

6257--C

I N S E N A T E

January 17, 2012

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

AN ACT in relation to school district eligibility for an increase in apportionment of school aid and implementation of new standards for conducting annual professional performance reviews to determine teacher and principal effectiveness; to amend the education law, in relation to apportionment of school aid and of current year approved expenditures for debt service, calculation of the gap elimination restoration amount, apportionment for maximum class size; 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 and extending the expiration of the provisions thereof; 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 698 of the laws of 1996 amending the education law relating to transportation contracts, chapter 147 of the laws of 2001 amending the education law relating to conditional appointment of school district, charter school or BOCES employees, chapter 425 of the laws of 2002 amending the education law relating to the provision of supplemental educational services, attendance at a safe public school and the suspension of pupils who bring a firearm to or possess a firearm at a school, chapter 101 of the laws of 2003 amending the education law relating to implementation of the No Child Left Behind Act of 2001, to amend chapter 57 of the laws of 2008 amending the education law relating to the universal pre-kindergarten program, in relation to extending the expiration of certain provisions of such chapters; in relation to school bus driver training; in relation to

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

LBD12672-05-2

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; relating to submission of school construction final cost reports; and providing for the repeal of certain provisions upon expiration thereof (Part A); to amend the education law, in relation to annual professional performance review of classroom teachers and building principals (Part A-1); to amend the education law, in relation to teacher evaluation appeal process in the city of New York (Part A-2); to amend the education law, in relation to the preparation of a study and report on the solvency of financing distressed school districts, the establishment of charter schools, library grants and reimbursement of school districts for transportation of students; to amend the general municipal law, in relation to the employee benefit accrued liability reserve fund; to amend the education law, in relation to requiring school bus transportation for students in cities having a population of one million or more; to amend the public authorities law, in relation to establishing the New York state electric school bus grant program; to amend the education law, in relation to the establishment of regional high schools, the leasing of real property by boards of cooperative educational services, services to out-of-state school districts by boards of cooperative educational services, contracting with public libraries by boards of cooperative educational services and contributions to the employee benefit accrued liability reserve fund; to repeal subdivision 11 of section 6-p of the general municipal law relating to contributions by boards of cooperative educational services to the employee benefit accrued liability reserve fund; relates to legalizing, validating, ratifying, and confirming certain school district transportation aid contracts; to amend the education law, in relation to school district contribution reimbursement; to amend the social services law, in relation to the free and reduced price school lunch program; to amend the education law, in relation to high performance academic incentives; to amend the education law, in relation to exemptions from the one hundred eighty day teaching requirement; to amend the education law, in relation to universal pre-kindergarten grants; to amend chapter 121 of the laws of 1996 relating to authorizing the Roosevelt union free school district to finance deficits, in relation to the fiscal stabilization of the Roosevelt union free school district; to amend the education law, in relation to allowable transportation expenses; to amend the education law, in relation to providing for reimbursement to school districts for expenses related to annual performance professional reviews of teachers and principals; to amend the real property tax law and the tax law, in relation to reinstating the "Senior STAR" rebate program and providing for the repeal of certain provisions upon the expiration thereof (Part A-3); to amend the education law, in relation to tenured teacher disciplinary hearings (Part B); to amend the social services law, in relation to increasing the standards of monthly need for aged, blind and disabled persons living in the community (Part C); to amend the social services law, in relation to monthly grants and allowances of public assistance (Part D); to amend the social services law, in relation to authorizing the office of temporary and disability assistance to administer the program of supplemental security income additional state payments; and to repeal certain provisions of such law relating thereto (Part E); to amend chapter 83 of the laws of 2002

amending the executive law and other laws relating to funding for children and family services, in relation to the effectiveness thereof (Part F); to amend the social services law and the family court act, in relation to establishing a juvenile justice services close to home initiative and providing for the repeal of such provisions upon expiration thereof (Subpart A); and to amend the social services law and the family court act, in relation to juvenile delinquents (Subpart B) (Part G); to amend chapter 57 of the laws of 2005 amending the labor law and other laws implementing the state fiscal plan for the 2005-2006 state fiscal year, relating to the New York state higher education capital matching grant program for independent colleges, in relation to the effectiveness thereof (Part H); to amend the education law, in relation to provision of services, technical assistance and program activities to state agencies by Cornell university (Part I); to amend the education law, in relation to special education programs for preschool children with a disability (Part J); to amend the education law, in relation to authorizing the board of cooperative educational services to enter into contracts with the commissioner of children and family services to provide certain services (Part K); to repeal section 527-1 of the executive law, relating to annual reports of the youth center facility program (Part L); to amend the executive law, in relation to the creation of a validated risk assessment instrument (Part M); to amend the social services law, in relation to conciliation conferences related to public assistance; to repeal certain provisions of such law relating thereto; and providing for the repeal of such provisions upon expiration thereof (Part N); to amend the education law, in relation to the number of NY-SUNY 2020 challenge grants awarded regionally (Part O); to amend the education law, in relation to creating the task force on college remediation (Part P); to amend the education law, in relation to increasing the state's share of operating costs for the State University of New York community colleges and the City of New York community colleges and requiring that the trustees of community colleges that receive aid report to the chairs of the senate finance committee and the assembly ways and means committee regarding measures taken to increase efficiency (Part Q); to amend the education law, in relation to non-resident tuition of students of the university centers of the State University of New York (Part R); and to amend the education law, in relation to community college charge backs (Part S)

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 2012-2013
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through S. The effective date for each particular
5 provision contained within such Part is set forth in the last section of
6 such Part. Any provision in any section contained within a Part, including
7 the effective date of the Part, which makes a reference to a section
8 "of this act", when used in connection with that particular component,
9 shall be deemed to mean and refer to the corresponding section of the
10 Part in which it is found. Section three of this act sets forth the
11 general effective date of this act.

1

PART A

2 Section 1. Notwithstanding any inconsistent provision of law, no
3 school district shall be eligible for an apportionment of general
4 support for public schools from the funds appropriated for the 2012-13
5 school year and thereafter in excess of the amount apportioned to such
6 district for the same time period during the base year unless such
7 school district has submitted documentation that has been approved by
8 the commissioner of education by January 17, 2013 demonstrating that it
9 has fully implemented new standards and procedures for conducting annual
10 professional performance reviews of classroom teachers and building
11 principals to determine teacher and principal effectiveness including
12 but not limited to providing for (i) state assessments and other compa-
13 rable measures which shall comprise twenty or twenty-five percent of the
14 evaluation; (ii) locally selected measures of the student achievement
15 subcomponent which shall comprise twenty or fifteen percent of the eval-
16 uation; (iii) subjective measures of effectiveness that have been
17 approved by the commissioner with the majority of such points based on
18 multiple observations by an administrator or principal with at least one
19 unannounced observation which shall comprise 60 percent of the evalu-
20 ation; and (iv) a scoring rubric which ensures that it is possible to
21 receive any one of four ratings limited to highly effective, effective,
22 developing and ineffective; provided however that if any such payments
23 in excess of the amount apportioned to such district for the same time
24 period during the base year were made, and the school district has not
25 submitted documentation that it has fully implemented new standards and
26 procedures as set forth above that has been approved by the commissioner
27 of education by January 17, 2013, the total amount of such payments
28 shall be deducted by the commissioner from future payments to the school
29 district; provided further that, for the 2012-13 school year if such
30 deduction is greater than the sum of the amounts available for such
31 deductions, the remainder of the deduction shall be withheld from
32 payments scheduled to be made to the school district pursuant to section
33 3609-a of the education law for the 2013-14 school year; provided
34 further that notwithstanding any inconsistent provision of law to the
35 contrary such documentation shall include a plan adopted by the govern-
36 ing board of the school district for conducting annual professional
37 performance reviews of classroom teachers and building principals that
38 has been approved by the commissioner, and in order to be approvable
39 such plan shall conform with the requirements for conducting annual
40 professional performance reviews of classroom teachers and building
41 principals, including but not limited to (i) state assessments and other
42 comparable measures which shall comprise twenty or twenty-five percent
43 of the evaluation; (ii) locally selected measures of the student
44 achievement subcomponent which shall comprise twenty or fifteen percent
45 of the evaluation; (iii) subjective measures of effectiveness that have
46 been approved by the commissioner with the majority of such points based
47 on multiple observations by an administrator or principal with at least
48 one unannounced observation which shall comprise 60 percent of the eval-
49 uation; and (iv) a scoring rubric which ensures that it is possible to
50 receive any one of four ratings limited to highly effective, effective,
51 developing and ineffective; consistent with and conforms to a chapter of
52 the laws of 2012 enacted as legislation submitted by the governor pursu-
53 ant to Article VII of the New York constitution; and provided further
54 that for a school district in a city with a population of one million or
55 more, notwithstanding any inconsistent provision of law, no such school

district shall be eligible for an apportionment of general support for public schools from the funds appropriated for the 2012-13 school year and thereafter in excess of the amount appropriated to such district for the same time period during the base year unless such school district has submitted documentation that has been approved by the commissioner by January 17, 2013 demonstrating that it has adopted an expeditious appeals process pertaining to the annual professional performance review of classroom teachers and building principals that is consistent with and conforms to a chapter of the laws of 2012 enacted as legislation submitted by the governor pursuant to Article VII of the New York constitution and if any such payments in excess of the amount apportioned to such district for the same time period during the base year were made, and the school district has not submitted documentation that has been approved by the commissioner by January 17, 2013 that it has adopted an expeditious appeals process pertaining to the annual professional performance review of classroom teachers and building principals that is consistent with and conforms to a chapter of the laws of 2012 enacted as legislation submitted by the governor pursuant to Article VII of the New York constitution, the total amount of such payments shall be deducted by the commissioner from future payments to the school district; and provided further that, for the 2012-13 school year if such deduction is greater than the sum of the amounts available for such deductions, the remainder of the deduction shall be withheld from payments scheduled to be made to the school district pursuant to section 3609-a of the education law for the 2013-14 school year.

S 2. Intentionally omitted.

S 2-a. Paragraph a of subdivision 1 of section 211-d of the education law, as amended by section 2 of part A of chapter 57 of the laws of 2008, is amended to read as follows:

a. Every school district that, as of April first of the base year, has at least one school identified as in corrective action or restructuring status or as a school requiring academic progress: year two or above or as a school in need of improvement: year two shall be required to prepare a contract for excellence if the school district is estimated to receive an increase in total foundation aid for the current year compared to the base year in an amount that equals or exceeds either fifteen million dollars or ten percent of the amount received in the base year, whichever is less, or, FOR SCHOOL YEARS PRIOR TO THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR, receives a supplemental educational improvement plan grant. In school year two thousand seven--two thousand eight such increase shall be the amount of the difference between total foundation aid received for the current year and the total foundation aid base, as defined in paragraph j of subdivision one of section thirty-six hundred two of this chapter.

S 2-b. Paragraph e of subdivision 1 of section 211-d of the education law, as amended by section 1 of part A of chapter 58 of the laws of 2011, 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

1 are identified as in good standing, shall submit a contract for excel-
2 lence for the two thousand eleven--two thousand twelve school year which
3 shall, notwithstanding the requirements of subparagraph (vi) of para-
4 graph a of subdivision two of this section, provide for the expenditure
5 of an amount which shall be not less than the product of the amount
6 approved by the commissioner in the contract for excellence for the two
7 thousand nine--two thousand ten school year, multiplied by the
8 district's gap elimination adjustment percentage AND PROVIDED FURTHER
9 THAT ONLY A SCHOOL DISTRICT THAT IS SUBJECT TO PARAGRAPH C OF THIS
10 SUBDIVISION AND WAS REQUIRED TO SUBMIT A CONTRACT FOR EXCELLENCE FOR THE
11 TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR SHALL BE REQUIRED
12 TO SUBMIT A CONTRACT FOR EXCELLENCE FOR THE TWO THOUSAND TWELVE--TWO
13 THOUSAND THIRTEEN SCHOOL YEAR, WHICH SHALL, NOTWITHSTANDING THE REQUIRE-
14 MENTS OF SUBPARAGRAPH (VI) OF PARAGRAPH A OF SUBDIVISION TWO OF THIS
15 SECTION, PROVIDE FOR THE EXPENDITURE OF AN AMOUNT NOT LESS THAN THE
16 AMOUNT APPROVED BY THE COMMISSIONER FOR ITS CONTRACT FOR EXCELLENCE FOR
17 THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR. For purposes
18 of this paragraph, the "gap elimination adjustment percentage" shall be
19 calculated as the sum of one minus the quotient of the sum of the school
20 district's net gap elimination adjustment for two thousand ten--two
21 thousand eleven computed pursuant to chapter fifty-three of the laws of
22 two thousand ten, making appropriations for the support of government,
23 plus the school district's gap elimination adjustment for two thousand
24 eleven--two thousand twelve as computed pursuant to [a] chapter
25 FIFTY-THREE of the laws of two thousand eleven, making appropriations
26 for the support of the local assistance budget, including support for
27 general support for public schools, divided by the total aid for adjust-
28 ment computed pursuant to [a] chapter FIFTY-THREE of the laws of two
29 thousand eleven, making appropriations for the local assistance budget,
30 including support for general support for public schools. Provided,
31 further, that such amount shall be expended to support and maintain
32 allowable programs and activities approved in the two thousand nine--two
33 thousand ten school year or to support new or expanded allowable
34 programs and activities in the current year.

35 S 3. Intentionally omitted.

36 S 4. Intentionally omitted.

37 S 5. Paragraphs dd and ee of subdivision 1 of section 3602 of the
38 education law, as added by section 25 of part A of chapter 58 of the
39 laws of 2011, are amended to read as follows:

40 dd. "Allowable growth amount" shall mean the product of the positive
41 difference of the personal income growth index minus one, multiplied by
42 the statewide total of the SUM OF (1) THE apportionments, including the
43 gap elimination adjustment, due and owing during the base year, commenc-
44 ing with the base year computed for the two thousand twelve--two thou-
45 sand thirteen school year, to school districts and boards of cooperative
46 educational services from the general support for public schools as
47 computed based on an electronic data file used to produce the school aid
48 computer listing produced by the commissioner in support of the enacted
49 budget for the base year PLUS (2) THE COMPETITIVE AWARDS AMOUNT FOR THE
50 BASE YEAR.

51 ee. "Competitive awards amount" shall mean, for two thousand twelve--
52 two thousand thirteen state fiscal year, fifty million dollars, and for
53 two thousand thirteen--two thousand fourteen and thereafter, [the prod-
54 uct of the personal income growth index multiplied by the base year
55 competitive awards amount] ONE HUNDRED MILLION DOLLARS.

1 S 5-a. Paragraph c of subdivision 17 of section 3602 of the education
2 law, as added by section 37 of part A of chapter 58 of the laws of 2011,
3 is amended and a new paragraph d is added to read as follows:

4 c. The gap elimination adjustment for the two thousand twelve--two
5 thousand thirteen school year and thereafter shall be equal to the gap
6 elimination adjustment for the base year, plus, in any year in which the
7 preliminary growth amount exceeds the allowable growth amount, the prod-
8 uct of the gap elimination adjustment percentage for such district and
9 the positive difference, if any, between the preliminary growth amount
10 less the allowable growth amount, as computed pursuant to subdivision
11 one of this section, and less the [product of the gap elimination
12 adjustment percentage for such district and the] gap elimination adjust-
13 ment restoration amount, if any, allocated pursuant to [subdivision
14 eighteen of] this section.

15 D. THE GAP ELIMINATION RESTORATION AMOUNT. (I) THE GAP ELIMINATION
16 RESTORATION AMOUNT FOR THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN
17 SCHOOL YEAR FOR A SCHOOL DISTRICT SHALL EQUAL THE GREATER OF

18 (A) THE PRODUCT OF (1) THE PRODUCT OF THE EXTRAORDINARY NEEDS INDEX
19 MULTIPLIED BY TWO HUNDRED THIRTY DOLLARS, COMPUTED TO TWO DECIMAL PLACES
20 WITHOUT ROUNDING, MULTIPLIED BY (2) THE STATE SHARING RATIO COMPUTED
21 PURSUANT TO PARAGRAPH G OF SUBDIVISION THREE OF THIS SECTION MULTIPLIED
22 BY (3) THE PUBLIC SCHOOL DISTRICT ENROLLMENT FOR THE BASE YEAR, CALCU-
23 LATED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE OF
24 THIS SECTION, WHERE THE EXTRAORDINARY NEEDS INDEX SHALL BE THE QUOTIENT
25 OF THE EXTRAORDINARY NEEDS PERCENT FOR THE DISTRICT COMPUTED PURSUANT TO
26 PARAGRAPH W OF SUBDIVISION ONE OF THIS SECTION DIVIDED BY THIRTY-NINE
27 HUNDREDTHS; OR

28 (B) FOR ANY DISTRICT WITH A GAP ELIMINATION IMPACT RATIO GREATER THAN
29 ONE, WHERE THE GAP ELIMINATION IMPACT RATIO SHALL BE THE QUOTIENT OF (1)
30 THE GAP ELIMINATION ADJUSTMENT FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND
31 TWELVE SCHOOL YEAR FOR THE DISTRICT DIVIDED BY THE TOTAL GENERAL FUND
32 EXPENDITURES OF SUCH DISTRICT IN THE BASE YEAR, DIVIDED BY (2) THE
33 STATEWIDE AVERAGE GAP ELIMINATION ADJUSTMENT FOR THE TWO THOUSAND
34 ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR DIVIDED BY TOTAL GENERAL FUND
35 EXPENDITURES IN THE BASE YEAR, THE PRODUCT OF (3) THE PRODUCT OF THE GAP
36 ELIMINATION IMPACT RATIO MULTIPLIED BY ONE HUNDRED FIFTY DOLLARS,
37 COMPUTED TO TWO DECIMAL PLACES WITHOUT ROUNDING, MULTIPLIED BY (4) THE
38 STATE SHARING RATIO COMPUTED PURSUANT TO PARAGRAPH G OF SUBDIVISION
39 THREE OF THIS SECTION MULTIPLIED BY (5) THE PUBLIC SCHOOL DISTRICT
40 ENROLLMENT FOR THE BASE YEAR, CALCULATED PURSUANT TO SUBPARAGRAPH TWO OF
41 PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION; OR

42 (C) FIVE PERCENT OF THE GAP ELIMINATION ADJUSTMENT FOR THE TWO THOU-
43 SAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR; OR

44 (D) THE PRODUCT OF (1) A VALUE COMPUTED BY SUBTRACTING FROM ONE AND
45 THIRTY-SEVEN HUNDREDTHS THE PRODUCT OBTAINED BY MULTIPLYING THE COMBINED
46 WEALTH RATIO COMPUTED PURSUANT TO SUBPARAGRAPH ONE OF PARAGRAPH C OF
47 SUBDIVISION THREE OF THIS SECTION BY ONE AND FIFTY HUNDREDTHS, COMPUTED
48 TO THREE DECIMAL PLACES WITHOUT ROUNDING BUT NOT LESS THAN ZERO OR
49 GREATER THAN ONE, MULTIPLIED BY (2) SIX HUNDRED DOLLARS, MULTIPLIED BY
50 (3) THE PUBLIC SCHOOL DISTRICT ENROLLMENT FOR THE BASE YEAR, CALCULATED
51 PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE OF THIS
52 SECTION; OR

53 (E) FOR ANY DISTRICT WITH A TAX EFFORT RATIO GREATER THAN FOUR AND
54 FORTY HUNDREDTHS COMPUTED PURSUANT TO SUBPARAGRAPH THREE OF PARAGRAPH A
55 OF SUBDIVISION SIXTEEN OF THIS SECTION AND A COMBINED WEALTH RATIO LESS
56 THAN ONE AND FIFTY HUNDREDTHS COMPUTED PURSUANT TO SUBPARAGRAPH ONE OF

1 PARAGRAPH C OF SUBDIVISION THREE OF THIS SECTION, THE PRODUCT OF (1) THE
2 STATE SHARING RATIO COMPUTED PURSUANT TO PARAGRAPH G OF SUBDIVISION
3 THREE OF THIS SECTION MULTIPLIED BY (2) THE PUBLIC SCHOOL DISTRICT
4 ENROLLMENT FOR THE BASE YEAR, CALCULATED PURSUANT TO SUBPARAGRAPH TWO OF
5 PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION MULTIPLIED BY (3) FOUR
6 HUNDRED THIRTY DOLLARS.

7 BUT SHALL BE NO GREATER THAN THE PRODUCT OF THIRTY PERCENT AND THE GAP
8 ELIMINATION ADJUSTMENT FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE
9 SCHOOL YEAR FOR THE DISTRICT.

10 (II) THE GAP ELIMINATION RESTORATION AMOUNT FOR THE TWO THOUSAND THIR-
11 TEEN--TWO THOUSAND FOURTEEN SCHOOL YEAR AND THEREAFTER SHALL EQUAL THE
12 PRODUCT OF THE GAP ELIMINATION PERCENTAGE FOR SUCH DISTRICT AND THE GAP
13 ELIMINATION ADJUSTMENT RESTORATION ALLOCATION ESTABLISHED PURSUANT TO
14 SUBDIVISION EIGHTEEN OF THIS SECTION.

15 S 6. Intentionally omitted.

16 S 7. Intentionally omitted.

17 S 8. Intentionally omitted.

18 S 9. Intentionally omitted.

19 S 10. Paragraph b of subdivision 2 of section 3612 of the education
20 law, as amended by section 46 of part A of chapter 58 of the laws of
21 2011, is amended to read as follows:

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

41 S 11. Intentionally omitted.

42 S 11-a. Intentionally omitted.

43 S 11-b. Intentionally omitted.

44 S 12. Subdivision 6 of section 4402 of the education law, as amended
45 by section 58 of part A of chapter 58 of the laws of 2011, is amended to
46 read as follows:

47 6. Notwithstanding any other law, rule or regulation to the contrary,
48 the board of education of a city school district with a population of
49 one hundred twenty-five thousand or more inhabitants shall be permitted
50 to establish maximum class sizes for special classes for certain
51 students with disabilities in accordance with the provisions of this
52 subdivision. For the purpose of obtaining relief from any adverse fiscal
53 impact from under-utilization of special education resources due to low
54 student attendance in special education classes at the middle and
55 secondary level as determined by the commissioner, such boards of educa-
56 tion shall, during the school years nineteen hundred ninety-five--nine-

ty-six through June thirtieth, two thousand [twelve] THIRTEEN of the [two thousand eleven--two thousand twelve] TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN school year, be authorized to increase class sizes in special classes containing students with disabilities whose age ranges are equivalent to those of students in middle and secondary schools as defined by the commissioner for purposes of this section by up to but not to exceed one and two tenths times the applicable maximum class size specified in regulations of the commissioner rounded up to the nearest whole number, provided that in a city school district having a population of one million or more, classes that have a maximum class size of fifteen may be increased by no more than one student and provided that the projected average class size shall not exceed the maximum specified in the applicable regulation, provided that such authorization shall terminate on June thirtieth, two thousand. Such authorization shall be granted upon filing of a notice by such a board of education with the commissioner stating the board's intention to increase such class sizes and a certification that the board will conduct a study of attendance problems at the secondary level and will implement a corrective action plan to increase the rate of attendance of students in such classes to at least the rate for students attending regular education classes in secondary schools of the district. Such corrective action plan shall be submitted for approval by the commissioner by a date during the school year in which such board increases class sizes as provided pursuant to this subdivision to be prescribed by the commissioner. Upon at least thirty days notice to the board of education, after conclusion of the school year in which such board increases class sizes as provided pursuant to this subdivision, the commissioner shall be authorized to terminate such authorization upon a finding that the board has failed to develop or implement an approved corrective action plan.

S 12-a. Subdivision b of section 2 of chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, as amended by section 65 of part A of chapter 58 of the laws of 2011, is amended to read as follows:

b. Reimbursement for programs approved in accordance with subdivision a of this section [for the 2008-09 school year shall not exceed 62.8 percent of the lesser of such approvable costs per contact hour or ten dollars and sixty-five cents per contact hour, reimbursement] for the 2009-10 school year shall not exceed 64.1 percent of the lesser of such approvable costs per contact hour or eleven dollars and fifty cents per contact hour, reimbursement for the 2010--2011 school year shall not exceed 62.6 percent of the lesser of such approvable costs per contact hour or twelve dollars and five cents per contact hour [and], reimbursement for the 2011--2012 school year shall not exceed 62.9 percent of the lesser of such approvable costs per contact hour or twelve dollars and fifteen cents per contact hour, AND, NOTWITHSTANDING ANY PROVISION OF LAW ENACTED IN THE AID TO LOCALITIES BUDGET ENACTED IN SUPPORT OF THE 2012-13 STATE FISCAL YEAR TO THE CONTRARY, REIMBURSEMENT FOR THE 2012--2013 SCHOOL YEAR SHALL NOT EXCEED 63.3 PERCENT OF THE LESSER OF SUCH APPROVABLE COSTS PER CONTACT HOUR OR TWELVE DOLLARS AND THIRTY-FIVE CENTS PER CONTACT HOUR, where a contact hour represents sixty minutes of instruction services provided to an eligible adult. Notwithstanding any other provision of law to the contrary, [for the 2008-09 school year such contact hours shall not exceed one million nine hundred forty-six thousand one hundred seven (1,946,107) hours; whereas] for the 2009-10 school year such contact hours shall not exceed one million seven

1 hundred sixty-three thousand nine hundred seven (1,763,907) hours; wher-
2 eas for the 2010--2011 school year such contact hours shall not exceed
3 one million five hundred twenty-five thousand one hundred ninety-eight
4 (1,525,198) hours; whereas for the 2011--2012 school year such contact
5 hours shall not exceed one million seven hundred one thousand five
6 hundred seventy (1,701,570) hours; WHEREAS FOR THE 2012--2013 SCHOOL
7 YEAR SUCH CONTACT HOURS SHALL NOT EXCEED ONE MILLION SIX HUNDRED SIXTY-
8 FOUR THOUSAND FIVE HUNDRED THIRTY-TWO (1,664,532) HOURS. Notwithstanding
9 any other provision of law to the contrary, the apportionment calculated
10 for the city school district of the city of New York pursuant to subdi-
11 vision 11 of section 3602 of the education law shall be computed as if
12 such contact hours provided by the consortium for worker education, not
13 to exceed the contact hours set forth herein, were eligible for aid in
14 accordance with the provisions of such subdivision 11 of section 3602 of
15 the education law.

16 S 12-b. Section 4 of chapter 756 of the laws of 1992, relating to
17 funding a program for work force education conducted by the consortium
18 for worker education in New York city, is amended by adding a new subdi-
19 vision q to read as follows:

20 Q. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY AFTER THE
21 COMPLETION OF PAYMENTS FOR THE 2012--2013 SCHOOL YEAR. NOTWITHSTANDING
22 ANY INCONSISTENT PROVISIONS OF LAW, THE COMMISSIONER OF EDUCATION SHALL
23 WITHHOLD A PORTION OF EMPLOYMENT PREPARATION EDUCATION AID DUE TO THE
24 CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK TO SUPPORT A PORTION OF THE
25 COSTS OF THE WORK FORCE EDUCATION PROGRAM. SUCH MONEYS SHALL BE CREDITED
26 TO THE ELEMENTARY AND SECONDARY EDUCATION FUND-LOCAL ASSISTANCE ACCOUNT
27 AND SHALL NOT EXCEED THIRTEEN MILLION DOLLARS (\$13,000,000).

28 S 13. Intentionally omitted.

29 S 14. Intentionally omitted.

30 S 15. Section 6 of chapter 756 of the laws of 1992, relating to fund-
31 ing a program for work force education conducted by the consortium for
32 worker education in New York city, as amended by section 67 of part A of
33 chapter 58 of the laws of 2011, is amended to read as follows:

34 S 6. This act shall take effect July 1, 1992, and shall be deemed
35 repealed on June 30, [2012] 2013.

36 S 16. Subdivision 1 of section 167 of chapter 169 of the laws of 1994,
37 relating to certain provisions related to the 1994-95 state operations,
38 aid to localities, capital projects and debt service budgets, as amended
39 by section 68 of part A of chapter 58 of the laws of 2011, is amended to
40 read as follows:

41 1. Sections one through seventy of this act shall be deemed to have
42 been in full force and effect as of April 1, 1994 provided, however,
43 that sections one, two, twenty-four, twenty-five and twenty-seven
44 through seventy of this act shall expire and be deemed repealed on March
45 31, 2000; provided, however, that section twenty of this act shall apply
46 only to hearings commenced prior to September 1, 1994, and provided
47 further that section twenty-six of this act shall expire and be deemed
48 repealed on March 31, 1997; and provided further that sections four
49 through fourteen, sixteen, and eighteen, nineteen and twenty-one through
50 twenty-one-a of this act shall expire and be deemed repealed on March
51 31, 1997; and provided further that sections three, fifteen, seventeen,
52 twenty, twenty-two and twenty-three of this act shall expire and be
53 deemed repealed on March 31, [2013] 2014.

54 S 17. Subdivision 6-a of section 140 of chapter 82 of the laws of
55 1995, amending the education law and certain other laws relating to
56 state aid to school districts and the appropriation of funds for the

1 support of government, as amended by section 51 of part B of chapter 57
2 of the laws of 2007, is amended to read as follows:

3 (6-a) Section seventy-three of this act shall take effect July 1, 1995
4 and shall be deemed repealed June 30, [2012] 2017;

5 S 18. Subdivisions 22 and 24 of section 140 of chapter 82 of the laws
6 of 1995, amending the education law and certain other laws relating to
7 state aid to school districts and the appropriation of funds for the
8 support of government, as amended by section 69 of part A of chapter 58
9 of the laws of 2011, are amended to read as follows:

10 (22) sections one hundred twelve, one hundred thirteen, one hundred
11 fourteen, one hundred fifteen and one hundred sixteen of this act shall
12 take effect on July 1, 1995; provided, however, that section one hundred
13 thirteen of this act shall remain in full force and effect until July 1,
14 [2012] 2013 at which time it shall be deemed repealed;

15 (24) sections one hundred eighteen through one hundred thirty of this
16 act shall be deemed to have been in full force and effect on and after
17 July 1, 1995; provided further, however, that the amendments made pursu-
18 ant to section one hundred nineteen of this act shall be deemed to be
19 repealed on and after July 1, [2012] 2013;

20 S 19. Section 4 of chapter 698 of the laws of 1996, amending the
21 education law relating to transportation contracts, as amended by chap-
22 ter 165 of the laws of 2007, is amended to read as follows:

23 S 4. This act shall take effect immediately, and shall expire and be
24 deemed repealed on and after June 30, [2012] 2017.

25 S 20. Section 12 of chapter 147 of the laws of 2001, amending the
26 education law relating to conditional appointment of school district,
27 charter school or BOCES employees, as amended by section 72 of part A of
28 chapter 58 of the laws of 2011, is amended to read as follows:

29 S 12. This act shall take effect on the same date as chapter 180 of
30 the laws of 2000 takes effect, and shall expire July 1, [2012] 2013 when
31 upon such date the provisions of this act shall be deemed repealed.

32 S 21. Section 4 of chapter 425 of the laws of 2002, amending the
33 education law relating to the provision of supplemental educational
34 services, attendance at a safe public school and the suspension of
35 pupils who bring a firearm to or possess a firearm at a school, as
36 amended by section 73 of part A of chapter 58 of the laws of 2011, is
37 amended to read as follows:

38 S 4. This act shall take effect July 1, 2002 and shall expire and be
39 deemed repealed June 30, [2012] 2013.

40 S 22. Section 5 of chapter 101 of the laws of 2003, amending the
41 education law relating to implementation of the No Child Left Behind Act
42 of 2001, as amended by section 74 of part A of chapter 58 of the laws of
43 2011, is amended to read as follows:

44 S 5. This act shall take effect immediately; provided that sections
45 one, two and three of this act shall expire and be deemed repealed on
46 June 30, [2012] 2013.

47 S 23. Subdivision 4 of section 51 of part B of chapter 57 of the laws
48 of 2008, amending the education law relating to the universal pre-kin-
49 dergarten program, as amended by chapter 2 of the laws of 2011, is
50 amended to read as follows:

51 4. section 23 of this act shall take effect July 1, 2008 and shall
52 expire and be deemed repealed June 30, [2012] 2013;

53 S 24. School bus driver training. In addition to apportionments other-
54 wise provided by section 3602 of the education law, for aid payable in
55 the 2012--13 school year, the commissioner of education shall allocate
56 school bus driver training grants to school districts and boards of

1 cooperative education services pursuant to sections 3650-a, 3650-b and
2 3650-c of the education law, or for contracts directly with not-for-pro-
3 fit educational organizations for the purposes of this section. Such
4 payments shall not exceed four hundred thousand dollars (\$400,000) per
5 school year.

6 S 25. Support of public libraries. The moneys appropriated for the
7 support of public libraries by the chapter of the laws of 2012 enacting
8 the aid to localities budget shall be apportioned for the 2012--13 state
9 fiscal year in accordance with the provisions of sections 271, 272, 273,
10 282, 284, and 285 of the education law as amended by the provisions of
11 this act, provided that library construction aid pursuant to section
12 273-a of the education law shall not be payable from the appropriations
13 for the support of public libraries and provided further that no
14 library, library system or program, as defined by the commissioner of
15 education, shall receive less total system or program aid than it
16 received for the year 2001--2002 except as a result of a reduction
17 adjustment necessary to conform to the appropriations for support of
18 public libraries.

19 Notwithstanding any other provision of law to the contrary the moneys
20 appropriated for the support of public libraries for the year 2012--2013
21 by a chapter of the laws of 2012 enacting the aid to localities budget
22 shall fulfill the state's obligation to provide such aid and, pursuant
23 to a plan developed by the commissioner of education and approved by the
24 director of the budget, the aid payable to libraries and library systems
25 pursuant to such appropriations shall be reduced proportionately to
26 assure that the total amount of aid payable does not exceed the total
27 appropriations for such purpose.

28 S 26. Special apportionment for salary expenses. a. Notwithstanding
29 any other provision of law, upon application to the commissioner of
30 education, not sooner than the first day of the second full business
31 week of June, 2013 and not later than the last day of the third full
32 business week of June, 2013, a school district eligible for an appor-
33 tionment pursuant to section 3602 of the education law shall be eligible
34 to receive an apportionment pursuant to this section, for the school
35 year ending June 30, 2013, for salary expenses incurred between April 1
36 and June 30, 2013 and such apportionment shall not exceed the sum of (i)
37 the deficit reduction assessment of 1990--91 as determined by the
38 commissioner of education, pursuant to paragraph f of subdivision 1 of
39 section 3602 of the education law, as in effect through June 30, 1993,
40 plus (ii) 186 percent of such amount for a city school district in a
41 city with a population in excess of 1,000,000 inhabitants, plus (iii)
42 209 percent of such amount for a city school district in a city with a
43 population of more than 195,000 inhabitants and less than 219,000 inhab-
44 itants according to the latest federal census plus (iv) the net gap
45 elimination adjustment for 2010--2011, as determined by the commissioner
46 of education pursuant to chapter 53 of the laws of 2010, plus (v) the
47 gap elimination adjustment for 2011--12 as determined by the commission-
48 er of education pursuant to subdivision 17 of section 3602 of the educa-
49 tion law, and provided further that such apportionment shall not exceed
50 such salary expenses. Such application shall be made by a school
51 district, after the board of education or trustees have adopted a resol-
52 ution to do so and in the case of a city school district in a city with
53 a population in excess of 125,000 inhabitants, with the approval of the
54 mayor of such city.

55 b. The claim for an apportionment to be paid to a school district
56 pursuant to subdivision a of this section shall be submitted to the

1 commissioner of education on a form prescribed for such purpose, and
2 shall be payable upon determination by such commissioner that the form
3 has been submitted as prescribed. Such approved amounts shall be payable
4 on the same day in September of the school year following the year in
5 which application was made as funds provided pursuant to subparagraph
6 (4) of paragraph b of subdivision 4 of section 92-c of the state finance
7 law, on the audit and warrant of the state comptroller on vouchers
8 certified or approved by the commissioner of education in the manner
9 prescribed by law from moneys in the state lottery fund and from the
10 general fund to the extent that the amount paid to a school district
11 pursuant to this section exceeds the amount, if any, due such school
12 district pursuant to subparagraph (2) of paragraph a of subdivision 1 of
13 section 3609-a of the education law in the school year following the
14 year in which application was made.

15 c. Notwithstanding the provisions of section 3609-a of the education
16 law, an amount equal to the amount paid to a school district pursuant to
17 subdivisions a and b of this section shall first be deducted from the
18 following payments due the school district during the school year
19 following the year in which application was made pursuant to subpara-
20 graphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of
21 section 3609-a of the education law in the following order: the lottery
22 apportionment payable pursuant to subparagraph (2) of such paragraph
23 followed by the fixed fall payments payable pursuant to subparagraph (4)
24 of such paragraph and then followed by the district's payments to the
25 teachers' retirement system pursuant to subparagraph (1) of such para-
26 graph, and any remainder to be deducted from the individualized payments
27 due the district pursuant to paragraph b of such subdivision shall be
28 deducted on a chronological basis starting with the earliest payment due
29 the district.

30 S 27. Special apportionment for public pension accruals. a. Notwith-
31 standing any other provision of law, upon application to the commission-
32 er of education, not later than June 30, 2013, a school district eligi-
33 ble for an apportionment pursuant to section 3602 of the education law
34 shall be eligible to receive an apportionment pursuant to this section,
35 for the school year ending June 30, 2013 and such apportionment shall
36 not exceed the additional accruals required to be made by school
37 districts in the 2004--05 and 2005--06 school years associated with
38 changes for such public pension liabilities. The amount of such addi-
39 tional accrual shall be certified to the commissioner of education by
40 the president of the board of education or the trustees or, in the case
41 of a city school district in a city with a population in excess of
42 125,000 inhabitants, the mayor of such city. Such application shall be
43 made by a school district, after the board of education or trustees have
44 adopted a resolution to do so and in the case of a city school district
45 in a city with a population in excess of 125,000 inhabitants, with the
46 approval of the mayor of such city.

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

1 prescribed by law from moneys in the state lottery fund and from the
2 general fund to the extent that the amount paid to a school district
3 pursuant to this section exceeds the amount, if any, due such school
4 district pursuant to subparagraph (2) of paragraph a of subdivision 1 of
5 section 3609-a of the education law in the school year following the
6 year in which application was made.

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

22 S 28. a. Notwithstanding any other law, rule or regulation to the
23 contrary, any moneys appropriated to the state education department may
24 be suballocated to other state departments or agencies, as needed, to
25 accomplish the intent of the specific appropriations contained therein.

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

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

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

42 S 29. Notwithstanding the provision of any law, rule, or regulation to
43 the contrary, the city school district of the city of Rochester, upon
44 the consent of the board of cooperative educational services of the
45 supervisory district serving its geographic region may purchase from
46 such board for the 2012--13 school year, as a non-component school
47 district, services required by article 19 of the education law.

48 S 30. The amounts specified in this section shall be a setaside from
49 the state funds which each such district is receiving from the total
50 foundation aid:

51 a. for the purpose of the development, maintenance or expansion of
52 magnet schools or magnet school programs for the 2012--2013 school year.
53 To the city school district of the city of New York there shall be paid
54 forty-eight million one hundred seventy-five thousand dollars
55 (\$48,175,000) including five hundred thousand dollars (\$500,000) for the
56 Andrew Jackson High School; to the Buffalo city school district, twen-

1 ty-one million twenty-five thousand dollars (\$21,025,000); to the
2 Rochester city school district, fifteen million dollars (\$15,000,000);
3 to the Syracuse city school district, thirteen million dollars
4 (\$13,000,000); to the Yonkers city school district, forty-nine million
5 five hundred thousand dollars (\$49,500,000); to the Newburgh city school
6 district, four million six hundred forty-five thousand dollars
7 (\$4,645,000); to the Poughkeepsie city school district, two million four
8 hundred seventy-five thousand dollars (\$2,475,000); to the Mount Vernon
9 city school district, two million dollars (\$2,000,000); to the New
10 Rochelle city school district, one million four hundred ten thousand
11 dollars (\$1,410,000); to the Schenectady city school district, one
12 million eight hundred thousand dollars (\$1,800,000); to the Port Chester
13 city school district, one million one hundred fifty thousand dollars
14 (\$1,150,000); to the White Plains city school district, nine hundred
15 thousand dollars (\$900,000); to the Niagara Falls city school district,
16 six hundred thousand dollars (\$600,000); to the Albany city school
17 district, three million five hundred fifty thousand dollars
18 (\$3,550,000); to the Utica city school district, two million dollars
19 (\$2,000,000); to the Beacon city school district, five hundred sixty-six
20 thousand dollars (\$566,000); to the Middletown city school district,
21 four hundred thousand dollars (\$400,000); to the Freeport union free
22 school district, four hundred thousand dollars (\$400,000); to the Green-
23 burgh central school district, three hundred thousand dollars
24 (\$300,000); to the Amsterdam city school district, eight hundred thou-
25 sand dollars (\$800,000); to the Peekskill city school district, two
26 hundred thousand dollars (\$200,000); and to the Hudson city school
27 district, four hundred thousand dollars (\$400,000).

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

40 c. for the purpose of attendance improvement and dropout prevention
41 for the 2012--2013 school year, for any city school district in a city
42 having a population of more than one million, the setaside for attend-
43 ance improvement and dropout prevention shall equal the amount set aside
44 in the year prior to the base year. For the 2012--2013 school year, it
45 is further provided that any city school district in a city having a
46 population of more than one million shall allocate at least one-third of
47 any increase from base year levels in funds set aside pursuant to the
48 requirements of this subdivision to community-based organizations. Any
49 increase required pursuant to this subdivision to community-based organ-
50 izations must be in addition to allocations provided to community-based
51 organizations in the base year.

52 d. for the purpose of teacher support for the 2012--2013 school year:
53 to the city school district of the city of New York, sixty-two million
54 seven hundred seven thousand dollars (\$62,707,000); to the Buffalo city
55 school district, one million seven hundred forty-one thousand dollars
56 (\$1,741,000); to the Rochester city school district, one million seven-

ty-six thousand dollars (\$1,076,000); to the Yonkers city school district, one million one hundred forty-seven thousand dollars (\$1,147,000); and to the Syracuse city school district, eight hundred nine thousand dollars (\$809,000). All funds made available to a school district pursuant to this subdivision shall be distributed among teachers including prekindergarten teachers and teachers of adult vocational and academic subjects in accordance with this subdivision and shall be in addition to salaries heretofore or hereafter negotiated or made available; provided, however, that all funds distributed pursuant to this section for the current year shall be deemed to incorporate all funds distributed pursuant to former subdivision 27 of section 3602 of the education law for prior years. In school districts where the teachers are represented by certified or recognized employee organizations, all salary increases funded pursuant to this section shall be determined by separate collective negotiations conducted pursuant to the provisions and procedures of article 14 of the civil service law, notwithstanding the existence of a negotiated agreement between a school district and a certified or recognized employee organization.

S 31. a. Notwithstanding any other provision of law to the contrary, the actions or omissions of any school district which failed to submit a final building project cost report by June 30 of the school year following June 30 of the school year in which the certificate of substantial completion of the project is issued by the architect or engineer, or six months after issuance of such certificate, whichever is later, are hereby ratified and validated, provided that such building project was eligible for aid in a year for which the commissioner is required to prepare an estimate of apportionments due and owing pursuant to paragraph c of subdivision 21 of section 305 of the education law, provided further that such school district submits a final cost report on or before December 31, 2012 and such report is approved by the commissioner of education, and provided further that any amount due and payable for school years prior to the 2013-14 school year as a result of this act shall be paid pursuant to the provisions of paragraph c of subdivision 5 of section 3604 of the education law.

b. Notwithstanding any other provision of law to the contrary, any pending payment of moneys due to such district as a prior year adjustment payable pursuant to paragraph c of subdivision 5 of section 3604 of the education law for aid claims that had been previously paid in excess as current year aid payments and for which recovery of excess payments is to be made pursuant to this act, shall be reduced by any remaining unrecovered balance of such excess payments, and the remaining scheduled deductions of such excess payments pursuant to this act shall be reduced by the commissioner of education to reflect the amount so recovered.

c. The education department is hereby directed to adjust the approved costs of the aforementioned projects on a pro-rata basis to reflect the number of years between June 30 of the school year following June 30 of the school year in which the certificate of substantial completion of the project is issued by the architect or engineer, or six months after issuance of such certificate, whichever is later and the date upon which the district filed a final cost report as a proportion of the useful life of the project, and to consider such adjusted approved costs as valid and proper obligations of such school districts.

S 32. Severability. The provisions of this act shall be severable, and if the application of any clause, sentence, paragraph, subdivision, section or part of this act to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid, such

1 judgment shall not necessarily affect, impair or invalidate the applica-
2 tion of any such clause, sentence, paragraph, subdivision, section, part
3 of this act or remainder thereof, as the case may be, to any other
4 person or circumstance, but shall be confined in its operation to the
5 clause, sentence, paragraph, subdivision, section or part thereof
6 directly involved in the controversy in which such judgment shall have
7 been rendered.

8 S 33. This act shall take effect immediately, and shall be deemed to
9 have been in full force and effect on and after April 1, 2012, provided,
10 however, that:

11 1. Sections five-a, ten, twelve, twelve-a, twelve-b, twenty-four and
12 thirty of this act shall take effect July 1, 2012;

13 2. The amendments to subdivision 6 of section 4402 of the education
14 law made by section twelve of this act shall not affect the repeal of
15 such subdivision and shall be deemed repealed therewith;

16 3. The amendments to chapter 756 of the laws of 1992, relating to
17 funding a program for work force education conducted by a consortium for
18 worker education in New York city, made by sections twelve-a and
19 twelve-b of this act shall not affect the repeal of such chapter and
20 shall be deemed repealed therewith; and

21 4. Section twenty-eight of this act shall expire and be deemed
22 repealed June 30, 2013.

23 PART A-1

24 Section 1. Subdivision 1 of section 3012-c of the education law, as
25 added by chapter 103 of the laws of 2010, is amended to read as follows:

26 1. Notwithstanding any other provision of law, rule or regulation to
27 the contrary, the annual professional performance reviews of all class-
28 room teachers and building principals employed by school districts or
29 boards of cooperative educational services shall be conducted in accord-
30 ance with the provisions of this section. Such performance reviews which
31 are conducted on or after July first, two thousand eleven, or on or
32 after the date specified in paragraph c of subdivision two of this
33 section where applicable, shall include measures of student achievement
34 and be conducted in accordance with this section. Such annual profes-
35 sional performance reviews shall be a significant factor for employment
36 decisions including but not limited to, promotion, retention, tenure
37 determination, termination, and supplemental compensation, which deci-
38 sions are to be made in accordance with locally developed procedures
39 negotiated pursuant to the requirements of article fourteen of the civil
40 service law WHERE APPLICABLE. PROVIDED, HOWEVER, THAT NOTHING IN THIS
41 SECTION SHALL BE CONSTRUED TO AFFECT THE STATUTORY RIGHT OF A SCHOOL
42 DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES TO TERMINATE A
43 PROBATIONARY TEACHER OR PRINCIPAL FOR STATUTORILY AND CONSTITUTIONALLY
44 PERMISSIBLE REASONS OTHER THAN THE PERFORMANCE OF THE TEACHER OR PRINCI-
45 PAL IN THE CLASSROOM OR SCHOOL, INCLUDING BUT NOT LIMITED TO MISCONDUCT.
46 Such performance reviews shall also be a significant factor in teacher
47 and principal development, including but not limited to, coaching,
48 induction support and differentiated professional development, which are
49 to be locally established in accordance with procedures negotiated
50 pursuant to the requirements of article fourteen of the civil service
51 law.

52 S 2. Paragraph a of subdivision 2 of section 3012-c of the education
53 law, as added by chapter 103 of the laws of 2010, is amended to read as
54 follows:

1 a. (1) The annual professional performance reviews conducted pursuant
2 to this section for classroom teachers and building principals shall
3 differentiate teacher and principal effectiveness using the following
4 quality rating categories: highly effective, effective, developing and
5 ineffective, with explicit minimum and maximum scoring ranges for each
6 category, FOR THE STATE ASSESSMENTS AND OTHER COMPARABLE MEASURES
7 SUBCOMPONENT OF THE EVALUATION AND FOR THE LOCALLY SELECTED MEASURES OF
8 STUDENT ACHIEVEMENT SUBCOMPONENT OF THE EVALUATION, as prescribed in the
9 regulations of the commissioner. THERE SHALL BE: (I) A STATE ASSESSMENTS
10 AND OTHER COMPARABLE MEASURES SUBCOMPONENT WHICH SHALL COMPRISE TWENTY
11 OR TWENTY-FIVE PERCENT OF THE EVALUATION; (II) A LOCALLY SELECTED MEAS-
12 URES OF STUDENT ACHIEVEMENT SUBCOMPONENT WHICH SHALL COMPRISE TWENTY OR
13 FIFTEEN PERCENT OF THE EVALUATION; AND (III) AN OTHER MEASURES OF TEACH-
14 ER OR PRINCIPAL EFFECTIVENESS SUBCOMPONENT WHICH SHALL COMPRISE THE
15 REMAINING SIXTY PERCENT OF THE EVALUATION, WHICH IN SUM SHALL CONSTITUTE
16 THE COMPOSITE TEACHER OR PRINCIPAL EFFECTIVENESS SCORE. Such annual
17 professional performance reviews shall result in a single composite
18 teacher or principal effectiveness score, which incorporates multiple
19 measures of effectiveness related to the criteria included in the regu-
20 lations of the commissioner.

21 (2) FOR ANNUAL PROFESSIONAL PERFORMANCE REVIEWS CONDUCTED IN ACCORD-
22 ANCE WITH PARAGRAPH B OF THIS SUBDIVISION FOR THE TWO THOUSAND
23 ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR AND FOR ANNUAL PROFESSIONAL
24 PERFORMANCE REVIEWS CONDUCTED IN ACCORDANCE WITH PARAGRAPHS F AND G OF
25 THIS SUBDIVISION FOR THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN
26 SCHOOL YEAR, THE OVERALL COMPOSITE SCORING RANGES SHALL BE IN ACCORDANCE
27 WITH THIS SUBPARAGRAPH. A CLASSROOM TEACHER AND BUILDING PRINCIPAL SHALL
28 BE DEEMED TO BE:

29 (A) HIGHLY EFFECTIVE IF THEY ACHIEVE A COMPOSITE EFFECTIVENESS SCORE
30 OF 91-100.

31 (B) EFFECTIVE IF THEY ACHIEVE A COMPOSITE EFFECTIVENESS SCORE OF
32 75-90.

33 (C) DEVELOPING IF THEY ACHIEVE A COMPOSITE EFFECTIVENESS SCORE OF
34 65-74.

35 (D) INEFFECTIVE IF THEY ACHIEVE A COMPOSITE EFFECTIVENESS SCORE OF
36 0-64.

37 (3) FOR ANNUAL PROFESSIONAL PERFORMANCE REVIEWS CONDUCTED IN ACCORD-
38 ANCE WITH PARAGRAPH B OF THIS SUBDIVISION FOR THE TWO THOUSAND
39 ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR AND FOR ANNUAL PROFESSIONAL
40 PERFORMANCE REVIEWS CONDUCTED IN ACCORDANCE WITH PARAGRAPH F OF THIS
41 SUBDIVISION FOR THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL
42 YEAR FOR CLASSROOM TEACHERS IN SUBJECTS AND GRADES FOR WHICH THE BOARD
43 OF REGENTS HAS NOT APPROVED A VALUE-ADDED MODEL AND FOR BUILDING PRINCI-
44 PALS EMPLOYED IN SCHOOLS OR PROGRAMS FOR WHICH THERE IS NO APPROVED
45 PRINCIPAL VALUE-ADDED MODEL, THE SCORING RANGES FOR THE STUDENT GROWTH
46 ON STATE ASSESSMENTS OR OTHER COMPARABLE MEASURES SUBCOMPONENT SHALL BE
47 IN ACCORDANCE WITH THIS SUBPARAGRAPH. A CLASSROOM TEACHER AND BUILDING
48 PRINCIPAL SHALL RECEIVE:

49 (A) A HIGHLY EFFECTIVE RATING IN THIS SUBCOMPONENT IF THE TEACHER'S OR
50 PRINCIPAL'S RESULTS ARE WELL-ABOVE THE STATE AVERAGE FOR SIMILAR
51 STUDENTS AND THEY ACHIEVE A SUBCOMPONENT SCORE OF 18-20;

52 (B) AN EFFECTIVE RATING IN THIS SUBCOMPONENT IF THE TEACHER'S OR PRIN-
53 CIPAL'S RESULTS MEET THE STATE AVERAGE FOR SIMILAR STUDENTS AND THEY
54 ACHIEVE A SUBCOMPONENT SCORE OF 9-17; OR

1 (C) A DEVELOPING RATING IN THIS SUBCOMPONENT IF THE TEACHER'S OR PRIN-
2 CIPAL'S RESULTS ARE BELOW THE STATE AVERAGE FOR SIMILAR STUDENTS AND
3 THEY ACHIEVE A SUBCOMPONENT SCORE OF 3-8; OR

4 (D) AN INEFFECTIVE RATING IN THIS SUBCOMPONENT, IF THE TEACHER'S OR
5 PRINCIPAL'S RESULTS ARE WELL-BELOW THE STATE AVERAGE FOR SIMILAR
6 STUDENTS AND THEY ACHIEVE A SUBCOMPONENT SCORE OF 0-2.

7 (4) FOR ANNUAL PROFESSIONAL PERFORMANCE REVIEWS CONDUCTED IN ACCORD-
8 ANCE WITH PARAGRAPH G OF THIS SUBDIVISION FOR THE TWO THOUSAND
9 TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR FOR CLASSROOM TEACHERS IN
10 SUBJECTS AND GRADES FOR WHICH THE BOARD OF REGENTS HAS APPROVED A
11 VALUE-ADDED MODEL AND FOR BUILDING PRINCIPALS EMPLOYED IN SCHOOLS OR
12 PROGRAMS FOR WHICH THERE IS AN APPROVED PRINCIPAL VALUE-ADDED MODEL, THE
13 SCORING RANGES FOR THE STUDENT GROWTH ON STATE ASSESSMENTS OR OTHER
14 COMPARABLE MEASURES SUBCOMPONENT SHALL BE IN ACCORDANCE WITH THIS
15 SUBPARAGRAPH. A CLASSROOM TEACHER AND BUILDING PRINCIPAL SHALL RECEIVE:

16 (A) A HIGHLY EFFECTIVE RATING IN THIS SUBCOMPONENT IF THE TEACHER'S OR
17 PRINCIPAL'S RESULTS ARE WELL-ABOVE THE STATE AVERAGE FOR SIMILAR
18 STUDENTS AND THEY ACHIEVE A SUBCOMPONENT SCORE OF 22-25;

19 (B) AN EFFECTIVE RATING IN THIS SUBCOMPONENT IF THE TEACHER'S OR PRIN-
20 CIPAL'S RESULTS MEET THE STATE AVERAGE FOR SIMILAR STUDENTS AND THEY
21 ACHIEVE A SUBCOMPONENT SCORE OF 10-21; OR

22 (C) A DEVELOPING RATING IN THIS SUBCOMPONENT IF THE TEACHER'S OR PRIN-
23 CIPAL'S RESULTS ARE BELOW THE STATE AVERAGE FOR SIMILAR STUDENTS AND
24 THEY ACHIEVE A SUBCOMPONENT SCORE OF 3-9; OR

25 (D) AN INEFFECTIVE RATING IN THIS SUBCOMPONENT, IF THE TEACHER'S OR
26 PRINCIPAL'S RESULTS ARE WELL-BELOW THE STATE AVERAGE FOR SIMILAR
27 STUDENTS AND THEY ACHIEVE A SUBCOMPONENT SCORE OF 0-2.

28 (5) FOR ANNUAL PROFESSIONAL PERFORMANCE REVIEWS CONDUCTED IN ACCORD-
29 ANCE WITH PARAGRAPH B OF THIS SUBDIVISION FOR THE TWO THOUSAND
30 ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR AND FOR ANNUAL PROFESSIONAL
31 PERFORMANCE REVIEWS CONDUCTED IN ACCORDANCE WITH PARAGRAPH F OF THIS
32 SUBDIVISION FOR THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL
33 YEAR FOR CLASSROOM TEACHERS IN SUBJECTS AND GRADES FOR WHICH THE BOARD
34 OF REGENTS HAS NOT APPROVED A VALUE-ADDED MODEL AND FOR BUILDING PRINCI-
35 PALS EMPLOYED IN SCHOOLS OR PROGRAMS FOR WHICH THERE IS NO APPROVED
36 PRINCIPAL VALUE-ADDED MODEL, THE SCORING RANGES FOR THE LOCALLY SELECTED
37 MEASURES OF STUDENT ACHIEVEMENT SUBCOMPONENT SHALL BE IN ACCORDANCE WITH
38 THIS SUBPARAGRAPH. A CLASSROOM TEACHER AND BUILDING PRINCIPAL SHALL
39 RECEIVE:

40 (A) A HIGHLY EFFECTIVE RATING IN THIS SUBCOMPONENT IF THE RESULTS ARE
41 WELL-ABOVE DISTRICT-ADOPTED EXPECTATIONS FOR STUDENT GROWTH OR ACHIEVE-
42 MENT AND THEY ACHIEVE A SUBCOMPONENT SCORE OF 18-20; OR

43 (B) AN EFFECTIVE RATING IN THIS SUBCOMPONENT IF THE RESULTS MEET
44 DISTRICT-ADOPTED EXPECTATIONS FOR GROWTH OR ACHIEVEMENT AND THEY ACHIEVE
45 A SUBCOMPONENT SCORE OF 9-17; OR

46 (C) A DEVELOPING RATING IN THIS SUBCOMPONENT IF THE RESULTS ARE BELOW
47 DISTRICT-ADOPTED EXPECTATIONS FOR GROWTH OR ACHIEVEMENT AND THEY ACHIEVE
48 A SUBCOMPONENT SCORE OF 3-8; OR

49 (D) AN INEFFECTIVE RATING IN THIS SUBCOMPONENT IF THE RESULTS ARE
50 WELL-BELOW DISTRICT-ADOPTED EXPECTATIONS FOR GROWTH OR ACHIEVEMENT AND
51 THEY ACHIEVE A SUBCOMPONENT SCORE OF 0-2.

52 (6) FOR ANNUAL PROFESSIONAL PERFORMANCE REVIEWS CONDUCTED IN ACCORD-
53 ANCE WITH PARAGRAPH B OF THIS SUBDIVISION FOR THE TWO THOUSAND
54 ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR AND FOR ANNUAL PROFESSIONAL
55 PERFORMANCE REVIEWS CONDUCTED IN ACCORDANCE WITH PARAGRAPH G OF THIS
56 SUBDIVISION FOR THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL

1 YEAR FOR CLASSROOM TEACHERS IN SUBJECTS AND GRADES FOR WHICH THE BOARD
2 OF REGENTS HAS APPROVED A VALUE-ADDED MODEL AND FOR BUILDING PRINCIPALS
3 EMPLOYED IN SCHOOLS OR PROGRAMS FOR WHICH THERE IS AN APPROVED PRINCIPAL
4 VALUE-ADDED MODEL, THE SCORING RANGES FOR THE LOCALLY SELECTED MEASURES
5 OF STUDENT ACHIEVEMENT SUBCOMPONENT SHALL BE IN ACCORDANCE WITH THIS
6 SUBPARAGRAPH. A CLASSROOM TEACHER AND BUILDING PRINCIPAL SHALL RECEIVE:

7 (A) A HIGHLY EFFECTIVE RATING IN THIS SUBCOMPONENT IF THE RESULTS ARE
8 WELL-ABOVE DISTRICT-ADOPTED EXPECTATIONS FOR STUDENT GROWTH OR ACHIEVE-
9 MENT AND THEY ACHIEVE A SUBCOMPONENT SCORE OF 14-15; OR

10 (B) AN EFFECTIVE RATING IN THIS SUBCOMPONENT IF THE RESULTS MEET
11 DISTRICT-ADOPTED EXPECTATIONS FOR GROWTH OR ACHIEVEMENT AND THEY ACHIEVE
12 A SUBCOMPONENT SCORE OF 8-13; OR

13 (C) A DEVELOPING RATING IN THIS SUBCOMPONENT IF THE RESULTS ARE BELOW
14 DISTRICT-ADOPTED EXPECTATIONS FOR GROWTH OR ACHIEVEMENT AND THEY ACHIEVE
15 A SUBCOMPONENT SCORE OF 3-7; OR

16 (D) AN INEFFECTIVE RATING IN THIS SUBCOMPONENT IF THE RESULTS ARE
17 WELL-BELOW DISTRICT-ADOPTED EXPECTATIONS FOR GROWTH OR ACHIEVEMENT AND
18 THEY ACHIEVE A SUBCOMPONENT SCORE OF 0-2.

19 (7) FOR THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN SCHOOL YEAR
20 AND THEREAFTER, THE COMMISSIONER SHALL REVIEW THE SPECIFIC SCORING RANG-
21 ES FOR EACH OF THE RATING CATEGORIES ANNUALLY BEFORE THE START OF EACH
22 SCHOOL YEAR AND SHALL RECOMMEND ANY CHANGES TO THE BOARD OF REGENTS FOR
23 CONSIDERATION.

24 (8) Except for the student growth measures ON THE STATE ASSESSMENTS OR
25 OTHER COMPARABLE MEASURES OF STUDENT GROWTH prescribed in paragraphs e,
26 f and g of this subdivision, the elements comprising the composite
27 effectiveness score AND THE PROCESS BY WHICH POINTS ARE ASSIGNED TO
28 SUBCOMPONENTS shall be locally developed, consistent with the standards
29 prescribed in the regulations of the commissioner AND THE REQUIREMENTS
30 OF THIS SECTION, through negotiations conducted, pursuant to the
31 requirements of article fourteen of the civil service law.

32 S 3. Paragraphs b and c of subdivision 2 of section 3012-c of the
33 education law, as added by chapter 103 of the laws of 2010, are amended
34 to read as follows:

35 b. (1) Annual professional performance reviews conducted by school
36 districts [on or after July first, two thousand eleven] OR BOARDS OF
37 COOPERATIVE EDUCATIONAL SERVICES FOR THE TWO THOUSAND ELEVEN--TWO THOU-
38 SAND TWELVE SCHOOL YEAR of classroom teachers of common branch subjects
39 or English language arts or mathematics in grades four to eight and all
40 building principals of schools in which such teachers are employed shall
41 be conducted pursuant to this subdivision and shall use two thousand
42 ten--two thousand eleven school year student data as the baseline for
43 the initial computation of the composite teacher or principal effective-
44 ness score for such classroom teachers and principals.

45 (2) SUBJECT TO PARAGRAPH K OF THIS SUBDIVISION THE ENTIRE ANNUAL
46 PROFESSIONAL PERFORMANCE REVIEW SHALL BE COMPLETED AND PROVIDED TO THE
47 TEACHER OR PRINCIPAL AS SOON AS PRACTICABLE BUT IN NO CASE LATER THAN
48 SEPTEMBER FIRST, TWO THOUSAND TWELVE. THE PROVISIONS OF SUBPARAGRAPHS
49 TWO AND THREE OF PARAGRAPH C OF THIS SUBDIVISION SHALL APPLY TO SUCH
50 REVIEWS.

51 c. (1) Annual professional performance reviews conducted by school
52 districts or boards of cooperative educational services [on or after
53 July first, two thousand twelve] FOR THE TWO THOUSAND TWELVE--TWO THOU-
54 SAND THIRTEEN SCHOOL YEAR AND THEREAFTER of all classroom teachers and
55 all building principals shall be conducted pursuant to this subdivision
56 and shall use two thousand eleven--two thousand twelve school year

1 student data as the baseline for the initial computation of the compos-
2 ite teacher or principal effectiveness score for such classroom teachers
3 and principals. For purposes of this section, an administrator in charge
4 of an instructional program of a board of cooperative educational
5 services shall be deemed to be a building principal.

6 (2) SUBJECT TO PARAGRAPH K OF THIS SUBDIVISION THE ENTIRE ANNUAL
7 PROFESSIONAL PERFORMANCE REVIEW SHALL BE COMPLETED AND PROVIDED TO THE
8 TEACHER OR PRINCIPAL AS SOON AS PRACTICABLE BUT IN NO CASE LATER THAN
9 SEPTEMBER FIRST OF THE SCHOOL YEAR NEXT FOLLOWING THE SCHOOL YEAR FOR
10 WHICH THE CLASSROOM TEACHER OR BUILDING PRINCIPAL'S PERFORMANCE IS BEING
11 MEASURED. THE TEACHER'S AND PRINCIPAL'S SCORE AND RATING ON THE LOCALLY
12 SELECTED MEASURES SUBCOMPONENT, IF AVAILABLE, AND ON THE OTHER MEASURES
13 OF TEACHER AND PRINCIPAL EFFECTIVENESS SUBCOMPONENT FOR A TEACHER'S OR
14 PRINCIPAL'S ANNUAL PROFESSIONAL PERFORMANCE REVIEW SHALL BE COMPUTED AND
15 PROVIDED TO THE TEACHER OR PRINCIPAL, IN WRITING, BY NO LATER THAN THE
16 LAST DAY OF THE SCHOOL YEAR FOR WHICH THE TEACHER OR PRINCIPAL IS BEING
17 MEASURED. NOTHING IN THIS SUBDIVISION SHALL BE CONSTRUED TO AUTHORIZE A
18 TEACHER OR PRINCIPAL TO TRIGGER THE APPEAL PROCESS PRIOR TO RECEIPT OF
19 HIS OR HER COMPOSITE EFFECTIVENESS SCORE AND RATING.

20 (3) EACH SUCH ANNUAL PROFESSIONAL PERFORMANCE REVIEW SHALL BE BASED ON
21 THE STATE ASSESSMENTS OR OTHER COMPARABLE MEASURES SUBCOMPONENT, THE
22 LOCALLY SELECTED MEASURES OF STUDENT ACHIEVEMENT SUBCOMPONENT AND THE
23 OTHER MEASURES OF TEACHER AND PRINCIPAL EFFECTIVENESS SUBCOMPONENT,
24 DETERMINED IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF THIS SECTION
25 AND THE REGULATIONS OF THE COMMISSIONER, FOR THE SCHOOL YEAR FOR WHICH
26 THE TEACHER'S OR PRINCIPAL'S PERFORMANCE IS MEASURED.

27 S 4. Paragraphs e, f and g of subdivision 2 of section 3012-c of the
28 education law, as added by chapter 103 of the laws of 2010, are amended
29 to read as follows:

30 e. (1) For annual professional performance reviews conducted in
31 accordance with paragraph b of this subdivision [in] FOR the two thou-
32 sand eleven--two thousand twelve school year, forty percent of the
33 composite score of effectiveness shall be based on student achievement
34 measures as follows: (i) twenty percent of the evaluation shall be
35 based upon student growth data on state assessments as prescribed by the
36 commissioner or a comparable measure of student growth if such growth
37 data is not available; and (ii) twenty percent shall be based on other
38 locally selected measures of student achievement that are determined to
39 be rigorous and comparable across classrooms in accordance with the
40 regulations of the commissioner and as are developed locally in a manner
41 consistent with procedures negotiated pursuant to the requirements of
42 article fourteen of the civil service law.

43 (2) SUCH LOCALLY SELECTED MEASURES MAY INCLUDE MEASURES OF STUDENT
44 ACHIEVEMENT OR GROWTH ON STATE ASSESSMENTS, REGENTS EXAMINATIONS AND/OR
45 DEPARTMENT APPROVED EQUIVALENT, PROVIDED THAT SUCH MEASURES ARE DIFFER-
46 ENT FROM THOSE PRESCRIBED BY THE COMMISSIONER PURSUANT TO CLAUSE (I) OF
47 SUBPARAGRAPH ONE OF THIS PARAGRAPH. THE REGULATIONS OF THE COMMISSIONER
48 SHALL DESCRIBE THE TYPES OF MEASURES OF STUDENT GROWTH OR ACHIEVEMENT
49 THAT MAY BE LOCALLY SELECTED. THE SELECTION OF THE LOCAL MEASURE(S) AS
50 DESCRIBED IN THIS PARAGRAPH TO BE USED BY THE SCHOOL DISTRICT OR BOARD
51 OF COOPERATIVE EDUCATIONAL SERVICES SHALL BE DETERMINED THROUGH COLLEC-
52 TIVE BARGAINING.

53 f. (1) For annual professional performance reviews conducted in
54 accordance with paragraph c of this subdivision [in any school year
55 prior to the first school year for which the board of regents has
56 approved use of a value-added growth model, but not earlier than] FOR

1 the two thousand twelve--two thousand thirteen school year AND THEREAFT-
2 ER FOR CLASSROOM TEACHERS IN SUBJECTS AND GRADES FOR WHICH THE BOARD OF
3 REGENTS HAS NOT APPROVED A VALUE-ADDED MODEL AND FOR BUILDING PRINCIPALS
4 EMPLOYED IN SCHOOLS OR PROGRAMS FOR WHICH THERE IS NO APPROVED PRINCIPAL
5 VALUE-ADDED MODEL, forty percent of the composite score of effectiveness
6 shall be based on student achievement measures as follows: (i) twenty
7 percent of the evaluation shall be based upon student growth data on
8 state assessments as prescribed by the commissioner or a comparable
9 measure of student growth if such growth data is not available; and (ii)
10 twenty percent shall be based on other locally selected measures of
11 student achievement that are determined to be rigorous and comparable
12 across classrooms in accordance with the regulations of the commissioner
13 and as are developed locally in a manner consistent with procedures
14 negotiated pursuant to the requirements of article fourteen of the civil
15 service law.

16 (2) ONE OR MORE OF THE FOLLOWING TYPES OF LOCALLY SELECTED MEASURES OF
17 STUDENT ACHIEVEMENT OR GROWTH MAY BE USED FOR THE EVALUATION OF CLASS-
18 ROOM TEACHERS:

19 (I) STUDENT ACHIEVEMENT OR GROWTH ON STATE ASSESSMENTS, REGENTS EXAM-
20 INATIONS AND/OR DEPARTMENT APPROVED ALTERNATIVE EXAMINATIONS AS
21 DESCRIBED IN THE REGULATIONS OF THE COMMISSIONER INCLUDING, BUT NOT
22 LIMITED TO, ADVANCED PLACEMENT EXAMINATIONS, INTERNATIONAL BACCALAUREATE
23 EXAMINATIONS, AND SAT II, USING A MEASURE THAT IS DIFFERENT FROM THE
24 GROWTH SCORE PRESCRIBED BY THE DEPARTMENT FOR STUDENT GROWTH ON SUCH
25 ASSESSMENTS OR EXAMINATIONS FOR PURPOSES OF THE STATE ASSESSMENT OR
26 OTHER COMPARABLE MEASURES SUBCOMPONENT THAT IS EITHER:

27 (A) THE CHANGE IN PERCENTAGE OF A TEACHER'S STUDENTS WHO ACHIEVE A
28 SPECIFIC LEVEL OF PERFORMANCE AS DETERMINED LOCALLY, ON SUCH
29 ASSESSMENTS/EXAMINATIONS COMPARED TO THOSE STUDENTS' LEVEL OF PERFORM-
30 ANCE ON SUCH ASSESSMENTS/EXAMINATIONS IN THE PREVIOUS SCHOOL YEAR SUCH
31 AS A THREE PERCENTAGE POINT INCREASE IN STUDENTS EARNING THE PROFICIENT
32 LEVEL (THREE) OR BETTER PERFORMANCE LEVEL ON THE SEVENTH GRADE MATH
33 STATE ASSESSMENT COMPARED TO THOSE SAME STUDENTS' PERFORMANCE LEVELS ON
34 THE SIXTH GRADE MATH STATE ASSESSMENT, OR AN INCREASE IN THE PERCENTAGE
35 OF A TEACHER'S STUDENTS EARNING THE ADVANCED PERFORMANCE LEVEL (FOUR) ON
36 THE FOURTH GRADE ENGLISH LANGUAGE ARTS OR MATH STATE ASSESSMENTS
37 COMPARED TO THOSE STUDENTS' PERFORMANCE LEVELS ON THE THIRD GRADE
38 ENGLISH LANGUAGE ARTS OR MATH STATE ASSESSMENTS; OR

39 (B) A TEACHER SPECIFIC GROWTH SCORE COMPUTED BY THE DEPARTMENT BASED
40 ON THE PERCENT OF THE TEACHER'S STUDENTS EARNING A DEPARTMENT DETERMINED
41 LEVEL OF GROWTH. THE METHODOLOGY TO TRANSLATE SUCH GROWTH INTO THE
42 STATE-ESTABLISHED SUBCOMPONENT SCORING RANGES SHALL BE DETERMINED LOCAL-
43 LY; OR

44 (C) A TEACHER-SPECIFIC ACHIEVEMENT OR GROWTH SCORE COMPUTED IN A
45 MANNER DETERMINED LOCALLY BASED ON A MEASURE OF STUDENT PERFORMANCE ON
46 THE STATE ASSESSMENTS, REGENTS EXAMINATIONS AND/OR DEPARTMENT APPROVED
47 ALTERNATIVE EXAMINATIONS OTHER THAN THE MEASURE DESCRIBED IN ITEM (A) OR
48 (B) OF THIS SUBPARAGRAPH;

49 (II) STUDENT GROWTH OR ACHIEVEMENT COMPUTED IN A MANNER DETERMINED
50 LOCALLY BASED ON A STUDENT ASSESSMENT APPROVED BY THE DEPARTMENT PURSU-
51 ANT TO A REQUEST FOR QUALIFICATION PROCESS ESTABLISHED IN THE REGU-
52 LATIONS OF THE COMMISSIONER;

53 (III) STUDENT GROWTH OR ACHIEVEMENT COMPUTED IN A MANNER DETERMINED
54 LOCALLY BASED ON A DISTRICT, REGIONAL OR BOCES-DEVELOPED ASSESSMENT THAT
55 IS RIGOROUS AND COMPARABLE ACROSS CLASSROOMS;

1 (IV) A SCHOOL-WIDE MEASURE OF EITHER STUDENT GROWTH OR ACHIEVEMENT
2 BASED ON EITHER:

3 (A) A STATE-PROVIDED STUDENT GROWTH SCORE COVERING ALL STUDENTS IN THE
4 SCHOOL THAT TOOK THE STATE ASSESSMENT IN ENGLISH LANGUAGE ARTS OR MATH-
5 EMATICS IN GRADES FOUR THROUGH EIGHT;

6 (B) A SCHOOL-WIDE MEASURE OF STUDENT GROWTH OR ACHIEVEMENT COMPUTED IN
7 A MANNER DETERMINED LOCALLY BASED ON A DISTRICT, REGIONAL OR BOARD OF
8 COOPERATIVE EDUCATIONAL SERVICES DEVELOPED ASSESSMENT THAT IS RIGOROUS
9 AND COMPARABLE ACROSS CLASSROOMS OR A DEPARTMENT APPROVED STUDENT
10 ASSESSMENT OR BASED ON A STATE ASSESSMENT; OR

11 (V) WHERE APPLICABLE, FOR TEACHERS IN ANY GRADE OR SUBJECT WHERE THERE
12 IS NO GROWTH OR VALUE-ADDED GROWTH MODEL APPROVED BY THE BOARD OF
13 REGENTS AT THAT GRADE LEVEL OR IN THAT SUBJECT, A STRUCTURED
14 DISTRICT-WIDE STUDENT GROWTH GOAL-SETTING PROCESS TO BE USED WITH ANY
15 STATE ASSESSMENT OR AN APPROVED STUDENT ASSESSMENT OR A DISTRICT,
16 REGIONAL OR BOCES-DEVELOPED ASSESSMENT THAT IS RIGOROUS AND COMPARABLE
17 ACROSS CLASSROOMS.

18 (3) ONE OR MORE OF THE FOLLOWING TYPES OF LOCALLY SELECTED MEASURES OF
19 STUDENT ACHIEVEMENT OR GROWTH MAY BE USED FOR THE EVALUATION OF PRINCI-
20 PALS, PROVIDED THAT EACH MEASURE IS RIGOROUS AND COMPARABLE ACROSS
21 CLASSROOMS AND THAT ANY SUCH MEASURE SHALL BE DIFFERENT FROM THAT USED
22 FOR THE STATE ASSESSMENT OR OTHER COMPARABLE MEASURES SUBCOMPONENT:

23 (I) STUDENT ACHIEVEMENT LEVELS ON STATE ASSESSMENTS IN ENGLISH
24 LANGUAGE ARTS AND/OR MATHEMATICS IN GRADES FOUR TO EIGHT SUCH AS
25 PERCENTAGE OF STUDENTS IN THE SCHOOL WHOSE PERFORMANCE LEVELS ON STATE
26 ASSESSMENTS ARE PROFICIENT OR ADVANCED, AS DEFINED IN THE REGULATIONS OF
27 THE COMMISSIONER;

28 (II) STUDENT GROWTH OR ACHIEVEMENT ON STATE OR OTHER ASSESSMENTS IN
29 ENGLISH LANGUAGE ARTS AND/OR MATHEMATICS IN GRADES FOUR TO EIGHT FOR
30 STUDENTS IN EACH OF THE PERFORMANCE LEVELS DESCRIBED IN THE REGULATIONS
31 OF THE COMMISSIONER;

32 (III) STUDENT GROWTH OR ACHIEVEMENT ON STATE ASSESSMENTS IN ENGLISH
33 LANGUAGE ARTS AND/OR MATHEMATICS IN GRADES FOUR TO EIGHT FOR STUDENTS
34 WITH DISABILITIES AND ENGLISH LANGUAGE LEARNERS IN GRADES FOUR TO EIGHT;

35 (IV) STUDENT PERFORMANCE ON ANY OR ALL OF THE DISTRICT-WIDE LOCALLY
36 SELECTED MEASURES APPROVED FOR USE IN TEACHER EVALUATIONS;

37 (V) FOR PRINCIPALS EMPLOYED IN A SCHOOL WITH HIGH SCHOOL GRADES, FOUR,
38 FIVE AND/OR SIX-YEAR HIGH SCHOOL GRADUATION AND/OR DROPOUT RATES;

39 (VI) PERCENTAGE OF STUDENTS WHO EARN A REGENTS DIPLOMA WITH ADVANCED
40 DESIGNATION AND/OR HONORS AS DEFINED IN THE REGULATIONS OF THE COMMIS-
41 SIONER, FOR PRINCIPALS EMPLOYED IN A SCHOOL WITH HIGH SCHOOL GRADES;

42 (VII) PERCENTAGE OF A COHORT OF STUDENTS THAT ACHIEVE SPECIFIED SCORES
43 ON REGENTS EXAMINATIONS AND/OR DEPARTMENT APPROVED ALTERNATIVE EXAMINA-
44 TIONS INCLUDING, BUT NOT LIMITED TO, ADVANCED PLACEMENT EXAMINATIONS,
45 INTERNATIONAL BACCALAUREATE EXAMINATIONS AND SAT II, FOR PRINCIPALS
46 EMPLOYED IN A SCHOOL WITH HIGH SCHOOL GRADES SUCH AS THE PERCENTAGE OF
47 STUDENTS IN THE TWO THOUSAND NINE COHORT THAT SCORED AT LEAST A THREE ON
48 AN ADVANCED PLACEMENT EXAMINATION SINCE ENTRY INTO THE NINTH GRADE;
49 AND/OR

50 (VIII) STUDENTS' PROGRESS TOWARD GRADUATION IN THE SCHOOL USING STRONG
51 PREDICTIVE INDICATORS, INCLUDING BUT NOT LIMITED TO NINTH AND/OR TENTH
52 GRADE CREDIT ACCUMULATION AND/OR THE PERCENTAGE OF STUDENTS THAT PASS
53 NINTH AND/OR TENTH GRADE SUBJECTS MOST COMMONLY ASSOCIATED WITH GRADU-
54 ATION AND/OR STUDENTS' PROGRESS IN PASSING THE NUMBER OF REQUIRED
55 REGENTS EXAMINATIONS FOR GRADUATION, FOR PRINCIPALS EMPLOYED IN A SCHOOL
56 WITH HIGH SCHOOL GRADES.

1 (IX) FOR SCHOOL DISTRICTS OR BOARDS OF COOPERATIVE EDUCATIONAL
2 SERVICES THAT CHOOSE TO USE MORE THAN ONE SET OF LOCALLY SELECTED MEAS-
3 URES DESCRIBED IN THIS PARAGRAPH FOR PRINCIPALS IN THE SAME OR SIMILAR
4 GRADE CONFIGURATION OR PROGRAM SUCH AS ONE SET OF LOCALLY SELECTED MEAS-
5 URES IS USED TO EVALUATE PRINCIPALS IN SOME K-5 SCHOOLS AND ANOTHER SET
6 OF LOCALLY SELECTED MEASURES IS USED TO EVALUATE PRINCIPALS IN THE OTHER
7 K-5 SCHOOLS IN THE DISTRICT, THE SUPERINTENDENT OR DISTRICT SUPERINTEN-
8 DENT SHALL, IN THEIR PROFESSIONAL PERFORMANCE REVIEW PLAN, CERTIFY THAT
9 THE SETS OF MEASURES ARE COMPARABLE, IN ACCORDANCE WITH THE TESTING
10 STANDARDS AS DEFINED IN REGULATIONS OF THE COMMISSIONER.

11 (X) FOR BUILDING PRINCIPALS EMPLOYED IN SCHOOLS OR PROGRAMS FOR WHICH
12 THERE IS NO APPROVED PRINCIPAL VALUE-ADDED MODEL, THE TYPES OF LOCALLY
13 SELECTED MEASURES OF STUDENT ACHIEVEMENT OR GROWTH SPECIFIED IN SUBPARA-
14 GRAPH THREE OF PARAGRAPH G OF THIS SUBDIVISION MAY BE USED. IN ADDITION,
15 A STRUCTURED DISTRICT-WIDE STUDENT GROWTH GOAL-SETTING PROCESS TO BE
16 USED WITH ANY STATE ASSESSMENT OR AN APPROVED STUDENT ASSESSMENT OR A
17 DISTRICT, REGIONAL OF BOCES-DEVELOPED ASSESSMENT THAT IS RIGOROUS AND
18 COMPARABLE ACROSS CLASSROOMS MAY BE A LOCALLY SELECTED MEASURE.

19 (4) THE SELECTION OF THE LOCAL MEASURE OR MEASURES AS DESCRIBED IN
20 SUBPARAGRAPHS TWO AND THREE OF THIS PARAGRAPH TO BE USED BY THE SCHOOL
21 DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES SHALL BE DETER-
22 MINED THROUGH COLLECTIVE BARGAINING.

23 g. (1) For annual professional performance reviews conducted in
24 accordance with paragraph c of this subdivision [in] FOR the [first
25 school year for which the board of regents has approved use of a value-
26 added growth model] TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL
27 YEAR and thereafter FOR CLASSROOM TEACHERS IN SUBJECTS AND GRADES IN
28 WHICH THERE IS A VALUE-ADDED GROWTH MODEL APPROVED BY THE BOARD OF
29 REGENTS AND FOR BUILDING PRINCIPALS EMPLOYED IN SCHOOLS OR PROGRAMS FOR
30 WHICH THERE IS AN APPROVED PRINCIPAL VALUE-ADDED MODEL, forty percent of
31 the composite score of effectiveness shall be based on student achieve-
32 ment measures as follows: (i) twenty-five percent of the evaluation
33 shall be based upon student growth data on state assessments as
34 prescribed by the commissioner or a comparable measure of student growth
35 if such growth data is not available; and (ii) fifteen percent shall be
36 based on other locally selected measures of student achievement that are
37 determined to be rigorous and comparable across classrooms in accordance
38 with the regulations of the commissioner and as are locally developed in
39 a manner consistent with procedures negotiated pursuant to the require-
40 ments of article fourteen of the civil service law. The department shall
41 develop the value-added growth model and shall consult with the advisory
42 committee established pursuant to subdivision seven of this section
43 prior to recommending that the board of regents approve its use in eval-
44 uations.

45 (2) ONE OR MORE OF THE FOLLOWING TYPES OF LOCALLY SELECTED MEASURES OF
46 STUDENT ACHIEVEMENT OR GROWTH MAY BE USED FOR THE EVALUATION OF CLASS-
47 ROOM TEACHERS:

48 (I) STUDENT ACHIEVEMENT OR GROWTH ON STATE ASSESSMENTS, REGENTS EXAM-
49 INATIONS AND/OR DEPARTMENT APPROVED ALTERNATIVE EXAMINATIONS AS
50 DESCRIBED IN THE REGULATIONS OF THE COMMISSIONER INCLUDING, BUT NOT
51 LIMITED TO, ADVANCED PLACEMENT EXAMINATIONS, INTERNATIONAL BACCALAUREATE
52 EXAMINATIONS AND SAT II, USING A MEASURE THAT IS DIFFERENT FROM THE
53 GROWTH SCORE PRESCRIBED BY THE DEPARTMENT FOR STUDENT GROWTH ON SUCH
54 ASSESSMENTS OR EXAMINATIONS FOR PURPOSES OF THE STATE ASSESSMENT OR
55 OTHER COMPARABLE MEASURES SUBCOMPONENT THAT IS EITHER:

1 (A) THE CHANGE IN PERCENTAGE OF A TEACHER'S STUDENTS WHO ACHIEVE A
2 SPECIFIC LEVEL OF PERFORMANCE AS DETERMINED LOCALLY, ON SUCH
3 ASSESSMENTS/EXAMINATIONS COMPARED TO THOSE STUDENTS' LEVEL OF PERFORM-
4 ANCE ON SUCH ASSESSMENTS/EXAMINATIONS IN THE PREVIOUS SCHOOL YEAR SUCH
5 AS A THREE PERCENTAGE POINT INCREASE IN STUDENTS EARNING THE PROFICIENT
6 LEVEL (THREE) OR BETTER PERFORMANCE LEVEL ON THE SEVENTH GRADE MATH
7 STATE ASSESSMENT COMPARED TO THOSE SAME STUDENTS' PERFORMANCE LEVELS ON
8 THE SIXTH GRADE MATH STATE ASSESSMENT, OR AN INCREASE IN THE PERCENTAGE
9 OF A TEACHER'S STUDENTS EARNING THE ADVANCED PERFORMANCE LEVEL (FOUR) ON
10 THE FOURTH GRADE ENGLISH LANGUAGE ARTS OR MATH STATE ASSESSMENTS
11 COMPARED TO THOSE STUDENTS' PERFORMANCE LEVELS ON THE THIRD GRADE
12 ENGLISH LANGUAGE ARTS OR MATH STATE ASSESSMENTS; OR

13 (B) A TEACHER SPECIFIC GROWTH SCORE COMPUTED BY THE STATE BASED ON THE
14 PERCENT OF THE TEACHER'S STUDENTS EARNING A STATE DETERMINED LEVEL OF
15 GROWTH. THE METHODOLOGY TO TRANSLATE SUCH GROWTH INTO THE STATE-ESTABL-
16 IShed SUBCOMPONENT SCORING RANGES SHALL BE DETERMINED LOCALLY; OR

17 (C) A TEACHER-SPECIFIC ACHIEVEMENT OR GROWTH SCORE COMPUTED IN A
18 MANNER DETERMINED LOCALLY BASED ON A MEASURE OF STUDENT PERFORMANCE ON
19 THE STATE ASSESSMENTS, REGENTS EXAMINATIONS AND/OR DEPARTMENT APPROVED
20 ALTERNATIVE EXAMINATIONS OTHER THAN THE MEASURE DESCRIBED IN ITEM (A) OR
21 (B) OF THIS SUBPARAGRAPH;

22 (II) STUDENT GROWTH OR ACHIEVEMENT COMPUTED IN A MANNER DETERMINED
23 LOCALLY BASED ON A STUDENT ASSESSMENT APPROVED BY THE DEPARTMENT PURSU-
24 ANT TO A REQUEST FOR QUALIFICATION PROCESS ESTABLISHED IN THE REGU-
25 LATIONS OF THE COMMISSIONER;

26 (III) STUDENT GROWTH OR ACHIEVEMENT COMPUTED IN A MANNER DETERMINED
27 LOCALLY BASED ON A DISTRICT, REGIONAL OR BOCES-DEVELOPED ASSESSMENT THAT
28 IS RIGOROUS AND COMPARABLE ACROSS CLASSROOMS;

29 (IV) A SCHOOL-WIDE MEASURE OF EITHER STUDENT GROWTH OR ACHIEVEMENT
30 BASED ON EITHER:

31 (A) A STATE-PROVIDED STUDENT GROWTH SCORE COVERING ALL STUDENTS IN THE
32 SCHOOL THAT TOOK THE STATE ASSESSMENT IN ENGLISH LANGUAGE ARTS OR MATH-
33 EMATICS IN GRADES FOUR THROUGH EIGHT; OR

34 (B) A SCHOOL-WIDE MEASURE OF STUDENT GROWTH OR ACHIEVEMENT COMPUTED IN
35 A MANNER DETERMINED LOCALLY BASED ON A DISTRICT, REGIONAL OR BOARD OF
36 COOPERATIVE EDUCATIONAL SERVICES DEVELOPED ASSESSMENT THAT IS RIGOROUS
37 AND COMPARABLE ACROSS CLASSROOMS OR A DEPARTMENT APPROVED STUDENT
38 ASSESSMENT OR BASED ON A STATE ASSESSMENT.

39 (3) ONE OR MORE OF THE FOLLOWING TYPES OF LOCALLY SELECTED MEASURES OF
40 STUDENT ACHIEVEMENT OR GROWTH MAY BE USED FOR THE EVALUATION OF PRINCI-
41 PALS, PROVIDED THAT EACH MEASURE IS RIGOROUS AND COMPARABLE ACROSS
42 CLASSROOMS AND THAT ANY SUCH MEASURE SHALL BE DIFFERENT FROM THAT USED
43 FOR THE STATE ASSESSMENT OR OTHER COMPARABLE MEASURES SUBCOMPONENT:

44 (I) STUDENT ACHIEVEMENT LEVELS ON STATE ASSESSMENTS IN ENGLISH
45 LANGUAGE ARTS AND/OR MATHEMATICS IN GRADES FOUR TO EIGHT SUCH AS
46 PERCENTAGE OF STUDENTS IN THE SCHOOL WHOSE PERFORMANCE LEVELS ON STATE
47 ASSESSMENTS ARE PROFICIENT OR ADVANCED, AS DEFINED IN THE REGULATIONS OF
48 THE COMMISSIONER;

49 (II) STUDENT GROWTH OR ACHIEVEMENT ON STATE OR OTHER ASSESSMENTS IN
50 ENGLISH LANGUAGE ARTS AND/OR MATHEMATICS IN GRADES FOUR TO EIGHT FOR
51 STUDENTS IN EACH OF THE PERFORMANCE LEVELS DESCRIBED IN THE REGULATIONS
52 OF THE COMMISSIONER;

53 (III) STUDENT GROWTH OR ACHIEVEMENT ON STATE ASSESSMENTS IN ENGLISH
54 LANGUAGE ARTS AND/OR MATHEMATICS IN GRADES FOUR TO EIGHT FOR STUDENTS
55 WITH DISABILITIES AND ENGLISH LANGUAGE LEARNERS IN GRADES FOUR TO EIGHT;

(IV) STUDENT PERFORMANCE ON ANY OR ALL OF THE DISTRICT-WIDE LOCALLY SELECTED MEASURES APPROVED FOR USE IN TEACHER EVALUATIONS;

(V) FOR PRINCIPALS EMPLOYED IN A SCHOOL WITH HIGH SCHOOL GRADES, FOUR, FIVE AND/OR SIX-YEAR HIGH SCHOOL GRADUATION AND/OR DROPOUT RATES;

(VI) PERCENTAGE OF STUDENTS WHO EARN A REGENTS DIPLOMA WITH ADVANCED DESIGNATION AND/OR HONORS AS DEFINED IN THE REGULATIONS OF THE COMMISSIONER, FOR PRINCIPALS EMPLOYED IN A SCHOOL WITH HIGH SCHOOL GRADES;

(VII) PERCENTAGE OF A COHORT OF STUDENTS THAT ACHIEVE SPECIFIED SCORES ON REGENTS EXAMINATIONS AND/OR DEPARTMENT APPROVED ALTERNATIVE EXAMINATIONS INCLUDING, BUT NOT LIMITED TO, ADVANCED PLACEMENT EXAMINATIONS, INTERNATIONAL BACCALAUREATE EXAMINATIONS AND SAT II, FOR PRINCIPALS EMPLOYED IN A SCHOOL WITH HIGH SCHOOL GRADES SUCH AS THE PERCENTAGE OF STUDENTS IN THE TWO THOUSAND NINE COHORT THAT SCORED AT LEAST A THREE ON AN ADVANCED PLACEMENT EXAMINATION SINCE ENTRY INTO THE NINTH GRADE; AND/OR

(VIII) STUDENTS' PROGRESS TOWARD GRADUATION IN THE SCHOOL USING STRONG PREDICTIVE INDICATORS, INCLUDING BUT NOT LIMITED TO NINTH AND/OR TENTH GRADE CREDIT ACCUMULATION AND/OR THE PERCENTAGE OF STUDENTS THAT PASS NINTH AND/OR TENTH GRADE SUBJECTS MOST COMMONLY ASSOCIATED WITH GRADUATION AND/OR STUDENTS' PROGRESS IN PASSING THE NUMBER OF REQUIRED REGENTS EXAMINATIONS FOR GRADUATION, FOR PRINCIPALS EMPLOYED IN A SCHOOL WITH HIGH SCHOOL GRADES.

(IX) FOR SCHOOL DISTRICTS OR BOARDS OF COOPERATIVE EDUCATIONAL SERVICES THAT CHOOSE TO USE MORE THAN ONE SET OF LOCALLY SELECTED MEASURES DESCRIBED IN THIS PARAGRAPH FOR PRINCIPALS IN THE SAME OR SIMILAR GRADE CONFIGURATION OR PROGRAM, THE SUPERINTENDENT OR DISTRICT SUPERINTENDENT SHALL, IN THEIR PROFESSIONAL PERFORMANCE REVIEW PLAN, CERTIFY THAT THE SETS OF MEASURES ARE COMPARABLE, IN ACCORDANCE WITH THE TESTING STANDARDS AS DEFINED IN REGULATIONS OF THE COMMISSIONER.

(4) THE SELECTION OF THE LOCAL MEASURE OR MEASURES AS DESCRIBED IN SUBPARAGRAPHS TWO AND THREE OF THIS PARAGRAPH TO BE USED BY THE SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES SHALL BE DETERMINED THROUGH COLLECTIVE BARGAINING.

(5) The department shall develop the value-added growth model and shall consult with the advisory committee established pursuant to subdivision seven of this section prior to recommending that the board of regents approve its use in evaluations.

S 5. Paragraph h of subdivision 2 of section 3012-c of the education law, as added by chapter 103 of the laws of 2010, is amended to read as follows:

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

(1) A MAJORITY OF THE SIXTY POINTS FOR CLASSROOM TEACHERS SHALL BE BASED ON MULTIPLE CLASSROOM OBSERVATIONS CONDUCTED BY A PRINCIPAL OR OTHER TRAINED ADMINISTRATOR, WHICH MAY BE PERFORMED IN-PERSON OR BY VIDEO. FOR EVALUATIONS FOR THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR AND THEREAFTER, AT LEAST ONE SUCH OBSERVATION SHALL BE AN UNANNOUNCED VISIT.

(2) FOR THE REMAINING PORTION OF THESE SIXTY POINTS FOR EVALUATIONS FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR, THE COMMISSIONER'S REGULATION SHALL PRESCRIBE THE OTHER FORMS OF EVIDENCE OF TEACHER AND PRINCIPAL EFFECTIVENESS THAT MAY BE USED.

(3) FOR EVALUATIONS OF CLASSROOM TEACHERS FOR THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR AND THEREAFTER, THE REMAINING

1 PORTION OF THESE SIXTY POINTS SHALL BE BASED ON ONE OR MORE OF THE
2 FOLLOWING:

3 (I) ONE OR MORE CLASSROOM OBSERVATIONS BY INDEPENDENT TRAINED EVALU-
4 ATORS SELECTED BY THE SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCA-
5 TIONAL SERVICES WHO ARE TEACHERS OR FORMER TEACHERS WITH A DEMONSTRATED
6 RECORD OF EFFECTIVENESS AND HAVE NO PRIOR AFFILIATION WITH THE SCHOOL IN
7 WHICH THEY ARE CONDUCTING THE EVALUATION AND NO OTHER RELATIONSHIP WITH
8 THE TEACHERS BEING EVALUATED THAT WOULD AFFECT THEIR IMPARTIALITY;

9 (II) CLASSROOM OBSERVATIONS BY TRAINED IN-SCHOOL PEER TEACHERS; AND/OR

10 (III) USE OF A STATE-APPROVED INSTRUMENT FOR PARENT OR STUDENT FEED-
11 BACK; AND/OR

12 (IV) EVIDENCE OF STUDENT DEVELOPMENT AND PERFORMANCE THROUGH LESSON
13 PLANS, STUDENT PORTFOLIOS AND OTHER ARTIFACTS OF TEACHER PRACTICES
14 THROUGH A STRUCTURED REVIEW PROCESS.

15 (4) A MAJORITY OF THESE SIXTY POINTS FOR BUILDING PRINCIPALS SHALL BE
16 BASED ON A BROAD ASSESSMENT OF THE PRINCIPAL'S LEADERSHIP AND MANAGEMENT
17 ACTIONS BASED ON THE PRINCIPAL PRACTICE RUBRIC BY THE BUILDING PRINCI-
18 PAL'S SUPERINTENDENT OR THE PERSON TO WHOM THE SUPERINTENDENT DELEGATES
19 SUPERVISION, A TRAINED ADMINISTRATOR OR A TRAINED INDEPENDENT EVALUATOR,
20 WITH ONE OR MORE VISITS CONDUCTED BY THE SUPERINTENDENT OR THE PERSON TO
21 WHOM THE SUPERINTENDENT DELEGATES SUPERVISION, AND, FOR EVALUATIONS FOR
22 THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR AND THEREAFT-
23 ER, THAT SUCH ASSESSMENT MUST INCORPORATE MULTIPLE SCHOOL VISITS BY THE
24 SUPERINTENDENT OR THE PERSON TO WHOM THE SUPERINTENDENT DELEGATES SUPER-
25 VISION, A TRAINED ADMINISTRATOR OR OTHER TRAINED EVALUATOR, WITH AT
26 LEAST ONE VISIT CONDUCTED BY THE SUPERINTENDENT OR THE PERSON TO WHOM
27 THE SUPERINTENDENT DELEGATES SUPERVISION AND AT LEAST ONE UNANNOUNCED
28 VISIT. FOR THE REMAINING PORTION OF THESE SIXTY POINTS FOR EVALUATIONS
29 FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR, SUCH REGU-
30 LATIONS SHALL ALSO PRESCRIBE THE OTHER FORMS OF EVIDENCE OF PRINCIPAL
31 EFFECTIVENESS THAT MAY BE USED CONSISTENT WITH THE STANDARDS PRESCRIBED
32 BY THE COMMISSIONER.

33 (5) FOR EVALUATIONS OF BUILDING PRINCIPALS FOR THE TWO THOUSAND
34 TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR AND THEREAFTER, THE REMAINING
35 PORTION OF THESE SIXTY POINTS SHALL INCLUDE, IN ADDITION TO THE REQUIRE-
36 MENTS OF SUBPARAGRAPH THREE OF THIS PARAGRAPH, AT LEAST TWO OTHER SOURC-
37 ES OF EVIDENCE FROM THE FOLLOWING OPTIONS: FEEDBACK FROM TEACHERS,
38 STUDENTS, AND/OR FAMILIES USING STATE-APPROVED INSTRUMENTS; SCHOOL
39 VISITS BY OTHER TRAINED EVALUATORS; AND/OR REVIEW OF SCHOOL DOCUMENTS,
40 RECORDS, AND/OR STATE ACCOUNTABILITY PROCESSES. ANY SUCH REMAINING
41 POINTS SHALL BE ASSIGNED BASED ON THE RESULTS OF ONE OR MORE AMBITIOUS
42 AND MEASURABLE GOALS SET COLLABORATIVELY WITH PRINCIPALS AND THEIR
43 SUPERINTENDENTS OR DISTRICT SUPERINTENDENTS AS FOLLOWS:

44 (I) AT LEAST ONE GOAL MUST ADDRESS THE PRINCIPAL'S CONTRIBUTION TO
45 IMPROVING TEACHER EFFECTIVENESS, WHICH SHALL INCLUDE ONE OR MORE OF THE
46 FOLLOWING: IMPROVED RETENTION OF HIGH PERFORMING TEACHERS WITHIN REASON-
47 ABLE CONTROL OF THE PRINCIPAL, THE CORRELATION BETWEEN STUDENT GROWTH
48 SCORES OF TEACHERS GRANTED TENURE AS OPPOSED TO THOSE DENIED TENURE; OR
49 IMPROVEMENTS IN THE PROFICIENCY RATING OF THE PRINCIPAL ON SPECIFIC
50 TEACHER EFFECTIVENESS STANDARDS IN THE PRINCIPAL PRACTICE RUBRIC.

51 (II) ANY OTHER GOALS SHALL ADDRESS QUANTIFIABLE AND VERIFIABLE
52 IMPROVEMENTS IN ACADEMIC RESULTS OR THE SCHOOL'S LEARNING ENVIRONMENTAL
53 SUCH AS STUDENT OR TEACHER ATTENDANCE.

54 (6) THE DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES SHALL
55 ESTABLISH SPECIFIC MINIMUM AND MAXIMUM SCORING RANGES FOR EACH PERFORM-
56 ANCE LEVEL WITHIN THIS SUBCOMPONENT BEFORE THE START OF EACH SCHOOL YEAR

1 AND SHALL ASSIGN POINTS TO A TEACHER OR PRINCIPAL FOR THIS SUBCOMPONENT
2 BASED ON THE STANDARDS PRESCRIBED IN THE REGULATIONS OF THE COMMISSION-
3 ER, ALL IN ACCORDANCE WITH, AND SUBJECT TO, THE REQUIREMENTS OF PARA-
4 GRAPH J OF THIS SUBDIVISION.

5 S 6. Subdivision 2 of section 3012-c of the education law is amended
6 by adding a new paragraph j to read as follows:

7 J. (1) THE PROCESS BY WHICH POINTS ARE ASSIGNED IN SUBCOMPONENTS AND
8 THE SCORING RANGES FOR THE SUBCOMPONENTS MUST BE TRANSPARENT AND AVAIL-
9 ABLE TO THOSE BEING RATED BEFORE THE BEGINNING OF EACH SCHOOL YEAR. THE
10 PROCESS BY WHICH POINTS ARE ASSIGNED IN THE RESPECTIVE SUBCOMPONENTS ARE
11 TO BE DETERMINED AS FOLLOWS:

12 (I) FOR THE STATE ASSESSMENT OR OTHER COMPARABLE MEASURES SUBCOMPO-
13 NENT, THAT PROCESS SHALL BE FORMULATED BY THE COMMISSIONER WITH THE
14 APPROVAL OF THE BOARD OF REGENTS.

15 (II) FOR THE LOCALLY SELECTED MEASURES OF THE STUDENT ACHIEVEMENT
16 SUBCOMPONENT, THAT PROCESS SHALL BE ESTABLISHED LOCALLY THROUGH NEGOTI-
17 ATIONS CONDUCTED UNDER ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW.

18 (III) FOR THE OTHER MEASURES OF TEACHER AND PRINCIPAL EFFECTIVENESS
19 SUBCOMPONENT, THAT PROCESS SHALL BE ESTABLISHED LOCALLY THROUGH NEGOTI-
20 ATIONS CONDUCTED UNDER ARTICLE FOURTEEN OF THE CIVIL SERVICES LAW.

21 (2) SUCH PROCESS MUST ENSURE THAT IT IS POSSIBLE FOR A TEACHER OR
22 PRINCIPAL TO OBTAIN EACH POINT IN THE APPLICABLE SCORING RANGES, INCLUD-
23 ING ZERO, FOR THE STATE ASSESSMENT OR OTHER COMPARABLE MEASURES SUBCOM-
24 PONENT, THE LOCALLY SELECTED MEASURES OF STUDENT ACHIEVEMENT SUBCOMPO-
25 NENT AND THE OVERALL RATING CATEGORIES. THE PROCESS MUST ALSO ENSURE
26 THAT IT IS POSSIBLE FOR A TEACHER OR PRINCIPAL TO OBTAIN EACH POINT IN
27 THE SCORING RANGES PRESCRIBED BY THE DISTRICT OR BOARD OF COOPERATIVE
28 EDUCATIONAL SERVICES FOR THE OTHER MEASURES OF TEACHER AND PRINCIPAL
29 EFFECTIVENESS SUBCOMPONENT.

30 (3) THE SUPERINTENDENT, DISTRICT SUPERINTENDENT OR CHANCELLOR AND THE
31 PRESIDENT OF THE COLLECTIVE BARGAINING REPRESENTATIVE (WHERE ONE EXISTS)
32 SHALL CERTIFY IN ITS PLAN THAT THE PROCESS WILL USE THE NARRATIVE
33 DESCRIPTIONS OF THE STANDARDS FOR THE SCORING RANGES PROVIDED IN THE
34 REGULATIONS OF THE COMMISSIONER TO EFFECTIVELY DIFFERENTIATE A TEACHER
35 OR PRINCIPAL'S PERFORMANCE IN EACH OF THE SUBCOMPONENTS AND IN THEIR
36 OVERALL RATINGS TO IMPROVE STUDENT LEARNING AND INSTRUCTION.

37 (4) THE SCORING RANGES FOR THE OTHER MEASURES OF TEACHER AND PRINCIPAL
38 EFFECTIVENESS SUBCOMPONENT SHALL BE ESTABLISHED LOCALLY THROUGH NEGOTI-
39 ATIONS CONDUCTED UNDER ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW.

40 S 6-a. Subdivision 2 of section 3012-c of the education law is amended
41 by adding a new paragraph k to read as follows:

42 K. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION TO
43 THE CONTRARY, BY JULY FIRST, TWO THOUSAND TWELVE, THE GOVERNING BODY OF
44 EACH SCHOOL DISTRICT AND BOARD OF COOPERATIVE EDUCATIONAL SERVICES SHALL
45 ADOPT A PLAN, ON A FORM PRESCRIBED BY THE COMMISSIONER, FOR THE ANNUAL
46 PROFESSIONAL PERFORMANCE REVIEW OF ALL OF ITS CLASSROOM TEACHERS AND
47 BUILDING PRINCIPALS IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION
48 AND THE REGULATIONS OF THE COMMISSIONER, AND SHALL SUBMIT SUCH PLAN TO
49 THE COMMISSIONER FOR APPROVAL. THE PLAN MAY BE AN ANNUAL OR MULTI-YEAR
50 PLAN, FOR THE ANNUAL PROFESSIONAL PERFORMANCE REVIEW OF ALL OF ITS
51 CLASSROOM TEACHERS AND BUILDING PRINCIPALS. THE COMMISSIONER SHALL
52 APPROVE OR REJECT THE PLAN BY SEPTEMBER FIRST, TWO THOUSAND TWELVE, OR
53 AS SOON AS PRACTICABLE THEREAFTER. THE COMMISSIONER MAY REJECT A PLAN
54 THAT DOES NOT RIGOROUSLY ADHERE TO THE PROVISIONS OF THIS SECTION AND
55 THE REGULATIONS OF THE COMMISSIONER. SHOULD ANY PLAN BE REJECTED, THE
56 COMMISSIONER SHALL DESCRIBE EACH AND EVERY DEFICIENCY IN THE SUBMITTED

1 PLAN IN SPECIFIC AND RIGOROUS DETAIL, SHALL MAKE SPECIFIC RECOMMENDA-
2 TIONS FOR THE CORRECTION OF SUCH DEFICIENCIES, AND SHALL DIRECT THAT
3 EACH SUCH DEFICIENCY BE RESOLVED THROUGH COLLECTIVE BARGAINING TO THE
4 EXTENT REQUIRED UNDER ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW. IF ANY
5 MATERIAL CHANGES ARE MADE TO THE PLAN, THE SCHOOL DISTRICT OR BOARD OF
6 COOPERATIVE EDUCATIONAL SERVICES MUST SUBMIT THE MATERIAL CHANGES, ON A
7 FORM PRESCRIBED BY THE COMMISSIONER, TO THE COMMISSIONER FOR APPROVAL.
8 UPON THE RESUBMISSION OF SUCH MATERIAL CHANGES, THE COMMISSIONER SHALL
9 HAVE TEN DAYS TO APPROVE OR REJECT THE RESUBMITTED PLAN. TO THE EXTENT
10 THAT BY JULY FIRST, TWO THOUSAND TWELVE, OR BY JULY FIRST OF ANY SUBSE-
11 QUENT YEAR, IF ALL THE TERMS OF THE PLAN HAVE NOT BEEN FINALIZED AS A
12 RESULT OF UNRESOLVED COLLECTIVE BARGAINING NEGOTIATIONS, THE ENTIRE PLAN
13 SHALL BE SUBMITTED TO THE COMMISSIONER UPON RESOLUTION OF ALL OF ITS
14 TERMS, CONSISTENT WITH ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW.
15 NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE HIGHEST
16 PERFORMING FIVE PERCENT OF SCHOOL DISTRICTS, AS DETERMINED BY THE
17 COMMISSIONER, SHALL BE REQUIRED TO SUBMIT THEIR PLAN TO THE COMMISSIONER
18 AND THEIR PLANS SHALL BE DEEMED APPROVED FOR PURPOSES OF THIS SECTION
19 AND THE RECEIPT OF STATE AID.

20 S 7. Intentionally omitted.

21 S 8. Subdivision 4 of section 3012-c of the education law, as added by
22 chapter 103 of the laws of 2010, is amended to read as follows:

23 4. Notwithstanding any other law, rule or regulation to the contrary,
24 upon rating a teacher or a principal as developing or ineffective
25 through an annual professional performance review conducted pursuant to
26 subdivision two of this section, the school district or board of cooper-
27 ative educational services shall formulate and commence implementation
28 of a teacher or principal improvement plan for such teacher or principal
29 as soon as practicable but in no case later than ten SCHOOL days after
30 [the date on which teachers are required to report prior to] the opening
31 of classes for the school year. Such improvement plan shall be consist-
32 ent with the regulations of the commissioner and developed locally
33 through negotiations conducted pursuant to article fourteen of the civil
34 service law. Such improvement plan shall include, but need not be limit-
35 ed to, identification of needed areas of improvement, a timeline for
36 achieving improvement, the manner in which improvement will be assessed,
37 and, where appropriate, differentiated activities to support a teacher's
38 or principal's improvement in those areas.

39 S 9. Subdivision 5 of section 3012-c of the education law, as added by
40 chapter 103 of the laws of 2010, is amended to read as follows:

41 5. A. An appeals procedure shall be locally established in each school
42 district and in each board of cooperative educational services by which
43 the evaluated teacher or principal may only challenge the substance of
44 the annual professional performance review, the school district's or
45 board of cooperative educational services' adherence to the standards
46 and methodologies required for such reviews, pursuant to this section,
47 the adherence to the regulations of the commissioner and compliance with
48 any applicable locally negotiated procedures, as well as the school
49 district's or board of cooperative educational services' issuance and/or
50 implementation of the terms of the teacher or principal improvement
51 plan, as required under this section. APPEAL PROCEDURES SHALL PROVIDE
52 FOR THE TIMELY AND EXPEDITIOUS RESOLUTION OF ANY APPEAL UNDER THIS
53 SUBDIVISION. The specifics of the appeal procedure shall be locally
54 established through negotiations conducted pursuant to article fourteen
55 of the civil service law. An evaluation which is the subject of an
56 appeal shall not be sought to be offered in evidence or placed in

evidence in any proceeding conducted pursuant to either section three thousand twenty-a of this article or any locally negotiated alternate disciplinary procedure, until the appeal process is concluded.

B. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO ALTER OR DIMINISH THE AUTHORITY OF THE GOVERNING BODY OF A SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES TO GRANT OR DENY TENURE TO OR TERMINATE PROBATIONARY TEACHERS OR PROBATIONARY BUILDING PRINCIPALS DURING THE PENDENCY OF AN APPEAL PURSUANT TO THIS SECTION FOR STATUTORILY AND CONSTITUTIONALLY PERMISSIBLE REASONS OTHER THAN THE TEACHER'S OR PRINCIPAL'S PERFORMANCE THAT IS THE SUBJECT OF THE APPEAL.

C. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AUTHORIZE A TEACHER OR PRINCIPAL TO TRIGGER THE APPEAL PROCESS PRIOR TO RECEIPT OF THEIR COMPOSITE EFFECTIVENESS SCORE AND RATING FROM THE DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES.

S 10. Section 3012-c of the education law is amended by adding a new subdivision 9 to read as follows:

9. A. THE DEPARTMENT SHALL ANNUALLY MONITOR AND ANALYZE TRENDS AND PATTERNS IN TEACHER AND PRINCIPAL EVALUATION RESULTS AND DATA TO IDENTIFY SCHOOL DISTRICTS, BOARDS OF COOPERATIVE EDUCATIONAL SERVICES AND/OR SCHOOLS WHERE EVIDENCE SUGGESTS THAT A MORE RIGOROUS EVALUATION SYSTEM IS NEEDED TO IMPROVE EDUCATOR EFFECTIVENESS AND STUDENT LEARNING OUTCOMES. THE CRITERIA FOR IDENTIFYING SCHOOL DISTRICTS, BOARDS OF COOPERATIVE EDUCATIONAL SERVICES AND/OR SCHOOLS SHALL BE PRESCRIBED IN THE REGULATIONS OF THE COMMISSIONER.

B. A SCHOOL, SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES IDENTIFIED BY THE DEPARTMENT IN ONE OF THE CATEGORIES ENUMERATED IN PARAGRAPH A OF THIS SUBDIVISION MAY BE HIGHLIGHTED IN PUBLIC REPORTS AND/OR THE COMMISSIONER MAY ORDER A CORRECTIVE ACTION PLAN, WHICH MAY INCLUDE, BUT NOT BE LIMITED TO, REQUIREMENTS THAT THE DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES ARRANGE FOR ADDITIONAL PROFESSIONAL DEVELOPMENT, PROVIDE ADDITIONAL IN-SERVICE TRAINING AND/OR UTILIZE INDEPENDENT TRAINED EVALUATORS TO REVIEW THE EFFICACY OF THE EVALUATION SYSTEM, PROVIDED THAT THE PLAN SHALL BE CONSISTENT WITH LAW AND NOT IN CONFLICT WITH ANY APPLICABLE COLLECTIVE BARGAINING AGREEMENT.

S 11. This act shall take effect immediately.

PART A-2

Section 1. Section 3012-c of the education law is amended by adding a new subdivision 5-a to read as follows:

5-A. IN THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK, NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE FOLLOWING SHALL APPLY TO CLASSROOM TEACHERS:

A. A TEACHER WHO DID NOT RECEIVE AN INEFFECTIVE RATING IN THE ANNUAL PROFESSIONAL PERFORMANCE REVIEW FOR THE PRIOR SCHOOL YEAR IS IN "YEAR ONE STATUS".

B. A TEACHER WHO RECEIVED AN INEFFECTIVE RATING IN THE PREVIOUS SCHOOL YEAR IS IN "YEAR TWO STATUS", UNTIL AND UNLESS THAT RATING IS EITHER CHANGED BY THE PRINCIPAL OR REVERSED ON APPEAL IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBDIVISION, OR UNTIL AND UNLESS THE TEACHER REVERTS TO YEAR ONE STATUS IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBDIVISION.

C. A TEACHER WHO IS RATED INEFFECTIVE FOR A SCHOOL YEAR IN WHICH THE TEACHER HAS YEAR ONE STATUS SHALL HAVE A RIGHT TO APPEAL THAT RATING TO THE CHANCELLOR OF THE CITY SCHOOL DISTRICT, WHO SHALL MAKE A FINAL DETERMINATION, UNLESS AN APPEAL IS INITIATED TO A THREE-MEMBER PANEL

1 SUBJECT TO THE FOLLOWING REQUIREMENTS. THE UNITED FEDERATION OF TEACHERS
2 (UFT) MAY APPEAL TO A THREE-MEMBER PANEL THE INEFFECTIVE RATINGS OF UP
3 TO THIRTEEN PERCENT OF TEACHERS WHO RECEIVED SUCH INEFFECTIVE RATINGS
4 FOR A SCHOOL YEAR. ANY SUCH APPEAL MAY ONLY BE MADE ON THE GROUND THAT
5 THE INEFFECTIVE RATING WAS GIVEN DUE TO HARASSMENT OR REASONS NOT
6 RELATED TO JOB PERFORMANCE. THESE APPEALS SHALL BE KNOWN AS A "PANEL
7 APPEALS". THE THREE-MEMBER PANEL SHALL CONSIST OF A PERSON SELECTED BY
8 THE UFT, A PERSON SELECTED BY THE CHANCELLOR OF THE CITY SCHOOL DISTRICT
9 AND AN INDEPENDENT PERSON, NOT AFFILIATED WITH THE UFT OR THE DISTRICT
10 AND SELECTED BY THE STATE EDUCATION DEPARTMENT, WHO SHALL BE THE CHAIR
11 OF THE PANEL AND CONDUCT THE APPEAL HEARING. IF THE PANEL SUSTAINS THE
12 APPEAL, THE PRINCIPAL MUST SUBMIT TO THE PANEL A DIFFERENT RATING, WHICH
13 MUST BE APPROVED BY THE PANEL. ANY INEFFECTIVE RATING THAT IS APPEALED
14 TO THE PANEL MAY NOT BE APPEALED TO THE CHANCELLOR OF THE CITY SCHOOL
15 DISTRICT.

16 D. THE CHANCELLOR OF THE CITY SCHOOL DISTRICT SHALL NOTIFY THE UFT OF
17 ALL INEFFECTIVE RATINGS. EACH SCHOOL YEAR, IF THE UFT IS NOTIFIED OF AN
18 INEFFECTIVE RATING PRIOR TO OCTOBER FIRST, A PANEL APPEAL OF THAT RATING
19 MUST BE INITIATED BY THE UFT BY NOVEMBER FIRST, PROVIDED THAT MORE THAN
20 THIRTEEN PERCENT OF THESE RATINGS MAY BE APPEALED TO THE PANEL. THE UFT
21 AND THE BOARD OF EDUCATION SHALL NEGOTIATE, PURSUANT TO ARTICLE FOURTEEN
22 OF THE CIVIL SERVICE LAW, A PROCEDURE FOR ENSURING THAT EACH SCHOOL
23 YEAR, NOT MORE THAN THIRTEEN PERCENT OF THE RATINGS RECEIVED BY THE UFT
24 AFTER OCTOBER FIRST ARE APPEALED TO THE PANEL. THE BOARD OF EDUCATION
25 SHALL MAKE ALL REASONABLE EFFORTS TO ISSUE RATINGS AND NOTIFY THE UFT OF
26 INEFFECTIVE RATINGS BY OCTOBER FIRST. ANY RATING NOT APPEALED TO THE
27 PANEL MAY BE APPEALED BY THE INDIVIDUAL TEACHER TO THE CHANCELLOR OF THE
28 CITY SCHOOL DISTRICT. APPEALS MADE TO THE CHANCELLOR OF THE CITY SCHOOL
29 DISTRICT MUST BE FILED WITHIN TEN SCHOOL DAYS AFTER THE UFT WOULD OTHER-
30 WISE BE REQUIRED TO NOTIFY THE BOARD OF EDUCATION OF A PANEL APPEAL.

31 E. FOR ALL TEACHERS IN YEAR TWO STATUS, UNLESS AND UNTIL THE INEFFECTIVE
32 RATING THEY RECEIVED IN THE PRIOR YEAR IS CHANGED BY A PRINCIPAL OR
33 OTHERWISE CHANGED IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBDIVISION,
34 AN INDEPENDENT VALIDATOR SHALL BE APPOINTED TO EVALUATE THE TEACHER ON
35 EACH COMPONENT OF THE ANNUAL PROFESSIONAL PERFORMANCE REVIEW IN WHICH
36 THE SCORING OF THE COMPONENT IS AT THE DISCRETION OF THE PRINCIPAL.
37 THESE COMPONENTS SHALL NOT NECESSARILY BE LIMITED TO TEACHER PERFORMANCE,
38 BUT SHALL NOT INCLUDE ANY COMPONENTS IN WHICH THE SCORING OF THE
39 COMPONENT IS OUTSIDE THE DISCRETION OF THE PRINCIPAL, EVEN IF THE PRINCIPAL
40 HAS DISCRETION IN A RELATED GOAL-SETTING PROCESS PRIOR TO SCORING.
41 THE INDEPENDENT VALIDATOR SHALL PERFORM THREE OBSERVATIONS DURING THE
42 COURSE OF THE SCHOOL YEAR. THE TERMS AND CONDITIONS OF THE OBSERVATIONS
43 SHALL BE NEGOTIATED PURSUANT TO THE REQUIREMENTS OF ARTICLE FOURTEEN OF
44 THE CIVIL SERVICE LAW.

45 F. THE UFT AND THE BOARD OF EDUCATION SHALL JOINTLY SELECT AN ORGANIZATION
46 OR ORGANIZATIONS THAT EMPLOY CERTIFIED EDUCATORS, INCLUDING
47 TEACHERS, TO PERFORM THE WORK AS INDEPENDENT VALIDATORS. INDEPENDENT
48 VALIDATORS SHALL NOT BE EMPLOYED SIMULTANEOUSLY BY THE BOARD OF EDUCATION
49 OR SIMULTANEOUSLY HAVE AN INDIVIDUAL CONTRACT WITH THE BOARD OF
50 EDUCATION. SHOULD EITHER THE BOARD OF EDUCATION OR THE UFT NOTIFY THE
51 DEPARTMENT THAT AFTER A GOOD FAITH EFFORT THE BOARD OF EDUCATION AND THE
52 UFT ARE UNABLE TO JOINTLY SELECT ORGANIZATIONS, THE COMMISSIONER SHALL
53 NAME ORGANIZATIONS SUBJECT TO THE FOLLOWING REQUIREMENTS. THE BOARD OF
54 EDUCATION SHALL SET FORTH A REQUIRED NUMBER OF VALIDATORS, AND THE
55 COMMISSIONER SHALL NAME ORGANIZATIONS THAT CAN PROVIDE AT LEAST THIS
56 NUMBER OF VALIDATORS WHOM THE COMMISSIONER DEEMS QUALIFIED. THE COMMISSIONER

SIONER SHALL NAME ORGANIZATIONS BASED ON THE CRITERIA SET FORTH IN THIS SUBDIVISION THAT APPLY TO THE MUTUAL SELECTION PROCESS FOR THE BOARD OF EDUCATION AND THE UFT AND SHALL ALSO CONSIDER POTENTIAL CONFLICTS OF INTEREST.

G. IN AN INSTANCE IN WHICH THE INDEPENDENT VALIDATOR DOES NOT COMPLETE THE REVIEW PROCESS DUE TO CIRCUMSTANCES BEYOND THE CONTROL OF THE BOARD OF EDUCATION, THE TEACHER SHALL REMAIN IN YEAR TWO STATUS THE FOLLOWING SCHOOL YEAR. SHOULD THE INDEPENDENT VALIDATOR NOT COMPLETE THE REVIEW PROCESS FOR A SECOND CONSECUTIVE SCHOOL YEAR AND FOR ANY REASON IN THE SECOND YEAR FOR OTHER THAN A LEAVE OF ABSENCE OR CHRONIC ABSENCE ON THE PART OF THE TEACHER, THE TEACHER SHALL RETURN TO YEAR ONE STATUS THE FOLLOWING SCHOOL YEAR.

H. AN INDEPENDENT VALIDATOR SHALL BE DEEMED TO HAVE AGREED WITH THE PRINCIPAL WHEN AN INDEPENDENT VALIDATOR'S SCORING, IN CONJUNCTION WITH THE SCORING OF COMPONENTS NOT REVIEWED BY THE INDEPENDENT VALIDATOR IN ACCORDANCE WITH THIS SUBDIVISION, WOULD RESULT IN A RATING IN THE SAME CATEGORY ON THE ANNUAL PROFESSIONAL PERFORMANCE REVIEW THAN WOULD RESULT FROM THE PRINCIPAL'S RATING.

I. FOR PURPOSES OF THIS SUBDIVISION, AN INDEPENDENT VALIDATOR SHALL BE DEEMED TO HAVE DISAGREED WITH THE PRINCIPAL WHEN AN INDEPENDENT VALIDATOR'S SCORING, IN CONJUNCTION WITH THE SCORING OF COMPONENTS NOT REVIEWED BY THE INDEPENDENT VALIDATOR IN ACCORDANCE WITH THIS SUBDIVISION, WOULD RESULT IN A RATING IN A DIFFERENT CATEGORY ON THE ANNUAL PROFESSIONAL PERFORMANCE REVIEW THAN WOULD RESULT FROM THE PRINCIPAL'S RATING.

J. IF A TEACHER RECEIVES AN INEFFECTIVE RATING FOR A SCHOOL YEAR IN WHICH THE TEACHER IS IN YEAR TWO STATUS AND THE INDEPENDENT VALIDATOR AGREES, THE DISTRICT MAY BRING A PROCEEDING PURSUANT TO SECTIONS THREE THOUSAND TWENTY AND THREE THOUSAND TWENTY-A OF THIS ARTICLE BASED ON A PATTERN OF INEFFECTIVE TEACHING OR PERFORMANCE. IN SUCH PROCEEDING, THE CHARGES SHALL ALLEGE THAT THE EMPLOYING BOARD HAS DEVELOPED AND SUBSTANTIALLY IMPLEMENTED A TEACHER IMPROVEMENT PLAN IN ACCORDANCE WITH SUBDIVISION FOUR OF THIS SECTION FOR THE EMPLOYEE FOLLOWING THE EVALUATION MADE FOR THE YEAR IN WHICH THE EMPLOYEE WAS IN YEAR ONE STATUS AND WAS RATED INEFFECTIVE. THE PATTERN OF INEFFECTIVE TEACHING OR PERFORMANCE SHALL GIVE RISE TO A REBUTTABLE PRESUMPTION OF INCOMPETENCE AND IF THE PRESUMPTION IS NOT SUCCESSFULLY REBUTTED, THE FINDING, ABSENT EXTRAORDINARY CIRCUMSTANCES, SHALL BE JUST CAUSE FOR REMOVAL. IN THESE HEARINGS, THE TEACHER SHALL HAVE UP TO THREE DAYS TO PRESENT HIS OR HER CASE FOR EVERY ONE DAY USED BY THE DISTRICT TO PRESENT ITS CASE. THE HEARING OFFICER SHALL RENDER A WRITTEN DECISION WITHIN TEN DAYS OF THE LAST DAY OF THE HEARING.

K. IF THE TEACHER RECEIVES AN INEFFECTIVE RATING BY THE PRINCIPAL IN A SCHOOL YEAR IN WHICH THEY ARE IN YEAR TWO STATUS AND THE INDEPENDENT VALIDATOR DISAGREES, THE INEFFECTIVE RATING REMAINS BUT THE DISTRICT MAY NOT BRING PROCEEDING BASED ON A PATTERN OF INEFFECTIVE TEACHING OR PERFORMANCE, AS DEFINED IN THIS SECTION, PROVIDED HOWEVER THAT NOTHING IN THIS SECTION SHALL PREVENT THE BOARD OF EDUCATION FROM CHARGING A TEACHER BASED ON INCOMPETENCE AND ENTERING THE PRINCIPAL'S EVALUATIONS INTO EVIDENCE.

L. IF UPON THE COMPLETION OF A HEARING PURSUANT TO SECTIONS THREE THOUSAND TWENTY AND THREE THOUSAND TWENTY-A OF THIS ARTICLE, BASED EITHER ON A PATTERN OF INEFFECTIVE TEACHING OR PERFORMANCE OR CHARGES OF INCOMPETENCE IN WHICH YEAR ONE OR YEAR TWO EVALUATIONS WERE ENTERED INTO EVIDENCE, AND A HEARING OFFICER FINDS THE TEACHER INCOMPETENT, BUT DECIDES NOT TO TERMINATE, THE TEACHER REMAINS IN YEAR TWO STATUS FOR THE

SCHOOL YEAR IN PROGRESS OR THE FOLLOWING SCHOOL YEAR IF THE FINDING IS MADE IN BETWEEN SCHOOL YEARS. IF UPON THE COMPLETION OF THE HEARING, THE HEARING OFFICER EXONERATES THE TEACHER OF CHARGES OF INCOMPETENCE THE TEACHER SHALL REVERT TO YEAR ONE STATUS IF IN THE MIDDLE OF THE SCHOOL YEAR OR AT THE BEGINNING OF THE FOLLOWING SCHOOL YEAR IF THE FINDING IS MADE IN BETWEEN SCHOOL YEARS.

M. IF THE TEACHER RECEIVES AN INEFFECTIVE RATING IN YEAR TWO BY THE PRINCIPAL AND THE VALIDATOR AGREES, AND THE DISTRICT DOES NOT BRING AN EXPEDITED PROCEEDING PURSUANT TO SECTIONS THREE THOUSAND TWENTY AND THREE THOUSAND TWENTY-A OF THIS ARTICLE, THE TEACHER MAY APPEAL THE YEAR TWO INEFFECTIVE RATING TO THE CHANCELLOR OF THE CITY SCHOOL DISTRICT, WHO SHALL MAKE A FINAL DETERMINATION. IF THE RATING IS UPHELD, THE TEACHER SHALL REMAIN IN YEAR TWO STATUS FOR THE SUBSEQUENT SCHOOL YEAR, BUT IF FOLLOWING THAT YEAR THE TEACHER IS NOT CHARGED, THE TEACHER REVERTS TO YEAR ONE STATUS FOR THE NEXT SCHOOL YEAR.

N. A PROCESS SHALL BE ESTABLISHED TO EVALUATE THE EFFECTIVENESS OF THE SPECIFIC PROCEDURES ESTABLISHED IN THIS SUBDIVISION AFTER TWO YEARS FROM THE EFFECTIVE DATE OF THIS SUBDIVISION, PROVIDED HOWEVER THAT A FAILURE OR DELAY IN ESTABLISHING THAT PROCESS SHALL NOT INVALIDATE ANY PROVISIONS OF THIS SUBDIVISION.

O. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE BOARD OF EDUCATION AND THE UFT MAY ALTER ANY PROVISIONS OF THIS SUBDIVISION THROUGH COLLECTIVE BARGAINING.

S 2. (a) The appeals process will go into effect on January 16, 2013, unless the city school district of the city of New York enters into a collectively bargained teacher evaluation and appeals plan in conformity with section 3012-c of the education law and with the approval of the commissioner of education.

(b) The chancellor of the District shall notify the legislative bill drafting commission upon the occurrence of the events provided for in subdivision (a) of this section in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.

PART A-3

Section 1. The education law is amended by adding a new section 141 to read as follows:

S 141. STUDY AND REPORT ON THE SOLVENCY OF FINANCIALLY DISTRESSED SCHOOL DISTRICTS. 1. ON OR BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND TWELVE, THE COMPTROLLER MAY SUBMIT TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE CHAIR OF THE SENATE STANDING COMMITTEE ON FINANCE, THE CHAIR OF THE ASSEMBLY STANDING COMMITTEE ON WAYS AND MEANS, THE CHAIR OF THE SENATE STANDING COMMITTEE ON EDUCATION, AND THE CHAIR OF THE ASSEMBLY STANDING COMMITTEE ON EDUCATION, A REPORT OF A STUDY EXAMINING ISSUES SURROUNDING THE SOLVENCY OF FINANCIALLY DISTRESSED PUBLIC SCHOOL DISTRICTS.

2. PRIOR TO THE REPORT AUTHORIZED TO BE SUBMITTED PURSUANT TO SUBDIVISION ONE OF THIS SECTION, THE COMPTROLLER, WITH THE ASSISTANCE OF THE COMMISSIONER, MAY CONDUCT A STUDY EXAMINING ISSUES SURROUNDING THE SOLVENCY OF FINANCIALLY DISTRESSED SCHOOL DISTRICTS. FOR PURPOSES OF THIS SECTION, A FINANCIALLY DISTRESSED PUBLIC SCHOOL DISTRICT SHALL INCLUDE ANY SCHOOL DISTRICT WHICH, IN ANY YEAR DURING THE LAST FIVE YEARS, HAS EITHER INCREASED ITS TAX LEVY BY MORE THAN TEN PERCENT OR HAS

1 MAINTAINED A FUND BALANCE OF LESS THAN TWO PERCENT. COMPREHENSIVELY AND
2 COLLECTIVELY, AND FOR EACH FINANCIALLY DISTRESSED SCHOOL DISTRICT INDI-
3 VIDUALLY, THE STUDY, IF CONDUCTED, SHALL EXAMINE THE FOLLOWING FACTORS
4 CONCERNING THE FISCAL IMPACT OF:

- 5 (A) DISTRICT WIDE OR INDIVIDUAL SCHOOL ENROLLMENTS;
- 6 (B) THE INABILITY OF A DISTRICT TO RAISE AND MAXIMIZE ITS REVENUES;
- 7 (C) LATE PAYMENTS OF AID FROM FEDERAL AND STATE GOVERNMENTS;
- 8 (D) HEALTH CARE, PENSION, AND PERSONNEL COSTS;
- 9 (E) INSUFFICIENT OR EXCESSIVE SCHOOL DISTRICT FUND BALANCES, AND THE
10 SIZE THEREOF;
- 11 (F) AVAILABLE ASSISTANCE FOR DEVELOPING SUSTAINABLE FIVE YEAR PLANS;
12 AND
- 13 (G) THE IMPLEMENTATION OR FAILURE TO ACCOMPLISH THE CENTRALIZATION,
14 CONSOLIDATION, AND ANNEXATION OF PUBLIC SCHOOL DISTRICTS.

15 3. THE REPORT AUTHORIZED TO BE SUBMITTED PURSUANT TO SUBDIVISION ONE
16 OF THIS SECTION, SHALL CONTAIN:

- 17 (A) DATA ON EACH OF THE FACTORS COLLECTED FROM THE STUDY REQUIRED TO
18 BE CONDUCTED PURSUANT TO SUBDIVISION TWO OF THIS SECTION;
- 19 (B) ANALYSIS BY THE COMPTROLLER AND THE DEPARTMENT ON EACH OF THE
20 FACTORS COLLECTED FROM THE STUDY AUTHORIZED TO BE CONDUCTED PURSUANT TO
21 SUBDIVISION TWO OF THIS SECTION;
- 22 (C) RECOMMENDATIONS BY THE COMPTROLLER AND THE DEPARTMENT ON EACH OF
23 THE FACTORS COLLECTED FROM THE STUDY AUTHORIZED TO BE CONDUCTED PURSUANT
24 TO SUBDIVISION TWO OF THIS SECTION INCLUDING BUT NOT LIMITED TO, RECOM-
25 MENDATIONS ON:
 - 26 (I) HOW TO ASSIST DISTRICTS FACING DECLINING ENROLLMENTS;
 - 27 (II) HOW TO INCREASE THE ABILITY OF DISTRICTS TO RAISE AND MAXIMIZE
28 REVENUES;
 - 29 (III) HOW DISTRICTS CAN CONTAIN HEALTH CARE COSTS, PENSION COSTS, AND
30 PERSONNEL COSTS;
 - 31 (IV) HOW TO PREVENT AND MINIMIZE THE EFFECT OF LATE PAYMENTS OF AID TO
32 DISTRICTS FROM FEDERAL AND STATE GOVERNMENTS;
 - 33 (V) HOW TO PREVENT NEGATIVE AND LIMITED FUND BALANCES;
 - 34 (VI) CORRECTIVE ACTION DISTRICTS CAN TAKE;
 - 35 (VII) HOW DISTRICTS CAN DEVELOP MEANINGFUL FIVE YEAR PLANS;
 - 36 (VIII) HOW THE DEPARTMENT CAN ASSIST DISTRICTS TO DEVELOP A MEANINGFUL
37 FIVE YEAR PLAN;
 - 38 (IX) THE FEASIBILITY OF TUITIONING OUT STUDENTS;
 - 39 (X) THE FEASIBILITY OF CENTRALIZATION, CONSOLIDATION, AND ANNEXATION
40 OF PUBLIC SCHOOL DISTRICTS; AND
 - 41 (XI) ALTERNATIVE WAYS FOR DISTRICTS TO REGIONALIZE THEIR SCHOOLS.

42 S 2. Subdivision 1 of section 2851 of the education law, as amended by
43 chapter 101 of the laws of 2010, is amended to read as follows:

44 1. An application to establish a charter school may be submitted by
45 teachers, parents, school administrators, community residents or any
46 combination thereof. Such application may be filed in conjunction with
47 a college, university, museum, educational institution, not-for-profit
48 corporation exempt from taxation under paragraph 3 of subsection (c) of
49 section 501 of the internal revenue code or for-profit business or
50 corporate entity authorized to do business in New York state. [Provided
51 however, for-profit business or corporate entities shall not be eligible
52 to submit an application to establish a charter school pursuant to
53 subdivision nine-a of section twenty-eight hundred fifty-two of this
54 article, or operate or manage a charter school for a charter issued
55 pursuant to subdivision nine-a of section twenty-eight hundred fifty-two
56 of this article.] For charter schools established in conjunction with a

1 for-profit business or corporate entity, the charter shall specify the
2 extent of the entity's participation in the management and operation of
3 the school.

4 S 3. Subdivision 11 of section 3602 of the education law is amended by
5 adding a new paragraph a-2 to read as follows:

6 A-2. NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH A OF THIS SUBDIVI-
7 SION, THE COMMISSIONER SHALL SET ASIDE AN AMOUNT OF THREE MILLION
8 DOLLARS TO BE AWARDED THROUGH A COMPETITIVE GRANT PROCESS TO PUBLIC
9 LIBRARIES TO PROVIDE ANY OF THE SERVICES AUTHORIZED IN THIS SUBDIVISION.
10 HOWEVER, NO LESS THAN HALF THE ANNUAL APPROPRIATION SHALL BE SET ASIDE
11 FOR PUBLIC LIBRARIES SERVING A POPULATION OF ONE MILLION OR MORE. THE
12 COMMISSIONER SHALL HAVE THE AUTHORITY TO ESTABLISH RULES AND REGULATIONS
13 TO IMPLEMENT THE PROVISIONS OF THIS PARAGRAPH.

14 S 4. Section 3635 of the education law is amended by adding a new
15 subdivision 9 to read as follows:

16 9. A. NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS SECTION TO THE
17 CONTRARY, A CITY SCHOOL DISTRICT LOCATED IN A CITY HAVING A POPULATION
18 OF ONE MILLION OR MORE PROVIDING TRANSPORTATION PURSUANT TO THIS CHAPTER
19 SHALL BE RESPONSIBLE FOR (I) PROVIDING TRANSPORTATION AFTER FIVE O'CLOCK
20 IN THE AFTERNOON FOR THOSE CHILDREN ATTENDING PUBLIC AND NONPUBLIC
21 SCHOOLS IN GRADES KINDERGARTEN THROUGH SIX WHO REMAIN AT THE SAME SCHOOL
22 FOR WHICH THEY ARE ENROLLED FOR REGULARLY SCHEDULED ACADEMIC CLASSES
23 FROM HALF-PAST NINE O'CLOCK IN THE MORNING OR EARLIER UNTIL FIVE O'CLOCK
24 IN THE AFTERNOON OR LATER, ON WEEKDAYS, AND RESIDE AT LEAST ONE MILE
25 FROM THEIR SCHOOL OF ATTENDANCE FOR GRADES THREE THROUGH SIX, AND AT
26 LEAST ONE-HALF MILE FROM THEIR SCHOOL OF ATTENDANCE FOR GRADES KINDER-
27 GARTEN THROUGH TWO OR (II) REIMBURSING THE COST INCURRED FOR PROVIDING
28 TRANSPORTATION FOR THOSE CHILDREN ATTENDING PUBLIC AND NONPUBLIC SCHOOLS
29 IN GRADES KINDERGARTEN THROUGH SIX WHO REMAIN AT THE SAME SCHOOL FOR
30 WHICH THEY ARE ENROLLED FOR REGULARLY SCHEDULED ACADEMIC CLASSES FROM
31 HALF-PAST NINE O'CLOCK IN THE MORNING OR EARLIER UNTIL FIVE O'CLOCK IN
32 THE AFTERNOON OR LATER, ON WEEKDAYS, AND RESIDE AT LEAST ONE MILE FROM
33 THEIR SCHOOL OF ATTENDANCE FOR GRADES THREE THROUGH SIX, AND AT LEAST
34 ONE-HALF MILE FROM THEIR SCHOOL OF ATTENDANCE FOR GRADES KINDERGARTEN
35 THROUGH TWO. A DISTRICT DOES NOT SATISFY ITS OBLIGATION UNDER THIS
36 SECTION BY PROVIDING FUNDING FOR PUBLIC TRANSPORTATION OF ANY CHILD
37 WHOSE PARENTS OBJECT TO PUBLIC TRANSPORTATION.

38 B. THE COST TO THE SCHOOL DISTRICT OF PROVIDING SUCH REIMBURSEMENT FOR
39 TRANSPORTATION EXPENSES SHALL BE CONSIDERED FOR THE PURPOSE OF THIS
40 CHAPTER TO BE A CHARGE UPON THE SCHOOL DISTRICT AND AN ORDINARY CONTIN-
41 GENT EXPENSE TO THE SCHOOL DISTRICT, SO LONG AS SUCH CHILD OR CHILDREN
42 SHALL BE OTHERWISE ELIGIBLE FOR THE PROVISION OF TRANSPORTATION PURSUANT
43 TO THIS SECTION, AND THE PARENT OR GUARDIAN OR ANY REPRESENTATIVE
44 AUTHORIZED BY SUCH PARENT OR GUARDIAN SHALL HAVE NOTIFIED THE SCHOOL
45 DISTRICT IN WRITING IN THE SAME MANNER AND UPON THE SAME DATES AS ARE
46 REQUIRED FOR A REQUEST FOR TRANSPORTATION PURSUANT TO SUBDIVISION TWO OF
47 THIS SECTION WITH NO OPTION TO REQUEST TRANSPORTATION AT A LATER DATE,
48 AND SUCH DISTRICTS SHALL BE ENTITLED TO AN APPORTIONMENT FOR PUPIL
49 TRANSPORTATION STATE AID PURSUANT TO THIS CHAPTER FOR SUCH CHILDREN IN
50 THE SAME MANNER AND AT THE SAME DAILY RATE AS IF SUCH CHILDREN RECEIVED
51 TRANSPORTATION SERVICES OTHERWISE AUTHORIZED BY THIS SECTION.

52 C. SUCH SCHOOL DISTRICT SHALL NOT BE REQUIRED TO EXPEND AN AMOUNT THAT
53 EXCEEDS THE AMOUNT SUCH DISTRICT WOULD OTHERWISE EXPEND PER CHILD PER
54 DAY TO PROVIDE TRANSPORTATION SERVICES FOR SUCH CHILDREN, INCLUDING
55 CAPITAL EXPENSES, IF SUCH DISTRICT WERE PROVIDING TRANSPORTATION DIRECT-
56 LY.

1 D. THE CHANCELLOR OF SUCH SCHOOL DISTRICT AND THE COMMISSIONER SHALL
2 PRESCRIBE THE MOST COST EFFECTIVE SYSTEM FOR IMPLEMENTING THE REQUIRE-
3 MENTS OF THIS SECTION, TAKING INTO CONSIDERATION THE COSTS ASSOCIATED
4 WITH SUBPARAGRAPHS (I) AND (II) OF PARAGRAPH A OF THIS SUBDIVISION,
5 WHILE AT THE SAME TIME ATTEMPTING TO MAXIMIZE STUDENT SAFETY BY TAKING
6 INTO CONSIDERATION THE PROXIMITY OF THE SCHOOL BUS DROP OFF POINTS AND
7 STUDENTS' HOMES.

8 S 5. Subdivision 10 of section 6-p of the general municipal law, as
9 added by section 81 of part A of chapter 58 of the laws of 2011, is
10 amended to read as follows:

11 10. Notwithstanding any provision of law to the contrary, the govern-
12 ing board of a school district may, during the [two thousand eleven--two
13 thousand twelve] TWO THOUSAND TWELVE -- TWO THOUSAND THIRTEEN school
14 year, authorize a withdrawal from this fund in an amount not to exceed
15 the lesser of: (a) the dollar value of excess funding in the fund as
16 determined by the comptroller pursuant to section thirty-three of this
17 chapter or (b) the amount of the school district's gap elimination
18 adjustment as calculated by the commissioner of education pursuant to
19 subdivision seventeen of section thirty-six hundred two of the education
20 law. Funds withdrawn pursuant to this subdivision may only be used for
21 the purpose of maintaining educational programming during the two thou-
22 sand eleven--two thousand twelve school year which otherwise would have
23 been reduced as a result of such gap elimination adjustment. Governing
24 boards which make such a withdrawal shall submit, in a form prescribed
25 by the commissioner of education, relevant information about the with-
26 drawal, which shall include but not be limited to, the amount of such
27 withdrawal, the date of withdrawal, and the use of such withdrawn funds.

28 S 6. Subdivision 1 of section 3635 of the education law is amended by
29 adding a new paragraph c-1 to read as follows:

30 C-1. NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, THE DEPARTMENT OF
31 EDUCATION OF EVERY CITY HAVING A POPULATION OF ONE MILLION OR MORE SHALL
32 PROVIDE TRANSPORTATION TO ALL CHILDREN RESIDING WITHIN SUCH CITY TO AND
33 FROM THE SCHOOL THEY LEGALLY ATTEND, WHO ARE IN NEED OF SUCH TRANSPORTA-
34 TION. SUCH TRANSPORTATION SHALL BE PROVIDED FOR ALL CHILDREN ATTENDING
35 GRADES THREE THROUGH EIGHT WHO LIVE MORE THAN ONE MILE FROM THE SCHOOL
36 THEY LEGALLY ATTEND AND FOR CHILDREN ATTENDING GRADES KINDERGARTEN
37 THROUGH TWO, AND SIBLINGS OF CHILDREN ATTENDING GRADES KINDERGARTEN
38 THROUGH TWO WHO ATTEND GRADES THREE THROUGH FIVE AT THE SAME SCHOOL, WHO
39 LIVE MORE THAN ONE HALF MILE FROM THE SCHOOL THEY LEGALLY ATTEND.

40 S 7. The public authorities law is amended by adding a new section
41 1884 to read as follows:

42 S 1884. NEW YORK STATE ELECTRIC SCHOOL BUS GRANT PROGRAM. 1. DEFINI-
43 TIONS. AS USED IN THIS SECTION:

44 A. "SCHOOL BUS" INCLUDES EVERY MOTOR VEHICLE OWNED BY A PUBLIC OR
45 GOVERNMENTAL AGENCY OR PRIVATE SCHOOL AND OPERATED FOR THE TRANSPORTA-
46 TION OF PUPILS, CHILDREN OF PUPILS, TEACHERS AND OTHER PERSONS ACTING IN
47 A SUPERVISORY CAPACITY, TO OR FROM SCHOOL OR SCHOOL ACTIVITIES OR
48 PRIVATELY OWNED AND OPERATED FOR COMPENSATION FOR THE TRANSPORTATION OF
49 PUPILS, CHILDREN OF PUPILS, TEACHERS AND OTHER PERSONS ACTING IN A
50 SUPERVISORY CAPACITY TO OR FROM SCHOOL OR SCHOOL ACTIVITIES.

51 B. "ELECTRIC VEHICLE" MEANS EITHER AN ELECTRIC, OR BATTERY-ELECTRIC
52 MOTOR VEHICLE THAT IS ABLE TO BE POWERED BY AN ELECTRIC MOTOR DRAWING
53 CURRENT FROM RECHARGEABLE STORAGE BATTERIES, FUEL CELLS, OR OTHER PORT-
54 ABLE SOURCES OF ELECTRICAL CURRENT, AND MEETS OR EXCEEDS APPLICABLE
55 REGULATIONS IN CODE OF FEDERAL REGULATIONS, TITLE 49, PART 571, AND

1 SUCCESSOR REQUIREMENTS. SUCH VEHICLE DOES NOT USE ANY FOSSIL FUELS OR
2 INTERNAL COMBUSTION TO OPERATE.

3 2. A. THE NEW YORK STATE ELECTRIC SCHOOL BUS GRANT PROGRAM SHALL BE
4 ADMINISTERED BY THE AUTHORITY PURSUANT TO ITS RULES AND REGULATIONS.

5 B. THE BOARD OF THE AUTHORITY SHALL BOND AND PROVIDE FUNDING FOR THE
6 NEW YORK STATE ELECTRIC SCHOOL BUS GRANT PROGRAM IN THE AMOUNT OF FIVE
7 MILLION DOLLARS. OF THE FIVE MILLION DOLLARS GRANTS AWARDED, NO MORE
8 THAN TWO MILLION FIVE HUNDRED THOUSAND DOLLARS SHALL BE ALLOCATED FOR
9 SCHOOL DISTRICTS LOCATED WITHIN THE STATE. NO MORE THAN TWO MILLION FIVE
10 HUNDRED THOUSAND DOLLARS SHALL BE ALLOCATED FOR PUPIL TRANSPORTATION
11 OPERATORS/CONTRACTORS ANNUALLY, AS DEFINED IN THE EDUCATION LAW AND THE
12 TRANSPORTATION LAW.

13 3. A. THE PROJECTS ELIGIBLE FOR GRANTS UNDER THE NEW YORK STATE ELEC-
14 TRIC SCHOOL BUS GRANT PROGRAM SHALL BE SCHOOL DISTRICTS AND PRIVATE
15 CONTRACTORS/OPERATORS WHICH TRANSPORT STUDENTS TO AND FROM SCHOOL AND TO
16 AND FROM SCHOOL ACTIVITIES WITHIN THE STATE.

17 B. IF FUNDED BY A GRANT BY THE AUTHORITY, EACH GRANT MAY NOT EXCEED
18 FIFTY PERCENT OF THE TOTAL COST OF THE ACQUISITION OF SAID BUS, AND
19 SHALL NOT EXCEED ONE HUNDRED THOUSAND DOLLARS IN TOTAL PER GRANT.

20 C. THE PURCHASE SHALL BE OF AN ELECTRIC POWERED SCHOOL BUS ONLY.
21 HYBRID VEHICLES SHALL BE INELIGIBLE FOR GRANTS PURSUANT TO THE NEW YORK
22 STATE ELECTRIC SCHOOL BUS GRANT PROGRAM.

23 4. EACH VEHICLE SHALL BE USED FOR TRANSPORTING SCHOOL CHILDREN IN THIS
24 STATE.

25 S 8. The education law is amended by adding a new article 39-A to read
26 as follows:

27 ARTICLE 39-A

28 REGIONAL HIGH SCHOOLS

29 SECTION 1920. REGIONAL HIGH SCHOOL; ESTABLISHMENT.

30 1921. OPERATION BY BOARD OF COOPERATIVE EDUCATIONAL SERVICES.

31 S 1920. REGIONAL HIGH SCHOOL; ESTABLISHMENT. THE ESTABLISHMENT OF A
32 REGIONAL HIGH SCHOOL SHALL BE COMMENCED UPON THE ADOPTION OF A RESOL-
33 UTION PROPOSING THE ESTABLISHMENT OF SUCH A HIGH SCHOOL, BY MAJORITY
34 VOTE, OF EACH OF THE BOARDS OF EDUCATION OF TWO OR MORE SCHOOL
35 DISTRICTS, WHICH ARE CITY SCHOOL DISTRICTS IN CITIES HAVING A POPULATION
36 OF LESS THAN ONE HUNDRED TWENTY-FIVE THOUSAND INHABITANTS, CENTRAL
37 SCHOOL DISTRICTS, UNION FREE SCHOOL DISTRICTS AND/OR COMMON SCHOOL
38 DISTRICTS, PROVIDED THAT ALL SUCH SCHOOL DISTRICTS ARE WHOLLY CONTAINED
39 WITHIN THE CATTARAUGUS-ALLEGANY-ERIE-WYOMING BOARD OF COOPERATIVE EDUCA-
40 TIONAL SERVICES SUPERVISORY DISTRICT, THE ERIE 2 CHAUTAUQUA-CATTARAUGUS
41 BOARD OF COOPERATIVE EDUCATIONAL SERVICES SUPERVISORY DISTRICT, OR THE
42 GREATER SOUTHERN TIER BOARD OF COOPERATIVE EDUCATIONAL SERVICES SUPERVI-
43 SORY DISTRICT. THEREAFTER, IF TWO OR MORE SCHOOL DISTRICTS ADOPT SUCH A
44 RESOLUTION, THE BOARDS OF EDUCATION OF SUCH SCHOOL DISTRICTS SHALL
45 JOINTLY ESTABLISH A PROPOSED CONTRACT FOR THE OPERATION OF A REGIONAL
46 HIGH SCHOOL. UPON ESTABLISHMENT OF A PROPOSED CONTRACT FOR THE OPERATION
47 OF A REGIONAL HIGH SCHOOL, SUCH CONTRACT SHALL BE SUBMITTED TO THE
48 COMMISSIONER. EVERY PROPOSED CONTRACT FOR A REGIONAL HIGH SCHOOL SHALL
49 BE SUBJECT TO APPROVAL BY THE COMMISSIONER WHO SHALL, AS A CONDITION OF
50 SUCH APPROVAL, CERTIFY THAT THE CREATION OF A REGIONAL HIGH SCHOOL WILL
51 EXPAND AND IMPROVE THE EDUCATIONAL SERVICES AVAILABLE TO ALL STUDENTS OF
52 SUCH HIGH SCHOOL AND THAT IT CAN RESULT IN ADMINISTRATIVE EFFICIENCIES
53 FOR ALL PARTICIPATING DISTRICTS. IF THE COMMISSIONER APPROVES THE
54 PROPOSED CONTRACT, THE BOARD OF EDUCATION OF EACH SCHOOL DISTRICT
55 PROPOSING TO ESTABLISH THE REGIONAL HIGH SCHOOL SHALL, NOT LESS THAN
56 THIRTY DAYS PRIOR TO ANY VOTE BY ITS ELECTORS UPON THE PROPOSED

1 CONTRACT, CONDUCT A MEETING OPEN TO THE PUBLIC UPON THE TERMS AND CONDI-
2 TIONS OF SUCH PROPOSED CONTRACT. THE REGIONAL HIGH SCHOOL SHALL BE
3 ESTABLISHED UPON THE APPROVAL OF SUCH CONTRACT, BY MAJORITY VOTE, OF ALL
4 ELECTORS IN ALL THE SCHOOL DISTRICTS PROPOSING TO ESTABLISH A REGIONAL
5 HIGH SCHOOL, SUCH ELECTION BEING CONDUCTED WITHIN EACH SCHOOL DISTRICT
6 AND THE VOTES THEREIN BEING COMPILED AT A CENTRAL LOCATION BY A BOARD OF
7 CANVASS ESTABLISHED BY THE BOARDS OF EDUCATION OF SUCH SCHOOL DISTRICTS.
8 UPON THE APPROVAL BY THE ELECTORS OF THE SCHOOL DISTRICTS, THE REGIONAL
9 HIGH SCHOOL SHALL BE DEEMED TO HAVE BEEN ESTABLISHED, EXCEPT THAT NOTH-
10 ING IN THIS SECTION SHALL PREVENT THE HIGH SCHOOL WHICH WOULD SERVE AS
11 THE HOST OF THE REGIONAL HIGH SCHOOL SO ESTABLISHED TO CONTINUE TO OPER-
12 ATE AS A LEGAL ENTITY UNTIL THE END OF THE SCHOOL YEAR. EXCEPT AS
13 OTHERWISE PROVIDED IN THIS ARTICLE, THE PROVISIONS OF THIS CHAPTER AS TO
14 THE COURSES OF STUDY, THE QUALIFICATIONS AND EMPLOYMENT OF TEACHERS,
15 NON-INSTRUCTIONAL EMPLOYEES AND OTHER STAFF, AND THE MAINTENANCE,
16 CONDUCT AND SUPERVISION OF PUBLIC SCHOOLS IN CENTRAL SCHOOL DISTRICTS
17 SHALL APPLY TO A REGIONAL HIGH SCHOOL. EVERY REGIONAL HIGH SCHOOL AND
18 THE CONTRACT THEREFOR SHALL MEET THE FOLLOWING REQUIREMENTS:

19 1. THE CONTRACT SHALL BE FOR A PERIOD OF NOT LESS THAN FIVE SCHOOL
20 YEARS AND, WITH THE APPROVAL OF THE COMMISSIONER, MAY BE RENEWED BY
21 MUTUAL AGREEMENT OF THE BOARDS OF EDUCATION;

22 2. THE REGIONAL HIGH SCHOOL SHALL COMMENCE OPERATIONS ON THE FIRST OF
23 JULY, AND SHALL NOT CEASE OPERATIONS BEFORE THE THIRTIETH OF JUNE IN ANY
24 SCHOOL YEAR;

25 3. THE CONTRACT SHALL STATE WHETHER THE REGIONAL HIGH SCHOOL WILL BE
26 OPERATED BY ONE OF THE PARTICIPATING SCHOOL DISTRICTS, HEREINAFTER
27 REFERRED TO IN THIS ARTICLE AS THE "HOSTING SCHOOL DISTRICT," OR BY THE
28 BOARD OF COOPERATIVE EDUCATIONAL SERVICES PURSUANT TO A CONTRACT AUTHOR-
29 IZED BY SECTION NINETEEN HUNDRED TWENTY-ONE OF THIS ARTICLE;

30 4. THE CONTRACT SHALL SPECIFY THE MANNER IN WHICH THE STUDENTS OF EACH
31 PARTICIPATING SCHOOL DISTRICT SHALL BE TRANSPORTED TO THE REGIONAL HIGH
32 SCHOOL, AND THE COST OF SUCH TRANSPORTATION SHALL BE A CHARGE AGAINST
33 EACH SUCH PARTICIPATING SCHOOL DISTRICT AND BE FUNDED IN THE SAME MANNER
34 AS TRANSPORTATION PROVIDED PURSUANT TO SECTION THIRTY-SIX HUNDRED THIR-
35 TY-FIVE OF THIS CHAPTER;

36 5. IF THE REGIONAL HIGH SCHOOL IS OPERATED BY A HOSTING SCHOOL
37 DISTRICT, THE REGIONAL HIGH SCHOOL AND THE CONTRACT SHALL MEET THE
38 FOLLOWING REQUIREMENTS:

39 A. THE CONTRACT SHALL DESIGNATE THE SITE OF THE REGIONAL HIGH SCHOOL,
40 WHICH SHALL BE WITHIN THE BOUNDARIES OF ONE OF THE PARTICIPATING SCHOOL
41 DISTRICTS. THE HOSTING SCHOOL DISTRICT AND THE BOARD OF EDUCATION OF
42 SUCH SCHOOL DISTRICT SHALL HAVE RESPONSIBILITY FOR THE OPERATION, SUPER-
43 VISION AND MAINTENANCE OF THE REGIONAL HIGH SCHOOL, AS SHALL BE DESIG-
44 NATED IN THE CONTRACT,

45 B. THE CONTRACT SHALL SPECIFY THAT THE STUDENTS RECEIVING INSTRUCTION
46 FROM THE REGIONAL HIGH SCHOOL SHALL BE DEEMED TO BE ENROLLED IN THE
47 REGIONAL HIGH SCHOOL, EXCEPT TO THE EXTENT THAT THEIR ENROLLMENT AND
48 ATTENDANCE SHALL BE INCLUDED IN THE ENROLLMENT AND ATTENDANCE COUNTS OF
49 THE PARTICIPATING DISTRICTS FOR THE PURPOSES OF STATE AID, AND THEY
50 SHALL BE TREATED AND COUNTED AS SUCH FOR PURPOSES OF ALL STATE AID
51 CALCULATIONS PURSUANT TO THIS CHAPTER,

52 C. THE REGIONAL HIGH SCHOOL SHALL OPERATE ITS OWN EXTRA-CURRICULAR
53 ACTIVITIES AND INTERSCHOLASTIC ATHLETICS AND THE STUDENTS ATTENDING SUCH
54 REGIONAL HIGH SCHOOL SHALL BE ELIGIBLE TO PARTICIPATE IN SUCH ACTIVITIES
55 AND ATHLETICS AND SHALL NOT BE ELIGIBLE TO PARTICIPATE IN SUCH ACTIV-
56 ITIES AND ATHLETICS OF THEIR PARTICIPATING SCHOOL DISTRICT,

1 D. THE REGIONAL HIGH SCHOOL SHALL BE RESPONSIBLE FOR THE EVALUATION
2 AND GRADING OF THE ACADEMIC PERFORMANCE OF ALL STUDENTS ATTENDING THE
3 REGIONAL HIGH SCHOOL, AND SHALL AWARD STUDENTS THEIR DIPLOMAS UPON GRAD-
4 UATION,

5 E. THE CONTRACT SHALL PROVIDE THAT ALL TEACHERS, NON-INSTRUCTIONAL
6 EMPLOYEES AND OTHER STAFF MEMBERS OF THE PARTICIPATING SCHOOL DISTRICTS,
7 EXCEPT THE SUPERINTENDENT OF SCHOOLS, WHOSE SERVICES IN THE PARTICIPAT-
8 ING SCHOOL DISTRICTS ARE NO LONGER NEEDED BECAUSE OF THE CREATION OF A
9 REGIONAL HIGH SCHOOL OR THE TRANSFERENCE OF STUDENTS TO AN EXISTING
10 REGIONAL HIGH SCHOOL, SHALL BE GRANTED EMPLOYMENT RIGHTS IN THE HOST
11 SCHOOL DISTRICT IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBDIVISION,

12 F. IN ANY CASE IN WHICH A PARTICIPATING SCHOOL DISTRICT SENDS STUDENTS
13 TO A REGIONAL HIGH SCHOOL OPERATED BY A HOSTING SCHOOL DISTRICT, EACH
14 TEACHER, NON-INSTRUCTIONAL EMPLOYEE AND ALL OTHER EMPLOYEES PREVIOUSLY
15 EMPLOYED IN THE EDUCATION OF SUCH STUDENTS BY SUCH PARTICIPATING SCHOOL
16 DISTRICT PRIOR TO THE TIME THAT SUCH PARTICIPATING DISTRICT SENDS ITS
17 STUDENTS TO THE REGIONAL HIGH SCHOOL SHALL BE CONSIDERED EMPLOYEES OF
18 THE SCHOOL DISTRICT SELECTED PURSUANT TO SUBDIVISION FIFTEEN OF THIS
19 SECTION, WITH THE SAME TENURE AND/OR CIVIL SERVICE STATUS HELD IN SUCH
20 DISTRICT. EVERY SUCH TEACHER AND EMPLOYEE SHALL BE SUBJECT TO THE
21 SUPERVISION AND PERFORMANCE EVALUATION STANDARDS AND REQUIREMENTS OF THE
22 HOSTING SCHOOL DISTRICT, EXCEPT IN SUCH CASE AS PROVIDED FOR IN SUBDIVI-
23 SION FIFTEEN OF THIS SECTION, IF, UNDER THE TERMS OF THE CONTRACT, THEY
24 REMAIN AS MEMBERS OF THE EMPLOYEE ORGANIZATIONS OF WHICH THEY WERE
25 MEMBERS OF WHILE EMPLOYED BY A PARTICIPATING SCHOOL DISTRICT, THEN THEY
26 SHALL BE SUBJECT TO EVALUATION AND PERFORMANCE CRITERIA AS SET FORTH IN
27 THE EXISTING CONTRACT THEY ARE SUBJECT TO. FOR PURPOSES OF THIS
28 SECTION, WHEN A PARTICIPATING SCHOOL DISTRICT TAKES BACK STUDENTS THAT
29 IT SENT TO ANOTHER DISTRICT ON A TUITION BASIS AND SENDS SUCH STUDENTS
30 TO A REGIONAL HIGH SCHOOL OPERATED PURSUANT TO THIS ARTICLE, THE HOSTING
31 SCHOOL DISTRICT OF THE REGIONAL HIGH SCHOOL SHALL BE DEEMED TO BE THE
32 SENDING DISTRICT FOR PURPOSES OF THE RIGHTS AND PROTECTIONS PROVIDED IN
33 SECTION THREE THOUSAND FOURTEEN-C OF THIS CHAPTER AND/OR ARTICLE FIVE OF
34 THE CIVIL SERVICE LAW,

35 G. IF THE NUMBER OF TEACHING, NON-INSTRUCTIONAL AND OTHER POSITIONS
36 NEEDED TO PROVIDE THE EDUCATIONAL SERVICES REQUIRED BY A REGIONAL HIGH
37 SCHOOL IS LESS THAN THE NUMBER OF TEACHERS, NON-INSTRUCTIONAL EMPLOYEES
38 AND OTHER EMPLOYEES ELIGIBLE TO BE CONSIDERED EMPLOYEES OF THE HOSTING
39 SCHOOL DISTRICT OF SUCH REGIONAL HIGH SCHOOL AS PROVIDED BY PARAGRAPH F
40 OF THIS SUBDIVISION, THE SERVICES OF THE TEACHERS, NON-INSTRUCTIONAL
41 EMPLOYEES AND OTHER EMPLOYEES HAVING THE LEAST SENIORITY IN THE PARTIC-
42 IPATING SCHOOL DISTRICTS WITHIN THE TENURE AREA OR CIVIL SERVICE STATUS,
43 AS THE CASE MAY BE, OF THE POSITION SHALL BE DISCONTINUED. SUCH TEACH-
44 ERS, NON-INSTRUCTIONAL EMPLOYEES AND OTHER EMPLOYEES SHALL BE PLACED ON
45 A PREFERRED ELIGIBLE LIST OF CANDIDATES FOR APPOINTMENT TO A VACANCY
46 THAT MAY THEREAFTER OCCUR IN AN OFFICE OR POSITION UNDER THE JURISDIC-
47 TION OF THE PARTICIPATING SCHOOL DISTRICT, THE "RECEIVING DISTRICT" AS
48 DEFINED IN SECTION THREE THOUSAND FOURTEEN-C OF THIS CHAPTER, FROM WHICH
49 A PARTICIPATING SCHOOL DISTRICT HAS TAKEN BACK STUDENTS, AND THE HOSTING
50 SCHOOL DISTRICT OF THE REGIONAL HIGH SCHOOL SIMILAR TO THE ONE SUCH
51 TEACHER OR OTHER EMPLOYEE FILLED IN SUCH COMPONENT DISTRICT. THE TEACH-
52 ERS, NON-INSTRUCTIONAL EMPLOYEES AND OTHER EMPLOYEES ON SUCH PREFERRED
53 LISTS SHALL BE REINSTATED OR APPOINTED TO SUCH VACANCIES IN SUCH CORRE-
54 SPONDING OR SIMILAR POSITIONS UNDER THE JURISDICTION OF THE PARTICIPAT-
55 ING SCHOOL DISTRICT OR THE HOSTING SCHOOL DISTRICT OF THE REGIONAL HIGH
56 SCHOOL IN THE ORDER OF THEIR LENGTH OF SERVICE IN SUCH PARTICIPATING

1 SCHOOL DISTRICT, WITHIN SEVEN YEARS FROM THE DATE OF THE PLACEMENT OF
2 THE EMPLOYEE ON SAID LIST, AND

3 H. FOR ANY SUCH TEACHER, NON-INSTRUCTIONAL EMPLOYEE OR OTHER EMPLOYEE
4 AS DESCRIBED IN PARAGRAPHS E AND F OF THIS SUBDIVISION, FOR SALARY, SICK
5 LEAVE AND ANY OTHER PURPOSES, THE LENGTH OF SERVICE CREDITED IN SUCH
6 PARTICIPATING SCHOOL DISTRICT SHALL BE CREDITED AS EMPLOYMENT TIME WITH
7 THE HOSTING SCHOOL DISTRICT IF SUCH EMPLOYEES HAVE BECOME EMPLOYEES OF
8 THE HOSTING SCHOOL DISTRICT PURSUANT TO SUBDIVISION FIFTEEN OF THIS
9 SECTION;

10 6. THE CONTRACT SHALL SPECIFY THE COST OF THE OPERATION OF THE
11 REGIONAL HIGH SCHOOL FOR EACH PARTICIPATING SCHOOL DISTRICT AND AN ITEM-
12 IZED LISTING OF THE COST SAVINGS FOR EACH PARTICIPATING SCHOOL DISTRICT;

13 7. THE CONTRACT SHALL SPECIFY THE CURRENT AND PROPOSED FUTURE TEACH-
14 ING, NON-INSTRUCTIONAL AND ALL OTHER EMPLOYEE STAFFING LEVELS AND PLANS
15 OF THE REGIONAL HIGH SCHOOL;

16 8. THE CONTRACT SHALL SPECIFY THE CURRICULA AND CURRICULUM PLANS
17 OFFERED AND PROVIDED BY THE REGIONAL HIGH SCHOOL, AND SHALL REQUIRE THE
18 REGIONAL HIGH SCHOOL TO DOCUMENT AND DEMONSTRATE THE PROVISION OF AN
19 IMPROVED SCOPE OF EDUCATIONAL SERVICES TO STUDENTS IN COMPARISON TO THE
20 SENDING SCHOOL DISTRICTS;

21 9. THE CONTRACT SHALL SPECIFY THE CURRENT AND FUTURE ENROLLMENT LEVELS
22 AND PLANS OF THE REGIONAL HIGH SCHOOL;

23 10. THE CONTRACT SHALL SPECIFY THE CURRENT AND FUTURE BUILDING AND
24 CAPITAL CONSTRUCTION PLANS FOR THE REGIONAL HIGH SCHOOL;

25 11. THE CONTRACT SHALL SPECIFY PLANS FOR DELIVERY OF SPECIAL EDUCATION
26 PROGRAMS AND SERVICES TO STUDENTS WITH DISABILITIES ATTENDING THE
27 REGIONAL HIGH SCHOOL, INCLUDING THE ROLES AND RESPONSIBILITIES OF THE
28 COMMITTEES ON SPECIAL EDUCATION OF THE HOSTING SCHOOL DISTRICT AND THE
29 STUDENT'S SCHOOL DISTRICT OF RESIDENCE WHERE THAT IS DIFFERENT FROM THE
30 HOSTING SCHOOL DISTRICT;

31 12. THE CONTRACT SHALL SPECIFY THE PROCEDURES FOR DISCIPLINE OF
32 STUDENTS ATTENDING THE REGIONAL HIGH SCHOOL, INCLUDING THE APPLICABLE
33 CODE OF CONDUCT AND PROCEDURES FOR SUPERINTENDENTS' HEARINGS AND APPEALS
34 TO THE BOARD OF EDUCATION PURSUANT TO SECTION THIRTY-TWO HUNDRED FOUR-
35 TEEN OF THIS CHAPTER;

36 13. THE CONTRACT SHALL SPECIFY THE FISCAL IMPLICATIONS OF THE ESTAB-
37 LISHMENT AND OPERATION OF THE REGIONAL HIGH SCHOOL, INCLUDING THE
38 CURRENT AND EXPECTED STATE AID CHANGES, EXPENDITURES AND PROPERTY TAX
39 LEVIES;

40 14. THE CONTRACT SHALL SPECIFY THE PLAN AND PROCEDURES FOR PARTICIPAT-
41 ING DISTRICTS WITH REGARD TO THE ADMINISTRATION OF EACH SUCH PARTICIPAT-
42 ING DISTRICT, TOGETHER WITH THE ADMINISTRATION OF THE REGIONAL SCHOOL
43 DISTRICT;

44 15. THE CONTRACT SHALL SPECIFY WHETHER THE EMPLOYEES OF THE REGIONAL
45 HIGH SCHOOL SHALL ESTABLISH NEW EMPLOYEE ORGANIZATIONS, PURSUANT TO
46 ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW, FOR THEIR REPRESENTATION, OR
47 WHETHER THEY SHALL BECOME MEMBERS OF THE EMPLOYEE ORGANIZATIONS REPRES-
48 ENTING THE EMPLOYEES OF THE HOSTING DISTRICT OR THE BOARD OF COOPERATIVE
49 EDUCATIONAL SERVICES, OR WHETHER THEY SHALL REMAIN MEMBERS OF THE
50 EMPLOYEE ORGANIZATIONS OF WHICH THEY WERE MEMBERS OF WHILE EMPLOYED BY A
51 PARTICIPATING SCHOOL DISTRICT, AND, IF SUCH IS THE CASE, THE CONTRACT
52 SHALL MAINTAIN ALL OF THE TERMS OF ANY AND ALL COLLECTIVE BARGAINING
53 AGREEMENTS IN EXISTENCE AT THE TIME OF CREATION OF THE REGIONAL HIGH
54 SCHOOL UNTIL SUCH TIME AS SUCCESSOR AGREEMENTS HAVE BEEN NEGOTIATED, AND
55 SHALL PROVIDE THAT THE DETERMINATION OF BARGAINING UNIT STATUS AND
56 REPRESENTATION RIGHTS SHALL BE IN ACCORDANCE WITH ARTICLE FOURTEEN OF

1 THE CIVIL SERVICE LAW AND THE RULES OF PROCEDURE OF THE PUBLIC EMPLOY-
2 MENT RELATIONS BOARD;

3 16. THE CONTRACT SHALL SPECIFY THAT THE REGIONAL HIGH SCHOOL SHALL BE
4 SOLELY RESPONSIBLE FOR THE IMPLEMENTATION AND COMPLETION OF ALL ACADEMIC
5 ACHIEVEMENT STANDARDS FOR THE STUDENTS OF PARTICIPATING SCHOOL
6 DISTRICTS; AND

7 17. THIS SECTION SHALL IN NO WAY BE CONSTRUED TO LIMIT THE RIGHTS OF
8 ANY OF SUCH TEACHERS OR OTHER EMPLOYEES DESCRIBED IN THIS SECTION GRANT-
9 ED BY ANY OTHER PROVISION OF LAW.

10 18. FOR PURPOSES OF THIS ARTICLE THE "HOSTING DISTRICT" SHALL MEAN THE
11 SCHOOL DISTRICT WHICH OPERATES THE REGIONAL HIGH SCHOOL, A "SENDING
12 DISTRICT" SHALL MEAN A DISTRICT WHICH PARTICIPATES IN THE REGIONAL HIGH
13 SCHOOL BUT THAT DOES NOT OPERATE THE REGIONAL HIGH SCHOOL, AND A
14 "PARTICIPATING DISTRICT" SHALL MEAN A HOSTING DISTRICT OR A SENDING
15 DISTRICT.

16 S 1921. OPERATION BY BOARD OF COOPERATIVE EDUCATIONAL SERVICES.
17 NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE BOARDS
18 OF EDUCATION WHICH ARE PARTIES TO AN AGREEMENT TO OPERATE A REGIONAL
19 HIGH SCHOOL, WITH THE APPROVAL OF THE COMMISSIONER, MAY CONTRACT WITH
20 ANY OF THE BOARDS OF COOPERATIVE EDUCATIONAL SERVICES OF THE SUPERVISORY
21 DISTRICTS IN WHICH ANY ONE OF THE PARTICIPATING DISTRICTS ARE LOCATED
22 FOR THE MANAGEMENT AND OPERATION OF THE REGIONAL HIGH SCHOOL. EVERY
23 SUCH CONTRACT SHALL PROVIDE FOR THE COMMENCEMENT OF OPERATIONS OF THE
24 REGIONAL HIGH SCHOOL ON THE FIRST OF JULY, AND SHALL ONLY CEASE OPER-
25 ATIONS ON THE THIRTIETH OF JUNE OF ANY SCHOOL YEAR.

26 1. FOR ANY REGIONAL HIGH SCHOOL OPERATED BY A BOARD OF COOPERATIVE
27 EDUCATIONAL SERVICES, THE COMMISSIONER SHALL SPECIFY THE NUMBER OF
28 MEMBERS TO CONSTITUTE THE BOARD OF EDUCATION OF SUCH HIGH SCHOOL AND THE
29 NUMBER OF MEMBERS REPRESENTING EACH OF THE PARTICIPATING SCHOOL
30 DISTRICTS INCLUDED IN SUCH HIGH SCHOOL. THE NUMBER OF MEMBERS OF SUCH
31 BOARD SHALL BE NOT LESS THAN FIVE. THERE SHALL BE AT LEAST ONE MEMBER OF
32 SUCH BOARD FROM EACH PARTICIPATING SCHOOL DISTRICT. THE BOARD OF EDUCA-
33 TION OF EACH PARTICIPATING SCHOOL DISTRICT IN SUCH REGIONAL HIGH SCHOOL
34 DISTRICT SHALL APPOINT THE NUMBER OF PERSONS SO DESIGNATED BY THE
35 COMMISSIONER TO REPRESENT SUCH DISTRICT AS MEMBERS OF THE BOARD OF
36 EDUCATION OF THE REGIONAL HIGH SCHOOL. THE PERSONS SO DESIGNATED SHALL
37 BE MEMBERS OF THE BOARD OF EDUCATION OF THE REGIONAL HIGH SCHOOL DURING
38 THEIR TERMS OF OFFICE AS MEMBERS OF THE BOARD OF EDUCATION OR AS TRUS-
39 TEES OF THE DISTRICTS RESPECTIVELY REPRESENTED BY THEM. WHENEVER A
40 VACANCY SHALL OCCUR IN THE OFFICE OF A MEMBER OF THE BOARD OF EDUCATION
41 OF SUCH REGIONAL HIGH SCHOOL, IT SHALL BE FILLED AS ABOVE PROVIDED;
42 EXCEPT THAT EACH PARTICIPATING SCHOOL DISTRICT MAY CHOOSE TO FILL VACAN-
43 CIES FROM ITS DISTRICT ON THE REGIONAL HIGH SCHOOL BOARD BY ELECTION.

44 2. UPON ENTRY INTO SUCH CONTRACT, THE BOARD OF EDUCATION OF THE
45 REGIONAL HIGH SCHOOL SHALL TAKE OVER ALL OF THE EDUCATIONAL PROGRAMS OF
46 THE REGIONAL HIGH SCHOOL AND ANY AND ALL RESPONSIBILITY FOR COMPLIANCE
47 WITH ACADEMIC ACHIEVEMENT STANDARDS, AND ANY EMPLOYEES OF THE REGIONAL
48 HIGH SCHOOL OR OF THE PARTICIPATING SCHOOL DISTRICTS, AS THE CASE MAY
49 BE, SHALL BECOME EMPLOYEES OF THE REGIONAL HIGH SCHOOL AND THE
50 PROVISIONS OF SECTION THREE THOUSAND FOURTEEN-A OF THIS CHAPTER AND
51 ARTICLE FIVE OF THE CIVIL SERVICE LAW SHALL APPLY. SUCH EMPLOYEES SHALL
52 BE EMPLOYEES OF THE REGIONAL HIGH SCHOOL AND SHALL NOT BE DEEMED EMPLOY-
53 EES OF THE PARTICIPATING SCHOOL DISTRICTS FOR ANY PURPOSE. UPON TERMI-
54 NATION OF THE CONTRACT, THE REGIONAL HIGH SCHOOL OR THE PARTICIPATING
55 SCHOOL DISTRICTS, AS THE CASE MAY BE, SHALL TAKE OVER THE EDUCATIONAL
56 PROGRAMS AND THE EMPLOYEES SHALL BECOME EMPLOYEES OF THE HOSTING SCHOOL

1 DISTRICT OF THE REGIONAL HIGH SCHOOL, AND THE PROVISIONS OF SECTION
2 THREE THOUSAND FOURTEEN-B OF THIS CHAPTER AND ARTICLE FIVE OF THE CIVIL
3 SERVICE LAW SHALL APPLY.

4 3. NOTWITHSTANDING ANY PROVISIONS OF SECTION NINETEEN HUNDRED FIFTY OF
5 THIS TITLE OR ANY OTHER LAW TO THE CONTRARY, THE PROGRAM AND ADMINISTRA-
6 TIVE EXPENSES ATTRIBUTABLE TO THE PROGRAMS OF THE REGIONAL HIGH SCHOOL
7 SHALL BE A CHARGE UPON THE SCHOOL DISTRICTS PARTICIPATING IN THE
8 REGIONAL HIGH SCHOOL, AND THE BOARD OF EDUCATION OF THE REGIONAL HIGH
9 SCHOOL SHALL PORTION SUCH EXPENSES TO THE SCHOOL DISTRICTS PARTICIPATING
10 IN THE REGIONAL HIGH SCHOOL IN THE MANNER PRESCRIBED IN THE CONTRACT
11 BETWEEN THE PARTICIPATING SCHOOL DISTRICTS AND THE BOARD OF COOPERATIVE
12 EDUCATIONAL SERVICES. THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES
13 SHALL NOT CHARGE ANY PORTION OF THE PROGRAM OR ADMINISTRATIVE EXPENSES
14 INCURRED PURSUANT TO THIS SUBDIVISION TO ITS OTHER COMPONENT SCHOOL
15 DISTRICTS. SUCH ADMINISTRATIVE AND PROGRAM EXPENSES SHALL NOT BE ELIGI-
16 BLE FOR AID PURSUANT TO SUBDIVISION FIVE OF SECTION NINETEEN HUNDRED
17 FIFTY OF THIS TITLE, BUT SHALL BE ELIGIBLE FOR AID PURSUANT TO SECTION
18 THIRTY-SIX HUNDRED TWO OF THIS CHAPTER TO THE SAME EXTENT AS THE
19 EXPENSES OF ANY OTHER HIGH SCHOOL EDUCATION PROGRAM. NOTHING IN THIS
20 SUBDIVISION SHALL BE CONSTRUED TO PREVENT THE PARTICIPATING SCHOOL
21 DISTRICTS FROM CONTRACTING WITH THE BOARD OF COOPERATIVE EDUCATIONAL
22 SERVICES FOR AIDABLE SHARED SERVICES IN THE SAME MANNER AND UNDER THE
23 SAME CONDITIONS AS ANY OTHER COMPONENT SCHOOL DISTRICT, AND THE COST OF
24 SUCH AIDABLE SHARED SERVICES SHALL BE ELIGIBLE FOR AID PURSUANT TO
25 SUBDIVISION FIVE OF SECTION NINETEEN HUNDRED FIFTY OF THIS TITLE.

26 4. DURING THE TERM OF A CONTRACT PURSUANT TO THIS SECTION, ALL SCHOOLS
27 AND OTHER FACILITIES OF THE PARTICIPATING SCHOOL DISTRICTS OF THE
28 REGIONAL HIGH SCHOOL WHICH ARE USED BY THE BOARD OF COOPERATIVE EDUCA-
29 TIONAL SERVICES IN THE OPERATION OF THE REGIONAL HIGH SCHOOL SHALL BE
30 DEEMED LEASED TO THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES AT NO
31 COST. SUCH SCHOOLS AND OTHER FACILITIES SHALL REMAIN THE PROPERTY OF THE
32 PARTICIPATING SCHOOL DISTRICTS AND ANY CAPITAL EXPENSES AND BUILDING
33 MAINTENANCE COSTS INCURRED WITH RESPECT TO SUCH FACILITIES SHALL BE A
34 CHARGE UPON THE PARTICIPATING SCHOOL DISTRICTS IN ACCORDANCE WITH THE
35 TERMS OF THE CONTRACT. SUCH CAPITAL EXPENSES AND MAINTENANCE COSTS SHALL
36 NOT BE ELIGIBLE FOR AID PURSUANT TO SUBDIVISION FIVE OF SECTION NINETEEN
37 HUNDRED FIFTY OF THIS TITLE BUT SHALL BE ELIGIBLE FOR AID PURSUANT TO
38 SECTION THIRTY-SIX HUNDRED TWO OF THIS CHAPTER TO THE SAME EXTENT AS
39 SUCH EXPENSES OF ANY OTHER SCHOOL DISTRICT.

40 5. STUDENTS RECEIVING INSTRUCTION FROM THE REGIONAL HIGH SCHOOL SHALL
41 BE DEEMED TO BE ENROLLED IN THE REGIONAL HIGH SCHOOL, EXCEPT TO THE
42 EXTENT THAT THEY ARE PARTICIPATING IN A SHARED SERVICE IN THEIR ENROLL-
43 MENT AND ATTENDANCE WHICH SHALL BE INCLUDED IN THE ENROLLMENT AND
44 ATTENDANCE COUNTS OF THE PARTICIPATING SCHOOL DISTRICTS FOR THE PURPOSES
45 OF STATE AID. HIGH SCHOOL DIPLOMAS SHALL BE ISSUED BY THE REGIONAL HIGH
46 SCHOOL AND THE BOARD OF EDUCATION OF THE REGIONAL HIGH SCHOOL SHALL BE
47 RESPONSIBLE FOR THE PERFORMANCE OF ITS STUDENTS IN THE REGIONAL HIGH
48 SCHOOL UNDER THE STATE ACCOUNTABILITY SYSTEM.

49 S 9. Subdivision 14 of section 3602 of the education law is amended by
50 adding a new paragraph k to read as follows:

51 K. INCENTIVE OPERATING AID FOR REGIONAL HIGH SCHOOLS. NOTWITHSTANDING
52 THE PROVISIONS OF PARAGRAPHS A THROUGH J OF THIS SUBDIVISION, WHENEVER
53 TWO OR MORE SCHOOL DISTRICTS ARE PARTIES TO AN AGREEMENT TO OPERATE A
54 REGIONAL HIGH SCHOOL PURSUANT TO ARTICLE THIRTY-NINE-A OF THIS CHAPTER,
55 AND WHENEVER AFTER JULY FIRST, TWO THOUSAND TWELVE, ALL SUCH SCHOOL

DISTRICTS SO SCHEDULED DO ENTER INTO AN AGREEMENT TO OPERATE A REGIONAL HIGH SCHOOL PURSUANT TO SUCH ARTICLE THIRTY-NINE-A, AND

(1) WHENEVER SUCH PROPOSED REGIONAL HIGH SCHOOL AGREEMENT INCLUDES AT LEAST TWO SCHOOL DISTRICTS, EACH OF WHICH PREVIOUSLY MAINTAINED ITS OWN HIGH SCHOOL, AND DOES NOT MAINTAIN ITS OWN HIGH SCHOOL FOLLOWING THE ESTABLISHMENT OF THE REGIONAL HIGH SCHOOL, OR

(2) WHEREVER SUCH PROPOSED REGIONAL HIGH SCHOOL AGREEMENT INCLUDES AT LEAST ONE SCHOOL DISTRICT WHICH PREVIOUSLY MAINTAINED ITS OWN HIGH SCHOOL, AND DOES NOT MAINTAIN ITS OWN HIGH SCHOOL FOLLOWING THE ESTABLISHMENT OF THE REGIONAL HIGH SCHOOL, AND IN ADDITION THERETO, INCLUDES AT LEAST ONE ADDITIONAL SCHOOL DISTRICT EMPLOYING EIGHT OR MORE TEACHERS:

IN EACH YEAR IN WHICH A SCHOOL DISTRICT IS PARTY TO SUCH AGREEMENT, SUCH DISTRICT SHALL BE ENTITLED TO AN APPORTIONMENT EQUAL TO FORTY PERCENT OF THE APPORTIONMENT COMPUTED IN ACCORDANCE WITH THE PROVISIONS OF PARAGRAPH D-1 OF THIS SUBDIVISION; BUT IN NO CASE SHALL THE SUM OF SUCH APPORTIONMENT UNDER THIS PARAGRAPH PLUS THE SELECTED OPERATING AID PER PUPIL BE MORE THAN A TOTAL OF NINETY-FIVE PER CENTUM OF THE YEAR PRIOR TO THE BASE YEAR APPROVED OPERATING EXPENSE. SCHOOL DISTRICTS WHICH RECEIVE AN APPORTIONMENT UNDER THIS PARAGRAPH SHALL NOT BE ELIGIBLE FOR AN APPORTIONMENT UNDER PARAGRAPH C, E, F OR J OF THIS SUBDIVISION.

(3) NOT LESS THAN FIFTY PERCENT OF THE AID RECEIVED BY A SENDING SCHOOL DISTRICT PURSUANT TO THIS PARAGRAPH SHALL BE USED TO IMPROVE ITS GRADES PRE-KINDERGARTEN THROUGH EIGHT EDUCATIONAL PROGRAMS.

S 10. Subparagraph (a) of paragraph p of subdivision 4 of section 1950 of the education law, as amended by chapter 602 of the laws of 1994, is amended to read as follows:

(a) To rent suitable land, classrooms, offices or buildings upon or in which to maintain and conduct such cooperative educational services and administrative offices for a period not to exceed [ten] TWENTY years and to improve, alter, equip and furnish such land, classrooms, offices or buildings in a suitable manner for such purposes (1) before executing any lease, the board shall adopt a resolution determining that such agreement is in the best financial interests of the supervisory district and stating the basis of that determination; (2) the rental payment shall not be more than the fair market value as determined by the board; and (3) upon the consent of the commissioner, renewal of such lease may be made for a period of up to ten years. Nothing contained herein shall prevent the board from entering into a lease agreement which provides for the cancellation of the same by such board upon: (i) a substantial increase or decrease in pupil enrollment; or (ii) a substantial change in the needs and requirements of a board of cooperative educational services with respect to facilities; or (iii) any other change which substantially affects the needs or requirements of a board of cooperative educational services or the community in which it is located. No lease or other contract for the occupancy of such land, classrooms, offices or buildings shall be enforceable against the board of cooperative educational services unless and until the same shall have been approved in writing by the commissioner.

S 11. Paragraph h of subdivision 4 of section 1950 of the education law is amended by adding a new subparagraph 8 to read as follows:

(8) TO ENTER INTO CONTRACTS WITH OUT-OF-STATE SCHOOL DISTRICTS, WITH THE APPROVAL OF THE DISTRICT SUPERINTENDENT OF SCHOOLS, TO PROVIDE SERVICES MADE AVAILABLE TO ANY SCHOOL DISTRICT WITHIN THE SUPERVISORY DISTRICT UPON SUCH TERMS AS DETERMINED BY THE COMMISSIONER IN RULES AND REGULATIONS AND AS AGREED UPON PURSUANT TO CONTRACTS EXECUTED BY SUCH

1 BOARD OF COOPERATIVE EDUCATIONAL SERVICES AND THE TRUSTEES OR BOARDS OF
2 EDUCATION OF SUCH OUT-OF-STATE SCHOOL DISTRICTS. NO LATER THAN JUNE
3 THIRTIETH OF EACH YEAR, EACH BOARD OF COOPERATIVE EDUCATIONAL SERVICES
4 WHICH PROVIDES SERVICES TO OUT-OF-STATE SCHOOL DISTRICTS SHALL REPORT
5 THE AMOUNT AND NATURE OF SUCH SERVICES TO THE COMMISSIONER.

6 S 12. Subparagraph 2 of paragraph d of subdivision 4 of section 1950
7 of the education law, as added by chapter 474 of the laws of 1996, is
8 amended to read as follows:

9 (2) Certain services prohibited. Commencing with the [nineteen hundred
10 ninety-seven--ninety-eight] TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN
11 school year, the commissioner shall not be authorized to approve as an
12 aidable shared service pursuant to this subdivision any cooperative
13 maintenance services or municipal services, including but not limited
14 to, lawn mowing services and heating, ventilation or air conditioning
15 repair or maintenance or trash collection, or any other municipal
16 services as defined by the commissioner, PROVIDED THAT THE BOARD OF
17 COOPERATIVE EDUCATIONAL SERVICES DEMONSTRATES TO THE SATISFACTION OF THE
18 COMMISSIONER THAT THE PROVISION OF SUCH SERVICE BY THE BOARD OF COOPER-
19 ATIVE EDUCATIONAL SERVICES WILL RESULT IN A COST SAVINGS TO PARTICIPAT-
20 ING SCHOOL DISTRICTS. [On and after the effective date of this para-
21 graph, the commissioner shall not approve, as an aidable shared service,
22 any new cooperative maintenance or municipal services for the nineteen
23 hundred ninety-six--ninety-seven school year, provided that the commis-
24 sioner may approve the continuation of such services for one year if
25 provided in the nineteen hundred ninety-five--ninety-six school year.]
26 ON AND AFTER THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOU-
27 SAND TWELVE, WHICH AMENDED THIS SUBPARAGRAPH, NO SERVICE PROVIDED TO AN
28 OUT-OF-STATE SCHOOL DISTRICT PURSUANT TO SUBPARAGRAPH EIGHT OF PARAGRAPH
29 H OF THIS SUBDIVISION SHALL BE ELIGIBLE FOR AID.

30 S 13. Subparagraph 2 of paragraph h of subdivision 4 of section 1950
31 of the education law, as amended by chapter 474 of the laws of 1996, is
32 amended to read as follows:

33 (2) To enter into contracts with the United States of America, the
34 State of New York, any school district, community college, public insti-
35 tution of higher education, independent institution of higher education
36 eligible for aid under section sixty-four hundred one of this chapter,
37 PUBLIC LIBRARIES, or public agency in relation to the program of the
38 board of cooperative educational services, and any such school district,
39 community college, institution of higher education, or public agency is
40 hereby authorized and empowered to do and perform any and all acts
41 necessary or convenient in relation to the performance of any such
42 contracts.

43 S 14. Subdivision 11 of section 6-p of the general municipal law is
44 REPEALED.

45 S 15. Paragraph b of subdivision 5 of section 1950 of the education
46 law, as amended by section 80-a of part A of chapter 58 of the laws of
47 2011, is amended to read as follows:

48 b. The cost of services herein referred to shall be the amount allo-
49 cated to each component school district by the board of cooperative
50 educational services to defray expenses of such board, except that that
51 part of the salary paid any teacher, supervisor or other employee of the
52 board of cooperative educational services which is in excess of thirty
53 thousand dollars shall not be such an approved expense, and except also
54 that administrative and clerical expenses shall not exceed ten percent
55 of the total expenses for purposes of this computation. Any gifts,
56 donations or interest earned by the board of cooperative educational

1 services or on behalf of the board of cooperative educational services
2 by the dormitory authority or any other source shall not be deducted in
3 determining the cost of services allocated to each component school
4 district. [Any payments made to a component school district by the board
5 of cooperative educational services pursuant to subdivision eleven of
6 section six-p of the general municipal law attributable to an approved
7 cost of service computed pursuant to this subdivision shall be deducted
8 from the cost of services allocated to such component school district.]
9 The expense of transportation provided by the board of cooperative
10 educational services pursuant to paragraph q of subdivision four of this
11 section shall be eligible for aid apportioned pursuant to subdivision
12 seven of section thirty-six hundred two of this chapter and no board of
13 cooperative educational services transportation expense shall be an
14 approved cost of services for the computation of aid under this subdivi-
15 sion. Transportation expense pursuant to paragraph q of subdivision four
16 of this section shall be included in the computation of the ten percent
17 limitation on administrative and clerical expenses.

18 S 16. 1. Notwithstanding any other provision of law to the contrary,
19 where the education department denies or has denied transportation aid
20 for a school district transportation contract or has recovered overpay-
21 ments of such aid relating thereto, the actions or omissions of all
22 officers, employees or agents of an eligible school district relating to
23 or in connection with transportation contracts for the 2004-05 school
24 year through the 2011-12 school year and for contracts and contract
25 extensions entered into prior to the 2004-05 school year for which
26 expenses were incurred in the 2004-05 school year or thereafter, and all
27 acts incidental thereto are hereby legalized, validated, ratified and
28 confirmed, notwithstanding any failure to comply with the contract
29 award, approvals and filing provisions of the education law, general
30 municipal law or any other law, rule or regulation in relation to any
31 omission, error, defect, irregularity or illegality in such proceeding
32 had and taken.

33 2. The education department is hereby directed to consider the
34 contracts legalized, ratified, validated and confirmed pursuant to
35 subdivision one of this section for transportation aid as a valid and
36 proper obligation of the school district for aid payable for expense
37 incurred in the 2004-05 school year and thereafter; provided that such
38 school district submits to the education department the applicable
39 contract number or numbers, school year and upon request, a copy of the
40 contract, on or before December 31, 2012 and the contract is approved by
41 the commissioner of education, and provided further that any amount due
42 and payable for school years prior to the 2012-13 school year as a
43 result of this section shall be paid pursuant to the provisions of para-
44 graph c of subdivision 5 of section 3604 of the education law.

45 3. Notwithstanding any other provision of law to the contrary, any
46 pending payment of moneys due to a school district for a contract
47 approved for transportation aid pursuant to subdivision two of this
48 section, as a prior year adjustment payable pursuant to paragraph c of
49 subdivision 5 of section 3604 of the education law for aid claims that
50 had been previously paid in excess as current year aid payments and for
51 which recovery of excess payments is to be made pursuant to this
52 section, shall be reduced by any remaining unrecovered balance of such
53 excess payments, and the remaining scheduled deductions of such excess
54 payments pursuant to this section shall be reduced by the commissioner
55 of education to reflect the amount so recovered.

1 S 17. Section 4204-b of the education law, as amended by section 53 of
2 part A of chapter 58 of the laws of 2011, is amended to read as follows:

3 S 4204-b. School district contribution and state reimbursement. 1. The
4 school district of which any such child is resident [at the time of
5 admission or readmission to any of the institutions or facilities
6 subject to this article] shall be required to reimburse the state on
7 account of any expenditure made by the state for any such child initial-
8 ly appointed by the commissioner to such institution or facility after
9 June thirtieth, nineteen hundred seventy-seven in an amount equal to the
10 school district basic contribution defined in subdivision eight of
11 section forty-four hundred one of this title, except that for the two
12 thousand eleven--two thousand twelve school year and thereafter, such
13 school district shall be responsible for reimbursing the state in an
14 amount equal to the positive difference of the school district basic
15 contribution minus the tuition paid by such school district pursuant to
16 section forty-two hundred four or forty-two hundred seven of this arti-
17 cle. The state comptroller may deduct from any state funds which become
18 due to a school district for each year in which such child was in
19 attendance at such institution or facility an amount equal to the
20 reimbursement required to be made by such school district in accordance
21 with this section, and the amount so deducted shall not be included in
22 the operating expense of such district for the purposes of computing the
23 apportionment for operating expense aid pursuant to subdivision eleven
24 of section thirty-six hundred two of this chapter.

25 2. The state shall reimburse the school district of which any such
26 child is resident [at the time of admission or readmission to any of the
27 institutions subject to this article] for tuition paid to the institu-
28 tion in an amount equal to the positive difference between the amount of
29 such tuition and the school district basic contribution. Such state
30 reimbursement to the school district shall not be paid prior to April
31 first of the school year in which such tuition costs are paid by the
32 school district. The tuition incurred through December thirty-first of
33 such school year shall be payable prior to June thirtieth of such school
34 year, provided that a claim is submitted on or before June first.

35 S 18. Subdivision 7 of section 95 of the social services law, as added
36 by chapter 452 of the laws of 1986, is amended to read as follows:

37 7. A. When an eligible recipient under this section is issued an
38 authorization to participate in the food stamp program by written or
39 electronic means, such authorization to participate [may]:

40 (I) MAY be redeemed for food stamp program coupons at designated
41 redemption centers by the recipient or by an authorized representative.
42 When an eligible recipient under this section is issued food stamp
43 program coupons, such food stamp program coupons may be used to purchase
44 food items from a food distributor by the recipient or by an authorized
45 representative. Any other transfer or sale of authorizations to partic-
46 ipate or food stamp program coupons shall constitute an unauthorized use
47 of said authorizations or coupons;

48 (II) SHALL REQUIRE THE SOCIAL SERVICES DISTRICT TO SEND A NOTIFICATION
49 TO ANY SCHOOL, OF GRADES KINDERGARTEN THROUGH TWELVE, AT WHICH A CHILD
50 OF A RECIPIENT ATTENDS, THAT SUCH CHILD IS ELIGIBLE FOR PARTICIPATION IN
51 THE STATE AND FEDERALLY FUNDED FREE AND REDUCED PRICE SCHOOL LUNCH
52 PROGRAM. UPON RECEIPT OF SUCH NOTIFICATION, THE SCHOOL AT WHICH SUCH
53 CHILD ATTENDS, SHALL ENROLL SUCH STUDENT IN THE STATE AND FEDERALLY
54 FUNDED FREE AND REDUCED PRICE SCHOOL LUNCH PROGRAM, WITHOUT ANY ADDI-
55 TIONAL APPLICATION REQUIREMENTS THEREFORE; AND

1 (III) SHALL REQUIRE THE SOCIAL SERVICES DISTRICT TO SEND A NOTIFICA-
2 TION TO ANY RECIPIENT WHO HAS A CHILD WHO ATTENDS A SCHOOL, OF GRADES
3 KINDERGARTEN THROUGH TWELVE, THAT SUCH CHILD HAS BEEN ENROLLED IN THE
4 STATE AND FEDERALLY FUNDED FREE AND REDUCED PRICE SCHOOL LUNCH PROGRAM.
5 SUCH NOTIFICATION SHALL ALSO CONTAIN AN APPLICATION TO DECLINE THE
6 ENROLLMENT OF SUCH CHILD IN THE STATE AND FEDERALLY FUNDED FREE AND
7 REDUCED PRICE SCHOOL LUNCH PROGRAM. IN THE EVENT A SCHOOL RECEIVES AN
8 APPLICATION TO DECLINE THE ENROLLMENT OF SUCH CHILD IN THE STATE AND
9 FEDERALLY FUNDED FREE AND REDUCED PRICE SCHOOL LUNCH PROGRAM, THE CHILD
10 OF SUCH RECIPIENT SHALL BE REMOVED FROM THE ENROLLMENT IN SUCH PROGRAM.

11 B. For the purposes of this subdivision, "authorized representative"
12 shall be defined in regulations promulgated by the commissioner.

13 S 19. Section 3641 of the education law is amended by adding a new
14 subdivision 15 to read as follows:

15 15. HIGH PERFORMING ACADEMIC INCENTIVES. A. IN ADDITION TO APPORTION-
16 MENTS OTHERWISE PROVIDED BY SECTION THIRTY-SIX HUNDRED TWO OF THIS ARTI-
17 CLE, FOR AID PAYABLE IN THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN
18 SCHOOL YEAR AND THEREAFTER, THE AMOUNTS SPECIFIED IN PARAGRAPH B OF THIS
19 SUBDIVISION SHALL BE PAID FOR THE PURPOSE OF PROVIDING ADDITIONAL FUND-
20 ING FOR HIGH PERFORMING SCHOOL DISTRICTS. HIGH PERFORMING SCHOOLS SHALL
21 INCLUDE ANY ONE OF THE FOLLOWING:

22 (I) SCHOOL DISTRICTS THAT FALL WITHIN THE TOP TEN PERCENT OF THE STATE
23 IN PERCENT OF STUDENTS GRADUATING WITH A REGENTS DIPLOMA;

24 (II) SCHOOL DISTRICTS THAT ARE IN THE TOP TEN PERCENT OF SCHOOL
25 DISTRICTS WITH STUDENTS THAT ARE AT OR ABOVE MEETING THE REGENTS STAND-
26 ARDS ON FOURTH AND EIGHTH GRADE ENGLISH LANGUAGE ARTS EXAMS AND MATH-
27 EMATICS EXAMS;

28 (III) SCHOOL DISTRICTS THAT FALL WITHIN THE TOP TEN PERCENT OF SCHOOL
29 DISTRICT GRADUATION RATES OVER THE THREE MOST RECENT YEARS IN WHICH DATA
30 IS AVAILABLE; OR

31 (IV) SCHOOL DISTRICTS WHICH ARE IN THE TOP TEN PERCENT OF SCHOOL
32 DISTRICTS WHICH HAVE INCREASED THE PERCENT OF STUDENTS MEETING THE
33 REGENTS STANDARDS ON THE FOURTH AND EIGHTH GRADE MATH AND ENGLISH EXAMS.

34 B. ACADEMIC PERFORMANCE INCENTIVES SHALL BE AWARDED IN ACCORDANCE WITH
35 THE CRITERIA PRESCRIBED PURSUANT TO THIS SUBDIVISION AND ADMINISTERED BY
36 THE COMMISSIONER. INCENTIVE FUNDS MAY BE USED FOR ANY EDUCATIONAL
37 PURPOSE INCLUDING BUT NOT LIMITED TO SUPPORT FOR EDUCATIONAL PROGRAMS,
38 PROFESSIONAL STAFF DEVELOPMENT, AFTERSCHOOL PROGRAMS AND EDUCATIONAL
39 TECHNOLOGY. THE COMMISSIONER SHALL BE AUTHORIZED TO ALLOCATE FIVE
40 MILLION DOLLARS SUBJECT TO THE APPROVAL OF THE DIRECTOR OF BUDGET TO
41 SCHOOLS FOR THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR
42 AND THEREAFTER SUBJECT TO AN APPROPRIATION FOR SUCH PURPOSE.

43 S 20. Subdivision 7 of section 3604 of the education law, as amended
44 by section 31 of part B of chapter 57 of the laws of 2007, is amended to
45 read as follows:

46 7. No district shall be entitled to any portion of such school moneys
47 on such apportionment unless the report of the trustees or board of
48 education for the preceding school year shall show that the public
49 schools were actually in session in the district and taught by a quali-
50 fied teacher or by successive qualified teachers or by qualified teach-
51 ers for not less than one hundred eighty days. The moneys payable to a
52 school district pursuant to section thirty-six hundred nine-a of this
53 chapter in the current year shall be reduced by one one-hundred eight-
54 ieth of the district's total foundation aid for each day less than one
55 hundred eighty days that the schools of the district were actually in
56 session, except that the commissioner may disregard such reduction, up

1 to five days, in the apportionment of public money, if he finds that the
2 schools of the district were not in session for one hundred eighty days
3 because of extraordinarily adverse weather conditions, impairment of
4 heating facilities, insufficiency of water supply, shortage of fuel,
5 lack of electricity, natural gas leakage, unacceptable levels of chemi-
6 cal substances, [or] the destruction of a school building either in
7 whole or in part, OR ANY OTHER EXTRAORDINARY EVENT THAT THE COMMISSIONER
8 DETERMINES SHOULD JUSTIFY THE DISREGARDING OF THE REDUCTION, and if,
9 further, the commissioner finds that such district cannot make up such
10 days of instruction by using for the secondary grades all scheduled
11 vacation days which occur prior to the first scheduled regents examina-
12 tion day in June, and for the elementary grades all scheduled vacation
13 days which occur prior to the last scheduled regents examination day in
14 June. For the purposes of this subdivision, "scheduled vacation days"
15 shall mean days on which the schools of the district are not in session
16 and for which no prohibition exists in subdivision eight of this section
17 for them to be in session.

18 S 21. Section 3604 of the education law is amended by adding a new
19 subdivision 7-a to read as follows:

20 7-A. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION SEVEN OF THIS
21 SECTION, FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR,
22 THE COMMISSIONER SHALL DISREGARD SUCH REDUCTION, UP TO TEN DAYS, IN THE
23 APPORTIONMENT OF PUBLIC MONEY, IF THE SCHOOLS OF THE DISTRICT WERE NOT
24 IN SESSION FOR ONE HUNDRED EIGHTY DAYS BECAUSE OF EXTRAORDINARILY
25 ADVERSE WEATHER CONDITIONS, FEDERAL DECLARATIONS OF NATURAL DISASTERS, A
26 STATE DISASTER EMERGENCY AS DEFINED IN SECTION TWENTY OF THE EXECUTIVE
27 LAW, THE CLOSING OF TRANSPORTATION ROUTES PURSUANT TO A DECLARED LOCAL
28 STATE OF EMERGENCY, IMPAIRMENT OF HEATING FACILITIES, INSUFFICIENCY OF
29 WATER SUPPLY, SHORTAGE OF FUEL, LACK OF ELECTRICITY, OR THE DESTRUCTION
30 OF A SCHOOL BUILDING EITHER IN WHOLE OR IN PART, AND IF, FURTHER, THE
31 DISTRICT SUPERINTENDENT CERTIFIES THAT SUCH DISTRICT CANNOT MAKE UP SUCH
32 DAYS OF INSTRUCTION BY USING FOR THE SECONDARY GRADES ALL SCHEDULED
33 VACATION DAYS WHICH OCCUR PRIOR TO THE FIRST SCHEDULED REGENTS EXAMINA-
34 TION DAY IN JUNE, AND FOR THE ELEMENTARY GRADES ALL SCHEDULED VACATION
35 DAYS WHICH OCCUR PRIOR TO THE LAST SCHEDULED REGENTS EXAMINATION DAY IN
36 JUNE; AND IF, FURTHER, THE DISTRICT SUPERINTENDENT CERTIFIES TO THE
37 COMMISSIONER THAT TO DO SO WOULD IMPERIL STUDENTS, FACULTY AND STAFF
38 WHILE REPAIRS CONTINUE. FOR THE PURPOSES OF THIS SUBDIVISION, "SCHEDULED
39 VACATION DAYS" SHALL MEAN DAYS ON WHICH THE SCHOOLS OF THE DISTRICT ARE
40 NOT IN SESSION AND FOR WHICH NO PROHIBITION EXISTS IN SUBDIVISION EIGHT
41 OF THIS SECTION FOR THEM TO BE IN SESSION.

42 S 22. The opening paragraph of subdivision 10 of section 3602-e of the
43 education law, as amended by section 38 of part A of chapter 58 of the
44 laws of 2011, is amended to read as follows:

45 Notwithstanding any provision of law to the contrary, for aid payable
46 in the two thousand eight--two thousand nine school year, the grant to
47 each eligible school district for universal prekindergarten aid shall be
48 computed pursuant to this subdivision, and for the two thousand nine--
49 two thousand ten and two thousand ten--two thousand eleven school years,
50 each school district shall be eligible for a maximum grant equal to the
51 amount computed for such school district for the base year in the elec-
52 tronic data file produced by the commissioner in support of the two
53 thousand nine--two thousand ten education, labor and family assistance
54 budget, provided, however, that in the case of a district implementing
55 programs for the first time or implementing expansion programs in the
56 two thousand eight--two thousand nine school year where such programs

1 operate for a minimum of ninety days in any one school year as provided
2 in section 151-1.4 of the regulations of the commissioner, for the two
3 thousand nine--two thousand ten and two thousand ten--two thousand elev-
4 en school years, such school district shall be eligible for a maximum
5 grant equal to the amount computed pursuant to paragraph a of subdivi-
6 sion nine of this section in the two thousand eight--two thousand nine
7 school year, and for the two thousand eleven--two thousand twelve [and
8 two thousand twelve--two thousand thirteen school years] SCHOOL YEAR
9 each school district shall be eligible for a maximum grant equal to the
10 amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN"
11 under the heading "2011-12 ESTIMATED AIDS" in the school aid computer
12 listing produced by the commissioner in support of the enacted budget
13 for the 2011-12 school year and entitled "SA111-2", AND FOR TWO THOUSAND
14 TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR EACH SCHOOL DISTRICT SHALL BE
15 ELIGIBLE FOR A MAXIMUM GRANT EQUAL TO THE GREATER OF (I) THE AMOUNT SET
16 FORTH FOR SUCH SCHOOL DISTRICT AS "UNIVERSAL PREKINDERGARTEN" UNDER THE
17 HEADING "2010-11 BASE YEAR AIDS" IN THE SCHOOL AID COMPUTER LISTING
18 PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE ENACTED BUDGET FOR THE
19 2011-12 SCHOOL YEAR AND ENTITLED "SA111-2", OR (II) THE AMOUNT SET FORTH
20 FOR SUCH SCHOOL DISTRICT AS "UNIVERSAL PREKINDERGARTEN" UNDER THE HEAD-
21 ING "2010-11 BASE YEAR AIDS" IN THE SCHOOL AID COMPUTER LISTING PRODUCED
22 BY THE COMMISSIONER ON MAY 15, 2011 PURSUANT TO PARAGRAPH B OF SUBDIVI-
23 SION TWENTY-ONE OF SECTION THREE HUNDRED FIVE OF THIS CHAPTER, and
24 provided further that the maximum grant shall not exceed the total actu-
25 al grant expenditures incurred by the school district in the current
26 school year as approved by the commissioner.

27 S 23. Subdivision 11 of section 3602-e of the education law, as
28 amended by section 19 of part B of chapter 57 of the laws of 2007, is
29 amended to read as follows:

30 11. Notwithstanding the provisions of subdivision ten of this section,
31 where the district serves fewer children during the current year than
32 THE LESSER OF THE CHILDREN SERVED in the base year OR THE MAXIMUM AIDA-
33 BLE PREKINDERGARTEN PUPILS COMPUTED FOR THE CURRENT YEAR, the school
34 district shall have its apportionment reduced in an amount proportional
35 to such deficiency in the current year or in the succeeding school year,
36 as determined by the commissioner, except such reduction shall not apply
37 to school districts which have fully implemented a universal pre-kinder-
38 garten program by making such program available to all eligible chil-
39 dren. Expenses incurred by the school district in implementing a pre-
40 kindergarten program plan pursuant to this subdivision shall be deemed
41 ordinary contingent expenses.

42 S 23-a. Subdivision a of section 5 of chapter 121 of the laws of 1996,
43 relating to authorizing the Roosevelt union free school district to
44 finance deficits, as amended by chapter 9 of the laws of 2008, is
45 amended to read as follows:

46 a. Notwithstanding any other provisions of law, upon application to
47 the commissioner of education submitted not sooner than April first and
48 not later than June thirtieth of the applicable school year, the Roose-
49 velt union free school district shall be eligible to receive an appor-
50 tionment pursuant to this chapter for salary expenses, including related
51 benefits, incurred between April first and June thirtieth of such school
52 year. Such apportionment shall not exceed: for the 1996-97 school year
53 through the [2010-11] 2014-15 school year, four million dollars
54 (\$4,000,000); for the [2011-12] 2015-16 school year, three million
55 dollars (\$3,000,000); for the [2012-13] 2016-17 school year, two million
56 dollars (\$2,000,000); for the [2013-14] 2017-18 school year, one million

1 dollars (\$1,000,000); and for the [2014-15] 2018-19 school year, zero
2 dollars. Such annual application shall be made after the board of
3 education has adopted a resolution to do so with the approval of the
4 commissioner of education.

5 S 23-b. Subdivision 3 of section 3623-a of the education law is
6 amended by adding a new paragraph d to read as follows:

7 D. (1) NOTWITHSTANDING ANY LAW TO THE CONTRARY, WHERE A SCHOOL
8 DISTRICT PROVIDING TRANSPORTATION FOR SOME OR ALL OF ITS DISTRICT PUPILS
9 THROUGH A DISTRICT OPERATED TRANSPORTATION SYSTEM AS OF THE FIRST DAY OF
10 SEPTEMBER TWO THOUSAND TWELVE CONTRACTS FOR THE TRANSPORTATION OF ITS
11 PUPILS WITH A CONTRACTOR AND SUCH CONTRACT RESULTS IN A LOWER ALLOWABLE
12 TRANSPORTATION EXPENSE PURSUANT TO THIS SECTION THAN THE DISTRICT OPER-
13 ATED TRANSPORTATION SYSTEM SUCH DISTRICT MAY COMPUTE ITS TRANSPORTATION
14 AID PURSUANT TO THIS SECTION BASED UPON THE HIGHER DISTRICT OPERATED
15 TRANSPORTATION SYSTEM COSTS; PROVIDED, HOWEVER, THAT SUCH SCHOOL
16 DISTRICT MEETS THE REQUIREMENTS SET FORTH IN SUBPARAGRAPH TWO OF THIS
17 PARAGRAPH.

18 (2) A SCHOOL DISTRICT WHICH COMPUTES ITS TRANSPORTATION AID PURSUANT
19 TO SUBPARAGRAPH ONE OF THIS PARAGRAPH SHALL MEET THE FOLLOWING REQUIRE-
20 MENTS:

21 (I) CALCULATE ITS ALLOWABLE TRANSPORTATION EXPENSES PURSUANT TO THIS
22 SECTION FOR A DISTRICT OPERATED TRANSPORTATION SYSTEM FOR THE TWO THOU-
23 SAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR. SUCH CALCULATION SHALL BE
24 BASED ON THAT PORTION OF THE TRANSPORTATION SYSTEM THAT IS DISTRICT
25 OPERATED AND PROPOSED TO BE CONTRACTED TO A QUALIFIED PUPIL TRANSPORTA-
26 TION CONTRACTOR;

27 (II) IF A SCHOOL DISTRICT PRESENTLY PROVIDES FOR TRANSPORTATION FOR
28 ITS PUPILS THROUGH A COMBINATION OF A DISTRICT OPERATED TRANSPORTATION
29 SYSTEM AND A CONTRACTOR TRANSPORTATION SYSTEM, ONLY THAT PORTION OF THE
30 TRANSPORTATION SYSTEM WHICH IS DISTRICT OPERATED IS ELIGIBLE FOR TREAT-
31 MENT UNDER THIS PARAGRAPH;

32 (III) ISSUE A REQUEST FOR PROPOSAL FOR SUCH DISTRICT OPERATED TRANS-
33 PORTATION SERVICES; AND

34 (IV) AWARD A CONTRACT FOR SUCH DISTRICT OPERATED TRANSPORTATION
35 SERVICES TO A QUALIFIED PUPIL TRANSPORTATION CONTRACTOR.

36 (3) NOTWITHSTANDING ANY LAW TO THE CONTRARY, A SCHOOL DISTRICT SWITCH-
37 ING FROM A DISTRICT OPERATED TRANSPORTATION SYSTEM TO A CONTRACTOR
38 TRANSPORTATION SYSTEM MAY SELL OR LEASE EQUIPMENT PURCHASED IN SUPPORT
39 OF THE DISTRICT OPERATED TRANSPORTATION SYSTEM AND RETAIN ANY PROCEEDS
40 AND AMORTIZED TRANSPORTATION AID.

41 (4) A SCHOOL DISTRICT SHALL BE INELIGIBLE FOR RETENTION OF TRANSPORTA-
42 TION AID PURSUANT TO THIS PARAGRAPH UPON EXPIRATION OF THE INITIAL
43 CONTRACT ENTERED INTO BETWEEN THE SCHOOL DISTRICT AND THE CONTRACTOR
44 TRANSPORTATION SYSTEM.

45 S 23-c. Clause (b) of subparagraph 3 of paragraph e of subdivision 6
46 of section 3602 of the education law, as amended by section 4 of subpart
47 F of part C of chapter 97 of the laws of 2011, is amended to read as
48 follows:

49 (b) Such assumed amortization for a project approved by the commis-
50 sioner on or after the later of the first day of December, two thousand
51 one or thirty days after the date upon which this subdivision shall have
52 become a law and prior to the first day of July, two thousand eleven or
53 for any debt service related to projects approved by the commissioner
54 prior to such date where a bond, capital note or bond anticipation note
55 is first issued on or after the first day of December, two thousand one
56 to fund such projects, shall commence: (i) eighteen months after such

1 approval or (ii) on the date of receipt by the commissioner of a certifi-
2 cation by the district that a general construction contract has been
3 awarded for such project by the district, whichever is later, and such
4 assumed amortization for a project approved by the [commissioner] VOTERS
5 OF THE SCHOOL DISTRICT OR BY THE BOARD OF EDUCATION OF A CITY SCHOOL
6 DISTRICT IN A CITY WITH MORE THAN ONE HUNDRED TWENTY-FIVE THOUSAND
7 INHABITANTS BUT LESS THAN ONE MILLION INHABITANTS, on or after the first
8 day of July, two thousand eleven shall commence: (iii) eighteen months
9 after such approval or (iv) on the date of receipt by the commissioner
10 of both the final certificate of substantial completion of the project
11 issued by the architect or engineer and the final cost report for such
12 project, whichever is later or (v) upon the date of a finding by the
13 commissioner that the certificate of substantial completion of the
14 project has been issued by the architect or engineer, but the district
15 is unable to complete the final cost report because of circumstances
16 beyond the control of the district. Such assumed amortization shall
17 provide for equal semiannual payments of principal and interest based on
18 an interest rate established pursuant to subparagraph five of this para-
19 graph for such purpose for the school year during which such certifi-
20 cation is received. The first installment of obligations issued by the
21 school district in support of such projects may mature not later than
22 the dates established pursuant to sections 21.00 and 22.10 of the local
23 finance law.

24 S 23-d. Section 3602 of the education law is amended by adding a new
25 subdivision 42 to read as follows:

26 42. ANNUAL PERFORMANCE PROFESSIONAL REVIEWS TRANSITION AID. FOR ADDI-
27 TIONAL GENERAL SUPPORT FOR PUBLIC SCHOOLS AND IN ADDITION TO ANY OTHER
28 APPORTIONMENT UNDER THIS SECTION, FOR THE TWO THOUSAND ELEVEN--TWO THOU-
29 SAND TWELVE SCHOOL YEAR AND THE TWO THOUSAND TWELVE--TWO THOUSAND THIR-
30 TEEN SCHOOL YEAR, A SCHOOL DISTRICT THAT HAS AN APPROVED PLAN PURSUANT
31 TO SECTION THREE THOUSAND TWELVE-C OF THIS CHAPTER PRIOR TO JUNE THIRTI-
32 ETH, TWO THOUSAND THIRTEEN SHALL BE ELIGIBLE FOR REIMBURSEMENT BY THE
33 COMMISSIONER FOR APPROVED EXPENSES INCURRED DURING THE TWO THOUSAND
34 ELEVEN--TWO THOUSAND TWELVE AND TWO THOUSAND TWELVE--TWO THOUSAND THIR-
35 TEEN SCHOOL YEARS RELATED TO THE LOCALLY SELECTED MEASURES OF STUDENT
36 ACHIEVEMENT SUBCOMPONENT AND THE OTHER MEASURES OF TEACHER OR PRINCIPAL
37 EFFECTIVENESS SUBCOMPONENT THAT ARE NECESSARY TO COMPLY WITH THE
38 REQUIREMENTS OF SECTION THREE THOUSAND TWELVE-C OF THIS CHAPTER. ELIGI-
39 BLE EXPENSES INCLUDE DIRECT SCHOOL DISTRICT EXPENDITURES ON LOCALLY
40 SELECTED MEASURES OF STUDENT ACHIEVEMENT SUBCOMPONENT AND THE OTHER
41 MEASURES OF TEACHER OR PRINCIPAL EFFECTIVENESS SUBCOMPONENT REQUIRED BY
42 SECTION THREE THOUSAND TWELVE-C OF THIS CHAPTER THAT ARE IN EXCESS OF A
43 SCHOOL DISTRICT'S LOCALLY SELECTED MEASURES OF STUDENT ACHIEVEMENT
44 EXPENDITURES AND THE OTHER MEASURES OF TEACHER OR PRINCIPAL EFFECTIVE-
45 NESS EXPENDITURES IN THE SCHOOL YEAR PRIOR. TO BE ELIGIBLE FOR AID
46 PURSUANT TO THIS SUBDIVISION, SCHOOL DISTRICTS MUST HAVE APPROVED
47 EXPENDITURES AND HAVE SUBMITTED CLAIMS TO THE COMMISSIONER IN A FORM
48 PRESCRIBED BY THE COMMISSIONER. A SCHOOL DISTRICT THAT HAS APPROVED
49 EXPENDITURES AS DETERMINED BY THE COMMISSIONER SHALL BE ELIGIBLE FOR
50 REIMBURSEMENT IN THE SCHOOL YEAR FOLLOWING THE SCHOOL YEAR IN WHICH THE
51 EXPENSE IS MADE EQUAL TO ONE HUNDRED PERCENT OF THE ELIGIBLE APPROVED
52 EXPENSES. THE COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS NECES-
53 SARY TO IMPLEMENT THE PROVISIONS OF THIS ACT WITHIN SIXTY DAYS OF THE
54 EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND TWELVE THAT
55 ADDED THIS SUBDIVISION.

1 S 23-e. The real property tax law is amended by adding a new section
2 1306-b to read as follows:

3 S 1306-B. "SENIOR STAR" REBATE PROGRAM. 1. TAX REBATES. (A) IF A
4 PARCEL IS ENTITLED TO THE ENHANCED STAR EXEMPTION AUTHORIZED BY SECTION
5 FOUR HUNDRED TWENTY-FIVE OF THIS CHAPTER FOR THE TWO THOUSAND
6 TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR AND EACH YEAR THEREAFTER, A
7 LOCAL PROPERTY TAX REBATE SHALL BE PROVIDED TO THE OWNER OR OWNERS OF
8 SUCH PARCEL AS SHOWN ON THE FINAL ASSESSMENT ROLL FOR SUCH YEAR, IN AN
9 AMOUNT COMPUTED AS PRESCRIBED BY THIS SECTION AND SECTION ONE HUNDRED
10 SEVENTY-EIGHT OF THE TAX LAW.

11 (B) IT SHALL BE THE RESPONSIBILITY OF THE STATE DEPARTMENT OF TAXATION
12 AND FINANCE TO ISSUE SUCH TAX REBATES TO SUCH OWNERS IN THE MANNER
13 PROVIDED BY SECTION ONE HUNDRED SEVENTY-EIGHT OF THE TAX LAW. NOTHING
14 CONTAINED HEREIN SHALL BE CONSTRUED AS PERMITTING PARTIAL OR INSTALLMENT
15 PAYMENTS OF TAXES IN A JURISDICTION WHICH HAS NOT AUTHORIZED THE SAME
16 PURSUANT TO LAW.

17 2. PROCEDURE. (A) ON OR BEFORE AUGUST FIFTEENTH, TWO THOUSAND TWELVE
18 AND EACH YEAR THEREAFTER, THE COMMISSIONER OF TAXATION AND FINANCE, OR
19 HIS OR HER DESIGNEE, SHALL CREATE A REPORT CONCERNING THOSE PARCELS
20 WHICH HAVE BEEN GRANTED AN EXCEPTION AUTHORIZED BY SUBDIVISION FOUR OF
21 SECTION FOUR HUNDRED TWENTY-FIVE OF THIS CHAPTER, OR ON OR BEFORE JULY
22 FIRST, TWO THOUSAND TWELVE AND EACH YEAR THEREAFTER, IN THE CASE OF A
23 CITY WITH A POPULATION OF ONE MILLION OR MORE, THE COMMISSIONER OF
24 FINANCE, OR HIS OR HER DESIGNEE, SHALL PROVIDE TO THE COMMISSIONER OF
25 TAXATION AND FINANCE A REPORT IN A MUTUALLY AGREEABLE FORMAT CONCERNING
26 THOSE PARCELS WHICH HAVE BEEN GRANTED AN EXEMPTION AUTHORIZED BY SUBDI-
27 VISION FOUR OF SECTION FOUR HUNDRED TWENTY-FIVE OF THIS CHAPTER ON THE
28 ASSESSMENT ROLLS USED TO GENERATE THE SCHOOL TAX BILLS FOR THE TWO THOU-
29 SAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL TAX YEAR AND FOR EACH YEAR
30 THEREAFTER; PROVIDED HOWEVER THE INFORMATION TO BE PROVIDED ON SUCH
31 REPORT SHALL BE OBTAINED FROM THE FINAL ASSESSMENT ROLL DATA FILES USED
32 TO GENERATE THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL TAX
33 BILLS AND EACH YEAR THEREAFTER, FILED WITH THE DEPARTMENT OF TAXATION
34 AND FINANCE PURSUANT TO SECTION FIFTEEN HUNDRED NINETY OF THIS CHAPTER
35 ON OR BEFORE JULY THIRTY-FIRST OF SUCH YEAR. SUCH REPORT SHALL SET FORTH
36 THE NAMES AND MAILING ADDRESSES OF THE OWNERS OF SUCH PARCELS AS SHOWN
37 ON SUCH ASSESSMENT ROLL DATA FILES, THE IDENTIFICATION NUMBERS OF SUCH
38 PARCELS AS SHOWN ON SUCH ASSESSMENT ROLL DATA FILES, AND SUCH OTHER
39 INFORMATION IN THE POSSESSION OF THE DEPARTMENT OF TAXATION AND FINANCE,
40 OR IN THE CASE OF A CITY WITH A POPULATION OF ONE MILLION OR MORE, THE
41 COMMISSIONER OF FINANCE, AS THE COMMISSIONER OF TAXATION AND FINANCE MAY
42 DEEM NECESSARY FOR THE EFFECTIVE ADMINISTRATION OF THIS PROGRAM, INCLUD-
43 ING INFORMATION REGARDING COOPERATIVE APARTMENT BUILDINGS AND MOBILE
44 HOME PARKS OR SIMILAR PROPERTY. IT SHALL BE THE RESPONSIBILITY OF THE
45 ASSESSOR OR ASSESSORS OF EACH ASSESSING UNIT TO ENSURE THAT THE NAMES
46 AND MAILING ADDRESSES OF SUCH OWNERS ARE ACCURATELY RECORDED ON SUCH
47 ROLLS AND FILES TO THE BEST OF HIS OR HER ABILITY, BASED UPON THE INFOR-
48 MATION CONTAINED IN HIS OR HER OFFICE. NOTHING CONTAINED IN THIS SUBDI-
49 VISION SHALL BE CONSTRUED AS AFFECTING IN ANY WAY THE VALIDITY OR
50 ENFORCEABILITY OF A REAL PROPERTY TAX, OR THE APPLICABILITY OF INTEREST
51 OR PENALTIES WITH RESPECT THERETO, WHEN AN OWNER'S NAME OR MAILING
52 ADDRESS HAS NOT BEEN ACCURATELY RECORDED.

53 (B) (I) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (A) OF THIS SUBDI-
54 VISION, WHERE AN ASSESSING UNIT CONTAINS ONE OR MORE PROPERTIES WHICH
55 ARE RECEIVING SUCH EXEMPTION IN RELATION TO A PRIOR YEAR ASSESSMENT ROLL
56 PURSUANT TO PARAGRAPH (D) OF SUBDIVISION SIX OF SECTION FOUR HUNDRED

1 TWENTY-FIVE OF THIS CHAPTER, OR CONTAINS ONE OR MORE PARCELS WITH
2 RESPECT TO WHICH SUCH EXEMPTION WAS DULY ADDED OR REMOVED AFTER THE
3 FILING OF THE FINAL ASSESSMENT ROLL PURSUANT TO THE PROVISIONS OF TITLE
4 THREE OF ARTICLE FIVE OF THIS CHAPTER, THE DEPARTMENT OF TAXATION AND
5 FINANCE MAY REQUIRE THE ASSESSOR TO FILE WITH IT, ON OR BEFORE JULY
6 THIRTY-FIRST, TWO THOUSAND TWELVE AND EACH YEAR THEREAFTER, OR SUCH
7 LATER DATE AS SUCH OFFICE MAY SPECIFY, A SUPPLEMENTAL REPORT RELATING TO
8 SUCH PROPERTY OR PROPERTIES, SO THAT INFORMATION PERTAINING TO THE
9 OWNERS THEREOF MAY BE INCLUDED IN THE REPORT TO BE MADE TO THE COMMIS-
10 SIONER OF TAXATION AND FINANCE PURSUANT TO THIS PARAGRAPH. WHEN ANY
11 INFORMATION REQUIRED BY THIS PARAGRAPH IS RECEIVED BY THE DEPARTMENT OF
12 TAXATION AND FINANCE AFTER JULY THIRTY-FIRST, TWO THOUSAND TWELVE AND
13 EACH YEAR THEREAFTER, SUCH INFORMATION SHALL BE TRANSMITTED AS SOON AS
14 REASONABLY PRACTICABLE FOR USE IN ISSUING LOCAL PROPERTY TAX REBATES
15 PURSUANT TO SECTION ONE HUNDRED SEVENTY-EIGHT OF THE TAX LAW.

16 (II) WHERE THE OWNERSHIP OF A PARCEL THAT HAD BEEN ELIGIBLE FOR A
17 REBATE PURSUANT TO THIS SECTION CHANGES OR AN EXEMPTION UNDER SUBDIVI-
18 SION FOUR OF SECTION FOUR HUNDRED TWENTY-FIVE OF THIS CHAPTER HAS BEEN
19 GRANTED OR REMOVED, THE ASSESSOR SHALL NOTIFY THE DEPARTMENT OF TAXATION
20 AND FINANCE OF THE CHANGE NO LATER THAN AUGUST FIRST OF THE FOLLOWING
21 YEAR.

22 3. REBATE BASE. (A) THE DEPARTMENT OF TAXATION AND FINANCE SHALL
23 CALCULATE THE REBATE BASE AS PROVIDED HEREIN AND CERTIFY THE SAME NO
24 LATER THAN JULY FIRST, TWO THOUSAND TWELVE.

25 (B) ONE REBATE BASE FOR THE ENHANCED STAR EXEMPTION SHALL BE DETER-
26 MINED FOR EACH SEGMENT FOR THE TWO THOUSAND TWELVE--TWO THOUSAND THIR-
27 TEEN AND SUBSEQUENT SCHOOL YEARS. SUCH REBATE BASES SHALL BE COMPUTED BY
28 DETERMINING THE EXEMPT AMOUNT ESTABLISHED FOR THE SEGMENT FOR PURPOSES
29 OF THE ENHANCED STAR EXEMPTION FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND
30 TWELVE SCHOOL YEAR, MULTIPLYING THAT AMOUNT BY THE SCHOOL DISTRICT TAX
31 RATE APPLICABLE WITHIN THAT SEGMENT FOR PURPOSES OF THAT SCHOOL YEAR, AS
32 REPORTED BY THE SCHOOL DISTRICT, AND THEN MULTIPLYING THE PRODUCT BY THE
33 FOLLOWING:

34 (I) FOR PURPOSES OF THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN
35 SCHOOL YEAR, BY TWENTY-FIVE PERCENT.

36 (II) FOR PURPOSES OF THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN
37 AND SUBSEQUENT SCHOOL YEARS, BY THIRTY-FIVE PERCENT.

38 (C) FOR PURPOSES OF THIS SECTION, THE TERM "SEGMENT" MEANS THE PART OF
39 A CITY OR TOWN THAT IS WITHIN A SCHOOL DISTRICT.

40 (D) IN THE CASE OF SCHOOL DISTRICTS WITHIN SPECIAL ASSESSING UNITS AS
41 DEFINED IN SECTION EIGHTEEN HUNDRED ONE OF THIS CHAPTER, THE SCHOOL
42 DISTRICT TAX RATE TO BE USED FOR THIS PURPOSE SHALL BE THE TAX RATE
43 APPLICABLE TO CLASS ONE PROPERTIES AS DEFINED IN ARTICLE EIGHTEEN OF
44 THIS CHAPTER, AS REPORTED BY THE SCHOOL DISTRICT AND THE EXEMPT AMOUNT
45 SHALL BE ESTABLISHED FOR THE SEGMENT. IN THE CASE OF SCHOOL DISTRICTS
46 WITHIN APPROVED ASSESSING UNITS AS DEFINED IN SECTION NINETEEN HUNDRED
47 ONE OF THIS CHAPTER WHICH HAVE ADOPTED THE PROVISIONS OF SECTION NINE-
48 TEEN HUNDRED THREE OF THIS CHAPTER, THE SCHOOL DISTRICT TAX RATE TO BE
49 USED FOR THIS PURPOSE SHALL BE THE TAX RATE APPLICABLE TO THE HOMESTEAD
50 CLASS, AS DEFINED IN ARTICLE NINETEEN OF THIS CHAPTER, AS REPORTED BY
51 THE SCHOOL DISTRICT.

52 (E) WHERE THE PROVISIONS OF SUBPARAGRAPH (IV) OF PARAGRAPH (K) OF
53 SUBDIVISION TWO OF SECTION FOUR HUNDRED TWENTY-FIVE OF THIS CHAPTER ARE
54 APPLICABLE, THE APPLICABLE REBATE AMOUNT SHALL BE ONE-THIRD OF THE
55 OTHERWISE APPLICABLE REBATE AMOUNT SET FORTH IN PARAGRAPH (B) OF THIS
56 SUBDIVISION. THE DEPARTMENT OF TAXATION AND FINANCE SHALL CALCULATE AND

1 CERTIFY THE REBATE AMOUNTS APPLICABLE IN SUCH CASES, ALONG WITH THE
2 CERTIFICATION REQUIRED BY PARAGRAPH (A) OF THIS SUBDIVISION.

3 (F) IN NO EVENT SHALL THE REBATE EXCEED THE ACTUAL AMOUNT OF SCHOOL
4 TAX PAID.

5 S 23-f. The tax law is amended by adding a new section 178 to read as
6 follows:

7 S 178. "SENIOR STAR" REBATE PROGRAM. 1. THE COMMISSIONER SHALL ISSUE
8 THE LOCAL PROPERTY TAX REBATES AUTHORIZED BY SECTION THIRTEEN HUNDRED
9 SIX-B OF THE REAL PROPERTY TAX LAW. FOR PURPOSES OF THIS SECTION THE
10 REBATE SHALL BE CALCULATED USING THE COMPUTATION FORMULA SET FORTH IN
11 SUBDIVISION THREE OF SECTION THIRTEEN HUNDRED SIX-B OF THE REAL PROPERTY
12 TAX LAW. PROVIDED, HOWEVER, SUCH REBATES SHALL NOT BE ISSUED IN ANY YEAR
13 IN WHICH AN APPROPRIATION TO PAY SUCH REBATES HAS NOT BEEN INCLUDED IN
14 THE ENACTED STATE BUDGET FOR SUCH YEAR.

15 2. ON OR BEFORE AUGUST FIFTEENTH, TWO THOUSAND TWELVE AND EACH YEAR
16 THEREAFTER, THE COMMISSIONER, OR HIS OR HER DESIGNEE, SHALL CREATE A
17 REPORT CONCERNING THOSE PARCELS WHICH SATISFY THE CRITERIA SET FORTH IN
18 SECTION THIRTEEN HUNDRED SIX-B OF THE REAL PROPERTY TAX LAW, OR ON OR
19 BEFORE JULY FIRST, TWO THOUSAND TWELVE AND EACH YEAR THEREAFTER IN THE
20 CASE OF A CITY WITH A POPULATION OF ONE MILLION OR MORE, THE COMMISSION-
21 ER OF FINANCE, SHALL PROVIDE TO THE COMMISSIONER A REPORT IN A MUTUALLY
22 AGREEABLE FORMAT CONCERNING THOSE PARCELS WHICH SATISFY THE CRITERIA SET
23 FORTH IN SECTION THIRTEEN HUNDRED SIX-B OF THE REAL PROPERTY TAX LAW.

24 3. THE COMMISSIONER IN CONSULTATION WITH THE COMMISSIONER OF FINANCE,
25 FOR A CITY WITH A POPULATION OF ONE MILLION OR MORE, IS AUTHORIZED TO
26 DEVELOP PROCEDURES NECESSARY TO PROVIDE FOR THE ISSUANCE OF LOCAL PROP-
27 erty TAX REBATES TO QUALIFYING PROPERTY OWNERS, AND THOSE QUALIFYING
28 PROPERTY OWNERS THAT DID NOT RECEIVE THEM INITIALLY. IF THE COMMISSIONER
29 IS NOT SATISFIED THAT THE PROPERTY OWNER IS QUALIFIED FOR THE LOCAL
30 PROPERTY TAX REBATE, THE COMMISSIONER SHALL NOT ISSUE SUCH REBATE.

31 4. BY DEPOSITING A REBATE ISSUED PURSUANT TO THIS SECTION AND AUTHOR-
32 IZED BY SECTION THIRTEEN HUNDRED SIX-B OF THE REAL PROPERTY TAX LAW, THE
33 PAYEE IS CERTIFYING THAT HE OR SHE IS THE PROPERTY OWNER, AND THAT THE
34 PRIMARY RESIDENCE OF SUCH PROPERTY OWNER IS NOT SUBJECT TO ANY DELIN-
35 QUENT SCHOOL TAXES.

36 5. VERIFICATION OF "AFFILIATED INCOME" FOR "SENIOR STAR" REBATE
37 PROGRAM. (A) THE DETERMINATION OF THE "AFFILIATED INCOME" OF PARCELS FOR
38 PURPOSES OF THE "SENIOR STAR" REBATE PROGRAM AS AUTHORIZED BY SUBDIVI-
39 SION THREE OF SECTION THIRTEEN HUNDRED SIX-B OF THE REAL PROPERTY TAX
40 LAW SHALL BE MADE AS PROVIDED BY THIS SECTION.

41 (B) FOR PURPOSES OF THIS SUBDIVISION, THE TERM "INCOME" SHALL HAVE THE
42 SAME MEANING AS SET FORTH IN SUBPARAGRAPH (II) OF PARAGRAPH (B) OF
43 SUBDIVISION FOUR OF SECTION FOUR HUNDRED TWENTY-FIVE OF THE REAL PROPER-
44 TY TAX LAW. THE TERM "AFFILIATED INCOME" SHALL MEAN THE COMBINED INCOME
45 OF ALL OF THE OWNERS OF THE PARCEL WHO RESIDED PRIMARILY THEREON ON THE
46 TAXABLE STATUS DATE FOR THE ASSESSMENT ROLL USED TO GENERATE THE APPLI-
47 CABLE SCHOOL TAX BILLS, AND OF ANY OWNERS' SPOUSES FILING JOINTLY OR
48 SPOUSES RESIDING PRIMARILY THEREON IN THE CASES OF SPOUSES FILING SEPA-
49 RATE RETURNS ON SUCH TAXABLE STATUS DATE AND SHALL BE DETERMINED AS
50 FOLLOWS:

51 (I) FOR THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR,
52 AFFILIATED INCOME SHALL BE DETERMINED BASED UPON THE PARTIES' INCOMES
53 FOR THE INCOME TAX YEAR ENDING IN TWO THOUSAND TEN. IN EACH SUBSEQUENT
54 YEAR, THE APPLICABLE INCOME TAX YEAR SHALL BE ADVANCED BY ONE YEAR.

55 (II) THE DEPARTMENT SHALL DETERMINE THE AFFILIATED INCOME FOR EACH
56 PARCEL AND SHALL ASSIGN A REBATE AMOUNT FOR EACH PARCEL BASED UPON SUCH

1 DETERMINATION. IN ANY CASE WHERE AFFILIATED INCOME CANNOT BE DETERMINED,
2 A REBATE SHALL NOT BE ISSUED.

3 6. NOTIFICATION REQUIREMENT. THE DEPARTMENT SHALL MAIL INFORMATION
4 CONCERNING THE "SENIOR STAR" REBATE PROGRAM TO OWNERS OF PARCELS RECEIV-
5 ING A SENIOR STAR EXEMPTION ON THE ASSESSMENT ROLL USED TO GENERATE THE
6 TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL TAX BILL. SUCH NOTIFI-
7 CATION SHALL EXPLAIN THAT PROPERTY OWNERS MUST FILE APPLICATIONS WITH
8 THE DEPARTMENT IN ORDER TO OBTAIN THE REBATE AVAILABLE UNDER THE "SENIOR
9 STAR" REBATE PROGRAM. SUCH NOTICE SHALL FURTHER EXPLAIN HOW TO OBTAIN
10 THE APPLICATION.

11 7. APPLICATIONS. (A) IN ORDER TO OBTAIN THE BENEFITS OF THE "SENIOR
12 STAR" REBATE PROGRAM, THE PROPERTY OWNER MUST SUBMIT AN APPLICATION TO
13 THE DEPARTMENT NO LATER THAN DECEMBER THIRTY-FIRST, TWO THOUSAND TWELVE.
14 THE APPLICANT SHALL PROVIDE THE DEPARTMENT WITH SUCH INFORMATION AS MAY
15 BE NECESSARY TO DETERMINE THE PARCEL'S AFFILIATED INCOME. THE PERSONS
16 OTHER THAN THE APPLICANT WHOSE INCOMES ARE NECESSARY TO THE DETERMI-
17 NATION OF THE PARCEL'S AFFILIATED INCOME SHALL BE REFERRED TO IN THIS
18 SECTION AS "AFFILIATED PERSONS."

19 (B) IF THE APPLICANT OR ANY AFFILIATED PERSONS WERE NOT REQUIRED TO
20 FILE NEW YORK STATE INCOME TAX RETURNS FOR THE TWO THOUSAND TEN INCOME
21 TAX YEAR BECAUSE THEIR INCOMES WERE BELOW THE THRESHOLD THAT NECESSI-
22 TATED SUCH FILING, THE APPLICATION SHALL SO INDICATE.

23 (C) IF THE APPLICANT OR ANY AFFILIATED PERSONS WERE NOT REQUIRED TO
24 FILE NEW YORK STATE INCOME TAX RETURNS FOR THE TWO THOUSAND TEN INCOME
25 TAX YEAR BECAUSE THEY DID NOT RESIDE IN NEW YORK STATE IN SUCH TAXABLE
26 YEAR, THE APPLICATION SHALL SO INDICATE. SUCH PERSONS SHALL PROVIDE WITH
27 THE APPLICATION ANY INFORMATION THAT THE DEPARTMENT DETERMINES IS NECES-
28 SARY TO CALCULATE THE PARCEL'S AFFILIATED INCOME UNDER THE "SENIOR STAR"
29 REBATE PROGRAM.

30 (D) AFTER TWO THOUSAND TWELVE, APPLICATIONS SHALL BE REQUIRED ONLY
31 WHEN A NEW APPLICATION FOR A SENIOR STAR EXEMPTION FOR REAL PROPERTY
32 TAXATION IS FILED PURSUANT TO SECTION FOUR HUNDRED TWENTY-FIVE OF THE
33 REAL PROPERTY TAX LAW. AN APPLICATION SHALL BE SUBMITTED TO THE DEPART-
34 MENT ON A TIMELY BASIS.

35 (E) IF AN APPLICATION FOR A "SENIOR STAR" REBATE IS RECEIVED AFTER
36 DECEMBER THIRTY-FIRST, TWO THOUSAND TWELVE, AN OTHERWISE ELIGIBLE PROP-
37 erty owner shall not receive a rebate for such year. HOWEVER, SUCH
38 APPLICATION SHALL BE CONSIDERED TIMELY FILED FOR A REBATE IN SUBSEQUENT
39 YEARS PROVIDED THE OWNERSHIP OF THE PARCEL REMAINS UNCHANGED.

40 8. PROCESSING OF APPLICATIONS. (A) AFTER RECEIVING A TIMELY APPLICA-
41 TION, THE DEPARTMENT SHALL ATTEMPT TO DETERMINE THE AFFILIATED INCOME OF
42 THE PARCEL AND THE REBATE AMOUNT TO WHICH THE PARCEL IS ENTITLED, IF
43 ANY.

44 (B) IN THE CASE OF AN APPLICATION WHICH INDICATES THAT THE APPLICANT
45 AND ANY AFFILIATED PERSONS WERE NOT REQUIRED TO FILE NEW YORK STATE
46 INCOME TAX RETURNS FOR THE TWO THOUSAND TEN INCOME TAX YEAR BECAUSE
47 THEIR INCOMES WERE BELOW THE THRESHOLD WHICH NECESSITATED THE FILING OF
48 A STATE INCOME TAX RETURN, THE DEPARTMENT MAY, SUBJECT TO AUDIT, ISSUE A
49 REBATE EQUAL TO THE HIGHEST AMOUNT AVAILABLE FOR THAT SCHOOL DISTRICT
50 SEGMENT.

51 (C) IN THE CASE OF AN APPLICATION WHICH INDICATES THAT THE APPLICANT
52 AND ANY AFFILIATED PERSONS WERE NOT REQUIRED TO FILE NEW YORK STATE
53 INCOME TAX RETURNS FOR THE TWO THOUSAND TEN INCOME TAX YEAR BECAUSE THEY
54 DID NOT RESIDE IN NEW YORK STATE IN SUCH TAXABLE YEAR, THE APPLICANT
55 SHALL PROVIDE SUCH INFORMATION REGARDING INCOME AS IS REQUESTED BY THE
56 DEPARTMENT. THE DEPARTMENT SHALL ISSUE A REBATE BASED UPON THE INFORMA-

1 TION PROVIDED BY THE APPLICANT AND ANY OTHER INFORMATION TO WHICH THE
2 DEPARTMENT MAY HAVE ACCESS CONCERNING THE INCOME OF SUCH PERSON OR
3 PERSONS.

4 9. RECONSIDERATION OF REBATE AMOUNT. IN THE EVENT THE DEPARTMENT IS
5 UNABLE TO DETERMINE THE AFFILIATED INCOME FOR A PARCEL OR THE DEPARTMENT
6 DETERMINES THAT A REBATE SHALL NOT BE ISSUED FOR A PARCEL, THE DEPART-
7 MENT SHALL NOTIFY THE APPLICANT OF THAT FACT. A PROPERTY OWNER MAY SEEK
8 RECONSIDERATION OF THE REBATE AMOUNT DETERMINATION FOR HIS OR HER PARCEL
9 ON THE GROUNDS THAT THE PARCEL'S AFFILIATED INCOME WAS DETERMINED ERRO-
10 NEOUSLY. A PROPERTY OWNER MAY ALSO SEEK RECONSIDERATION IF NO REBATE WAS
11 ISSUED BECAUSE THE PARCEL'S AFFILIATED INCOME WAS UNDETERMINED. AN
12 APPLICATION FOR RECONSIDERATION OF REBATE AMOUNT SHALL BE MADE IN A
13 MANNER PRESCRIBED BY THE DEPARTMENT, AND SHALL BE ACCOMPANIED BY SUCH
14 DOCUMENTATION AS THE DEPARTMENT MAY REQUIRE. SUCH APPLICATION SHALL BE
15 FILED NO LATER THAN MARCH THIRTY-FIRST, TWO THOUSAND THIRTEEN. IF THE
16 DEPARTMENT FINDS AFTER REVIEWING SUCH AN APPLICATION THAT THE REBATE
17 AMOUNT DETERMINATION FOR A PARCEL SHOULD BE CORRECTED, IT SHALL ISSUE AN
18 AMENDED OR INITIAL REBATE CHECK. IF THE DEPARTMENT FINDS AFTER REVIEWING
19 SUCH AN APPLICATION THAT THE REBATE AMOUNT DETERMINATION FOR THE PARCEL
20 WAS CORRECTLY DETERMINED, IT SHALL SO NOTIFY THE APPLICANT. SUCH NOTIFI-
21 CATION SHALL INCLUDE AN EXPLANATION OF THE DEPARTMENT'S FINDINGS, INDI-
22 CATE THAT THE APPLICANT HAS THE RIGHT TO A PROCEEDING UNDER ARTICLE
23 SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES, AND INDICATE THE
24 STATUTE OF LIMITATIONS ASSOCIATED WITH SUCH PROCEEDINGS. SUCH FINDING
25 SHALL BE SUBJECT TO REVIEW PURSUANT ONLY TO A PROCEEDING UNDER ARTICLE
26 SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES.

27 10. SPECIAL PROVISIONS RELATING TO CO-OPERATIVE APARTMENT UNITS AND
28 MOBILE HOMES. THE DEPARTMENT'S DETERMINATION OF AFFILIATED INCOME SHALL
29 BE MADE WITH RESPECT TO THE TENANT-SHAREHOLDERS OR OWNERS OF THE UNIT IN
30 QUESTION RATHER THAN OF THE PARCEL.

31 11. SUBSEQUENT YEARS. IN EACH YEAR SUBSEQUENT TO TWO THOUSAND TWELVE,
32 AFFILIATED INCOMES SHALL CONTINUE TO BE DETERMINED AS PROVIDED BY THIS
33 SECTION FOR PURPOSES OF THE "SENIOR STAR" REBATE PROGRAM, EXCEPT THAT:

34 (A) THE NOTIFICATION REQUIREMENT OF SUBDIVISION SIX OF THIS SECTION
35 SHALL NOT BE APPLICABLE;

36 (B) APPLICATIONS SHALL BE REQUIRED ONLY AS PROVIDED IN SUBDIVISION
37 SEVEN OF THIS SECTION; AND

38 (C) IN EACH SUBSEQUENT YEAR, THE APPLICABLE INCOME TAX YEAR FOR DETER-
39 MINATIONS UNDER THIS SECTION SHALL BE ADVANCED ONE YEAR. ALL OTHER
40 APPLICABLE DATES AND DEADLINES WHICH REFERENCE A DATE IN TWO THOUSAND
41 TWELVE SHALL BE ADVANCED AND SHALL BE DEEMED TO REFERENCE DATES IN THAT
42 SUBSEQUENT YEAR, EXCEPT THAT APPLICATIONS FOR RECONSIDERATION OF REBATE
43 AMOUNT DETERMINATIONS SHALL BE SUBMITTED NO LATER THAN MARCH
44 THIRTY-FIRST OF THE ENSUING YEAR.

45 12. CONFIDENTIAL INFORMATION; DISCLOSURE PROHIBITION. INFORMATION
46 REGARDING REBATES ISSUED TO INDIVIDUALS SHALL NOT BE SUBJECT TO DISCLO-
47 SURE; INCLUDING NAMES, ADDRESSES, AND DOLLAR AMOUNTS OF REBATES. IN
48 ADDITION, ALL APPLICATIONS SUBMITTED FOR REBATES SHALL NOT BE SUBJECT TO
49 DISCLOSURE.

50 13. DEADLINE. IF ANY APPLICABLE DEADLINE SHALL FALL ON A SATURDAY,
51 SUNDAY OR LEGAL HOLIDAY, SUCH DEADLINE SHALL BE ADVANCED TO THE NEXT
52 BUSINESS DAY.

53 S 23-g. Section 606 of the tax law is amended by adding a new
54 subsection (n-1) to read as follows:

55 (N-1) SCHOOL DISTRICT PROPERTY TAX CREDIT. (1) IN ANY TAXABLE YEAR IN
56 WHICH TAXPAYERS ARE NOT ELIGIBLE TO RECEIVE REBATES PURSUANT TO SECTION

ONE HUNDRED SEVENTY-EIGHT OF THIS CHAPTER BECAUSE AN APPROPRIATION TO PAY SUCH REBATES WAS NOT INCLUDED IN THE ENACTED STATE BUDGET, FOR SUCH YEAR, THE CREDIT ALLOWED BY THIS SUBSECTION SHALL APPLY.

(2) FOR PURPOSES OF THIS SUBSECTION:

(A) "QUALIFIED TAXPAYER" SHALL MEAN A RESIDENT INDIVIDUAL OF THE STATE WHOSE PRIMARY RESIDENCE RECEIVES AN ENHANCED EXEMPTION PURSUANT TO SECTION FOUR HUNDRED TWENTY-FIVE OF THE REAL PROPERTY TAX LAW AND WHO IS NOT DELINQUENT IN THE PAYMENT OF THE SCHOOL TAXES OWED ON SUCH PRIMARY RESIDENCE.

(B) "SCHOOL DISTRICT PROPERTY TAXES" MEANS ALL PROPERTY TAXES, SPECIAL AD VALOREM LEVIES, AND SPECIAL ASSESSMENTS, EXCLUSIVE OF PENALTIES AND INTEREST, LEVIED FOR SCHOOL DISTRICT PURPOSES ON THE PRIMARY RESIDENCE OF THE TAXPAYER.

(C) "SCHOOL DISTRICT TAX RATE" SHALL MEAN THE TAX RATE COMPUTED BY THE COMMISSIONER OF EDUCATION IN CONSULTATION WITH THE OFFICE OF REAL PROPERTY SERVICES AND THE OFFICE OF THE STATE COMPTROLLER EQUAL TO THE SCHOOL DISTRICT'S TOTAL AMOUNT OF REAL PROPERTY TAXES LEVIED FOR SCHOOL PURPOSES EXCLUSIVE OF LIBRARY PURPOSES FOR THE SCHOOL YEAR COMMENCING JULY FIRST, IN THE YEAR TWO YEARS PRIOR TO THE YEAR IN WHICH THE REBATE CHECK WILL BE DUE AND PAYABLE DIVIDED BY SUCH DISTRICT'S EQUALIZED FULL VALUE FOR THE SCHOOL YEAR COMMENCING JULY FIRST, IN THE YEAR TWO YEARS PRIOR TO THE YEAR IN WHICH THE REBATE CHECK WILL BE DUE AND PAYABLE. IN THE CASE OF SCHOOL DISTRICTS WITHIN SPECIAL ASSESSING UNITS AS DEFINED IN SECTION EIGHTEEN HUNDRED ONE OF THE REAL PROPERTY TAX LAW AND WITHIN APPROVED ASSESSING UNITS AS DEFINED IN SECTION NINETEEN HUNDRED ONE OF THE REAL PROPERTY TAX LAW WHICH HAVE ADOPTED THE PROVISIONS OF SECTION NINETEEN HUNDRED THREE OF THE REAL PROPERTY TAX LAW, THE SCHOOL DISTRICT TAX RATE SHALL MEAN THE AMOUNT COMPUTED BY THE COMMISSIONER OF EDUCATION IN CONSULTATION WITH THE OFFICE OF REAL PROPERTY SERVICES AND THE OFFICE OF THE STATE COMPTROLLER EQUAL TO THE SCHOOL DISTRICT'S TOTAL AMOUNT OF REAL PROPERTY TAXES LEVIED UPON CLASS ONE PROPERTIES AS DEFINED IN ARTICLE EIGHTEEN OF THE REAL PROPERTY TAX LAW AND FROM THE HOMESTEAD CLASS, AS DEFINED IN ARTICLE NINETEEN OF THE REAL PROPERTY TAX LAW, FOR THE SCHOOL YEAR COMMENCING JULY FIRST, IN THE YEAR TWO YEARS PRIOR TO THE YEAR IN WHICH THE REBATE CHECK WILL BE DUE AND PAYABLE DIVIDED BY THE EQUALIZED FULL VALUE OF THE SCHOOL DISTRICT PARCELS WITHIN SUCH CLASS FOR THE SCHOOL YEAR COMMENCING JULY FIRST, IN THE TWO YEARS PRIOR TO THE YEAR IN WHICH THE REBATE CHECK WILL BE DUE AND PAYABLE. FOR PURPOSES OF THIS SECTION, THE TAX RATE CALCULATED FOR PARCELS CONTAINED IN CLASS TWO AND CLASS FOUR SHALL BE EQUAL TO THE TAX RATE CALCULATED FOR PARCELS WITHIN CLASS ONE. SUCH TAX RATE FOR EACH SCHOOL DISTRICT SHALL BE COMPUTED TO FIVE DECIMAL PLACES WITHOUT ROUNDING. SUCH SCHOOL DISTRICT TAX RATES SHALL BE TRANSMITTED TO THE COMMISSIONER ON OR BEFORE AUGUST FIRST, TWO THOUSAND TWELVE, AND ANNUALLY THEREAFTER. FOR PURPOSES OF THIS SUBSECTION "EQUALIZED FULL VALUE" SHALL EQUAL THE ASSESSED VALUATION OF TAXABLE REAL PROPERTY WITHIN SUCH DISTRICT AS IT APPEARS UPON THE ASSESSMENT ROLL OF THE TOWN, CITY, VILLAGE, OR COUNTY IN WHICH SUCH PROPERTY IS LOCATED, DIVIDED BY THE STATE EQUALIZATION RATE AS DETERMINED BY THE STATE BOARD OF REAL PROPERTY SERVICES FOR THE ASSESSMENT ROLL OF SUCH TOWN, CITY, VILLAGE, OR COUNTY.

(D) "SALES PRICE DIFFERENTIAL FACTOR" SHALL BE THE SALES PRICE DIFFERENTIAL FACTOR DETERMINED PURSUANT TO PARAGRAPH (C) OF SUBDIVISION TWO OF SECTION FOUR HUNDRED TWENTY-FIVE OF THE REAL PROPERTY TAX LAW USED WITH RESPECT TO THE TWO THOUSAND FOUR--TWO THOUSAND FIVE SCHOOL YEAR.

1 (E) "ADJUSTMENT FOR CERTAIN CITY SCHOOL DISTRICTS" SHALL MEAN THE
2 ADJUSTMENT CONTAINED IN PARAGRAPH (J) OF SUBDIVISION TWO OF SECTION FOUR
3 HUNDRED TWENTY-FIVE OF THE REAL PROPERTY TAX LAW.

4 (3) FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOU-
5 SAND TWELVE IF THE CREDIT IS APPLICABLE IN SUCH YEAR, A QUALIFIED
6 TAXPAYER SHALL BE ALLOWED A CREDIT AGAINST THE TAX IMPOSED BY THIS ARTI-
7 CLE FOR SCHOOL DISTRICT PROPERTY TAXES PAID IN REGARD TO THE PRIMARY
8 RESIDENCE OF THE TAXPAYER. THE AMOUNT OF THE CREDIT ALLOWABLE UNDER THIS
9 SUBSECTION SHALL BE AN AMOUNT, TO BE COMPUTED BY THE COMMISSIONER IN
10 CONSULTATION WITH THE OFFICE OF REAL PROPERTY SERVICES, THE OFFICE OF
11 THE STATE COMPTROLLER AND THE COMMISSIONER OF EDUCATION, EQUAL TO THE
12 QUALIFIED SCHOOL TAXES MULTIPLIED BY A FACTOR OF 1.67. FOR THE PURPOSES
13 OF THIS PARAGRAPH, QUALIFIED SCHOOL TAXES SHALL MEAN NINE THOUSAND
14 DOLLARS MULTIPLIED BY THE PRODUCT OF THE SCHOOL DISTRICT TAX RATE AND
15 THE SALES PRICE DIFFERENTIAL FACTOR, IF ANY; EXCEPT THAT, IN THE CASE OF
16 AN ELIGIBLE TENANT SHAREHOLDER SUBJECT TO THE PROVISIONS IN SUBPARAGRAPH
17 (IV) OF PARAGRAPH (K) OF SUBDIVISION TWO OF SECTION FOUR HUNDRED TWEN-
18 TY-FIVE OF THE REAL PROPERTY TAX LAW, THE AMOUNT OF THE CREDIT ALLOWABLE
19 UNDER THIS SUBSECTION SHALL BE EQUAL TO THREE THOUSAND DOLLARS MULTI-
20 PLIED BY THE PRODUCT OF SUCH SCHOOL DISTRICT TAX RATE AND THE SALES
21 PRICE DIFFERENTIAL FACTOR, IF ANY. PROVIDED FURTHER THAT WHERE A SCHOOL
22 DISTRICT IS LOCATED IN TWO COUNTIES AND DIFFERENT SALES PRICE DIFFEREN-
23 TIAL FACTORS HAVE BEEN DETERMINED FOR THE TWO COUNTIES, ONE CREDIT
24 AMOUNT SHALL BE CALCULATED AS PROVIDED HEREIN FOR THE PART OF THE SCHOOL
25 DISTRICT WITHIN ONE COUNTY AND ANOTHER CREDIT AMOUNT SHALL BE CALCULATED
26 AS PROVIDED HEREIN FOR THE PART OF THE SCHOOL DISTRICT WITHIN THE OTHER
27 COUNTY. ADDITIONALLY, FOR QUALIFIED TAXPAYERS WHOSE PRIMARY RESIDENCE IS
28 LOCATED WITHIN A SCHOOL DISTRICT WHICH IS SUBJECT TO ARTICLE FIFTY-TWO
29 OF THE EDUCATION LAW, THE AMOUNT OF SUCH CREDIT SHALL FURTHER BE MULTI-
30 PLIED BY THE ADJUSTMENT FOR CERTAIN CITY SCHOOL DISTRICTS AS DEFINED IN
31 SUBPARAGRAPH (E) OF PARAGRAPH ONE OF THIS SUBSECTION. IN NO CASE SHALL
32 THE CREDIT ALLOWED UNDER THIS SUBSECTION EXCEED SUCH SCHOOL DISTRICT
33 PROPERTY TAXES PAID DURING THE TAXABLE YEAR WITH RESPECT TO SUCH PRIMARY
34 RESIDENCE.

35 (4) IF THE AMOUNT OF THE CREDIT ALLOWED UNDER THIS SUBSECTION FOR ANY
36 TAXABLE YEAR SHALL EXCEED THE TAXPAYER'S TAX FOR SUCH YEAR, THE EXCESS
37 SHALL BE TREATED AS AN OVERPAYMENT OF TAX TO BE CREDITED OR REFUNDED IN
38 ACCORDANCE WITH THE PROVISIONS OF SECTION SIX HUNDRED EIGHTY-SIX OF THIS
39 ARTICLE, PROVIDED, HOWEVER, THAT NO INTEREST SHALL BE PAID THEREON.

40 (5) IF THE COMMISSIONER DETERMINES IT TO BE NECESSARY FOR PROPER
41 ADMINISTRATION OF THE CREDIT ALLOWED UNDER THIS SUBSECTION, THE COUNTY
42 DIRECTOR OF REAL PROPERTY TAX SERVICES OF ANY COUNTY, OR IN THE CASE OF
43 A CITY WITH A POPULATION OF ONE MILLION OR MORE, THE COMMISSIONER OF
44 FINANCE, UPON THE REQUEST OF THE COMMISSIONER, SHALL FILE A REPORT WITH
45 THE OFFICE OF REAL PROPERTY SERVICES IDENTIFYING ALL PARCELS IN THE
46 COUNTY OR IN THE CITY ON WHICH SCHOOL TAXES FOR THE PRIOR SCHOOL YEAR
47 REMAINED UNPAID AS OF JUNE THIRTIETH OF SUCH PRIOR SCHOOL YEAR, PROVIDED
48 THAT PARCELS NOT RECEIVING THE BASIC OR ENHANCED STAR EXEMPTION SHALL BE
49 EXCLUDED FROM SUCH LIST. SUCH COUNTY DIRECTOR SHALL OBTAIN FROM THE TAX
50 COLLECTING OFFICERS AND TAX ENFORCEMENT OFFICERS WITHIN THE COUNTY SUCH
51 INFORMATION AS HE OR SHE MAY NEED TO PREPARE SUCH LIST. SUCH LIST SHALL
52 BE PREPARED IN A FORMAT PRESCRIBED BY THE STATE BOARD OF REAL PROPERTY
53 SERVICES IN CONSULTATION WITH THE COMMISSIONER.

54 (6) ONLY ONE CREDIT PER RESIDENCE SHALL BE ALLOWED PER TAXABLE YEAR
55 UNDER THIS SUBSECTION. WHEN TWO OR MORE MEMBERS OF A RESIDENCE ARE ABLE

TO MEET THE QUALIFICATIONS FOR A QUALIFIED TAXPAYER, THE CREDIT SHALL BE EQUALLY DIVIDED BETWEEN OR AMONG SUCH INDIVIDUALS.

HUSBAND AND WIFE. IN THE CASE OF A HUSBAND AND WIFE WHO FILE A JOINT FEDERAL RETURN BUT WHO ARE REQUIRED TO DETERMINE THEIR NEW YORK TAXES SEPARATELY, THE CREDIT ALLOWED PURSUANT TO THIS SUBSECTION MAY BE APPLIED AGAINST THE TAX OF EITHER OR DIVIDED BETWEEN THEM AS THEY MAY ELECT.

S 24. This act shall take effect immediately, provided that:

(a) section three of this act shall take effect on the first of September next succeeding the date on which it shall have become a law;

(b) sections four, sixteen, seventeen and twenty-three-d of this act shall take effect July 1, 2012;

(c) sections seven and twenty-three-c of this act shall take effect April 1, 2012 and shall expire and be deemed repealed April 1, 2015;

(d) sections twenty-two and twenty-three of this act shall take effect immediately and shall be deemed to have been in full force and effect on July 1, 2011; and

(e) section twelve of this act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2012.

PART B

Section 1. Section 3020-a of the education law, as amended by chapter 691 of the laws of 1994, paragraph (b) of subdivision 2 as separately amended by chapters 296 and 325 of the laws of 2008, paragraph (c) of subdivision 2 and paragraph a of subdivision 3 as amended and subparagraph (i-a) of paragraph c of subdivision 3 as added by chapter 103 of the laws of 2010, is amended to read as follows:

S 3020-a. Disciplinary procedures and penalties. 1. Filing of charges. All charges against a person enjoying the benefits of tenure as provided in subdivision three of section [one thousand one] ELEVEN hundred two, and sections [two thousand five] TWENTY-FIVE hundred nine, [two thousand five] TWENTY-FIVE hundred seventy-three, twenty-five hundred ninety-j, three thousand twelve and three thousand fourteen of this chapter shall be in writing and filed with the clerk or secretary of the school district or employing board during the period between the actual opening and closing of the school year for which the employed is normally required to serve. Except as provided in subdivision eight of section [two thousand five] TWENTY-FIVE hundred seventy-three and subdivision seven of section twenty-five hundred ninety-j of this chapter, no charges under this section shall be brought more than three years after the occurrence of the alleged incompetency or misconduct, except when the charge is of misconduct constituting a crime when committed.

2. [(a)] Disposition of charges. A. Upon receipt of the charges, the clerk or secretary of the school district or employing board shall immediately notify said board thereof. Within five days after receipt of charges, the employing board, in executive session, shall determine, by a vote of a majority of all the members of such board, whether probable cause exists to bring a disciplinary proceeding against an employee pursuant to this section. If such determination is affirmative, a written statement specifying (I) the charges in detail, (II) the maximum penalty which will be imposed by the board if the employee does not request a hearing or that will be sought by the board if the employee is found guilty of the charges after a hearing and [outlining] (III) the employee's rights under this section, shall be immediately forwarded to

1 the accused employee by certified or registered mail, return receipt
2 requested or by personal delivery to the employee.

3 [(b)] B. The employee may be suspended pending a hearing on the charg-
4 es and the final determination thereof. The suspension shall be with
5 pay, except the employee may be suspended without pay if the employee
6 has entered a guilty plea to or has been convicted of a felony crime
7 concerning the criminal sale or possession of a controlled substance, a
8 precursor of a controlled substance, or drug paraphernalia as defined in
9 article two hundred twenty or two hundred twenty-one of the penal law;
10 or a felony crime involving the physical abuse of a minor or student.
11 The employee shall be terminated without a hearing, as provided for in
12 this section, upon conviction of a sex offense, as defined in subpara-
13 graph two of paragraph b of subdivision seven-a of section three hundred
14 five of this chapter. To the extent this section applies to an employee
15 acting as a school administrator or supervisor, as defined in subpara-
16 graph three of paragraph b of subdivision seven-b of section three
17 hundred five of this chapter, such employee shall be terminated without
18 a hearing, as provided for in this section, upon conviction of a felony
19 offense defined in subparagraph two of paragraph b of subdivision
20 seven-b of section three hundred five of this chapter.

21 [(c)] C. Within ten days of receipt of the statement of charges, the
22 employee shall notify the clerk or secretary of the employing board in
23 writing whether he or she desires a hearing on the charges and when the
24 charges concern pedagogical incompetence or issues involving pedagogical
25 judgment, his or her choice of either a single hearing officer or a
26 three member panel, provided that a three member panel shall not be
27 available where the charges concern pedagogical incompetence based sole-
28 ly upon a teacher's or principal's pattern of ineffective teaching or
29 performance as defined in section three thousand twelve-c of this arti-
30 cle. All other charges shall be heard by a single hearing officer.

31 [(d)] D. The unexcused failure of the employee to notify the clerk or
32 secretary of his or her desire for a hearing within ten days of the
33 receipt of charges shall be deemed a waiver of the right to a hearing.
34 Where an employee requests a hearing in the manner provided for by this
35 section, the clerk or secretary of the board shall, within three working
36 days of receipt of the employee's notice or request for a hearing, noti-
37 fy the commissioner [of education] of the need for a hearing. If the
38 employee waives his or her right to a hearing the employing board shall
39 proceed, within fifteen days, by a vote of a majority of all members of
40 such board, to determine the case and fix the penalty, if any, to be
41 imposed in accordance with subdivision four of this section.

42 3. Hearings. a. Notice of hearing. Upon receipt of a request for a
43 hearing in accordance with subdivision two of this section, the commis-
44 sioner shall forthwith notify the American Arbitration Association
45 (hereinafter "association") of the need for a hearing and shall request
46 the association to provide to the commissioner forthwith a list of names
47 of persons chosen by the association from the association's panel of
48 labor arbitrators to potentially serve as hearing officers together with
49 relevant biographical information on each arbitrator. Upon receipt of
50 said list and biographical information, the commissioner shall forthwith
51 send a copy of both simultaneously to the employing board and the
52 employee. The commissioner shall also simultaneously notify both the
53 employing board and the employee of each potential hearing officer's
54 record in the last five cases of commencing and completing hearings
55 within the time periods prescribed in this section.

1 b. (i) Hearing officers. All hearings pursuant to this section shall
2 be conducted before and by a single hearing officer selected as provided
3 for in this section. A hearing officer shall not be eligible to serve
4 [as such] IN SUCH POSITION if he or she is a resident of the school
5 district, other than the city of New York, under the jurisdiction of the
6 employing board, an employee, agent or representative of the employing
7 board or of any labor organization representing employees of such
8 employing board, has served as such agent or representative within two
9 years of the date of the scheduled hearing, or if he or she is then
10 serving as a mediator or fact finder in the same school district.

11 (A) Notwithstanding any other provision of law, FOR HEARINGS COMMENCED
12 BY THE FILING OF CHARGES PRIOR TO APRIL FIRST, TWO THOUSAND TWELVE, the
13 hearing officer shall be compensated by the department with the custom-
14 ary fee paid for service as an arbitrator under the auspices of the
15 association for each day of actual service plus necessary travel and
16 other reasonable expenses incurred in the performance of his or her
17 duties. All other expenses of the disciplinary proceedings COMMENCED BY
18 THE FILING OF CHARGES PRIOR TO APRIL FIRST, TWO THOUSAND TWELVE shall be
19 paid in accordance with rules promulgated by the commissioner [of educa-
20 tion]. CLAIMS FOR SUCH COMPENSATION FOR DAYS OF ACTUAL SERVICE AND
21 REIMBURSEMENT FOR NECESSARY TRAVEL AND OTHER EXPENSES FOR HEARINGS
22 COMMENCED BY THE FILING OF CHARGES PRIOR TO APRIL FIRST, TWO THOUSAND
23 TWELVE SHALL BE PAID FROM AN APPROPRIATION FOR SUCH PURPOSE IN THE ORDER
24 IN WHICH THEY HAVE BEEN APPROVED BY THE COMMISSIONER FOR PAYMENT,
25 PROVIDED PAYMENT SHALL FIRST BE MADE FOR ANY OTHER HEARING COSTS PAYABLE
26 BY THE COMMISSIONER, INCLUDING THE COSTS OF TRANSCRIBING THE RECORD, AND
27 PROVIDED FURTHER THAT NO SUCH CLAIM SHALL BE SET ASIDE FOR INSUFFICIENCY
28 OF FUNDS TO MAKE A COMPLETE PAYMENT, BUT SHALL BE ELIGIBLE FOR A PARTIAL
29 PAYMENT IN ONE YEAR AND SHALL RETAIN ITS PRIORITY DATE STATUS FOR APPRO-
30 PRIATIONS DESIGNATED FOR SUCH PURPOSE IN FUTURE YEARS.

31 (B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION TO
32 THE CONTRARY, FOR HEARINGS COMMENCED BY THE FILING OF CHARGES ON OR
33 AFTER APRIL FIRST, TWO THOUSAND TWELVE, THE HEARING OFFICER SHALL BE
34 COMPENSATED FOR HIS OR HER ACTUAL HOURS OF SERVICE RENDERED IN THE
35 PERFORMANCE OF HIS OR HER DUTIES AS A HEARING OFFICER, PLUS ANY NECES-
36 SARY TRAVEL OR OTHER EXPENSES INCURRED IN THE PERFORMANCE OF SUCH DUTIES
37 IN ACCORDANCE WITH THE PROVISIONS OF THIS CLAUSE AND CLAUSE (C) OF THIS
38 SUBPARAGRAPH. THE COMMISSIONER SHALL ESTABLISH MAXIMUM RATES FOR THE
39 COMPENSATION OF HEARING OFFICERS AND LIMITATIONS ON THE NUMBER OF STUDY
40 HOURS THAT MAY BE CLAIMED.

41 (ii) Not later than ten days after the date the commissioner mails to
42 the employing board and the employee the list of potential hearing offi-
43 cers and biographies provided to the commissioner by the association,
44 the employing board and the employee, individually or through their
45 agents or representatives, shall by mutual agreement select a hearing
46 officer from said list to conduct the hearing and shall notify the
47 commissioner of their selection.

48 (iii) If the employing board and the employee fail to agree on an
49 arbitrator to serve as a hearing officer from said list and so notify
50 the commissioner within ten days after receiving the list from the
51 commissioner, the commissioner shall request the association to appoint
52 a hearing officer from said list.

53 (iv) In those cases in which the employee elects to have the charges
54 heard by a hearing panel, the hearing panel shall consist of the hearing
55 officer, selected in accordance with this subdivision, and two addi-
56 tional persons, one selected by the employee and one selected by the

1 employing board, from a list maintained for such purpose by the commis-
2 sioner [of education]. The list shall be composed of professional
3 personnel with administrative or supervisory responsibility, profes-
4 sional personnel without administrative or supervisory responsibility,
5 chief school administrators, members of employing boards and others
6 selected from lists of nominees submitted to the commissioner by state-
7 wide organizations representing teachers, school administrators and
8 supervisors and the employing boards. Hearing panel members other than
9 the hearing officer shall be compensated [by the department of educa-
10 tion] at the rate of one hundred dollars for each day of actual service
11 [plus] AND SHALL BE REIMBURSED FOR necessary travel and subsistence
12 expenses IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF CLAUSE (A) OF
13 SUBPARAGRAPH (I) OF THIS PARAGRAPH. The hearing officer shall be compen-
14 sated as set forth in this subdivision. The hearing officer shall be the
15 [chairman] CHAIRPERSON of the hearing panel.

16 c. Hearing procedures. (i) (A) The commissioner [of education] shall
17 have the power to establish necessary rules and procedures for the
18 conduct of hearings under this section WHICH, FOR HEARINGS OTHER THAN
19 EXPEDITED HEARINGS PURSUANT TO SUBPARAGRAPH (I-A) OF THIS PARAGRAPH,
20 SHALL INCLUDE SPECIFIC TIMELINE REQUIREMENTS FOR CONDUCTING A HEARING
21 AND FOR RENDERING A FINAL DECISION.

22 (B) THE DEPARTMENT SHALL BE AUTHORIZED TO MONITOR AND INVESTIGATE A
23 HEARING OFFICER'S COMPLIANCE WITH SUCH TIMELINES, AS SET FORTH IN THE
24 REGULATIONS OF THE COMMISSIONER. THE COMMISSIONER SHALL ANNUALLY INFORM
25 ALL HEARING OFFICERS WHO HAVE HEARD CASES PURSUANT TO THIS SECTION
26 DURING THE PRECEDING YEAR THAT THE TIME PERIODS PRESCRIBED IN THE REGU-
27 LATIONS OF THE COMMISSIONER FOR CONDUCTING SUCH HEARINGS ARE TO BE
28 STRICTLY FOLLOWED. A RECORD OF CONTINUED FAILURE TO COMMENCE AND
29 COMPLETE HEARINGS WITHIN THE TIME PERIODS PRESCRIBED IN THE REGULATIONS
30 AUTHORIZED BY THIS SUBPARAGRAPH SHALL BE CONSIDERED GROUNDS FOR THE
31 COMMISSIONER TO EXCLUDE SUCH INDIVIDUAL FROM THE LIST OF POTENTIAL HEAR-
32 ING OFFICERS SENT TO THE EMPLOYING BOARD AND THE EMPLOYEE FOR SUCH HEAR-
33 INGS.

34 (C) Such rules shall not require compliance with technical rules of
35 evidence. Hearings shall be conducted by the hearing officer selected
36 pursuant to paragraph b of this subdivision with full and fair disclo-
37 sure of the nature of the case and evidence against the employee by the
38 employing board and shall be public or private at the discretion of the
39 employee. The employee shall have a reasonable opportunity to defend
40 himself or herself and an opportunity to testify in his or her own
41 behalf. The employee shall not be required to testify. Each party shall
42 have the right to be represented by counsel, to subpoena witnesses, and
43 to cross-examine witnesses. All testimony taken shall be under oath
44 which the hearing officer is hereby authorized to administer.

45 [A] (D) FOR HEARINGS COMMENCED BY THE FILING OF CHARGES PRIOR TO APRIL
46 FIRST, TWO THOUSAND TWELVE, A competent stenographer, designated by the
47 commissioner [of education] and compensated by the [state education]
48 department, shall keep and transcribe a record of the proceedings at
49 each such hearing. A copy of the transcript of the hearings shall, upon
50 request, be furnished without charge to the employee and the board of
51 education involved.

52 (E) HEARINGS COMMENCED BY THE FILING OF CHARGES ON OR AFTER APRIL
53 FIRST, TWO THOUSAND TWELVE, SHALL NOT BE RECORDED BY A STENOGRAPHER OR
54 ANY OTHER RECORDING MECHANISM UNLESS BOTH PARTIES AGREE PRIOR TO THE
55 COMMENCEMENT OF THE DISCIPLINARY HEARING. THE PARTY REQUESTING A TRAN-
56 SCRIPT OR RECORDING AT A DISCIPLINARY HEARING MAY PROVIDE FOR ONE AT ITS

1 OWN EXPENSE AND SHALL PROVIDE A COPY TO THE ARBITRATOR AND THE OTHER
2 PARTY UNLESS BOTH PARTIES AGREE TO SHARE THE COST OF SUCH TRANSCRIPT OR
3 RECORDING. THE USE OF A TRANSCRIPT CANNOT DELAY THE HEARING AND SHALL
4 NOT EXTEND THE DATE THE HEARING IS CLOSED.

5 (i-a)(A) Where charges of incompetence are brought based solely upon a
6 pattern of ineffective teaching or performance of a classroom teacher or
7 principal, as defined in section three thousand twelve-c of this arti-
8 cle, the hearing shall be conducted before and by a single hearing offi-
9 cer in an expedited hearing, which shall commence within seven days
10 after the pre-hearing conference and shall be completed within sixty
11 days after the pre-hearing conference. The hearing officer shall estab-
12 lish a hearing schedule at the pre-hearing conference to ensure that the
13 expedited hearing is completed within the required timeframes and to
14 ensure an equitable distribution of days between the employing board and
15 the charged employee. Notwithstanding any other law, rule or regulation
16 to the contrary, no adjournments may be granted that would extend the
17 hearing beyond such sixty days, except as authorized in this subpara-
18 graph. A hearing officer, upon request, may grant a limited and time
19 specific adjournment that would extend the hearing beyond such sixty
20 days if the hearing officer determines that the delay is attributable to
21 a circumstance or occurrence substantially beyond the control of the
22 requesting party and an injustice would result if the adjournment were
23 not granted.

24 (B) Such charges shall allege that the employing board has developed
25 and substantially implemented a teacher or principal improvement plan in
26 accordance with subdivision four of section three thousand twelve-c of
27 this article for the employee following the first evaluation in which
28 the employee was rated ineffective, and the immediately preceding evalu-
29 ation if the employee was rated developing. Notwithstanding any other
30 provision of law to the contrary, a pattern of ineffective teaching or
31 performance as defined in section three thousand twelve-c of this arti-
32 cle shall constitute very significant evidence of incompetence for
33 purposes of this section. Nothing in this subparagraph shall be
34 construed to limit the defenses which the employee may place before the
35 hearing officer in challenging the allegation of a pattern of ineffec-
36 tive teaching or performance.

37 (C) The commissioner shall annually inform all hearing officers who
38 have heard cases pursuant to this section during the preceding year that
39 the time periods prescribed in this subparagraph for conducting expe-
40 dited hearings are to be strictly followed. A record of continued fail-
41 ure to commence and complete expedited hearings within the time periods
42 prescribed in this subparagraph shall be considered grounds for the
43 commissioner to exclude such individual from the list of potential hear-
44 ing officers sent to the employing board and the employee for such expe-
45 dited hearings.

46 (ii) The hearing officer selected to conduct a hearing under this
47 section shall, within ten to fifteen days of agreeing to serve [as such]
48 IN SUCH POSITION, hold a pre-hearing conference which shall be held in
49 the school district or county seat of the county, or any county, wherein
50 the employing school board is located. The pre-hearing conference shall
51 be limited in length to one day except that the hearing officer, in his
52 or her discretion, may allow one additional day for good cause shown.

53 (iii) At the pre-hearing conference the hearing officer shall have the
54 power to:

55 (A) issue subpoenas;

1 (B) hear and decide all motions, including but not limited to motions
2 to dismiss the charges;

3 (C) hear and decide all applications for bills of particular or
4 requests for production of materials or information, including, but not
5 limited to, any witness statement (or statements), investigatory state-
6 ment (or statements) or note (notes), exculpatory evidence or any other
7 evidence, including district or student records, relevant and material
8 to the employee's defense.

9 (iv) Any pre-hearing motion or application relative to the sufficiency
10 of the charges, application or amendment thereof, or any preliminary
11 matters shall be made upon written notice to the hearing officer and the
12 adverse party no less than five days prior to the date of the pre-hear-
13 ing conference. Any pre-hearing motions or applications not made as
14 provided for herein shall be deemed waived except for good cause as
15 determined by the hearing officer.

16 (v) In the event that at the pre-hearing conference the employing
17 board presents evidence that the professional license of the employee
18 has been revoked and all judicial and administrative remedies have been
19 exhausted or foreclosed, the hearing officer shall schedule the date,
20 time and place for an expedited hearing, which hearing shall commence
21 not more than seven days after the pre-hearing conference and which
22 shall be limited to one day. The expedited hearing shall be held in the
23 local school district or county seat of the county or any county, where-
24 in the said employing board is located. The expedited hearing shall not
25 be postponed except upon the request of a party and then only for good
26 cause as determined by the hearing officer. At such hearing, each party
27 shall have equal time in which to present its case.

28 (vi) During the pre-hearing conference, the hearing officer shall
29 determine the reasonable amount of time necessary for a final hearing on
30 the charge or charges and shall schedule the location, time(s) and
31 date(s) for the final hearing. The final hearing shall be held in the
32 local school district or county seat of the county, or any county, wher-
33 ein the said employing school board is located. In the event that the
34 hearing officer determines that the nature of the case requires the
35 final hearing to last more than one day, the days that are scheduled for
36 the final hearing shall be consecutive. The day or days scheduled for
37 the final hearing shall not be postponed except upon the request of a
38 party and then only for good cause shown as determined by the hearing
39 officer. In all cases, the final hearing shall be completed no later
40 than sixty days after the pre-hearing conference unless the hearing
41 officer determines that extraordinary circumstances warrant a limited
42 extension.

43 D. LIMITATION ON CLAIMS. NOTWITHSTANDING ANY OTHER PROVISION OF LAW,
44 RULE OR REGULATION TO THE CONTRARY, NO PAYMENTS SHALL BE MADE BY THE
45 DEPARTMENT PURSUANT TO THIS SUBDIVISION ON OR AFTER APRIL FIRST, TWO
46 THOUSAND TWELVE FOR: (I) COMPENSATION OF A HEARING OFFICER OR HEARING
47 PANEL MEMBER, (II) REIMBURSEMENT OF SUCH HEARING OFFICERS OR PANEL
48 MEMBERS FOR NECESSARY TRAVEL OR OTHER EXPENSES INCURRED BY THEM, OR
49 (III) FOR OTHER HEARING EXPENSES ON A CLAIM SUBMITTED LATER THAN ONE
50 YEAR AFTER THE FINAL DISPOSITION OF THE HEARING BY ANY MEANS, INCLUDING
51 SETTLEMENT, OR WITHIN NINETY DAYS AFTER THE EFFECTIVE DATE OF THIS PARA-
52 GRAPH, WHICHEVER IS LATER; PROVIDED THAT NO PAYMENT SHALL BE BARRED OR
53 REDUCED WHERE SUCH PAYMENT IS REQUIRED AS A RESULT OF A COURT ORDER OR
54 JUDGMENT OR A FINAL AUDIT.

55 4. Post hearing procedures. [(a)] A. The hearing officer shall render
56 a written decision within thirty days of the last day of the final hear-

1 ing, or in the case of an expedited hearing within ten days of such
2 expedited hearing, and shall [forthwith] forward a copy thereof to the
3 commissioner [of education] who shall immediately forward copies of the
4 decision to the employee and to the clerk or secretary of the employing
5 board. The written decision shall include the hearing officer's findings
6 of fact on each charge, his or her conclusions with regard to each
7 charge based on said findings and shall state what penalty or other
8 action, if any, shall be taken by the employing board. At the request of
9 the employee, in determining what, if any, penalty or other action shall
10 be imposed, the hearing officer shall consider the extent to which the
11 employing board made efforts towards correcting the behavior of the
12 employee which resulted in charges being brought under this section
13 through means including but not limited to: remediation, peer inter-
14 vention or an employee assistance plan. In those cases where a penalty
15 is imposed, such penalty may be a written reprimand, a fine, suspension
16 for a fixed time without pay, or dismissal. In addition to or in lieu of
17 the aforementioned penalties, the hearing officer, where he or she deems
18 appropriate, may impose upon the employee remedial action including but
19 not limited to leaves of absence with or without pay, continuing educa-
20 tion and/or study, a requirement that the employee seek counseling or
21 medical treatment or that the employee engage in any other remedial or
22 combination of remedial actions.

23 [(b)] B. Within fifteen days of receipt of the hearing officer's deci-
24 sion the employing board shall implement the decision. If the employee
25 is acquitted he or she shall be restored to his or her position with
26 full pay for any period of suspension without pay and the charges
27 expunged from the employment record. If an employee who was convicted of
28 a felony crime specified in paragraph [(b)] B of subdivision two of this
29 section, has said conviction reversed, the employee, upon application,
30 shall be entitled to have his OR HER pay and other emoluments restored,
31 for the period from the date of his OR HER suspension to the date of the
32 decision.

33 [(c)] C. The hearing officer shall indicate in the decision whether
34 any of the charges brought by the employing board were frivolous as
35 defined in section [eight thousand three] EIGHTY-THREE hundred three-a
36 of the civil practice law and rules. If the hearing [officers] OFFICER
37 finds that all of the charges brought against the employee were frivo-
38 lous, the hearing officer shall order the employing board to reimburse
39 the [state education] department the reasonable costs said department
40 incurred as a result of the proceeding and to reimburse the employee the
41 reasonable costs, including but not limited to reasonable attorneys'
42 fees, the employee incurred in defending the charges. If the hearing
43 officer finds that some but not all of the charges brought against the
44 employee were frivolous, the hearing officer shall order the employing
45 board to reimburse the [state education] department a portion, in the
46 discretion of the hearing officer, of the reasonable costs said depart-
47 ment incurred as a result of the proceeding and to reimburse the employ-
48 ee a portion, in the discretion of the hearing officer, of the reason-
49 able costs, including but not limited to reasonable attorneys' fees, the
50 employee incurred in defending the charges.

51 5. Appeal. A. Not later than ten days after receipt of the hearing
52 officer's decision, the employee or the employing board may make an
53 application to the New York state supreme court to vacate or modify the
54 decision of the hearing officer pursuant to section [seven thousand
55 five] SEVENTY-FIVE hundred eleven of the civil practice law and rules.
56 The court's review shall be limited to the grounds set forth in such

1 section. The hearing panel's determination shall be deemed to be final
2 for the purpose of such proceeding.

3 B. In no case shall the filing or the pendency of an appeal delay the
4 implementation of the decision of the hearing officer.

5 S 2. This act shall take effect immediately, except that if this act
6 shall have become a law on or after April 1, 2012 this act shall take
7 effect immediately and shall be deemed to have been in full force and
8 effect on and after April 1, 2012.

9 PART C

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 S of chapter 58 of the laws of 2011, 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] \$135.00 for each month beginning on or after
16 January first, two thousand [eleven] TWELVE.

17 (b) in the case of each individual receiving residential care, an
18 amount equal to at least [\$150.00] \$155.00 for each month beginning on
19 or after January first, two thousand [eleven] TWELVE.

20 (c) in the case of each individual receiving enhanced residential
21 care, an amount equal to at least [\$178.00] \$184.00 for each month
22 beginning on or after January first, two thousand [eleven] TWELVE.

23 (d) for the period commencing January first, two thousand [twelve]
24 THIRTEEN, the monthly personal needs allowance shall be an amount equal
25 to 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 [twelve] THIRTEEN, but prior to June thirtieth, two thousand
33 [twelve] THIRTEEN, 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 S of chapter 58 of the laws of 2011, are amended to read as follows:

37 (a) On and after January first, two thousand [eleven] TWELVE, for an
38 eligible individual living alone, [\$761.00] \$785.00; and for an eligible
39 couple living alone, [\$1115.00] \$1152.00.

40 (b) On and after January first, two thousand [eleven] TWELVE, for an
41 eligible individual living with others with or without in-kind income,
42 [\$697.00] \$721.00; and for an eligible couple living with others with or
43 without in-kind income, [\$1057.00] \$1094.00.

44 (c) On and after January first, two thousand [eleven] TWELVE, (i) for
45 an eligible individual receiving family care, [\$940.48] \$964.48 if he or
46 she is receiving such care in the city of New York or the county of
47 Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible
48 couple receiving family care in the city of New York or the county of
49 Nassau, Suffolk, Westchester or Rockland, two times the amount set forth
50 in subparagraph (i) of this paragraph; or (iii) for an eligible individ-
51 ual receiving such care in any other county in the state, [\$902.48]
52 \$926.48; and (iv) for an eligible couple receiving such care in any
53 other county in the state, two times the amount set forth in subpara-
54 graph (iii) of this paragraph.

(d) On and after January first, two thousand [eleven] TWELVE, (i) for an eligible individual receiving residential care, [\$1109.00] \$1133.00 if he or she is receiving such care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible couple receiving residential care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland, two times the amount set forth in subparagraph (i) of this paragraph; or (iii) for an eligible individual receiving such care in any other county in the state, [\$1079.00] \$1103.00; and (iv) for an eligible couple receiving such care in any other county in the state, two times the amount set forth in subparagraph (iii) of this paragraph.

(e) (i) On and after January first, two thousand [eleven] TWELVE, for an eligible individual receiving enhanced residential care, [\$1368.00] \$1392.00; and (ii) for an eligible couple receiving enhanced residential care, two times the amount set forth in subparagraph (i) of this paragraph.

(f) The amounts set forth in paragraphs (a) through (e) of this subdivision shall be increased to reflect any increases in federal supplemental security income benefits for individuals or couples which become effective on or after January first, two thousand [twelve] THIRTEEN but prior to June thirtieth, two thousand [twelve] THIRTEEN.

S 3. This act shall take effect July 1, 2012.

23

PART D

Section 1. Paragraphs (a), (a-1), (a-2) and (a-3) of subdivision 2 of section 131-a of the social services law, paragraph (a) as amended and paragraph (a-1) as added by section 1 of part Y of chapter 57 of the laws of 2009, paragraph (a-2) as amended by section 1 and paragraph (a-3) as amended by section 2 of part U of chapter 58 of the laws of 2011, are amended to read as follows:

(a) Through June thirtieth, two thousand nine, 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	
\$112	\$179	\$238	\$307	\$379	\$438	

For each additional person in the household there shall be added an additional amount of sixty dollars monthly.

(a-1) For the period beginning July first, two thousand nine and ending June thirtieth, two thousand ten, 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	
\$126	\$201	\$268	\$345	\$426	\$492	

For each additional person in the household there shall be added an additional amount of sixty-seven dollars monthly.

(a-2) For the period beginning July first, two thousand ten and [ending June thirtieth, two thousand twelve] 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	
\$141	\$225	\$300	\$386	\$477	\$551	

54

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

[(a-3) For the period beginning July first, two thousand 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 2. Subdivision 3 of section 131-a of the social services law, as amended by section 12 of part B of chapter 436 of the laws of 1997, paragraph (a) as amended and paragraph (a-1) as added by section 2 of part Y of chapter 57 of the laws of 2009 and paragraph (a-2) as amended by section 3 and paragraph (a-3) as amended by section 4 of part U of chapter 58 of the laws of 2011, is amended to read as follows:

3. (a) Through June thirtieth, two thousand nine, 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
\$112	\$179	\$238	\$307	\$379	\$438

For each additional eligible needy person in the household there shall be an additional allowance of sixty dollars monthly.

(a-1) For the period beginning July first, two thousand nine and ending June thirtieth, two thousand ten, 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
\$126	\$201	\$268	\$345	\$426	\$492

For each additional person in the household there shall be added an additional amount of sixty-seven dollars monthly.

(a-2) For the period beginning July first, two thousand ten and [ending June thirtieth, two thousand twelve] 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
\$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.

1 [(a-3) For the period beginning July first, two thousand twelve and
 2 thereafter, persons and families determined to be eligible by the appli-
 3 cation of the standard of need prescribed by the provisions of subdivi-
 4 sion two of this section, less any available income or resources which
 5 are not required to be disregarded by other provisions of this chapter,
 6 shall receive maximum monthly grants and allowances in all social
 7 services districts, in accordance with the following schedule, for
 8 public assistance:

9 Number of Persons in Household

10 One	Two	Three	Four	Five	Six
11 \$158	\$252	\$335	\$432	\$533	\$616

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

14 (b) Notwithstanding the provisions of this section or any other law to
 15 the contrary, no payment of public assistance shall be made for any
 16 month if the amount of such payment would be less than ten dollars per
 17 month.

18 (c) The amount of the monthly grant and allowance, when not a whole
 19 dollar amount, shall be rounded to the next lower whole dollar amount.

20 S 3. This act shall take effect immediately and shall be deemed to
 21 have been in full force and effect on and after April 1, 2012.

22 PART E

23 Section 1. Paragraph (f) of subdivision 3 of section 22 of the social
 24 services law, as relettered by chapter 611 of the laws of 1979, is
 25 relettered paragraph (g) and a new paragraph (f) is added to read as
 26 follows:

27 (F) UNLESS AN AGREEMENT IS IN EFFECT FOR FEDERAL ADMINISTRATION OF
 28 ADDITIONAL STATE PAYMENTS PURSUANT TO SECTION TWO HUNDRED ELEVEN OF THIS
 29 CHAPTER, APPLICANTS FOR AND RECIPIENTS OF ADDITIONAL STATE PAYMENTS AS
 30 DEFINED IN SUBDIVISION TWO OF SECTION TWO HUNDRED EIGHT OF THIS CHAPTER;
 31 AND

32 S 2. Subdivision 2 of section 208 of the social services law, as added
 33 by chapter 1080 of the laws of 1974, is amended to read as follows:

34 2. "Additional state payments" shall mean payments made to aged, blind
 35 and disabled persons who are receiving, or who would but for their
 36 income be eligible to receive, federal supplemental security income
 37 benefits, whether made by [social services districts] THE OFFICE OF
 38 TEMPORARY AND DISABILITY ASSISTANCE in accordance with the provisions of
 39 this title and with title sixteen of the federal social security act, or
 40 by the [secretary] COMMISSIONER of the [federal department of health,
 41 education and welfare] UNITED STATES SOCIAL SECURITY ADMINISTRATION,
 42 pursuant to and in accordance with the provisions of this title, title
 43 sixteen of the federal social security act, and provisions of any agree-
 44 ment entered into between the state and such [secretary] COMMISSIONER by
 45 which the [secretary] COMMISSIONER agrees to administer such additional
 46 state payments on behalf of the state. SUCH PAYMENTS ARE EQUAL TO THE
 47 STANDARD OF NEED, LESS THE GREATER OF THE FEDERAL BENEFIT RATE OR COUNT-
 48 ABLE INCOME. FOR PURPOSES OF THIS TITLE, THE "FEDERAL BENEFIT RATE"
 49 SHALL MEAN THE MAXIMUM PAYMENT OF SUPPLEMENTAL SECURITY INCOME PAYABLE
 50 TO A PERSON OR COUPLE WITH NO COUNTABLE INCOME.

51 S 3. Section 208 of the social services law is amended by adding a new
 52 subdivision 12 to read as follows:

53 12. THE TERM "STANDARD OF NEED" SHALL REFER SOLELY TO THE MAXIMUM
 54 LEVEL OF INCOME A PERSON OR COUPLE MAY HAVE AND REMAIN ELIGIBLE FOR

1 ADDITIONAL STATE PAYMENTS UNDER THIS TITLE. THE TERM APPLIES SOLELY TO
2 THE PROGRAM OF ADDITIONAL STATE PAYMENTS AND HAS NO APPLICATION TO ANY
3 OTHER PROGRAM OR BENEFIT.

4 S 4. Paragraph (a) of subdivision 1 of section 209 of the social
5 services law, as added by chapter 1080 of the laws of 1974 and subpara-
6 graph (iv) as amended by chapter 214 of the laws of 1998, is amended to
7 read as follows:

8 (a) NOTWITHSTANDING ANY LAW TO THE CONTRARY, NO PERSON SHALL BE ELIGI-
9 BLE FOR ANY PAYMENT PURSUANT TO THIS TITLE WHO IS INELIGIBLE FOR SUPPLE-
10 MENTAL SECURITY INCOME FOR ANY REASON OTHER THAN HAVING COUNTABLE INCOME
11 EXCEEDING THE FEDERAL BENEFIT RATE FOR SUCH PROGRAM. An individual shall
12 be eligible to receive additional state payments if he OR SHE HAS
13 APPLIED FOR SUPPLEMENTAL SECURITY INCOME BENEFITS, HAS RECEIVED A DETER-
14 MINATION WITH RESPECT TO SUCH APPLICATION AND:

15 (i) is over sixty-five years of age, or is blind or disabled; and

16 (ii) does not have countable income in an amount equal to or greater
17 than the standard of need established in subdivision two of this
18 section; and

19 (iii) does not have countable resources in an amount equal to or
20 greater than the amount of resources an individual or couple may have
21 and remain eligible for supplemental security income benefits pursuant
22 to federal law and regulations of the department; and

23 (iv) is a resident of the state and is either a citizen of the United
24 States or is not an alien who is or would be ineligible for federal
25 supplemental security income benefits solely by reason of alien status.

26 S 5. Subdivision 1 of section 212 of the social services law is
27 REPEALED and a new subdivision 1 is added to read as follows:

28 1. IF THERE IS NO AGREEMENT IN EFFECT FOR FEDERAL ADMINISTRATION OF
29 ADDITIONAL STATE PAYMENTS PURSUANT TO SECTION TWO HUNDRED ELEVEN OF THIS
30 TITLE, THE COMMISSIONER OF THE OFFICE OF TEMPORARY AND DISABILITY
31 ASSISTANCE SHALL BE RESPONSIBLE FOR PROVIDING SUCH PAYMENTS TO ELIGIBLE
32 RESIDENTS OF THE STATE AS REQUIRED BY THIS TITLE AND SHALL:

33 (A) ACCEPT AND PROCESS APPLICATIONS FOR ADDITIONAL STATE PAYMENTS TO
34 BE MADE PURSUANT TO THIS TITLE;

35 (B) DETERMINE ELIGIBILITY FOR AND THE AMOUNT OF ADDITIONAL STATE
36 PAYMENTS IN ACCORDANCE WITH THIS TITLE;

37 (C) REDETERMINE ELIGIBILITY PERIODICALLY AS THE OFFICE MAY REQUIRE;
38 PROVIDED, HOWEVER, THAT ANY SUCH REDETERMINATIONS SHALL BE NO MORE
39 FREQUENT THAN PROVIDED BY THE APPLICABLE REGULATIONS OF THE UNITED
40 STATES SOCIAL SECURITY ADMINISTRATION; AND

41 (D) TAKE ALL OTHER ACTIONS NECESSARY TO EFFECTUATE THE PROVISIONS OF
42 THIS TITLE.

43 S 6. Subparagraph 2 of paragraph (a) of subdivision 1 of section 366
44 of the social services law, as added by chapter 1080 of the laws of
45 1974, is amended to read as follows:

46 (2) is receiving or is eligible to receive federal supplemental secu-
47 rity income payments and/or additional state payments[, so long as there
48 is in effect an agreement between the state and the secretary of health,
49 education and welfare, pursuant to section three hundred sixty-three-b
50 of this title, for the federal determination of eligibility of aged,
51 blind and disabled persons for medical assistance, and so long as such
52 secretary requires, as a condition of entering into such agreement, that
53 such person be eligible for medical assistance] PURSUANT TO TITLE SIX OF
54 THIS ARTICLE; ANY INCONSISTENT PROVISION OF THIS CHAPTER OR OTHER LAW
55 NOTWITHSTANDING, THE DEPARTMENT MAY DESIGNATE THE OFFICE OF TEMPORARY
56 AND DISABILITY ASSISTANCE AS ITS AGENT TO DISCHARGE ITS RESPONSIBILITY,

OR SO MUCH OF ITS RESPONSIBILITY AS IS PERMITTED BY FEDERAL LAW, FOR DETERMINING ELIGIBILITY FOR MEDICAL ASSISTANCE WITH RESPECT TO PERSONS WHO ARE NOT ELIGIBLE TO RECEIVE FEDERAL SUPPLEMENTAL SECURITY INCOME PAYMENTS BUT WHO ARE RECEIVING A STATE ADMINISTERED SUPPLEMENTARY PAYMENT OR MANDATORY MINIMUM SUPPLEMENT IN ACCORDANCE WITH THE PROVISIONS OF SUBDIVISION ONE OF SECTION TWO HUNDRED TWELVE OF THIS ARTICLE; or

S 7. This act shall take effect immediately.

PART F

Section 1. Section 28 of part C of chapter 83 of the laws of 2002, amending the executive law and other laws relating to funding for children and family services, as amended by section 1 of part Q of chapter 57 of the laws of 2009, is amended to read as follows:

S 28. This act shall take effect immediately; provided that sections nine through eighteen and twenty through twenty-seven of this act shall be deemed to have been in full force and effect on and after April 1, 2002; provided, however, that section fifteen of this act shall apply to claims that are otherwise reimbursable by the state on or after April 1, 2002 except as provided in subdivision 9 of section 153-k of the social services law as added by section fifteen of this act; provided further however, that nothing in this act shall authorize the office of children and family services to deny state reimbursement to a social services district for violations of the provisions of section 153-d of the social services law for services provided from January 1, 1994 through March 31, 2002; provided that section nineteen of this act shall take effect September 13, 2002 AND SHALL EXPIRE AND BE DEEMED REPEALED JUNE 30, 2012; and, provided further, however, that notwithstanding any law to the contrary, the office of children and family services shall have the authority to promulgate, on an emergency basis, any rules and regulations necessary to implement the requirements established pursuant to this act; provided further, however, that the regulations to be developed pursuant to section one of this act shall not be adopted by emergency rule; and provided further that the provisions of sections nine THROUGH EIGHTEEN AND TWENTY through twenty-seven of this act shall expire and be deemed repealed on June 30, [2012] 2017.

S 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2012.

PART G

Section 1. This part enacts into law major components of legislation which are necessary for establishing a juvenile justice services close to home initiative. Each component is wholly contained within a subpart identified as subparts A through B. The effective date for each particular provision contained within such subpart is set forth in the last section of such subpart. Any provision in any section contained within a subpart, including the effective date of the subpart, which makes 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 subpart in which it is found. Section four of this part sets forth the general effective date of this act.

S 2. Legislative intent. In order to provide a juvenile justice system that ensures public safety and improves short and long term outcomes for youth and their families, it is the intent of this legislation to

1 authorize the city of New York to provide juvenile justice services to
2 adjudicated juvenile delinquents who reside in the city, and are deter-
3 mined by the family court to need placement in a non-secure facility.
4 This legislation aims to transform the juvenile justice system by
5 authorizing the city to develop a system for its youth that strives to:

6 a) provide an effective continuum of diversion, supervision, treatment
7 and confinement, ensuring that the most appropriate level of care is
8 provided for youth, consistent with public safety, keeping youth close
9 to home, minimizing the dislocation of youth from their families and
10 building on positive connections between young people and their communi-
11 ties;

12 b) provide accountability of the system and organizations within the
13 system, ensuring that both internal and external mechanisms for over-
14 sight of the system are maintained;

15 c) be data-driven, ensuring that objective instruments are employed at
16 all key decision making stages and that system actors readily and trans-
17 parently share information to inform ongoing changes in policy and prac-
18 tice;

19 d) promote family and community involvement, ensuring that positive
20 family and community supports are actively engaged;

21 e) be based on evidence-informed practices, ensuring that programs and
22 services provided are shown to have worked in improving outcomes for
23 youth, maintaining public safety and reducing unnecessary confinement
24 and recidivism and unwarranted racial/ethnic disparities; and

25 f) provide effective reintegration services, ensuring that youth
26 remain connected to appropriate educational services and positive behav-
27 ioral supports and/or treatment modalities upon transitioning home from
28 placement.

29 SUBPART A

30 Section 1. The social services law is amended by adding a new section
31 404 to read as follows:

32 S 404. JUVENILE JUSTICE SERVICES CLOSE TO HOME INITIATIVE. 1. A
33 SOCIAL SERVICES DISTRICT IN A CITY WITH A POPULATION IN EXCESS OF ONE
34 MILLION MAY IMPLEMENT A CLOSE TO HOME INITIATIVE TO PROVIDE JUVENILE
35 JUSTICE SERVICES TO ALL ADJUDICATED JUVENILE DELINQUENTS DETERMINED BY A
36 FAMILY COURT IN SUCH DISTRICT AS NEEDING PLACEMENT IN A NON-SECURE
37 FACILITY AND TO ENTER INTO CONTRACTS WITH ANY AUTHORIZED AGENCY, AS
38 DEFINED BY SECTION THREE HUNDRED SEVENTY-ONE OF THIS CHAPTER, PROVIDED
39 THAT SUCH SOCIAL SERVICES DISTRICTS FIRST CONSULT WITH AUTHORIZED AGEN-
40 CIES, TO OPERATE AND MAINTAIN NON-SECURE FACILITIES.

41 2. A SOCIAL SERVICES DISTRICT IN A CITY WITH A POPULATION IN EXCESS OF
42 ONE MILLION MAY SUBMIT A PLAN AT ANY TIME, WHICH WILL BE SUBJECT TO
43 LEGISLATIVE APPROVAL NO SOONER THAN APRIL 1, 2013, TO IMPLEMENT A CLOSE
44 TO HOME INITIATIVE TO PROVIDE JUVENILE JUSTICE SERVICES TO ALL ADJUDI-
45 CATED JUVENILE DELINQUENTS DETERMINED BY A FAMILY COURT IN SUCH DISTRICT
46 AS NEEDING PLACEMENT IN A LIMITED SECURE FACILITY AND TO ENTER INTO
47 CONTRACTS WITH ANY AUTHORIZED AGENCY, AS DEFINED IN SECTION THREE
48 HUNDRED SEVENTY-ONE OF THIS CHAPTER, PROVIDED THAT SUCH SOCIAL SERVICES
49 DISTRICTS FIRST CONSULT WITH AUTHORIZED AGENCIES, TO OPERATE AND MAIN-
50 TAIN LIMITED SECURE FACILITIES.

51 3. A SOCIAL SERVICES DISTRICT SHALL OBTAIN PRIOR APPROVAL FROM THE
52 OFFICE OF CHILDREN AND FAMILY SERVICES AND THE STATE DIVISION OF BUDGET;
53 EXCEPT WHEN SUCH PLAN INCLUDES PLACEMENT OF JUVENILE DELINQUENTS IN
54 LIMITED SECURE SETTINGS, PRIOR APPROVAL OF THE LEGISLATURE SHALL ALSO BE

1 REQUIRED WHICH SHALL OCCUR NO EARLIER THAN APRIL FIRST, TWO THOUSAND
2 THIRTEEN, OF ITS PLAN FOR ESTABLISHING AND IMPLEMENTING SUCH AN INITI-
3 ATIVE IN ACCORDANCE WITH GUIDELINES ESTABLISHED AND IN THE FORMAT, AND
4 INCLUDING THE INFORMATION REQUIRED, BY SUCH OFFICE. SUCH DISTRICT SHALL
5 SUBMIT SEPARATE PLANS FOR HOW THE DISTRICT WILL IMPLEMENT INITIATIVES
6 FOR JUVENILE DELINQUENTS PLACED IN NON-SECURE SETTINGS AND IN LIMITED
7 SECURE SETTINGS. ANY SUCH PLAN SHALL SPECIFY, IN DETAIL, AS APPLICABLE:

8 (A) HOW THE DISTRICT WILL PROVIDE A CONTINUUM OF EVIDENCE INFORMED,
9 HIGH-QUALITY COMMUNITY-BASED AND RESIDENTIAL PROGRAMMING THAT WILL
10 PROTECT COMMUNITY SAFETY AND PROVIDE APPROPRIATE SERVICES TO YOUTH,
11 INCLUDING THE OPERATION OF NON-SECURE OR NON-SECURE AND LIMITED SECURE
12 FACILITIES, IN SUFFICIENT CAPACITY AND IN A MANNER DESIGNED TO MEET THE
13 NEEDS OF JUVENILE DELINQUENTS CARED FOR UNDER THE INITIATIVE. SUCH
14 PROGRAMMING SHALL BE BASED ON AN ANALYSIS OF RECENT PLACEMENT TRENDS OF
15 YOUTH FROM WITHIN SUCH DISTRICT, INCLUDING THE NUMBER OF YOUTH WHO HAVE
16 BEEN PLACED IN THE CUSTODY OF THE OFFICE OF CHILDREN AND FAMILY SERVICES
17 FOR PLACEMENT IN OTHER THAN A SECURE FACILITY;

18 (B) THE ANTICIPATED START-UP AND ON-GOING SERVICES AND ADMINISTRATIVE
19 COSTS OF THE INITIATIVE;

20 (C) THE READINESS OF THE DISTRICT TO ESTABLISH THE INITIATIVE AND THE
21 AVAILABILITY OF ALL NEEDED RESOURCES, INCLUDING THE LOCATION OF SERVICES
22 AND AVAILABILITY OF THE PROVIDERS THAT WILL PROVIDE ALL NECESSARY
23 SERVICES UNDER THE INITIATIVE INCLUDING, BUT NOT LIMITED TO, RESIDEN-
24 TIAL, NON-RESIDENTIAL, EDUCATIONAL, MEDICAL, SUBSTANCE ABUSE, MENTAL
25 HEALTH AND AFTER CARE SERVICES AND COMMUNITY SUPERVISION;

26 (D) THE PROPOSED EFFECTIVE DATE OF THE PLANS AND DOCUMENTATION OF THE
27 DISTRICT'S READINESS TO BEGIN ACCEPTING AND APPROPRIATELY SERVING JUVE-
28 NILE DELINQUENTS UNDER THE PLAN;

29 (E) HOW THE DISTRICT WILL PROVIDE NECESSARY AND APPROPRIATE STAFFING
30 TO IMPLEMENT THE INITIATIVE;

31 (F) HOW THE DISTRICT WILL MONITOR THE QUALITY OF SERVICES PROVIDED TO
32 YOUTH, INCLUDING HOW THE DISTRICT WILL PROVIDE CASE MANAGEMENT SERVICES;

33 (G) HOW, THROUGHOUT THE INITIATIVE, THE DISTRICT WILL SEEK AND RECEIVE
34 ON-GOING COMMUNITY AND STAKEHOLDER INPUT RELATING TO THE IMPLEMENTATION
35 AND EFFECTIVENESS OF THE INITIATIVE;

36 (H) HOW THE DISTRICT WILL ENSURE THAT ALL STAFF WORKING DIRECTLY WITH
37 YOUTH SERVED UNDER THE INITIATIVE HAVE RECEIVED NECESSARY AND APPROPRI-
38 ATE TRAINING;

39 (I) HOW THE DISTRICT WILL MONITOR THE USE OF RESTRAINTS ON YOUTH,
40 INCLUDING, BUT NOT LIMITED TO, THE USE OF MECHANICAL RESTRAINTS;

41 (J) HOW THE DISTRICT WILL DEVELOP AND IMPLEMENT PROGRAMS AND POLICIES
42 TO ENSURE PROGRAM SAFETY AND THAT YOUTH RECEIVE APPROPRIATE SERVICES
43 BASED ON THEIR NEEDS, INCLUDING, BUT NOT LIMITED TO, EDUCATIONAL, BEHAV-
44 IORAL, MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES IN ACCORDANCE WITH
45 INDIVIDUALIZED TREATMENT PLANS DEVELOPED FOR EACH YOUTH;

46 (K) HOW THE DISTRICT WILL DEVELOP AND IMPLEMENT GENDER SPECIFIC
47 PROGRAMMING AND POLICIES TO MEET THE SPECIALIZED NEEDS OF LESBIAN, GAY,
48 BISEXUAL OR TRANSGENDER YOUTH;

49 (L) HOW THE DISTRICT WILL DEVELOP AND IMPLEMENT PROGRAMMING THAT IS
50 CULTURALLY COMPETENT TO MEET THE DIVERSE NEEDS OF THE YOUTH;

51 (M) HOW THE DISTRICT WILL DEVELOP AND IMPLEMENT LOCAL PROGRAMS THAT
52 WILL SEEK TO REDUCE THE DISPROPORTIONATE PLACEMENT OF MINORITY YOUTH IN
53 RESIDENTIAL PROGRAMS IN THE JUVENILE JUSTICE SYSTEM;

54 (N) HOW THE DISTRICT WILL DEVELOP AND IMPLEMENT A PLAN TO REDUCE THE
55 NUMBER OF YOUTH ABSENT WITHOUT LEAVE FROM PLACEMENT;

1 (O) HOW THE DISTRICT WILL DEVELOP AND IMPLEMENT POLICIES TO SERVE
2 YOUTH IN THE LEAST RESTRICTIVE SETTING CONSISTENT WITH THE NEEDS OF
3 YOUTH AND PUBLIC SAFETY, AND TO AVOID MODIFICATIONS OF PLACEMENTS TO THE
4 OFFICE OF CHILDREN AND FAMILY SERVICES;

5 (P) HOW THE DISTRICT WILL ENGAGE IN PERMANENCY AND DISCHARGE PLANNING
6 FOR JUVENILE DELINQUENTS PLACED IN ITS CUSTODY;

7 (Q) HOW THE DISTRICT WILL DEVELOP AND IMPLEMENT A COMPREHENSIVE AFTER
8 CARE PROGRAM TO PROVIDE SERVICES AND SUPPORTS FOR YOUTH WHO HAVE RE-EN-
9 TERED THE COMMUNITY FOLLOWING A JUVENILE JUSTICE PLACEMENT WITH THE
10 DISTRICT;

11 (R) HOW THE DISTRICT WILL DEVELOP AND IMPLEMENT POLICIES FOCUSED ON
12 REDUCING RECIDIVISM OF YOUTH WHO LEAVE THE PROGRAM;

13 (S) HOW THE LOCAL PROBATION DEPARTMENT WILL IMPLEMENT A COMPREHENSIVE
14 PREDISPOSITION INVESTIGATION PROCESS THAT INCLUDES, AT LEAST, THE USE OF
15 APPROPRIATE ASSESSMENTS TO DETERMINE THE COGNITIVE,
16 EDUCATIONAL/VOCATIONAL, AND SUBSTANCE ABUSE NEEDS OF THE YOUTH AND THE
17 USE OF A VALIDATED RISK ASSESSMENT INSTRUMENT, APPROVED BY THE OFFICE OF
18 CHILDREN AND FAMILY SERVICES; AND HOW THE DISTRICT WILL IMPLEMENT AN
19 INTAKE PROCESS FOR YOUTH PLACED IN RESIDENTIAL CARE THAT INCLUDES THE
20 USE OF APPROPRIATE ASSESSMENTS TO DETERMINE THE MEDICAL, DENTAL, MENTAL
21 AND BEHAVIORAL HEALTH NEEDS OF THE YOUTH; AND

22 (T) HOW THE DISTRICT WILL PROVIDE FOR THE RESTRICTIVE SETTING AND
23 PROGRAMS NECESSARY TO SERVE YOUTH WHO NEED PLACEMENT IN A LIMITED SECURE
24 SETTING CONSISTENT WITH THE NECESSITY FOR THE PROTECTION OF THE HEALTH
25 OR SAFETY OF THE JUVENILE DELINQUENTS IN THE FACILITY OR THE SURROUNDING
26 COMMUNITY.

27 4. PRIOR TO SUBMITTING ANY PLAN PURSUANT TO SUBDIVISION THREE OF THIS
28 SECTION, THE SOCIAL SERVICES DISTRICT SHALL CONDUCT AT LEAST FIVE PUBLIC
29 HEARINGS ON THE PROPOSED PLAN. AT LEAST ONE PUBLIC HEARING SHALL ONLY BE
30 HELD AFTER THIRTY DAYS NOTICE HAS BEEN PROVIDED IN A NEWSPAPER OF GENER-
31 AL CIRCULATION WITHIN THE JURISDICTION FOR WHICH THE SOCIAL SERVICES
32 DISTRICT IS LOCATED. THE NOTICE SHALL SPECIFY THE TIMES OF THE PUBLIC
33 HEARING AND PROVIDE INFORMATION ON HOW WRITTEN COMMENT ON THE PLAN MAY
34 BE SUBMITTED TO THE DISTRICT FOR CONSIDERATION. ADDITIONALLY, FOR A
35 PERIOD OF AT LEAST THIRTY DAYS PRIOR TO A HEARING, THE DISTRICT SHALL
36 POST ON ITS WEBSITE A NOTICE OF THE HEARING, A COPY OF THE PROPOSED
37 PLAN, AND INFORMATION ON HOW WRITTEN COMMENTS ON THE PLAN MAY BE SUBMIT-
38 TED TO THE DISTRICT FOR CONSIDERATION.

39 5. THE SOCIAL SERVICES DISTRICT SHALL SUBMIT, WITH SUCH A PLAN, AN
40 ASSESSMENT OF ANY WRITTEN COMMENTS RECEIVED, AND ANY COMMENTS PRESENTED
41 AT THE PUBLIC HEARING. AT A MINIMUM, SUCH ASSESSMENT SHALL CONTAIN:

42 (A) A SUMMARY AND ANALYSIS OF THE ISSUES RAISED AND SIGNIFICANT ALTER-
43 NATIVES SUGGESTED;

44 (B) A STATEMENT OF THE REASONS WHY ANY SIGNIFICANT ALTERNATIVES WERE
45 NOT INCORPORATED INTO THE PLAN; AND

46 (C) A DESCRIPTION OF ANY CHANGES MADE TO THE PLAN AS A RESULT OF SUCH
47 COMMENTS.

48 6. THE OFFICE OF CHILDREN AND FAMILY SERVICES AND THE STATE DIVISION
49 OF BUDGET, IN CONSULTATION WITH THE OFFICE OF MENTAL HEALTH AND THE
50 LEGISLATURE, SHALL BE AUTHORIZED TO REQUEST AMENDMENTS TO ANY PLAN PRIOR
51 TO APPROVAL. FOR ANY PLAN THAT ONLY COVERS JUVENILE DELINQUENTS PLACED
52 IN NON-SECURE SETTINGS, THE OFFICE AND THE DIVISION SHALL, WITHIN THIRTY
53 DAYS OF RECEIVING THE PLAN, EITHER APPROVE OR DISAPPROVE THE PLAN OR
54 REQUEST AMENDMENTS TO THE PLAN. IF ANY AMENDMENTS ARE REQUESTED TO THE
55 PLAN, THE OFFICE AND THE DIVISION SHALL APPROVE OR DISAPPROVE THE PLAN
56 WITHIN FIFTEEN DAYS OF ITS RESUBMISSION WITH THE REQUESTED AMENDMENTS.

FOR ANY PLAN THAT COVERS JUVENILE DELINQUENTS PLACED IN LIMITED SECURE SETTINGS, THE OFFICE AND THE DIVISION SHALL, WITHIN SIXTY DAYS OF RECEIVING THE PLAN, EITHER APPROVE OR DISAPPROVE THE PLAN OR REQUEST AMENDMENTS TO THE PLAN. IF ANY AMENDMENTS ARE REQUESTED TO THE PLAN, THE OFFICE AND THE DIVISION SHALL APPROVE OR DISAPPROVE THE PLAN WITHIN FIFTEEN DAYS OF ITS RESUBMISSION WITH THE REQUESTED AMENDMENTS.

7. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, IF THE OFFICE OF CHILDREN AND FAMILY SERVICES APPROVES A SOCIAL SERVICES DISTRICT'S PLAN TO IMPLEMENT A JUVENILE JUSTICE SERVICES CLOSE TO HOME INITIATIVE FOR JUVENILE DELINQUENTS PLACED IN NON-SECURE SETTINGS, SUCH OFFICE SHALL WORK WITH SUCH DISTRICT TO IDENTIFY THOSE JUVENILE DELINQUENTS IN THE OFFICE'S CUSTODY RESIDING IN NON-SECURE PLACEMENTS AND THOSE CONDITIONALLY RELEASED FROM A FACILITY WHO WERE PLACED BY A FAMILY COURT WITHIN THE JURISDICTION OF SAID SOCIAL SERVICES DISTRICT. THE OFFICE SHALL EVALUATE THE PLACEMENT LENGTH AND THE NEEDS OF SUCH JUVENILE DELINQUENTS AND, WHERE APPROPRIATE, FILE A PETITION PURSUANT TO SECTION 355.1 OF THE FAMILY COURT ACT TO TRANSFER CUSTODY OF SUCH YOUTH TO SAID SOCIAL SERVICES DISTRICT ON THE EFFECTIVE DATE OF THE PLAN, OR AS SOON AS APPROPRIATE THEREAFTER, BUT IN NO EVENT LATER THAN NINETY DAYS AFTER SUCH EFFECTIVE DATE; PROVIDED, HOWEVER, IF THE OFFICE DETERMINES, ON A CASE-BY-CASE BASIS, FOR REASONS DOCUMENTED IN WRITING SUBMITTED TO THE SOCIAL SERVICES DISTRICT, THAT A TRANSFER WITHIN NINETY DAYS OF THE EFFECTIVE DATE OF THE PLAN WOULD BE DETRIMENTAL TO THE EMOTIONAL, MENTAL OR PHYSICAL HEALTH OF A YOUTH, OR WOULD SERIOUSLY INTERFERE WITH THE YOUTH'S INTERSTATE TRANSFER OR IMMINENT DISCHARGE, THE OFFICE SHALL PROVIDE AN ESTIMATED TIME BY WHICH THE OFFICE EXPECTS TO BE ABLE TO PETITION FOR THE TRANSFER OF SUCH YOUTH OR TO RELEASE SUCH YOUTH FROM ITS CARE, AND SHALL NOTIFY THE DISTRICT OF ANY DELAY OF THAT EXPECTED DATE AND THE REASONS FOR SUCH A DELAY.

8. (A) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (C) OF SUBDIVISION FIFTEEN OF SECTION FIVE HUNDRED ONE OF THE EXECUTIVE LAW, OR ANY OTHER LAW TO THE CONTRARY, IF THE OFFICE OF CHILDREN AND FAMILY SERVICES APPROVES A SOCIAL SERVICES DISTRICT'S PLAN FOR A JUVENILE JUSTICE SERVICES CLOSE TO HOME INITIATIVE TO IMPLEMENT SERVICES FOR JUVENILE DELINQUENTS PLACED IN A NON-SECURE SETTING, SUCH OFFICE SHALL BE AUTHORIZED, FOR UP TO A YEAR AFTER THE EFFECTIVE DATE OF ANY SUCH PLAN: (1) TO CLOSE ANY OF ITS FACILITIES IN NON-SECURE SETTING LEVEL COVERED BY THE APPROVED PLAN AND TO MAKE SIGNIFICANT ASSOCIATED SERVICE REDUCTIONS AND PUBLIC EMPLOYEE STAFFING REDUCTIONS AND TRANSFER OPERATIONS FOR THOSE SETTING LEVEL TO A PRIVATE OR NOT-FOR-PROFIT ENTITY, AS DETERMINED BY THE COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY SERVICES TO BE NECESSARY TO REFLECT THE DECREASE IN THE NUMBER OF JUVENILE DELINQUENTS PLACED WITH SUCH OFFICE FROM SUCH SOCIAL SERVICES DISTRICT; (2) TO REDUCE COSTS TO THE STATE AND OTHER SOCIAL SERVICES DISTRICTS RESULTING FROM SUCH DECREASE; AND (3) TO ADJUST SERVICES TO PROVIDE REGIONALLY-BASED CARE TO JUVENILE DELINQUENTS FROM OTHER PARTS OF THE STATE NEEDING NON-SECURE RESIDENTIAL SERVICES. AT LEAST SIXTY DAYS PRIOR TO TAKING ANY SUCH ACTION, THE COMMISSIONER OF THE OFFICE SHALL PROVIDE NOTICE OF SUCH ACTION TO THE SPEAKER OF THE ASSEMBLY AND THE TEMPORARY PRESIDENT OF THE SENATE AND SHALL POST SUCH NOTICE UPON ITS PUBLIC WEBSITE. SUCH NOTICE MAY BE PROVIDED AT ANY TIME ON OR AFTER THE DATE THE OFFICE APPROVES A PLAN AUTHORIZING A SOCIAL SERVICES DISTRICT TO IMPLEMENT A PROGRAM FOR JUVENILE DELINQUENTS PLACED IN A NON-SECURE SETTING LEVEL. SUCH COMMISSIONER SHALL BE AUTHORIZED TO CONDUCT ANY AND ALL PREPARATORY ACTIONS WHICH MAY BE REQUIRED TO EFFECTUATE SUCH

1 CLOSURES OR SIGNIFICANT SERVICE OR STAFFING REDUCTIONS AND TRANSFER OF
2 OPERATIONS DURING SUCH SIXTY DAY PERIOD.

3 (B) ANY TRANSFERS OF CAPACITY OR ANY RESULTING TRANSFER OF FUNCTIONS
4 SHALL BE AUTHORIZED TO BE MADE BY THE COMMISSIONER OF THE OFFICE OF
5 CHILDREN AND FAMILY SERVICES AND ANY TRANSFER OF PERSONNEL UPON SUCH
6 TRANSFER OF CAPACITY OR TRANSFER OF FUNCTIONS SHALL BE ACCOMPLISHED IN
7 ACCORDANCE WITH THE PROVISIONS OF SECTION SEVENTY OF THE CIVIL SERVICE
8 LAW.

9 9. (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY,
10 ELIGIBLE EXPENDITURES DURING THE APPLICABLE TIME PERIODS MADE BY A
11 SOCIAL SERVICES DISTRICT FOR AN APPROVED JUVENILE JUSTICE SERVICES CLOSE
12 TO HOME INITIATIVE SHALL, IF APPROVED BY THE DEPARTMENT OF FAMILY
13 ASSISTANCE, BE SUBJECT TO REIMBURSEMENT WITH STATE FUNDS ONLY UP TO THE
14 EXTENT OF AN ANNUAL APPROPRIATION MADE SPECIFICALLY THEREFOR, AFTER
15 FIRST DEDUCTING THEREFROM ANY FEDERAL FUNDS PROPERLY RECEIVED OR TO BE
16 RECEIVED ON ACCOUNT THEREOF; PROVIDED, HOWEVER, THAT WHEN SUCH FUNDS
17 HAVE BEEN EXHAUSTED, A SOCIAL SERVICES DISTRICT MAY RECEIVE STATE
18 REIMBURSEMENT FROM OTHER AVAILABLE STATE APPROPRIATIONS FOR THAT STATE
19 FISCAL YEAR FOR ELIGIBLE EXPENDITURES FOR SERVICES THAT OTHERWISE WOULD
20 BE REIMBURSABLE UNDER SUCH FUNDING STREAMS. ANY CLAIMS SUBMITTED BY A
21 SOCIAL SERVICES DISTRICT FOR REIMBURSEMENT FOR A PARTICULAR STATE FISCAL
22 YEAR FOR WHICH THE SOCIAL SERVICES DISTRICT DOES NOT RECEIVE STATE
23 REIMBURSEMENT FROM THE ANNUAL APPROPRIATION FOR THE APPROVED CLOSE TO
24 HOME INITIATIVE MAY NOT BE CLAIMED AGAINST THAT DISTRICT'S APPROPRIATION
25 FOR THE INITIATIVE FOR THE NEXT OR ANY SUBSEQUENT STATE FISCAL YEAR.

26 (I) STATE FUNDING FOR REIMBURSEMENT SHALL BE, SUBJECT TO APPROPRI-
27 ATION, IN THE FOLLOWING AMOUNTS: FOR STATE FISCAL YEAR 2013-14,
28 \$18,625,000 ADJUSTED BY ANY CHANGES IN SUCH AMOUNT REQUIRED BY SUBPARA-
29 GRAPHS (II) AND (III) OF THIS PARAGRAPH; FOR STATE FISCAL YEAR 2014-15,
30 \$20,200,000 ADJUSTED TO INCLUDE THE AMOUNT OF ANY CHANGES MADE TO THE
31 STATE FISCAL YEAR 2013-14 APPROPRIATION UNDER SUBPARAGRAPHS (II) AND
32 (III) OF THIS PARAGRAPH PLUS ANY ADDITIONAL CHANGES REQUIRED BY SUCH
33 SUBPARAGRAPHS; AND, SUCH REIMBURSEMENT SHALL BE, SUBJECT TO APPROPRI-
34 ATION, FOR ALL SUBSEQUENT STATE FISCAL YEARS IN THE AMOUNT OF THE PRIOR
35 YEAR'S ACTUAL APPROPRIATION ADJUSTED BY ANY CHANGES REQUIRED BY SUBPARA-
36 GRAPHS (II) AND (III) OF THIS PARAGRAPH.

37 (II) THE REIMBURSEMENT AMOUNTS SET FORTH IN SUBPARAGRAPH (I) OF THIS
38 PARAGRAPH SHALL BE INCREASED OR DECREASED BY THE PERCENTAGE THAT THE
39 AVERAGE OF THE MOST RECENTLY APPROVED MAXIMUM STATE AID RATES FOR GROUP
40 RESIDENTIAL FOSTER CARE PROGRAMS IS HIGHER OR LOWER THAN THE AVERAGE OF
41 THE APPROVED MAXIMUM STATE AID RATES FOR GROUP RESIDENTIAL FOSTER CARE
42 PROGRAMS IN EXISTENCE IMMEDIATELY PRIOR TO THE MOST RECENTLY APPROVED
43 RATES.

44 (III) THE REIMBURSEMENT AMOUNTS SET FORTH IN SUBPARAGRAPH (I) OF THIS
45 PARAGRAPH SHALL BE INCREASED IF EITHER THE POPULATION OF ALLEGED JUVENILE
46 DELINQUENTS WHO RECEIVE A PROBATION INTAKE OR THE NUMBER OF YOUTH
47 WITH A DISPOSITION FROM THE FAMILY COURT WHO ARE DETERMINED TO BE HIGH
48 RISK, AS DEFINED IN CLAUSE (A) OF THIS SUBPARAGRAPH, INCREASES BY AT
49 LEAST TEN PERCENT OVER THE RESPECTIVE POPULATION IN THE ANNUAL BASELINE
50 YEAR. THE BASELINE YEAR SHALL BE THE PERIOD FROM JULY FIRST, TWO THOU-
51 SAND TEN THROUGH JUNE THIRTIETH, TWO THOUSAND ELEVEN OR THE MOST RECENT
52 TWELVE MONTH PERIOD FOR WHICH THERE IS COMPLETE DATA, WHICHEVER IS
53 LATER. IN EACH SUCCESSIVE YEAR, THE POPULATION OF THE PREVIOUS JULY
54 FIRST THROUGH JUNE THIRTIETH PERIOD SHALL BE COMPARED TO THE BASELINE
55 YEAR FOR DETERMINING ANY ADJUSTMENTS TO A STATE FISCAL YEAR APPROPRI-
56 ATION. WHEN EITHER POPULATION INCREASES BY TEN PERCENT OR MORE, THE

1 REIMBURSEMENT WILL BE ADJUSTED BY A PERCENTAGE EQUAL TO THE LARGER OF
2 THE PERCENTAGE INCREASE IN EITHER THE NUMBER OF PROBATION INTAKES FOR
3 ALLEGED JUVENILE DELINQUENTS OR THE NUMBER OF HIGH RISK YOUTH.

4 (A) FOR THE PURPOSES OF THIS SUBPARAGRAPH, HIGH RISK YOUTH SHALL MEAN
5 YOUTH WHO ARE CATEGORIZED BY THE NEW YORK CITY DEPARTMENT OF PROBATION
6 STRUCTURED DECISION MAKING GRID (OR ANY SUCCESSOR RISK ASSESSMENT TOOL
7 APPROVED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES IN CONSULTATION
8 WITH THE DIVISION OF CRIMINAL JUSTICE SERVICES) AS EITHER AT HIGH RISK
9 FOR RE-ARREST IN CASES WHERE THE MOST SERIOUS CURRENT ARREST CHARGE IS A
10 CLASS I OR II OR AT MEDIUM RISK FOR RE-ARREST IN CASES WHERE THE MOST
11 SERIOUS CURRENT ARREST CHARGE IS A CLASS I.

12 (B) THE SOCIAL SERVICES DISTRICT AND/OR THE NEW YORK CITY DEPARTMENT
13 OF PROBATION SHALL PROVIDE AN ANNUAL REPORT INCLUDING THE DATA REQUIRED
14 TO CALCULATE THE POPULATION ADJUSTMENT TO THE NEW YORK CITY OFFICE OF
15 MANAGEMENT AND BUDGET, THE DIVISION OF CRIMINAL JUSTICE SERVICES AND THE
16 STATE DIVISION OF THE BUDGET NO LATER THAN THE FIRST DAY OF SEPTEMBER
17 FOLLOWING THE CLOSE OF THE PREVIOUS JULY FIRST THROUGH JUNE THIRTIETH
18 PERIOD.

19 (B) THE DEPARTMENT OF FAMILY ASSISTANCE IS AUTHORIZED, IN ITS
20 DISCRETION, TO MAKE ADVANCES TO A SOCIAL SERVICES DISTRICT IN ANTIC-
21 IPATION OF THE STATE REIMBURSEMENT PROVIDED FOR IN THIS SECTION.

22 (C) A SOCIAL SERVICES DISTRICT SHALL CONDUCT ELIGIBILITY DETERMI-
23 NATIONS FOR FEDERAL AND STATE FUNDING AND SUBMIT CLAIMS FOR REIMBURSE-
24 MENT IN SUCH FORM AND MANNER AND AT SUCH TIMES AND FOR SUCH PERIODS AS
25 THE DEPARTMENT OF FAMILY ASSISTANCE SHALL DETERMINE.

26 (D) NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW OR REGULATION OF
27 THE DEPARTMENT OF FAMILY ASSISTANCE, STATE REIMBURSEMENT SHALL NOT BE
28 MADE FOR ANY EXPENDITURE MADE FOR THE DUPLICATION OF ANY GRANT OR ALLOW-
29 ANCE FOR ANY PERIOD.

30 (E) CLAIMS SUBMITTED BY A SOCIAL SERVICES DISTRICT FOR REIMBURSEMENT
31 SHALL BE PAID AFTER DEDUCTING ANY EXPENDITURES DEFRAIDED BY FEES, THIRD
32 PARTY REIMBURSEMENT, AND ANY NON-TAX LEVY FUNDS INCLUDING ANY DONATED
33 FUNDS.

34 (F) THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL NOT REIMBURSE ANY
35 CLAIMS FOR EXPENDITURES FOR RESIDENTIAL SERVICES THAT ARE SUBMITTED MORE
36 THAN TWENTY-TWO MONTHS AFTER THE CALENDAR QUARTER IN WHICH THE EXPENDI-
37 TURES WERE MADE.

38 (G) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE STATE SHALL NOT BE
39 RESPONSIBLE FOR REIMBURSING A SOCIAL SERVICES DISTRICT AND A DISTRICT
40 SHALL NOT SEEK STATE REIMBURSEMENT FOR ANY PORTION OF ANY STATE DISAL-
41 LOWANCE OR SANCTION TAKEN AGAINST THE SOCIAL SERVICES DISTRICT, OR ANY
42 FEDERAL DISALLOWANCE ATTRIBUTABLE TO FINAL FEDERAL AGENCY DECISIONS OR
43 TO SETTLEMENTS MADE, WHEN SUCH DISALLOWANCE OR SANCTION RESULTS FROM THE
44 FAILURE OF THE SOCIAL SERVICES DISTRICT TO COMPLY WITH FEDERAL OR STATE
45 REQUIREMENTS, INCLUDING, BUT NOT LIMITED TO, FAILURE TO DOCUMENT ELIGI-
46 BILITY FOR THE FEDERAL OR STATE FUNDS IN THE CASE RECORD. TO THE EXTENT
47 THAT THE SOCIAL SERVICES DISTRICT HAS SUFFICIENT CLAIMS OTHER THAN THOSE
48 THAT ARE SUBJECT TO DISALLOWANCE OR SANCTION TO DRAW DOWN THE FULL ANNU-
49 AL APPROPRIATION, SUCH DISALLOWANCE OR SANCTION SHALL NOT RESULT IN A
50 REDUCTION IN PAYMENT OF STATE FUNDS TO THE DISTRICT UNLESS THE DISTRICT
51 REQUESTS THAT THE DEPARTMENT USE A PORTION OF THE APPROPRIATION TOWARD
52 MEETING THE DISTRICT'S RESPONSIBILITY TO REPAY THE FEDERAL GOVERNMENT
53 FOR THE DISALLOWANCE OR SANCTION AND ANY RELATED INTEREST PAYMENTS.

54 (H) RATES FOR RESIDENTIAL SERVICES. THE OFFICE SHALL ESTABLISH THE
55 RATES, IN ACCORDANCE WITH SECTION THREE HUNDRED NINETY-EIGHT-A OF THIS
56 CHAPTER, FOR ANY NON-SECURE FACILITIES ESTABLISHED UNDER AN APPROVED

1 JUVENILE JUSTICE SERVICES CLOSE TO HOME INITIATIVE. FOR ANY SUCH NON-SE-
2 CURE FACILITY THAT WILL BE USED PRIMARILY BY THE SOCIAL SERVICES
3 DISTRICT WITH AN APPROVED CLOSE TO HOME INITIATIVE, FINAL AUTHORITY FOR
4 ESTABLISHMENT OF SUCH RATES AND ANY ADJUSTMENTS THERETO SHALL RESIDE
5 WITH THE OFFICE, BUT SUCH RATES AND ANY ADJUSTMENTS THERETO SHALL BE
6 ESTABLISHED ONLY UPON THE REQUEST OF, AND IN CONSULTATION WITH, SUCH
7 SOCIAL SERVICES DISTRICT.

8 10. UPON APPROVAL OF A SOCIAL SERVICES DISTRICT'S PLAN, THE OFFICE OF
9 CHILDREN AND FAMILY SERVICES SHALL NOTIFY THE SUPERVISING FAMILY COURT
10 JUDGE RESPONSIBLE FOR THE FAMILY COURTS SERVING SUCH DISTRICT OF THE
11 EFFECTIVE DATE AND PLACEMENT SETTINGS COVERED BY THE PLAN.

12 (A) BEGINNING ON THE EFFECTIVE DATE OF A DISTRICT'S APPROVED PLAN THAT
13 ONLY COVERS JUVENILE DELINQUENTS PLACED IN NON-SECURE SETTINGS, A FAMILY
14 COURT JUDGE SERVING IN A COUNTY WHERE SUCH SOCIAL SERVICES DISTRICT IS
15 LOCATED SHALL ONLY BE AUTHORIZED TO PLACE AN ADJUDICATED JUVENILE DELIN-
16 QUENT IN THE CUSTODY OF THE COMMISSIONER OF THE OFFICE OF CHILDREN AND
17 FAMILY SERVICES FOR PLACEMENT IN A SECURE OR LIMITED SECURE FACILITY
18 PURSUANT TO SECTION 353.3 OR 353.5 OF THE FAMILY COURT ACT.

19 11. IF THE SOCIAL SERVICES DISTRICT RECEIVES THE NECESSARY APPROVAL TO
20 IMPLEMENT A CLOSE TO HOME INITIATIVE FOR NON-SECURE SETTINGS, THE
21 DISTRICT SHALL IMPLEMENT THE INITIATIVE IN ACCORDANCE WITH ALL APPLICA-
22 BLE FEDERAL AND STATE LAWS AND REGULATIONS.

23 (A) THE INITIATIVE SHALL BE SUBJECT TO THE OFFICE OF CHILDREN AND
24 FAMILY SERVICES' ONGOING OVERSIGHT AND MONITORING INCLUDING, BUT NOT
25 LIMITED TO: CASE RECORD REVIEWS; STAFF, FAMILY, AND CLIENT INTERVIEWS;
26 ON-SITE INSPECTIONS; REVIEW OF DATA REGARDING PROVIDER PERFORMANCE,
27 YOUTH AND STAFF SAFETY, AND QUALITY OF CARE, WHICH MUST BE PROVIDED TO
28 THE OFFICE IN THE FORM AND MANNER AND AT SUCH TIMES AS REQUIRED BY THE
29 OFFICE; AND CONTINUED LICENSING AND MONITORING OF THE AUTHORIZED AGEN-
30 CIES PROVIDING SERVICES UNDER THE PLAN PURSUANT TO THIS CHAPTER.

31 (B) THE SOCIAL SERVICES DISTRICT SHALL PROVIDE EACH JUVENILE DELIN-
32 QUENT WITH AN APPROPRIATE LEVEL OF SERVICES DESIGNED TO MEET HIS OR HER
33 INDIVIDUAL NEEDS AND TO ENHANCE PUBLIC SAFETY AND SHALL PROVIDE THE
34 OFFICE OF CHILDREN AND FAMILY SERVICES WITH SPECIFIC INFORMATION AS
35 REQUIRED BY THE OFFICE, IN THE FORMAT AND AT SUCH TIMES AS REQUIRED BY
36 SUCH OFFICE, ON THE YOUTH PARTICIPATING IN THE INITIATIVE AND THE
37 PROGRAMS SERVING SUCH YOUTH. SUCH INFORMATION SHALL BE PROVIDED TO THE
38 OFFICE OF CHILDREN AND FAMILY SERVICES ON A MONTHLY BASIS FOR THE FIRST
39 TWELVE MONTHS IMMEDIATELY FOLLOWING THE IMPLEMENTATION OF THE PROGRAMS
40 FOR EACH LEVEL OF CARE AND SHALL BE PROVIDED TO SUCH OFFICE ON A QUAR-
41 TERLY BASIS THEREAFTER.

42 12. THE SOCIAL SERVICES DISTRICT SHALL SUBMIT A REPORT TO THE OFFICE
43 OF CHILDREN AND FAMILY SERVICES ANNUALLY, IN THE FORMAT REQUIRED BY SUCH
44 OFFICE, DETAILING OVERALL INITIATIVE PERFORMANCE.

45 13. IF THE OFFICE OF CHILDREN AND FAMILY SERVICES DETERMINES THAT THE
46 SOCIAL SERVICES DISTRICT IS FAILING TO ADEQUATELY PROVIDE FOR THE JUVE-
47 NILE DELINQUENTS PLACED UNDER AN APPROVED PLAN, SUCH OFFICE MAY REQUIRE
48 THE SOCIAL SERVICES DISTRICT TO SUBMIT A CORRECTIVE ACTION PLAN, FOR
49 SUCH OFFICE'S APPROVAL, DEMONSTRATING HOW IT WILL RECTIFY THE INADEQUA-
50 CIES. IF THE OFFICE DETERMINES THAT THE SOCIAL SERVICES DISTRICT IS
51 FAILING TO MAKE SUFFICIENT PROGRESS TOWARDS IMPLEMENTING THE CORRECTIVE
52 ACTION PLAN IN THE TIME AND MANNER APPROVED BY THE OFFICE, THE OFFICE
53 SHALL PROVIDE THE DISTRICT WRITTEN NOTICE OF SUCH DETERMINATION AND THE
54 BASIS THEREFOR, AND MANDATE THAT THE DISTRICT TAKE ALL NECESSARY ACTIONS
55 TO IMPLEMENT THE PLAN. IF A DISTRICT HAS FAILED WITHIN A REASONABLE TIME
56 THEREAFTER TO MAKE PROGRESS IMPLEMENTING ANY REGULATION, OR ANY OTHER

1 PORTION OF SUCH PLAN THAT IS INTENDED TO PREVENT IMMINENT DANGER TO THE
2 HEALTH, SAFETY OR WELFARE OF THE YOUTH BEING SERVED UNDER THE PLAN, THE
3 OFFICE MAY WITHHOLD OR SET ASIDE A PORTION OF THE FUNDING DUE UNDER
4 SUBDIVISION EIGHT OF THIS SECTION UNTIL THE DISTRICT DEMONSTRATES THAT
5 SUFFICIENT PROGRESS IS BEING MADE; OR TERMINATE THE DISTRICT'S AUTHORITY
6 TO OPERATE ALL OR A PORTION OF THE JUVENILE JUSTICE SERVICES CLOSE TO
7 HOME INITIATIVE, TAKE ALL NECESSARY STEPS TO ASSUME CUSTODY FOR, AND
8 PROVIDE SERVICES TO, THE APPLICABLE JUVENILE DELINQUENTS BEING SERVED
9 UNDER THE INITIATIVE, AND DISCONTINUE FUNDS PROVIDED TO THE DISTRICT FOR
10 SUCH SERVICES. THE OFFICE SHALL NOT WITHHOLD, SET ASIDE OR DISCONTINUE
11 STATE AID TO A DISTRICT UNTIL WRITTEN NOTICE IS GIVEN TO THE COMMISSION-
12 ER OF THE DISTRICT, AND IN THE EVENT FUNDING IS WITHHELD, SET ASIDE OR
13 DISCONTINUED, THE DISTRICT MAY APPEAL TO THE OFFICE, WHICH SHALL HOLD A
14 FAIR HEARING THEREON IN ACCORDANCE WITH THE PROVISIONS OF SECTION TWEN-
15 TY-TWO OF THIS CHAPTER RELATING TO FAIR HEARINGS. THE DISTRICT MAY
16 INSTITUTE A PROCEEDING FOR A REVIEW OF THE DETERMINATION OF THE OFFICE
17 FOLLOWING THE FAIR HEARING PURSUANT TO ARTICLE SEVENTY-EIGHT OF THE
18 CIVIL PRACTICE LAW AND RULES. ANY FUNDS WITHHELD, SET ASIDE OR DISCON-
19 TINUED PURSUANT TO THIS PROVISION SHALL BE APPLIED TO ADDRESS THE PROB-
20 LEM WHICH WAS THE BASIS FOR SUCH SANCTION. IF THE OFFICE TERMINATES A
21 DISTRICT'S AUTHORITY TO OPERATE ANY PORTION OF A JUVENILE JUSTICE
22 SERVICES CLOSE TO HOME INITIATIVE IN ACCORDANCE WITH THIS SUBDIVISION,
23 THE OFFICE SHALL NOTIFY THE SUPERVISING FAMILY COURT JUDGE RESPONSIBLE
24 FOR THE FAMILY COURTS SERVING SUCH DISTRICT OF SUCH TERMINATION AND THE
25 EFFECTIVE DATE OF SUCH TERMINATION.

26 14. ONCE A PLAN BECOMES OPERATIVE PURSUANT TO THIS SECTION, THE SOCIAL
27 SERVICES DISTRICT SHALL CARRY OUT THE FOLLOWING FUNCTIONS, POWERS AND
28 DUTIES WITH RESPECT TO PLACEMENTS OF JUVENILE DELINQUENTS IN ACCORDANCE
29 WITH THE PROVISIONS OF SUCH PLAN AND ALL APPLICABLE FEDERAL AND STATE
30 LAWS AND REGULATIONS:

31 (A) TO ENTER INTO CONTRACTS WITH AUTHORIZED AGENCIES, AS DEFINED IN
32 SECTION THREE HUNDRED SEVENTY-ONE OF THIS CHAPTER, TO OPERATE AND MAIN-
33 TAIN FACILITIES AUTHORIZED UNDER SUCH PLAN; SUCH CONTRACTS MAY INCLUDE
34 SUCH PROGRAM REQUIREMENTS AS DEEMED NECESSARY BY THE DISTRICT; PROVIDED
35 THAT AS PART OF THE PLANNING PROCESS TO IMPLEMENT A CLOSE TO HOME INITI-
36 ATIVE, SUCH SOCIAL SERVICES DISTRICT FIRST CONSULT WITH AUTHORIZED AGEN-
37 CIES;

38 (B) TO DETERMINE THE PARTICULAR FACILITY OR PROGRAM IN WHICH A JUVE-
39 NILE DELINQUENT PLACED WITH THE DISTRICT SHALL BE CARED FOR, BASED UPON
40 AN EVALUATION OF SUCH JUVENILE DELINQUENT;

41 (C) TO TRANSFER A JUVENILE DELINQUENT FROM ONE FACILITY TO ANY OTHER
42 FACILITY, WHEN THE INTERESTS OF SUCH JUVENILE DELINQUENT REQUIRES SUCH
43 ACTION; PROVIDED THAT THE SOCIAL SERVICES DISTRICT SHALL REPORT ANY
44 ANTICIPATED CHANGE IN PLACEMENT TO THE ATTORNEY FOR THE RESPONDENT AND
45 THE PRESENTMENT AGENCY NOT LATER THAN TEN DAYS PRIOR TO SUCH CHANGE
46 UNLESS AN IMMEDIATE CHANGE OF PLACEMENT ON AN EMERGENCY BASIS IS
47 REQUIRED IN WHICH CASE SUCH REPORT SHALL BE TRANSMITTED NO LATER THAN
48 THE NEXT BUSINESS DAY AFTER SUCH CHANGE IN PLACEMENT HAS BEEN MADE;

49 (D) TO ISSUE A WARRANT FOR THE APPREHENSION AND RETURN OF ANY RUNAWAY
50 OR CONDITIONALLY RELEASED JUVENILE DELINQUENT PLACED WITH THE DISTRICT,
51 IN ACCORDANCE WITH THE REGULATIONS OF THE OFFICE OF CHILDREN AND FAMILY
52 SERVICES; PROVIDED FURTHER THAT:

53 (I) A SOCIAL SERVICES OFFICIAL, PURSUANT TO THE REGULATIONS OF THE
54 OFFICE OF CHILDREN AND FAMILY SERVICES, SHALL ISSUE A WARRANT DIRECTED
55 GENERALLY TO ANY PEACE OFFICER, ACTING PURSUANT TO SUCH OFFICER'S
56 SPECIAL DUTIES, OR POLICE OFFICER IN THE STATE FOR THE APPREHENSION AND

1 RETURN OF ANY RUNAWAY OR CONDITIONALLY RELEASED JUVENILE DELINQUENT
2 UNDER THE JURISDICTION OF THE DISTRICT AND SUCH WARRANT SHALL BE
3 EXECUTED BY ANY PEACE OFFICER, ACTING PURSUANT TO SUCH OFFICER'S SPECIAL
4 DUTIES, OR POLICE OFFICER TO WHOM IT MAY BE DELIVERED; THE SOCIAL
5 SERVICES DISTRICT ALSO SHALL PROVIDE RELEVANT LAW ENFORCEMENT AGENCIES
6 WITHIN FORTY-EIGHT HOURS WITH ANY PHOTOGRAPHS OF ANY RUNAWAY OR CONDI-
7 TIONALLY RELEASED JUVENILE DELINQUENT FOR WHOM A WARRANT IS ISSUED,
8 TOGETHER WITH ANY PERTINENT INFORMATION RELATIVE TO SUCH JUVENILE DELIN-
9 QUENT; SUCH PHOTOGRAPHS SHALL REMAIN THE PROPERTY OF THE SOCIAL SERVICES
10 DISTRICT AND SHALL BE KEPT CONFIDENTIAL FOR USE SOLELY IN THE APPREHEN-
11 SION OF SUCH JUVENILE DELINQUENT AND SHALL BE RETURNED PROMPTLY TO THE
12 DISTRICT UPON APPREHENSION OF SUCH JUVENILE DELINQUENT, OR UPON THE
13 DEMAND OF THE DISTRICT;

14 (II) A SOCIAL SERVICES OFFICIAL SHALL GIVE IMMEDIATE WRITTEN NOTICE TO
15 THE FAMILY COURT WHEN ANY JUVENILE DELINQUENT PLACED WITH THE SOCIAL
16 SERVICES DISTRICT BY ORDER OF SAID FAMILY COURT, IS ABSENT FROM SUCH
17 PLACEMENT WITHOUT CONSENT;

18 (III) A MAGISTRATE MAY CAUSE A RUNAWAY OR A CONDITIONALLY RELEASED
19 JUVENILE DELINQUENT TO BE HELD IN CUSTODY UNTIL RETURNED TO THE SOCIAL
20 SERVICES DISTRICT;

21 (E) (I) TO CAUSE A JUVENILE DELINQUENT UNDER THE JURISDICTION OF THE
22 SOCIAL SERVICES DISTRICT WHO RUNS AWAY FROM A FACILITY, TO BE APPRE-
23 HENDED AND RETURNED TO THE SOCIAL SERVICES DISTRICT OR AUTHORIZED AGEN-
24 CY;

25 (II) IF A JUVENILE DELINQUENT UNDER THE JURISDICTION OF THE SOCIAL
26 SERVICES DISTRICT VIOLATES ANY CONDITION OF RELEASE THEREFROM, OR IF
27 THERE IS A CHANGE OF CIRCUMSTANCES, AND THE SOCIAL SERVICES DISTRICT
28 DETERMINES THAT IT WOULD BE CONSISTENT WITH THE NEEDS AND BEST INTERESTS
29 OF SAID JUVENILE DELINQUENT AND THE NEED TO PROTECT THE COMMUNITY, OR
30 THAT THERE IS A SUBSTANTIAL LIKELIHOOD SAID JUVENILE DELINQUENT WILL
31 COMMIT AN ACT THAT WOULD BE A CRIME OR CONSTITUTE A CRIME IF HE OR SHE
32 WERE AN ADULT, TO CAUSE SAID JUVENILE DELINQUENT TO BE APPREHENDED AND
33 RETURNED TO THE DISTRICT OR AUTHORIZED AGENCY PURSUANT TO THE REGU-
34 LATIONS OF THE OFFICE OF CHILDREN AND FAMILY SERVICES;

35 (III) TO AUTHORIZE AN EMPLOYEE DESIGNATED BY THE SOCIAL SERVICES
36 DISTRICT, WITHOUT A WARRANT, TO APPREHEND A RUNAWAY OR CONDITIONALLY
37 RELEASED JUVENILE DELINQUENT IN ANY COUNTY IN THIS STATE WHOSE RETURN
38 HAS BEEN ORDERED BY THE SOCIAL SERVICES DISTRICT, AND RETURN SAID JUVE-
39 NILE DELINQUENT TO ANY APPROPRIATE SOCIAL SERVICES DISTRICT, DETENTION
40 FACILITY, AUTHORIZED AGENCY OR PROGRAM;

41 (F) PURSUANT TO THE REGULATIONS OF THE OFFICE OF CHILDREN AND FAMILY
42 SERVICES, TO DEVELOP AND OPERATE PROGRAMS FOR YOUTH PLACED OR REFERRED
43 TO THE DISTRICT OR IN CONJUNCTION WITH AN ORDER PROVIDED IN ACCORDANCE
44 WITH SECTION 353.6 OF THE FAMILY COURT ACT;

45 (G) UPON THE PLACEMENT OF ANY JUVENILE DELINQUENT EIGHTEEN YEARS OF
46 AGE OR OLDER, OR UPON THE EIGHTEENTH BIRTHDAY OF ANY YOUTH PLACED IN THE
47 CUSTODY OF THE SOCIAL SERVICES DISTRICT FOR AN ADJUDICATION OF JUVENILE
48 DELINQUENCY FOR HAVING COMMITTED AN ACT WHICH IF COMMITTED BY AN ADULT
49 WOULD CONSTITUTE A FELONY, AND STILL IN THE CUSTODY OF THE SOCIAL
50 SERVICES DISTRICT, TO NOTIFY THE DIVISION OF CRIMINAL JUSTICE SERVICES
51 OF SUCH PLACEMENT OR BIRTHDAY. PROVIDED, HOWEVER, IN THE CASE OF A
52 YOUTH ELEVEN OR TWELVE YEARS OF AGE AT THE TIME THE ACT OR ACTS WERE
53 COMMITTED, THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL NOT BE
54 PROVIDED WITH THE YOUTH'S NAME, UNLESS THE ACTS COMMITTED BY SUCH YOUTH
55 WOULD CONSTITUTE A CLASS A OR B FELONY. UPON THE SUBSEQUENT DISCHARGE IT
56 SHALL BE THE DUTY OF THE SOCIAL SERVICES DISTRICT TO NOTIFY THE DIVISION

1 OF CRIMINAL JUSTICE SERVICES OF THAT FACT AND THE DATE OF DISCHARGE. FOR
2 THE PURPOSES OF THIS PARAGRAPH, A YOUTH'S AGE SHALL BE DETERMINED TO BE
3 THE AGE STATED IN THE PLACEMENT ORDER;

4 (H) TO PROVIDE JUVENILE DELINQUENTS IN RESIDENTIAL PLACEMENTS WITH
5 REASONABLE AND APPROPRIATE VISITATION BY FAMILY MEMBERS AND CONSULTATION
6 WITH THEIR LEGAL REPRESENTATIVE IN ACCORDANCE WITH THE REGULATIONS OF
7 THE OFFICE OF CHILDREN AND FAMILY SERVICES; AND

8 (I) TO PROVIDE RESIDENTIAL CARE IN PROGRAMS SUBJECT TO THE REGULATIONS
9 OF THE OFFICE OF CHILDREN AND FAMILY SERVICES, FOR INFANTS BORN TO OR
10 BEING NURSED BY FEMALE JUVENILE DELINQUENTS PLACED WITH THE DISTRICT;
11 RESIDENTIAL CARE FOR SUCH AN INFANT MAY BE PROVIDED FOR SUCH PERIOD OF
12 TIME AS IS DEEMED DESIRABLE FOR THE WELFARE OF THE MOTHER OR INFANT.

13 15. THE FOLLOWING PERSONS SHALL BE AUTHORIZED TO VISIT, AT THEIR PLEA-
14 SURE, ALL PROGRAMS OPERATED BY A SOCIAL SERVICES DISTRICT PURSUANT TO,
15 OR IN ACCORDANCE WITH THIS SECTION: THE GOVERNOR; LIEUTENANT GOVERNOR;
16 COMPTROLLER; ATTORNEY GENERAL; MEMBERS OF THE LEGISLATURE; JUDGES OF THE
17 COURT OF APPEALS; JUDGES FROM SUPREME COURT, FAMILY COURT AND COUNTY
18 COURTS AND DISTRICT ATTORNEYS, COUNTY ATTORNEYS AND ATTORNEYS EMPLOYED
19 IN THE OFFICE OF THE CORPORATION COUNSEL HAVING JURISDICTION WITHIN THE
20 APPLICABLE SOCIAL SERVICES DISTRICT OR COUNTY WHERE A PROGRAM IS
21 LOCATED; AND ANY PERSON OR AGENCY OTHERWISE AUTHORIZED BY STATUTE.

22 16. A JUVENILE DELINQUENT IN THE CARE OF THE SOCIAL SERVICES DISTRICT
23 WHO ATTENDS PUBLIC SCHOOL WHILE IN RESIDENCE AT A FACILITY SHALL BE
24 DEEMED A RESIDENT OF THE SCHOOL DISTRICT WHERE THE YOUTH'S PARENT OR
25 GUARDIAN RESIDES AT THE COMMENCEMENT OF EACH SCHOOL YEAR FOR THE PURPOSE
26 OF DETERMINING WHICH SCHOOL DISTRICT SHALL BE RESPONSIBLE FOR THE
27 YOUTH'S TUITION.

28 17. THE SOCIAL SERVICES DISTRICT SHALL BE PERMITTED TO INTERVENE
29 PURSUANT TO PARAGRAPH ONE OF SUBDIVISION (A) OF SECTION ONE THOUSAND
30 TWELVE OF THE CIVIL PRACTICE LAW AND RULES IN ANY ACTION INVOLVING AN
31 APPEAL FROM A DECISION OF ANY COURT OF THIS STATE THAT RELATES TO
32 PROGRAMS, CONDITIONS OR SERVICES PROVIDED BY SUCH DISTRICT OR ANY
33 AUTHORIZED AGENCY WITH WHICH THE DISTRICT HAS PLACED A JUVENILE DELIN-
34 QUENT PURSUANT TO THIS SECTION. WRITTEN NOTICE SHALL BE GIVEN TO THE
35 CORPORATION COUNSEL OF THE CITY OF NEW YORK OR COUNTY ATTORNEY BY THE
36 PARTY TAKING THE APPEAL.

37 18. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE SOCIAL
38 SERVICES DISTRICT MAY DELAY ACCEPTANCE OF A JUVENILE DELINQUENT IN
39 DETENTION WHO IS PLACED IN THE DISTRICT'S CUSTODY IN ACCORDANCE WITH THE
40 REGULATIONS OF THE OFFICE OF CHILDREN AND FAMILY SERVICES.

41 19. NO ORDER THAT PLACES A JUVENILE DELINQUENT IN THE CUSTODY OF THE
42 SOCIAL SERVICES DISTRICT THAT RECITES THE FACTS UPON WHICH IT IS BASED
43 SHALL BE DEEMED OR HELD TO BE INVALID BY REASON OF ANY IMPERFECTION OR
44 DEFECT IN FORM.

45 S 2. Section 351.1 of the family court act is amended by adding a new
46 subdivision 2-a to read as follows:

47 2-A. (A) IN A SOCIAL SERVICES DISTRICT OPERATING AN APPROVED JUVENILE
48 JUSTICE SERVICES CLOSE TO HOME INITIATIVE PURSUANT TO SECTION FOUR
49 HUNDRED FOUR OF THE SOCIAL SERVICES LAW, THE LOCAL PROBATION DEPARTMENT
50 SHALL DEVELOP AND SUBMIT TO THE OFFICE OF CHILDREN AND FAMILY SERVICES
51 FOR PRIOR APPROVAL A VALIDATED PRE-DISPOSITIONAL RISK ASSESSMENT INSTRU-
52 MENT AND ANY RISK ASSESSMENT PROCESS. SUCH DEPARTMENT SHALL PERIOD-
53 ICALLY REVALIDATE ANY APPROVED PRE-DISPOSITIONAL RISK ASSESSMENT INSTRU-
54 MENT. THE DEPARTMENT SHALL CONSPICUOUSLY POST ANY APPROVED
55 PRE-DISPOSITIONAL RISK ASSESSMENT INSTRUMENT AND PROCESS ON ITS WEBSITE
56 AND SHALL CONFER WITH APPROPRIATE STAKEHOLDERS, INCLUDING BUT NOT LIMIT-

ED TO, ATTORNEYS FOR CHILDREN, PRESENTMENT AGENCIES AND THE FAMILY COURT, PRIOR TO REVISING ANY VALIDATED PRE-DISPOSITIONAL RISK ASSESSMENT INSTRUMENT OR PROCESS. ANY REVISED PRE-DISPOSITIONAL RISK ASSESSMENT INSTRUMENT SHALL BE SUBJECT TO PERIODIC EMPIRICAL VALIDATION AND TO THE APPROVAL OF THE OFFICE OF CHILDREN AND FAMILY SERVICES. THE DEPARTMENT SHALL PROVIDE TRAINING ON THE APPROVED INSTRUMENT AND ANY APPROVED PROCESS TO THE APPLICABLE FAMILY COURTS, PRESENTMENT AGENCY, AND COURT APPOINTED ATTORNEYS FOR RESPONDENTS.

(B) ONCE AN INITIAL VALIDATED RISK ASSESSMENT INSTRUMENT AND ANY RISK ASSESSMENT PROCESS HAVE BEEN APPROVED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES IN CONSULTATION WITH THE DIVISION OF CRIMINAL JUSTICE SERVICES, THE LOCAL PROBATION DEPARTMENT SHALL PROVIDE THE APPLICABLE SUPERVISING FAMILY COURT JUDGE WITH A COPY OF THE VALIDATED RISK ASSESSMENT INSTRUMENT AND ANY SUCH PROCESS ALONG WITH THE LETTER FROM THE OFFICE OF CHILDREN AND FAMILY SERVICES APPROVING THE INSTRUMENT AND PROCESS, IF APPLICABLE, AND INDICATING THE DATE THE INSTRUMENT AND ANY SUCH PROCESS SHALL BE EFFECTIVE, PROVIDED THAT SUCH EFFECTIVE DATE SHALL BE AT LEAST THIRTY DAYS AFTER SUCH NOTIFICATION.

(C) COMMENCING ON THE EFFECTIVE DATE OF A VALIDATED PRE-DISPOSITIONAL RISK ASSESSMENT INSTRUMENT AND ANY APPROVED PROCESS AND THEREAFTER, EACH PROBATION INVESTIGATION ORDERED UNDER SUBDIVISION TWO OF THIS SECTION SHALL INCLUDE THE RESULTS OF THE VALIDATED RISK ASSESSMENT OF THE RESPONDENT AND PROCESS, IF ANY; AND A RESPONDENT SHALL NOT BE PLACED IN ACCORDANCE WITH SECTION 353.3 OR 353.5 OF THIS PART UNLESS THE COURT HAS RECEIVED AND GIVEN DUE CONSIDERATION TO THE RESULTS OF SUCH VALIDATED RISK ASSESSMENT AND ANY APPROVED PROCESS AND MADE THE FINDINGS REQUIRED PURSUANT TO PARAGRAPH (F) OF SUBDIVISION TWO OF SECTION 352.2 OF THIS PART.

(D) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, DATA NECESSARY FOR COMPLETION OF A PRE-DISPOSITIONAL RISK ASSESSMENT INSTRUMENT MAY BE SHARED BETWEEN LAW ENFORCEMENT, PROBATION, COURTS, DETENTION ADMINISTRATIONS, DETENTION PROVIDERS, PRESENTMENT AGENCIES, AND THE ATTORNEY FOR THE CHILD UPON RETENTION OR APPOINTMENT SOLELY FOR THE PURPOSE OF ACCURATE COMPLETION OF SUCH RISK ASSESSMENT INSTRUMENT. A COPY OF THE COMPLETED PRE-DISPOSITIONAL RISK ASSESSMENT INSTRUMENT SHALL BE MADE AVAILABLE TO THE APPLICABLE COURT.

(E) THE LOCAL PROBATION DEPARTMENT SHALL PROVIDE THE DIVISION OF CRIMINAL JUSTICE SERVICES WITH INFORMATION REGARDING THE USE OF THE PRE-DISPOSITIONAL RISK ASSESSMENT INSTRUMENT AND ANY RISK ASSESSMENT PROCESS IN THE TIME AND MANNER REQUIRED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES. THE DIVISION MAY REQUIRE THAT SUCH DATA BE SUBMITTED TO THE DIVISION ELECTRONICALLY. THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL SHARE SUCH INFORMATION WITH THE OFFICE OF CHILDREN AND FAMILY SERVICES.

S 3. Subdivision 2 of section 352.2 of the family court act is amended by adding a new paragraph (f) to read as follows:

(F)(1) IN A SOCIAL SERVICES DISTRICT OPERATING AN APPROVED JUVENILE JUSTICE SERVICES CLOSE TO HOME INITIATIVE PURSUANT TO SECTION FOUR HUNDRED FOUR OF THE SOCIAL SERVICES LAW, ONCE THE SUPERVISING FAMILY COURT JUDGE RECEIVES NOTICE THAT A RISK ASSESSMENT INSTRUMENT AND ANY RISK ASSESSMENT PROCESS HAVE BEEN APPROVED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES PURSUANT TO SUBDIVISION TWO-A OF SECTION 351.1 OF THIS PART, THE COURT SHALL GIVE DUE CONSIDERATION TO THE RESULTS OF THE VALIDATED RISK ASSESSMENT AND ANY SUCH PROCESS PROVIDED TO THE COURT PURSUANT TO SUCH SUBDIVISION WHEN DETERMINING THE APPROPRIATE DISPOSITION FOR THE RESPONDENT.

1 (2) ANY ORDER OF THE COURT DIRECTING THE PLACEMENT OF A RESPONDENT
2 INTO A RESIDENTIAL PROGRAM SHALL STATE:

3 (I) THE LEVEL OF RISK THE YOUTH WAS ASSESSED AT PURSUANT TO THE VALI-
4 DATED RISK ASSESSMENT INSTRUMENT; AND

5 (II) IF A DETERMINATION IS MADE TO PLACE A YOUTH IN A HIGHER LEVEL OF
6 PLACEMENT THAN APPEARS WARRANTED BASED ON SUCH RISK ASSESSMENT INSTRU-
7 MENT AND ANY APPROVED RISK ASSESSMENT PROCESS, THE PARTICULAR REASONS
8 WHY SUCH PLACEMENT WAS DETERMINED TO BE NECESSARY FOR THE PROTECTION OF
9 THE COMMUNITY AND TO BE CONSISTENT WITH THE NEEDS AND BEST INTERESTS OF
10 THE RESPONDENT; AND

11 (III) THAT A LESS RESTRICTIVE ALTERNATIVE THAT WOULD BE CONSISTENT
12 WITH THE NEEDS AND BEST INTERESTS OF THE RESPONDENT AND THE NEED FOR
13 PROTECTION OF THE COMMUNITY IS NOT AVAILABLE.

14 S 4. Section 353.3 of the family court act is amended by adding a new
15 subdivision 2-a to read as follows:

16 2-A. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW TO THE CONTRA-
17 RY, IN A DISTRICT OPERATING AN APPROVED JUVENILE JUSTICE SERVICES CLOSE
18 TO HOME INITIATIVE PURSUANT TO SECTION FOUR HUNDRED FOUR OF THE SOCIAL
19 SERVICES LAW:

20 (A) BEGINNING ON THE EFFECTIVE DATE OF THE DISTRICT'S APPROVED PLAN
21 THAT ONLY COVERS JUVENILE DELINQUENTS PLACED IN NON-SECURE SETTINGS, THE
22 COURT MAY ONLY PLACE THE RESPONDENT:

23 (I) IN THE CUSTODY OF THE COMMISSIONER OF THE LOCAL SOCIAL SERVICES
24 DISTRICT FOR PLACEMENT IN A NON-SECURE LEVEL OF CARE; OR

25 (II) IN THE CUSTODY OF THE COMMISSIONER OF THE OFFICE OF CHILDREN AND
26 FAMILY SERVICES FOR PLACEMENT IN A LIMITED SECURE OR SECURE LEVEL OF
27 CARE.

28 S 5. Subdivision 9 of section 353.3 of the family court act, as
29 amended by section 6 of part G of chapter 58 of the laws of 2010, is
30 amended to read as follows:

31 9. If the court places a respondent with the office of children and
32 family services, OR WITH A SOCIAL SERVICES DISTRICT WITH AN APPROVED
33 PLAN TO IMPLEMENT A JUVENILE JUSTICE SERVICES CLOSE TO HOME INITIATIVE
34 UNDER SECTION FOUR HUNDRED FOUR OF THE SOCIAL SERVICES LAW, pursuant to
35 this section after finding that such [child] RESPONDENT committed a
36 felony, the court may, in its discretion, further order that such
37 respondent shall be confined in a residential facility for a minimum
38 period set by the order, not to exceed six months.

39 S 6. Subdivisions 4 and 5 of section 353.5 of the family court act, as
40 added by chapter 920 of the laws of 1982, subparagraph (i) of paragraph
41 (a) of subdivision 4 and subparagraph (i) of paragraph (a) of subdivi-
42 sion 5 as amended by chapter 419 of the laws of 1987, subparagraph (iv)
43 of paragraph (a) of subdivision 4 and subparagraph (iv) of paragraph (a)
44 of subdivision 5 as amended by chapter 687 of the laws of 1993, para-
45 graphs (b) and (d) of subdivision 4 and paragraph (d) of subdivision 5
46 as amended by chapter 398 of the laws of 1983, are amended to read as
47 follows:

48 4. When the order is for a restrictive placement in the case of a
49 youth found to have committed a designated class A felony act,

50 (a) the order shall provide that:

51 (i) the respondent shall be placed with the [division for youth]
52 OFFICE OF CHILDREN AND FAMILY SERVICES for an initial period of five
53 years. If the respondent has been in detention pending disposition, the
54 initial period of placement ordered under this section shall be credited
55 with and diminished by the amount of time spent by the respondent in
56 detention prior to the commencement of the placement unless the court

1 finds that all or part of such credit would not serve the needs and best
2 interests of the respondent or the need for protection of the community.

3 (ii) the respondent shall initially be confined in a secure facility
4 for a period set by the order, to be not less than twelve nor more than
5 eighteen months provided, however, where the order of the court is made
6 in compliance with subdivision five OF THIS SECTION, the respondent
7 shall initially be confined in a secure facility for eighteen months.

8 (iii) after the period set under [clause] SUBPARAGRAPH (ii) OF THIS
9 PARAGRAPH, the respondent shall be placed in a residential facility for
10 a period of twelve months; PROVIDED, HOWEVER, THAT IF THE RESPONDENT HAS
11 BEEN PLACED FROM A FAMILY COURT IN A SOCIAL SERVICES DISTRICT OPERATING
12 AN APPROVED JUVENILE JUSTICE SERVICES CLOSE TO HOME INITIATIVE PURSUANT
13 TO SECTION FOUR HUNDRED FOUR OF THE SOCIAL SERVICES LAW, ONCE THE TIME
14 FRAMES IN SUBPARAGRAPH (II) OF THIS PARAGRAPH ARE MET:

15 (A) BEGINNING ON THE EFFECTIVE DATE OF SUCH A SOCIAL SERVICES
16 DISTRICT'S PLAN THAT ONLY COVERS JUVENILE DELINQUENTS PLACED IN NON-SE-
17 CURE SETTINGS, IF THE OFFICE OF CHILDREN AND FAMILY SERVICES CONCLUDES,
18 BASED ON THE NEEDS AND BEST INTERESTS OF THE RESPONDENT AND THE NEED FOR
19 PROTECTION FOR THE COMMUNITY, THAT A NON-SECURE LEVEL OF CARE IS APPRO-
20 PRIATE FOR THE RESPONDENT, SUCH OFFICE SHALL FILE A PETITION PURSUANT TO
21 PARAGRAPH (B) OR (C) OF SUBDIVISION TWO OF SECTION 355.1 OF THIS PART TO
22 HAVE THE RESPONDENT PLACED WITH THE APPLICABLE LOCAL COMMISSIONER OF
23 SOCIAL SERVICES.

24 (B) IF THE RESPONDENT IS PLACED WITH THE LOCAL COMMISSIONER OF SOCIAL
25 SERVICES IN ACCORDANCE WITH CLAUSE (A) OF THIS SUBPARAGRAPH, THE REMAIN-
26 DER OF THE PROVISIONS OF THIS SECTION SHALL CONTINUE TO APPLY TO THE
27 RESPONDENT'S PLACEMENT.

28 (iv) the respondent may not be released from a secure facility or
29 transferred to a facility other than a secure facility during the period
30 provided in [clause] SUBPARAGRAPH (ii) of this paragraph, nor may the
31 respondent be released from a residential facility during the period
32 provided in [clause] SUBPARAGRAPH (iii) OF THIS PARAGRAPH. No home
33 visits shall be permitted during the period of secure confinement set by
34 the court order or one year, whichever is less, except for emergency
35 visits for medical treatment or severe illness or death in the family.
36 All home visits must be accompanied home visits: (A) while a youth is
37 confined in a secure facility, whether such confinement is pursuant to a
38 court order or otherwise; (B) while a youth is confined in a residential
39 facility other than a secure facility within six months after confine-
40 ment in a secure facility; and (C) while a youth is confined in a resi-
41 dential facility other than a secure facility in excess of six months
42 after confinement in a secure facility unless two accompanied home
43 visits have already occurred. An "accompanied home visit" shall mean a
44 home visit during which the youth shall be accompanied at all times
45 while outside the secure or residential facility by appropriate person-
46 nel of the [division for youth designated pursuant to regulations of the
47 director of the division] OFFICE OF CHILDREN AND FAMILY SERVICES OR, IF
48 APPLICABLE, A LOCAL SOCIAL SERVICES DISTRICT WHICH OPERATES AN APPROVED
49 JUVENILE JUSTICE SERVICES CLOSE TO HOME INITIATIVE PURSUANT TO SECTION
50 FOUR HUNDRED FOUR OF THE SOCIAL SERVICES LAW.

51 (b) Notwithstanding any other provision of law, during the first
52 twelve months of the respondent's placement, no motion, hearing or order
53 may be made, held or granted pursuant to section 355.1; provided, howev-
54 er, that during such period a motion to vacate the order may be made
55 pursuant to [355.1] SUCH SECTION, but only upon grounds set forth in
56 section 440.10 of the criminal procedure law.

1 (c) During the placement or any extension thereof:

2 (i) after the expiration of the period provided in [clause] SUBPARA-
3 GRAPH (iii) of paragraph (a) OF THIS SUBDIVISION, the respondent shall
4 not be released from a residential facility without the written approval
5 of the [director of the division for youth or his designated deputy
6 director] OFFICE OF CHILDREN AND FAMILY SERVICES OR, IF APPLICABLE, A
7 SOCIAL SERVICES DISTRICT OPERATING AN APPROVED JUVENILE JUSTICE SERVICES
8 CLOSE TO HOME INITIATIVE PURSUANT TO SECTION FOUR HUNDRED FOUR OF THE
9 SOCIAL SERVICES LAW.

10 (ii) the respondent shall be subject to intensive supervision whenever
11 not in a secure or residential facility.

12 (iii) the respondent shall not be discharged from the custody of the
13 [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES OR, IF
14 APPLICABLE, A SOCIAL SERVICES DISTRICT OPERATING AN APPROVED JUVENILE
15 JUSTICE SERVICES CLOSE TO HOME INITIATIVE PURSUANT TO SECTION FOUR
16 HUNDRED FOUR OF THE SOCIAL SERVICES LAW, unless a motion therefor under
17 section 355.1 is granted by the court, which motion shall not be made
18 prior to the expiration of three years of the placement.

19 (iv) unless otherwise specified in the order, the [division] OFFICE OF
20 CHILDREN AND FAMILY SERVICES OR, IF APPLICABLE, A SOCIAL SERVICES
21 DISTRICT OPERATING AN APPROVED JUVENILE JUSTICE SERVICES CLOSE TO HOME
22 INITIATIVE PURSUANT TO SECTION FOUR HUNDRED FOUR OF THE SOCIAL SERVICES
23 LAW shall report in writing to the court not less than once every six
24 months during the placement on the status, adjustment and progress of
25 the respondent.

26 (d) Upon the expiration of the initial period of placement, or any
27 extension thereof, the placement may be extended in accordance with
28 section 355.3 on a petition of any party or the [division for youth]
29 OFFICE OF CHILDREN AND FAMILY SERVICES, OR, IF APPLICABLE, A SOCIAL
30 SERVICES DISTRICT OPERATING AN APPROVED JUVENILE JUSTICE SERVICES CLOSE
31 TO HOME INITIATIVE PURSUANT TO SECTION FOUR HUNDRED FOUR OF THE SOCIAL
32 SERVICES LAW, after a dispositional hearing, for an additional period
33 not to exceed twelve months, but no initial placement or extension of
34 placement under this section may continue beyond the respondent's twenty-
35 ty-first birthday.

36 (e) The court may also make an order pursuant to subdivision two of
37 section 353.4.

38 5. When the order is for a restrictive placement in the case of a
39 youth found to have committed a designated felony act, other than a
40 designated class A felony act,

41 (a) the order shall provide that:

42 (i) the respondent shall be placed with the [division for youth]
43 OFFICE OF CHILDREN AND FAMILY SERVICES for an initial period of three
44 years. If the respondent has been in detention pending disposition, the
45 initial period of placement ordered under this section shall be credited
46 with and diminished by the amount of time spent by the respondent in
47 detention prior to the commencement of the placement unless the court
48 finds that all or part of such credit would not serve the needs and best
49 interests of the respondent or the need for protection of the community.

50 (ii) the respondent shall initially be confined in a secure facility
51 for a period set by the order, to be not less than six nor more than
52 twelve months.

53 (iii) after the period set under [clause] SUBPARAGRAPH (ii) OF THIS
54 PARAGRAPH, the respondent shall be placed in a residential facility for
55 a period set by the order, to be not less than six nor more than twelve
56 months; PROVIDED, HOWEVER, THAT IF THE RESPONDENT HAS BEEN PLACED FROM A

1 FAMILY COURT IN A SOCIAL SERVICES DISTRICT OPERATING AN APPROVED JUVENILE JUSTICE SERVICES CLOSE TO HOME INITIATIVE PURSUANT TO SECTION FOUR HUNDRED FOUR OF THE SOCIAL SERVICES LAW, ONCE THE TIME FRAMES IN SUBPARAGRAPH (II) OF THIS PARAGRAPH ARE MET:

2 (A) BEGINNING ON THE EFFECTIVE DATE OF SUCH A SOCIAL SERVICES DISTRICT'S PLAN THAT ONLY COVERS JUVENILE DELINQUENTS PLACED IN NON-SECURE SETTINGS, IF THE OFFICE OF CHILDREN AND FAMILY SERVICES CONCLUDES, BASED ON THE NEEDS AND BEST INTERESTS OF THE RESPONDENT AND THE NEED FOR PROTECTION FOR THE COMMUNITY, THAT A NON-SECURE LEVEL OF CARE IS APPROPRIATE FOR THE RESPONDENT, SUCH OFFICE SHALL FILE A PETITION PURSUANT TO PARAGRAPH (B) OR (C) OF SUBDIVISION TWO OF SECTION 355.1 OF THIS PART TO HAVE THE RESPONDENT PLACED WITH THE APPLICABLE LOCAL COMMISSIONER OF SOCIAL SERVICES.

3 (B) IF THE RESPONDENT IS PLACED WITH A LOCAL COMMISSIONER OF SOCIAL SERVICES IN ACCORDANCE WITH CLAUSE (A) OF THIS SUBPARAGRAPH, THE REMAINDER OF THE PROVISIONS OF THIS SECTION SHALL CONTINUE TO APPLY TO THE RESPONDENT'S PLACEMENT.

4 (iv) the respondent may not be released from a secure facility or transferred to a facility other than a secure facility during the period provided by the court pursuant to [clause] SUBPARAGRAPH (ii) OF THIS PARAGRAPH, nor may the respondent be released from a residential facility during the period provided by the court pursuant to [clause] SUBPARAGRAPH (iii) OF THIS PARAGRAPH. No home visits shall be permitted during the period of secure confinement set by the court order or one year, whichever is less, except for emergency visits for medical treatment or severe illness or death in the family. All home visits must be accompanied home visits: (A) while a youth is confined in a secure facility, whether such confinement is pursuant to a court order or otherwise; (B) while a youth is confined in a residential facility other than a secure facility within six months after confinement in a secure facility; and (C) while a youth is confined in a residential facility other than a secure facility in excess of six months after confinement in a secure facility unless two accompanied home visits have already occurred. An "accompanied home visit" shall mean a home visit during which the youth shall be accompanied at all times while outside the secure or residential facility by appropriate personnel of the [division for youth designated pursuant to regulations of the director of the division] OFFICE OF CHILDREN AND FAMILY SERVICES OR, IF APPLICABLE, A SOCIAL SERVICES DISTRICT OPERATING AN APPROVED JUVENILE JUSTICE CLOSE TO HOME INITIATIVE PURSUANT TO SECTION FOUR HUNDRED FOUR OF THE SOCIAL SERVICES LAW.

5 (b) Notwithstanding any other provision of law, during the first six months of the respondent's placement, no motion, hearing or order may be made, held or granted pursuant to section 355.1; provided, however, that during such period a motion to vacate the order may be made pursuant to such section, but only upon grounds set forth in section 440.10 of the criminal procedure law.

6 (c) During the placement or any extension thereof:

7 (i) after the expiration of the period provided in [clause] SUBPARAGRAPH (iii) of paragraph (a) OF THIS SUBDIVISION, the respondent shall not be released from a residential facility without the written approval of the [director of the division for youth or his designated deputy director] OFFICE OF CHILDREN AND FAMILY SERVICES OR, IF APPLICABLE, A SOCIAL SERVICES DISTRICT OPERATING AN APPROVED JUVENILE JUSTICE SERVICES CLOSE TO HOME INITIATIVE PURSUANT TO SECTION FOUR HUNDRED FOUR OF THE SOCIAL SERVICES LAW.

1 (ii) the respondent shall be subject to intensive supervision whenever
2 not in a secure or residential facility.

3 (iii) the respondent shall not be discharged from the custody of the
4 [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES, OR, IF
5 APPLICABLE, A SOCIAL SERVICES DISTRICT OPERATING AN APPROVED JUVENILE
6 JUSTICE SERVICES CLOSE TO HOME INITIATIVE PURSUANT TO SECTION FOUR
7 HUNDRED FOUR OF THE SOCIAL SERVICES LAW.

8 (iv) unless otherwise specified in the order, the [division] OFFICE OF
9 CHILDREN AND FAMILY SERVICES OR, IF APPLICABLE, A SOCIAL SERVICES
10 DISTRICT OPERATING AN APPROVED JUVENILE JUSTICE SERVICES CLOSE TO HOME
11 INITIATIVE PURSUANT TO SECTION FOUR HUNDRED FOUR OF THE SOCIAL SERVICES
12 LAW, shall report in writing to the court not less than once every six
13 months during the placement on the status, adjustment and progress of
14 the respondent.

15 (d) Upon the expiration of the initial period of placement or any
16 extension thereof, the placement may be extended in accordance with
17 section 355.3 upon petition of any party or the [division for youth]
18 OFFICE OF CHILDREN AND FAMILY SERVICES OR, IF APPLICABLE, A SOCIAL
19 SERVICES DISTRICT OPERATING AN APPROVED JUVENILE JUSTICE SERVICES CLOSE
20 TO HOME INITIATIVE PURSUANT TO SECTION FOUR HUNDRED FOUR OF THE SOCIAL
21 SERVICES LAW, after a dispositional hearing, for an additional period
22 not to exceed twelve months, but no initial placement or extension of
23 placement under this section may continue beyond the respondent's twen-
24 ty-first birthday.

25 (e) The court may also make an order pursuant to subdivision two of
26 section 353.4.

27 S 7. Subdivision 8 of section 353.5 of the family court act, as added
28 by chapter 920 of the laws of 1982, is amended to read as follows:

29 8. The [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES OR,
30 IF APPLICABLE, THE SOCIAL SERVICES DISTRICT OPERATING AN APPROVED CLOSE
31 TO HOME INITIATIVE PURSUANT TO SECTION FOUR HUNDRED FOUR OF THE SOCIAL
32 SERVICES LAW, shall retain the power to continue the confinement of the
33 youth in a secure or other residential facility, AS APPLICABLE, beyond
34 the periods specified by the court, within the term of the placement.

35 S 8. Subdivision 2 of section 355.1 of the family court act, as added
36 by chapter 920 of the laws of 1982, is amended to read as follows:

37 2. An order issued under section 353.3, may, upon a showing of a
38 substantial change of circumstances, be set aside, modified, vacated or
39 terminated upon motion of the commissioner of social services or the
40 [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES with whom
41 the respondent has been placed.

42 (A)(I) FOR A SOCIAL SERVICES DISTRICT THAT ONLY HAS AN APPROVED PLAN
43 TO IMPLEMENT PROGRAMS FOR JUVENILE DELINQUENTS PLACED IN NON-SECURE
44 SETTINGS AS PART OF AN APPROVED JUVENILE JUSTICE SERVICES CLOSE TO HOME
45 INITIATIVE PURSUANT TO SECTION FOUR HUNDRED FOUR OF THE SOCIAL SERVICES
46 LAW, BEGINNING ON THE EFFECTIVE DATE OF THAT PLAN, IF THE DISTRICT
47 DETERMINES THAT A HIGHER LEVEL OF PLACEMENT IS APPROPRIATE AND CONSIST-
48 ENT WITH THE NEED FOR PROTECTION OF THE COMMUNITY AND THE NEEDS AND BEST
49 INTERESTS OF THE RESPONDENT PLACED INTO ITS CARE, THE SOCIAL SERVICES
50 DISTRICT SHALL FILE A PETITION TO TRANSFER THE CUSTODY OF THE RESPONDENT
51 TO THE OFFICE OF CHILDREN AND FAMILY SERVICES, AND SHALL PROVIDE A COPY
52 OF SUCH PETITION TO SUCH OFFICE. THE COURT SHALL RENDER A DECISION
53 WHETHER THE JUVENILE DELINQUENT SHOULD BE TRANSFERRED TO THE OFFICE
54 WITHIN SEVENTY-TWO HOURS, EXCLUDING WEEKENDS AND PUBLIC HOLIDAYS. THE
55 FAMILY COURT SHALL, AFTER ALLOWING THE OFFICE OF CHILDREN AND FAMILY
56 SERVICES AN OPPORTUNITY TO BE HEARD, GRANT SUCH A PETITION ONLY IF THE

1 COURT DETERMINES, AND STATES IN ITS WRITTEN ORDER, THE REASONS WHY A
2 LIMITED SECURE OR SECURE LEVEL OF PLACEMENT IS NECESSARY AND CONSISTENT
3 WITH THE NEEDS AND BEST INTERESTS OF THE RESPONDENT AND THE NEED FOR
4 PROTECTION OF THE COMMUNITY.

5 (II) THE COURT MAY ORDER THAT THE RESPONDENT BE HOUSED IN A LOCAL
6 SECURE DETENTION FACILITY ON AN INTERIM BASIS PENDING ITS FINAL RULING
7 ON THE PETITION FILED PURSUANT TO THIS PARAGRAPH.

8 (B) THE FOLLOWING PROVISIONS SHALL APPLY IF THE OFFICE OF CHILDREN AND
9 FAMILY SERVICES FILES A PETITION WITH A FAMILY COURT IN A SOCIAL
10 SERVICES DISTRICT WITH AN APPROVED JUVENILE JUSTICE SERVICES CLOSE TO
11 HOME INITIATIVE PURSUANT TO SECTION FOUR HUNDRED FOUR OF THE SOCIAL
12 SERVICES LAW TO TRANSFER, WITHIN THE FIRST NINETY DAYS THAT SUCH PLAN IS
13 EFFECTIVE, TO SUCH DISTRICT A RESPONDENT PLACED IN THE OFFICE'S CARE
14 PURSUANT TO EITHER SECTION 353.3 OR 353.5 OF THIS PART:

15 (I) IF THE DISTRICT ONLY HAS AN APPROVED PLAN THAT COVERS JUVENILE
16 DELINQUENTS PLACED IN NON-SECURE SETTINGS, THE FAMILY COURT SHALL GRANT
17 SUCH A PETITION, WITHOUT A HEARING, UNLESS THE ATTORNEY FOR THE RESPOND-
18 ENT OBJECTS TO THE TRANSFER ON THE BASIS THAT THE RESPONDENT NEEDS TO BE
19 PLACED IN A LIMITED SECURE OR SECURE SETTING OR THE FAMILY COURT DETER-
20 MINES THAT THERE IS INSUFFICIENT INFORMATION IN THE PETITION TO GRANT
21 THE TRANSFER WITHOUT A HEARING. THE FAMILY COURT SHALL GRANT THE PETI-
22 TION UNLESS THE COURT DETERMINES, AND STATES IN ITS WRITTEN ORDER, THE
23 REASONS WHY A SECURE OR LIMITED SECURE PLACEMENT IS NECESSARY AND
24 CONSISTENT WITH THE NEEDS AND BEST INTERESTS OF THE RESPONDENT AND THE
25 NEED FOR PROTECTION OF THE COMMUNITY.

26 (C) BEGINNING NINETY-ONE DAYS AFTER THE EFFECTIVE DATE A SOCIAL
27 SERVICES DISTRICT'S PLAN TO IMPLEMENT PROGRAMS FOR JUVENILE JUSTICE
28 SERVICES CLOSE TO HOME INITIATIVE PURSUANT TO SECTION FOUR HUNDRED FOUR
29 OF THE SOCIAL SERVICES LAW, IF THE OFFICE OF CHILDREN AND FAMILY
30 SERVICES FILES A PETITION TO TRANSFER TO SUCH DISTRICT A RESPONDENT
31 PLACED IN THE OFFICE'S CARE PURSUANT TO EITHER SECTION 353.3 OR 353.5 OF
32 THIS PART FROM A FAMILY COURT IN SUCH A SOCIAL SERVICES DISTRICT, THE
33 OFFICE SHALL PROVIDE A COPY OF THE PETITION TO THE SOCIAL SERVICES
34 DISTRICT, THE RESPONDENT AND THE PRESENTMENT AGENCY.

35 (I) IF THE DISTRICT ONLY HAS AN APPROVED PLAN THAT COVERS JUVENILE
36 DELINQUENTS PLACED IN NON-SECURE SETTINGS, THE FAMILY COURT SHALL, AFTER
37 ALLOWING THE SOCIAL SERVICES DISTRICT AND THE PRESENTMENT AGENCY AN
38 OPPORTUNITY TO BE HEARD, GRANT A PETITION FILED PURSUANT TO THIS SUBPAR-
39 AGRAPH UNLESS THE COURT DETERMINES, AND STATES IN ITS WRITTEN ORDER, THE
40 REASONS WHY A SECURE OR LIMITED SECURE PLACEMENT IS NECESSARY AND
41 CONSISTENT WITH THE NEEDS AND BEST INTERESTS OF THE RESPONDENT AND THE
42 NEED FOR PROTECTION OF THE COMMUNITY.

43 S 9. Notwithstanding any other provision of law to the contrary, the
44 state shall be authorized to lease to the city of New York, for a dollar
45 a year, any real property utilized for the care, maintenance and super-
46 vision of adjudicated juvenile delinquents for use by a social services
47 district pursuant to an approved plan for a juvenile justice services
48 close to home initiative for the purpose of carrying out any powers,
49 functions or duties described in section four hundred four of the social
50 services law, or any other provision of this act. The city of New York
51 shall be responsible for the all costs associated with operating and
52 maintaining such real property other than any debt services costs for
53 such property that were in existence when the lease was executed. Appli-
54 cable state officials shall be authorized to make announced and unan-
55 nounced inspections of the property to determine whether it is being
56 maintained in an appropriate manner. The city of New York shall be

1 responsible for making any repairs to such leased property necessary to
2 maintain the property in at least as good as condition as it was when
3 the property was first leased to the city, allowing for normal wear and
4 tear, and shall return the property to the state, when the lease ends or
5 is terminated, in the same or better condition than the property was in
6 at the time the lease was first executed, aside from normal wear and
7 tear. The city of New York shall obtain prior approval from the state
8 for any major renovations to any such leased property. The leasing to
9 the social services district or the subleasing, design, construction,
10 reconstruction, improvement, rehabilitation, maintaining, furnishing,
11 repairing, equipping or use of any such facility by the social services
12 district for the care, maintenance and supervision of adjudicated juve-
13 nile delinquents shall not be subject to the provisions of any general,
14 special or local law, city charter, administrative code, ordinance or
15 resolution governing uniform land use review procedures, any other land
16 use planning review and approvals, historic preservation procedures,
17 architectural reviews, franchise approvals and other state or local
18 review and approval procedures governing the use of land and the
19 improvements thereon within the city.

20 S 10. This act shall take effect April 1, 2012 and shall expire on
21 March 31, 2018 when upon such date the provisions of this act shall be
22 deemed repealed; provided, however, that effective immediately, the
23 addition, amendment and/or repeal of any rule or regulation necessary
24 for the implementation of this act on its effective date are authorized
25 and directed to be made and completed on or before such effective date;
26 provided, however, upon the repeal of this act, a social services
27 district that has custody of a juvenile delinquent pursuant to an
28 approved juvenile justice services close to home initiative shall retain
29 custody of such juvenile delinquent until custody may be legally trans-
30 ferred in an orderly fashion to the office of children and family
31 services.

32 SUBPART B

33 Section 1. Section 398 of the social services law is amended by adding
34 a new subdivision 3-a to read as follows:

35 3-A. AS TO DELINQUENT CHILDREN:

36 (A)(1) CONDITIONALLY RELEASE ANY JUVENILE DELINQUENT PLACED WITH THE
37 DISTRICT TO AFTERCARE WHENEVER THE DISTRICT DETERMINES CONDITIONAL
38 RELEASE TO BE CONSISTENT WITH THE NEEDS AND BEST INTERESTS OF SUCH JUVE-
39 NILE DELINQUENT, THAT SUITABLE CARE AND SUPERVISION CAN BE PROVIDED, AND
40 THAT THERE IS A REASONABLE PROBABILITY THAT SUCH JUVENILE DELINQUENT CAN
41 BE CONDITIONALLY RELEASED WITHOUT ENDANGERING PUBLIC SAFETY; PROVIDED,
42 HOWEVER, THAT SUCH CONDITIONAL RELEASE SHALL BE MADE IN ACCORDANCE WITH
43 THE REGULATIONS OF THE OFFICE OF CHILDREN AND FAMILY SERVICES, AND
44 PROVIDED FURTHER THAT NO JUVENILE DELINQUENT WHILE ABSENT FROM A FACILI-
45 TY OR PROGRAM WITHOUT THE CONSENT OF THE DIRECTOR OF SUCH FACILITY OR
46 PROGRAM SHALL BE CONDITIONALLY RELEASED BY THE DISTRICT SOLELY BY REASON
47 OF THE ABSENCE.

48 (2) IT SHALL BE A CONDITION OF SUCH RELEASE THAT A JUVENILE DELINQUENT
49 SO RELEASED SHALL CONTINUE TO BE THE RESPONSIBILITY OF THE SOCIAL
50 SERVICES DISTRICT FOR THE PERIOD PROVIDED IN THE ORDER OF PLACEMENT.

51 (3) THE SOCIAL SERVICES DISTRICT MAY PROVIDE CLOTHING, SERVICES AND
52 OTHER NECESSITIES FOR ANY CONDITIONALLY RELEASED JUVENILE DELINQUENT, AS
53 MAY BE REQUIRED, INCLUDING MEDICAL CARE AND SERVICES NOT PROVIDED TO

1 SUCH JUVENILE DELINQUENT AS MEDICAL ASSISTANCE FOR NEEDY PERSONS PURSU-
2 ANT TO TITLE ELEVEN OF ARTICLE FIVE OF THIS CHAPTER.

3 (4) THE SOCIAL SERVICES DISTRICT, PURSUANT TO THE REGULATIONS OF THE
4 OFFICE OF CHILDREN AND FAMILY SERVICES, MAY CAUSE A JUVENILE DELINQUENT
5 TO BE RETURNED TO A FACILITY OPERATED AND MAINTAINED BY THE DISTRICT, OR
6 AN AUTHORIZED AGENCY UNDER CONTRACT WITH THE DISTRICT, AT ANY TIME WITH-
7 IN THE PERIOD OF PLACEMENT, WHERE THERE IS A VIOLATION OF THE CONDITIONS
8 OF RELEASE OR A CHANGE OF CIRCUMSTANCES.

9 (5) JUVENILE DELINQUENTS CONDITIONALLY RELEASED BY A SOCIAL SERVICES
10 DISTRICT MAY BE PROVIDED FOR AS FOLLOWS:

11 (I) IF, IN THE OPINION OF THE SOCIAL SERVICES DISTRICT, THERE IS NO
12 SUITABLE PARENT, RELATIVE OR GUARDIAN TO WHOM A JUVENILE DELINQUENT CAN
13 BE CONDITIONALLY RELEASED, AND SUITABLE CARE CANNOT OTHERWISE BE
14 SECURED, THE DISTRICT MAY CONDITIONALLY RELEASE SUCH JUVENILE DELINQUENT
15 TO THE CARE OF ANY OTHER SUITABLE PERSON.

16 (II) IF A CONDITIONALLY RELEASED JUVENILE DELINQUENT IS SUBJECT TO
17 ARTICLE SIXTY-FIVE OF THE EDUCATION LAW OR ELECTS TO PARTICIPATE IN AN
18 EDUCATIONAL PROGRAM LEADING TO A HIGH SCHOOL DIPLOMA, HE OR SHE SHALL BE
19 ENROLLED IN A SCHOOL OR EDUCATIONAL PROGRAM LEADING TO A HIGH SCHOOL
20 DIPLOMA FOLLOWING RELEASE, OR, IF SUCH RELEASE OCCURS DURING THE SUMMER
21 RECESS, UPON THE COMMENCEMENT OF THE NEXT SCHOOL TERM. IF A CONDI-
22 TIONALLY RELEASED JUVENILE DELINQUENT IS NOT SUBJECT TO ARTICLE
23 SIXTY-FIVE OF THE EDUCATION LAW, AND DOES NOT ELECT TO PARTICIPATE IN AN
24 EDUCATIONAL PROGRAM LEADING TO A HIGH SCHOOL DIPLOMA, STEPS SHALL BE
25 TAKEN, TO THE EXTENT POSSIBLE, TO FACILITATE HIS OR HER GAINFUL EMPLOY-
26 MENT OR ENROLLMENT IN A VOCATIONAL PROGRAM FOLLOWING RELEASE.

27 (B) WHEN A JUVENILE DELINQUENT PLACED WITH THE SOCIAL SERVICES
28 DISTRICT IS ABSENT FROM PLACEMENT WITHOUT CONSENT, SUCH ABSENCE SHALL
29 INTERRUPT THE CALCULATION OF TIME FOR HIS OR HER PLACEMENT. SUCH INTER-
30 RUPTION SHALL CONTINUE UNTIL SUCH JUVENILE DELINQUENT RETURNS TO THE
31 FACILITY OR AUTHORIZED AGENCY IN WHICH HE OR SHE WAS PLACED. PROVIDED,
32 HOWEVER, THAT ANY TIME SPENT BY A JUVENILE DELINQUENT IN CUSTODY FROM
33 THE DATE OF ABSENCE TO THE DATE PLACEMENT RESUMES SHALL BE CREDITED
34 AGAINST THE TIME OF SUCH PLACEMENT PROVIDED THAT SUCH CUSTODY:

35 (1) WAS DUE TO AN ARREST OR SURRENDER BASED UPON THE ABSENCE; OR

36 (2) AROSE FROM AN ARREST OR SURRENDER ON ANOTHER CHARGE WHICH DID NOT
37 CULMINATE IN A CONVICTION, ADJUDICATION OR ADJUSTMENT.

38 (C) IN ADDITION TO THE OTHER REQUIREMENTS OF THIS SECTION, NO JUVENILE
39 DELINQUENT PLACED WITH A SOCIAL SERVICES DISTRICT OPERATING AN APPROVED
40 JUVENILE JUSTICE SERVICES CLOSE TO HOME INITIATIVE PURSUANT TO SECTION
41 FOUR HUNDRED FOUR OF THIS CHAPTER PURSUANT TO A RESTRICTIVE PLACEMENT
42 UNDER THE FAMILY COURT ACT SHALL BE RELEASED EXCEPT PURSUANT TO SECTION
43 353.5 OF THE FAMILY COURT ACT.

44 S. 2. Section 351.1 of the family court act is amended by adding a new
45 subdivision 2-b to read as follows:

46 2-B. THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL DEVELOP A VALI-
47 DATED PRE-DISPOSITIONAL RISK ASSESSMENT INSTRUMENT AND ANY RISK ASSESS-
48 MENT PROCESS FOR JUVENILE DELINQUENTS. THE DIVISION SHALL PERIODICALLY
49 REVALIDATE ANY APPROVED PRE-DISPOSITIONAL RISK ASSESSMENT INSTRUMENT.
50 THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL CONSPICUOUSLY POST ANY
51 APPROVED PRE-DISPOSITIONAL RISK ASSESSMENT INSTRUMENT AND ANY RISK
52 ASSESSMENT PROCESS ON ITS WEBSITE AND SHALL CONFER WITH APPROPRIATE
53 STAKEHOLDERS, INCLUDING BUT NOT LIMITED TO, ATTORNEYS FOR CHILDREN,
54 PRESENTMENT AGENCIES, PROBATION AND THE FAMILY COURT, PRIOR TO REVISING
55 ANY VALIDATED PRE-DISPOSITIONAL RISK ASSESSMENT INSTRUMENT OR PROCESS.
56 ANY SUCH REVISED PRE-DISPOSITIONAL RISK ASSESSMENT INSTRUMENT SHALL BE

1 SUBJECT TO PERIODIC EMPIRICAL VALIDATION. THE DIVISION OF CRIMINAL
2 JUSTICE SERVICES SHALL PROVIDE TRAINING ON THE INSTRUMENT AND ANY PROC-
3 ESS TO THE FAMILY COURTS, LOCAL PROBATION DEPARTMENTS, PRESENTMENT AGEN-
4 CIES AND COURT APPOINTED ATTORNEYS FOR RESPONDENTS. THE DIVISION MAY
5 DETERMINE THAT A PRE-DISPOSITIONAL RISK ASSESSMENT INSTRUMENT AND ANY
6 PROCESS IN USE PURSUANT TO SUBDIVISION TWO-A OF SECTION 351.1 OF THIS
7 PART MAY CONTINUE TO BE USED PURSUANT TO SUCH SUBDIVISION INSTEAD OF
8 REQUIRING THE USE OF ANY INSTRUMENT OR PROCESS DEVELOPED PURSUANT TO
9 THIS SUBDIVISION.

10 (A) ONCE AN INITIAL VALIDATED RISK ASSESSMENT INSTRUMENT AND RISK
11 ASSESSMENT PROCESS HAVE BEEN DEVELOPED, THE DIVISION OF CRIMINAL JUSTICE
12 SERVICES SHALL PROVIDE THE SUPERVISING FAMILY COURT JUDGES AND LOCAL
13 PROBATION DEPARTMENTS WITH COPIES OF THE VALIDATED RISK ASSESSMENT
14 INSTRUMENT AND PROCESS AND NOTIFY THEM OF THE EFFECTIVE DATE OF THE
15 INSTRUMENT AND PROCESS, WHICH SHALL BE AT LEAST SIX MONTHS AFTER SUCH
16 NOTIFICATION.

17 (B) COMMENCING ON THE EFFECTIVE DATE OF A VALIDATED RISK ASSESSMENT
18 INSTRUMENT AND ANY RISK ASSESSMENT PROCESS AND THEREAFTER, EACH
19 PROBATION INVESTIGATION ORDERED UNDER SUBDIVISION TWO OF THIS SECTION
20 SHALL INCLUDE THE RESULTS OF THE VALIDATED RISK ASSESSMENT OF THE
21 RESPONDENT AND PROCESS, IF ANY; AND A RESPONDENT SHALL NOT BE PLACED IN
22 ACCORDANCE WITH SECTION 353.3 OR 353.5 OF THIS PART UNLESS THE COURT HAS
23 RECEIVED AND GIVEN DUE CONSIDERATION TO THE RESULTS OF SUCH VALIDATED
24 RISK ASSESSMENT AND ANY PROCESS AND MADE THE FINDINGS REQUIRED PURSUANT
25 TO PARAGRAPH (G) OF SUBDIVISION TWO OF SECTION 352.2 OF THIS PART.

26 (C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, DATA
27 NECESSARY FOR COMPLETION OF A PRE-DISPOSITIONAL RISK ASSESSMENT INSTRU-
28 MENT MAY BE SHARED BETWEEN LAW ENFORCEMENT, PROBATION, COURTS, DETENTION
29 ADMINISTRATIONS, DETENTION PROVIDERS, PRESENTMENT AGENCIES AND THE
30 ATTORNEY FOR THE CHILD UPON RETENTION OR APPOINTMENT SOLELY FOR THE
31 PURPOSE OF ACCURATE COMPLETION OF SUCH RISK ASSESSMENT INSTRUMENT, AND A
32 COPY OF THE COMPLETED PRE-DISPOSITIONAL RISK ASSESSMENT INSTRUMENT SHALL
33 BE MADE AVAILABLE TO THE APPLICABLE COURT.

34 (D) LOCAL PROBATION DEPARTMENTS SHALL PROVIDE THE DIVISION OF CRIMINAL
35 JUSTICE SERVICES WITH INFORMATION REGARDING USE OF THE PRE-DISPOSITIONAL
36 RISK ASSESSMENT INSTRUMENT AND ANY RISK ASSESSMENT PROCESS IN THE TIME
37 AND MANNER REQUIRED BY THE DIVISION. THE DIVISION MAY REQUIRE THAT SUCH
38 DATA BE SUBMITTED TO THE DIVISION ELECTRONICALLY. THE DIVISION SHALL
39 SHARE SUCH INFORMATION WITH THE OFFICE OF CHILDREN AND FAMILY SERVICES.

40 S 3. Subdivision 2 of section 352.2 of the family court act is amended
41 by adding a new paragraph (g) to read as follows:

42 (G)(I) ONCE A VALIDATED RISK ASSESSMENT INSTRUMENT AND ANY RISK
43 ASSESSMENT PROCESS IS A REQUIRED PART OF EACH PROBATION INVESTIGATION
44 ORDERED UNDER SUBDIVISION TWO OF SECTION 351.1 OF THIS PART AND PROVIDED
45 TO THE COURT IN ACCORDANCE WITH SUBDIVISION TWO-B OF SUCH SECTION, THE
46 COURT SHALL GIVE DUE CONSIDERATION TO THE RESULTS OF SUCH VALIDATED RISK
47 ASSESSMENT AND ANY SUCH PROCESS WHEN DETERMINING THE APPROPRIATE DISPO-
48 SITION FOR THE RESPONDENT.

49 (II) ANY ORDER OF THE COURT DIRECTING THE PLACEMENT OF A RESPONDENT
50 INTO A RESIDENTIAL PROGRAM SHALL STATE:

51 (A) THE LEVEL OF RISK THE YOUTH WAS ASSESSED PURSUANT TO THE VALIDATED
52 RISK ASSESSMENT INSTRUMENT; AND

53 (B) IF A DETERMINATION IS MADE TO PLACE A YOUTH IN A HIGHER LEVEL OF
54 PLACEMENT THAN APPEARS WARRANTED BASED ON SUCH RISK ASSESSMENT INSTRU-
55 MENT AND ANY RISK ASSESSMENT PROCESS, THE PARTICULAR REASONS WHY SUCH
56 PLACEMENT WAS DETERMINED TO BE NECESSARY FOR THE PROTECTION OF THE

1 COMMUNITY AND TO BE CONSISTENT WITH THE NEEDS AND BEST INTERESTS OF THE
2 RESPONDENT; AND

3 (C) THAT A LESS RESTRICTIVE ALTERNATIVE THAT WOULD BE CONSISTENT WITH
4 THE NEEDS AND BEST INTERESTS OF THE RESPONDENT AND THE NEED FOR
5 PROTECTION OF THE COMMUNITY IS NOT AVAILABLE.

6 S 4. Subdivisions 1 and 2 of section 355.4 of the family court act, as
7 added by chapter 479 of the laws of 1992, are amended to read as
8 follows:

9 1. At the conclusion of the dispositional hearing pursuant to this
10 article, where the respondent is to be placed with the [division for
11 youth] OFFICE OF CHILDREN AND FAMILY SERVICES OR A SOCIAL SERVICES
12 DISTRICT, the court shall inquire as to whether the parents or legal
13 guardian of the youth, if present, will consent for the [division]
14 OFFICE OR THE DISTRICT to provide routine medical, dental and mental
15 health services and treatment.

16 2. Notwithstanding subdivision one of this section, where the court
17 places a youth with the [division] OFFICE OF CHILDREN AND FAMILY
18 SERVICES OR A SOCIAL SERVICES DISTRICT pursuant to this article and no
19 medical consent has been obtained prior to an order of disposition, the
20 placement order shall be deemed to grant consent for the [division for
21 youth] OFFICE OR THE DISTRICT to provide for routine medical, dental and
22 mental health services and treatment to such youth so placed.

23 S 5. Subdivision 3 of section 353.3 of the family court act, as
24 amended by section 6 of part G of chapter 58 of the laws of 2010, is
25 amended and a new subdivision 3-a is added to read as follows:

26 3. Where the respondent is placed with the office of children and
27 family services, the court shall, unless it directs the office to place
28 him or her with an authorized agency or class of authorized agencies,
29 including if the court finds that the respondent is a sexually exploited
30 child as defined in subdivision one of section four hundred forty-sev-
31 en-a of the social services law, an available long-term safe house
32 pursuant to subdivision four of this section, authorize the office to do
33 one of the following:

34 (a) place the respondent in a secure facility without a further hear-
35 ing at any time or from time to time during the first sixty days of
36 residency in office of children and family services facilities.
37 Notwithstanding the discretion of the office to place the respondent in
38 a secure facility at any time during the first sixty days of residency
39 in [a] AN office of children and family services facility, the respond-
40 ent, PURSUANT TO SUBDIVISION THREE-A OF THIS SECTION, may be placed in a
41 non-secure facility[. In the event that the office desires to transfer a
42 respondent to a secure facility at any time after the first sixty days
43 of residency in office facilities, a hearing shall be held pursuant to
44 subdivision three of section five hundred four-a of the executive law];
45 or

46 (b) place the respondent in a limited secure facility. The respondent
47 may be transferred by the office to a secure facility [after a hearing
48 is held pursuant to section five hundred four-a of the executive law],
49 PURSUANT TO SUBDIVISION THREE-A OF THIS SECTION; provided, however, that
50 during the first twenty days of residency in office facilities, the
51 respondent shall not be transferred to a secure facility unless the
52 respondent has committed an act or acts which are exceptionally danger-
53 ous to the respondent or to others; or

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

1 3-A. IN THE CASE OF A RESPONDENT PLACED PURSUANT TO SUBDIVISION THREE
2 OF THIS SECTION, IF THE OFFICE OF CHILDREN AND FAMILY SERVICES DETER-
3 MINES THAT A HIGHER OR LOWER LEVEL OF PLACEMENT IS APPROPRIATE AND
4 CONSISTENT WITH THE NEED FOR PROTECTION OF THE COMMUNITY AND THE NEEDS
5 AND BEST INTERESTS OF THE RESPONDENT PLACED INTO ITS CARE, THE OFFICE
6 SHALL FILE A PETITION, PURSUANT TO THE PROVISIONS OF SECTION 355.1 OF
7 THIS PART, TO TRANSFER THE RESPONDENT TO THE APPROPRIATE SECURITY LEVEL.
8 THE COURT SHALL RENDER A DECISION WHETHER THE RESPONDENT SHOULD BE
9 TRANSFERRED WITHIN SEVENTY-TWO HOURS, EXCLUDING WEEKENDS AND PUBLIC
10 HOLIDAYS.

11 S 6. This act shall take effect April 1, 2012; provided, however, that
12 effective immediately, the addition, amendment and/or repeal of any rule
13 or regulation necessary for the implementation of this act on its effec-
14 tive date are authorized and directed to be made and completed on or
15 before such effective date.

16 S 3. Severability clause. If any clause, sentence, paragraph, subdivi-
17 sion, section or part of this act shall be adjudged by any court of
18 competent jurisdiction to be invalid, such judgment shall not affect,
19 impair, or invalidate the remainder thereof, but shall be confined in
20 its operation to the clause, sentence, paragraph, subdivision, section
21 or part thereof directly involved in the controversy in which such judg-
22 ment shall have been rendered. It is hereby declared to be the intent of
23 the legislature that this act would have been enacted even if such
24 invalid provisions had not been included herein.

25 S 4. This act shall take effect immediately; provided, however, that
26 the applicable effective date of subparts A and B of this act shall be
27 as specifically set forth in the last section of such subparts.

28 PART H

29 Section 1. Paragraph (a) of subdivision 1 of section 1 of part U of
30 chapter 57 of the laws of 2005 amending the labor law and other laws
31 implementing the state fiscal plan for the 2005-2006 state fiscal year,
32 relating to the New York state higher education capital matching grant
33 program for independent colleges, as amended by section 1 of part I of
34 chapter 60 of the laws of 2011, is amended to read as follows:

35 (a) The New York state higher education capital matching grant board
36 is hereby created to have and exercise the powers, duties and preroga-
37 tives provided by the provisions of this section and any other provision
38 of law. The board shall remain in existence during the period of the New
39 York state higher education capital matching grant program from the
40 effective date of this section through March 31, [2012] 2013, or the
41 date on which the last of the funds available for grants under this
42 section shall have been disbursed, whichever is earlier; provided,
43 however, that the termination of the existence of the board shall not
44 affect the power and authority of the dormitory authority to perform its
45 obligations with respect to any bonds, notes, or other indebtedness
46 issued or incurred pursuant to authority granted in this section.

47 S 2. Paragraph (h) of subdivision 4 of section 1 of part U of chapter
48 57 of the laws of 2005 amending the labor law and other laws implement-
49 ing the state fiscal plan for the 2005-2006 state fiscal year, relating
50 to the New York state higher education matching grant program for inde-
51 pendent colleges, as amended by section 2 of part M of chapter 59 of the
52 laws of 2010, is amended to read as follows:

53 (h) If a college did not apply for a potential grant by March 31,
54 2009, funds associated with such potential grant shall be awarded, on a

1 competitive basis, to other colleges, according to the priorities set
2 forth below. Colleges shall be eligible to apply for unutilized grants.
3 In such cases, the following priorities shall apply: first, priority
4 shall be given to otherwise eligible colleges that either were, or would
5 have been, deemed ineligible for the program prior to March 31, 2009,
6 due to missed deadlines, insufficient matching funds, lack of accredi-
7 tation or other disqualifying reasons; and second, after the board has
8 acted upon all such first-priority applications for unused funds, if any
9 such funds remain, those funds shall be available for distribution to
10 eligible colleges that are located within the same Regents of the State
11 of New York region for which such funds were originally allocated. The
12 dormitory authority shall develop a request for proposals and applica-
13 tion process, in consultation with the board, for such grants and shall
14 develop criteria, subject to review by the board, for the awarding of
15 such grants. Such criteria shall incorporate the matching criteria
16 contained in paragraph (c) of this subdivision, and the application
17 criteria set forth in paragraph (e) of this subdivision. The dormitory
18 authority shall require all applications in response to the request for
19 proposals to be submitted by September 1, [2010] 2012, and the board
20 shall act on each application for such matching grants by November 1,
21 [2010] 2012.

22 S 3. Subclause (A) of clause (ii) of paragraph (j) of subdivision 4 of
23 section 1 of part U of chapter 57 of the laws of 2005 amending the labor
24 law and other laws implementing the state fiscal plan for the 2005-2006
25 state fiscal year, relating to the New York state higher education
26 matching grant program for independent colleges, as amended by section 2
27 of part I of chapter 60 of the laws of 2011, is amended to read as
28 follows:

29 (A) Notwithstanding the provision of any general or special law to the
30 contrary, and subject to the provisions of chapter 59 of the laws of
31 2000 and to the making of annual appropriations therefor by the legisla-
32 ture, in order to assist the dormitory authority in providing such high-
33 er education capital matching grants, the director of the budget is
34 authorized in any state fiscal year commencing April 1, 2005 or any
35 state fiscal year thereafter for a period ending on March 31, [2012]
36 2014, to enter into one or more service contracts, none of which shall
37 exceed 30 years in duration, with the dormitory authority, upon such
38 terms as the director of the budget and the dormitory authority agree.

39 S 4. Paragraph (b) of subdivision 7 of section 1 of part U of chapter
40 57 of the laws of 2005 amending the labor law and other laws implement-
41 ing the state fiscal plan for the 2005-2006 state fiscal year, relating
42 to the New York state higher education matching grant program for inde-
43 pendent colleges, as amended by section 3 of part I of chapter 60 of the
44 laws of 2011, is amended to read as follows:

45 (b) Any eligible institution receiving a grant pursuant to this arti-
46 cle shall report to the dormitory authority no later than June 1, [2012]
47 2013, on the use of funding received and its programmatic and economic
48 impact. The dormitory authority shall submit a report no later than
49 November 1, [2012] 2013 to the board, the governor, the director of the
50 budget, the temporary president of the senate, and the speaker of the
51 assembly on the aggregate impact of the higher education capital match-
52 ing grant program. Such report shall provide information on the progress
53 and economic impact of such project.

54 S 5. This act shall take effect immediately and shall be deemed to
55 have been in full force and effect on and after April 1, 2012.

1

PART I

2 Section 1. Section 5704 of the education law is amended to read as
3 follows:

4 S 5704. Trustees shall make reports; university subject to visitation
5 of regents; SERVICES FOR STATE AGENCIES. 1. The trustees of said
6 university shall make all the reports and perform such other acts as may
7 be necessary to conform to the act of congress, entitled "An act donat-
8 ing public lands to the several states and territories which may provide
9 colleges for the benefit of agriculture and the mechanic arts," approved
10 July second, eighteen hundred sixty-two. The said university shall be
11 subject to visitation of the regents of the university.

12 2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, AND
13 SUBJECT TO THE REVIEW OF THE STATE COMPTROLLER, THE STATE MAY ENTER INTO
14 AN AGREEMENT WITH THE UNIVERSITY PRESCRIBING THE GENERAL TERMS AND
15 CONDITIONS FOR PROVIDING SERVICES OR TECHNICAL ASSISTANCE PURSUANT TO
16 ARTICLE ELEVEN OF THE STATE FINANCE LAW OR PROGRAM ACTIVITIES PURSUANT
17 TO ARTICLE ELEVEN-B OF THE STATE FINANCE LAW. SUBJECT TO SUCH TERMS AND
18 CONDITIONS, STATE AGENCIES MAY ENTER INTO AGREEMENTS WITH SAID UNIVERSI-
19 TY FOR THE PROVISION OF SUCH SERVICES, ASSISTANCE OR ACTIVITIES RELATED
20 TO THE UNIVERSITY'S LAND GRANT MISSION, WHICH AGREEMENTS SHALL NOT BE
21 SUBJECT TO THE REQUIREMENTS OF THE STATE FINANCE LAW.

22 S 2. This act shall take effect immediately.

23

PART J

24 Section 1. Intentionally omitted.

25 S 2. Intentionally omitted.

26 S 3. Paragraph b of subdivision 11 of section 4410 of the education
27 law, as amended by chapter 170 of the laws of 1994, subparagraph (ii) as
28 amended by section 54 of part C of chapter 57 of the laws of 2004,
29 subparagraph (iii) as amended by chapter 205 of the laws of 2009, clause
30 (b) of subparagraph (iii) as amended by section 63 of part A of chapter
31 58 of the laws of 2011, subparagraphs (iv) and (v) as added by chapter
32 474 of the laws of 1996 and subparagraph (vi) as added by section 1 of
33 part Q1 of chapter 109 of the laws of 2006, is amended to read as
34 follows:

35 b. (i) Commencing with the reimbursement of municipalities for
36 services provided pursuant to this section on or after July first, nine-
37 teen hundred ninety-three, AND EXCEPT AS OTHERWISE PROVIDED IN THIS
38 SUBPARAGRAPH, the state shall reimburse fifty-nine and [one half]
39 ONE-HALF percent of the approved costs paid by a municipality for the
40 purposes of this section. Commencing with the reimbursement of munici-
41 palities [for services provided pursuant to this section on or after
42 July first, nineteen hundred ninety-four, the state shall reimburse
43 sixty-nine and one-half percent of the approved costs paid by a munici-
44 pality for the purposes of this section. The state shall reimburse fifty
45 percent of the approved costs paid by a municipality for the purposes of
46 this section for services provided prior to July first, nineteen hundred
47 ninety-three] OTHER THAN THE CITY OF NEW YORK FOR SERVICES PROVIDED
48 PURSUANT TO THIS SECTION ON OR AFTER JULY FIRST, TWO THOUSAND TWELVE,
49 THE STATE SHALL ALSO REIMBURSE THIRTY-THREE AND THREE-TENTHS PERCENT OF
50 THE EXCESS LOCAL SHARE AMOUNT. Such state reimbursement to the munici-
51 pality shall BE NET OF ANY DEDUCTIONS PURSUANT TO SUBPARAGRAPH (IV) OF
52 THIS PARAGRAPH AND SHALL not be paid prior to April first of the school
53 year in which such approved costs are paid by the municipality.

1 (ii) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE
2 COMMISSIONER, SUBJECT TO THE APPROVAL OF THE DIRECTOR OF THE BUDGET,
3 SHALL COMPUTE AND ESTABLISH A LOCAL SHARE BASE AMOUNT FOR CLAIMS BY
4 MUNICIPALITIES OTHER THAN THE CITY OF NEW YORK OF THE APPROVED COSTS
5 SUBJECT TO STATE REIMBURSEMENT FOR SERVICES PROVIDED PURSUANT TO THIS
6 SECTION IN EACH SCHOOL YEAR STARTING WITH THE TWO THOUSAND TWELVE--TWO
7 THOUSAND THIRTEEN SCHOOL YEAR. FOR PURPOSES OF THIS PARAGRAPH, THE
8 "LOCAL SHARE BASE AMOUNT" MEANS THE PRODUCT OF (A) FORTY AND ONE-HALF
9 PERCENT AND (B) THE APPROVED COSTS INCURRED PURSUANT TO THIS SECTION AND
10 SECTION FORTY-FOUR HUNDRED TEN-A OF THIS ARTICLE IN THE TWO THOUSAND
11 ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR ATTRIBUTABLE TO EACH SUCH MUNI-
12 CIPALITY, AND THE "LOCAL SHARE AMOUNT" MEANS THE PRODUCT OF (A) FORTY
13 AND ONE-HALF PERCENT AND (B) THE APPROVED COSTS INCURRED PURSUANT TO
14 THIS SECTION AND SECTION FORTY-FOUR HUNDRED TEN-A OF THIS ARTICLE IN THE
15 CURRENT SCHOOL YEAR ATTRIBUTABLE TO EACH MUNICIPALITY, AND THE "EXCESS
16 LOCAL SHARE AMOUNT" MEANS THE POSITIVE DIFFERENCE BETWEEN THE LOCAL
17 SHARE AMOUNT LESS THE LOCAL SHARE BASE AMOUNT.

18 (III) In accordance with a schedule adopted by the commissioner, each
19 municipality which has been notified by a board of its obligation to
20 contract for the provision of approved special services or programs for
21 a preschool child shall be provided with a listing of all such children
22 by the commissioner. Such list shall include approved services and costs
23 as prescribed by the commissioner for each such child for whom the muni-
24 cipality shall certify, on such list, the amount expended for such
25 purposes and the date of expenditure. Upon the receipt of such certified
26 statement, the commissioner shall examine the same, and if such expendi-
27 tures were made as required by this section, the commissioner shall
28 approve it and transmit it to the comptroller for audit. The comptroller
29 shall thereupon issue his warrant, in the amount specified in such
30 approved statement for the payment thereof out of moneys appropriated
31 therefor, to the municipal treasurer or chief fiscal officer as the case
32 may be.

33 [(iii)] (IV) (a) Notwithstanding the provisions of this paragraph, any
34 monies due municipalities pursuant to this paragraph for services
35 provided during the two thousand eight--two thousand nine and prior
36 school years shall be reduced by an amount equal to the product of the
37 percentage of the approved costs reimbursed by the state pursuant to
38 subparagraph (i) of this paragraph and any federal participation, pursu-
39 ant to title XIX of the social security act, in special education
40 programs provided pursuant to this section. The commissioner shall
41 deduct such amount, as certified by the commissioner of health as the
42 authorized fiscal agent of the state education department. Such
43 deductions shall be made in accordance with a plan developed by the
44 commissioner and approved by the director of the budget. To the extent
45 that such deductions exceed moneys owed to the municipality pursuant to
46 this paragraph, such excess shall be deducted from any other payments
47 due the municipality.

48 (b) Any moneys due municipalities pursuant to this paragraph for
49 services provided during the two thousand nine--two thousand ten school
50 year and thereafter, or for services provided in a prior school year
51 that were not reimbursed by the state on or before April first, two
52 thousand eleven, shall, in the first instance, be designated as the
53 state share of moneys due a municipality pursuant to title XIX of the
54 social security act, on account of school supportive health services
55 provided to preschool students with disabilities pursuant to this
56 section. Such state share shall be assigned on behalf of municipalities

1 to the department of health, as provided herein; the amount designated
2 as such nonfederal share shall be transferred by the commissioner to the
3 department of health based on the monthly report of the commissioner of
4 health to the commissioner; and any remaining moneys to be apportioned
5 to a municipality pursuant to this section shall be paid in accordance
6 with this section. The amount to be assigned to the department of
7 health, as determined by the commissioner of health, for any munici-
8 pality shall not exceed the federal share of any moneys due such munici-
9 pality pursuant to title XIX of the social security act. Moneys desig-
10 nated as state share moneys shall be paid to such municipality by the
11 department of health based on the submission and approval of claims
12 related to such school supportive health services, in the manner
13 provided by law.

14 [(iv)] (V) Notwithstanding any other provision of law to the contrary,
15 no payments shall be made by the commissioner pursuant to this section
16 on or after July first, nineteen hundred ninety-six based on a claim for
17 services provided during school years nineteen hundred eighty-nine--ni-
18 nety, nineteen hundred ninety--ninety-one, nineteen hundred ninety-one-
19 ninety-two, nineteen hundred ninety-two--ninety-three, nineteen hundred
20 ninety-three--ninety-four, and nineteen hundred ninety-four--ninety-five
21 which is submitted later than two years after the end of the nineteen
22 hundred ninety-five--ninety-six school year; provided, however, that no
23 payment shall be barred or reduced where such payment is required as a
24 result of a court order or judgment or a final audit, and provided
25 further that the commissioner may grant a waiver to a municipality
26 excusing the late filing of such a claim upon a finding that the delay
27 was caused by a party other than the municipality or a board to which
28 the municipality delegated authority pursuant to paragraph f of subdivi-
29 sion five or subdivision eight of this section.

30 [(v)] (VI) Notwithstanding any other provision of law to the contrary,
31 no payments shall be made by the commissioner pursuant to this section
32 on or after July first, nineteen hundred ninety-six based on a claim for
33 services provided in the nineteen hundred ninety-five--ninety-six school
34 year or thereafter which is submitted later than three years after the
35 end of the school year in which services were rendered, provided, howev-
36 er, that no payment shall be barred or reduced where such payment is
37 required as a result of a court order or judgment or a final audit, and
38 provided further that the commissioner may grant a waiver to a munici-
39 pality excusing the late filing of such a claim upon a finding that the
40 delay was caused by a party other than the municipality or a board to
41 which the municipality delegates authority pursuant to paragraph f of
42 subdivision five or subdivision eight of this section.

43 [(vi)] (VII) Notwithstanding any other provision of law to the contra-
44 ry, beginning with state reimbursement otherwise payable in the two
45 thousand six--two thousand seven state fiscal year and in each year
46 thereafter, payments pursuant to this section, subject to county agree-
47 ment and in the amounts specified in such agreement, shall be paid no
48 later than June thirtieth of the state fiscal year next following the
49 state fiscal year in which such reimbursement was otherwise eligible for
50 payment and in which the liability to the county for such state
51 reimbursement accrued, provided that such payments in a subsequent state
52 fiscal year shall be recognized by the state and the applicable county
53 as satisfying the state reimbursement obligation for the prior state
54 fiscal year. Any unspent amount associated with such county agreements
55 shall not be available for payments to other counties or municipalities.

56 S 4. This act shall take effect July 1, 2012.

1

PART K

2 Section 1. Paragraph h of subdivision 4 of section 1950 of the educa-
3 tion law is amended by adding a new subparagraph 8 to read as follows:

4 (8) TO ENTER INTO CONTRACTS WITH THE COMMISSIONER OF THE OFFICE OF
5 CHILDREN AND FAMILY SERVICES PURSUANT TO SUBDIVISION SIX-A OF SECTION
6 THIRTY-TWO HUNDRED TWO OF THIS CHAPTER TO PROVIDE TO SUCH OFFICE, FOR
7 THE BENEFIT OF YOUTH IN ITS CUSTODY, ANY SERVICES PROVIDED BY THE BOARD
8 OF COOPERATIVE EDUCATIONAL SERVICES TO COMPONENT SCHOOL DISTRICTS. ANY
9 SUCH PROPOSED CONTRACT SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF
10 THE COMMISSIONER TO DETERMINE THAT IT IS AN APPROVED COOPERATIVE EDUCA-
11 TIONAL SERVICE. SERVICES PROVIDED PURSUANT TO SUCH CONTRACTS SHALL BE
12 PROVIDED AT COST, AND THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES
13 SHALL NOT BE AUTHORIZED TO CHARGE ANY COSTS INCURRED IN PROVIDING SUCH
14 SERVICES TO ITS COMPONENT SCHOOL DISTRICTS.

15 S 2. Subdivision 6-a of section 3202 of the education law, as amended
16 by chapter 465 of the laws of 1992, is amended to read as follows:

17 6-a. Notwithstanding subdivision six of this section OR ANY OTHER LAW
18 TO THE CONTRARY, the [director of the division for youth] COMMISSIONER
19 OF THE OFFICE OF CHILDREN AND FAMILY SERVICES shall be responsible for
20 the secular education of youth under the jurisdiction of the [division]
21 OFFICE and may contract for such education with the trustees or board of
22 education of the school district wherein a facility for the residential
23 care of [division for] SUCH youth is located OR WITH THE BOARD OF COOP-
24 ERATIVE EDUCATIONAL SERVICES AT WHICH ANY SUCH SCHOOL DISTRICT IS A
25 COMPONENT DISTRICT. A youth attending a local public school while in
26 residence at such facility shall be deemed a resident of the school
27 district where his parent or guardian resides at the commencement of
28 each school year for the purpose of determining which school district
29 shall be responsible for the youth's tuition pursuant to section five
30 hundred four of the executive law.

31 S 3. This act shall take effect immediately.

32

PART L

33 Section 1. Section 527-1 of the executive law is REPEALED.

34 S 2. This act shall take effect April 1, 2012; provided, however, if
35 this act shall become a law after such date it shall take effect imme-
36 diately and shall be deemed to have been in full force and effect on and
37 after April 1, 2012.

38

PART M

39 Section 1. Paragraph (d) of subdivision 2 of section 530 of the execu-
40 tive law, as added by section 4 of subpart B of part Q of chapter 58 of
41 the laws of 2011, is amended to read as follows:

42 (d) (I) NOTWITHSTANDING ANY PROVISION OF LAW OR REGULATION TO THE
43 CONTRARY, ANY INFORMATION OR DATA NECESSARY FOR THE DEVELOPMENT,
44 COMPLETION, VALIDATION OR REVALIDATION OF THE DETENTION RISK ASSESSMENT
45 INSTRUMENT SHALL BE SHARED BETWEEN LOCAL PROBATION DEPARTMENTS, THE
46 DIVISION OF CRIMINAL JUSTICE SERVICES AND, WHERE AUTHORIZED BY THE DIVI-
47 SION, ANY ENTITY UNDER CONTRACT WITH THE DIVISION TO PROVIDE INFORMATION
48 TECHNOLOGY SERVICES, THE OFFICE, AND ANY ENTITY UNDER CONTRACT WITH THE
49 OFFICE TO PROVIDE SERVICES RELATING TO THE DEVELOPMENT, COMPLETION,
50 VALIDATION OR REVALIDATION OF THE DETENTION RISK ASSESSMENT INSTRUMENT.
51 (II) Data collected for the purposes of completing the detention risk

1 assessment instrument from any source other than an officially docu-
2 mented record shall be confirmed as soon as practicable. Should any data
3 originally utilized in completing the risk assessment instrument be
4 found to conflict with the officially documented record, the risk
5 assessment instrument shall be completed with the officially documented
6 data and any corresponding revision to the risk categorization shall be
7 made. The office shall periodically revalidate any approved risk assess-
8 ment instrument. The office shall conspicuously post any approved
9 detention risk assessment instrument on its website and shall confer
10 with appropriate stakeholders, including but not limited to, attorneys
11 for children, presentment agencies, probation, and the family court,
12 prior to revising any validated risk assessment instrument. Any such
13 revised risk assessment instrument shall be subject to periodic empir-
14 ical validation.

15 S 2. This act shall take effect immediately.

16

PART N

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

20 1. (a) Consistent with federal law and regulations and this title, if
21 a participant has failed or refused to comply with the requirements of
22 this title, the social services district shall issue a notice in plain
23 language indicating that such failure or refusal has taken place, THE
24 EFFECT OF SUCH NONCOMPLIANCE ON THE PARTICIPANT'S PUBLIC ASSISTANCE
25 BENEFITS, and of the right of such participant to conciliation to
26 resolve the reasons for such failure or refusal to avoid a pro-rata
27 reduction OR DISCONTINUANCE in public assistance benefits for a period
28 of time set forth in section three hundred forty-two of this title. The
29 notice shall indicate the specific instance or instances of willful
30 refusal or failure to comply without good cause with the requirements of
31 this title and the necessary actions that must be taken to avoid a pro-
32 rata reduction OR DISCONTINUANCE in public assistance benefits. The
33 notice shall indicate that the participant has [seven] TEN days to
34 request conciliation with the district regarding such failure or refusal
35 [in the case of a safety net participant and ten days in the case of a
36 family assistance participant]. PROVIDED, HOWEVER, THAT FOR A MEMBER OF
37 A HOUSEHOLD WITH DEPENDENT CHILDREN WHO DOES NOT REQUEST A CONCILIATION
38 CONFERENCE WITHIN THE TEN DAY PERIOD, THE LOCAL SOCIAL SERVICES DISTRICT
39 SHALL MAKE AN ADDITIONAL EFFORT TO CONTACT THE HOUSEHOLD, INCLUDING A
40 REASONABLE ATTEMPT FOR TELEPHONE CONTACT, TO OFFER CONCILIATION AND TO
41 INDICATE THAT THE PARTICIPANT HAS TEN DAYS TO REQUEST CONCILIATION. The
42 notice shall also include an explanation in plain language of what would
43 constitute good cause for non-compliance and examples of acceptable
44 forms of evidence that may warrant an exemption from work activities,
45 including evidence of domestic violence, and physical or mental health
46 limitations that may be provided at the conciliation conference to
47 demonstrate such good cause for failure to comply with the requirements
48 of this title. SUCH NOTICE SHALL ALSO INCLUDE INFORMATION TO EXPLAIN
49 THE BENEFITS OF COMPLIANCE, INCLUDING THE AVAILABILITY OF GUARANTEED
50 CHILD CARE BENEFITS. If the participant does not contact the district
51 within the specified number of days, the district shall issue ten days
52 notice of intent to discontinue or reduce assistance, pursuant to regu-
53 lations of the department. Such notice shall also include a statement of
54 the participant's right to a fair hearing relating to such discontin-

uance or reduction. If such participant contacts the district within [seven days in the case of a safety net participant or within ten days in the case of a family assistance participant] THE SPECIFIED NUMBER OF DAYS, it will be the responsibility of the participant to give reasons for such failure or refusal.

(b) Unless the district determines as a result of such conciliation process that such failure or refusal was willful and was without good cause, no further action shall be taken. If the district determines that such failure or refusal was willful and without good cause, the district shall notify such participant in writing, in plain language and in a manner distinct from any previous notice, by issuing ten days notice of its intent to discontinue or reduce assistance. Such notice shall include the reasons for such determination, the specific instance or instances of willful refusal or failure to comply without good cause with the requirements of this title, the necessary actions that must be taken to avoid a pro-rata reduction OR DISCONTINUANCE in public assistance benefits, and the right to a fair hearing relating to such discontinuance or reduction. Unless extended by mutual agreement of the participant and the district, conciliation shall terminate and a determination shall be made within [fourteen] THIRTY days of the date a request for conciliation is made [in the case of a safety net participant or within thirty days of the conciliation notice in the case of a family assistance participant].

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

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

2. [In] NOTWITHSTANDING SUBDIVISION EIGHT OF SECTION ONE HUNDRED FIFTY-THREE OF THIS ARTICLE, IN the case of an applicant for or recipient of public assistance [who is a parent or caretaker of a dependent child], the public assistance benefits otherwise available to the household of which such individual is a member shall be [reduced pro-rata]:

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

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

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

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

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

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

(c) for the third and all subsequent such failures or refusals, until the failure ceases or one hundred eighty days, whichever period of time is longer.] WITH RESPECT TO THE SANCTIONS SET FORTH IN SUBDIVISION TWO OF THIS SECTION, IF THE INDIVIDUAL COMPLIES WITH THE REQUIREMENT OF THIS

ARTICLE WITHIN THE SIX-MONTH MINIMUM SANCTION DURATIONS SET FORTH IN PARAGRAPH (C) OF SUBDIVISION TWO OF THIS SECTION THE HOUSEHOLD SHALL RECEIVE A PRO-RATA REDUCED GRANT FOR THE REMAINING MINIMUM PERIOD. CONTINUED COMPLIANCE AFTER THE MINIMUM DURATION SHALL RESTORE THE GRANT TO THE FULL AMOUNT.

S 4. The office of temporary and disability assistance, in consultation with the office of children and family services, shall submit a report to the chairperson of the senate finance committee, the chairperson of the assembly ways and means committee, and the director of the division of budget on the implementation of the full family sanction policy. Such report shall include the number of sanctioned cases that had their case closed due to the new sanction policy, the monthly benefit of those sanctioned cases that had their cases closed and the number of sanctioned cases involving case closure that subsequently were reopened upon demonstrated willingness to comply with work requirements. Such report shall also determine if there were child welfare referrals made since October, 1, 2012 that were a function of the new sanction policy. This report shall be submitted by December 31, 2013.

S 5. This act shall take effect October 1, 2012 and shall expire September 30, 2014, when upon such date the provisions of this act shall be deemed repealed.

PART O

Section 1. Section 350 of the education law is amended by adding a new subdivision 9 to read as follows:

9. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, NO NY-SUNY 2020 CHALLENGE GRANT THAT SHALL BE MADE AVAILABLE TO ANY COLLEGE, UNIVERSITY OR COMMUNITY COLLEGE AS DEFINED IN THIS SECTION SHALL BE AWARDED TO MORE THAN ONE INSTITUTION WITHIN THE SAME REGION OF THE STATE PROVIDED, HOWEVER, THAT THIS SUBDIVISION SHALL NOT APPLY TO GRANTS AWARDED TO THE UNIVERSITY CENTERS.

S 2. This act shall take effect immediately.

PART P

Section 1. Legislative intent. The State University of New York spends approximately 70 million dollars per year on remedial programs in order to prepare students for credit bearing college level course work. The epidemic of the need for remediation is widespread and needs to be addressed through the collaboration of higher education experts. Therefore, a task force shall be convened to examine issues surrounding remediation including the causes of this problem and possible long term solutions to ensure that New York State's children and young adults have the most successful educational experience possible.

S 2. The education law is amended by adding a new section 305-a to read as follows:

S 305-A. TASK FORCE ON COLLEGE REMEDIATION. A TASK FORCE ON COLLEGE REMEDIATION SHALL BE CREATED TO EXPLORE THE GROWING NEED FOR HIGH SCHOOL GRADUATES TO TAKE REMEDIAL CLASSES UPON ENTERING COMMUNITY COLLEGES OR FOUR YEAR INSTITUTIONS.

1. THE TASK FORCE ON COLLEGE REMEDIATION SHALL CONSIST OF THE COMMISSIONER OF THE STATE EDUCATION DEPARTMENT OR HIS OR HER DESIGNEE; THE CHANCELLOR OF THE STATE UNIVERSITY OF NEW YORK OR HIS OR HER DESIGNEE; THE CHANCELLOR OF THE CITY OF NEW YORK OR HIS OR HER DESIGNEE; THE PRESIDENT OF THE COMMISSION ON INDEPENDENT COLLEGES AND UNIVERSITIES OR HIS

OR HER DESIGNEE; AND A REPRESENTATIVE FROM THE COMMUNITY COLLEGES OF THE STATE UNIVERSITY OF NEW YORK AND OF THE CITY UNIVERSITY OF NEW YORK TO BE CHOSEN BY THEIR RESPECTIVE CHANCELLORS. THE MEMBERS OF THE TASK FORCE SHALL ELECT ONE MEMBER TO SERVE AS THE CHAIRMAN.

2. THE TASK FORCE SHALL BE REQUIRED TO EXAMINE: (A) THE CAUSES OF THE NEED FOR REMEDIATION; (B) HOW COLLEGES ARE CURRENTLY ADDRESSING REMEDIATION ISSUES; (C) CURRENT EDUCATIONAL PIPELINES AND PATHWAYS; (D) WHAT CAN BE DONE TO ADDRESS REMEDIATION PRIOR TO COLLEGE ADMITTANCE; (E) SUCCESSFUL PROGRAMS THAT ACHIEVE COLLEGE READINESS; (F) THE BENEFITS TO ADMINISTERING PLACEMENT TESTS AT THE NINTH AND THEN THE ELEVENTH GRADE LEVELS; (G) BEST PRACTICES THROUGHOUT THE STATE; AND (H) THE VIABILITY OF LEVERAGING PRIVATE FUNDS TO SUPPLEMENT STATE FUNDS.

3. THE TASK FORCE SHALL MAKE RECOMMENDATIONS FOR THE CREATION OF A PILOT PROGRAM TO ADDRESS THE NEED FOR REMEDIATION. SUCH PROGRAM SHALL BE A SUMMER PROGRAM AND SHALL BE IMPLEMENTED BY JULY FIRST, TWO THOUSAND THIRTEEN. THE PROGRAM RECOMMENDATIONS SHALL ADDRESS THE FOLLOWING BUT MAY INCLUDE FURTHER RECOMMENDATIONS: (A) STUDENT ENROLLMENT CRITERIA; (B) CURRICULAR CONTENT AND REQUIREMENTS FOR SUCCESSFUL COMPLETION; (C) THE BENEFITS OF THE USE OF MENTORS; (D) METRICS FOR EVALUATING THE SUCCESS OF THE PROGRAM; (E) CRITERIA FOR THE RECRUITMENT AND SELECTION OF TEACHERS; AND (F) TRACKING THE PROGRAM'S PROGRESS THROUGH MONITORING STUDENT ACHIEVEMENT.

4. THE TASK FORCE SHALL BE REQUIRED TO REPORT TO THE CHAIRS OF THE HIGHER EDUCATION COMMITTEE IN EACH HOUSE AND TO THE CHAIRS OF THE SENATE FINANCE COMMITTEE AND ASSEMBLY WAYS AND MEANS COMMITTEE ON THEIR FINDINGS AND TO MAKE RECOMMENDATIONS FOR THE CREATION OF THE PILOT PROGRAM NO LATER THAN DECEMBER FIRST, TWO THOUSAND TWELVE.

S 3. This act shall take effect immediately.

PART Q

Section 1. Section 6304 of the education law is amended by adding a new subdivision 1-c to read as follows:

1-C. (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE STATE SHARE OF OPERATING COSTS FOR THE STATE UNIVERSITY OF NEW YORK COMMUNITY COLLEGES AND THE CITY OF NEW YORK COMMUNITY COLLEGES BASED UPON AID PER STUDENT FOR EACH FULL TIME EQUIVALENT STUDENT IN ATTENDANCE SHALL BE INCREASED OVER THE PREVIOUS YEAR'S FUNDING LEVELS BEGINNING IN ACADEMIC YEAR 2012-2013 THROUGH 2015-2016 IN THE FOLLOWING AMOUNTS:

(I) FOR ACADEMIC YEAR 2012-2013, \$100 PER FULL TIME EQUIVALENT STUDENT;

(II) FOR ACADEMIC YEAR 2013-2014, \$150 PER FULL TIME EQUIVALENT STUDENT;

(III) FOR ACADEMIC YEAR 2014-2015, \$200 PER FULL TIME EQUIVALENT STUDENT; AND

(IV) FOR ACADEMIC YEAR 2015-2016, \$200 PER FULL TIME EQUIVALENT STUDENT.

(B) STATE AID FOR OPERATING COSTS SHALL BE MAINTAINED AT THE LEVELS PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION PROVIDED THAT THE TUITION RATES AT THE STATE UNIVERSITY OF NEW YORK COMMUNITY COLLEGES AND THE CITY OF NEW YORK COMMUNITY COLLEGES DO NOT INCREASE BY MORE THAN THE CONSUMER PRICE INDEX FOR THE DURATION OF FOUR YEARS ENDING IN ACADEMIC YEAR 2015-2016.

(C) THE TRUSTEES OF EACH COMMUNITY COLLEGE THAT RECEIVES AID PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION SHALL REPORT TO THE CHAIRS OF THE SENATE AND ASSEMBLY HIGHER EDUCATION COMMITTEES AND THE CHAIR OF THE

1 SENATE FINANCE COMMITTEE AND THE CHAIR OF THE ASSEMBLY WAYS AND MEANS
2 COMMITTEE NO LATER THAN ONE YEAR AFTER THE EFFECTIVE DATE OF THIS ACT
3 AND EVERY YEAR THEREAFTER THROUGH 2015-2016 ON WHAT EACH CAMPUS IS DOING
4 TO CREATE EFFICIENCIES; REDUCE THE NEED FOR REMEDIATION; REDUCE COSTS
5 ASSOCIATED WITH PROVIDING REMEDIATION; PROMOTE SUCCESSFUL TRANSFER TO
6 FOUR YEAR PROGRAMS; TO IMPROVE GRADUATION RATES AND TO INCREASE THE RATE
7 OF STUDENT EMPLOYMENT UPON GRADUATION.

8 S 2. This act shall take effect immediately.

9 PART R

10 Section 1. Clause (ii) of subparagraph 4 of paragraph h of subdivision
11 2 of section 355 of the education law, as amended by chapter 260 of the
12 laws of 2011, is amended to read as follows:

13 (ii) On or before November thirtieth, two thousand eleven, the trus-
14 tees shall approve and submit to the chairs of the assembly ways and
15 means committee and the senate finance committee and to the director of
16 the budget a master tuition plan setting forth the tuition rates that
17 the trustees propose for resident undergraduate students for the five
18 year period commencing with the two thousand eleven--two thousand twelve
19 academic year and ending in the two thousand fifteen--two thousand
20 sixteen academic year, and shall submit any proposed amendments to such
21 plan by November thirtieth of each subsequent year thereafter through
22 November thirtieth, two thousand fifteen, and provided further, that
23 with the approval of the board of trustees, each university center may
24 increase non-resident undergraduate tuition rates each year by not more
25 than ten percent over the tuition rates of the prior academic year[,
26 subject to the approval of a NY-SUNY 2020 proposal by] FOR A FIVE YEAR
27 PERIOD COMMENCING WITH THE SEMESTER FOLLOWING THE SEMESTER IN WHICH the
28 governor and the chancellor of the state university of New York APPROVE
29 THE NY-SUNY 2020 PROPOSAL FOR SUCH UNIVERSITY CENTER.

30 S 2. This act shall take effect immediately; provided, however, that
31 the amendments made to clause (ii) of subparagraph 4 of paragraph h of
32 subdivision two of section 355 of the education law made by section one
33 of this act shall not affect the expiration of such clause and shall be
34 deemed to expire therewith.

35 PART S

36 Section 1. Section 6305 of the education law is amended by adding a
37 new subdivision 11 to read as follows:

38 11. THE STATE UNIVERSITY BOARD OF TRUSTEES IS DIRECTED TO EXAMINE
39 COMMUNITY COLLEGE CHARGE BACK LAWS AND POLICIES AND TO MAKE RECOMMENDA-
40 TIONS FOR CHANGES AND IMPROVEMENTS OF SUCH POLICIES TO ENSURE THAT THE
41 CHARGE BACK PROVISIONS ARE EQUITABLE CONSIDERING THE NEEDS OF LOCAL
42 SPONSORS AND THE FINANCIAL OBLIGATIONS OF THE COUNTIES WHO PAY SUCH
43 CHARGE BACK FEES TO THE SPONSORING COUNTIES. THE BOARD SHALL INCLUDE IN
44 ITS EXAMINATION THE IMPACT THAT THE COUNTY'S ABILITY TO CHARGE BACK THE
45 TOWNS FOR SUCH FEES HAS ON SUCH TOWNS. THE BOARD SHALL REPORT ITS FIND-
46 INGS TO THE CHAIRS OF THE SENATE AND ASSEMBLY HIGHER EDUCATION COMMIT-
47 TEES AND THE CHAIR OF THE SENATE FINANCE COMMITTEE AND THE CHAIR OF THE
48 ASSEMBLY WAYS AND MEANS COMMITTEE NO LATER THAN SEPTEMBER FIRST, TWO
49 THOUSAND TWELVE.

50 S 2. This act shall take effect immediately.

51 S 2. Severability clause. If any clause, sentence, paragraph, subdivi-
52 sion, section or part of this act shall be adjudged by any court of

1 competent jurisdiction to be invalid, such judgment shall not affect,
2 impair, or invalidate the remainder thereof, but shall be confined in
3 its operation to the clause, sentence, paragraph, subdivision, section
4 or part thereof directly involved in the controversy in which such judg-
5 ment shall have been rendered. It is hereby declared to be the intent of
6 the legislature that this act would have been enacted even if such
7 invalid provisions had not been included herein.

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