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I N   S E N A T E

January 22, 2013

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A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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 standards for conducting annual professional performance reviews to determine teacher and principal effectiveness; to amend the education law, in relation to making internal audit functions optional by school districts unless an audit by the comptroller reveals deficiencies; contracts for excellence, expenses for computer equipment, accountability of school districts, the financing of charter schools, annual professional performance review plans, apportionment of school aid, calculation of the gap elimination restoration amount and duties of school districts; 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 in relation to extending the expiration of certain provisions; 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; to amend 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; to amend chapter 147 of the laws of 2001 amending the education law relating to conditional appointment of school district, charter school or BOCES employees; to amend 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, to amend chapter 101 of the laws of 2003 amending the education law relating to implementation of the No Child Left Behind Act of 2001, in relation to extending the expiration of certain provisions of such chapters; to

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

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amend chapter 472 of the laws of 1998 amending the education law relating to the lease of school buses by school districts, in relation to extending the provisions of such chapter; in relation to school bus driver training; in relation to the support of public libraries; to provide special apportionment for salary expenses; to provide special apportionment for public pension expenses; in relation to suballocation of certain education department accruals; in relation to purchases by the city school district of Rochester; to amend the education law, in relation to the computation of the school district basic contribution for certain school districts; and providing for the repeal of certain provisions upon expiration thereof (Part A); to amend the education law, in relation to defining "personal income growth index" for purposes of aid calculation for the two thousand fourteen--two thousand fifteen school year; and in relation to eliminating the adjustment of building aid interest; to repeal section 31 of part A of chapter 57 of the laws of 2012 relating to submission of school construction final cost reports, in relation to certain actions and omissions of school districts; and in relation to actions and omissions of any school district which failed to submit a certain final building project cost report; to amend the education law, in relation to removing the requirement for annual visual inspections of school buildings; and in relation to transportation expenses and supplemental valuation impact grants; to amend the education law, in relation to permitting apportionment of state aid where a school was not in session due to extraordinary weather conditions, disasters or emergencies during the two thousand twelve--two thousand thirteen school year; to repeal subdivision 17 of section 1950 of the education law relating to board of cooperative educational services special education space plans; to amend the education law, in relation to transportation after four o'clock in the afternoon; to amend the education law, in relation to local contribution for a child placed in an intermediate care facility, extending the academic freeze with accountability fix, universal pre-kindergarten one hundred eighty day requirement, financial responsibility for special education services, and aid to libraries; to amend chapter 121 of the laws of 1996 relating to authorizing the Roosevelt union free school district to finance deficits by the issuance of serial bonds, in relation to extending certain provisions; to establish a special apportionment for school district salary expenses; to amend the general municipal law, in relation to the employee benefit accrued liability reserve fund; to provide for the payment of the transportation costs to school for children displaced as a result of Hurricane Sandy; and to repeal certain provisions of the education law relating thereto; to amend the education law, in relation to continuing authorization of annual professional performance reviews transition grants; relating to allowable transportation expenses in cities with a population of one million or more; to amend the education law, in relation to applying for waivers from title II of the education law for high performing schools, payments of moneys due for prior years and assumed amortization for school projects; in relation to the chargeback of tuition for a homeless child who attended a public school located outside the state and to amend the education law, in relation to the computation of the school district basic contribution for certain school districts (Part A-1); to amend the education law, in relation to regional secondary schools (Part A-2); to amend the education law and the public authorities law, in relation to the acquisition, design,

construction, reconstruction, rehabilitation, improvement and financing of dormitory facilities for the state university of New York (Part B); 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 New York state higher education matching grant program for independent colleges and the effectiveness thereof (Part C); intentionally omitted (Part D); 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 E); intentionally omitted (Part F); to amend the executive law and the social services law, in relation to consolidating the youth development and delinquency prevention program and the special delinquency prevention program; to repeal certain provisions of the executive law relating thereto; and providing for the repeal of such provisions upon expiration thereof (Part G); intentionally omitted (Part H); intentionally omitted (Part I); to amend the real property tax law, in relation to providing for the registration of recipients of STAR exemptions, and eliminating waste, fraud and abuse in the STAR program (Part J); intentionally omitted (Part K); intentionally omitted (Part L); to utilize reserves in the project pool insurance account of the mortgage insurance fund for various housing purposes (Part M); to amend the labor law, in relation to the powers of the commissioner of labor and to repeal subdivision 17 of section 100 of the economic development law relating to the operation of the state data center (Part N); to amend the labor law, in relation to increasing unemployment insurance benefits and contributions, to entitlement and eligibility criteria, to work search requirements, to relieving employers of charges for separations caused by misconduct and voluntarily leaving employment without good cause, to reduction of benefits based on pensions and dismissal pay, to enhanced penalties, in relation to fraudulently obtained benefits and new penalties for employers who cause overpayments by failing to timely and accurately respond to information about claims, to approving employer shared work benefit plans, and to the interest assessment surcharge; and to amend chapter 62 of the laws of 2003, amending the state finance law and other laws relating to authorizing and directing the state comptroller to loan money to certain funds and accounts, in relation to the effectiveness thereof; to repeal certain provisions of the labor law relating thereto; and providing for the repeal of certain provisions upon expiration thereof (Part O); intentionally omitted (Part P); to amend the civil service law, in relation to extending the effectiveness of provisions establishing dispute resolution during collective negotiations (Part Q); intentionally omitted (Part R); to amend the tax law, the state finance law and the executive law, in relation to gifts for honor and remembrance of veterans, the establishment of the veterans remembrance and cemetery maintenance and operation fund, and to repeal certain provisions of the executive law relating thereto (Part S); to amend the education law, in relation to the establishment of community college regions (Part T); to amend the private housing finance law, in relation to establishing the rural and urban community investment fund program (Part U); to amend the education law, in relation to charges for non-resident students (Part V); to amend chapter 420 of the laws of 2002 amending the education law relating to the profession of social work; chapter 676 of the laws of 2002 amending the education law relating to the practice of psychology; chapter 130 of the laws of

2010 amending the education law and other laws relating to the registration of entities providing certain professional services and the licensure of certain professions, in relation to reporting requirements and expiration dates; and to amend the education law, in relation to licensure and continuing education of social workers and mental health counselors (Part W); to amend the civil service law, in relation to merger of the department of civil service (Part X); to amend the education law and the state finance law, in relation to the student loan linked deposit act (Part Y); to amend the labor law, in relation to the self-employment assistance program; and to amend chapter 413 of the laws of 2003 amending the labor law relating to the self-employment assistance program and other matters, in relation to the effectiveness thereof (Part Z); and to amend the education law, in relation to establishing the remedial education plan and program (Part AA)

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 2013-2014  
3 state fiscal year. Each component is wholly contained within a Part  
4 identified as Parts A through AA. 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.

12 PART A

13 Section 1. 1. As used in this section:

14 a. "APPR past non-compliance penalty" shall mean the sum of the annual  
15 increases in apportionments withheld pursuant to section 1 of part A of  
16 chapter 57 of the laws of 2012 and subdivision 2 of this section for the  
17 base year and each prior school year;

18 b. "base year" shall mean the base year as defined in paragraph b of  
19 subdivision 1 of section 3602 of the education law; and

20 c. "current year" shall mean the current year as defined in paragraph  
21 a of subdivision 1 of section 3602 of the education law.

22 2. Notwithstanding any inconsistent provision of law, no school  
23 district shall be eligible for an apportionment of general support for  
24 public schools from the funds appropriated for the 2013-14 school year  
25 and thereafter in excess of the amount apportioned to such school  
26 district in the base year unless such school district has submitted  
27 documentation that has been approved by the commissioner of education by  
28 September 1 of the current year, demonstrating that it has fully implemented  
29 the standards and procedures for conducting annual professional  
30 performance reviews of classroom teachers and building principals in  
31 accordance with the requirements of section 3012-c of the education law  
32 and the commissioner of education's regulations.

33 3. For the 2013-14 school year and thereafter the apportionment of  
34 general support for public schools from the funds appropriated for the

2013-14 school year and thereafter shall be reduced by the APPR past non-compliance penalty. Such reduction shall not occur prior to April 1 of the current year.

4. If any payments of ineligible amounts pursuant to subdivisions 2 and 3 of this section were made, and the school district has not submitted documentation that has been approved by the commissioner of education by September 1 of the current school year demonstrating that it has fully implemented the standards and procedures for conducting annual professional performance reviews of classroom teachers and building principals in accordance with the requirements of section 3012-c of the education law and the regulations of the commissioner of education, the total amount of such payments shall be deducted by the commissioner of education from future payments to the school district; provided further that, if the amount of the deduction is greater than the sum of the amounts available for such deductions in the applicable school year, 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 subsequent school year.

S 2. Paragraph e 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 2012, is amended to read as follows:

e. Notwithstanding paragraphs a and b of this subdivision, a school district that submitted a contract for excellence for the two thousand eight--two thousand nine school year shall submit a contract for excellence for the two thousand nine--two thousand ten school year in conformity with the requirements of subparagraph (vi) of paragraph a of subdivision two of this section unless all schools in the district are identified as in good standing and provided further that, a school district that submitted a contract for excellence for the two thousand nine--two thousand ten school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand eleven--two thousand twelve school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the product of the amount approved by the commissioner in the contract for excellence for the two thousand nine--two thousand ten school year, multiplied by the district's gap elimination adjustment percentage and provided further that, a school district that submitted a contract for excellence for the two thousand eleven--two thousand twelve school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand twelve--two thousand thirteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand eleven--two thousand twelve school year AND PROVIDED FURTHER THAT, A SCHOOL DISTRICT WITH A POPULATION OF ONE MILLION OR MORE THAT SUBMITTED A CONTRACT FOR EXCELLENCE FOR THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR, UNLESS ALL SCHOOLS IN THE DISTRICT ARE IDENTIFIED AS IN GOOD STANDING, SHALL SUBMIT A CONTRACT FOR EXCELLENCE FOR THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN SCHOOL YEAR WHICH SHALL, NOTWITHSTANDING THE REQUIREMENTS OF SUBPARAGRAPH (VI) OF PARAGRAPH A OF SUBDIVISION TWO OF THIS SECTION, PROVIDE FOR THE EXPENDITURE OF AN AMOUNT WHICH SHALL BE NOT LESS THAN THE AMOUNT APPROVED BY THE COMMISSIONER IN THE CONTRACT FOR EXCELLENCE

1 FOR THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR. For  
2 purposes of this paragraph, the "gap elimination adjustment percentage"  
3 shall be calculated as the sum of one minus the quotient of the sum of  
4 the school district's net gap elimination adjustment for two thousand  
5 ten--two thousand eleven computed pursuant to chapter fifty-three of the  
6 laws of two thousand ten, making appropriations for the support of  
7 government, plus the school district's gap elimination adjustment for  
8 two thousand eleven--two thousand twelve as computed pursuant to chapter  
9 fifty-three of the laws of two thousand eleven, making appropriations  
10 for the support of the local assistance budget, including support for  
11 general support for public schools, divided by the total aid for adjust-  
12 ment computed pursuant to chapter fifty-three of the laws of two thou-  
13 sand eleven, making appropriations for the local assistance budget,  
14 including support for general support for public schools. Provided,  
15 further, that such amount shall be expended to support and maintain  
16 allowable programs and activities approved in the two thousand nine--two  
17 thousand ten school year or to support new or expanded allowable  
18 programs and activities in the current year.

19 S 3. Intentionally omitted.

20 S 4. Subdivisions 1, 2 and 7 of section 2116-b of the education law,  
21 as added by chapter 263 of the laws of 2005, are amended and a new  
22 subdivision 8 is added to read as follows:

23 1. No later than July first, two thousand six, each school district  
24 shall establish an internal audit function to be in operation no later  
25 than the following December thirty-first. Such function shall include:  
26 (a) development of a risk assessment of district operations, including  
27 but not limited to, a review of financial policies and procedures and  
28 the testing and evaluation of district internal controls; (b) [an annu-  
29 al] A review and update of such risk assessment; and (c) preparation of  
30 reports[, at least annually or more frequently as the trustees or board  
31 of education may direct,] which analyze significant risk assessment  
32 findings, recommend changes for strengthening controls and reducing  
33 identified risks, and specify timeframes for implementation of such  
34 recommendations.

35 2. School districts of less than eight teachers, school districts with  
36 actual general fund expenditures totaling less than five million dollars  
37 in the previous school year, or school districts with actual enrollment  
38 of less than three hundred students in the previous school year shall be  
39 exempt from this requirement. Any school district claiming such  
40 exemption shall [annually]certify to the commissioner that such school  
41 district meets the requirements set forth in this subdivision.

42 7. Nothing in this section shall be construed as requiring a school  
43 district in any city with a population of one hundred twenty-five thou-  
44 sand or more to replace or modify an existing internal audit function  
45 where such function already exists by special or local law, so long as  
46 the superintendent of the district [annually] certifies to the commis-  
47 sioner that the existing internal audit function meets or exceeds the  
48 requirements of this section.

49 8. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE  
50 INTERNAL AUDIT FUNCTION ESTABLISHED PURSUANT TO THIS SECTION SHALL BE  
51 OPTIONAL BY ALL SCHOOL DISTRICTS UNLESS THE COMPTROLLER FINDS DEFICIEN-  
52 CIES IN THE AUDIT PERFORMED PURSUANT TO SECTION THIRTY-THREE OF THE  
53 GENERAL MUNICIPAL LAW. IF DEFICIENCIES ARE FOUND BY THE COMPTROLLER,  
54 SCHOOL DISTRICTS SHALL PERFORM BI-ANNUAL INTERNAL AUDITS UNTIL THE COMP-  
55 TROLLER CONDUCTS ANOTHER AUDIT OF SUCH SCHOOL DISTRICT.

1 S 5. Paragraph (a) of subdivision 1 of section 2856 of the education  
2 law, as amended by section 21 of part A of chapter 58 of the laws of  
3 2011, is amended to read as follows:

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

14 (i) for school years prior to the two thousand nine--two thousand ten  
15 school year and for school years following the [two thousand twelve--two  
16 thousand thirteen] TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN school  
17 year, an amount equal to one hundred percent of the amount calculated  
18 pursuant to paragraph f of subdivision one of section thirty-six hundred  
19 two of this chapter for the school district for the year prior to the  
20 base year increased by the percentage change in the state total approved  
21 operating expense calculated pursuant to paragraph t of subdivision one  
22 of section thirty-six hundred two of this chapter from two years prior  
23 to the base year to the base year;

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

28 (iii) for the two thousand ten--two thousand eleven through [two thou-  
29 sand twelve--two thousand thirteen] TWO THOUSAND THIRTEEN--TWO THOUSAND  
30 FOURTEEN school years, the charter school basic tuition shall be the  
31 basic tuition computed for the two thousand ten--two thousand eleven  
32 school year pursuant to the provisions of subparagraph (i) of this para-  
33 graph.

34 S 6. Paragraph (a) of subdivision 1 of section 2856 of the education  
35 law, as amended by section 22 of part A of chapter 58 of the laws of  
36 2011, is amended to read as follows:

37 (a) The enrollment of students attending charter schools shall be  
38 included in the enrollment, attendance and, if applicable, count of  
39 students with disabilities of the school district in which the pupil  
40 resides. The charter school shall report all such data to the school  
41 districts of residence in a timely manner. Each school district shall  
42 report such enrollment, attendance and count of students with disabili-  
43 ties to the department. The school district of residence shall pay  
44 directly to the charter school for each student enrolled in the charter  
45 school who resides in the school district the charter school basic  
46 tuition which shall be:

47 (i) for school years prior to the two thousand nine--two thousand ten  
48 school year and for school years following the [two thousand twelve--two  
49 thousand thirteen] TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN school  
50 year, an amount equal to one hundred percent of the amount calculated  
51 pursuant to paragraph f of subdivision one of section thirty-six hundred  
52 two of this chapter for the school district for the year prior to the  
53 base year increased by the percentage change in the state total approved  
54 operating expense calculated pursuant to paragraph t of subdivision one  
55 of section thirty-six hundred two of this chapter from two years prior  
56 to the base year to the base year;

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

(iii) for the two thousand ten--two thousand eleven through [two thousand twelve--two thousand thirteen] TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN school years, the charter school basic tuition shall be the basic tuition computed for the two thousand ten--two thousand eleven school year pursuant to the provisions of subparagraph (i) of this paragraph.

S 7. Subdivision 2 of section 3012-c of the education law is amended by adding two new paragraphs l and m to read as follows:

L. (1) NOTWITHSTANDING ANY PROVISION OF LAW, RULE OR REGULATION TO THE CONTRARY, IF A SCHOOL DISTRICT DID NOT HAVE AN ANNUAL PROFESSIONAL PERFORMANCE REVIEW PLAN APPROVED BY THE COMMISSIONER OR DETERMINED PURSUANT TO THIS PARAGRAPH IN PLACE ON OR BEFORE JANUARY SEVENTEENTH, TWO THOUSAND THIRTEEN AND AS OF THE WEDNESDAY FOLLOWING THE FIRST FRIDAY IN MAY, SUCH SCHOOL DISTRICT AND THE COLLECTIVE BARGAINING REPRESENTATIVES REPRESENTING CLASSROOM TEACHERS OR BUILDING PRINCIPALS SHALL SUBMIT WRITTEN EXPLANATIONS OF THEIR RESPECTIVE POSITIONS REGARDING SUCH ISSUES TO THE COMMISSIONER BY SUCH DATE.

(2) IF SUCH SCHOOL DISTRICTS DO NOT HAVE AN ANNUAL PROFESSIONAL PERFORMANCE REVIEW PLAN APPROVED BY THE COMMISSIONER OR DETERMINED PURSUANT TO THIS PARAGRAPH IN PLACE ON OR BEFORE THE WEDNESDAY PRECEDING THE LAST FRIDAY IN MAY, THE COMMISSIONER SHALL ARBITRATE SUCH DISPUTE AND SHALL HOLD NO MORE THAN TWO DAYS OF HEARINGS ON THE STANDARDS AND PROCEDURES NECESSARY TO IMPLEMENT AN ANNUAL PROFESSIONAL PERFORMANCE REVIEW PLAN PURSUANT TO THIS SECTION. THE PARTIES MAY BE HEARD EITHER IN PERSON, BY COUNSEL, OR BY SUCH REPRESENTATIVES AS THEY MAY DESIGNATE. THE PARTIES MAY PRESENT, ORALLY OR IN WRITING, STATEMENTS OF FACT, SUPPORTING WITNESSES AND OTHER EVIDENCE, AND ARGUMENTS. THE COMMISSIONER MAY REQUIRE THE PRODUCTION OF SUCH ADDITIONAL EVIDENCE FROM THE PARTIES AND SHALL PROVIDE, AT THE REQUEST OF EITHER PARTY, THAT A FULL AND COMPLETE RECORD BE KEPT OF ANY SUCH HEARINGS, THE COST OF SUCH RECORD TO BE SHARED EQUALLY BY THE PARTIES.

(3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION TO THE CONTRARY, AFTER SUCH HEARING, THE COMMISSIONER SHALL RENDER A FINAL AND BINDING WRITTEN DETERMINATION ON OR BEFORE JUNE FIRST, PRESCRIBING SUCH STANDARDS AND PROCEDURES NECESSARY TO IMPLEMENT AN ANNUAL PROFESSIONAL PERFORMANCE REVIEW PLAN PURSUANT TO THIS SECTION EFFECTIVE FOR THE FOLLOWING SCHOOL YEAR FOR A TERM TO BE DETERMINED BY THE COMMISSIONER. SUCH DETERMINATION SHALL BE LIMITED TO THE REQUIREMENTS OF THIS SECTION. THE COMMISSIONER SHALL SPECIFY IN HIS OR HER DETERMINATION THE BASIS FOR HIS OR HER FINDINGS, TAKING INTO CONSIDERATION ALL RELEVANT FACTORS, INCLUDING THE BEST INTEREST OF STUDENTS. SUCH DETERMINATION SHALL BE DEEMED TO CONSTITUTE THE SUBMISSION BY SUCH SCHOOL DISTRICT OF DOCUMENTATION DEMONSTRATING THAT IT HAS FULLY IMPLEMENTED THE STANDARDS AND PROCEDURES FOR CONDUCTING ANNUAL PROFESSIONAL PERFORMANCE REVIEWS OF CLASSROOM TEACHERS AND BUILDING PRINCIPALS IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION AND FINAL APPROVAL OF SUCH SCHOOL DISTRICT'S ANNUAL PROFESSIONAL PERFORMANCE REVIEW PLAN IN ACCORDANCE WITH PARAGRAPH K OF THIS SUBDIVISION.

(4) NO LATER THAN TEN DAYS AFTER RECEIPT OF THE COMMISSIONER'S DETERMINATION, THE PARTIES MAY MAKE AN APPLICATION TO THE NEW YORK STATE SUPREME COURT TO VACATE OR MODIFY THE DETERMINATION OF THE COMMISSIONER PURSUANT TO SECTION SEVENTY-FIVE HUNDRED ELEVEN OF THE CIVIL PRACTICE

LAW AND RULES. THE COURT'S REVIEW SHALL BE LIMITED TO THE GROUNDS SET FORTH IN SUCH SECTION. THE COMMISSIONER'S DETERMINATION SHALL BE DEEMED TO BE FINAL FOR THE PURPOSE OF SUCH PROCEEDING. IN NO CASE SHALL THE FILING OR THE PENDENCY OF AN APPEAL DELAY THE IMPLEMENTATION OF THE COMMISSIONER'S DETERMINATION.

M. (1) NOTWITHSTANDING ANY PROVISION OF LAW, RULE OR REGULATION TO THE CONTRARY, IF A SCHOOL DISTRICT DOES NOT HAVE AN ANNUAL PROFESSIONAL PERFORMANCE REVIEW PLAN APPROVED BY THE COMMISSIONER OR DETERMINED PURSUANT TO THIS PARAGRAPH IN PLACE ON OR BEFORE JULY FIRST FOR THE CURRENT SCHOOL YEAR, SUCH SCHOOL DISTRICT AND THE COLLECTIVE BARGAINING REPRESENTATIVES REPRESENTING CLASSROOM TEACHERS OR BUILDING PRINCIPALS SHALL SUBMIT WRITTEN EXPLANATIONS OF THEIR RESPECTIVE POSITIONS REGARDING SUCH ISSUES TO THE COMMISSIONER BY SUCH DATE.

(2) IF SUCH SCHOOL DISTRICT DOES NOT HAVE AN ANNUAL PROFESSIONAL PERFORMANCE REVIEW PLAN APPROVED BY THE COMMISSIONER OR DETERMINED PURSUANT TO THIS PARAGRAPH IN PLACE ON OR BEFORE JULY FIRST FOR THE CURRENT SCHOOL YEAR, THE COMMISSIONER SHALL ARBITRATE SUCH DISPUTE AND SHALL PROVIDE FOR THE STANDARDS AND PROCEDURES NECESSARY TO ARBITRATE AND IMPLEMENT AN ANNUAL PROFESSIONAL PERFORMANCE REVIEW PLAN PURSUANT TO THIS SECTION. THE PARTIES MAY BE HEARD EITHER IN PERSON, BY COUNSEL, OR BY SUCH REPRESENTATIVES AS THEY MAY DESIGNATE. THE PARTIES MAY PRESENT, ORALLY OR IN WRITING, STATEMENTS OF FACT, SUPPORTING WITNESSES AND OTHER EVIDENCE, AND ARGUMENTS. THE COMMISSIONER MAY REQUIRE THE PRODUCTION OF SUCH ADDITIONAL EVIDENCE FROM THE PARTIES AND SHALL PROVIDE, AT THE REQUEST OF EITHER PARTY, THAT A FULL AND COMPLETE RECORD BE KEPT OF ANY PROCEEDINGS AND MATERIAL SUBMITTED, THE COST OF SUCH RECORD TO BE SHARED EQUALLY BY THE PARTIES.

(3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION TO THE CONTRARY, THE COMMISSIONER SHALL RENDER A FINAL AND BINDING WRITTEN DETERMINATION ON OR BEFORE SEPTEMBER FIRST, PRESCRIBING SUCH STANDARDS AND PROCEDURES NECESSARY TO IMPLEMENT AN ANNUAL PROFESSIONAL PERFORMANCE REVIEW PLAN PURSUANT TO THIS SECTION EFFECTIVE FOR THE FOLLOWING SCHOOL YEAR FOR A TERM TO BE DETERMINED BY THE COMMISSIONER. SUCH DETERMINATION SHALL BE LIMITED TO THE REQUIREMENTS OF THIS SECTION. THE COMMISSIONER SHALL SPECIFY IN HIS OR HER DETERMINATION THE BASIS FOR HIS OR HER FINDINGS, TAKING INTO CONSIDERATION ALL RELEVANT FACTORS, INCLUDING THE BEST INTEREST OF STUDENTS. SUCH DETERMINATION SHALL BE DEEMED TO CONSTITUTE THE SUBMISSION BY SUCH SCHOOL DISTRICT OF DOCUMENTATION DEMONSTRATING THAT IT HAS FULLY IMPLEMENTED THE STANDARDS AND PROCEDURES FOR CONDUCTING ANNUAL PROFESSIONAL PERFORMANCE REVIEWS OF CLASSROOM TEACHERS AND BUILDING PRINCIPALS IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION AND FINAL APPROVAL OF SUCH SCHOOL DISTRICT'S ANNUAL PROFESSIONAL PERFORMANCE REVIEW PLAN IN ACCORDANCE WITH PARAGRAPH K OF THIS SUBDIVISION.

(4) NO LATER THAN TEN DAYS AFTER RECEIPT OF THE COMMISSIONER'S DETERMINATION, THE PARTIES MAY MAKE AN APPLICATION TO THE NEW YORK STATE SUPREME COURT TO VACATE OR MODIFY THE DETERMINATION OF THE COMMISSIONER PURSUANT TO SECTION SEVENTY-FIVE HUNDRED ELEVEN OF THE CIVIL PRACTICE LAW AND RULES. THE COURT'S REVIEW SHALL BE LIMITED TO THE GROUNDS SET FORTH IN SUCH SECTION. THE COMMISSIONER'S DETERMINATION SHALL BE DEEMED TO BE FINAL FOR THE PURPOSE OF SUCH PROCEEDING. IN NO CASE SHALL THE FILING OR THE PENDENCY OF AN APPEAL DELAY THE IMPLEMENTATION OF THE COMMISSIONER'S DETERMINATION.

S 8. The closing paragraph of subdivision 5-a of section 3602 of the education law, as amended by section 27 of part A of chapter 58 of the laws of 2011, is amended to read as follows:

1 For the two thousand eight--two thousand nine school year, each school  
2 district shall be entitled to an apportionment equal to the product of  
3 fifteen percent and the additional apportionment computed pursuant to  
4 this subdivision for the two thousand seven--two thousand eight school  
5 year. For the two thousand nine--two thousand ten through two thousand  
6 [twelve] FOURTEEN--two thousand [thirteen] FIFTEEN school years, each  
7 school district shall be entitled to an apportionment equal to the  
8 amount set forth for such school district as "SUPPLEMENTAL PUB EXCESS  
9 COST" under the heading "2008-09 BASE YEAR AIDS" in the school aid  
10 computer listing produced by the commissioner in support of the budget  
11 for the two thousand nine--two thousand ten school year and entitled  
12 "SA0910".

13 S 9. Subdivision 9 of section 3602 of the education law, as amended by  
14 section 16 of part B of chapter 57 of the laws of 2007, is amended to  
15 read as follows:

16 9. Aid for conversion to full day kindergarten. School districts may  
17 make available full day kindergarten programs for all children wishing  
18 to attend such programs[,]. For aid payable in the two thousand seven-  
19 -two thousand eight school year and thereafter, school districts which  
20 provided any half-day kindergarten programs or had no kindergarten  
21 programs in the nineteen hundred ninety-six--ninety-seven school year  
22 and in the base year, AND WHICH HAVE NOT RECEIVED AN APPORTIONMENT  
23 PURSUANT TO THIS PARAGRAPH IN ANY PRIOR SCHOOL YEAR, shall be eligible  
24 for aid equal to the product of the district's selected foundation aid  
25 calculated pursuant to subdivision four of this section multiplied by  
26 the positive difference resulting when the full day kindergarten enroll-  
27 ment of children attending programs in the district in the base year is  
28 subtracted from such enrollment in the current year.

29 S 10. Subdivision 12 of section 3602 of the education law, as amended  
30 by section 35 of part A of chapter 58 of the laws of 2011, is amended to  
31 read as follows:

32 12. Academic enhancement aid. A school district that as of April first  
33 of the base year has been continuously identified as a district in need  
34 of improvement AND/OR A FOCUS DISTRICT for at least five years shall,  
35 for the two thousand eight--two thousand nine school year, be entitled  
36 to an additional apportionment equal to the positive remainder, if any,  
37 of (a) the lesser of fifteen million dollars or the product of the total  
38 foundation aid base, as defined by paragraph j of subdivision one of  
39 this section, multiplied by ten percent (0.10), less (b) the positive  
40 remainder of (i) the sum of the total foundation aid apportioned pursu-  
41 ant to subdivision four of this section and the supplemental educational  
42 improvement grants apportioned pursuant to subdivision eight of section  
43 thirty-six hundred forty-one of this article, less (ii) the total foun-  
44 dation aid base.

45 For the two thousand nine--two thousand ten through two thousand  
46 [twelve] FOURTEEN--two thousand [thirteen] FIFTEEN school years, each  
47 school district shall be entitled to an apportionment equal to the  
48 amount set forth for such school district as "EDUCATION GRANTS, ACADEMIC  
49 EN" under the heading "2008-09 BASE YEAR AIDS" in the school aid comput-  
50 er listing produced by the commissioner in support of the budget for the  
51 two thousand nine--two thousand ten school year and entitled "SA0910",  
52 and such apportionment shall be deemed to satisfy the state obligation  
53 to provide an apportionment pursuant to subdivision eight of section  
54 thirty-six hundred forty-one of this article.

55 S 11. Subdivision 16 of section 3602 of the education law, as amended  
56 by section 18 of part B of chapter 57 of the laws of 2008, the opening

paragraph as amended by section 36 of part A of chapter 58 of the laws of 2011, subparagraph 1 of paragraph a as further amended by section 1 of part W of chapter 56 of the laws of 2010, is amended to read as follows:

16. High tax aid. Each school district shall be eligible to receive a high tax aid apportionment in the two thousand [eight] THIRTEEN--two thousand [nine] FOURTEEN school year, which shall equal the greater of (i) the sum of the tier 1 high tax aid apportionment[,] AND the tier 2 high tax aid apportionment [and the tier 3 high tax aid apportionment] or (ii) [the product of] the [apportionment received by the school district pursuant to this subdivision in the two thousand seven--two thousand eight school year, multiplied by the due-minimum factor, which shall equal, for districts with an alternate pupil wealth ratio computed pursuant to paragraph b of subdivision three of this section that is less than two, seventy percent (0.70), and for all other districts, fifty percent (0.50)]. Each school district shall be eligible to receive a high tax aid apportionment in the two thousand nine--two thousand ten through two thousand twelve--two thousand thirteen school years in the amount set forth for such school district as "HIGH TAX AID" under the heading "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand nine--two thousand ten school year and entitled "SA0910".] AMOUNT SET FORTH FOR SUCH SCHOOL DISTRICT AS "HIGH TAX AID" UNDER THE HEADING "2012-13 ESTIMATED AIDS" IN THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE BUDGET FOR THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR AND ENTITLED "SA121-3".

IN THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR AND THEREAFTER, EACH SCHOOL DISTRICT SHALL BE ELIGIBLE TO RECEIVE A HIGH TAX AID APPORTIONMENT IN THE AMOUNT SET FORTH FOR SUCH SCHOOL DISTRICT AS "HIGH TAX AID" UNDER THE HEADING "2013-14 ESTIMATED AIDS" IN THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET REQUEST SUBMITTED FOR THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN STATE FISCAL YEAR AND ENTITLED "SABT131-4".

a. Definitions. (1) "Residential real property tax levy" shall mean the school tax levy imposed on residential property, including condominium properties, in the year commencing in the calendar year two years prior to the calendar year in which the base year began. The final update of such data shall be reported by the commissioner of taxation and finance to the commissioner by February fifteenth of the base year. The commissioner of taxation and finance shall adopt regulations as appropriate to assure the appropriate collection, classification and reporting of such data for the purposes of paying state aid to the schools.

(2) "Adjusted gross income" shall mean the adjusted gross income of a school district as used in computation of the district's alternate pupil wealth ratio pursuant to paragraph b of subdivision three of this section, provided, however, that for the computation of apportionments pursuant to this subdivision, the adjusted gross income of a central high school district shall not equal the sum of the adjusted gross income of each of its component school districts.

(3) "Tax effort ratio" shall mean the quotient of the district's residential real property tax levy divided by the district's adjusted gross income computed to five decimals without rounding.

(4) "Tier 1 eligible school district" shall mean any school district in which (i) the income wealth index, as computed pursuant to paragraph d of subdivision three of this section, is less than [two and one-half]

1 NINE HUNDRED AND FIFTY-FIVE THOUSANDTHS (.955), and (ii) the expense per  
2 pupil, as computed pursuant to paragraph f of subdivision one of this  
3 section, is greater than NINETY-FIVE AND FIVE-TENTHS PERCENT (.955) OF  
4 the statewide average expense per pupil as computed pursuant to subdivi-  
5 sion five of this section, and (iii) the tax effort ratio is greater  
6 than [three and two-tenths percent (0.032)] FOUR AND FIVE-TENTHS PERCENT  
7 (.045). For the [two thousand eight--two thousand nine] TWO THOUSAND  
8 THIRTEEN--TWO THOUSAND FOURTEEN school year, for the purpose of comput-  
9 ing aid pursuant to this subdivision, the statewide average expense per  
10 pupil shall be [ten thousand six hundred fifty dollars] TWELVE THOUSAND  
11 FIVE HUNDRED DOLLARS.

12 (5) "Tier 2 eligible school district" shall mean any school district  
13 in which the tax effort ratio is greater than five AND FIVE-TENTHS  
14 percent (.055).

15 [(6) "Tier 3 eligible school district" shall mean any school district  
16 in which (i) the quotient of (a) the actual valuation of the school  
17 district divided by its total wealth pupil units computed pursuant to  
18 subparagraph one of paragraph a of subdivision three of this section,  
19 divided by (b) the adjusted gross income of a school district divided by  
20 its total wealth pupil units computed pursuant to subparagraph one of  
21 paragraph b of subdivision three of this section, is greater than four  
22 and sixty-two hundredths (4.62), (ii) the combined wealth ratio computed  
23 pursuant to subparagraph one of paragraph c of subdivision three of this  
24 section is less than six, and (iii) the regional cost index determined  
25 pursuant to subparagraph two of paragraph a of subdivision four of this  
26 section is greater than one and three-tenths (1.3).]

27 b. Tier 1 high tax aid apportionment. For any tier 1 eligible school  
28 district, the tier 1 high tax aid apportionment shall be [the greater of  
29 (1)] the product of the public school district enrollment of the  
30 district in the base year, as computed pursuant to subparagraph two of  
31 paragraph n of subdivision one of this section, multiplied by the prod-  
32 uct of four hundred [fifty] SEVENTY-FIVE dollars multiplied by the state  
33 sharing ratio[, or (2) one hundred thousand dollars] COMPUTED PURSUANT  
34 TO PARAGRAPH G OF SUBDIVISION THREE OF THIS SECTION.

35 c. Tier 2 high tax aid apportionment. For any tier 2 eligible school  
36 district, the tier 2 high tax aid apportionment shall be the product of  
37 (i) the public school district enrollment of the district in the base  
38 year, as computed pursuant to subparagraph two of paragraph n of subdivi-  
39 sion one of this section, multiplied by (ii) one hundred [eighty-one]  
40 NINETY-FIVE thousandths [(0.181)] (0.195) multiplied by (iii) the posi-  
41 tive difference, if any, of the expense per pupil, as computed pursuant  
42 to paragraph f of subdivision one of this section, less [ten thousand  
43 six hundred sixty] THIRTEEN THOUSAND ONE HUNDRED TWENTY-FIVE dollars,  
44 multiplied by (iv) an aid ratio computed by subtracting from one AND  
45 THIRTY-SEVEN HUNDREDTHS (1.37) the product obtained by multiplying the  
46 alternate pupil wealth ratio computed pursuant to subparagraph one of  
47 paragraph b of subdivision three of this section by [sixty percent] ONE  
48 AND TWENTY-THREE HUNDREDTHS (1.23), provided, however, that such aid  
49 ratio shall not be less than zero nor greater than one, multiplied by  
50 (v) the regional cost index COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF  
51 PARAGRAPH A OF SUBDIVISION FOUR OF THIS SECTION.

52 [d. Tier 3 high tax aid apportionment. For any tier 3 eligible school  
53 district, the tier 3 high tax aid apportionment shall be the product of  
54 (i) the public school district enrollment of the district in the base  
55 year, as computed pursuant to subparagraph two of paragraph n of subdivi-

vision one of this section, multiplied by (ii) fifty-two dollars, multiplied by (iii) the regional cost index.]

S 12. Paragraph (e) of subdivision 17 of section 3602 of the education law, as added by section 6 of part A of chapter 57 of the laws of 2012, is amended and three new paragraphs f, g and h are added to read as follows:

[(e)] E. The gap elimination adjustment restoration amount for the two thousand thirteen--two thousand fourteen school year and thereafter [shall equal the product of the gap elimination percentage for such district and the gap elimination adjustment restoration allocation established pursuant to subdivision eighteen of this section] SHALL BE COMPUTED BASED ON AN ELECTRONIC DATA FILE USED TO PRODUCE THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE ENACTED BUDGET FOR THE 2013-2014 STATE FISCAL YEAR AND ENTITLED "SA131-4" AND SHALL EQUAL THE SUM OF:

(I) THE "TIER 1 RESTORATION" WHICH SHALL MEAN THE SUM OF (A) THE GREATER OF: (A) THE PRODUCT OF (1) THE PRODUCT OF THE EXTRAORDINARY NEEDS INDEX MULTIPLIED BY TWO HUNDRED TEN DOLLARS AND TWENTY CENTS COMPUTED TO TWO DECIMAL PLACES WITHOUT ROUNDING, MULTIPLIED BY (2) THE STATE SHARING RATIO COMPUTED PURSUANT TO PARAGRAPH G OF SUBDIVISION THREE OF THIS SECTION MULTIPLIED BY (3) THE PUBLIC SCHOOL DISTRICT ENROLLMENT FOR THE BASE YEAR, CALCULATED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION, WHERE THE EXTRAORDINARY NEEDS INDEX SHALL BE THE QUOTIENT OF THE EXTRAORDINARY NEEDS PERCENT FOR THE DISTRICT COMPUTED PURSUANT TO PARAGRAPH W OF SUBDIVISION ONE OF THIS SECTION DIVIDED BY FIVE HUNDRED THIRTY-FOUR ONE-THOUSANDTHS (.534); OR (B) THE PRODUCT OF FORTY PERCENT (0.40) MULTIPLIED BY THE GAP ELIMINATION ADJUSTMENT RESTORATION FOR THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR COMPUTED PURSUANT TO PARAGRAPH D OF THIS SUBDIVISION AND (B) THE PRODUCT OF (1) THE POSITIVE DIFFERENCE, IF ANY, OF ONE AND THIRTY-SEVEN ONE-HUNDREDTHS (1.37) MINUS THE PRODUCT OF THE COMBINED WEALTH RATIO COMPUTED PURSUANT TO SUBPARAGRAPH ONE OF PARAGRAPH C OF SUBDIVISION THREE OF THIS SECTION MULTIPLIED BY ONE AND TWENTY-THREE HUNDREDTHS (1.23), MULTIPLIED BY (2) THE PUBLIC SCHOOL DISTRICT ENROLLMENT FOR THE BASE YEAR, CALCULATED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION, MULTIPLIED BY (3) FIFTY DOLLARS; BUT SHALL BE NO GREATER THAN THE PRODUCT OF FORTY-TWO AND FIVE-TENTHS PERCENT (0.425) AND THE GAP ELIMINATION ADJUSTMENT FOR THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR FOR THE DISTRICT AND SHALL BE NO LESS THAN THE AMOUNT SET FORTH FOR SUCH SCHOOL DISTRICT AS "GEA RESTORATION" UNDER THE HEADING "2013-14 ESTIMATED AIDS" IN THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET REQUEST SUBMITTED FOR THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN STATE FISCAL YEAR AND ENTITLED "BT131-4"; AND

(II) THE "TIER 2 RESTORATION" WHICH SHALL MEAN FOR DISTRICTS WITH (1) A COMBINED WEALTH RATIO OF LESS THAN ONE AND THIRTY-TWO HUNDREDTHS (1.32) AND (2) AN ENROLLMENT PER SQUARE MILE WHICH SHALL BE THE QUOTIENT, COMPUTED TO TWO DECIMALS WITHOUT ROUNDING, OF THE PUBLIC SCHOOL ENROLLMENT OF THE SCHOOL DISTRICT ON THE DATE ENROLLMENT WAS COUNTED IN ACCORDANCE WITH SUBDIVISION ONE OF THIS SECTION FOR THE BASE YEAR DIVIDED BY THE SQUARE MILES OF THE DISTRICT, AS DETERMINED BY THE COMMISSIONER, OF LESS THAN ONE HUNDRED AND TWENTY AND (3) DESIGNATED AS HIGH NEED OR AVERAGE NEED PURSUANT TO CLAUSE (C) OF SUBPARAGRAPH TWO OF PARAGRAPH C OF SUBDIVISION SIX OF THIS SECTION FOR THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE ENACTED

1 BUDGET FOR THE TWO THOUSAND SEVEN--TWO THOUSAND EIGHT SCHOOL YEAR AND  
2 ENTITLED "SA0708" AND (4) A TIER ONE RESTORATION WHICH EQUALS LESS THAN  
3 TWENTY-EIGHT PERCENT (.28) OF THE GAP ELIMINATION ADJUSTMENT FOR THE TWO  
4 THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR AS COMPUTED BASED ON  
5 AN ELECTRONIC DATA FILE USED TO PRODUCE THE SCHOOL AID COMPUTER LISTING  
6 PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE ENACTED BUDGET FOR THE  
7 TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN STATE FISCAL YEAR AND ENTI-  
8 TLED "SA121-3", THE POSITIVE DIFFERENCE IF ANY, OF THE PRODUCT OF TWEN-  
9 TY-EIGHT PERCENT (0.28) MULTIPLIED BY THE GAP ELIMINATION ADJUSTMENT FOR  
10 THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR AS COMPUTED  
11 BASED ON AN ELECTRONIC DATA FILE USED TO PRODUCE THE SCHOOL AID COMPUTER  
12 LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE ENACTED BUDGET  
13 FOR THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN STATE FISCAL YEAR AND  
14 ENTITLED "SA121-3" MINUS THE TIER 1 RESTORATION; AND

15 (III) THE "TIER 3 RESTORATION" SHALL MEAN (1) FOR DISTRICTS WITH A  
16 COMBINED WEALTH RATIO OF LESS THAN ONE AND TWO TENTHS (1.2) AND WHERE  
17 THE QUOTIENT OF THE POSITIVE DIFFERENCE OF THE GAP ELIMINATION ADJUST-  
18 MENT FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR AS  
19 COMPUTED BASED ON AN ELECTRONIC DATA FILE USED TO PRODUCE THE SCHOOL AID  
20 COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE ENACTED  
21 BUDGET FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE STATE FISCAL  
22 YEAR AND ENTITLED "SA111-2" MINUS THE GAP ELIMINATION ADJUSTMENT FOR THE  
23 TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR AS COMPUTED BASED  
24 ON AN ELECTRONIC DATA FILE USED TO PRODUCE THE SCHOOL AID COMPUTER LIST-  
25 ING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE ENACTED BUDGET FOR  
26 THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN STATE FISCAL YEAR AND  
27 ENTITLED "SA121-3" DIVIDED BY THE GAP ELIMINATION ADJUSTMENT FOR THE TWO  
28 THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR AS COMPUTED BASED ON AN  
29 ELECTRONIC DATA FILE USED TO PRODUCE THE SCHOOL AID COMPUTER LISTING  
30 PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE ENACTED BUDGET FOR THE  
31 TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE STATE FISCAL YEAR AND ENTITLED  
32 "SA111-2" IS LESS THAN OR EQUAL TO SEVENTY-FIVE HUNDREDTHS (.075), THE  
33 POSITIVE DIFFERENCE OF THE PRODUCT OF TWENTY PERCENT (.20) MULTIPLIED BY  
34 THE GAP ELIMINATION ADJUSTMENT FOR THE 2012-2013 SCHOOL YEAR AS COMPUTED  
35 BASED ON AN ELECTRONIC DATA FILE USED TO PRODUCE THE SCHOOL AID COMPUTER  
36 LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE ENACTED BUDGET  
37 FOR THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN STATE FISCAL YEAR AND  
38 ENTITLED "SA121-3" MINUS THE SUM OF THE TIER 1 RESTORATION AND THE TIER  
39 2 RESTORATION; OR (2) FOR ALL OTHER SCHOOL DISTRICTS THE POSITIVE  
40 DIFFERENCE OF THE PRODUCT OF TEN AND EIGHT TENTHS PERCENT (.108) MULTI-  
41 PLIED BY THE GAP ELIMINATION ADJUSTMENT FOR THE TWO THOUSAND TWELVE --  
42 TWO THOUSAND THIRTEEN SCHOOL YEAR AS COMPUTED BASED ON AN ELECTRONIC  
43 DATA FILE USED TO PRODUCE THE SCHOOL AID COMPUTER LISTING PRODUCED BY  
44 THE COMMISSIONER IN SUPPORT OF THE ENACTED BUDGET FOR THE TWO THOUSAND  
45 TWELVE--TWO THOUSAND THIRTEEN STATE FISCAL YEAR AND ENTITLED "SA121-3"  
46 MINUS THE SUM OF THE TIER 1 RESTORATION AND THE TIER 2 RESTORATION; AND

47 (IV) FOR SCHOOL DISTRICTS DESIGNATED AS HIGH NEED URBAN-SUBURBAN AND  
48 HIGH NEED RURAL PURSUANT TO CLAUSE (C) OF SUBPARAGRAPH TWO OF PARAGRAPH  
49 C OF SUBDIVISION SIX OF THIS SECTION DESIGNATED AS CODES "1", "3" AND  
50 "4" FOR THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN  
51 SUPPORT OF THE ENACTED BUDGET FOR THE TWO THOUSAND SEVEN--TWO THOUSAND  
52 EIGHT SCHOOL YEAR AND ENTITLED "SA0708", THE PRODUCT OF (A) ONE HUNDRED  
53 TEN DOLLARS (\$110), MULTIPLIED BY (B) THE BASE YEAR PUBLIC SCHOOL  
54 DISTRICT ENROLLMENT, AS COMPUTED PURSUANT TO PARAGRAPH N OF SUBDIVISION  
55 ONE OF THIS SECTION; AND

1 (V) FOR SCHOOL DISTRICTS THAT ARE (1) DESIGNATED AS LOW OR AVERAGE  
2 NEED PURSUANT TO CLAUSE (C) OF SUBPARAGRAPH TWO OF PARAGRAPH C OF SUBDI-  
3 VISION SIX OF THIS SECTION FOR THE SCHOOL AID COMPUTER LISTING PRODUCED  
4 BY THE COMMISSIONER IN SUPPORT OF THE ENACTED BUDGET FOR THE TWO THOU-  
5 SAND SEVEN--TWO THOUSAND EIGHT SCHOOL YEAR AND ENTITLED "SA0708" AND (2)  
6 DESIGNATED AS HIGH NEED PURSUANT TO THE REGULATIONS OF THE COMMISSIONER  
7 IN THE MOST RECENTLY AVAILABLE STUDY INCLUDED IN THE SCHOOL AID COMPUTER  
8 LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE ENACTED BUDGET  
9 FOR THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN STATE FISCAL YEAR  
10 AND ENTITLED "SA131-4", THE POSITIVE DIFFERENCE OF THE AMOUNT SET FORTH  
11 FOR SUCH SCHOOL DISTRICT AS "GAP ELIMINATION ADJUSTMENT" UNDER THE HEAD-  
12 ING "2011-12 BASE YEAR AIDS" IN THE SCHOOL AID COMPUTER LISTING PRODUCED  
13 BY THE COMMISSIONER IN SUPPORT OF THE ENACTED BUDGET FOR THE TWO THOU-  
14 SAND TWELVE--TWO THOUSAND THIRTEEN STATE FISCAL YEAR AND ENTITLED  
15 "SA121-3" MINUS THE PRODUCT OF SIX AND EIGHT-TENTHS PERCENT (0.068)  
16 MULTIPLIED BY THE TOTAL GENERAL FUND EXPENDITURES OF SUCH SCHOOL  
17 DISTRICT FOR THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN SCHOOL YEAR; AND

18 (VI) FOR A DISTRICT DESIGNATED AS AVERAGE NEED PURSUANT TO CLAUSE (C)  
19 OF SUBPARAGRAPH TWO OF PARAGRAPH C OF SUBDIVISION SIX OF THIS SECTION  
20 FOR THE SCHOOL AID COMPUTER LISTING PRODUCED FOR THE SCHOOL AID COMPUTER  
21 LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE ENACTED BUDGET  
22 FOR THE TWO THOUSAND SEVEN--TWO THOUSAND EIGHT SCHOOL YEAR AND ENTITLED  
23 "SA0708" AND A COMBINED WEALTH RATIO LESS THAN EIGHT TENTHS (.8), THE  
24 PRODUCT OF (A) TWENTY-FIVE DOLLARS (\$25), MULTIPLIED BY (B) THE BASE  
25 YEAR PUBLIC SCHOOL DISTRICT ENROLLMENT, AS COMPUTED PURSUANT TO PARA-  
26 GRAPH N OF SUBDIVISION ONE OF THIS SECTION. PROVIDED FURTHER THAT SUCH  
27 GAP ELIMINATION ADJUSTMENT RESTORATION AMOUNT FOR THE TWO THOUSAND THIR-  
28 TEEN--TWO THOUSAND FOURTEEN SCHOOL YEAR SHALL NOT BE LESS THAN ONE  
29 HUNDRED THOUSAND DOLLARS (\$100,000) OR MORE THAN FORTY-TWO AND FIVE  
30 TENTHS PERCENT (.425) OF THE AMOUNT SET FORTH FOR SUCH SCHOOL DISTRICT  
31 AS "GAP ELIMINATION ADJUSTMENT" UNDER THE HEADING "2012-13 ESTIMATED  
32 AIDS" IN THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN  
33 SUPPORT OF THE ENACTED BUDGET FOR THE TWO THOUSAND TWELVE--TWO THOUSAND  
34 THIRTEEN STATE FISCAL YEAR AND ENTITLED "SA121-3".

35 F. NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY THE GAP ELIMINATION  
36 ADJUSTMENT FOR THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL  
37 YEAR SHALL EQUAL SIXTY-SIX PERCENT (0.66) OF THE GAP ELIMINATION ADJUST-  
38 MENT FOR SUCH DISTRICT FOR THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOUR-  
39 TEEN SCHOOL YEAR.

40 G. NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY THE GAP ELIMINATION  
41 ADJUSTMENT FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL  
42 YEAR SHALL EQUAL FIFTY PERCENT (0.50) OF THE GAP ELIMINATION ADJUSTMENT  
43 FOR SUCH DISTRICT FOR THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN  
44 SCHOOL YEAR.

45 H. NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY THE GAP ELIMINATION  
46 ADJUSTMENT FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL  
47 YEAR SHALL EQUAL ZERO.

48 S 13. Intentionally omitted.

49 S 14. Intentionally omitted.

50 S 15. Paragraph b of subdivision 2 of section 3612 of the education  
51 law, as amended by section 10 of part A of chapter 57 of the laws of  
52 2012, is amended to read as follows:

53 b. Such grants shall be awarded to school districts, within the limits  
54 of funds appropriated therefor, through a competitive process that takes  
55 into consideration the magnitude of any shortage of teachers in the  
56 school district, the number of teachers employed in the school district

1 who hold temporary licenses to teach in the public schools of the state,  
2 the number of provisionally certified teachers, the fiscal capacity and  
3 geographic sparsity of the district, the number of new teachers the  
4 school district intends to hire in the coming school year and the number  
5 of summer in the city student internships proposed by an eligible school  
6 district, if applicable. Grants provided pursuant to this section shall  
7 be used only for the purposes enumerated in this section. Notwithstand-  
8 ing any other provision of law to the contrary, a city school district  
9 in a city having a population of one million or more inhabitants receiv-  
10 ing a grant pursuant to this section may use no more than eighty percent  
11 of such grant funds for any recruitment, retention and certification  
12 costs associated with transitional certification of teacher candidates  
13 for the school years two thousand one--two thousand two through [two  
14 thousand twelve--two thousand thirteen] TWO THOUSAND THIRTEEN--TWO THOU-  
15 SAND FOURTEEN.

16 S 16. Section 3641 of the education law is amended by adding a new  
17 subdivision 6-a to read as follows:

18 6-A. COMMUNITY SCHOOL GRANTS. A. WITHIN THE AMOUNT APPROPRIATED FOR  
19 SUCH PURPOSE, SUBJECT TO A PLAN DEVELOPED BY THE STATE COUNCIL ON CHIL-  
20 DREN AND FAMILIES AND APPROVED BY THE DIRECTOR OF THE BUDGET, THE STATE  
21 COUNCIL ON CHILDREN AND FAMILIES SHALL AWARD COMPETITIVE GRANTS PURSUANT  
22 TO THIS SUBDIVISION TO ELIGIBLE SCHOOL DISTRICTS TO IMPLEMENT, BEGINNING  
23 IN THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN SCHOOL YEAR, A PLAN  
24 THAT TARGETS SCHOOL BUILDINGS AS COMMUNITY HUBS TO DELIVER CO-LOCATED OR  
25 SCHOOL-LINKED ACADEMIC, HEALTH, NUTRITION, COUNSELING, LEGAL AND/OR  
26 OTHER SERVICES TO STUDENTS AND THEIR FAMILIES IN A MANNER THAT WILL LEAD  
27 TO IMPROVED EDUCATIONAL AND OTHER OUTCOMES.

28 (1) SUCH PLAN SHALL INCLUDE, BUT NOT BE LIMITED TO:

29 (I) THE PROCESS BY WHICH A REQUEST FOR PROPOSALS WILL BE DEVELOPED;

30 (II) THE SCORING RUBRIC BY WHICH SUCH PROPOSALS WILL BE EVALUATED,  
31 PROVIDED THAT SUCH GRANTS SHALL BE AWARDED BASED ON FACTORS INCLUDING,  
32 BUT NOT LIMITED TO: MEASURES OF SCHOOL DISTRICT NEED; MEASURES OF THE  
33 NEED OF STUDENTS TO BE SERVED BY EACH OF THE SCHOOL DISTRICTS; THE  
34 SCHOOL DISTRICT'S PROPOSAL TO TARGET THE HIGHEST NEED SCHOOLS AND  
35 STUDENTS; THE SUSTAINABILITY OF THE PROPOSED COMMUNITY SCHOOLS PROGRAM;  
36 AND PROPOSAL QUALITY;

37 (III) THE FORM AND MANNER BY WHICH APPLICATIONS WILL BE SUBMITTED;

38 (IV) THE MANNER BY WHICH CALCULATION OF THE AMOUNT OF THE AWARD WILL  
39 BE DETERMINED;

40 (V) THE TIMELINE FOR THE ISSUANCE AND REVIEW OF APPLICATIONS; AND

41 (VI) THE PERFORMANCE BENCHMARKS THAT WILL TRIGGER PAYMENT OF SET  
42 PERCENTAGES OF THE TOTAL AWARD.

43 (2) IN ASSESSING PROPOSAL QUALITY, THE COUNCIL SHALL TAKE INTO ACCOUNT  
44 FACTORS INCLUDING, BUT NOT LIMITED TO:

45 (I) THE EXTENT TO WHICH THE SCHOOL DISTRICT'S PROPOSAL WOULD PROVIDE  
46 SUCH COMMUNITY SERVICES THROUGH PARTNERSHIPS WITH LOCAL GOVERNMENTS AND  
47 NON-PROFIT ORGANIZATIONS;

48 (II) THE EXTENT TO WHICH THE PROPOSAL WOULD PROVIDE FOR DELIVERY OF  
49 SUCH SERVICES DIRECTLY IN SCHOOL BUILDINGS;

50 (III) THE EXTENT TO WHICH THE PROPOSAL ARTICULATES HOW SUCH SERVICES  
51 WOULD FACILITATE MEASURABLE IMPROVEMENT IN STUDENT AND FAMILY OUTCOMES;  
52 AND

53 (IV) THE EXTENT TO WHICH THE PROPOSAL ARTICULATES AND IDENTIFIES HOW  
54 EXISTING FUNDING STREAMS AND PROGRAMS WOULD BE USED TO PROVIDE SUCH  
55 COMMUNITY SERVICES.

1 B. A RESPONSE TO A REQUEST FOR PROPOSALS ISSUED PURSUANT TO THIS  
2 SUBDIVISION MAY BE SUBMITTED BY A SINGLE SCHOOL DISTRICT OR JOINTLY BY A  
3 CONSORTIUM OF TWO OR MORE SCHOOL DISTRICTS.

4 C. THE AMOUNT OF THE GRANT AWARD SHALL BE DETERMINED BY THE STATE  
5 COUNCIL ON CHILDREN AND FAMILIES, CONSISTENT WITH THE PLAN DEVELOPED  
6 PURSUANT TO PARAGRAPH A OF THIS SUBDIVISION, EXCEPT THAT NO SINGLE  
7 DISTRICT MAY BE AWARDED MORE THAN FORTY PERCENT OF THE TOTAL AMOUNT OF  
8 GRANT AWARDS MADE PURSUANT TO THIS SUBDIVISION; AND PROVIDED FURTHER  
9 THAT THE MAXIMUM AWARD TO ANY INDIVIDUAL COMMUNITY SCHOOL SITE SHALL BE  
10 FIVE HUNDRED THOUSAND DOLLARS; AND PROVIDED FURTHER THAT THE AMOUNT  
11 AWARDED WILL BE PAID OUT IN SET PERCENTAGES OVER TIME UPON ACHIEVEMENT  
12 OF THE PERFORMANCE BENCHMARKS DESCRIBED IN THE PLAN SET FORTH PURSUANT  
13 TO PARAGRAPH A OF THIS SUBDIVISION; AND PROVIDED FURTHER THAT NONE OF  
14 THE GRANTS AWARDED PURSUANT TO THIS SUBDIVISION MAY BE USED TO SUPPLANT  
15 EXISTING FUNDING.

16 D. NOTWITHSTANDING ANY STATE LAW OR REGULATION TO THE CONTRARY, ANY  
17 EXECUTIVE AGENCY HEAD THAT IS A MEMBER OF THE STATE COUNCIL ON CHILDREN  
18 AND FAMILY SERVICES IS DIRECTED, TO THE EXTENT ALLOWED UNDER FEDERAL LAW  
19 AND REGULATION, TO PRIORITIZE APPLICATIONS THAT CO-LOCATE OR LINK  
20 PROGRAMMING RELEVANT TO THE PROVISION OF SERVICES IDENTIFIED IN PARA-  
21 GRAPH A OF THIS SUBDIVISION.

22 S 17. Intentionally omitted.

23 S 18. Intentionally omitted.

24 S 19. Intentionally omitted.

25 S 20. Intentionally omitted.

26 S 21. Subdivision 6 of section 4402 of the education law, as amended  
27 by section 12 of part A of chapter 57 of the laws of 2012, is amended to  
28 read as follows:

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

1 plan to increase the rate of attendance of students in such classes to  
2 at least the rate for students attending regular education classes in  
3 secondary schools of the district. Such corrective action plan shall be  
4 submitted for approval by the commissioner by a date during the school  
5 year in which such board increases class sizes as provided pursuant to  
6 this subdivision to be prescribed by the commissioner. Upon at least  
7 thirty days notice to the board of education, after conclusion of the  
8 school year in which such board increases class sizes as provided pursu-  
9 ant to this subdivision, the commissioner shall be authorized to termi-  
10 nate such authorization upon a finding that the board has failed to  
11 develop or implement an approved corrective action plan.

12 S 22. The education law is amended by adding a new section 4403-a to  
13 read as follows:

14 S 4403-A. WAIVERS FROM CERTAIN DUTIES. 1. A LOCAL SCHOOL DISTRICT,  
15 APPROVED PRIVATE SCHOOL OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES MAY  
16 SUBMIT AN APPLICATION FOR A WAIVER FROM ANY REQUIREMENT IMPOSED ON SUCH  
17 DISTRICT, SCHOOL OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES PURSUANT  
18 TO SECTION FORTY-FOUR HUNDRED TWO OR SECTION FORTY-FOUR HUNDRED THREE OF  
19 THIS ARTICLE, AND REGULATIONS PROMULGATED THEREUNDER, FOR A SPECIFIC  
20 SCHOOL YEAR. SUCH APPLICATION MUST BE SUBMITTED AT LEAST SIXTY DAYS IN  
21 ADVANCE OF THE PROPOSED DATE ON WHICH THE WAIVER WOULD BE EFFECTIVE AND  
22 SHALL BE IN A FORM PRESCRIBED BY THE COMMISSIONER.

23 2. BEFORE SUBMITTING AN APPLICATION FOR A WAIVER, THE LOCAL SCHOOL  
24 DISTRICT, APPROVED PRIVATE SCHOOL OR BOARD OF COOPERATIVE EDUCATIONAL  
25 SERVICES SHALL PROVIDE NOTICE OF THE PROPOSED WAIVER TO THE PARENTS OR  
26 PERSONS IN PARENTAL RELATIONSHIP TO THE STUDENTS THAT WOULD BE IMPACTED  
27 BY THE WAIVER IF GRANTED. SUCH NOTICE SHALL BE IN A FORM AND MANNER  
28 THAT WILL ENSURE THAT SUCH PARENTS AND PERSONS IN PARENTAL RELATIONSHIP  
29 WILL BE AWARE OF ALL RELEVANT CHANGES THAT WOULD OCCUR UNDER THE WAIVER,  
30 AND SHALL INCLUDE INFORMATION ON THE FORM, MANNER AND DATE BY WHICH  
31 PARENTS MAY SUBMIT WRITTEN COMMENTS ON THE PROPOSED WAIVER. THE LOCAL  
32 SCHOOL DISTRICT, APPROVED PRIVATE SCHOOL, OR BOARD OF COOPERATIVE EDUCA-  
33 TIONAL SERVICES SHALL PROVIDE AT LEAST SIXTY DAYS FOR SUCH PARENTS AND  
34 PERSONS IN PARENTAL RELATIONSHIP TO SUBMIT WRITTEN COMMENTS, AND SHALL  
35 INCLUDE IN THE WAIVER APPLICATION SUBMITTED TO THE COMMISSIONER PURSUANT  
36 TO SUBDIVISION ONE OF THIS SECTION ANY WRITTEN COMMENTS RECEIVED FROM  
37 SUCH PARENTS OR PERSONS IN PARENTAL RELATION TO SUCH STUDENTS.

38 3. THE COMMISSIONER MAY GRANT A WAIVER FROM ANY REQUIREMENT IMPOSED ON  
39 A LOCAL SCHOOL DISTRICT, APPROVED PRIVATE SCHOOL OR BOARD OF COOPERATIVE  
40 EDUCATIONAL SERVICES PURSUANT TO SECTION FORTY-FOUR HUNDRED TWO OR  
41 SECTION FORTY-FOUR HUNDRED THREE OF THIS ARTICLE, UPON A FINDING THAT  
42 SUCH WAIVER WILL ENABLE A LOCAL SCHOOL DISTRICT, APPROVED PRIVATE SCHOOL  
43 OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES TO IMPLEMENT AN INNOVATIVE  
44 SPECIAL EDUCATION PROGRAM THAT IS CONSISTENT WITH APPLICABLE FEDERAL  
45 REQUIREMENTS, AND WILL ENHANCE STUDENT ACHIEVEMENT AND/OR OPPORTUNITIES  
46 FOR PLACEMENT IN REGULAR CLASSES AND PROGRAMS. IN MAKING SUCH DETERMI-  
47 NATION, THE COMMISSIONER SHALL CONSIDER ANY COMMENTS RECEIVED BY THE  
48 LOCAL SCHOOL DISTRICT, APPROVED PRIVATE SCHOOL OR BOARD OF COOPERATIVE  
49 EDUCATIONAL SERVICES FROM PARENTS OR PERSONS IN PARENTAL RELATION TO THE  
50 STUDENTS THAT WOULD BE DIRECTLY AFFECTED BY THE WAIVER IF GRANTED.

51 4. ANY LOCAL SCHOOL DISTRICT, APPROVED PRIVATE SCHOOL OR BOARD OF  
52 COOPERATIVE EDUCATIONAL SERVICES GRANTED A WAIVER SHALL SUBMIT AN ANNUAL  
53 REPORT TO THE COMMISSIONER REGARDING THE OPERATION AND EVALUATION OF THE  
54 PROGRAM NO LATER THAN THIRTY DAYS AFTER THE END OF EACH SCHOOL YEAR FOR  
55 WHICH A WAIVER IS GRANTED.

56 S 23. Intentionally omitted.

1 S 24. Subparagraph (ii) of paragraph c of subdivision 11 of section  
2 4410 of the education law, as amended by chapter 205 of the laws of  
3 2009, is amended to read as follows:

4 (ii) Payments made pursuant to this section by a municipality shall,  
5 upon conclusion of the July first to June thirtieth school year for  
6 which such payment was made, be subject to audit against the actual  
7 difference between such audited expenditures and revenues. The munici-  
8 pality shall submit the results of any such audit to the commissioner  
9 and the commissioner of social services, if appropriate, for review and,  
10 if warranted, adjustment of the tuition and/or maintenance rates. The  
11 municipality is authorized to recover overpayments made to a provider of  
12 special services or programs pursuant to this section as determined by  
13 the commissioner or the commissioner of health based upon their adjust-  
14 ment of a tuition and/or maintenance rate, PROVIDED THAT FOR PURPOSES OF  
15 MAKING SUCH ADJUSTMENT AND RECOVERY, THE MUNICIPALITY SHALL BE DEEMED TO  
16 HAVE PAID ONE HUNDRED PERCENT OF THE DISALLOWED COSTS. Such recovery  
17 may be accomplished by withholding such amount from any moneys due the  
18 provider in the current year, or by direct reimbursement.

19 S 25. Intentionally omitted.

20 S 26. Section 7 of chapter 472 of the laws of 1998 amending the educa-  
21 tion law relating to the lease of school buses by school districts, as  
22 amended by section 71 of part A of chapter 58 of the laws of 2011, is  
23 amended to read as follows:

24 S 7. This act shall take effect September 1, 1998, and shall expire  
25 and be deemed repealed September 1, [2013] 2015.

26 S 27. Subdivision b of section 2 of chapter 756 of the laws of 1992,  
27 relating to funding a program for work force education conducted by the  
28 consortium for worker education in New York city, as amended by section  
29 13 of part A of chapter 57 of the laws of 2012, is amended to read as  
30 follows:

31 b. Reimbursement for programs approved in accordance with subdivision  
32 a of this section [for the 2009-10 school year shall not exceed 64.1  
33 percent of the lesser of such approvable costs per contact hour or elev-  
34 en dollars and fifty cents per contact hour, reimbursement] for the  
35 2010--2011 school year shall not exceed 62.6 percent of the lesser of  
36 such approvable costs per contact hour or twelve dollars and five cents  
37 per contact hour, reimbursement for the 2011--2012 school year shall not  
38 exceed 62.9 percent of the lesser of such approvable costs per contact  
39 hour or twelve dollars and fifteen cents per contact hour, [and]  
40 reimbursement for the 2012--2013 school year shall not exceed 63.3  
41 percent of the lesser of such approvable costs per contact hour or  
42 twelve dollars and thirty-five cents per contact hour, AND REIMBURSEMENT  
43 FOR THE 2013--2014 SCHOOL YEAR SHALL NOT EXCEED 62.2 PERCENT OF THE  
44 LESSER OF SUCH APPROVABLE COSTS PER CONTACT HOUR OR TWELVE DOLLARS AND  
45 FIFTY CENTS PER CONTACT HOUR, where a contact hour represents sixty  
46 minutes of instruction services provided to an eligible adult. Notwith-  
47 standing any other provision of law to the contrary, [for the 2009-10  
48 school year such contact hours shall not exceed one million seven  
49 hundred sixty--three thousand nine hundred seven (1,763,907) hours;  
50 whereas] for the 2010--2011 school year such contact hours shall not  
51 exceed one million five hundred twenty-five thousand one hundred nine-  
52 ty-eight (1,525,198) hours; whereas for the 2011--2012 school year such  
53 contact hours shall not exceed one million seven hundred one thousand  
54 five hundred seventy (1,701,570) hours; whereas for the 2012--2013  
55 school year such contact hours shall not exceed one million six hundred  
56 sixty-four thousand five hundred thirty-two (1,664,532) hours; WHEREAS

FOR THE 2013--2014 SCHOOL YEAR SUCH CONTACT HOURS SHALL NOT EXCEED ONE MILLION FOUR HUNDRED EIGHTY THOUSAND AND FIFTY-ONE (1,480,051) HOURS. Notwithstanding any other provision of law to the contrary, the apportionment calculated for the city school district of the city of New York pursuant to subdivision 11 of section 3602 of the education law shall be computed as if such contact hours provided by the consortium for worker education, not to exceed the contact hours set forth herein, were eligible for aid in accordance with the provisions of such subdivision 11 of section 3602 of the education law.

S 28. Section 4 of chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, is amended by adding a new subdivision r to read as follows:

R. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY AFTER THE COMPLETION OF PAYMENTS FOR THE 2013--2014 SCHOOL YEAR. NOTWITHSTANDING ANY INCONSISTENT PROVISIONS OF LAW, THE COMMISSIONER OF EDUCATION SHALL WITHHOLD A PORTION OF EMPLOYMENT PREPARATION EDUCATION AID DUE TO THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK TO SUPPORT A PORTION OF THE COSTS OF THE WORK FORCE EDUCATION PROGRAM. SUCH MONEYS SHALL BE CREDITED TO THE ELEMENTARY AND SECONDARY EDUCATION FUND-LOCAL ASSISTANCE ACCOUNT AND SHALL NOT EXCEED THIRTEEN MILLION DOLLARS (\$13,000,000).

S 29. Section 6 of chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, as amended by section 15 of part A of chapter 57 of the laws of 2012, is amended to read as follows:

S 6. This act shall take effect July 1, 1992, and shall be deemed repealed on June 30, [2013] 2014.

S 30. Subdivision 1 of section 167 of chapter 169 of the laws of 1994, relating to certain provisions related to the 1994-95 state operations, aid to localities, capital projects and debt service budgets, as amended by section 17 of part A of chapter 57 of the laws of 2012, is amended to read as follows:

1. Sections one through seventy of this act shall be deemed to have been in full force and effect as of April 1, 1994 provided, however, that sections one, two, twenty-four, twenty-five and twenty-seven through seventy of this act shall expire and be deemed repealed on March 31, 2000; provided, however, that section twenty of this act shall apply only to hearings commenced prior to September 1, 1994, and provided further that section twenty-six of this act shall expire and be deemed repealed on March 31, 1997; and provided further that sections four through fourteen, sixteen, and eighteen, nineteen and twenty-one through twenty-one-a of this act shall expire and be deemed repealed on March 31, 1997; and provided further that sections three, fifteen, seventeen, twenty, twenty-two and twenty-three of this act shall expire and be deemed repealed on March 31, [2014] 2015.

S 31. Subdivisions 22 and 24 of section 140 of chapter 82 of the laws of 1995, amending the education law and certain other laws relating to state aid to school districts and the appropriation of funds for the support of government, as amended by section 18 of part A of chapter 57 of the laws of 2012, are amended to read as follows:

(22) sections one hundred twelve, one hundred thirteen, one hundred fourteen, one hundred fifteen and one hundred sixteen of this act shall take effect on July 1, 1995; provided, however, that section one hundred thirteen of this act shall remain in full force and effect until July 1, [2013] 2014 at which time it shall be deemed repealed;

(24) sections one hundred eighteen through one hundred thirty of this act shall be deemed to have been in full force and effect on and after July 1, 1995; provided further, however, that the amendments made pursuant to section one hundred nineteen of this act shall be deemed to be repealed on and after July 1, [2013] 2014;

S 32. Section 12 of chapter 147 of the laws of 2001, amending the education law relating to conditional appointment of school district, charter school or BOCES employees, as amended by section 20 of part A of chapter 57 of the laws of 2012, is amended to read as follows:

S 12. This act shall take effect on the same date as chapter 180 of the laws of 2000 takes effect, and shall expire July 1, [2013] 2014 when upon such date the provisions of this act shall be deemed repealed.

S 33. Section 4 of chapter 425 of the laws of 2002, amending the education law relating to the provision of supplemental educational services, attendance at a safe public school and the suspension of pupils who bring a firearm to or possess a firearm at a school, as amended by section 21 of part A of chapter 57 of the laws of 2012, is amended to read as follows:

S 4. This act shall take effect July 1, 2002 and shall expire and be deemed repealed June 30, [2013] 2014.

S 34. Section 5 of chapter 101 of the laws of 2003, amending the education law relating to implementation of the No Child Left Behind Act of 2001, as amended by section 22 of part A of chapter 57 of the laws of 2012, is amended to read as follows:

S 5. This act shall take effect immediately; provided that sections one, two and three of this act shall expire and be deemed repealed on June 30, [2013] 2014.

S 35. School bus driver training. In addition to apportionments otherwise provided by section 3602 of the education law, for aid payable in the 2013--2014 school year, the commissioner of education shall allocate school bus driver training grants to school districts and boards of cooperative education services pursuant to sections 3650-a, 3650-b and 3650-c of the education law, or for contracts directly with not-for-profit educational organizations for the purposes of this section. Such payments shall not exceed four hundred thousand dollars (\$400,000) per school year.

S 36. Support of public libraries. The moneys appropriated for the support of public libraries by the chapter of the laws of 2013 enacting the aid to localities budget shall be apportioned for the 2013--2014 state fiscal year in accordance with the provisions of sections 271, 272, 273, 282, 284, and 285 of the education law as amended by the provisions of this chapter and the provisions of this act, provided that library construction aid pursuant to section 273-a of the education law shall not be payable from the appropriations for the support of public libraries and provided further that no library, library system or program, as defined by the commissioner of education, shall receive less total system or program aid than it received for the year 2001--2002 except as a result of a reduction adjustment necessary to conform to the appropriations for support of public libraries.

Notwithstanding any other provision of law to the contrary the moneys appropriated for the support of public libraries for the year 2013--2014 by a chapter of the laws of 2013 enacting the aid to localities budget shall fulfill the state's obligation to provide such aid and, pursuant to a plan developed by the commissioner of education and approved by the director of the budget, the aid payable to libraries and library systems pursuant to such appropriations shall be reduced proportionately to

1 assure that the total amount of aid payable does not exceed the total  
2 appropriations for such purpose.

3 S 37. Special apportionment for salary expenses. a. Notwithstanding  
4 any other provision of law, upon application to the commissioner of  
5 education, not sooner than the first day of the second full business  
6 week of June, 2014 and not later than the last day of the third full  
7 business week of June, 2014, a school district eligible for an appor-  
8 tionment pursuant to section 3602 of the education law shall be eligible  
9 to receive an apportionment pursuant to this section, for the school  
10 year ending June 30, 2014, for salary expenses incurred between April 1  
11 and June 30, 2014 and such apportionment shall not exceed the sum of (i)  
12 the deficit reduction assessment of 1990--1991 as determined by the  
13 commissioner of education, pursuant to paragraph f of subdivision 1 of  
14 section 3602 of the education law, as in effect through June 30, 1993,  
15 plus (ii) 186 percent of such amount for a city school district in a  
16 city with a population in excess of 1,000,000 inhabitants, plus (iii)  
17 209 percent of such amount for a city school district in a city with a  
18 population of more than 195,000 inhabitants and less than 219,000 inhab-  
19 itants according to the latest federal census, plus (iv) the net gap  
20 elimination adjustment for 2010--2011, as determined by the commissioner  
21 of education pursuant to chapter 53 of the laws of 2010, plus (v) the  
22 gap elimination adjustment for 2011--2012 as determined by the commis-  
23 sioner of education pursuant to subdivision 17 of section 3602 of the  
24 education law, and provided further that such apportionment shall not  
25 exceed such salary expenses. Such application shall be made by a school  
26 district, after the board of education or trustees have adopted a resol-  
27 ution to do so and in the case of a city school district in a city with  
28 a population in excess of 125,000 inhabitants, with the approval of the  
29 mayor of such city.

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

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

graph, and any remainder to be deducted from the individualized payments due the district pursuant to paragraph b of such subdivision shall be deducted on a chronological basis starting with the earliest payment due the district.

S 38. Special apportionment for public pension accruals. a. Notwithstanding any other provision of law, upon application to the commissioner of education, not later than June 30, 2014, a school district eligible for an apportionment pursuant to section 3602 of the education law shall be eligible to receive an apportionment pursuant to this section, for the school year ending June 30, 2014 and such apportionment shall not exceed the additional accruals required to be made by school districts in the 2004--2005 and 2005--2006 school years associated with changes for such public pension liabilities. The amount of such additional accrual shall be certified to the commissioner of education by the president of the board of education or the trustees or, in the case of a city school district in a city with a population in excess of 125,000 inhabitants, the mayor of such city. Such application shall be made by a school district, after the board of education or trustees have adopted a resolution to do so and in the case of a city school district in a city with a population in excess of 125,000 inhabitants, with the approval of the mayor of such city.

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

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

S 39. a. Notwithstanding any other law, rule or regulation to the contrary, any moneys appropriated to the state education department may be suballocated to other state departments or agencies, as needed, to accomplish the intent of the specific appropriations contained therein.

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

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

11 d. Notwithstanding any other law, rule or regulation to the contrary,  
12 moneys appropriated to the state education department for general  
13 support for public schools may be interchanged with any other item of  
14 appropriation for general support for public schools within the general  
15 fund local assistance account office of prekindergarten through grade  
16 twelve education programs.

17 S 40. Notwithstanding the provision of any law, rule, or regulation to  
18 the contrary, the city school district of the city of Rochester, upon  
19 the consent of the board of cooperative educational services of the  
20 supervisory district serving its geographic region may purchase from  
21 such board for the 2013--2014 school year, as a non-component school  
22 district, services required by article 19 of the education law.

23 S 41. The amounts specified in this section shall be a setaside from  
24 the state funds which each such district is receiving from the total  
25 foundation aid:

26 a. for the purpose of the development, maintenance or expansion of  
27 magnet schools or magnet school programs for the 2013--2014 school year.  
28 To the city school district of the city of New York there shall be paid  
29 forty-eight million one hundred seventy-five thousand dollars  
30 (\$48,175,000) including five hundred thousand dollars (\$500,000) for the  
31 Andrew Jackson High School; to the Buffalo city school district, twen-  
32 ty-one million twenty-five thousand dollars (\$21,025,000); to the  
33 Rochester city school district, fifteen million dollars (\$15,000,000);  
34 to the Syracuse city school district, thirteen million dollars  
35 (\$13,000,000); to the Yonkers city school district, forty-nine million  
36 five hundred thousand dollars (\$49,500,000); to the Newburgh city school  
37 district, four million six hundred forty-five thousand dollars  
38 (\$4,645,000); to the Poughkeepsie city school district, two million four  
39 hundred seventy-five thousand dollars (\$2,475,000); to the Mount Vernon  
40 city school district, two million dollars (\$2,000,000); to the New  
41 Rochelle city school district, one million four hundred ten thousand  
42 dollars (\$1,410,000); to the Schenectady city school district, one  
43 million eight hundred thousand dollars (\$1,800,000); to the Port Chester  
44 city school district, one million one hundred fifty thousand dollars  
45 (\$1,150,000); to the White Plains city school district, nine hundred  
46 thousand dollars (\$900,000); to the Niagara Falls city school district,  
47 six hundred thousand dollars (\$600,000); to the Albany city school  
48 district, three million five hundred fifty thousand dollars  
49 (\$3,550,000); to the Utica city school district, two million dollars  
50 (\$2,000,000); to the Beacon city school district, five hundred sixty-six  
51 thousand dollars (\$566,000); to the Middletown city school district,  
52 four hundred thousand dollars (\$400,000); to the Freeport union free  
53 school district, four hundred thousand dollars (\$400,000); to the Green-  
54 burgh central school district, three hundred thousand dollars  
55 (\$300,000); to the Amsterdam city school district, eight hundred thou-  
56 sand dollars (\$800,000); to the Peekskill city school district, two

1 hundred thousand dollars (\$200,000); and to the Hudson city school  
2 district, four hundred thousand dollars (\$400,000).

3 b. notwithstanding the provisions of subdivision a of this section, a  
4 school district receiving a grant pursuant to this section may use such  
5 grant funds for: (i) any instructional or instructional support costs  
6 associated with the operation of a magnet school; or (ii) any instruc-  
7 tional or instructional support costs associated with implementation of  
8 an alternative approach to reduction of racial isolation and/or enhance-  
9 ment of the instructional program and raising of standards in elementary  
10 and secondary schools of school districts having substantial concen-  
11 trations of minority students. The commissioner of education shall not  
12 be authorized to withhold magnet grant funds from a school district that  
13 used such funds in accordance with this paragraph, notwithstanding any  
14 inconsistency with a request for proposals issued by such commissioner.

15 c. for the purpose of attendance improvement and dropout prevention  
16 for the 2013--2014 school year, for any city school district in a city  
17 having a population of more than one million, the setaside for attend-  
18 ance improvement and dropout prevention shall equal the amount set aside  
19 in the base year. For the 2013--2014 school year, it is further provided  
20 that any city school district in a city having a population of more than  
21 one million shall allocate at least one-third of any increase from base  
22 year levels in funds set aside pursuant to the requirements of this  
23 subdivision to community-based organizations. Any increase required  
24 pursuant to this subdivision to community-based organizations must be in  
25 addition to allocations provided to community-based organizations in the  
26 base year.

27 d. for the purpose of teacher support for the 2013--2014 school year:  
28 to the city school district of the city of New York, sixty-two million  
29 seven hundred seven thousand dollars (\$62,707,000); to the Buffalo city  
30 school district, one million seven hundred forty-one thousand dollars  
31 (\$1,741,000); to the Rochester city school district, one million seven-  
32 ty-six thousand dollars (\$1,076,000); to the Yonkers city school  
33 district, one million one hundred forty-seven thousand dollars  
34 (\$1,147,000); and to the Syracuse city school district, eight hundred  
35 nine thousand dollars (\$809,000). All funds made available to a school  
36 district pursuant to this subdivision shall be distributed among teach-  
37 ers including prekindergarten teachers and teachers of adult vocational  
38 and academic subjects in accordance with this subdivision and shall be  
39 in addition to salaries heretofore or hereafter negotiated or made  
40 available; provided, however, that all funds distributed pursuant to  
41 this section for the current year shall be deemed to incorporate all  
42 funds distributed pursuant to former subdivision 27 of section 3602 of  
43 the education law for prior years. In school districts where the teach-  
44 ers are represented by certified or recognized employee organizations,  
45 all salary increases funded pursuant to this section shall be determined  
46 by separate collective negotiations conducted pursuant to the provisions  
47 and procedures of article 14 of the civil service law, notwithstanding  
48 the existence of a negotiated agreement between a school district and a  
49 certified or recognized employee organization.

50 S 42. Subdivision 8 of section 4401 of the education law, as amended  
51 by chapter 57 of the laws of 1993, is amended to read as follows:

52 8. "School district basic contribution" shall mean an amount equal to  
53 the total school district local property and non-property tax levy for  
54 the base year divided by the base year public school district enrollment  
55 of resident pupils of the school district as defined in paragraph n of  
56 subdivision one of section thirty-six hundred two of this chapter,

EXCEPT THAT FOR THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR AND THEREAFTER, SUCH TAX LEVY FOR THE BASE YEAR SHALL BE DIVIDED BY THE BASE YEAR PUPIL COUNT AS DETERMINED BY THE COMMISSIONER PURSUANT TO PARAGRAPH F OF SUBDIVISION TWO OF SECTION THIRTY-SIX HUNDRED TWO OF THIS CHAPTER FOR ANY SCHOOL DISTRICT IN WHICH SUCH BASE YEAR PUPIL COUNT, EXCLUDING PUPILS ATTENDING A CENTRAL HIGH SCHOOL DISTRICT, EXCEEDS ONE HUNDRED AND FIFTY PERCENT OF SUCH BASE YEAR PUBLIC SCHOOL DISTRICT ENROLLMENT OF RESIDENT PUPILS AS DEFINED IN PARAGRAPH N OF SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS CHAPTER.

S 43. 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 judgment shall not necessarily affect, impair or invalidate the application of any such clause, sentence, paragraph, subdivision, section, part of this act or remainder thereof, as the case may be, to any other person or circumstance, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

S 44. This act shall take effect immediately, and shall be deemed to have been in full force and effect on and after April 1, 2013, provided, however, that:

1. Sections five and six of this act shall take effect immediately and shall be deemed to have been in full force and effect on and after July 1, 2010; provided, further, that the amendments to subdivision 1 of section 2856 of the education law made by section five of this act shall be subject to the expiration and reversion of such subdivision pursuant to subdivision d of section 27 of chapter 378 of the laws of 2007, as amended, when upon such date the provisions of section six of this act shall take effect;

2. Section nine of this act shall take effect July 1, 2014;

3. Sections one, eleven, twelve, fifteen, twenty-one, twenty-seven, twenty-eight, thirty-five, forty-one and forty-two of this act shall take effect July 1, 2013;

4. The amendments to subdivision 6 of section 4402 of the education law made by section twenty-one of this act shall not affect the repeal of such subdivision and shall be deemed repealed therewith;

5. The amendments to chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by a consortium for worker education in New York city, made by sections twenty-seven and twenty-eight of this act shall not affect the repeal of such chapter and shall be deemed repealed therewith; and

6. Section thirty-nine of this act shall expire and be deemed repealed June 30, 2014.

#### PART A-1

Section 1. Paragraph bb of subdivision 1 of section 3602 of the education law, as added by section 25 of part A of chapter 58 of the laws of 2011, is amended to read as follows:

bb. "Personal income growth index" shall mean (1) for the two thousand twelve--two thousand thirteen school year, the average of the quotients for each year in the period commencing with the two thousand five--two thousand six state fiscal year and finishing with the two thousand nine--two thousand ten state fiscal year of the total personal income of the

1 state for each such year divided by the total personal income of the  
2 state for the immediately preceding state fiscal year, but not less than  
3 one and (2) for the two thousand thirteen--two thousand fourteen school  
4 year [and each school year thereafter], the quotient of the total  
5 personal income of the state for the state fiscal year one year prior to  
6 the state fiscal year in which the base year commenced divided by the  
7 total personal income of the state for the immediately preceding state  
8 fiscal year, but not less than one AND (3) FOR THE TWO THOUSAND FOUR-  
9 TEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR AND EACH SCHOOL YEAR THEREAFTER,  
10 THE GREATER OF (I) THE AVERAGE, ROUNDED TO THREE DECIMAL PLACES, OF THE  
11 QUOTIENTS OF THE TOTAL PERSONAL INCOME OF THE STATE FOR EACH STATE  
12 FISCAL YEAR IN THE TEN-YEAR PERIOD FINISHING WITH THE STATE FISCAL YEAR  
13 TWO YEARS PRIOR TO THE STATE FISCAL YEAR IN WHICH THE BASE YEAR  
14 COMMENCED DIVIDED BY THE TOTAL PERSONAL INCOME OF THE STATE FOR THE  
15 IMMEDIATELY PRECEDING STATE FISCAL YEAR, ROUNDED TO THREE DECIMAL PLAC-  
16 ES, OR (II) ONE.

17 S 2. Clauses (c) and (d) of subparagraph 5 of paragraph e of subdivi-  
18 sion 6 of section 3602 of the education law, clause (c) as amended by  
19 section 1 of part F of chapter 383 of the laws of 2001 and clause (d) as  
20 amended by section 30 of part A of chapter 58 of the laws of 2011, are  
21 amended to read as follows:

22 (c) [Periodically, but at least at the end of each ten year segment of  
23 an assumed amortization established pursuant to subparagraphs two, three  
24 and four of this paragraph, the commissioner shall revise the remaining  
25 scheduled semiannual payments of the outstanding principal and interest  
26 of such assumed amortization, other than the outstanding principal and  
27 interest of refunding bonds where the district can demonstrate to the  
28 commissioner that it is precluded by state or federal law, rule or regu-  
29 lation from refinancing such outstanding principal and interest, based  
30 on the interest rates applicable for the current year if the difference  
31 of the interest rate upon which the existing assumed amortization is  
32 based minus such interest rate applicable for the current year is equal  
33 to or greater than one quarter of one-one hundredth.

34 (d)] Notwithstanding any other law, rule or regulation to the contra-  
35 ry, any interest rate calculated under this subdivision shall take into  
36 account any federal subsidy payments made or to be made to the applica-  
37 ble school district or an issuer on behalf of the school district under  
38 the terms of a federally authorized debt instrument which have the  
39 effect of reducing the actual interest costs incurred by the school  
40 district or an issuer on behalf of the school district over the life of  
41 such capital debt, irrespective of any federal government right of set-  
42 off.

43 S 3. Section 31 of part A of chapter 57 of the laws of 2012 relating  
44 to submission of school construction final cost reports, is REPEALED.

45 S 4. a. Notwithstanding any other provision of law to the contrary,  
46 the actions or omissions of any school district which failed to submit a  
47 final building project cost report by June 30 of the school year follow-  
48 ing June 30 of the school year in which the certificate of substantial  
49 completion of the project is issued by the architect or engineer, or six  
50 months after issuance of such certificate, whichever is later, are here-  
51 by ratified and validated, provided that such building project was  
52 eligible for aid in a year for which the commissioner is required to  
53 prepare an estimate of apportionments due and owing pursuant to para-  
54 graph c of subdivision 21 of section 305 of the education law, provided  
55 further that such school district submits a final cost report on or  
56 before December 31, 2013 and such report is approved by the commissioner

1 of education, and provided further that any amount due and payable for  
2 school years prior to the 2013-14 school year as a result of this act  
3 shall be paid pursuant to the provisions of paragraph c of subdivision 5  
4 of section 3604 of the education law.

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

14 S 5. Subdivision 1 of section 409-d of the education law, as added by  
15 section 1 of part B of chapter 56 of the laws of 1998, is amended to  
16 read as follows:

17 1. Program establishment. The commissioner is authorized and directed  
18 to establish, develop and monitor a comprehensive public school building  
19 safety program which shall include a uniform inspection, safety rating  
20 and monitoring system. Such program shall [require the annual inspection  
21 of all public school buildings throughout New York state;] establish a  
22 safety rating system for such school buildings to assess the need for  
23 maintenance, repairs, rehabilitation, reconstruction, construction and  
24 other improvements related to the structural integrity and overall safe-  
25 ty of public school buildings including but not limited to building  
26 systems related to electrical, plumbing, heating, ventilation, and air  
27 conditioning, sanitation and health, fire and accident protection; and  
28 require that such ratings be used for the purpose of developing a build-  
29 ings condition survey as required pursuant to subdivision four of  
30 section thirty-six hundred forty-one of this chapter and a five year  
31 facilities plan as required pursuant to clause (i) of subparagraph two  
32 of paragraph b of subdivision six of section thirty-six hundred two of  
33 this chapter.

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

36 D. (1) NOTWITHSTANDING ANY LAW TO THE CONTRARY, WHERE A SCHOOL  
37 DISTRICT PROVIDING TRANSPORTATION FOR SOME OR ALL OF ITS DISTRICT PUPILS  
38 THROUGH A DISTRICT OPERATED TRANSPORTATION SYSTEM AS OF THE FIRST DAY OF  
39 SEPTEMBER TWO THOUSAND THIRTEEN CONTRACTS FOR THE TRANSPORTATION OF ITS  
40 PUPILS WITH A CONTRACTOR AND SUCH CONTRACT RESULTS IN A LOWER ALLOWABLE  
41 TRANSPORTATION EXPENSE PURSUANT TO THIS SECTION THAN THE DISTRICT OPER-  
42 ATED TRANSPORTATION SYSTEM SUCH DISTRICT MAY COMPUTE ITS TRANSPORTATION  
43 AID PURSUANT TO THIS SECTION BASED UPON THE HIGHER DISTRICT OPERATED  
44 TRANSPORTATION SYSTEM COSTS; PROVIDED, HOWEVER, THAT SUCH SCHOOL  
45 DISTRICT MEETS THE REQUIREMENTS SET FORTH IN SUBPARAGRAPH TWO OF THIS  
46 PARAGRAPH.

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

50 (I) CALCULATE ITS ALLOWABLE TRANSPORTATION EXPENSES PURSUANT TO THIS  
51 SECTION FOR A DISTRICT OPERATED TRANSPORTATION SYSTEM FOR THE TWO THOU-  
52 SAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR. SUCH CALCULATION SHALL  
53 BE BASED ON THAT PORTION OF THE TRANSPORTATION SYSTEM THAT IS DISTRICT  
54 OPERATED AND PROPOSED TO BE CONTRACTED TO A QUALIFIED PUPIL TRANSPORTA-  
55 TION CONTRACTOR;

(II) IF A SCHOOL DISTRICT PRESENTLY PROVIDES FOR TRANSPORTATION FOR ITS PUPILS THROUGH A COMBINATION OF A DISTRICT OPERATED TRANSPORTATION SYSTEM AND A CONTRACTOR TRANSPORTATION SYSTEM, ONLY THAT PORTION OF THE TRANSPORTATION SYSTEM WHICH IS DISTRICT OPERATED IS ELIGIBLE FOR TREATMENT UNDER THIS PARAGRAPH;

(III) ISSUE A REQUEST FOR PROPOSAL FOR SUCH DISTRICT OPERATED TRANSPORTATION SERVICES; AND

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

(3) NOTWITHSTANDING ANY LAW TO THE CONTRARY, A SCHOOL DISTRICT SWITCHING FROM A DISTRICT OPERATED TRANSPORTATION SYSTEM TO A CONTRACTOR TRANSPORTATION SYSTEM MAY SELL OR LEASE EQUIPMENT PURCHASED IN SUPPORT OF THE DISTRICT OPERATED TRANSPORTATION SYSTEM AND RETAIN ANY PROCEEDS AND AMORTIZED TRANSPORTATION AID.

(4) A SCHOOL DISTRICT SHALL BE INELIGIBLE FOR RETENTION OF TRANSPORTATION AID PURSUANT TO THIS PARAGRAPH UPON EXPIRATION OF THE INITIAL CONTRACT ENTERED INTO BETWEEN THE SCHOOL DISTRICT AND THE PUPIL TRANSPORTATION CONTRACTOR.

(5) A SCHOOL DISTRICT SHALL BE ELIGIBLE FOR RETENTION OF TRANSPORTATION AID PURSUANT TO THIS PARAGRAPH FOR NO MORE THAN FIVE YEARS.

S 7. Section 3641 of the education law is amended by adding a new subdivision 3-a to read as follows:

3-A. SUPPLEMENTAL VALUATION IMPACT GRANTS. A. IN ADDITION TO APPORTIONMENTS OTHERWISE PROVIDED BY SECTION THIRTY-SIX HUNDRED TWO OF THIS ARTICLE, FOR AID PAYABLE IN THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN SCHOOL YEAR, THE AMOUNTS SPECIFIED IN PARAGRAPHS B, C, D, AND E OF THIS SUBDIVISION SHALL BE PAID FOR THE PURPOSE OF PROVIDING ADDITIONAL FUNDING FOR SCHOOL DISTRICTS WHICH HAVE EXPERIENCED A SIGNIFICANT FINANCIAL HARDSHIP CREATED BY AN EXTRAORDINARY CHANGE IN THE TAXABLE PROPERTY VALUATION ARISING OUT OF THE CLOSURE, GOVERNMENT ACQUISITION, AND/OR DECOMMISSIONING OF A POWER PLANT FACILITY AND/OR ENERGY PROCESSING FACILITY WITHIN SUCH SCHOOL DISTRICT BOUNDARIES.

B. TO THE MARLBORO CENTRAL SCHOOL DISTRICT, THERE SHALL BE PAID THE GREATER OF ONE MILLION NINE HUNDRED SEVENTY THOUSAND DOLLARS (\$1,970,000) OR ANY ADDITIONAL APPORTIONMENT PROVIDED BY SECTION THIRTY-SIX HUNDRED TWO OF THIS ARTICLE BASED ON A RECALCULATION OF ANY TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN APPORTIONMENTS USING THE TWO THOUSAND TEN FULL VALUE OF SUCH DISTRICT IN THE AMOUNT OF \$1,988,619,552. SUCH ADDITIONAL AMOUNT SHALL BE PAYABLE TO THE MARLBORO CENTRAL SCHOOL DISTRICT IN ACCORDANCE WITH THE PAYMENT SCHEDULES CONTAINED IN SECTION THIRTY-SIX HUNDRED NINE-A OF THIS ARTICLE, NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY.

C. TO THE UNION-ENDICOTT CENTRAL SCHOOL DISTRICT, THERE SHALL BE PAID THE GREATER OF TWO MILLION FOUR HUNDRED THOUSAND DOLLARS (\$2,400,000) OR ANY ADDITIONAL APPORTIONMENT PROVIDED BY SECTION THIRTY-SIX HUNDRED TWO OF THIS ARTICLE BASED ON A RECALCULATION OF ANY TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN APPORTIONMENTS USING THE TWO THOUSAND TEN FULL VALUE OF SUCH DISTRICT IN THE AMOUNT OF \$2,400,000,000. SUCH ADDITIONAL AMOUNT SHALL BE PAYABLE TO THE UNION-ENDICOTT CENTRAL SCHOOL DISTRICT IN ACCORDANCE WITH THE PAYMENT SCHEDULES CONTAINED IN SECTION THIRTY-SIX HUNDRED NINE-A OF THIS ARTICLE, NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY.

D. TO THE WEST VALLEY CENTRAL SCHOOL DISTRICT, THERE SHALL BE PAID THE GREATER OF FIVE HUNDRED THOUSAND DOLLARS (\$500,000) OR ANY ADDITIONAL APPORTIONMENT PROVIDED BY SECTION THIRTY-SIX HUNDRED TWO OF THIS ARTICLE BASED ON A RECALCULATION OF ANY TWO THOUSAND TWELVE--TWO THOUSAND THIR-

TEEN APPORTIONMENTS USING THE TWO THOUSAND NINE FULL VALUE OF SUCH DISTRICT IN THE AMOUNT OF \$134,175,874. SUCH ADDITIONAL AMOUNT SHALL BE PAYABLE TO THE WEST VALLEY CENTRAL SCHOOL DISTRICT IN ACCORDANCE WITH THE PAYMENT SCHEDULES CONTAINED IN SECTION THIRTY-SIX HUNDRED NINE-A OF THIS ARTICLE, NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY.

E. TO THE NORTH SHORE CENTRAL SCHOOL DISTRICT, THERE SHALL BE PAID THE GREATER OF TWO MILLION DOLLARS (\$2,000,000) OR ANY ADDITIONAL APPORTIONMENT PROVIDED BY SECTION THIRTY-SIX HUNDRED TWO OF THIS ARTICLE BASED ON A RECALCULATION OF ANY TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN APPORTIONMENTS USING THE TWO THOUSAND TEN FULL VALUE OF SUCH DISTRICT IN THE AMOUNT OF \$4,890,733,200. SUCH ADDITIONAL AMOUNT SHALL BE PAYABLE TO THE NORTH SHORE CENTRAL SCHOOL DISTRICT IN ACCORDANCE WITH THE PAYMENT SCHEDULES CONTAINED IN SECTION THIRTY-SIX HUNDRED NINE-A OF THIS ARTICLE, NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY.

S 8. Section 3604 of the education law is amended by adding a new subdivision 7-b to read as follows:

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

S 9. Subdivision 17 of section 1950 of the education law is REPEALED.

S 10. Section 3242 of the education law, as amended by section 2 of subpart F of part C of chapter 97 of the laws of 2011, is amended to read as follows:

S 3242. School census in school districts. The trustees or board of education of every school district may cause a census to be taken of all children between birth and eighteen years of age, including all such facts and information as are required in the census provided for in section thirty-two hundred forty-one of this [chapter] PART. Such census shall be prepared [annually] BIENNIALLY for children between ages five and eighteen who are entitled to attend the public schools without payment of tuition in duplicate in their respective school districts, and one copy thereof filed with the teacher or principal and the other copy filed with the district superintendent or superintendent on or before the fifteenth day of October. For pre-school students from birth to five years of age, such census may be prepared and filed biennially on or before the fifteenth day of October. Such census shall include the reports and information required from cities as provided in section

thirty-two hundred forty-one OF THIS PART. All information regarding a student with a disability under the age of twenty-one years shall be filed annually with the superintendent of the board of cooperative educational services of which said district may be a part.

S 11. Section 2801-b of the education law, as added by chapter 1 of the laws of 2013, is amended to read as follows:

S 2801-b. New York state school safety improvement teams. The governor shall establish New York state school safety improvement teams, which may be composed of representatives from the division of homeland security and emergency services, the division of state police, the division of criminal justice services, and the department. Such New York State School Safety Improvement Teams shall review and assess school safety plans submitted, on a voluntary basis, by school districts having a population of less than one hundred twenty-five thousand inhabitants, boards of cooperative educational services, NONPUBLIC SCHOOLS, and county vocational education and extension boards, and may make recommendations to improve such school safety plans.

S 12. Section 3627 of the education law is REPEALED, and a new section 3627 is added to read as follows:

S 3627. TRANSPORTATION AFTER 4PM. 1. NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS SECTION TO THE CONTRARY, A CITY SCHOOL DISTRICT LOCATED IN A CITY HAVING A POPULATION OF ONE MILLION OR MORE PROVIDING TRANSPORTATION PURSUANT TO THIS CHAPTER SHALL BE RESPONSIBLE FOR:

(A) PROVIDING TRANSPORTATION FOR THOSE CHILDREN ATTENDING PUBLIC AND NONPUBLIC SCHOOLS IN GRADES KINDERGARTEN THROUGH SIX WHO REMAIN AT THE SAME SCHOOL FOR WHICH THEY ARE ENROLLED FOR REGULARLY SCHEDULED ACADEMIC CLASSES FROM HALF-PAST NINE O'CLOCK IN THE MORNING OR EARLIER UNTIL FOUR O'CLOCK IN THE AFTERNOON OR LATER, ON WEEKDAYS, AND RESIDE AT LEAST ONE MILE FROM THEIR SCHOOL OF ATTENDANCE FOR GRADES THREE THROUGH SIX, AND AT LEAST ONE-HALF MILE FROM THEIR SCHOOL OF ATTENDANCE FOR GRADES KINDERGARTEN THROUGH TWO OR

(B) REIMBURSING THE COST INCURRED BY LICENSED TRANSPORTATION CARRIERS PURSUANT TO CONTRACTS WITH SUCH SCHOOL DISTRICT FOR PROVIDING TRANSPORTATION FOR THOSE CHILDREN ATTENDING PUBLIC AND NONPUBLIC SCHOOLS IN GRADES KINDERGARTEN THROUGH SIX WHO REMAIN AT THE SAME SCHOOL FOR WHICH THEY ARE ENROLLED FOR REGULARLY SCHEDULED ACADEMIC CLASSES FROM HALF-PAST NINE O'CLOCK IN THE MORNING OR EARLIER UNTIL FOUR O'CLOCK IN THE AFTERNOON OR LATER, ON WEEKDAYS, AND RESIDE AT LEAST ONE MILE FROM THEIR SCHOOL OF ATTENDANCE FOR GRADES THREE THROUGH SIX, AND AT LEAST ONE-HALF MILE FROM THEIR SCHOOL OF ATTENDANCE FOR GRADES KINDERGARTEN THROUGH TWO.

2. NOTHING HEREIN SHALL PROHIBIT THE SCHOOL DISTRICT FROM REIMBURSING FOR COSTS INCURRED FOR CONTRACTS BETWEEN THE SCHOOL DISTRICT AND ANY ENTITY PROVIDING OR CONTRACTING FOR SUCH TRANSPORTATION SERVICE.

3. A DISTRICT SHALL NOT BE DEEMED TO HAVE SATISFIED ITS OBLIGATION UNDER THIS SECTION BY PROVIDING PUBLIC SERVICE TRANSPORTATION.

4. ANY EXPENDITURE FOR THE PURPOSE OF A DISTRICT COMPLYING WITH THIS SECTION SHALL BE CONSIDERED ELIGIBLE FOR TRANSPORTATION AID.

5. THE CHANCELLOR OF SUCH SCHOOL DISTRICT, IN CONSULTATION WITH THE COMMISSIONER, SHALL PRESCRIBE THE MOST COST EFFECTIVE SYSTEM FOR IMPLEMENTING THE REQUIREMENTS OF THIS SECTION, TAKING INTO CONSIDERATION THE COSTS ASSOCIATED WITH PARAGRAPHS (A) AND (B) OF SUBDIVISION ONE OF THIS SECTION, WHILE AT THE SAME TIME ATTEMPTING TO MAXIMIZE STUDENT SAFETY FOR THE STUDENT TO BE TRANSPORTED. FOR PURPOSES OF THIS SECTION:

(A) THE TRANSPORTATION SHALL NOT BE DEEMED TO MAXIMIZE STUDENT SAFETY IF THE PICK UP OR DROP OFF SITE OF THE TRANSPORTATION IS:

(I) FURTHER THAN 600 FEET FROM THE STUDENT'S RESIDENCE; AND/OR

(II) AT DIFFERENT LOCATIONS FOR ANY FAMILY THAT HAVE CHILDREN AT THE SAME RESIDENCE WHO ATTEND TWO OR MORE DIFFERENT SCHOOLS; AND

(B) THE TRANSPORTATION SHALL NOT BE DEEMED MOST COST EFFECTIVE IF A LICENSED TRANSPORTATION CARRIER CAN PROVIDE TRANSPORTATION FOR SUCH STUDENTS FOR AN AMOUNT TEN PERCENT OR LESS THAN THE AMOUNT THE DISTRICT PAYS OR WOULD PAY TO WHATEVER ENTITY PRESENTLY PROVIDES TRANSPORTATION FOR THE DISTRICT IN THE AFFECTED AREA.

6. (A) IN THE EVENT THE CHANCELLOR HAS NOT SATISFIED A DISTRICT'S OBLIGATION UNDER THIS SECTION, A PARENT OR GUARDIAN OR ANY REPRESENTATIVE AUTHORIZED BY SUCH PARENT OR GUARDIAN OF A CHILD ELIGIBLE TO RECEIVE TRANSPORTATION UNDER THIS SECTION MAY REQUEST THE COMMISSIONER TO ARRANGE FOR THE PROVISION OF THE TRANSPORTATION TO SO SATISFY THE REQUIREMENTS OF THIS SECTION.

(B) IF WITHIN SIXTY DAYS OF RECEIVING A REQUEST FROM SUCH A PARENT OR GUARDIAN OR ANY REPRESENTATIVE AUTHORIZED BY SUCH PARENT OR GUARDIAN, THE COMMISSIONER DETERMINES THAT THE CHANCELLOR HAS NOT SATISFIED A DISTRICT'S OBLIGATION UNDER THIS SECTION, THEN THE COMMISSIONER SHALL IMMEDIATELY DIRECT THE CHANCELLOR TO CONTRACT WITH A LICENSED TRANSPORTATION CARRIER TO PROVIDE THE TRANSPORTATION REQUIRED PURSUANT TO THIS SECTION.

(C) IN THE EVENT THE CHANCELLOR IS DIRECTED BY THE COMMISSIONER TO CONTRACT WITH A LICENSED TRANSPORTATION CARRIER TO PROVIDE THE TRANSPORTATION REQUIRED PURSUANT TO THIS SECTION, THE CHANCELLOR SHALL PROVIDE THE COMMISSIONER WITH A COPY OF SUCH PROPOSED CONTRACT, BEFORE IT BECOMES EFFECTIVE, AND THE COMMISSIONER SHALL HAVE THE POWER TO APPROVE, DISAPPROVE OR REQUIRE AMENDMENTS TO SUCH CONTRACT BEFORE IT SHALL BECOME EFFECTIVE.

(D) A DISTRICT, DETERMINED BY THE COMMISSIONER TO NOT BE IN COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION, SHALL BE RESPONSIBLE FOR THE COST OF ANY TRANSPORTATION CONTRACT AWARDED BY THE CHANCELLOR.

7. THE PARENT OR GUARDIAN, OR ANY REPRESENTATIVE AUTHORIZED BY SUCH PARENT OR GUARDIAN, MAY SUBMIT A WRITTEN REQUEST FOR TRANSPORTATION UNDER THIS SECTION, IN THE SAME MANNER AND UPON THE SAME DATES AS ARE REQUIRED FOR A REQUEST FOR TRANSPORTATION PURSUANT TO SUBDIVISION TWO OF SECTION THIRTY-SIX HUNDRED THIRTY-FIVE OF THIS ARTICLE.

S 13. Paragraph b of subdivision 6-c of section 3602 of the education law, as added by chapter 1 of the laws of 2013, is amended to read as follows:

b. For projects approved by the commissioner authorized to receive additional building aid pursuant to this subdivision for the purchase of stationary metal detectors, security cameras or other security devices approved by the commissioner that increase the safety of students and school personnel, provided that for purposes of this paragraph such other security devices shall be limited to electronic security systems and hardened doors, and provided that for projects approved by the commissioner on or after the first day of July two thousand thirteen and before the first day of July two thousand sixteen such additional aid shall equal the product of (i) the building aid ratio computed for use in the current year pursuant to paragraph c of subdivision six of this section plus [ten] FIFTY percentage points, except that in no case shall this amount exceed one hundred percent, and (ii) the actual approved expenditures incurred in the base year pursuant to this subdivision, provided that the limitations on cost allowances prescribed by paragraph a of subdivision six of this section shall not apply, and provided further that any projects aided under this paragraph must be included in

1 a district's school safety plan. The commissioner shall annually  
2 prescribe a special cost allowance for metal detectors, and security  
3 cameras, and the approved expenditures shall not exceed such cost allow-  
4 ance.

5 S 14. Paragraph a-1 of subdivision 11 of section 3602 of the education  
6 law, as amended by section 7 of part A of chapter 57 of the laws of  
7 2012, is amended to read as follows:

8 a-1. Notwithstanding the provisions of paragraph a of this subdivi-  
9 sion, for aid payable in the school years two thousand--two thousand one  
10 through two thousand nine--two thousand ten, and two thousand eleven--  
11 two thousand twelve through [two thousand twelve--two thousand thirteen]  
12 TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN, the commissioner may set  
13 aside an amount not to exceed two million five hundred thousand dollars  
14 from the funds appropriated for purposes of this subdivision for the  
15 purpose of serving persons twenty-one years of age or older who have not  
16 been enrolled in any school for the preceding school year, including  
17 persons who have received a high school diploma or high school equiv-  
18 alency diploma but fail to demonstrate basic educational competencies as  
19 defined in regulation by the commissioner, when measured by accepted  
20 standardized tests, and who shall be eligible to attend employment prep-  
21 aration education programs operated pursuant to this subdivision.

22 S 15. Intentionally omitted.

23 S 16. Subdivision 16 of section 3602-e of the education law, as  
24 amended by section 19 of part B of chapter 57 of the laws of 2007, is  
25 amended to read as follows:

26 16. The grant payable to a school district pursuant to this section in  
27 the current year shall be reduced by one one-hundred eightieth for each  
28 day less than one hundred eighty days that the universal prekindergarten  
29 classes of the district were [actually] SCHEDULED TO BE in session[,  
30 except that the commissioner may disregard such reduction for any defi-  
31 ciency that may be disregarded in computing total foundation aid pursu-  
32 ant to subdivision seven or eight of section thirty-six hundred four of  
33 this chapter] IN THE PROGRAM APPLICATION APPROVED BY THE DEPARTMENT  
34 PURSUANT TO THIS SECTION.

35 S 17. Paragraph b of subdivision 2 of section 3612 of the education  
36 law, as amended by section 10 of part A of chapter 57 of the laws of  
37 2012, is amended to read as follows:

38 b. Such grants shall be awarded to school districts, within the limits  
39 of funds appropriated therefor, through a competitive process that takes  
40 into consideration the magnitude of any shortage of teachers in the  
41 school district, the number of teachers employed in the school district  
42 who hold temporary licenses to teach in the public schools of the state,  
43 the number of provisionally certified teachers, the fiscal capacity and  
44 geographic sparsity of the district, the number of new teachers the  
45 school district intends to hire in the coming school year and the number  
46 of summer in the city student internships proposed by an eligible school  
47 district, if applicable. Grants provided pursuant to this section shall  
48 be used only for the purposes enumerated in this section. Notwithstand-  
49 ing any other provision of law to the contrary, a city school district  
50 in a city having a population of one million or more inhabitants receiv-  
51 ing a grant pursuant to this section may use no more than eighty percent  
52 of such grant funds for any recruitment, retention and certification  
53 costs associated with transitional certification of teacher candidates  
54 for the school years two thousand one--two thousand two through [two  
55 thousand twelve--two thousand thirteen] TWO THOUSAND THIRTEEN--TWO THOU-  
56 SAND FOURTEEN.

1 S 18. Subdivision a of section 5 of chapter 121 of the laws of 1996,  
2 relating to authorizing the Roosevelt union free school district to  
3 finance deficits by the issuance of serial bonds, as amended by section  
4 27-b of part A of chapter 57 of the laws of 2012, is amended to read as  
5 follows:

6 a. Notwithstanding any other provisions of law, upon application to  
7 the commissioner of education submitted not sooner than April first and  
8 not later than June thirtieth of the applicable school year, the Roose-  
9 velt union free school district shall be eligible to receive an appor-  
10 tionment pursuant to this chapter for salary expenses, including related  
11 benefits, incurred between April first and June thirtieth of such school  
12 year. Such apportionment shall not exceed: for the 1996-97 school year  
13 through the [2012-13] 2013-14 school year, four million dollars  
14 (\$4,000,000); for the [2013-14] 2014-15 school year, three million  
15 dollars (\$3,000,000); for the [2014-2015] 2015-16 school year, two  
16 million dollars (\$2,000,000); for the [2015-16] 2016-17 school year, one  
17 million dollars (\$1,000,000); and for the [2016-17] 2017-18 school year,  
18 zero dollars. Such annual application shall be made after the board of  
19 education has adopted a resolution to do so with the approval of the  
20 commissioner of education.

21 S 19. Special apportionment for salary expenses. a. Notwithstanding  
22 any other provision of law, upon application to the commissioner of  
23 education, not sooner than the first day of the second full business  
24 week of June, 2014 and not later than the last day of the third full  
25 business week of June, 2014, a school district eligible for an appor-  
26 tionment pursuant to section 3602 of the education law shall be eligible  
27 to receive an apportionment pursuant to this section, for the school  
28 year ending June 30, 2014, for salary expenses incurred between April 1  
29 and June 30, 2014 and such apportionment shall not exceed the sum of (i)  
30 the deficit reduction assessment of 1990--91 as determined by the  
31 commissioner of education, pursuant to paragraph f of subdivision 1 of  
32 section 3602 of the education law, as in effect through June 30, 1993,  
33 plus (ii) 186 percent of such amount for a city school district in a  
34 city with a population in excess of 1,000,000 inhabitants, plus (iii)  
35 209 percent of such amount for a city school district in a city with a  
36 population of more than 195,000 inhabitants and less than 219,000 inhab-  
37 itants according to the latest federal census plus (iv) the net gap  
38 elimination adjustment for 2010--2011, as determined by the commissioner  
39 of education pursuant to chapter 53 of the laws of 2010, plus (v) the  
40 sum of the gap elimination adjustment for the 2011--12 through 2012--13  
41 school years as determined by the commissioner of education pursuant to  
42 subdivision 17 of section 3602 of the education law, and provided  
43 further that such apportionment shall not exceed such salary expenses.  
44 Such application shall be made by a school district, after the board of  
45 education or trustees have adopted a resolution to do so and in the case  
46 of a city school district in a city with a population in excess of  
47 125,000 inhabitants, with the approval of the mayor of such city.

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

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

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

23 S 20. Subdivision 10 of section 6-p of the general municipal law, as  
24 amended by section 30-a of part A of chapter 57 of the laws of 2012, is  
25 amended to read as follows:

26 10. Notwithstanding any provision of law to the contrary, the govern-  
27 ing board of a school district may, during the two thousand [twelve--two  
28 thousand thirteen] THIRTEEN--TWO THOUSAND FOURTEEN school year, author-  
29 ize a withdrawal from this fund in an amount not to exceed the lesser  
30 of: (a) the dollar value of excess funding in the fund as determined by  
31 the comptroller pursuant to section thirty-three of this chapter or (b)  
32 the amount of the school district's remaining gap elimination adjustment  
33 as calculated by the commissioner of education pursuant to subdivision  
34 seventeen of section thirty-six hundred two of the education law. Funds  
35 withdrawn pursuant to this subdivision may only be used for the purpose  
36 of maintaining educational programming during the two thousand [twelve-  
37 -two thousand thirteen] THIRTEEN--TWO THOUSAND FOURTEEN school year  
38 which otherwise would have been reduced as a result of such gap elimi-  
39 nation adjustment. Governing boards which make such a withdrawal shall  
40 submit, in a form prescribed by the commissioner of education, relevant  
41 information about the withdrawal, which shall include but not be limited  
42 to, the amount of such withdrawal, the date of withdrawal, and the use  
43 of such withdrawn funds.

44 S 21. The opening paragraph of paragraph d of subdivision 4 of section  
45 4405 of the education law is designated subparagraph 1 and a new  
46 subparagraph 2 is added to read as follows:

47 (2) TUITION RATES APPROVED FOR THE SCHOOL YEAR COMMENCING ON JULY  
48 FIRST, TWO THOUSAND THIRTEEN AND SUBSEQUENT SCHOOL YEARS, SHALL INCLUDE  
49 AN ALLOWABLE GROWTH AMOUNT EQUAL TO THE "PERSONAL INCOME GROWTH INDEX"  
50 AS DEFINED IN PARAGRAPH BB OF SUBDIVISION ONE OF SECTION THIRTY-SIX  
51 HUNDRED TWO OF THIS CHAPTER.

52 S 22. The opening paragraph of subdivision 11 of section 273 of the  
53 education law is designated paragraph a and a new paragraph b is added  
54 to read as follows:

55 B. COMMENCING ON JULY FIRST, TWO THOUSAND THIRTEEN AND SUBSEQUENT  
56 YEARS, AID TO A LIBRARY OR A LIBRARY SYSTEM SHALL INCLUDE AN ALLOWABLE

1 GROWTH AMOUNT EQUAL TO THE "PERSONAL INCOME GROWTH INDEX" AS DEFINED IN  
2 PARAGRAPH BB OF SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED TWO OF  
3 THIS CHAPTER.

4 S 23. Notwithstanding paragraph c of subdivision 4 of section 3209 of  
5 the education law, or any other provision of law to the contrary, costs  
6 incurred for approved transportation expenses, pursuant to paragraph c  
7 of subdivision 4 of section 3209 of the education law, for any homeless  
8 child who required transportation to attend a school district, desig-  
9 nated pursuant to paragraph a of subdivision 2 of section 3209 of the  
10 education law, outside of the district in which such child is housed due  
11 to the emergency disaster that occurred as the result of Hurricane  
12 Sandy, shall be reimbursed, pursuant to this section, in an amount equal  
13 to the difference between one hundred percent of such approved transpor-  
14 tation expenses minus the transportation aid payable on such expenses,  
15 pursuant to subdivision 7 of section 3602 of the education law, subject  
16 to an appropriation for this purpose, for the duration of time that the  
17 child was homeless, as defined in paragraph a of subdivision 1 of  
18 section 3209 of the education law.

19 S 24. Subparagraphs (i) and (ii) of paragraph c of subdivision 11 of  
20 section 4410 of the education law, subparagraph (i) as amended by chap-  
21 ter 82 of the laws of 1995 and subparagraph (ii) as amended by chapter  
22 205 of the laws of 2009, are amended to read as follows:

23 (i) Each municipality, or, in addition, in the case of a city of one  
24 million or more persons, the board, may perform a fiscal audit of such  
25 services or programs for which it bears fiscal responsibility in accord-  
26 ance with audit standards established by the commissioner[, which may  
27 include site visitation]. ANY AUDIT OF SERVICES OR PROGRAMS OR SERVICES  
28 PURSUANT TO THIS SECTION SHALL UTILIZE THE STANDARDIZED AUDIT TOOL AS  
29 PRESCRIBED BY THE COMMISSIONER. Prior to commencing a fiscal audit  
30 pursuant to this subparagraph, a municipality shall ascertain that  
31 neither the state nor any other municipality has performed a fiscal  
32 audit of the same services or programs within the current fiscal year  
33 for such program. If it is determined that no such audit has been  
34 performed, the municipality shall inquire with the department to deter-  
35 mine which other municipalities, if any, bear financial responsibility  
36 for the services or programs to be audited and shall afford such other  
37 municipalities an opportunity to recommend issues to be examined through  
38 the audit. Municipalities completing audits pursuant to this subpara-  
39 graph shall provide copies to the department, the provider of the  
40 services and programs and all other municipalities previously determined  
41 to bear financial responsibility for the audited services and programs.  
42 No other municipality may conduct an additional fiscal audit of the same  
43 services or programs during such current fiscal year for such program.

44 (ii) Payments made pursuant to this section by a municipality shall,  
45 upon conclusion of the July first to June thirtieth school year for  
46 which such payment was made, be subject to audit against the actual  
47 difference between such audited expenditures and revenues. The munici-  
48 pality shall submit the results of any such audit to the commissioner  
49 and the commissioner of social services, if appropriate, for review and,  
50 if warranted, adjustment of the tuition and/or maintenance rates. The  
51 municipality is authorized to recover overpayments made to a provider of  
52 special services or programs pursuant to this section as determined by  
53 the commissioner or the commissioner of health based upon their adjust-  
54 ment of a tuition and/or maintenance rate, PROVIDED THAT FOR PURPOSES OF  
55 MAKING SUCH ADJUSTMENT AND RECOVERY, THE MUNICIPALITY SHALL BE DEEMED TO  
56 HAVE PAID ONE HUNDRED PERCENT OF THE DISALLOWED COSTS. Such recovery

1 may be accomplished by withholding such amount from any moneys due the  
2 provider in the current year, or by direct reimbursement. THE COMMIS-  
3 SIONER SHALL PROMULGATE RULES AND REGULATIONS NECESSARY TO IMPLEMENT THE  
4 PROVISIONS OF THIS SUBDIVISION WITHIN SIXTY DAYS OF THE EFFECTIVE DATE  
5 OF THIS CHAPTER.

6 S 25. Paragraph d of subdivision 15 of section 3641 of the education  
7 law, as added by section 22-b of part A of chapter 57 of the laws of  
8 2012, is amended to read as follows:

9 d. Approved additional expenses for annual professional performance  
10 reviews transition grants [pursuant to this subdivision] FOR THE TWO  
11 THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR shall CONTINUE TO be  
12 eligible for reimbursement. Such approved expenses shall be eligible for  
13 payment on or after September first following the end of the school year  
14 in which such expenses were [approved] INCURRED. In the event the  
15 appropriation for purposes of this subdivision in any year is insuffi-  
16 cient to pay all approved claims pursuant to this subdivision, the  
17 commissioner shall pay such claims on a prorated basis among all  
18 districts filing such claims until the appropriation is exhausted. The  
19 commissioner shall promulgate rules and regulations necessary to imple-  
20 ment the provisions of this subdivision within sixty days of the effec-  
21 tive date of the chapter of the laws of two thousand [twelve] THIRTEEN  
22 that [added] AMENDED this [subdivision] PARAGRAPH.

23 S 26. Notwithstanding any provision of law to the contrary including  
24 but not limited to paragraph b of subdivision 7 of section 3602 of the  
25 education law, where as a result of a weather related emergency or its  
26 aftermath, or a strike against operators of school buses, a school  
27 district in a city with a population in excess of one million inhabit-  
28 ants incurs expenditures for providing for alternative transportation  
29 for school children, including expenditures to the New York City Metro-  
30 politan Transportation Authority, such expenditures shall be an allow-  
31 able transportation expense.

32 S 27. Title 2 of the education law is amended by adding a new article  
33 30 to read as follows:

#### 34 ARTICLE 30

##### 35 WAIVERS FOR HIGH PERFORMING SCHOOLS

##### 36 SECTION 1401. WAIVERS FOR HIGH PERFORMING SCHOOLS.

37 S 1401. WAIVERS FOR HIGH PERFORMING SCHOOLS. 1. A HIGH PERFORMING  
38 SCHOOL MAY SUBMIT AN APPLICATION FOR A WAIVER FROM ANY REQUIREMENT  
39 IMPOSED ON SUCH DISTRICT PURSUANT TO THIS TITLE, AND REGULATIONS PROMUL-  
40 GATED THEREUNDER, FOR THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN  
41 SCHOOL YEAR. SUCH APPLICATION MUST BE SUBMITTED AT LEAST SIXTY DAYS IN  
42 ADVANCE OF THE PROPOSED DATE ON WHICH THE WAIVER WOULD BE EFFECTIVE AND  
43 SHALL BE IN A FORM PRESCRIBED BY THE COMMISSIONER.

44 2. A "HIGH PERFORMING SCHOOL" SHALL INCLUDE ANY ONE OF THE FOLLOWING:

45 A. SCHOOL DISTRICTS THAT FALL WITHIN THE TOP TEN PERCENT OF THE STATE  
46 IN PERCENT OF STUDENTS GRADUATING WITH A REGENTS DIPLOMA IN THE TWO  
47 THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR; OR

48 B. SCHOOL DISTRICTS THAT FALL WITHIN THE TOP TEN PERCENT OF SCHOOL  
49 DISTRICT GRADUATION RATES OVER THE THREE MOST RECENT YEARS IN WHICH DATA  
50 IS AVAILABLE.

51 3. BEFORE SUBMITTING AN APPLICATION FOR A WAIVER, THE HIGH PERFORMING  
52 SCHOOL SHALL PROVIDE NOTICE OF THE PROPOSED WAIVER TO THE PARENTS OR  
53 PERSONS IN PARENTAL RELATIONSHIP TO THE STUDENTS THAT WOULD BE IMPACTED  
54 BY THE WAIVER IF GRANTED. SUCH NOTICE SHALL BE IN A FORM AND MANNER THAT  
55 WILL ENSURE THAT SUCH PARENTS AND PERSONS IN PARENTAL RELATIONSHIP WILL

1 BE AWARE OF ALL RELEVANT CHANGES THAT WOULD OCCUR UNDER THE WAIVER, AND  
2 SHALL INCLUDE INFORMATION ON THE FORM, MANNER AND DATE BY WHICH PARENTS  
3 MAY SUBMIT WRITTEN COMMENTS ON THE PROPOSED WAIVER. THE HIGH PERFORMING  
4 SCHOOL SHALL PROVIDE AT LEAST SIXTY DAYS FOR SUCH PARENTS AND PERSONS IN  
5 PARENTAL RELATIONSHIP TO SUBMIT WRITTEN COMMENTS, AND SHALL INCLUDE IN  
6 THE WAIVER APPLICATION SUBMITTED TO THE COMMISSIONER PURSUANT TO SUBDI-  
7 VISION ONE OF THIS SECTION ANY WRITTEN COMMENTS RECEIVED FROM SUCH  
8 PARENTS OR PERSONS IN PARENTAL RELATION TO SUCH STUDENTS.

9 4. THE COMMISSIONER MAY GRANT A WAIVER FROM ANY REQUIREMENT IMPOSED ON  
10 A HIGH PERFORMING SCHOOL PURSUANT TO THIS TITLE. IN MAKING SUCH DETERMI-  
11 NATION, THE COMMISSIONER SHALL CONSIDER ANY COMMENTS RECEIVED BY THE  
12 HIGH PERFORMING SCHOOL FROM PARENTS OR PERSONS IN PARENTAL RELATION TO  
13 THE STUDENTS THAT WOULD BE DIRECTLY AFFECTED BY THE WAIVER IF GRANTED.

14 5. THE COMMISSIONER SHALL MAKE HIS OR HER DETERMINATION WITHIN TEN  
15 DAYS OF RECEIPT OF THE APPLICATION FOR A WAIVER.

16 6. ANY HIGH PERFORMING SCHOOL GRANTED A WAIVER SHALL SUBMIT AN ANNUAL  
17 REPORT TO THE COMMISSIONER REGARDING THE OPERATION AND EVALUATION OF THE  
18 PROGRAM NO LATER THAN THIRTY DAYS AFTER THE END OF EACH SCHOOL YEAR FOR  
19 WHICH A WAIVER IS GRANTED.

20 S 28. The opening paragraph of paragraph c of subdivision 5 of section  
21 2604 of the education law is designated subparagraph (i) and a new  
22 subparagraph is added to read as follows:

23 (II) NOTWITHSTANDING ANY PROVISION OF LAW, RULE OR REGULATION TO THE  
24 CONTRARY, THE FUNDS APPROPRIATED HEREIN, SUBJECT TO AN ALLOCATION PLAN  
25 DEVELOPED BY THE LEGISLATURE AND APPROVED BY THE DIRECTOR OF THE BUDGET,  
26 SHALL BE AVAILABLE FOR PAYMENT OR PRIOR YEAR CLAIMS AND/OR FISCAL  
27 STABILIZATION GRANTS FOR REMAINING PAYMENTS FOR THE TWO THOUSAND  
28 TWELVE-TWO THOUSAND THIRTEEN SCHOOL YEAR AND FOR PAYMENTS PRIOR TO MARCH  
29 THIRTY-FIRST, TWO THOUSAND FOURTEEN FOR THE TWO THOUSAND THIRTEEN-TWO  
30 THOUSAND FOURTEEN SCHOOL YEAR, PROVIDED, HOWEVER, THAT NOTWITHSTANDING  
31 ANY PROVISIONS OF LAW, RULE OR REGULATION TO THE CONTRARY, FOUR MILLION  
32 DOLLARS SHALL BE MADE AVAILABLE TO ANY AVERAGE NEED SCHOOL DISTRICT  
33 OTHER THAN A CITY SCHOOL DISTRICT FOR THE PAYMENT OF PRIOR YEAR CLAIMS  
34 THAT HAVE BEEN APPROVED BY THE COMMISSIONER WHERE SUCH SCHOOL DISTRICT'S  
35 TOTAL AGGREGATE APPROVED PRIOR YEAR CLAIMS EXCEED FOUR MILLION DOLLARS;  
36 PROVIDED FURTHER THAT ANY REMAINING FUNDS ALLOCATED FOR PAYMENT OF PRIOR  
37 YEAR CLAIMS SHALL BE USED TO PAY CLAIMS IN THE ORDER THAT EACH CLAIM HAS  
38 BEEN APPROVED BY THE COMMISSIONER, BUT IN NO CASE SHALL ANY CLAIM DRAW  
39 DOWN MORE THAN FORTY PERCENT OF THE TOTAL PAYMENT LEVEL SO DESIGNATED  
40 FOR PRIOR YEAR CLAIMS FOR THE TWO THOUSAND THIRTEEN-TWO THOUSAND FOUR-  
41 TEEN SCHOOL YEAR; PROVIDED FURTHER THAT NO MORE THAN FIFTY-FIVE PERCENT  
42 OF SUCH TWO THOUSAND THIRTEEN-TWO THOUSAND FOURTEEN SCHOOL YEAR AMOUNT  
43 FOR FISCAL STABILIZATION GRANTS AND/OR PRIOR YEAR CLAIMS SHALL BE PAYA-  
44 BLE PRIOR TO APRIL FIRST OF THE SCHOOL YEAR; PROVIDED FURTHER THAT NO  
45 CLAIM SHALL BE SET ASIDE FOR INSUFFICIENCY OF FUNDS TO MAKE A COMPLETE  
46 PAYMENT.

47 S 29. Clause (b) of subparagraph 3 of paragraph e of subdivision 6 of  
48 section 3602 of the education law, as amended by section 31-a of part A  
49 of chapter 57 of the laws of 2012, is amended to read as follows:

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

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

26 S 30. Notwithstanding any other provision of law, rule or regulation  
27 to the contrary, where the public school or school district a homeless  
28 child was attending on a tuition-free basis or was entitled to attend  
29 when circumstances arose which caused the child to become homeless is  
30 located outside the state, the New York school district responsible for  
31 the education of such homeless child pursuant to section 3209 of the  
32 education law upon the child's entry into New York shall not be respon-  
33 sible for reimbursement of the state education department pursuant to  
34 paragraph b of subdivision 3 of section 3209 of the education law.

35 S 31. Subdivision 8 of section 4401 of the education law, as amended  
36 by chapter 57 of the laws of 1993, is amended to read as follows:

37 8. "School district basic contribution" shall mean an amount equal to  
38 the total school district local property and non-property tax levy for  
39 the base year divided by the base year public school district enrollment  
40 of resident pupils of the school district as defined in paragraph n of  
41 subdivision one of section thirty-six hundred two of this chapter,  
42 EXCEPT THAT FOR THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL  
43 YEAR AND THEREAFTER, SUCH TAX LEVY FOR THE BASE YEAR SHALL BE DIVIDED BY  
44 THE BASE YEAR PUPIL COUNT AS DETERMINED BY THE COMMISSIONER PURSUANT TO  
45 PARAGRAPH F OF SUBDIVISION TWO OF SECTION THIRTY-SIX HUNDRED TWO OF THIS  
46 CHAPTER FOR ANY SCHOOL DISTRICT IN WHICH SUCH BASE YEAR PUPIL COUNT,  
47 EXCLUDING PUPILS ATTENDING A CENTRAL HIGH SCHOOL DISTRICT, EXCEEDS ONE  
48 HUNDRED AND FIFTY PERCENT OF SUCH BASE YEAR PUBLIC SCHOOL DISTRICT  
49 ENROLLMENT OF RESIDENT PUPILS AS DEFINED IN PARAGRAPH N OF SUBDIVISION  
50 ONE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS CHAPTER.

51 S 32. This act shall take effect immediately; provided, however, that:

52 (a) section two of this act shall be deemed to have been in full force  
53 and effect on and after the effective date of section 30 of part A of  
54 chapter 58 of the laws of 2011, took effect;

(b) section eleven of this act shall take effect on the same date and in the same manner as section 55 of chapter 1 of the laws of 2013, takes effect;

(c) section thirteen of this act shall take effect on the same date and in the same manner as section 56 of chapter 1 of the laws of 2013, takes effect;

(d) section sixteen of this act shall be deemed to have been in full force and effect on and after July 1, 2010; and

(e) sections nine, seventeen, twenty-eight and thirty-one of this act shall take effect July 1, 2013.

## PART A-2

Section 1. Legislative intent. The legislature hereby finds and declares that given the current fiscal climate in this state, many school districts, particularly small, rural districts, are threatened by a decline in educational opportunities and programs for their students.

School districts are seeking new models of delivering services to students that are most cost-effective and efficient, in order to sustain or enhance the quality of services to maintain or expand the scope of services offered to students.

The legislature recognizes that many secondary schools in the state are experiencing financial limitations that may impair their ability to offer students the same range or quality of courses that other secondary schools may provide. In order to ensure that these districts continue to offer their students advanced course work, districts should be afforded the opportunity to establish a regional secondary school.

Under this new model of delivering services, districts will be able to streamline programs and services, increase resources and increase their purchasing power through shared services. These resultant cost savings will allow money to flow into educational programs and services for students which will, in turn, help to improve student performance and meet college and career readiness.

S 2. The education law is amended by adding a new article 39-A to read as follows:

### ARTICLE 39-A

#### REGIONAL SECONDARY SCHOOLS

SECTION 1920. DEFINITIONS.

1921. ESTABLISHMENT OF A REGIONAL SECONDARY SCHOOL OPERATED BY A BOARD OF EDUCATION.

1922. ESTABLISHMENT OF A REGIONAL SECONDARY SCHOOL OPERATED BY A BOARD OF COOPERATIVE EDUCATIONAL SERVICES.

1923. STATE AID FOR REGIONAL SECONDARY SCHOOLS.

1924. REGIONAL SECONDARY SCHOOL ADVISORY COMMITTEE.

S 1920. DEFINITIONS. FOR PURPOSES OF THIS ARTICLE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

1. THE TERM "REGIONAL SECONDARY SCHOOL" SHALL MEAN A SECONDARY SCHOOL ESTABLISHED BY PARTICIPATING DISTRICTS WITHIN A REGION OF NEW YORK STATE.

2. THE TERM "SECONDARY SCHOOL" SHALL MEAN:

A. A HIGH SCHOOL CONTAINING GRADES NINE THROUGH TWELVE;

B. A JUNIOR HIGH SCHOOL CONTAINING GRADES SIX THROUGH EIGHT;

C. A COMBINED JUNIOR/SENIOR HIGH SCHOOL CONTAINING GRADES SIX THROUGH TWELVE;

D. A COMBINED JUNIOR/SENIOR HIGH SCHOOL CONTAINING GRADES SEVEN THROUGH TWELVE; OR

1 E. A COMBINED JUNIOR/SENIOR HIGH SCHOOL CONTAINING GRADES EIGHT  
2 THROUGH TWELVE.

3 3. THE TERM "REGION" SHALL MEAN THE COMBINED AREA OF ALL THE PARTIC-  
4 IPATING DISTRICTS THAT ESTABLISH A REGIONAL SECONDARY SCHOOL.

5 4. THE TERM "PARTICIPATING DISTRICT" SHALL MEAN AN ELIGIBLE SCHOOL  
6 DISTRICT WHOSE BOARD OF EDUCATION HAS ADOPTED A RESOLUTION TO ESTABLISH  
7 A REGIONAL SECONDARY SCHOOL WITH ONE OR MORE OTHER ELIGIBLE SCHOOL  
8 DISTRICTS.

9 5. THE TERM "ELIGIBLE SCHOOL DISTRICT" SHALL MEAN:

10 A. A CITY SCHOOL DISTRICT,

11 B. A CENTRAL SCHOOL DISTRICT,

12 C. A UNION FREE SCHOOL DISTRICT, AND/OR

13 D. A COMMON SCHOOL DISTRICT, WHICH IS ELIGIBLE TO ESTABLISH A REGIONAL  
14 SECONDARY SCHOOL.

15 6. THE TERM "HOSTING DISTRICT" SHALL MEAN THE PARTICIPATING DISTRICT  
16 WHICH HOSTS THE REGIONAL SECONDARY SCHOOL.

17 7. THE TERM "REGIONAL REFERENDUM" SHALL MEAN A REFERENDUM, PRESENTED  
18 SIMULTANEOUSLY ON THE BALLOT OF ALL THE PARTICIPATING DISTRICTS, AND  
19 DETERMINED BY A MAJORITY VOTE OF THE PARTICIPATING ELECTORS OF THE  
20 REGION COLLECTIVELY.

21 8. THE TERM "PROPOSED CONTRACT" SHALL MEAN THE CONTRACT ADOPTED BY ALL  
22 THE BOARDS OF EDUCATION OF THE PARTICIPATING DISTRICTS FOR THE ESTAB-  
23 LISHMENT AND OPERATION OF THE REGIONAL SECONDARY SCHOOL.

24 9. THE TERM "GOVERNING BOARD OF THE REGIONAL SECONDARY SCHOOL" SHALL  
25 MEAN THE GOVERNING BOARD OF THE REGIONAL SECONDARY SCHOOL AS DESIGNATED  
26 BY THE PROPOSED CONTRACT.

27 S 1921. ESTABLISHMENT OF A REGIONAL SECONDARY SCHOOL OPERATED BY A  
28 BOARD OF EDUCATION. 1. A REGIONAL SECONDARY SCHOOL MAY BE ESTABLISHED  
29 PURSUANT TO THIS SECTION.

30 2. A REGIONAL SECONDARY SCHOOL MAY BE ESTABLISHED BY TWO OR MORE  
31 ELIGIBLE SCHOOL DISTRICTS.

32 3. THE ESTABLISHMENT OF A REGIONAL SECONDARY SCHOOL SHALL BE SUBJECT  
33 TO THE APPROVAL OF THE COMMISSIONER, IN A MANNER AND TIME FRAME, AS SET  
34 FORTH WITHIN THIS SECTION.

35 4. A REGIONAL SECONDARY SCHOOL:

36 A. SHALL BE WHOLLY CONTAINED WITHIN THE SUPERVISORY DISTRICT OF A  
37 BOARD OF COOPERATIVE EDUCATIONAL SERVICES, UNLESS:

38 (I) UPON APPLICATION OF THE BOARDS OF EDUCATION SEEKING TO ESTABLISH A  
39 REGIONAL SECONDARY SCHOOL, THE COMMISSIONER AGREES TO WAIVE THIS  
40 REQUIREMENT; OR

41 (II) THE PARTICIPATING SCHOOL DISTRICT IS A CENTRAL HIGH SCHOOL  
42 DISTRICT, WHICH SUBJECT TO APPROVAL OF ITS VOTERS, ENTERED INTO AN  
43 AGREEMENT WITH SCHOOL DISTRICTS OTHER THAN ITS COMPONENT SCHOOL  
44 DISTRICTS, THAT ARE WHOLLY CONTAINED WITHIN THE SUPERVISORY DISTRICT OF  
45 A BOARD OF COOPERATIVE EDUCATIONAL SERVICES.

46 B. SHALL NOT BE A COMPONENT SCHOOL DISTRICT OF A CENTRAL HIGH SCHOOL  
47 DISTRICT, OR A SPECIAL ACT SCHOOL DISTRICT, AS DEFINED IN SECTION FOUR  
48 THOUSAND ONE OF THIS CHAPTER.

49 5. A REGIONAL SECONDARY SCHOOL SHALL SERVE ALL OR SOME OF THE STUDENTS  
50 IN EACH OF THE PARTICIPATING DISTRICTS IN GRADES OF A SECONDARY SCHOOL  
51 AS DETERMINED BY THE AGREEMENT BETWEEN THE PARTICIPATING DISTRICTS.

52 6. UPON THE ESTABLISHMENT OF A REGIONAL SECONDARY SCHOOL, EACH PARTIC-  
53 IPATING DISTRICT SHALL CEASE OPERATION OF AT LEAST ONE SECONDARY SCHOOL,  
54 EXCEPT THAT THE HOSTING DISTRICT MAY CONTINUE TO OPERATE A SECONDARY  
55 SCHOOL AS A REGIONAL SECONDARY SCHOOL, PURSUANT TO THE CONDITIONS OF  
56 THIS ARTICLE.

1 7. PURSUANT TO THIS SECTION, THE REGIONAL SECONDARY SCHOOL MAY BE  
2 OPERATED BY:

3 A. ONE OF THE PARTICIPATING DISTRICTS, CONSTITUTING THE HOSTING  
4 DISTRICT, WHICH SHALL ASSUME THE RESPONSIBILITY TO OPERATE, SUPERVISE  
5 AND MAINTAIN THE REGIONAL SECONDARY SCHOOL AND THE ADMINISTRATION OF  
6 SUCH REGIONAL SECONDARY SCHOOL; OR

7 B. A JOINT BOARD OF EDUCATION ESTABLISHED PURSUANT TO THIS SECTION.

8 8. A. TO ESTABLISH A REGIONAL SECONDARY SCHOOL, TWO OR MORE PARTIC-  
9 IPATING SCHOOL DISTRICTS MUST INITIALLY ADOPT, BY MAJORITY VOTE OF THE  
10 BOARD OF EDUCATION OF EACH PARTICIPATING DISTRICT, A RESOLUTION PROPOS-  
11 ING THE ESTABLISHMENT OF THE REGIONAL SECONDARY SCHOOL.

12 B. THE RESOLUTION TO ESTABLISH A REGIONAL SECONDARY SCHOOL SHALL INDI-  
13 CATE:

14 (I) THE PROPOSED PARTICIPATING SCHOOL DISTRICTS;

15 (II) WHETHER THE SCHOOL WOULD BE GOVERNED BY A PROPOSED HOSTING  
16 DISTRICT OR A JOINT BOARD OF EDUCATION;

17 (III) A LISTING OF THE GRADES THAT WOULD BE INCLUDED IN THE REGIONAL  
18 SECONDARY SCHOOL;

19 (IV) THE PROPOSED LOCATION OF, THE REGIONAL SECONDARY SCHOOL;

20 (V) THE PROPOSED TERM OF THE CONTRACT GOVERNING THE REGIONAL SECONDARY  
21 SCHOOL.

22 C. THE RESOLUTION TO ESTABLISH THE REGIONAL SECONDARY SCHOOL SHALL BE  
23 VOTED ON BY EACH BOARD AT A MEETING HELD NO LATER THAN OCTOBER FIRST OF  
24 THE SCHOOL YEAR PRIOR TO THE SCHOOL YEAR IN WHICH THE REGIONAL SECONDARY  
25 SCHOOL IS PROPOSED TO COMMENCE OPERATION.

26 9. A. IF TWO OR MORE SCHOOL DISTRICTS ADOPT SUCH A RESOLUTION AS  
27 PROVIDED IN SUBDIVISION EIGHT OF THIS SECTION, THE RESOLUTION SHALL BE  
28 PRESENTED IN A REGIONAL REFERENDUM BY MEANS OF A REGIONAL VOTE, BEFORE  
29 THE ELECTORS OF ALL OF THE PROPOSED PARTICIPATING DISTRICTS.

30 B. APPROVAL OF THE REGIONAL REFERENDUM SHALL BE UPON A MAJORITY VOTE  
31 OF THE PARTICIPATING ELECTORS IN THE REGION ENCOMPASSING ALL OF THE  
32 PROPOSED PARTICIPATION DISTRICTS.

33 C. IN THE EVENT THE VOTERS DO NOT APPROVE THE REGIONAL REFERENDUM, IT  
34 MAY BE PRESENTED FOR A RE-VOTE, BUT IN NO EVENT ANY MORE THAN TWO VOTES  
35 BE HELD IN ANY SCHOOL YEAR.

36 10. UPON THE APPROVAL OF THE VOTERS IN THE REGIONAL REFERENDUM,  
37 PRESENTED PURSUANT TO SUBDIVISION NINE OF THIS SECTION, THE PARTICIPAT-  
38 ING SCHOOL DISTRICTS SHALL COLLECTIVELY ENTER INTO A PROPOSED CONTRACT  
39 FOR THE ESTABLISHMENT OF A REGIONAL SECONDARY SCHOOL.

40 11. WITH THE CONSENT OF EACH OF THE PARTICIPATING BOARDS OF EDUCATION  
41 AND APPROVAL OF THE COMMISSIONER, ADDITIONAL SCHOOL DISTRICTS, OTHERWISE  
42 ELIGIBLE TO ESTABLISH THE REGIONAL SECONDARY SCHOOL, MAY JOIN THE  
43 REGIONAL SECONDARY SCHOOL IN THE SECOND OR A SUBSEQUENT YEAR OF OPERA-  
44 TION, BY ADOPTING A BOARD RESOLUTION AND OBTAINING VOTER APPROVAL UPON A  
45 MAJORITY VOTE OF THE ELECTORS OF SUCH ADDITIONAL DISTRICT.

46 12. A. UPON RECEIPT OF VOTER APPROVAL IN THE REGIONAL REFERENDUM HELD  
47 PURSUANT TO SUBDIVISION NINE OF THIS SECTION, THE PARTICIPATING SCHOOL  
48 DISTRICTS SHALL ADOPT, BY A MAJORITY VOTE OF THE BOARDS OF EDUCATION OF  
49 EACH PARTICIPATING SCHOOL DISTRICT, A PROPOSED CONTRACT FOR THE OPERA-  
50 TION OF THE REGIONAL SECONDARY SCHOOL.

51 B. THE PROPOSED CONTRACT FOR THE OPERATION OF THE REGIONAL SECONDARY  
52 SCHOOL SHALL INCLUDE THE PLAN OF FORMATION AND OPERATION OF THE REGIONAL  
53 SECONDARY SCHOOL AND SHALL BE SUBMITTED TO THE COMMISSIONER FOR HIS OR  
54 HER APPROVAL, IN A TIME AND MANNER PRESCRIBED BY THE COMMISSIONER.

55 C. THE PROPOSED CONTRACT FOR THE OPERATION OF THE REGIONAL SECONDARY  
56 SCHOOL SHALL BE AN INTER-MUNICIPAL SHARING AGREEMENT PURSUANT TO ARTICLE

1 FIVE-G OF THE GENERAL MUNICIPAL LAW THAT COMPLIES WITH THE REQUIREMENTS  
2 OF THIS SECTION.

3 13. THE PROPOSED CONTRACT FOR THE OPERATION OF THE REGIONAL SECONDARY  
4 SCHOOL, AND THE REGIONAL SECONDARY SCHOOL THAT WOULD BE ESTABLISHED  
5 THEREUNDER, SHALL MEET THE FOLLOWING REQUIREMENTS:

6 A. THE PROPOSED CONTRACT SHALL PROVIDE THE NAME OF THE REGIONAL  
7 SECONDARY SCHOOL, WHICH SHALL BE SUBJECT TO THE COMMISSIONER'S APPROVAL.

8 B. THE TERM OF THE PROPOSED CONTRACT SHALL BE SPECIFIED THEREIN, AND  
9 SHALL BE FOR A TERM NOT LESS THAN FIVE NOR MORE THAN SEVEN SCHOOL YEARS.

10 C. THE PROPOSED CONTRACT SHALL ESTABLISH A GOVERNING BOARD OF THE  
11 REGIONAL SECONDARY SCHOOL, THAT WILL OPERATE THE REGIONAL SECONDARY  
12 SCHOOL ON BEHALF OF ALL PARTICIPATING DISTRICTS, AS FOLLOWS:

13 (I) THE GOVERNING BOARD OF THE REGIONAL SECONDARY SCHOOL SHALL BE  
14 DESIGNATED BY THE PROPOSED CONTRACT TO BE EITHER THE BOARD OF EDUCATION  
15 OF THE HOSTING DISTRICT, OR A JOINT BOARD OF EDUCATION ESTABLISHED BY  
16 THE PARTICIPATING DISTRICTS.

17 (II) IN THE EVENT THE PROPOSED CONTRACT DESIGNATES A JOINT BOARD OF  
18 EDUCATION AS THE GOVERNING BOARD OF THE REGIONAL SECONDARY SCHOOL:

19 (1) SUCH JOINT BOARD SHALL CONSIST OF AT LEAST FIVE MEMBERS, WITH NOT  
20 LESS THAN ONE MEMBER APPOINTED BY THE BOARD OF EDUCATION OF EACH PARTIC-  
21 IPATING SCHOOL DISTRICT, AND WITH ANY REMAINING MEMBERS BEING JOINTLY  
22 APPOINTED BY THE BOARDS OF EDUCATION OF THE PARTICIPATING SCHOOL  
23 DISTRICTS COLLECTIVELY;

24 (2) THE PROPOSED CONTRACT, CONSISTENT WITH THE PROVISIONS OF THIS  
25 SECTION, SHALL SPECIFY THE NUMBER, TERM, AND PROCEDURES FOR APPOINTMENT  
26 OF THE JOINT BOARD MEMBERS; AND

27 (3) THE JOINT BOARD SHALL HAVE THE SAME POWERS AND DUTIES WITH RESPECT  
28 TO THE REGIONAL SECONDARY SCHOOL AS A BOARD OF EDUCATION OF A UNION FREE  
29 SCHOOL DISTRICT HAS WITH RESPECT TO ITS SCHOOLS UNDER THIS CHAPTER,  
30 EXCEPT AS MODIFIED BY THE TERMS OF THE PROPOSED CONTRACT.

31 (III) THE GOVERNING BOARD SHALL HAVE RESPONSIBILITY FOR THE OPERATION,  
32 SUPERVISION AND MAINTENANCE OF THE REGIONAL SECONDARY SCHOOL AND SHALL  
33 BE RESPONSIBLE FOR THE ADMINISTRATION OF THE SCHOOL, INCLUDING THE  
34 CURRICULUM, GRADING, STAFFING AND THE ISSUANCE OF DIPLOMAS FOR ALL  
35 STUDENTS THAT ATTEND THE REGIONAL SECONDARY SCHOOL, AS SHALL BE DESIG-  
36 NATED IN THE PROPOSED CONTRACT.

37 (IV) THE REGIONAL SECONDARY SCHOOL SHALL BE DEEMED A SCHOOL OF THE  
38 GOVERNING BOARD FOR ACCOUNTABILITY PURPOSES.

39 D. THE PROPOSED CONTRACT MAY PROVIDE THAT THE STUDENT'S SCHOOL  
40 DISTRICT OF RESIDENCE MAY ISSUE THE STUDENT'S DIPLOMA, UPON CERTIF-  
41 ICATION BY THE GOVERNING BOARD THAT ALL GRADUATION REQUIREMENTS OF THE  
42 REGIONAL SECONDARY SCHOOL HAVE BEEN MET.

43 E. THE PROPOSED CONTRACT SHALL DESIGNATE THE GRADES OF INSTRUCTION  
44 INTENDED TO BE SERVED BY THE REGIONAL SECONDARY SCHOOL.

45 F. THE PROPOSED CONTRACT SHALL DESIGNATE THE SITE OF THE REGIONAL  
46 SECONDARY SCHOOL, WHICH SHALL BE WITHIN THE BOUNDARIES OF ONE OF THE  
47 PARTICIPATING DISTRICTS, AND WHERE POSSIBLE, SHOULD USE EXISTING BUILD-  
48 INGS AND/OR INFRASTRUCTURE.

49 G. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE  
50 PROPOSED CONTRACT SHALL PROVIDE THAT EACH PARTICIPATING SCHOOL DISTRICT  
51 SHALL BE RESPONSIBLE FOR PROVIDING OR ARRANGING FOR TRANSPORTATION TO  
52 ITS RESIDENT STUDENTS ATTENDING THE REGIONAL SECONDARY SCHOOL IN ACCORD-  
53 ANCE WITH ITS SCHOOL DISTRICT POLICY, BUT WITHOUT REGARD TO ANY MAXIMUM  
54 MILEAGE LIMITATION.

55 H. THE PROPOSED CONTRACT MAY PROVIDE THAT STUDENT TRANSPORTATION MAY  
56 BE PROVIDED BY CONTRACT FOR TRANSPORTATION SERVICES, INCLUDING BUT NOT

1 LIMITED TO A CONTRACT WITH ONE OR MORE PARTICIPATING DISTRICTS OR A  
2 BOARD OF COOPERATIVE EDUCATIONAL SERVICES.

3 I. THE PROPOSED CONTRACT SHALL SPECIFY:

4 (I) THAT THE STUDENTS OF EACH PARTICIPATING SCHOOL DISTRICT SHALL  
5 REMAIN ENROLLED AS STUDENTS OF THEIR RESPECTIVE PARTICIPATING SCHOOL  
6 DISTRICTS;

7 (II) THAT THE STUDENTS SHALL BE TREATED AND COUNTED AS STUDENTS OF  
8 THEIR RESPECTIVE PARTICIPATING SCHOOL DISTRICTS FOR PURPOSES OF ALL  
9 STATE AID CALCULATIONS PURSUANT TO THIS CHAPTER;

10 (III) THE CURRENT ENROLLMENT OF ALL PARTICIPATING SCHOOL DISTRICTS;  
11 AND

12 (IV) THE PROJECTED TOTAL ENROLLMENT NUMBERS OF THE REGIONAL SECONDARY  
13 SCHOOL.

14 J. THE PROPOSED CONTRACT MUST DEMONSTRATE HOW THE REGIONAL SECONDARY  
15 SCHOOL WILL PROVIDE INCREASED EDUCATIONAL OPPORTUNITIES FOR STUDENTS,  
16 INCLUDING COURSES AND PROGRAMS IN SCIENCE, TECHNOLOGY, ENGINEERING AND  
17 MATH, TO PREPARE STUDENTS FOR COLLEGE AND CAREER READINESS AND IMPROVE  
18 STUDENT PERFORMANCE.

19 K. THAT EMPLOYMENT ISSUES OF THE REGIONAL SECONDARY SCHOOL SHALL BE  
20 RESOLVED AS FOLLOWS:

21 (I) THAT ALL TEACHERS, TEACHING ASSISTANTS AND TEACHER AIDES OF THE  
22 PARTICIPATING SCHOOL DISTRICTS, WHOSE SERVICES IN THE PARTICIPATING  
23 SCHOOL DISTRICTS ARE NO LONGER NEEDED BECAUSE OF THE ESTABLISHMENT OF A  
24 REGIONAL SECONDARY SCHOOL, OR THE TRANSFER OF STUDENTS TO AN EXISTING  
25 REGIONAL SECONDARY SCHOOL, OR AS A RESULT OF A NEW PARTICIPATING SCHOOL  
26 DISTRICT JOINING THE REGIONAL SECONDARY SCHOOL, SHALL IMMEDIATELY BECOME  
27 EMPLOYEES OF THE GOVERNING BOARD DESIGNATED IN THE PROPOSED CONTRACT,  
28 AND SHALL RETAIN THEIR TENURE AND/OR EMPLOYMENT STATUS AND THE SENIORITY  
29 GAINED IN THE PARTICIPATING DISTRICT.

30 (II) THAT IN THE EVENT THAT THE NUMBER OF TEACHING, TEACHING ASSISTANT  
31 OR TEACHER AIDE POSITIONS NEEDED TO PROVIDE THE EDUCATIONAL SERVICES  
32 REQUIRED BY A REGIONAL SECONDARY SCHOOL IS LESS THAN THE NUMBER OF  
33 TEACHERS, TEACHING ASSISTANTS, AND TEACHER AIDES ELIGIBLE TO BE CONSID-  
34 ERED EMPLOYEES OF THE DESIGNATED GOVERNING BOARD OF SUCH REGIONAL  
35 SECONDARY SCHOOL, THE SERVICES OF THE TEACHERS, TEACHING ASSISTANTS AND  
36 TEACHER AIDES HAVING THE LEAST SENIORITY IN THE PARTICIPATING SCHOOL  
37 DISTRICT WITHIN THE TENURE AREA OR CIVIL SERVICE STATUS, AS THE CASE MAY  
38 BE, OF THE POSITION SHALL BE DISCONTINUED.

39 (III) THAT ANY SUCH EMPLOYEES WHO ARE TEACHERS, TEACHING ASSISTANTS OR  
40 TEACHER AIDES SHALL BE PLACED ON A PREFERRED ELIGIBLE LIST OF CANDIDATES  
41 FOR APPOINTMENT TO A VACANCY THAT MAY THEREAFTER OCCUR IN AN OFFICE OR  
42 POSITION UNDER THE JURISDICTION OF THE PARTICIPATING SCHOOL DISTRICT IN  
43 ACCORDANCE WITH THE PROVISIONS OF SECTION TWENTY-FIVE HUNDRED TEN OR  
44 THREE THOUSAND THIRTEEN OF THIS CHAPTER.

45 (IV) THAT FOR ANY SUCH TEACHER, TEACHING ASSISTANT OR TEACHER AIDE WHO  
46 IS RETAINED BY THE GOVERNING BOARD, FOR SALARY, SICK LEAVE AND ANY OTHER  
47 PURPOSES, THE LENGTH OF SERVICE CREDITED IN SUCH PARTICIPATING SCHOOL  
48 DISTRICT PRIOR TO ITS PARTICIPATION IN THE REGIONAL SECONDARY SCHOOL  
49 SHALL BE CREDITED AS EMPLOYMENT TIME WITH THE DESIGNATED GOVERNING  
50 BOARD.

51 (V) THAT UPON TERMINATION OF THE PROPOSED CONTRACT PURSUANT TO THIS  
52 SECTION AND THE RETURN OF STUDENTS FROM THE REGIONAL SECONDARY SCHOOL TO  
53 THE FORMER PARTICIPATING SCHOOL DISTRICT, THE TEACHERS, TEACHING ASSIST-  
54 ANTS AND TEACHER AIDES EMPLOYED BY THE GOVERNING BOARD TO SERVE IN THE  
55 REGIONAL SECONDARY SCHOOL SHALL HAVE THE SAME EMPLOYMENT RIGHTS IN THE  
56 PARTICIPATING SCHOOL DISTRICTS AS TEACHERS WOULD HAVE UPON TAKEOVER OF A

1 BOARD OF COOPERATIVE EDUCATIONAL SERVICES PROGRAM BY SUCH SCHOOL  
2 DISTRICTS PURSUANT TO SECTION THREE THOUSAND FOURTEEN-B OF THIS CHAPTER.

3 (VI) THAT ALL SCHOOL PRINCIPALS, ASSISTANT PRINCIPALS, SUPERVISORY  
4 EMPLOYEES, AND NON-INSTRUCTIONAL EMPLOYEES OF THE PARTICIPATING SCHOOL  
5 DISTRICTS, WHOSE SERVICES IN THE PARTICIPATING SCHOOL DISTRICTS ARE NO  
6 LONGER NEEDED BECAUSE OF THE ESTABLISHMENT OF A REGIONAL SECONDARY  
7 SCHOOL, OR THE TRANSFER OF STUDENTS TO AN EXISTING REGIONAL SECONDARY  
8 SCHOOL, OR AS A RESULT OF A NEW PARTICIPATING SCHOOL DISTRICT JOINING  
9 THE REGIONAL SECONDARY SCHOOL, SHALL IMMEDIATELY BECOME EMPLOYEES OF THE  
10 GOVERNING BOARD DESIGNATED IN THE PROPOSED CONTRACT, AND SHALL HAVE  
11 EMPLOYMENT RIGHTS IDENTICAL TO TEACHERS, TEACHING ASSISTANTS OR TEACHER  
12 AIDES PROVIDED IN THIS SECTION AND THE EXISTING RELEVANT SECTIONS OF  
13 THIS CHAPTER.

14 L. THE PROPOSED CONTRACT SHALL SPECIFY THE PROCESS FOR DEVELOPMENT OF  
15 THE BUDGET FOR THE REGIONAL SECONDARY SCHOOL BY THE DESIGNATED GOVERNING  
16 BOARD AND HOW OPERATING AND ADMINISTRATIVE COSTS AND THE LOCAL SHARE OF  
17 CAPITAL EXPENSES ATTRIBUTABLE TO THE REGIONAL SECONDARY SCHOOL WILL BE  
18 ALLOCATED AMONGST THE PARTICIPATING DISTRICTS.

19 M. THE PROPOSED CONTRACT SHALL SPECIFY THE COSTS OF THE REGIONAL  
20 SECONDARY SCHOOL, STAFFING, CURRENT AND FUTURE CAPITAL CONSTRUCTION  
21 PLANS AND FOR THE DELIVERY OF SPECIAL EDUCATION PROGRAMS.

22 N. THE PROPOSED CONTRACT SHALL SPECIFY THE PROCEDURES FOR DISCIPLINE  
23 OF STUDENTS ATTENDING THE REGIONAL SECONDARY SCHOOL, INCLUDING THE  
24 APPLICABLE CODE OF CONDUCT PROVIDED THAT SUCH CODE OF CONDUCT MEETS THE  
25 REQUIREMENTS OF SECTION TWENTY-EIGHT HUNDRED ONE OF THIS CHAPTER AND  
26 PROCEDURES FOR SUPERINTENDENTS' HEARINGS AND APPEALS TO THE BOARD OF  
27 EDUCATION PURSUANT TO SECTION THIRTY-TWO HUNDRED FOURTEEN OF THIS CHAP-  
28 TER.

29 O. THE PROPOSED CONTRACT SHALL SPECIFY THE COSTS OF THE OPERATION OF  
30 THE REGIONAL SECONDARY SCHOOL FOR EACH PARTICIPATING SCHOOL DISTRICT AND  
31 AN ITEMIZED LISTING OF THE COST SAVINGS FOR EACH PARTICIPATING SCHOOL  
32 DISTRICT.

33 P. THE PROPOSED CONTRACT SHALL SPECIFY HOW EXTRA-CURRICULAR ACTIVITIES  
34 AND INTERSCHOLASTIC ATHLETICS WILL BE PROVIDED TO STUDENTS OF THE  
35 REGIONAL SECONDARY SCHOOL.

36 Q. THE PROPOSED CONTRACT SHALL SPECIFY THE FISCAL IMPLICATIONS OF THE  
37 REGIONAL SECONDARY SCHOOL INCLUDING EXPECTED STATE AID AND EXPECTED  
38 CHANGES IN EXPENDITURES AND PROPERTY TAX LEVIES.

39 R. THE PROPOSED CONTRACT SHALL SPECIFY WHETHER THE EMPLOYEES OF THE  
40 REGIONAL SECONDARY SCHOOL SHALL ESTABLISH NEW EMPLOYEE ORGANIZATIONS,  
41 PURSUANT TO ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW, FOR THEIR REPRE-  
42 SENTATION, OR, WHERE APPLICABLE, WHETHER THEY SHALL BECOME MEMBERS OF  
43 THE APPLICABLE EMPLOYEE ORGANIZATIONS REPRESENTING THE EMPLOYEES OF THE  
44 HOSTING DISTRICT.

45 S. THE PROPOSED CONTRACT SHALL SET FORTH ANY OTHER INFORMATION OR  
46 ANALYSIS AS MAY BE REQUIRED BY THE REGULATIONS OF THE COMMISSIONER.

47 14. IF THE COMMISSIONER APPROVES THE PROPOSED CONTRACT, THE REGIONAL  
48 SECONDARY SCHOOL SHALL BE ESTABLISHED. THE CONTRACT, SO APPROVED, SHALL  
49 BE FOR A PERIOD OF AT LEAST FIVE AND NOT MORE THAN SEVEN SCHOOL YEARS  
50 AND, UPON THE APPROVAL OF THE COMMISSIONER, MAY BE RENEWED PURSUANT TO  
51 MUTUAL AGREEMENT BY MEANS OF A MAJORITY VOTE OF EACH OF THE BOARDS OF  
52 EDUCATION OF THE PARTICIPATING DISTRICTS. THE REGIONAL SECONDARY SCHOOL  
53 SHALL COMMENCE OPERATIONS ON THE FIRST OF JULY, AND SHALL NOT CEASE  
54 OPERATIONS BEFORE THE THIRTIETH OF JUNE IN ANY SCHOOL YEAR.

1 S 1922. ESTABLISHMENT OF A REGIONAL SECONDARY SCHOOL OPERATED BY A  
2 BOARD OF COOPERATIVE EDUCATIONAL SERVICES. 1. A REGIONAL SECONDARY  
3 SCHOOL MAY BE ESTABLISHED PURSUANT TO THIS SECTION.

4 2. A REGIONAL SECONDARY SCHOOL MAY BE ESTABLISHED BY TWO OR MORE  
5 ELIGIBLE SCHOOL DISTRICTS.

6 3. THE ESTABLISHMENT OF A REGIONAL SECONDARY SCHOOL SHALL BE SUBJECT  
7 TO THE APPROVAL OF THE COMMISSIONER, IN A MANNER AND TIME FRAME, AS SET  
8 FORTH WITHIN THIS SECTION.

9 4. A REGIONAL SECONDARY SCHOOL SHALL BE WHOLLY CONTAINED WITHIN THE  
10 SUPERVISORY DISTRICT OF THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES  
11 OPERATING THE REGIONAL SECONDARY SCHOOL.

12 5. A REGIONAL SECONDARY SCHOOL SHALL SERVE ALL OR SOME OF THE STUDENTS  
13 IN EACH OF THE PARTICIPATING DISTRICTS IN GRADES OF A SECONDARY SCHOOL  
14 AS DETERMINED BY THE AGREEMENT BETWEEN THE PARTICIPATING DISTRICTS.

15 6. UPON THE ESTABLISHMENT OF A REGIONAL SECONDARY SCHOOL, EACH PARTIC-  
16 IPATING DISTRICT SHALL CEASE OPERATION OF AT LEAST ONE SECONDARY SCHOOL,  
17 EXCEPT THAT THE HOSTING DISTRICT MAY CONTINUE TO OPERATE A SECONDARY  
18 SCHOOL AS A REGIONAL SECONDARY SCHOOL, PURSUANT TO THE CONDITIONS OF  
19 THIS ARTICLE.

20 7. PURSUANT TO THIS SECTION, THE REGIONAL SECONDARY SCHOOL OPERATED BY  
21 A BOARD OF COOPERATIVE EDUCATIONAL SERVICES, SHALL HAVE SUCH BOARD OF  
22 COOPERATIVE EDUCATIONAL SERVICES ASSUME THE RESPONSIBILITY TO OPERATE,  
23 SUPERVISE AND MAINTAIN THE REGIONAL SECONDARY SCHOOL AND THE ADMINIS-  
24 TRATION OF SUCH REGIONAL SECONDARY SCHOOL.

25 8. A. TO ESTABLISH A REGIONAL SECONDARY SCHOOL, TWO OR MORE PARTIC-  
26 IPATING SCHOOL DISTRICTS MUST INITIALLY ADOPT, BY MAJORITY VOTE OF THE  
27 BOARD OF EDUCATION OF EACH PARTICIPATING DISTRICT, A RESOLUTION PROPOS-  
28 ING THE ESTABLISHMENT OF THE REGIONAL SECONDARY SCHOOL.

29 B. THE RESOLUTION TO ESTABLISH A REGIONAL SECONDARY SCHOOL SHALL INDI-  
30 CATE:

31 (I) THE PROPOSED PARTICIPATING SCHOOL DISTRICTS;

32 (II) THAT THE REGIONAL SECONDARY SCHOOL SHALL BE OPERATED BY A BOARD  
33 OF COOPERATIVE EDUCATIONAL SERVICES;

34 (III) A LISTING OF THE GRADES THAT WOULD BE INCLUDED IN THE REGIONAL  
35 SECONDARY SCHOOL;

36 (IV) THE PROPOSED LOCATION OF THE REGIONAL SECONDARY SCHOOL;

37 (V) THE PROPOSED TERM OF THE CONTRACT GOVERNING THE REGIONAL SECONDARY  
38 SCHOOL.

39 C. THE RESOLUTION TO ESTABLISH THE REGIONAL SECONDARY SCHOOL SHALL BE  
40 VOTED ON BY EACH BOARD AT A MEETING HELD NO LATER THAN OCTOBER FIRST OF  
41 THE SCHOOL YEAR PRIOR TO THE SCHOOL YEAR IN WHICH THE REGIONAL SECONDARY  
42 SCHOOL IS PROPOSED TO COMMENCE OPERATION.

43 9. A. IF TWO OR MORE SCHOOL DISTRICTS ADOPT SUCH A RESOLUTION AS  
44 PROVIDED IN SUBDIVISION EIGHT OF THIS SECTION, THE RESOLUTION SHALL BE  
45 PRESENTED IN A REGIONAL REFERENDUM BY MEANS OF A REGIONAL VOTE, BEFORE  
46 THE ELECTORS OF ALL OF THE PROPOSED PARTICIPATING DISTRICTS.

47 B. APPROVAL OF THE REGIONAL REFERENDUM SHALL BE UPON A MAJORITY VOTE  
48 OF THE PARTICIPATING ELECTORS IN THE REGION ENCOMPASSING ALL OF THE  
49 PROPOSED PARTICIPATING DISTRICTS.

50 C. IN THE EVENT THE VOTERS DO NOT APPROVE THE REGIONAL REFERENDUM, IT  
51 MAY BE PRESENTED FOR A RE-VOTE, BUT IN NO EVENT MAY MORE THAN TWO VOTES  
52 BE HELD IN ANY SCHOOL YEAR.

53 10. UPON THE APPROVAL OF THE VOTERS IN THE REGIONAL REFERENDUM,  
54 PRESENTED PURSUANT TO SUBDIVISION NINE OF THIS SECTION, THE PARTICIPAT-  
55 ING SCHOOL DISTRICTS SHALL COLLECTIVELY ENTER INTO A PROPOSED CONTRACT  
56 FOR THE ESTABLISHMENT OF A REGIONAL SECONDARY SCHOOL.

11. WITH THE CONSENT OF EACH OF THE PARTICIPATING BOARDS OF EDUCATION, AND THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES OPERATING THE REGIONAL SECONDARY SCHOOL, AND UPON THE APPROVAL OF THE COMMISSIONER, ADDITIONAL SCHOOL DISTRICTS, OTHERWISE ELIGIBLE TO ESTABLISH THE REGIONAL SECONDARY SCHOOL OPERATED BY A BOARD OF COOPERATIVE EDUCATIONAL SERVICES, MAY JOIN THE REGIONAL SECONDARY SCHOOL IN THE SECOND OR A SUBSEQUENT YEAR OF OPERATION, BY ADOPTING A BOARD RESOLUTION AND OBTAINING VOTER APPROVAL UPON A MAJORITY VOTE OF THE ELECTORS OF SUCH ADDITIONAL DISTRICT.

12. A. UPON RECEIPT OF VOTER APPROVAL IN THE REGIONAL REFERENDUM HELD PURSUANT TO SUBDIVISION NINE OF THIS SECTION, THE PARTICIPATING SCHOOL DISTRICTS SHALL ADOPT, BY A MAJORITY VOTE OF THE BOARDS OF EDUCATION OF EACH PARTICIPATING SCHOOL DISTRICT, A PROPOSED CONTRACT FOR THE OPERATION OF THE REGIONAL SECONDARY SCHOOL.

B. THE PROPOSED CONTRACT FOR THE OPERATION OF THE REGIONAL SECONDARY SCHOOL SHALL INCLUDE THE PLAN OF FORMATION AND OPERATION OF THE REGIONAL SECONDARY SCHOOL AND SHALL BE SUBMITTED TO THE COMMISSIONER FOR HIS OR HER APPROVAL, IN A TIME AND MANNER PRESCRIBED BY THE COMMISSIONER.

C. THE PROPOSED CONTRACT FOR THE OPERATION OF THE REGIONAL SECONDARY SCHOOL SHALL BE AN INTERMUNICIPAL SHARING AGREEMENT PURSUANT TO ARTICLE FIVE-G OF THE GENERAL MUNICIPAL LAW THAT COMPLIES WITH THE REQUIREMENTS OF THIS SECTION.

13. THE PROPOSED CONTRACT FOR THE OPERATION OF THE REGIONAL SECONDARY SCHOOL, AND THE REGIONAL SECONDARY SCHOOL THAT WOULD BE ESTABLISHED THEREUNDER, SHALL MEET THE FOLLOWING REQUIREMENTS:

A. THE PROPOSED CONTRACT SHALL PROVIDE THE NAME OF THE REGIONAL SECONDARY SCHOOL, WHICH SHALL BE SUBJECT TO THE COMMISSIONER'S APPROVAL;

B. THE TERM OF THE PROPOSED CONTRACT SHALL BE SPECIFIED THEREIN, AND SHALL BE FOR A TERM NOT LESS THAN FIVE NOR MORE THAN SEVEN SCHOOL YEARS;

C. THE PROPOSED CONTRACT SHALL ESTABLISH:

(I) THAT THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES AS THE GOVERNING BOARD OF THE REGIONAL SECONDARY SCHOOL, WILL OPERATE THE REGIONAL SECONDARY SCHOOL ON BEHALF OF ALL PARTICIPATING DISTRICTS;

(II) THAT THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES AS THE GOVERNING BOARD OF THE REGIONAL SECONDARY SCHOOL, SHALL HAVE RESPONSIBILITY FOR THE OPERATION, SUPERVISION AND MAINTENANCE OF THE REGIONAL SECONDARY SCHOOL AND SHALL BE RESPONSIBLE FOR THE ADMINISTRATION OF THE SCHOOL, INCLUDING THE CURRICULUM, GRADING, STAFFING AND THE ISSUANCE OF DIPLOMAS FOR ALL STUDENTS THAT ATTEND THE REGIONAL SECONDARY SCHOOL, AS SHALL BE DESIGNATED IN THE PROPOSED CONTRACT; AND

(III) THAT THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES AS THE GOVERNING BOARD OF THE REGIONAL SECONDARY SCHOOL SHALL BE DEEMED A SCHOOL DISTRICT FOR ACCOUNTABILITY PURPOSES;

D. THE PROPOSED CONTRACT MAY PROVIDE THAT THE STUDENT'S SCHOOL DISTRICT OF RESIDENCE MAY ISSUE THE STUDENT'S DIPLOMA, UPON CERTIFICATION BY THE GOVERNING BOARD THAT ALL GRADUATION REQUIREMENTS OF THE REGIONAL SECONDARY SCHOOL HAVE BEEN MET;

E. THE PROPOSED CONTRACT SHALL DESIGNATE THE GRADES OF INSTRUCTION INTENDED TO BE SERVED BY THE REGIONAL SECONDARY SCHOOL;

F. THE PROPOSED CONTRACT SHALL DESIGNATE THE SITE OF THE REGIONAL SECONDARY SCHOOL, WHICH SHALL BE WITHIN THE BOUNDARIES OF ONE OF THE PARTICIPATING DISTRICTS, AND WHERE POSSIBLE, SHOULD USE EXISTING BUILDINGS AND/OR INFRASTRUCTURE;

G. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE PROPOSED CONTRACT SHALL PROVIDE THAT EACH PARTICIPATING SCHOOL DISTRICT SHALL BE RESPONSIBLE FOR PROVIDING OR ARRANGING FOR TRANSPORTATION TO ITS RESIDENT STUDENTS ATTENDING THE REGIONAL SECONDARY SCHOOL IN ACCORD-

ANCE WITH ITS SCHOOL DISTRICT POLICY, BUT WITHOUT REGARD TO ANY MAXIMUM MILEAGE LIMITATION.

H. THE PROPOSED CONTRACT MAY PROVIDE THAT STUDENT TRANSPORTATION MAY BE PROVIDED BY CONTRACT FOR TRANSPORTATION SERVICES, INCLUDING BUT NOT LIMITED TO A CONTRACT WITH ONE OR MORE PARTICIPATING DISTRICTS OR A BOARD OF COOPERATIVE EDUCATIONAL SERVICES;

I. THE PROPOSED CONTRACT SHALL SPECIFY:

(I) THAT THE STUDENTS OF EACH PARTICIPATING SCHOOL DISTRICT SHALL REMAIN ENROLLED AS STUDENTS OF THEIR RESPECTIVE PARTICIPATING SCHOOL DISTRICTS;

(II) THAT THE STUDENTS SHALL BE TREATED AND COUNTED AS STUDENTS OF THEIR RESPECTIVE PARTICIPATING SCHOOL DISTRICTS FOR PURPOSES OF ALL STATE AID CALCULATIONS PURSUANT TO THIS CHAPTER;

(III) THE CURRENT ENROLLMENT OF ALL PARTICIPATING SCHOOL DISTRICTS; AND

(IV) THE PROJECTED TOTAL ENROLLMENT NUMBERS OF THE REGIONAL SECONDARY SCHOOL;

J. THE PROPOSED CONTRACT MUST DEMONSTRATE HOW THE REGIONAL SECONDARY SCHOOL WILL PROVIDE INCREASED EDUCATIONAL OPPORTUNITIES FOR STUDENTS, INCLUDING COURSES AND PROGRAMS IN SCIENCE, TECHNOLOGY, ENGINEERING AND MATH, TO PREPARE STUDENTS FOR COLLEGE AND CAREER READINESS AND IMPROVE STUDENT PERFORMANCE;

K. THAT EMPLOYMENT ISSUES OF THE REGIONAL SECONDARY SCHOOL SHALL BE RESOLVED AS FOLLOWS:

(I) THAT ALL TEACHERS, TEACHING ASSISTANTS AND TEACHER AIDES OF THE PARTICIPATING SCHOOL DISTRICTS, WHOSE SERVICES IN THE PARTICIPATING SCHOOL DISTRICTS ARE NO LONGER NEEDED BECAUSE OF THE ESTABLISHMENT OF A REGIONAL SECONDARY SCHOOL, OR THE TRANSFER OF STUDENTS TO AN EXISTING REGIONAL SECONDARY SCHOOL, OR AS A RESULT OF A NEW PARTICIPATING SCHOOL DISTRICT JOINING THE REGIONAL SECONDARY SCHOOL, SHALL IMMEDIATELY BECOME EMPLOYEES OF THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES DESIGNATED IN THE PROPOSED CONTRACT, AND SHALL RETAIN THEIR TENURE AND/OR EMPLOYMENT STATUS AND THE SENIORITY GAINED IN THE PARTICIPATING DISTRICT;

(II) THAT IN THE EVENT THAT THE NUMBER OF TEACHING, TEACHING ASSISTANT OR TEACHER AIDE POSITIONS NEEDED TO PROVIDE THE EDUCATIONAL SERVICES REQUIRED BY A REGIONAL SECONDARY SCHOOL IS LESS THAN THE NUMBER OF TEACHERS, TEACHING ASSISTANTS AND TEACHER AIDES ELIGIBLE TO BE CONSIDERED EMPLOYEES OF THE DESIGNATED GOVERNING BOARD OF SUCH REGIONAL SECONDARY SCHOOL, THE SERVICES OF THE TEACHERS, TEACHING ASSISTANTS AND TEACHER AIDES HAVING THE LEAST SENIORITY IN THE PARTICIPATING SCHOOL DISTRICT WITHIN THE TENURE AREA OR CIVIL SERVICE STATUS, AS THE CASE MAY BE, OF THE POSITION SHALL BE DISCONTINUED;

(III) THAT ANY SUCH EMPLOYEES WHO ARE TEACHERS, TEACHING ASSISTANTS OR TEACHER AIDES SHALL BE PLACED ON A PREFERRED ELIGIBLE LIST OF CANDIDATES FOR APPOINTMENT TO A VACANCY THAT MAY THEREAFTER OCCUR IN AN OFFICE OR POSITION UNDER THE JURISDICTION OF THE PARTICIPATING SCHOOL DISTRICT IN ACCORDANCE WITH THE PROVISIONS OF SECTION TWENTY-FIVE HUNDRED TEN OR THREE THOUSAND THIRTEEN OF THIS CHAPTER;

(IV) THAT FOR ANY SUCH TEACHER, TEACHING ASSISTANT OR TEACHER AIDE WHO IS RETAINED BY THE GOVERNING BOARD, FOR SALARY, SICK LEAVE AND ANY OTHER PURPOSES, THE LENGTH OF SERVICE CREDITED IN SUCH PARTICIPATING SCHOOL DISTRICT PRIOR TO ITS PARTICIPATION IN THE REGIONAL SECONDARY SCHOOL SHALL BE CREDITED AS EMPLOYMENT TIME WITH THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES;

(V) THAT UPON TERMINATION OF THE PROPOSED CONTRACT PURSUANT TO THIS SECTION AND THE RETURN OF STUDENTS FROM THE REGIONAL SECONDARY SCHOOL TO

1 THE FORMER PARTICIPATING SCHOOL DISTRICT, THE TEACHERS, TEACHING ASSIST-  
2 ANTS, AND TEACHER AIDES EMPLOYED BY THE BOARD OF COOPERATIVE EDUCATIONAL  
3 SERVICES TO SERVE IN THE REGIONAL SECONDARY SCHOOL SHALL HAVE THE SAME  
4 EMPLOYMENT RIGHTS IN THE PARTICIPATING SCHOOL DISTRICTS AS TEACHERS  
5 WOULD HAVE UPON TAKEOVER OF A BOARD OF COOPERATIVE EDUCATIONAL SERVICES  
6 PROGRAM BY SUCH SCHOOL DISTRICTS PURSUANT TO SECTION THREE THOUSAND  
7 FOURTEEN-B OF THIS CHAPTER;

8 (VI) THAT ALL SCHOOL PRINCIPALS, ASSISTANT PRINCIPALS, SUPERVISORY  
9 EMPLOYEES, AND NON-INSTRUCTIONAL EMPLOYEES OF THE PARTICIPATING SCHOOL  
10 DISTRICTS, WHOSE SERVICES IN THE PARTICIPATING SCHOOL DISTRICTS ARE NO  
11 LONGER NEEDED BECAUSE OF THE ESTABLISHMENT OF A REGIONAL SECONDARY  
12 SCHOOL, OR THE TRANSFER OF STUDENTS IN AN EXISTING REGIONAL SECONDARY  
13 SCHOOL, OR AS A RESULT OF A NEW PARTICIPATING SCHOOL DISTRICT JOINING  
14 THE REGIONAL SECONDARY SCHOOL, SHALL IMMEDIATELY BECOME EMPLOYEES OF THE  
15 BOARD OF COOPERATIVE EDUCATIONAL SERVICES DESIGNATED IN THE PROPOSED  
16 CONTRACT, AND SHALL HAVE EMPLOYMENT RIGHTS IDENTICAL TO TEACHERS, TEACH-  
17 ING ASSISTANTS OR TEACHER AIDES PROVIDED IN THIS SECTION AND THE EXIST-  
18 ING RELEVANT SECTIONS OF THIS CHAPTER.

19 L. THE PROPOSED CONTRACT SHALL SPECIFY THE PROCESS FOR DEVELOPMENT OF  
20 THE BUDGET FOR THE REGIONAL SECONDARY SCHOOL BY THE BOARD OF COOPERATIVE  
21 EDUCATIONAL SERVICES AND HOW OPERATING AND ADMINISTRATIVE COSTS AND THE  
22 LOCAL SHARE OF CAPITAL EXPENSES ATTRIBUTABLE TO THE REGIONAL SECONDARY  
23 SCHOOL WILL BE ALLOCATED AMONGST THE PARTICIPATING DISTRICTS;

24 M. THE PROPOSED CONTRACT SHALL SPECIFY THE COSTS OF THE REGIONAL  
25 SECONDARY SCHOOL, STAFFING, CURRENT AND FUTURE CAPITAL CONSTRUCTION  
26 PLANS AND FOR THE DELIVERY OF SPECIAL EDUCATION PROGRAMS;

27 N. THE PROPOSED CONTRACT SHALL SPECIFY THE PROCEDURES FOR DISCIPLINE  
28 OF STUDENTS ATTENDING THE REGIONAL SECONDARY SCHOOL, INCLUDING THE  
29 APPLICABLE CODE OF CONDUCT PROVIDED THAT SUCH CODE OF CONDUCT MEETS THE  
30 REQUIREMENTS OF SECTION TWENTY-EIGHT HUNDRED ONE OF THIS CHAPTER AND  
31 PROCEDURES FOR SUPERINTENDENTS' HEARINGS AND APPEALS TO THE BOARD OF  
32 EDUCATION PURSUANT TO SECTION THIRTY-TWO HUNDRED FOURTEEN OF THIS CHAP-  
33 TER;

34 O. THE PROPOSED CONTRACT SHALL SPECIFY THE COSTS OF THE OPERATION OF  
35 THE REGIONAL SECONDARY SCHOOL FOR EACH PARTICIPATING SCHOOL DISTRICT AND  
36 AN ITEMIZED LISTING OF THE COST SAVINGS FOR EACH PARTICIPATING SCHOOL  
37 DISTRICT;

38 P. THE PROPOSED CONTRACT SHALL SPECIFY HOW EXTRACURRICULAR ACTIVITIES  
39 AND INTERSCHOLASTIC ATHLETICS WILL BE PROVIDED TO STUDENTS OF THE  
40 REGIONAL SECONDARY SCHOOL;

41 Q. THE PROPOSED CONTRACT SHALL SPECIFY THE FISCAL IMPLICATIONS OF THE  
42 REGIONAL SECONDARY SCHOOL INCLUDING EXPECTED STATE AID AND EXPECTED  
43 CHANGES IN EXPENDITURES AND PROPERTY TAX LEVIES;

44 R. THE PROPOSED CONTRACT SHALL SPECIFY WHETHER THE EMPLOYEES OF THE  
45 REGIONAL SECONDARY SCHOOL SHALL ESTABLISH NEW EMPLOYEE ORGANIZATIONS,  
46 PURSUANT TO ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW, FOR THEIR REPRESENTATION, OR, WHERE APPLICABLE, WHETHER THEY SHALL BECOME MEMBERS OF THE APPLICABLE EMPLOYEE ORGANIZATIONS REPRESENTING THE EMPLOYEES OF THE HOSTING DISTRICT; AND

50 S. THE PROPOSED CONTRACT SHALL SET FORTH ANY OTHER INFORMATION OR  
51 ANALYSIS AS MAY BE REQUIRED BY THE REGULATIONS OF THE COMMISSIONER.

52 14. IF THE COMMISSIONER APPROVES THE PROPOSED CONTRACT, THE REGIONAL  
53 SECONDARY SCHOOL SHALL BE ESTABLISHED. THE CONTRACT, SO APPROVED, SHALL  
54 BE FOR A PERIOD OF AT LEAST FIVE AND NOT MORE THAN SEVEN SCHOOL YEARS  
55 AND, UPON THE APPROVAL OF THE COMMISSIONER, MAY BE RENEWED PURSUANT TO  
56 MUTUAL AGREEMENT BY MEANS OF A MAJORITY VOTE OF EACH OF THE BOARDS OF

1 EDUCATION OF THE PARTICIPATING DISTRICTS AND THE SUPERVISORY DISTRICT OF  
2 THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES. THE REGIONAL SECONDARY  
3 SCHOOL SHALL COMMENCE OPERATIONS ON THE FIRST OF JULY, AND SHALL NOT  
4 CEASE OPERATIONS BEFORE THE THIRTIETH OF JUNE IN ANY SCHOOL YEAR.

5 S 1923. STATE AID FOR REGIONAL SECONDARY SCHOOLS. 1. STUDENTS ATTEND-  
6 ING A REGIONAL SECONDARY SCHOOL SHALL BE DEEMED ENROLLED IN THEIR SCHOOL  
7 DISTRICT OF RESIDENCE AND SHALL BE INCLUDED IN THE APPLICABLE MEMBER-  
8 SHIP, ENROLLMENT AND ATTENDANCE COUNTS OF THEIR RESPECTIVE SCHOOL  
9 DISTRICTS OF RESIDENCE FOR PURPOSES OF COMPUTATION OF STATE AID TO SUCH  
10 SCHOOL DISTRICTS. THE COSTS OF EDUCATING EACH SUCH STUDENT SHALL BE  
11 INCLUDED IN THE APPROVED OPERATING EXPENSE OF THE STUDENT'S SCHOOL  
12 DISTRICT OF RESIDENCE AND EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION,  
13 THE STATE AID ATTRIBUTABLE TO SUCH STUDENT SHALL BE COMPUTED IN THE SAME  
14 MANNER AS AID ATTRIBUTABLE TO OTHER RESIDENT STUDENTS AND SHALL BE PAYA-  
15 BLE TO THE SCHOOL DISTRICT OF RESIDENCE.

16 2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE  
17 SCHOOL DISTRICT THAT OWNS THE FACILITY USED TO HOUSE THE REGIONAL  
18 SECONDARY SCHOOL SHALL BE THE ONLY SCHOOL DISTRICT ELIGIBLE FOR BUILDING  
19 AID PURSUANT TO THE APPLICABLE PROVISIONS OF SUBDIVISION SIX, SIX-A,  
20 SIX-C, SIX-E OR SIX-F OF SECTION THIRTY-SIX HUNDRED TWO OF THIS CHAPTER  
21 FOR PROJECTS INVOLVING THE REGIONAL SECONDARY SCHOOL THAT ARE APPROVED  
22 BY THE QUALIFIED VOTERS OF SUCH DISTRICT AFTER ESTABLISHMENT OF THE  
23 REGIONAL SECONDARY SCHOOL, PROVIDED THAT SUCH AID SHALL BE COMPUTED  
24 USING THE BUILDING AID RATIO APPLICABLE TO PROJECTS OF THE SCHOOL  
25 DISTRICT THAT OWNS THE REGIONAL SECONDARY SCHOOL FACILITY UNDER THE  
26 PROVISIONS OF PARAGRAPHS B AND C OF SUBDIVISION SIX OF SECTION  
27 THIRTY-SIX HUNDRED TWO OF THIS CHAPTER. SUCH AID SHALL BE PAID TO SUCH  
28 SCHOOL DISTRICT OR TO THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES ON  
29 BEHALF OF SUCH SCHOOL DISTRICT WHERE THE BOARD OF COOPERATIVE EDUCA-  
30 TIONAL SERVICES OPERATES THE REGIONAL SECONDARY SCHOOL. THE SCHOOL  
31 DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES SHALL ALLOCATE THE  
32 LOCAL SHARE OF THE COSTS OF SUCH PROJECTS TO THE PARTICIPATING SCHOOL  
33 DISTRICTS IN ACCORDANCE WITH ITS CONTRACT ENTERED INTO PURSUANT TO  
34 SECTION NINETEEN HUNDRED TWENTY OR NINETEEN HUNDRED TWENTY-ONE OF THIS  
35 ARTICLE. THE COSTS OF SUCH PROJECTS SHALL NOT BE ELIGIBLE FOR AID PURSU-  
36 ANT TO SUBDIVISION SIX-B OR PARAGRAPH C OF SUBDIVISION FOURTEEN OF  
37 SECTION THIRTY-SIX HUNDRED TWO OF THIS CHAPTER.

38 3. NOTWITHSTANDING ANY PROVISION OF SECTION NINETEEN HUNDRED FIFTY OR  
39 NINETEEN HUNDRED FIFTY-ONE OF THIS TITLE TO THE CONTRARY, IN THE CASE OF  
40 A REGIONAL SECONDARY SCHOOL OPERATED BY A BOARD OF COOPERATIVE EDUCA-  
41 TIONAL SERVICES THAT IS HOUSED IN A FACILITY OWNED BY A PARTICIPATING  
42 SCHOOL DISTRICT, THE CAPITAL EXPENSES FOR BUILDING PROJECTS INVOLVING  
43 THE REGIONAL SECONDARY SCHOOL SHALL BE A CHARGE UPON THE PARTICIPATING  
44 SCHOOL DISTRICTS ONLY, AND SUCH COSTS SHALL NOT BE ALLOCATED TO OTHER  
45 COMPONENT SCHOOL DISTRICTS. SUCH CAPITAL EXPENSES SHALL NOT BE ELIGIBLE  
46 FOR AID PURSUANT TO SUBDIVISION FIVE OF SECTION NINETEEN HUNDRED FIFTY  
47 OF THIS TITLE. PROVIDED, HOWEVER, THAT COSTS OF AIDABLE SHARED SERVICES  
48 PROVIDED BY THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES TO SUPPLEMENT  
49 THE PROGRAMS OF THE REGIONAL SECONDARY SCHOOL SHALL BE ELIGIBLE FOR AID  
50 PURSUANT TO SUCH SUBDIVISION FIVE OF SECTION NINETEEN HUNDRED FIFTY, THE  
51 ADMINISTRATIVE EXPENSES ATTRIBUTABLE TO THE REGIONAL SECONDARY SCHOOL  
52 AND THE CAPITAL EXPENSES ATTRIBUTABLE TO A REGIONAL SECONDARY SCHOOL  
53 HOUSED IN A FACILITY OWNED BY THE BOARD OF COOPERATIVE EDUCATIONAL  
54 SERVICES SHALL BE ALLOCATED TO COMPONENT SCHOOL DISTRICTS IN ACCORDANCE  
55 WITH SECTION NINETEEN HUNDRED FIFTY OR NINETEEN HUNDRED FIFTY-ONE OF

1 THIS TITLE AND SHALL BE ELIGIBLE FOR AID PURSUANT TO SUCH SUBDIVISION  
2 FIVE OF SECTION NINETEEN HUNDRED FIFTY.

3 4. THE BOARD OF EDUCATION OF EACH SCHOOL DISTRICT PARTICIPATING IN A  
4 REGIONAL SECONDARY SCHOOL PURSUANT TO THIS ARTICLE SHALL BE ELIGIBLE FOR  
5 ADDITIONAL STATE AID IN ACCORDANCE WITH PARAGRAPH K OF SUBDIVISION FOUR-  
6 TEEN OF SECTION THIRTY-SIX HUNDRED TWO OF THIS CHAPTER.

7 S 1924. REGIONAL SECONDARY SCHOOL ADVISORY COMMITTEE. 1. EACH REGIONAL  
8 SECONDARY SCHOOL ESTABLISHED AND OPERATED PURSUANT TO THIS ARTICLE SHALL  
9 ESTABLISH AN ADVISORY COMMITTEE. THE ADVISORY COMMITTEE SHALL BE  
10 COMPOSED OF THE PRESIDENT OF THE BOARD OF EDUCATION OF EACH PARTICIPAT-  
11 ING SCHOOL DISTRICT, THE PRESIDENT OF THE BOARD OF EDUCATION OF EACH  
12 SUPERVISORY BOARD OF COOPERATIVE EDUCATIONAL SERVICES, WHERE APPLICABLE,  
13 AND THE SUPERINTENDENT OF EACH PARTICIPATING SCHOOL DISTRICT AND THE  
14 SUPERINTENDENT OF THE SUPERVISORY DISTRICT IN WHICH THE REGIONAL SECOND-  
15 ARY SCHOOL IS LOCATED. THE SUPERINTENDENT OF THE SUPERVISORY DISTRICT  
16 SHALL BE THE CHAIR OF THE ADVISORY COMMITTEE.

17 2. THE ADVISORY COMMITTEE SHALL CONVENE, AT THE CALL OF THE CHAIR, NOT  
18 LESS THAN FOUR TIMES DURING EACH SCHOOL YEAR DURING WHICH THE REGIONAL  
19 SECONDARY SCHOOL OPERATES. DURING SUCH MEETINGS, THE ADVISORY COMMITTEE  
20 SHALL REVIEW THE OPERATION OF THE REGIONAL SECONDARY SCHOOL AND MAKE  
21 RECOMMENDATIONS TO THE HOSTING DISTRICT OR THE SUPERVISORY BOARD OF  
22 COOPERATIVE EDUCATIONAL SERVICES, AS THE CASE MAY BE, ON THE CONTINUED  
23 OPERATION OF SUCH SECONDARY SCHOOL.

24 S 3. Subdivision 4 of section 1950 of the education law is amended by  
25 adding a new paragraph oo to read as follows:

26 OO. PURSUANT TO ARTICLE THIRTY-NINE-A OF THIS TITLE, A BOARD OF COOP-  
27 ERATIVE EDUCATIONAL SERVICES MAY ENTER INTO AN AGREEMENT WITH TWO OR  
28 MORE SCHOOL DISTRICTS ELIGIBLE TO ENTER SUCH AN AGREEMENT IN ACCORDANCE  
29 WITH SECTION NINETEEN HUNDRED TWENTY-TWO OF THIS TITLE, WHICH MAY  
30 INCLUDE CITY SCHOOL DISTRICTS, CENTRAL SCHOOL DISTRICTS, CENTRAL HIGH  
31 SCHOOL DISTRICTS, UNION FREE SCHOOL DISTRICTS, AND/OR COMMON SCHOOL  
32 DISTRICTS WHICH ARE WHOLLY CONTAINED WITHIN THE SUPERVISORY DISTRICT OF  
33 THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES, TO FORM A REGIONAL  
34 SECONDARY SCHOOL TO BE OPERATED BY THE BOARD OF COOPERATIVE EDUCATIONAL  
35 SERVICES. THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES SHALL HAVE THE  
36 SAME POWERS AND DUTIES WITH RESPECT TO SUCH REGIONAL SECONDARY SCHOOL AS  
37 THE BOARD OF EDUCATION OF A UNION FREE SCHOOL DISTRICT HAS WITH RESPECT  
38 TO ITS SCHOOLS, CONSISTENT WITH THE TERMS OF ITS AGREEMENT WITH THE  
39 PARTICIPATING SCHOOL DISTRICTS.

40 S 4. Paragraph h of subdivision 4 of section 1950 of the education law  
41 is amended by adding three new subparagraphs 11, 12 and 13 to read as  
42 follows:

43 (11) TO ENTER INTO CONTRACTS AS NECESSARY OR CONVENIENT TO OPERATE A  
44 REGIONAL SECONDARY SCHOOL AS ESTABLISHED PURSUANT TO THE PROVISIONS OF  
45 SECTION NINETEEN HUNDRED TWENTY-ONE OF THIS TITLE.

46 (12) TO DEVELOP CORE CURRICULUM FOR STUDENTS ATTENDING A REGIONAL  
47 SECONDARY SCHOOL ESTABLISHED PURSUANT TO THE PROVISIONS OF SECTION NINE-  
48 TEEN HUNDRED TWENTY-TWO OF THIS TITLE.

49 (13) TO ISSUE REGENTS AND OTHER HIGH SCHOOL DIPLOMAS TO STUDENTS WHO  
50 GRADUATE FROM A REGIONAL SECONDARY SCHOOL ESTABLISHED PURSUANT TO THE  
51 PROVISIONS OF SECTION NINETEEN HUNDRED TWENTY-ONE OF THIS TITLE, UNDER  
52 THE SAME CONDITIONS AS A SCHOOL DISTRICT.

53 S 5. Paragraph b of subdivision 4 of section 1950 of the education law  
54 is amended by adding a new subparagraph 8 to read as follows:

55 (8) FOR REGIONAL SECONDARY SCHOOLS ESTABLISHED PURSUANT TO SECTION  
56 NINETEEN HUNDRED TWENTY-TWO OF THIS TITLE, THE BOARD OF COOPERATIVE

EDUCATIONAL SERVICES SHALL PREPARE AND PROPOSE A TENTATIVE BUDGET OF EXPENDITURES FOR PROGRAM, ADMINISTRATIVE AND CAPITAL COSTS TO OPERATE THE REGIONAL SECONDARY SCHOOL IN THE ENSUING SCHOOL YEAR. SUCH PROPOSED BUDGET SHALL BE PROVIDED TO THE BOARD OF EDUCATION OF EACH PARTICIPATING SCHOOL DISTRICT OF THE REGIONAL SECONDARY SCHOOL, BY THE DATE PROVIDED IN THE AGREEMENT ENTERED INTO PURSUANT TO SUCH SECTION NINETEEN HUNDRED TWENTY-TWO. THE BOARD OF EDUCATION OF EACH PARTICIPATING SCHOOL DISTRICT SHALL BE AFFORDED TO REVIEW AND COMMENT ON THE PROPOSED BUDGET PRIOR TO ITS FINAL ADOPTION BY THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES.

S 6. Subdivision 14 of section 3602 of the education law is amended by adding a new paragraph k to read as follows:

K. TRANSITION INCENTIVE AID FOR REGIONAL SECONDARY SCHOOLS. (1) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPHS A THROUGH G OF THIS SUBDIVISION, FOR AID PAYABLE IN THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR OR THEREAFTER, SCHOOL DISTRICTS THAT ARE PARTIES TO AN AGREEMENT TO ESTABLISH AND OPERATE A REGIONAL SECONDARY SCHOOL PURSUANT TO ARTICLE THIRTY-NINE-A OF THIS CHAPTER ENTERED INTO ON OR AFTER JULY FIRST, TWO THOUSAND THIRTEEN AND PARTICIPATED IN SUCH REGIONAL SECONDARY SCHOOL IN THE BASE YEAR SHALL BE ELIGIBLE FOR TRANSITION INCENTIVE AID PURSUANT TO THIS PARAGRAPH PROVIDED THAT THE FOLLOWING CONDITIONS ARE MET:

(I) THE REGIONAL SECONDARY SCHOOL AGREEMENT INCLUDES AT LEAST TWO SCHOOL DISTRICTS, EACH OF WHICH PREVIOUSLY MAINTAINED ITS OWN SECONDARY SCHOOLS, AND HAS CEASED DISTRICT OPERATION OF AT LEAST ONE HIGH SCHOOL OR JUNIOR HIGH SCHOOL FOLLOWING THE ESTABLISHMENT OF THE REGIONAL SECONDARY SCHOOL, OR

(II) THE REGIONAL SECONDARY SCHOOL AGREEMENT INCLUDES AT LEAST ONE SCHOOL DISTRICT WHICH PREVIOUSLY MAINTAINED ITS OWN HIGH SCHOOL OR JUNIOR HIGH SCHOOL, AND DOES NOT MAINTAIN ITS OWN HIGH SCHOOL OR JUNIOR HIGH SCHOOL FOLLOWING THE ESTABLISHMENT OF THE REGIONAL SECONDARY SCHOOL, AND IN ADDITION THERETO, INCLUDES AT LEAST ONE ADDITIONAL SCHOOL DISTRICT EMPLOYING EIGHT OR MORE TEACHERS THAT DO NOT MAINTAIN THEIR OWN HIGH SCHOOL OR JUNIOR SCHOOL;

(2) IN EACH OF THE FIRST THIRTEEN YEARS IN WHICH A SCHOOL DISTRICT IS PARTY TO SUCH AGREEMENT, SUCH DISTRICT SHALL BE ENTITLED TO AN APPORTIONMENT EQUAL TO THE PRODUCT OF (I) THIRTY PERCENT OF THE APPORTIONMENT COMPUTED IN ACCORDANCE WITH THE PROVISIONS OF PARAGRAPH D-1 OF THIS SUBDIVISION, MULTIPLIED BY (II) THE QUOTIENT OF THE NUMBER OF PUPILS WITHIN SUCH SCHOOL DISTRICT ATTENDING THE REGIONAL SECONDARY SCHOOL IN THE BASE YEAR DIVIDED BY THE RESIDENT PUBLIC SCHOOL DISTRICT ENROLLMENT OF SUCH SCHOOL DISTRICT WITHIN THE GRADES OF THE NEW REGIONAL SECONDARY SCHOOL(S); PROVIDED FURTHER THAT SUCH DISTRICTS SHALL BE ELIGIBLE TO RECEIVE AN ADDITIONAL APPORTIONMENT EQUAL TO THE PRODUCT OF (I) TEN PERCENT OF THE APPORTIONMENT COMPUTED IN ACCORDANCE WITH THE PROVISIONS OF PARAGRAPH D-1 OF THIS SUBDIVISION MULTIPLIED BY (II) THE QUOTIENT OF THE NUMBER OF PUPILS WITHIN SUCH SCHOOL DISTRICT ATTENDING THE REGIONAL SECONDARY SCHOOL IN THE BASE YEAR DIVIDED BY THE RESIDENT PUBLIC SCHOOL DISTRICT ENROLLMENT OF SUCH SCHOOL DISTRICT WITHIN THE GRADES OF THE NEW REGIONAL SECONDARY SCHOOL(S) UPON MEETING ACADEMIC ACHIEVEMENT GOALS AS ESTABLISHED BY THE COMMISSIONER IN ACCORDANCE WITH A METHODOLOGY PRESCRIBED IN THE REGULATIONS OF THE COMMISSIONER. IN NO CASE SHALL THE SUM OF SUCH APPORTIONMENTS 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, F OR J OF THIS SUBDIVISION.

(3) THE APPORTIONMENT THAT A SCHOOL DISTRICT SHALL BE ENTITLED TO RECEIVE PURSUANT TO SUBPARAGRAPH TWO OF THIS PARAGRAPH SHALL BE REDUCED, AFTER THE THIRD YEAR IT HAS RECEIVED SUCH APPORTIONMENTS, BY THE AMOUNT OF TEN PERCENT FOR EACH YEAR SUCH SCHOOL DISTRICT IS ENTITLED TO RECEIVE SUCH APPORTIONMENT.

S 7. This act shall take effect July 1, 2013, provided that if this act becomes a law after such date, it shall take effect immediately and be deemed to have been in full force and effect on and after July 1, 2013.

## PART B

Section 1. Section 350 of the education law is amended by adding four new subdivisions 10, 11, 12 and 13 to read as follows:

10. "DORMITORY FACILITIES REVENUE FUND" MEANS THE FUND ESTABLISHED PURSUANT TO SECTION SIXTEEN HUNDRED EIGHTY-Q OF THE PUBLIC AUTHORITIES LAW.

11. "DORMITORY FACILITIES REVENUES" MEANS ALL MONEYS, INCLUDING RENTS, FEES AND CHARGES, DERIVED FROM THE USE OR OCCUPANCY OF DORMITORY FACILITIES.

12. "DORMITORY FACILITY" MEANS A DORMITORY, AS SUCH TERM IS DEFINED IN PARAGRAPH (A) OF SUBDIVISION TWO OF SECTION SIXTEEN HUNDRED SEVENTY-SIX OF THE PUBLIC AUTHORITIES LAW.

13. "DORMITORY FACILITY REVENUE BOND" MEANS ANY NOTE OR BOND OF THE DORMITORY AUTHORITY (I) ISSUED ON OR AFTER THE FIRST DAY OF APRIL, TWO THOUSAND THIRTEEN FOR THE PURPOSES OF FINANCING DORMITORY FACILITIES OR REFINANCING NOTES OR BONDS PREVIOUSLY ISSUED IN CONNECTION WITH DORMITORY FACILITIES, INCLUDING NOTES OR BONDS ISSUED TO PAY COSTS INCURRED IN CONNECTION WITH THE ISSUANCE OF SUCH NOTES OR BONDS, TO FUND ANY RESERVE FOR THE PAYMENT OF DEBT SERVICE ON SUCH BONDS OR NOTES, TO FUND ANY RESERVE ESTABLISHED FOR THE IMPROVEMENT, REPAIR, MAINTENANCE OR OPERATIONS OF DORMITORY FACILITIES, OR TO PAY OR PROVIDE FOR THE PAYMENT OF ANY NOTE OR BOND PREVIOUSLY ISSUED FOR ANY SUCH PURPOSE, AND (II) IS PAYABLE FROM MONEYS ON DEPOSIT IN THE DORMITORY FACILITIES REVENUE FUND AND IS NOT PAYABLE FROM ANY REVENUE OF THE STATE.

S 2. Subdivision 2 of section 355 of the education law is amended by adding a new paragraph y to read as follows:

Y. TO BETTER SECURE DORMITORY AUTHORITY BONDS ISSUED IN CONNECTION WITH DORMITORY FACILITIES, INCLUDING DORMITORY FACILITY REVENUE BONDS, THE STATE UNIVERSITY OF NEW YORK IS HEREBY AUTHORIZED, IN ITS OWN NAME, TO ASSIGN OR OTHERWISE TRANSFER TO THE DORMITORY AUTHORITY ANY OR ALL OF THE STATE UNIVERSITY'S RIGHTS, TITLE AND INTEREST IN AND TO THE DORMITORY FACILITY REVENUES, AND TO ENTER INTO AGREEMENTS WITH THE DORMITORY AUTHORITY PURSUANT TO SUBDIVISION TWO OF SECTION SIXTEEN HUNDRED EIGHTY-Q OF THE PUBLIC AUTHORITIES LAW IN FURTHERANCE OF SUCH ASSIGNMENT OR TRANSFER. ANY ASSIGNMENT OR TRANSFER MADE PURSUANT TO THIS PARAGRAPH SHALL CONSTITUTE A TRUE SALE AND ABSOLUTE TRANSFER OF THE DORMITORY FACILITIES REVENUES. THE CHARACTERIZATION OF SUCH ASSIGNMENT OR TRANSFER SHALL NOT BE NEGATED OR ADVERSELY AFFECTED BY THE RETENTION BY THE STATE UNIVERSITY OF NEW YORK OF ANY OWNERSHIP INTEREST IN THE DORMITORY FACILITIES REVENUES OR OF ANY RESIDUAL RIGHT TO PAYMENT OF ANY DORMITORY FACILITY REVENUES REMAINING IN THE DORMITORY FACILITIES REVENUE FUND AFTER THE MONEYS THEREIN HAVE BEEN APPLIED IN ACCORDANCE WITH PARAGRAPH (B) OF SUBDIVISION THREE OF SECTION SIXTEEN HUNDRED EIGHTY-Q OF THE

1 PUBLIC AUTHORITIES LAW. ALL RIGHTS, TITLE AND INTEREST IN AND TO ANY  
2 MONEYS PAID TO OR UPON THE ORDER OF THE STATE UNIVERSITY OF NEW YORK  
3 PURSUANT TO ANY AGREEMENT BY AND BETWEEN THE DORMITORY AUTHORITY AND THE  
4 STATE UNIVERSITY OF NEW YORK ENTERED INTO PURSUANT TO SUBDIVISION TWO OF  
5 SECTION SIXTEEN HUNDRED EIGHTY-Q OF THE PUBLIC AUTHORITIES LAW OR PURSU-  
6 ANT TO ANY AGREEMENT ENTERED INTO PURSUANT TO PARAGRAPH J OF SUBDIVISION  
7 TWO OF SECTION SIXTEEN HUNDRED EIGHTY OF THE PUBLIC AUTHORITIES LAW  
8 SHALL VEST IN THE STATE UNIVERSITY OF NEW YORK AND BE THE ABSOLUTE PROP-  
9 ERTY OF THE STATE UNIVERSITY OF NEW YORK, AND THE DORMITORY AUTHORITY  
10 SHALL NO LONGER HAVE ANY INTEREST IN SUCH MONEYS.

11 S 3. Subdivision 8 of section 355 of the education law, as amended by  
12 chapter 553 of the laws of 1985, is amended to read as follows:

13 8. [All] EXCEPT AS OTHERWISE PROVIDED HEREIN, ALL moneys received by  
14 the state university of New York and by state-operated institutions  
15 thereof from appropriations, tuition, fees, user charges, sales of  
16 products and services and from all other sources, including sources and  
17 activities of the state university which are intended by law to be self-  
18 supporting may be credited to an appropriate fund or funds to be desig-  
19 nated by the state comptroller. The amounts so paid into such fund or  
20 funds which were received by or for the state university shall be used  
21 for expenses of the state university in carrying out any of its objects  
22 and purposes and such amounts received by or for state-operated insti-  
23 tutions of the state university shall be used for expenses of the state  
24 university under regulations prescribed by the state university trus-  
25 tees. NOTWITHSTANDING THE FOREGOING PROVISIONS OF THIS SUBDIVISION, ALL  
26 DORMITORY FACILITIES REVENUES TRANSFERRED TO THE DORMITORY AUTHORITY BY  
27 ASSIGNMENT OR OTHERWISE PURSUANT TO PARAGRAPH Y OF SUBDIVISION TWO OF  
28 THIS SECTION SHALL UPON RECEIPT BY THE STATE UNIVERSITY ACTING AS AGENT  
29 FOR THE DORMITORY AUTHORITY BE TRANSFERRED AND IMMEDIATELY PAID WITHOUT  
30 APPROPRIATION THEREOF TO THE COMMISSIONER OF TAXATION AND FINANCE PURSU-  
31 ANT TO SUBDIVISION FOUR OF SECTION FOUR OF THE STATE FINANCE LAW FOR  
32 DEPOSIT TO THE DORMITORY FACILITIES REVENUE FUND.

33 S 4. The public authorities law is amended by adding a new section  
34 1680-q to read as follows:

35 S 1680-Q. STATE UNIVERSITY OF NEW YORK DORMITORY FACILITIES. 1. AS  
36 USED IN OR REFERRED TO IN THIS SECTION, UNLESS A DIFFERENT MEANING  
37 APPEARS FROM THE CONTEXT, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING  
38 RESPECTIVE MEANINGS:

39 (A) "AGREEMENT" MEANS AN AGREEMENT BY AND BETWEEN THE AUTHORITY AND  
40 THE STATE UNIVERSITY ENTERED INTO PURSUANT TO THIS SECTION.

41 (B) "DORMITORY FACILITIES REVENUE FUND" MEANS THE FUND ESTABLISHED  
42 PURSUANT TO SUBDIVISION THREE OF THIS SECTION.

43 (C) "DORMITORY FACILITIES REVENUES" MEANS ALL MONEYS, INCLUDING RENTS,  
44 FEES AND CHARGES, DERIVED FROM THE USE OR OCCUPANCY OF DORMITORY FACILI-  
45 TIES.

46 (D) "DORMITORY FACILITY" MEANS A DORMITORY, AS SUCH TERM IS DEFINED IN  
47 PARAGRAPH (A) OF SUBDIVISION TWO OF SECTION SIXTEEN HUNDRED SEVENTY-SIX  
48 OF THIS TITLE.

49 (E) "DORMITORY FACILITY REVENUE BOND" MEANS ANY NOTE OR BOND OF THE  
50 AUTHORITY (I) ISSUED ON OR AFTER THE FIRST DAY OF APRIL, TWO THOUSAND  
51 THIRTEEN FOR THE PURPOSES OF FINANCING DORMITORY FACILITIES OR REFINANC-  
52 ING NOTES OR BONDS ISSUED PREVIOUSLY IN CONNECTION WITH DORMITORY FACIL-  
53 ITIES, INCLUDING NOTES OR BONDS ISSUED TO PAY COSTS INCURRED IN  
54 CONNECTION WITH THE ISSUANCE OF SUCH NOTES OR BONDS, TO FUND ANY RESERVE  
55 FOR THE PAYMENT OF DEBT SERVICE ON SUCH BONDS, TO FUND ANY RESERVE  
56 ESTABLISHED FOR THE IMPROVEMENT, REPAIR, MAINTENANCE OR OPERATIONS OF

1 DORMITORY FACILITIES, OR TO PAY OR PROVIDE FOR THE PAYMENT OF ANY NOTE  
2 OR BOND PREVIOUSLY ISSUED FOR ANY SUCH PURPOSE, AND (II) IS PAYABLE FROM  
3 MONEYS ON DEPOSIT IN THE DORMITORY FACILITIES REVENUE FUND.

4 (F) "PRIOR DORMITORY FACILITY BOND" MEANS ANY NOTE OR BOND OF THE  
5 AUTHORITY ISSUED PRIOR TO APRIL FIRST, TWO THOUSAND THIRTEEN IN  
6 CONNECTION WITH DORMITORY FACILITIES.

7 (G) "STATE UNIVERSITY" MEANS THE STATE UNIVERSITY OF NEW YORK, A  
8 CORPORATION WITHIN THE STATE EDUCATION DEPARTMENT AND WITHIN THE UNIVER-  
9 SITY OF THE STATE OF NEW YORK CREATED BY SECTION THREE HUNDRED FIFTY-TWO  
10 OF THE EDUCATION LAW.

11 2. THE AUTHORITY MAY, FROM AND AFTER APRIL FIRST, TWO THOUSAND THIR-  
12 TEEN, ISSUE DORMITORY FACILITY REVENUE BONDS IN AN AMOUNT NOT TO EXCEED  
13 NINE HUNDRED FORTY-FOUR MILLION DOLLARS. SUCH AMOUNT SHALL BE EXCLUSIVE  
14 OF BONDS AND NOTES ISSUED TO FUND ANY RESERVE FUND OR FUNDS, COST OF  
15 ISSUANCE, ORIGINAL ISSUE PREMIUM, AND TO REFUND ANY PRIOR DORMITORY  
16 FACILITY BONDS OR ANY DORMITORY FACILITY REVENUE BONDS. THE AUTHORITY  
17 AND THE STATE UNIVERSITY ARE HEREBY AUTHORIZED TO ENTER INTO AGREEMENTS  
18 RELATING TO, AMONG OTHER THINGS, THE ACQUISITION OF PROPERTY OR INTER-  
19 ESTS THEREIN, THE CONSTRUCTION, RECONSTRUCTION, REHABILITATION, IMPROVE-  
20 MENT, EQUIPPING AND FURNISHING OF DORMITORY FACILITIES, THE OPERATION  
21 AND MAINTENANCE OF DORMITORY FACILITIES, AND THE BILLING, COLLECTION AND  
22 DISBURSEMENT OF DORMITORY FACILITIES REVENUES, THE TITLE TO WHICH HAS  
23 BEEN CONVEYED, ASSIGNED OR OTHERWISE TRANSFERRED TO THE AUTHORITY PURSU-  
24 ANT TO PARAGRAPH Y OF SUBDIVISION TWO OF SECTION THREE HUNDRED  
25 FIFTY-FIVE OF THE EDUCATION LAW. NO DEBT SHALL BE CONTRACTED EXCEPT TO  
26 FINANCE CAPITAL WORKS OR PURPOSES. NOTWITHSTANDING ANY OTHER PROVISION  
27 OF LAW, DORMITORY FACILITY REVENUES SHALL NOT BE DEEMED TO BE REVENUES  
28 OF THE STATE. THE STATE SHALL NOT BE LIABLE FOR ANY PAYMENTS ON ANY  
29 DORMITORY FACILITY REVENUE BONDS, AND SUCH BONDS SHALL NOT BE A DEBT OF  
30 THE STATE.

31 3. (A) THERE IS HEREBY ESTABLISHED IN THE CUSTODY OF THE COMMISSIONER  
32 OF TAXATION AND FINANCE A SPECIAL FUND TO BE KNOWN AS THE DORMITORY  
33 FACILITIES REVENUE FUND. SUCH FUND SHALL CONSIST OF ALL DORMITORY FACIL-  
34 ITIES REVENUES CONVEYED, ASSIGNED OR OTHERWISE TRANSFERRED TO THE  
35 AUTHORITY PURSUANT TO PARAGRAPH Y OF SUBDIVISION TWO OF SECTION THREE  
36 HUNDRED FIFTY-FIVE OF THE EDUCATION LAW, WHICH UPON RECEIPT BY THE  
37 COMMISSIONER OF TAXATION AND FINANCE SHALL BE DEPOSITED IN SUCH FUND AND  
38 HELD BY THE COMMISSIONER OF TAXATION AND FINANCE PURSUANT TO SUBDIVISION  
39 FOUR OF SECTION FOUR OF THE STATE FINANCE LAW. THE MONEYS IN THE FUND  
40 SHALL BE THE SOLE AND EXCLUSIVE PROPERTY OF THE AUTHORITY. THE MONEYS  
41 HELD IN THE FUND SHALL BE HELD SEPARATE AND APART FROM AND NOT COMMIN-  
42 GLED WITH ANY MONEYS OF THE STATE OR ANY OTHER MONEYS IN THE CUSTODY OF  
43 THE COMMISSIONER OF TAXATION AND FINANCE. ALL DEPOSITS OF MONEYS SHALL,  
44 IF REQUIRED BY THE COMMISSIONER OF TAXATION AND FINANCE, BE SECURED BY  
45 OBLIGATIONS OF THE UNITED STATES OF AMERICA OR OF THE STATE HAVING A  
46 MARKET VALUE EQUAL AT ALL TIMES TO THE AMOUNT OF SUCH DEPOSITS AND ALL  
47 BANKS AND TRUST COMPANIES ARE AUTHORIZED TO GIVE SECURITY FOR SUCH  
48 DEPOSITS. ANY MONEYS IN SUCH FUND MAY, IN THE DISCRETION OF THE COMMIS-  
49 SIONER OF TAXATION AND FINANCE, BE INVESTED IN OBLIGATIONS DESCRIBED IN  
50 SECTION NINETY-EIGHT OF THE STATE FINANCE LAW. THE COMMISSIONER OF TAXA-  
51 TION AND FINANCE SHALL CERTIFY TO THE AUTHORITY AND THE STATE UNIVERSITY  
52 NOT LATER THAN THE FIFTEENTH DAY OF EACH MONTH THE AMOUNT OF DORMITORY  
53 FACILITIES REVENUES DEPOSITED IN THE FUND DURING THE PRECEDING CALENDAR  
54 MONTH AND THE AMOUNT HELD IN THE FUND AS OF THE LAST DAY OF SUCH PRECED-  
55 ING CALENDAR MONTH.

1 (B) DURING EACH TWELVE MONTH PERIOD COMMENCING JULY FIRST OF A CALEN-  
2 DAR YEAR AND ENDING ON JUNE THIRTIETH OF THE SUCCEEDING CALENDAR YEAR,  
3 THE COMMISSIONER OF TAXATION AND FINANCE SHALL PAY, WITHOUT APPROPRI-  
4 ATION, TO OR UPON THE ORDER OF THE AUTHORITY FROM THE MONEYS IN THE FUND  
5 THE AMOUNT CERTIFIED TO THE COMMISSIONER OF TAXATION AND FINANCE BY THE  
6 AUTHORITY PURSUANT TO PARAGRAPH (C) OF THIS SUBDIVISION. ANY MONEYS  
7 REMAINING IN THE FUND AFTER PAYMENT TO THE AUTHORITY OF THE AMOUNT SO  
8 CERTIFIED SHALL BE PAID BY THE COMMISSIONER OF TAXATION AND FINANCE IN  
9 ACCORDANCE WITH THE AGREEMENT. ALL RIGHTS, TITLE AND INTEREST IN AND TO  
10 ANY MONEYS PAID TO OR UPON THE ORDER OF THE STATE UNIVERSITY PURSUANT TO  
11 THE AGREEMENT SHALL VEST IN THE STATE UNIVERSITY AND BE THE ABSOLUTE  
12 PROPERTY OF THE STATE UNIVERSITY, AND THE AUTHORITY SHALL NO LONGER HAVE  
13 ANY INTEREST IN SUCH MONEYS.

14 (C) THE AUTHORITY SHALL, NOT LATER THAN BY THE FIRST DAY OF JUNE OF  
15 EACH CALENDAR YEAR, CERTIFY TO THE COMMISSIONER OF TAXATION AND FINANCE  
16 AND TO THE STATE UNIVERSITY: (I) THE AMOUNT OF THE RENTALS, INCLUDING  
17 THE AMOUNTS REQUIRED FOR PAYMENT OF THE PRINCIPAL OF, AND INTEREST ON  
18 PRIOR DORMITORY FACILITY BONDS REQUIRED TO BE MADE BY THE STATE UNIVER-  
19 SITY TO THE AUTHORITY DURING THE TWELVE MONTH PERIOD COMMENCING ON THE  
20 SUCCEEDING JULY FIRST AND ENDING ON THE SUCCEEDING JUNE THIRTIETH PURSU-  
21 ANT TO THE AGREEMENT BETWEEN THE AUTHORITY AND THE STATE UNIVERSITY,  
22 DATED AS OF THE TWENTIETH DAY OF SEPTEMBER, NINETEEN HUNDRED  
23 NINETY-FIVE, AS AMENDED AND RESTATED; (II) THE AMOUNT REQUIRED TO MAIN-  
24 TAIN ANY RESERVES FOR THE REPAIR AND REPLACEMENT OF DORMITORY FACILITIES  
25 OR THE OPERATIONS AND MAINTENANCE OF DORMITORY FACILITIES IN CONNECTION  
26 WITH THE PRIOR DORMITORY FACILITY BONDS; (III) THE AMOUNT REQUIRED FOR  
27 PAYMENT OF THE PRINCIPAL OF, WHETHER AT MATURITY OR DUE THROUGH MANDATO-  
28 RY REDEMPTION, AND INTEREST ON DORMITORY FACILITY REVENUE BONDS PAYABLE  
29 ON JANUARY FIRST OF SUCH TWELVE MONTH PERIOD AND ON JULY FIRST NEXT  
30 SUCCEEDING SUCH TWELVE MONTH PERIOD; (IV) THE AMOUNT REQUIRED TO MAIN-  
31 TAIN ANY RESERVES FOR THE REPAIR AND REPLACEMENT OF DORMITORY FACILITIES  
32 OR THE OPERATIONS AND MAINTENANCE OF DORMITORY FACILITIES IN CONNECTION  
33 WITH THE DORMITORY FACILITY REVENUE BONDS; (V) THE AMOUNT REQUIRED TO  
34 RESTORE ANY RESERVE FOR THE PAYMENT OF DEBT SERVICE ON DORMITORY FACILI-  
35 TY REVENUE BONDS TO ITS REQUIREMENT; AND (VI) THE COSTS, EXPENSES AND  
36 OVERHEAD OF THE DORMITORY AUTHORITY TO BE INCURRED DURING SUCH TWELVE  
37 MONTH PERIOD IN CONNECTION WITH AND REASONABLY RELATED TO DORMITORY  
38 FACILITIES FINANCED THROUGH THE ISSUANCE OF DORMITORY FACILITY REVENUE  
39 BONDS. EACH SUCH AMOUNT SHALL BE SEPARATELY STATED AND IDENTIFIED IN  
40 SUCH CERTIFICATE. ANY SUCH CERTIFICATE SUBMITTED BY THE DORMITORY  
41 AUTHORITY MAY BE AMENDED BY THE DORMITORY AUTHORITY FROM TIME TO TIME AS  
42 NECESSARY TO ADJUST THE AMOUNTS SET FORTH THEREIN. THE MONEYS PAID TO  
43 THE AUTHORITY PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION SHALL BE  
44 APPLIED BY THE AUTHORITY IN THE ORDER OF PRIORITY IN WHICH THE AMOUNTS  
45 SET FORTH IN SUCH CERTIFICATION ARE STATED IN THIS PARAGRAPH.

46 S 5. For the purposes of paragraphs (b) and (c) of subdivision 3 of  
47 section 1680-q of the public authorities law, as added by section four  
48 of this act, the dormitory authority shall, within thirty days after the  
49 date on which this act shall become effective, make and deliver to the  
50 commissioner of taxation and finance and the state university of New  
51 York a certification in the form and substance required by such para-  
52 graph (c) with respect to amounts required for the items specified ther-  
53 ein during the period from the effective date of this act to and includ-  
54 ing the thirtieth day of June, 2013, and, if this act shall become  
55 effective after the first day of June, 2013, for the twelve month period  
56 commencing the first day of July, 2013, to and including the thirtieth

1 day of June, 2014. No money shall be paid by the commissioner of taxation and finance out of the dormitory facility revenue fund except unless and until such commissioner has received the certification or certifications required by this section.

5 S 6. This act shall take effect immediately.

6 PART C

7 Section 1. Paragraph (a) of subdivision 1 of section 1 of part U of 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, as amended by section 1 of part H of chapter 57 of the laws of 2012, is amended to read as follows:

13 (a) The New York state higher education capital matching grant board is hereby created to have and exercise the powers, duties and prerogatives provided by the provisions of this section and any other provision of law. The board shall remain in existence during the period of the New York state higher education capital matching grant program from the effective date of this section through March 31, [2013] 2014, or the date on which the last of the funds available for grants under this section shall have been disbursed, whichever is earlier; provided, however, that the termination of the existence of the board shall not affect the power and authority of the dormitory authority to perform its obligations with respect to any bonds, notes, or other indebtedness issued or incurred pursuant to authority granted in this section.

25 S 2. Paragraph (h) of subdivision 4 of section 1 of part U of 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, as amended by section 2 of part H of chapter 57 of the laws of 2012, is amended to read as follows:

31 (h) [If a college did not apply for a potential grant] IN THE EVENT THAT ANY COLLEGES DO NOT APPLY FOR HIGHER EDUCATION CAPITAL MATCHING GRANTS by March 31, 2009, OR IN THE EVENT THEY APPLY FOR AND ARE AWARDED, BUT DO NOT USE THE FULL AMOUNT OF SUCH GRANTS, THE UNUSED funds associated with such [potential grant] GRANTS shall THEREAFTER be awarded[,] TO COLLEGES on a competitive basis, [to other colleges,] according to the priorities set forth below. [Colleges] NOTWITHSTANDING SUBDIVISION FIVE OF THIS SECTION, ANY COLLEGE shall be eligible to apply for [unutilized grants] SUCH UNUSED FUNDS IN RESPONSE TO A REQUEST FOR PROPOSALS FOR A HIGHER EDUCATION CAPITAL MATCHING GRANT PURSUANT TO THIS PARAGRAPH. In such cases, the following priorities shall apply: first, priority shall be given to otherwise eligible colleges that either were, or would have been, deemed ineligible for the program prior to March 31, 2009, due to missed deadlines, insufficient matching funds, lack of accreditation or other disqualifying reasons; and second, after the board has acted upon all such first-priority applications for unused funds, if any such funds remain, those funds shall be available for distribution to eligible colleges [that are located within the same Regents of the State of New York region for which such funds were originally allocated]. The dormitory authority shall develop a request for proposals and application process, in consultation with the board, for [such] HIGHER EDUCATION CAPITAL MATCHING grants AWARDED PURSUANT TO THIS PARAGRAPH, and shall develop criteria, subject to review by the board, for the awarding of such grants. Such criteria shall [incorpo-

1 rate] INCLUDE, BUT NOT BE LIMITED TO the matching criteria contained in  
2 paragraph (c) of this subdivision, and the application criteria set  
3 forth in paragraph (e) of this subdivision. The dormitory authority  
4 shall require all applications in response to the request for proposals  
5 to be submitted by September 1, [2012] 2013, and the board shall act on  
6 each application for such matching grants by November 1, [2012] 2013.

7 S 3. Subclause (A) of clause (ii) of paragraph (j) of subdivision 4 of  
8 section 1 of part U of chapter 57 of the laws of 2005 amending the labor  
9 law and other laws implementing the state fiscal plan for the 2005-2006  
10 state fiscal year, relating to the New York state higher education capi-  
11 tal matching grant program for independent colleges, as amended by  
12 section 3 of part H of chapter 57 of the laws of 2012, is amended to  
13 read as follows:

14 (A) Notwithstanding the provision of any general or special law to the  
15 contrary, and subject to the provisions of chapter 59 of the laws of  
16 2000 and to the making of annual appropriations therefor by the legisla-  
17 ture, in order to assist the dormitory authority in providing such high-  
18 er education capital matching grants, the director of the budget is  
19 authorized in any state fiscal year commencing April 1, 2005 or any  
20 state fiscal year thereafter for a period ending on March 31, [2014]  
21 2015, to enter into one or more service contracts, none of which shall  
22 exceed 30 years in duration, with the dormitory authority, upon such  
23 terms as the director of the budget and the dormitory authority agree.

24 S 4. Paragraph (b) of subdivision 7 of section 1 of part U of chapter  
25 57 of the laws of 2005 amending the labor law and other laws implement-  
26 ing the state fiscal plan for the 2005-2006 state fiscal year, relating  
27 to the New York state higher education matching capital grant program  
28 for independent colleges, as amended by section 4 of part H of chapter  
29 57 of the laws of 2012, is amended to read as follows:

30 (b) Any eligible institution receiving a grant pursuant to this arti-  
31 cle shall report to the dormitory authority no later than June 1, [2013]  
32 2014, on the use of funding received and its programmatic and economic  
33 impact. The dormitory authority shall submit a report no later than  
34 November 1, [2013] 2014 to the board, the governor, the director of the  
35 budget, the temporary president of the senate, and the speaker of the  
36 assembly on the aggregate impact of the higher education matching capi-  
37 tal grant program. Such report shall provide information on the progress  
38 and economic impact of such project.

39 S 5. This act shall take effect immediately and shall be deemed to  
40 have been in full force and effect on and after April 1, 2013.

41 PART D

42 Intentionally Omitted

43 PART E

44 Section 1. Paragraphs (a), (b), (c) and (d) of subdivision 1 of  
45 section 131-o of the social services law, as amended by section 1 of  
46 part C of chapter 57 of the laws of 2012, are amended to read as  
47 follows:

48 (a) in the case of each individual receiving family care, an amount  
49 equal to at least [\$135.00] \$137.00 for each month beginning on or after  
50 January first, two thousand [twelve] THIRTEEN.

(b) in the case of each individual receiving residential care, an amount equal to at least [\$155.00] \$158.00 for each month beginning on or after January first, two thousand [twelve] THIRTEEN.

(c) in the case of each individual receiving enhanced residential care, an amount equal to at least [\$184.00] \$187.00 for each month beginning on or after January first, two thousand [twelve] THIRTEEN.

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

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

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

S. 2. Paragraphs (a), (b), (c), (d), (e) and (f) of subdivision 2 of section 209 of the social services law, as amended by section 2 of part C of chapter 57 of the laws of 2012, are amended to read as follows:

(a) On and after January first, two thousand [twelve] THIRTEEN, for an eligible individual living alone, [\$785.00] \$797.00; and for an eligible couple living alone, [\$1152.00] \$1170.00.

(b) On and after January first, two thousand [twelve] THIRTEEN, for an eligible individual living with others with or without in-kind income, [\$721.00] \$733.00; and for an eligible couple living with others with or without in-kind income, [\$1094.00] \$1112.00.

(c) On and after January first, two thousand [twelve] THIRTEEN, (i) for an eligible individual receiving family care, [\$964.48] \$976.48 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 family 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, [\$926.48] \$938.48; 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.

(d) On and after January first, two thousand [twelve] THIRTEEN, (i) for an eligible individual receiving residential care, [\$1133.00] \$1145.00 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, [\$1103.00] \$1115.00; 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 [twelve] THIRTEEN, for an eligible individual receiving enhanced residential care, [\$1392.00] \$1404.00; 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 supple-

1 mental security income benefits for individuals or couples which become  
2 effective on or after January first, two thousand [thirteen] FOURTEEN  
3 but prior to June thirtieth, two thousand [thirteen] FOURTEEN.  
4 S 3. This act shall take effect December 31, 2013.

5 PART F  
6 Intentionally Omitted

7 PART G

8 Section 1. Subdivisions 4 and 5 of section 412 of the executive law,  
9 as amended by chapter 182 of the laws of 2002, are amended and two new  
10 subdivisions 8 and 9 are added to read as follows:

11 4. "Municipality" shall mean a county, [city, village, town, that part  
12 of a town not included within the boundaries of a village, or a school  
13 district (if approved for such purpose by the commissioner, in instances  
14 where no other municipality, overlapping such school district in whole  
15 or part, is receiving state aid pursuant to this article or upon such  
16 other basis as the commissioner shall by regulation determine). Munici-  
17 pality may mean an Indian reservation, subject to rules and regulations  
18 of the office] OR A CITY HAVING A POPULATION OF ONE MILLION OR MORE WITH  
19 A LOCAL YOUTH BUREAU.

20 5. "Youth DEVELOPMENT program" shall mean a ["youth bureau," "recre-  
21 ation project" or "youth service" project established under prior  
22 authorizing legislation establishing a temporary state youth commission  
23 as well as similar] local [programs] PROGRAM designed to accomplish the  
24 broad purposes of this article[. The definition, determination and clas-  
25 sification of youth programs shall be] subject to [approval by the  
26 office in accordance with] THE rules and regulations [adopted by it], AS  
27 REQUIRED UNDER PARAGRAPH D OF SUBDIVISION ONE OF SECTION FOUR HUNDRED  
28 TWENTY OF THIS ARTICLE, OF THE OFFICE; PROVIDED HOWEVER, THE TERM "YOUTH  
29 DEVELOPMENT PROGRAM" SHALL NOT INCLUDE APPROVED RUNAWAY PROGRAMS OR  
30 TRANSITIONAL INDEPENDENT LIVING SUPPORT PROGRAMS AS SUCH TERMS ARE  
31 DEFINED IN SECTION FIVE HUNDRED THIRTY-TWO-A OF THIS CHAPTER.

32 8. "LOCAL YOUTH BUREAU" SHALL MEAN AN AGENCY IN A MUNICIPALITY, AS  
33 DEFINED IN THIS SECTION.

34 9. "MUNICIPAL YOUTH BUREAU" SHALL MEAN AN AGENCY IN A CITY, TOWN OR  
35 VILLAGE WITH A TOTAL POPULATION OF TWENTY THOUSAND OR MORE PRIOR TO  
36 JANUARY FIRST, TWO THOUSAND FOURTEEN.

37 S 2. Subdivision 1 of section 420 of the executive law is REPEALED and  
38 a new subdivision 1 is added to read as follows:

39 1. A. (1) EACH MUNICIPALITY OPERATING A YOUTH DEVELOPMENT PROGRAM  
40 APPROVED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL BE ELIGIBLE  
41 FOR ONE HUNDRED PERCENT STATE REIMBURSEMENT OF ITS QUALIFIED EXPENDI-  
42 TURES, SUBJECT TO AVAILABLE APPROPRIATIONS AND EXCLUSIVE OF ANY FEDERAL  
43 FUNDS MADE AVAILABLE THEREFOR, NOT TO EXCEED THE MUNICIPALITY'S DISTRIB-  
44 UTION OF STATE AID UNDER THIS ARTICLE.

45 (2) THE STATE AID APPROPRIATED FOR YOUTH DEVELOPMENT PROGRAMS SHALL BE  
46 DISTRIBUTED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES TO AN ELIGIBLE  
47 LOCAL YOUTH BUREAU WITHIN A MUNICIPALITY THAT HAS AN APPROVED COMPREHEN-  
48 SIVE PLAN PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH C OF THIS SUBDIVI-  
49 SION. SUCH STATE AID SHALL BE LIMITED TO THE FUNDS SPECIFICALLY APPRO-  
50 PRIATED THEREFOR AND SHALL BE BASED ON FACTORS THAT SHALL INCLUDE, BUT  
51 NOT BE LIMITED TO, THE PERCENTAGE OF YOUTH LIVING IN POVERTY AND THE  
52 NUMBER OF YOUTH UNDER THE AGE OF TWENTY-ONE RESIDING IN THE MUNICIPALITY

1 AS SHOWN BY THE LAST PUBLISHED FEDERAL CENSUS CERTIFIED IN THE SAME  
2 MANNER AS PROVIDED BY SECTION FIFTY-FOUR OF THE STATE FINANCE LAW.

3 (3) ELIGIBLE MUNICIPALITIES MAY CLAIM UP TO FIFTEEN PERCENT OF THEIR  
4 DISTRIBUTION FOR THE OPERATION OF A YOUTH BUREAU. THE OFFICE SHALL NOT  
5 REIMBURSE ANY CLAIMS UNDER THIS SECTION UNLESS THEY ARE SUBMITTED WITHIN  
6 TWELVE MONTHS OF THE CALENDAR QUARTER IN WHICH THE EXPENDITURE WAS MADE.  
7 THE OFFICE MAY REQUIRE THAT SUCH CLAIMS BE SUBMITTED TO THE OFFICE ELEC-  
8 TRONICALLY IN THE MANNER AND FORMAT REQUIRED BY THE OFFICE.

9 B. YOUTH DEVELOPMENT PROGRAMS SHALL PROVIDE COMMUNITY-LEVEL SERVICES  
10 DESIGNED TO PROMOTE POSITIVE YOUTH DEVELOPMENT. SUCH PROGRAMS MAY  
11 INCLUDE, BUT NOT BE LIMITED TO: PROGRAMS THAT PROMOTE PHYSICAL AND  
12 EMOTIONAL WELLNESS, EDUCATIONAL ACHIEVEMENT OR CIVIC, FAMILY AND COMMU-  
13 NITY ENGAGEMENT; FAMILY SUPPORT SERVICES; SERVICES TO PREVENT CHILD  
14 ABUSE AND NEGLECT; SERVICES TO AVERT FAMILY CRISES; AND SERVICES TO  
15 ASSIST YOUTH IN NEED OF CRISIS INTERVENTION OR RESPIRE SERVICES. SUBJECT  
16 TO THE REGULATIONS OF THE OFFICE, AS REQUIRED BY PARAGRAPH D OF THIS  
17 SUBDIVISION, A MUNICIPALITY MAY ENTER INTO CONTRACTS TO EFFECTUATE ITS  
18 YOUTH DEVELOPMENT PROGRAM ESTABLISHED AND APPROVED AS PROVIDED IN THIS  
19 ARTICLE.

20 C. EACH MUNICIPALITY SHALL DEVELOP, IN CONSULTATION WITH THE LOCAL  
21 YOUTH BUREAU, A COMPREHENSIVE PLAN TO OFFER YOUTH DEVELOPMENT PROGRAMS.  
22 SUCH COMPREHENSIVE PLAN SHALL BE SUBJECT TO THE APPROVAL OF THE OFFICE  
23 OF CHILDREN AND FAMILY SERVICES IN ACCORDANCE WITH SUBPARAGRAPH TWO OF  
24 THIS PARAGRAPH AND SHALL BE SUBMITTED BY EACH MUNICIPALITY IN A MANNER  
25 AND AT SUCH TIMES AND FOR SUCH PERIODS AS THE OFFICE OF CHILDREN AND  
26 FAMILY SERVICES SHALL DETERMINE.

27 (1) SUCH COMPREHENSIVE PLAN SHALL:

28 (I) ADDRESS THE NEED IN THE MUNICIPALITY FOR YOUTH DEVELOPMENT  
29 PROGRAMS IN TOWNS, CITIES AND VILLAGES WHICH HAVE A YOUTH POPULATION OF  
30 TWENTY THOUSAND OR MORE PERSONS;

31 (II) SPECIFY HOW THE MUNICIPALITY WILL MEASURE PERFORMANCE OUTCOMES  
32 FOR SUCH SERVICES AND PROGRAMS COVERED UNDER THE PLAN;

33 (III) SPECIFY THE PROJECTED PERFORMANCE OUTCOMES FOR SERVICES AND  
34 PROGRAMS COVERED UNDER THE PLAN, INCLUDING PROJECTED POSITIVE OUTCOMES  
35 FOR YOUTH WHO PARTICIPATE IN THE SERVICES AND PROGRAMS; AND

36 (IV) PROVIDE INFORMATION ON THE PERFORMANCE OUTCOMES OF SERVICES  
37 PROVIDED UNDER THE MUNICIPALITY'S MOST RECENT PLAN APPROVED PURSUANT TO  
38 THIS SUBDIVISION, INCLUDING OUTCOME BASED MEASURES THAT DEMONSTRATE THE  
39 QUALITY OF SERVICES PROVIDED AND PROGRAM EFFECTIVENESS OF PROGRAMS FUND-  
40 ED UNDER SUCH PLAN.

41 (2) THE OFFICE OF CHILDREN AND FAMILY SERVICES MAY APPROVE ALL OR PART  
42 OF A MUNICIPALITY'S COMPREHENSIVE PLAN. IF THE OFFICE DOES NOT APPROVE A  
43 MUNICIPALITY'S COMPREHENSIVE PLAN, SUCH MUNICIPALITY SHALL HAVE SIXTY  
44 DAYS FROM RECEIPT OF THE NOTIFICATION OF DISAPPROVAL TO SUBMIT A REVISED  
45 PLAN.

46 D. THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL DEVELOP AND  
47 PROMULGATE IN CONJUNCTION WITH EXISTING YOUTH SERVICE REPRESENTATIVES  
48 AND ANY OTHER PERTINENT STAKEHOLDER, REGULATIONS NECESSARY TO IMPLEMENT  
49 THE YOUTH DEVELOPMENT PROGRAM INCLUDING, BUT NOT LIMITED TO, THE  
50 DISTRIBUTION FORMULA AND ROLE OF MUNICIPAL YOUTH BUREAUS IN DEVELOPMENT  
51 OF THE COMPREHENSIVE PLAN.

52 E. TWO OR MORE MUNICIPALITIES MAY JOIN TOGETHER TO ESTABLISH, OPERATE  
53 AND MAINTAIN YOUTH DEVELOPMENT PROGRAMS AND MAY MAKE AND PERFORM AGREE-  
54 MENTS IN CONNECTION THEREWITH. SUCH AGREEMENTS SHALL INCLUDE PROVISIONS  
55 FOR THE PROPORTIONATE COST TO BE BORNE BY EACH MUNICIPALITY AND FOR THE  
56 MANNER OF EMPLOYMENT OF PERSONNEL AND MAY PROVIDE THAT A FISCAL OFFICER

1 OF ONE SUCH MUNICIPALITY SHALL BE THE CUSTODIAN OF THE MONEYS MADE  
2 AVAILABLE FOR EXPENDITURE FOR SUCH PURPOSES BY ALL SUCH MUNICIPALITIES  
3 AND THAT SUCH FISCAL OFFICER MAY MAKE PAYMENTS THEREFROM UPON AUDIT OF  
4 THE APPROPRIATE AUDITING BODY OR OFFICER OF HIS OR HER MUNICIPALITY. IN  
5 MAKING CLAIMS FOR STATE AID PURSUANT TO THIS ARTICLE, EACH SUCH MUNICI-  
6 PALITY SHALL CLAIM FOR ITS PROPORTIONATE SHARE OF EXPENDITURES SO MADE.  
7 HOWEVER, WHERE IT IS PROVIDED THAT THERE SHALL BE A DISBURSING MUNICI-  
8 PALITY, SUCH DISBURSING MUNICIPALITY SHALL CLAIM FOR THE TOTAL JOINT  
9 PROGRAM EXPENDITURES SO MADE AND SHALL DISBURSE SUCH STATE AID TO EACH  
10 PARTICIPATING MUNICIPALITY BASED UPON THE PROPORTIONATE SHARE OF EXPEND-  
11 ITURES SO MADE.

12 S 3. Section 422 of the executive law is REPEALED.

13 S 4. Paragraph (a) of subdivision 6 of section 34-a of the social  
14 services law, as added by chapter 160 of the laws of 2004, is amended to  
15 read as follows:

16 (a) Notwithstanding any other provision of law, the office of children  
17 and family services shall plan for the statewide implementation, by the  
18 thirty-first day of December, two thousand eight, of the use by counties  
19 of a child and family services plan that combines the multi-year consol-  
20 idated services plan required by this section and the [county] compre-  
21 hensive plan required by section four hundred twenty of the executive  
22 law into a single plan.

23 S 5. This act shall take effect January 1, 2014 and shall expire  
24 December 31, 2018 when upon such date the provisions of this act shall  
25 be deemed repealed; provided however, that effective immediately, the  
26 addition, amendment and/or repeal of any rule or regulation necessary  
27 for the implementation of this act on its effective date is authorized  
28 and directed to be made and completed on or before such effective date.

29 PART H  
30 Intentionally Omitted

31 PART I  
32 Intentionally Omitted

33 PART J

34 Section 1. Paragraph (b) of subdivision 3 of section 425 of the real  
35 property tax law, as amended by section 1 of part B of chapter 389 of  
36 the laws of 1997, is amended to read as follows:

37 (b) Primary residence. The property must serve as the primary resi-  
38 dence of one or more of the owners thereof. THE COMMISSIONER SHALL  
39 ESTABLISH GUIDELINES FOR DETERMINING WHAT CONSTITUTES A PRIMARY RESI-  
40 DENCE FOR PURPOSES OF THIS SECTION. SUCH GUIDELINES SHALL BE BINDING  
41 UPON APPLICANTS, ASSESSORS AND ALL OTHER PARTIES FOR PURPOSES OF THE  
42 ADMINISTRATION OF THE EXEMPTION AUTHORIZED BY THIS SECTION.

43 S 2. Subdivisions 12 and 13 of section 425 of the real property tax  
44 law, as added by section 1 of part B of chapter 389 of the laws of 1997,  
45 paragraph (a) of subdivision 12 as amended by section 12 of part W of  
46 chapter 56 of the laws of 2010, paragraph (b) of subdivision 12 as  
47 amended and paragraph (d) of subdivision 12 as added by section 1 of  
48 part N of chapter 58 of the laws of 2011 and paragraph (d) of subdivi-  
49 sion 13 as added by section 2 of part N of chapter 58 of the laws of

1 2011, are amended and two new subdivisions 14 and 15 are added to read  
2 as follows:

3 12. Revocation of prior exemptions. (a) Generally. In addition to  
4 discontinuing the exemption on the next ensuing tentative assessment  
5 roll, if the assessor determines that the property improperly received  
6 the exemption on one or more of the [three] TEN preceding assessment  
7 rolls, or is advised by the department that the applicable income stand-  
8 ard was not satisfied with regard to a property which received the  
9 enhanced exemption on one or more of those rolls, he or she shall  
10 proceed to revoke the improperly granted prior exemption or exemptions.  
11 If the assessor is advised that the department was unable to verify the  
12 income eligibility of one or more participants in the income verifica-  
13 tion program, the assessor shall mail that person or those persons a  
14 notice in a form prescribed by the department requesting that the person  
15 or persons document their income in the same manner and to the same  
16 extent as if the person or persons were submitting an initial applica-  
17 tion for the enhanced STAR exemption. If such income documentation is  
18 not provided within forty-five days of such request, or if the documen-  
19 tation provided does not establish the eligibility of the person or  
20 persons to the assessor's satisfaction, the assessor shall treat the  
21 exemption as an improperly granted exemption and proceed in the manner  
22 provided by this subdivision.

23 (b) Procedure. The assessed value attributable to each such improperly  
24 granted exemption shall be entered separately on the next ensuing tenta-  
25 tive or final assessment roll. The provisions of section five hundred  
26 fifty-one or five hundred fifty-three of this chapter, relating to the  
27 entry by the assessor of omitted real property on a tentative or final  
28 assessment roll, shall apply so far as practicable to the revocation  
29 procedure IN THIS SUBDIVISION, except that:

30 (I) the tax rate to be applied to any revoked exemption shall be the  
31 tax rate that was applied to the corresponding assessment roll, [and  
32 that]

33 (II) interest shall then be added to each such product at the rate  
34 prescribed by section nine hundred twenty-four-a of this chapter or such  
35 other law as may be applicable for each month or portion thereon since  
36 the levy of taxes upon the assessment roll or rolls upon which the  
37 exemption was granted.

38 (c) Rights of owners. Each owner or owners shall be given notice of  
39 the possible revocation UNDER THIS SUBDIVISION of their exemption or  
40 exemptions at the time and in the manner provided by section five  
41 hundred ten or five hundred fifty-three of this chapter, and shall be  
42 entitled to seek administrative and judicial review of such action in  
43 the manner provided by law.

44 (d) Applicability. The provisions of this subdivision shall not be  
45 applicable to the extent that the prior exemptions shall have been  
46 renounced pursuant to section four hundred ninety-six of this article.

47 13. Penalty for material misstatements. (a) Generally. If the assessor  
48 should determine, within [three] TEN years from the filing of an appli-  
49 cation for exemption pursuant to this section, that there was a material  
50 misstatement on the application, he or she shall proceed to impose a  
51 penalty tax against the property of one hundred dollars. An application  
52 shall be deemed to contain a material misstatement for this purpose when  
53 either:

54 (i) the applicant or applicants claimed that the property was their  
55 primary residence, when it was not; or

1 (ii) THE APPLICANT OR APPLICANTS CLAIMED THAT THEY HAD RELINQUISHED  
2 THE STAR EXEMPTION ON THEIR FORMER PRIMARY RESIDENCE, WHEN THEY HAD NOT;  
3 OR

4 (III) in the case of an application for the enhanced exemption for  
5 property owned by senior citizens, the applicant or applicants misrepres-  
6 sented their age or income so as to appear eligible for such exemption,  
7 when they were not.

8 (b) Procedure. When the assessor determines that a penalty tax should  
9 be imposed, the penalty tax shall be entered on the next ensuing tenta-  
10 tive or final assessment roll. The procedures set forth in section five  
11 hundred fifty-one or five hundred fifty-three of this chapter, relating  
12 to the entry by the assessor of omitted real property on a tentative or  
13 final assessment roll, shall apply so far as practicable when imposing a  
14 penalty tax pursuant to this subdivision. Each owner or owners shall be  
15 given notice of the possible imposition of a penalty tax at the time and  
16 in the manner provided by section five hundred ten or five hundred  
17 fifty-three of this chapter, and shall be entitled to seek administra-  
18 tive and judicial review of such action in the manner provided by law.  
19 Any penalty tax imposed pursuant to this subdivision shall be retained  
20 by the assessing unit.

21 (c) Additional consequences. A penalty tax may be imposed pursuant to  
22 this subdivision whether or not the improper exemption has been revoked  
23 in the manner provided by this section. In addition, a person or persons  
24 who are found to have made a material misstatement shall be disqualified  
25 from further exemption pursuant to this section for a period of [five]  
26 TEN years, and may be subject to prosecution pursuant to the penal law.

27 (d) Applicability. The provisions of this subdivision shall not be  
28 applicable to the extent that the prior exemptions shall have been  
29 renounced pursuant to section four hundred ninety-six of this article.

30 14. STAR REGISTRATION PROGRAM. (A) THE COMMISSIONER SHALL ESTABLISH  
31 AND IMPLEMENT A PROGRAM UNDER WHICH ALL OWNERS OF PROPERTIES INITIALLY  
32 APPLYING FOR AND THOSE RECEIVING A BASIC STAR EXEMPTION SHALL BE  
33 REQUIRED TO REGISTER WITH THE COMMISSIONER IN THE MANNER, AT SUCH INTER-  
34 VALS, AND BY THE DATE OR DATES PRESCRIBED BY THE COMMISSIONER. THE  
35 COMMISSIONER SHALL REQUIRE CURRENT RECIPIENTS OF THE BASIC STAR  
36 EXEMPTION, AS OF THE EFFECTIVE DATE OF THIS SUBDIVISION, TO REGISTER  
37 WITH THE COMMISSIONER WITHIN ONE YEAR OF SUCH EFFECTIVE DATE. UPON  
38 REGISTRATION PURSUANT TO THIS SUBDIVISION, NO RECIPIENT OF A BASIC STAR  
39 EXEMPTION SHALL BE REQUIRED TO REREGISTER FOR A PERIOD OF THREE YEARS  
40 FROM SUCH REGISTRATION.

41 (B) SIX MONTHS PROCEEDING ANY REQUIRED REGISTRATION PURSUANT TO THIS  
42 SUBDIVISION, THE COMMISSIONER SHALL PROVIDE WRITTEN NOTICE TO EACH HOME  
43 OWNER RECEIVING A BASIC STAR EXEMPTION UPON CONFIRMATION FROM EACH  
44 RESPECTIVE MUNICIPALITY OF CURRENT EXEMPTION RECIPIENTS WITHIN SUCH  
45 MUNICIPALITY.

46 (C) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE COMMIS-  
47 SIONER SHALL DIRECT THE REMOVAL OR DENIAL OF A STAR EXEMPTION IF HE OR  
48 SHE FINDS THAT ONE OR MORE OF THE FOLLOWING CONDITIONS EXIST:

49 (I) ALL OWNERS OF THE PROPERTY HAVE NOT BEEN REGISTERED BY THE  
50 PRESCRIBED DATE AND NO ACCEPTABLE JUSTIFICATION HAS BEEN PRESENTED FOR  
51 SUCH FAILURE;

52 (II) THE OWNERS OF THE PROPERTY ARE IMPROPERLY RECEIVING MULTIPLE STAR  
53 EXEMPTIONS;

54 (III) THE PROPERTY DOES NOT SERVE AS THE PRIMARY RESIDENCE OF ANY OF  
55 ITS OWNERS;

56 (IV) THE APPLICABLE INCOME LIMITATION HAS BEEN EXCEEDED; OR

1 (V) THE PROPERTY IS OTHERWISE INELIGIBLE FOR THE STAR EXEMPTION.

2 (D) PRIOR TO DIRECTING THAT A STAR EXEMPTION BE REMOVED OR DENIED  
3 PURSUANT TO THIS SUBDIVISION, THE COMMISSIONER SHALL PROVIDE THE PROPER-  
4 TY OWNERS WITH NOTICE AND AN OPPORTUNITY TO SHOW THE COMMISSIONER THAT  
5 THE PROPERTY IS ELIGIBLE TO RECEIVE THE EXEMPTION. IF THE OWNERS FAIL TO  
6 RESPOND TO SUCH NOTICE, OR IF THEIR RESPONSE DOES NOT SHOW TO THE  
7 COMMISSIONER'S SATISFACTION THAT THE PROPERTY IS ELIGIBLE FOR THE  
8 EXEMPTION, THE COMMISSIONER SHALL DIRECT THE ASSESSOR OR OTHER PERSON  
9 HAVING CUSTODY OR CONTROL OF THE ASSESSMENT ROLL OR TAX ROLL TO REMOVE  
10 OR DENY THE EXEMPTION, AND TO CORRECT THE ROLL ACCORDINGLY. SUCH A  
11 DIRECTIVE SHALL BE BINDING UPON THE ASSESSOR OR OTHER PERSON HAVING  
12 CUSTODY OR CONTROL OF THE ASSESSMENT ROLL OR TAX ROLL, AND SHALL BE  
13 IMPLEMENTED BY SUCH PERSON WITHOUT THE NEED FOR FURTHER DOCUMENTATION OR  
14 APPROVAL. HOWEVER, FOR THE PERIOD OF ONE YEAR AFTER THE REMOVAL OF AN  
15 EXEMPTION, A PAST RECIPIENT WHO HAS HAD HIS EXEMPTION REVOKED, SHALL  
16 HAVE THE ABILITY TO REQUEST TO THE COMMISSIONER, IN A MANNER AND FORM  
17 PRESCRIBED BY THE COMMISSIONER, THAT SUCH EXEMPTION BE REAPPLIED FOR THE  
18 PREVIOUS YEAR UPON A SHOWING THAT THE PROPERTY WAS ELIGIBLE DURING SUCH  
19 PREVIOUS YEAR TO RECEIVE A BASIC STAR EXEMPTION. UPON A FINDING THAT  
20 SUCH PROPERTY WAS ELIGIBLE TO RECEIVE A BASIC STAR EXEMPTION, THE  
21 COMMISSIONER SHALL DIRECT THE ASSESSOR OR THE PERSON HAVING CUSTODY OR  
22 CONTROL OF THE ASSESSMENT ROLL OR THE TAX ROLL TO ADD SUCH EXEMPTION,  
23 AND TO CORRECT THE ROLL ACCORDINGLY.

24 (E) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (B) OF SUBDIVISION SIX  
25 OF THIS SECTION, NEITHER AN ASSESSOR NOR A BOARD OF ASSESSMENT REVIEW  
26 HAS THE AUTHORITY TO CONSIDER AN OBJECTION TO THE REMOVAL OR DENIAL OF  
27 AN EXEMPTION PURSUANT TO THIS SUBDIVISION, NOR MAY SUCH AN ACTION BE  
28 REVIEWED IN A PROCEEDING TO REVIEW AN ASSESSMENT PURSUANT TO TITLE ONE  
29 OR ONE-A OF ARTICLE SEVEN OF THIS CHAPTER. SUCH AN ACTION MAY ONLY BE  
30 CHALLENGED BEFORE THE DEPARTMENT OF TAXATION AND FINANCE ON THE GROUNDS  
31 OF A MISTAKE OF FACT. THE TAXPAYER SHALL HAVE NO RIGHT TO COMMENCE A  
32 COURT ACTION, ADMINISTRATIVE PROCEEDING OR ANY OTHER FORM OF LEGAL  
33 RECOURSE AGAINST THE COMMISSIONER, THE DEPARTMENT OF TAXATION AND  
34 FINANCE, ASSESSOR OR OTHER PERSON HAVING CUSTODY OR CONTROL OF THE  
35 ASSESSMENT ROLL OR TAX ROLL REGARDING SUCH ACTION.

36 (F) THE COMMISSIONER SHALL BE ENTITLED TO UTILIZE INFORMATION FROM ANY  
37 FILINGS OF A TAXPAYER WITH THE DEPARTMENT OF TAXATION AND FINANCE IN  
38 CONJUNCTION WITH THE STAR REGISTRATION PROGRAM. THE DISCLOSURE TO THE  
39 ASSESSOR OR OTHER PERSON HAVING CUSTODY OR CONTROL OF THE ASSESSMENT  
40 ROLL OR TAX ROLL OF NAMES AND ADDRESSES OF PROPERTY OWNERS AFFECTED BY  
41 THIS SUBDIVISION, COLLECTED FROM THE REGISTRATION PROCESS AND OTHER  
42 FILINGS WITH THE DEPARTMENT OF TAXATION AND FINANCE SHALL NOT CONSTITUTE  
43 A VIOLATION OF THE SECRECY PROVISIONS OF THE TAX LAW. THE COMMISSIONER  
44 SHALL PROVIDE NO OTHER INFORMATION ABOUT THE INCOME OF A TAXPAYER TO THE  
45 ASSESSOR OR OTHER PERSON HAVING CUSTODY OR CONTROL OF THE ASSESSMENT  
46 ROLL OR TAX ROLL.

47 15. DISCLOSURE OF CERTAIN DATA. THE COMMISSIONER IS AUTHORIZED TO  
48 DISCLOSE TO ASSESSORS AND COUNTY DIRECTORS OF REAL PROPERTY TAX SERVICES  
49 SUCH DATA AS HE OR SHE DEEMS NECESSARY TO THE EFFECTIVE ADMINISTRATION  
50 OF THE STAR EXEMPTION AUTHORIZED BY THIS SECTION, NOTWITHSTANDING THE  
51 SECRECY PROVISIONS OF THE TAX LAW, PROVIDED THAT THE DATA SO DISCLOSED  
52 SHALL NOT BE SUBJECT TO FURTHER DISCLOSURE UNDER ARTICLE SIX OF THE  
53 PUBLIC OFFICERS LAW OR OTHERWISE.

54 S 3. This act shall take effect April 1, 2013.

## PART K

Intentionally Omitted

## PART L

Intentionally Omitted

## PART M

Section 1. Notwithstanding any other provision of law, and provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the agency) required to accomplish the purposes of such account, the board of directors of the state of New York mortgage agency shall authorize the transfer from the project pool insurance account of the mortgage insurance fund to the state treasury for deposit in the general fund a total sum not to exceed two hundred eleven million seven hundred thousand dollars as soon as practicable but no later than March 31, 2014.

S 2. Notwithstanding any other provision of law, the housing trust fund corporation (the corporation) may provide, for purposes of the rural and urban community investment fund program, a sum not to exceed ten million dollars for the fiscal year ending March 31, 2014. Notwithstanding any other provision of law, and provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the agency) required to accomplish the purposes of such account, the board of directors of the state of New York mortgage agency shall authorize the transfer from the project pool insurance account of the mortgage insurance fund to the housing trust fund corporation (the corporation), for the purposes of reimbursing any costs associated with rural and urban community investment fund program contracts authorized by this section, a total sum not to exceed ten million dollars as soon as practicable but no later than March 31, 2014.

S 3. Notwithstanding any other provision of law, the housing finance agency may provide, for costs associated with the rehabilitation of Mitchell Lama housing projects, a sum not to exceed four million five hundred thousand dollars for the fiscal year ending March 31, 2014. Notwithstanding any other provision of law, and provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the agency) required to accomplish the purposes of such account, the board of directors of the state of New York mortgage agency shall authorize the transfer from the project pool insurance account of the mortgage insurance fund to the housing finance agency, for the purposes of reimbursing any costs associated with Mitchell Lama housing projects authorized by this section, a total sum not to exceed four million five hundred thousand dollars as soon as practicable but no later than March 30, 2014.

S 4. This act shall take effect immediately.

## PART N

Section 1. Section 21 of the labor law is amended by adding a new subdivision 14 to read as follows:

14. SHALL DO ALL THINGS NECESSARY FOR THE OPERATION OF THE NEW YORK STATE DATA CENTER ESTABLISHED IN THE DEPARTMENT IN COOPERATION WITH THE UNITED STATES BUREAU OF THE CENSUS; TO COOPERATE WITH OTHER STATE AGENCIES, UNIVERSITIES, REGIONAL ORGANIZATIONS, BOARDS, COMMISSIONS, AND OTHER ENTITIES IN THE DISSEMINATION OF SOCIO-ECONOMIC INFORMATION AND DATA THROUGH THE NEW YORK STATE DATA CENTER PROGRAM; IN RELATION TO SUCH INFORMATION AND DATA, TO PROVIDE TECHNICAL ASSISTANCE TO OTHER STATE AGENCIES, UNIVERSITIES, REGIONAL ORGANIZATIONS, BOARDS, COMMISSIONS AND OTHER ENTITIES; AND TO PREPARE ESTIMATES AND THE OFFICIAL PROJECTIONS OF POPULATION, HOUSEHOLDS AND OTHER CHARACTERISTICS OF THE STATE FOR USE BY ALL STATE AGENCIES.

S 2. Subdivision 17 of section 100 of the economic development law is REPEALED.

S 3. This act shall take effect immediately.

## PART O

Section 1. Paragraph (a) of subdivision 1 of section 518 of the labor law, as amended by chapter 589 of the laws of 1998, is amended to read as follows:

(a) "Wages" means all remuneration paid, except that such term does not include remuneration paid to an employee by an employer after eight thousand five hundred dollars have been paid to such employee by such employer with respect to employment during any calendar year, EXCEPT THAT SUCH TERM DOES NOT INCLUDE REMUNERATION PAID TO AN EMPLOYEE BY AN EMPLOYER WITH RESPECT TO EMPLOYMENT DURING ANY CALENDAR YEAR BEGINNING WITH THE FIRST DAY OF

### THAT EXCEEDS

JANUARY 2014	\$10,300
JANUARY 2015	\$10,500
JANUARY 2016	\$10,700
JANUARY 2017	\$10,900
JANUARY 2018	\$11,100
JANUARY 2019	\$11,400
JANUARY 2020	\$11,600
JANUARY 2021	\$11,800
JANUARY 2022	\$12,000
JANUARY 2023	\$12,300
JANUARY 2024	\$12,500
JANUARY 2025	\$12,800
JANUARY 2026	\$13,000

AND EACH YEAR THEREAFTER ON THE FIRST DAY OF JANUARY THAT EXCEEDS SIXTEEN PERCENT OF THE STATE'S AVERAGE ANNUAL WAGE AS DETERMINED BY THE COMMISSIONER ON AN ANNUAL BASIS PURSUANT TO SECTION FIVE HUNDRED TWENTY-NINE OF THIS ARTICLE; PROVIDED, HOWEVER, THAT IN CALCULATING SUCH MAXIMUM AMOUNT OF REMUNERATION, THE AMOUNT ARRIVED AT BY MULTIPLYING THE STATE'S AVERAGE ANNUAL WAGE TIMES SIXTEEN PERCENT SHALL BE ROUNDED UP TO THE NEAREST HUNDRED DOLLARS. IN NO EVENT SHALL THE STATE'S ANNUAL AVERAGE WAGE BE REDUCED FROM THE AMOUNT DETERMINED IN THE PREVIOUS YEAR. The term "employment" includes for the purposes of this subdivision services constituting employment under any unemployment compensation law of another state or the United States.

S 2. Subdivision 1 and paragraph (a) of subdivision 2 of section 527 of the labor law, subdivision 1 as amended by chapter 413 of the laws of

2003 and paragraph (a) of subdivision 2 as amended by chapter 5 of the laws of 2000, are amended to read as follows:

1. Basic condition. "Valid original claim" is a claim filed by a claimant who meets the following qualifications: (a) is able to work, and available for work; (b) is not subject to any disqualification or suspension under this article; (c) his OR HER previously established benefit year, if any, has expired; (d) has been paid remuneration by employers liable for contributions or for payments in lieu of contributions under this article, other than employers from whom the claimant lost employment under conditions which would be disqualifying FOR MISCONDUCT pursuant to [subdivision] SUBDIVISIONS three AND SIX of section five hundred ninety-three of this article, for employment during at least two calendar quarters of the base period, with remuneration of one and one-half times the high calendar quarter [earnings] REMUNERATION within the base period and with at least [one] TWO thousand [six] ONE hundred dollars of such remuneration being paid during the high calendar quarter of such base period. For purposes of this section, the [earnings] REMUNERATION in the high calendar quarter of the base period used in determining a valid original claim shall not exceed an amount equal to twenty-two times the maximum benefit rate as set forth in subdivision five of section five hundred ninety of this article for all individuals.

(a) An individual who is unable to file a valid original claim in accordance with subdivision one of this section, files a valid original claim by meeting the qualifications enumerated in paragraphs (a), (b) and (c) of subdivision one of this section and by having been paid remuneration by employers liable for contributions or for payments in lieu of contributions under this article, other than employers from whom the claimant lost employment under conditions which [are] WOULD BE disqualifying FOR MISCONDUCT pursuant to [subdivision] SUBDIVISIONS three AND SIX of section five hundred ninety-three of this article, for employment during at least two calendar quarters of the base period, with remuneration of one and one-half times the high calendar quarter [earnings] REMUNERATION within the base period and with at least [one] TWO thousand [six] ONE hundred dollars of such remuneration being paid during the high calendar quarter of such base period. For purposes of this section, the [earnings] REMUNERATION in the high calendar quarter of the base period used in determining a valid original claim shall not exceed an amount equal to twenty-two times the maximum benefit rate as set forth in subdivision five of section five hundred ninety of this article for all individuals.

S 3. The labor law is amended by adding a new section 529 to read as follows:

S 529. AVERAGE ANNUAL WAGE; AVERAGE WEEKLY WAGE. 1. THE "AVERAGE ANNUAL WAGE" SHALL BE THE AVERAGE ANNUAL WAGE OF THE STATE OF NEW YORK FOR THE PREVIOUS CALENDAR YEAR AS DETERMINED BY THE COMMISSIONER NO LATER THAN THE THIRTY-FIRST DAY OF MAY OF EACH YEAR.

2. THE "AVERAGE WEEKLY WAGE" SHALL BE THE AVERAGE WEEKLY WAGE OF THE STATE OF NEW YORK FOR THE PREVIOUS CALENDAR YEAR AS DETERMINED BY THE COMMISSIONER NO LATER THAN THE THIRTY-FIRST DAY OF MAY OF EACH YEAR.

S 4. Subdivisions 1 and 3 of section 576 of the labor law, as amended by chapter 49 of the laws of 1966, are amended to read as follows:

1. Determinations of liability for contributions. No determination of liability for contributions pursuant to section five hundred sixty of this article shall be made more than three years after the last day of the calendar year in which the wages on which such liability is based were paid, EXCEPT AS PROVIDED IN SUBDIVISION THREE OF THIS SECTION.

3. Determinations of LIABILITY FOR AND amount of contributions after contest. If an employer contests a determination of liability for contributions, a determination of the amount of contributions due FOR THE CONTESTED PERIOD AND SUBSEQUENT PERIODS may be made at any time prior to the latter of the following:

(a) three years after the last day of the calendar year in which the wages on which such contributions are based were paid; or

(b) two years after the last day of the calendar year in which such determination of liability for contributions became final and irrevocable.

S 5. Paragraph (a) of subdivision 1 of section 577 of the labor law is amended by adding a new subparagraph 9 to read as follows:

(9) MONIES PURSUANT TO SECTION FIVE HUNDRED NINETY-FOUR OF THIS TITLE.

S 6. Subparagraph 3 of paragraph (e) of subdivision 1 of section 581 of the labor law, as amended by chapter 589 of the laws of 1998, is amended to read as follows:

(3) An employer's account shall not be charged, and the charges shall instead be made to the general account, for benefits paid to a claimant after the expiration of a period of disqualification from benefits following a final determination that the claimant lost employment with the employer through misconduct or voluntary separation of employment without good cause within the meaning of section five hundred ninety-three of this article and the charges are attributable to remuneration paid during the claimant's base period of employment with such employer prior to the claimant's loss of employment with such employer through misconduct or voluntary separation of employment without good cause, PROVIDED, HOWEVER, THAT AN EMPLOYER SHALL NOT BE RELIEVED OF CHARGES PURSUANT TO THIS SUBPARAGRAPH IF AN EMPLOYER OR ITS AGENT FAILS TO SUBMIT INFORMATION RESULTING IN AN OVERPAYMENT PURSUANT TO SECTION FIVE HUNDRED NINETY-SEVEN OF THIS ARTICLE.

S 7. Paragraph (a) of subdivision 2 of section 581 of the labor law, as added by chapter 413 of the laws of 2003, is amended to read as follows:

(a) Each qualified employer's rate of contribution shall be the percentage shown in the column headed by the size of the fund index as of the computation date and on the same line with his or her negative or positive employer's account percentage, except that if within the three payroll years preceding the computation date any part of a negative balance has been transferred from any employer's account as a charge to the general account pursuant to the provisions of paragraph (e) of subdivision one of this section such employer's rate of contribution shall be the maximum contribution rate as shown in the column headed by the size of fund index;

#### Size of Fund Index

Employer's  
Account

Percentage	Less	0%	0.5%	1.0%	1.5%	2.0%	2.5%	3.0%	3.5%	4.0%	4.5%	5.0%
	Than	but	but	but	but	but	but	but	but	but	but	or
	0%	less	less	less	less	less	less	less	less	less	less	more
		than	than	than	than	than	than	than	than	than	than	
		0.5%	1.0%	1.5%	2.0%	2.5%	3.0%	3.5%	4.0%	4.5%	5.0%	

Negative



1	but less												
2	than 14.5%	7.50	7.30	7.10	6.90	6.70	5.90	5.50	5.10	4.80	4.70	4.60	4.50
3	13.5%												
4	or more												
5	but less												
6	than 14.0%	7.40	7.20	7.00	6.80	6.60	5.80	5.40	5.00	4.70	4.60	4.50	4.40
7	13.0%												
8	or more												
9	but less												
10	than 13.5%	7.30	7.10	6.90	6.70	6.50	5.70	5.30	4.90	4.60	4.50	4.40	4.30
11	12.5%												
12	or more												
13	but less												
14	than 13.0%	7.20	7.00	6.80	6.60	6.40	5.60	5.20	4.80	4.50	4.40	4.30	4.20
15	12.0%												
16	or more												
17	but less												
18	than 12.5%	7.10	6.90	6.70	6.50	6.30	5.50	5.10	4.70	4.40	4.30	4.20	4.10
19	11.5%												
20	or more												
21	but less												
22	than 12.0%	7.00	6.80	6.60	6.40	6.20	5.40	5.00	4.60	4.30	4.20	4.10	4.00
23	11.0%												
24	or more												
25	but less												
26	than 11.5%	6.90	6.70	6.50	6.30	6.10	5.30	4.90	4.50	4.20	4.10	4.00	3.90
27	10.5%												
28	or more												
29	but less												
30	than 11.0%	6.80	6.60	6.40	6.20	6.00	5.20	4.80	4.40	4.10	4.00	3.90	3.80
31	10.0%												
32	or more												
33	but less												
34	than 10.5%	6.70	6.50	6.30	6.10	5.90	5.10	4.70	4.30	4.00	3.90	3.80	3.70
35	9.5%												
36	or more												
37	but less												
38	than 10.0%	6.60	6.40	6.20	6.00	5.80	5.00	4.60	4.20	3.90	3.80	3.70	3.60
39	9.0%												
40	or more												
41	but less												
42	than 9.5%	6.50	6.30	6.10	5.90	5.70	4.90	4.50	4.10	3.80	3.70	3.60	3.50
43	8.5%												
44	or more												
45	but less												
46	than 9.0%	6.40	6.20	6.00	5.80	5.60	4.80	4.40	4.00	3.70	3.60	3.50	3.40
47	8.0%												
48	or more												
49	but less												
50	than 8.5%	6.30	6.10	5.90	5.70	5.50	4.70	4.30	3.90	3.60	3.50	3.40	3.30
51	7.0%												
52	or more												
53	but less												
54	than 8.0%	6.20	6.00	5.80	5.60	5.40	4.60	4.20	3.80	3.50	3.40	3.30	3.20
55	6.0%												
56	or more												

[illegible]

1	than 6.0%	3.40	3.20	3.00	2.80	2.60	2.20	1.80	1.40	1.20	1.10	1.00	0.90
2	6.0%												
3	or more but												
4	less than												
5	6.25%	3.30	3.10	2.90	2.70	2.50	2.10	1.70	1.30	1.10	1.00	0.90	0.80
6	6.25%												
7	or more												
8	but less												
9	than 6.5%	3.20	3.00	2.80	2.60	2.40	2.00	1.60	1.20	1.00	0.90	0.80	0.70
10	6.5%												
11	or more but												
12	less than												
13	6.75%	3.10	2.90	2.70	2.50	2.30	1.90	1.50	1.10	0.90	0.80	0.70	0.60
14	6.75%												
15	or more												
16	but less												
17	than 7.0%	3.00	2.80	2.60	2.40	2.20	1.80	1.40	1.00	0.80	0.70	0.60	0.50
18	7.0%												
19	or more but												
20	less than												
21	7.25%	2.90	2.70	2.50	2.30	2.10	1.70	1.30	0.90	0.70	0.60	0.50	0.40
22	7.25%												
23	or more												
24	but less												
25	than 7.5%	2.80	2.60	2.40	2.20	2.00	1.60	1.20	0.80	0.60	0.50	0.40	0.30
26	7.5%												
27	or more but												
28	less than												
29	7.75%	2.70	2.50	2.30	2.10	1.90	1.50	1.10	0.70	0.50	0.40	0.30	0.20
30	7.75%												
31	or more												
32	but less												
33	than 8.0%	2.60	2.40	2.20	2.00	1.80	1.40	1.00	0.60	0.40	0.30	0.20	0.10
34	8.0%												
35	or more but												
36	less than												
37	8.25%	2.50	2.30	2.10	1.90	1.70	1.30	0.90	0.50	0.30	0.20	0.10	0.00
38	8.25%												
39	or more												
40	but less												
41	than 8.5%	2.40	2.20	2.00	1.80	1.60	1.20	0.80	0.40	0.20	0.10	0.00	0.00
42	8.5%												
43	or more but												
44	less than												
45	8.75%	2.30	2.10	1.90	1.70	1.50	1.10	0.70	0.30	0.10	0.00	0.00	0.00
46	8.75%												
47	or more												
48	but less												
49	than 9.0%	2.20	2.00	1.80	1.60	1.40	1.00	0.60	0.20	0.00	0.00	0.00	0.00
50	9.0%												
51	or more but												
52	less than												
53	9.25%	2.10	1.90	1.70	1.50	1.30	0.90	0.50	0.10	0.00	0.00	0.00	0.00
54	9.25%												
55	or more												
56	but less												

1	than 9.5%	2.00	1.80	1.60	1.40	1.20	0.80	0.40	0.00	0.00	0.00	0.00	0.00	0.00
2	9.5%													
3	or more but													
4	less than													
5	9.75%	1.90	1.70	1.50	1.30	1.10	0.70	0.30	0.00	0.00	0.00	0.00	0.00	0.00
6	9.75%													
7	or more but													
8	less than													
9	10.0%	1.80	1.60	1.40	1.20	1.00	0.60	0.20	0.00	0.00	0.00	0.00	0.00	0.00
10	10.0%													
11	or more but													
12	less than													
13	10.25%	1.70	1.50	1.30	1.10	0.90	0.50	0.10	0.00	0.00	0.00	0.00	0.00	0.00
14	10.25%													
15	or more but													
16	less than													
17	10.5%	1.60	1.40	1.20	1.00	0.80	0.40	0.00	0.00	0.00	0.00	0.00	0.00	0.00
18	10.5%													
19	or more [but													
20	less than													
21	10.75%]	1.50	1.30	1.10	0.90	0.70	0.30	0.00	0.00	0.00	0.00	0.00	0.00	0.00
22	[10.75%													
23	or more but													
24	less than													
25	11.0%	1.40	1.20	1.00	0.80	0.60	0.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00
26	11.0%													
27	or more but													
28	less than													
29	11.25%	1.30	1.10	0.90	0.70	0.50	0.10	0.00	0.00	0.00	0.00	0.00	0.00	0.00
30	11.25%													
31	or more but													
32	less than													
33	11.5%	1.20	1.00	0.80	0.60	0.40	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
34	11.5%													
35	or more but													
36	less than													
37	11.75%	1.10	0.90	0.70	0.50	0.30	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
38	11.75%													
39	or more but													
40	less than													
41	12.0%	1.00	0.80	0.60	0.40	0.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
42	12.0% or													
43	more	0.90	0.70	0.50	0.30	0.10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00]

44 S 8. Subdivision 5 of section 590 of the labor law, as amended by  
 45 chapter 413 of the laws of 2003, is amended to read as follows:  
 46 5. Benefit rate. (A) A claimant's weekly benefit amount shall be one  
 47 twenty-sixth of the remuneration paid during the highest calendar quar-  
 48 ter of the base period by employers, liable for contributions or  
 49 payments in lieu of contributions under this article, PROVIDED THE  
 50 CLAIMANT HAS REMUNERATION PAID IN ALL FOUR CALENDAR QUARTERS DURING HIS  
 51 OR HER BASE PERIOD OR ALTERNATE BASE PERIOD. However, for [claimants]  
 52 ANY CLAIMANT WHO HAS REMUNERATION PAID IN ALL FOUR CALENDAR QUARTERS  
 53 DURING HIS OR HER BASE PERIOD OR ALTERNATE BASE PERIOD AND whose high  
 54 calendar quarter remuneration during the base period is three thousand  
 55 five hundred seventy-five dollars or less, the benefit amount shall be  
 56 one twenty-fifth of the remuneration paid during the highest calendar

1 quarter of the base period by employers liable for contributions or  
2 payments in lieu of contributions under this article. A CLAIMANT'S WEEK-  
3 LY BENEFIT SHALL BE ONE TWENTY-SIXTH OF THE AVERAGE REMUNERATION PAID IN  
4 THE TWO HIGHEST QUARTERS PAID DURING THE BASE PERIOD OR ALTERNATE BASE  
5 PERIOD BY EMPLOYERS LIABLE FOR CONTRIBUTIONS OR PAYMENTS IN LIEU OF  
6 CONTRIBUTIONS UNDER THIS ARTICLE WHEN THE CLAIMANT HAS REMUNERATION PAID  
7 IN TWO OR THREE CALENDAR QUARTERS. HOWEVER, FOR ANY CLAIMANT WHO HAS  
8 REMUNERATION PAID IN TWO OR THREE CALENDAR QUARTERS DURING HIS OR HER  
9 BASE PERIOD OR ALTERNATE BASE PERIOD AND WHOSE HIGH CALENDAR QUARTER  
10 REMUNERATION DURING THE BASE PERIOD IS THREE THOUSAND FIVE HUNDRED  
11 SEVENTY-FIVE DOLLARS OR LESS, THE BENEFIT AMOUNT SHALL BE ONE  
12 TWENTY-FIFTH OF THE REMUNERATION PAID DURING THE HIGHEST CALENDAR QUAR-  
13 TER OF THE BASE PERIOD BY EMPLOYERS LIABLE FOR CONTRIBUTIONS OR PAYMENTS  
14 IN LIEU OF CONTRIBUTIONS UNDER THIS ARTICLE. Any claimant whose high  
15 calendar quarter remuneration during the base period is more than three  
16 thousand five hundred seventy-five dollars shall not have a weekly bene-  
17 fit amount less than one hundred forty-three dollars. The weekly benefit  
18 amount, so computed, that is not a multiple of one dollar shall be  
19 lowered to the next multiple of one dollar. On the first Monday of  
20 September, nineteen hundred ninety-eight the weekly benefit amount shall  
21 not exceed three hundred sixty-five dollars nor be less than forty  
22 dollars, until the first Monday of September, two thousand, at which  
23 time the maximum benefit payable pursuant to this subdivision shall  
24 equal one-half of the state average weekly wage for covered employment  
25 as calculated by the department no sooner than July first, two thousand  
26 and no later than August first, two thousand, rounded down to the lowest  
27 dollar. ON AND AFTER THE FIRST MONDAY OF OCTOBER, TWO THOUSAND FOURTEEN,  
28 THE WEEKLY BENEFIT SHALL NOT BE LESS THAN ONE HUNDRED DOLLARS, NOR SHALL  
29 IT EXCEED FOUR HUNDRED TWENTY DOLLARS UNTIL THE FIRST MONDAY OF OCTOBER,  
30 TWO THOUSAND FIFTEEN WHEN THE MAXIMUM BENEFIT AMOUNT SHALL BE FOUR  
31 HUNDRED TWENTY-FIVE DOLLARS, UNTIL THE FIRST MONDAY OF OCTOBER, TWO  
32 THOUSAND SIXTEEN WHEN THE MAXIMUM BENEFIT AMOUNT SHALL BE FOUR HUNDRED  
33 THIRTY DOLLARS, UNTIL THE FIRST MONDAY OF OCTOBER, TWO THOUSAND SEVEN-  
34 TEEN WHEN THE MAXIMUM BENEFIT AMOUNT SHALL BE FOUR HUNDRED THIRTY-FIVE  
35 DOLLARS, UNTIL THE FIRST MONDAY OF OCTOBER, TWO THOUSAND EIGHTEEN WHEN  
36 THE MAXIMUM BENEFIT AMOUNT SHALL BE FOUR HUNDRED FIFTY DOLLARS, UNTIL  
37 THE FIRST MONDAY OF OCTOBER, TWO THOUSAND NINETEEN WHEN THE MAXIMUM  
38 BENEFIT AMOUNT SHALL BE THIRTY-SIX PERCENT OF THE AVERAGE WEEKLY WAGE  
39 UNTIL THE FIRST MONDAY OF OCTOBER, TWO THOUSAND TWENTY WHEN THE MAXIMUM  
40 BENEFIT AMOUNT SHALL BE THIRTY-EIGHT PERCENT OF THE AVERAGE WEEKLY WAGE,  
41 UNTIL THE FIRST MONDAY OF OCTOBER TWO THOUSAND TWENTY-ONE WHEN THE MAXI-  
42 MUM BENEFIT AMOUNT SHALL BE FORTY PERCENT OF THE AVERAGE WEEKLY WAGE,  
43 UNTIL THE FIRST MONDAY OF OCTOBER, TWO THOUSAND TWENTY-TWO WHEN THE  
44 MAXIMUM BENEFIT AMOUNT SHALL BE FORTY-TWO PERCENT OF THE AVERAGE WEEKLY  
45 WAGE, UNTIL THE FIRST MONDAY OF OCTOBER, TWO THOUSAND TWENTY-THREE WHEN  
46 THE MAXIMUM BENEFIT AMOUNT SHALL BE FORTY-FOUR PERCENT OF THE AVERAGE  
47 WEEKLY WAGE, UNTIL THE FIRST MONDAY OF OCTOBER, TWO THOUSAND TWENTY-FOUR  
48 WHEN THE MAXIMUM BENEFIT AMOUNT SHALL BE FORTY-SIX PERCENT OF THE AVER-  
49 AGE WEEKLY WAGE, UNTIL THE FIRST MONDAY OF OCTOBER, TWO THOUSAND TWEN-  
50 TY-FIVE WHEN THE MAXIMUM BENEFIT AMOUNT SHALL BE FORTY-EIGHT PERCENT OF  
51 THE AVERAGE WEEKLY WAGE, UNTIL THE FIRST MONDAY OF OCTOBER, TWO THOUSAND  
52 TWENTY-SIX AND EACH YEAR THEREAFTER ON THE FIRST MONDAY OF OCTOBER WHEN  
53 THE MAXIMUM BENEFIT AMOUNT SHALL BE FIFTY PERCENT OF THE AVERAGE WEEKLY  
54 WAGE PROVIDED, HOWEVER, THAT IN NO EVENT SHALL THE MAXIMUM BENEFIT  
55 AMOUNT BE REDUCED FROM THE PREVIOUS YEAR.

1 (B) NOTWITHSTANDING THE FOREGOING, THE MAXIMUM BENEFIT AMOUNT SHALL  
2 NOT BE INCREASED IN ACCORDANCE WITH THE SCHEDULE SET FORTH IN PARAGRAPH  
3 (A) OF THIS SUBDIVISION IN ANY YEAR IN WHICH THE COMMISSIONER DETERMINES  
4 THAT THE STATE HAS HAD A DECREASE IN PRIVATE SECTOR JOBS IN EACH MONTH  
5 OF THE FIRST TWO CALENDAR QUARTERS OF THE YEAR IN WHICH THE MAXIMUM  
6 BENEFIT AMOUNT INCREASE IS SCHEDULED TO OCCUR. IF THE COMMISSIONER  
7 DETERMINES THAT THE STATE HAS NOT HAD A DECREASE IN PRIVATE SECTOR JOBS  
8 IN EACH MONTH IN THE FIRST TWO CALENDAR QUARTERS IN YEARS SUBSEQUENT TO  
9 SUCH SUSPENSION OF AN INCREASE IN THE MAXIMUM BENEFIT AMOUNT, THEN THE  
10 MAXIMUM BENEFIT AMOUNT SHALL INCREASE TO THE AMOUNT FOR THE YEAR PREVI-  
11 OUSLY SCHEDULED TO BE ESTABLISHED PURSUANT TO PARAGRAPH (A) OF THIS  
12 SUBDIVISION HAD THE INCREASE NOT BEEN SUSPENDED AND INCREASED ANNUALLY  
13 THEREAFTER IN ACCORDANCE WITH THE SCHEDULE SET FORTH IN PARAGRAPH (A) OF  
14 THIS SUBDIVISION. IN NO CASE SHALL SUCH SUSPENSION RESULT IN A REDUCTION  
15 OF THE MAXIMUM BENEFIT AMOUNT TO LESS THAN THE AMOUNT PROVIDED IN THE  
16 MOST RECENT YEAR.

17 S 9. Paragraph (b) of subdivision 5 of section 590 of the labor law,  
18 as added by section eight of this act, is REPEALED and a new paragraph  
19 (b) is added to read as follows:

20 (B) NOTWITHSTANDING THE FOREGOING, THE MAXIMUM BENEFIT AMOUNT SHALL  
21 NOT BE INCREASED IN ACCORDANCE WITH THE SCHEDULE SET FORTH IN PARAGRAPH  
22 (A) OF THIS SUBDIVISION IN ANY YEAR IN WHICH THE BALANCE OF THE FUND ON  
23 THE THIRTY-FIRST DAY OF DECEMBER OF THE PRIOR YEAR IS LESS THAN AN  
24 AMOUNT OF THE FUNDS PROJECTED TO BE NEEDED TO PAY FOR THE INCREASE IN  
25 BENEFITS AS DETERMINED BY THE COMMISSIONER. IF FUND REVENUES ARE DETER-  
26 MINED BY THE COMMISSIONER TO BE SUFFICIENT TO PAY FOR THE INCREASE IN  
27 BENEFITS IN YEARS SUBSEQUENT TO SUCH SUSPENSION OF AN INCREASE IN THE  
28 MAXIMUM BENEFIT AMOUNT, THEN THE MAXIMUM BENEFIT AMOUNT SHALL INCREASE  
29 TO THE AMOUNT FOR THE YEAR PREVIOUSLY SCHEDULED TO BE ESTABLISHED PURSU-  
30 ANT TO PARAGRAPH (A) OF THIS SUBDIVISION HAD THE INCREASE NOT BEEN  
31 SUSPENDED AND INCREASED ANNUALLY THEREAFTER IN ACCORDANCE WITH THE SCHE-  
32 DULE SET FORTH IN PARAGRAPH (A) OF THIS SUBDIVISION. IN NO CASE SHALL  
33 SUCH SUSPENSION RESULT IN A REDUCTION OF THE MAXIMUM BENEFIT AMOUNT TO  
34 LESS THAN THE AMOUNT PROVIDED IN THE MOST RECENT YEAR.

35 S 10. Paragraph (b) of subdivision 5 of section 590 of the labor law,  
36 as added by section nine of this act is REPEALED and a new paragraph (b)  
37 is added to read as follows:

38 (B) NOTWITHSTANDING THE FOREGOING, THE MAXIMUM BENEFIT AMOUNT SHALL  
39 NOT BE INCREASED IN ACCORDANCE WITH THE SCHEDULE SET FORTH IN PARAGRAPH  
40 (A) OF THIS SUBDIVISION IN ANY YEAR IN WHICH THE BALANCE OF THE FUND IS  
41 DETERMINED BY THE COMMISSIONER TO NOT HAVE REACHED OR EXCEEDED THIRTY  
42 PERCENT OF THE AVERAGE HIGH COST MULTIPLE, AS DEFINED IN 20 CFR PART 606  
43 AS THE STANDARD FOR RECEIPT OF INTEREST-FREE FEDERAL LOANS, ON AT LEAST  
44 ONE DAY BETWEEN APRIL FIRST AND JUNE THIRTIETH OF THE SAME CALENDAR YEAR  
45 AS THE INCREASE SHALL TAKE EFFECT. IF, FOLLOWING SUCH SUSPENSION OF AN  
46 INCREASE IN THE MAXIMUM BENEFIT AMOUNT, THE COMMISSIONER SHALL DETER-  
47 MINE, ON AT LEAST ONE DAY BETWEEN APRIL FIRST AND JUNE THIRTIETH THAT  
48 THE BALANCE OF THE FUND IS GREATER THAN SUCH THIRTY PERCENT AVERAGE HIGH  
49 COST MULTIPLE, THEN THE MAXIMUM BENEFIT AMOUNT SHALL INCREASE TO THE  
50 PERCENTAGE FOR THE YEAR PREVIOUSLY SCHEDULED TO BE ESTABLISHED PURSUANT  
51 TO PARAGRAPH (A) OF THIS SUBDIVISION HAD THE INCREASE NOT BEEN SUSPENDED  
52 AND INCREASED ANNUALLY THEREAFTER IN ACCORDANCE WITH THE SCHEDULE SET  
53 FORTH IN PARAGRAPH (A) OF THIS SUBDIVISION. IN NO CASE SHALL SUCH  
54 SUSPENSION RESULT IN A REDUCTION OF THE MAXIMUM BENEFIT AMOUNT TO LESS  
55 THAN THE AMOUNT PROVIDED IN THE MOST RECENT YEAR.

1 S 11. Subdivision 9 of section 590 of the labor law is amended by  
2 adding a new paragraph (d) to read as follows:

3 (D) AN ALIEN WHO IS NOT ELIGIBLE UNDER 8 USC 1621(A) SHALL BE ELIGIBLE  
4 FOR BENEFITS, PROVIDED SUCH ALIEN IS ELIGIBLE FOR BENEFITS UNDER THE  
5 PROVISIONS OF THIS ARTICLE AND SECTION 3304 (A) (14) OF THE FEDERAL  
6 UNEMPLOYMENT TAX ACT.

7 S 12. Subdivision 2 of section 591 of the labor law, as amended by  
8 chapter 720 of the laws of 1953, is amended to read as follows:

9 2. Availability [and], capability, AND WORK SEARCH. No benefits shall  
10 be payable to any claimant who is not capable of work or who is not  
11 ready, willing and able to work in his usual employment or in any other  
12 for which he is reasonably fitted by training and experience AND WHO IS  
13 NOT ACTIVELY SEEKING WORK. IN ORDER TO BE ACTIVELY SEEKING WORK A  
14 CLAIMANT MUST BE ENGAGED IN SYSTEMATIC AND SUSTAINED EFFORTS TO FIND  
15 WORK WHICH SHALL INCLUDE CONTACTING AT LEAST TWO PROSPECTIVE EMPLOYERS  
16 FOR EACH WEEK CLAIMED. THE CLAIMANT MUST ALSO BE ENGAGED IN OTHER ACTIV-  
17 ITIES TO OBTAIN NEW WORK AS DETERMINED BY THE COMMISSIONER. THE CLAIMANT  
18 SHALL BE REQUIRED TO MAINTAIN DOCUMENTATION AND PROVIDE PROOF OF WORK  
19 SEARCH EFFORTS AS PRESCRIBED BY THE COMMISSIONER AND SHALL BE SUBJECT TO  
20 A RANDOM AUDIT.

21 S 13. Section 591 of the labor law is amended by adding a new subdivi-  
22 sion 6 to read as follows:

23 6. DISMISSAL PAY. (A) NO BENEFITS SHALL BE PAYABLE TO A CLAIMANT FOR  
24 ANY WEEK DURING A DISMISSAL PERIOD FOR WHICH A CLAIMANT RECEIVES  
25 DISMISSAL PAY, NOR SHALL ANY DAY WITHIN SUCH WEEK BE CONSIDERED A DAY OF  
26 TOTAL UNEMPLOYMENT UNDER SECTION FIVE HUNDRED TWENTY-TWO OF THIS ARTI-  
27 CLE, IF SUCH WEEKLY DISMISSAL PAY EXCEEDS THE MAXIMUM WEEKLY BENEFIT  
28 RATE.

29 (B) THE TERM "DISMISSAL PAY", AS USED IN THIS SUBDIVISION, MEANS ONE  
30 OR MORE PAYMENTS MADE BY AN EMPLOYER TO AN EMPLOYEE DUE TO HIS OR HER  
31 SEPARATION FROM SERVICE OF THE EMPLOYER REGARDLESS OF WHETHER THE  
32 EMPLOYER IS LEGALLY BOUND BY CONTRACT, STATUTE OR OTHERWISE TO MAKE SUCH  
33 PAYMENTS. THE TERM DOES NOT INCLUDE PAYMENTS FOR PENSION, RETIREMENT,  
34 ACCRUED LEAVE, AND HEALTH INSURANCE OR PAYMENTS FOR SUPPLEMENTAL UNEM-  
35 PLOYMENT BENEFITS.

36 (C) THE TERM "DISMISSAL PERIOD", AS USED IN THIS SUBDIVISION, MEANS  
37 THE TIME DESIGNATED FOR WEEKS OF DISMISSAL PAY ATTRIBUTABLE TO THE  
38 CLAIMANT'S WEEKLY EARNINGS IN ACCORDANCE WITH THE COLLECTIVE BARGAINING  
39 AGREEMENT, EMPLOYMENT CONTRACT, EMPLOYER'S DISMISSAL POLICY, DISMISSAL  
40 AGREEMENT WITH THE EMPLOYER OR OTHER SUCH AGREEMENT. IF NO SUCH AGREE-  
41 MENT, CONTRACT OR POLICY DESIGNATES A DISMISSAL PERIOD, THEN THE  
42 DISMISSAL PERIOD SHALL BE THE TIME DESIGNATED IN WRITING IN ADVANCE BY  
43 THE EMPLOYER TO BE CONSIDERED THE DISMISSAL PERIOD. IF NO TIME PERIOD IS  
44 DESIGNATED, THE DISMISSAL PERIOD SHALL COMMENCE ON THE DAY AFTER THE  
45 CLAIMANT'S LAST DAY OF EMPLOYMENT. IF THE DISMISSAL PAYMENT IS IN A LUMP  
46 SUM AMOUNT OR FOR AN INDEFINITE PERIOD, DISMISSAL PAYMENTS SHALL BE  
47 ALLOCATED ON A WEEKLY BASIS FROM THE DAY AFTER THE CLAIMANT'S LAST DAY  
48 OF EMPLOYMENT AND THE CLAIMANT SHALL NOT BE ELIGIBLE FOR BENEFITS FOR  
49 ANY WEEK FOR WHICH IT IS DETERMINED THAT THE CLAIMANT RECEIVES DISMISSAL  
50 PAY. THE AMOUNT OF DISMISSAL PAY SHALL BE ALLOCATED BASED ON THE CLAIM-  
51 ANT'S ACTUAL WEEKLY REMUNERATION PAID BY THE EMPLOYER DURING HIS OR HER  
52 EMPLOYMENT OR, IF SUCH AMOUNT CANNOT BE DETERMINED, THE AMOUNT OF THE  
53 CLAIMANT'S AVERAGE WEEKLY WAGE FOR THE HIGHEST CALENDAR QUARTER.

54 (D) NOTWITHSTANDING THE FOREGOING, THE PROVISIONS OF THIS SUBDIVISION  
55 SHALL NOT APPLY DURING ANY WEEKS IN WHICH THE INITIAL PAYMENT OF

1 DISMISSAL PAY IS MADE MORE THAN THIRTY DAYS FROM THE LAST DAY OF THE  
2 CLAIMANT'S EMPLOYMENT.

3 S 14. Subparagraph (i) of paragraph (b) of subdivision 2 of section  
4 591-a of the labor law, as added by chapter 413 of the laws of 2003, is  
5 amended to read as follows:

6 (i) requirements relating to total unemployment, as defined in section  
7 five hundred twenty-two of this article, availability for work AND  
8 SEARCH FOR WORK, as set forth in subdivision two of section five hundred  
9 ninety-one of this title and refusal to accept work, as set forth in  
10 subdivision two of section five hundred ninety-three of this title, are  
11 not applicable to such individuals;

12 S 15. Paragraph (a) of subdivision 1, the opening paragraph of subdi-  
13 vision 2 and subdivision 3 of section 593 of the labor law, paragraph  
14 (a) of subdivision 1 as amended by chapter 35 of the laws of 2009, the  
15 opening paragraph of subdivision 2 as amended by chapter 5 of the laws  
16 of 2000, and subdivision 3 as amended by chapter 589 of the laws of  
17 1998, are amended and a new subdivision 6 is added to read as follows:

18 (a) No days of total unemployment shall be deemed to occur after a  
19 claimant's voluntary separation without good cause from employment until  
20 he or she has subsequently worked in employment and earned remuneration  
21 at least equal to [five] TEN times his or her weekly benefit rate. In  
22 addition to other circumstances that may be found to constitute good  
23 cause, including a compelling family reason as set forth in paragraph  
24 (b) of this subdivision, voluntary separation from employment shall not  
25 in itself disqualify a claimant if circumstances have developed in the  
26 course of such employment that would have justified the claimant in  
27 refusing such employment in the first instance under the terms of subdi-  
28 vision two of this section or if the claimant, pursuant to an option  
29 provided under a collective bargaining agreement or written employer  
30 plan which permits waiver of his OR HER right to retain the employment  
31 when there is a temporary layoff because of lack of work, has elected to  
32 be separated for a temporary period and the employer has consented ther-  
33 eto.

34 No days of total unemployment shall be deemed to occur beginning with  
35 the day on which a claimant, without good cause, refuses to accept an  
36 offer of employment for which he OR SHE is reasonably fitted by training  
37 and experience, including employment not subject to this article, until  
38 he OR SHE has subsequently worked in employment and earned remuneration  
39 at least equal to [five] TEN times his or her weekly benefit rate.  
40 Except that claimants who are not subject to a recall date or who do not  
41 obtain employment through a union hiring hall and who are still unem-  
42 ployed after receiving [thirteen] TEN weeks of benefits shall be  
43 required to accept any employment proffered that such claimants are  
44 capable of performing, provided that such employment would result in a  
45 wage not less than eighty percent of such claimant's high calendar quar-  
46 ter wages received in the base period and not substantially less than  
47 the prevailing wage for similar work in the locality as provided for in  
48 paragraph (d) of this subdivision. No refusal to accept employment shall  
49 be deemed without good cause nor shall it disqualify any claimant other-  
50 wise eligible to receive benefits if:

51 3. Misconduct. No days of total unemployment shall be deemed to occur  
52 after a claimant lost employment through misconduct in connection with  
53 his or her employment until he or she has subsequently worked in employ-  
54 ment and earned remuneration at least equal to [five] TEN times his or  
55 her weekly benefit rate.

6. DETERMINATIONS AND HEARINGS. THE COMMISSIONER SHALL ISSUE A DETERMINATION FOR ANY PROTEST THAT IS FILED BY ANY BASE PERIOD EMPLOYER WITHIN THE TIME SPECIFIED IN THE NOTIFICATION OF POTENTIAL CHARGES BASED ON VOLUNTARY SEPARATIONS OR MISCONDUCT. AN EMPLOYER OR CLAIMANT MAY REQUEST A HEARING OF SUCH DETERMINATION PURSUANT TO SECTION SIX HUNDRED TWENTY OF THIS ARTICLE.

S 16. Section 594 of the labor law, as amended by chapter 728 of the laws of 1952, and the opening paragraph as amended by chapter 139 of the laws of 1968, are amended to read as follows:

S 594. Reduction AND RECOVERY of benefits AND PENALTIES for WILFUL false statement OR OMISSION. A claimant who has wilfully made a false statement or representation OR WILFULLY CONCEALED ANY PERTINENT FACT to obtain any benefit under the provisions of this article shall forfeit benefits for at least the first four but not more than the first eighty effective days following discovery of such offense for which he OR SHE otherwise would have been entitled to receive benefits. Such penalty shall apply only once with respect to each such offense.

For the purpose of subdivision four of section five hundred ninety of this article, the claimant shall be deemed to have received benefits for such forfeited effective days.

The penalty provided in this section shall not be confined to a single benefit year but shall no longer apply in whole or in part after the expiration of two years from the date [on which the offense was committed] OF THE FINAL DETERMINATION. SUCH TWO-YEAR PERIOD SHALL BE TOLLED DURING THE TIME PERIOD A CLAIMANT HAS AN APPEAL PENDING.

A claimant shall refund all moneys received because of such false statement or representation [made by him] OR WILFUL CONCEALMENT AND PAY A CIVIL PENALTY IN AN AMOUNT EQUAL TO THE GREATER OF ONE HUNDRED DOLLARS OR FIFTEEN PERCENT OF THE TOTAL OVERPAID BENEFITS DETERMINED PURSUANT TO THIS SECTION. WHEN A DETERMINATION BASED UPON A WILFUL FALSE STATEMENT OR REPRESENTATION OR BASED UPON THE WILFUL CONCEALMENT OF A PERTINENT FACT IN CONNECTION WITH THE CLAIM FOR BENEFITS BECOMES FINAL THROUGH EXHAUSTION OF APPEAL RIGHTS OR FAILURE TO EXHAUST HEARING RIGHTS, THE COMMISSIONER MAY FILE WITH THE COUNTY CLERK OF THE COUNTY WHERE THE CLAIMANT RESIDES THE FINAL DETERMINATION OF THE COMMISSIONER OR THE FINAL DECISION BY AN ADMINISTRATIVE LAW JUDGE, THE APPEAL BOARD OR A COURT CONTAINING THE AMOUNT FOUND TO BE DUE INCLUDING INTEREST AND CIVIL PENALTY. THE FILING OF SUCH FINAL DETERMINATION OR DECISION SHALL HAVE THE FULL FORCE AND EFFECT OF A JUDGMENT DULY DOCKETED IN THE OFFICE OF SUCH CLERK. THE FINAL DETERMINATION OR DECISION MAY BE ENFORCED BY AND IN THE SAME MANNER, AND WITH LIKE EFFECT AS IF IT WERE A DEFAULT AS SET FORTH IN SECTION FIVE HUNDRED SEVENTY-THREE OF THIS ARTICLE. MONEYS RECEIVED BECAUSE OF SUCH FALSE STATEMENT OR REPRESENTATION OR WILFUL CONCEALMENT, INCLUDING THE ACCRUAL OF INTEREST, MAY ALSO BE RECOVERED AS PRESCRIBED BY THE CIVIL PRACTICE LAW AND RULES FOR THE RECOVERY OF A MONEY JUDGMENT OR THROUGH COMMON LAW OR STATUTORY RIGHTS OF OFFSET OR ANY CRIMINAL PROSECUTION. THE PENALTIES COLLECTED HEREUNDER SHALL BE DEPOSITED IN THE FUND. THE PENALTIES ASSESSED UNDER THIS SUBDIVISION SHALL APPLY AND BE ASSESSED FOR ANY BENEFITS PAID UNDER FEDERAL UNEMPLOYMENT AND EXTENDED UNEMPLOYMENT PROGRAMS ADMINISTERED BY THE DEPARTMENT IN THE SAME MANNER AS PROVIDED IN THIS ARTICLE. THE PENALTIES IN THIS SECTION SHALL BE IN ADDITION TO ANY PENALTIES IMPOSED UNDER THIS CHAPTER OR ANY STATE OR FEDERAL CRIMINAL STATUTE.

S 17. Section 596 of the labor law is amended by adding a new subdivision 7 to read as follows:

7. NOTWITHSTANDING THE PROVISIONS OF SECTION FIVE HUNDRED NINETY-FIVE OF THIS TITLE, THE COMMISSIONER SHALL DEDUCT AND WITHHOLD ANY OVERPAYMENTS ESTABLISHED UNDER THIS ARTICLE OR UNDER ANY STATE OR FEDERAL UNEMPLOYMENT COMPENSATION PROGRAM FROM BENEFITS PAYABLE TO AN INDIVIDUAL. NO PENALTIES OR INTEREST ASSESSED PURSUANT TO SECTION FIVE HUNDRED NINETY-FOUR OF THIS TITLE MAY BE DEDUCTED OR WITHHELD FROM BENEFITS.

S 18. Subdivision 2 of section 597 of the labor law is amended by adding a new paragraph (d) to read as follows:

(D) NOTWITHSTANDING ANY PROVISIONS OF THIS ARTICLE, UNLESS A COMMISSIONER'S ERROR IS SHOWN OR THE FAILURE IS THE DIRECT RESULT OF A DISASTER EMERGENCY DECLARED BY THE GOVERNOR OR PRESIDENT, AN EMPLOYER'S ACCOUNT SHALL NOT BE RELIEVED OF CHARGES RESULTING IN AN OVERPAYMENT OF BENEFITS WHEN THE COMMISSIONER DETERMINES THAT THE OVERPAYMENT WAS MADE BECAUSE THE EMPLOYER OR THE AGENT OF THE EMPLOYER FAILED TO TIMELY OR ADEQUATELY RESPOND TO A REQUEST FOR INFORMATION IN THE NOTICE OF POTENTIAL CHARGES OR OTHER SUCH NOTICE REQUESTING INFORMATION IN RELATION TO A CLAIM UNDER THIS ARTICLE, PROVIDED, HOWEVER, THAT THE COMMISSIONER SHALL RELIEVE THE EMPLOYER OF CHARGES THE FIRST TIME THAT THE EMPLOYER FAILS TO PROVIDE TIMELY OR ADEQUATE INFORMATION, IF THE EMPLOYER PROVIDES GOOD CAUSE FOR SUCH FAILURE AS DETERMINED BY THE COMMISSIONER.

"TIMELY" SHALL MEAN A RESPONSE IS PROVIDED IN THE TIME PERIOD SPECIFIED IN THE NOTICE AS PRESCRIBED BY THE COMMISSIONER.

THE TERM "ADEQUATELY" SHALL MEAN THAT THE EMPLOYER OR ITS AGENT SUBMITTED INFORMATION SUFFICIENT TO RENDER A CORRECT DETERMINATION.

THIS PROHIBITION FOR RELIEF OF CHARGES SHALL APPLY TO ALL EMPLOYERS UNDER THIS ARTICLE INCLUDING EMPLOYERS ELECTING PAYMENT IN LIEU OF CONTRIBUTIONS.

S 19. Section 600 of the labor law, as added by chapter 793 of the laws of 1963, subdivision 6 as amended by chapter 391 of the laws of 2005, subdivision 7 as added by chapter 362 of the laws of 1980, paragraph (a) of subdivision 7 as amended by chapter 176 of the laws of 2004, paragraph (b) of subdivision 7 as amended by chapter 5 of the laws of 2000, and paragraph (c) of subdivision 7 as relettered by chapter 895 of the laws of 1980, is amended to read as follows:

S 600. Effect of retirement payments. 1. Reduction of benefit rate. [If a claimant retires or is retired from employment by an employer and, due to such retirement, is receiving a pension or retirement payment under a plan financed in whole or in part by such employer, such claimant's benefit rate for four effective days otherwise applicable under subdivision seven of section five hundred ninety shall be reduced as hereinafter provided.

2. Application. The reduction shall apply only to benefits which when paid will be chargeable to the account of the employer who provided the pension or retirement benefit.

3. Amount of reduction. If the pension or retirement payment is made under a plan to which the employer is the sole contributor, the claimant's benefit rate shall be reduced by the largest number of whole dollars which is not more than the prorated weekly amount of his pension or retirement payment under such plan. If the pension or retirement payment is made under a plan to which the employer is not the sole contributor, the claimant's benefit rate shall be reduced by the largest number of whole dollars which is not more than one-half of the prorated weekly amount of his pension or retirement payments under such plan, but no reduction shall apply if the claimant demonstrates that the employer contributed less than fifty per centum to the plan.

1 4. Reduction equal to benefit rate. If the amount to be deducted from  
2 a claimant's benefit rate equals or exceeds such rate, he shall be inel-  
3 igible to receive any benefits which if paid would be chargeable to the  
4 employer involved in the pension or retirement plan, but any benefits  
5 which would in the absence of this section be chargeable to the accounts  
6 of other employers shall be payable to the claimant.

7 5. Reduction not established. If, at the time benefits are payable, it  
8 has not been established that the claimant will be receiving such  
9 pension or retirement payment, benefits due shall be paid without a  
10 reduction, subject to review within the period and under the conditions  
11 as provided in subdivisions three and four of section five hundred nine-  
12 ty-seven with respect to retroactive payment of remuneration.

13 6. Limitation. For the purposes of this section, the terms "pension or  
14 retirement payment" and "governmental or other pension, retirement or  
15 retired pay, annuity, or any other similar periodic payment which is  
16 based on previous work" shall not include payments made from a qualified  
17 trust to an eligible retirement plan under the terms and conditions  
18 specified in section four hundred two of the internal revenue code for  
19 federal income tax purposes, such payments commonly known as eligible  
20 rollover distributions.

21 7. Alternative condition. (a) When a reduction for retirement payments  
22 is required by the federal unemployment tax act as a condition for full  
23 tax credit, in which event the provisions of subdivisions one, two,  
24 three, four and five of this section shall not be operative, the] (A)  
25 THE benefit rate of a claimant who is receiving a governmental or other  
26 pension, retirement or retired pay, annuity, or any other similar peri-  
27 odic payment which is based on his previous work, shall be reduced as  
28 hereinafter provided, if such payment is made under a plan maintained or  
29 contributed to by his base period employer and, except for payments made  
30 under the social security act or the railroad retirement act of 1974,  
31 the claimant's employment with, or remuneration from, such employer  
32 after the beginning of the base period affected his eligibility for, or  
33 increased the amount of, such pension, retirement or retired pay, annui-  
34 ty, or other similar periodic payment.

35 (b) [If the claimant made no contribution for the pension, retirement  
36 or retired pay, annuity, or other similar periodic payment, his] THE  
37 CLAIMANT'S benefit rate shall be reduced by the largest number of whole  
38 dollars which is not more than the pro-rated weekly amount of such  
39 payment. If the claimant was the sole contributor for the pension,  
40 retirement or retired pay, annuity, or other similar periodic payment,  
41 no reduction shall apply. [If the claimant's contributions for the  
42 pension, retirement or retired pay, annuity, or other similar periodic  
43 payment were less than one hundred per centum, the commissioner shall  
44 determine the amount of the reduction by taking into account the claim-  
45 ant's contributions in a manner consistent with the federal unemployment  
46 tax act.]

47 (c) If, at the time benefits are payable, it has not been established  
48 that the claimant will be receiving such pension, retirement or retired  
49 pay, annuity or other payment, benefits due shall be paid without a  
50 reduction, subject to review within the period and under the conditions  
51 as provided in subdivisions three and four of section five hundred nine-  
52 ty-seven with respect to retroactive payment of remuneration.

53 (D) FOR THE PURPOSES OF THIS SECTION, THE TERMS "PENSION OR RETIREMENT  
54 PAYMENT" AND "GOVERNMENTAL OR OTHER PENSION, RETIREMENT OR RETIRED PAY,  
55 ANNUITY, OR ANY OTHER SIMILAR PERIODIC PAYMENT WHICH IS BASED ON PREVI-  
56 OUS WORK" SHALL NOT INCLUDE PAYMENTS MADE FROM A QUALIFIED TRUST TO AN

1 ELIGIBLE RETIREMENT PLAN UNDER THE TERMS AND CONDITIONS SPECIFIED IN  
2 SECTION FOUR HUNDRED TWO OF THE INTERNAL REVENUE CODE FOR FEDERAL INCOME  
3 TAX PURPOSES, SUCH PAYMENTS COMMONLY KNOWN AS ELIGIBLE ROLLOVER DISTRIB-  
4 UTIONS.

5 S 20. Section 602 of the labor law, as amended by chapter 214 of the  
6 laws of 1998, is amended to read as follows:

7 S 602. Application. This title shall apply to a claimant employed by  
8 an employer whose application to participate in a shared work program  
9 has been approved by the commissioner. The provisions of subdivision  
10 four of section five hundred twenty-seven, subdivisions three and seven  
11 of section five hundred ninety and subdivision four of section five  
12 hundred ninety-six of this article shall not be applicable to such  
13 claimant and he OR SHE shall not be required to be available for work  
14 with any other employer NOR SHALL HE OR SHE BE REQUIRED TO SEARCH FOR  
15 WORK IN ACCORDANCE WITH SUBDIVISION TWO OF SECTION FIVE HUNDRED NINETY-  
16 ONE OF THIS ARTICLE IF HE OR SHE IS AVAILABLE FOR HIS OR HER USUAL HOURS  
17 OF WORK WITH HIS OR HER EMPLOYER THAT HAS BEEN ACCEPTED TO PARTICIPATE  
18 IN THE SHARED WORK PROGRAM. The other provisions of this article shall  
19 apply to such claimants and their employers to the extent that they are  
20 not inconsistent with the provisions of this title.

21 S 21. Section 603 of the labor law, as added by chapter 438 of the  
22 laws of 1985, is amended to read as follows:

23 S 603. Definitions. For purposes of this title: "Total unemployment"  
24 shall mean the total lack of any employment on any day, other than with  
25 an employer applying for a shared work program. ["Full time hours" shall  
26 mean at least thirty-five but not more than forty hours per week, and  
27 shall not include overtime as defined in the Fair Labor Standards Act.]  
28 "Work force" shall mean the total work force, a clearly identifiable  
29 unit or units thereof, or a particular shift or shifts. THE WORK FORCE  
30 SUBJECT TO REDUCTION SHALL CONSIST OF NO LESS THAN TWO EMPLOYEES.

31 S 21-a. Section 604 of the labor law, as amended by chapter 564 of the  
32 laws of 2002, is amended to read as follows:

33 S 604. Eligibility conditions. A claimant shall be eligible for bene-  
34 fits under this title if he OR SHE works less than his OR HER normal  
35 [full time] hours in a week for his customary employer, and that employ-  
36 er has reduced or restricted the claimant's weekly hours of work, or has  
37 rehired a claimant previously laid off and reduced his OR HER weekly  
38 hours of work from those previously worked, as the result of a plan by  
39 the employer to stabilize the work force by a program of sharing the  
40 work remaining after a reduction in total hours of work and a corre-  
41 sponding reduction in wages, provided the program requires not less than  
42 a twenty percent nor more than a sixty percent reduction in hours and  
43 wages among the work force. A claimant receiving supplemental unemploy-  
44 ment compensation benefits, as defined in section five hundred one (c)  
45 (17) (D) of the internal revenue code of nineteen hundred fifty-four,  
46 shall not be eligible hereunder. Any employee who was otherwise eligible  
47 for benefits under this title but was denied benefits during the period  
48 beginning October first, two thousand one and ending on December first,  
49 two thousand one because more than five percent of his OR HER wages were  
50 derived from piece work, shall be entitled to make a retroactive claim  
51 for such benefits provided such claim is filed within sixty days of the  
52 effective date of this sentence.

53 S 22. Section 605 of the labor law, as amended by section 2 of chapter  
54 81 of the laws of 1992, is amended to read as follows:

55 S 605. Qualified employers; application. An employer who has at least  
56 [five] TWO full time employees may apply to participate in a shared work

1 program. The WRITTEN application shall be made according to such forms  
2 and procedures as the commissioner may specify and shall include such  
3 information as the commissioner may require, INCLUDING SUCH OTHER INFOR-  
4 MATION THAT THE UNITED STATES SECRETARY OF LABOR DETERMINES TO BE APPRO-  
5 PRIATE FOR PURPOSES OF A SHARED WORK PROGRAM. The commissioner shall  
6 not approve such application unless the employer (1) [agrees] CERTIFIES  
7 that for the duration of the program it will not eliminate or diminish  
8 health insurance, medical insurance, RETIREMENT BENEFITS or any other  
9 fringe benefits provided to employees immediately prior to the applica-  
10 tion UNLESS SUCH BENEFITS PROVIDED TO EMPLOYEES THAT DO NOT PARTICIPATE  
11 IN THE SHARED WORK PROGRAM ARE REDUCED OR DIMINISHED TO THE SAME EXTENT  
12 AS THOSE EMPLOYEES THAT PARTICIPATE IN THE SHARED WORK PROGRAM; (2)  
13 certifies that the collective bargaining agent for the employees, if  
14 any, has agreed to participate in the program; (3) certifies that if not  
15 for the shared work program to be initiated the employer would reduce or  
16 would have reduced its work force to a degree equivalent to the total  
17 number of working hours proposed to be reduced or restricted for all  
18 included employees; (4) certifies that it will not hire additional part  
19 time or full time employees for the affected work force while the  
20 program is in operation; [and] (5) agrees that no participant of the  
21 program shall receive, in the aggregate, more than [twenty] TWENTY-SIX  
22 weeks of benefits exclusive of the waiting week; (6) PROVIDES A  
23 DESCRIPTION OF HOW WORKERS IN THE WORK FORCE WILL BE NOTIFIED OF THE  
24 SHARED WORK PROGRAM IN ADVANCE OF IT TAKING EFFECT, IF FEASIBLE, AND IF  
25 SUCH NOTICE IS NOT FEASIBLE, PROVIDES AN EXPLANATION OF WHY SUCH NOTICE  
26 IS NOT FEASIBLE; (7) PROVIDES AN ESTIMATE OF THE NUMBER OF WORKERS WHO  
27 WOULD BE LAID OFF IF THE EMPLOYER COULD NOT PARTICIPATE IN THE SHARED  
28 WORK PROGRAM; AND (8) CERTIFIES THAT THE TERMS OF THE EMPLOYER'S WRITTEN  
29 PLAN AND IMPLEMENTATION SHALL BE CONSISTENT WITH EMPLOYER OBLIGATIONS  
30 UNDER APPLICABLE FEDERAL AND STATE LAWS.

31 S 22-a. Section 605 of the labor law, as amended by section twenty-two  
32 of this act is REPEALED and a new section 605 is added to read as  
33 follows:

34 S 605. QUALIFIED EMPLOYERS; APPLICATION. AN EMPLOYER WHO HAS AT LEAST  
35 FIVE FULL TIME EMPLOYEES MAY APPLY TO PARTICIPATE IN A SHARED WORK  
36 PROGRAM. THE WRITTEN APPLICATION SHALL BE MADE ACCORDING TO SUCH FORMS  
37 AND PROCEDURES AS THE COMMISSIONER MAY SPECIFY AND SHALL INCLUDE SUCH  
38 INFORMATION AS THE COMMISSIONER MAY REQUIRE, INCLUDING SUCH OTHER INFOR-  
39 MATION THAT THE UNITED STATES SECRETARY OF LABOR DETERMINES TO BE APPRO-  
40 PRIATE FOR PURPOSES OF A SHARED WORK PROGRAM. THE COMMISSIONER SHALL NOT  
41 APPROVE SUCH APPLICATION UNLESS THE EMPLOYER (1) CERTIFIES THAT FOR THE  
42 DURATION OF THE PROGRAM IT WILL NOT ELIMINATE OR DIMINISH HEALTH INSUR-  
43 ANCE, MEDICAL INSURANCE, RETIREMENT BENEFITS OR ANY OTHER FRINGE BENE-  
44 FITS PROVIDED TO EMPLOYEES IMMEDIATELY PRIOR TO THE APPLICATION UNLESS  
45 SUCH BENEFITS PROVIDED TO EMPLOYEES THAT DO NOT PARTICIPATE IN THE  
46 SHARED WORK PROGRAM ARE REDUCED OR DIMINISHED TO THE SAME EXTENT AS  
47 THOSE EMPLOYEES THAT PARTICIPATE IN THE SHARED WORK PROGRAM; (2) CERTI-  
48 FIES THAT THE COLLECTIVE BARGAINING AGENT FOR THE EMPLOYEES, IF ANY, HAS  
49 AGREED TO PARTICIPATE IN THE PROGRAM; (3) CERTIFIES THAT IF NOT FOR THE  
50 SHARED WORK PROGRAM TO BE INITIATED THE EMPLOYER WOULD REDUCE OR WOULD  
51 HAVE REDUCED ITS WORK FORCE TO A DEGREE EQUIVALENT TO THE TOTAL NUMBER  
52 OF WORKING HOURS PROPOSED TO BE REDUCED OR RESTRICTED FOR ALL INCLUDED  
53 EMPLOYEES; (4) CERTIFIES THAT IT WILL NOT HIRE ADDITIONAL PART TIME OR  
54 FULL TIME EMPLOYEES FOR THE AFFECTED WORK FORCE WHILE THE PROGRAM IS IN  
55 OPERATION; (5) AGREES THAT NO PARTICIPANT OF THE PROGRAM SHALL RECEIVE,  
56 IN THE AGGREGATE, MORE THAN TWENTY WEEKS OF BENEFITS EXCLUSIVE OF THE

1 WAITING WEEK; (6) PROVIDES A DESCRIPTION OF HOW WORKERS IN THE WORK  
2 FORCE WILL BE NOTIFIED OF THE SHARED WORK PROGRAM IN ADVANCE OF IT  
3 TAKING EFFECT, IF FEASIBLE, AND IF SUCH NOTICE IS NOT FEASIBLE, PROVIDES  
4 AN EXPLANATION OF WHY SUCH NOTICE IS NOT FEASIBLE; (7) PROVIDES AN ESTI-  
5 MATE OF THE NUMBER OF WORKERS WHO WOULD BE LAID OFF IF THE EMPLOYER  
6 COULD NOT PARTICIPATE IN THE SHARED WORK PROGRAM; AND (8) CERTIFIES THAT  
7 THE TERMS OF THE EMPLOYER'S WRITTEN PLAN AND IMPLEMENTATION SHALL BE  
8 CONSISTENT WITH EMPLOYER OBLIGATIONS UNDER APPLICABLE FEDERAL AND STATE  
9 LAWS.

10 S 23. Section 607 of the labor law, as added by chapter 438 of the  
11 laws of 1985, subdivision 1 as amended by section 4 of chapter 81 of the  
12 laws of 1992, is amended to read as follows:

13 S 607. Benefits. 1. Amount. An eligible claimant shall be paid bene-  
14 fits for any week equal to his OR HER benefit rate multiplied by the  
15 percentage of reduction of his OR HER wages resulting from reduced hours  
16 of work, but only if such percentage is no less than twenty percent. The  
17 weekly benefit amount shall be rounded off to the nearest dollar. A  
18 claimant shall not be paid such benefits in excess of [twenty]  
19 TWENTY-SIX weeks during a benefit year.

20 2. Waiting period. A claimant shall not be entitled to benefits for  
21 the first week of unemployment under a shared work program unless he OR  
22 SHE has served a waiting period in his OR HER benefit year pursuant to  
23 subdivision seven of section five hundred ninety of this article.

24 S 23-a. Subdivision 1 of section 607 of the labor law, as amended by  
25 section twenty-three of this act is REPEALED, and a new subdivision 1 is  
26 added to read as follows:

27 1. AMOUNT. AN ELIGIBLE CLAIMANT SHALL BE PAID BENEFITS FOR ANY WEEK  
28 EQUAL TO HIS OR HER BENEFIT RATE MULTIPLIED BY THE PERCENTAGE OF  
29 REDUCTION OF HIS OR HER WAGES RESULTING FROM REDUCED HOURS OF WORK, BUT  
30 ONLY IF SUCH PERCENTAGE IS NO LESS THAN TWENTY PERCENT. THE WEEKLY BENE-  
31 FIT AMOUNT SHALL BE ROUNDED OFF TO THE NEAREST DOLLAR. A CLAIMANT SHALL  
32 NOT BE PAID SUCH BENEFITS IN EXCESS OF TWENTY WEEKS DURING A BENEFIT  
33 YEAR.

34 S 24. The labor law is amended by adding a new section 609 to read as  
35 follows:

36 S 609. TRAINING. ELIGIBLE EMPLOYEES MAY PARTICIPATE, AS APPROPRIATE,  
37 IN TRAINING TO ENHANCE JOB SKILLS IF SUCH PROGRAM HAS BEEN APPROVED BY  
38 THE COMMISSIONER. SUCH TRAINING MAY INCLUDE EMPLOYER-SPONSORED TRAINING  
39 OR WORKER TRAINING FUNDED UNDER THE WORKFORCE INVESTMENT ACT OF 1998.

40 S 25. Section 611 of the labor law, as amended by chapter 589 of the  
41 laws of 1998, is amended to read as follows:

42 S 611. Charging of benefits. Benefits paid to a claimant shall be  
43 charged to the employers' accounts as provided in paragraph (e) of  
44 subdivision one of section five hundred eighty-one of this article.  
45 HOWEVER, EXCEPT FOR INDIVIDUALS EMPLOYED BY A PARTICIPATING EMPLOYER ON  
46 A SEASONAL, TEMPORARY OR INTERMITTENT BASIS, NO BENEFITS PAID TO A  
47 CLAIMANT SHALL BE CHARGED TO AN EMPLOYER'S ACCOUNT IF THE STATE IS REIM-  
48 BURED BY THE UNITED STATES PURSUANT TO THE MIDDLE CLASS TAX RELIEF AND  
49 JOB CREATION ACT OF 2012, PL 112-96.

50 S 26. The labor law is amended by adding a new section 612 to read as  
51 follows:

52 S 612. SEVERABILITY. IF ANY AMENDMENT CONTAINED IN A CLAUSE,  
53 SENTENCE, PARAGRAPH, SECTION OR PART OF THIS TITLE SHALL BE ADJUDGED BY  
54 THE UNITED STATES DEPARTMENT OF LABOR TO VIOLATE REQUIREMENTS FOR MAIN-  
55 TAINING BENEFIT STANDARDS REQUIRED OF THE STATE IN ORDER TO BE ELIGIBLE  
56 FOR ANY FINANCIAL BENEFIT OFFERED THROUGH FEDERAL LAW OR REGULATION

1 INCLUDING, BUT NOT LIMITED TO, THE WAIVER OF INTEREST ON ADVANCES OR THE  
2 WAIVER OF OBLIGATIONS TO REPAY SUCH ADVANCES TO THE STATE UNEMPLOYMENT  
3 INSURANCE FUND, SUCH AMENDMENTS SHALL BE SEVERED FROM THIS ACT AND SHALL  
4 NOT AFFECT, IMPAIR OR INVALIDATE THE REMAINDER THEREOF.

5 S 27. Section 39 of part P2 of chapter 62 of the laws of 2003, amend-  
6 ing the state finance law and other laws relating to authorizing and  
7 directing the state comptroller to loan money to certain funds and  
8 accounts, as amended by section 1 of part W of chapter 58 of the laws of  
9 2011, is amended to read as follows:

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

19 S 28. Severability. If any amendment contained in a clause, sentence,  
20 paragraph, section or part of this act shall be adjudged by the United  
21 States Department of Labor to violate requirements for maintaining bene-  
22 fit standards required of the state in order to be eligible for any  
23 financial benefit offered through federal law or regulation including,  
24 but not limited to, the waiver of interest on advances or the waiver of  
25 obligations to repay such advances to the state unemployment insurance  
26 fund, such amendments shall be severed from this act and shall not  
27 affect, impair or invalidate the remainder thereof.

28 S 29. This act shall take effect immediately, provided, however, that:

29 a. sections one, three, seven, and eight of this act shall take effect  
30 January 1, 2014;

31 b. sections two, thirteen, fifteen, and nineteen of this act shall  
32 apply to all claims filed after January 1, 2014;

33 c. section nine of this act shall take effect January 1, 2017;

34 d. section ten of this act shall take effect January 1, 2019;

35 e. sections five, six, sixteen, seventeen, and eighteen of this act  
36 shall apply to all overpayments established after October 1, 2013;

37 f. sections fourteen, twenty, twenty-one, twenty-one-a, twenty-two,  
38 twenty-three, twenty-four, and twenty-six of this act shall take effect  
39 on the thirtieth day after it shall have become a law;

40 g. section twenty-five of this act shall expire and be deemed repealed  
41 August 23, 2015;

42 h. section twelve of this act shall take effect January 1, 2014 or on  
43 the same date as the reversion of subdivision 2 of section 591 of the  
44 labor law as provided in section 10 of chapter 413 of the laws of 2003,  
45 as amended, whichever is later;

46 i. the amendments to section 591-a of the labor law made by section  
47 fourteen of this act shall not affect the repeal of such section and  
48 shall be deemed repealed therewith; and

49 j. sections twenty-two-a and twenty-three-a of this act shall take  
50 effect August 23, 2015.

51 PART P

52 Intentionally Omitted

53 PART Q

1 Section 1. Paragraph (d) of subdivision 4 of section 209 of the civil  
2 service law, as amended by section 9 of part A of chapter 504 of the  
3 laws of 2009, is amended to read as follows:

4 (d) The provisions of this subdivision shall expire [thirty-six] FORTY  
5 years from July first, nineteen hundred seventy-seven, and hereafter may  
6 be renewed every four years.

7 S 2. This act shall take effect immediately.

8 PART R

9 Intentionally Omitted

10 PART S

11 Section 1. The tax law is amended by adding a new section 627-a to  
12 read as follows:

13 S 627-A. GIFT FOR HONOR AND REMEMBRANCE OF VETERANS. EFFECTIVE FOR ANY  
14 TAX YEAR COMMENCING ON OR AFTER JANUARY FIRST, TWO THOUSAND THIRTEEN, AN  
15 INDIVIDUAL IN ANY TAXABLE YEAR MAY ELECT TO CONTRIBUTE TO THE VETERANS  
16 REMEMBRANCE AND CEMETERY MAINTENANCE AND OPERATION FUND. SUCH CONTRIB-  
17 UTION SHALL BE IN ANY WHOLE DOLLAR AMOUNT AND SHALL NOT REDUCE THE  
18 AMOUNT OF STATE TAX OWED BY SUCH INDIVIDUAL. THE COMMISSIONER SHALL  
19 INCLUDE SPACE ON THE PERSONAL INCOME TAX RETURN TO ENABLE A TAXPAYER TO  
20 MAKE SUCH CONTRIBUTION. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ALL  
21 REVENUES COLLECTED PURSUANT TO THIS SECTION SHALL BE CREDITED TO THE  
22 VETERANS REMEMBRANCE AND CEMETERY MAINTENANCE AND OPERATION FUND AND  
23 USED ONLY FOR THOSE PURPOSES ENUMERATED IN SECTION NINETY-SEVEN-MMMM OF  
24 THE STATE FINANCE LAW.

25 S 2. The state finance law is amended by adding a new section 97-mmmm  
26 to read as follows:

27 S 97-MMMM. VETERANS REMEMBRANCE AND CEMETERY MAINTENANCE AND OPERATION  
28 FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE COMMIS-  
29 SIONER OF TAXATION AND FINANCE, THE DIRECTOR OF THE DIVISION OF VETERANS  
30 AFFAIRS AND THE COMPTROLLER, A SPECIAL FUND TO BE KNOWN AS THE "VETERANS  
31 REMEMBRANCE AND CEMETERY MAINTENANCE AND OPERATION FUND".

32 2. SUCH FUND SHALL CONSIST OF ALL REVENUES RECEIVED BY THE DEPARTMENT  
33 OF TAXATION AND FINANCE, PURSUANT TO THE PROVISIONS OF SECTION SIX  
34 HUNDRED TWENTY-SEVEN-A OF THE TAX LAW, AND ALL OTHER MONEYS APPROPRI-  
35 ATED, CREDITED, OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE  
36 PURSUANT TO LAW. FOR EACH STATE FISCAL YEAR, THERE SHALL BE APPROPRIATED  
37 TO THE FUND BY THE STATE, IN ADDITION TO ALL OTHER MONEYS REQUIRED TO BE  
38 DEPOSITED INTO SUCH FUND, AN AMOUNT EQUAL TO THE AMOUNTS OF MONIES  
39 COLLECTED AND DEPOSITED INTO THE FUND PURSUANT TO SECTION SIX HUNDRED  
40 TWENTY-SEVEN-A OF THE TAX LAW, AND THE AMOUNTS OF MONEYS RECEIVED AND  
41 DEPOSITED INTO THE FUND FROM GRANTS, GIFTS AND BEQUESTS DURING THE  
42 PRECEDING CALENDAR YEAR, AS CERTIFIED BY THE COMPTROLLER. NOTHING IN  
43 THIS SECTION SHALL PREVENT THE STATE FROM SOLICITING AND RECEIVING  
44 GRANTS, GIFTS OR BEQUESTS FOR THE PURPOSES OF THE FUND AS DEFINED IN  
45 THIS SECTION AND DEPOSITING THEM INTO THE FUND ACCORDING TO LAW.

46 3. ON OR BEFORE THE FIRST DAY OF FEBRUARY OF EACH CALENDAR YEAR, THE  
47 COMPTROLLER SHALL CERTIFY TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF  
48 THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE CHAIR OF THE SENATE FINANCE  
49 COMMITTEE AND THE CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE, THE  
50 AMOUNT OF MONEY DEPOSITED IN VETERANS REMEMBRANCE AND CEMETERY MAINTE-  
51 NANCE AND OPERATION FUND DURING THE PRECEDING CALENDAR YEAR AS THE

1 RESULT OF REVENUE DERIVED PURSUANT TO SECTION SIX HUNDRED TWENTY-SEVEN-A  
2 OF THE TAX LAW, AND FROM ALL GRANTS, GIFTS AND BEQUESTS.

3 4. MONEYS OF THE FUND SHALL BE EXPENDED ONLY FOR THE CONSTRUCTION,  
4 ESTABLISHMENT, EXPANSION, IMPROVEMENT, SUPPORT, OPERATION, MAINTENANCE  
5 AND THE PROVISION OF PERPETUAL CARE OF STATE VETERANS CEMETERIES. AS  
6 USED IN THIS SECTION, "THE CONSTRUCTION, ESTABLISHMENT, EXPANSION,  
7 IMPROVEMENT, SUPPORT, OPERATION, MAINTENANCE AND THE PROVISION OF  
8 PERPETUAL CARE OF STATE VETERANS CEMETERIES" SHALL INCLUDE, BUT NOT BE  
9 LIMITED TO:

10 (A) THE PURCHASE, LEASING OR IMPROVEMENT OF LAND FOR THE PURPOSE OF  
11 THE CONSTRUCTION, ESTABLISHMENT, EXPANSION, IMPROVEMENT, SUPPORT, OPERA-  
12 TION, MAINTENANCE AND THE PROVISION OF PERPETUAL CARE OF STATE VETERANS  
13 CEMETERIES;

14 (B) THE PURCHASE, LEASING, CONSTRUCTION OR IMPROVEMENT OF BUILDINGS OR  
15 INFRASTRUCTURE FOR THE PURPOSE OF THE CONSTRUCTION, ESTABLISHMENT,  
16 EXPANSION, IMPROVEMENT, SUPPORT, OPERATION, MAINTENANCE AND THE  
17 PROVISION OF PERPETUAL CARE OF STATE VETERANS CEMETERIES;

18 (C) THE PURCHASE OR LEASING OF EQUIPMENT, TOOLS, BUILDING MATERIALS,  
19 LANDSCAPING MATERIALS, MARKERS, MONUMENTS, HEADSTONES, FLAGS, FLAG  
20 POLES, OR RELATED REMEMBRANCE OR CEMETERY ITEMS FOR THE CONSTRUCTION,  
21 ESTABLISHMENT, EXPANSION, IMPROVEMENT, SUPPORT, OPERATION, MAINTENANCE  
22 AND THE PROVISION OF PERPETUAL CARE OF STATE VETERANS CEMETERIES;

23 (D) THE PAYMENT OF SALARIES, WAGES, BENEFITS, PROFESSIONAL SERVICE  
24 FEES, CONTRACT FEES, ASSOCIATION FEES, OR OTHER CHARGES NECESSARY FOR  
25 THE CONSTRUCTION, ESTABLISHMENT, EXPANSION, IMPROVEMENT, SUPPORT, OPERA-  
26 TION, MAINTENANCE AND THE PROVISION OF PERPETUAL CARE OF STATE VETERANS  
27 CEMETERIES; AND/OR

28 (E) THE PURCHASE OF ANY OTHER ITEM OR SERVICE NECESSARY FOR THE  
29 CONSTRUCTION, ESTABLISHMENT, EXPANSION, IMPROVEMENT, SUPPORT, OPERATION,  
30 MAINTENANCE AND THE PROVISION OF PERPETUAL CARE OF A STATE VETERANS  
31 CEMETERY.

32 5. MONEYS SHALL BE PAYABLE FROM THE FUND ON THE AUDIT AND WARRANT OF  
33 THE COMPTROLLER ON VOUCHERS APPROVED AND CERTIFIED BY THE DIRECTOR OF  
34 VETERANS AFFAIRS.

35 S 3. Subdivision 12 of section 353 of the executive law is REPEALED  
36 and a new subdivision 12 is added to read as follows:

37 12. (A) FOR THE PURPOSE OF PROVIDING FOR THE CONSTRUCTION, ESTABLISH-  
38 MENT, EXPANSION, IMPROVEMENT, SUPPORT, OPERATION, MAINTENANCE AND THE  
39 PROVISION OF PERPETUAL CARE FOR STATE VETERANS CEMETERIES, TO SEEK FUND-  
40 ING FROM, AND MAKE APPLICATION FOR FUNDING TO:

41 (1) THE GOVERNMENT OF THE UNITED STATES, INCLUDING ANY AGENCY OR  
42 PUBLIC AUTHORITY THEREOF;

43 (2) THE GOVERNMENT OF THE STATE OF NEW YORK, INCLUDING ANY AGENCY OR  
44 PUBLIC AUTHORITY THEREOF;

45 (3) ANY POLITICAL SUBDIVISION OF THE GOVERNMENT OF THE STATE OF NEW  
46 YORK, INCLUDING ANY AGENCY OR PUBLIC AUTHORITY THEREOF; OR

47 (4) ANY PRIVATE INDIVIDUAL, CORPORATION OR FOUNDATION;

48 (B) PURSUANT TO SECTION THREE HUNDRED SIXTY-FIVE OF THIS ARTICLE, TO  
49 PROVIDE THE CONSTRUCTION, ESTABLISHMENT, EXPANSION, IMPROVEMENT,  
50 SUPPORT, OPERATION, MAINTENANCE AND THE PROVISION OF PERPETUAL CARE FOR  
51 STATE VETERANS CEMETERIES;

52 (C) TO SERVE AS JOINT CUSTODIAN OF, AND PROVIDE FOR THE EXPENDITURE OF  
53 MONEYS FROM, THE VETERANS REMEMBRANCE AND CEMETERY MAINTENANCE AND OPER-  
54 ATION FUND, ESTABLISHED PURSUANT TO SECTION NINETY-SEVEN-MMMM OF THE  
55 STATE FINANCE LAW; AND

(D) TO EVALUATE, MONITOR AND OTHERWISE OVERSEE THE OPERATION OF VETERANS CEMETERIES IN THIS STATE.

S 4. Subdivision 12-a of section 353 of the executive law is REPEALED.

S 5. The executive law is amended by adding a new section 365 to read as follows:

S 365. NEW YORK STATE VETERANS CEMETERIES. 1. LEGISLATIVE INTENT. THE LEGISLATURE FINDS AND DETERMINES THAT THE DEVOTED SERVICE AND SACRIFICE OF VETERANS DESERVES IMPORTANT, UNIQUE AND ETERNAL RECOGNITION BY THE STATE OF NEW YORK. THAT IT IS BY MEANS OF THE DEVOTED SERVICE AND SACRIFICE OF VETERANS THAT THE LIBERTY, FREEDOM AND PROSPERITY, ENJOYED BY ALL NEW YORKERS IS MAINTAINED AND PRESERVED.

THE LEGISLATURE FURTHER FINDS AND DETERMINES THAT TO PROVIDE THIS IMPORTANT, UNIQUE AND ETERNAL RECOGNITION, THE STATE SHALL ESTABLISH A PROGRAM OF NEW YORK STATE VETERANS CEMETERIES IN NEW YORK. SUCH PROGRAM SHALL PROVIDE FOR THE CONSTRUCTION, ESTABLISHMENT, EXPANSION, IMPROVEMENT, SUPPORT, OPERATION, MAINTENANCE AND THE PROVISION OF PERPETUAL CARE FOR STATE VETERANS CEMETERIES IN THIS STATE, AND THEREBY FOR THE MEMORIALIZATION AND REMEMBRANCE OF INDIVIDUAL VETERANS AND THEIR SERVICE TO THEIR COMMUNITY, STATE AND NATION.

THE LEGISLATURE ADDITIONALLY FINDS AND DETERMINES THAT IT IS THEREFORE NECESSARY TO PROVIDE FOR THE CONSTRUCTION AND ESTABLISHMENT OF ONE OR MORE NEW YORK STATE VETERANS CEMETERIES, AND THAT TO THEREAFTER, PROVIDE FOR THE EXPANSION, IMPROVEMENT, SUPPORT, OPERATION, MAINTENANCE AND THE PROVISION OF PERPETUAL CARE OF ALL SUCH CEMETERIES SO CONSTRUCTED AND ESTABLISHED. THE LEGISLATURE ALSO FINDS AND DETERMINES THAT IT IS APPROPRIATE TO HAVE THE RESPONSIBILITY FOR THE CONSTRUCTION, ESTABLISHMENT, EXPANSION, IMPROVEMENT, SUPPORT, OPERATION, MAINTENANCE AND THE PROVISION OF PERPETUAL CARE FOR VETERANS CEMETERIES IN THIS STATE, TO BE UNDER THE OVERSIGHT AND DIRECTION OF THE STATE DIVISION OF VETERANS AFFAIRS, AND ITS DIRECTOR, INDIVIDUALLY, AND AS CHAIR OF THE MANAGEMENT BOARD, FOR EACH SUCH VETERANS CEMETERY SO CONSTRUCTED AND ESTABLISHED.

2. THE ESTABLISHMENT OF THE FIRST NEW YORK STATE VETERANS CEMETERY. (A) THE DIVISION, IN COOPERATION WITH THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS, IS HEREBY DIRECTED TO CONDUCT AN INVESTIGATION AND STUDY ON THE ISSUE OF THE CONSTRUCTION AND ESTABLISHMENT OF THE FIRST NEW YORK STATE VETERANS CEMETERY. SUCH INVESTIGATION AND STUDY SHALL INCLUDE, BUT NOT BE LIMITED TO:

(I) POTENTIAL SITE LOCATIONS FOR SUCH CEMETERY, WITH FULL CONSIDERATION AS TO THE NEEDS OF THE VETERANS POPULATION;

(II) THE GEOGRAPHICAL SIZE OF THE CEMETERY;

(III) THE NUMBER OF ANNUAL INTERNMENTS AT THE CEMETERY;

(IV) ACCESSIBILITY TO THE CEMETERY BY VETERANS, THEIR FAMILIES AND THE GENERAL PUBLIC;

(V) COSTS FOR CONSTRUCTION OF THE CEMETERY;

(VI) COSTS OF OPERATION OF THE CEMETERY;

(VII) SCALABILITY OF THE CEMETERY FOR FUTURE GROWTH AND EXPANSION;

(VIII) POTENTIAL FOR FUNDING FOR THE CEMETERY FROM FEDERAL, LOCAL AND PRIVATE SOURCES; AND

(IX) SUCH OTHER AND FURTHER ITEMS AS THE DIRECTOR OF THE DIVISION DEEMS NECESSARY FOR THE FIRST STATE VETERANS CEMETERY TO BE SUCCESSFUL.

THE INVESTIGATION AND STUDY CONDUCTED PURSUANT TO THIS PARAGRAPH SHALL BE CONCLUDED BY NO LATER THAN OCTOBER THIRTY-FIRST, TWO THOUSAND THIRTEEN, AND A REPORT OF ITS CONCLUSIONS SHALL BE DELIVERED TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY AND THE CHAIR OF THE SENATE COMMITTEE ON VETERANS, HOMELAND SECURITY AND

MILITARY AFFAIRS, AND THE CHAIR OF THE ASSEMBLY COMMITTEE ON VETERANS' AFFAIRS, BY NO LATER THAN NOVEMBER ELEVENTH, TWO THOUSAND THIRTEEN.

(B) BY NO LATER THAN DECEMBER FIRST, TWO THOUSAND THIRTEEN, PURSUANT TO THE RULES AND REGULATIONS ISSUED UNDER PARAGRAPH (F) OF THIS SUBDIVISION, THE DIRECTOR SHALL ISSUE, ON BEHALF OF THE DIVISION, A REQUEST FOR PROPOSALS FOR ANY LOCAL GOVERNMENT DESIRING TO HAVE THE FIRST STATE VETERANS CEMETERY LOCATED WITHIN THEIR POLITICAL SUBDIVISION. SUCH REQUEST FOR PROPOSALS SHALL BE RETURNABLE TO THE DIVISION BY NO LATER THAN JANUARY THIRTY-FIRST, TWO THOUSAND FOURTEEN.

(C) NO LATER THAN FEBRUARY FIFTEENTH, TWO THOUSAND FOURTEEN, THE DIRECTOR, IN CONSULTATION WITH THE MANAGEMENT BOARD OF THE FIRST NEW YORK STATE VETERANS CEMETERY, SHALL SELECT A SITE FOR THE FIRST NEW YORK STATE VETERANS CEMETERY. IN SELECTING SUCH SITE, THE DIRECTOR SHALL CONSIDER:

(I) THE INVESTIGATION AND STUDY, AND THE REPORT PRODUCED BY THE SAME, PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION;

(II) THE SUBMITTED RESPONSES TO THE REQUESTS FOR PROPOSALS ISSUED PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION;

(III) THE GUIDELINES FOR RECEIPT OF FEDERAL FUNDING SPECIFIED IN SECTION 2408 OF TITLE 38 OF THE UNITED STATES CODE, PART 39 OF TITLE 38 OF THE CODE OF FEDERAL REGULATIONS, AND ANY OTHER RELEVANT FEDERAL STATUTE OR REGULATION;

(IV) THE POSSIBILITY OF FUNDING FROM PRIVATE INDIVIDUALS, CORPORATIONS OR FOUNDATIONS; AND

(V) ANY OTHER CONSIDERATION THAT WOULD FACILITATE THE SUCCESSFUL OPERATION OF THE FIRST NEW YORK STATE VETERANS CEMETERY.

(D) NO LATER THAN MARCH FIRST, TWO THOUSAND FOURTEEN, THE DIRECTOR, IN CONSULTATION WITH THE MANAGEMENT BOARD OF THE FIRST NEW YORK STATE VETERANS CEMETERY, SHALL MAKE AN APPLICATION FOR FUNDING FROM THE GOVERNMENT OF THE UNITED STATES, IN ACCORDANCE WITH THE GRANT REQUIREMENTS SPECIFIED IN SECTION 2408 OF TITLE 38 OF THE UNITED STATES CODE, PART 39 OF TITLE 38 OF THE CODE OF FEDERAL REGULATIONS, AND ANY OTHER RELEVANT FEDERAL STATUTE OR REGULATION, FOR THE PURPOSE OF SEEKING FUNDS TO SUPPORT THE CONSTRUCTION, ESTABLISHMENT, EXPANSION, IMPROVEMENT, SUPPORT, OPERATION, MAINTENANCE AND THE PROVISION OF PERPETUAL CARE OF NEW YORK STATE'S FIRST VETERAN CEMETERY. SUCH GRANT APPLICATION SHALL BE BASED ON A SITE SELECTED PURSUANT TO PARAGRAPH (C) OF THIS SUBDIVISION, AND SHALL BE CONSISTENT WITH THE GUIDELINES FOR RECEIPT OF FEDERAL FUNDING PURSUANT TO THE RELEVANT PROVISIONS OF FEDERAL LAW.

(E) THE GOVERNOR SHALL APPOINT A MANAGEMENT BOARD FOR THE FIRST NEW YORK STATE VETERANS CEMETERY PURSUANT TO SUBDIVISION THREE OF THIS SECTION. THE GOVERNOR SHALL PRESENT APPOINTMENTS FOR CONFIRMATION BY THE SENATE FOR THE MANAGEMENT BOARD OF THE FIRST NEW YORK STATE VETERANS CEMETERY BY NO LATER THAN JANUARY FIFTEENTH, TWO THOUSAND FOURTEEN.

(F) THE DIRECTOR SHALL PROMULGATE RULES AND REGULATIONS GOVERNING:

(I) THE GUIDELINES AND STANDARDS FOR THE CONSTRUCTION, ESTABLISHMENT, EXPANSION, IMPROVEMENT, SUPPORT, OPERATION, MAINTENANCE AND THE PROVISION OF PERPETUAL CARE FOR A STATE VETERANS CEMETERY. SUCH GUIDELINES SHALL INCLUDE, BUT NOT BE LIMITED TO:

(1) THE SIZE AND TERRAIN OF THE CEMETERY;

(2) THE MANAGEMENT AND OPERATION OF THE CEMETERY, INCLUDING BUT NOT LIMITED TO:

(A) HOURS OF OPERATION;

(B) EMPLOYEES, EMPLOYEE RELATIONS, AND EMPLOYEE DUTIES;

(C) THE CONDUCT AND PRACTICE OF EVENTS, CEREMONIES AND PROGRAMS;

(D) THE FILING AND COMPLIANCE OF THE CEMETERY WITH STATE AND FEDERAL REGULATORS; AND

(E) SUCH OTHER AND FURTHER OPERATIONAL AND MANAGEMENT PRACTICES AND PROCEDURES AS THE DIRECTOR SHALL DETERMINE TO BE NECESSARY FOR THE SUCCESSFUL OPERATION OF A STATE VETERANS CEMETERY.

(3) THE LAYOUT OF PLOTS;

(4) THE LOCATIONS OF BUILDING AND INFRASTRUCTURE, INCLUDING BUT NOT LIMITED TO:

(A) ELECTRICAL LINES AND FACILITIES;

(B) WATERLINES, IRRIGATION SYSTEMS, AND DRAINAGE FACILITIES;

(C) TREES, FLOWERS AND OTHER PLANTINGS;

(D) NON GRAVESITE MEMORIALS, GRAVESITE MEMORIALS, MAUSOLEUMS, HEAD-STONES, GRAVE MARKERS, INDOOR INTERNMENT FACILITIES, SIGNAGE, FLAG POLES, AND OTHER MEMORIAL GATHERING SPACES OR INFRASTRUCTURE;

(E) ROADWAYS, PEDESTRIAN PATHWAYS, PARKING SITES, CURBS AND CURB CUTS;

(F) PONDS, LAKES AND OTHER WATER SITES;

(G) RETAINING WALLS, GATES, FENCES, SECURITY SYSTEMS OR OTHER DEVICES FOR CEMETERY PROTECTION; AND

(H) ANY OTHER BUILDINGS, STRUCTURES OR INFRASTRUCTURE NECESSARY FOR THE SAFE, EFFICIENT AND EFFECTIVE OPERATION OF THE CEMETERY;

(5) THE QUALIFICATIONS FOR INTERNMENT, CONSISTENT WITH THE PROVISIONS OF STATE AND FEDERAL LAW AND ANY REQUIREMENTS PURSUANT TO THE RECEIPT OF FEDERAL, STATE, LOCAL OR PRIVATE FUNDS;

(6) THE LOCATION AND PLACEMENT OF INTERNMENTS;

(7) CONSISTENT WITH THE PROVISIONS OF STATE AND FEDERAL LAW AND ANY REQUIREMENTS PURSUANT TO THE RECEIPT OF FEDERAL, STATE, LOCAL OR PRIVATE FUNDS, THE FINANCIAL MANAGEMENT OF THE CEMETERY, INCLUDING BUT NOT LIMITED TO:

(A) THE PROCEDURES FOR THE PROTECTION AND IMPLEMENTATION OF THE CEMETERY'S ANNUAL BUDGET;

(B) THE SEEKING, COLLECTING, DEPOSIT AND EXPENDITURE OF OPERATING FUNDS PURSUANT TO THE CEMETERY'S BUDGET;

(C) THE SEEKING, COLLECTING, DEPOSIT AND EXPENDITURE OF CAPITAL FUNDS PURSUANT TO THE CEMETERY'S CAPITAL PLAN;

(D) THE SEEKING, COLLECTING, DEPOSIT AND EXPENDITURE OF EMERGENCY FUNDS TO ADDRESS AN UNEXPECTED EVENT;

(E) THE ASSESSMENT, CHARGING, COLLECTION AND DEPOSIT OF FEES AND CHARGES;

(F) THE MANAGEMENT OF CEMETERY FINANCES, BOTH CURRENT AND FUTURE, WITH RESPECT TO INVESTMENTS; AND

(G) SUCH OTHER AND FURTHER PROCEDURES AND ACTIVITIES CONCERNING THE FINANCIAL MANAGEMENT OF THE CEMETERY;

(8) THE PROVISION OF PERPETUAL CARE FOR THE CEMETERY, INCLUDING BUT NOT LIMITED TO:

(A) THE FREQUENCY, STANDARDS AND METHODS FOR THE BEAUTIFICATION AND MAINTENANCE OF GROUNDS, MEMORIALS, GRAVESITES, BUILDINGS, CEREMONIAL SITES, OR OTHER LOCATIONS WITHIN, OR UPON THE CARTILAGE OF THE CEMETERY;

(B) THE FREQUENCY, STANDARDS AND METHODS FOR THE PROVISION OF FLAGS, PATRIOTIC AND MILITARY SYMBOLS, AND OTHER HONORARY ITEMS, AT EACH GRAVESITE AND THROUGHOUT THE CEMETERY; AND

(C) SUCH OTHER AND FURTHER STANDARDS AS ARE NECESSARY TO ASSURE THE PROPER PERPETUAL CARE OF THE CEMETERY IN A MANNER BEFITTING THE HIGHEST LEVEL OF HONOR AND RESPECT DESERVING TO THOSE VETERANS AND THEIR FAMILIES INTERRED IN THE CEMETERY; AND

(9) GUIDELINES AND STANDARDS FOR THE PROCUREMENT OF LAND FOR THE CEMETERY PROVIDING THAT THE STATE VETERANS CEMETERY, AND ALL THE PROPERTY

UPON WHICH IT RESIDES SHALL BE OWNED IN FEE SIMPLE ABSOLUTE BY THE STATE OF NEW YORK, EXCEPT THAT UPON ELECTION OF THE DIRECTOR, IN CONSULTATION WITH THE MANAGEMENT BOARD, MAY PERMIT THE INDIVIDUAL BURIAL PLOTS TO BE OWNED BY THE VETERAN OR VETERAN FAMILY MEMBER, OR THEIR DESCENDENTS AUTHORIZED TO BE INTERRED TO IN SUCH PLOTS;

(10) GUIDELINES AND STANDARDS FOR THE PRACTICES AND PROCEDURES FOR THE CONSTRUCTION AND ESTABLISHMENT OF A STATE VETERANS CEMETERY, INCLUDING CONTRACTING AND PURCHASING FOR CONSTRUCTION SERVICES, PROFESSIONAL SERVICES, LEGAL SERVICES, ARCHITECTURAL SERVICES, CONSULTING SERVICES, AS WELL AS THE PROCUREMENT OF MATERIALS, ALL CONSISTENT WITH THE RELEVANT PROVISIONS OF FEDERAL, STATE AND LOCAL LAW, THE REGULATIONS PROMULGATED THEREUNDER, AND THE REQUIREMENTS CONTAINED IN THE GRANTS AWARDED OR PURSUED FROM THE FEDERAL GOVERNMENT, OR ANY SOURCE OF PRIVATE FUNDING;

(11) GUIDELINES AND STANDARDS FOR THE PRACTICES AND PROCEDURES FOR THE EXPANSION AND IMPROVEMENT OF A STATE VETERANS CEMETERY, INCLUDING CONTRACTING AND PURCHASING FOR CONSTRUCTION SERVICES, PROFESSIONAL SERVICES, LEGAL SERVICES, ARCHITECTURAL SERVICES, CONSULTING SERVICES, AS WELL AS THE PROCUREMENT OF MATERIALS, ALL CONSISTENT WITH THE RELEVANT PROVISIONS OF FEDERAL, STATE AND LOCAL LAW, THE REGULATIONS PROMULGATED THEREUNDER, AND THE REQUIREMENTS CONTAINED IN THE GRANTS AWARDED OR PURSUED FROM THE FEDERAL GOVERNMENT, OR ANY SOURCE OF PRIVATE FUNDING;

(12) ANY OTHER GUIDELINES AND STANDARDS THAT WOULD FACILITATE THE SUCCESSFUL CONSTRUCTION, ESTABLISHMENT, EXPANSION, IMPROVEMENT, SUPPORT, OPERATION, MAINTENANCE AND THE PROVISION OF PERPETUAL CARE FOR THE STATE VETERANS CEMETERY;

(II) GUIDELINES AND STANDARDS FOR THE REQUEST FOR PROPOSALS FOR ANY LOCAL GOVERNMENT DESIRING TO HAVE THE FIRST STATE VETERANS CEMETERY LOCATED WITHIN THEIR POLITICAL SUBDIVISION, PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION, INCLUDING, BUT NOT LIMITED TO:

(1) THE FORM, REQUIREMENTS AND STANDARDS REQUIRED FOR SUBMISSION OF A RESPONSE TO THE REQUEST FOR PROPOSALS;

(2) THE REQUIREMENT, IF THE DIRECTOR SO ELECTS, THAT A RESPONSE SHALL REQUIRE THE LOCAL GOVERNMENT TO AGREE TO CONTRACT WITH THE STATE OF NEW YORK THAT ALL COSTS FOR CONSTRUCTION, ESTABLISHMENT, EXPANSION, IMPROVEMENT, SUPPORT, OPERATION, MAINTENANCE AND THE PROVISION OF PERPETUAL CARE OF THE VETERANS CEMETERY SHALL BE THE SOLE RESPONSIBILITY OF, AND PAID BY THE LOCAL GOVERNMENT, AND THAT TO THE EXTENT SUCH COSTS ARE NOT PAID OR REIMBURSED BY THE GOVERNMENT OF THE UNITED STATES, OR A PRIVATE INDIVIDUAL, CORPORATION OR FOUNDATION;

(3) THE REQUIREMENT THAT THE LOCAL GOVERNMENT WILL COMPLY WITH ALL STATE AND FEDERAL STATUTES AND REGULATIONS CONCERNING THE CONSTRUCTION, ESTABLISHMENT, EXPANSION, IMPROVEMENT, SUPPORT, OPERATION, MAINTENANCE AND THE PROVISION OF PERPETUAL CARE OF THE STATE VETERANS CEMETERY, AND SHALL SATISFY ANY AND ALL APPLICABLE STATE AND FEDERAL STANDARDS AND REQUIREMENTS FOR THE PERPETUAL CARE OF THE STATE VETERANS CEMETERY;

(4) THAT THE STATE VETERANS CEMETERY, AND ALL THE PROPERTY UPON WHICH IT RESIDES SHALL BE OWNED IN FEE SIMPLE ABSOLUTE BY THE STATE OF NEW YORK, EXCEPT THAT UPON ELECTION OF THE DIRECTOR, IN CONSULTATION WITH THE MANAGEMENT BOARD, MAY PERMIT THE INDIVIDUAL BURIAL PLOTS TO BE OWNED BY THE VETERAN OR VETERAN FAMILY MEMBER, OR THEIR DESCENDANTS AUTHORIZED TO BE INTERRED TO IN SUCH PLOTS;

(5) THAT ALL LANDS UPON WHICH SUCH CEMETERY IS CONSTRUCTED AND ESTABLISHED SHALL BE USED SOLELY FOR STATE VETERANS CEMETERY PURPOSES, AND

FOR THE PURPOSE OF PROVIDING THE HONOR AND REMEMBRANCE OF VETERANS AND THEIR SERVICE THOROUGH CEREMONIES AND PROGRAMS;

(6) THE REQUIREMENT, IF THE DIRECTOR SO ELECTS, THAT A RESPONSE SHALL REQUIRE THE LOCAL GOVERNMENT TO AGREE TO AUTHORIZE THE STATE OF NEW YORK, IN THE EVENT THAT THE LOCAL GOVERNMENT FAILS TO PERFORM ITS OBLIGATIONS UNDER THE CONTRACT WITH THE STATE OF NEW YORK, THAT THE COMPTROLLER MAY RECOUP ANY UNPAID AMOUNTS OR ANY AMOUNTS NECESSARY FOR THE STATE TO ASSUME THE OBLIGATIONS WHICH THE LOCAL GOVERNMENT FAILED TO PERFORM, AND THE COMPTROLLER SHALL, TO THE EXTENT NOT OTHERWISE PROHIBITED BY LAW, WITHHOLD SUCH AMOUNT FROM ANY STATE AID OR OTHER AMOUNT PAYABLE TO SUCH LOCAL GOVERNMENT; AND

(7) SUCH OTHER AND FURTHER REQUIREMENTS AS THE DIRECTOR MAY DEEM PRUDENT IN THE FACILITATION OF THE SUCCESSFUL CITING AND OPERATION OF A STATE VETERANS CEMETERY IN THE JURISDICTION OF THE LOCAL GOVERNMENT; AND

(III) SUCH OTHER AND FURTHER GUIDELINES AND STANDARDS AS ARE NECESSARY FOR THE SUCCESSFUL CONSTRUCTION, ESTABLISHMENT, EXPANSION, IMPROVEMENT, SUPPORT, OPERATION, MAINTENANCE AND THE PROVISION OF PERPETUAL CARE FOR A STATE VETERANS CEMETERY;

(G) UPON THE ACCUMULATION OF SUFFICIENT FUNDS IN THE VETERANS REMEMBRANCE AND CEMETERY MAINTENANCE AND OPERATION FUND, TO PROVIDE FOR THE DESIGN, CONSTRUCTION AND ESTABLISHMENT OF A STATE VETERANS CEMETERY, AND FOR THE SUPPORT, OPERATION, MAINTENANCE AND THE PROVISION OF PERPETUAL CARE OF SUCH CEMETERY FOR A PERIOD OF NOT LESS THAN TEN YEARS, ACCORDING TO ESTIMATES IN THE BUDGET ADOPTED BY THE MANAGEMENT BOARD PURSUANT TO THE GUIDELINES AND PROCEDURES ESTABLISHED IN PARAGRAPH (F) OF THIS SUBDIVISION, THE DIRECTOR, UPON CONSULTATION WITH THE MANAGEMENT BOARD, SHALL COMMENCE THE PROCESS OF CONSTRUCTION AND ESTABLISHMENT OF THE FIRST STATE VETERANS CEMETERY. SUCH PROCESS SHALL BE CONSISTENT WITH THE RELEVANT PROVISIONS OF LOCAL, STATE AND FEDERAL LAW, AND THE RULES AND REGULATIONS ESTABLISHED PURSUANT TO PARAGRAPH (F) OF THIS SUBDIVISION.

3. MANAGEMENT BOARDS OF NEW YORK STATE VETERANS CEMETERIES. (A) FOR EACH NEW YORK STATE VETERANS CEMETERY THERE SHALL BE A MANAGEMENT BOARD. EACH SUCH MANAGEMENT BOARD SHALL CONSIST OF SEVEN MEMBERS, INCLUDING THE DIRECTOR OF THE DIVISION WHO SHALL SERVE AS CHAIR, AND SIX MEMBERS, APPOINTED BY THE GOVERNOR UPON ADVICE AND CONSENT OF THE SENATE. OF SUCH SIX MEMBERS, NOT LESS THAN FIVE SHALL BE A VETERAN OF THE UNITED STATES ARMY, THE UNITED STATES NAVY, THE UNITED STATES AIR FORCE, THE UNITED STATES MARINES, THE NEW YORK ARMY NATIONAL GUARD, THE NEW YORK AIR NATIONAL GUARD, THE NEW YORK NAVAL MILITIA, OR A MEMBER WHO HAS SERVED IN A THEATER OF COMBAT OPERATIONS OF THE UNITED STATES COAST GUARD OR THE UNITED STATES MERCHANT MARINES.

(B) THE MANAGEMENT BOARD SHALL ADVISE, BY MAJORITY VOTE, THE DIRECTOR ON ISSUES CONCERNING THE CONSTRUCTION, ESTABLISHMENT, EXPANSION, IMPROVEMENT, SUPPORT, OPERATION, MAINTENANCE AND THE PROVISION OF PERPETUAL CARE FOR THE VETERANS CEMETERY, INCLUDING BUT NOT LIMITED TO ISSUES OF FINANCIAL CONCERN, EMPLOYMENT RELATIONS, CEMETERY POLICY, CEMETERY EVENTS AND PROGRAMS, AND SUCH OTHER AND FURTHER ISSUES AS THE BOARD AND DIRECTOR SHALL DEEM IMPORTANT.

4. ADDITIONAL STATE VETERANS CEMETERIES. (A) NOT LATER THAN TEN YEARS AFTER THE CONSTRUCTION AND ESTABLISHMENT OF THE FIRST NEW YORK STATE VETERANS CEMETERY, AND EVERY TEN YEARS THEREAFTER, THE DIVISION, IN COOPERATION WITH THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS, SHALL CONDUCT AN INVESTIGATION AND STUDY ON THE ISSUE OF THE CONSTRUCTION AND ESTABLISHMENT OF ADDITIONAL NEW YORK STATE VETERANS CEMETERIES. SUCH INVESTIGATION AND STUDY SHALL CONSIDER, BUT NOT BE LIMITED TO, THE STUDY PARAMETERS ESTABLISHED PURSUANT TO PARAGRAPH (A) OF SUBDIVISION TWO OF

THIS SECTION. A REPORT OF THE INVESTIGATION AND STUDY REQUIRED TO BE CONDUCTED PURSUANT TO THIS SUBDIVISION SHALL BE DELIVERED TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY AND THE CHAIR OF THE SENATE COMMITTEE ON VETERANS, HOMELAND SECURITY AND MILITARY AFFAIRS, AND THE CHAIR OF THE ASSEMBLY COMMITTEE ON VETERANS' AFFAIRS, BY NO LATER THAN NINETY DAYS AFTER THE DIVISION HAS COMMENCED THE CONDUCT OF THE INVESTIGATION AND STUDY;

(B) THE REPORT OF THE INVESTIGATION AND STUDY REQUIRED TO BE CONDUCTED PURSUANT TO THIS SUBDIVISION SHALL PROVIDE A DETERMINATION BY THE DIRECTOR AS TO WHETHER THE STATE SHOULD CONSTRUCT AND ESTABLISH ONE OR MORE ADDITIONAL VETERANS CEMETERIES, AND SHALL STATE THE REASONING AND BASIS FOR SUCH DETERMINATION; AND

(C) THE DIVISION MAY, AT THE DISCRETION OF THE DIRECTOR, AT ANY TIME AFTER FIVE YEARS FROM THE COMPLETION OF CONSTRUCTION OF THE MOST RECENTLY CONSTRUCTED AND ESTABLISHED STATE VETERANS CEMETERY, IN COOPERATION WITH THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS, CONDUCT AN INVESTIGATION AND STUDY ON THE ISSUE OF THE CONSTRUCTION AND ESTABLISHMENT OF ADDITIONAL NEW YORK STATE VETERANS CEMETERIES. A REPORT OF THE INVESTIGATION AND STUDY REQUIRED TO BE CONDUCTED SHALL BE DELIVERED TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY AND THE CHAIR OF THE SENATE COMMITTEE ON VETERANS, HOMELAND SECURITY AND MILITARY AFFAIRS, AND THE CHAIR OF THE ASSEMBLY COMMITTEE ON VETERANS' AFFAIRS, BY NO LATER THAN NINETY DAYS AFTER THE DIVISION HAS COMMENCED THE CONDUCT OF THE INVESTIGATION AND STUDY.

(D) IF THE DIRECTOR, PURSUANT TO THE INVESTIGATION AND STUDY CONDUCTED PURSUANT TO THIS SUBDIVISION, DETERMINES THAT THERE SHALL BE AN ADDITIONAL STATE VETERANS CEMETERY IN NEW YORK STATE, THE DIRECTOR SHALL PROVIDE FOR THE CONSTRUCTION AND ESTABLISHMENT OF SUCH NEW VETERANS CEMETERY PURSUANT TO THE SAME GUIDELINES AND STANDARDS FOR THE CONSTRUCTION AND ESTABLISHMENT OF THE FIRST STATE VETERANS CEMETERY UNDER THIS SECTION.

5. EXPANSION AND IMPROVEMENT OF EXISTING STATE VETERANS CEMETERIES. THE DIRECTOR, IN CONSULTATION WITH THE MANAGEMENT BOARD OF A STATE VETERANS CEMETERY, MAY PROVIDE FOR THE EXPANSION AND/OR IMPROVEMENT OF THE CEMETERY. SUCH EXPANSION AND IMPROVEMENT SHALL BE CONDUCTED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE DIVISION UNDER PARAGRAPH (F) OF SUBDIVISION TWO OF THIS SECTION.

S 6. This act shall take effect immediately.

#### PART T

Section 1. Subdivision 2 of section 6302 of the education law, as amended by chapter 295 of the laws of 1995, is amended to read as follows:

2. Pursuant to section sixty-three hundred ten of this article, any eligible county, city or school district acting through its local legislative body or board, may by local law or resolution, and pursuant to the master plan, standards and regulations prescribed by the state university trustees, and with the approval of said trustees, combine with one or more contiguous counties, cities or school districts, or any combination thereof, to constitute a community college region for the purpose of operating, as local sponsor, an existing community college [which is currently sponsored by a city or school district] other than A COMMUNITY COLLEGE CURRENTLY SPONSORED BY a school district located in a city with a population of one million or more.

1 S 2. Section 6310 of the education law is amended by adding five new  
2 subdivisions 18, 19, 20, 21 and 22 to read as follows:

3 18. THE SPONSOR OF ANY EXISTING COMMUNITY COLLEGE FOR WHICH SPONSOR-  
4 SHIP IS TRANSFERRED TO A COMMUNITY COLLEGE REGION MAY TERMINATE ITS SOLE  
5 SPONSORSHIP OF SUCH COMMUNITY COLLEGE AND TRANSFER THE SPONSORSHIP OF  
6 THE COMMUNITY COLLEGE BY RESOLUTION IN ACCORDANCE WITH THE PROVISIONS OF  
7 THIS SECTION, THIS ARTICLE, THE MASTER PLAN, STANDARDS AND REGULATIONS  
8 PRESCRIBED BY THE STATE UNIVERSITY TRUSTEES, AND WITH THE APPROVAL OF  
9 SAID TRUSTEES; AND THE BOARD OF TRUSTEES OF THE COMMUNITY COLLEGE REGION  
10 ESTABLISHED TO SPONSOR SUCH COMMUNITY COLLEGE MAY ACCEPT THE TRANSFER OF  
11 SUCH COLLEGE BY RESOLUTION.

12 19. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF ANY OTHER LAW, THE  
13 SPONSOR OF ANY EXISTING COMMUNITY COLLEGE FOR WHICH SPONSORSHIP IS  
14 TRANSFERRED TO A COMMUNITY COLLEGE REGION MAY GRANT, TRANSFER, OR CONVEY  
15 TO THE COMMUNITY COLLEGE REGION ESTABLISHED TO SPONSOR SUCH COMMUNITY  
16 COLLEGE FOR AN AGREED AMOUNT OF CONSIDERATION, AND THE COMMUNITY COLLEGE  
17 REGION MAY ACCEPT, RECEIVE, AND HOLD ANY REAL OR PERSONAL PROPERTY OR  
18 ASSIGNED ASSETS, OR ANY INTEREST THEREIN, CONSISTING OF THE COMMUNITY  
19 COLLEGE.

20 20. THE SPONSOR OF ANY EXISTING COMMUNITY COLLEGE FOR WHICH SPONSOR-  
21 SHIP IS TRANSFERRED TO A COMMUNITY COLLEGE REGION IS HEREBY AUTHORIZED  
22 TO PROVIDE BY AGREEMENT WITH THE COMMUNITY COLLEGE REGION FOR THE  
23 PAYMENT OF ANY LIABILITIES INCURRED BY IT FOR COMMUNITY COLLEGE  
24 PURPOSES, INCLUDING ALL DEBTS AND OBLIGATIONS OF EVERY KIND, INCLUDING,  
25 BUT NOT LIMITED TO, ANY OBLIGATIONS OUTSTANDING PRIOR TO THE DATE OF THE  
26 TRANSFER OF SPONSORSHIP OF THE COLLEGE TO THE COMMUNITY COLLEGE REGION.  
27 SUBSEQUENT TO THE DATE OF TRANSFER OF SPONSORSHIP, AND NOTWITHSTANDING  
28 ANY INCONSISTENT PROVISION OF ANY OTHER LAW, THE COMMUNITY COLLEGE  
29 REGION SHALL HAVE THE POWER TO BORROW MONEY IN ANTICIPATION OF REVENUE  
30 DUE TO THE COMMUNITY COLLEGE REGION AND SHALL, SOLELY FOR THE PURPOSE OF  
31 CONTRACTING INDEBTEDNESS UNDER SECTION 25.00 OF THE LOCAL FINANCE LAW,  
32 BE DEEMED A MUNICIPALITY. FOR THE PURPOSES OF THE LOCAL FINANCE LAW, THE  
33 BOARD OF TRUSTEES OF THE COMMUNITY COLLEGE REGION SHALL BE THE FINANCE  
34 BOARD, ITS CHAIRMAN SHALL BE ITS CHIEF FISCAL OFFICER, AND ITS FISCAL  
35 YEAR SHALL BE AS SET FORTH IN THIS SECTION; PROVIDED FURTHER THAT THE  
36 PROVISIONS OF SECTION 162.00 OF THE LOCAL FINANCE LAW SHALL BE APPLICA-  
37 BLE TO REVENUE ANTICIPATION NOTES ISSUED UNDER THIS SECTION.

38 21. THE SPONSOR OF ANY EXISTING COMMUNITY COLLEGE FOR WHICH SPONSOR-  
39 SHIP IS TRANSFERRED TO A COMMUNITY COLLEGE REGION AND THE COMMUNITY  
40 COLLEGE REGION SHALL MAKE PROVISION FOR THE TRANSFER OF ALL PERSONNEL OF  
41 THE COMMUNITY COLLEGE TO THE COMMUNITY COLLEGE REGION. NOTWITHSTANDING  
42 ANY OTHER PROVISION OF LAW, SUCH EMPLOYEES SO TRANSFERRED SHALL IMME-  
43 DIATELY BECOME EMPLOYEES OF THE COMMUNITY COLLEGE REGION AND SHALL  
44 RETAIN ALL RIGHTS AND PRIVILEGES ACCRUED AT THE COMMUNITY COLLEGE,  
45 INCLUDING, BUT NOT LIMITED TO, TENURE, PENSION, EMPLOYMENT STATUS, AND  
46 SENIORITY. FOR SALARY, SICK LEAVE, AND OTHER PURPOSES AS APPROPRIATE, AN  
47 EMPLOYEE'S LENGTH OF SERVICE WITH THE COMMUNITY COLLEGE SHALL BE CREDIT-  
48 ED AS EMPLOYMENT TIME WITH THE REGIONAL COMMUNITY COLLEGE. ALL COLLEC-  
49 TIVE BARGAINING AGREEMENTS NEGOTIATED PURSUANT TO ARTICLE FOURTEEN OF  
50 THE CIVIL SERVICE LAW AND THE TERMS AND CONDITIONS OF EMPLOYMENT OF THE  
51 THEN CURRENT EMPLOYEES OF THE COMMUNITY COLLEGE FOR WHICH SPONSORSHIP IS  
52 BEING TRANSFERRED TO A COMMUNITY COLLEGE REGION, INCLUDING ANY PAST  
53 PRACTICES THAT CONSTITUTE TERMS AND CONDITIONS OF EMPLOYMENT, SHALL  
54 REMAIN IN EFFECT UNTIL MODIFIED PURSUANT TO ARTICLE FOURTEEN OF THE  
55 CIVIL SERVICE LAW. ALL NEGOTIATING UNITS OF SUCH EMPLOYEES SHALL CONTIN-  
56 UE IN ACCORDANCE WITH ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW, AND ALL

CERTIFIED EMPLOYEE ORGANIZATIONS SHALL CONTINUE TO REPRESENT EMPLOYEES IN THE COMMUNITY COLLEGE REGION UNTIL MODIFIED PURSUANT TO ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW. THIS SECTION SHALL NOT DIMINISH ANY CURRENT RIGHTS OR BENEFITS OF NOR CONFER ANY ADDITIONAL RIGHTS OR BENEFITS TO ANY EMPLOYEE OR EMPLOYEE ORGANIZATION.

22. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF ANY OTHER LAW, THE SPONSOR OF AN EXISTING COMMUNITY COLLEGE FOR WHICH SPONSORSHIP IS TRANSFERRED TO A COMMUNITY COLLEGE REGION, THE COMMUNITY COLLEGE, THE COMMUNITY COLLEGE REGION, OR ANY COUNTY ELIGIBLE TO APPOINT MEMBERS TO THE COMMUNITY COLLEGE REGIONAL BOARD OF TRUSTEES ARE AUTHORIZED TO TAKE ALL ACTIONS NECESSARY OR PROPER WITH RESPECT TO THE ESTABLISHMENT OF A COMMUNITY COLLEGE REGION OR THE TRANSFER OF SPONSORSHIP OF A COMMUNITY COLLEGE TO A COMMUNITY COLLEGE REGION, INCLUDING THE APPROVAL OF ANY BUDGET OR TAX, THE APPROVAL OF AND THE ISSUANCE OF REVENUE ANTICIPATION NOTES AND OTHER OBLIGATIONS, ALL CONTRACTS, PURCHASES, AGREEMENTS, AND APPOINTMENTS MADE AND ENTERED INTO BY SUCH SPONSOR, COLLEGE REGION AND COUNTIES ON BEHALF OF THE COMMUNITY COLLEGE, ALL CONTRACTS, PURCHASES, AGREEMENTS, AND APPOINTMENTS MADE AND ENTERED INTO BY THE COMMUNITY COLLEGE, ALL ACTIONS TAKEN BY ITS SPONSOR, AND SUCH COUNTIES IN INCURRING ANY OBLIGATION TO FINANCE ANY EXPENDITURES OF SUCH COMMUNITY COLLEGE, THE ACTIONS OF SUCH SPONSOR IN TRANSFERRING TITLE OF ALL COLLEGE PROPERTIES TO THE COMMUNITY COLLEGE REGION, AND ANY AND ALL ACTIONS TAKEN BY SUCH COUNTIES, SPONSOR, AND COMMUNITY COLLEGE WITH RESPECT TO THE AFORESAID MATTERS FOR ANY PURPOSES RELATING TO THE PROVISION OF EDUCATIONAL FACILITIES AND SERVICES FOR THE STUDENTS OF THE COMMUNITY COLLEGE.

S 3. If any clause, sentence, subdivision, paragraph, section or part of this act be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, subdivision, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

S 4. This act shall take effect immediately.

#### PART U

Section 1. The private housing finance law is amended by adding a new article 28 to read as follows:

#### ARTICLE 28

#### RURAL AND URBAN COMMUNITY INVESTMENT FUND PROGRAM

SECTION 1230. STATEMENT OF LEGISLATIVE FINDINGS AND PURPOSE.

1231. DEFINITIONS.

1232. RURAL AND URBAN COMMUNITY INVESTMENT FUND.

S 1230. STATEMENT OF LEGISLATIVE FINDINGS AND PURPOSE. THE LEGISLATURE FINDS AND DECLARES THAT THERE EXISTS IN NEW YORK STATE A SERIOUS NEED TO ASSIST COMMUNITIES WITH THE CREATION AND IMPROVEMENT OF AFFORDABLE HOUSING, AND THE COMMERCIAL, RETAIL AND COMMUNITY FACILITIES RELATED TO MIXED USE AFFORDABLE RESIDENTIAL DEVELOPMENTS. LOCALLY BASED NOT-FOR-PROFIT ORGANIZATIONS PLAY A SIGNIFICANT ROLE IN ADDRESSING THE UNIQUE CHARACTERISTICS OF RURAL AND URBAN COMMUNITIES. PARTNERSHIPS, ALLIANCES AND COLLABORATIONS WITH CORPORATE ENTITIES, TO THE EXTENT PRACTICABLE, WILL FOSTER CROSS-SECTOR COLLABORATION IN ORDER TO BUILD A DIVERSE COMMUNITY SUPPORT SYSTEM. THE LEGISLATURE FINDS THAT, IN BOTH RURAL AND URBAN AREAS OF THE STATE, A PROGRAM SHOULD BE ESTABLISHED TO FUND THE PRESERVATION AND/OR IMPROVEMENT OF AFFORDABLE HOUSING, THE

1 CREATION, PRESERVATION OR IMPROVEMENT OF THE COMMERCIAL, RETAIL OR  
2 COMMUNITY FACILITIES COMPONENT OF MIXED USE AFFORDABLE RESIDENTIAL  
3 DEVELOPMENTS.

4 S 1231. DEFINITIONS. 1. "CORPORATION" SHALL MEAN THE HOUSING TRUST  
5 FUND CORPORATION ESTABLISHED IN SECTION FORTY-FIVE-A OF THIS CHAPTER.

6 2. "RURAL AND URBAN COMMUNITY INVESTMENT FUND PROGRAM" SHALL MEAN  
7 ACTIVITIES BY AN ELIGIBLE APPLICANT FOR A SPECIFIC WORK OR SERIES OF  
8 WORKS FOR THE PRESERVATION OR IMPROVEMENT OF AFFORDABLE HOUSING, OR THE  
9 CREATION, PRESERVATION OR IMPROVEMENT OF THE COMMERCIAL, RETAIL OR  
10 COMMUNITY FACILITIES COMPONENT OF MIXED USE AFFORDABLE RESIDENTIAL  
11 DEVELOPMENTS, IN RURAL AND URBAN AREAS OF THE STATE.

12 3. "RURAL AREA OF THE STATE" SHALL MEAN CITIES, TOWNS AND VILLAGES  
13 HAVING A POPULATION OF LESS THAN TWENTY-FIVE THOUSAND.

14 4. "URBAN AREA OF THE STATE" SHALL MEAN ANY UNIT OF LOCAL GOVERNMENT  
15 WITHIN THE STATE WITH A POPULATION OF MORE THAN TWENTY THOUSAND PERSONS.

16 5. "ELIGIBLE APPLICANT" SHALL INCLUDE A NOT-FOR-PROFIT CORPORATION OR  
17 CHARITABLE ORGANIZATION, OR A WHOLLY-OWNED SUBSIDIARY OF SUCH A CORPO-  
18 RATION OR ORGANIZATION, OR A PRIVATE FOR-PROFIT DEVELOPER SUCH AS A  
19 PERSON, CORPORATION, PARTNERSHIP OR LIMITED LIABILITY COMPANY.

20 6. "AFFORDABLE RESIDENTIAL DEVELOPMENT" SHALL INCLUDE RESIDENTIAL  
21 UNITS THAT ARE RENT RESTRICTED AND OCCUPIED BY PERSONS AND FAMILIES  
22 WHOSE INCOME DOES NOT EXCEED NINETY PERCENT OF AREA MEDIAN INCOME FOR  
23 THE COUNTY IN WHICH A PROJECT IS LOCATED AS CALCULATED BY THE UNITED  
24 STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

25 S 1232. RURAL AND URBAN COMMUNITY INVESTMENT FUND. 1. WITHIN AMOUNTS  
26 APPROPRIATED THEREFOR, THE HOUSING TRUST FUND CORPORATION SHALL DEVELOP  
27 AND ADMINISTER A RURAL AND URBAN COMMUNITY INVESTMENT FUND PROGRAM WHICH  
28 SHALL PROVIDE ASSISTANCE IN THE FORM OF PAYMENTS, GRANTS AND LOANS FOR  
29 REASONABLE AND NECESSARY EXPENSES, TO AN ELIGIBLE APPLICANT FOR PRESER-  
30 VATION OR IMPROVEMENT OF AFFORDABLE HOUSING, CREATION, PRESERVATION OR  
31 IMPROVEMENT OF THE COMMERCIAL, RETAIL OR COMMUNITY FACILITIES COMPONENT  
32 OF MIXED USE AFFORDABLE RESIDENTIAL DEVELOPMENTS, IN RURAL AND URBAN  
33 AREAS OF THE STATE.

34 2. PROGRAM CRITERIA. THE CORPORATION SHALL DEVELOP PROCEDURES, CRITE-  
35 RIA AND REQUIREMENTS RELATED TO THE APPLICATION AND AWARD OF PROJECTS  
36 PURSUANT TO THIS SECTION WHICH SHALL INCLUDE: ELIGIBILITY, MARKET  
37 DEMAND, FEASIBILITY AND FUNDING CRITERIA; THE FUNDING DETERMINATION  
38 PROCESS; SUPERVISION AND EVALUATION OF CONTRACTING APPLICANTS; REPORT-  
39 ING, BUDGETING AND RECORD-KEEPING REQUIREMENTS; PROVISIONS FOR MODIFICA-  
40 TION AND TERMINATION OF CONTRACTS; AND SUCH OTHER MATTERS NOT INCONSIST-  
41 ENT WITH THE PURPOSES AND PROVISIONS OF THIS ARTICLE AS THE CORPORATION  
42 SHALL DEEM NECESSARY OR APPROPRIATE.

43 3. FUND ALLOCATION. SIXTY PERCENT OF THE TOTAL FUNDS AWARDED PURSUANT  
44 TO THIS ARTICLE IN ANY FISCAL YEAR SHALL BE ALLOCATED TO PROJECTS  
45 LOCATED IN URBAN AREAS OF THE STATE. FORTY PERCENT OF THE TOTAL FUNDS  
46 AWARDED PURSUANT TO THIS ARTICLE IN ANY FISCAL YEAR SHALL BE ALLOCATED  
47 TO PROJECTS LOCATED IN RURAL AREAS OF THE STATE.

48 4. FUNDING CRITERIA. A ONE-THIRD MATCH REQUIREMENT SHALL BE REQUIRED  
49 OF ANY ELIGIBLE APPLICANT, WHICH MAY INCLUDE DONATED PROPERTY, MATERIALS  
50 OR LABOR AND OTHER RESOURCES, AND MAY BE REDUCED OR ELIMINATED FOR  
51 PROJECTS LOCATED WITHIN A DECLARED DISASTER AREA.

52 5. FUNDING DECISIONS. THE CORPORATION IN ITS SOLE DISCRETION SHALL  
53 AUTHORIZE ALL FUNDING DECISIONS AND MAKE ALL AWARD ANNOUNCEMENTS. THE  
54 CORPORATION SHALL PROVIDE AMPLE NOTICE TO THE RESPECTIVE CHAIRS OF THE  
55 SENATE AND ASSEMBLY HOUSING, CONSTRUCTION AND COMMUNITY DEVELOPMENT

1 COMMITTEES, OF LEAST TEN BUSINESS DAYS, PRIOR TO ANY PUBLIC ANNOUNCE-  
2 MENT, ISSUANCE OF AWARD LETTERS, OR OTHER NOTIFICATION TO AWARDEES.

3 6. ANNUAL REPORT. THE CORPORATION SHALL, ON OR BEFORE DECEMBER THIR-  
4 TY-FIRST IN EACH YEAR SUBMIT A REPORT TO THE LEGISLATURE ON THE IMPE-  
5 MENTATION OF THIS ARTICLE. SUCH REPORT SHALL INCLUDE, BUT NOT BE LIMITED  
6 TO, FOR EACH AWARD MADE TO A GRANTEE UNDER THIS ARTICLE: A DESCRIPTION  
7 OF SUCH AWARD; CONTRACT AMOUNT AND CUMULATIVE TOTAL; THE SPECIFIC ACTIV-  
8 ITIES IN RURAL AND URBAN AREAS PERFORMED BY SUCH GRANTEE; THE AMOUNTS OF  
9 MATCH MONIES RECEIVED BY THE GRANTEE FROM SOURCES OTHER THAN PAYMENTS  
10 MADE PURSUANT TO THIS ARTICLE; AND SUCH OTHER INFORMATION AS THE CORPO-  
11 RATION DEEMS PERTINENT.

12 S 2. This act shall take effect immediately.

13 PART V

14 Section 1. Section 6301 of the education law is amended by adding a  
15 new subdivision 6 to read as follows:

16 6. "CERTIFICATE OF RESIDENCE FORM". A STANDARD FORM AS DEVELOPED BY  
17 THE CHANCELLOR OF THE STATE UNIVERSITY OF NEW YORK, IN CONJUNCTION WITH  
18 THE CHANCELLOR OF THE CITY UNIVERSITY OF NEW YORK.

19 S 2. Subdivisions 3 and 4 of section 6305 of the education law, subdi-  
20 vision 3 as amended by chapter 486 of the laws of 1967 and subdivision 4  
21 as separately amended by chapters 439 and 646 of the laws of 1975, are  
22 amended to read as follows:

23 3. The chief fiscal officer of each county, as defined in section 2.00  
24 of the local finance law, shall, upon application and submission to him  
25 of satisfactory evidence, issue to any person desiring to enroll in a  
26 community college as a non-resident student, a certificate of residence  
27 FORM showing that said person is a resident of said county. If the chief  
28 fiscal officer of a county refuses to issue such a certificate on the  
29 ground that the person applying therefor is not a resident of such coun-  
30 ty, the person applying may appeal to the chancellor of the state  
31 university. The chancellor of the state university shall make a determi-  
32 nation after a hearing, upon ten days' notice to such chief fiscal offi-  
33 cer of the county, and such determination shall be final and binding on  
34 the county. Such person shall, upon his registration for each college  
35 year, file with the college such a certificate of residence FORM issued  
36 not earlier than two months prior thereto, and such certificate of resi-  
37 dence FORM shall be valid for a period of one year from the date of  
38 issuance.

39 4. If, pursuant to subdivision two of this section, a community  
40 college elects to charge to and collect an allocable portion of the  
41 operating costs and a further sum on account of capital costs of such  
42 college from each county which has issued a certificate FORM or certif-  
43 icates of residence FORMS pursuant to subdivision three of this section,  
44 on the basis of which non-resident students are attending such community  
45 college, the president of such community college shall, within forty-  
46 five days after the commencement of each college term or program, submit  
47 to the chief fiscal officer of each county a list of non-resident  
48 students attending such college on the basis of such certificates of  
49 residence FORM and a voucher for the amount payable by each county for  
50 these students. Such list and voucher shall be determined on the basis  
51 of non-resident students enrolled in the program as of the end (or last  
52 day) of the third week of the commencement for a program scheduled for  
53 one semester, the end of the second for a program scheduled for an  
54 academic quarter and the end of the first week for any program scheduled

1 to be completed in thirty days or less. The chancellor of the state  
2 university, or such officers or employees thereof as shall be designated  
3 by the chancellor in the manner authorized by the state university trus-  
4 tees, shall notify the chief fiscal officers of each county of the  
5 approved annual operating and capital charge-back rate for each communi-  
6 ty college. The amount billed to the chief fiscal officer of each county  
7 by the president of such community college as a charge for the allocable  
8 portion of the operating costs and a further sum on account of capital  
9 costs of such college for non-resident students shall be paid to the  
10 chief fiscal officer of such college by the billed county no later than  
11 sixty days after the county receives said billing.

12 S 3. Subdivision 10 of section 6305 of the education law, as added by  
13 chapter 170 of the laws of 1994, is amended to read as follows:

14 10. On or before March thirty-first, nineteen hundred ninety-five and  
15 every year thereafter, the state shall reimburse each county which has  
16 issued a certificate of residence for any non-resident student in  
17 attendance at the fashion institute of technology during the nineteen  
18 hundred ninety-three--ninety-four academic year and every year thereaft-  
19 er in an amount equal to fifty percent of the actual amount paid by such  
20 county on behalf of such students and on or before June first, nineteen  
21 hundred ninety-five and every year thereafter, the state shall reimburse  
22 each county for the remaining fifty percent of the actual amount paid by  
23 each such county on behalf of such students. NOTWITHSTANDING SUBDIVI-  
24 SION FIVE OF THIS SECTION, AND SUBJECT TO THE AVAILABILITY OF STATE  
25 APPROPRIATIONS FOR STATE FISCAL YEARS TWO THOUSAND FOURTEEN--TWO THOU-  
26 SAND FIFTEEN AND THEREAFTER, GENERAL COUNTY CHARGES PAYABLE TO THE FASH-  
27 ION INSTITUTE OF TECHNOLOGY FOR NON-RESIDENT STUDENTS ENROLLED IN UPPER  
28 DIVISION CLASSES SHALL NOT BE CHARGED BACK TO ANY CITY OR TOWN WITHIN  
29 THE COUNTY. PROVIDED FURTHER HOWEVER, THAT FOR THE TWO THOUSAND THIR-  
30 TEEN--TWO THOUSAND FOURTEEN STATE FISCAL YEAR ONLY, A COUNTY MAY CHARGE  
31 BACK TOWNS UP TO FIFTY PERCENT OF THE ACADEMIC YEAR COSTS ATTRIBUTABLE  
32 TO NON-RESIDENT ENROLLMENT IN UPPER DIVISION CLASSES.

33 S 4. Subdivision 11 of section 6305 of the education law, as added by  
34 section 1 of part Q of chapter 57 of the laws of 2012, is amended and  
35 three new subdivisions 12, 13 and 14 are added to read as follows:

36 11. [The state university board of trustees, in conjunction with the  
37 city university board of trustees, is directed to examine the laws,  
38 regulations, and policies regarding community college charges for non-  
39 resident students. This examination shall review the impacts of the  
40 current law mechanisms for covering the local sponsor's share of commu-  
41 nity college operating costs attributable to non-resident students,  
42 including the impacts of charging a non-resident student or charging the  
43 county where the student resides a per student allocable portion of the  
44 local sponsor's share of operating costs, and shall also specifically  
45 include examination of the following:

46 a. the methodology for determining the amount that may be charged by a  
47 community college for each non-resident student's allocable portion of  
48 the local sponsor's share of operating costs;

49 b. the process for notifying a county of the approved annual operating  
50 and community college charge-back rates and the timeline for a county to  
51 pay the charge-back rate to the community college;

52 c. policies regarding charge-back rates paid by city and towns in the  
53 county; and

54 d. recommendations for potential modification to the laws, regu-  
55 lations, and policies regarding community college charges for non-resi-  
56 dent students that would result in improvements related to equity and

1 efficiency and the fiscal impacts of implementing such modifications to  
2 students, counties and the state.

3 The boards shall submit a joint report of their findings to the chairs  
4 of the senate and assembly higher education committees and the chair of  
5 the senate finance committee and the chair of the assembly ways and  
6 means committee no later than September first, two thousand twelve.] THE  
7 STATE UNIVERSITY OF NEW YORK AND THE CITY UNIVERSITY OF NEW YORK SHALL  
8 PROMULGATE A UNIFORM METHODOLOGY FOR CALCULATING CHARGEBACK RATES TO  
9 ENSURE EQUITY BETWEEN THE LOCAL SPONSOR CONTRIBUTION PER STUDENT AND THE  
10 CHARGEBACK RATE PER STUDENT CHARGED TO OTHER COUNTIES.

11 12. NO RETROACTIVE CHARGE SHALL BE BILLED TO ANY COUNTY BASED ON AN  
12 INCREASED CHARGEBACK RATE AFTER THE COMMENCEMENT OF THE BILLABLE SEMES-  
13 TER.

14 13. THE STATE UNIVERSITY OF NEW YORK AND THE CITY UNIVERSITY OF NEW  
15 YORK SHALL DEVELOP AN ON-LINE TRAINING PROGRAM TO BE MADE AVAILABLE TO  
16 EACH COUNTY TREASURER AND/OR FINANCIAL OFFICER, TO PROVIDE INFORMATION  
17 REGARDING CHARGEBACK FEES AND GUIDANCE CONCERNING COMMON FORMS, TIME-  
18 LINES, AND POLICIES RELATING TO CHARGEBACK FEES AND THE PAYMENT THEREOF.

19 14. THE STATE UNIVERSITY OF NEW YORK AND THE CITY UNIVERSITY OF NEW  
20 YORK SHALL DEVELOP AND IMPLEMENT THEIR OWN ON-LINE OR ELECTRONIC BILLING  
21 SYSTEM, TO BE AVAILABLE TO THE COUNTIES OF THIS STATE, FOR THE PAYMENT  
22 OF CHARGEBACK FEES.

23 S 5. Paragraph c of subdivision 1 of section 355 of the education law,  
24 as amended by chapter 552 of the laws of 1985, is amended to read as  
25 follows:

26 c. The approval of the establishment of community colleges and four  
27 year colleges authorized by article one hundred twenty-six of this chap-  
28 ter, in conformance with the master plan; the provision of standards and  
29 regulations covering the organization and operation of their programs,  
30 courses and curricula, financing arrangements, state financial assist-  
31 ance, tuition charges and fees, and such other matters as may be  
32 involved in the operation of such colleges; THE ESTABLISHMENT AND MAIN-  
33 TENANCE OF A WEB PAGE, LINKED TO THE HOME PAGE OF THE STATE UNIVERSITY  
34 OF NEW YORK, THAT SHALL SERVE AS A CENTRAL REPOSITORY FOR COMMON FORMS,  
35 TIMELINES, AND POLICIES RELATED TO CHARGEBACK FEES AND CERTIFICATE OF  
36 RESIDENCY FORMS.

37 S 6. Subdivision 3 of section 6222 of the education law, as added by  
38 section 2 of part Q of chapter 57 of the laws of 2012, is amended to  
39 read as follows:

40 3. [The city university board of trustees shall work in conjunction  
41 with the state university board of trustees for the purposes of examin-  
42 ing the laws, regulations, and policies regarding community college  
43 charges for non-resident students and submitting a report to the legis-  
44 lature pursuant to subdivision eleven of section sixty-three hundred  
45 five of this title] THE CITY UNIVERSITY BOARD OF TRUSTEES SHALL MAINTAIN  
46 A WEBPAGE, LINKED TO THE HOME PAGE OF THE CITY UNIVERSITY OF NEW YORK,  
47 THAT SHALL SERVE AS A CENTRAL REPOSITORY FOR COMMON FORMS, TIMELINES,  
48 AND POLICIES RELATED TO CHARGEBACK FEES AND CERTIFICATE OF RESIDENCY  
49 FORMS.

50 S 7. This act shall take effect immediately; provided that:

51 (a) sections one, two, five and six of this act shall take effect  
52 February 1, 2014; and

53 (b) section four of this act shall take effect April 1, 2015.

1 Section 1. Section 9 of chapter 420 of the laws of 2002 amending the  
2 education law relating to the profession of social work, as amended by  
3 chapter 132 of the laws of 2010, is amended to read as follows:

4 S 9. a. Nothing in this act shall prohibit or limit the activities or  
5 services on the part of any person in the employ of a program or service  
6 operated, regulated, funded, or approved by the department of mental  
7 hygiene, the office of children and family services, the department of  
8 [correctional services] CORRECTIONS AND COMMUNITY SUPERVISION, the state  
9 office for the aging, the department of health, or a local governmental  
10 unit as that term is defined in article 41 of the mental hygiene law or  
11 a social services district as defined in section 61 of the social  
12 services law, provided, however, this section shall not authorize the  
13 use of any title authorized pursuant to article 154 of the education  
14 law, except that this section shall be deemed repealed on July 1, [2013  
15 provided, further, however, that on or before October 1, 2010, each  
16 state agency identified in this subdivision shall submit to the commis-  
17 sioner of education data, in such form and detail as requested by the  
18 commissioner of education, concerning the functions performed by its  
19 service provider workforce and the service provider workforce of the  
20 local governmental units and social services districts as defined in  
21 this subdivision over which the agency has regulatory authority. After  
22 receipt of such data, the commissioner shall convene a workgroup of such  
23 state agencies for the purpose of reviewing such data and also to make  
24 recommendations regarding amendments to law, rule or regulation neces-  
25 sary to clarify which tasks and activities must be performed only by  
26 licensed or otherwise authorized personnel. No later than January 1,  
27 2011, after consultation with such work group, the commissioner shall  
28 develop criteria for the report required pursuant to subdivision b of  
29 this section and shall work with such state agencies by providing advice  
30 and guidance regarding which tasks and activities must be performed only  
31 by licensed or otherwise authorized personnel.

32 b. On or before July 1, 2011, each such state agency, after consulta-  
33 tion with local governmental units and social services districts as  
34 defined in subdivision a of this section over which the agency has regu-  
35 latory authority, shall submit to the commissioner of education a report  
36 on the utilization of personnel subject to the provisions of this  
37 section. Such report shall include but not be limited to: identification  
38 of tasks and activities performed by such personnel categorized as tasks  
39 and functions restricted to licensed personnel and tasks and functions  
40 that do not require a license under article 154 of the education law;  
41 analysis of costs associated with employing only appropriately licensed  
42 or otherwise authorized personnel to perform tasks and functions that  
43 require licensure under such article 154, including salary costs and  
44 costs associated with providing support to unlicensed personnel in  
45 obtaining appropriate licensure. Such report shall also include an  
46 action plan detailing measures through which each such entity shall, no  
47 later than July 1, 2013, comply with professional licensure laws appli-  
48 cable to services provided and make recommendations on alternative path-  
49 ways toward licensure.

50 c. The commissioner of education shall, after receipt of the report  
51 required under this section, and after consultation with state agencies,  
52 not-for-profit providers, professional associations, consumers, and  
53 other key stakeholders, submit a report to the governor, the speaker of  
54 the assembly, the temporary president of the senate, and the chairs of  
55 the senate and assembly higher education committees by July 1, 2012 to  
56 recommend any amendments to law, rule or regulation necessary to fully

1 implement the requirements for licensure by July 1, 2013. Other state  
2 agency commissioners shall be provided an opportunity to include state-  
3 ments or alternative recommendations in such report] 2016.

4 B. ON OR BEFORE SEPTEMBER 1, 2014, EACH STATE AGENCY IDENTIFIED IN  
5 SUBDIVISION A OF THIS SECTION THAT OPERATES, REGULATES, APPROVES OR  
6 FUNDS PROGRAMS THAT EMPLOY INDIVIDUALS TO PROVIDE SERVICES THAT WOULD  
7 OTHERWISE BE RESTRICTED TO INDIVIDUALS LICENSED OR AUTHORIZED UNDER  
8 ARTICLE 153, 154 OR 163 OF THE EDUCATION LAW, SHALL SUBMIT TO THE  
9 COMMISSIONER OF EDUCATION, IN SUCH FORM AND DETAIL AS REQUESTED BY SUCH  
10 COMMISSIONER, DATA IN RELATION TO: THE NUMBER OF INDIVIDUALS EMPLOYED  
11 IN EXEMPT PROGRAMS OPERATED, FUNDED, REGULATED OR APPROVED BY EACH STATE  
12 AGENCY ON JULY 1, 2013 WHO WERE LICENSED BY THE DEPARTMENT OF EDUCATION  
13 PURSUANT TO PARAGRAPH B OF SUBDIVISION 2 OF SECTION 7707 OF THE EDUCA-  
14 TION LAW BY JULY 1, 2014; THE NUMBER OF INDIVIDUALS EMPLOYED IN EXEMPT  
15 PROGRAMS OPERATED, FUNDED, REGULATED OR APPROVED BY EACH STATE AGENCY ON  
16 JULY 1, 2013 WHO ARE PROVIDING SERVICES THAT WOULD OTHERWISE BE  
17 RESTRICTED TO THOSE LICENSED OR AUTHORIZED UNDER ARTICLE 153, 154 OR 163  
18 OF THE EDUCATION LAW, WHO APPLIED FOR BUT WHO DID NOT RECEIVE A LICENSE  
19 OR LIMITED PERMIT FROM THE STATE EDUCATION DEPARTMENT BY JULY 1, 2014,  
20 INCLUDING THE REASON OR REASONS FOR NOT RECEIVING SUCH LICENSE OR LIMIT-  
21 ED PERMIT; THE NAME, OCCUPATIONAL TITLE, AND EDUCATIONAL DEGREE, IF ANY,  
22 OF INDIVIDUALS WHO ON JULY 1, 2014 ARE NOT LICENSED OR OTHERWISE AUTHOR-  
23 IZED UNDER TITLE VIII OF THE EDUCATION LAW, AND WHO ARE ENGAGED IN: THE  
24 DIAGNOSIS OF MENTAL, EMOTIONAL, BEHAVIORAL, ADDICTIVE AND DEVELOPMENTAL  
25 DISORDERS AND DISABILITIES; THE PROVISION OF PSYCHOTHERAPEUTIC TREAT-  
26 MENT; AND/OR THE DEVELOPMENT AND IMPLEMENTATION OF ASSESSMENT-BASED  
27 TREATMENT PLANS, AS DEFINED IN ARTICLE 154 OF THE EDUCATION LAW OR AS  
28 AUTHORIZED IN ARTICLE 153 OF THE EDUCATION LAW. FOR PURPOSES OF THIS  
29 SECTION, THIS REPORTING SHALL NOT INCLUDE INDIVIDUALS THAT ARE PERFORM-  
30 ING TASKS THAT DO NOT REQUIRE LICENSURE, INCLUDING THOSE INDIVIDUALS WHO  
31 ARE ENGAGED IN INFORMAL ASSESSMENTS, SUCH AS BASIC INFORMATION  
32 COLLECTION, GATHERING OF DEMOGRAPHIC DATA, OR INFORMAL OBSERVATIONS AND  
33 SCREENINGS USED TO DETERMINE ELIGIBILITY FOR A PROGRAM OR SERVICE; OR  
34 THOSE INDIVIDUALS WHO ARE ENGAGED IN THE CREATION OR DEVELOPMENT OF A  
35 SERVICE PLAN THAT IS UNRELATED TO, OR ANCILLARY TO, A BEHAVIORAL HEALTH  
36 DIAGNOSIS AND TREATMENT PLAN. SUCH SERVICE PLANS MAY INCLUDE, BUT ARE  
37 NOT LIMITED TO JOB TRAINING, HOUSING, GENERAL PUBLIC ASSISTANCE OR MEAL  
38 DELIVERY; AND, A PLAN BY WHICH THE STATE AGENCY WILL ENSURE A TIMELY  
39 TRANSITION OF RESTRICTED SERVICES FROM SUCH UNLICENSED PERSONS TO THOSE  
40 LICENSED OR AUTHORIZED UNDER TITLE VIII NO LATER THAN JULY 1, 2015.

41 C. THE COMMISSIONER OF EDUCATION, AFTER RECEIPT OF THIS DATA AND, IF  
42 NECESSARY, IN CONSULTATION WITH STATE AGENCIES, NOT-FOR-PROFIT PROVID-  
43 ERS, PROFESSIONAL ASSOCIATIONS, CONSUMERS AND OTHER KEY STAKEHOLDERS,  
44 SHALL PREPARE A REPORT THAT RECOMMENDS CHANGES IN ANY LAWS, RULES OR  
45 REGULATIONS NECESSARY TO ENSURE APPROPRIATE LICENSURE OF INDIVIDUALS  
46 PROVIDING SERVICES THAT ARE WITHIN THE RESTRICTED PRACTICE OF  
47 PROFESSIONS LICENSED UNDER ARTICLE 153, 154 OR 163 OF THE EDUCATION LAW.  
48 THE COMMISSIONER OF EDUCATION SHALL SUBMIT THE REPORT TO THE GOVERNOR,  
49 THE SPEAKER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT OF THE SENATE, AND  
50 THE CHAIRS OF THE SENATE AND ASSEMBLY HIGHER EDUCATION COMMITTEES BY  
51 JANUARY 1, 2015. OTHER STATE AGENCY COMMISSIONERS SHALL BE PROVIDED AN  
52 OPPORTUNITY TO INCLUDE STATEMENTS OR ALTERNATIVE RECOMMENDATIONS IN SUCH  
53 REPORT.

54 S 2. Section 17-a of chapter 676 of the laws of 2002 amending the  
55 education law relating to the practice of psychology, as amended by

chapter 130 of the laws of 2010, subdivision b as amended by chapter 132 of the laws of 2010, is amended to read as follows:

S 17-a. a. In relation to activities and services provided under article 153 of the education law, nothing in this act shall prohibit or limit such activities or services on the part of any person in the employ of a program or service operated, regulated, funded, or approved by the department of mental hygiene or the office of children and family services, or a local governmental unit as that term is defined in article 41 of the mental hygiene law or a social services district as defined in section 61 of the social services law. In relation to activities and services provided under article 163 of the education law, nothing in this act shall prohibit or limit such activities or services on the part of any person in the employ of a program or service operated, regulated, funded, or approved by the department of mental hygiene, the office of children and family services, the department of [correctional services] CORRECTIONS AND COMMUNITY SUPERVISION, the state office for the aging and the department of health or a local governmental unit as that term is defined in article 41 of the mental hygiene law or a social services district as defined in section 61 of the social services law, pursuant to authority granted by law. This section shall not authorize the use of any title authorized pursuant to article 153 or 163 of the education law by any such employed person, except as otherwise provided by such articles respectively. THIS SECTION SHALL BE DEEMED REPEALED JULY 1, 2016.

[b. This section shall be deemed repealed July 1, 2013 provided, however, that on or before October 1, 2010, each state agency identified in subdivision a of this section shall submit to the commissioner of education data, in such form and detail as requested by the commissioner of education, concerning the functions performed by its service provider workforce and the service provider workforce of the local governmental units and social services districts as defined in subdivision a of this section over which the agency has regulatory authority. After receipt of such data, the commissioner shall convene a workgroup of such state agencies for the purpose of reviewing such data and also to make recommendations regarding amendments to law, rule or regulation necessary to clarify which tasks and activities must be performed only by licensed or otherwise authorized personnel. No later than January 1, 2011, after consultation with such workgroup, the commissioner shall develop criteria for the report required pursuant to paragraph one of this subdivision and shall work with such state agencies by providing advice and guidance regarding which tasks and activities must be performed only by licensed or otherwise authorized personnel.

1. On or before July 1, 2011, each such state agency, after consultation with local governmental units and social services districts as defined in subdivision a of this section over which the agency has regulatory authority, shall submit to the commissioner of education a report on the utilization of personnel subject to the provisions of this section. Such report shall include but not be limited to: identification of tasks and activities performed by such personnel categorized as tasks and functions restricted to licensed personnel and tasks and functions that do not require a license under article 153 or 163 of the education law; analysis of costs associated with employing only appropriately licensed or otherwise authorized personnel to perform tasks and functions that require licensure under such article 153 or 163, including salary costs and costs associated with providing support to unlicensed personnel in obtaining appropriate licensure. Such report shall also

1 include an action plan detailing measures through which each such entity  
2 shall, no later than July 1, 2013, comply with professional licensure  
3 laws applicable to services provided and make recommendations on alter-  
4 native pathways toward licensure.

5 2. The commissioner of education shall, after receipt of the reports  
6 required under this section, and after consultation with state agencies,  
7 not-for-profit providers, professional associations, consumers, and  
8 other key stakeholders, submit a report to the governor, the speaker of  
9 the assembly, the temporary president of the senate, and the chairs of  
10 the senate and assembly higher education committees by July 1, 2012 to  
11 recommend any amendments to law, rule or regulation necessary to fully  
12 implement the requirements for licensure by July 1, 2013. Other state  
13 agency commissioners shall be provided an opportunity to include state-  
14 ments or alternative recommendations in such report.]

15 B. ON OR BEFORE SEPTEMBER 1, 2014, EACH STATE AGENCY IDENTIFIED IN  
16 SUBDIVISION A OF THIS SECTION THAT OPERATES, REGULATES, APPROVES OR  
17 FUNDS PROGRAMS THAT EMPLOY INDIVIDUALS TO PROVIDE SERVICES THAT WOULD  
18 OTHERWISE BE RESTRICTED TO INDIVIDUALS LICENSED OR AUTHORIZED UNDER  
19 ARTICLE 153, 154 OR 163 OF THE EDUCATION LAW, SHALL SUBMIT TO THE  
20 COMMISSIONER OF EDUCATION, IN SUCH FORM AND DETAIL AS REQUESTED BY SUCH  
21 COMMISSIONER, DATA IN RELATION TO: THE NUMBER OF INDIVIDUALS EMPLOYED  
22 IN EXEMPT PROGRAMS OPERATED, FUNDED, REGULATED OR APPROVED BY EACH STATE  
23 AGENCY ON JULY 1, 2013 WHO WERE LICENSED BY THE DEPARTMENT OF EDUCATION  
24 PURSUANT TO PARAGRAPH B OF SUBDIVISION 2 OF SECTION 7707 OF THE EDUCA-  
25 TION LAW, BY JULY 1, 2014; THE NUMBER OF INDIVIDUALS EMPLOYED IN EXEMPT  
26 PROGRAMS OPERATED, FUNDED, REGULATED OR APPROVED BY EACH STATE AGENCY ON  
27 JULY 1, 2013 WHO ARE PROVIDING SERVICES THAT WOULD OTHERWISE BE  
28 RESTRICTED TO THOSE LICENSED OR AUTHORIZED UNDER ARTICLE 153, 154 OR 163  
29 OF THE EDUCATION LAW, WHO APPLIED FOR BUT WHO DID NOT RECEIVE A LICENSE  
30 OR LIMITED PERMIT FROM THE STATE EDUCATION DEPARTMENT BY JULY 1, 2014,  
31 INCLUDING THE REASON OR REASONS FOR NOT RECEIVING SUCH LICENSE OR LIMIT-  
32 ED PERMIT; THE NAME, OCCUPATIONAL TITLE, AND EDUCATIONAL DEGREE, IF ANY,  
33 OF INDIVIDUALS WHO ON JULY 1, 2014 ARE NOT LICENSED OR OTHERWISE AUTHOR-  
34 IZED UNDER TITLE VIII OF THE EDUCATION LAW, AND WHO ARE ENGAGED IN: THE  
35 DIAGNOSIS OF MENTAL, EMOTIONAL, BEHAVIORAL, ADDICTIVE AND DEVELOPMENTAL  
36 DISORDERS AND DISABILITIES; THE PROVISION OF PSYCHOTHERAPEUTIC TREAT-  
37 MENT; AND/OR THE DEVELOPMENT AND IMPLEMENTATION OF ASSESSMENT-BASED  
38 TREATMENT PLANS, AS DEFINED IN ARTICLE 154 OF THE EDUCATION LAW OR AS  
39 AUTHORIZED IN ARTICLE 153 OF THE EDUCATION LAW. FOR PURPOSES OF THIS  
40 SECTION, THIS REPORTING SHALL NOT INCLUDE INDIVIDUALS THAT ARE PERFORM-  
41 ING TASKS THAT DO NOT REQUIRE LICENSURE, INCLUDING THOSE INDIVIDUALS WHO  
42 ARE ENGAGED IN INFORMAL ASSESSMENTS, SUCH AS BASIC INFORMATION  
43 COLLECTION, GATHERING OF DEMOGRAPHIC DATA, OR INFORMAL OBSERVATIONS AND  
44 SCREENINGS USED TO DETERMINE ELIGIBILITY FOR A PROGRAM OR SERVICE; OR  
45 THOSE INDIVIDUALS WHO ARE ENGAGED IN THE CREATION OR DEVELOPMENT OF A  
46 SERVICE PLAN THAT IS UNRELATED TO, OR ANCILLARY TO, A BEHAVIORAL HEALTH  
47 DIAGNOSIS AND TREATMENT PLAN. SUCH SERVICE PLANS MAY INCLUDE, BUT ARE  
48 NOT LIMITED TO JOB TRAINING, HOUSING, GENERAL PUBLIC ASSISTANCE OR MEAL  
49 DELIVERY; AND, A PLAN BY WHICH THE STATE AGENCY WILL ENSURE A TIMELY  
50 TRANSITION OF RESTRICTED SERVICES FROM SUCH UNLICENSED PERSONS TO THOSE  
51 LICENSED OR AUTHORIZED UNDER TITLE VIII NO LATER THAN JULY 1, 2015.

52 C. THE COMMISSIONER OF EDUCATION, AFTER RECEIPT OF THIS DATA AND, IF  
53 NECESSARY, CONSULTATION WITH STATE AGENCIES, NOT-FOR-PROFIT PROVIDERS,  
54 PROFESSIONAL ASSOCIATIONS, CONSUMERS AND OTHER KEY STAKEHOLDERS, SHALL  
55 PREPARE A REPORT THAT RECOMMENDS CHANGES IN ANY LAWS, RULES OR REGU-  
56 LATIONS NECESSARY TO ENSURE APPROPRIATE LICENSURE OF INDIVIDUALS PROVID-

1 ING SERVICES THAT ARE WITHIN THE RESTRICTED PRACTICE OF PROFESSIONS  
2 LICENSED UNDER ARTICLE 153, 154 OR 163 OF THE EDUCATION LAW. THE COMMIS-  
3 SIONER OF EDUCATION SHALL SUBMIT THE REPORT TO THE GOVERNOR, THE SPEAKER  
4 OF THE ASSEMBLY, THE TEMPORARY PRESIDENT OF THE SENATE, AND THE CHAIRS  
5 OF THE SENATE AND ASSEMBLY HIGHER EDUCATION COMMITTEES BY JANUARY 1,  
6 2015. OTHER STATE AGENCY COMMISSIONERS SHALL BE PROVIDED AN OPPORTUNITY  
7 TO INCLUDE STATEMENTS OR ALTERNATIVE RECOMMENDATIONS IN SUCH REPORT.

8 S 3. Section 16 of chapter 130 of the laws of 2010 amending the educa-  
9 tion law and other laws relating to the registration of entities provid-  
10 ing certain professional services and the licensure of certain  
11 professions, as amended by chapter 132 of the laws of 2010, is amended  
12 to read as follows:

13 S 16. This act shall take effect immediately; provided that sections  
14 thirteen, fourteen and fifteen of this act shall take effect immediately  
15 and shall be deemed to have been in full force and effect on and after  
16 June 1, 2010 and such sections shall be deemed repealed July 1, [2013]  
17 2016; provided further that the amendments to section 9 of chapter 420  
18 of the laws of 2002 amending the education law relating to the profes-  
19 sion of social work made by section thirteen of this act shall repeal on  
20 the same date as such section repeals; provided further that the amend-  
21 ments to section 17-a of chapter 676 of the laws of 2002 amending the  
22 education law relating to the practice of psychology made by section  
23 fourteen of this act shall repeal on the same date as such section  
24 repeals.

25 S 4. Subdivision 2 of section 7707 of the education law, as amended by  
26 chapter 230 of the laws of 2004, is amended to read as follows:

27 2. (A) Any person who possesses a master's of social work degree on  
28 the effective date of this section, who has five years of post-graduate  
29 social work employment and meets the requirements for a license pursuant  
30 to this article, except for examination, and who files with the depart-  
31 ment within one year of the effective date of this section shall be  
32 licensed as a licensed master social worker.

33 (B) ANY PERSON WHO POSSESSES A MASTER'S OF SOCIAL WORK DEGREE ACCEPTA-  
34 BLE TO THE DEPARTMENT ON APRIL FIRST, TWO THOUSAND THIRTEEN AND MEETS  
35 ALL REQUIREMENTS FOR LICENSURE AS SET FORTH IN SUBDIVISION ONE OF  
36 SECTION SEVENTY-SEVEN HUNDRED FOUR OF THIS ARTICLE, EXCEPT FOR EXAMINA-  
37 TION, WHO SUBMITS VERIFICATION OF AT LEAST TWO YEARS OF POST-MASTER'S  
38 SUPERVISED EXPERIENCE IN LICENSED MASTER SOCIAL WORK BY APRIL FIRST, TWO  
39 THOUSAND FOURTEEN, ACCEPTABLE TO THE DEPARTMENT, SHALL BE LICENSED AS A  
40 LICENSED MASTER SOCIAL WORKER WITHOUT EXAMINATION.

41 S 5. Section 7707 of the education law is amended by adding a new  
42 subdivision 6 to read as follows:

43 6. A LICENSE SHALL NOT BE REQUIRED FOR INFORMAL ASSESSMENTS SUCH AS  
44 BASIC INFORMATION COLLECTION, GATHERING OF DEMOGRAPHIC DATA, AND  
45 INFORMAL OBSERVATIONS AND SCREENING USED FOR GENERAL ELIGIBILITY FOR A  
46 PROGRAM OR SERVICE. LICENSURE IS NOT REQUIRED TO CREATE OR DEVELOP A  
47 SERVICE PLAN UNRELATED TO, OR ANCILLARY TO, A BEHAVIORAL HEALTH DIAGNO-  
48 SIS AND TREATMENT PLAN. SUCH SERVICE PLANS INCLUDE, BUT ARE NOT LIMITED  
49 TO JOB TRAINING, HOUSING, GENERAL PUBLIC ASSISTANCE, OR MEAL DELIVERY.

50 S 6. The education law is amended by adding a new section 7710 to read  
51 as follows:

52 S 7710. MANDATORY CONTINUING EDUCATION. 1. (A) EACH LICENSED MASTER  
53 SOCIAL WORKER OR LICENSED CLINICAL SOCIAL WORKER REQUIRED UNDER THIS  
54 ARTICLE TO REGISTER TRIENNIALLY WITH THE DEPARTMENT TO PRACTICE IN THIS  
55 STATE, SHALL COMPLY WITH THE PROVISIONS OF MANDATORY CONTINUING EDUCA-  
56 TION REQUIREMENTS PRESCRIBED IN SUBDIVISION TWO OF THIS SECTION, EXCEPT

1 AS SET FORTH IN PARAGRAPHS (B) AND (C) OF THIS SUBDIVISION. LICENSED  
2 MASTER SOCIAL WORKERS OR LICENSED CLINICAL SOCIAL WORKERS WHO DO NOT  
3 SATISFY THE MANDATORY CONTINUING EDUCATION REQUIREMENTS SHALL NOT PRACTICE  
4 UNTIL THEY HAVE MET SUCH REQUIREMENTS AND THEY HAVE BEEN ISSUED A  
5 REGISTRATION CERTIFICATE, EXCEPT THAT A LICENSED MASTER SOCIAL WORKER OR  
6 LICENSED CLINICAL SOCIAL WORKER MAY PRACTICE WITHOUT HAVING MET SUCH  
7 REQUIREMENTS IF HE OR SHE IS ISSUED A CONDITIONAL REGISTRATION CERTIFICATE  
8 PURSUANT TO SUBDIVISION THREE OF THIS SECTION.

9 (B) EACH LICENSED MASTER SOCIAL WORKER OR LICENSED CLINICAL SOCIAL  
10 WORKER SHALL BE EXEMPT FROM THE MANDATORY CONTINUING EDUCATION REQUIREMENTS  
11 FOR THE TRIENNIAL REGISTRATION PERIOD DURING WHICH THEY ARE FIRST  
12 LICENSED. IN ACCORDANCE WITH THE INTENT OF THIS SECTION, ADJUSTMENT TO  
13 THE MANDATORY CONTINUING EDUCATION REQUIREMENT MAY BE GRANTED BY THE  
14 DEPARTMENT FOR REASONS OF HEALTH THAT ARE CERTIFIED BY AN APPROPRIATE  
15 HEALTH CARE PROFESSIONAL, FOR EXTENDED ACTIVE DUTY WITH THE ARMED FORCES  
16 OF THE UNITED STATES, OR FOR OTHER GOOD CAUSE ACCEPTABLE TO THE DEPARTMENT  
17 WHICH MAY PREVENT COMPLIANCE.

18 (C) A LICENSED MASTER SOCIAL WORKER OR A LICENSED CLINICAL SOCIAL  
19 WORKER NOT ENGAGED IN PRACTICE, AS DETERMINED BY THE DEPARTMENT, SHALL  
20 BE EXEMPT FROM THE MANDATORY CONTINUING EDUCATION REQUIREMENT UPON THE  
21 FILING OF A STATEMENT WITH THE DEPARTMENT DECLARING SUCH STATUS. ANY  
22 LICENSEE WHO RETURNS TO THE PRACTICE OF SOCIAL WORK DURING THE TRIENNIAL  
23 REGISTRATION PERIOD SHALL NOTIFY THE DEPARTMENT PRIOR TO REENTERING THE  
24 PROFESSION AND SHALL MEET SUCH MANDATORY EDUCATION REQUIREMENTS AS SHALL  
25 BE PRESCRIBED BY REGULATIONS OF THE COMMISSIONER.

26 (D) A LICENSED CLINICAL SOCIAL WORKER WHO IS ALSO LICENSED AND REGISTERED  
27 TO PRACTICE AS A LICENSED MASTER SOCIAL WORKER IN THE SAME TRIENNIAL  
28 REGISTRATION PERIOD, SHALL NOT BE REQUIRED TO COMPLETE MORE THAN  
29 THIRTY-SIX HOURS OF CONTINUING EDUCATION IN THE TRIENNIAL REGISTRATION  
30 PERIOD, OR ONE HOUR PER MONTH FOR A REGISTRATION PERIOD OTHER THAN THIRTY-SIX  
31 MONTHS.

32 2. DURING EACH TRIENNIAL REGISTRATION PERIOD AN APPLICANT FOR REGISTRATION  
33 AS A LICENSED MASTER SOCIAL WORKER OR LICENSED CLINICAL SOCIAL WORKER SHALL  
34 COMPLETE A MINIMUM OF THIRTY-SIX HOURS OF ACCEPTABLE FORMAL CONTINUING  
35 EDUCATION. ANY LICENSED MASTER SOCIAL WORKER OR LICENSED CLINICAL SOCIAL  
36 WORKER WHOSE FIRST REGISTRATION DATE FOLLOWING THE EFFECTIVE DATE OF THIS  
37 SECTION OCCURS LESS THAN THREE YEARS FROM SUCH EFFECTIVE DATE, BUT ON OR  
38 AFTER JANUARY FIRST, TWO THOUSAND SEVENTEEN, SHALL COMPLETE CONTINUING  
39 EDUCATION HOURS ON A PRORATED BASIS AT THE RATE OF ONE HOUR PER MONTH  
40 FOR THE PERIOD BEGINNING JANUARY FIRST, TWO THOUSAND SEVENTEEN UP TO THE  
41 FIRST REGISTRATION DATE THEREAFTER. A LICENSEE WHO HAS NOT SATISFIED THE  
42 MANDATORY CONTINUING EDUCATION REQUIREMENT SHALL NOT BE ISSUED A TRIENNIAL  
43 REGISTRATION CERTIFICATE BY THE DEPARTMENT AND SHALL NOT PRACTICE UNLESS  
44 AND UNTIL A CONDITIONAL REGISTRATION CERTIFICATE IS ISSUED AS PROVIDED FOR  
45 IN SUBDIVISION THREE OF THIS SECTION. CONTINUING EDUCATION HOURS TAKEN  
46 DURING ONE TRIENNIUM MAY NOT BE TRANSFERRED TO THE SUBSEQUENT TRIENNIUM.

47 3. (A) THE DEPARTMENT, IN ITS DISCRETION, MAY ISSUE A CONDITIONAL  
48 REGISTRATION TO A LICENSEE WHO FAILS TO MEET THE CONTINUING EDUCATION  
49 REQUIREMENTS ESTABLISHED IN SUBDIVISION TWO OF THIS SECTION BUT WHO  
50 AGREES TO MAKE UP ANY DEFICIENCIES AND COMPLETE ANY ADDITIONAL EDUCATION  
51 WHICH THE DEPARTMENT MAY REQUIRE. THE FEE FOR SUCH A CONDITIONAL REGISTRATION  
52 SHALL BE THE SAME AS, AND IN ADDITION TO, THE FEE FOR THE TRIENNIAL  
53 REGISTRATION. THE DURATION OF SUCH CONDITIONAL REGISTRATION SHALL BE  
54 DETERMINED BY THE DEPARTMENT BUT SHALL NOT EXCEED ONE YEAR. ANY  
55 LICENSEE WHO IS NOTIFIED OF THE DENIAL OF REGISTRATION FOR FAILURE TO  
56

1 SUBMIT EVIDENCE, SATISFACTORY TO THE DEPARTMENT, OF REQUIRED CONTINUING  
2 EDUCATION AND WHO PRACTICES WITHOUT SUCH REGISTRATION MAY BE SUBJECT TO  
3 DISCIPLINARY PROCEEDINGS PURSUANT TO SECTION SIXTY-FIVE HUNDRED TEN OF  
4 THIS TITLE.

5 (B) FOR PURPOSES OF THIS SECTION "ACCEPTABLE FORMAL EDUCATION" SHALL  
6 MEAN FORMAL COURSES OF LEARNING WHICH CONTRIBUTE TO PROFESSIONAL PRAC-  
7 TICE IN SOCIAL WORK AND WHICH MEET THE STANDARDS PRESCRIBED BY REGU-  
8 LATIONS OF THE COMMISSIONER. SUCH FORMAL COURSES OF LEARNING SHALL  
9 INCLUDE, BUT NOT BE LIMITED TO, COLLEGIATE LEVEL CREDIT AND NON-CREDIT  
10 COURSES, PROFESSIONAL DEVELOPMENT PROGRAMS AND TECHNICAL SESSIONS  
11 OFFERED BY NATIONAL, STATE AND LOCAL PROFESSIONAL ASSOCIATIONS AND OTHER  
12 ORGANIZATIONS ACCEPTABLE TO THE DEPARTMENT, AND ANY OTHER ORGANIZED  
13 EDUCATIONAL AND TECHNICAL PROGRAMS ACCEPTABLE TO THE DEPARTMENT. CONTIN-  
14 UING EDUCATION COURSES MUST BE TAKEN FROM A PROVIDER WHO HAS BEEN  
15 APPROVED BY THE DEPARTMENT, BASED UPON AN APPLICATION AND FEE, PURSUANT  
16 TO THE REGULATIONS OF THE COMMISSIONER. THE DEPARTMENT MAY, IN ITS  
17 DISCRETION AND AS NEEDED TO CONTRIBUTE TO THE HEALTH AND WELFARE OF THE  
18 PUBLIC, REQUIRE THE COMPLETION OF CONTINUING EDUCATION COURSES IN  
19 SPECIFIC SUBJECTS TO FULFILL THIS MANDATORY CONTINUING EDUCATION  
20 REQUIREMENT. COURSES MUST BE TAKEN FROM A SPONSOR APPROVED BY THE  
21 DEPARTMENT, PURSUANT TO THE REGULATIONS OF THE COMMISSIONER. LICENSED  
22 MASTER SOCIAL WORKERS OR LICENSED CLINICAL SOCIAL WORKERS SHALL MAINTAIN  
23 ADEQUATE DOCUMENTATION OF COMPLETION OF ACCEPTABLE FORMAL CONTINUING  
24 EDUCATION AND SHALL PROVIDE SUCH DOCUMENTATION AT THE REQUEST OF THE  
25 DEPARTMENT. FAILURE TO PROVIDE SUCH DOCUMENTATION UPON THE REQUEST OF  
26 THE DEPARTMENT SHALL BE AN ACT OF MISCONDUCT SUBJECT TO DISCIPLINARY  
27 PROCEEDINGS PURSUANT TO SECTION SIXTY-FIVE HUNDRED TEN OF THIS TITLE.

28 (C) THE MANDATORY CONTINUING EDUCATION FEE SHALL BE DETERMINED BY THE  
29 DEPARTMENT. SUCH FEE SHALL BE PAYABLE ON OR BEFORE THE FIRST DAY OF  
30 EACH TRIENNIAL REGISTRATION PERIOD, AND SHALL BE PAID IN ADDITION TO THE  
31 TRIENNIAL REGISTRATION FEE REQUIRED BY PARAGRAPH (G) OF SUBDIVISION ONE  
32 AND PARAGRAPH (G) OF SUBDIVISION TWO OF SECTION SEVENTY-SEVEN HUNDRED  
33 FOUR OF THIS ARTICLE.

34 S 7. Section 8411 of the education law is amended by adding a new  
35 subdivision 4 to read as follows:

36 4. A LICENSE SHALL NOT BE REQUIRED FOR INFORMAL ASSESSMENTS SUCH AS  
37 BASIC INFORMATION COLLECTION, GATHERING OF DEMOGRAPHIC DATA, AND  
38 INFORMAL OBSERVATIONS AND SCREENING USED FOR GENERAL ELIGIBILITY FOR A  
39 PROGRAM OR SERVICE. LENSURE IS NOT REQUIRED TO CREATE OR DEVELOP A  
40 SERVICE PLAN UNRELATED TO, OR ANCILLARY TO, A BEHAVIORAL HEALTH DIAGNO-  
41 SIS AND TREATMENT PLAN. SUCH SERVICE PLANS INCLUDE, BUT ARE NOT LIMITED  
42 TO JOB TRAINING, HOUSING, GENERAL PUBLIC ASSISTANCE, OR MEAL DELIVERY.

43 S 8. The education law is amended by adding a new section 8412 to read  
44 as follows:

45 S 8412. MANDATORY CONTINUING EDUCATION. 1. (A) EACH LICENSED MENTAL  
46 HEALTH COUNSELOR, MARRIAGE AND FAMILY THERAPIST, PSYCHOANALYST, AND  
47 CREATIVE ARTS THERAPIST REQUIRED UNDER THIS ARTICLE TO REGISTER TRIENNI-  
48 ALLY WITH THE DEPARTMENT TO PRACTICE IN THIS STATE, SHALL COMPLY WITH  
49 THE PROVISIONS OF MANDATORY CONTINUING EDUCATION REQUIREMENTS PRESCRIBED  
50 IN SUBDIVISION TWO OF THIS SECTION, EXCEPT AS SET FORTH IN PARAGRAPHS  
51 (B) AND (C) OF THIS SUBDIVISION. LICENSED MENTAL HEALTH COUNSELORS,  
52 MARRIAGE AND FAMILY THERAPISTS, PSYCHOANALYSTS, AND CREATIVE ARTS THERA-  
53 PISTS WHO DO NOT SATISFY THE MANDATORY CONTINUING EDUCATION REQUIREMENTS  
54 SHALL NOT PRACTICE UNTIL THEY HAVE MET SUCH REQUIREMENTS, AND THEY HAVE  
55 BEEN ISSUED A REGISTRATION CERTIFICATE, EXCEPT THAT A LICENSED MENTAL  
56 HEALTH COUNSELOR, MARRIAGE AND FAMILY THERAPIST, PSYCHOANALYST, AND

1 CREATIVE ARTS THERAPIST MAY PRACTICE WITHOUT HAVING MET SUCH REQUIRE-  
2 MENTS IF HE OR SHE IS ISSUED A CONDITIONAL REGISTRATION CERTIFICATE  
3 PURSUANT TO SUBDIVISION THREE OF THIS SECTION.

4 (B) EACH LICENSED MENTAL HEALTH COUNSELOR, MARRIAGE AND FAMILY THERA-  
5 PIST, PSYCHOANALYST, AND CREATIVE ARTS THERAPIST SHALL BE EXEMPT FROM  
6 THE MANDATORY CONTINUING EDUCATION REQUIREMENTS FOR THE TRIENNIAL REGIS-  
7 TRATION PERIOD DURING WHICH THEY ARE FIRST LICENSED. IN ACCORDANCE WITH  
8 THE INTENT OF THIS SECTION, ADJUSTMENT TO THE MANDATORY CONTINUING  
9 EDUCATION REQUIREMENT MAY BE GRANTED BY THE DEPARTMENT FOR REASONS OF  
10 HEALTH THAT ARE CERTIFIED BY AN APPROPRIATE HEALTH CARE PROFESSIONAL,  
11 FOR EXTENDED ACTIVE DUTY WITH THE ARMED FORCES OF THE UNITED STATES, OR  
12 FOR OTHER GOOD CAUSE ACCEPTABLE TO THE DEPARTMENT WHICH MAY PREVENT  
13 COMPLIANCE.

14 (C) A LICENSED MENTAL HEALTH COUNSELOR, MARRIAGE AND FAMILY THERAPIST,  
15 PSYCHOANALYST, AND CREATIVE ARTS THERAPIST NOT ENGAGED IN PRACTICE, AS  
16 DETERMINED BY THE DEPARTMENT, SHALL BE EXEMPT FROM THE MANDATORY CONTIN-  
17 UING EDUCATION REQUIREMENT UPON THE FILING OF A STATEMENT WITH THE  
18 DEPARTMENT DECLARING SUCH STATUS. ANY LICENSEE WHO RETURNS TO THE PRAC-  
19 TICE OF MENTAL HEALTH COUNSELING, MARRIAGE AND FAMILY THERAPY, PSYCHO-  
20 ANALYSIS, AND CREATIVE ARTS THERAPY DURING THE TRIENNIAL REGISTRATION  
21 PERIOD SHALL NOTIFY THE DEPARTMENT PRIOR TO REENTERING THE PROFESSION  
22 AND SHALL MEET SUCH MANDATORY EDUCATION REQUIREMENTS AS SHALL BE  
23 PRESCRIBED BY REGULATIONS OF THE COMMISSIONER.

24 2. DURING EACH TRIENNIAL REGISTRATION PERIOD AN APPLICANT FOR REGIS-  
25 TRATION AS A LICENSED MENTAL HEALTH COUNSELOR, MARRIAGE AND FAMILY THER-  
26 APIST, PSYCHOANALYST, AND CREATIVE ARTS THERAPIST SHALL COMPLETE A MINI-  
27 MUM OF THIRTY-SIX HOURS OF ACCEPTABLE FORMAL CONTINUING EDUCATION, A  
28 MAXIMUM OF TWELVE HOURS OF WHICH MAY BE SELF-INSTRUCTIONAL COURSE WORK  
29 ACCEPTABLE TO THE DEPARTMENT. ANY LICENSED MENTAL HEALTH COUNSELOR,  
30 MARRIAGE AND FAMILY THERAPIST, PSYCHOANALYST, AND CREATIVE ARTS THERA-  
31 PIST WHOSE FIRST REGISTRATION DATE FOLLOWING THE EFFECTIVE DATE OF THIS  
32 SECTION OCCURS LESS THAN THREE YEARS FROM SUCH EFFECTIVE DATE, BUT ON OR  
33 AFTER JANUARY FIRST, TWO THOUSAND SEVENTEEN, SHALL COMPLETE CONTINUING  
34 EDUCATION HOURS ON A PRORATED BASIS AT THE RATE OF ONE HOUR PER MONTH  
35 FOR THE PERIOD BEGINNING JANUARY FIRST, TWO THOUSAND SEVENTEEN UP TO THE  
36 FIRST REGISTRATION DATE THEREAFTER. A LICENSEE WHO HAS NOT SATISFIED THE  
37 MANDATORY CONTINUING EDUCATION REQUIREMENT SHALL NOT BE ISSUED A TRIEN-  
38 NIAL REGISTRATION CERTIFICATE BY THE DEPARTMENT AND SHALL NOT PRACTICE  
39 UNLESS AND UNTIL A CONDITIONAL REGISTRATION CERTIFICATE IS ISSUED AS  
40 PROVIDED FOR IN SUBDIVISION THREE OF THIS SECTION. CONTINUING EDUCATION  
41 HOURS TAKEN DURING ONE TRIENNIUM MAY NOT BE TRANSFERRED TO THE SUBSE-  
42 QUENT TRIENNIUM.

43 3. (A) THE DEPARTMENT, IN ITS DISCRETION, MAY ISSUE A CONDITIONAL  
44 REGISTRATION TO A LICENSEE WHO FAILS TO MEET THE CONTINUING EDUCATION  
45 REQUIREMENTS ESTABLISHED IN SUBDIVISION TWO OF THIS SECTION BUT WHO  
46 AGREES TO MAKE UP ANY DEFICIENCIES AND COMPLETE ANY ADDITIONAL EDUCATION  
47 WHICH THE DEPARTMENT MAY REQUIRE. THE FEE FOR SUCH A CONDITIONAL REGIS-  
48 TRATION SHALL BE THE SAME AS, AND IN ADDITION TO, THE FEE FOR THE TRIEN-  
49 NIAL REGISTRATION. THE DURATION OF SUCH CONDITIONAL REGISTRATION SHALL  
50 BE DETERMINED BY THE DEPARTMENT BUT SHALL NOT EXCEED ONE YEAR. ANY  
51 LICENSEE WHO IS NOTIFIED OF THE DENIAL OF REGISTRATION FOR FAILURE TO  
52 SUBMIT EVIDENCE, SATISFACTORY TO THE DEPARTMENT, OF REQUIRED CONTINUING  
53 EDUCATION AND WHO PRACTICES WITHOUT SUCH REGISTRATION MAY BE SUBJECT TO  
54 DISCIPLINARY PROCEEDINGS PURSUANT TO SECTION SIXTY-FIVE HUNDRED TEN OF  
55 THIS TITLE.

1 (B) FOR PURPOSES OF THIS SECTION "ACCEPTABLE FORMAL EDUCATION" SHALL  
2 MEAN FORMAL COURSES OF LEARNING WHICH CONTRIBUTE TO PROFESSIONAL PRAC-  
3 TICE IN MENTAL HEALTH COUNSELING, MARRIAGE AND FAMILY THERAPY, PSYCHO-  
4 ANALYSIS, OR CREATIVE ARTS THERAPIES AND WHICH MEET THE STANDARDS  
5 PRESCRIBED BY REGULATIONS OF THE COMMISSIONER. SUCH FORMAL COURSES OF  
6 LEARNING SHALL INCLUDE, BUT NOT BE LIMITED TO, COLLEGIATE LEVEL CREDIT  
7 AND NON-CREDIT COURSES, PROFESSIONAL DEVELOPMENT PROGRAMS AND TECHNICAL  
8 SESSIONS OFFERED BY NATIONAL, STATE AND LOCAL PROFESSIONAL ASSOCIATIONS  
9 AND OTHER ORGANIZATIONS ACCEPTABLE TO THE DEPARTMENT, AND ANY OTHER  
10 ORGANIZED EDUCATIONAL AND TECHNICAL PROGRAMS ACCEPTABLE TO THE DEPART-  
11 MENT. CONTINUING EDUCATION COURSES MUST BE TAKEN FROM A PROVIDER WHO  
12 HAS BEEN APPROVED BY THE DEPARTMENT, BASED UPON AN APPLICATION AND FEE,  
13 PURSUANT TO THE REGULATIONS OF THE COMMISSIONER. THE DEPARTMENT MAY, IN  
14 ITS DISCRETION AND AS NEEDED TO CONTRIBUTE TO THE HEALTH AND WELFARE OF  
15 THE PUBLIC, REQUIRE THE COMPLETION OF CONTINUING EDUCATION COURSES IN  
16 SPECIFIC SUBJECTS TO FULFILL THIS MANDATORY CONTINUING EDUCATION  
17 REQUIREMENT. LICENSED MENTAL HEALTH COUNSELORS, MARRIAGE AND FAMILY  
18 THERAPISTS, PSYCHOANALYSTS, AND CREATIVE ARTS THERAPISTS SHALL MAINTAIN  
19 ADEQUATE DOCUMENTATION OF COMPLETION OF ACCEPTABLE FORMAL CONTINUING  
20 EDUCATION AND SHALL PROVIDE SUCH DOCUMENTATION AT THE REQUEST OF THE  
21 DEPARTMENT. FAILURE TO PROVIDE SUCH DOCUMENTATION UPON THE REQUEST OF  
22 THE DEPARTMENT SHALL BE AN ACT OF MISCONDUCT SUBJECT TO DISCIPLINARY  
23 PROCEEDINGS PURSUANT TO SECTION SIXTY-FIVE HUNDRED TEN OF THIS TITLE.

24 (C) THE MANDATORY CONTINUING EDUCATION FEE SHALL BE DETERMINED BY THE  
25 DEPARTMENT. SUCH FEE SHALL BE PAYABLE ON OR BEFORE THE FIRST DAY OF  
26 EACH TRIENNIAL REGISTRATION PERIOD, AND SHALL BE PAID IN ADDITION TO THE  
27 TRIENNIAL REGISTRATION FEES REQUIRED BY PARAGRAPH (G) OF SUBDIVISION  
28 THREE OF SECTION EIGHTY-FOUR HUNDRED TWO OF THIS ARTICLE AND PARAGRAPH  
29 (G) OF SUBDIVISION THREE OF SECTION EIGHTY-FOUR HUNDRED FIVE OF THIS  
30 ARTICLE.

31 S 9. Subdivision 2 of section 8409 of the education law, as amended by  
32 chapter 210 of the laws of 2004, is amended to read as follows:

33 2. Limited permits shall be for [one year, except that limited permits  
34 for mental health counseling shall be for] two years; such limited  
35 permits may be renewed, at the discretion of the department, for [one]  
36 UP TO TWO additional ONE year PERIODS.

37 S 10. This act shall take effect immediately and shall be deemed to  
38 have been in full force and effect on and after April 1, 2013; provided,  
39 however, that the provisions of this act shall apply only to actions and  
40 proceedings commenced on or after such effective date; provided,  
41 further, that sections six and eight of this act shall take effect Janu-  
42 ary 1, 2017; provided further that the amendments to section 9 of chap-  
43 ter 420 of the laws of 2002 and section 17-a of chapter 676 of the laws  
44 of 2002 made by sections one and two of this act, respectively, shall  
45 not affect the repeal of such sections and shall expire and be deemed  
46 repealed therewith.

#### 47 PART X

48 Section 1. Subdivision 1 of section 5 of the civil service law, as  
49 added by chapter 790 of the laws of 1958, is amended to read as follows:

50 1. The department. There shall continue to be in the state government  
51 a department of civil service. THE DEPARTMENT SHALL NOT MERGE OR  
52 CONSOLIDATE WITH ANY OTHER DEPARTMENT, DIVISION, AGENCY OR OFFICE  
53 UNLESS EXPRESSLY PERMITTED BY LAW. The head of the department shall be

the president of the state civil service commission who shall be responsible for the discharge of the duties and functions of the department.

S 2. This act shall take effect immediately.

#### PART Y

Section 1. Legislative findings and declaration of purpose. The legislature hereby finds that the costs of completing higher education for residents of the state of New York are increasing at a rate significantly faster than the rate of inflation. Paying out of pocket has become increasingly difficult for families and students seeking to improve their educational and economic prospects. An affordable college education has become increasingly inaccessible to large numbers of middle class families in the state, for whom financial resources, including state grants and scholarships, are either limited or unavailable. Many families and students have no choice but to turn to the private lending market in order to finance their higher education.

Compounding the problem is the fact that typical interest rates for student loans offered through the private lending market are relatively high when compared to interest rates for other purposes, such as a mortgage or automobile. Additionally, the average student loan debt upon graduation is more than \$26,000 per student in the state. Reducing the debt burden that students endure upon graduating college has become a critical public policy goal.

As increasing the share of the state's population that undertakes and completes higher education is also a desirable public policy goal, and an individual's decision to complete a program of postsecondary education typically reaps economic and social rewards to the individual, the legislature hereby declares that it is in the best interest of the state to create a student loan linked deposit program whereby the state will subsidize private lenders to provide reduced-rate loans to students.

S 2. Paragraph c of subdivision 1 of section 680 of the education law, as added by chapter 622 of the laws of 2008, is amended and a new paragraph d is added to read as follows:

c. To enter into cooperative agreements, subject to the approval of the board of trustees and the director of the budget, with other entities, including, but not limited to, other states, the federal government, and post-secondary institutions, to establish, administer, and operate federal student aid programs. Notwithstanding the provisions of paragraphs a and b of this subdivision, the corporation is authorized, pursuant to such cooperative agreements, to provide federal student aid services to students and families who are not residents of New York state[.]; AND

D. TO ADMINISTER AND OPERATE A STUDENT LOAN LINKED DEPOSIT PROGRAM PURSUANT TO ARTICLE FIFTEEN-A OF THE STATE FINANCE LAW.

S 3. Subdivision 2 of section 98-a of the state finance law, as added by chapter 705 of the laws of 1993, is amended to read as follows:

2. Notwithstanding any provision of law to the contrary, investment of bond proceeds and other funds not immediately required may be invested by the comptroller in linked deposits pursuant to article fifteen OR ARTICLE FIFTEEN-A of this chapter. If any moneys are invested by the comptroller in linked deposits pursuant to article fifteen OR ARTICLE FIFTEEN-A of this chapter, the comptroller shall compute the monthly earnings for all funds, other than the general fund, as if no such moneys had been invested in such linked deposits.

1 S 4. The state finance law is amended by adding a new article 15-A to  
2 read as follows:

3 ARTICLE 15-A

4 STUDENT LOAN LINKED DEPOSIT ACT

5 SECTION 225. SHORT TITLE.

6 226. DEFINITIONS.

7 227. ESTABLISHMENT AND PURPOSE; STUDENT LOAN LINKED DEPOSIT  
8 PROGRAM AUTHORIZATION.

9 228. RESPONSIBILITIES OF THE PRESIDENT, COMPTROLLER AND SUPER-  
10 INTENDENT.

11 229. RELEASE FROM LINKED DEPOSITS.

12 230. LINKED STUDENT LOANS.

13 231. INTEREST RATE FOR LINKED LOANS; NO LENDER'S FEES.

14 232. APPLICATION PROCEDURE.

15 233. REPAYMENT PERIODS FOR LINKED STUDENT LOANS.

16 234. LIABILITY; EARLY REPAYMENT AND WITHDRAWAL.

17 234-A. MONITORING AND REPORT.

18 234-B. PROMOTION OF PROGRAM.

19 234-C. RULES AND REGULATIONS.

20 S 225. SHORT TITLE. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS  
21 THE "STUDENT LOAN LINKED DEPOSIT ACT".

22 S 226. DEFINITIONS. WHEN USED IN THIS ARTICLE, UNLESS A DIFFERENT  
23 MEANING CLEARLY APPEARS FROM THE CONTEXT, THE FOLLOWING TERMS SHALL HAVE  
24 THE FOLLOWING MEANINGS:

25 1. "AUTHORIZED DEPOSITOR" MEANS THE COMPTROLLER WITH RESPECT TO LINKED  
26 DEPOSITS MADE BY THE COMPTROLLER.

27 2. "COMPTROLLER" MEANS THE COMPTROLLER OF THE STATE OF NEW YORK.

28 3. "DEPARTMENT" MEANS THE DEPARTMENT OF FINANCIAL SERVICES.

29 4. "ELIGIBLE RECIPIENT" MEANS AN INDIVIDUAL THAT HAS SUCCESSFULLY  
30 APPLIED FOR A LINKED STUDENT LOAN AND MET ALL REQUIREMENTS PRESCRIBED BY  
31 THE PRESIDENT AND A LENDING INSTITUTION FOR RECEIPT OF A LOAN.

32 5. "LENDER" MEANS:

33 (A) ANY COMMERCIAL BANK WHICH IS OR SHALL BECOME AN APPROVED DEPOSITO-  
34 RY OF STATE FUNDS UNDER THE PROVISIONS OF SECTION ONE HUNDRED FIVE OF  
35 THIS CHAPTER AND WHICH AGREES TO PARTICIPATE IN THE PROGRAM; OR

36 (B) ANY THRIFT WHICH AN AUTHORIZED DEPOSITOR DETERMINES IS ELIGIBLE TO  
37 ACCEPT LINKED DEPOSITS BASED UPON CRITERIA APPLIED BY THE AUTHORIZED  
38 DEPOSITOR IN MAKING DETERMINATIONS UNDER SECTION ONE HUNDRED FIVE OF  
39 THIS CHAPTER, AND WHICH AGREES TO PARTICIPATE IN THE PROGRAM, PROVIDED  
40 THAT ANY LINKED DEPOSIT IN SUCH THRIFT SHALL BE SECURED IN THE SAME  
41 MANNER AS MONEYS DEPOSITED PURSUANT TO SECTION ONE HUNDRED FIVE OF THIS  
42 CHAPTER AND SUCH THRIFTS SHALL PLEDGE ASSETS OR FURNISH OTHER SECURITY  
43 SATISFACTORY IN FORM AND AMOUNT TO THE AUTHORIZED DEPOSITOR FOR THE  
44 REPAYMENT OF MONEYS.

45 6. "LINKED DEPOSIT" MEANS A DEPOSIT PLACED WITH A LENDER BY THE COMP-  
46 TROLLER FOR A PERIOD OF FOUR YEARS AT THE LINKED DEPOSIT INTEREST RATE,  
47 PROVIDED THE LENDER AGREES TO:

48 (A) LEND THE EQUIVALENT VALUE OF SUCH DEPOSIT TO AN ELIGIBLE RECIPIENT  
49 AT THE INTEREST RATE PROVIDED IN SECTION TWO HUNDRED THIRTY-ONE OF THIS  
50 ARTICLE; AND

51 (B) PERMIT THE DEPOSIT TO BE COMPRISED OF A SERIES OF NINETY DAY  
52 DEPOSITS EACH BEARING AN INTEREST RATE EQUAL TO THE LINKED DEPOSIT  
53 INTEREST RATE FIXED AT THE TIME THE ORIGINAL DEPOSIT IS PLACED.

54 THIS ARTICLE AND THE RELATED STATUTES THAT REFER TO THIS ARTICLE DO  
55 NOT GRANT THRIFTS ELIGIBILITY TO ACCEPT PUBLIC FUNDS OR PUBLIC MONEYS  
56 FROM PUBLIC ENTITIES FOR INVESTMENT PURPOSES. A LINKED DEPOSIT IS

1 INTENDED TO ENABLE A LENDER TO MAKE A LINKED LOAN TO AN ELIGIBLE RECIPI-  
2 ENT AND SUCH DEPOSIT EARNS A YIELD LOWER THAN POSTED RATES IN ORDER TO  
3 ACCOMPLISH THE GOALS OF THIS ARTICLE.

4 7. "LINKED DEPOSIT INTEREST RATE" MEANS FOR A LINKED DEPOSIT MADE IN  
5 CONNECTION WITH A LINKED LOAN TO AN ELIGIBLE RECIPIENT A FIXED RATE OF  
6 INTEREST WHICH IS THREE HUNDRED BASIS POINTS BELOW THE LENDER'S POSTED  
7 FOUR YEAR CERTIFICATE OF DEPOSIT RATE OR, IF THE LENDER DOES NOT OFFER A  
8 FOUR YEAR CERTIFICATE OF DEPOSIT, IS THREE HUNDRED BASIS POINTS BELOW  
9 THE AVERAGE STATEWIDE RATE FOR FOUR YEAR CERTIFICATES OF DEPOSIT AS  
10 DETERMINED BY THE SUPERINTENDENT OF FINANCIAL SERVICES. IN THE EVENT  
11 THAT THE LENDER'S POSTED FOUR YEAR CERTIFICATE OF DEPOSIT RATE, OR THE  
12 AVERAGE STATEWIDE RATE FOR FOUR YEAR CERTIFICATES OF DEPOSIT ARE BELOW  
13 THREE HUNDRED BASIS POINTS, THE LINKED DEPOSIT INTEREST RATE SHALL NOT  
14 BE LESS THAN ZERO.

15 8. "LINKED LOAN" MEANS A LOAN MADE TO AN ELIGIBLE RECIPIENT, IN AN  
16 AMOUNT EQUAL TO A LINKED DEPOSIT AND BEARING INTEREST FOR THE FIRST FOUR  
17 YEARS AT THE INTEREST RATE PROVIDED IN SECTION TWO HUNDRED THIRTY-ONE OF  
18 THIS ARTICLE.

19 9. "PRESIDENT" MEANS THE PRESIDENT OF THE HIGHER EDUCATION SERVICES  
20 CORPORATION.

21 10. "PROGRAM" MEANS THE STUDENT LOAN LINKED DEPOSIT PROGRAM.

22 11. "QUALIFIED EDUCATIONAL EXPENSES" MEANS THE ACTUAL OR EXPECTED COST  
23 OF A STUDENT'S HIGHER EDUCATION, WHICH SHALL INCLUDE THE FULL QUARTERLY,  
24 SEMESTERLY OR ANNUAL COST OF TUITION, FEES, BOOKS, SUPPLIES, ROOM AND  
25 BOARD.

26 12. "THRIFT" MEANS ANY SAVINGS BANK OR SAVINGS AND LOAN ASSOCIATION,  
27 FEDERAL SAVINGS BANK OR FEDERAL SAVINGS AND LOAN ASSOCIATION.

28 S 227. ESTABLISHMENT AND PURPOSE; STUDENT LOAN LINKED DEPOSIT PROGRAM  
29 AUTHORIZATION. THE STUDENT LOAN LINKED DEPOSIT PROGRAM IS HEREBY  
30 CREATED. THE PURPOSE OF THE PROGRAM IS TO MAKE AVAILABLE TO RESIDENTS  
31 OF NEW YORK STATE REDUCED RATE LOANS THAT WILL ASSIST IN THE FINANCING  
32 OF AN IN-STATE COLLEGE EDUCATION. THE COMPTROLLER IS HEREBY AUTHORIZED  
33 TO USE ANY MONEYS OF THE STATE THE COMPTROLLER IS AUTHORIZED TO INVEST  
34 PURSUANT TO SECTION NINETY-EIGHT-A OF THIS CHAPTER AS LINKED DEPOSITS  
35 FOR THE PROGRAM. NOT MORE THAN ONE HUNDRED MILLION DOLLARS OF SUCH  
36 MONEYS SHALL BE ON DEPOSIT PURSUANT TO THE PROGRAM AT ANY GIVEN TIME.

37 S 228. RESPONSIBILITIES OF THE PRESIDENT, COMPTROLLER AND SUPERINTEN-  
38 DENT. 1. THE PRESIDENT SHALL ADMINISTER THE PROGRAM PURSUANT TO SECTION  
39 TWO HUNDRED THIRTY-TWO OF THIS ARTICLE, INCLUDING ALL DECISIONS WITH  
40 RESPECT TO THE APPLICATION AND USE OF THE PROGRAM FOR ELIGIBLE RECIPI-  
41 ENTS; MARKET AND PROMOTE THE PROGRAM PURSUANT TO SECTION TWO HUNDRED  
42 THIRTY-FOUR-B OF THIS ARTICLE; AFTER CONSULTING WITH THE COMPTROLLER AND  
43 THE SUPERINTENDENT OF FINANCIAL SERVICES, ISSUE RULES AND REGULATIONS  
44 FOR THE OPERATION OF THE PROGRAM PURSUANT TO SECTION TWO HUNDRED THIR-  
45 TY-FOUR-C OF THIS ARTICLE.

46 2. THE COMPTROLLER'S RESPONSIBILITIES FOR THE PROGRAM SHALL BE LIMITED  
47 TO: PURSUANT TO SECTIONS TWO HUNDRED TWENTY-SEVEN AND TWO HUNDRED THIR-  
48 TY-TWO OF THIS ARTICLE, PLACING MONEYS ON DEPOSIT AT THE REQUEST OF THE  
49 PRESIDENT FOR THE PURPOSES OF THE PROGRAM AND ADMINISTERING SUCH DEPOS-  
50 ITS IN ACCORDANCE WITH SECTIONS NINETY-EIGHT-A AND ONE HUNDRED FIVE OF  
51 THIS CHAPTER AND WITH THE COMPTROLLER'S ESTABLISHED PROCEDURES; AND  
52 ENTERING INTO DEPOSIT AGREEMENTS WITH LENDERS PURSUANT TO SECTION TWO  
53 HUNDRED THIRTY-TWO OF THIS ARTICLE.

54 3. THE SUPERINTENDENT'S RESPONSIBILITIES FOR THE PROGRAM SHALL BE  
55 LIMITED TO MARKETING AND PROMOTING THE PROGRAM PURSUANT TO SECTION TWO  
56 HUNDRED THIRTY-FOUR-B OF THIS ARTICLE.

1 S 229. RELEASE FROM LINKED DEPOSITS. THE AUTHORIZED DEPOSITOR MAY  
2 PERMIT FUNDS RELEASED FROM A LINKED DEPOSIT RELATING TO A LINKED LOAN TO  
3 BE MADE AVAILABLE FOR ADDITIONAL LINKED DEPOSITS UNDER THIS PROGRAM.

4 S 230. LINKED STUDENT LOANS. LINKED STUDENT LOANS SHALL BE MADE BY  
5 LENDERS PURSUANT TO THE PROGRAM ONLY TO ELIGIBLE RECIPIENTS FOR QUALI-  
6 FIED EDUCATIONAL EXPENSES. A LINKED LOAN SHALL BE LIMITED TO A MAXIMUM  
7 AMOUNT OF SEVEN THOUSAND FIVE HUNDRED DOLLARS PER ACADEMIC YEAR. AN  
8 ELIGIBLE RECIPIENT MAY RECEIVE NO MORE THAN ONE LINKED LOAN PER ACADEMIC  
9 YEAR. DURING THE LIFE OF THE LINKED LOAN PROGRAM, THE TOTAL AMOUNT OF  
10 MONEY THAT AN ELIGIBLE RECIPIENT CAN BORROW FROM THE LINKED STUDENT LOAN  
11 PROGRAM SHALL BE THIRTY THOUSAND DOLLARS. THE CREDIT DECISION FOR MAKING  
12 A LINKED LOAN SHALL BE MADE SOLELY BY THE LENDER, PROVIDED HOWEVER THAT  
13 SUCH LENDER SHALL ENSURE THAT AN ELIGIBLE RECIPIENT COMPLIES WITH THE  
14 PROVISIONS OF THIS ARTICLE, INCLUDING ANY RULES OR REGULATIONS ISSUED BY  
15 THE PRESIDENT. NOTWITHSTANDING THE LENGTH OF THE TERM OF A LINKED LOAN,  
16 THE LINKED DEPOSIT RELATING TO THE LINKED LOAN SHALL BE FOR A PERIOD OF  
17 NOT MORE THAN FOUR YEARS.

18 S 231. INTEREST RATE FOR LINKED LOANS; NO LENDER'S FEES. 1. LINKED  
19 LOANS MADE TO ELIGIBLE RECIPIENTS SHALL BEAR INTEREST AT A FIXED RATE  
20 EQUAL TO THREE PERCENTAGE POINTS BELOW THE FIXED INTEREST RATE THE LEND-  
21 ER WOULD HAVE CHARGED FOR THE LOAN IN THE ABSENCE OF A LINKED DEPOSIT  
22 BASED ON ITS USUAL CREDIT CONSIDERATIONS. LENDERS SHALL CERTIFY TO THE  
23 PRESIDENT THAT THE RATE TO BE CHARGED ON A LINKED LOAN IS THREE PERCENT-  
24 AGE POINTS BELOW THE INTEREST RATE THE LENDER WOULD HAVE CHARGED FOR THE  
25 LOAN IN THE ABSENCE OF A LINKED DEPOSIT.

26 2. LENDERS WHO MAKE LOANS PURSUANT TO THE PROGRAM SHALL NOT BE ENTI-  
27 TLED TO CHARGE ANY DISCOUNT, POINTS, ORIGINATION FEES, HANDLING FEES,  
28 SERVICE CHARGES, REFINANCING FEES OR PENALTIES OR ANY CHARGE OTHER THAN  
29 THOSE NORMALLY CHARGED AND IN SUCH AMOUNTS NORMALLY CHARGED BY THE LEND-  
30 ER FOR LOANS OF THE TYPE BEING MADE WITHOUT REGARD TO THE PROGRAM.

31 S 232. APPLICATION PROCEDURE. 1. THE PRESIDENT, WITH THE ASSISTANCE OF  
32 THE SUPERINTENDENT OF THE DEPARTMENT, SHALL ESTABLISH PROCEDURES AND  
33 OTHER REQUIREMENTS FOR PARTICIPATION IN THE PROGRAM, AND SHALL PROVIDE A  
34 SIMPLIFIED APPLICATION FORM TO THE PARTICIPATING LENDERS FOR LINKED  
35 DEPOSITS. SUCH FORM SHALL REFLECT THE QUALIFYING INFORMATION REQUIRED  
36 BY THIS ARTICLE FOR ELIGIBLE LOAN RECIPIENTS. UPON COMPLETION OF ANY  
37 APPLICATION FOR A LINKED DEPOSIT, THE LENDER SHALL SEND THE APPLICATION,  
38 TOGETHER WITH THE INTEREST RATE CERTIFICATION REQUIRED PURSUANT TO  
39 SECTION TWO HUNDRED THIRTY-ONE OF THIS ARTICLE, TO THE PRESIDENT WHO  
40 SHALL EITHER APPROVE OR REJECT THE APPLICATION WITHIN TWENTY-EIGHT DAYS.  
41 THE PRESIDENT SHALL EVALUATE EACH APPLICATION BASED UPON THE FOLLOWING  
42 CRITERIA:

43 (A) THE EXTENT TO WHICH SUCH LOAN WOULD REDUCE THE LONG-TERM COST OF  
44 FINANCING A STUDENT'S HIGHER EDUCATION;

45 (B) THE LIKELIHOOD OF THE STUDENT SUCCESSFULLY COMPLETING HIS OR HER  
46 HIGHER EDUCATION AND REPAYING THE LOAN WITHIN A TIMELY MANNER; AND

47 (C) SUCH OTHER CRITERIA AS THE PRESIDENT DEEMS RELEVANT.

48 2. IF THE DEPOSIT APPLICATION IS APPROVED BY THE PRESIDENT, HE OR SHE  
49 SHALL NOTIFY AN AUTHORIZED DEPOSITOR THAT A DETERMINATION HAS BEEN MADE  
50 THAT THE APPLICATION SATISFIES THE REQUIREMENTS OF THIS ARTICLE, AND THE  
51 PRESIDENT SHALL REQUEST THE AUTHORIZED DEPOSITOR TO DEPOSIT FUNDS WITH  
52 THE LENDER IN ACCORDANCE WITH SECTION NINETY-EIGHT-A OF THIS CHAPTER AND  
53 WITH THE AUTHORIZED DEPOSITOR'S ESTABLISHED PROCEDURES. SUCH DEPOSITS  
54 SHALL BE SECURED IN ACCORDANCE WITH THE PROVISIONS OF SECTION ONE  
55 HUNDRED FIVE OF THIS CHAPTER, AND LENDERS RECEIVING SUCH DEPOSITS SHALL  
56 SATISFY, IN THE SOLE JUDGMENT OF THE AUTHORIZED DEPOSITOR, ALL COLLAT-

1 ERAL AND OTHER REQUIREMENTS GENERALLY APPLIED BY THE AUTHORIZED DEPOS-  
2 ITOR TO FUNDS INVESTED BY IT. THE NOTIFIED AUTHORIZED DEPOSITOR AND THE  
3 LENDER SHALL ENTER INTO A WRITTEN DEPOSIT AGREEMENT. IN NO EVENT SHALL  
4 ANY DEFECT IN ANY SUCH AGREEMENT BE ASSERTED AS A DEFENSE BY A BORROWER  
5 ON A LINKED LOAN MADE PURSUANT TO THE PROGRAM.

6 S 233. REPAYMENT PERIODS FOR LINKED STUDENT LOANS. THE PRESIDENT SHALL  
7 REQUIRE THAT LINKED STUDENT LOANS ISSUED THROUGH THE PROGRAM OFFER FLEX-  
8 IBLE REPAYMENT OPTIONS, INCLUDING THE OPTION OF AN INCOME-BASED REPAY-  
9 MENT PLAN. SUCH REPAYMENT OPTIONS MAY, IF THE PRESIDENT DEEMS IT ADVIS-  
10 ABLE, BE CONSISTENT WITH THE REPAYMENT TERMS STIPULATED BY THE WILLIAM  
11 D. FORD FEDERAL DIRECT LOAN PROGRAM AUTHORIZED PURSUANT TO 20 USC CHAP-  
12 TER 28, SUBCHAPTER IV, PART C.

13 S 234. LIABILITY; EARLY REPAYMENT AND WITHDRAWAL. NOTHING CONTAINED IN  
14 THIS ARTICLE SHALL IMPOSE LIABILITY ON THE STATE OR ANY OF ITS DEPART-  
15 MENTS OR EMPLOYEES FOR PAYMENT OR DELAYS IN PAYMENT OF THE PRINCIPAL OR  
16 INTEREST OF A LINKED LOAN. ANY DELAY IN PAYMENTS OR ANY DEFAULT ON A  
17 LINKED LOAN SHALL IN NO WAY AFFECT THE LINKED DEPOSIT AGREEMENT BETWEEN  
18 THE LENDER AND THE AUTHORIZED DEPOSITOR. HOWEVER, IN THE EVENT THE  
19 INTEREST RATE OF THE LINKED LOAN SHALL BE INCREASED AS A CONSEQUENCE OF  
20 DEFAULT OR RENEGOTIATION, OR THE LOAN SHALL BE CHARGED OFF, THE LENDER  
21 SHALL GIVE THE AUTHORIZED DEPOSITOR PROMPT NOTICE OF SUCH EVENT, AND THE  
22 AUTHORIZED DEPOSITOR SHALL THEREAFTER WITHDRAW THE LINKED DEPOSIT UPON  
23 NOT LESS THAN SEVEN DAYS' PRIOR WRITTEN NOTICE TO THE LENDER. UPON EARLY  
24 REPAYMENT OF A LINKED LOAN, THE LENDER SHALL WITHIN THIRTY DAYS GIVE THE  
25 AUTHORIZED DEPOSITOR NOTICE OF SUCH EARLY REPAYMENT, AND THE AUTHORIZED  
26 DEPOSITOR SHALL THEREAFTER WITHDRAW THE LINKED DEPOSIT UPON NOT LESS  
27 THAN SEVEN DAYS' PRIOR WRITTEN NOTICE TO THE LENDER, AND THE INTEREST  
28 RATE PAYABLE ON THE LINKED DEPOSIT FROM THE DATE OF EARLY REPAYMENT OF  
29 THE LINKED LOAN TO THE DATE OF WITHDRAWAL OF THE LINKED DEPOSIT SHALL BE  
30 THE INTEREST RATE UPON WHICH THE LINKED DEPOSIT INTEREST RATE WAS CALCU-  
31 LATED WITHOUT REGARD TO THE APPLICABLE BASIS POINT REDUCTION.

32 S 234-A. MONITORING AND REPORT. 1. THE PRESIDENT SHALL MONITOR THE  
33 ACTIVITIES OF PARTICIPATING LENDERS AND LOAN RECIPIENTS AND MAY REQUIRE  
34 PERIODIC REPORTS OR OTHER INFORMATION THE PRESIDENT DEEMS NECESSARY FROM  
35 PARTICIPATING LENDERS AND LOAN RECIPIENTS ON THE STATUS OF THE LINKED  
36 LOANS TO ENSURE COMPLIANCE WITH THE PROVISIONS AND THE INTENT OF THIS  
37 ARTICLE.

38 2. ON OR BEFORE DECEMBER FIRST, TWO THOUSAND FIFTEEN, AND ANNUALLY  
39 THEREAFTER THE PRESIDENT SHALL SUBMIT TO THE GOVERNOR, THE TEMPORARY  
40 PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY A REPORT REGARD-  
41 ING THE ACTIVITIES OF THE PROGRAM. SUCH REPORT SHALL CONTAIN A STATEMENT  
42 OF THE COST OF THE PROGRAM TO THE STATE, CONSIDERED AS A WHOLE, BECAUSE  
43 OF REDUCED RATES ON FUNDS INVESTED IN LINKED DEPOSITS. SUCH REPORT SHALL  
44 ALSO INCLUDE, BUT SHALL NOT BE LIMITED TO, THE NUMBER AND TYPE OF LINKED  
45 LOANS UNDER THE PROGRAM AND THE AMOUNT THEREOF; THE NUMBER AND TYPES OF  
46 LENDERS MAKING LINKED LOANS AND OF INDIVIDUALS RECEIVING LINKED LOANS;  
47 THE GEOGRAPHIC DISTRIBUTION OF SUCH LENDERS AND RECIPIENTS, INCLUDING  
48 THE STEPS TAKEN TO ENSURE GEOGRAPHIC DIVERSITY AMONG PARTICIPATING LEND-  
49 ERS, AS WELL AS ANY INFORMATION THE PRESIDENT DETERMINES USEFUL IN EVAL-  
50 UATING THE BENEFITS OF THE PROGRAM.

51 S 234-B. PROMOTION OF PROGRAM. THE DEPARTMENT, WITH THE ASSISTANCE OF  
52 OTHER APPROPRIATE STATE AGENCIES, SHALL ACTIVELY MARKET AND PROMOTE  
53 AWARENESS OF THE PROGRAM IN ALL GEOGRAPHICAL AREAS OF THE STATE AMONG  
54 COMMERCIAL BANKS, THRIFTS AND OTHER APPROPRIATE BANKING ORGANIZATIONS.

55 S 234-C. RULES AND REGULATIONS. THE PRESIDENT SHALL, IN CONSULTATION  
56 WITH THE COMPTROLLER AND THE SUPERINTENDENT OF FINANCIAL SERVICES,

1 PROMULGATE RULES AND REGULATIONS NECESSARY AND REASONABLE FOR THE OPERA-  
2 TION OF THE PROGRAM.

3 S 5. This act shall take effect on the one hundred eightieth day after  
4 it shall have become a law, provided however that effective immediately,  
5 the addition, amendment and/or repeal of any rules or regulations neces-  
6 sary for implementation of the foregoing sections of this act on its  
7 effective date is authorized and directed to be made and completed on or  
8 before such effective date.

9

## PART Z

10 Section 1. Paragraph (c) of subdivision 2 of section 591-a of the  
11 labor law, as added by chapter 413 of the laws of 2003, is amended and  
12 two new subdivisions 5 and 6 are added to read as follows:

13 (c) individuals may receive the allowance described in paragraph (a)  
14 of this subdivision if such individuals:

15 (i) are eligible to receive regular unemployment benefits or would be  
16 eligible to receive such benefits except for the requirements set forth  
17 in subparagraphs (i) and (ii) of paragraph (b) of this subdivision. For  
18 purposes of this section, regular unemployment benefits means benefits  
19 payable under this article, including benefits payable to federal civil-  
20 ian employees and to ex-servicemen and servicewomen pursuant to 5 USC  
21 Chapter 85, but excluding additional and extended benefits EXCEPT AS  
22 OTHERWISE PROVIDED IN THIS CHAPTER;

23 (ii) are identified pursuant to a worker profiling system as individ-  
24 uals WITH A PROFILING SCORE OF THIRTY OR MORE AND likely to exhaust  
25 regular unemployment benefits;

26 (iii) are participating in self-employment assistance activities  
27 approved by the department and by the department of economic development  
28 which include but need not be limited to entrepreneurial training, busi-  
29 ness counseling, and technical assistance, including financing assist-  
30 ance for qualified individuals as appropriate, offered by entrepreneur-  
31 ship support centers established pursuant to section two hundred twelve  
32 of the economic development law, state university of New York small  
33 business development centers, programs offered by community-based organ-  
34 izations, local development corporations, and boards of cooperative  
35 educational services (BOCES) as established pursuant to section one  
36 thousand nine hundred fifty of the education law; AND, UNLESS OTHERWISE  
37 REQUIRED BY FEDERAL LAW OR REGULATION, NO INDIVIDUAL SHALL BE PROHIBITED  
38 FROM OR DISQUALIFIED FROM ELIGIBILITY FOR THE PROGRAM BY REASON OF  
39 HAVING INCORPORATED OR REGISTERED A BUSINESS OR PROFESSION OR OBTAINED  
40 LICENSES OR CERTIFICATES THEREFORE, RENTED SPACE FOR SUCH BUSINESS,  
41 PRINTED BUSINESS CARDS, SOLICITED CUSTOMERS, DEVELOPED A WEBSITE, OR  
42 TAKEN SUCH OTHER USUAL AND CUSTOMARY STEPS TOWARD CREATING A BUSINESS,  
43 OR HAVING PREVIOUSLY ENROLLED IN A BUSINESS TRAINING PROGRAM WHICH THE  
44 COMMISSIONER HAS APPROVED;

45 (iv) are actively engaged on a full-time basis in activities, which  
46 may include training, relating to the establishment of a business and  
47 becoming self-employed;

48 (v) are not individuals who have previously participated in self-em-  
49 ployment assistance programs pursuant to this section; and

50 5. THE DEPARTMENT SHALL MAKE MODIFICATIONS NECESSARY PURSUANT TO THE  
51 STATE AGREEMENT PURSUANT TO SECTION 4001(A) OF THE SUPPLEMENTAL APPRO-  
52 PRIATIONS ACT OF 2008 TO ALLOW INDIVIDUALS RECEIVING BENEFITS PURSUANT  
53 TO EMERGENCY UNEMPLOYMENT BENEFITS TO BE ELIGIBLE FOR THE SELF-EMPLOY-  
54 MENT ASSISTANCE PROGRAM AUTHORIZED HEREIN.

6. ANY OTHER PROVISION OF THIS CHAPTER TO THE CONTRARY NOTWITHSTANDING, A CLAIMANT RECEIVING EXTENDED BENEFITS PURSUANT TO SECTION SIX HUNDRED ONE OF THIS TITLE SHALL BE ELIGIBLE FOR THE SELF-EMPLOYMENT ASSISTANCE PROGRAM AUTHORIZED BY THIS SECTION, PROVIDED THAT:

(A) INDIVIDUALS WHO MEET THE REQUIREMENTS DESCRIBED IN PARAGRAPH (C) OF SUBDIVISION TWO OF THIS SECTION ARE ELIGIBLE TO RECEIVE AN ALLOWANCE IN LIEU OF EXTENDED UNEMPLOYMENT BENEFITS FOR THE PURPOSE OF ASSISTING SUCH INDIVIDUALS IN ESTABLISHING A BUSINESS AND BECOMING SELF-EMPLOYED;

(B) THE ALLOWANCE PAYABLE TO INDIVIDUALS PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION IS PAYABLE IN THE SAME AMOUNT, AT THE SAME INTERVAL, ON THE SAME TERMS, AND SUBJECT TO THE SAME CONDITIONS, AS EXTENDED BENEFITS AND THE SUM OF ANY ALLOWANCE PAID UNDER THIS SECTION AND THE EXTENDED BENEFITS WITH RESPECT TO ANY BENEFIT YEAR SHALL NOT EXCEED THE MAXIMUM BENEFIT AMOUNT PERMITTED UNDER THIS ARTICLE, EXCEPT:

(I) APPLICABLE REQUIREMENTS RELATING TO TOTAL UNEMPLOYMENT ARE NOT APPLICABLE TO SUCH INDIVIDUALS;

(II) APPLICABLE REQUIREMENTS RELATING TO DISQUALIFYING INCOME ARE NOT APPLICABLE TO INCOME EARNED FROM SELF-EMPLOYMENT ENTERED INTO BY SUCH INDIVIDUALS AS A RESULT OF THEIR PARTICIPATION IN SELF-EMPLOYMENT ASSISTANCE PROGRAMS AS DEFINED IN THIS SECTION; AND

(III) SUCH INDIVIDUALS ARE CONSIDERED TO BE UNEMPLOYED FOR THE PURPOSES OF LAWS APPLICABLE TO UNEMPLOYMENT BENEFITS, AS LONG AS SUCH INDIVIDUALS MEET THE REQUIREMENTS APPLICABLE UNDER THIS SUBDIVISION;

(C) AN INDIVIDUAL WHO FAILS TO PARTICIPATE IN SELF-EMPLOYMENT ASSISTANCE ACTIVITIES OR WHO FAILS TO ACTIVELY ENGAGE ON A FULL-TIME BASIS IN ACTIVITIES (WHICH MAY INCLUDE TRAINING) RELATING TO THE ESTABLISHMENT OF A BUSINESS AND BECOMING SELF-EMPLOYED SHALL BE DISQUALIFIED FOR THE WEEK SUCH FAILURE OCCURS; AND

(D) AN INDIVIDUAL SHALL NOT BE ELIGIBLE TO RECEIVE A SELF-EMPLOYMENT ALLOWANCE UNLESS THE DEPARTMENT HAS A REASONABLE EXPECTATION THAT THE INDIVIDUAL WILL BE ENTITLED TO AT LEAST THIRTEEN TIMES THE INDIVIDUAL'S AVERAGE WEEKLY BENEFIT AMOUNT OF EXTENDED COMPENSATION AND EMERGENCY UNEMPLOYMENT COMPENSATION.

(E) THE AGGREGATE NUMBER OF INDIVIDUALS RECEIVING THE ALLOWANCE UNDER THIS SUBDIVISION AT ANY TIME SHALL NOT EXCEED ONE PERCENT OF THE NUMBER OF INDIVIDUALS RECEIVING EXTENDED COMPENSATION.

S 2. Section 10 of chapter 413 of the laws of 2003 amending the labor law relating to the self-employment assistance program and other matters, as amended by chapter 134 of the laws of 2011, is amended to read as follows:

S 10. This act shall take effect immediately; provided, however, that sections eight and nine of this act shall expire December 7, [2013] 2015 when upon such date the provisions of such sections shall be deemed repealed.

S 3. This act shall take effect immediately; provided, however, that the amendments to section 591-a of the labor law made by section one of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

#### PART AA

Section 1. The education law is amended by adding a new section 6303-a to read as follows:

S 6303-A. REMEDIAL EDUCATION PLAN AND PROGRAM. 1. DEFINITIONS. AS USED IN THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

1 (A) "CITY UNIVERSITY TRUSTEES" SHALL MEAN THE BOARD OF TRUSTEES OF THE  
2 CITY UNIVERSITY OF NEW YORK.

3 (B) "CONTRACT COURSES" SHALL MEAN COURSES OFFERED FOR THE PURPOSE OF  
4 PROVIDING OCCUPATIONAL TRAINING OR ASSISTANCE TO BUSINESS FOR THE  
5 CREATION AND RETENTION OF JOB OPPORTUNITIES AND FOR THE IMPROVEMENT OF  
6 PRODUCTIVITY, THROUGH CONTRACTS OR ARRANGEMENTS BETWEEN A COMMUNITY  
7 COLLEGE AND A BUSINESS, LABOR ORGANIZATION, OR NOT-FOR-PROFIT CORPO-  
8 RATIONS OR OTHER NONGOVERNMENTAL ORGANIZATIONS, INCLUDING LABOR-MANAGE-  
9 MENT COMMITTEES COMPOSED OF LABOR, BUSINESS AND COMMUNITY LEADERS ORGAN-  
10 IZED TO PROMOTE LABOR-MANAGEMENT RELATIONS, PRODUCTIVITY, THE QUALITY OF  
11 WORKING LIFE, INDUSTRIAL DEVELOPMENT, AND RETENTION OF BUSINESS IN THE  
12 COMMUNITY.

13 (C) "PLAN" SHALL MEAN THE REMEDIAL EDUCATION PLAN TO BE DEVELOPED BY  
14 THE STATE UNIVERSITY TRUSTEES PURSUANT TO SUBDIVISION TWO OF THIS  
15 SECTION.

16 (D) "PROGRAM" SHALL MEAN THE REMEDIAL EDUCATION PROGRAM TO BE DEVEL-  
17 OPED BY THE STATE UNIVERSITY TRUSTEES PURSUANT TO SUBDIVISION TWO OF  
18 THIS SECTION.

19 2. BY NO LATER THAN JANUARY FIRST, TWO THOUSAND FOURTEEN, THE STATE  
20 UNIVERSITY TRUSTEES SHALL DEVELOP, AS PART OF THE MASTER PLAN TO BE  
21 SUBMITTED PURSUANT TO SECTION THREE HUNDRED FIFTY-FOUR OF THIS CHAPTER,  
22 A COMPREHENSIVE REMEDIAL EDUCATION PLAN TO BE INCORPORATED INTO ITS TWO  
23 THOUSAND SIXTEEN MASTER PLAN AND FULLY IMPLEMENTED NO LATER THAN JULY  
24 FIRST, TWO THOUSAND SIXTEEN AT EACH OF THE STATE UNIVERSITY OF NEW YORK  
25 COMMUNITY COLLEGES. SUCH REMEDIAL EDUCATION PLAN SHALL SEEK TO DEVELOP A  
26 REMEDIAL EDUCATION PROGRAM TO ACCOMPLISH THE FOLLOWING GOALS:

27 (A) IMPROVE COMMUNITY COLLEGE OUTCOMES BY REDUCING THE TIME TO DEGREE  
28 COMPLETION OR TRANSFER TO A FOUR YEAR COLLEGE;

29 (B) REDUCE STATE AND LOCAL SPONSOR EXPENDITURES ON REMEDIAL COURSE-  
30 WORK;

31 (C) IMPROVING OVERALL COMMUNITY COLLEGE GRADUATION RATES AND EMPLOY-  
32 MENT PROSPECTS.

33 3. THE STATE UNIVERSITY TRUSTEES SHALL WORK WITH THE CITY UNIVERSITY  
34 TRUSTEES TO MODEL ITS REMEDIAL EDUCATION PROGRAM AFTER THE ACCELERATED  
35 STUDY IN ASSOCIATE PROGRAMS AT THE CITY UNIVERSITY OF NEW YORK. AS PART  
36 OF THE PLAN, THE STATE UNIVERSITY TRUSTEES SHALL PRODUCE A COST ESTIMATE  
37 OF THE AMOUNT OF STATE AND LOCAL SPONSOR SUPPORT NEEDED TO FULLY IMPL-  
38 MENT A REMEDIAL EDUCATION PROGRAM AT EACH COMMUNITY COLLEGE OF THE STATE  
39 UNIVERSITY OF NEW YORK.

40 4. AS PART OF THE PLAN, THE TRUSTEES SHALL ESTABLISH TWO TRACKS FOR  
41 STUDENTS IDENTIFIED AS BEING IN NEED OF REMEDIAL EDUCATION. ONE TRACK  
42 SHALL PREPARE STUDENTS FOR THE WORKFORCE THROUGH CONTRACT COURSES, AND  
43 ANOTHER TRACK SHALL PREPARE STUDENTS FOR COMPLETION OF A TWO OR  
44 FOUR-YEAR DEGREE. THE TRUSTEES SHALL ESTABLISH A MECHANISM BY WHICH EACH  
45 COMMUNITY COLLEGE WILL IDENTIFY AND RECOMMEND STUDENTS FOR PLACEMENT IN  
46 ONE OF THE TWO TRACKS, PROVIDED HOWEVER, THAT ENROLLMENT IN A PARTICULAR  
47 TRACK SHALL ONLY BE VALID UPON THE CONSENT OF A STUDENT.

48 5. WITH RESPECT TO CONTRACT COURSES OR WORKFORCE DEVELOPMENT PROGRAMS,  
49 EACH COMMUNITY COLLEGE SHALL WORK WITH LOCAL EMPLOYERS TO IDENTIFY THE  
50 OCCUPATIONAL SKILLS NEEDED FOR JOBS OFFERED BY EMPLOYERS LOCATED IN THE  
51 SAME REGION AS THE COMMUNITY COLLEGE. SUCH CONTRACT COURSE OR WORKFORCE  
52 DEVELOPMENT PROGRAM SHALL REQUIRE THAT THE EMPLOYER OR BUSINESS SEEKING  
53 TO EMPLOY COMMUNITY COLLEGE STUDENTS UPON COMPLETION OF A CONTRACT  
54 COURSE OR WORKFORCE DEVELOPMENT PROGRAM, PROVIDE AT LEAST TWENTY-FIVE  
55 PERCENT OF THE FUNDS REQUIRED FOR SUCH COURSE OR PROGRAM. EACH COMMUNITY  
56 COLLEGE WORKFORCE DEVELOPMENT PROGRAM SHALL WORK TO RETAIN LOCAL EMPLOY-

ERS, AND ATTRACT OUTSIDE EMPLOYERS TO THE REGION IN WHICH THE COMMUNITY COLLEGE IS LOCATED.

6. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION FIVE OF THIS SECTION, A BUSINESS OR EMPLOYER SHALL NOT BE REQUIRED TO REIMBURSE THE COMMUNITY COLLEGE FOR A STUDENT THAT COMPLETES A CONTRACT COURSE OR WORKFORCE DEVELOPMENT PROGRAM, UNTIL AFTER THE STUDENT IS GAINFULLY EMPLOYED WITH THE BUSINESS.

7. WITH RESPECT TO STUDENTS PURSUING A TWO OR FOUR-YEAR DEGREE, THE COMMUNITY COLLEGE SHALL UTILIZE FEATURES CONTAINED WITHIN THE ACCELERATED STUDY IN ASSOCIATE PROGRAMS, INCLUDING, BUT NOT LIMITED TO THE FOLLOWING:

(A) A CONSOLIDATED COURSE SCHEDULE THAT PERMITS STUDENTS TO TAKE CLASSES IN A MORNING, AFTERNOON, EVENING OR WEEKEND SCHEDULE SO AS TO ENABLE STUDENTS TO BALANCE SCHOOL, WORK AND OTHER PERSONAL RESPONSIBILITIES;

(B) COHORT COURSE TAKING THAT GROUPS STUDENTS BASED ON MAJOR;

(C) AN INTRUSIVE ADVISEMENT MODEL THAT DIRECTS COUNSELORS WITH ASSIGNED CASELOADS TO MEET WITH STUDENTS MONTHLY FROM PROGRAM ENTRY UNTIL GRADUATION;

(D) CAREER AND EMPLOYMENT SERVICES THAT PROVIDE STUDENTS WITH INTERVIEW TRAINING, JOB SKILLS AND CAREER PLANNING;

(E) ACADEMIC SUPPORT SERVICES THAT PROVIDE TUTORING FROM QUALIFIED UNDERGRADUATE OR GRADUATE STUDENTS OR FACULTY;

(F) MANDATORY SUMMER ORIENTATIONS OR INSTITUTES FOR STUDENTS ENTERING THE REMEDIAL EDUCATION PROGRAM; AND

(G) COMPREHENSIVE EVALUATION AND THE USE OF DATA TO ASSESS THE EFFECTIVENESS OF THE PROGRAM.

8. THE OPERATING COSTS OF SUCH REMEDIAL EDUCATION PROGRAM FOR STUDENTS PURSUING A TWO OR FOUR-YEAR DEGREE SHALL BE BORNE BY THE STATE AND THE LOCAL SPONSOR RESPONSIBLE FOR OPERATING THE COMMUNITY COLLEGE. THE STATE SHALL PROVIDE FIFTY PERCENT OF THE FUNDS FOR OPERATING A REMEDIAL EDUCATION PROGRAM, AND THE LOCAL SPONSOR SHALL PROVIDE THE OTHER FIFTY PERCENT OF SUCH OPERATING COSTS.

9. EACH COMMUNITY COLLEGE SHALL BE REQUIRED TO IMPLEMENT, ON A PARTIAL BASIS, ITS REMEDIAL EDUCATION PROGRAM BY THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN ACADEMIC YEAR. PRIOR TO THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN ACADEMIC YEAR, EACH COMMUNITY COLLEGE SHALL CALCULATE ITS EXPENDITURES ON REMEDIAL COURSEWORK IN THE PRIOR ACADEMIC YEAR. SUCH EXPENDITURES SHALL THEN BE MULTIPLIED BY: (A) THIRTY PERCENT TO DETERMINE THE TOTAL MAXIMUM BUDGET FOR PARTIAL IMPLEMENTATION OF THE REMEDIAL EDUCATION PROGRAM IN THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN ACADEMIC YEAR, (B) SIXTY PERCENT TO DETERMINE THE TOTAL MAXIMUM BUDGET FOR PARTIAL IMPLEMENTATION OF THE REMEDIAL EDUCATION PROGRAM IN THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN ACADEMIC YEAR; AND (C) NINETY PERCENT TO DETERMINE THE TOTAL MAXIMUM BUDGET FOR FULL IMPLEMENTATION OF THE REMEDIAL EDUCATION PROGRAM IN THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN ACADEMIC YEAR. FULL IMPLEMENTATION SHALL REQUIRE THAT ALL STUDENTS IN NEED OF AT LEAST ONE REMEDIAL EDUCATION COURSE ENROLL IN THE REMEDIAL EDUCATION PROGRAM.

10. EACH COMMUNITY COLLEGE SHALL REPORT ON THE IMPLEMENTATION OF THE PROGRAM CREATED PURSUANT TO PARAGRAPH D OF SUBDIVISION ONE OF THIS SECTION AND SHALL REPORT ON MEASURES OF STUDENT SUCCESS FOR EACH STUDENT ENROLLED IN SUCH PROGRAM. SUCH REPORT SHALL INCLUDE BUT NOT BE LIMITED TO:

1 (A) THE NUMBER OF STUDENTS WHO ARE EMPLOYED FOLLOWING DEGREE OR  
2 CERTIFICATION COMPLETION AND THEIR WAGE GAINS, IF ANY, AS DETERMINED BY  
3 THE DEPARTMENT OF LABOR;

4 (B) THE NUMBER OF ON-TIME DEGREE COMPLETIONS, ON-TIME CERTIFICATE  
5 COMPLETIONS AND STUDENT TRANSFERS TO OTHER INSTITUTIONS OF HIGHER EDUCA-  
6 TION;

7 (C) THE NUMBER OF DEGREES AND CERTIFICATES THAT ARE COMPLETED BUT ARE  
8 NOT CONSIDERED ON-TIME COMPLETIONS;

9 (D) THE NUMBER OF DEGREE AND CERTIFICATE COMPLETIONS BY A STUDENT  
10 CONSIDERED ACADEMICALLY AT-RISK DUE TO ECONOMIC DISADVANTAGE OR OTHER  
11 FACTOR OF UNDER-REPRESENTATION WITHIN A FIELD OF STUDY; AND

12 (E) THE NUMBER OF STUDENTS WHO MAKE ADEQUATE PROGRESS TOWARDS  
13 COMPLETION OF A DEGREE OR CERTIFICATE, WHICH MAY INCLUDE ACCELERATED  
14 COMPLETION OF A DEVELOPMENTAL EDUCATION PROGRAM.

15 S 2. Subparagraph (iv) of paragraph (a) of subdivision 1 of section  
16 6304 of the education law, as amended by chapter 552 of the laws of  
17 1984, is amended to read as follows:

18 (iv) provide for adequate programs of remediation, instruction and  
19 counselling to meet the needs of all students to be served by the  
20 college. PROVIDED HOWEVER, THAT FOR THE TWO THOUSAND FOURTEEN--TWO  
21 THOUSAND FIFTEEN STATE FISCAL YEAR, STATE AID FOR TRADITIONAL REMEDIAL  
22 EDUCATION SHALL NOT EXCEED TWO THIRDS OF A COMMUNITY COLLEGE'S REMEDIAL  
23 EXPENDITURES FOR THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN  
24 ACADEMIC YEAR. PROVIDED FURTHER HOWEVER, THAT FOR THE TWO THOUSAND  
25 FIFTEEN--TWO THOUSAND SIXTEEN STATE FISCAL YEAR, STATE AID FOR TRADI-  
26 TIONAL REMEDIAL EDUCATION SHALL NOT EXCEED ONE-THIRD OF A COMMUNITY  
27 COLLEGE'S REMEDIAL EXPENDITURES FOR THE TWO THOUSAND THIRTEEN--TWO THOU-  
28 SAND FOURTEEN ACADEMIC YEAR. PROVIDED FURTHER HOWEVER, THAT FOR THE TWO  
29 THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN STATE FISCAL YEAR AND EVERY  
30 STATE FISCAL YEAR THEREAFTER, TRADITIONAL REMEDIAL EDUCATION SHALL NOT  
31 BE ELIGIBLE FOR STATE AID. FOR THE PURPOSES OF THIS SUBPARAGRAPH,  
32 "TRADITIONAL REMEDIAL EDUCATION" SHALL MEAN ANY REMEDIAL EDUCATION OTHER  
33 THAN REMEDIAL EDUCATION PROVIDED PURSUANT TO A PLAN AND PROGRAM ESTAB-  
34 LISHED IN ACCORDANCE WITH SECTION SIXTY-THREE HUNDRED THREE-A OF THIS  
35 ARTICLE. The trustees may require periodic reports or certifications  
36 from colleges which have submitted plans which have been approved and  
37 may, in appropriate cases, revoke such approval in case a college is in  
38 default of implementing its plan.

39 S 3. This act shall take effect immediately.

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

49 S 3. This act shall take effect immediately provided, however, that  
50 the applicable effective date of Parts A through AA of this act shall be  
51 as specifically set forth in the last section of such Parts.