety days in any one school year as provided
38 in section 151-1.4 of the regulations of the commissioner, FOR THE TWO
39 THOUSAND NINE--TWO THOUSAND TEN AND TWO THOUSAND TEN--TWO THOUSAND ELEV-
40 EN SCHOOL YEARS, such school district shall be eligible for a maximum
41 grant equal to the amount computed pursuant to paragraph a of subdivi-
42 sion nine of this section in the two thousand eight--two thousand nine
43 school year, AND FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE AND
44 TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEARS EACH SCHOOL
45 DISTRICT SHALL BE ELIGIBLE FOR A MAXIMUM GRANT EQUAL TO THE AMOUNT SET
46 FORTH FOR SUCH SCHOOL DISTRICT AS "UNIVERSAL PREKINDERGARTEN" UNDER THE
47 HEADING "2011-12 ESTIMATED AIDS" IN THE SCHOOL AID COMPUTER LISTING
48 PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET REQUEST
49 FOR THE 2011-12 SCHOOL YEAR AND ENTITLED "BT111-2", and provided further
50 that the maximum grant shall not exceed the total actual grant expendi-
51 tures incurred by the school district in the current school year as
52 approved by the commissioner.

53 S 39. Paragraphs a and b of subdivision 5 of section 3604 of the
54 education law, paragraph a as amended by chapter 161 of the laws of 2005
55 and paragraph b as amended by section 59 of part A of chapter 436 of the
56 laws of 1997, are amended to read as follows:

1 a. State aid adjustments. All errors or omissions in the apportionment
2 shall be corrected by the commissioner. Whenever a school district has
3 been apportioned less money than that to which it is entitled, the
4 commissioner may allot to such district the balance to which it is enti-
5 tled. Whenever a school district has been apportioned more money than
6 that to which it is entitled, the commissioner may, by an order, direct
7 such moneys to be paid back to the state to be credited to the general
8 fund local assistance account for state aid to the schools, or may
9 deduct such amount from the next apportionment to be made to said
10 district, provided, however, that, upon notification of excess payments
11 of aid for which a recovery must be made by the state through deduction
12 of future aid payments, a school district may request that such excess
13 payments be recovered by deducting such excess payments from the
14 payments due to such school district and payable in the month of June in
15 (i) the school year in which such notification was received and (ii) the
16 two succeeding school years, provided further that there shall be no
17 interest penalty assessed against such district or collected by the
18 state. Such request shall be made to the commissioner in such form as
19 the commissioner shall prescribe, and shall be based on documentation
20 that the total amount to be recovered is in excess of one percent of the
21 district's total general fund expenditures for the preceding school
22 year. The amount to be deducted in the first year shall be the greater
23 of (i) the sum of the amount of such excess payments that is recognized
24 as a liability due to other governments by the district for the preced-
25 ing school year and the positive remainder of the district's unreserved
26 fund balance at the close of the preceding school year less the product
27 of the district's total general fund expenditures for the preceding
28 school year multiplied by five percent, or (ii) one-third of such excess
29 payments. The amount to be recovered in the second year shall equal the
30 lesser of the remaining amount of such excess payments to be recovered
31 or one-third of such excess payments, and the remaining amount of such
32 excess payments shall be recovered in the third year. Provided further
33 that, notwithstanding any other provisions of this subdivision, any
34 pending payment of moneys due to such district as a prior year adjust-
35 ment payable pursuant to paragraph c of this subdivision for aid claims
36 that had been previously paid as current year aid payments in excess of
37 the amount to which the district is entitled and for which recovery of
38 excess payments is to be made pursuant to this paragraph, shall be
39 reduced at the time of actual payment by any remaining unrecovered
40 balance of such excess payments, and the remaining scheduled deductions
41 of such excess payments pursuant to this paragraph shall be reduced by
42 the commissioner to reflect the amount so recovered. [The commissioner
43 shall certify no payment to a school district based on a claim submitted
44 later than three years after the close of the school year in which such
45 payment was first to be made. For claims for which payment is first to
46 be made in the nineteen hundred ninety-six--ninety-seven school year,
47 the commissioner shall certify no payment to a school district based on
48 a claim submitted later than two years after the close of such school
49 year.] For claims for which payment is first to be made [in the nineteen
50 hundred ninety-seven--ninety-eight] PRIOR TO THE TWO THOUSAND TEN--TWO
51 THOUSAND ELEVEN school year [and thereafter], the commissioner shall
52 certify no payment to a school district based on a claim submitted later
53 than one year after the close of such school year. FOR CLAIMS FOR WHICH
54 PAYMENT IS FIRST TO BE MADE IN THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN
55 SCHOOL YEAR, THE COMMISSIONER SHALL CERTIFY NO PAYMENT TO A SCHOOL
56 DISTRICT IN EXCESS OF THE PAYMENT COMPUTED BASED ON AN ELECTRONIC DATA

1 FILE USED TO PRODUCE THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE
2 COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET REQUEST FOR THE TWO
3 THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR AND ENTITLED "BT111-2".
4 FOR CLAIMS FOR WHICH PAYMENT IS FIRST TO BE MADE IN THE TWO THOUSAND
5 ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR AND THEREAFTER, THE COMMISSIONER
6 SHALL CERTIFY NO PAYMENT TO A SCHOOL DISTRICT, OTHER THAN PAYMENTS
7 PURSUANT TO SUBDIVISIONS SIX-A, ELEVEN, THIRTEEN AND FIFTEEN OF SECTION
8 THIRTY-SIX HUNDRED TWO OF THIS PART, IN EXCESS OF THE PAYMENT COMPUTED
9 BASED ON AN ELECTRONIC DATA FILE USED TO PRODUCE THE SCHOOL AID COMPUTER
10 LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET
11 REQUEST, AND SHALL CERTIFY NO PAYMENT TO A SCHOOL DISTRICT BASED ON A
12 CLAIM SUBMITTED LATER THAN THE DATE UPON WHICH AN ELECTRONIC DATA FILE
13 WAS CREATED FOR THE PURPOSES OF COMPUTING THE JUNE AMOUNT PURSUANT TO
14 SUBPARAGRAPH TWO OF PARAGRAPH B OF SUBDIVISION ONE OF SECTION THIRTY-SIX
15 HUNDRED NINE-A OF THIS PART. Provided, however, no payments shall be
16 barred or reduced where such payment is required as a result of a final
17 audit of the state. [It is further provided that, until June thirtieth,
18 nineteen hundred ninety-six, the commissioner may grant a waiver from
19 the provisions of this section for any school district if it is in the
20 best educational interests of the district pursuant to guidelines devel-
21 oped by the commissioner and approved by the director of the budget.]
22 b. Claims resulting from court orders or judgments. [Any] FOR CLAIMS
23 FOR WHICH PAYMENT IS FIRST TO BE MADE PRIOR TO THE TWO THOUSAND TEN--TWO
24 THOUSAND ELEVEN SCHOOL YEAR, ANY payment which would be due as the
25 result of a court order or judgment shall not be barred, provided that,
26 commencing January first, nineteen hundred ninety-six, such court order
27 or judgment and any other data required shall be filed with the comp-
28 troller within one year from the date of the court order or judgment,
29 and provided further that the commissioner shall certify no payment to a
30 school district for a specific school year that is based on a claim that
31 results from a court order or judgement so filed with the comptroller
32 unless the total value of such claim, as determined by the commissioner,
33 is greater than one percent of the school district's total revenues from
34 state sources as previously recorded in the general fund and reported to
35 the comptroller in the annual financial report of the school district
36 for such school year.

37 S 40. The opening paragraph of section 3609-a of the education law, as
38 amended by section 22 of part A of chapter 57 of the laws of 2009, is
39 amended to read as follows:

40 For aid payable in the two thousand seven--two thousand eight school
41 year [and thereafter] THROUGH THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN
42 SCHOOL YEAR, "moneys apportioned" shall mean the lesser of (i) the sum
43 of one hundred percent of the respective amount set forth for each
44 school district as payable pursuant to this section in the school aid
45 computer listing for the current year produced by the commissioner in
46 support of the budget which includes the appropriation for the general
47 support for public schools for the prescribed payments and individual-
48 ized payments due prior to April first for the current year plus the
49 apportionment payable during the current school year pursuant to subdi-
50 vision six-a and subdivision fifteen of section thirty-six hundred two
51 of this part minus any reductions to current year aids pursuant to
52 subdivision seven of section thirty-six hundred four of this part or any
53 deduction from apportionment payable pursuant to this chapter for
54 collection of a school district basic contribution as defined in subdi-
55 vision eight of section forty-four hundred one of this chapter, less any
56 grants provided pursuant to subparagraph two-a of paragraph b of subdi-

1 vision four of section ninety-two-c of the state finance law, less any
2 grants provided pursuant to subdivision twelve of section thirty-six
3 hundred forty-one of this article, or (ii) the apportionment calculated
4 by the commissioner based on data on file at the time the payment is
5 processed; provided however, that for the purposes of any payments made
6 pursuant to this section prior to the first business day of June of the
7 current year, moneys apportioned shall not include any aids payable
8 pursuant to subdivisions six and fourteen, if applicable, of section
9 thirty-six hundred two of this part as current year aid for debt service
10 on bond anticipation notes and/or bonds first issued in the current year
11 or any aids payable for full-day kindergarten for the current year
12 pursuant to subdivision nine of section thirty-six hundred two of this
13 part. The definitions of "base year" and "current year" as set forth in
14 subdivision one of section thirty-six hundred two of this part shall
15 apply to this section. For aid payable in the two thousand nine--two
16 thousand ten school year, reference to such "school aid computer listing
17 for the current year" shall mean the printouts entitled "SA0910". FOR
18 AID PAYABLE IN THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR
19 AND THEREAFTER, "MONEYS APPORTIONED" SHALL MEAN THE LESSER OF: (I) THE
20 SUM OF ONE HUNDRED PERCENT OF THE RESPECTIVE AMOUNT SET FORTH FOR EACH
21 SCHOOL DISTRICT AS PAYABLE PURSUANT TO THIS SECTION IN THE SCHOOL AID
22 COMPUTER LISTING FOR THE CURRENT YEAR PRODUCED BY THE COMMISSIONER IN
23 SUPPORT OF THE EXECUTIVE BUDGET REQUEST WHICH INCLUDES THE APPROPRIATION
24 FOR THE GENERAL SUPPORT FOR PUBLIC SCHOOLS FOR THE PRESCRIBED PAYMENTS
25 AND INDIVIDUALIZED PAYMENTS DUE PRIOR TO APRIL FIRST FOR THE CURRENT
26 YEAR PLUS THE APPORTIONMENT PAYABLE DURING THE CURRENT SCHOOL YEAR
27 PURSUANT TO SUBDIVISIONS SIX-A AND FIFTEEN OF SECTION THIRTY-SIX HUNDRED
28 TWO OF THIS PART MINUS ANY REDUCTIONS TO CURRENT YEAR AIDS PURSUANT TO
29 SUBDIVISION SEVEN OF SECTION THIRTY-SIX HUNDRED FOUR OF THIS PART OR ANY
30 DEDUCTION FROM APPORTIONMENT PAYABLE PURSUANT TO THIS CHAPTER FOR
31 COLLECTION OF A SCHOOL DISTRICT BASIC CONTRIBUTION AS DEFINED IN SUBDI-
32 VISION EIGHT OF SECTION FORTY-FOUR HUNDRED ONE OF THIS CHAPTER, LESS ANY
33 GRANTS PROVIDED PURSUANT TO SUBPARAGRAPH TWO-A OF PARAGRAPH B OF SUBDI-
34 VISION FOUR OF SECTION NINETY-TWO-C OF THE STATE FINANCE LAW, LESS ANY
35 GRANTS PROVIDED PURSUANT TO SUBDIVISION TWELVE OF SECTION THIRTY-SIX
36 HUNDRED FORTY-ONE OF THIS ARTICLE; OR (II) THE APPORTIONMENT CALCULATED
37 BY THE COMMISSIONER BASED ON DATA ON FILE AT THE TIME THE PAYMENT IS
38 PROCESSED; PROVIDED HOWEVER, THAT FOR THE PURPOSES OF ANY PAYMENTS MADE
39 PURSUANT TO THIS SECTION PRIOR TO THE FIRST BUSINESS DAY OF JUNE OF THE
40 CURRENT YEAR, MONEYS APPORTIONED SHALL NOT INCLUDE ANY AIDS PAYABLE
41 PURSUANT TO SUBDIVISIONS SIX AND FOURTEEN, IF APPLICABLE, OF SECTION
42 THIRTY-SIX HUNDRED TWO OF THIS PART AS CURRENT YEAR AID FOR DEBT SERVICE
43 ON BOND ANTICIPATION NOTES AND/OR BONDS FIRST ISSUED IN THE CURRENT YEAR
44 OR ANY AIDS PAYABLE FOR FULL-DAY KINDERGARTEN FOR THE CURRENT YEAR
45 PURSUANT TO SUBDIVISION NINE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS
46 PART. THE DEFINITIONS OF "BASE YEAR" AND "CURRENT YEAR" AS SET FORTH IN
47 SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS PART SHALL
48 APPLY TO THIS SECTION.

49 S 41. Subparagraphs 2 and 3 of paragraph a and clauses (i), (iv), (v),
50 (vi) and (vii) of subparagraph 3 of paragraph b of subdivision 1 of
51 section 3609-a of the education law, subparagraph 2 of paragraph a and
52 clauses (v) and (vii) of subparagraph 3 of paragraph b as amended by
53 section 32 of part B of chapter 57 of the laws of 2007, subparagraph 3
54 of paragraph a and clauses (i) and (iv) of subparagraph 3 of paragraph b
55 as amended by chapter 474 of the laws of 1996 and clause (vi) of subpar-

agraph 3 of paragraph b as added by section 43 of part A of chapter 60 of the laws of 2000, are amended to read as follows:

(2) Lottery apportionment. Of the estimated moneys to be apportioned by the commissioner to school districts for the current year, that portion payable pursuant to section ninety-two-c of the state finance law, exclusive of the minimum lottery grant provided for the purchase of textbooks pursuant to subparagraph one of paragraph b of subdivision four of section ninety-two-c of such law and the lottery grant provided pursuant to subparagraph two-a of paragraph b of subdivision four of section ninety-two-c of the state finance law, shall be payable on the [first] LAST state business day of September.

(3) Lottery textbook apportionment. The minimum lottery grant provided for the purchase of textbooks pursuant to subparagraph one of paragraph b of subdivision four of section ninety-two-c of the state finance law, shall be payable on or before the [first] LAST STATE BUSINESS day of September.

(i) Winter payments. The amounts designated for January, February and March pursuant to clauses (i), (ii) and (iii) of subparagraph two of this paragraph shall be paid on OR BEFORE the [first] LAST state business day of such months.

(iv) April and May payments. Any amount designated for and remaining to be paid in April or May pursuant to clauses (iv) and (v) of subparagraph two of this paragraph minus any portion of such amounts advanced pursuant to clause (ii) of this subparagraph shall be paid on OR BEFORE the [first] LAST state business day of such months.

(v) June payment. The moneys apportioned to school districts and designated for June pursuant to clause (vi) of subparagraph two of this paragraph shall be paid on OR BEFORE the [first] LAST state business day of such month, to the extent that moneys are owed to school districts pursuant to this section for the current year, including claims for current year aid for debt service on bond anticipation notes aidable in June and/or new bonds and capital notes aidable in June pursuant to subdivisions six and fourteen, if applicable, of section thirty-six hundred two of this [article] PART and claims for current year aid for conversion to full day kindergarten [pursuant to subdivision nine of section thirty-six hundred two of this article], after taking into account any adjustments made in accordance with clauses (ii) and (iii) of this subparagraph, net of any disallowances.

(vi) Deferred July payment of certain claims for debt service on bond anticipation notes and on bonds or capital notes first issued in the current year. The moneys apportioned to school districts for claims for current year aid for debt service on bond anticipation notes aidable in July following the current year and/or new bonds and capital notes aidable in July following the current year pursuant to subdivisions six and fourteen, if applicable, of section thirty-six hundred two of this [article] PART shall be paid on OR BEFORE the [first] LAST state business day of July immediately following the current school year, to the extent that moneys are owed to school districts pursuant to this section for the current year, net of any disallowances.

(vii) Deferred September payments. Any amounts payable to a school district pursuant to this section which exceeded one hundred percent of the respective amount set forth for such district as payable pursuant to this section in the school aid computer listing for the current school year shall be designated for payment for the month of September next following the close of the current school year. Such payments shall be

1 made on OR BEFORE the [first] LAST state business day of the month of
2 September, based on data on file as of August first.

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

6 (iii) Determining final payment for the state fiscal year. Prior to
7 transmitting the March payment to the state comptroller, based on
8 current year, base year and prior school year state aid payments made or
9 scheduled to be made from the general support for public schools appro-
10 priations for the state fiscal year ending March thirty-first, the
11 commissioner shall determine the extent to which the amount designated
12 for June pursuant to clause (vi) of subparagraph two of this paragraph,
13 as adjusted in accordance with clause (ii) of this subparagraph, net of
14 any disallowances, would need to be advanced and paid on or before March
15 thirty-first in order to use the remainder of such appropriations,
16 EXCLUDING AMOUNTS ASSIGNED TO THE DEPARTMENT OF HEALTH PURSUANT TO
17 SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED NINE-B OF THIS ARTICLE, on
18 or before March thirty-first, or to the extent to which the amount
19 designated for March would need to be proportionally reduced so as not
20 to exceed such state fiscal year appropriations. The commissioner shall
21 report the amount of money required to be advanced or deferred and the
22 percent it represents of the June or March amounts, as the case may be,
23 to the director of the budget, the chairperson of the senate finance
24 committee and the chairperson of the assembly ways and means committee.
25 To the extent that moneys are advanced or deferred pursuant to this
26 paragraph, they shall be in the same proportion as each school
27 district's share bears to the total of such June or March amount. Upon
28 approval of the director of the budget, the commissioner shall transmit
29 the schedule of any such partial June prepayments or such reduced March
30 payments to the state comptroller. Any portion of the March payment
31 deferred shall be added to the June payment; any portion of the June
32 payment advanced shall be paid on or before March thirty-first.

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

36 (4) State share of medicaid reimbursements. For the purposes of this
37 subparagraph, FOR AID PAYABLE IN THE TWO THOUSAND TEN--TWO THOUSAND
38 ELEVEN SCHOOL YEAR, the first reporting period shall run from May first
39 of the base year through January thirty-first of the current year, and
40 the second reporting period shall run from February first of the current
41 year through [April thirtieth] MARCH THIRTY-FIRST of the current year.
42 FOR AID PAYABLE IN THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL
43 YEAR AND THEREAFTER, THE FIRST REPORTING PERIOD SHALL RUN FROM APRIL
44 FIRST OF THE BASE YEAR THROUGH DECEMBER THIRTY-FIRST OF THE CURRENT
45 YEAR, AND THE SECOND REPORTING PERIOD SHALL RUN FROM JANUARY FIRST OF
46 THE CURRENT YEAR THROUGH MARCH THIRTY-FIRST OF THE CURRENT YEAR.
47 Notwithstanding any inconsistent provisions of law to the contrary, the
48 sustaining advance payment due any school district pursuant to clause
49 (ii) of subparagraph three of this paragraph in March shall be reduced
50 by fifty percent of any federal participation during the first reporting
51 period pursuant to title XIX of the social security act, in special
52 education programs provided pursuant to article eighty-nine of this
53 chapter for services provided on or before June thirtieth, two thousand
54 nine; the June payment due any school district pursuant to clause (v) of
55 subparagraph three of this paragraph shall be reduced by fifty percent
56 of any federal participation during the second reporting period for

1 services provided on or before June thirtieth, two thousand nine. Not
2 later than ten days after the end of [a] THE FIRST reporting period
3 ENDING ON JANUARY THIRTY-FIRST, TWO THOUSAND ELEVEN, NOT LATER THAN
4 FORTY-ONE DAYS AFTER EACH FIRST REPORTING PERIOD THEREAFTER AND NOT
5 LATER THAN FORTY DAYS AFTER THE END OF EACH SECOND REPORTING PERIOD, the
6 commissioner of health, as the authorized fiscal agent of the state
7 education department, shall certify to the commissioner and the director
8 of the budget the total amount of such federal moneys paid to a school
9 district for such services during such reporting period. Following each
10 cycle payment, the commissioner of health shall report to the commis-
11 sioner the aggregate amount of such federal medicaid payments to each
12 school district. The commissioner shall recoup such amounts first, to
13 the extent possible, from the specified payment, then by withholding any
14 other moneys due the school district and finally by direct billing to
15 any school district still owing moneys to the state. All moneys withheld
16 or paid to the state on account of this paragraph shall be credited by
17 the comptroller to the local assistance account for general support for
18 public schools.

19 S 44. Subdivision 1 of section 3609-a of the education law is amended
20 by adding a new paragraph e to read as follows:

21 E. GAP ELIMINATION ADJUSTMENT FOR TWO THOUSAND ELEVEN--TWO THOUSAND
22 TWELVE. (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY,
23 THE COMMISSIONER SHALL REDUCE PAYMENTS DUE TO EACH DISTRICT FOR THE TWO
24 THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR PURSUANT TO THIS
25 SECTION BY AN AMOUNT EQUAL TO THE GAP ELIMINATION ADJUSTMENT COMPUTED
26 FOR SUCH DISTRICT, AND SUCH AMOUNT SHALL BE DEDUCTED FROM MONEYS APPOR-
27 TIONED FOR THE PURPOSES OF PAYMENTS MADE PURSUANT TO THIS SECTION AND IF
28 THE REDUCTION IS GREATER THAN THE SUM OF THE AMOUNTS AVAILABLE FOR SUCH
29 DEDUCTIONS, THE REMAINDER OF THE REDUCTION SHALL BE WITHHELD FROM
30 PAYMENTS SCHEDULED TO BE MADE TO THE DISTRICT PURSUANT TO THIS SECTION
31 FOR THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR, AND
32 PROVIDED FURTHER THAT AN AMOUNT EQUAL TO THE AMOUNT OF SUCH DEDUCTION
33 SHALL BE DEEMED TO HAVE BEEN PAID TO THE DISTRICT PURSUANT TO THIS
34 SECTION FOR THE SCHOOL YEAR IN WHICH SUCH DEDUCTION IS MADE. THE COMMIS-
35 SIONER SHALL COMPUTE SUCH GAP ELIMINATION ADJUSTMENT AND SHALL PROVIDE A
36 SCHEDULE OF SUCH REDUCTION IN PAYMENTS TO THE STATE COMPTROLLER, THE
37 DIRECTOR OF THE BUDGET, THE CHAIR OF THE SENATE FINANCE COMMITTEE AND
38 THE CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE.

39 (2) THE GAP ELIMINATION ADJUSTMENT FOR TWO THOUSAND ELEVEN--TWO THOU-
40 SAND TWELVE SCHOOL YEAR SHALL BE COMPUTED AS FOLLOWS, BASED ON DATA USED
41 BY THE COMMISSIONER FOR THE PURPOSES OF PRODUCING A SCHOOL AID COMPUTER
42 LISTING IN SUPPORT OF THE EXECUTIVE BUDGET PROPOSAL FOR THE TWO THOUSAND
43 ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR.

44 (I) THE PERCENTAGE REDUCTION SHALL BE THE SUM OF (A) THE PRODUCT OF
45 THE TOTAL AID FOR ADJUSTMENT, MULTIPLIED BY SIX AND FOUR-TENTHS PERCENT
46 (0.064), AND (B) THE PRODUCT OF FOUR THOUSAND FOUR HUNDRED DOLLARS
47 (\$4,400) MULTIPLIED BY THE REDUCTION FACTOR, MULTIPLIED BY THE PUBLIC
48 SCHOOL DISTRICT ENROLLMENT FOR THE BASE YEAR COMPUTED PURSUANT TO
49 SUBPARAGRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE OF SUCH SECTION THIR-
50 TY-SIX HUNDRED TWO OF THIS PART, PROVIDED, HOWEVER, THAT SUCH PERCENTAGE
51 REDUCTION SHALL NOT BE LESS THAN THE PRODUCT OF ELEVEN PERCENT (0.11)
52 MULTIPLIED BY SUCH TOTAL AID FOR ADJUSTMENT, AND NOT MORE THAN THE PROD-
53 UCT OF TWENTY-THREE PERCENT (0.23) MULTIPLIED BY SUCH TOTAL AID FOR
54 ADJUSTMENT.

55 (II) THE TAX EFFORT REDUCTION SHALL BE THE PRODUCT OF THE TOTAL AID
56 FOR ADJUSTMENT, MULTIPLIED BY THE QUOTIENT OF TWENTY-THREE PERCENT

(0.23) DIVIDED BY THE QUOTIENT OF THE TAX EFFORT RATIO DIVIDED BY FOUR AND FIVE TENTHS PERCENT (0.045), PROVIDED, HOWEVER, THAT SUCH TAX EFFORT REDUCTION SHALL NOT BE LESS THAN THE PRODUCT OF FIFTEEN PERCENT (0.15) MULTIPLIED BY SUCH TOTAL AID FOR ADJUSTMENT, AND NOT MORE THAN THE PRODUCT OF TWENTY-THREE PERCENT (0.23) MULTIPLIED BY SUCH TOTAL AID FOR ADJUSTMENT.

(III) THE TGFE CHECK SHALL BE THE PRODUCT OF THE TGFE PERCENTAGE AND THE TOTAL GENERAL FUND EXPENDITURES OF SUCH DISTRICT IN THE BASE YEAR.

(IV) THE ADMINISTRATIVE EFFICIENCY OFFSET SHALL BE THE PRODUCT OF SEVENTY-FIVE DOLLARS (\$75), MULTIPLIED BY THE STATE SHARING RATIO, MULTIPLIED BY THE TOTAL AIDABLE FOUNDATION PUPIL UNITS.

THE GAP ELIMINATION ADJUSTMENT FOR A DISTRICT SHALL EQUAL THE LESSER OF THE DISTRICT'S PERCENTAGE REDUCTION AND ITS TGFE CHECK, PROVIDED, HOWEVER, THAT IN THE CASE OF A DISTRICT WITH A TAX EFFORT RATIO GREATER THAN FOUR AND ONE-HALF PERCENT (0.045) AND A COMBINED WEALTH RATIO FOR TOTAL FOUNDATION AID THAT IS LESS THAN ONE AND FIVE-TENTHS (1.5), THE GAP ELIMINATION ADJUSTMENT FOR A DISTRICT SHALL EQUAL THE LESSER OF THE PERCENTAGE REDUCTION, THE TGFE CHECK AND THE TAX EFFORT REDUCTION, AND FURTHER PROVIDED THAT IN THE CASE OF A SCHOOL DISTRICT, OTHER THAN A CITY SCHOOL DISTRICT OF A CITY HAVING A POPULATION IN EXCESS OF ONE HUNDRED TWENTY-FIVE THOUSAND, WITH (A) AN ADMINISTRATIVE EFFICIENCY RATIO OF LESS THAN ONE AND EIGHT-TENTHS PERCENT (0.018) AND (B) AN ADMINISTRATIVE EXPENSE PER PUPIL OF LESS THAN THREE HUNDRED FORTY-EIGHT DOLLARS (\$348), THE GAP ELIMINATION ADJUSTMENT SHALL BE REDUCED BY AN AMOUNT EQUAL TO THE ADMINISTRATIVE EFFICIENCY OFFSET.

(3) FOR THE PURPOSES OF SUCH COMPUTATION, (I) "TOTAL AID FOR ADJUSTMENT" SHALL MEAN THE SUM OF THE AMOUNTS SET FORTH FOR EACH SCHOOL DISTRICT AS "FOUNDATION AID", "FULL DAY K CONVERSION", "BOCES + SPECIAL SERVICES", "HIGH COST EXCESS COST", "PRIVATE EXCESS COST", "HARDWARE & TECHNOLOGY", "SOFTWARE, LIBRARY, TEXTBOOK", "TRANSPORTATION INCL SUMMER", "OPERATING REORG INCENTIVE", "CHARTER SCHOOL TRANSITIONAL", "ACADEMIC ENHANCEMENT", "HIGH TAX AID" AND "SUPPLEMENTAL PUB EXCESS COST" UNDER THE HEADING "2011-12 ESTIMATED AIDS" IN THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET PROPOSAL FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR;

(II) "THREE-YEAR AVERAGE FREE AND REDUCED PRICE LUNCH PERCENT" SHALL MEAN THE QUOTIENT OF (A) THE SUM OF THE NUMBER OF PUPILS IN KINDERGARTEN THROUGH GRADE SIX ATTENDING THE PUBLIC SCHOOLS OF THE DISTRICT WHO HAVE APPLICATIONS ON FILE OR WHO ARE LISTED ON A DIRECT CERTIFICATION LETTER CONFIRMING THEIR ELIGIBILITY FOR PARTICIPATION IN THE STATE AND FEDERALLY FUNDED FREE AND REDUCED PRICE LUNCH PROGRAM ON THE DATE ENROLLMENT WAS COUNTED IN ACCORDANCE WITH THIS SUBDIVISION FOR THE YEAR PRIOR TO THE BASE YEAR, PLUS SUCH NUMBER OF ELIGIBLE APPLICANTS FOR THE FREE AND REDUCED PRICE LUNCH PROGRAM COMPUTED FOR THE YEAR TWO YEARS PRIOR TO THE BASE YEAR, PLUS SUCH NUMBER OF ELIGIBLE APPLICANTS FOR THE FREE AND REDUCED PRICE LUNCH PROGRAM COMPUTED FOR THE YEAR THREE YEARS PRIOR TO THE BASE YEAR, DIVIDED BY (B) THE SUM OF THE NUMBER OF PUPILS IN KINDERGARTEN THROUGH GRADE SIX ON A REGULAR ENROLLMENT REGISTER OF A PUBLIC SCHOOL DISTRICT ON THE DATE ENROLLMENT WAS COUNTED IN ACCORDANCE WITH THIS SUBDIVISION FOR THE YEAR PRIOR TO THE BASE YEAR, PLUS SUCH NUMBER OF PUPILS IN KINDERGARTEN THROUGH GRADE SIX ON A REGULAR ENROLLMENT REGISTER OF A PUBLIC SCHOOL DISTRICT COMPUTED FOR THE YEAR TWO YEARS PRIOR TO THE BASE YEAR, PLUS SUCH NUMBER OF PUPILS IN KINDERGARTEN THROUGH GRADE SIX ON A REGULAR ENROLLMENT REGISTER OF A PUBLIC SCHOOL DISTRICT COMPUTED FOR THE YEAR THREE YEARS PRIOR TO THE BASE YEAR; AND

1 (III) "TOTAL AIDABLE FOUNDATION PUPIL UNITS" SHALL MEAN THE TOTAL
2 AIDABLE FOUNDATION PUPIL UNITS COMPUTED PURSUANT TO PARAGRAPH G OF
3 SUBDIVISION TWO OF SUCH SECTION THIRTY-SIX HUNDRED TWO OF THIS PART, FOR
4 THE PURPOSES OF COMPUTING TOTAL FOUNDATION AID; AND

5 (IV) "COMBINED WEALTH RATIO FOR TOTAL FOUNDATION AID" SHALL MEAN THE
6 COMBINED WEALTH RATIO FOR TOTAL FOUNDATION AID COMPUTED PURSUANT TO
7 SUBPARAGRAPH TWO OF PARAGRAPH C OF SUBDIVISION THREE OF SECTION THIRTY-
8 SIX HUNDRED TWO OF THIS PART; AND

9 (V) "THE STATE SHARING RATIO" SHALL MEAN THE STATE SHARING RATIO
10 COMPUTED FOR TOTAL FOUNDATION AID COMPUTED PURSUANT TO PARAGRAPH G OF
11 SUBDIVISION THREE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS PART, BUT
12 NOT LESS THAN TEN PERCENT (0.10); AND

13 (VI) "TAX EFFORT RATIO" SHALL MEAN THE TAX EFFORT RATIO COMPUTED
14 PURSUANT TO SUBPARAGRAPH THREE OF PARAGRAPH A OF SUBDIVISION SIXTEEN OF
15 SECTION THIRTY-SIX HUNDRED TWO OF THIS PART; AND

16 (VII) "REDUCTION FACTOR" SHALL MEAN THE PRODUCT OF THE POSITIVE
17 REMAINDER OF ONE LESS THE THREE-YEAR AVERAGE FREE AND REDUCED PRICE
18 LUNCH PERCENT, MULTIPLIED BY THE COMBINED WEALTH RATIO FOR TOTAL FOUNDA-
19 TION AID COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH C OF SUBDI-
20 VISION THREE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS PART; AND

21 (VIII) "ADMINISTRATIVE EFFICIENCY RATIO" SHALL MEAN THE QUOTIENT OF
22 THE SUM OF THE EXPENDITURES RELATED TO THE BOARD OF EDUCATION, INCLUDING
23 EXPENDITURES FOR THE BOARD OF EDUCATION, THE DISTRICT CLERK'S OFFICE,
24 THE DISTRICT MEETING, AUDITING SERVICE, THE TREASURER'S OFFICE, THE TAX
25 COLLECTOR'S OFFICE, LEGAL SERVICES AND THE SCHOOL CENSUS, PLUS EXPENDI-
26 TURES FOR CENTRAL ADMINISTRATION, INCLUDING EXPENDITURES FOR THE CHIEF
27 SCHOOL OFFICER, THE BUSINESS OFFICE, THE PURCHASING OFFICE, THE PERSON-
28 NEL OFFICE, THE RECORDS MANAGEMENT OFFICER, PUBLIC INFORMATION AND
29 SERVICES, FEES FOR FISCAL AGENTS AND UNDISTRIBUTED INDIRECT COSTS,
30 DIVIDED BY THE TOTAL EXPENDITURES CHARGED BY A DISTRICT TO THE GENERAL,
31 DEBT SERVICE, AND SPECIAL AID FUNDS, EXCLUDING TRANSFERS FROM THE GENER-
32 AL FUND TO THE DEBT SERVICE AND SPECIAL AID FUNDS, BASED ON EXPENDITURES
33 REPORTED BY THE DISTRICT FOR THE SCHOOL YEAR TWO YEARS PRIOR TO THE BASE
34 YEAR, BASED ON DATA ON FILE FOR AN ELECTRONIC DATA FILE USED TO PRODUCE
35 THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT
36 OF THE EXECUTIVE BUDGET REQUEST; AND

37 (IX) "ADMINISTRATIVE EXPENSE PER PUPIL" SHALL MEAN THE QUOTIENT OF THE
38 SUM OF THE EXPENDITURES RELATED TO THE BOARD OF EDUCATION, INCLUDING
39 EXPENDITURES FOR THE BOARD OF EDUCATION, THE DISTRICT CLERK'S OFFICE,
40 THE DISTRICT MEETING, AUDITING SERVICE, THE TREASURER'S OFFICE, THE TAX
41 COLLECTOR'S OFFICE, LEGAL SERVICES AND THE SCHOOL CENSUS, PLUS EXPENDI-
42 TURES FOR CENTRAL ADMINISTRATION, INCLUDING EXPENDITURES FOR THE CHIEF
43 SCHOOL OFFICER, THE BUSINESS OFFICE, THE PURCHASING OFFICE, THE PERSON-
44 NEL OFFICE, THE RECORDS MANAGEMENT OFFICER, PUBLIC INFORMATION AND
45 SERVICES, FEES FOR FISCAL AGENTS AND UNDISTRIBUTED INDIRECT COSTS,
46 CHARGED BY A DISTRICT TO THE GENERAL, DEBT SERVICE, AND SPECIAL AID
47 FUNDS, BASED ON EXPENDITURES REPORTED BY THE DISTRICT FOR THE SCHOOL
48 YEAR TWO YEARS PRIOR TO THE BASE YEAR, DIVIDED BY THE PUBLIC SCHOOL
49 DISTRICT ENROLLMENT FOR THE BASE YEAR COMPUTED PURSUANT TO SUBPARAGRAPH
50 TWO OF PARAGRAPH N OF SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED TWO
51 OF THIS PART BASED ON DATA ON FILE FOR AN ELECTRONIC DATA FILE USED TO
52 PRODUCE THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN
53 SUPPORT OF THE EXECUTIVE BUDGET REQUEST; AND

54 (X) "TGFE PERCENTAGE" SHALL MEAN, (A) IN THE CASE OF A DISTRICT DETER-
55 MINED TO BE A HIGH NEED SCHOOL DISTRICT PURSUANT TO CLAUSE (C) OF
56 SUBPARAGRAPH TWO OF PARAGRAPH C OF SUBDIVISION SIX OF SECTION THIRTY-SIX

1 HUNDRED TWO OF THIS PART FOR THE SCHOOL AID COMPUTER LISTING PRODUCED BY
2 THE COMMISSIONER IN SUPPORT OF THE ENACTED BUDGET FOR THE TWO THOUSAND
3 SEVEN--TWO THOUSAND EIGHT SCHOOL YEAR AND ENTITLED "SA0708", FOR A
4 SCHOOL DISTRICT WHICH HAS A THREE-YEAR AVERAGE FREE AND REDUCED PRICE
5 LUNCH PERCENT GREATER THAN SEVENTY-FIVE PERCENT (0.75) AND WHICH HAS AN
6 ADMINISTRATIVE EFFICIENCY RATIO LESS THAN ONE AND FIFTY-FIVE ONE
7 HUNDREDTHS PERCENT (0.0155), FOUR AND SEVEN TENTHS PERCENT (0.047) AND
8 FOR ALL OTHER SUCH SCHOOL DISTRICTS, SIX AND NINE TENTHS PERCENT
9 (0.069), OR (B) IN THE CASE OF ALL OTHER SCHOOL DISTRICTS, ELEVEN
10 PERCENT (0.11).

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

15 a. Any moneys to be apportioned by the commissioner to school
16 districts during the school year pursuant to this section for services
17 provided on or before June thirtieth, two thousand nine THAT WERE REIM-
18 BURSED BY THE STATE ON OR BEFORE APRIL FIRST, TWO THOUSAND ELEVEN shall,
19 in the first instance, be designated as the state share of moneys due a
20 school district pursuant to title XIX of the social security act, on
21 account of school supportive health services provided to students with
22 disabilities in special education programs pursuant to article eighty-
23 nine of this chapter and to those pupils who are qualified handicapped
24 persons as defined in the federal rehabilitation act of nineteen hundred
25 seventy-three, as amended. Some or all of such state share may be
26 assigned on behalf of school districts to the department of health, as
27 provided herein; any remaining state share moneys shall be paid to
28 school districts on the same schedule as the federal share of such title
29 XIX payments and shall be based on the monthly report of the commission-
30 er of health to the commissioner; and any remaining moneys to be appor-
31 tioned to a school district pursuant to this section shall be paid in
32 accordance with the provisions of subdivision two of this section. The
33 amount to be assigned to the department of health, as determined by the
34 commissioner of health, for any school district shall not exceed the
35 federal share of any moneys due such school district pursuant to title
36 XIX. Moneys designated as state share moneys shall be paid to such
37 school districts based on the submission and approval of claims related
38 to such school supportive health services, in the manner provided by
39 law.

40 a-1. Any moneys to be apportioned by the commissioner to school
41 districts during the school year pursuant to this section for services
42 provided during the two thousand nine--two thousand ten school year and
43 thereafter, OR FOR SERVICES PROVIDED IN A PRIOR SCHOOL YEAR THAT WERE
44 NOT REIMBURSED BY THE STATE ON OR BEFORE APRIL FIRST, TWO THOUSAND ELEV-
45 EN, shall, in the first instance, be designated as the state share of
46 moneys due a school district pursuant to title XIX of the social securi-
47 ty act, on account of school supportive health services provided to
48 students with disabilities in special education programs pursuant to
49 article eighty-nine of this chapter and to those pupils who are quali-
50 fied handicapped persons as defined in the federal rehabilitation act of
51 nineteen hundred seventy-three, as amended. Such state share shall be
52 assigned on behalf of school districts to the department of health, as
53 provided herein; the amount designated as such nonfederal share shall be
54 transferred by the commissioner to the department of health based on the
55 monthly report of the commissioner of health to the commissioner; and
56 any remaining moneys to be apportioned to a school district pursuant to

1 this section shall be paid in accordance with the provisions of subdivi-
2 sion two of this section. The amount to be assigned to the department of
3 health, as determined by the commissioner of health, for any school
4 district shall not exceed the federal share of any moneys due such
5 school district pursuant to title XIX. Moneys designated as state share
6 moneys shall be paid to such school districts by the department of
7 health based on the submission and approval of claims related to such
8 school supportive health services, in the manner provided by law.

9 S 46. Paragraph b of subdivision 2 of section 3612 of the education
10 law, as amended by section 2 of part A of chapter 2 of the laws of 2011,
11 is amended to read as follows:

12 b. Such grants shall be awarded to school districts, within the limits
13 of funds appropriated therefor, through a competitive process that takes
14 into consideration the magnitude of any shortage of teachers in the
15 school district, the number of teachers employed in the school district
16 who hold temporary licenses to teach in the public schools of the state,
17 the number of provisionally certified teachers, the fiscal capacity and
18 geographic sparsity of the district, the number of new teachers the
19 school district intends to hire in the coming school year and the number
20 of summer in the city student internships proposed by an eligible school
21 district, if applicable. Grants provided pursuant to this section shall
22 be used only for the purposes enumerated in this section. Notwithstand-
23 ing any other provision of law to the contrary, a city school district
24 in a city having a population of one million or more inhabitants receiv-
25 ing a grant pursuant to this section may use no more than eighty percent
26 of such grant funds for any recruitment, retention and certification
27 costs associated with transitional certification of teacher candidates
28 for the school years two thousand one--two thousand two through [two
29 thousand ten--two thousand eleven] AND TWO THOUSAND ELEVEN--TWO THOUSAND
30 TWELVE.

31 S 47. Subdivision 6 of section 3622-a of the education law, as amended
32 by chapter 422 of the laws of 2004, is amended to read as follows:

33 6. Transportation of pupils to and from approved summer school
34 programs operated by a school district in the two thousand--two thousand
35 one school year and thereafter, provided, however, [that any expenses
36 for which aid is received pursuant to subdivision thirty-nine of section
37 thirty-six hundred two of this article shall be excluded from the compu-
38 tation of allowable transportation expense, and provided further] that
39 if the total statewide apportionment attributable to allowable transpor-
40 tation expenses incurred pursuant to this subdivision exceeds five
41 million dollars (\$5,000,000), individual school district allocations
42 shall be prorated to ensure that the apportionment for such summer
43 transportation does not exceed five million dollars (\$5,000,000),
44 provided that such prorated apportionment computed and payable as of
45 September one of the school year immediately following the school year
46 for which such aid is claimed shall be deemed final and not subject to
47 change; and

48 S 48. Paragraph c of subdivision 2 of section 3623-a of the education
49 law, as amended by chapter 453 of the laws of 2005, is amended and a new
50 paragraph f is added to read as follows:

51 c. [The] SUBJECT TO THE LIMITATION IN PARAGRAPH F OF THIS SUBDIVISION,
52 THE purchase of equipment deemed a proper school district expense,
53 including: (i) the purchase of two-way radios to be used on old and new
54 school buses, (ii) the purchase of stop-arms, to be used on old and new
55 school buses, (iii) the purchase and installation of seat safety belts
56 on school buses in accordance with the provisions of section thirty-six

1 hundred thirty-five-a of this article, (iv) the purchase of school bus
2 back up beepers, (v) the purchase of school bus front crossing arms,
3 (vi) the purchase of school bus safety sensor devices, (vii) the
4 purchase and installation of exterior reflective marking on school
5 buses, (viii) the purchase of automatic engine fire extinguishing
6 systems for school buses used to transport students who use wheelchairs
7 or other assistive mobility devices, and (ix) the purchase of other
8 equipment as prescribed in the regulations of the commissioner; and

9 F. NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH C OF THIS SUBDIVISION,
10 ALLOWABLE EXPENSES FOR THE PURCHASE OF EQUIPMENT FOR NEW SCHOOL BUSES
11 PURCHASED ON OR AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH SHALL BE
12 LIMITED TO EXPENSES FOR THOSE ITEMS OF EQUIPMENT DETERMINED BY THE
13 DEPARTMENT TO BE COST-EFFECTIVE.

14 S 49. Section 3641 of the education law is amended by adding a new
15 subdivision 7 to read as follows:

16 7. A. THERE IS HEREBY ESTABLISHED WITHIN THE DEPARTMENT THE LOCAL
17 COMPETITIVE PERFORMANCE GRANT PROGRAM FOR PRIORITY INITIATIVES TO
18 IMPROVE THE ACADEMIC ACHIEVEMENT OF STUDENTS.

19 B. THE COMMISSIONER MAY AWARD GRANTS, WITHIN AVAILABLE FUNDING, IN
20 SUPPORT OF PROGRAMS THAT HAVE PROVEN TO BE EFFECTIVE IN IMPROVING THE
21 ACADEMIC ACHIEVEMENT OF STUDENTS, INCLUDING TO THE EXTENT PRACTICABLE,
22 BUT NOT LIMITED TO, SERVICES THAT SUPPORT STUDENTS' ACADEMIC ACHIEVEMENT
23 AND CLASSROOM READINESS, ENHANCE THE PROFESSIONAL CAPACITY OF TEACHERS
24 OR PROVIDE SUPPORT FOR ECONOMICALLY DISADVANTAGED AND UNDERREPRESENTED
25 INDIVIDUALS WHO WISH TO ENTER THE TEACHING WORKFORCE. SUCH GRANTS SHALL
26 BE AWARDED UNDER THIS SECTION ON A COMPETITIVE BASIS PURSUANT TO A
27 REQUEST FOR APPLICATION/PROPOSAL PROCESS AS DEVELOPED BY THE COMMISSION-
28 ER AND APPROVED BY THE DIRECTOR OF THE BUDGET.

29 C. THE COMMISSIONER MAY PROMULGATE REGULATIONS, INCLUDING ON AN EMER-
30 GENCY BASIS, AS NECESSARY TO IMPLEMENT THIS SECTION.

31 S 50. Paragraph b of subdivision 11 of section 3641 of the education
32 law, as amended by chapter 9 of the laws of 2008, is amended to read as
33 follows:

34 b. To the Roosevelt union free school district FOR THE TWO THOUSAND
35 ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR there shall be paid [twelve] SIX
36 million dollars [(\$12,000,000)] (\$6,000,000) on an annual basis, AND FOR
37 THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR AND THEREAFT-
38 ER THERE SHALL BE PAID TWELVE MILLION DOLLARS (\$12,000,000) ON ANNUAL
39 BASIS. For school years commencing on July first, two thousand seven and
40 thereafter, such special academic improvement grant shall be payable
41 from funds appropriated for such purpose and shall be apportioned to the
42 Roosevelt union free school district in accordance with the payment
43 schedules contained in section three thousand six hundred nine-a of this
44 article, notwithstanding any provision of law to the contrary.

45 S 51. Section 4201 of the education law, subdivision 1 as amended by
46 chapter 183 of the laws of 1965, paragraph h of subdivision 1 as amended
47 by chapter 496 of the laws of 1986 and paragraph l of subdivision 1 as
48 amended by chapter 111 of the laws of 1975, is amended to read as
49 follows:

50 S 4201. [Duties of commissioner of education] APPROVED PRIVATE SCHOOLS
51 FOR THE INSTRUCTION OF THE BLIND AND THE DEAF AND OTHER STUDENTS WITH
52 DISABILITIES. 1. The following institutions for the instruction of the
53 deaf and of the blind shall be [subject to the visitation of the commis-
54 sioner of education] DEEMED TO BE APPROVED PRIVATE NONRESIDENTIAL AND
55 RESIDENTIAL SCHOOLS FOR THE EDUCATION OF STUDENTS WITH DISABILITIES
56 APPROVED PURSUANT TO PARAGRAPHS E AND G OF SUBDIVISION TWO OF SECTION

1 FORTY-FOUR HUNDRED ONE OF THIS TITLE, AS APPLICABLE, AS OF JULY FIRST,
2 TWO THOUSAND ELEVEN AND THEREAFTER SHALL OPERATE AS APPROVED PRIVATE
3 NONRESIDENTIAL AND RESIDENTIAL SCHOOLS PURSUANT TO ARTICLE EIGHTY-NINE
4 OF THIS TITLE FOR ALL PURPOSES, INCLUDING WHERE APPLICABLE AS AN
5 APPROVED PROGRAM UNDER SECTION FORTY-FOUR HUNDRED EIGHT OF THIS TITLE,
6 EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION AND SECTION FORTY-TWO
7 HUNDRED FOUR-A OF THIS ARTICLE:

- 8 a. The New York school for the deaf;
- 9 b. The Lexington school for the deaf;
- 10 c. St. Mary's school for the deaf in the city of Buffalo;
- 11 d. THE HENRY VISCARDI SCHOOL;
- 12 e. St. Joseph's school for the deaf in the city of New York;
- 13 f. Rochester school for the deaf in the city of Rochester;
- 14 h. The New York Institute for Special Education in the city of New
15 York;
- 16 i. Lavelle School for the Blind in the city of New York;
- 17 j. Mill Neck Manor school for the deaf in Nassau county;
- 18 k. St. Francis DeSales school for the deaf and hard of hearing in the
19 county of Kings.

20 l. Cleary Deaf Child Center, Inc., in the counties of Suffolk and
21 Nassau.

22 2. [It shall be the duty of the commissioner:

23 a. To inquire into the organization of the several schools and the
24 methods of instruction employed therein.

25 b. To prescribe courses of study and methods of instruction that will
26 meet the requirements of the state for the education of state pupils.

27 c. To make appointments of pupils to the several schools, to transfer
28 such pupils from one school to another as circumstances may require; to
29 cancel appointments for sufficient reason.

30 d. To ascertain by a comparison with other similar institutions wheth-
31 er any improvements in instruction and discipline can be made; and for
32 that purpose to appoint from time to time, suitable persons to visit the
33 schools.

34 e. To suggest to the directors of such institutions and to the legis-
35 lature such improvements as he shall judge expedient.

36 f. To make an annual report to the legislature on all of the matters
37 enumerated in this subdivision and particularly as to the condition of
38 the schools, the improvement of the pupils, and their treatment in
39 respect to board and lodging.] BY NO LATER THAN JULY FIRST, TWO THOUSAND
40 TWELVE, THE COMMISSIONER SHALL REVIEW THE APPROVED STATUS OF EACH SUCH
41 SCHOOL AND, BASED ON THE STANDARDS APPLICABLE TO ALL OTHER APPROVED
42 PRIVATE SCHOOLS, DETERMINE WHETHER TO CONTINUE OR REVOKE SUCH APPROVAL
43 BASED UPON THE SCHOOL'S COMPLIANCE WITH SUCH STANDARDS. IN ADDITION,
44 SUCH SCHOOLS MAY BE APPROVED BY THE COMMISSIONER TO SERVE STUDENT POPU-
45 LATIONS OTHER THAN BLIND OR VISUALLY IMPAIRED OR DEAF OR HEARING
46 IMPAIRED STUDENTS.

47 3. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION TO
48 THE CONTRARY, THE STATE APPOINTMENTS OF ALL STUDENTS OF SCHOOL AGE
49 ENROLLED IN SUCH SCHOOLS PRIOR TO JULY FIRST, TWO THOUSAND ELEVEN SHALL
50 CONTINUE UNTIL JUNE THIRTIETH, TWO THOUSAND TWELVE OR UNTIL SUCH TIME AS
51 THE COMMITTEE ON SPECIAL EDUCATION OF THE SCHOOL DISTRICT IN WHICH THE
52 STUDENT CURRENTLY RESIDES HAS RECOMMENDED AN INDIVIDUALIZED EDUCATION
53 PROGRAM FOR SUCH STUDENT FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND
54 TWELVE SCHOOL YEAR, WHICHEVER IS LATER. WHERE SUCH COMMITTEE ON SPECIAL
55 EDUCATION HAS RECOMMENDED PLACEMENT IN AN APPROVED PRIVATE SCHOOL LISTED
56 IN SUBDIVISION ONE OF THIS SECTION PURSUANT TO PARAGRAPH D OF SUBDIVI-

SION TWO OF SECTION FORTY-FOUR HUNDRED ONE OF THIS TITLE FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR IN AN INDIVIDUALIZED EDUCATION PROGRAM RECOMMENDED PRIOR TO JULY FIRST, TWO THOUSAND ELEVEN, SUCH PLACEMENT SHALL BE DEEMED TO HAVE BEEN A PLACEMENT IN SUCH SCHOOL MADE PURSUANT TO PARAGRAPHS E AND G OF SUBDIVISION TWO OF SECTION FORTY-FOUR HUNDRED ONE OF THIS TITLE AND SHALL CONTINUE WITHOUT DISRUPTION DESPITE TERMINATION OF THE STATE APPOINTMENT.

4. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE CURRENT SCHOOL DISTRICT OF RESIDENCE OF EACH STUDENT ENROLLED IN SUCH SCHOOL SHALL BE RESPONSIBLE FOR THE TUITION AND MAINTENANCE COSTS, EXCEPT WHERE SUCH MAINTENANCE COSTS ARE REIMBURSED BY A DIRECT STATE APPROPRIATION FOR SUCH PURPOSE, OF STUDENTS OF SCHOOL AGE ENROLLED IN SUCH SCHOOLS PURSUANT TO SECTION FORTY-FOUR HUNDRED FIVE OF THIS TITLE TO THE SAME EXTENT AS WITH OTHER APPROVED PRIVATE SCHOOLS, INCLUDING ANY STUDENTS WHOSE STATE APPOINTMENTS ARE CONTINUED BEYOND JUNE THIRTIETH, TWO THOUSAND ELEVEN IN ACCORDANCE WITH SUBDIVISION THREE OF THIS SECTION. PROVIDED, HOWEVER, THAT THE COSTS OF PARTICIPATION IN A PUBLIC RETIREMENT SYSTEM FOR EMPLOYEES HIRED ON OR BEFORE JUNE THIRTIETH, TWO THOUSAND ELEVEN SHALL CONTINUE TO BE ALLOWABLE AND SUCH EMPLOYEES SHALL CONTINUE TO BE DEEMED PUBLIC EMPLOYEES AND THE SCHOOLS PUBLIC EMPLOYERS SOLELY FOR SUCH PURPOSE. EMPLOYEES OF SUCH SCHOOLS HIRED ON OR AFTER JULY FIRST, TWO THOUSAND ELEVEN SHALL NOT BE ELIGIBLE TO PARTICIPATE IN A PUBLIC RETIREMENT SYSTEM.

5. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION TO THE CONTRARY, ON AND AFTER JULY FIRST, TWO THOUSAND ELEVEN, SUCH SCHOOLS SHALL NOT BE AUTHORIZED TO OPERATE MULTIDISCIPLINARY TEAMS, AND EACH STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM MAY ONLY BE DEVELOPED, RECOMMENDED AND REVISED BY THE COMMITTEE ON SPECIAL EDUCATION OF THE STUDENT'S SCHOOL DISTRICT OF RESIDENCE.

6. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION TO THE CONTRARY, ALL PRESCHOOL PROGRAMS SERVING STUDENTS WITH DISABILITIES THAT WERE PROVIDED BY A SCHOOL ENUMERATED IN SUBDIVISION ONE OF THIS SECTION IN THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN SCHOOL YEAR, OTHER THAN THOSE PROGRAMS AUTHORIZED BY SECTION FORTY-TWO HUNDRED FOUR-A OF THIS ARTICLE, SHALL, AS OF JULY FIRST, TWO THOUSAND ELEVEN, BE DEEMED TO BE APPROVED PROGRAMS PURSUANT TO SECTION FORTY-FOUR HUNDRED TEN OF THIS TITLE. BY NO LATER THAN JULY FIRST, TWO THOUSAND TWELVE, THE COMMISSIONER SHALL REVIEW THE APPROVED STATUS OF EACH SUCH PROGRAM AND, BASED ON THE STANDARDS APPLICABLE TO ALL OTHER APPROVED PROGRAMS FOR CHILDREN WITH DISABILITIES, DETERMINE WHETHER TO CONTINUE OR REVOKE SUCH APPROVAL BASED UPON THE SCHOOL'S COMPLIANCE WITH SUCH STANDARDS.

7. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION TO THE CONTRARY, ANY REFERENCE IN LAW TO "STATE-SUPPORTED SCHOOLS" SHALL BE DEEMED A REFERENCE TO THE SCHOOLS ENUMERATED IN SUBDIVISION ONE OF THIS SECTION AND SHALL CONTINUE IN EFFECT UNLESS IT CONFLICTS WITH THE PROVISIONS OF THIS SECTION, IN WHICH CASE THE PROVISIONS OF THIS SECTION SHALL PREVAIL.

S 52. Sections 4202, 4203, subdivisions 2 and 3 of section 4204, 4205, 4206, subdivisions 2, 3 and 4 of section 4207, 4208, 4209, 4211, 4212 and 4213 of the education law are REPEALED.

S 53. Subdivision 1 of section 4204 of the education law, as amended by chapter 352 of the laws of 1958, is amended to read as follows:

1. Each deaf pupil so received into any of the institutions aforesaid shall be provided with board, lodging and tuition; and the directors of the institution shall receive an appropriation for each pupil so provided for, in quarterly payments, to be paid by the commissioner of

1 taxation and finance, on the warrant of the comptroller, to the treasur-
2 er of said institution; provided, however, that an estimated one-half of
3 each such quarterly payment shall be due on the first day of each quar-
4 ter, the estimate to be based on the affidavit of the chief executive
5 officer of the institution stating the number of pupils for whom board,
6 lodging and tuition was so provided by the institution during the
7 preceding quarter and during the comparable quarter of the preceding
8 year, and the remaining part of each such quarterly payment shall be due
9 thereafter on the first day of the quarter next ensuing, upon the pres-
10 entation by the treasurer of the institution of a bill showing the actu-
11 al time and number of pupils attending the institution, which bill shall
12 be signed by the chief executive officer of the institution, and veri-
13 fied by his oath. THE PROVISIONS OF THIS SUBDIVISION SHALL APPLY TO
14 BOARD, LODGING AND TUITION FOR THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN
15 AND PRIOR SCHOOL YEARS.

16 S 54. Section 4204-a of the education law, as added by chapter 1066 of
17 the laws of 1974, subdivision 1 as amended by chapter 705 of the laws of
18 1992, is amended to read as follows:

19 S 4204-a. DEAF-INFANT PROGRAM. (1) All deaf children resident in this
20 state, below the age of three, of suitable age and capacity, who shall
21 have been resident in this state for one year immediately preceding the
22 application, or is an orphan whose nearest friend shall have been resi-
23 dent in this state for one year immediately preceding the application,
24 shall be eligible to receive approved educational services in one of the
25 institutions for instruction for the deaf of the state as enumerated in
26 section forty-two hundred one of this article, as well as in such educa-
27 tional programs or other like facilities which shall, in the discretion
28 of the commissioner, be certified as eligible to receive such pupils on
29 a day basis only; provided, however, the foregoing requirement as to
30 length of residence in this state may be waived in the discretion of the
31 commissioner. Such children who are first eligible for services pursuant
32 to section forty-four hundred ten of this [chapter] TITLE whose parents
33 or persons in parental relationship elect to have them continue to
34 receive services pursuant to this section may do so through August thir-
35 ty-first of the calendar year in which such child turns three.

36 (2) Each deaf pupil so received into any of the approved institutions
37 or facilities aforesaid shall be provided with tuition; and the direc-
38 tors of the institution or facility shall receive an appropriation for
39 each pupil so provided for, in quarterly payments, to be paid by the
40 commissioner of taxation and finance on the warrant of the comptroller,
41 to the treasurer of said institution or facility, on his OR HER present-
42 ing a bill showing the actual time and number of pupils in attendance,
43 which bill shall be signed by the chief executive officer of the insti-
44 tution, and verified under his OR HER oath.

45 (3) Children placed in any such approved institution or facility,
46 pursuant to this section, shall be maintained therein on a day basis
47 only at the expense of the state for the period of time the school is in
48 session. Further, the commissioner shall approve such expense only if
49 the child attends the facility nearest his OR HER legal residence;
50 provided, however, that the foregoing requirement as to the facility the
51 child shall attend may be waived in the discretion of the commissioner.

52 (4) The commissioner shall promulgate such rules and regulations
53 pertaining to the educational programs for deaf children placed in
54 facilities under the provisions of this section as he OR SHE shall deem
55 to be in the best interests of such children.

(5) The [state education] department shall maintain a register of such approved institutions or facilities which, after inspection, it deems qualified to meet the needs of such child for instruction of such child in such institution or facility. Such inspection shall also determine the eligibility of such educational facility to receive the funds hereinbefore specified.

S 55. Section 4204-b of the education law, as added by chapter 853 of the laws of 1976, is amended to read as follows:

S 4204-b. School district contribution. The school district of which any such child is resident at the time of admission or readmission to any of the institutions or facilities enumerated in section forty-two hundred one of this [chapter] ARTICLE shall be required to reimburse the state on account of any expenditure made by the state for any such child initially appointed by the commissioner to such institution or facility after June thirtieth, nineteen hundred seventy-seven AND ATTENDING SUCH FACILITY OR INSTITUTION IN THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN SCHOOL YEAR OR A PRIOR SCHOOL YEAR in an amount equal to the school district basic contribution defined in subdivision eight of section forty-four hundred one of this [chapter] TITLE. The state comptroller may deduct from any state funds which become due to a school district for each year in which such child was in attendance at such institution or facility an amount equal to the reimbursement required to be made by such school district in accordance with this section, and the amount so deducted shall not be included in the operating expense of such district for the purposes of computing the apportionment for operating expense aid pursuant to subdivision eleven of section thirty-six hundred two of this chapter.

S 56. Subdivision 1 of section 4207 of the education law, as amended by chapter 352 of the laws of 1958, is amended to read as follows:

1. Each blind pupil so received into any of the institutions specified in this article shall be provided with board, lodging and tuition; and the directors of the institution shall receive an appropriation for each pupil so provided for, in quarterly payments, to be paid by the commissioner of taxation and finance, on the warrant of the comptroller, to the treasurer of said institution; provided, however, that an estimated one-half of each such quarterly payment shall be due on the first day of each quarter, the estimate to be based on the affidavit of the chief executive officer of the institution stating the number of pupils for whom board, lodging and tuition was so provided by the institution during the preceding quarter and during the comparable quarter of the preceding year, and the remaining part of each such quarterly payment shall be due thereafter on the first day of the quarter next ensuing, upon the presentation by the treasurer of the institution of a bill showing the actual time and number of pupils attending the institution, which bill shall be signed by the chief executive officer of the institution, and verified by his oath. THE PROVISIONS OF THIS SUBDIVISION SHALL APPLY TO BOARD, LODGING AND TUITION FOR THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN AND PRIOR SCHOOL YEARS.

S 57. Paragraph d of subdivision 2 of section 4401 of the education law, as amended by chapter 53 of the laws of 1990, is amended to read as follows:

d. Appointment by the commissioner to a state school in accordance with article eighty-seven or eighty-eight of this [chapter or a state-supported school in accordance with article eighty-five of this chapter] TITLE.

1 S 58. Subdivision 6 of section 4402 of the education law, as amended
2 by section 34 of part A of chapter 57 of the laws of 2009, is amended to
3 read as follows:

4 6. Notwithstanding any other law, rule or regulation to the contrary,
5 the board of education of a city school district with a population of
6 one hundred twenty-five thousand or more inhabitants shall be permitted
7 to establish maximum class sizes for special classes for certain
8 students with disabilities in accordance with the provisions of this
9 subdivision. For the purpose of obtaining relief from any adverse fiscal
10 impact from under-utilization of special education resources due to low
11 student attendance in special education classes at the middle and
12 secondary level as determined by the commissioner, such boards of educa-
13 tion shall, during the school years nineteen hundred ninety-five--nine-
14 ty-six through June thirtieth, two thousand [ten] TWELVE of the [two
15 thousand nine--two thousand ten] TWO THOUSAND ELEVEN--TWO THOUSAND
16 TWELVE school year, be authorized to increase class sizes in special
17 classes containing students with disabilities whose age ranges are
18 equivalent to those of students in middle and secondary schools as
19 defined by the commissioner for purposes of this section by up to but
20 not to exceed one and two tenths times the applicable maximum class size
21 specified in regulations of the commissioner rounded up to the nearest
22 whole number, provided that in a city school district having a popu-
23 lation of one million or more, classes that have a maximum class size of
24 fifteen may be increased by no more than one student and provided that
25 the projected average class size shall not exceed the maximum specified
26 in the applicable regulation, provided that such authorization shall
27 terminate on June thirtieth, two thousand. Such authorization shall be
28 granted upon filing of a notice by such a board of education with the
29 commissioner stating the board's intention to increase such class sizes
30 and a certification that the board will conduct a study of attendance
31 problems at the secondary level and will implement a corrective action
32 plan to increase the rate of attendance of students in such classes to
33 at least the rate for students attending regular education classes in
34 secondary schools of the district. Such corrective action plan shall be
35 submitted for approval by the commissioner by a date during the school
36 year in which such board increases class sizes as provided pursuant to
37 this subdivision to be prescribed by the commissioner. Upon at least
38 thirty days notice to the board of education, after conclusion of the
39 school year in which such board increases class sizes as provided pursu-
40 ant to this subdivision, the commissioner shall be authorized to termi-
41 nate such authorization upon a finding that the board has failed to
42 develop or implement an approved corrective action plan.

43 S 59. Subdivision 17 of section 4403 of the education law, as amended
44 by chapter 53 of the laws of 1987, is amended to read as follows:

45 17. Commencing with the nineteen hundred eighty-seven--eighty-eight
46 school year, to provide for instruction during the months of July and
47 August of students with [handicapping conditions] DISABILITIES who have
48 received state appointments pursuant to article [eighty-five,] eighty-
49 seven or eighty-eight of this [chapter] TITLE and whose [handicapping
50 conditions] DISABILITIES, in the judgment of the commissioner, are
51 severe enough to exhibit the need for a structured learning environment
52 of twelve months duration to maintain developmental levels, by making
53 such appointments for twelve months; provided that the initial term of
54 appointment of a student with a [handicapping condition] DISABILITY who
55 is the minimum age eligible for such a state appointment shall not
56 commence during the months of July or August.

1 S 60. Section 4408 of the education law, as amended by chapter 82 of
2 the laws of 1995, subdivision 1 as amended by section 32 and subdivision
3 3 as amended by section 33 of part A-1 of chapter 58 of the laws of
4 2006, is amended to read as follows:

5 S 4408. Payment for July and August programs for students with disa-
6 bilities. 1. State aid. The commissioner shall make payments for
7 approved July and August programs for students with disabilities in
8 accordance with this section in an amount equal to [eighty percent of]
9 THE PRODUCT OF THE STATE PAYMENT, COMPUTED PURSUANT TO SUBDIVISION FIVE
10 OF THIS SECTION, AND the sum of the approved tuition and maintenance
11 rates and the transportation expense for the current year enrollment of
12 students with disabilities ages five through twenty-one or students
13 eligible for services during July and August pursuant to article [eight-
14 y-five,] eighty-seven or eighty-eight of this chapter, where such costs
15 are determined pursuant to section forty-four hundred five of this arti-
16 cle, provided that the placement of such students was approved by the
17 commissioner, if required. Such programs shall operate for six weeks and
18 shall be funded for thirty days of service, provided, however, that the
19 observance of the legal holiday for Independence day may constitute a
20 day of service. Upon certification by the school district in which the
21 student resides, that such services were provided, such payment shall be
22 made to the provider of such services, in accordance with the provisions
23 of subdivision three of this section.

24 2. Chargeback to a municipality. Ten percent of the approved cost of
25 July and August services provided pursuant to this section for each
26 student shall be a charge against the municipality in which the parent,
27 or person in parental relationship to such student, resided on July
28 first of the school year in which such services were provided. The comp-
29 troller shall deduct from any state funds which become due to a munici-
30 pality an amount equal to such ten percent required in accordance with
31 this subdivision which amount shall be credited to the local assistance
32 account of the state education department as designated by the division
33 of the budget.

34 3. Payment schedule. For aid payable in the [two thousand six--two
35 thousand seven] TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE school year AND
36 THEREAFTER, moneys appropriated annually to the department from the
37 general fund - local assistance account under the elementary, middle and
38 secondary education program for July and August programs for students
39 with disabilities, shall be used as follows: (i) for remaining base year
40 and prior school years obligations, PROVIDED THAT STATE AID PAYMENTS DUE
41 FOR SUCH PRIOR SCHOOL YEARS SHALL BE PAID WITHIN THE LIMIT OF THE APPRO-
42 PRIATION DESIGNATED FOR SUCH PURPOSE, AND PROVIDED FURTHER THAT EACH
43 ELIGIBLE CLAIM SHALL BE PAYABLE IN THE ORDER THAT IT HAS BEEN APPROVED
44 FOR PAYMENT BY THE COMMISSIONER, BUT IN NO CASE SHALL A SINGLE CLAIM
45 DRAW DOWN MORE THAN FORTY-FIVE PERCENT OF THE APPROPRIATION SO DESIG-
46 NATED FOR A SINGLE YEAR, AND PROVIDED FURTHER THAT NO CLAIM SHALL BE SET
47 ASIDE FOR INSUFFICIENCY OF FUNDS TO MAKE A COMPLETE PAYMENT, BUT SHALL
48 BE ELIGIBLE FOR A PARTIAL PAYMENT IN ONE YEAR AND SHALL RETAIN ITS
49 PRIORITY DATE STATUS FOR APPROPRIATIONS DESIGNATED FOR SUCH PURPOSES IN
50 FUTURE YEARS, (ii) for the purposes of subdivision four of this section
51 for schools operated under articles eighty-seven and eighty-eight of
52 this chapter, OR ANY OTHER PURPOSE OF SUCH APPROPRIATION EXCEPT AS
53 DESIGNATED IN PARAGRAPH (I) OF THIS SUBDIVISION AND THIS PARAGRAPH and
54 (iii) notwithstanding any inconsistent provisions of this chapter, for
55 payments made pursuant to this section for current school year obli-
56 gations WITHIN THE LIMIT OF THE AMOUNT OF THE APPROPRIATION DESIGNATED

1 FOR SUCH PURPOSE THAT REMAINS AFTER PAYMENT OF CLAIMS PURSUANT TO PARA-
2 GRAPHS (I) AND (II) OF THIS SUBDIVISION, provided, however, that such
3 payments shall not exceed seventy percent of the state aid due for the
4 sum of the approved tuition and maintenance rates and transportation
5 expense provided for herein; provided, however, that payment of eligible
6 claims shall be payable in the order that such claims have been approved
7 for payment by the commissioner, but in no case shall a single payee
8 draw down more than forty-five percent of the appropriation provided for
9 the purposes of this section, and provided further that no claim shall
10 be set aside for insufficiency of funds to make a complete payment, but
11 shall be eligible for a partial payment in one year and shall retain its
12 priority date status for appropriations provided for this section in
13 future years.

14 4. Of the amount so appropriated to the department for the July and
15 August programs for schools operated under articles eighty-seven and
16 eighty-eight of this chapter, an amount shall be transferred to the
17 special revenue funds - other, Batavia school for the blind and Rome
18 school for the deaf accounts, pursuant to a plan to be developed by the
19 commissioner and approved by the director of the budget for students
20 with disabilities attending July and August programs pursuant to this
21 section at such schools pursuant to such articles. Such amount shall be
22 determined by the tuition and maintenance rates and the total number of
23 students with disabilities approved by the commissioner for placement
24 for the July and August program. The commissioner shall establish the
25 methodology for computation of such tuition and maintenance rates for
26 each school which shall take into account all pertinent expenditures
27 including administration, direct care staff, nondirect care staff and
28 other than personal service costs.

29 5. State [share] PAYMENT. A. FOR SCHOOL YEARS COMMENCING PRIOR TO
30 JULY FIRST, TWO THOUSAND ELEVEN, THE STATE PAYMENT SHALL BE EIGHTY
31 PERCENT OF THE SUM OF SUCH APPROVED TUITION AND MAINTENANCE RATES AND
32 TRANSPORTATION EXPENSE.

33 B. FOR SCHOOL YEARS COMMENCING ON OR AFTER JULY FIRST, TWO THOUSAND
34 ELEVEN, THE STATE PAYMENT SHALL BE EQUAL TO THE STATE SHARING RATIO FOR
35 TOTAL FOUNDATION AID COMPUTED PURSUANT TO PARAGRAPH G OF SUBDIVISION
36 THREE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS CHAPTER PLUS TEN
37 PERCENT, BUT SHALL NOT BE LESS THAN TWENTY PERCENT NOR MORE THAN NINETY
38 PERCENT.

39 C. NOTHING IN THIS SUBDIVISION SHALL BE CONSTRUED TO ALTER THE CHARGE-
40 BACK TO A MUNICIPALITY REQUIRED PURSUANT TO SUBDIVISION TWO OF THIS
41 SECTION.

42 6. MEDICAID ADJUSTMENT. In accordance with the provisions of subpara-
43 graph four of paragraph b of subdivision one of section thirty-six
44 hundred nine-a of this chapter FOR SERVICES PROVIDED DURING THE TWO
45 THOUSAND EIGHT--TWO THOUSAND NINE AND PRIOR SCHOOL YEARS, any moneys due
46 the school district shall be reduced by an amount equal to fifty percent
47 of any federal participation, pursuant to title XIX of the social secu-
48 rity act, in special education programs provided pursuant to this
49 section. FOR SERVICES PROVIDED DURING THE TWO THOUSAND NINE--TWO THOU-
50 SAND TEN SCHOOL YEAR AND THEREAFTER, OR FOR SERVICES PROVIDED IN A PRIOR
51 SCHOOL YEAR THAT WERE NOT REIMBURSED BY THE STATE ON OR BEFORE APRIL
52 FIRST, TWO THOUSAND ELEVEN, SUCH STATE SHARE SHALL BE DESIGNATED AND
53 TRANSFERRED PURSUANT TO SECTION THIRTY-SIX HUNDRED NINE-B OF THIS CHAP-
54 TER.

55 [6.] 7. Notwithstanding any other provision of law to the contrary, no
56 payments shall be made by the commissioner pursuant to this section on

1 or after July first, nineteen hundred ninety-six based on a claim
2 submitted later than three years after the end of the school year in
3 which services were rendered, provided however that no payment shall be
4 barred or reduced where such payment is required as a result of a court
5 order or judgment or a final audit.

6 S 61. Intentionally omitted.

7 S 62. Paragraphs a and d of subdivision 1 of section 4410-b of the
8 education law, as added by chapter 6 of the laws of 2000, are amended to
9 read as follows:

10 a. "Approved preschool special education program" shall mean a public
11 or private agency which has been approved by the commissioner as a
12 provider of special education programs or services to preschool students
13 with disabilities pursuant to subdivision nine of section forty-four
14 hundred ten of this article or A DEAF-INFANT PROGRAM PROVIDED pursuant
15 to article eighty-five of this chapter.

16 d. "Public or private agency" shall mean an approved preschool special
17 education program, or [a state-supported] AN APPROVED PRIVATE school
18 [operating pursuant to article eighty-five] LISTED IN SUBDIVISION ONE OF
19 SECTION FORTY-TWO HUNDRED ONE of this chapter THAT PROVIDES A DEAF-IN-
20 FANT PROGRAM, or an approved private non-residential or residential
21 school that provides special services or programs pursuant to subdivi-
22 sion two of section forty-four hundred one of this article. Such term
23 shall not include an individual providing related services only to
24 preschool students with disabilities pursuant to section forty-four
25 hundred ten of this article. Such term shall include a board of cooper-
26 ative educational services only to the extent it is an approved
27 preschool special education program, and only for those students
28 provided special education programs or services pursuant to section
29 forty-four hundred ten of this article.

30 S 63. Clause (b) of subparagraph (iii) of paragraph b of subdivision
31 11 of section 4410 of the education law, as amended by chapter 205 of
32 the laws of 2009, is amended to read as follows:

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

1 S 64. Subparagraph 4 of paragraph b of subdivision 4 of section 92-c
2 of the state finance law, as amended by section 46 of part B of chapter
3 57 of the laws of 2007, is amended to read as follows:

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

9
$$\text{Base Grant} \times (1 + \text{aid ratio})$$

10 Where, the base grant shall equal the sum of the net total available
11 moneys after making payments pursuant to subparagraphs (1), (2), (2-a)
12 and (3) above, plus an amount from the general support for public
13 schools-- general fund local assistance account equal to the June
14 lottery payment, divided by the total aidable FOUNDATION pupil units of
15 the state and where the Aid Ratio is equal to one minus the pupil wealth
16 ratio of the district as such term is defined in section thirty-six
17 hundred two of the education law. In no case shall a school district aid
18 ratio exceed one (1) or be less than minus one (-1).

19 S 65. Subdivision b of section 2 of chapter 756 of the laws of 1992,
20 relating to funding a program for work force education conducted by the
21 consortium for worker education in New York city, as amended by section
22 41 of part A of chapter 57 of the laws of 2009, is amended to read as
23 follows:

24 b. Reimbursement for programs approved in accordance with subdivision
25 a of this section [for the 2006-07 school year shall not exceed 64.7
26 percent of the lesser of such approvable costs per contact hour or nine
27 dollars and twenty-five cents per contact hour where a contact hour
28 represents sixty minutes of instruction services provided to an eligible
29 adult, reimbursement for the 2007-08 school year shall not exceed 63.3
30 percent of the lesser of such approvable costs per contact hour or nine
31 dollars and ninety cents per contact hour where a contact hour repres-
32 ents sixty minutes of instruction services provided to an eligible
33 adult], reimbursement for the 2008-09 school year shall not exceed 62.8
34 percent of the lesser of such approvable costs per contact hour or ten
35 dollars and sixty-five cents per contact hour [where a contact hour
36 represents sixty minutes of instruction services provided to an eligible
37 adult and], reimbursement for the 2009-10 school year shall not exceed
38 64.1 percent of the lesser of such approvable costs per contact hour or
39 eleven dollars and fifty cents per contact hour [where a contact hour
40 represents sixty minutes of instruction services provided to an eligible
41 adult], REIMBURSEMENT FOR THE 2010-11 SCHOOL YEAR SHALL NOT EXCEED 62.6
42 PERCENT OF THE LESSER OF SUCH APPROVABLE COSTS PER CONTACT HOUR OR
43 TWELVE DOLLARS AND FIVE CENTS PER CONTACT HOUR AND REIMBURSEMENT FOR THE
44 2011-12 SCHOOL YEAR SHALL NOT EXCEED 62.9 PERCENT OF THE LESSER OF SUCH
45 APPROVABLE COSTS PER CONTACT HOUR OR TWELVE DOLLARS AND TWENTY-FIVE
46 CENTS PER CONTACT HOUR, WHERE A CONTACT HOUR REPRESENTS SIXTY MINUTES OF
47 INSTRUCTION SERVICES PROVIDED TO AN ELIGIBLE ADULT. Notwithstanding any
48 other provision of law to the contrary, [for the 2006-07 school year
49 such contact hours shall not exceed one million nine hundred twenty-
50 three thousand seventy-six (1,923,076) hours; whereas for the 2007-08
51 school year such contact hours shall not exceed one million eight
52 hundred thirty-seven thousand sixty (1,837,060) hours; whereas] for the
53 2008-09 school year such contact hours shall not exceed one million nine
54 hundred forty-six thousand one hundred seven (1,946,107) hours; whereas

1 for the 2009-10 school year such contact hours shall not exceed one
2 million seven hundred sixty-three thousand nine hundred seven
3 (1,763,907) hours; WHEREAS FOR THE 2010-11 SCHOOL YEAR SUCH CONTACT
4 HOURS SHALL NOT EXCEED ONE MILLION FIVE HUNDRED TWENTY-FIVE THOUSAND ONE
5 HUNDRED NINETY-EIGHT (1,525,198) HOURS; WHEREAS FOR THE 2011-12 SCHOOL
6 YEAR SUCH CONTACT HOURS SHALL NOT EXCEED ONE MILLION FOUR HUNDRED NINE-
7 TY-THREE THOUSAND FIVE HUNDRED SIX (1,493,506) HOURS.

8 Notwithstanding any other provision of law to the contrary, the appor-
9 tionment calculated for the city school district of the city of New York
10 pursuant to subdivision 11 of section 3602 of the education law shall be
11 computed as if such contact hours provided by the consortium for worker
12 education, not to exceed the contact hours set forth herein, were eligi-
13 ble for aid in accordance with the provisions of such subdivision 11 of
14 section 3602 of the education law.

15 S 66. Section 4 of chapter 756 of the laws of 1992, relating to fund-
16 ing a program for work force education conducted by the consortium for
17 worker education in New York city, is amended by adding a new subdivi-
18 sion p to read as follows:

19 P. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY AFTER THE
20 COMPLETION OF PAYMENTS FOR THE 2011-2012 SCHOOL YEAR. NOTWITHSTANDING
21 ANY INCONSISTENT PROVISIONS OF LAW, THE COMMISSIONER OF EDUCATION SHALL
22 WITHHOLD A PORTION OF EMPLOYMENT PREPARATION EDUCATION AID DUE TO THE
23 CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK TO SUPPORT A PORTION OF THE
24 COSTS OF THE WORK FORCE EDUCATION PROGRAM. SUCH MONEYS SHALL BE CREDITED
25 TO THE ELEMENTARY AND SECONDARY EDUCATION FUND-LOCAL ASSISTANCE ACCOUNT
26 AND SHALL NOT EXCEED ELEVEN MILLION FIVE HUNDRED THOUSAND DOLLARS
27 (\$11,500,000).

28 S 67. Section 6 of chapter 756 of the laws of 1992, relating to fund-
29 ing a program for work force education conducted by the consortium for
30 worker education in New York city, as amended by section 43 of part A of
31 chapter 57 of the laws of 2009, is amended to read as follows:

32 S 6. This act shall take effect July 1, 1992, and shall be deemed
33 repealed on June 30, [2010] 2012.

34 S 68. Subdivision 1 of section 167 of chapter 169 of the laws of 1994
35 relating to certain provisions related to the 1994-95 state operations,
36 aid to localities, capital projects and debt service budgets, as amended
37 by section 44 of part A of chapter 57 of the laws of 2009, is amended to
38 read as follows:

39 1. Sections one through seventy of this act shall be deemed to have
40 been in full force and effect as of April 1, 1994 provided, however,
41 that sections one, two, twenty-four, twenty-five and twenty-seven
42 through seventy of this act shall expire and be deemed repealed on March
43 31, 2000; provided, however, that section twenty of this act shall apply
44 only to hearings commenced prior to September 1, 1994, and provided
45 further that section twenty-six of this act shall expire and be deemed
46 repealed on March 31, 1997; and provided further that sections four
47 through fourteen, sixteen, and eighteen, nineteen and twenty-one through
48 twenty-one-a of this act shall expire and be deemed repealed on March
49 31, 1997; and provided further that sections three, fifteen, seventeen,
50 twenty[,] AND twenty-two [and twenty-three] of this act shall expire and
51 be deemed repealed on March 31, [2011] 2013.

52 S 69. Subdivisions 22 and 24 of section 140 of chapter 82 of the laws
53 of 1995, amending the education law and certain other laws relating to
54 state aid to school districts and the appropriation of funds for the
55 support of government, as amended by section 45 of part A of chapter 57
56 of the laws of 2009, 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, [2010] 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, [2010] 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 661 of the laws of 2005, 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, 2011].

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

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

S 72. Section 12 of chapter 147 of the laws of 2001, amending the education law relating to conditional appointment of school district, charter school or BOCES employees, as amended by chapter 179 of the laws of 2009, is amended to read as follows:

S 12. This act shall take effect on the same date as chapter 180 of the laws of 2000 takes effect, and shall expire July 1, [2010] 2012 when upon such date the provisions of this act shall be deemed repealed.

S 73. Section 4 of 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, as amended by chapter 158 of the laws of 2009, is amended to read as follows:

S 4. This act shall take effect July 1, 2002 and shall expire and be deemed repealed June 30, [2010] 2012.

S 74. Section 5 of chapter 101 of the laws of 2003, amending the education law relating to implementation of the No Child Left Behind Act of 2001, as amended by chapter 158 of the laws of 2009, is amended to read as follows:

S 5. This act shall take effect immediately; provided that sections one, two and three of this act shall expire and be deemed repealed on June 30, [2010] 2012.

S 75. Intentionally omitted.

S 76. Section 23 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, is REPEALED.

S 77. Section 1 of chapter 665 of the laws of 1963, relating to the Human Resources School, as amended by chapter 1060 of the laws of 1974 and subdivision f as added by chapter 235 of the laws of 1990, is amended to read as follows:

Section 1. a. Whereas the state of New York is committed to the development of educational programs for all of its pupils and the promotion

1 and development of EDUCATIONAL programs for [physically handicapped]
2 children WITH PHYSICAL DISABILITIES in public school classes so that
3 they may benefit from the many advantages inherent in group instruction.

4 In the fulfillment of this commitment and notwithstanding any incon-
5 sistent provision of law, the legislature does hereby, through the
6 facility known as the [Human Resources] HENRY VISCARDI school, provide
7 for the instruction of [severely physically handicapped] children WITH
8 SEVERE PHYSICAL DISABILITIES who prior to admission to such school have
9 been receiving home-instruction, attending out-of-state schools or have
10 been exempted from school because their disability or combination of
11 disabilities is such to make them ineligible for or unable to receive
12 instruction in regular schools.

13 b. The [Human Resources] HENRY VISCARDI school shall be [the subject
14 of visitation of the commissioner of education to the same extent as
15 prescribed for those schools] AN APPROVED PRIVATE SCHOOL PURSUANT TO
16 ARTICLE 89 OF THE EDUCATION LAW AS set forth in section [forty-two
17 hundred one] 4201 of the education law [and the commissioner of educa-
18 tion shall have the same duties toward the Human Resources school as
19 prescribed in sections forty-two hundred one and forty-two hundred two
20 of the education law].

21 c. Each such severely physically [handicapped] DISABLED child received
22 into the [Human Resources] HENRY VISCARDI school shall, IN THE TWO THOU-
23 SAND TEN--TWO THOUSAND ELEVEN AND PRIOR SCHOOL YEARS, be provided with
24 tuition and the directors or trustees of said [Human Resources] HENRY
25 VISCARDI school shall receive an appropriation for each pupil so
26 provided for, to the same extent as that provided for the schools for
27 the deaf and blind as enumerated in section [forty-two hundred one] 4201
28 of the education law and in the same manner as set forth in section
29 forty-two hundred four of the education law except that in the case of
30 [Human Resources] THE HENRY VISCARDI school no payment for board or
31 lodging shall be provided.

32 [The commissioner is authorized to transfer any funds appropriated by
33 the legislature for the Human Resources school to those funds appropri-
34 ated for those schools enumerated in section forty-two hundred one of
35 the education law. Thereafter, the commissioner shall include the
36 expenses anticipated for the support of such severely physically hand-
37 icapped students attending the Human Resources school in the budget
38 estimates, submissions and appropriations made pursuant to section
39 forty-two hundred four of the education law.]

40 d. The eligibility requirements for pupils attending the [Human
41 Resources] HENRY VISCARDI school shall extend to all severely physically
42 [handicapped] DISABLED children [who meet the residence and age require-
43 ments, subject to the waiver by the commissioner as set forth in section
44 forty-two hundred three of the education law] AND OTHER STUDENTS WITH
45 DISABILITIES LAWFULLY ATTENDING PROGRAMS OFFERED BY SUCH SCHOOL AND
46 APPROVED BY THE COMMISSIONER OF EDUCATION.

47 e. [The term of instruction for pupils in the Human Resources school
48 shall be the same as that set forth in subdivision two of section
49 forty-two hundred four of the education law.

50 f.] In the event that the name "Human Resources School" as set forth
51 herein is changed, the provisions hereof shall apply to such school as
52 renamed.

53 S 78. Subdivision 2 of section 1676 of the public authorities law is
54 amended by adding a new undesignated paragraph to read as follows:

55 APPROVED PRIVATE NON-PROFIT SCHOOLS FOR THE DEAF AND BLIND OR OTHER
56 STUDENTS WITH DISABILITIES AS LISTED IN SUBDIVISION ONE OF SECTION

1 FORTY-TWO HUNDRED ONE OF THE EDUCATION LAW WHICH IS APPROVED BY THE
2 COMMISSIONER OF EDUCATION TO PROVIDE SERVICES TO SUCH STUDENTS PURSUANT
3 TO ARTICLE EIGHTY-NINE OF THE EDUCATION LAW.

4 S 79. Subdivision 1 of section 1680 of the public authorities law is
5 amended by adding a new undesignated paragraph to read as follows:

6 APPROVED PRIVATE NON-PROFIT SCHOOLS FOR THE DEAF AND BLIND OR OTHER
7 STUDENTS WITH DISABILITIES AS LISTED IN SUBDIVISION ONE OF SECTION
8 FORTY-TWO HUNDRED ONE OF THE EDUCATION LAW WHICH IS APPROVED BY THE
9 COMMISSIONER OF EDUCATION TO PROVIDE SERVICES TO SUCH STUDENTS PURSUANT
10 TO ARTICLE EIGHTY-NINE OF THE EDUCATION LAW.

11 S 80. Section 1680 of the public authorities law is amended by adding
12 a new subdivision 41 to read as follows:

13 41. A. THE DORMITORY AUTHORITY MAY ENTER INTO LEASES, SUBLEASES OR
14 OTHER AGREEMENTS WITH APPROVED PRIVATE NON-PROFIT SCHOOLS, AS DEFINED IN
15 THIS SUBDIVISION, FOR THE FINANCING OF AND THE DESIGN, CONSTRUCTION,
16 RECONSTRUCTION, REHABILITATION, IMPROVEMENT, RENOVATION, ACQUISITION OR
17 OTHERWISE PROVIDING FOR, FURNISHING OR EQUIPPING OF CAPITAL FACILITIES
18 WHICH ARE EDUCATIONAL FACILITIES WHERE THE TOTAL ESTIMATED COST OF SUCH
19 FACILITIES EXCEEDS TEN THOUSAND DOLLARS. THE PLANS AND SPECIFICATIONS OF
20 SUCH CAPITAL FACILITIES SHALL BE SUBJECT TO THE APPROVAL OF THE COMMIS-
21 SIONER OF EDUCATION WITH RESPECT TO EDUCATIONAL FACILITIES. SUCH CAPITAL
22 FACILITIES MAY BE CONSTRUCTED ONLY ON LAND OWNED BY SUCH PRIVATE
23 NOT-FOR-PROFIT SCHOOL OR, IF THE LAND IS LEASED, WHERE THE LEASE IS FOR
24 A PERIOD AT LEAST EQUAL TO THE APPROPRIATE PERIOD OF PROBABLE USEFULNESS
25 FOR SUCH FACILITIES AS LISTED IN SECTION 11.00 OF THE LOCAL FINANCE LAW,
26 OR THE LENGTH OF THE LEASE, SUBLEASE OR OTHER AGREEMENT WITH THE DORMI-
27 TORY AUTHORITY, WHICHEVER IS LONGER.

28 B. FOR PURPOSES OF THIS SUBDIVISION, AN "APPROVED PRIVATE NON-PROFIT
29 SCHOOL" MEANS AN APPROVED PRIVATE SCHOOL FOR THE INSTRUCTION OF THE DEAF
30 AND BLIND AND OTHER STUDENTS WITH DISABILITIES LISTED IN SUBDIVISION ONE
31 OF SECTION FORTY-TWO HUNDRED ONE OF THE EDUCATION LAW WHICH IS APPROVED
32 BY THE COMMISSIONER OF EDUCATION TO PROVIDE SERVICES TO SUCH STUDENTS
33 PURSUANT TO ARTICLE EIGHTY-NINE OF THE EDUCATION LAW.

34 C. EACH SUCH PRIVATE NON-PROFIT SCHOOL SHALL, NOTWITHSTANDING ANY
35 OTHER PROVISION OF LAW, HAVE THE POWER TO CONVEY, LEASE, SUBLEASE OR
36 OTHERWISE MAKE AVAILABLE TO THE DORMITORY AUTHORITY WITHOUT CONSIDER-
37 ATION, TITLE OR ANY OTHER RIGHTS IN REAL PROPERTY SATISFACTORY TO THE
38 DORMITORY AUTHORITY.

39 D. IN ADDITION TO PROVIDING FOR ALL OTHER MATTERS DEEMED NECESSARY AND
40 PROPER, SUCH LEASES, SUBLEASES AND OTHER AGREEMENTS SHALL (1) REQUIRE
41 SUCH PRIVATE NON-PROFIT SCHOOL TO PAY TO THE DORMITORY AUTHORITY ANNUAL
42 RENTALS WHICH SHALL INCLUDE THE AMOUNT REQUIRED TO PAY THE PRINCIPAL OF
43 AND INTEREST ON OBLIGATIONS OF THE DORMITORY AUTHORITY ISSUED IN
44 RELATION TO PROVIDING SUCH FACILITIES AND ALL INCIDENTAL EXPENSES OF THE
45 DORMITORY AUTHORITY INCURRED IN RELATION THERETO, (2) REQUIRE THE
46 PRIVATE NON-PROFIT SCHOOL TO INCLUDE AN AMOUNT SUFFICIENT TO MEET ITS
47 OBLIGATIONS UNDER THE LEASE, SUBLEASE OR OTHER AGREEMENT IN EACH
48 PROPOSED BUDGET SUBMITTED DURING THE TERM OF THE LEASE, SUBLEASE OR
49 OTHER AGREEMENT, AND (3) NOT BE EXECUTED UNTIL SUCH CAPITAL FACILITIES
50 ARE APPROVED BY THE COMMISSIONER OF EDUCATION WITH RESPECT TO EDUCA-
51 TIONAL FACILITIES.

52 E. TITLE OR OTHER REAL PROPERTY RIGHTS TO THE CAPITAL FACILITIES
53 FINANCED PURSUANT TO THIS SECTION SHALL REMAIN WITH THE DORMITORY
54 AUTHORITY UNTIL THE DORMITORY AUTHORITY CERTIFIES TO THE COMMISSIONER OF
55 EDUCATION WITH RESPECT TO EDUCATIONAL FACILITIES AND THE COMPTROLLER THE
56 RECEIPT BY IT OF THE AMOUNT NECESSARY TO PAY THE TOTAL AGGREGATE AMOUNT

1 OF ANNUAL RENTALS TO THE DORMITORY AUTHORITY. AT SUCH TIME, TITLE OR
2 OTHER REAL PROPERTY RIGHTS THERETO SHALL BE TRANSFERRED BY THE DORMITORY
3 AUTHORITY TO SUCH PRIVATE NON-PROFIT SCHOOL FOR USE FOR EDUCATIONAL
4 PURPOSES. IN ORDER TO AVAIL ITSELF OF THE PROVISIONS OF THIS SECTION,
5 EACH SUCH PRIVATE NON-PROFIT SCHOOL MUST ALSO AGREE TO CONTINUE TO OPER-
6 ATE A PROGRAM FOR THE EDUCATION OF CHILDREN PURSUANT TO CONTRACT WITH
7 PUBLIC SCHOOL DISTRICTS OR SOCIAL SERVICES DISTRICTS, AND SUCH LEASE,
8 SUBLEASE OR OTHER AGREEMENT WITH THE DORMITORY AUTHORITY SHALL PROVIDE
9 THAT, IF THE PRIVATE NON-PROFIT SCHOOL SHALL CEASE TO OPERATE SUCH A
10 PROGRAM AT ANY TIME DURING THE TERM OF THE AGREEMENT, THE STATE WILL
11 HAVE THE OPTION TO TAKE SUCH TITLE OR OTHER REAL PROPERTY RIGHTS OF THE
12 DORMITORY AUTHORITY IN LAND, BUILDINGS, EQUIPMENT AND OTHER PROPERTIES
13 WHICH THE PRIVATE NON-PROFIT SCHOOL USES FOR ITS PROGRAM UPON, SUBJECT
14 TO APPROPRIATIONS, PAYMENT BY THE STATE TO THE DORMITORY AUTHORITY OF
15 THE AMOUNT REQUIRED TO PAY THE TOTAL AGGREGATE AMOUNT OF ANNUAL RENTALS
16 TO THE DORMITORY AUTHORITY.

17 F. ON OR BEFORE NOVEMBER FIFTEENTH OF EACH YEAR, THE DORMITORY AUTHOR-
18 ITY SHALL SUBMIT, AND THEREAFTER MAY RESUBMIT, TO THE DIRECTOR OF THE
19 BUDGET, THE STATE COMPTROLLER, THE CHAIRMAN OF THE SENATE FINANCE
20 COMMITTEE AND THE CHAIRMAN OF THE ASSEMBLY WAYS AND MEANS COMMITTEE A
21 REPORT SETTING FORTH THE AMOUNTS, IF ANY, OF ALL ANNUAL RENTALS ESTI-
22 MATED TO BECOME DUE IN THE SUCCEEDING STATE FISCAL YEAR TO THE DORMITORY
23 AUTHORITY FROM THE PRIVATE NON-PROFIT SCHOOL PURSUANT TO ANY LEASES,
24 SUBLEASES OR OTHER AGREEMENTS BETWEEN THE DORMITORY AUTHORITY AND SUCH
25 PRIVATE NON-PROFIT SCHOOL TO PROVIDE EDUCATIONAL FACILITIES FOR SUCH
26 PRIVATE NON-PROFIT SCHOOL. THE STATE COMPTROLLER SHALL PAY OVER TO THE
27 DORMITORY AUTHORITY PURSUANT TO APPROPRIATIONS THEREFOR SOLELY FROM
28 MONEYS AVAILABLE IN THE PRIVATE NON-PROFIT SCHOOL CAPITAL FACILITIES
29 FINANCING RESERVE FUND THE AMOUNT SET FORTH IN SUCH REPORT AT THE TIMES
30 AND IN THE AMOUNTS SET FORTH IN THE CERTIFICATE FILED WITH THE COMP-
31 TROLLER BY THE DORMITORY AUTHORITY PURSUANT TO CLAUSE (IV) OF SUBPARA-
32 GRAPH TWO OF PARAGRAPH G OF THIS SUBDIVISION.

33 G. METHOD OF PAYMENT; RESERVE FUND. (1) EACH PRIVATE NON-PROFIT SCHOOL
34 WHICH ELECTS TO AVAIL ITSELF OF THE PROVISIONS OF THIS SECTION SHALL
35 HAVE ESTABLISHED WITH THE STATE COMPTROLLER A PRIVATE NON-PROFIT SCHOOL
36 CAPITAL FACILITIES FINANCING RESERVE ACCOUNT WHICH SHALL BE USED TO PAY
37 TO THE DORMITORY AUTHORITY THE ANNUAL RENTALS PAYABLE TO THE DORMITORY
38 AUTHORITY BY PRIVATE NON-PROFIT SCHOOLS WHICH HAVE ENTERED INTO LEASES,
39 SUBLEASES OR OTHER AGREEMENTS WITH THE DORMITORY AUTHORITY TO PROVIDE
40 EDUCATIONAL FACILITIES PURSUANT TO THE PROVISIONS OF THIS SECTION. THE
41 DORMITORY AUTHORITY SHALL IDENTIFY TO THE STATE COMPTROLLER AND TO THE
42 COMMISSIONER OF EDUCATION WITH RESPECT TO EDUCATIONAL FACILITIES, THE
43 PRIVATE NON-PROFIT SCHOOLS WITH WHICH IT HAS LEASES, SUBLEASES OR OTHER
44 AGREEMENTS PURSUANT TO THIS SECTION AND SHALL ANNUALLY CERTIFY THE
45 AMOUNT OF ANNUAL RENTALS REQUIRED TO BE PAID PURSUANT TO SUCH LEASES,
46 SUBLEASES OR OTHER AGREEMENTS.

47 (2) (I) THERE IS HEREBY ESTABLISHED IN THE CUSTODY OF THE STATE COMP-
48 TROLLER A SPECIAL FUND TO BE KNOWN AS THE PRIVATE NON-PROFIT SCHOOL
49 CAPITAL FACILITIES FINANCING RESERVE FUND. WITHIN SUCH FUND, THERE IS
50 HEREBY ESTABLISHED A SPECIAL ACCOUNT FOR EACH PRIVATE NON-PROFIT SCHOOL
51 WHICH ENTERS INTO A LEASE, SUBLEASE OR OTHER AGREEMENT WITH THE DORMITO-
52 RY AUTHORITY PURSUANT TO THIS SECTION.

53 (II) NOTWITHSTANDING THE PROVISIONS OF ANY OTHER LAW, SUCH FUND SHALL
54 CONSIST OF PART OF THE TUITION PAYMENTS FROM PUBLIC SCHOOL DISTRICTS AND
55 SOCIAL SERVICES DISTRICTS AS DETERMINED BY THE COMMISSIONER OF EDUCA-
56 TION. THE COMPTROLLER SHALL MAINTAIN SUFFICIENT AMOUNTS IN THE FUND IN

1 ORDER TO PAY WHEN DUE THE ANNUAL RENTALS DUE TO THE DORMITORY AUTHORITY
2 FROM EACH SUCH PRIVATE NON-PROFIT SCHOOL PURSUANT TO ANY LEASE, SUBLEASE
3 OR OTHER AGREEMENT ENTERED INTO PURSUANT TO THE PROVISIONS OF THIS
4 SECTION. THE DORMITORY AUTHORITY SHALL CERTIFY TO THE STATE COMPTROLLER
5 THE DATES AND AMOUNT OF SUCH ANNUAL PAYMENTS AS SCHEDULED IN ITS LEASES,
6 SUBLEASES OR OTHER AGREEMENTS WITH SUCH PRIVATE NON-PROFIT SCHOOLS. THE
7 COMMISSIONER OF EDUCATION WITH RESPECT TO EDUCATIONAL FACILITIES SHALL
8 CERTIFY THE AMOUNT OF PAYMENTS DUE THE FUND FROM PUBLIC SCHOOL DISTRICTS
9 AND SOCIAL SERVICES DISTRICTS, RESPECTIVELY AND SUCH PUBLIC SCHOOL
10 DISTRICTS AND SOCIAL SERVICES DISTRICTS SHALL MAKE SUCH PAYMENTS TO THE
11 FUND AT SUCH TIMES AS SHALL BE PRESCRIBED BY THE COMMISSIONER WITH
12 RESPECT TO EDUCATIONAL FACILITIES, SUBJECT TO THE APPROVAL OF THE DIREC-
13 TOR OF THE BUDGET, AND AFTER CONSULTATION WITH THE DORMITORY AUTHORITY.

14 (III) REVENUES IN ANY SPECIAL ACCOUNT IN THE PRIVATE NON-PROFIT SCHOOL
15 CAPITAL FACILITIES FINANCING RESERVE FUND MAY BE COMMINGLED WITH ANY
16 OTHER MONIES IN SUCH FUND. ALL DEPOSITS OF SUCH REVENUES WITH BANKS AND
17 TRUST COMPANIES SHALL BE SECURED BY OBLIGATIONS OF THE UNITED STATES OR
18 OF THE STATE OF NEW YORK OR ITS POLITICAL SUBDIVISIONS. SUCH OBLIGATIONS
19 SHALL HAVE A MARKET VALUE AT LEAST EQUAL AT ALL TIMES TO, BUT NOT LESS
20 THAN, ONE HUNDRED FIVE PERCENT OF THE AMOUNT OF SUCH DEPOSITS. ALL BANKS
21 AND TRUST COMPANIES ARE AUTHORIZED TO GIVE SECURITY FOR SUCH DEPOSITS.
22 ANY SUCH REVENUES IN SUCH FUND MAY, IN THE DISCRETION OF THE COMP-
23 TROLLER, BE INVESTED IN OBLIGATIONS OF THE UNITED STATES OR THE STATE OR
24 OBLIGATIONS THE PRINCIPAL OF AND INTEREST ON WHICH ARE GUARANTEED BY THE
25 UNITED STATES OR BY THE STATE. ANY INTEREST EARNED SHALL BE CREDITED TO
26 SUCH FUND.

27 (IV) UPON RECEIPT BY THE COMPTROLLER OF A CERTIFICATE OR CERTIFICATES
28 FROM THE DORMITORY AUTHORITY THAT IT REQUIRES A PAYMENT OR PAYMENTS FROM
29 THE APPROPRIATE SPECIAL ACCOUNT ESTABLISHED FOR A PRIVATE NON-PROFIT
30 SCHOOL IN ORDER FOR SUCH PRIVATE NON-PROFIT SCHOOL TO COMPLY WITH ANY
31 LEASE, SUBLEASE OR OTHER AGREEMENT PURSUANT TO THIS SECTION, EACH OF
32 WHICH CERTIFICATES SHALL SPECIFY THE REQUIRED PAYMENT OR PAYMENTS AND
33 THE DATE WHEN THE PAYMENT OR PAYMENTS IS REQUIRED, THE COMPTROLLER SHALL
34 PAY FROM SUCH SPECIAL ACCOUNT ON OR BEFORE THE SPECIFIED DATE OR WITHIN
35 THIRTY DAYS AFTER RECEIPT OF SUCH CERTIFICATE OR CERTIFICATES, WHICHEVER
36 IS LATER, TO THE PAYING AGENT DESIGNATED BY THE DORMITORY AUTHORITY IN
37 ANY SUCH CERTIFICATE, THE AMOUNT OR AMOUNTS SO CERTIFIED.

38 (V) ALL PAYMENTS OF MONEY FROM THE PRIVATE NON-PROFIT SCHOOL CAPITAL
39 FACILITIES FINANCING RESERVE FUND SHALL BE MADE ON THE AUDIT AND WARRANT
40 OF THE STATE COMPTROLLER.

41 H. NOTWITHSTANDING THE PROVISIONS OF ANY CONTRACT PURSUANT TO ARTICLE
42 EIGHTY-ONE OR EIGHTY-NINE OF THE EDUCATION LAW BETWEEN A SOCIAL SERVICES
43 DISTRICT OR A PUBLIC SCHOOL DISTRICT AND A PRIVATE NON-PROFIT SCHOOL. IF
44 THE PRIVATE NON-PROFIT SCHOOL ENTERS INTO A LEASE, SUBLEASE OR OTHER
45 AGREEMENT WITH THE DORMITORY AUTHORITY PURSUANT TO THIS SECTION,
46 PAYMENTS DUE FROM THE PUBLIC SCHOOL DISTRICT OR SOCIAL SERVICES DISTRICT
47 SHALL BE MADE IN ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER.

48 I. ALL STATE AND LOCAL OFFICIALS ARE AUTHORIZED AND REQUIRED TO TAKE
49 WHATEVER ACTIONS ARE NECESSARY TO CARRY OUT THE PROVISIONS OF THIS
50 SECTION AND THE PROVISIONS OF ANY LEASES, SUBLEASES OR OTHER AGREEMENTS
51 ENTERED INTO PURSUANT TO THIS SECTION, INCLUDING MAKING THE REQUIRED
52 PAYMENTS TO THE DORMITORY AUTHORITY.

53 J. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE
54 DORMITORY AUTHORITY MAY EXECUTE LEASES, SUBLEASES, OR OTHER AGREEMENTS
55 WITH PRIVATE NON-PROFIT SCHOOLS FOR FINANCING OF THE DESIGN,
56 CONSTRUCTION, REHABILITATION, IMPROVEMENT, RENOVATION, ACQUISITION OR

1 PROVISION, FURNISHING OR EQUIPPING OF CAPITAL FACILITIES; PROVIDED,
2 HOWEVER, THAT COMMENCING JULY FIRST, TWO THOUSAND ELEVEN, THE AMOUNT OF
3 BONDS INCLUSIVE OF PRINCIPAL, INTEREST AND ISSUANCE COSTS TO BE ISSUED
4 FOR EACH INDIVIDUAL LEASE, SUBLEASE, OR OTHER AGREEMENT SHALL NOT EXCEED
5 SUCH LIMITS AS ESTABLISHED IN SECTION FOUR HUNDRED SEVEN-B OF THE EDUCA-
6 TION LAW; AND PROVIDED FURTHER THAT THE TOTAL AMOUNT OF SUCH BONDS FOR
7 ALL SUCH LEASES, SUBLEASES, OR AGREEMENTS WITH PRIVATE NON-PROFIT
8 SCHOOLS EXCLUSIVE OF BONDS FOR PROJECTS ALREADY APPROVED BY THE DIVISION
9 OF BUDGET AS OF SUCH DATE SHALL NOT EXCEED LIMITS AS ESTABLISHED IN SUCH
10 SECTION FOUR HUNDRED SEVEN-B.

11 K. ON OR BEFORE SEPTEMBER FIRST OF EACH YEAR, THE COMMISSIONER OF
12 EDUCATION SHALL SUBMIT TO THE CHAIRS OF THE ASSEMBLY WAYS AND MEANS
13 COMMITTEE, THE SENATE FINANCE COMMITTEE AND THE DIRECTOR OF THE BUDGET,
14 A CAPITAL PLAN FOR THOSE PROJECTS EXPECTED TO BE BONDED FOR PRIVATE
15 NON-PROFIT SCHOOLS PURSUANT TO THIS SECTION. AFTER APPLICATION OF THE
16 PRINCIPLES OF THE CAPITAL ASSETS PRESERVATION PROGRAM PURSUANT TO EDUCA-
17 TION LAW, SUCH PLAN SHALL ACCORD PRIORITY TO HEALTH AND SAFETY CONSIDER-
18 ATIONS AND SHALL SPECIFY THE NAME, LOCATION, ESTIMATED TOTAL COST OF THE
19 PROJECT AT THE TIME THE PROJECT IS TO BE BID, THE ANTICIPATED BID DATE
20 AND THE ANTICIPATED COMPLETION DATE AND MAY CONTAIN ANY FURTHER RECOM-
21 MENDATIONS THE COMMISSIONER MAY DEEM APPROPRIATE.

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

24 10. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE GOVERN-
25 ING BOARD OF A SCHOOL DISTRICT MAY, DURING THE TWO THOUSAND ELEVEN--TWO
26 THOUSAND TWELVE SCHOOL YEAR, AUTHORIZE A WITHDRAWAL FROM THIS FUND IN AN
27 AMOUNT NOT TO EXCEED THE LESSER OF: (A) THE DOLLAR VALUE OF EXCESS FUND-
28 ING IN THE FUND AS DETERMINED BY THE COMPTROLLER PURSUANT TO SECTION
29 THIRTY-THREE OF THIS CHAPTER OR (B) THE AMOUNT OF THE SCHOOL DISTRICT'S
30 GAP ELIMINATION ADJUSTMENT AS CALCULATED BY THE COMMISSIONER OF EDUCA-
31 TION PURSUANT TO PARAGRAPH E OF SUBDIVISION ONE OF SECTION THIRTY-SIX
32 HUNDRED NINE-A OF THE EDUCATION LAW. FUNDS WITHDRAWN PURSUANT TO THIS
33 SUBDIVISION MAY ONLY BE USED FOR THE PURPOSE OF MAINTAINING EDUCATIONAL
34 PROGRAMMING DURING THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL
35 YEAR WHICH OTHERWISE WOULD HAVE BEEN REDUCED AS A RESULT OF SUCH GAP
36 ELIMINATION ADJUSTMENT. GOVERNING BOARDS WHICH MAKE SUCH A WITHDRAWAL
37 SHALL SUBMIT, IN A FORM PRESCRIBED BY THE COMMISSIONER OF EDUCATION,
38 RELEVANT INFORMATION ABOUT THE WITHDRAWAL, WHICH SHALL INCLUDE BUT NOT
39 BE LIMITED TO, THE AMOUNT OF SUCH WITHDRAWAL, THE DATE OF WITHDRAWAL,
40 AND THE USE OF SUCH WITHDRAWN FUNDS.

41 S 82. School bus driver training. In addition to apportionments other-
42 wise provided by section 3602 of the education law, for aid payable in
43 the 2011-2012 school year, the commissioner of education shall allocate
44 school bus driver training grants to school districts and boards of
45 cooperative education services pursuant to sections 3650-a, 3650-b and
46 3650-c of the education law, or for contracts directly with not-for-pro-
47 fit educational organizations for the purposes of this section. Such
48 payments shall not exceed four hundred thousand dollars (\$400,000) per
49 school year.

50 S 83. Support of public libraries. The moneys appropriated for the
51 support of public libraries by the chapter of the laws of 2011 enacting
52 the local assistance budget shall be apportioned for the 2011--12 state
53 fiscal year in accordance with the provisions of sections 271, 272, 273,
54 282, 284, and 285 of the education law as amended by the provisions of
55 this chapter and the provisions of this section, provided that library
56 construction aid pursuant to section 273-a of the education law shall

1 not be payable from the appropriations for the support of public
2 libraries and provided further that no library, library system or
3 program, as defined by the commissioner of education, shall receive less
4 total system or program aid than it received for the year 2001--2002
5 except as a result of a reduction adjustment necessary to conform to the
6 appropriations for support of public libraries.

7 Notwithstanding any other provision of law to the contrary the moneys
8 appropriated for the support of public libraries for the year 2011--2012
9 by a chapter of the laws of 2011 enacting the local assistance budget
10 shall fulfill the state's obligation to provide such aid and, pursuant
11 to a plan developed by the commissioner of education and approved by the
12 director of the budget, the aid payable to libraries and library systems
13 pursuant to such appropriations shall be reduced proportionately to
14 assure that the total amount of aid payable does not exceed the total
15 appropriations for such purpose.

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

41 b. The claim for an apportionment to be paid to a school district
42 pursuant to subdivision a of this section shall be submitted to the
43 commissioner of education on a form prescribed for such purpose, and
44 shall be payable upon determination by such commissioner that the form
45 has been submitted as prescribed. Such approved amounts shall be payable
46 on the same day in September of the school year following the year in
47 which application was made as funds provided pursuant to subparagraph
48 (4) of paragraph b of subdivision 4 of section 92-c of the state finance
49 law, on the audit and warrant of the state comptroller on vouchers
50 certified or approved by the commissioner of education in the manner
51 prescribed by law from moneys in the state lottery fund and from the
52 general fund to the extent that the amount paid to a school district
53 pursuant to this section exceeds the amount, if any, due such school
54 district pursuant to subparagraph (2) of paragraph a of subdivision 1 of
55 section 3609-a of the education law in the school year following the
56 year in which application was made.

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

16 S 85. Special apportionment for public pension accruals. a. Notwith-
17 standing any other provision of law, upon application to the commission-
18 er of education, not later than June 30, 2012, a school district eligi-
19 ble for an apportionment pursuant to section 3602 of the education law
20 shall be eligible to receive an apportionment pursuant to this section,
21 for the school year ending June 30, 2012 and such apportionment shall
22 not exceed the additional accruals required to be made by school
23 districts in the 2004-05 and 2005-06 school years associated with chang-
24 es for such public pension liabilities. The amount of such additional
25 accrual shall be certified to the commissioner of education by the pres-
26 ident of the board of education or the trustees or, in the case of a
27 city school district in a city with a population in excess of 125,000
28 inhabitants, the mayor of such city. Such application shall be made by a
29 school district, after the board of education or trustees have adopted a
30 resolution to do so and in the case of a city school district in a city
31 with a population in excess of 125,000 inhabitants, with the approval of
32 the mayor of such city.

33 b. The claim for an apportionment to be paid to a school district
34 pursuant to subdivision a of this section shall be submitted to the
35 commissioner of education on a form prescribed for such purpose, and
36 shall be payable upon determination by such commissioner that the form
37 has been submitted as prescribed. Such approved amounts shall be payable
38 on the same day in September of the school year following the year in
39 which application was made as funds provided pursuant to subparagraph
40 (4) of paragraph b of subdivision 4 of section 92-c of the state finance
41 law, on the audit and warrant of the state comptroller on vouchers
42 certified or approved by the commissioner of education in the manner
43 prescribed by law from moneys in the state lottery fund and from the
44 general fund to the extent that the amount paid to a school district
45 pursuant to this section exceeds the amount, if any, due such school
46 district pursuant to subparagraph (2) of paragraph a of subdivision 1 of
47 section 3609-a of the education law in the school year following the
48 year in which application was made.

49 c. Notwithstanding the provisions of section 3609-a of the education
50 law, an amount equal to the amount paid to a school district pursuant to
51 subdivisions a and b of this section shall first be deducted from the
52 following payments due the school district during the school year
53 following the year in which application was made pursuant to subpara-
54 graphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of
55 section 3609-a of the education law in the following order: the lottery
56 apportionment payable pursuant to subparagraph (2) of such paragraph

1 followed by the fixed fall payments payable pursuant to subparagraph (4)
2 of such paragraph and then followed by the district's payments to the
3 teachers' retirement system pursuant to subparagraph (1) of such para-
4 graph, and any remainder to be deducted from the individualized payments
5 due the district pursuant to paragraph b of such subdivision shall be
6 deducted on a chronological basis starting with the earliest payment due
7 the district.

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

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

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

22 d. Notwithstanding any other law, rule or regulation to the contrary,
23 moneys appropriated to the state education department for general
24 support for public schools may be interchanged with any other item of
25 appropriation for general support for public schools within the general
26 fund local assistance account office of prekindergarten through grade
27 twelve education program.

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

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

37 a. for the purpose of the development, maintenance or expansion of
38 magnet schools or magnet school programs for the two thousand eleven--
39 two thousand twelve school year. To the city school district of the city
40 of New York there shall be paid forty-eight million one hundred seven-
41 ty-five thousand dollars (\$48,175,000) including five hundred thousand
42 dollars (\$500,000) for the Andrew Jackson High School; to the Buffalo
43 city school district, twenty-one million twenty-five thousand dollars
44 (\$21,025,000); to the Rochester city school district, fifteen million
45 dollars (\$15,000,000); to the Syracuse city school district, thirteen
46 million dollars (\$13,000,000); to the Yonkers city school district,
47 forty-nine million five hundred thousand dollars, (\$49,500,000); to the
48 Newburgh city school district, four million six hundred forty-five thou-
49 sand dollars (\$4,645,000); to the Poughkeepsie city school district, two
50 million four hundred seventy-five thousand dollars (\$2,475,000); to the
51 Mount Vernon city school district, two million dollars (\$2,000,000); to
52 the New Rochelle city school district, one million four hundred ten
53 thousand dollars (\$1,410,000); to the Schenectady city school district,
54 one million eight hundred thousand dollars (\$1,800,000); to the Port
55 Chester city school district, one million one hundred fifty thousand
56 dollars (\$1,150,000); to the White Plains city school district, nine

1 hundred thousand dollars (\$900,000); to the Niagara Falls city school
2 district, six hundred thousand dollars (\$600,000); to the Albany city
3 school district, three million five hundred fifty thousand dollars
4 (\$3,550,000); to the Utica city school district, two million dollars
5 (\$2,000,000); to the Beacon city school district, five hundred sixty-six
6 thousand dollars (\$566,000); to the Middletown city school district,
7 four hundred thousand dollars (\$400,000); to the Freeport union free
8 school district, four hundred thousand dollars (\$400,000); to the Green-
9 burgh central school district, three hundred thousand dollars
10 (\$300,000); to the Amsterdam city school district, eight hundred thou-
11 sand dollars (\$800,000); to the Peekskill city school district, two
12 hundred thousand dollars (\$200,000); and to the Hudson city school
13 district, four hundred thousand dollars (\$400,000).

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

27 c. for the purpose of attendance improvement and dropout prevention
28 for the two thousand eleven--two thousand twelve school year, for any
29 city school district in a city having a population of more than one
30 million, the setaside for attendance improvement and dropout prevention
31 shall equal the amount set aside in the base year. For the two thousand
32 eleven--two thousand twelve school year, it is further provided that any
33 city school district in a city having a population of more than one
34 million shall allocate at least one-third of any increase from base year
35 levels in funds set aside pursuant to the requirements of this subdivi-
36 sion to community-based organizations. Any increase required pursuant to
37 this subdivision to community-based organizations must be in addition to
38 allocations provided to community-based organizations in the base year.

39 d. for the purpose of teacher support for the two thousand eleven--two
40 thousand twelve school year: to the city school district of the city of
41 New York, sixty-two million seven hundred seven thousand dollars
42 (\$62,707,000); to the Buffalo city school district, one million seven
43 hundred forty-one thousand dollars (\$1,741,000); to the Rochester city
44 school district, one million seventy-six thousand dollars (\$1,076,000);
45 to the Yonkers city school district, one million one hundred forty-seven
46 thousand dollars (\$1,147,000); and to the Syracuse city school district,
47 eight hundred nine thousand dollars (\$809,000). All funds made available
48 to a school district pursuant to this subdivision shall be distributed
49 among teachers including prekindergarten teachers and teachers of adult
50 vocational and academic subjects in accordance with this subdivision and
51 shall be in addition to salaries heretofore or hereafter negotiated or
52 made available; provided, however, that all funds distributed pursuant
53 to this section for the current year shall be deemed to incorporate all
54 funds distributed pursuant to former subdivision 27 of section 3602 of
55 the education law for prior years. In school districts where the teach-
56 ers are represented by certified or recognized employee organizations,

1 all salary increases funded pursuant to this section shall be determined
2 by separate collective negotiations conducted pursuant to the provisions
3 and procedures of article 14 of the civil service law, notwithstanding
4 the existence of a negotiated agreement between a school district and a
5 certified or recognized employee organization.

6 S 89. Severability. The provisions of this act shall be severable, and
7 if the application of any clause, sentence, paragraph, subdivision,
8 section or part of this act to any person or circumstance shall be
9 adjudged by any court of competent jurisdiction to be invalid, such
10 judgment shall not necessarily affect, impair or invalidate the applica-
11 tion of any such clause, sentence, paragraph, subdivision, section, part
12 of this act or remainder thereof, as the case may be, to any other
13 person or circumstance, but shall be confined in its operation to the
14 clause, sentence, paragraph, subdivision, section or part thereof
15 directly involved in the controversy in which such judgment shall have
16 been rendered.

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

20 1. section five of this act shall take effect immediately and shall be
21 deemed to have been in full force and effect on and after July 1, 2006;

22 2. section twenty-four of this act shall take effect immediately and
23 shall be deemed to have been in full force and effect on and after July
24 1, 2007;

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

28 4. sections two, three, thirty-nine, sixty-five and sixty-six of this
29 act shall take effect immediately and shall be deemed to have been in
30 full force and effect on and after July 1, 2010;

31 5. section twenty-eight of this act shall be deemed to have been in
32 full force and effect on and after February 1, 2011;

33 6. sections four, fifteen through seventeen, twenty-one, twenty-two,
34 twenty-five through twenty-seven, thirty-five through thirty-eight,
35 forty-two through forty-four, forty-six, forty-nine through sixty,
36 sixty-two, sixty-four, seventy-six through eighty, eighty-two, eighty-
37 seven and eighty-eight of this act shall take effect July 1, 2011;

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

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

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

48 10. section seventy of this act shall take effect immediately and
49 shall be deemed to have been in full force and effect on and after Janu-
50 ary 1, 2011;

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

54 12. the amendments to subdivision 21-a of section 1604 of the educa-
55 tion law made by section eight of this act shall not affect the repeal
56 of such subdivision and shall be deemed repealed therewith;

13. the amendments to subdivision 25 of section 1709 of the education law made by section twelve of this act shall not affect the repeal of such subdivision and shall be deemed repealed therewith;

14. the amendments to subdivision 1 of section 2856 of the education law made by section twenty-one of this act shall be subject to the expiration and reversion of such subdivision pursuant to subdivision d of section 27 of chapter 378 of the laws of 2007, as amended, when upon such date the provisions of section twenty-two of this act shall take effect;

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

16. notwithstanding the provisions of article 5 of the general construction law, the provisions of subdivision b of section 2, 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, as amended by sections sixty-five and sixty-six of this act are hereby revived and shall continue in full force and effect as such provisions existed on June 30, 2010;

17. the amendments to section 7 of chapter 472 of the laws of 1998 amending the education law relating to school buses by school districts made by section seventy-one of this act shall not affect the expiration of such section and shall be deemed to expire therewith;

18. the amendments to section 12 of chapter 147 of the laws of 2001 amending the education law relating to conditional appointment of school district, charter school or BOCES employees made by section seventy-two of this act shall not affect the expiration of such section and shall be deemed to expire therewith;

19. notwithstanding the provisions of article 5 of the general construction law, the provisions of section 4 of 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 at a school, as amended by section seventy-three of this act are hereby revived and shall continue in full force and effect as such provisions existed on June 30, 2011; and

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

PART A-1

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

2. A text-book, for the purposes of this section shall mean: (i) any book, or a book substitute, which shall include hard covered or paper-back books, work books, or manuals and (ii) for expenses incurred after July first, nineteen hundred ninety-nine, any courseware or other content-based instructional materials in an electronic format, as such

1 terms are defined in the regulations of the commissioner, which a pupil
2 is required to use as a text, or a text-substitute, in a particular
3 class or program in the school he or she legally attends. FOR EXPENSES
4 INCURRED ON OR AFTER JULY FIRST, TWO THOUSAND ELEVEN, A TEXT-BOOK SHALL
5 ALSO MEAN ITEMS OF EXPENDITURE THAT ARE ELIGIBLE FOR AN APPORTIONMENT
6 PURSUANT TO SECTIONS SEVEN HUNDRED ELEVEN, SEVEN HUNDRED FIFTY-ONE
7 AND/OR SEVEN HUNDRED FIFTY-THREE OF THIS TITLE, WHERE SUCH ITEMS ARE
8 DESIGNATED BY THE SCHOOL DISTRICT AS ELIGIBLE FOR AID PURSUANT TO THIS
9 SECTION, PROVIDED, HOWEVER, THAT IF AIDED PURSUANT TO THIS SECTION, SUCH
10 EXPENSES SHALL NOT BE AIDABLE PURSUANT TO ANY OTHER SECTION OF LAW.
11 Expenditures aided pursuant to this section shall not be eligible for
12 aid pursuant to ANY OTHER section [seven hundred eleven or seven hundred
13 fifty-one] of [this chapter] LAW. Courseware or other content-based
14 instructional materials in an electronic format included in the defi-
15 nition of textbook pursuant to this subdivision shall be subject to the
16 same limitations on content as apply to books or book substitutes aided
17 pursuant to this section.

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

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

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

50 2. A software program, for the purposes of this article shall mean (a)
51 a computer program which a pupil is required to use as a learning aid in
52 a particular class in the school the pupil legally attends, or (b) for
53 expenses incurred after July first, two thousand nine, any content-based
54 instructional materials in an electronic format that are aligned with
55 state standards which are accessed or delivered through the internet
56 based on a subscription model. Such electronic format materials may

1 include a variety of media assets and learning tools, including video,
2 audio, images, teacher guides, and student access capabilities as such
3 terms are defined in the regulations of the commissioner. FOR EXPENSES
4 INCURRED ON OR AFTER JULY FIRST, TWO THOUSAND ELEVEN, A SOFTWARE PROGRAM
5 SHALL ALSO MEAN ITEMS OF EXPENDITURE THAT ARE ELIGIBLE FOR AN APPORTION-
6 MENT PURSUANT TO SECTIONS SEVEN HUNDRED ONE, SEVEN HUNDRED ELEVEN AND/OR
7 SEVEN HUNDRED FIFTY-THREE OF THIS TITLE, WHERE SUCH ITEMS ARE DESIGNATED
8 BY THE SCHOOL DISTRICT AS ELIGIBLE FOR AID PURSUANT TO THIS SECTION,
9 PROVIDED, HOWEVER, THAT IF AIDED PURSUANT TO THIS SECTION, SUCH EXPENSES
10 SHALL NOT BE AIDABLE PURSUANT TO ANY OTHER SECTION OF LAW.

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

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

52 S 5. This act shall take effect April 1, 2011.

1 Section 1. Section 3641 of the education law is amended by adding a
2 new subdivision 5 to read as follows:

3 5. SCHOOL DISTRICT MANAGEMENT EFFICIENCY AWARDS PROGRAM. A. WITHIN
4 THE AMOUNT APPROPRIATED FOR SUCH PURPOSE, SUBJECT TO A PLAN DEVELOPED
5 JOINTLY WITH THE SECRETARY OF STATE AND APPROVED BY THE DIRECTOR OF THE
6 BUDGET, THE COMMISSIONER SHALL AWARD COMPETITIVE GRANTS PURSUANT TO THIS
7 SUBDIVISION FOR ACHIEVING SCHOOL DISTRICT MANAGEMENT EFFICIENCIES.

8 (1) SUCH PLAN SHALL INCLUDE BUT NOT BE LIMITED TO: THE PROCESS BY
9 WHICH A REQUEST FOR PROPOSALS IS DEVELOPED; THE SCORING RUBRIC BY WHICH
10 SUCH PROPOSALS WILL BE EVALUATED; THE FORM AND MANNER BY WHICH APPLICA-
11 TIONS WILL BE SUBMITTED; THE MANNER BY WHICH CALCULATION OF THE AMOUNT
12 OF THE AWARD WAS DETERMINED, INCLUDING ESTABLISHING BENCHMARKS BASED ON
13 ACTUAL COST SAVINGS THAT MUST BE MET BEFORE ANY AWARDS ARE PAID; AND THE
14 TIMELINE FOR THE ISSUANCE AND REVIEW OF APPLICATIONS TO ENSURE THAT
15 GRANTS WILL BE FIRST AWARDED DURING THE TWO THOUSAND ELEVEN--TWO THOU-
16 SAND TWELVE SCHOOL YEAR.

17 (2) THE COMMISSIONER SHALL BE AUTHORIZED, CONSISTENT WITH THE PLAN
18 REQUIRED BY THIS PARAGRAPH, TO PROMULGATE RULES AND REGULATIONS NECES-
19 SARY FOR THE IMPLEMENTATION OF THIS SUBDIVISION.

20 B. A RESPONSE TO A REQUEST FOR PROPOSALS ISSUED PURSUANT TO THIS
21 SUBDIVISION MAY BE SUBMITTED BY A SCHOOL DISTRICT OR JOINTLY BY TWO OR
22 MORE SCHOOL DISTRICTS WHO HAVE DEMONSTRATED TO THE SATISFACTION OF THE
23 COMMISSIONER THAT:

24 (1) ONE OR MORE LONG TERM EFFICIENCIES IN SCHOOL DISTRICT MANAGEMENT,
25 OPERATIONS, PROCUREMENT PRACTICES OR OTHER COST SAVINGS MEASURES THAT
26 HAVE NOT AND WILL NOT RESULT IN AN INCREASE IN COST TO THE STATE OR
27 LOCALITY HAVE BEEN IMPLEMENTED;

28 (2) SUCH EFFICIENCIES HAVE RESULTED OR WILL RESULT IN A SIGNIFICANT
29 REDUCTION IN TOTAL OPERATING EXPENSES COMPARED TO THE PRIOR YEAR, IN THE
30 ADMINISTRATIVE COMPONENT, OR THE EQUIVALENT, OF THE SCHOOL DISTRICT
31 BUDGET, IN TRANSPORTATION OPERATING EXPENSES, IN TRANSPORTATION CAPITAL
32 EXPENSES, AND/OR IN OTHER NON-PERSONAL SERVICE COSTS INCLUDED IN THE
33 PROGRAM COMPONENT OF THE SCHOOL DISTRICT BUDGET, OR THE EQUIVALENT,
34 COMPARED TO THE PRIOR YEAR; AND

35 (3) SUCH EFFICIENCIES ARE EXPECTED TO RESULT IN SUBSTANTIAL AND
36 SUSTAINABLE COST SAVINGS IN FUTURE YEARS; AND

37 (4) IF TWO OR MORE SCHOOL DISTRICTS ARE APPLYING JOINTLY, AND HAVE
38 ENTERED A SHARED SERVICES AGREEMENT AS AUTHORIZED BY LAW, THAT SIGNIF-
39 ICANT SAVINGS WOULD RESULT FROM SUCH SHARED SERVICES; PROVIDED THAT IN
40 NO EVENT SHALL DISTRICTS THAT HAVE ENTERED INTO AN AIDABLE COOPERATIVE
41 EDUCATIONAL SERVICES AGREEMENT FOR ANY SUCH SERVICES WITH A BOARD OF
42 COOPERATIVE EDUCATIONAL SERVICES PURSUANT TO SECTION NINETEEN HUNDRED
43 FIFTY OF THIS CHAPTER BE ELIGIBLE FOR AN AWARD PURSUANT TO THIS SUBDIVI-
44 SION. PROVIDED HOWEVER, A DISTRICT WHICH HAS RECEIVED AN AWARD PURSUANT
45 TO THE LOCAL GOVERNMENT EFFICIENCY GRANT PROGRAM AUTHORIZED BY SUBDIVI-
46 SION TEN OF SECTION FIFTY-FOUR OF THE STATE FINANCE LAW, SHALL NOT BE
47 ELIGIBLE TO RECEIVE AN AWARD PURSUANT TO THIS SUBDIVISION FOR THE SAME
48 PURPOSE.

49 C. THE COMMISSIONER SHALL GRANT PRIORITY TO APPLICATIONS THAT HAVE
50 DEMONSTRATED THAT THE LONG TERM EFFICIENCIES THAT HAVE BEEN IMPLEMENTED:

51 (1) ARE INNOVATIVE IN THE MANNER THAT THE MANAGEMENT OR ORGANIZATIONAL
52 STRUCTURE MAY BE CHANGED TO GENERATE SIGNIFICANT SAVINGS WHILE MAINTAIN-
53 ING OR IMPROVING STUDENT ACHIEVEMENT; (2) HAVE THE PARTICIPATION OF THE
54 TEACHERS, PARENTS AND/OR OTHER STAKEHOLDERS IN THE SCHOOL DISTRICT; (3)
55 ARE MEASURES OR STRATEGIES THAT OTHER SCHOOL DISTRICTS CAN REPLICATE; OR
56 (4) HAVE THE GREATEST QUANTIFIABLE SAVINGS THAT WILL BE SUSTAINABLE.

1 D. A SCHOOL DISTRICT OR SCHOOL DISTRICTS SEEKING A GRANT SHALL SUBMIT
2 AN APPLICATION TO THE COMMISSIONER IN A FORM AND MANNER AND BY A DATE AS
3 PRESCRIBED BY THE COMMISSIONER. THE COMMISSIONER MAY CONSULT WITH ANY
4 OTHER STATE AGENCY ABOUT SUCH GRANTS AND EACH SUCH AGENCY SHALL COOPER-
5 ATE IN ASSISTING IN THE ANALYSIS OF GRANT APPLICATIONS.

6 E. THE AMOUNT OF THE GRANT AWARD, INCLUDING THE MAXIMUM GRANT AMOUNT
7 AVAILABLE TO ANY DISTRICT OR DISTRICTS, SHALL BE DETERMINED BY THE
8 COMMISSIONER, CONSISTENT WITH THE PLAN DEVELOPED PURSUANT TO PARAGRAPH A
9 OF THIS SUBDIVISION PROVIDED THAT THE AMOUNT OF SUCH AWARDS SHALL BE,
10 BASED UPON THE SIZE OF THE DISTRICT OR SCHOOL DISTRICTS MEASURED BY
11 PUBLIC SCHOOL ENROLLMENT OF THE DISTRICT OR DISTRICTS; PROVIDED FURTHER
12 THAT SUCH AMOUNT MAY BE ADJUSTED BASED UPON MEASURES OF DISTRICT NEED.

13 S 2. Section 3641 of the education law is amended by adding a new
14 subdivision 6 to read as follows:

15 6. SCHOOL DISTRICT PERFORMANCE IMPROVEMENT AWARDS GRANT. A. WITHIN
16 THE AMOUNTS APPROPRIATED FOR SUCH PURPOSE, THE COMMISSIONER SHALL AWARD
17 COMPETITIVE GRANTS TO ELIGIBLE SCHOOL DISTRICTS PURSUANT TO THIS SUBDI-
18 VISION THAT HAVE DEMONSTRATED THE MOST IMPROVED ACADEMIC ACHIEVEMENT
19 GAINS AND STUDENT OUTCOMES, AS WELL AS HAVING IMPLEMENTED STRATEGIES
20 THAT HAVE THE MOST POTENTIAL FOR CONTINUED IMPROVEMENTS IN STUDENT
21 PERFORMANCE.

22 B. THE COMMISSIONER SHALL:

23 (1) DEVELOP A COMPETITIVE REQUEST FOR PROPOSALS TO BE ISSUED ON OR
24 BEFORE OCTOBER FIRST, TWO THOUSAND ELEVEN AND SHALL ENSURE THAT GRANTS
25 WILL FIRST BE AWARDED PURSUANT TO THIS SUBDIVISION DURING THE TWO THOU-
26 SAND ELEVEN-TWO THOUSAND TWELVE SCHOOL YEAR.

27 (2) CREATE A PEER REVIEW PROCESS AND A SCORING RUBRIC TO BE USED IN
28 THE EVALUATION OF APPLICATIONS DURING SUCH PROCESS. SUCH SCORING RUBRIC
29 SHALL GIVE PRIORITY TO THOSE ELIGIBLE SCHOOL DISTRICTS THAT HAVE THE
30 MOST SIGNIFICANT MEASURABLE IMPROVEMENTS IN ACADEMIC ACHIEVEMENT AND
31 STUDENT OUTCOMES; AND HAVE (A) IMPLEMENTED RIGOROUS PROGRAMS TO IMPROVE
32 MIDDLE SCHOOL STUDENT PERFORMANCE; (B) NEWLY ESTABLISHED OR EXPANDED
33 PARTICIPATION IN COLLEGE LEVEL OR EARLY COLLEGE PROGRAMS; (C) SIGNIF-
34 ICANTLY INCREASED COLLEGE ADMISSION RATES; (D) EXEMPLARY CAREER AND
35 TECHNICAL EDUCATION PROGRAMS WITH A RECORD OF SUCCESSFUL STUDENT
36 OUTCOMES; OR (E) OTHER INNOVATIVE AND REPLICABLE STRATEGIES FOR STUDENT
37 ACHIEVEMENT.

38 (3) BE AUTHORIZED TO PROMULGATE RULES AND REGULATIONS NECESSARY FOR
39 THE IMPLEMENTATION OF THIS SUBDIVISION.

40 C. TO BE AN ELIGIBLE APPLICANT, A SCHOOL DISTRICT MUST:

41 (1) HAVE A RACE TO THE TOP FINAL SCOPE OF WORK THAT WAS APPROVED BY
42 THE COMMISSIONER BY FEBRUARY FIFTEENTH, TWO THOUSAND ELEVEN;

43 (2) HAVE DEMONSTRATED SATISFACTORY PROGRESS, AS DETERMINED BY THE
44 COMMISSIONER, TOWARDS IMPLEMENTATION OF ELEMENTS SUCH AS HIGH QUALITY
45 STUDENT ASSESSMENTS, USE OF DATA TO IMPROVE INSTRUCTION AND STUDENT
46 PERFORMANCE, PROVISION OF PROFESSIONAL DEVELOPMENT TO IMPROVE TEACHER
47 PERFORMANCE; AND

48 (3) BE AMONG THE SCHOOL DISTRICTS SHOWING THE GREATEST GAINS IN
49 STUDENT PERFORMANCE IN ITS CATEGORY OF DISTRICT IN THE PRIOR SCHOOL YEAR
50 AS REFLECTED BY INCREASES IN STUDENT OUTCOME, AS WELL AS OTHER MEASURES
51 FOR CLOSING THE ACHIEVEMENT GAP, IMPROVING HIGH SCHOOL PERFORMANCE AND
52 GRADUATION RATES, AND INCREASING COLLEGE ATTENDANCE AND RETENTION RATES
53 AS COMPARED TO STUDENT PERFORMANCE IN THOSE AREAS IN THE APPLICABLE
54 BASELINE YEAR.

55 D. FOR PURPOSES OF THIS SUBDIVISION:

56 (1) "CATEGORY OF DISTRICT" MEANS:

(A) A HIGH-NEED LARGE CITY CATEGORY CONSISTING OF CITY SCHOOL DISTRICTS HAVING A POPULATION OF ONE HUNDRED TWENTY-FIVE THOUSAND INHABITANTS OR MORE, PROVIDED THAT IN THE CASE OF THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK THE CHANCELLOR SHALL HAVE THE OPTION OF APPLYING ON BEHALF OF ONE OR MORE COMMUNITY SCHOOL DISTRICTS AND/OR DISTRICT SEVENTY-FIVE IN LIEU OF APPLYING ON A CITYWIDE BASIS;

(B) A HIGH-NEED URBAN-SUBURBAN CATEGORY AS DEFINED BY THE COMMISSIONER BASED UPON THE NEED/RESOURCE CAPACITY INDEX APPLICABLE TO SUCH SCHOOL DISTRICTS;

(C) A HIGH-NEED RURAL CATEGORY AS DEFINED BY THE COMMISSIONER BASED UPON THE NEED/RESOURCE CAPACITY INDEX APPLICABLE TO SUCH SCHOOL DISTRICTS;

(D) AN AVERAGE NEED CATEGORY AS DEFINED BY THE COMMISSIONER BASED UPON THE NEED/RESOURCE CAPACITY INDEX APPLICABLE TO SUCH SCHOOL DISTRICTS; AND

(E) A LOW NEED CATEGORY AS DEFINED BY THE COMMISSIONER BASED UPON THE NEED/RESOURCE CAPACITY INDEX APPLICABLE TO SUCH SCHOOL DISTRICTS.

(2) THE COMMISSIONER SHALL ESTABLISH A METHODOLOGY FOR DETERMINING WHICH DISTRICTS IN EACH CATEGORY OF DISTRICT THAT HAVE APPLIED FOR A PERFORMANCE IMPROVEMENT GRANT HAVE SHOWN THE GREATEST ACHIEVEMENT GAINS. PROVIDED, HOWEVER, THAT WHERE A SCHOOL DISTRICT DOES NOT HAVE THE MINIMUM NUMBER OF STUDENTS SPECIFIED BY THE COMMISSIONER FOR ACCOUNTABILITY PURPOSES (MINIMUM "N" SIZE) IN ONE OR MORE OF THE FIVE SUBGROUPS, SUCH DISTRICT SHALL NOT BE DISQUALIFIED FROM RECEIVING A GRANT, BUT A PREFERENCE SHALL BE GIVEN TO DISTRICTS WITHIN EACH CATEGORY OF DISTRICT WITH THE HIGHEST NUMBER OF SUBGROUPS MEETING SUCH MINIMUM "N" SIZE.

E. THE COMMISSIONER SHALL GRANT AWARDS TO THE SCHOOL DISTRICTS, AS RECOMMENDED BY THE PEER REVIEW PANEL, AMONG THE VARIOUS CATEGORIES OF DISTRICTS AND DETERMINE THE AMOUNT OF THE GRANT AWARD FOR EACH ELIGIBLE SCHOOL DISTRICT BASED UPON THE PUBLIC SCHOOL ENROLLMENT OF THE DISTRICT; PROVIDED FURTHER THAT SUCH AMOUNT MAY BE ADJUSTED BASED UPON MEASURES OF DISTRICT NEED.

F. ANY SCHOOL DISTRICT RECEIVING AN AWARD SHALL EXPEND GRANT FUNDS IN ACCORDANCE WITH A HIGH-QUALITY PLAN SUBMITTED WITH ITS APPLICATION IN RESPONSE TO THE REQUEST FOR PROPOSALS. SUCH PLAN MUST SPECIFY HOW SUCH FUNDS WILL BE USED TO ENHANCE THE ACTIVITIES AND STRATEGIES THAT HAVE BEEN OR WILL BE IMPLEMENTED THAT HAVE BEEN DEMONSTRATED TO BE EFFECTIVE IN, OR SHOW THE MOST PROMISE FOR, INCREASING STUDENT PERFORMANCE.

S 3. This act shall take effect immediately.

PART C

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

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

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

S 4. This act shall take effect immediately.

PART D

Section 1. This act enacts into law major components of legislation which are necessary to implement the state fiscal plan for the 2011-2012 state fiscal year. Each component is wholly contained within a Subpart

1 identified as Subparts A through D. The effective date for each partic-
2 ular provision contained within such Subparts is set forth in the last
3 section of such Subpart. Any provision in any section contained within a
4 Subpart, including the effective date of the Subpart, which makes a
5 reference to a section "of this act", when used in connection with that
6 particular component, shall be deemed to mean and refer to the corre-
7 sponding section of the Subpart in which it is found. Section three of
8 this act sets forth the general effective date of this act.

9

SUBPART A

10 Section 1. Paragraph a of subdivision 2 of section 355 of the educa-
11 tion law, as amended by chapter 552 of the laws of 1985, is amended to
12 read as follows:

13 a. (1) To take, hold and administer on behalf of the state university
14 or any institution therein, real and personal property or any interest
15 therein and the income thereof either absolutely or in trust for any
16 educational or other purpose within the jurisdiction and corporate
17 purposes of the state university. The trustees may acquire property for
18 such purposes by purchase, appropriation or lease and by the acceptance
19 of gifts, grants, bequests and devises, and, within appropriations made
20 therefor, may equip and furnish buildings and otherwise improve property
21 owned, used or occupied by the state university or any institution ther-
22 ein. THE TRUSTEES MAY ACQUIRE PROPERTY BY THE ACCEPTANCE OF CONDITIONAL
23 GIFTS, GRANTS, DEVISES OR BEQUESTS, THE PROVISIONS OF SECTION ELEVEN OF
24 THE STATE FINANCE LAW NOTWITHSTANDING. Where real property is to be
25 acquired by purchase or appropriation, such acquisition shall be in
26 accordance with the provisions of section three hundred seven of this
27 chapter except that the powers and duties in said section mentioned to
28 be performed by the commissioner [of education] shall be performed by
29 the state university trustees.

30 (2) THE PROVISIONS OF SECTIONS THREE, THIRTY-A, AND THIRTY-THREE OF
31 THE PUBLIC LANDS LAW NOTWITHSTANDING, THE TRUSTEES MAY PROVIDE FOR THE
32 LEASE, TRANSFER OR CONVEYANCE, OTHER THAN CONVEYANCE OF TITLE, OF
33 STATE-OWNED REAL PROPERTY UNDER THE JURISDICTION OF THE STATE UNIVERSI-
34 TY, UPON APPROVAL OF THE STATE UNIVERSITY ASSET MAXIMIZATION REVIEW
35 BOARD CREATED PURSUANT TO SECTION THREE HUNDRED SIXTY-ONE OF THIS ARTI-
36 CLE. THE FOREGOING NOTWITHSTANDING, THE TRUSTEES, UPON APPROVAL OF THE
37 STATE UNIVERSITY ASSET MAXIMIZATION REVIEW BOARD, MAY PROVIDE FOR THE
38 LEASE OF SUCH REAL PROPERTY FOR PERIODS NOT TO EXCEED FIFTY YEARS IN
39 SUPPORT OF THE EDUCATIONAL AND OTHER CORPORATE PURPOSES OF THE STATE
40 UNIVERSITY, UNLESS THE SUBJECT PROJECT IS IN CONFLICT WITH THE MISSION
41 OF THE CAMPUS TO WHICH IT RELATES, INCLUDING BUT NOT LIMITED TO, THE
42 DEVELOPMENT AND OPERATION OF RESEARCH, INCUBATOR, COMMUNITY, HEALTH
43 CARE, RETAIL, FOOD SERVICE, TELECOMMUNICATION, STUDENT AND FACULTY HOUS-
44 ING, ENERGY, GOVERNMENTAL, SENIOR COMMUNITY, HOTEL, CONFERENCE CENTER
45 AND RECREATIONAL FACILITIES, AND FOR THE PURPOSE OF MAXIMIZING THE USE
46 OF NATURAL RESOURCES; PROVIDED, HOWEVER, THAT WITH REGARD TO ANY SUCH
47 LEASE, TRANSFER OR CONVEYANCE:

48 (I) SUCH LEASE OR AGREEMENT SHALL BE DEEMED A STATE CONTRACT FOR
49 PURPOSES OF ARTICLE FIFTEEN-A OF THE EXECUTIVE LAW, AND THE ENTITY
50 ENTERING INTO SUCH CONTRACT SHALL BE DEEMED A STATE AGENCY FOR PURPOSES
51 OF ARTICLE FIFTEEN-A OF THE EXECUTIVE LAW.

52 (II) ALL WORK PERFORMED ON A PROJECT WHERE ALL OR ANY PORTION THEREOF
53 INVOLVES A LEASE OR AGREEMENT FOR CONSTRUCTION, DEMOLITION, RECON-
54 STRUCTION, EXCAVATION, REHABILITATION, REPAIR, RENOVATION, ALTERATION OR

1 IMPROVEMENT SHALL BE DEEMED A PUBLIC WORK AND SHALL BE SUBJECT TO AND
2 PERFORMED IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE EIGHT OF THE
3 LABOR LAW TO THE SAME EXTENT AND IN THE SAME MANNER AS A CONTRACT OF THE
4 STATE, AND COMPLIANCE WITH ALL THE PROVISIONS OF ARTICLE EIGHT OF THE
5 LABOR LAW SHALL BE REQUIRED OF ANY LESSEE, SUBLESSEE, CONTRACTOR OR
6 SUBCONTRACTOR ON THE PROJECT.

7 (III) THE LESSEE OR SUBLESSEE SHALL INDEMNIFY AND DEFEND THE STATE
8 UNIVERSITY OF NEW YORK AGAINST ALL CLAIMS, SUITS, ACTIONS AND LIABILITY
9 TO ALL PERSONS ARISING OUT OF THE LESSEE OR SUBLESSEE'S USE OR OCCUPANCY
10 OF THE DEMISED PREMISES.

11 (IV) NOTHING IN THE LEASE OR AGREEMENT SHALL BE DEEMED TO WAIVE OR
12 IMPAIR ANY RIGHTS OR BENEFITS OF EMPLOYEES OF THE STATE UNIVERSITY OF
13 NEW YORK THAT OTHERWISE WOULD BE AVAILABLE TO THEM PURSUANT TO THE TERMS
14 OF COLLECTIVE BARGAINING AGREEMENTS. ALL WORK PERFORMED ON THE DEMISED
15 PREMISES THAT ORDINARILY WOULD BE PERFORMED BY EMPLOYEES SUBJECT TO
16 ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW SHALL CONTINUE TO BE PERFORMED
17 BY SUCH EMPLOYEES.

18 (V) UPON THE EXPIRATION OF THE LEASE OR AGREEMENT, THE DEMISED PREM-
19 ISES SHALL REVERT TO THE STATE UNIVERSITY OF NEW YORK.

20 (VI) IN THE EVENT THE DEMISED PREMISES SHALL CEASE TO BE USED FOR THE
21 PURPOSES DESCRIBED IN THE LEASE OR AGREEMENT, THE LEASE OR AGREEMENT
22 SHALL IMMEDIATELY TERMINATE, AND THE DEMISED PREMISES SHALL REVERT TO
23 THE STATE UNIVERSITY OF NEW YORK.

24 (VII) ANY CONTRACTS AWARDED OR ENTERED INTO BY A CAMPUS RELATED FOUN-
25 DATION, ALUMNI ASSOCIATION OR AFFILIATE THEREOF, ANY NOT-FOR-PROFIT
26 CORPORATION OR ASSOCIATION ORGANIZED BY A STATE-OPERATED INSTITUTION TO
27 FURTHER ITS PURPOSES, OR ANY LIMITED LIABILITY COMPANY WHOSE SOLE MEMBER
28 IS ANY OF THE FOREGOING ENTITIES, FOR CONSTRUCTION, RECONSTRUCTION,
29 RENOVATION, REHABILITATION, IMPROVEMENT OR EXPANSION AT THE STATE-OPER-
30 ATED INSTITUTION, FOR ANY SINGLE CONSTRUCTION PROJECT EXCEEDING TEN
31 MILLION DOLLARS IN THE AGGREGATE, FOR WHICH MORE THAN TWENTY-FIVE
32 PERCENT OF SUCH AGGREGATE AMOUNT IS TO BE PAID FROM APPROPRIATIONS
33 FURNISHED BY EITHER THE STATE OF NEW YORK OR THE STATE UNIVERSITY, SUCH
34 CONSTRUCTION, RECONSTRUCTION, RENOVATION, REHABILITATION, IMPROVEMENT OR
35 EXPANSION AT THE STATE-OPERATED INSTITUTION SHALL BE UNDERTAKEN PURSUANT
36 TO A PROJECT LABOR AGREEMENT, AS DEFINED IN SUBDIVISION ONE OF SECTION
37 TWO HUNDRED TWENTY-TWO OF THE LABOR LAW, PROVIDED A STUDY DONE BY OR FOR
38 THE CONTRACTING ENTITY DETERMINES THAT A PROJECT LABOR AGREEMENT WILL
39 BENEFIT SUCH CONSTRUCTION, RECONSTRUCTION, RENOVATION, REHABILITATION,
40 IMPROVEMENT OR EXPANSION THROUGH REDUCED RISK OF DELAY, POTENTIAL COST
41 SAVINGS OR POTENTIAL REDUCTION IN THE RISK OF LABOR UNREST IN LIGHT OF
42 ANY PERTINENT LOCAL HISTORY THEREOF. FOR PURPOSES OF APPLYING THE DOLLAR
43 THRESHOLDS SET FORTH IN THIS CLAUSE, THE TERM "SINGLE CONSTRUCTION
44 PROJECT" SHALL MEAN ANY CONSTRUCTION, RECONSTRUCTION, RENOVATION, REHA-
45 BILITATION, IMPROVEMENT OR EXPANSION ACTIVITY ASSOCIATED WITH ONE OR
46 MORE BUILDINGS, STRUCTURES OR IMPROVEMENTS, INCLUDING ALL DIRECTLY
47 RELATED INFRASTRUCTURE AND SITE WORK IN CONTEMPLATION THEREOF, THAT ARE
48 FUNCTIONALLY INTERDEPENDENT.

49 (3) THE PROVISIONS OF SECTION ONE HUNDRED SIXTY-SEVEN OF THE STATE
50 FINANCE LAW NOTWITHSTANDING, THE TRUSTEES MAY PROVIDE FOR THE SALE,
51 LEASE, TRANSFER OR CONVEYANCE OF PERSONAL PROPERTY UNDER THE CUSTODY AND
52 CONTROL OF THE STATE UNIVERSITY IN SUCH MANNER AND UPON SUCH TERMS AS
53 THE TRUSTEES SHALL DETERMINE. THE PROVISIONS OF SECTION TWENTY-THREE OF
54 THE PUBLIC LANDS LAW AND SECTION ONE HUNDRED SIXTY-SEVEN OF THE STATE
55 FINANCE LAW NOTWITHSTANDING, THE PROCEEDS FROM THE SALE, LEASE, TRANSFER
56 OR CONVEYANCE OF STATE-OWNED REAL PROPERTY UNDER THE JURISDICTION OF THE

1 STATE UNIVERSITY OR OF PERSONAL PROPERTY UNDER THE CUSTODY AND CONTROL
2 OF THE STATE UNIVERSITY SHALL BE RETAINED BY THE STATE UNIVERSITY.

3 S 2. The education law is amended by adding a new section 361 to read
4 as follows:

5 S 361. STATE UNIVERSITY ASSET MAXIMIZATION REVIEW BOARD; CREATION;
6 PROCEDURE. 1. CREATION. (A) THE STATE UNIVERSITY ASSET MAXIMIZATION
7 REVIEW BOARD ("THE BOARD") IS HEREBY CREATED TO HAVE AND EXERCISE THE
8 POWERS, DUTIES AND PREROGATIVES PROVIDED BY THE PROVISIONS OF THIS
9 SECTION AND ANY OTHER PROVISION OF LAW.

10 (B) THE VOTING MEMBERSHIP OF THE BOARD SHALL CONSIST OF THREE PERSONS
11 APPOINTED BY THE GOVERNOR, OF WHICH ONE SHALL BE UPON THE RECOMMENDATION
12 OF THE TEMPORARY PRESIDENT OF THE SENATE AND ONE UPON THE RECOMMENDATION
13 OF THE SPEAKER OF THE ASSEMBLY. UPON RECOMMENDATION OF THE NOMINATING
14 PARTY, THE GOVERNOR SHALL REPLACE ANY MEMBER IN ACCORDANCE WITH THE
15 PROVISION CONTAINED IN THIS SUBDIVISION FOR THE APPOINTMENT OF MEMBERS.
16 THE GOVERNOR SHALL DESIGNATE ONE OF THE MEMBERS TO SERVE AS CHAIRPERSON.
17 THE BOARD SHALL ACT BY UNANIMOUS VOTE OF THE MEMBERS OF THE BOARD;
18 PROVIDED, HOWEVER THAT WITHIN FORTY-FIVE DAYS OF RECEIPT OF AN APPLICA-
19 TION SPECIFIED IN PARAGRAPH (B) OF SUBDIVISION THREE OF THIS SECTION,
20 THE DESIGNATED BOARD CHAIRPERSON SHALL CONVENE A MEETING OF THE BOARD,
21 CONSISTING OF ALL VOTING AND NON-VOTING MEMBERS OF THE BOARD PURSUANT TO
22 THIS PARAGRAPH AND PARAGRAPHS (C), (D) AND (E) OF THIS SUBDIVISION
23 PROVIDED, HOWEVER THAT ALL VOTING MEMBERS OR THEIR DESIGNEE MUST PARTIC-
24 IPATE TO APPROVE OR DENY AN APPLICATION. ANY DETERMINATION OF THE BOARD
25 SHALL BE EVIDENCED BY A CERTIFICATION THEREOF EXECUTED BY ALL THE
26 MEMBERS. EACH MEMBER OF THE BOARD SHALL BE ENTITLED TO DESIGNATE A
27 REPRESENTATIVE TO ATTEND MEETINGS OF THE BOARD ON THE DESIGNATING
28 MEMBER'S BEHALF, AND TO VOTE OR OTHERWISE ACT ON THE DESIGNATING
29 MEMBER'S BEHALF IN THE DESIGNATING MEMBER'S ABSENCE. NOTICE OF SUCH
30 DESIGNATION SHALL BE FURNISHED IN WRITING TO THE BOARD BY THE DESIGNAT-
31 ING MEMBER. A REPRESENTATIVE SHALL SERVE AT THE PLEASURE OF THE DESIG-
32 NATING MEMBER DURING THE MEMBER'S TERM OF OFFICE. A REPRESENTATIVE SHALL
33 NOT BE AUTHORIZED TO DELEGATE ANY OF HIS OR HER DUTIES OR FUNCTIONS TO
34 ANY OTHER PERSON.

35 (C) THE GOVERNOR SHALL ALSO APPOINT TWO NON-VOTING MEMBERS TO THE
36 BOARD OF WHICH ONE SHALL BE UPON THE RECOMMENDATION OF THE MINORITY
37 LEADER OF THE SENATE AND ONE UPON THE RECOMMENDATION OF THE MINORITY
38 LEADER OF THE ASSEMBLY. EACH NON-VOTING MEMBER SHALL BE ENTITLED TO
39 DESIGNATE A REPRESENTATIVE TO ATTEND MEETINGS OF THE BOARD IN HIS OR HER
40 PLACE.

41 (D) TWO EX-OFFICIO NON-VOTING MEMBERS OF THE BOARD SHALL BE THE STATE
42 COMPTROLLER AND THE STATE ATTORNEY GENERAL. EACH EX-OFFICIO MEMBER SHALL
43 BE ENTITLED TO DESIGNATE A REPRESENTATIVE TO ATTEND MEETINGS OF THE
44 BOARD IN HIS OR HER PLACE.

45 (E) TWO EX-OFFICIO NON-VOTING MEMBERS OF THE BOARD SHALL BE THE PRESI-
46 DENT OF THE AFL-CIO AND THE DIRECTOR OF THE DIVISION OF MINORITY AND
47 WOMEN-OWNED BUSINESS ENTERPRISES OF THE EMPIRE STATE DEVELOPMENT CORPO-
48 RATION. EACH EX-OFFICIO MEMBER SHALL BE ENTITLED TO DESIGNATE A REPRE-
49 SENTATIVE TO ATTEND MEETINGS OF THE BOARD IN HIS OR HER PLACE.

50 (F) EVERY OFFICER, EMPLOYEE, OR MEMBER OF A GOVERNING BOARD OR OTHER
51 BOARD OF ANY COLLEGE OR GROUP OR ASSOCIATION OF COLLEGES, AND EVERY NEW
52 YORK STATE REGENT, EVERY OFFICER OR EMPLOYEE OF THE BOARD OF REGENTS OR
53 THE DEPARTMENT AND EVERY TRUSTEE, OFFICER OR EMPLOYEE OF THE STATE
54 UNIVERSITY OF NEW YORK SHALL BE INELIGIBLE FOR APPOINTMENT AS A MEMBER,
55 REPRESENTATIVE, OFFICER, EMPLOYEE OR AGENT OF THE BOARD.

(G) THE MEMBERS OF THE BOARD SHALL SERVE WITHOUT SALARY OR PER DIEM ALLOWANCE BUT SHALL BE ENTITLED TO REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF OFFICIAL DUTIES PURSUANT TO THIS SECTION OR OTHER PROVISION OF LAW, PROVIDED HOWEVER THAT SUCH MEMBERS AND REPRESENTATIVES ARE NOT, AT THE TIME SUCH EXPENSES ARE INCURRED, PUBLIC OFFICERS OR EMPLOYEES OTHERWISE ENTITLED TO SUCH REIMBURSEMENT.

(H) THE MEMBERS, THEIR REPRESENTATIVES, OFFICERS AND STAFF TO THE BOARD SHALL BE DEEMED EMPLOYEES WITHIN THE MEANING OF SECTION SEVENTEEN OF THE PUBLIC OFFICERS LAW.

2. POWERS, FUNCTIONS AND DUTIES OF THE STATE UNIVERSITY ASSET MAXIMIZATION REVIEW BOARD; LIMITATIONS. PURSUANT TO THIS CHAPTER, THE BOARD SHALL HAVE THE POWER AND IT SHALL BE ITS DUTY TO APPROVE OR DENY: (A) REQUESTS RECEIVED FROM THE TRUSTEES OF THE STATE UNIVERSITY FOR THE LEASE, TRANSFER OR CONVEYANCE, OTHER THAN THE CONVEYANCE OF TITLE, OF STATE-OWNED REAL PROPERTY UNDER THE JURISDICTION OF THE STATE UNIVERSITY, AND (B) REQUESTS FROM THE TRUSTEES OF THE STATE UNIVERSITY TO PARTICIPATE IN JOINT AND COOPERATIVE ARRANGEMENTS WITH PUBLIC, NOT-FOR-PROFIT AND BUSINESS ENTITIES AS PARTNERS, JOINT VENTURERS, MEMBERS OF NOT-FOR-PROFIT CORPORATIONS, MEMBERS OF LIMITED LIABILITY COMPANIES AND SHAREHOLDERS OF BUSINESS CORPORATIONS, AS AUTHORIZED BY PARAGRAPH Z OF SUBDIVISION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OF THIS ARTICLE.

3. (A) THE TRUSTEES OF THE STATE UNIVERSITY OF NEW YORK SHALL SUBMIT, IN WRITING, AN APPLICATION TO ALL VOTING AND NON-VOTING MEMBERS OF THE BOARD FOR THE LEASE, TRANSFER, CONVEYANCE, OTHER THAN THE CONVEYANCE OF TITLE, OF STATE-OWNED REAL PROPERTY UNDER THE JURISDICTION OF THE STATE UNIVERSITY. THE APPLICATION SHALL INCLUDE, BUT NOT BE LIMITED TO, THE NAME OR NAMES OF THE PROSPECTIVE ENTITY FOR WHICH A LEASE OR AGREEMENT SHALL BE ENTERED, THE GEOGRAPHICAL LOCATION AND PARCEL OF REAL PROPERTY THAT WOULD BE UTILIZED, THE PERIOD OF TIME FOR WHICH THE LEASE, TRANSFER OR CONVEYANCE IS TO BE EXECUTED AND ANY CONSIDERATION WHICH IS TO BE GRANTED TO THE STATE UNIVERSITY FOR THE LEASE, TRANSFER OR CONVEYANCE OF SUCH REAL PROPERTY. WHERE A LEASE AGREEMENT FOR STUDENT AND/OR FACULTY HOUSING IS SUBMITTED TO THE BOARD FOR APPROVAL, IF APPLICABLE, THE BOARD MAY TAKE INTO CONSIDERATION WHETHER THE AGREEMENT WOULD IMPACT OCCUPANCY IN DORMITORIES FINANCED PURSUANT TO AGREEMENTS BETWEEN THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK, THE STATE UNIVERSITY OF NEW YORK OR THE STATE UNIVERSITY CONSTRUCTION FUND. THE TRUSTEES SHALL ALSO FURNISH ANY OTHER INFORMATION THAT THE BOARD DEEMS NECESSARY WITHIN FIFTEEN DAYS OF THE REQUEST.

(B) UPON RECEIPT OF AN APPLICATION FROM THE TRUSTEES, THE BOARD SHALL HAVE NO MORE THAN FORTY-FIVE DAYS TO EVALUATE SUCH APPLICATION AND RECORD A VOTE OF APPROVE OR DENY FOR EACH VOTING MEMBER OF THE BOARD.

(C) WITHIN THREE DAYS OF RECEIPT OF AN APPLICATION BY THE BOARD, THE CHAIRPERSON OF THE BOARD SHALL CONVENE AN INITIAL MEETING TO TAKE PLACE WITH AT LEAST SEVEN DAYS ADVANCE NOTICE TO ALL MEMBERS OF THE BOARD, AND WITHIN TWENTY-ONE DAYS OF THE RECEIPT OF THE APPLICATION FOR THE PURPOSE OF RECORDING A VOTE TO APPROVE, DENY, OR TABLE THE APPLICATION. IF ANY VOTE IS MADE TO DENY THE APPLICATION, THE APPLICATION IS DENIED UNLESS THERE IS A VOTE TO TABLE THE APPLICATION. IF AT THE INITIAL MEETING, ANY VOTING MEMBER OR THEIR DESIGNEE DOES NOT PARTICIPATE TO RECORD A VOTE, OR IF THERE IS A VOTE TO TABLE THE APPLICATION, THEN WITHIN THREE DAYS OF THE INITIAL MEETING, THE CHAIRPERSON OF THE BOARD SHALL CONVENE A SUBSEQUENT MEETING WITH AT LEAST SEVEN DAYS ADVANCE NOTICE TO ALL MEMBERS OF THE BOARD, AND WITHIN THIRTY-FIVE DAYS OF THE RECEIPT OF THE

1 APPLICATION FOR THE PURPOSE OF RECORDING A VOTE TO APPROVE, DENY, OR
2 TABLE THE APPLICATION. IF ANY VOTE IS MADE TO DENY THE APPLICATION, THE
3 APPLICATION IS DENIED UNLESS THERE IS A VOTE TO TABLE THE APPLICATION.
4 IF AT THE SUBSEQUENT MEETING, ANY VOTING MEMBER OR THEIR DESIGNEE DOES
5 NOT PARTICIPATE TO RECORD A VOTE, OR IF THERE IS A VOTE TO TABLE THE
6 APPLICATION, THEN WITHIN THREE DAYS OF THE SUBSEQUENT MEETING, THE
7 CHAIRPERSON OF THE BOARD SHALL CONVENE A FINAL MEETING WITH AT LEAST
8 SEVEN DAYS ADVANCE NOTICE TO ALL MEMBERS OF THE BOARD, AND WITHIN
9 FORTY-FIVE DAYS OF THE RECEIPT OF THE APPLICATION FOR THE PURPOSE OF
10 RECORDING A VOTE TO APPROVE OR DENY THE APPLICATION. IF ANY VOTE IS MADE
11 TO DENY THE APPLICATION, THE APPLICATION IS DENIED. IF ANY VOTING MEMBER
12 OR THEIR DESIGNEE DOES NOT PARTICIPATE IN THE FINAL MEETING, OR IF ANY
13 VOTING MEMBER DOES NOT CAST A VOTE TO APPROVE OR DENY THE APPLICATION,
14 THEN THE VOTE OF SUCH MEMBER SHALL BE RECORDED AS A VOTE TO APPROVE THE
15 APPLICATION.

16 (D) IN THE EVENT THAT THE CHAIRPERSON OF THE BOARD DOES NOT CONVENE A
17 MEETING REQUIRED PURSUANT TO PARAGRAPH (C) OF THIS SUBDIVISION, EITHER
18 OF THE OTHER VOTING MEMBERS OF THE BOARD SHALL HAVE THE AUTHORITY TO
19 CONVENE SUCH MEETING WITHIN THE SAME PARAMETERS AND WITH THE SAME CRITE-
20 RIA REQUIRED BY SUCH PARAGRAPH, EXCEPT THAT ANY SUCH MEETING SHALL BE
21 CONVENED WITHIN TWO DAYS OF THE EXPIRATION OF THE THREE DAY TIME ALLOT-
22 MENT PROVIDED TO THE CHAIRPERSON. IN ADDITION, NOTHING IN THIS SECTION
23 SHALL PREVENT THE CHAIRPERSON FROM CONVENING ADDITIONAL MEETINGS NOT
24 SPECIFICALLY REQUIRED PURSUANT TO PARAGRAPH (C) OF THIS SUBDIVISION,
25 PROVIDED THAT ANY SUCH MEETING SHALL ALLOW AT LEAST SEVEN DAYS ADVANCE
26 NOTICE TO ALL MEMBERS OF THE BOARD.

27 (E) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBDIVISION, ANY
28 ADVANCE NOTICE REQUIREMENTS MAY BE WAIVED UPON THE CONSENT OF ALL VOTING
29 MEMBERS OF THE BOARD.

30 (F) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBDIVISION, IF ANY
31 VOTING MEMBER CASTS A VOTE TO TABLE THE APPLICATION, NO OTHER VOTES
32 SHALL BE RECORDED UNTIL A SUBSEQUENT MEETING IS CONVENED. PROVIDED,
33 HOWEVER, THAT A VOTE TO TABLE THE APPLICATION SHALL NOT BE ALLOWABLE
34 AFTER THIRTY-FIVE DAYS OF THE RECEIPT OF THE APPLICATION.

35 (G) ALL MEETINGS CONVENED BY THE BOARD SHALL BE SUBJECT TO THE OPEN
36 MEETINGS LAW, AND ANY VOTES RECORDED BY ANY VOTING MEMBER OF THE BOARD
37 SHALL BE MADE PUBLIC.

38 (H) UPON APPROVAL OF AN APPLICATION, THE TRUSTEES SHALL SUBMIT TO THE
39 BOARD PROOF OF COMPLIANCE WITH ARTICLE FIFTEEN-A OF THE EXECUTIVE LAW
40 AND UPON NON-COMPLIANCE, SHALL PROVIDE GOOD CAUSE SHOWN FOR SUCH
41 NON-COMPLIANCE. UPON REVIEW OF SUCH INFORMATION, THE BOARD SHALL REPORT
42 ITS FINDINGS TO THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF
43 THE ASSEMBLY, THE CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE, THE
44 CHAIR OF THE SENATE FINANCE COMMITTEE AND THE CHAIR OF THE HIGHER EDUCA-
45 TION COMMITTEES IN BOTH HOUSES.

46 4. (A) THE TRUSTEES OF THE STATE UNIVERSITY SHALL SUBMIT, IN WRITING,
47 AN APPLICATION TO ALL VOTING AND NON-VOTING MEMBERS OF THE BOARD TO
48 PARTICIPATE IN JOINT AND COOPERATIVE ARRANGEMENTS WITH PUBLIC, NOT-FOR-
49 PROFIT AND BUSINESS ENTITIES AS PARTNERS, JOINT VENTURERS, MEMBERS OF
50 NOT-FOR-PROFIT CORPORATIONS, MEMBERS OF LIMITED LIABILITY COMPANIES AND
51 SHAREHOLDERS OF BUSINESS CORPORATIONS, AS AUTHORIZED BY PARAGRAPH Z OF
52 SUBDIVISION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OF THIS ARTICLE. THE
53 APPLICATION SHALL INCLUDE, BUT NOT BE LIMITED TO, THE NAME OF THE ENTITY
54 WITH WHICH THE STATE UNIVERSITY SEEKS TO PARTICIPATE, THE TYPE OF LEGAL
55 ENTITY TO BE CREATED, AND THE TRANSACTION THAT THE STATE UNIVERSITY AND
56 THE OTHER PARTICIPANT SEEK TO UNDERTAKE. THE TRUSTEES SHALL ALSO FURNISH

1 INFORMATION RELATED TO THEIR PLANS TO ADVERTISE PROSPECTIVE PROJECTS IN
2 THE PROCUREMENT OPPORTUNITIES NEWSLETTER AND IN LOCAL NEWSPAPERS AND
3 TAKE ANY OTHER STEPS TO MAXIMIZE THE OPPORTUNITY FOR LOCAL BUSINESS
4 PARTICIPATION AND THE BOARD MAY REQUEST ANY OTHER INFORMATION THAT THE
5 BOARD DEEMS NECESSARY WITHIN FIFTEEN DAYS OF THE REQUEST.

6 (B) UPON RECEIPT OF AN APPLICATION FROM THE TRUSTEES, THE BOARD SHALL
7 HAVE NO MORE THAN FORTY-FIVE DAYS TO EVALUATE SUCH APPLICATION AND
8 RECORD A VOTE OF APPROVE OR DENY FOR EACH VOTING MEMBER OF THE BOARD.

9 (C) WITHIN THREE DAYS OF RECEIPT OF AN APPLICATION BY THE BOARD, THE
10 CHAIRPERSON OF THE BOARD SHALL CONVENE AN INITIAL MEETING TO TAKE PLACE
11 WITH AT LEAST SEVEN DAYS ADVANCE NOTICE TO ALL MEMBERS OF THE BOARD, AND
12 WITHIN TWENTY-ONE DAYS OF THE RECEIPT OF THE APPLICATION FOR THE PURPOSE
13 OF RECORDING A VOTE TO APPROVE, DENY, OR TABLE THE APPLICATION. IF ANY
14 VOTE IS MADE TO DENY THE APPLICATION, THE APPLICATION IS DENIED UNLESS
15 THERE IS A VOTE TO TABLE THE APPLICATION. IF AT THE INITIAL MEETING,
16 ANY VOTING MEMBER OR THEIR DESIGNEE DOES NOT PARTICIPATE TO RECORD A
17 VOTE, OR IF THERE IS A VOTE TO TABLE THE APPLICATION, THEN WITHIN THREE
18 DAYS OF THE INITIAL MEETING, THE CHAIRPERSON OF THE BOARD SHALL CONVENE
19 A SUBSEQUENT MEETING WITH AT LEAST SEVEN DAYS ADVANCE NOTICE TO ALL
20 MEMBERS OF THE BOARD, AND WITHIN THIRTY-FIVE DAYS OF THE RECEIPT OF THE
21 APPLICATION FOR THE PURPOSE OF RECORDING A VOTE TO APPROVE, DENY, OR
22 TABLE THE APPLICATION. IF ANY VOTE IS MADE TO DENY THE APPLICATION, THE
23 APPLICATION IS DENIED UNLESS THERE IS A VOTE TO TABLE THE APPLICATION.
24 IF AT THE SUBSEQUENT MEETING, ANY VOTING MEMBER OR THEIR DESIGNEE DOES
25 NOT PARTICIPATE TO RECORD A VOTE, OR IF THERE IS A VOTE TO TABLE THE
26 APPLICATION, THEN WITHIN THREE DAYS OF THE SUBSEQUENT MEETING, THE
27 CHAIRPERSON OF THE BOARD SHALL CONVENE A FINAL MEETING WITH AT LEAST
28 SEVEN DAYS ADVANCE NOTICE TO ALL MEMBERS OF THE BOARD, AND WITHIN
29 FORTY-FIVE DAYS OF THE RECEIPT OF THE APPLICATION FOR THE PURPOSE OF
30 RECORDING A VOTE TO APPROVE OR DENY THE APPLICATION. IF ANY VOTE IS MADE
31 TO DENY THE APPLICATION, THE APPLICATION IS DENIED. IF ANY VOTING MEMBER
32 OR THEIR DESIGNEE DOES NOT PARTICIPATE IN THE FINAL MEETING, OR IF ANY
33 VOTING MEMBER DOES NOT CAST A VOTE TO APPROVE OR DENY THE APPLICATION,
34 THEN THE VOTE OF SUCH MEMBER SHALL BE RECORDED AS A VOTE TO APPROVE THE
35 APPLICATION.

36 (D) IN THE EVENT THAT THE CHAIRPERSON OF THE BOARD DOES NOT CONVENE A
37 MEETING REQUIRED PURSUANT TO PARAGRAPH (C) OF THIS SUBDIVISION, EITHER
38 OF THE OTHER VOTING MEMBERS OF THE BOARD SHALL HAVE THE AUTHORITY TO
39 CONVENE SUCH MEETING WITHIN THE SAME PARAMETERS AND WITH THE SAME CRITE-
40 RIA REQUIRED BY SUCH PARAGRAPH, EXCEPT THAT ANY SUCH MEETING SHALL BE
41 CONVENED WITHIN TWO DAYS OF THE EXPIRATION OF THE THREE DAY TIME ALLOT-
42 MENT PROVIDED TO THE CHAIRPERSON. IN ADDITION, NOTHING IN THIS SECTION
43 SHALL PREVENT THE CHAIRPERSON FROM CONVENING ADDITIONAL MEETINGS NOT
44 SPECIFICALLY REQUIRED PURSUANT TO PARAGRAPH (C) OF THIS SUBDIVISION,
45 PROVIDED THAT ANY SUCH MEETING SHALL ALLOW AT LEAST SEVEN DAYS ADVANCE
46 NOTICE TO ALL MEMBERS OF THE BOARD.

47 (E) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBDIVISION, ANY
48 ADVANCE NOTICE REQUIREMENTS MAY BE WAIVED UPON THE CONSENT OF ALL VOTING
49 MEMBERS OF THE BOARD.

50 (F) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBDIVISION, IF ANY
51 VOTING MEMBER CASTS A VOTE TO TABLE THE APPLICATION, NO OTHER VOTES
52 SHALL BE RECORDED UNTIL A SUBSEQUENT MEETING IS CONVENED. PROVIDED,
53 HOWEVER, THAT A VOTE TO TABLE THE APPLICATION SHALL NOT BE ALLOWABLE
54 AFTER THIRTY-FIVE DAYS OF THE RECEIPT OF THE APPLICATION.

1 (G) ALL MEETINGS CONVENED BY THE BOARD SHALL BE SUBJECT TO THE OPEN
2 MEETINGS LAW, AND ANY VOTES RECORDED BY ANY VOTING MEMBER OF THE BOARD
3 SHALL BE MADE PUBLIC.

4 (H) UPON APPROVAL OF AN APPLICATION, THE TRUSTEES SHALL SUBMIT TO THE
5 BOARD PROOF OF COMPLIANCE WITH ARTICLE FIFTEEN-A OF THE EXECUTIVE LAW
6 AND UPON NON-COMPLIANCE, SHALL PROVIDE GOOD CAUSE SHOWN FOR SUCH
7 NON-COMPLIANCE. UPON REVIEW OF SUCH INFORMATION, THE BOARD SHALL REPORT
8 ITS FINDINGS TO THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF
9 THE ASSEMBLY, THE CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE, THE
10 CHAIR OF THE SENATE FINANCE COMMITTEE AND THE CHAIR OF THE HIGHER EDUCA-
11 TION COMMITTEES IN BOTH HOUSES.

12 5. INsofar AS THE PROVISIONS OF THIS SECTION ARE INCONSISTENT WITH THE
13 PROVISIONS OF ANY LAW, GENERAL, SPECIAL OR LOCAL, THE PROVISIONS OF THIS
14 SECTION SHALL BE CONTROLLING, EXCEPT THAT NOTHING IN THIS SECTION SHALL
15 PRECLUDE THE STATE UNIVERSITY OF NEW YORK FROM ENTERING INTO CONTRACTS
16 OR AGREEMENTS OTHERWISE PERMITTED BY LAW WITHOUT BOARD APPROVAL.

17 S 3. Subdivision 2 of section 355 of the education law is amended by
18 adding two new paragraphs y and z to read as follows:

19 Y. TO LEASE OR MAKE AVAILABLE TO ANY OTHER PUBLIC OR PRIVATE FOR-PRO-
20 FIT OR NON-PROFIT ENTITY, INCLUDING, BUT NOT LIMITED TO, A LOCAL DEVEL-
21 OPMENT CORPORATION ORGANIZED UNDER SECTION FOURTEEN HUNDRED ELEVEN OF
22 THE NOT-FOR-PROFIT CORPORATION LAW OR AN INDUSTRIAL DEVELOPMENT AGENCY
23 ORGANIZED UNDER ARTICLE EIGHTEEN-A OF THE GENERAL MUNICIPAL LAW, A
24 PORTION OF THE GROUNDS OR REAL PROPERTY OCCUPIED BY A STATE OPERATED
25 INSTITUTION OR STATUTORY OR CONTRACT COLLEGE FOR THE CONSTRUCTION,
26 ACQUISITION, RECONSTRUCTION, REHABILITATION OR IMPROVEMENT OF ACADEMIC
27 BUILDINGS, DORMITORIES OR OTHER FACILITIES THEREON AND FOR THE PURPOSE
28 OF FACILITATING SUCH CONSTRUCTION, ACQUISITION, RECONSTRUCTION, REHABIL-
29 ITATION OR IMPROVEMENT, TO ENTER INTO LEASES AND AGREEMENTS FOR THE USE
30 OF ANY SUCH ACADEMIC BUILDING, DORMITORY OR OTHER FACILITY; PROVIDED,
31 HOWEVER, THAT NOTHING HEREIN CONTAINED SHALL AFFECT THE PROVISIONS OF
32 ANY LEASE OR AGREEMENT HERETOFORE EXECUTED BY THE STATE UNIVERSITY WITH
33 THE DORMITORY AUTHORITY. THE STATE UNIVERSITY TRUSTEES MAY ALSO ENTER
34 INTO AGREEMENTS WITH ANY OTHER PUBLIC OR PRIVATE FOR-PROFIT OR NON-PRO-
35 FIT ENTITY, INCLUDING, BUT NOT LIMITED TO A LOCAL DEVELOPMENT CORPO-
36 RATION ORGANIZED UNDER SECTION FOURTEEN HUNDRED ELEVEN OF THE
37 NOT-FOR-PROFIT CORPORATION LAW OR AN INDUSTRIAL DEVELOPMENT AGENCY
38 ORGANIZED UNDER ARTICLE EIGHTEEN-A OF THE GENERAL MUNICIPAL LAW, TO
39 FURNISH HEAT FROM A CENTRAL HEATING PLANT TO ANY ACADEMIC BUILDING,
40 DORMITORY OR OTHER FACILITY ERECTED BY THEM OR WITH MONEYS SUPPLIED BY
41 THEM.

42 Z. IN CONNECTION WITH PUBLIC-PRIVATE PARTNERSHIPS IN SUPPORT OF THE
43 CORPORATE PURPOSES OF THE STATE UNIVERSITY, TO PARTICIPATE IN JOINT AND
44 COOPERATIVE ARRANGEMENTS WITH PUBLIC, NOT-FOR-PROFIT AND BUSINESS ENTI-
45 TIES AS PARTNERS, JOINT VENTURERS, MEMBERS OF NOT-FOR-PROFIT CORPO-
46 RATIONS, MEMBERS OF LIMITED LIABILITY COMPANIES AND SHAREHOLDERS OF
47 BUSINESS CORPORATIONS. THE STATE UNIVERSITY'S PARTICIPATION SHALL BE
48 SUBJECT TO GUIDELINES OF THE STATE UNIVERSITY WITH RESPECT TO CONFLICTS
49 OF INTEREST AND TO ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW AND THE
50 APPLICABLE PROVISIONS OF AGREEMENTS BETWEEN THE STATE AND EMPLOYEE
51 ORGANIZATIONS PURSUANT TO SUCH ARTICLE FOURTEEN. NOTWITHSTANDING ANY
52 INCONSISTENT PROVISION IN SECTION EIGHT OF THE COURT OF CLAIMS ACT, THE
53 STATE UNIVERSITY MAY INCLUDE IN A CONTRACT RELATING TO SUCH PARTIC-
54 IPATION, OTHER THAN A CONTRACT WITH STATE EMPLOYEES RELATING TO TERMS
55 AND CONDITIONS OF THEIR EMPLOYMENT, A PROVISION THAT SOME OR ALL
56 DISPUTES ARISING UNDER OR RELATED TO SUCH CONTRACT SHALL BE RESOLVED BY

BINDING ARBITRATION IN ACCORDANCE WITH THE RULES OF A NATIONALLY-RECOGNIZED ARBITRATION ASSOCIATION. NOTHING CONTAINED IN THE PUBLIC OFFICERS LAW OR IN ANY OTHER LAW, RULE OR REGULATION SHALL BE CONSTRUED OR APPLIED TO PROHIBIT STATE UNIVERSITY OFFICERS AND EMPLOYEES FROM ENGAGING IN ACTIVITIES FOR WHICH NO COMPENSATION IS PAID AS DESIGNEES OF THE STATE UNIVERSITY IN CONNECTION WITH SUCH JOINT AND COOPERATIVE ARRANGEMENTS, INCLUDING SERVING AS DESIGNEES OF THE STATE UNIVERSITY AS DIRECTORS ON BOARDS OR OTHER GOVERNING BODIES OF CORPORATIONS OR OTHER ENTITIES.

S 4. Subdivisions 8 and 12 of section 373 of the education law, as added by chapter 251 of the laws of 1962, are amended to read as follows:

8. (A) To design, construct, acquire, reconstruct, rehabilitate and improve academic buildings, dormitories and other facilities for the state university [in accordance with sections three hundred seventy-five and three hundred seventy-six of this chapter] USING ANY PROJECT DELIVERY METHOD, INCLUDING BUT NOT LIMITED TO, DESIGN, BID, BUILD, DESIGN/BUILD, OR CONSTRUCTION MANAGER AT RISK, THAT WILL ASSIST THE FUND IN FULFILLING ITS PURPOSES UNDER SECTION THREE HUNDRED SEVENTY-TWO OF THIS ARTICLE, PROVIDED THAT ALL WORK PERFORMED ON A PROJECT WHERE ALL OR ANY PORTION THEREOF INVOLVES A LEASE OR AGREEMENT FOR SUCH CONSTRUCTION, DEMOLITION, RECONSTRUCTION, EXCAVATION, REHABILITATION, REPAIR, RENOVATION, ALTERATION OR IMPROVEMENTS SHALL BE DEEMED PUBLIC WORK AND SHALL BE SUBJECT TO AND PERFORMED IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE EIGHT OF THE LABOR LAW TO THE SAME EXTENT AND IN THE SAME MANNER AS A CONTRACT OF THE STATE. COMPLIANCE WITH ALL THE PROVISIONS OF ARTICLE EIGHT OF THE LABOR LAW AND ARTICLE FIFTEEN-A OF THE EXECUTIVE LAW SHALL BE REQUIRED OF ANY LESSEE, SUBLESSEE, CONTRACTOR, OR SUBCONTRACTOR ON THE PROJECT. IN NO EVENT SHALL MORE THAN FIFTEEN PERCENT OF THE TOTAL ANNUAL COST OF ALL STATE UNIVERSITY CAPITAL PROJECTS BE AWARDED FOR PROJECTS THAT USE A PROJECT DELIVERY METHOD OTHER THAN DESIGN, BID, BUILD.

(B) NO LATER THAN DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN THE FUND SHALL SUBMIT TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY A REPORT DESCRIBING THE EFFICACY OF THE FUND'S USE OF PROJECT DELIVERY METHODS OTHER THAN DESIGN, BID, BUILD. COMMENTS, IF ANY, OF THE NEW YORK STATE BUILDING AND CONSTRUCTION TRADES COUNCIL SHALL BE INCLUDED IN SUCH REPORT.

(C) WITH RESPECT TO ANY PROJECT BY THE FUND FOR WHICH A PROJECT DELIVERY METHOD OTHER THAN DESIGN, BID, BUILD IS PROPOSED, THE PROJECT SHALL BE UNDERTAKEN PURSUANT TO A PROJECT LABOR AGREEMENT, AS DEFINED IN SUBDIVISION ONE OF SECTION TWO HUNDRED TWENTY-TWO OF THE LABOR LAW. UNLESS THE FUND DETERMINES, UPON THE BASIS OF A STUDY DONE BY OR FOR THE CONTRACTING ENTITY BY A QUALIFIED ENTITY ACCEPTABLE TO THE FUND, THAT THE FUND'S INTEREST IN OBTAINING THE BEST WORK AT THE LOWEST POSSIBLE PRICE, PREVENTING FAVORITISM, FRAUD AND CORRUPTION, AND OTHER CONSIDERATIONS SUCH AS THE IMPACT OF DELAY, THE POSSIBILITY OF COST SAVINGS ADVANTAGES, AND ANY LOCAL HISTORY OF LABOR UNREST, ARE BEST MET BY REQUIRING A PROJECT LABOR AGREEMENT, THE FUND SHALL NOT UNDERTAKE THE PROJECT USING A PROJECT DELIVERY METHOD OTHER THAN DESIGN, BID, BUILD;

12. To [make] PROCURE and execute contracts, lease agreements, and all other instruments necessary or convenient for the exercise of its corporate powers and the fulfillment of its corporate purposes under this article. NOTWITHSTANDING SECTION ONE HUNDRED TWELVE OF THE STATE FINANCE LAW OR ANY OTHER LAW TO THE CONTRARY, ALL SUCH FUND PROCUREMENTS SHALL BE SUBJECT ONLY TO PROCUREMENT GUIDELINES THAT ARE ANNUALLY ADOPTED BY

1 THE FUND TRUSTEES, WHICH SHALL CONFORM TO THE PROVISIONS OF TITLE FOUR
2 OF ARTICLE NINE OF THE PUBLIC AUTHORITIES LAW EXCEPT SECTION
3 TWENTY-EIGHT HUNDRED SEVENTY-NINE-A OF SUCH LAW;

4 S 5. Subdivisions 2 and 8 of section 376 of the education law, as
5 added by chapter 251 of the laws of 1962, the opening paragraph and
6 paragraph a of subdivision 8 as amended by chapter 877 of the laws of
7 1990 and paragraph f of subdivision 8 as added by chapter 769 of the
8 laws of 1978, are amended to read as follows:

9 2. The fund may construct, acquire, reconstruct, rehabilitate and
10 improve such facilities, other than dormitories, by its own employees,
11 by agreement with a state retirement system or any state agency author-
12 ized to perform such work, or by contract awarded pursuant to subdivi-
13 sion eight of this section. IF THE FUND AND THE STATE UNIVERSITY ENTER
14 INTO AN AGREEMENT WHEREBY THE STATE UNIVERSITY IS AUTHORIZED BY THE FUND
15 TO CONSTRUCT, ACQUIRE, RECONSTRUCT, REHABILITATE AND IMPROVE SUCH FACIL-
16 ITIES, SUCH AGREEMENT MAY ALLOW THE STATE UNIVERSITY TO USE THE SAME
17 PROJECT DELIVERY METHODS CONTAINED IN SUBDIVISION EIGHT OF SECTION THREE
18 HUNDRED SEVENTY-THREE OF THIS ARTICLE.

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

45 a. [If contracts are to be publicly let, the] THE letting agency shall
46 advertise the invitation to bid OR THE REQUEST FOR PROPOSALS in [a news-
47 paper published in the city of Albany and in] such [other newspapers]
48 NEWSPAPER as will be most likely in its opinion to give adequate notice
49 to contractors of the work required [and of the invitation to bid]
50 provided, however, that where the estimated expense of any contract
51 which may be awarded pursuant to this subdivision is less than TWO
52 HUNDRED fifty thousand dollars, the letting agency may advertise the
53 invitation to bid solely through the procurement opportunities newslet-
54 ter published pursuant to section one hundred forty-two of the economic
55 development law. The invitation to bid OR REQUEST FOR PROPOSALS shall
56 contain such information as the letting agency shall deem appropriate

1 [and a statement of the time and place where all bids received pursuant
2 to such notice will be publicly opened and read].

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

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

12 d. [The form of any] ANY contract awarded pursuant to this subdivision
13 shall [be approved by the attorney general and by the comptroller and
14 shall] contain a clause that the contract shall be deemed executory to
15 the extent of the moneys available and that no liability shall be
16 incurred by the fund beyond the moneys available therefor.

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

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

26 S 6. Paragraph (b) of subdivision 2 of section 1676 of the public
27 authorities law is amended by adding three new undesignated paragraphs
28 to read as follows:

29 ANY ENTITY WHICH IS ORGANIZED BY OFFICERS, EMPLOYEES, ALUMNI OR
30 STUDENTS OF THE STATE UNIVERSITY OF NEW YORK TO SUPPORT THE STATE
31 UNIVERSITY AND WHICH IS QUALIFIED AS AN ORGANIZATION UNDER THE UNITED
32 STATES INTERNAL REVENUE CODE AS EXEMPT FROM INCOME TAX, OTHER THAN THE
33 RESEARCH FOUNDATION OF STATE UNIVERSITY OF NEW YORK AND ANY ENTITY WHICH
34 IS ORGANIZED EXCLUSIVELY BY STUDENTS OF THE STATE UNIVERSITY, FOR THE
35 FINANCING, REFINANCING, ACQUISITION, DESIGN, CONSTRUCTION, RECON-
36 STRUCTION, REHABILITATION, IMPROVEMENT, FURNISHING AND EQUIPPING OF ANY
37 HOUSING UNIT FOR THE USE OF STUDENTS, FACULTY, STAFF AND THEIR FAMILIES
38 OR ANY ACADEMIC BUILDING, ADMINISTRATION BUILDING, LIBRARY, LABORATORY,
39 CLASSROOM, HEALTH FACILITY OR OTHER FACILITY, BUILDING OR STRUCTURE
40 ESSENTIAL, NECESSARY OR USEFUL IN FURTHERING THE ACADEMIC, CULTURAL,
41 HEALTH OR RESEARCH PROGRAMS OF THE STATE UNIVERSITY OF NEW YORK, INCLUD-
42 ING ALL NECESSARY AND USUAL ATTENDANT AND RELATED FACILITIES AND EQUIP-
43 MENT.

44 ANY ENTITY WHICH IS ORGANIZED BY OFFICERS, EMPLOYEES, ALUMNI OR
45 STUDENTS OF A LOCALLY SPONSORED COMMUNITY COLLEGE, INCLUDING A LOCALLY
46 SPONSORED COMMUNITY COLLEGE ESTABLISHED AND OPERATED BY A COMMUNITY
47 COLLEGE REGION AS SET FORTH IN SECTION SIXTY-THREE HUNDRED ONE OF THE
48 EDUCATION LAW, TO SUPPORT THE LOCALLY SPONSORED COMMUNITY COLLEGE AND
49 WHICH IS QUALIFIED AS AN ORGANIZATION UNDER THE UNITED STATES INTERNAL
50 REVENUE CODE AS EXEMPT FROM INCOME TAX, OTHER THAN ANY ENTITY WHICH IS
51 ORGANIZED EXCLUSIVELY BY STUDENTS OF THE LOCALLY SPONSORED COMMUNITY
52 COLLEGE, FOR THE FINANCING, REFINANCING, ACQUISITION, DESIGN,
53 CONSTRUCTION, RECONSTRUCTION, REHABILITATION, IMPROVEMENT, FURNISHING
54 AND EQUIPPING OF ANY HOUSING UNIT FOR THE USE OF STUDENTS, FACULTY,
55 STAFF AND THEIR FAMILIES OR ANY ACADEMIC BUILDING, ADMINISTRATION BUILD-
56 ING, LIBRARY, LABORATORY, CLASSROOM, HEALTH FACILITY OR OTHER FACILITY,

1 BUILDING OR STRUCTURE ESSENTIAL, NECESSARY OR USEFUL IN FURTHERING THE
2 ACADEMIC, CULTURAL, HEALTH OR RESEARCH PROGRAMS OF THE LOCALLY SPONSORED
3 COMMUNITY COLLEGE, INCLUDING ALL NECESSARY AND USUAL ATTENDANT AND
4 RELATED FACILITIES AND EQUIPMENT.

5 A LOCALLY SPONSORED COMMUNITY COLLEGE, FOR THE ACQUISITION, DESIGN,
6 CONSTRUCTION, RECONSTRUCTION, REHABILITATION AND IMPROVEMENT OF A HOUS-
7 ING UNIT, INCLUDING ALL NECESSARY AND ATTENDANT AND RELATED FACILITIES
8 AND EQUIPMENT, FOR THE USE OF STUDENTS, MARRIED STUDENTS, FACULTY, STAFF
9 AND THE FAMILIES THEREOF AT SUCH LOCALLY SPONSORED COMMUNITY COLLEGE.

10 S 7. Subdivision 1 of section 1680 of the public authorities law is
11 amended by adding three new undesignated paragraphs to read as follows:

12 ANY ENTITY WHICH IS ORGANIZED BY OFFICERS, EMPLOYEES, ALUMNI OR
13 STUDENTS OF THE STATE UNIVERSITY OF NEW YORK TO SUPPORT THE STATE
14 UNIVERSITY AND WHICH IS QUALIFIED AS AN ORGANIZATION UNDER THE UNITED
15 STATES INTERNAL REVENUE CODE AS EXEMPT FROM INCOME TAX, OTHER THAN THE
16 RESEARCH FOUNDATION OF STATE UNIVERSITY OF NEW YORK AND ANY ENTITY WHICH
17 IS ORGANIZED EXCLUSIVELY BY STUDENTS OF THE STATE UNIVERSITY, FOR THE
18 FINANCING, REFINANCING, ACQUISITION, DESIGN, CONSTRUCTION, RECON-
19 STRUCTION, REHABILITATION, IMPROVEMENT, FURNISHING AND EQUIPPING OF ANY
20 HOUSING UNIT FOR THE USE OF STUDENTS, FACULTY, STAFF AND THEIR FAMILIES
21 OR ANY ACADEMIC BUILDING, ADMINISTRATION BUILDING, LIBRARY, LABORATORY,
22 CLASSROOM, HEALTH FACILITY OR ANY OTHER BUILDING, FACILITY OR STRUCTURE
23 ESSENTIAL, NECESSARY OR USEFUL IN FURTHERING THE ACADEMIC, CULTURAL,
24 HEALTH OR RESEARCH PROGRAMS FOR THE STATE UNIVERSITY OF NEW YORK,
25 INCLUDING ALL NECESSARY AND USUAL ATTENDANT AND RELATED FACILITIES AND
26 EQUIPMENT; PROVIDED HOWEVER THAT ANY PROJECT PROPOSED TO BE UNDERTAKEN
27 PURSUANT TO THIS PARAGRAPH SHALL FIRST BE APPROVED BY THE STATE UNIVER-
28 SITY OF NEW YORK; PROVIDED FURTHER AND NOTWITHSTANDING ANY PROVISION OF
29 LAW TO THE CONTRARY, THAT ANY SUCH NOT-FOR-PROFIT ENTITY, THE STATE
30 UNIVERSITY OF NEW YORK AND THE STATE UNIVERSITY CONSTRUCTION FUND ARE
31 HEREBY AUTHORIZED TO TAKE SUCH ACTIONS AND TO ENTER INTO SUCH AGREEMENTS
32 WITH THE DORMITORY AUTHORITY AS ARE NECESSARY TO: (I) UNDERTAKE THE
33 FINANCING, REFINANCING, ACQUISITION, DESIGN, CONSTRUCTION, RECON-
34 STRUCTION, REHABILITATION, IMPROVEMENT, FURNISHING AND EQUIPPING OF ANY
35 PROJECT AS PROVIDED IN THIS PARAGRAPH, INCLUDING, BUT NOT LIMITED TO,
36 PROVIDING FOR THE CONVEYANCE OF STATE-OWNED PROPERTY UNDER THE JURISDIC-
37 TION OF THE STATE UNIVERSITY TO THE NOT-FOR-PROFIT ENTITY; OR (II) GRANT
38 THE AUTHORITY A LIEN ON ANY REVENUES OR PROPERTY OR ANY MONEYS TO BE
39 RECEIVED BY THE NOT-FOR-PROFIT ENTITY TO THE EXTENT THAT SUCH REVENUES,
40 PROPERTY OR MONEYS ARE PLEDGED BY THE ENTITY TO THE DORMITORY AUTHORITY
41 TO SECURE THE PAYMENT OF ALL AMOUNTS OWED TO THE AUTHORITY ON ACCOUNT OF
42 ANY PROJECT UNDERTAKEN PURSUANT TO THIS PARAGRAPH; PROVIDED FURTHER,
43 THAT ALL WORK PERFORMED ON A PROJECT WHERE ALL OR ANY PORTION THEREOF
44 INVOLVES A LEASE OR AGREEMENT FOR CONSTRUCTION, DEMOLITION, RECON-
45 STRUCTION, EXCAVATION, REHABILITATION, REPAIR, RENOVATION, ALTERATION OR
46 IMPROVEMENT SHALL BE DEEMED PUBLIC WORK AND SHALL BE SUBJECT TO AND
47 PERFORMED IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE EIGHT OF THE
48 LABOR LAW TO THE SAME EXTENT AND IN THE SAME MANNER AS A CONTRACT OF THE
49 STATE AND THE CONTRACTORS PERFORMING SUCH WORK SHALL ALSO BE DEEMED A
50 STATE AGENCY FOR THE PURPOSE OF ARTICLE FIFTEEN-A OF THE EXECUTIVE LAW
51 AND SUBJECT TO THE PROVISIONS OF SUCH ARTICLE, AND SHALL BE SUBJECT TO A
52 COMPETITIVE PROCESS. COMPLIANCE WITH ALL THE PROVISIONS OF ARTICLE
53 EIGHT OF THE LABOR LAW SHALL BE REQUIRED OF ANY LESSEE, SUBLESSEE,
54 CONTRACTOR, OR SUBCONTRACTOR ON THE PROJECT. ALL STATE AND LOCAL OFFI-
55 CERS ARE HEREBY AUTHORIZED TO PAY ALL FUNDS SO ASSIGNED AND PLEDGED TO
56 THE DORMITORY AUTHORITY OR, UPON THE DIRECTION OF THE DORMITORY AUTHORI-

1 TY, TO ANY TRUSTEE OF ANY DORMITORY AUTHORITY BOND OR NOTE ISSUE.
2 NEITHER THE STATE OF NEW YORK, THE STATE UNIVERSITY OF NEW YORK NOR THE
3 STATE UNIVERSITY CONSTRUCTION FUND SHALL TAKE ANY ACTION IN SUCH MANNER
4 AS TO IMPAIR OR DIMINISH THE RIGHTS AND REMEDIES OF THE AUTHORITY PURSU-
5 ANT TO ANY SUCH PLEDGE AND ASSIGNMENT AND ANY LIEN OR OTHER SECURITY
6 INTEREST CREATED PURSUANT TO THIS PARAGRAPH.

7 ANY ENTITY WHICH IS ORGANIZED BY OFFICERS, EMPLOYEES, ALUMNI OR
8 STUDENTS OF A LOCALLY SPONSORED COMMUNITY COLLEGE, INCLUDING A LOCALLY
9 SPONSORED COMMUNITY COLLEGE ESTABLISHED AND OPERATED BY A COMMUNITY
10 COLLEGE REGION AS SET FORTH IN SECTION SIXTY-THREE HUNDRED ONE OF THE
11 EDUCATION LAW, TO SUPPORT THE LOCALLY SPONSORED COMMUNITY COLLEGE AND
12 WHICH IS QUALIFIED AS AN ORGANIZATION UNDER THE UNITED STATES INTERNAL
13 REVENUE CODE AS EXEMPT FROM INCOME TAX, OTHER THAN ANY ENTITY WHICH IS
14 ORGANIZED EXCLUSIVELY BY STUDENTS OF THE LOCALLY SPONSORED COMMUNITY
15 COLLEGE, FOR THE FINANCING, REFINANCING, ACQUISITION, DESIGN,
16 CONSTRUCTION, RECONSTRUCTION, REHABILITATION, IMPROVEMENT, FURNISHING
17 AND EQUIPPING OF ANY HOUSING UNIT FOR THE USE OF STUDENTS, FACULTY,
18 STAFF AND THEIR FAMILIES OR ANY ACADEMIC BUILDING, ADMINISTRATION BUILD-
19 ING, LIBRARY, LABORATORY, CLASSROOM, HEALTH FACILITY OR ANY OTHER BUILD-
20 ING, FACILITY OR STRUCTURE ESSENTIAL, NECESSARY OR USEFUL IN FURTHERING
21 THE ACADEMIC, CULTURAL, HEALTH OR RESEARCH PROGRAMS FOR THE LOCALLY
22 SPONSORED COMMUNITY COLLEGE, INCLUDING ALL NECESSARY AND USUAL ATTENDANT
23 AND RELATED FACILITIES AND EQUIPMENT; PROVIDED HOWEVER THAT ANY PROJECT
24 PROPOSED TO BE UNDERTAKEN PURSUANT TO THIS PARAGRAPH SHALL FIRST BE
25 APPROVED BY THE BOARD OF TRUSTEES OF THE LOCALLY SPONSORED COMMUNITY
26 COLLEGE; PROVIDED FURTHER AND NOTWITHSTANDING ANY PROVISION OF LAW TO
27 THE CONTRARY, THAT ANY SUCH NOT-FOR-PROFIT ENTITY, THE LOCALLY SPONSORED
28 COMMUNITY COLLEGE AND THE LOCAL SPONSOR ARE HEREBY AUTHORIZED TO TAKE
29 SUCH ACTIONS AND TO ENTER INTO SUCH AGREEMENTS WITH THE DORMITORY
30 AUTHORITY AS ARE NECESSARY TO: (I) UNDERTAKE THE FINANCING, REFINANCING,
31 ACQUISITION, DESIGN, CONSTRUCTION, RECONSTRUCTION, REHABILITATION,
32 IMPROVEMENT, FURNISHING AND EQUIPPING OF ANY PROJECT AS PROVIDED IN THIS
33 PARAGRAPH, INCLUDING, BUT NOT LIMITED TO, PROVIDING FOR THE CONVEYANCE
34 OF PROPERTY HELD IN TRUST BY THE LOCAL SPONSOR FOR THE USES AND PURPOSES
35 OF THE LOCALLY SPONSORED COMMUNITY COLLEGE TO THE NOT-FOR-PROFIT ENTITY;
36 OR (II) GRANT THE AUTHORITY A LIEN ON ANY REVENUES OR PROPERTY OR ANY
37 MONEYS TO BE RECEIVED BY THE NOT-FOR-PROFIT ENTITY TO THE EXTENT THAT
38 SUCH REVENUES, PROPERTY OR MONEYS ARE PLEDGED BY THE ENTITY TO THE
39 DORMITORY AUTHORITY TO SECURE THE PAYMENT OF ALL AMOUNTS OWED TO THE
40 AUTHORITY ON ACCOUNT OF ANY PROJECT UNDERTAKEN PURSUANT TO THIS PARA-
41 GRAPH; PROVIDED FURTHER, ALL WORK PERFORMED ON A PROJECT WHERE ALL OR
42 ANY PORTION THEREOF INVOLVES A LEASE OR AGREEMENT FOR CONSTRUCTION,
43 DEMOLITION, RECONSTRUCTION, EXCAVATION, REHABILITATION, REPAIR, RENO-
44 VATION, ALTERATION OR IMPROVEMENT SHALL BE DEEMED PUBLIC WORK AND SHALL
45 BE SUBJECT TO AND PERFORMED IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE
46 EIGHT OF THE LABOR LAW TO THE SAME EXTENT AND IN THE SAME MANNER AS A
47 CONTRACT OF THE STATE AND THE CONTRACTORS PERFORMING SUCH WORK SHALL
48 ALSO BE DEEMED A STATE AGENCY FOR THE PURPOSE OF ARTICLE FIFTEEN-A OF
49 THE EXECUTIVE LAW AND SUBJECT TO THE PROVISIONS OF SUCH ARTICLE, AND
50 SHALL BE SUBJECT TO A COMPETITIVE PROCESS. COMPLIANCE WITH ALL THE
51 PROVISIONS OF ARTICLE EIGHT OF THE LABOR LAW SHALL BE REQUIRED OF ANY
52 LESSEE, SUBLESSEE, CONTRACTOR, OR SUBCONTRACTOR ON THE PROJECT. ALL
53 STATE AND LOCAL OFFICERS ARE HEREBY AUTHORIZED TO PAY ALL SUCH FUNDS SO
54 ASSIGNED AND PLEDGED TO THE DORMITORY AUTHORITY OR, UPON THE DIRECTION
55 OF THE DORMITORY AUTHORITY, TO ANY TRUSTEE OF ANY DORMITORY AUTHORITY
56 BOND OR NOTE ISSUE. NEITHER THE STATE OF NEW YORK, THE LOCAL SPONSOR

1 NOR THE LOCALLY SPONSORED COMMUNITY COLLEGE SHALL TAKE ANY ACTION IN
2 SUCH MANNER AS TO IMPAIR OR DIMINISH THE RIGHTS AND REMEDIES OF THE
3 AUTHORITY PURSUANT TO ANY SUCH PLEDGE AND ASSIGNMENT AND ANY LIEN OR
4 OTHER SECURITY INTEREST CREATED PURSUANT TO THIS PARAGRAPH.

5 A LOCALLY SPONSORED COMMUNITY COLLEGE, FOR THE ACQUISITION, DESIGN,
6 CONSTRUCTION, RECONSTRUCTION, REHABILITATION AND IMPROVEMENT OF A HOUS-
7 ING UNIT, INCLUDING ALL NECESSARY AND ATTENDANT AND RELATED FACILITIES
8 AND EQUIPMENT, FOR THE USE OF STUDENTS, MARRIED STUDENTS, FACULTY, STAFF
9 AND THE FAMILIES THEREOF AT SUCH LOCALLY SPONSORED COMMUNITY COLLEGE.

10 S 8. Section 6304 of the education law is amended by adding a new
11 subdivision 14 to read as follows:

12 14. A. FOR THE PURPOSES OF THIS SUBDIVISION, A "COMMUNITY COLLEGE
13 DORMITORY" SHALL MEAN A HOUSING UNIT, INCLUDING ALL NECESSARY AND
14 ATTENDANT AND RELATED FACILITIES AND EQUIPMENT ACQUIRED, DESIGNED,
15 CONSTRUCTED, RECONSTRUCTED, REHABILITATED AND IMPROVED, OR OTHERWISE
16 PROVIDED THROUGH THE DORMITORY AUTHORITY IN ACCORDANCE WITH THE
17 PROVISIONS OF THE DORMITORY AUTHORITY ACT FOR THE USE OF STUDENTS,
18 MARRIED STUDENTS, FACULTY, STAFF AND THE FAMILIES THEREOF AT A COMMUNITY
19 COLLEGE.

20 B. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, A COMMUNITY
21 COLLEGE IS AUTHORIZED TO TAKE SUCH ACTIONS AND TO ENTER INTO SUCH AGREE-
22 MENTS WITH THE DORMITORY AUTHORITY AS ARE NECESSARY TO: (I) UNDERTAKE
23 THE FINANCING, REFINANCING, ACQUISITION, DESIGN, CONSTRUCTION, RECON-
24 STRUCTION, REHABILITATION, IMPROVEMENT, FURNISHING AND EQUIPPING OF A
25 COMMUNITY COLLEGE DORMITORY, INCLUDING, BUT NOT LIMITED TO, PROVIDING
26 FOR THE LEASING OR OTHERWISE MAKING AVAILABLE TO THE DORMITORY AUTHORITY
27 REAL PROPERTY HELD BY THE LOCAL SPONSOR IN TRUST FOR THE USES AND
28 PURPOSES OF THE COMMUNITY COLLEGE; OR (II) GRANT THE DORMITORY AUTHORITY
29 A LIEN ON ANY REVENUES OR PROPERTY OR ANY MONEYS TO BE RECEIVED BY THE
30 COMMUNITY COLLEGE DERIVED FROM THE OPERATIONS OF THE PROJECT BEING
31 FINANCED TO THE EXTENT THAT SUCH REVENUES, PROPERTY OR MONEYS ARE
32 PLEDGED BY THE COMMUNITY COLLEGE TO THE DORMITORY AUTHORITY TO SECURE
33 THE PAYMENT OF ALL AMOUNTS OWED TO THE AUTHORITY ON ACCOUNT OF ANY
34 COMMUNITY COLLEGE DORMITORY UNDERTAKEN PURSUANT TO THIS SUBDIVISION;
35 PROVIDED, FURTHER, THAT ANY SUCH AGREEMENTS MAY PROVIDE THAT THE OBLI-
36 GATION OF THE COMMUNITY COLLEGE TO MAKE RENTAL OR OTHER PAYMENTS TO THE
37 DORMITORY AUTHORITY SHALL CONSTITUTE A GENERAL OBLIGATION OF THE COMMU-
38 NITY COLLEGE PAYABLE FROM ALL MONIES LEGALLY AVAILABLE TO THE COMMUNITY
39 COLLEGE (INCLUDING AMOUNTS PROVIDED FOR OPERATING AID BY THE LOCAL SPON-
40 SOR OR SPONSORS TO THE COMMUNITY COLLEGE PURSUANT TO SUBDIVISION ONE OF
41 THIS SECTION OR AMOUNTS PROVIDED FOR OPERATING AID BY THE STATE TO THE
42 COMMUNITY COLLEGE); AND PROVIDED FURTHER, THAT ALL WORK PERFORMED ON A
43 COMMUNITY COLLEGE DORMITORY UNDERTAKEN PURSUANT TO THIS SUBDIVISION
44 WHERE ALL OR ANY PORTION THEREOF INVOLVES A LEASE OR AGREEMENT FOR
45 CONSTRUCTION, DEMOLITION, RECONSTRUCTION, EXCAVATION, REHABILITATION,
46 REPAIR, RENOVATION, ALTERATION OR IMPROVEMENT SHALL BE DEEMED PUBLIC
47 WORK AND SHALL BE SUBJECT TO AND PERFORMED IN ACCORDANCE WITH THE
48 PROVISIONS OF ARTICLE EIGHT OF THE LABOR LAW TO THE SAME EXTENT AND IN
49 THE SAME MANNER AS A CONTRACT OF THE STATE AND THE CONTRACTORS PERFORM-
50 ING SUCH WORK SHALL ALSO BE DEEMED A STATE AGENCY FOR THE PURPOSE OF
51 ARTICLE FIFTEEN-A OF THE EXECUTIVE LAW AND SUBJECT TO THE PROVISIONS OF
52 SUCH ARTICLE, AND SHALL BE SUBJECT TO A COMPETITIVE PROCESS. COMPLIANCE
53 WITH ALL THE PROVISIONS OF ARTICLE EIGHT OF THE LABOR LAW SHALL BE
54 REQUIRED OF ANY LESSEE, SUBLESSEE, CONTRACTOR, OR SUBCONTRACTOR ON THE
55 PROJECT. ALL STATE AND LOCAL OFFICERS ARE HEREBY AUTHORIZED AND
56 REQUIRED TO PAY ALL SUCH FUNDS SO ASSIGNED AND PLEDGED TO THE DORMITORY

1 AUTHORITY OR, UPON THE DIRECTION OF THE DORMITORY AUTHORITY, TO ANY
2 TRUSTEE OF ANY DORMITORY AUTHORITY BOND OR NOTE ISSUE. NEITHER THE STATE
3 OF NEW YORK, THE STATE UNIVERSITY OF NEW YORK NOR A LOCAL SPONSOR SHALL
4 TAKE ANY ACTION IN SUCH MANNER AS TO IMPAIR OR DIMINISH THE RIGHTS AND
5 REMEDIES OF THE DORMITORY AUTHORITY PURSUANT TO ANY SUCH PLEDGE AND
6 ASSIGNMENT AND ANY LIEN OR OTHER SECURITY INTEREST CREATED PURSUANT TO
7 THIS SUBDIVISION.

8 C. A LOCAL SPONSOR IS AUTHORIZED TO LEASE OR OTHERWISE MAKE AVAILABLE
9 TO THE DORMITORY AUTHORITY FOR THE PURPOSES SET FORTH IN THIS SUBDIVI-
10 SION REAL PROPERTY HELD IN TRUST BY THE LOCAL SPONSOR FOR THE USES AND
11 PURPOSES OF THE COMMUNITY COLLEGE.

12 D. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, NEITHER A
13 LOCAL SPONSOR NOR THE STATE OF NEW YORK SHALL BE REQUIRED TO PROVIDE A
14 SHARE OF THE CAPITAL COSTS OF A COMMUNITY COLLEGE DORMITORY. THE
15 PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY TO ANY PROJECT FOR WHICH
16 THE STATE APPROPRIATES FUNDS PURSUANT TO SUBDIVISION EIGHT OF THIS
17 SECTION.

18 S 9. Section 1680 of the public authorities law is amended by adding a
19 new subdivision 41 to read as follows:

20 41. A. FOR THE PURPOSES OF THIS SUBDIVISION, A "COMMUNITY COLLEGE
21 DORMITORY" SHALL MEAN A HOUSING UNIT, INCLUDING ALL NECESSARY AND
22 ATTENDANT AND RELATED FACILITIES AND EQUIPMENT ACQUIRED, DESIGNED,
23 CONSTRUCTED, RECONSTRUCTED, REHABILITATED AND IMPROVED, OR OTHERWISE
24 PROVIDED THROUGH THE DORMITORY AUTHORITY IN ACCORDANCE WITH THE
25 PROVISIONS OF THE DORMITORY AUTHORITY ACT FOR THE USE OF STUDENTS,
26 MARRIED STUDENTS, FACULTY, STAFF AND THE FAMILIES THEREOF AT A LOCALLY
27 SPONSORED COMMUNITY COLLEGE.

28 B. THE DORMITORY AUTHORITY IS HEREBY EMPOWERED AND AUTHORIZED TO ENTER
29 INTO A LEASE OR OTHER AGREEMENT WITH A LOCALLY SPONSORED COMMUNITY
30 COLLEGE TO FINANCE, REFINANCE, ACQUIRE, DESIGN, CONSTRUCT, RECONSTRUCT,
31 REHABILITATE, IMPROVE, FURNISH AND EQUIP ONE OR MORE COMMUNITY COLLEGE
32 DORMITORIES. SUCH LEASE OR OTHER AGREEMENT MAY PROVIDE FOR THE PAYMENT
33 OF ANNUAL RENTALS AND OTHER PAYMENTS BY THE LOCALLY SPONSORED COMMUNITY
34 COLLEGE TO THE DORMITORY AUTHORITY AND CONTAIN SUCH OTHER TERMS AND
35 CONDITIONS AS MAY BE AGREED UPON BY THE PARTIES THERETO, INCLUDING BUT
36 NOT LIMITED TO PROVISIONS RELATING TO THE MAINTENANCE AND OPERATION OF
37 THE COMMUNITY COLLEGE DORMITORIES, THE ESTABLISHMENT OF RESERVE FUNDS,
38 INDEMNITIES AND THE DISPOSITION OF A COMMUNITY COLLEGE DORMITORY OR THE
39 INTEREST OF THE AUTHORITY THEREIN PRIOR TO OR UPON THE TERMINATION OR
40 EXPIRATION OF SUCH LEASE OR OTHER AGREEMENT.

41 C. IN THE EVENT OF A FAILURE OF A LOCALLY SPONSORED COMMUNITY COLLEGE
42 TO PAY THE DORMITORY AUTHORITY WHEN DUE ALL OR PART OF AMOUNTS PAYABLE
43 BY THE LOCALLY SPONSORED COMMUNITY COLLEGE TO THE DORMITORY AUTHORITY
44 PURSUANT TO A LEASE OR AGREEMENT AUTHORIZED BY THIS SUBDIVISION, THE
45 DORMITORY AUTHORITY SHALL FORTHWITH MAKE AND DELIVER TO THE STATE COMP-
46 TROLLER A CERTIFICATE STATING THE AMOUNT OF THE PAYMENT REQUIRED TO HAVE
47 BEEN MADE BY THE LOCALLY SPONSORED COMMUNITY COLLEGE, THE AMOUNT PAID BY
48 THE LOCALLY SPONSORED COMMUNITY COLLEGE, AND THE AMOUNT REMAINING UNPAID
49 BY THE LOCALLY SPONSORED COMMUNITY COLLEGE. THE STATE COMPTROLLER, AFTER
50 GIVING WRITTEN NOTICE TO THE DIRECTOR OF THE BUDGET, SHALL PAY TO THE
51 DORMITORY AUTHORITY THE AMOUNT SET FORTH IN SUCH CERTIFICATE AS REMAIN-
52 ING UNPAID, WHICH AMOUNT SHALL BE PAID FROM ANY MONIES APPROPRIATED BY
53 THE STATE FOR OR ON ACCOUNT OF THE OPERATING COSTS OF THE LOCALLY SPON-
54 SORED COMMUNITY COLLEGE AND NOT YET PAID. THE AMOUNT REQUIRED TO BE PAID
55 BY THE STATE COMPTROLLER PURSUANT TO THIS PARAGRAPH SHALL BE PAID TO THE
56 DORMITORY AUTHORITY AS SOON AS PRACTICABLE AFTER RECEIPT OF THE CERTIF-

1 ICATE OF THE DORMITORY AUTHORITY AND NOTICE TO THE DIRECTOR OF THE BUDG-
2 ET IS GIVEN, WHETHER OR NOT THE MONEYS FROM WHICH SUCH PAYMENT IS TO BE
3 MADE ARE THEN DUE AND PAYABLE TO THE LOCALLY SPONSORED COMMUNITY
4 COLLEGE. THE AMOUNT OF STATE APPROPRIATIONS PAYABLE TO THE LOCALLY SPON-
5 SORED COMMUNITY COLLEGE FROM WHICH THE STATE COMPTROLLER HAS MADE A
6 PAYMENT PURSUANT TO THIS PARAGRAPH SHALL BE REDUCED BY THE AMOUNT SO
7 PAID TO THE DORMITORY AUTHORITY, NOTWITHSTANDING THE AMOUNT APPROPRIATED
8 AND APPORTIONED BY THE STATE TO THE LOCALLY SPONSORED COMMUNITY COLLEGE,
9 AND THE STATE SHALL NOT BE OBLIGATED TO MAKE AND THE LOCALLY SPONSORED
10 COMMUNITY COLLEGE SHALL NOT BE ENTITLED TO RECEIVE ANY ADDITIONAL APPOR-
11 TIONMENT OR PAYMENT OF STATE MONEYS. NOTHING CONTAINED IN THIS SUBDIVI-
12 SION SHALL BE CONSTRUED TO CREATE AN OBLIGATION UPON THE STATE TO APPRO-
13 PRIATE MONEYS FOR OR ON ACCOUNT OF THE OPERATING COSTS OF THE LOCALLY
14 SPONSORED COMMUNITY COLLEGE, TO PRECLUDE THE STATE FROM REDUCING THE
15 AMOUNT OF MONEYS APPROPRIATED OR LEVEL OF SUPPORT PROVIDED FOR THE OPER-
16 ATING COSTS OF THE LOCALLY SPONSORED COMMUNITY COLLEGE FROM THE AMOUNT
17 APPROPRIATED OR LEVEL OF SUPPORT PROVIDED IN ANY PRIOR FISCAL YEAR, OR
18 TO PRECLUDE THE STATE FROM ALTERING OR MODIFYING THE MANNER IN WHICH IT
19 PROVIDES FOR THE OPERATING COSTS OF THE LOCALLY SPONSORED COMMUNITY
20 COLLEGE.

21 D. THE PROVISIONS OF THIS SUBDIVISION SHALL BE IN ADDITION TO ANY
22 AUTHORIZATION CONTAINED IN THIS TITLE GOVERNING THE PROVISION OF FACILI-
23 TIES BY THE DORMITORY AUTHORITY FOR THE LOCAL SPONSOR OF A LOCALLY SPON-
24 SORED COMMUNITY COLLEGE, AND ALL PROVISIONS OF THIS TITLE NOT INCONSIST-
25 ENT WITH THE PROVISIONS OF THIS SUBDIVISION SHALL BE APPLICABLE WITH
26 RESPECT TO ANY BONDS OF THE AUTHORITY ISSUED TO OBTAIN FUNDS FOR ANY
27 PURPOSE AUTHORIZED UNDER THIS SUBDIVISION FOR THE BENEFIT OF A LOCALLY
28 SPONSORED COMMUNITY COLLEGE AND WITH RESPECT TO THE POWERS OF THE DORMI-
29 TORY AUTHORITY.

30 S 10. Subdivision 12 of section 3 of the public buildings law, as
31 amended by section 48 of part T of chapter 57 of the laws of 2007, is
32 amended to read as follows:

33 12. Lease from time to time buildings, rooms or premises in the county
34 of Albany, and elsewhere as required, for providing space for depart-
35 ments, commissions, boards and officers of the state government, upon
36 such terms and conditions as he or she deems most advantageous to the
37 state. Any such lease shall, however, be for a term not exceeding ten
38 years, but may provide for optional renewals on the part of the state,
39 for terms of ten years or less. Each such lease shall contain a clause
40 stating that the contract of the state thereunder shall be deemed execu-
41 tory only to the extent of moneys available therefor and that no liabil-
42 ity shall be incurred by the state beyond the money available for such
43 purpose. Notwithstanding the provisions of any other law, except section
44 sixteen hundred seventy-six of the public authorities law relating to
45 use of dormitory authority facilities by the aged, the commissioner of
46 general services shall have sole and exclusive authority to lease space
47 for state departments, agencies, commissions, boards and officers, OTHER
48 THAN THE STATE UNIVERSITY OF NEW YORK, within the county of Albany. Any
49 buildings, rooms or premises, now or hereafter held by the commissioner
50 of general services under lease, may be sublet, in part or in whole,
51 provided that in the judgment of the commissioner, and the occupying
52 department, commission, board, and officers of the state government,
53 such buildings, rooms or premises are not for a time needed.

54 S 11. This act shall take effect immediately; provided, however, that
55 sections one through nine of this act shall expire and be deemed
56 repealed June 30, 2016, and provided, further, that the amendments to

1 subdivision 12 of section 3 of the public buildings law made by section
2 ten of this act shall take effect on the same date as the reversion of
3 such subdivision as provided in subdivision 4 of section 27 of chapter
4 95 of the laws of 2000, as amended.

5 SUBPART B

6 Section 1. Subdivisions 5 and 6 of section 355 of the education law,
7 subdivision 5 as added by chapter 552 of the laws of 1985, paragraph a
8 of subdivision 5 as amended by chapter 682 of the laws of 2007, para-
9 graph c of subdivision 5 as added by chapter 103 of the laws of 1989,
10 paragraph d of subdivision 5 as added by chapter 537 of the laws of 1997
11 and subdivision 6 as amended by chapter 554 of the laws of 1985, are
12 amended to read as follows:

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

19 a. (i) purchase materials, equipment and supplies, including computer
20 equipment and motor vehicles[, where the amount for a single purchase
21 does not exceed twenty thousand dollars], (ii) execute contracts for
22 services and construction, CONSTRUCTION-RELATED contracts [to an amount
23 not exceeding twenty thousand dollars] AND CONTRACTS FOR COMPUTER TECH-
24 NOLOGY AND LEASES, LICENSES, PERMITS AND CONTRACTS FOR THE PURCHASE OR
25 SALE OF REAL PROPERTY, and (iii) contract for printing [to an amount not
26 exceeding five thousand dollars], without prior approval by any other
27 state officer or agency, but subject to rules and regulations of the
28 state comptroller not otherwise inconsistent with the provisions of this
29 section and in accordance with [the rules and regulations] GUIDELINES
30 promulgated by the state university board of trustees after consultation
31 with the state comptroller. [In addition, the trustees, after consulta-
32 tion with the commissioner of general services, are authorized to annu-
33 ally negotiate with the state comptroller increases in the aforemen-
34 tioned dollar limits and the exemption of any articles, categories of
35 articles or commodities from these limits. Rules and regulations]. THE
36 GUIDELINES promulgated by the state university board of trustees shall,
37 to the extent practicable, require that competitive proposals be solici-
38 ted for purchases, and shall include requirements that purchases and
39 contracts authorized under this section be at the lowest available
40 price, including consideration of prices available through other state
41 agencies, consistent with quality requirements, and as will best promote
42 the public interest. Such purchases may be made directly from any
43 contractor pursuant to any contract for commodities let by the office of
44 general services or any other state agency;

45 b. to establish cash advance accounts for the purpose of purchasing
46 materials, supplies, or services, for cash advances for travel expenses
47 and per diem allowances, or for advance payment of wages and salary. The
48 account may be used to purchase such materials, supplies, or services
49 where the amount of a single purchase does not exceed [two hundred
50 fifty] ONE THOUSAND dollars, in accordance with such guidelines as shall
51 be prescribed by the state university trustees after consultation with
52 the state comptroller.

53 c. establish guidelines in consultation with the commissioner of
54 general services authorizing participation by the state university in

1 programs administered by the office of general services for the purchase
2 of available New York state food products. The commissioner of general
3 services shall provide assistance to the state university necessary to
4 enable the university to participate in these programs.

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

23 6. To enter into any contract or agreement deemed necessary or advis-
24 able after consultation with appropriate state agencies for carrying out
25 the objects and purposes of state university without prior review or
26 approval by any state officer or agency [other than the state comp-
27 troller and the attorney general] including contracts with non-profit
28 corporations organized by officers, employees, alumni or students of
29 state university for the furtherance of its objects and purposes.
30 Contracts or agreements entered into with the federal government to
31 enable participation in federal student loan programs, including any and
32 all instruments required thereunder, shall not be subject to the
33 requirements of section forty-one of the state finance law; provided,
34 however, that the state shall not be liable for any portion of any
35 defaults which it has agreed to assume pursuant to any such agreement in
36 an amount in excess of money appropriated or otherwise lawfully avail-
37 able therefor at the time the liability for payment arises.

38 S 2. Section 355 of the education law is amended by adding two new
39 subdivisions 5-a and 5-b to read as follows:

40 5-A. A. THE CHANCELLOR OF THE STATE UNIVERSITY AND THE COMMISSIONER OF
41 THE OFFICE OF GENERAL SERVICES SHALL DEVELOP A PROTOCOL TO DETERMINE
42 WHETHER IT IS MORE ECONOMICAL AND EFFICIENT TO PURCHASE GOODS FOR THE
43 STATE UNIVERSITY SYSTEM THROUGH THE CENTRALIZED CONTRACTS OF THE OFFICE
44 OF GENERAL SERVICES THAN THROUGH A COMPETITIVE BIDDING PROCESS.

45 B. THE PROTOCOL SHALL INCLUDE A PROCESS IN WHICH THE CHANCELLOR SHALL
46 OBTAIN INFORMATION ANNUALLY FROM EACH STATE-OPERATED INSTITUTION AND
47 UNIVERSITY HEALTH SCIENCES CENTER UNDER THE JURISDICTION OF THE STATE
48 UNIVERSITY, IN SUCH DETAIL AS REQUIRED BY THE CHANCELLOR, RELATING TO
49 THE TYPE AND TOTAL AMOUNT OF GOODS, INCLUDING TECHNOLOGY PURCHASES FOR
50 NEW SOFTWARE, SYSTEMS, ENHANCEMENTS AND EQUIPMENT, THAT EACH STATE-OPER-
51 ATED INSTITUTION OR UNIVERSITY HEALTH SCIENCES CENTER PROPOSES TO
52 PURCHASE IN THE UPCOMING FISCAL YEAR.

53 C. UPON RECEIPT OF THE INFORMATION OBTAINED PURSUANT TO PARAGRAPH B OF
54 THIS SUBDIVISION, THE CHANCELLOR, PURSUANT TO THE PROTOCOL AND IF JUSTI-
55 FIED BY PRICE AND VALUE, MAY REQUIRE THE STATE-OPERATED INSTITUTION OR

1 UNIVERSITY HEALTH SCIENCES CENTER TO MAKE ITS PURCHASES THROUGH THE USE
2 OF THE CENTRALIZED CONTRACTS OF THE OFFICE OF GENERAL SERVICES.

3 5-B. A. THE STATE UNIVERSITY SHALL PROVIDE BY OCTOBER FIFTEENTH OF
4 EACH YEAR TO THE DIRECTOR OF THE DIVISION OF BUDGET, THE STATE COMP-
5 TROLLER, THE SPEAKER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT OF THE
6 SENATE AND THE CHAIRS OF THE ASSEMBLY AND SENATE HIGHER EDUCATION
7 COMMITTEES A REPORT WHICH SETS FORTH WITH RESPECT TO ITS CONTRACTING
8 PROCESS THE FOLLOWING INFORMATION FOR THE PRIOR FISCAL YEAR:

9 (1) THE STATE UNIVERSITY'S PROCUREMENT GUIDELINES;

10 (2) SELECTION METHOD, INCLUDING "LOWEST PRICE", "BEST VALUE", SOLE
11 SOURCE, SINGLE SOURCE, NEGOTIATED AND EMERGENCY PROCUREMENT SUBTOTALLED
12 BY STATE-OPERATED INSTITUTIONS AND UNIVERSITY HEALTH SCIENCES CENTERS
13 AND BY TYPE OF GOODS OR COMMODITY;

14 (3) NUMBER OF CONTRACTS AWARDED BY NUMBER OF BIDS AND/OR PROPOSALS AND
15 SOURCE SELECTION METHOD;

16 (4) A LISTING OF CONTRACTS BY INDIVIDUAL STATE-OPERATED INSTITUTION
17 AND UNIVERSITY HEALTH SCIENCES CENTER, INCLUDING VENDOR NAME, APPROVAL
18 DATES, DOLLAR VALUE OF SUCH CONTRACTS, INCLUDING THE TOTAL AMOUNT OF
19 GOODS PURCHASED THROUGH THE CENTRALIZED CONTRACTS OF THE OFFICE OF
20 GENERAL SERVICES;

21 (5) A LISTING OF THE TOTAL NUMBER AND AMOUNT OF CONTRACTS AWARDED FOR
22 THE PRIOR FISCAL YEAR AND TOTAL YEAR-TO-DATE EXPENDITURES FOR ALL
23 CONTRACTS, WITH SUBTOTALS BY CENTRAL ADMINISTRATION, AND BY INDIVIDUAL
24 STATE-OPERATED INSTITUTION AND UNIVERSITY HEALTH SCIENCES CENTER; AND
25 MAJOR CONTRACT CATEGORY INCLUDING, BUT NOT LIMITED TO, GOODS, EQUIPMENT
26 AND COMMODITIES;

27 (6) THE TOTAL NUMBER AND TOTAL DOLLAR VALUE OF SINGLE SOURCE CONTRACTS
28 AWARDED DURING THE FISCAL YEAR, AND THE PERCENTAGE THAT SUCH CONTRACTS
29 REPRESENT OF THE STATE UNIVERSITY'S TOTAL NUMBER AND TOTAL DOLLAR VALUE
30 OF CONTRACT AWARDS DURING THE REPORTING PERIOD; AND

31 (7) THE NUMBER OF CONTRACTS DISAPPROVED DURING THE FISCAL YEAR AND
32 REASONS FOR DISAPPROVAL.

33 B. THE REPORT SHALL ALSO SET FORTH ANY RECOMMENDATIONS TO IMPROVE THE
34 EFFICIENCY OF THE STATE UNIVERSITY'S PROCUREMENT PROCESS.

35 S 3. Subdivision a of section 6218 of the education law, as amended by
36 chapter 697 of the laws of 1993, is amended to read as follows:

37 a. Notwithstanding the provisions of [paragraph] SUBDIVISIONS two AND
38 THREE of section one hundred twelve and sections one hundred fifteen,
39 one hundred sixty-one[,] AND one hundred sixty-three [and one hundred
40 seventy-four] of the state finance law and sections three and six of the
41 New York state printing and public documents law or any other law to the
42 contrary, the city university [trustees are] IS authorized and empowered
43 to:

44 (i) purchase materials, equipment and supplies, including computer
45 equipment and motor vehicles, [where the amount for a single purchase
46 does not exceed twenty thousand dollars,] (ii) execute contracts for
47 services [to an amount not exceeding twenty thousand dollars]; INCLUDING
48 CONSTRUCTION, CONSTRUCTION-RELATED CONTRACTS, CONTRACTS FOR COMPUTER
49 TECHNOLOGY AND LEASES, LICENSES, PERMITS AND CONTRACTS FOR THE PURCHASE
50 OR SALE OF REAL PROPERTY, and (iii) contract for printing [to an amount
51 not exceeding five thousand dollars], without prior approval by any
52 other state officer or agency, but subject to rules and regulations of
53 the state comptroller not otherwise inconsistent with the provisions of
54 this section and in accordance with the [rules and regulations] GUIDE-
55 LINES promulgated by the city university board of trustees after consul-
56 tation with the state comptroller. [In addition, the trustees are

1 authorized to annually negotiate with the state comptroller increases in
2 the aforementioned dollar limits and the exemption of any articles,
3 categories of articles or commodities from these limits. Rules and regu-
4 lations] THE GUIDELINES promulgated by the city university board of
5 trustees shall, to the extent practicable, require that competitive
6 proposals be solicited for purchases, and shall include requirements
7 that purchases and contracts authorized under this section be at the
8 lowest possible price.

9 S 4. Section 6218 of the education law is amended by adding a new
10 subdivision i to read as follows:

11 I. (I) THE CITY UNIVERSITY SHALL PROVIDE BY OCTOBER FIFTEENTH OF EACH
12 YEAR TO THE DIRECTOR OF THE DIVISION OF THE BUDGET, THE STATE COMP-
13 TROLLER, THE SPEAKER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT OF THE
14 SENATE AND THE CHAIRS OF THE ASSEMBLY AND SENATE HIGHER EDUCATION
15 COMMITTEES A REPORT WHICH SETS FORTH WITH RESPECT TO ITS CONTRACTING
16 PROCESS THE FOLLOWING INFORMATION FOR THE PRIOR FISCAL YEAR:

17 1. THE CITY UNIVERSITY'S PROCUREMENT GUIDELINES;

18 2. SELECTION METHOD, INCLUDING "LOWEST PRICE", "BEST VALUE", SOLE
19 SOURCE, SINGLE SOURCE, NEGOTIATED AND EMERGENCY PROCUREMENT SUBTOTALED
20 BY INDIVIDUAL SENIOR COLLEGES AND BY TYPE OF GOODS OR COMMODITY;

21 3. NUMBER OF CONTRACTS AWARDED BY NUMBER OF BIDS AND/OR PROPOSALS AND
22 SOURCE SELECTION METHOD;

23 4. A LISTING OF THE CONTRACTS BY INDIVIDUAL SENIOR COLLEGES, INCLUDING
24 VENDOR NAME, APPROVAL DATES, DOLLAR VALUE OF SUCH CONTRACTS;

25 5. A LISTING OF THE TOTAL NUMBER AND AMOUNT OF CONTRACTS AWARDED FOR
26 THE PRIOR FISCAL YEAR AND TOTAL YEAR-TO-DATE EXPENDITURES FOR ALL
27 CONTRACTS, WITH SUBTOTALS BY CENTRAL ADMINISTRATION, AND BY INDIVIDUAL
28 SENIOR COLLEGES; AND MAJOR CONTRACT CATEGORY INCLUDING, BUT NOT LIMITED
29 TO, GOODS, EQUIPMENT AND COMMODITIES;

30 6. THE TOTAL NUMBER AND TOTAL DOLLAR VALUE OF SINGLE SOURCE CONTRACTS
31 AWARDED DURING THE FISCAL YEAR, AND THE PERCENTAGE THAT SUCH CONTRACTS
32 REPRESENT OF THE CITY UNIVERSITY'S TOTAL NUMBER AND TOTAL DOLLAR VALUE
33 OF CONTRACT AWARDS DURING THE REPORTING PERIOD; AND

34 7. THE NUMBER OF CONTRACTS DISAPPROVED DURING THE FISCAL YEAR AND
35 REASONS FOR DISAPPROVAL.

36 (II) THE REPORT SHALL SET FORTH ANY RECOMMENDATIONS TO IMPROVE THE
37 EFFICIENCY OF THE CITY UNIVERSITY'S PROCUREMENT PROCESS.

38 S 5. The education law is amended by adding a new section 6283 to read
39 as follows:

40 S 6283. PROCUREMENTS OF THE FUND. NOTWITHSTANDING ANY OTHER
41 PROVISION OF LAW, THE CONTRACTS OF THE FUND MAY BE EXECUTED AND SHALL BE
42 VALID, ENFORCEABLE AND EFFECTIVE WITHOUT PRIOR REVIEW OR APPROVAL BY, OR
43 FILING WITH, THE STATE COMPTROLLER, PROVIDED, HOWEVER, THAT SUCH
44 CONTRACTS SHALL BE SUBJECT TO PROCUREMENT GUIDELINES THAT ARE ANNUALLY
45 ADOPTED BY THE FUND TRUSTEES, WHICH SHALL CONFORM TO THE PROVISIONS OF
46 TITLE FOUR OF ARTICLE NINE OF THE PUBLIC AUTHORITIES LAW, EXCEPT SECTION
47 TWENTY-EIGHT HUNDRED SEVENTY-NINE-A OF SUCH LAW.

48 S 6. Subdivisions 2 and 3 of section 112 of the state finance law, as
49 amended by chapter 319 of the laws of 1992, paragraph (a) of subdivision
50 2 as amended by section 2 of part D of chapter 56 of the laws of 2006,
51 are amended to read as follows:

52 2. (a) Before any contract made for or by any state agency, depart-
53 ment, board, officer, commission, or institution, except the office of
54 general services, THE CITY UNIVERSITY OF NEW YORK AND THE STATE UNIVER-
55 SITY OF NEW YORK, shall be executed or become effective, whenever such
56 contract exceeds fifty thousand dollars in amount and before any

1 contract made for or by the office of general services shall be executed
2 or become effective, whenever such contract exceeds eighty-five thousand
3 dollars in amount, it shall first be approved by the comptroller and
4 filed in his or her office, provided, however, that the comptroller
5 shall make a final written determination with respect to approval of
6 such contract within ninety days of the submission of such contract to
7 his or her office unless the comptroller shall notify, in writing, the
8 state agency, department, board, officer, commission, or institution,
9 prior to the expiration of the ninety day period, and for good cause, of
10 the need for an extension of not more than fifteen days, or a reasonable
11 period of time agreed to by such state agency, department, board, offi-
12 cer, commission, or institution and provided, further, that such written
13 determination or extension shall be made part of the procurement record
14 pursuant to paragraph f of subdivision one of section one hundred
15 sixty-three of this chapter.

16 (b) Whenever any liability of any nature shall be incurred by or for
17 any state department, board, officer, commission, or institution OTHER
18 THAN THE CITY UNIVERSITY OF NEW YORK AND THE STATE UNIVERSITY OF NEW
19 YORK, notice that such liability has been incurred shall be immediately
20 given in writing to the state comptroller.

21 3. A contract or other instrument wherein the state or any of its
22 officers, agencies, boards or commissions OTHER THAN THE CITY UNIVERSITY
23 OF NEW YORK AND THE STATE UNIVERSITY OF NEW YORK agrees to give a
24 consideration other than the payment of money, when the value or reason-
25 ably estimated value of such consideration exceeds ten thousand dollars,
26 shall not become a valid enforceable contract unless such contract or
27 other instrument shall first be approved by the comptroller and filed in
28 his office.

29 S 7. Paragraph i of subdivision 2 of section 355 of the education law,
30 as amended by chapter 552 of the laws of 1985, is amended to read as
31 follows:

32 i. To lease to alumni associations of institutions of the state
33 university a portion of the grounds occupied by any institution of the
34 state university, for the erection thereon of dormitories to be used by
35 students in attendance at such institutions. The terms of any lease and
36 the character of the building to be erected shall be determined by the
37 state university trustees. [Such lease, prior to its execution, shall be
38 submitted to the attorney general for his approval as to its form,
39 contents and legal effect.] Nothing contained in this paragraph shall
40 affect the provisions of any lease heretofore executed by a board of
41 visitors of any state-operated institution pursuant to law. The state
42 university trustees may similarly enter into an agreement with an alumni
43 association of an institution of the state university to furnish heat
44 from a central heating plant to any dormitory erected by such alumni
45 association. Any such dormitory shall not be subject to taxation for any
46 purpose.

47 S 8. Subdivision (b) of section 6281 of the education law, as amended
48 by chapter 1081 of the laws of 1969, is amended to read as follows:

49 (b) Notwithstanding any other provision of this article or any other
50 law, any contract let by the dormitory authority and/or the city univer-
51 sity construction fund for the purposes of this article shall be in
52 conformity with the provisions of section one hundred one of the general
53 municipal law, AND MAY BE AWARDED USING ANY DELIVERY METHOD AUTHORIZED
54 BY THE PROCUREMENT GUIDELINES ADOPTED BY THE CITY UNIVERSITY
55 CONSTRUCTION FUND OR THE DORMITORY AUTHORITY PURSUANT TO SECTION TWEN-
56 TY-EIGHT HUNDRED SEVENTY-NINE OF THE PUBLIC AUTHORITIES LAW.

S 9. This act shall take effect immediately and shall expire and be deemed repealed June 30, 2016.

SUBPART C

Section 1. Subdivision 16 of section 355 of the education law, as added by chapter 363 of the laws of 1998, is amended to read as follows:

16. Subject to laws and regulations applicable to the state university as a health care provider the state university trustees may:

a. Notwithstanding section one hundred sixty-three of the state finance law AND SECTION SIXTY-THREE OF THE EXECUTIVE LAW, authorize [contracts for] a state university health care facility [for participation] TO CREATE AND/OR PARTICIPATE in managed care networks and other joint and cooperative arrangements with public, [non-profit] NOT-FOR-PROFIT or FOR PROFIT business entities, INCLUDING JOINT VENTURES, NOT-FOR-PROFIT OR FOR PROFIT CORPORATIONS, PROFESSIONAL CORPORATIONS, AND LIMITED LIABILITY COMPANIES, including entering into a maximum of twenty network arrangements per year, as partners, JOINT VENTURERS, members of [non-profit] NOT-FOR-PROFIT corporations, MEMBERS OF LIMITED LIABILITY COMPANIES and shareholders of business corporations, and the provision of management and administrative services by or for state university. Any contract for the provision of management services shall be subject to any provision of the public health law and health regulations applicable to the state university as a health care provider, including any review by the commissioner of health pursuant to 10 NYCRR section 405.3(f). In addition, the commissioner of health shall provide for public comment within thirty days of a submission of any management contract required to be reviewed pursuant to regulation. The trustees may also authorize contracts, including [capitation] RISK-SHARING contracts, for a state university health care facility for the provision of general comprehensive and specialty health care services, directly or through contract with other service providers or entities, including state university employees or entities comprised thereof. Contracts authorized hereunder shall be:

(1) consistent with trustee guidelines respecting all terms and conditions necessary and appropriate for managed care NETWORKS and other [network,] joint or cooperative arrangements, including GUIDELINES GOVERNING THE AWARDING OF SUCH CONTRACTS, guidelines for comparative review where appropriate, AND CONFLICT-OF-INTEREST GUIDELINES;

(2) subject to laws and regulations applicable to the state university as a health care provider, including with respect to rates and certificates of need; and

(3) subject to article fourteen of the civil service law and the applicable provisions of agreements between the state and employee organizations pursuant to article fourteen of the civil service law.

b. (1) Notwithstanding the provisions of [subdivision two of section one hundred twelve of the state finance law relating to the dollar threshold requiring the comptroller's approval of contracts and] SUBDIVISION TWO OF SECTION ONE HUNDRED TWELVE OF THE STATE FINANCE LAW RELATING TO THE COMPTROLLER'S APPROVAL OF CONTRACTS FOR SERVICES AND subdivision six of section one hundred sixty-three of the state finance law AND SECTION SIXTY-THREE OF THE EXECUTIVE LAW, authorize contracts for the purchase of goods and services for state university health care facilities WITHOUT PRIOR APPROVAL BY ANY OTHER STATE OFFICER OR AGENCY:

[(1)] (A) for any contract [which does not exceed seventy-five thousand dollars] FOR GOODS OR SERVICES OR FOR ANY REVENUE CONTRACT; or

1 [(2)] (B) for joint or group purchasing arrangements [which do not
2 exceed seventy-five thousand dollars without prior approval by any other
3 state, officer or agency] in accordance with procedures and requirements
4 found in paragraph a of subdivision five of this section.

5 [(3) contracts] (2) CONTRACTS authorized hereunder shall be subject to
6 article fourteen of the civil service law and the applicable provisions
7 of agreements between the state and employee organizations pursuant to
8 article fourteen of the civil service law AND SHALL BE CONSISTENT WITH
9 TRUSTEE GUIDELINES GOVERNING THE AWARDING OF SUCH CONTRACTS, COMPARATIVE
10 REVIEW WHERE APPROPRIATE, AND CONFLICT-OF-INTEREST GUIDELINES.

11 [The trustees are authorized to negotiate annually with the state
12 comptroller increases in the aforementioned dollar limits.]

13 c. Authorize contracts for the acquisition BY STATE UNIVERSITY HEALTH
14 CARE FACILITIES OR FACILITIES SUITABLE FOR THE DELIVERY OF HEALTH CARE
15 SERVICES, by purchase, lease, sublease, transfer of jurisdiction or
16 otherwise[, of facilities suitable for the delivery of health care
17 services] and for the construction, repair, maintenance, equipping,
18 rehabilitation or improvement thereof. SUCH FACILITIES MAY BE ACQUIRED
19 IN WHOLE OR IN PART BY STATE UNIVERSITY HEALTH CARE FACILITIES, EITHER
20 DIRECTLY OR THROUGH OWNERSHIP IN A JOINT OR COOPERATIVE ARRANGEMENT
21 AUTHORIZED BY PARAGRAPH A OF THIS SUBDIVISION. Such contracts shall be
22 [subject to approval by the attorney general as to form and by the
23 director of the budget and the state comptroller] CONSISTENT WITH TRUS-
24 TEE GUIDELINES GOVERNING THE AWARDING OF SUCH CONTRACTS, INCLUDING
25 GUIDELINES REQUIRING COMPARATIVE REVIEW WHERE APPROPRIATE AND CONFLICT
26 OF INTEREST GUIDELINES. Contracts under this paragraph shall be funded
27 from any moneys lawfully available for the expenses of the STATE UNIVER-
28 SITY health care facilities.

29 D. THE STATE UNIVERSITY SHALL PROVIDE BY JULY FIFTEENTH OF EACH YEAR
30 TO THE DIRECTOR OF THE BUDGET AND TO THE CHAIRS OF THE SENATE FINANCE
31 COMMITTEE AND THE ASSEMBLY WAYS AND MEANS COMMITTEE A REPORT WHICH SETS
32 FORTH WITH RESPECT TO CONTRACTS ENTERED INTO DURING THE PRIOR YEAR BY
33 STATE UNIVERSITY HEALTH CARE FACILITIES (1) THE AMOUNT, PURPOSE, AND
34 DURATION OF CONTRACTS AND ARRANGEMENTS ENTERED INTO PURSUANT TO PARA-
35 GRAPHS A AND C OF THIS SUBDIVISION, (2) A LISTING OF CONTRACTS OVER THE
36 AMOUNT OF TWO HUNDRED FIFTY THOUSAND DOLLARS ENTERED INTO PURSUANT TO
37 CLAUSE (A) OF SUBPARAGRAPH ONE OF PARAGRAPH B OF THIS SUBDIVISION, AND
38 (3) THE AMOUNT, PURPOSE AND DURATION OF CONTRACTS OVER THE AMOUNT OF TWO
39 HUNDRED FIFTY THOUSAND DOLLARS ENTERED INTO PURSUANT TO CLAUSE (B) OF
40 SUBPARAGRAPH ONE OF PARAGRAPH B OF THIS SUBDIVISION.

41 S 2. Notwithstanding any inconsistent provision in section 8 of the
42 court of claims act, subdivision 10 of section 355 of the education law
43 or any other provision of law, a state university health care facility
44 may include in a contract authorized by paragraph a of subdivision 16 of
45 section 355 of the education law, other than a contract with state
46 employees relating to terms and conditions of their employment, a
47 provision that some or all disputes arising under or related to such
48 contract shall be resolved by binding arbitration in accordance with the
49 rules of a nationally-recognized arbitration association.

50 S 3. This act shall take effect immediately, and shall expire and be
51 deemed repealed June 30, 2016.

52 SUBPART D

53 Section 1. The board of trustees of the state university of New York
54 and the city university of New York shall report every January first to

1 the governor, the temporary president of the senate and the speaker of
2 the assembly on the effectiveness of the reforms pursuant to this act.
3 The report shall address the progress of the state-operated and senior
4 colleges in competing with the top academic research institutions, the
5 impact of efforts by the state university of New York and the city
6 university of New York to increase the economic well-being of New York.

7 S 2. This act shall take effect immediately, and shall expire and be
8 deemed repealed June 30, 2016.

9 S 2. Severability clause. If any clause, sentence, paragraph, subdivi-
10 sion, section or part of this act shall be adjudged by any court of
11 competent jurisdiction to be invalid, such judgment shall not affect,
12 impair, or invalidate the remainder thereof, but shall be confined in
13 its operation to the clause, sentence, paragraph, subdivision, section
14 or part thereof directly involved in the controversy in which such judg-
15 ment shall have been rendered. It is hereby declared to be the intent of
16 the legislature that this act would have been enacted even if such
17 invalid provisions had not been included herein.

18 S 3. This act shall take effect immediately; provided, however, that
19 the applicable effective date of Subparts A through D of this act shall
20 be as specifically set forth in the last section of such Subparts.

21

PART E

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

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

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

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

38

PART F

39 Section 1. Subdivision 1 of section 663 of the education law, as
40 amended by section 1 of part F of chapter 57 of the laws of 2009, is
41 amended to read as follows:

42 1. Income defined. Except as otherwise provided in this section,
43 "income" shall be the total of the combined net taxable income and
44 income from pensions of New York state, local governments [and], the
45 federal government AND ANY PRIVATE EMPLOYER of the applicant, the appli-
46 cant's spouse, and the applicant's parents, INCLUDING ANY PENSION AND
47 ANNUITY INCOME EXCLUDED FOR PURPOSES OF TAXATION PURSUANT TO PARAGRAPH
48 THREE-A OF SUBSECTION (C) OF SECTION SIX HUNDRED TWELVE OF THE TAX LAW,
49 as reported in New York state income tax returns for the calendar year
50 next preceding the beginning of the school year for which application
51 for assistance is made, except that any amount received by an applicant
52 as a scholarship at an educational institution or as a fellowship grant,

including the value of contributed services and accommodations, shall not be included within the definition of "income" for the purposes of this article. The term "parent" shall include birth parents, stepparents, adoptive parents and the spouse of an adoptive parent. Income, if not a whole dollar amount, shall be assumed to be equal to the next lowest whole dollar amount. Any change in the status of an applicant with regard to the persons responsible for the applicant's support occurring after the beginning of any semester shall not be considered to change the applicant's award for that semester.

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

PART G

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

B. A STUDENT WHO IS IN DEFAULT ON A STUDENT LOAN MADE UNDER ANY STATUTORY NEW YORK STATE OR FEDERAL EDUCATION LOAN PROGRAM SHALL BE INELIGIBLE TO RECEIVE ANY AWARD OR LOAN PURSUANT TO THIS ARTICLE UNTIL THE STUDENT CURES THE DEFAULT STATUS PURSUANT TO APPLICABLE LAW AND REGULATION.

C. A STUDENT WHO HAS FAILED TO COMPLY WITH THE TERMS OF ANY SERVICE CONDITION IMPOSED BY AN AWARD MADE PURSUANT TO THIS ARTICLE OR HAS FAILED TO REPAY AN AWARD MADE PURSUANT TO THIS ARTICLE, AS REQUIRED BY PARAGRAPH A OF SUBDIVISION FOUR OF SECTION SIX HUNDRED SIXTY-FIVE OF THIS SUBPART, SHALL BE INELIGIBLE TO RECEIVE ANY AWARD OR LOAN PURSUANT 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 dollars	None
[(B)] (2) Three thousand dollars or more, but not more than ten thousand dollars	Thirty-one per centum of amount in excess of three thousand dollars

(B) FOR THOSE STUDENTS WHO HAVE BEEN GRANTED EXCLUSION OF PARENTAL INCOME WHO HAVE A SPOUSE BUT NO OTHER 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
(1) LESS THAN SEVEN THOUSAND DOLLARS	NONE
(2) SEVEN THOUSAND DOLLARS OR MORE, BUT LESS THAN ELEVEN THOUSAND DOLLARS	SEVEN PER CENTUM OF EXCESS OVER SEVEN THOUSAND DOLLARS
(3) ELEVEN THOUSAND DOLLARS OR MORE, BUT LESS THAN EIGHTEEN THOUSAND DOLLARS	TWO HUNDRED EIGHTY DOLLARS PLUS TEN PER CENTUM OF EXCESS OVER ELEVEN THOUSAND DOLLARS
(4) EIGHTEEN THOUSAND DOLLARS OR MORE, BUT NOT MORE THAN FORTY THOUSAND DOLLARS	NINE HUNDRED EIGHTY DOLLARS PLUS TWELVE PER CENTUM OF EXCESS OVER EIGHTEEN THOUSAND DOLLARS

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

1 PART I

2 Section 1. Subparagraphs (i), (ii), (iii) and (iv) of paragraph c of
 3 subdivision 6 of section 665 of the education law, subparagraphs (i),
 4 (ii) and (iii) as added by section 3 of part E-1 of chapter 57 of the
 5 laws of 2007 and subparagraph (iv) as amended by section 2 of part I of
 6 chapter 57 of the laws of 2008, are amended to read as follows:

7 (i) For students first receiving aid in two thousand seven--two thou-
 8 sand eight, THROUGH AND INCLUDING TWO THOUSAND NINE--TWO THOUSAND TEN,
 9 AND FOR REMEDIAL STUDENTS AS DEFINED IN PARAGRAPH D OF THIS SUBDIVISION
 10 WHO FIRST RECEIVED AID IN TWO THOUSAND SEVEN--TWO THOUSAND EIGHT, and
 11 thereafter, and enrolled in four-year or five-year undergraduate
 12 programs whose terms are organized in semesters:

13	Before Being	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th
14	Certified										
15	for This										
16	Payment										

17	A Student Must	0	3	9	21	33	45	60	75	90	105
18	Have Accrued at										
19	Least This										
20	Many Credits										

21	With At Least	0	1.1	1.2	1.3	2.0	2.0	2.0	2.0	2.0	2.0
22	This Grade										
23	Point Average										

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

30	Before Being	1	2	3	4	5	6
31	Certified						
32	for This						
33	Payment						

34	A Student	0	3	9	18	30	45
35	Must Have						
36	Accrued at						
37	Least This						
38	Many Credits						

39	With at Least	0	.5	.75	1.3	2.0	2.0
40	This Grade						
41	Point Average						

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

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

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

9	BEFORE BEING	1ST	2ND	3RD	4TH	5TH	6TH	7TH	8TH	9TH	10TH
10	CERTIFIED										
11	FOR THIS										
12	PAYMENT										

13	A STUDENT	0	6	15	27	39	51	66	81	96	111
14	MUST HAVE										
15	ACCRUED AT										
16	LEAST THIS										
17	MANY CREDITS										

18	WITH AT LEAST	0	1.5	1.8	1.8	2.0	2.0	2.0	2.0	2.0	2.0
19	THIS GRADE										
20	POINT AVERAGE										

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

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

30	A STUDENT	0	6	15	27	39	51
31	MUST HAVE						
32	ACCRUED AT						
33	LEAST THIS						
34	MANY CREDITS						

35	WITH AT LEAST	0	1.3	1.5	1.8	2.0	2.0
36	THIS GRADE						
37	POINT AVERAGE						

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

43	BEFORE BEING	1ST	2ND	3RD	4TH	5TH	6TH	7TH	8TH
44	CERTIFIED								
45	FOR THIS								
46	PAYMENT								

1	A STUDENT	0	4	8	14	22	30	38	46
2	MUST HAVE								
3	ACCRUED AT								
4	LEAST THIS								
5	MANY CREDITS								

6	WITH AT LEAST	0	1.1	1.5	1.5	1.8	2.0	2.0	2.0
7	THIS GRADE								
8	POINT AVERAGE								
9	AND,								

10	BEFORE BEING	9TH	10TH	11TH	12TH	13TH	14TH	15TH
11	CERTIFIED							
12	FOR THIS							
13	PAYMENT							

14	A STUDENT	56	66	76	86	96	106	116
15	MUST HAVE							
16	ACCRUED AT							
17	LEAST THIS							
18	MANY CREDITS							

19	WITH AT LEAST	2.0	2.0	2.0	2.0	2.0	2.0	2.0
20	THIS GRADE							
21	POINT AVERAGE							

22 (VIII) FOR STUDENTS FIRST RECEIVING AID IN TWO THOUSAND TEN--TWO THOU-
 23 SAND ELEVEN AND THEREAFTER, WHO DO NOT MEET THE DEFINITION OF REMEDIAL
 24 STUDENT AS DEFINED IN PARAGRAPH D OF THIS SUBDIVISION, AND ARE ENROLLED
 25 IN A TWO-YEAR UNDERGRADUATE PROGRAM WHOSE TERMS ARE ORGANIZED ON A
 26 TRIMESTER BASIS:

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

31	A STUDENT	0	2	6	14	22	30	38	46	54
32	MUST HAVE									
33	ACCRUED AT									
34	LEAST THIS									
35	MANY CREDITS									

36	WITH AT LEAST	0	1.0	1.3	1.5	1.5	1.8	2.0	2.0	2.0
37	THIS GRADE									
38	POINT AVERAGE									

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

41 D. FOR PURPOSES OF PARAGRAPH C OF THIS SUBDIVISION, A REMEDIAL STUDENT
 42 SHALL MEAN A STUDENT CARRYING A FULL-TIME PROGRAM: (A) WHOSE SCORES ON A
 43 RECOGNIZED COLLEGE PLACEMENT EXAM OR NATIONALLY RECOGNIZED STANDARDIZED
 44 EXAM INDICATE THE NEED FOR REMEDIATION, AS CERTIFIED BY THE APPROPRIATE
 45 COLLEGE OFFICIAL AND APPROVED BY THE COMMISSIONER, AND WHO IS ENROLLED
 46 IN UP TO NINE SEMESTER HOURS OF NON-CREDIT REMEDIAL COURSES, AS APPROVED
 47 BY THE COMMISSIONER, IN THEIR FIRST TERM OF STUDY, AND UP TO SIX SEMES-

TER HOURS OF NON-CREDIT REMEDIAL COURSES, AS APPROVED BY THE COMMISSIONER, IN EACH TERM THEREAFTER; OR (B) WHO IS ENROLLED IN THE HIGHER EDUCATION OPPORTUNITY PROGRAM (HEOP), THE EDUCATION OPPORTUNITY PROGRAM (EOP), THE SEARCH FOR EDUCATION, ELEVATION AND KNOWLEDGE (SEEK) PROGRAM, OR THE COLLEGE DISCOVERY PROGRAM.

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

PART J

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

2. Duration. No undergraduate shall be eligible for more than four academic years of study, or five academic years if the program of study normally requires five years. Students enrolled in a program of remedial study, approved by the commissioner in an institution of higher education and intended to culminate in a degree in undergraduate study shall, for purposes of this section, be considered as enrolled in a program of study normally requiring five years. An undergraduate student enrolled in an eligible two year program of study approved by the commissioner shall be eligible for no more than three academic years of study. [No graduate student shall be eligible for more than four academic years of study provided, however, that no graduate student shall be eligible for more than one degree program at the master's, first professional or doctorate level. No student shall be eligible for a total of more than the equivalent of eight years of combined undergraduate and graduate study.] Any semester, quarter, or term of attendance during which a student receives any award under this article, after the effective date of the former scholar incentive program and prior to academic year nineteen hundred eighty-nine--nineteen hundred ninety, shall be counted toward the maximum term of eligibility for tuition assistance under this section, except that any semester, quarter or term of attendance during which a student received an award pursuant to section six hundred sixty-six of this [article] SUBPART shall be counted as one-half of a semester, quarter or term, as the case may be, toward the maximum term of eligibility under this section. Any semester, quarter or term of attendance during which a student received an award pursuant to section six hundred sixty-seven-a of this [article] SUBPART shall not be counted toward the maximum term of eligibility under this section.

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

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

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

(b)] In the determination of income for purposes of paragraphs a and b of subdivision three of section six hundred sixty-seven of this part if,

during the academic year in which the applicant will receive an award, one of either the parents of the applicant or other dependent child of such parents, the spouse of the applicant, or one or more dependent children of the applicant, in addition to the applicant, will be in full-time attendance in an approved program, the combined net taxable income determined under subdivision one of this section shall be reduced by three thousand dollars and an additional two thousand dollars for each other such person additional to the aforesaid persons (including the applicant) who will be in such attendance, and the resulting amount shall be deemed the applicable income in determining the applicant's award for the academic year.

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

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

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

The applicant is a student who was married on or before December thirty-first of the calendar year prior to the beginning of the academic year for which application is made or is an undergraduate student who has reached the age of twenty-two on or before June thirtieth prior to the academic year for which application is made [or is a graduate student,] and who, during the calendar year next preceding the semester, quarter or term of attendance for which application is made and at all times subsequent thereto up to and including the entire period for which application is made:

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

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

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

PART K

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

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

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

1

PART L

2 Section 1. Section 3 of part V of chapter 57 of the laws of 2005
3 amending the education law relating to the New York state nursing facul-
4 ty loan forgiveness incentive program and the New York state nursing
5 faculty scholarship program, as added by section 4 of part D of chapter
6 63 of the laws of 2005, is amended to read as follows:

7 S 3. This act shall take effect on the same date and in the same
8 manner as Part H of [a] THIS chapter [of the laws of 2005 amending the
9 labor law and other laws relating to implementing the state fiscal plan
10 for the 2005-2006 state fiscal year, as proposed in legislative bill
11 numbers S.3667 and A.6841, takes effect]; provided that section two of
12 this act shall take effect on the same date and in the same manner as
13 Part I of [a] THIS chapter [of the laws of 2005 amending the labor law
14 and other laws relating to implementing the state fiscal plan for the
15 2005-2006 state fiscal year, as proposed in legislative bill numbers
16 S.3667 and A.6841, takes effect]; and provided further that this act
17 shall expire and be deemed repealed on June 30, [2010] 2016.

18 S 2. This act shall take effect immediately.

19

PART M

20 Section 1. Subdivision (a) of section 50 of chapter 161 of the laws of
21 2005, amending the education law and other laws relating to the social
22 worker loan forgiveness program is amended to read as follows:

23 (a) section two of this act shall expire and be deemed repealed June
24 30, [2011] 2016; and provided, further that the amendment to paragraph b
25 of subdivision 1 of section 679-c and the amendment to paragraph 2 of
26 subdivision a of section 679-d of the education law made by sections
27 three and four of this act shall not affect the repeal of such sections
28 and shall be deemed repealed therewith;

29 S 2. This act shall take effect immediately.

30

PART N

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

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

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

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

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

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

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

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

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

26 3. AFTER COMPUTING THE TOTAL AMOUNT DUE ON ACCOUNT OF THE RENOUNCED
27 EXEMPTION, THE COUNTY DIRECTOR SHALL RETURN THE FORM TO THE APPLICANT
28 WITH THE TOTAL AMOUNT DUE NOTED THEREON. A COPY OF SUCH FORM SHALL BE
29 PROVIDED TO THE ASSESSOR, AND IN THE CASE OF THE STAR EXEMPTION, TO THE
30 COMMISSIONER. WITHIN FIFTEEN DAYS AFTER THE MAILING OF SUCH FORM, THE
31 APPLICANT SHALL PAY THE TOTAL AMOUNT DUE AS SHOWN THEREON TO THE COUNTY
32 TREASURER, WHO SHALL ISSUE A RECEIPT FOR SUCH PAYMENT. AFTER DEDUCTING
33 THE PROCESSING FEE, THE COUNTY TREASURER SHALL DISTRIBUTE THE AMOUNT
34 COLLECTED AMONG THE AFFECTED MUNICIPAL CORPORATIONS ACCORDING TO THE
35 TAXES AND INTEREST OWING TO EACH, PROVIDED THAT IN THE CASE OF THE STAR
36 EXEMPTION AUTHORIZED BY SECTION FOUR HUNDRED TWENTY-FIVE OF THIS ARTI-
37 CLE, THE AMOUNT COLLECTED, INCLUDING INTEREST, SHALL BE PAID TO THE
38 STATE IN THE MANNER DIRECTED BY THE COMMISSIONER.

39 4. NOTWITHSTANDING THE FOREGOING PROVISIONS OF THIS SECTION, IN A CITY
40 WITH A POPULATION OF ONE MILLION OR MORE, AN EXEMPTION MAY BE RENOUNCED
41 ON A FORM PRESCRIBED BY THE COMMISSIONER OF FINANCE, AND THE DUTIES
42 IMPOSED BY THIS SECTION UPON THE COUNTY TREASURER SHALL BE PERFORMED BY
43 THE COMMISSIONER OF FINANCE.

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

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

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

54 (f-1) an incorrect entry of a partial exemption on the immediately
55 preceding year's assessment roll for a parcel which was not eligible for
56 such exemption, provided that there has not been a transfer of title

subsequent to the filing of such roll AND PROVIDED FURTHER THAT THE EXEMPTION HAS NOT BEEN RENOUNCED PURSUANT TO SECTION FOUR HUNDRED NINE-TY-SIX OF THIS CHAPTER;

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

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

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

CABLE 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. Paragraphs b and c of subdivision 1 of section 4405 of the education law, paragraph b as amended and paragraph c as added by section 2 of part G2 of chapter 62 of the laws of 2003, are amended to read as follows:

b. 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 in a special act school district by a school district committee on special education pursuant to this article, or] a child with a disability placed in a state school under the provisions of articles eighty-seven and eighty-eight of this chapter shall be subject to reimbursement by the state pursuant to the provisions of subdivision ten of section one hundred fifty-three of the social services law. Expenditures shall include both direct payments and deductions from state aid made by the comptroller, if any, in lieu of such direct payments.

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] FIFTY-SIX AND EIGHT HUNDRED FORTY-EIGHT THOUSANDTHS 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.

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

10. Expenditures made by a social services district for the maintenance of children with disabilities, placed by school districts, pursuant to section forty-four hundred five of the education law shall, if approved by the office of children and family services, be subject to [forty percent reimbursement by the state and twenty] FIFTY-SIX AND EIGHT HUNDRED FORTY-EIGHT THOUSANDTHS percent reimbursement by school districts in accordance with paragraph (c) of subdivision one of section forty-four hundred five of the education law, after first deducting therefrom any federal funds received or to be received on account of such expenditures, except that in the case of a student attending a state-operated school for the deaf or blind pursuant to article eighty-seven or eighty-eight of the education law who was not placed in such school by a school district such expenditures shall be subject to fifty percent reimbursement by the state after first deducting therefrom any federal funds received or to be received on account of such expenditures and there shall be no reimbursement by school districts. Such expenditures shall not be subject to the limitations on state reimbursement contained in subdivision two of section one hundred fifty-three-k of

1 this [chapter] TITLE. In the event of the failure of the school district
2 to make the maintenance payment pursuant to the provisions of this
3 subdivision, the state comptroller shall withhold state reimbursement to
4 any such school district in an amount equal to the unpaid obligation for
5 maintenance and pay over such sum to the social services district upon
6 certification of the commissioner of the office of children and family
7 services and the commissioner of education that such funds are overdue
8 and owed by such school district. The commissioner of the office of
9 children and family services, in consultation with the commissioner of
10 education, shall promulgate regulations to implement the provisions of
11 this subdivision.

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

17 PART P

18 Section 1. The social services law is amended by adding a new section
19 409-b to read as follows:

20 S 409-B. PRIMARY PREVENTION INCENTIVE PROGRAM. 1. NOTWITHSTANDING ANY
21 PROVISION OF LAW TO THE CONTRARY AND SUBJECT TO AVAILABLE APPROPRIATION,
22 ELIGIBLE EXPENDITURES BY A MUNICIPALITY FOR PRIMARY PREVENTION INCENTIVE
23 PROGRAMS AND SERVICES SHALL BE SUBJECT TO STATE REIMBURSEMENT FOR UP TO
24 SIXTY-TWO PERCENT OF THE MUNICIPALITY'S EXPENDITURES, EXCLUSIVE OF ANY
25 FEDERAL FUNDS MADE AVAILABLE FOR SUCH PURPOSES, NOT TO EXCEED THE
26 MUNICIPALITY'S DISTRIBUTION UNDER THE PRIMARY PREVENTION INCENTIVE
27 PROGRAM. THE STATE FUNDS APPROPRIATED FOR THE PRIMARY PREVENTION INCEN-
28 TIVE PROGRAM SHALL BE DISTRIBUTED TO ELIGIBLE MUNICIPALITIES BY THE
29 OFFICE OF CHILDREN AND FAMILY SERVICES BASED ON A PLAN DEVELOPED BY THE
30 OFFICE AND SUBJECT TO THE APPROVAL OF THE DIRECTOR OF THE BUDGET. THE
31 OFFICE IS AUTHORIZED, IN ITS DISCRETION, TO MAKE ADVANCES TO A MUNICI-
32 PALITY IN ANTICIPATION OF SUCH STATE REIMBURSEMENT. ANY CLAIMS SUBMITTED
33 BY A MUNICIPALITY FOR REIMBURSEMENT FOR A PARTICULAR PROGRAM YEAR FOR
34 WHICH THE MUNICIPALITY DOES NOT RECEIVE STATE REIMBURSEMENT DURING THAT
35 PROGRAM YEAR MAY NOT BE CLAIMED AGAINST ANY DISTRIBUTION AMOUNT FOR THE
36 NEXT PROGRAM YEAR. THE OFFICE MAY REQUIRE THAT SUCH CLAIMS BE SUBMITTED
37 TO THE OFFICE ELECTRONICALLY IN THE MANNER AND FORMAT REQUIRED BY THE
38 OFFICE.

39 2. AS USED IN THIS SECTION, THE TERM "MUNICIPALITY" SHALL MEAN A COUN-
40 TY, OR A CITY HAVING A POPULATION OF ONE MILLION OR MORE; AND THE TERM
41 "PRIMARY PREVENTION INCENTIVE PROGRAMS AND SERVICES" SHALL MEAN PROGRAMS
42 OR SERVICES PROVIDED ON A COMMUNITY BASIS FOR THE PURPOSES OF PREVENTING
43 CHILD ABUSE AND NEGLECT, AVERTING FAMILY CRISES AND LATER FOSTER CARE
44 PLACEMENTS FOR FAMILIES THAT ARE NOT AT IMMEDIATE RISK OF FOSTER CARE,
45 PREVENTING DELINQUENCY, OR PROMOTING POSITIVE YOUTH DEVELOPMENT. PRIMARY
46 PREVENTION INCENTIVE PROGRAMS AND SERVICES SHALL NOT INCLUDE "PREVENTIVE
47 SERVICES" AS DEFINED IN SECTION FOUR HUNDRED NINE OF THIS TITLE AND
48 PROVIDED TO INDIVIDUAL CHILDREN AND THEIR FAMILIES PURSUANT TO SUBDIVI-
49 SION ONE OR TWO OF SECTION FOUR HUNDRED NINE-A OF THE SOCIAL SERVICES
50 LAW.

51 3. TWO OR MORE MUNICIPALITIES MAY JOIN TOGETHER TO ESTABLISH, OPERATE
52 AND MAINTAIN PRIMARY PREVENTION INCENTIVE PROGRAMS AND MAY MAKE AND
53 PERFORM AGREEMENTS IN CONNECTION THEREWITH. SUCH AGREEMENTS SHALL
54 INCLUDE PROVISIONS FOR THE PROPORTIONATE COST TO BE BORNE BY EACH MUNI-

1 CIPALITY AND FOR THE MANNER OF EMPLOYMENT OF PERSONNEL AND MAY PROVIDE
2 THAT A FISCAL OFFICER OF ONE SUCH MUNICIPALITY SHALL BE THE CUSTODIAN OF
3 THE MONEYS MADE AVAILABLE FOR EXPENDITURE FOR SUCH PURPOSES BY ALL SUCH
4 MUNICIPALITIES AND THAT SUCH FISCAL OFFICER MAY MAKE PAYMENTS THEREFROM
5 UPON AUDIT OF THE APPROPRIATE AUDITING BODY OR OFFICER OF HIS OR HER
6 MUNICIPALITY. IN MAKING CLAIMS FOR STATE REIMBURSEMENT PURSUANT TO THIS
7 SECTION, EACH MUNICIPALITY SHALL CLAIM FOR ITS PROPORTIONATE SHARE OF
8 EXPENDITURES. HOWEVER, WHERE THE AGREEMENT PROVIDES FOR A DISBURSING
9 MUNICIPALITY, SUCH DISBURSING MUNICIPALITY SHALL CLAIM FOR THE TOTAL
10 JOINT PROGRAM EXPENDITURES MADE AND SHALL DISBURSE THE STATE REIMBURSE-
11 MENT TO EACH PARTICIPATING MUNICIPALITY BASED UPON THE PROPORTIONATE
12 SHARE OF EACH PARTICIPATING MUNICIPALITY'S EXPENDITURES.

13 4. A MUNICIPALITY AND THE BOARD OF EDUCATION, BOARD OF TRUSTEES OR THE
14 TRUSTEE OF A SCHOOL DISTRICT MAY MAKE AND PERFORM AGREEMENTS PROVIDING
15 FOR THE OPERATION BY A SCHOOL DISTRICT OF A YOUTH DEVELOPMENT OR SIMILAR
16 PROGRAM.

17 5. THE CHIEF EXECUTIVE OFFICER OF EACH MUNICIPALITY MAY DESIGNATE ONE
18 OR MORE AGENCIES RESPONSIBLE FOR PROVIDING PRIMARY PREVENTION INCENTIVE
19 PROGRAMS AND SERVICES PURSUANT TO THIS SECTION. PROGRAMS AND SERVICES
20 SHALL BE TARGETED TO COMMUNITIES HAVING THE HIGHEST NEED FOR SUCH
21 SERVICES, AND SHALL INCLUDE EVIDENCE-BASED PROGRAMS DEMONSTRATED TO
22 REDUCE CHILD ABUSE AND NEGLECT, PREVENT FOSTER CARE PLACEMENT, PREVENT
23 DELINQUENCY OR PROMOTE POSITIVE YOUTH DEVELOPMENT.

24 6. MUNICIPALITIES MAY APPLY TO THE OFFICE FOR A WAIVER OF ELIGIBILITY
25 AND ADMINISTRATIVE REQUIREMENTS FOR PRIMARY PREVENTION INCENTIVE
26 PROGRAMS AND SERVICES. UPON APPROVAL OF THE APPLICATION BY THE OFFICE,
27 ELIGIBILITY REQUIREMENTS ESTABLISHED IN STATUTE OR REGULATION MAY BE
28 WAIVED FOR THOSE PERSONS AND COMMUNITIES IDENTIFIED IN THE APPLICATION
29 AS RECIPIENTS OF THE SERVICES. WHERE SUCH A WAIVER IS APPROVED, THE
30 OFFICE SHALL HAVE THE AUTHORITY TO ESTABLISH ALTERNATIVE STANDARDS TO BE
31 FOLLOWED BY THE MUNICIPALITY THAT IS GRANTED A WAIVER. UPON APPROVAL OF
32 AN APPLICATION FOR SUCH WAIVERS, THE OFFICE APPROVAL MUST SPECIFY THE
33 REQUIREMENTS BEING WAIVED AND ANY ALTERNATIVE STANDARDS ESTABLISHED.

34 7. PRIMARY PREVENTION INCENTIVE PROGRAMS AND SERVICES MAY BE PROVIDED
35 DIRECTLY BY A MUNICIPALITY OR THROUGH PURCHASE OF SERVICE.

36 S 2. Subdivisions 4, 6 and 7 of section 532-a of the executive law,
37 subdivisions 4 and 6 as amended by section 14 of part E of chapter 57 of
38 the laws of 2005, and subdivision 7 as added by section 13 of part G of
39 chapter 58 of the laws of 2010, are amended to read as follows:

40 4. "[Approved] CERTIFIED runaway program" shall mean [any non-residen-
41 tial program approved by the office of children and family services
42 after submission by the county youth bureau, as part of its comprehen-
43 sive plan, or] any residential facility which is operated by an author-
44 ized agency as defined in subdivision ten of section three hundred
45 seventy-one of the social services law, and [approved] CERTIFIED by the
46 office of children and family services [after submission by the county
47 youth bureau as part of its comprehensive plan], established and oper-
48 ated to provide services to runaway and homeless youth in accordance
49 with the regulations of the office of temporary and disability assist-
50 ance and the office of children and family services. Such programs may
51 also provide non-residential crisis intervention and residential respite
52 services to youth in need of crisis intervention or respite services, as
53 defined in this section. Residential respite services in [an approved]
54 A CERTIFIED runaway program may be provided for no more than twenty-one
55 days in accordance with the regulations of the office of children and
56 family services.

1 6. "Transitional independent living support program" shall mean [any
2 non-residential program approved by the office of children and family
3 services after submission by the county youth bureau as part of its
4 comprehensive plan, or] any residential facility [approved] CERTIFIED by
5 the office of children and family services [after submission by the
6 county youth bureau as part of its comprehensive plan], established and
7 operated to provide supportive services, for a period of up to eighteen
8 months in accordance with the regulations of the office of children and
9 family services, to enable homeless youth between the ages of sixteen
10 and twenty-one to progress from crisis care and transitional care to
11 independent living. Such transitional independent living support program
12 may also provide services to youth in need of crisis intervention or
13 respite services. Notwithstanding the time limitation in paragraph (i)
14 of subdivision (d) of section seven hundred thirty-five of the family
15 court act, residential respite services may be provided in a transi-
16 tional independent living support program for a period of more than
17 twenty-one days.

18 7. "Safe house" shall mean a residential program for sexually
19 exploited children as defined in subdivision one of section four hundred
20 forty-seven-a of the social services law. [An approved] A CERTIFIED
21 runaway program may operate a short-term safe house, as defined in
22 subdivision two of section four hundred forty-seven-a of the social
23 services law, for sexually exploited children. A transitional independ-
24 ent living support program may operate a long-term safe house for sexu-
25 ally exploited children.

26 S 3. The opening paragraph and paragraph (e) of subdivision 1 and
27 subdivision 2 of section 532-b of the executive law, the opening para-
28 graph of subdivision 1 as amended by chapter 182 of the laws of 2002,
29 paragraph (e) of subdivision 1 as amended by chapter 569 of the laws of
30 1994 and subdivision 2 as added by chapter 722 of the laws of 1978, are
31 amended to read as follows:

32 Notwithstanding any other provision of law, pursuant to regulations of
33 the office of children and family services [an approved] A CERTIFIED
34 runaway program is authorized to and shall:

35 (e) assist in arranging for necessary services for runaway or homeless
36 youth, and where appropriate, their families, including but not limited
37 to food, shelter, clothing, medical care, education and individual and
38 family counseling. Where the [approved] CERTIFIED runaway program
39 concludes that such runaway or homeless youth would be eligible for
40 assistance, care or services from a local social services district, it
41 shall assist the youth in securing such assistance, care or services as
42 the youth is entitled to; and

43 2. The runaway youth may remain in the program on a voluntary basis
44 for a period not to exceed thirty days from the date of admission where
45 the filing of a petition pursuant to article ten of the family court act
46 is not contemplated, in order that arrangements can be made for the
47 runaway youth's return home, alternative residential placement pursuant
48 to section three hundred ninety-eight of the social services law, or any
49 other suitable plan. If the runaway youth and the parent, guardian or
50 custodian agree, in writing, the runaway youth may remain in the runaway
51 program up to sixty days without the filing of a petition pursuant to
52 article ten of the family court act[, provided that in any such case the
53 facility shall first have obtained the approval of the county runaway
54 coordinator, who shall notify the county youth bureau of his approval
55 together with a statement as to the reason why such additional residen-

1 tial stay is necessary and a description of the efforts being made to
2 find suitable alternative living arrangements for such youth].

3 S 4. Subdivision 2 of section 532-c of the executive law, as added by
4 chapter 722 of the laws of 1978, is amended to read as follows:

5 2. Where custody of the youth upon leaving the [approved] CERTIFIED
6 program is assumed by a relative or other person, other than the parent
7 or guardian, the staff of the program shall so notify the parent or
8 guardian as soon as practicable after the release of the youth. The
9 officers, directors or employees of [an approved] A CERTIFIED runaway
10 program shall be immune from any civil or criminal liability for or
11 arising out of the release of a runaway or homeless youth to a relative
12 or other responsible person other than a parent or guardian.

13 S 5. Subdivisions (a), (c) and (e) of section 532-e of the executive
14 law, as amended by chapter 182 of the laws of 2002, are amended to read
15 as follows:

16 (a) visit, inspect and make periodic reports on the operation and
17 adequacy of [approved] CERTIFIED runaway programs and transitional inde-
18 pendent living support programs;

19 (c) maintain a register of [approved] CERTIFIED runaway programs,
20 transitional independent living support programs and runaway and home-
21 less youth service coordinators;

22 (e) develop and promulgate in consultation with [county youth bureaus
23 and] organizations or programs which have had past experience dealing
24 with runaway and homeless youth, regulations concerning the coordination
25 and integration of services available for runaway and otherwise homeless
26 youth and prohibiting the disclosure or transferal of any records
27 containing the identity of individual youth receiving services pursuant
28 to this section, without the written consent of the youth; and

29 S 6. Subdivision 3 of section 409-a of the social services law is
30 REPEALED.

31 S 7. Subdivisions 2 and 4 of section 447-a of the social services law,
32 subdivision 2 as added by chapter 569 of the laws of 2008 and subdivi-
33 sion 4 as amended by section 1 of part G of chapter 58 of the laws of
34 2010, are amended to read as follows:

35 2. The term "short-term safe house" means a residential facility oper-
36 ated by an authorized agency as defined in subdivision ten of section
37 three hundred seventy-one of this article including a residential facil-
38 ity operating as part of [an approved] A CERTIFIED runaway program as
39 defined in subdivision four of section five hundred thirty-two-a of the
40 executive law or a not-for-profit agency with experience in providing
41 services to sexually exploited youth and approved in accordance with the
42 regulations of the office of children and family services that provides
43 emergency shelter, services and care to sexually exploited children
44 including food, shelter, clothing, medical care, counseling and appro-
45 priate crisis intervention services at the time they are taken into
46 custody by law enforcement and for the duration of any legal proceeding
47 or proceedings in which they are either the complaining witness or the
48 subject child. The short-term safe house shall also be available at the
49 point in time that a child under the age of eighteen has first come into
50 the custody of juvenile detention officials, law enforcement, local
51 jails or the local commissioner of social services or is residing with
52 the local runaway and homeless youth authority.

53 4. The term "safe house" means a residential facility operated by an
54 authorized agency as defined in subdivision ten of section three hundred
55 seventy-one of this article including a residential facility operating
56 as part of [an approved] A CERTIFIED runaway program as defined in

1 subdivision four of section five hundred thirty-two-a of the executive
2 law or a not-for-profit agency with experience in providing services to
3 sexually exploited youth and approved in accordance with the regulations
4 of the office of children and family services that provides shelter for
5 sexually exploited children. In addition, a long-term safe house may be
6 operated by a transitional independent living support program as defined
7 in subdivision six of section five hundred thirty-two-a of the executive
8 law. A safe house serving sexually exploited children as defined in this
9 title shall provide or assist in securing necessary services for such
10 sexually exploited children either through direct provision of services,
11 or through written agreements with other community and public agencies
12 for the provision of services including but not limited to housing,
13 assessment, case management, medical care, legal, mental health and
14 substance and alcohol abuse services. Where appropriate such safe house
15 in accordance with a service plan for such sexually exploited child may
16 also provide counseling and therapeutic services, educational services
17 including life skills services and planning services to successfully
18 transition residents back to the community. Nothing in the provisions of
19 this title or article nineteen-H of the executive law shall prevent a
20 child who is the subject of a proceeding which has not reached final
21 disposition from residing at the safe house for the duration of that
22 proceeding nor shall it prevent any sexually exploited child who is not
23 the subject of a proceeding from residing at the safe house. An advocate
24 employed by a short-term safe house or other appropriate staff of a
25 short-term safe house shall, to the maximum extent possible, preferably
26 within twenty-four hours but within no more than seventy-two hours
27 following a sexually exploited child's admission into the program other
28 than pursuant to a court order, notify such child's parent, guardian or
29 custodian of his or her physical and emotional condition and the circum-
30 stances surrounding the child's presence at the program, unless there
31 are compelling circumstances why the parent, guardian or custodian
32 should not be so notified. Where such circumstances exist, the advocate
33 or other appropriate staff member shall either file an appropriate peti-
34 tion in the family court, refer the youth to the local social services
35 district, or in instances where abuse or neglect is suspected, report
36 such case pursuant to title six of this article.

37 S. 8. Subdivision 1 of section 447-b of the social services law, as
38 amended by section 2 of part G of chapter 58 of the laws of 2010, is
39 amended to read as follows:

40 1. Notwithstanding any inconsistent provision of law, pursuant to
41 regulations of the office of children and family services, every local
42 social services district shall as a component of the district's multi-
43 year consolidated services child welfare services plan address the child
44 welfare services needs of sexually exploited children and to the extent
45 that funds are available specifically therefor ensure that a short-term
46 safe house or another short-term safe placement such as [an approved] A
47 CERTIFIED runaway and homeless youth program, approved respite or crisis
48 program providing crisis intervention or respite services or community-
49 based program to serve sexually exploited children is available to chil-
50 dren residing in such district. Nothing in this section shall prohibit a
51 local social services district from utilizing existing respite or crisis
52 intervention services already operated by such social services district
53 or homeless youth programs or services for victims of human trafficking
54 pursuant to article ten-D of this chapter so long as the staff members
55 have received appropriate training approved by the office of children
56 and family services regarding sexually exploited children and the exist-

1 ing programs and facilities provide a safe, secure and appropriate envi-
2 ronment for sexually exploited children. Crisis intervention services,
3 short-term safe house care and community-based programming may, where
4 appropriate, be provided by the same not-for-profit agency. Local social
5 services districts may work cooperatively to provide such short-term
6 safe house or other short-term safe placement, services and programming
7 and access to such placement, services and programming may be provided
8 on a regional basis, provided, however, that every local social services
9 district shall to the extent that funds are available ensure that such
10 placement, services and programs shall be readily accessible to sexually
11 exploited children residing within the district.

12 S 9. Article 10-A of the social services law is REPEALED.

13 S 10. This act shall take effect on July 1, 2011; provided however
14 that section six of this act shall be considered to have been in full
15 force and effect on and after October 1, 2010.

16 PART Q

17 Section 1. This act enacts into law major components of legislation
18 which are necessary to continue transforming New York's juvenile justice
19 system. Each component is wholly contained within a Subpart identified
20 as Subparts A and B. The effective date for each particular provision
21 contained within such Subpart is set forth in the last section of such
22 Subpart. Any provision in any section contained within a Subpart,
23 including the effective date of the Subpart, which makes reference to a
24 section "of this act", when used in connection with that particular
25 component, shall be deemed to mean and refer to the corresponding
26 section of the Subpart in which it is found. Section three of this act
27 sets forth the general effective date of this act.

28 SUBPART A

29 Section 1. Paragraph (c) of subdivision 15 of section 501 of the exec-
30 utive law is REPEALED and subdivision (d) is relettered subdivision (c).

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

32 SUBPART B

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

35 3. "Detention" means the temporary care and maintenance of youth held
36 away from their homes pursuant to article three [or seven] of the family
37 court act, or held pending a hearing for alleged violation of the condi-
38 tions of release from [a division] AN OFFICE OF CHILDREN AND FAMILY
39 SERVICES facility or authorized agency, or held pending a hearing for
40 alleged violation of the condition of parole as a juvenile offender, or
41 held pending return to a jurisdiction other than the one in which the
42 youth is held, or held pursuant to a securing order of a criminal court
43 if the youth named therein as principal is charged as a juvenile offen-
44 der or held pending a hearing on an extension of placement or held pend-
45 ing transfer to a facility upon commitment or placement by a court. Only
46 alleged or convicted juvenile offenders who have not attained their
47 eighteenth birthday shall be subject to detention in a detention facili-
48 ty.

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

4 4. The [division] OFFICE OF CHILDREN AND FAMILY SERVICES shall visit
5 and inspect all facilities used for detention and make periodic reports
6 of the operation and adequacy of such facilities, and the need for
7 provision of such facilities to the county executive, if there be one,
8 the county legislature and the family court judges of the county in
9 which such facilities are located, and the office of court adminis-
10 tration. [The department of social services shall cooperate with the
11 division for youth to make arrangements for joint visitation and
12 inspection of foster care programs certified by the department of social
13 services and serving youth detained, in cities having a population of
14 one million or more, pursuant to article seven of the family court act.]

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

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

27 7. The person in charge of each detention facility shall keep a record
28 of all time spent in such facility for each youth in care. The detention
29 facility shall deliver a certified transcript of such record to the
30 [division] OFFICE, social services district, or other agency taking
31 custody of the youth pursuant to article three [or seven] of the family
32 court act, before, or at the same time as the youth is delivered to the
33 [division] OFFICE, district or other agency, as is appropriate.

34 S 3. The executive law is amended by adding a new section 529-b to
35 read as follows:

36 S 529-B. SUPERVISION AND TREATMENT SERVICES FOR JUVENILES PROGRAM. 1.

37 (A) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, ELIGIBLE
38 EXPENDITURES BY AN ELIGIBLE MUNICIPALITY FOR SERVICES TO DIVERT YOUTH AT
39 RISK OF, ALLEGED TO BE, OR ADJUDICATED AS JUVENILE DELINQUENTS FROM
40 PLACEMENT IN DETENTION OR IN RESIDENTIAL CARE SHALL BE SUBJECT TO STATE
41 REIMBURSEMENT UNDER THE SUPERVISION AND TREATMENT SERVICES FOR JUVENILES
42 PROGRAM FOR UP TO SIXTY-TWO PERCENT OF THE MUNICIPALITY'S EXPENDITURES,
43 SUBJECT TO AVAILABLE APPROPRIATIONS AND EXCLUSIVE OF ANY FEDERAL FUNDS
44 MADE AVAILABLE FOR SUCH PURPOSES, NOT TO EXCEED THE MUNICIPALITY'S
45 DISTRIBUTION UNDER THE SUPERVISION AND TREATMENT SERVICES FOR JUVENILES
46 PROGRAM.

47 (B) THE STATE FUNDS APPROPRIATED FOR THE SUPERVISION AND TREATMENT
48 SERVICES FOR JUVENILES PROGRAM SHALL BE DISTRIBUTED TO ELIGIBLE MUNICI-
49 PALITIES BY THE OFFICE OF CHILDREN AND FAMILY SERVICES BASED ON A PLAN
50 DEVELOPED BY THE OFFICE WHICH MAY CONSIDER HISTORICAL INFORMATION
51 REGARDING THE NUMBER OF YOUTH SEEN AT PROBATION INTAKE FOR AN ALLEGED
52 ACT OF DELINQUENCY, THE NUMBER OF YOUTH REMANDED TO DETENTION, THE
53 NUMBER OF JUVENILE DELINQUENTS PLACED WITH THE OFFICE, THE NUMBER OF
54 JUVENILE DELINQUENTS PLACED IN RESIDENTIAL CARE WITH THE MUNICIPALITY,
55 THE MUNICIPALITY'S REDUCTION IN THE USE OF DETENTION AND RESIDENTIAL
56 PLACEMENTS, AND OTHER FACTORS AS DETERMINED BY THE OFFICE. SUCH PLAN

DEVELOPED BY THE OFFICE SHALL BE SUBJECT TO THE APPROVAL OF THE DIRECTOR OF THE BUDGET. THE OFFICE IS AUTHORIZED, IN ITS DISCRETION, TO MAKE ADVANCE DISTRIBUTIONS TO A MUNICIPALITY IN ANTICIPATION OF STATE REIMBURSEMENT.

2. AS USED IN THIS SECTION, THE TERM "MUNICIPALITY" SHALL MEAN A COUNTY, OR A CITY HAVING A POPULATION OF ONE MILLION OR MORE, AND "SUPERVISION AND TREATMENT SERVICES FOR JUVENILES" SHALL MEAN COMMUNITY-BASED SERVICES OR PROGRAMS DESIGNED TO SAFELY MAINTAIN YOUTH IN THE COMMUNITY PENDING A FAMILY COURT DISPOSITION AND SERVICES OR PROGRAMS PROVIDED TO YOUTH ADJUDICATED AS JUVENILE DELINQUENTS TO PREVENT RESIDENTIAL PLACEMENT OF SUCH YOUTH OR A RETURN TO PLACEMENT WHERE SUCH YOUTH HAVE BEEN RELEASED TO THE COMMUNITY FROM RESIDENTIAL PLACEMENT. SUPERVISION AND TREATMENT SERVICES FOR JUVENILES MAY INCLUDE BUT ARE NOT LIMITED TO SERVICES OR PROGRAMS THAT:

(A) PROVIDE OR FACILITATE SUPPORT TO SUCH YOUTH FOR MENTAL HEALTH DISORDERS, SUBSTANCE ABUSE PROBLEMS, OR LEARNING DISABILITIES THAT CONTRIBUTE TO SUCH YOUTH BEING AT RISK FOR DETENTION, RESIDENTIAL PLACEMENT, OR RETURN TO DETENTION OR RESIDENTIAL PLACEMENT;

(B) PROVIDE TEMPORARY RESPITE CARE;

(C) PROVIDE FAMILY THERAPY OR SUPPORT OR EXPLORE ALTERNATE HOUSING OPTIONS FOR YOUTH WHO ARE AT RISK FOR DETENTION OR PLACEMENT DUE TO THE ABSENCE OF AN AVAILABLE HOME;

(D) PROVIDE POST-RELEASE SUPPORT WITHIN THE YOUTH'S COMMUNITY; OR

(E) REDUCE ARREST RATES OR RECIDIVISM.

3. (A) THE CHIEF EXECUTIVE OFFICER OF THE MUNICIPALITY SHALL DESIGNATE A LEAD AGENCY FOR THE PURPOSES OF PLANNING AND ADMINISTERING THE MUNICIPALITY'S SUPERVISION AND TREATMENT SERVICES FOR JUVENILES PROGRAM. IN ORDER FOR A MUNICIPALITY TO BE ELIGIBLE TO RECEIVE REIMBURSEMENT PURSUANT TO THIS SECTION, SUCH MUNICIPALITY MUST SUBMIT AN ANNUAL PLAN TO THE OFFICE OF CHILDREN AND FAMILY SERVICES DETAILING HOW THE SUPERVISION AND TREATMENT SERVICES FOR JUVENILES WILL BE PROVIDED WITHIN THE MUNICIPALITY. THE MUNICIPALITY SHALL DEVELOP SUCH PLAN IN COOPERATION WITH THE APPLICABLE LOCAL GOVERNMENTAL DEPARTMENTS RESPONSIBLE FOR PROBATION, LAW ENFORCEMENT, DETENTION, AND SOCIAL SERVICES; AND WITH THE COURTS, SERVICE PROVIDERS, SCHOOLS AND YOUTH DEVELOPMENT PROGRAMS. THE PLAN MUST BE APPROVED BY THE CHIEF EXECUTIVE OFFICER OF THE MUNICIPALITY, AND MUST INCLUDE:

(I) AN ANALYSIS THAT IDENTIFIES THE NEIGHBORHOODS OR COMMUNITIES FROM WHICH THE GREATEST NUMBER OF JUVENILE DELINQUENTS ARE REMANDED TO DETENTION OR RESIDENTIALLY PLACED;

(II) WHERE THE USE OF DETENTION OR RESIDENTIAL PLACEMENT IN THE MUNICIPALITY SHOWS A SIGNIFICANT RACIAL OR ETHNIC DISPROPORTIONALITY, A DESCRIPTION OF HOW THE SERVICES PROPOSED FOR FUNDING WILL ADDRESS SUCH DISPROPORTIONALITY;

(III) A DESCRIPTION OF HOW THE SERVICES AND PROGRAMS PROPOSED FOR FUNDING WILL REDUCE THE NUMBER OF YOUTH FROM THE MUNICIPALITY WHO ARE DETAINED AND RESIDENTIALLY PLACED; HOW SUCH SERVICES AND PROGRAMS ARE FAMILY-FOCUSED; AND WHETHER SUCH SERVICES AND PROGRAMS ARE CAPABLE OF BEING REPLICATED ACROSS MULTIPLE SITES;

(IV) A DESCRIPTION OF THE DEMONSTRATED EFFECTIVENESS OF SUCH SERVICES AND PROGRAMS OR OTHER JUSTIFICATION WHY THE SERVICES AND PROGRAMS ARE PROPOSED FOR FUNDING;

(V) PROJECTED PERFORMANCE OUTCOMES FOR SUCH SERVICES AND PROGRAMS, INCLUDING AN ESTIMATE OF THE ANTICIPATED REDUCTIONS IN DETENTION UTILIZATION AND RESIDENTIAL PLACEMENTS, AND OTHER PROJECTED POSITIVE OUTCOMES FOR YOUTH WHO PARTICIPATE IN THE SERVICES AND PROGRAMS; AND

(VI) FOR EACH YEAR THAT THE MUNICIPALITY SUBMITS A PLAN AS REQUIRED BY THIS SECTION, THE MUNICIPALITY MUST PROVIDE THE FOLLOWING INFORMATION FOR THE MOST RECENT PRECEDING YEAR FOR WHICH SUCH MUNICIPALITY RECEIVED FUNDING:

(A) THE NUMBER OF YOUTH WHO PARTICIPATED IN THE SERVICES AND PROGRAMS FUNDED PURSUANT TO THIS SECTION; AND

(B) WHETHER THE SERVICES AND PROGRAMS ACHIEVED THE PROJECTED REDUCTIONS IN DETENTION UTILIZATION AND RESIDENTIAL PLACEMENTS AND OTHER PERFORMANCE OUTCOMES.

(B) A MUNICIPALITY'S PLAN SHALL BE SUBMITTED TO THE OFFICE OF CHILDREN AND FAMILY SERVICES FOR REVIEW AND APPROVAL. THE OFFICE MAY APPROVE ALL OR PART OF THE PLAN BASED ON THE POTENTIAL EFFECTIVENESS OF THE PLAN.

(I) IF THE OFFICE DOES NOT APPROVE A PLAN, THE MUNICIPALITY SHALL HAVE SIXTY DAYS TO SUBMIT AN AMENDED PLAN.

(II) UPON APPROVAL OF A PLAN, THE OFFICE SHALL NOTIFY THE MUNICIPALITY AND POST THE APPROVED PLAN ON THE OFFICE OF CHILDREN AND FAMILY SERVICES WEBSITE.

(C) ANY CLAIMS SUBMITTED BY A MUNICIPALITY FOR REIMBURSEMENT FOR A PARTICULAR PROGRAM YEAR FOR WHICH THE MUNICIPALITY DOES NOT RECEIVE STATE REIMBURSEMENT DURING THE APPLICABLE PROGRAM YEAR MAY NOT BE CLAIMED AGAINST THAT MUNICIPALITY'S DISTRIBUTION FOR ANY SUCCEEDING PROGRAM YEAR. THE OFFICE MAY REQUIRE THAT SUCH CLAIMS BE SUBMITTED TO THE OFFICE ELECTRONICALLY IN THE MANNER AND FORMAT REQUIRED BY THE OFFICE.

(D) ANY MUNICIPALITY SUBMITTING CLAIMS FOR REIMBURSEMENT SHALL CERTIFY TO THE OFFICE THAT SUPERVISION AND TREATMENT SERVICES FOR JUVENILES PROGRAM FUNDS WERE NOT USED TO SUPPLANT OTHER STATE AND LOCAL FUNDS, AND SUCH CLAIMS FOR REIMBURSEMENT ARE NOT FOR THE SAME TYPE AND LEVEL OF SERVICES THAT THE MUNICIPALITY PROVIDED UNDER ANY CONTRACT IN EXISTENCE ON SEPTEMBER THIRTIETH, TWO THOUSAND TEN THAT WAS FUNDED OTHER THAN THROUGH THE OFFICE OF CHILDREN AND FAMILY SERVICES AS COMMUNITY OPTIONAL PREVENTIVE, ALTERNATIVES TO DETENTION, ALTERNATIVES TO RESIDENTIAL PLACEMENT, PREVENTIVE, INDEPENDENT LIVING, OR AFTER CARE SERVICES.

4. TWO OR MORE ELIGIBLE MUNICIPALITIES MAY JOIN TOGETHER TO ESTABLISH, OPERATE AND MAINTAIN SUPERVISION AND TREATMENT SERVICES FOR JUVENILES PROGRAMS AND MAY MAKE AND PERFORM AGREEMENTS IN CONNECTION THEREWITH. SUCH AGREEMENTS SHALL INCLUDE PROVISIONS FOR THE PROPORTIONATE COST TO BE BORNE BY EACH MUNICIPALITY AND FOR THE MANNER OF EMPLOYMENT OF PERSONNEL AND MAY PROVIDE THAT A FISCAL OFFICER OF ONE SUCH MUNICIPALITY SHALL BE THE CUSTODIAN OF THE MONEYS MADE AVAILABLE FOR EXPENDITURE FOR SUCH PURPOSES BY ALL SUCH MUNICIPALITIES AND THAT SUCH FISCAL OFFICER MAY MAKE PAYMENTS THEREFROM UPON AUDIT OF THE APPROPRIATE AUDITING BODY OR OFFICER OF HIS MUNICIPALITY. IN MAKING CLAIMS FOR STATE REIMBURSEMENT PURSUANT TO THIS SECTION, EACH MUNICIPALITY SHALL CLAIM FOR ITS PROPORTIONATE SHARE OF EXPENDITURES. HOWEVER, WHERE THE AGREEMENT PROVIDES FOR A DISBURSING MUNICIPALITY, SUCH DISBURSING MUNICIPALITY SHALL CLAIM FOR THE TOTAL JOINT PROGRAM EXPENDITURES MADE AND SHALL DISBURSE THE STATE REIMBURSEMENT TO EACH PARTICIPATING MUNICIPALITY BASED UPON THE PROPORTIONATE SHARE OF EACH PARTICIPATING MUNICIPALITY'S EXPENDITURES.

S 4. Subdivisions 1, 2, 2-a, 3 and 4 of section 530 of the executive law, subdivisions 1, 3 and 4 as amended by chapter 880 of the laws of 1976, subdivision 2 as amended by chapter 920 of the laws of 1982, subdivision 2-a as added and paragraph (a) of subdivision 4 as amended by chapter 419 of the laws of 1987, the closing paragraph of subdivision 2-a as amended by chapter 465 of the laws of 1992, and paragraph (c) of

subdivision 4 as added by chapter 169 of the laws of 1994, are amended to read as follows:

1. Definitions. As used in this section, the [terms "local charge" and "state charge" shall have the meaning ascribed to them in the social services law] TERM "MUNICIPALITY" SHALL MEAN A COUNTY, OR A CITY HAVING 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) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, ELIGIBLE EXPENDITURES BY A MUNICIPALITY FOR THE CARE MAINTENANCE AND SUPERVISION IN SECURE AND NON-SECURE DETENTION FACILITIES CERTIFIED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES IN ACCORDANCE WITH SECTION FIVE HUNDRED THREE OF THIS ARTICLE PROVIDED DURING A PARTICULAR PROGRAM YEAR FOR THOSE YOUTH ALLEGED TO BE JUVENILE DELINQUENTS; ADJUDICATED JUVENILE DELINQUENTS HELD PENDING TRANSFER TO A FACILITY UPON PLACEMENT, AND JUVENILE DELINQUENTS HELD AT THE REQUEST OF THE OFFICE OF CHILDREN AND FAMILY SERVICES PENDING EXTENSION OF PLACEMENT HEARINGS OR RELEASE REVOCATION HEARINGS OR WHILE AWAITING DISPOSITION OF SUCH HEARINGS; AND YOUTH ALLEGED TO BE OR CONVICTED AS JUVENILE OFFENDERS SHALL BE SUBJECT TO STATE REIMBURSEMENT FOR UP TO FIFTY PERCENT OF THE MUNICIPALITY'S EXPENDITURES, EXCLUSIVE OF ANY FEDERAL FUNDS MADE AVAILABLE FOR SUCH PURPOSES, NOT TO EXCEED THE MUNICIPALITY'S DISTRIBUTION FROM FUNDS THAT HAVE BEEN APPROPRIATED SPECIFICALLY THEREFOR FOR THAT PROGRAM YEAR; PROVIDED, FURTHER, HOWEVER, THAT COMMENCING JANUARY FIRST, TWO THOUSAND TWELVE, REIMBURSEMENT FROM A MUNICIPALITY'S DISTRIBUTION FOR YOUTH ALLEGED TO BE JUVENILE DELINQUENTS SHALL ONLY BE AVAILABLE FOR THOSE YOUTH WHO HAVE BEEN ASSESSED PURSUANT TO A DETENTION RISK ASSESSMENT INSTRUMENT APPROVED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES AS HIGH RISK FOR: NOT APPEARING IN COURT ON THE RETURN DATE; OR, BEFORE SUCH RETURN DATE, FOR COMMITTING AN ACT WHICH IF COMMITTED BY AN ADULT WOULD CONSTITUTE A CRIME. 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

1 NECESSARY FOR COMPLETION OF A DETENTION RISK ASSESSMENT INSTRUMENT AND
2 CLAIMING REIMBURSEMENT FOR DETENTION SHALL BE SHARED BETWEEN LAW
3 ENFORCEMENT, PROBATION, COURTS, DETENTION ADMINISTRATORS, AND DETENTION
4 PROVIDERS, AND A COPY OF THE COMPLETED DETENTION RISK ASSESSMENT INSTRU-
5 MENT SHALL BE MADE AVAILABLE TO THE APPLICABLE DETENTION PROVIDER.

6 (B) THE STATE FUNDS APPROPRIATED FOR JUVENILE DETENTION SERVICES SHALL
7 BE DISTRIBUTED TO ELIGIBLE MUNICIPALITIES BY THE OFFICE OF CHILDREN AND
8 FAMILY SERVICES BASED ON A PLAN DEVELOPED BY THE OFFICE WHICH MAY
9 CONSIDER HISTORICAL INFORMATION REGARDING THE NUMBER OF YOUTH REMANDED
10 TO DETENTION, THE MUNICIPALITY'S REDUCTION IN THE USE OF DETENTION, THE
11 MUNICIPALITY'S YOUTH POPULATION, AND OTHER FACTORS AS DETERMINED BY THE
12 OFFICE. SUCH PLAN DEVELOPED BY THE OFFICE SHALL BE SUBJECT TO THE
13 APPROVAL OF THE DIRECTOR OF THE BUDGET. THE OFFICE IS AUTHORIZED, IN ITS
14 DISCRETION, TO MAKE ADVANCE DISTRIBUTIONS TO A MUNICIPALITY IN ANTIC-
15 IPATION OF STATE REIMBURSEMENT.

16 (C) A MUNICIPALITY MAY ALSO USE THE FUNDS DISTRIBUTED TO IT FOR JUVE-
17 NILE DETENTION SERVICES UNDER THIS SECTION FOR A PARTICULAR PROGRAM YEAR
18 FOR FIFTY PERCENT STATE REIMBURSEMENT FOR SUPERVISION AND TREATMENT
19 SERVICES FOR JUVENILES PROGRAMS PROVIDED DURING AN APPLICABLE PROGRAM
20 YEAR TO AT-RISK, ALLEGED OR ADJUDICATED JUVENILE DELINQUENTS IN COMMUNI-
21 TY-BASED NON-RESIDENTIAL SETTINGS THAT HAVE NOT OTHERWISE BEEN SUBJECT
22 TO STATE REIMBURSEMENT UNDER SECTION FIVE HUNDRED TWENTY-NINE-B OF THIS
23 TITLE. ANY CLAIMS SUBMITTED BY A MUNICIPALITY FOR REIMBURSEMENT FOR
24 DETENTION SERVICES OR SUPERVISION AND TREATMENT SERVICES FOR JUVENILES
25 PROVIDED DURING A PARTICULAR PROGRAM YEAR FOR WHICH THE MUNICIPALITY
26 DOES NOT RECEIVE STATE REIMBURSEMENT FROM THE MUNICIPALITY'S DISTRIB-
27 UTION OF DETENTION SERVICES FUNDS FOR THAT PROGRAM YEAR MAY NOT BE
28 CLAIMED AGAINST THE MUNICIPALITY'S DISTRIBUTION OF FUNDS AVAILABLE UNDER
29 THIS SECTION FOR THE NEXT APPLICABLE PROGRAM YEAR. THE OFFICE MAY
30 REQUIRE THAT SUCH CLAIMS BE SUBMITTED TO THE OFFICE ELECTRONICALLY AT
31 SUCH TIMES AND IN THE MANNER AND FORMAT REQUIRED BY THE OFFICE.

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

39 4. (a) The [social services districts] MUNICIPALITY must notify the
40 [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES of state aid
41 received under other state aid formulas by each detention facility[,
42 and, in the city of New York, by each foster care facility which is
43 providing care, maintenance and supervision] for which the [district]
44 MUNICIPALITY is seeking reimbursement pursuant to this section, includ-
45 ing but not limited to, aid for education, probation and mental health
46 services.

47 (b) In computing reimbursement to the [social services districts]
48 MUNICIPALITY pursuant to this section, the [division] OFFICE shall
49 insure that the aggregate of state aid under all state aid formulas
50 shall not exceed fifty percent of the cost of care, maintenance and
51 supervision provided TO detainees ELIGIBLE FOR STATE REIMBURSEMENT UNDER
52 SUBDIVISION TWO OF THIS SECTION, exclusive of federal aid for such
53 purposes NOT TO EXCEED THE AMOUNT OF THE MUNICIPALITY'S DISTRIBUTION
54 UNDER THE JUVENILE DETENTION SERVICES PROGRAM.

55 (c) Reimbursement for administrative related expenditures as defined
56 by the [director of the division for youth] OFFICE OF CHILDREN AND FAMI-

1 LY SERVICES, for secure and nonsecure detention services shall not
2 exceed seventeen percent of the total approved expenditures for facili-
3 ties of twenty-five beds or more and shall not exceed twenty-one percent
4 of the total approved expenditures for facilities with less than twen-
5 ty-five beds.

6 S 5. Subparagraphs 1, 2 and 4 of paragraph (a) and paragraph (b) of
7 subdivision 5 of section 530 of the executive law, as amended by chapter
8 920 of the laws of 1982, subparagraph 4 of paragraph (a) as added by
9 chapter 419 of the laws of 1987, are amended to read as follows:

10 (1) temporary care, maintenance and supervision provided alleged juve-
11 nile delinquents [and persons in need of supervision] in detention
12 facilities certified pursuant to [sections seven hundred twenty-four
13 and] SECTION 305.2 of the family court act by the [division for youth]
14 OFFICE OF CHILDREN AND FAMILY SERVICES, pending adjudication of alleged
15 delinquency [or alleged need of supervision] by the family court, or
16 pending transfer to institutions to which committed or placed by such
17 court or while awaiting disposition by such court after adjudication or
18 held pursuant to a securing order of a criminal court if the person
19 named therein as principal is under sixteen; or,

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

25 [(4) temporary care, maintenance and supervision provided youth
26 detained in the city of New York in foster care facilities pursuant to
27 article seven of the family court act.]

28 (b) Payments made for reserved accommodations, whether or not in full
29 time use, approved by the [division for youth] OFFICE OF CHILDREN AND
30 FAMILY SERVICES and certified pursuant to [sections seven hundred twen-
31 ty-four and] SECTION 305.2 of the family court act, in order to assure
32 that adequate accommodations will be available for the immediate recep-
33 tion and proper care therein of youth for which detention costs are
34 reimbursable pursuant to paragraph (a) of this subdivision, shall be
35 reimbursed as expenditures for care, maintenance and supervision [of
36 local charges] under the provisions of this section, provided the [divi-
37 sion] OFFICE shall have given its prior approval for reserving such
38 accommodations.

39 S 6. Subdivisions 7 and 8 of section 530 of the executive law are
40 REPEALED and subdivision 9, as added by section 2 of part C of chapter
41 83 of the laws of 2002, is renumbered subdivision 7 and amended to read
42 as follows:

43 7. The agency administering detention for each county and the city of
44 New York shall submit to the office of children and family services, AT
45 SUCH TIMES AND in such form and manner AND CONTAINING SUCH INFORMATION
46 as required by the office of children and family services, [a quarterly]
47 AN ANNUAL report on youth remanded pursuant to article three [or seven]
48 of the family court act who are detained [for forty-five days or more in
49 any twelve month period] DURING EACH CALENDAR YEAR INCLUDING, COMMENCING
50 JANUARY FIRST, TWO THOUSAND TWELVE, THE RISK LEVEL OF EACH DETAINED
51 YOUTH AS ASSESSED BY A DETENTION RISK ASSESSMENT INSTRUMENT APPROVED BY
52 THE OFFICE OF CHILDREN AND FAMILY SERVICES. THE OFFICE MAY REQUIRE THAT
53 SUCH DATA ON DETENTION USE BE SUBMITTED TO THE OFFICE ELECTRONICALLY.
54 Such report shall include, but not be limited to[:], the reason for the
55 court's determination in accordance with section 320.5 [or seven hundred
56 thirty-nine] of the family court act to detain the youth; the offense or

1 offenses with which the youth is charged; and all other reasons why the
2 youth remains detained. [Detention agencies shall submit each quarterly
3 report to the office within thirty days of the end of the quarter and
4 the office shall submit a compilation of all of the separate reports for
5 the quarter to the governor and the legislature within forty-five days
6 of the end of the quarter. The first quarterly report shall cover the
7 last quarter of two thousand two.] THE OFFICE SHALL SUBMIT A COMPILATION
8 OF ALL THE SEPARATE REPORTS TO THE GOVERNOR AND THE LEGISLATURE.

9 S 7. Subdivision (c) of section 531 of the executive law, as added by
10 chapter 43 of the laws of 1978, is amended to read as follows:

11 (c) expenditures made by each [such social services district] MUNICI-
12 PALITY for the care, maintenance and supervision of youths in secure and
13 non-secure detention for which reimbursement is approved pursuant to
14 section five hundred thirty of this [chapter, or for which reimbursement
15 is due to the state pursuant to subdivision seven of such section]
16 TITLE, including the numbers of such youths in each category of
17 detention facility and the per diem rates charged.

18 S 8. Paragraphs (iv) and (v) of subdivision (a) of section 213 of the
19 family court act, as amended by chapter 920 of the laws of 1982, are
20 amended to read as follows:

21 (iv) the number of children released and the number detained under
22 [sections seven hundred twenty-eight and] SECTION 307.4;

23 (v) the number of alleged juvenile delinquents released and the number
24 detained under section 320.5 [and the number of alleged persons in need
25 of supervision released and detained under section seven hundred thir-
26 ty-nine,] and the duration of the detention [in both groups];

27 S 9. Paragraph (b) of subdivision 3 of section 320.5 of the family
28 court act, as added by section 1 of part DD of chapter 57 of the laws of
29 2008, is amended to read as follows:

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

38 S 10. Subdivisions (b), (c) and (d) of section 712, subdivision (d) of
39 section 728 and sections 720, 727, 729, 739, 747 and 748 of the family
40 court act are REPEALED.

41 S 11. Subdivision (i) of section 712 of the family court act, as added
42 by section 1 of part E of chapter 57 of the laws of 2005, is amended to
43 read as follows:

44 (i) "Diversion services". Services provided to children and families
45 pursuant to section seven hundred thirty-five of this article for the
46 purpose of avoiding the need to file a petition [or direct the detention
47 of the child]. Diversion services shall include: efforts to adjust cases
48 pursuant to this article before a petition is filed, or by order of the
49 court, after the petition is filed but before fact-finding is commenced;
50 and preventive services provided in accordance with section four hundred
51 nine-a of the social services law to avert the placement of the child
52 into foster care, including crisis intervention and respite services.

53 S 12. The heading of part 2 of article 7 of the family court act is
54 amended to read as follows:

55 CUSTODY [AND DETENTION]

1 S 13. Subdivision (a) and paragraphs (iii) and (iv) of subdivision (b)
2 of section 735 of the family court act, as added by section 7 of part E
3 of chapter 57 of the laws of 2005, are amended to read as follows:

4 (a) Each county and any city having a population of one million or
5 more shall offer diversion services as defined in section seven hundred
6 twelve of this article to youth who are at risk of being the subject of
7 a person in need of supervision petition. Such services shall be
8 designed to provide an immediate response to families in crisis, to
9 identify and utilize appropriate [alternatives to detention and]
10 SERVICES AND PROGRAMS to divert youth from being the subject of a peti-
11 tion in family court. Each county and such city shall designate either
12 the local social services district or the probation department as lead
13 agency for the purposes of providing diversion services.

14 (iii) assess whether the youth would benefit from residential respite
15 services; and

16 (iv) determine whether alternatives to detention are appropriate to
17 avoid remand of the youth to detention].

18 S 14. Paragraph (a) of subdivision 2 of section 754 of the family
19 court act, as amended by chapter 7 of the laws of 1999, is amended to
20 read as follows:

21 (a) The order shall state the court's reasons for the particular
22 disposition. If the court places the child in accordance with section
23 seven hundred fifty-six of this part, the court in its order shall
24 determine: (i) whether continuation in the child's home would be contra-
25 ry to the best interest of the child and where appropriate, that reason-
26 able efforts were made prior to the date of the dispositional hearing
27 held pursuant to this article to prevent or eliminate the need for
28 removal of the child from his or her home and, if the child was removed
29 from his or her home prior to the date of such hearing, that such
30 removal was in the child's best interest and, where appropriate, reason-
31 able efforts were made to make it possible for the child to return safe-
32 ly home. If the court determines that reasonable efforts to prevent or
33 eliminate the need for removal of the child from the home were not made
34 but that the lack of such efforts was appropriate under the circum-
35 stances, the court order shall include such a finding; and (ii) in the
36 case of a child who has attained the age of sixteen, the services need-
37 ed, if any, to assist the child to make the transition from foster care
38 to independent living. [Nothing in this subdivision shall be construed
39 to modify the standards for directing detention set forth in section
40 seven hundred thirty-nine of this article.]

41 S 15. Subdivision (c) of section 756 of the family court act is
42 REPEALED and subdivision (b), as amended by chapter 7 of the laws of
43 1999, is amended to read as follows:

44 (b) Placements under this section may be for an initial period of
45 twelve months. The court may extend a placement pursuant to section
46 seven hundred fifty-six-a. In its discretion, the court may recommend
47 restitution or require services for public good pursuant to section
48 seven hundred fifty-eight-a in conjunction with an order of placement.
49 For the purposes of calculating the initial period of placement, such
50 placement shall be deemed to have commenced sixty days after the date
51 the child was removed from his or her home in accordance with the
52 provisions of this article. [If the respondent has been in detention
53 pending disposition, the initial period of placement ordered under this
54 section shall be credited with and diminished by the amount of time
55 spent by the respondent in detention prior to the commencement of the

1 placement unless the court finds that all or part of such credit would
2 not serve the best interests of the respondent.]

3 S 16. Section 774 of the family court act is amended to read as
4 follows:

5 S 774. Action on petition for transfer. On receiving a petition under
6 section seven hundred seventy-three, the court may proceed under
7 sections seven hundred thirty-seven, OR seven hundred thirty-eight [or
8 seven hundred thirty-nine] with respect to the issuance of a summons or
9 warrant [and sections seven hundred twenty-seven and seven hundred twen-
10 ty-nine govern questions of detention and failure to comply with a prom-
11 ise to appear]. Due notice of the petition and a copy of the petition
12 shall also be served personally or by mail upon the office of the local-
13 ity chargeable for the support of the person involved and upon the
14 person involved and his parents and other persons.

15 S 17. Subdivision 12 of section 153 of the social services law is
16 REPEALED.

17 S 18. Subdivision 12 of section 398 of the social services law, as
18 added by chapter 419 of the laws of 1987, is amended to read as follows:

19 12. A social services official shall be permitted to place persons
20 adjudicated in need of supervision or delinquent[, and in cities having
21 a population of one million or more alleged persons to be in need of
22 supervision and persons adjudicated in need of supervision in detention
23 pending transfer to a placement,] in the same foster care facilities as
24 are providing care to destitute, neglected, abused or abandoned chil-
25 dren. Such foster care facilities shall not provide care to a youth in
26 the care of a social services official as a convicted juvenile offender.

27 S 19. The section heading, opening paragraph and paragraph 2 of subdi-
28 vision A and subdivisions B and C of section 218-a of the county law,
29 the section heading as amended by chapter 880 of the laws of 1976, the
30 opening paragraph of subdivision A as amended by chapter 465 of the laws
31 of 1992, paragraph 2 of subdivision A as amended by chapter 555 of the
32 laws of 1978, subdivision B as amended by chapter 419 of the laws of
33 1987 and subdivision C as added by section 12 of part E of chapter 57 of
34 the laws of 2005, are amended to read as follows:

35 County detention facilities for [juvenile delinquents and persons in
36 need of supervision] JUVENILES.

37 To assure that suitable and conveniently accessible accommodations and
38 proper and adequate detention in secure and non-secure detention facili-
39 ties, as defined in section five hundred two of the executive law and
40 the regulations of the [division for youth] OFFICE OF CHILDREN AND FAMI-
41 LY SERVICES, will be available when required for the temporary care,
42 maintenance and security of alleged and convicted juvenile offenders,
43 AND alleged and adjudicated juvenile delinquents [and alleged and adju-
44 dicated persons in need of supervision]. Such regulations shall not
45 require any county to provide temporary care in a secure detention
46 facility for residents of any other county except upon a space available
47 basis. The county executive, if there be one, otherwise the board of
48 supervisors shall designate the agency of county government responsible
49 for the administration of the county juvenile detention program and
50 shall so advise the [New York state division for youth] OFFICE OF CHIL-
51 DREN AND FAMILY SERVICES, and may make provisions therefor as follows:

52 2. Authorize a contract between its county and one or more other coun-
53 ties, which is or are operating a conveniently accessible detention
54 facility certified by the [division for youth] OFFICE OF CHILDREN AND
55 FAMILY SERVICES and in compliance with regulations of the [division for
56 youth] OFFICE, providing for the reception, temporary accommodation and

1 care in such facility of alleged or adjudicated juvenile delinquents
2 [and persons in need of supervision] held for or at the direction of its
3 family court, for and in consideration of the payments to be made there-
4 for, on a per capita basis, pursuant to the terms of such contract.

5 B. Notwithstanding any other provision of law, each board of supervi-
6 sors shall provide or assure the availability of conveniently accessible
7 and adequate non-secure detention facilities, certified by the [state
8 division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES, as resources
9 for the family court in the county pursuant to [articles seven and]
10 ARTICLE three of the family court act, to be operated in compliance with
11 the regulations of the [division for youth] OFFICE for the temporary
12 care and maintenance of alleged and adjudicated juvenile delinquents
13 [and persons in need of supervision] held for or at the direction of a
14 family court.

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

20 S 20. This act shall take effect July 1, 2011; provided, however, a
21 person held in a detention facility or, in the city of New York,
22 remanded to a foster care facility, pursuant to articles 3 or 7 of the
23 family court act prior to the effective date of this act shall be
24 governed by the provisions of law in effect at the time that such person
25 was detained or remanded; and provided, further, however, section nine
26 of this act shall take effect January 1, 2012.

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

36 S 3. This act shall take effect immediately provided, however, that
37 the applicable effective date of Subparts A and B of this act shall be
38 as specifically set forth in the last section of such Subparts.

39

PART R

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

43 (f) The [department] OFFICE OF CHILDREN AND FAMILY SERVICES shall
44 charge a fee of [five] SIXTY dollars when[, pursuant to regulations of
45 the department,] it conducts a search of its records within the state-
46 wide central register for child abuse or maltreatment in accordance with
47 this section or regulations of the [department] OFFICE to determine
48 whether an applicant for employment [as specified in paragraph (b) of
49 this subdivision] is the subject of an indicated child abuse or
50 maltreatment report[, except that fees shall not be charged for requests
51 for screenings related to applications for] INCLUDING AN APPLICANT TO BE
52 A child day care [providers or for employment with child day care
53 providers including requests] PROVIDER AND A REQUEST made pursuant to
54 subdivision six of this section. Such fees shall be deposited in [an] A

1 SPECIAL REVENUE - OTHER account and shall be made available to the
2 [department] OFFICE for costs incurred in the implementation of this
3 section. [Procedures for payment of such fees shall be established by
4 the regulations of the department.]

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

9 PART S

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

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

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

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

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

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

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

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

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

40 (b) On and after January first, two thousand [ten] ELEVEN, for an
41 eligible individual living with others with or without in-kind income,
42 \$697.00; and for an eligible couple living with others with or without
43 in-kind income, \$1057.00.

44 (c) On and after January first, two thousand [ten] ELEVEN, (i) for an
45 eligible individual receiving family care, \$940.48 if he or she is
46 receiving such care in the city of New York or the county of Nassau,
47 Suffolk, Westchester or Rockland; and (ii) for an eligible couple
48 receiving family care in the city of New York or the county of Nassau,
49 Suffolk, Westchester or Rockland, two times the amount set forth in
50 subparagraph (i) of this paragraph; or (iii) for an eligible individual
51 receiving such care in any other county in the state, \$902.48; and (iv)
52 for an eligible couple receiving such care in any other county in the
53 state, two times the amount set forth in subparagraph (iii) of this
54 paragraph.

1 (d) On and after January first, two thousand [ten] ELEVEN, (i) for an
2 eligible individual receiving residential care, \$1109.00 if he or she is
3 receiving such care in the city of New York or the county of Nassau,
4 Suffolk, Westchester or Rockland; and (ii) for an eligible couple
5 receiving residential care in the city of New York or the county of
6 Nassau, Suffolk, Westchester or Rockland, two times the amount set forth
7 in subparagraph (i) of this paragraph; or (iii) for an eligible individ-
8 ual receiving such care in any other county in the state, \$1079.00; and
9 (iv) for an eligible couple receiving such care in any other county in
10 the state, two times the amount set forth in subparagraph (iii) of this
11 paragraph.

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

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

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

22

PART T

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

26 1. (a) Consistent with federal law and regulations and this title, if
27 a participant has failed or refused to comply with the requirements of
28 this title, the social services district shall issue a notice in plain
29 language indicating that such failure or refusal has taken place, THE
30 EFFECT OF SUCH NONCOMPLIANCE ON THE PARTICIPANT'S PUBLIC ASSISTANCE
31 BENEFITS, and of the right of such participant to conciliation to
32 resolve the reasons for such failure or refusal to avoid a pro-rata
33 reduction OR DISCONTINUANCE in public assistance benefits for a period
34 of time set forth in section three hundred forty-two of this title. The
35 notice shall indicate the specific instance or instances of willful
36 refusal or failure to comply without good cause with the requirements of
37 this title and the necessary actions that must be taken to avoid a pro-
38 rata reduction OR DISCONTINUANCE in public assistance benefits. The
39 notice shall indicate that the participant has [seven] TEN days to
40 request conciliation with the district regarding such failure or refusal
41 [in the case of a safety net participant and ten days in the case of a
42 family assistance participant]. PROVIDED, HOWEVER, THAT FOR A MEMBER OF
43 A HOUSEHOLD WITH DEPENDENT CHILDREN WHO DOES NOT REQUEST A CONCILIATION
44 CONFERENCE WITHIN THE TEN DAY PERIOD, THE LOCAL SOCIAL SERVICES DISTRICT
45 SHALL MAKE AN ADDITIONAL EFFORT TO CONTACT THE HOUSEHOLD, INCLUDING A
46 REASONABLE ATTEMPT FOR TELEPHONE CONTACT, TO OFFER CONCILIATION AND TO
47 INDICATE THAT THE PARTICIPANT HAS TEN DAYS TO REQUEST CONCILIATION. The
48 notice shall also include an explanation in plain language of what would
49 constitute good cause for non-compliance and examples of acceptable
50 forms of evidence that may warrant an exemption from work activities,
51 including evidence of domestic violence, and physical or mental health
52 limitations that may be provided at the conciliation conference to
53 demonstrate such good cause for failure to comply with the requirements
54 of this title. SUCH NOTICE SHALL ALSO INCLUDE INFORMATION TO EXPLAIN

1 THE BENEFITS OF COMPLIANCE, INCLUDING THE AVAILABILITY OF GUARANTEED
2 CHILD CARE BENEFITS. If the participant does not contact the district
3 within the specified number of days, the district shall issue ten days
4 notice of intent to discontinue or reduce assistance, pursuant to regu-
5 lations of the department. Such notice shall also include a statement of
6 the participant's right to a fair hearing relating to such discontin-
7 uance or reduction. If such participant contacts the district within
8 [seven days in the case of a safety net participant or within ten days
9 in the case of a family assistance participant] THE SPECIFIED NUMBER OF
10 DAYS, it will be the responsibility of the participant to give reasons
11 for such failure or refusal.

12 (b) Unless the district determines as a result of such conciliation
13 process that such failure or refusal was willful and was without good
14 cause, no further action shall be taken. If the district determines that
15 such failure or refusal was willful and without good cause, the district
16 shall notify such participant in writing, in plain language and in a
17 manner distinct from any previous notice, by issuing ten days notice of
18 its intent to discontinue or reduce assistance. Such notice shall
19 include the reasons for such determination, the specific instance or
20 instances of willful refusal or failure to comply without good cause
21 with the requirements of this title, the necessary actions that must be
22 taken to avoid a pro-rata reduction OR DISCONTINUANCE in public assist-
23 ance benefits, and the right to a fair hearing relating to such discon-
24 tinuance or reduction. Unless extended by mutual agreement of the
25 participant and the district, conciliation shall terminate and a deter-
26 mination shall be made within [fourteen] THIRTY days of the date a
27 request for conciliation is made [in the case of a safety net partic-
28 ipant or within thirty days of the conciliation notice in the case of a
29 family assistance participant].

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

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

35 2. [In] NOTWITHSTANDING SUBDIVISION EIGHT OF SECTION ONE HUNDRED
36 FIFTY-THREE OF THIS ARTICLE, IN the case of an applicant for or recipi-
37 ent of public assistance [who is a parent or caretaker of a dependent
38 child], the public assistance benefits otherwise available to the house-
39 hold of which such individual is a member shall be [reduced pro-rata]:

40 (a) REDUCED PRO-RATA for the first instance of failure to comply with-
41 out good cause with the requirement of this article until the individual
42 is willing to comply;

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

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

51 3. [In the case of an individual who is a member of a household with-
52 out dependent children applying for or in receipt of safety net assist-
53 ance the public assistance benefits otherwise available to the household
54 of which such individual is a member shall be reduced pro-rata:

55 (a) for the first such failure or refusal, until the failure or
56 refusal ceases or ninety days, which ever 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 and ending June thirtieth, two thousand [eleven] 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
\$141	\$225	\$300	\$386	\$477	\$551

For each additional person in the household there shall be added an additional amount of seventy-five 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] TWELVE 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 3. 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 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

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

S 4. 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] TWELVE 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 5. 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

Section 1. Article 16 and article 17 of the private housing finance law are REPEALED.

S 2. The private housing finance law is amended by adding a new article 27 to read as follows:

ARTICLE XXVII

NEIGHBORHOOD AND RURAL PRESERVATION PROGRAM

SECTION 1230. PURPOSE.

1231. DEFINITIONS.

1232. PROGRAM CONTRACTS.

1233. RULES AND REGULATIONS.

1234. RELATIONSHIP TO OTHER LAWS.

S 1230. PURPOSE. THERE CONTINUE TO EXIST IN ALL AREAS OF THE STATE SIGNIFICANT UNMET HOUSING NEEDS OF PERSONS AND FAMILIES OF LOW INCOME, NUMEROUS HOUSING UNITS WHICH ARE DETERIORATING OR IN NEED OF REHABILITATION OR IMPROVEMENT, AND RELATED FACTORS DEMONSTRATING A NEED FOR ATTENTION TO HOUSING PRESERVATION AND COMMUNITY REVITALIZATION. IT IS THE PURPOSE OF THIS ARTICLE TO ESTABLISH A NEIGHBORHOOD AND RURAL PRESERVATION PROGRAM WITHIN THE DIVISION OF HOUSING AND COMMUNITY RENEWAL.

S 1231. DEFINITIONS. AS USED IN THIS ARTICLE:

1 1. "COMMISSIONER" SHALL MEAN THE COMMISSIONER OF THE STATE DIVISION OF
2 HOUSING AND COMMUNITY RENEWAL.

3 2. "DIVISION" SHALL MEAN THE STATE DIVISION OF HOUSING AND COMMUNITY
4 RENEWAL.

5 3. "NEIGHBORHOOD OR RURAL PRESERVATION CORPORATIONS" SHALL MEAN CORPO-
6 RATIONS ORGANIZED UNDER THE PROVISIONS OF THE NOT-FOR-PROFIT CORPORATION
7 LAW THAT HAVE BEEN ENGAGED PRIMARILY IN HOUSING PRESERVATION AND COMMU-
8 NITY RENEWAL ACTIVITIES AS DEFINED IN SUBDIVISION SIX OF THIS SECTION.

9 4. "ELIGIBLE APPLICANT" SHALL MEAN ANY NEIGHBORHOOD OR RURAL PRESERVA-
10 TION CORPORATION OR COMBINATION OF CORPORATIONS IN EXISTENCE FOR A PERI-
11 OD OF ONE OR MORE YEARS PRIOR TO APPLICATION.

12 5. "REGION" SHALL MEAN ANY NEIGHBORHOOD OR RURAL AREA WITHIN THE STATE
13 SUCH AS A COUNTY, CITY, TOWN, VILLAGE, POSTAL ZONE, OR CENSUS TRACT OR
14 ANY SPECIFIED PART OR COMBINATION THEREOF OR AS OTHERWISE APPROVED BY
15 THE COMMISSIONER, WITHIN WHICH HOUSING PRESERVATION AND COMMUNITY
16 RENEWAL ACTIVITIES FUNDED IN PART PURSUANT TO THIS ARTICLE ARE TO BE
17 CARRIED OUT.

18 6. "HOUSING PRESERVATION AND COMMUNITY RENEWAL ACTIVITIES" INCLUDE:
19 (A) THE NEW CONSTRUCTION OR THE ACQUISITION, MAINTENANCE, PRESERVATION,
20 REPAIR, REHABILITATION OR OTHER IMPROVEMENT OF VACANT OR OCCUPIED HOUS-
21 ING ACCOMMODATIONS; DEMOLITION OR SEALING OF VACANT STRUCTURES WHERE
22 NECESSARY OR APPROPRIATE; DISPOSITION OF HOUSING ACCOMMODATIONS TO PRES-
23 ENT OR POTENTIAL OCCUPANTS OR CO-OPERATIVE ORGANIZATIONS; TRAINING OR
24 OTHER FORMS OF ASSISTANCE TO OCCUPANTS OF HOUSING ACCOMMODATIONS; AND
25 MANAGEMENT OF HOUSING ACCOMMODATIONS AS AGENT FOR THE OWNERS, RECEIVERS,
26 ADMINISTRATORS OR MUNICIPALITIES; AND (B) ACTIVITIES, SIMILAR TO THOSE
27 SPECIFIED IN PARAGRAPH (A) OF THIS SUBDIVISION, AIMED AT ACCOMPLISHING
28 SIMILAR PURPOSES AND MEETING SIMILAR NEEDS WITH RESPECT TO RETAIL AND
29 SERVICE ESTABLISHMENTS WITHIN A REGION WHEN CARRIED OUT IN CONNECTION
30 WITH AND INCIDENTAL TO A PROGRAM OF HOUSING RELATED ACTIVITIES.

31 7. "PERSONS OF LOW INCOME" SHALL MEAN INDIVIDUALS AND FAMILIES WHOSE
32 ANNUAL INCOMES DO NOT EXCEED NINETY PER CENT OF THE MEDIAN ANNUAL INCOME
33 FOR ALL RESIDENTS OF THE REGION WITHIN WHICH THEY RESIDE OR A LARGER
34 AREA ENCOMPASSING SUCH REGION FOR WHICH MEDIAN ANNUAL INCOME CAN BE
35 DETERMINED.

36 S 1232. PROGRAM CONTRACTS. 1. IN ORDER TO BE ELIGIBLE TO RECEIVE FUNDS
37 PURSUANT TO THIS ARTICLE, AN ELIGIBLE APPLICANT SHALL SUBMIT A PROPOSAL
38 BASED ON CRITERIA AS DETERMINED BY THE COMMISSIONER.

39 2. WITHIN THE LIMIT OF FUNDS AVAILABLE IN THE NEIGHBORHOOD AND RURAL
40 PRESERVATION APPROPRIATION, THE DIVISION MAY ENTER INTO CONTRACTS WITH
41 CORPORATIONS TO PROVIDE HOUSING PRESERVATION AND COMMUNITY RENEWAL
42 ACTIVITIES.

43 3. IN DETERMINING WHETHER TO ENTER INTO A CONTRACT WITH A NEIGHBOR-
44 HOOD OR RURAL PRESERVATION CORPORATION OR CORPORATIONS PURSUANT TO THIS
45 ARTICLE, THE COMMISSIONER SHALL DETERMINE THAT THE DEMOGRAPHIC AND OTHER
46 RELEVANT DATA PERTAINING TO A REGION AS SPECIFIED IN THE CONTRACT INDICATE
47 THAT SUCH REGION CONTAINS SIGNIFICANT UNMET HOUSING NEEDS OF
48 PERSONS OF LOW INCOME, THAT THE HOUSING STOCK OF SUCH REGION, BECAUSE OF
49 ITS AGE, DETERIORATION, OR OTHER FACTORS, REQUIRES IMPROVEMENT IN ORDER
50 TO PRESERVE THE COMMUNITIES WITHIN THE REGION AND THAT THE CORPORATION
51 PROPOSES TO ASSIST SUCH REGION THROUGH ACTIVE INTERVENTION TO EFFECT THE
52 REGION'S PRESERVATION, STABILIZATION OR IMPROVEMENT.

53 4. EACH CONTRACT ENTERED INTO PURSUANT TO THIS ARTICLE SHALL PROVIDE
54 FOR PAYMENT TO THE NEIGHBORHOOD OR RURAL PRESERVATION CORPORATION OR
55 CORPORATIONS FOR THE HOUSING PRESERVATION AND COMMUNITY RENEWAL ACTIV-

ITIES TO BE PERFORMED. PAYMENTS SHALL BE BASED ON PERFORMANCE CRITERIA ESTABLISHED BY THE COMMISSIONER.

5. PAYMENT PURSUANT TO THIS ARTICLE SHALL BE RESTRICTED TO SUMS REQUIRED FOR THE PAYMENT OF SALARIES AND WAGES TO EMPLOYEES OF SUCH CORPORATIONS WHO ARE ENGAGED IN RENDERING HOUSING PRESERVATION AND COMMUNITY RENEWAL ACTIVITIES, FEES TO CONSULTANTS AND PROFESSIONALS RETAINED BY THEM FOR PLANNING AND PERFORMING SUCH ACTIVITIES AND OTHER COSTS AND EXPENSES DIRECTLY RELATED TO SUCH EMPLOYEES, CONSULTANTS AND PROFESSIONALS. SUCH FUNDS MAY BE USED FOR PLANNING ANY HOUSING PRESERVATION AND COMMUNITY RENEWAL ACTIVITY AND FOR RENOVATING, REPAIRING, FURNISHING, EQUIPPING AND OPERATING AN OFFICE FACILITY TO BE USED IN CONNECTION WITH THE CONDUCT OF HOUSING PRESERVATION AND COMMUNITY RENEWAL ACTIVITIES BY THE CORPORATION.

6. CONTRACTS ENTERED INTO PURSUANT TO THIS SECTION SHALL BE FOR A PERIOD OF NO MORE THAN ONE YEAR, BUT MAY BE RENEWED OR EXTENDED FROM YEAR TO YEAR AT THE DISCRETION OF THE COMMISSIONER, AND SHALL PROVIDE FOR PAYMENT BY THE DIVISION OF NO MORE THAN FIVE HUNDRED THOUSAND DOLLARS PER YEAR.

S 1233. RULES AND REGULATIONS. THE COMMISSIONER MAY ISSUE RULES AND REGULATIONS OR OPERATIONAL BULLETINS FOR THE APPLICATION AND AWARDED OF FUNDS UNDER THIS ARTICLE.

S 1234. RELATIONSHIP TO OTHER LAWS. NOTHING IN THIS ARTICLE SHALL BE DEEMED TO DENY OR LIMIT THE RIGHT OF ANY CORPORATION TO SEEK OR RECEIVE ASSISTANCE UNDER, OR OTHERWISE PARTICIPATE IN, ANY OTHER PROGRAM PURSUANT TO THIS CHAPTER, OR ANY OTHER GOVERNMENTAL PROGRAM RELATING TO HOUSING OR COMMUNITY RENEWAL. NOTHING IN THIS ARTICLE SHALL BE DEEMED TO DENY OR LIMIT THE RIGHT OF ANY CORPORATION TO CARRY OUT ANY PROGRAM OR SERVICE THROUGH A SUBSIDIARY CORPORATION OR OTHER INSTRUMENTALITY.

S 3. Notwithstanding any provision of law to the contrary, any reference, in any provision of law, to article 16 or article 17 of the private housing finance law, sections 901 through 909 of the private housing finance law, or sections 1001 through 1010 of the private housing finance law shall be deemed to refer to article 27 of the private housing finance law.

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

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] 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.

S 2. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect,

1 impair, or invalidate the remainder thereof, but shall be confined in
2 its operation to the clause, sentence, paragraph, subdivision, section
3 or part thereof directly involved in the controversy in which such judg-
4 ment shall have been rendered. It is hereby declared to be the intent of
5 the legislature that this act would have been enacted even if such
6 invalid provisions had not been included herein.

7 S 3. This act shall take effect immediately provided, however, that
8 the applicable effective date of Parts A through W of this act shall be
9 as specifically set forth in the last section of such Parts.