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I N A S S E M B L Y

January 21, 2014

A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to contracts for excellence, calculation of the gap elimination restoration amount, apportionment of school aid and foundation aid, deferment of building and interest rates, teachers of tomorrow teacher recruitment and retention program, school district reorganizations and real property tax rates, transportation after 4 p.m., academic grants to the Roosevelt union free school district, charter school reserves, the computation of transitional aid for a Tier 4 eligible school district; to amend the education law, in relation to extending the dates in which the commissioner may set aside school aid; to amend the general municipal law, in relation to authorizing withdrawals from the employee benefit accrued liability reserve fund; to authorize the commissioner of education to establish regional tuition rates for approved special education itinerant services, to authorize reimbursement for approved special education itinerant services based on actual attendance, to authorize New York city to establish local tuition rates for approved special education itinerant services; 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 the education law, in relation to the definition of "school district basic contribution"; to amend part C of chapter 57 of the laws of 2004, relating to support of education, in relation to

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

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extending certain provisions of such chapter; relating to the definition of "adjusted gross income" for purposes of computing state education aid; 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 amend the education law, in relation to universal pre-kindergarten phase-in grants; to amend the state finance law, in relation to establishing the five-year universal full-day pre-kindergarten phase-in reserve fund; to provide special apportionment for school bus driver training; to amend part A of chapter 57 of the laws of 2013, relating to school district eligibility relating to state aid to the public schools and implementation of the education, labor and family assistance budget for the 2013-14 state fiscal year, in relation to gap elimination adjustment; to provide special apportionment for salary expenses; to provide special apportionment for public pension accruals; to provide special apportionment for salary expenses; in relation to suballocation of certain education department accruals; in relation to the support of public libraries; and providing for the repeal of certain provisions upon expiration thereof (Part A); authorizing the creation of a state debt in the amount of \$2,317,000,000, in relation to creating the smart schools bond act of 2014 for the purposes of funding capital projects to provide learning technology equipment or facilities, enhanced internet connectivity for schools and communities, and educational facilities to accommodate pre-kindergarten programs; and providing for the submission to the people of a proposition or question therefor to be voted upon at the general election to be held in November, 2014 (Part B); to amend the education law and the state finance law, in relation to the implementation of the smart schools implementation act of 2014 (Part C); to amend the education law, in relation to establishing the nurse practitioners modernization act; and providing for the repeal of such provisions upon the expiration thereof (Part D); intentionally omitted (Part E); to amend the executive law, in relation to the unlawful discriminatory practices by educational institutions (Part F); to amend the education law, in relation to the New York state science, technology, engineering and mathematics incentive program (Part G); to amend chapter 57 of the laws of 2005 amending the labor law and other laws implementing the state fiscal plan for the 2005-2006 state fiscal year, relating to the New York state higher education capital matching grant program for independent colleges, in relation to the New York state higher education matching grant program for independent colleges and the effectiveness thereof (Part H); 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 I); to amend the social services law, the alcoholic beverage control law, the racing, pari-mutuel wagering and breeding law, the general municipal law, and the tax law, in relation to public assistance restrictions (Part J); to utilize reserves in the project pool insurance account of the mortgage insurance fund for various housing purposes (Part K); to amend the education law, in relation to

educational programs in juvenile justice programs operated by the office of children and family services and to amend chapter 57 of the laws of 2012 amending the education law relating to authorizing the board of cooperative educational services to enter into contracts with the commissioner of children and family services to provide certain services, in relation to making technical corrections thereto (Part L); to amend the social services law, in relation to providing a rent cap for people living with HIV/AIDS in social services districts with a population over five million (Part M); to amend the education law, in relation to creating the New York DREAM fund commission; eligibility requirements and conditions governing general awards, academic performance awards and student loans; eligibility requirements for assistance under the higher education opportunity programs and the collegiate science and technology entry program; financial aid opportunities for students of the state university of New York, the city university of New York and community colleges; and the program requirements for the New York state college choice tuition savings program; and to repeal subdivision 3 of section 661 of such law relating thereto (Part N); to amend the social services law, in relation to age of infant and reimbursement (Part O); to amend the social services law, in relation to standardizing child care copayments (Part P); to amend the social services law, in relation to reimbursement for child care absences (Part Q); to amend the social services law, in relation to the treatment of earned income of a child under the age of 18 when determining the eligibility of a household for a child care subsidy (Part R); to amend the social services law, in relation to post-adoption services (Part S); to amend the social services law, in relation to clarifying the definitions of vocational educational training and educational activities (Part T); to amend the social services law, in relation to the twelve month work exemption for certain parents or relatives providing child care (Part U); to authorize the New York state division of housing and community renewal to conduct a grandparent housing study and report its findings to the governor and the legislature; and providing for the repeal of such provisions upon expiration thereof (Part V); to amend the social services law, in relation to clarifying notice requirements conciliation procedures and sanctions in cases when the recipient of public assistance programs refuses to comply with employment program requirements (Part W); to amend the social services law, in relation to the powers of social services officials to receive and dispose of a deed, mortgage, or lien (Part X); to amend the education law, in relation to resident undergraduate tuition for SUNY and CUNY; and to amend section 16 of chapter 260 of the laws of 2011 amending the education law and the New York state urban development corporation act, relating to establishing components of the NY-SUNY 2020 challenge grant program, in relation to the effectiveness thereof (Part Y); to amend the education law, in relation to student financial aid awards and tuition assistance program awards (Part Z); to amend the education law, in relation to tuition assistance program awards starting in 2014-15 (Part AA); to amend the education law, in relation to the granting of student loan forgiveness awards for the purpose of increasing the number of social workers serving in critical human service areas (Part BB)

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 2014-2015
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through BB. The effective date for each partic-
5 ular provision contained within such Part is set forth in the last
6 section of such Part. Any provision in any section contained within a
7 Part, including the effective date of the Part, which makes a reference
8 to a section "of this act", when used in connection with that particular
9 component, shall be deemed to mean and refer to the corresponding
10 section of the Part in which it is found. Section three of this act sets
11 forth the general effective date of this act.

12 PART A

13 Section 1. Paragraph e of subdivision 1 of section 211-d of the educa-
14 tion law, as amended by section 2 of part A of chapter 57 of the laws of
15 2013, is amended to read as follows:

16 e. Notwithstanding paragraphs a and b of this subdivision, a school
17 district that submitted a contract for excellence for the two thousand
18 eight--two thousand nine school year shall submit a contract for excel-
19 lence for the two thousand nine--two thousand ten school year in
20 conformity with the requirements of subparagraph (vi) of paragraph a of
21 subdivision two of this section unless all schools in the district are
22 identified as in good standing and provided further that, a school
23 district that submitted a contract for excellence for the two thousand
24 nine--two thousand ten school year, unless all schools in the district
25 are identified as in good standing, shall submit a contract for excel-
26 lence for the two thousand eleven--two thousand twelve school year which
27 shall, notwithstanding the requirements of subparagraph (vi) of para-
28 graph a of subdivision two of this section, provide for the expenditure
29 of an amount which shall be not less than the product of the amount
30 approved by the commissioner in the contract for excellence for the two
31 thousand nine--two thousand ten school year, multiplied by the
32 district's gap elimination adjustment percentage and provided further
33 that, a school district that submitted a contract for excellence for the
34 two thousand eleven--two thousand twelve school year, unless all schools
35 in the district are identified as in good standing, shall submit a
36 contract for excellence for the two thousand twelve--two thousand thir-
37 teen school year which shall, notwithstanding the requirements of
38 subparagraph (vi) of paragraph a of subdivision two of this section,
39 provide for the expenditure of an amount which shall be not less than
40 the amount approved by the commissioner in the contract for excellence
41 for the two thousand eleven--two thousand twelve school year and
42 provided further that, a school district that submitted a contract for
43 excellence for the two thousand twelve--two thousand thirteen school
44 year, unless all schools in the district are identified as in good
45 standing, shall submit a contract for excellence for the two thousand
46 thirteen--two thousand fourteen school year which shall, notwithstanding
47 the requirements of subparagraph (vi) of paragraph a of subdivision two
48 of this section, provide for the expenditure of an amount which shall be
49 not less than the amount approved by the commissioner in the contract
50 for excellence for the two thousand twelve--two thousand thirteen school
51 year AND PROVIDED FURTHER THAT, NO SCHOOL DISTRICT SHALL BE REQUIRED TO
52 SUBMIT A CONTRACT FOR EXCELLENCE FOR THE TWO THOUSAND FOURTEEN--TWO
53 THOUSAND FIFTEEN SCHOOL YEAR AND THEREAFTER. For purposes of this para-
54 graph, the "gap elimination adjustment percentage" shall be calculated

1 as the sum of one minus the quotient of the sum of the school district's
2 net gap elimination adjustment for two thousand ten--two thousand eleven
3 computed pursuant to chapter fifty-three of the laws of two thousand
4 ten, making appropriations for the support of government, plus the
5 school district's gap elimination adjustment for two thousand eleven--
6 two thousand twelve as computed pursuant to chapter fifty-three of the
7 laws of two thousand eleven, making appropriations for the support of
8 the local assistance budget, including support for general support for
9 public schools, divided by the total aid for adjustment computed pursu-
10 ant to chapter fifty-three of the laws of two thousand eleven, making
11 appropriations for the local assistance budget, including support for
12 general support for public schools. Provided, further, that such amount
13 shall be expended to support and maintain allowable programs and activ-
14 ities approved in the two thousand nine--two thousand ten school year or
15 to support new or expanded allowable programs and activities in the
16 current year.

17 S 2. Paragraph (f) of subdivision 17 of section 3602 of the education
18 law, as added by section 12 of part A of chapter 57 of the laws of 2013,
19 is amended and a new paragraph (g) is added to read as follows:

20 (f) The gap elimination adjustment restoration amount for the two
21 thousand fourteen--two thousand fifteen school year [and thereafter
22 shall equal the product of the gap elimination percentage for such
23 district and the gap elimination adjustment restoration allocation
24 established pursuant to subdivision eighteen of this section.] FOR A
25 SCHOOL DISTRICT SHALL BE COMPUTED BASED ON DATA ON FILE WITH THE COMMIS-
26 SIONER AND IN THE DATABASE USED BY THE COMMISSIONER TO PRODUCE AN
27 UPDATED ELECTRONIC DATA FILE IN SUPPORT OF THE EXECUTIVE BUDGET REQUEST
28 SUBMITTED FOR THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN STATE
29 FISCAL YEAR AND SHALL EQUAL THE GREATER OF:

30 (I) THE PRODUCT OF TWO AND FIVE-TENTHS PERCENT (0.025) MULTIPLIED BY
31 THE GAP ELIMINATION ADJUSTMENT FOR THE BASE YEAR OR;

32 (II) THE POSITIVE DIFFERENCE OF (A) THE PRODUCT OF TWENTY-TWO PERCENT
33 (0.22) MULTIPLIED BY THE ABSOLUTE VALUE OF THE AMOUNT SET FORTH FOR SUCH
34 SCHOOL DISTRICT AS "GAP ELIMINATION ADJUSTMENT" UNDER THE HEADING
35 "2011-12 ESTIMATED AIDS" IN THE SCHOOL AID COMPUTER LISTING PRODUCED BY
36 THE COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET REQUEST SUBMITTED
37 FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE STATE FISCAL YEAR AND
38 ENTITLED "BT111-2" MINUS (B) THE POSITIVE DIFFERENCE OF THE ABSOLUTE
39 VALUE OF THE AMOUNT SET FORTH FOR SUCH SCHOOL DISTRICT AS "GAP ELIMI-
40 NATION ADJUSTMENT" UNDER THE HEADING "2011-12 ESTIMATED AIDS" IN THE
41 SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF
42 THE EXECUTIVE BUDGET REQUEST SUBMITTED FOR THE TWO THOUSAND ELEVEN--TWO
43 THOUSAND TWELVE STATE FISCAL YEAR AND ENTITLED "BT111-2" MINUS THE GAP
44 ELIMINATION ADJUSTMENT FOR THE BASE YEAR OR;

45 (III) THE SUM OF (A) THE GREATER OF:

46 (A) THE PRODUCT OF (1) THE PRODUCT OF TWO HUNDRED AND SEVENTY-TWO
47 DOLLARS (\$272.00) MULTIPLIED BY THE EXTRAORDINARY NEEDS PERCENT COMPUTED
48 TO TWO DECIMAL PLACES WITHOUT ROUNDING MULTIPLIED BY (2) THE PRODUCT OF
49 THE STATE SHARING RATIO COMPUTED PURSUANT TO PARAGRAPH G OF SUBDIVISION
50 THREE OF THIS SECTION MULTIPLIED BY (3) THE REGIONAL COST INDEX PURSUANT
51 TO SUBDIVISION FOUR OF THIS SECTION MULTIPLIED BY (4) THE BASE YEAR
52 PUBLIC SCHOOL DISTRICT ENROLLMENT AS COMPUTED PURSUANT TO SUBPARAGRAPH
53 TWO OF PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION, OR;

54 (B) THE PRODUCT OF THREE HUNDRED SIXTY-THREE DOLLARS AND FIFTY CENTS
55 (\$363.50) MULTIPLIED BY (1) THE POSITIVE DIFFERENCE, IF ANY, OF ONE
56 MINUS THE PRODUCT OF ONE AND THIRTY-SEVEN ONE-HUNDREDTHS (1.37) MULTI-

PLIED BY THE COMBINED WEALTH RATIO COMPUTED PURSUANT TO SUBPARAGRAPH ONE OF PARAGRAPH C OF SUBDIVISION THREE OF THIS SECTION BUT NOT GREATER THAN NINE-TENTHS (0.9) MULTIPLIED BY (2) THE BASE YEAR PUBLIC SCHOOL DISTRICT ENROLLMENT AS COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION, OR

(C) THE PRODUCT, COMPUTED TO THE NEAREST WHOLE NUMBER WITHOUT ROUNDING, OF: (1) THE PRODUCT OF THE QUOTIENT OF THE TAX EFFORT RATIO AS DEFINED IN SUBDIVISION SIXTEEN OF THIS SECTION DIVIDED BY THREE AND ONE HUNDRED SEVENTY-SIX THOUSANDTHS PERCENT (0.03176) MULTIPLIED BY THE POSITIVE DIFFERENCE, IF ANY, OF ONE MINUS THE ALTERNATE PUPIL WEALTH RATIO COMPUTED PURSUANT TO PARAGRAPH B OF SUBDIVISION THREE OF THIS SECTION BUT NOT GREATER THAN NINE-TENTHS (0.9) COMPUTED TO THREE DECIMALS WITHOUT ROUNDING, MULTIPLIED BY (2) TWO HUNDRED FIFTY-THREE DOLLARS AND FIFTY CENTS (\$253.50) WITH THE RESULT COMPUTED TO TWO DECIMALS WITHOUT ROUNDING MULTIPLIED BY (3) THE BASE YEAR PUBLIC SCHOOL DISTRICT ENROLLMENT AS COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION; AND

(B) THE PRODUCT OF (A) THE POSITIVE DIFFERENCE, IF ANY, OF THE BASE YEAR PUBLIC SCHOOL DISTRICT ENROLLMENT AS COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION MINUS THE PUBLIC SCHOOL DISTRICT ENROLLMENT FOR THE YEAR FIVE YEARS PRIOR TO THE BASE YEAR, AS COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION MULTIPLIED BY (B) ONE THOUSAND EIGHT HUNDRED FIFTEEN DOLLARS (\$1,815) MULTIPLIED BY (C) THE STATE SHARING RATIO COMPUTED PURSUANT TO PARAGRAPH G OF SUBDIVISION THREE OF THIS SECTION;

(IV) PROVIDED FURTHER, NOTWITHSTANDING ANY PROVISION OF THIS PARAGRAPH TO THE CONTRARY, THAT A DISTRICT'S GAP ELIMINATION ADJUSTMENT RESTORATION FOR THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR SHALL NOT EXCEED THE PRODUCT OF FORTY-FIVE PERCENT (0.45) AND THE GAP ELIMINATION ADJUSTMENT FOR THE BASE YEAR FOR THE DISTRICT.

(G) THE GAP ELIMINATION ADJUSTMENT RESTORATION AMOUNT FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN 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.

S 2-a. Paragraph (f) of subdivision 17 of section 3602 of the education law, as added by section 12 of part A of chapter 57 of the laws of 2013, is amended and a new paragraph (g) is added to read as follows:

(f) The gap elimination adjustment restoration amount for the two thousand fourteen--two thousand fifteen school year [and thereafter] FOR A SCHOOL DISTRICT SHALL BE COMPUTED BASED ON DATA ON FILE WITH THE COMMISSIONER AND IN THE DATABASE USED BY THE COMMISSIONER TO PRODUCE AN UPDATED ELECTRONIC DATA FILE IN SUPPORT OF THE ENACTED BUDGET FOR THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN STATE FISCAL YEAR END ENTITLED "SA141-5" AND 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] THE GREATER OF THE SUM OF THE AMOUNT SET FORTH FOR SUCH SCHOOL DISTRICT AS "GEA RESTORATION" UNDER THE HEADING "2014-15 ESTIMATED AIDS" IN THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET REQUEST SUBMITTED FOR THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN STATE FISCAL YEAR AND ENTITLED "BT141-5" AND FIFTEEN THOUSAND DOLLARS (\$15,000) OR THE SUM OF:

(I) FOR A SCHOOL DISTRICT OTHER THAN A CITY SCHOOL DISTRICT OF A CITY HAVING A POPULATION IN EXCESS OF ONE HUNDRED TWENTY-FIVE THOUSAND, THE

1 PRODUCT OF EIGHTEEN DOLLARS (\$18.00) MULTIPLIED BY THE BASE YEAR PUBLIC
2 SCHOOL DISTRICT ENROLLMENT, AS COMPUTED PURSUANT TO PARAGRAPH N OF
3 SUBDIVISION ONE OF THIS SECTION MULTIPLIED BY THE THREE-YEAR AVERAGE
4 FREE AND REDUCED PRICE LUNCH PERCENT; AND

5 (II) FOR A CITY SCHOOL DISTRICT OF A CITY HAVING A POPULATION IN
6 EXCESS OF ONE HUNDRED TWENTY-FIVE THOUSAND AND LESS THAN ONE MILLION,
7 THE PRODUCT OF THIRTY-EIGHT DOLLARS (\$38.00) MULTIPLIED BY THE BASE YEAR
8 PUBLIC SCHOOL DISTRICT ENROLLMENT, AS COMPUTED PURSUANT TO PARAGRAPH N
9 OF SUBDIVISION ONE OF THIS SECTION MULTIPLIED BY THE THREE-YEAR AVERAGE
10 FREE AND REDUCED PRICE LUNCH PERCENT; AND

11 (III) FOR A SCHOOL DISTRICT WITH (1) A THREE-YEAR AVERAGE FREE AND
12 REDUCED LUNCH PERCENT GREATER THAN SIXTY-FIVE PERCENT (0.65) AND (2)
13 BASE YEAR PUBLIC SCHOOL DISTRICT ENROLLMENT, AS COMPUTED PURSUANT TO
14 PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION GREATER THAN THIRTY-FIVE
15 HUNDRED (3,500) AND FOR WHICH (3) THE QUOTIENT OF (A) THE POSITIVE
16 DIFFERENCE, IF ANY, OF THE ABSOLUTE VALUE OF THE AMOUNT SET FORTH FOR
17 SUCH SCHOOL DISTRICT AS "GAP ELIMINATION ADJUSTMENT" UNDER THE HEADING
18 "2011-12 ESTIMATED AIDS" IN THE SCHOOL AID COMPUTER LISTING PRODUCED BY
19 THE COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET REQUEST SUBMITTED
20 FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE STATE FISCAL YEAR AND
21 ENTITLED "BT111-2" MINUS THE POSITIVE DIFFERENCE OF THE ABSOLUTE VALUE
22 OF THE AMOUNT SET FORTH FOR SUCH SCHOOL DISTRICT AS "GAP ELIMINATION
23 ADJUSTMENT" UNDER THE HEADING "2014-15 ESTIMATED AIDS" IN THE SCHOOL AID
24 COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE EXECU-
25 TIVE BUDGET REQUEST SUBMITTED FOR THE TWO THOUSAND FOURTEEN--TWO THOU-
26 SAND FIFTEEN STATE FISCAL YEAR AND ENTITLED "BT141-5" DIVIDED BY (B) THE
27 ABSOLUTE VALUE OF THE AMOUNT SET FORTH FOR SUCH SCHOOL DISTRICT AS "GAP
28 ELIMINATION ADJUSTMENT" UNDER THE HEADING "2011-12 ESTIMATED AIDS" IN
29 THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT
30 OF THE EXECUTIVE BUDGET REQUEST SUBMITTED FOR THE TWO THOUSAND
31 ELEVEN--TWO THOUSAND TWELVE STATE FISCAL YEAR AND ENTITLED "BT111-2" IS
32 LESS THAN SIXTY PERCENT (0.60), THE PRODUCT OF ONE HUNDRED AND FIFTEEN
33 DOLLARS (\$115.00) MULTIPLIED BY THE BASE YEAR PUBLIC SCHOOL DISTRICT
34 ENROLLMENT, AS COMPUTED PURSUANT TO PARAGRAPH N OF SUBDIVISION ONE OF
35 THIS SECTION; AND

36 (IV) FOR A SCHOOL DISTRICT OTHER THAN A CITY SCHOOL DISTRICT OF A CITY
37 HAVING A POPULATION IN EXCESS OF ONE MILLION FOR WHICH THE QUOTIENT OF
38 (A) THE POSITIVE DIFFERENCE, IF ANY, OF THE LIMITED ENGLISH PROFICIENT
39 COUNT FOR THE BASE YEAR MINUS THE LIMITED ENGLISH PROFICIENT COUNT FOR
40 THE TWO THOUSAND EIGHT--TWO THOUSAND NINE SCHOOL YEAR DIVIDED BY (B) THE
41 LIMITED ENGLISH PROFICIENT COUNT FOR THE TWO THOUSAND EIGHT--TWO THOU-
42 SAND NINE SCHOOL YEAR IS GREATER THAN FIVE PERCENT (0.05), THE PRODUCT
43 OF ONE THOUSAND DOLLARS (\$1,000) MULTIPLIED BY THE POSITIVE DIFFERENCE,
44 IF ANY OF THE LIMITED ENGLISH PROFICIENT COUNT FOR THE BASE YEAR MINUS
45 THE LIMITED ENGLISH PROFICIENT COUNT FOR THE TWO THOUSAND EIGHT--TWO
46 THOUSAND NINE SCHOOL YEAR MULTIPLIED BY SUCH DISTRICT'S EXTRAORDINARY
47 NEEDS PERCENT AS COMPUTED PURSUANT TO PARAGRAPH W OF SUBDIVISION ONE OF
48 THIS SECTION; AND

49 (V) FOR A SCHOOL DISTRICT FOR WHICH THE QUOTIENT OF THE NUMBER OF
50 PERSONS AGED FIVE TO SEVENTEEN WITHIN THE SCHOOL DISTRICT, BASED ON THE
51 MOST RECENT DECENNIAL CENSUS AS TABULATED BY THE NATIONAL CENTER ON
52 EDUCATION STATISTICS, WHO WERE ENROLLED IN PUBLIC SCHOOLS AND WHOSE
53 FAMILIES HAD INCOMES BELOW THE POVERTY LEVEL, DIVIDED BY THE TOTAL
54 NUMBER OF PERSONS AGED FIVE TO SEVENTEEN WITHIN THE SCHOOL DISTRICT,
55 BASED ON SUCH DECENNIAL CENSUS, WHO WERE ENROLLED IN PUBLIC SCHOOLS,
56 COMPUTED TO FOUR DECIMALS WITHOUT ROUNDING IS GREATER THAN TWENTY-TWO

PERCENT (0.22), THE PRODUCT OF THREE HUNDRED AND FIFTY DOLLARS (\$350) MULTIPLIED BY THE POSITIVE DIFFERENCE, IF ANY OF THE BASE YEAR PUBLIC SCHOOL DISTRICT ENROLLMENT, AS COMPUTED PURSUANT TO PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION MINUS THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN PUBLIC SCHOOL DISTRICT ENROLLMENT, AS COMPUTED PURSUANT TO PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION; AND

(VI) FOR A SCHOOL DISTRICT OTHER THAN A CITY SCHOOL DISTRICT OF A CITY HAVING A POPULATION IN EXCESS OF ONE MILLION FOR WHICH (1) THE QUOTIENT OF THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN GAP ELIMINATION ADJUSTMENT DIVIDED BY THE TOTAL GENERAL FUND EXPENDITURES FOR SUCH DISTRICT FOR THE BASE YEAR EXCEEDS ONE AND SIX-TENTHS PERCENT (0.016) AND (2) THE COMBINED WEALTH RATIO FOR SUCH DISTRICT IS LESS THAN ONE AND ONE TENTH (1.1), THE PRODUCT OF EIGHT DOLLARS (\$8.00) MULTIPLIED BY THE BASE YEAR PUBLIC SCHOOL DISTRICT ENROLLMENT, AS COMPUTED PURSUANT TO PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION; AND

(VII) THE AMOUNT SET FORTH FOR SUCH SCHOOL DISTRICT AS "GEA RESTORATION" UNDER THE HEADING "2014-15 ESTIMATED AIDS" IN THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET REQUEST SUBMITTED FOR THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN STATE FISCAL YEAR AND ENTITLED "BT141-5".

PROVIDED FURTHER, NOTWITHSTANDING ANY PORTION OF THIS PARAGRAPH TO THE CONTRARY, THAT THE SUM OF SUBPARAGRAPHS (I), (II), (III), (IV), (V), (VI) AND (VII) SHALL NOT EXCEED THE PRODUCT OF SUCH DISTRICT'S GAP ELIMINATION ADJUSTMENT FOR THE BASE YEAR MULTIPLIED BY THE FISCAL STRESS PERCENTAGE.

FOR THE PURPOSE OF THIS PARAGRAPH, "FISCAL STRESS PERCENTAGE" SHALL MEAN (1) FOR A DISTRICT IDENTIFIED IN THE REPORT PUBLISHED BY THE NEW YORK STATE OFFICE OF THE STATE COMPTROLLER ENTITLED "FISCAL STRESS MONITORING SYSTEM SCHOOL DISTRICTS IN STRESS FISCAL YEARS ENDING 2013" AS "SIGNIFICANT STRESS" SUCH PERCENTAGE SHALL BE SEVENTY-FIVE PERCENT (0.75), (2) FOR A DISTRICT IDENTIFIED IN THE REPORT PUBLISHED BY THE NEW YORK STATE OFFICE OF THE STATE COMPTROLLER ENTITLED "FISCAL STRESS MONITORING SYSTEM SCHOOL DISTRICTS IN STRESS FISCAL YEARS ENDING 2013" AS "MODERATE STRESS" SUCH PERCENTAGE SHALL BE SIXTY PERCENT (0.60), (3) FOR A CITY SCHOOL DISTRICT OF A CITY HAVING A POPULATION IN EXCESS OF ONE HUNDRED TWENTY-FIVE THOUSAND AND LESS THAN ONE MILLION, SIXTY PERCENT (0.60), (4) FOR ALL OTHER SCHOOL DISTRICTS FORTY-FIVE PERCENT (0.45).

(G) THE GAP ELIMINATION ADJUSTMENT RESTORATION AMOUNT FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN 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.

S 3. Subdivision 4 of section 3602 of the education law, as amended by section 26 of part A of chapter 58 of the laws of 2011, the opening paragraph, paragraph a and paragraph b as amended by section 8-a of part A of chapter 57 of the laws of 2013, paragraph b-1 as amended by section 10 of part A of chapter 97 of the laws of 2011, is amended to read as follows:

4. Total foundation aid. In addition to any other apportionment pursuant to this chapter, a school district, other than a special act school district as defined in subdivision eight of section four thousand one of this chapter, shall be eligible for total foundation aid equal to the product of total aidable foundation pupil units multiplied by the district's selected foundation aid, which shall be the greater of five hundred dollars (\$500) or foundation formula aid, provided, however that for the two thousand seven--two thousand eight through two thousand

1 eight--two thousand nine school years, no school district shall receive
2 total foundation aid in excess of the sum of the total foundation aid
3 base for aid payable in the two thousand seven--two thousand eight
4 school year computed pursuant to subparagraph (i) of paragraph j of
5 subdivision one of this section, plus the phase-in foundation increase
6 computed pursuant to paragraph b of this subdivision, and provided
7 further that for the two thousand twelve--two thousand thirteen school
8 year, no school district shall receive total foundation aid in excess of
9 the sum of the total foundation aid base for aid payable in the two
10 thousand eleven--two thousand twelve school year computed pursuant to
11 paragraph j of subdivision one of this section, plus the phase-in foun-
12 dation increase computed pursuant to paragraph b of this subdivision,
13 and provided further that for the two thousand thirteen--two thousand
14 fourteen school year and thereafter, no school district shall receive
15 total foundation aid in excess of the sum of the total foundation aid
16 base computed pursuant to paragraph j of subdivision one of this
17 section, plus the phase-in foundation increase computed pursuant to
18 paragraph b of this subdivision and provided further that total founda-
19 tion aid shall not be less than the product of the total foundation aid
20 base computed pursuant to paragraph j of subdivision one of this section
21 and the due-minimum percent which shall be, for the two thousand twelve-
22 -two thousand thirteen school year, one hundred and six-tenths percent
23 (1.006) and for the two thousand thirteen--two thousand fourteen school
24 year for city school districts of those cities having populations in
25 excess of one hundred twenty-five thousand and less than one million
26 inhabitants one hundred and one and one hundred and seventy-six thou-
27 sandths percent (1.01176), and for all other districts one hundred and
28 three-tenths percent (1.003), AND FOR THE TWO THOUSAND FOURTEEN--TWO
29 THOUSAND FIFTEEN SCHOOL YEAR ONE HUNDRED AND NINE-TENTHS PERCENT
30 (1.009), subject to allocation pursuant to the provisions of subdivision
31 eighteen of this section and any provisions of a chapter of the laws of
32 New York as described therein, nor more than the product of such total
33 foundation aid base and one hundred fifteen percent, and provided
34 further that for the two thousand nine--two thousand ten through two
35 thousand eleven--two thousand twelve school years, each school district
36 shall receive total foundation aid in an amount equal to the amount
37 apportioned to such school district for the two thousand eight--two
38 thousand nine school year pursuant to this subdivision. Total aidable
39 foundation pupil units shall be calculated pursuant to paragraph g of
40 subdivision two of this section. For the purposes of calculating aid
41 pursuant to this subdivision, aid for the city school district of the
42 city of New York shall be calculated on a citywide basis.

43 a. Foundation formula aid. Foundation formula aid shall equal the
44 remainder when the expected minimum local contribution is subtracted
45 from the product of the foundation amount, the regional cost index, and
46 the pupil need index, or: (foundation amount x regional cost index x
47 pupil need index)- expected minimum local contribution.

48 (1) The foundation amount shall reflect the average per pupil cost of
49 general education instruction in successful school districts, as deter-
50 mined by a statistical analysis of the costs of special education and
51 general education in successful school districts, provided that the
52 foundation amount shall be adjusted annually to reflect the percentage
53 increase in the consumer price index as computed pursuant to section two
54 thousand twenty-two of this chapter, provided that for the two thousand
55 eight--two thousand nine school year, for the purpose of such adjust-
56 ment, the percentage increase in the consumer price index shall be

deemed to be two and nine-tenths percent (0.029), and provided further that the foundation amount for the two thousand seven--two thousand eight school year shall be five thousand two hundred fifty-eight dollars, and provided further that for the two thousand seven--two thousand eight through two thousand fifteen--two thousand sixteen school years, the foundation amount shall be further adjusted by the phase-in foundation percent established pursuant to paragraph b of this subdivision.

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

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

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

(4) The expected minimum local contribution shall equal the lesser of (i) the product of (A) the quotient arrived at when the selected actual valuation is divided by total wealth foundation pupil units, multiplied by (B) the product of the local tax factor, multiplied by the income wealth index, or (ii) the product of (A) the product of the foundation amount, the regional cost index, and the pupil need index, multiplied by (B) the positive difference, if any, of one minus the state sharing ratio for total foundation aid. The local tax factor shall be established by May first of each year by determining the product, computed to four decimal places without rounding, of ninety percent multiplied by the quotient of the sum of the statewide average tax rate as computed by the commissioner for the current year in accordance with the provisions of paragraph e of subdivision one of section thirty-six hundred nine-e of this part plus the statewide average tax rate computed by the commissioner for the base year in accordance with such provisions plus the statewide average tax rate computed by the commissioner for the year prior to the base year in accordance with such provisions, divided by three, provided however that for the two thousand seven--two thousand eight school year, such local tax factor shall be sixteen thousandths (0.016), and provided further that for the two thousand eight--two thousand nine school year, such local tax factor shall be one hundred fifty-four ten thousandths (0.0154). The income wealth index shall be calculated pursuant to paragraph d of subdivision three of this section, provided, however, that for the purposes of computing the expected minimum local contribution the income wealth index shall not be less than sixty-five percent (0.65) and shall not be more than two hundred percent (2.0) and provided however that such income wealth index shall not be

1 more than ninety-five percent (0.95) for the two thousand eight--two
2 thousand nine school year, and provided further that such income wealth
3 index shall not be less than zero for the two thousand thirteen--two
4 thousand fourteen school year. The selected actual valuation shall be
5 calculated pursuant to paragraph c of subdivision one of this section.
6 Total wealth foundation pupil units shall be calculated pursuant to
7 paragraph h of subdivision two of this section.

8 b. Phase-in foundation increase. (1) The phase-in foundation increase
9 shall equal the product of the phase-in foundation increase factor
10 multiplied by the positive difference, if any, of (i) the product of the
11 total aidable foundation pupil units multiplied by the district's
12 selected foundation aid less (ii) the total foundation aid base [for aid
13 payable in the two thousand eleven--two thousand twelve school year]
14 computed pursuant to paragraph j of subdivision one of this section.

15 (2) The phase-in foundation percent shall equal one hundred thirteen
16 and fourteen one hundredths percent (1.1314) for the two thousand
17 eleven--two thousand twelve school year, one hundred ten and thirty-
18 eight hundredths percent (1.1038) for the two thousand twelve--two thou-
19 sand thirteen school year, one hundred seven and sixty-eight hundredths
20 percent (1.0768) for the two thousand thirteen--two thousand fourteen
21 school year, one hundred five and six hundredths percent (1.0506) for
22 the two thousand fourteen--two thousand fifteen school year, and one
23 hundred two and five tenths percent (1.0250) for the two thousand
24 fifteen--two thousand sixteen school year.

25 For the two thousand eleven--two thousand twelve school year, the
26 phase-in foundation increase factor shall equal thirty-seven and one-
27 half percent (0.375) and the phase-in due minimum percent shall equal
28 nineteen and forty-one hundredths percent (0.1941), for the two thousand
29 twelve--two thousand thirteen school year the phase-in foundation
30 increase factor shall equal one and seven-tenths percent (0.017), for
31 the two thousand thirteen--two thousand fourteen school year the phase-
32 in foundation increase factor shall equal (1) for a city school district
33 in a city having a population of one million or more, five and twenty-
34 three hundredths percent (0.0523) or (2) for all other school districts
35 zero percent, [and] for the two thousand fourteen--two thousand fifteen
36 school year THE PHASE-IN FOUNDATION INCREASE FACTOR SHALL EQUAL (1) FOR
37 A SCHOOL DISTRICT FOR WHICH THE QUOTIENT OF THE NUMBER OF PERSONS AGED
38 FIVE TO SEVENTEEN WITHIN THE SCHOOL DISTRICT, BASED ON THE MOST RECENT
39 DECENNIAL CENSUS AS TABULATED BY THE NATIONAL CENTER ON EDUCATION
40 STATISTICS, WHO WERE ENROLLED IN PUBLIC SCHOOLS AND WHOSE FAMILIES HAD
41 INCOMES BELOW THE POVERTY LEVEL, DIVIDED BY THE TOTAL NUMBER OF PERSONS
42 AGED FIVE TO SEVENTEEN WITHIN THE SCHOOL DISTRICT, BASED ON SUCH DECEN-
43 NIAL CENSUS, WHO WERE ENROLLED IN PUBLIC SCHOOLS, COMPUTED TO FOUR DECI-
44 MALS WITHOUT ROUNDING IS GREATER THAN TWENTY-FIVE PERCENT (0.25) AND THE
45 POSITIVE DIFFERENCE, IF ANY, OF THE BASE YEAR PUBLIC SCHOOL DISTRICT
46 ENROLLMENT AS COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF
47 SUBDIVISION ONE OF THIS SECTION MINUS THE TWO THOUSAND TEN--TWO THOUSAND
48 ELEVEN PUBLIC SCHOOL DISTRICT ENROLLMENT AS COMPUTED PURSUANT TO SUBPAR-
49 AGRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION IS GREATER
50 THAN FIFTY, SIX AND SIXTY-SEVEN HUNDREDTHS PERCENT (0.0667) OR (2) FOR
51 ALL OTHER SCHOOL DISTRICTS FIVE AND SEVENTY-THREE HUNDREDTHS PERCENT
52 (0.0573), AND FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL
53 YEAR and thereafter the commissioner shall annually determine the phase-
54 in foundation increase factor subject to allocation pursuant to the
55 provisions of subdivision eighteen of this section and any provisions of
56 a chapter of the laws of New York as described therein.

b-1. Notwithstanding any other provision of law to the contrary, for the two thousand seven--two thousand eight school year and thereafter, the additional amount payable to each school district pursuant to this subdivision in the current year as total foundation aid, after deducting the total foundation aid base, shall be deemed a state grant in aid identified by the commissioner for general use for purposes of section seventeen hundred eighteen of this chapter.

c. Public excess cost aid setaside. Each school district shall set aside from its total foundation aid computed for the current year pursuant to this subdivision an amount equal to the product of: (i) the difference between the amount the school district was eligible to receive in the two thousand six--two thousand seven school year pursuant to or in lieu of paragraph six of subdivision nineteen of this section as such paragraph existed on June thirtieth, two thousand seven, minus the amount such district was eligible to receive pursuant to or in lieu of paragraph five of subdivision nineteen of this section as such paragraph existed on June thirtieth, two thousand seven, in such school year, and (ii) the sum of one and the percentage increase in the consumer price index for the current year over such consumer price index for the two thousand six--two thousand seven school year, as computed pursuant to section two thousand twenty-two of this chapter. Notwithstanding any other provision of law to the contrary, the public excess cost aid setaside shall be paid pursuant to section thirty-six hundred nine-b of this part.

S 3-a. Multi year plan. For the 2016--2017 school year the sum of the apportionments due and owing school districts and boards of cooperative educational services from general support for public schools shall be no less than \$24,100,000,000 and for the 2017--2018 school year such apportionments shall be no less than \$25,300,000,000 subject to the availability of appropriations. Such amounts shall be used to eliminate the gap elimination adjustment, accelerate the phase-in of the foundation aid formula, continue the expansion of full-day universal prekindergarten and to fully fund apportionments pursuant to section 3602 and section 3641 of the education law. Additional revenue from commercial gaming may also be made available to supplement apportionments to school districts for the purposes identified in this section.

S 4. The opening paragraph of section 3609-a of the education law, as amended by section 14 of part A of chapter 57 of the laws of 2013, is amended to read as follows:

For aid payable in the two thousand seven--two thousand eight school year [and thereafter] THROUGH THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN SCHOOL YEAR, "moneys apportioned" shall mean the lesser of (i) the sum of one hundred percent of the respective amount set forth for each school district as payable pursuant to this section in the school aid computer listing for the current year produced by the commissioner in support of the budget which includes the appropriation for the general support for public schools for the prescribed payments and individualized payments due prior to April first for the current year plus the apportionment payable during the current school year pursuant to subdivision six-a and subdivision fifteen of section thirty-six hundred two of this part minus any reductions to current year aids pursuant to subdivision seven of section thirty-six hundred four of this part or any deduction from apportionment payable pursuant to this chapter for collection of a school district basic contribution as defined in subdivision eight of section forty-four hundred one of this chapter, less any grants provided pursuant to subparagraph two-a of paragraph b of subdi-

1 vision four of section ninety-two-c of the state finance law, less any
2 grants provided pursuant to subdivision twelve of section thirty-six
3 hundred forty-one of this article, or (ii) the apportionment calculated
4 by the commissioner based on data on file at the time the payment is
5 processed; provided however, that for the purposes of any payments made
6 pursuant to this section prior to the first business day of June of the
7 current year, moneys apportioned shall not include any aids payable
8 pursuant to subdivisions six and fourteen, if applicable, of section
9 thirty-six hundred two of this part as current year aid for debt service
10 on bond anticipation notes and/or bonds first issued in the current year
11 or any aids payable for full-day kindergarten for the current year
12 pursuant to subdivision nine of section thirty-six hundred two of this
13 part. The definitions of "base year" and "current year" as set forth in
14 subdivision one of section thirty-six hundred two of this part shall
15 apply to this section. For aid payable in the two thousand thirteen--two
16 thousand fourteen school year, reference to such "school aid computer
17 listing for the current year" shall mean the printouts [entitled
18 "SA131-4"] PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE TWO THOUSAND
19 FOURTEEN--TWO THOUSAND FIFTEEN AID TO LOCALITIES BUDGET.

20 S 4-a. Clause (c) of subparagraph 5 of paragraph e of subdivision 6 of
21 section 3602 of the education law, as amended by section 13-a of part A
22 of chapter 57 of the laws of 2013, is amended to read as follows:

23 (c) At the end of each ten year segment of an assumed amortization
24 established pursuant to subparagraphs two, three and four of this para-
25 graph, or in the [two thousand fourteen -- two thousand fifteen] TWO
26 THOUSAND FIFTEEN -- TWO THOUSAND SIXTEEN school year in the case of
27 assumed amortizations whose ten year segment ends prior to such school
28 year, the commissioner shall revise the remaining scheduled semiannual
29 payments of the outstanding principal and interest of such assumed amor-
30 tization, other than the outstanding principal and interest of refunding
31 bonds where the district can demonstrate to the commissioner that it is
32 precluded by state or federal law, rule or regulation from refinancing
33 such outstanding principal and interest, based on the interest rates
34 applicable for the current year if the difference of the interest rate
35 upon which the existing assumed amortization is based minus such inter-
36 est rate applicable for the current year is equal to or greater than one
37 quarter of one-one hundredth. Provided however, in the case of assumed
38 amortization whose ten year segment ended prior to the [two thousand
39 fourteen -- two thousand fifteen] TWO THOUSAND FIFTEEN -- TWO THOUSAND
40 SIXTEEN school year the next ten year segment shall be deemed to
41 commence with the [two thousand fourteen -- two thousand fifteen] TWO
42 THOUSAND FIFTEEN -- TWO THOUSAND SIXTEEN school year. The department
43 shall notify school districts of projects subject to the provisions of
44 this clause by no later than December first next preceding the school
45 year in which the assumed amortization is scheduled to be revised pursu-
46 ant to this clause.

47 S 5. Paragraph b of subdivision 2 of section 3612 of the education
48 law, as amended by section 15 of part A of chapter 57 of the laws of
49 2013, is amended to read as follows:

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

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

13 S 6. The education law is amended by adding a new section 3613 to read
14 as follows:

15 S 3613. SCHOOL DISTRICT REORGANIZATIONS AND REAL PROPERTY TAX RATES.
16 1. WHEN TWO OR MORE SCHOOL DISTRICTS PROPOSE TO REORGANIZE PURSUANT TO
17 SECTIONS FIFTEEN HUNDRED ELEVEN THROUGH FIFTEEN HUNDRED THIRTEEN,
18 FIFTEEN HUNDRED TWENTY-FOUR, FIFTEEN HUNDRED TWENTY-SIX, SEVENTEEN
19 HUNDRED FIVE, OR EIGHTEEN HUNDRED ONE THROUGH EIGHTEEN HUNDRED THREE OF
20 THIS CHAPTER, AND UNDER THE LAW THAT WOULD OTHERWISE BE APPLICABLE, THE
21 REORGANIZATION WOULD HAVE AN IMPACT UPON THE SCHOOL TAX RATES WITHIN THE
22 AREAS SERVED BY THE SCHOOL DISTRICTS THAT EXISTED PRIOR TO THE REORGAN-
23 IZATION, NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE
24 BOARDS OF EDUCATION OR TRUSTEES OF ALL THE SCHOOL DISTRICTS PARTICIPAT-
25 ING IN THE PROPOSED REORGANIZATION MAY OPT TO HAVE THAT IMPACT DEFERRED
26 FOR A ONE-YEAR PERIOD AND/OR PHASED-IN OVER A PERIOD AS MAY BE DETER-
27 MINED BY THE BOARDS OF EDUCATION OR TRUSTEES OF ALL PARTICIPATING SCHOOL
28 DISTRICTS IN THE MANNER PRESCRIBED BY THIS SECTION BUT WHICH SHALL NOT
29 EXCEED A TEN-YEAR PERIOD. TO EXERCISE SUCH OPTION, THE BOARDS OF EDUCA-
30 TION OR TRUSTEES OF ALL PARTICIPATING SCHOOL DISTRICTS, AFTER CONDUCTING
31 A PUBLIC HEARING, MAY ADOPT A RESOLUTION AT LEAST FORTY-FIVE DAYS PRIOR
32 TO THE SPECIAL DISTRICT MEETING AT WHICH THE REORGANIZATION VOTE WILL BE
33 HELD, TO DEFER AND/OR PHASE-IN THE IMPACT AS PROVIDED HEREIN. IF THE
34 BOARD OF EDUCATION OR TRUSTEES OF ANY PARTICIPATING SCHOOL DISTRICT DOES
35 NOT APPROVE SUCH A RESOLUTION OPTING FOR A COMMON PHASE-IN PERIOD, THE
36 PROVISIONS OF THIS SECTION SHALL NOT APPLY.

37 2. DURING THE ONE-YEAR DEFERRAL PERIOD, THE TAX RATE FOR EACH PORTION
38 OF THE SCHOOL DISTRICT SHALL BE CALCULATED IN THE FOLLOWING MANNER:

39 (A) DETERMINE THE ASSESSED VALUE TAX RATE THAT APPLIED FOR THE SCHOOL
40 YEAR IMMEDIATELY PRECEDING THE SCHOOL YEAR IN WHICH THE REORGANIZATION
41 TOOK EFFECT.

42 (B) MULTIPLY THAT ASSESSED VALUE TAX RATE BY THE STATE EQUALIZATION
43 RATE APPLICABLE TO THE PORTION FOR THE SCHOOL YEAR IMMEDIATELY PRECEDING
44 THE SCHOOL YEAR IN WHICH THE REORGANIZATION TOOK EFFECT.

45 (C) DIVIDE THE PRODUCT SO DETERMINED BY THE STATE EQUALIZATION RATE
46 APPLICABLE TO THE PORTION FOR THE FIRST SCHOOL YEAR OF THE REORGANIZED
47 SCHOOL DISTRICT. THE QUOTIENT IS THE ASSESSED VALUE TAX RATE FOR THE
48 PORTION FOR THAT SCHOOL YEAR. PROVIDED, THAT IF THE SUM OF THE REAL
49 PROPERTY TAX LEVIES IN ALL OF THE PORTIONS IN THE SCHOOL DISTRICT, USING
50 THE ASSESSED VALUE TAX RATES COMPUTED PURSUANT TO THIS SUBDIVISION,
51 WOULD YIELD A REAL PROPERTY TAX LEVY THAT IS ABOVE OR BELOW THE TOTAL
52 REAL PROPERTY TAX LEVY SPECIFIED IN THE SCHOOL DISTRICT BUDGET FOR THE
53 CURRENT SCHOOL YEAR, THE ASSESSED VALUE TAX RATES SHALL ALL BE DECREASED
54 OR INCREASED PROPORTIONATELY SO AS TO YIELD THE SPECIFIED REAL PROPERTY
55 TAX LEVY AMOUNT.

1 3. DURING EACH YEAR OF A PHASE-IN PERIOD, WHOSE DURATION UP TO TEN
2 YEARS SHALL HAVE BEEN DETERMINED BY THE BOARDS OF EDUCATION OR TRUSTEES
3 OF THE CONSTITUENT SCHOOL DISTRICTS, THE TAX RATE FOR EACH PORTION OF
4 THE REORGANIZED SCHOOL DISTRICT SHALL BE CALCULATED IN THE FOLLOWING
5 MANNER:

6 (A) DETERMINE THE ASSESSED VALUE TAX RATE THAT APPLIED FOR THE SCHOOL
7 YEAR IMMEDIATELY PRECEDING THE SCHOOL YEAR IN WHICH THE REORGANIZATION
8 TOOK EFFECT.

9 (B) MULTIPLY THAT ASSESSED VALUE TAX RATE BY THE STATE EQUALIZATION
10 RATE APPLICABLE TO THE PORTION FOR THE SCHOOL YEAR IMMEDIATELY PRECEDING
11 THE SCHOOL YEAR IN WHICH THE REORGANIZATION TOOK EFFECT. THE RESULT IS
12 THE BASE FULL VALUE TAX RATE OF THE PORTION.

13 (C) DETERMINE THE ASSESSED VALUE TAX RATE THAT WOULD HAVE APPLIED IN
14 THE PORTION BUT FOR THE PROVISIONS OF THIS SECTION.

15 (D) MULTIPLY THAT ASSESSED VALUE TAX RATE BY THE STATE EQUALIZATION
16 RATE THAT WOULD HAVE APPLIED FOR THE CURRENT SCHOOL YEAR BUT FOR THE
17 PROVISIONS OF THIS SECTION. THE RESULT IS THE TARGET FULL VALUE TAX RATE
18 FOR THE PORTION.

19 (E) DETERMINE THE DIFFERENCE BETWEEN THE TARGET FULL VALUE TAX RATE
20 AND THE BASE FULL VALUE TAX RATE FOR THE PORTION.

21 (F) DIVIDE THE DIFFERENCE SO DETERMINED BY THE TOTAL NUMBER OF YEARS
22 IN THE PHASE-IN PERIOD APPLICABLE TO THE SCHOOL DISTRICT.

23 (G) MULTIPLY THE QUOTIENT SO DETERMINED BY THE NUMBER OF YEARS FROM
24 THE BEGINNING OF THE PHASE-IN PERIOD UP TO AND INCLUDING THE YEAR FOR
25 WHICH THE TAX RATE IS BEING DETERMINED.

26 (H) ADD THE PRODUCT SO DETERMINED TO THE BASE FULL VALUE TAX RATE.

27 (I) DIVIDE THE SUM SO DETERMINED BY THE APPLICABLE EQUALIZATION RATE.
28 THE QUOTIENT IS THE ASSESSED VALUE TAX RATE FOR THE PORTION FOR THE
29 CURRENT SCHOOL YEAR. PROVIDED, THAT IF THE SUM OF THE REAL PROPERTY TAX
30 LEVIES IN ALL OF THE PORTIONS IN THE SCHOOL DISTRICT, USING THE ASSESSED
31 VALUE TAX RATES COMPUTED PURSUANT TO THIS SUBDIVISION, WOULD YIELD A
32 REAL PROPERTY TAX LEVY THAT IS ABOVE OR BELOW THE TOTAL REAL PROPERTY
33 TAX LEVY SPECIFIED IN THE SCHOOL DISTRICT BUDGET FOR THE CURRENT SCHOOL
34 YEAR, THE ASSESSED VALUE TAX RATES SHALL ALL BE DECREASED OR INCREASED
35 PROPORTIONATELY SO AS TO YIELD THE SPECIFIED REAL PROPERTY TAX LEVY
36 AMOUNT.

37 4. AS USED HEREIN THE TERM "PORTION" MEANS THAT PART OF AN ASSESSING
38 UNIT LOCATED WITHIN A SCHOOL DISTRICT.

39 S 7. Section 3627 of the education law, as added by section 23 of part
40 A of chapter 57 of the laws of 2013, is amended to read as follows:

41 S 3627. Transportation after 4pm. 1. Notwithstanding any other
42 provisions of this section to the contrary, for the two thousand thir-
43 teen--two thousand fourteen AND TWO THOUSAND FOURTEEN--TWO THOUSAND
44 FIFTEEN school year AND EACH YEAR THEREAFTER, a city school district
45 located in a city having a population of one million or more providing
46 transportation pursuant to this chapter shall be responsible for:

47 (a) providing transportation for those children attending public and
48 nonpublic schools in grades kindergarten through six who remain at the
49 same school for which they are enrolled for regularly scheduled academic
50 classes from half-past nine o'clock in the morning or earlier until four
51 o'clock in the afternoon or later, on weekdays, and reside at least one
52 mile from their school of attendance for grades three through six, and
53 at least one-half mile from their school of attendance for grades
54 kindergarten through two or

55 (b) reimbursing the cost incurred by licensed transportation carriers
56 pursuant to contracts with such school district for providing transpor-

tation 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. Notwithstanding any other provision of law to the contrary, any expenditures for transportation provided pursuant to this section in the two thousand thirteen--two thousand fourteen AND TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN school year AND THEREAFTER and otherwise eligible for transportation aid pursuant to subdivision seven of section thirty-six hundred two of this article shall be considered approved transportation expenses eligible for transportation aid, provided further that such aid shall be limited to five million six hundred thousand dollars. And provided further that such expenditures eligible for aid under this section shall supplement not supplant local expenditures for such transportation in the two thousand twelve--two thousand thirteen school year.

5. Notwithstanding any other provision of this section to the contrary, in no event shall such city school district, in order to comply with the requirements of this section, be required to incur any costs in excess of the amount eligible for transportation aid pursuant to subdivision four of this section. In the event such amount is insufficient, the city school district of New York shall provide transportation services within such amount on an equitable basis, until such apportionment is exhausted.

6. 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: (a) the costs associated with paragraphs (a) and (b) of subdivision one of this section, and (b) policies that attempt to maximize student safety for the student to be transported, which for purposes of this section shall include whether the pick up or drop off site of the transportation is:

(i) not further than 600 feet from the student's residence; and/or
(ii) at the same locations for any family that have children at the same residence who attend two or more different schools.

7. (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.

8. 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 8. Subdivision 11 of section 3641 of the education law is amended by adding a new paragraph b-1 to read as follows:

B-1. FOR THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR, SIX MILLION DOLLARS SHALL BE PAID PURSUANT TO PARAGRAPH B OF THIS SUBDIVISION AND THE REMAINING SIX MILLION DOLLARS SHALL BE PAID AFTER THE SUBMISSION OF AN EXPENDITURE PLAN BY THE SUPERINTENDENT OF THE ROOSEVELT UNION FREE SCHOOL DISTRICT TO THE SPEAKER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT OF THE SENATE AND THE MEMBERS OF THE LEGISLATURE REPRESENTING SUCH SCHOOL DISTRICT. SUCH PLAN SHALL FOCUS ON IMPROVING ACADEMIC PERFORMANCE.

S 8-a. Paragraph (t) of subdivision 2 of section 2851 of the education law, as added by chapter 4 of the laws of 1998, is amended to read as follows:

(t) Procedures to be followed in the case of the closure or dissolution of the charter school, including provisions for the transfer of students and student records to the school district in which the charter school is located and for the disposition of the school's assets to the school district in which the charter school is located or another charter school located within the school district. NOTWITHSTANDING ANY OTHER PROVISION OF LAW OR OF A CHARTER TO THE CONTRARY, SUCH PROCEDURES SHALL ENSURE THAT UPON DISSOLUTION OF A CHARTER SCHOOL, ANY FUNDS REMAINING IN THE POSSESSION OF THE CHARTER SCHOOL THAT CAN BE ATTRIBUTED TO PUBLIC FUNDING, AFTER ALL OF ITS DEBTS AND OBLIGATIONS HAVE BEEN PAID, SHALL BE PAID OVER TO EACH SCHOOL DISTRICT HAVING RESIDENT CHILDREN SERVED BY THE CHARTER SCHOOL IN THE SCHOOL YEAR IN WHICH THE CHARTER WAS DISSOLVED OR THE LAST YEAR IN WHICH STUDENTS WERE ENROLLED IN THE CHARTER SCHOOL, IN THE SAME PROPORTION AS THE NUMBER OF STUDENTS PLACED BY EACH SCHOOL DISTRICT AND SERVED BY THE CHARTER SCHOOL IN THE LAST SCHOOL YEAR IN WHICH CHILDREN WERE SERVED BY THE CHARTER SCHOOL, BEARS TO THE TOTAL NUMBER OF STUDENTS SERVED BY THE CHARTER SCHOOL IN SUCH SCHOOL YEAR. PROVIDED, HOWEVER, THAT NOTHING IN THIS SUBDIVISION SHALL BE CONSTRUED TO REQUIRE A CHARTER SCHOOL TO PAY TO SUCH DISTRICTS ANY REMAINING FUNDS THAT CAN BE ATTRIBUTED TO GIFTS, DONATIONS, GRANTS OR OTHER AUTHORIZED CHARITABLE CONTRIBUTIONS.

S 8-b. Subdivision 41 of section 3602 of the education law, as added by section 18 of part B of chapter 57 of the laws of 2007, the subdivision heading and opening paragraph as amended by section 20 of part B of chapter 57 of the laws of 2008, is amended to read as follows:

41. Transitional aid for charter school payments. A. In addition to any other apportionment under this section, for the two thousand seven-two thousand eight school year and thereafter, a school district other

1 than a city school district in a city having a population of one million
2 or more shall be eligible for an apportionment in an amount equal to the
3 sum of:

4 (a) the product of (i) the product of eighty percent multiplied by the
5 charter school basic tuition computed for such school district for the
6 base year pursuant to section twenty-eight hundred fifty-six of this
7 chapter, multiplied by (ii) the positive difference, if any, of the
8 number of resident pupils enrolled in the charter school in the base
9 year less the number of resident pupils enrolled in a charter school in
10 the year prior to the base year, provided, however, that a school
11 district shall be eligible for an apportionment pursuant to this [para-
12 graph] CLAUSE only if the number of its resident pupils enrolled in
13 charter schools in the base year exceeds two percent of the total resi-
14 dent public school district enrollment of such school district in the
15 base year or the total general fund payments made by such district to
16 charter schools in the base year for resident pupils enrolled in charter
17 schools exceeds two percent of total general fund expenditures of such
18 district in the base year, plus

19 (b) the product of (i) the product of sixty percent multiplied by the
20 charter school basic tuition computed for such school district for the
21 base year pursuant to section twenty-eight hundred fifty-six of this
22 chapter, multiplied by (ii) the positive difference, if any, of the
23 number of resident pupils enrolled in the charter school in the year
24 prior to the base year less the number of resident pupils enrolled in a
25 charter school in the year two years prior to the base year, provided,
26 however, that a school district shall be eligible for an apportionment
27 pursuant to this [paragraph] CLAUSE only if the number of its resident
28 pupils enrolled in charter schools in the year prior to the base year
29 exceeds two percent of the total resident public school district enroll-
30 ment of such school district in the year prior to the base year or the
31 total general fund payments made by such district to charter schools in
32 the year prior to the base year for resident pupils enrolled in charter
33 schools exceeds two percent of the total general fund expenditures of
34 such district in the year prior to the base year, plus

35 (c) the product of (i) the product of forty percent multiplied by the
36 charter school basic tuition computed for such school district for the
37 base year pursuant to section twenty-eight hundred fifty-six of this
38 chapter, multiplied by (ii) the positive difference, if any, of the
39 number of resident pupils enrolled in the charter school in the year two
40 years prior to the base year less the number of resident pupils enrolled
41 in a charter school in the year three years prior to the base year,
42 provided, however, that a school district shall be eligible for an
43 apportionment pursuant to this [paragraph] CLAUSE only if the number of
44 its resident pupils enrolled in charter schools in the year two years
45 prior to the base year exceeds two percent of the total resident public
46 school district enrollment of such school district in the year two years
47 prior to the base year or the total general fund payments made by such
48 district to charter schools in the year two years prior to the base year
49 for resident pupils enrolled in charter schools exceeds two percent of
50 the total general fund expenditures of such district in the year two
51 years prior to the base year, PLUS

52 (D) FOR A TIER 4 ELIGIBLE SCHOOL DISTRICT, THE PRODUCT OF THE NUMBER
53 OF RESIDENT PUPILS ENROLLED IN THE CHARTER SCHOOL FOR THE BASE YEAR
54 MULTIPLIED BY THE SATURATION CHARTER TUITION AMOUNT.

55 B. FOR THE PURPOSES OF THIS SUBDIVISION A "TIER 4 ELIGIBLE SCHOOL
56 DISTRICT" SHALL BE A SCHOOL DISTRICT WITH GREATER THAN ONE THOUSAND BASE

1 YEAR RESIDENT PUPILS ENROLLED IN A CHARTER SCHOOL WHERE THE QUOTIENT OF
2 THE BASE YEAR RESIDENT PUPILS ENROLLED IN CHARTER SCHOOLS DIVIDED BY THE
3 TOTAL RESIDENT PUBLIC SCHOOL DISTRICT ENROLLMENT, IS EIGHTEEN PERCENT OR
4 MORE, BASED ON DATA ON FILE WITH THE COMMISSIONER AND IN THE DATABASE
5 USED BY THE COMMISSIONER TO PRODUCE AN UPDATED ELECTRONIC DATA FILE ON
6 FEBRUARY FIFTEENTH OF THE BASE YEAR PURSUANT TO PARAGRAPH B OF SUBDIVI-
7 SION TWENTY-ONE OF SECTION THREE HUNDRED FIVE OF THIS CHAPTER.

8 C. FOR THE PURPOSES OF THIS SUBDIVISION THE "SATURATION CHARTER
9 TUITION AMOUNT" SHALL BE THIRTEEN PERCENT (.13) MULTIPLIED BY THE CHAR-
10 TER SCHOOL BASIC TUITION COMPUTED FOR SUCH SCHOOL DISTRICT FOR THE BASE
11 YEAR MULTIPLIED BY THE STATE SHARING RATIO AS COMPUTED PURSUANT TO PARA-
12 GRAPH G OF SUBDIVISION THREE OF THIS SECTION.

13 [(d)] D. For purposes of this subdivision the number of pupils
14 enrolled in a charter school shall not include pupils enrolled in a
15 charter school for which the charter was approved by a charter entity
16 contained in paragraph a of subdivision three of section twenty-eight
17 hundred fifty-one of this chapter.

18 S 8-c. Paragraph (a) of subdivision 1 of section 2856 of the education
19 law, as amended by section 5 of part A of chapter 57 of the laws of
20 2013, is amended to read as follows:

21 (a) The enrollment of students attending charter schools shall be
22 included in the enrollment, attendance, membership and, if applicable,
23 count of students with disabilities of the school district in which the
24 pupil resides. The charter school shall report all such data to the
25 school districts of residence in a timely manner. Each school district
26 shall report such enrollment, attendance and count of students with
27 disabilities to the department. The school district of residence shall
28 pay directly to the charter school for each student enrolled in the
29 charter school who resides in the school district the charter school
30 basic tuition, which shall be:

31 (i) for school years prior to the two thousand nine--two thousand ten
32 school year and for school years following the [two thousand thirteen--
33 two thousand fourteen] TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN
34 school year, an amount equal to one hundred percent of the amount calcu-
35 lated pursuant to paragraph f of subdivision one of section thirty-six
36 hundred two of this chapter for the school district for the year prior
37 to the base year increased by the percentage change in the state total
38 approved operating expense calculated pursuant to paragraph t of subdivi-
39 sion one of section thirty-six hundred two of this chapter from two
40 years prior to the base year to the base year;

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

45 (iii) for the two thousand ten--two thousand eleven through two thou-
46 sand thirteen--two thousand fourteen school years, the charter school
47 basic tuition shall be the basic tuition computed for the two thousand
48 ten--two thousand eleven school year pursuant to the provisions of
49 subparagraph (i) of this paragraph; AND

50 (IV) FOR THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR,
51 THE CHARTER SCHOOL BASIC TUITION SHALL BE THE LESSER OF THE BASIC
52 TUITION COMPUTED FOR THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN SCHOOL
53 YEAR PURSUANT TO THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH OR
54 THE AMOUNT PAYABLE BY SUCH DISTRICT AS CHARTER SCHOOL BASIC TUITION FOR
55 THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR.

1 S 8-d. Paragraph (a) of subdivision 1 of section 2856 of the education
2 law, as amended by section 6 of part A of chapter 57 of the laws of
3 2013, is amended to read as follows:

4 (a) The enrollment of students attending charter schools shall be
5 included in the enrollment, attendance and, if applicable, count of
6 students with disabilities of the school district in which the pupil
7 resides. The charter school shall report all such data to the school
8 districts of residence in a timely manner. Each school district shall
9 report such enrollment, attendance and count of students with disabili-
10 ties to the department. The school district of residence shall pay
11 directly to the charter school for each student enrolled in the charter
12 school who resides in the school district the charter school basic
13 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 thirteen--
16 two thousand fourteen] TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN
17 school year, an amount equal to one hundred percent of the amount calcu-
18 lated pursuant to paragraph f of subdivision one of section thirty-six
19 hundred two of this chapter for the school district for the year prior
20 to the base year increased by the percentage change in the state total
21 approved operating expense calculated pursuant to paragraph t of subdi-
22 vision one of section thirty-six hundred two of this chapter from two
23 years prior 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 thirteen--two thousand fourteen school years, the charter school
30 basic tuition shall be the basic tuition computed for the two thousand
31 ten--two thousand eleven school year pursuant to the provisions of
32 subparagraph (i) of this paragraph; AND

33 (IV) FOR THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR,
34 THE CHARTER SCHOOL BASIC TUITION SHALL BE THE LESSER OF THE BASIC
35 TUITION COMPUTED FOR THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN SCHOOL
36 YEAR PURSUANT TO THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH OR
37 THE AMOUNT PAYABLE BY SUCH DISTRICT AS CHARTER SCHOOL BASIC TUITION FOR
38 THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR.

39 S 9. Subdivision 6 of section 4402 of the education law, as amended by
40 section 21 of part A of chapter 57 of the laws of 2013, is amended to
41 read as follows:

42 6. Notwithstanding any other law, rule or regulation to the contrary,
43 the board of education of a city school district with a population of
44 one hundred twenty-five thousand or more inhabitants shall be permitted
45 to establish maximum class sizes for special classes for certain
46 students with disabilities in accordance with the provisions of this
47 subdivision. For the purpose of obtaining relief from any adverse fiscal
48 impact from under-utilization of special education resources due to low
49 student attendance in special education classes at the middle and
50 secondary level as determined by the commissioner, such boards of educa-
51 tion shall, during the school years nineteen hundred ninety-five--nine-
52 ty-six through June thirtieth, two thousand [fourteen] FIFTEEN of the
53 two thousand [thirteen] FOURTEEN--two thousand [fourteen] FIFTEEN school
54 year, be authorized to increase class sizes in special classes contain-
55 ing students with disabilities whose age ranges are equivalent to those
56 of students in middle and secondary schools as defined by the commis-

1 sioner for purposes of this section by up to but not to exceed one and
2 two tenths times the applicable maximum class size specified in regu-
3 lations of the commissioner rounded up to the nearest whole number,
4 provided that in a city school district having a population of one
5 million or more, classes that have a maximum class size of fifteen may
6 be increased by no more than one student and provided that the projected
7 average class size shall not exceed the maximum specified in the appli-
8 cable regulation, provided that such authorization shall terminate on
9 June thirtieth, two thousand. Such authorization shall be granted upon
10 filing of a notice by such a board of education with the commissioner
11 stating the board's intention to increase such class sizes and a certif-
12 ication that the board will conduct a study of attendance problems at
13 the secondary level and will implement a corrective action plan to
14 increase the rate of attendance of students in such classes to at least
15 the rate for students attending regular education classes in secondary
16 schools of the district. Such corrective action plan shall be submitted
17 for approval by the commissioner by a date during the school year in
18 which such board increases class sizes as provided pursuant to this
19 subdivision to be prescribed by the commissioner. Upon at least thirty
20 days notice to the board of education, after conclusion of the school
21 year in which such board increases class sizes as provided pursuant to
22 this subdivision, the commissioner shall be authorized to terminate such
23 authorization upon a finding that the board has failed to develop or
24 implement an approved corrective action plan.

25 S 10. Notwithstanding any other law to the contrary, tuition rates
26 approved pursuant to paragraph c of subdivision 4 of section 4405 of the
27 education law for the 2014--2015 school year for special services or
28 programs provided to school-age students by approved private residential
29 or non-residential schools for the education of students with disabili-
30 ties that are located within the state, and by special act school
31 districts shall increase by an amount equal to 3 percent of direct care
32 costs.

33 S 10-a. Notwithstanding any other law to the contrary, tuition rates
34 approved pursuant to paragraph c of subdivision 4 of section 4405 of the
35 education law for the two thousand sixteen--two thousand seventeen
36 school year for special services or programs provided to school-age
37 students by approved private residential or non-residential schools for
38 the education of students with disabilities that are located within the
39 state, and by special act school districts shall increase by an amount
40 equal to three percent of direct care costs.

41 S 11. Subparagraph (i) of paragraph a of subdivision 10 of section
42 4410 of the education law, as amended by chapter 82 of the laws of 1995,
43 is amended to read as follows:

44 (i) (A) Commencing with the nineteen hundred ninety--ninety-one school
45 year, the commissioner shall annually determine the tuition rate for
46 approved services or programs provided to preschool children pursuant to
47 this section. Such rates for providers of such services and programs
48 shall be determined in conformance with a methodology established pursu-
49 ant to subdivision four of section forty-four hundred five of this arti-
50 cle after consultation with and a review of an annual report prepared by
51 the advisory committee established pursuant to paragraph a of subdivi-
52 sion twelve of this section and shall be subject to the approval of the
53 director of the budget. Notwithstanding any other provision of law, rule
54 or regulation to the contrary, tuition rates established for the nine-
55 teen hundred ninety-five--ninety-six school year shall exclude the two

1 percent cost of living adjustment authorized in rates established for
2 the nineteen hundred ninety-four--ninety-five school year.

3 (B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION TO
4 THE CONTRARY, FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL
5 YEAR AND THEREAFTER, THE COMMISSIONER, SUBJECT TO THE APPROVAL OF THE
6 DIRECTOR OF THE BUDGET, SHALL ESTABLISH REGIONAL TUITION RATES FOR
7 SPECIAL EDUCATION ITINERANT SERVICES BASED ON APPROVED ACTUAL COSTS IN
8 ACCORDANCE WITH A METHODOLOGY ESTABLISHED PURSUANT TO SUBDIVISION FOUR
9 OF SECTION FORTY-FOUR HUNDRED FIVE OF THIS ARTICLE. SUCH SPECIAL EDUCA-
10 TION ITINERANT SERVICES SHALL BE PROVIDED BY APPROVED PROGRAMS, AND SUCH
11 APPROVED PROGRAMS SHALL BE REIMBURSED FOR SUCH SERVICES BASED ON THE
12 ACTUAL ATTENDANCE OF PRESCHOOL CHILDREN RECEIVING SUCH SERVICES.

13 S 11-a. Notwithstanding any provision of the law to the contrary, for
14 the Liverpool central school district in Onondaga county, for total
15 penalties in excess of \$5 million arising from the late filing of a
16 final cost report pursuant to section 31 of part A of chapter 57 of the
17 laws of 2012 the commissioner of education shall recover such penalties
18 in ten equal annual installments beginning the later of June 2015 or
19 June of the school year in which such district is notified of the penal-
20 ty. Provided further that such district may elect to make an initial
21 payment no later than thirty days in advance of the first annual
22 installment which shall reduce the amount of each annual installment.

23 S 12. Subdivision b of section 2 of chapter 756 of the laws of 1992,
24 relating to funding a program for work force education conducted by the
25 consortium for worker education in New York city, as amended by section
26 27 of part A of chapter 57 of the laws of 2013, is amended to read as
27 follows:

28 b. Reimbursement for programs approved in accordance with subdivision
29 a of this section [for the 2010--2011 school year shall not exceed 62.6
30 percent of the lesser of such approvable costs per contact hour or
31 twelve dollars and five cents per contact hour, reimbursement] for the
32 2011--2012 school year shall not exceed 62.9 percent of the lesser of
33 such approvable costs per contact hour or twelve dollars and fifteen
34 cents per contact hour, reimbursement for the 2012--2013 school year
35 shall not exceed 63.3 percent of the lesser of such approvable costs per
36 contact hour or twelve dollars and thirty-five cents per contact hour,
37 [and] reimbursement for the 2013--2014 school year shall not exceed 62.3
38 percent of the lesser of such approvable costs per contact hour or
39 twelve dollars and sixty-five cents per contact hour, AND REIMBURSEMENT
40 FOR THE 2014--2015 SCHOOL YEAR SHALL NOT EXCEED 61.6 PERCENT OF THE
41 LESSER OF SUCH APPROVABLE COSTS PER CONTACT HOUR OR EIGHT DOLLARS PER
42 CONTACT HOUR where a contact hour represents sixty minutes of instruc-
43 tion services provided to an eligible adult. Notwithstanding any other
44 provision of law to the contrary, [for the 2010--2011 school year such
45 contact hours shall not exceed one million five hundred twenty-five
46 thousand one hundred ninety-eight (1,525,198) hours; whereas] for the
47 2011--2012 school year such contact hours shall not exceed one million
48 seven hundred one thousand five hundred seventy (1,701,570) hours; wher-
49 eas for the 2012--2013 school year such contact hours shall not exceed
50 one million six hundred sixty-four thousand five hundred thirty-two
51 (1,664,532) hours; whereas for the 2013--2014 school year such contact
52 hours shall not exceed one million six hundred forty-nine thousand seven
53 hundred forty-six (1,649,746) hours; WHEREAS FOR THE 2014--2015 SCHOOL
54 YEAR SUCH CONTACT HOURS SHALL NOT EXCEED ONE MILLION SIX HUNDRED TWEN-
55 TY-FIVE THOUSAND (1,625,000) HOURS. Notwithstanding any other provision
56 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 13. 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 s to read as follows:

S. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY AFTER THE COMPLETION OF PAYMENTS FOR THE 2014--2015 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 14. 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 29 of part A of chapter 57 of the laws of 2013, is amended to read as follows:

S 6. This act shall take effect July 1, 1992, and shall be deemed repealed on June 30, [2014] 2015.

S 14-a. Paragraph a-1 of subdivision 11 of section 3602 of the education law, as amended by section 25 of part A of chapter 57 of the laws of 2013, is amended to read as follows:

a-1. Notwithstanding the provisions of paragraph a of this subdivision, for aid payable in the school years two thousand--two thousand one through two thousand nine--two thousand ten, and two thousand eleven--two thousand twelve through two thousand [thirteen] FOURTEEN--two thousand [fourteen] FIFTEEN, the commissioner may set aside an amount not to exceed two million five hundred thousand dollars from the funds appropriated for purposes of this subdivision for the purpose of serving persons twenty-one years of age or older who have not been enrolled in any school for the preceding school year, including persons who have received a high school diploma or high school equivalency diploma but fail to demonstrate basic educational competencies as defined in regulation by the commissioner, when measured by accepted standardized tests, and who shall be eligible to attend employment preparation education programs operated pursuant to this subdivision.

S 14-b. Subdivision 10 of section 6-p of the general municipal law, as amended by section 32-a of part A of chapter 57 of the laws of 2013, is amended to read as follows:

10. Notwithstanding any provision of law to the contrary, the governing board of a school district may, during the [two thousand thirteen--two thousand fourteen] TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN school year, authorize a withdrawal from this fund in an amount not to exceed the lesser of: (a) the dollar value of excess funding in the fund as determined by the comptroller pursuant to section thirty-three of this chapter or (b) the amount of the school district's remaining gap elimination adjustment as calculated by the commissioner of education pursuant to subdivision seventeen of section thirty-six hundred two of the education law. Funds withdrawn pursuant to this subdivision may only be used for the purpose of maintaining educational programming during the [two thousand thirteen--two thousand fourteen] TWO THOUSAND FOUR-

TEEN--TWO THOUSAND FIFTEEN school year which otherwise would have been reduced as a result of such gap elimination adjustment. Governing boards which make such a withdrawal shall submit, in a form prescribed by the commissioner of education, relevant information about the withdrawal, which shall include but not be limited to, the amount of such withdrawal, the date of withdrawal, and the use of such withdrawn funds.

S 15. 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 30 of part A of chapter 57 of the laws of 2013, 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, [2015] 2016.

S 16. 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 31 of part A of chapter 57 of the laws of 2013, 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, [2014] 2015 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] TWENTY-FOUR of this act shall be deemed to be repealed on and after July 1, [2014] 2015;

S 17. Subdivision 8 of section 4401 of the education law, as amended by section 25-a of part A of chapter 57 of the laws of 2013, is amended to read as follows:

8. "School district basic contribution" shall mean an amount equal to the total school district local property and non-property tax levy for the base year divided by the base year public school district enrollment of resident pupils of the school district as defined in paragraph n of subdivision one of section thirty-six hundred two of this chapter, except that for the two thousand thirteen--two thousand fourteen AND TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN school year AND THEREAFTER, for school districts other than central high school districts and their components, such tax levy for the base year shall be divided by the year prior to 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 year prior to the base year pupil count exceeds one hundred fifty percent of such base year public school district enrollment of resident pupils.

1 S 17-a. Subdivision 11 of section 94 of part C of chapter 57 of the
2 laws of 2004, relating to support of education, as amended by chapter
3 160 of the laws of 2011, is amended to read as follows:

4 11. section seventy-one of this act shall expire and be deemed
5 repealed June 30, [2014] 2017;

6 S 18. Section 12 of chapter 147 of the laws of 2001, amending the
7 education law relating to conditional appointment of school district,
8 charter school or BOCES employees, as amended by section 32 of part A of
9 chapter 57 of the laws of 2013, is amended to read as follows:

10 S 12. This act shall take effect on the same date as chapter 180 of
11 the laws of 2000 takes effect, and shall expire July 1, [2014] 2015 when
12 upon such date the provisions of this act shall be deemed repealed.

13 S 19. Section 4 of chapter 425 of the laws of 2002, amending the
14 education law relating to the provisions of supplemental educational
15 services, attendance at a safe public school and the suspension of
16 pupils who bring a firearm to or possess a firearm at a school, as
17 amended by section 33 of part A of chapter 57 of the laws of 2013, is
18 amended to read as follows:

19 S 4. This act shall take effect July 1, 2002 and shall expire and be
20 deemed repealed June 30, [2014] 2015.

21 S 20. Section 5 of chapter 101 of the laws of 2003, amending the
22 education law relating to implementation of the No Child Left Behind Act
23 of 2001, as amended by section 34 of part A of chapter 57 of the laws of
24 2013, is amended to read as follows:

25 S 5. This act shall take effect immediately; provided that sections
26 one, two and three of this act shall expire and be deemed repealed on
27 June 30, [2014] 2015.

28 S 20-a. Notwithstanding any provision of the law to the contrary, for
29 purposes of computing state aid pursuant to section 3602 of the educa-
30 tion law for the 2014--2015 school year for any school district in which
31 the adjusted gross income for the 2011 calendar year exceeds the
32 adjusted gross income for the 2010 calendar year by greater than fifty
33 percent but less than one hundred percent, "adjusted gross income" shall
34 mean the adjusted gross income of a school district for the calendar
35 year four years prior to the calendar year in which the current year
36 commences. The income data shall be computed in accordance with regu-
37 lations adopted by the commissioner of taxation and finance based upon
38 personal income tax returns for the calendar year three years prior to
39 the calendar year in which the current school year commences, as
40 reported to such commissioner by September of the base year, including
41 the results of the permanent computerized statewide school district
42 address match and income verification system.

43 S 20-b. Notwithstanding any other law to the contrary, for the Marl-
44 boro school district located in Ulster county for the purposes of
45 computing apportionments due and owing in the 2014--2015 and 2015--2016
46 school years "Actual valuation" shall mean the valuation of taxable real
47 property in a school district obtained by taking the assessed valuation
48 of taxable real property within such district as it appears upon the
49 assessment roll of the town, city, village, or county in which such
50 property is located, for the calendar year one year prior to the year in
51 which the base year commenced, after revision as provided by law, and
52 dividing it by the state equalization rate as determined by the state
53 board of equalization and assessment, for the assessment roll of such
54 town, city, village, or county completed during such preceding calendar
55 year. Such actual valuation shall include any actual valuation equiv-
56 alent of payments in lieu of taxes determined pursuant to section 485 of

1 the real property tax law. "Selected actual valuation" shall mean the
2 lesser of actual valuation calculated for aid payable in the current
3 year or the two-year average of the actual valuation calculated for aid
4 payable in the current year and the actual valuation calculated for aid
5 payable in the base year.

6 S 21. The opening paragraph of subdivision 10 of section 3602-e of the
7 education law, as amended by section 10-a of part A of chapter 57 of the
8 laws of 2012, is amended to read as follows:

9 Notwithstanding any provision of law to the contrary, for aid payable
10 in the two thousand eight--two thousand nine school year, the grant to
11 each eligible school district for universal prekindergarten aid shall be
12 computed pursuant to this subdivision, and for the two thousand nine--
13 two thousand ten and two thousand ten--two thousand eleven school years,
14 each school district shall be eligible for a maximum grant equal to the
15 amount computed for such school district for the base year in the elec-
16 tronic data file produced by the commissioner in support of the two
17 thousand nine--two thousand ten education, labor and family assistance
18 budget, provided, however, that in the case of a district implementing
19 programs for the first time or implementing expansion programs in the
20 two thousand eight--two thousand nine school year where such programs
21 operate for a minimum of ninety days in any one school year as provided
22 in section 151-1.4 of the regulations of the commissioner, for the two
23 thousand nine--two thousand ten and two thousand ten--two thousand elev-
24 en school years, such school district shall be eligible for a maximum
25 grant equal to the amount computed pursuant to paragraph a of subdivi-
26 sion nine of this section in the two thousand eight--two thousand nine
27 school year, and for the two thousand eleven--two thousand twelve school
28 year each school district shall be eligible for a maximum grant equal to
29 the amount set forth for such school district as "UNIVERSAL PREKINDER-
30 GARTEN" under the heading "2011-12 ESTIMATED AIDS" in the school aid
31 computer listing produced by the commissioner in support of the enacted
32 budget for the 2011-12 school year and entitled "SA111-2", and for two
33 thousand twelve--two thousand thirteen [and], two thousand thirteen--two
34 thousand fourteen AND TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN school
35 years each school district shall be eligible for a maximum grant equal
36 to the greater of (i) the amount set forth for such school district as
37 "UNIVERSAL PREKINDERGARTEN" under the heading "2010-11 BASE YEAR AIDS"
38 in the school aid computer listing produced by the commissioner in
39 support of the enacted budget for the 2011-12 school year and entitled
40 "SA111-2", or (ii) the amount set forth for such school district as
41 "UNIVERSAL PREKINDERGARTEN" under the heading "2010-11 BASE YEAR AIDS"
42 in the school aid computer listing produced by the commissioner on May
43 fifteenth, two thousand eleven pursuant to paragraph b of subdivision
44 twenty-one of section three hundred five of this chapter, and provided
45 further that the maximum grant shall not exceed the total actual grant
46 expenditures incurred by the school district in the current school year
47 as approved by the commissioner.

48 S 21-a. Section 3641 of the education law is amended by adding a new
49 subdivision 16 to read as follows:

50 16. FIVE-YEAR STATEWIDE UNIVERSAL FULL-DAY PRE-KINDERGARTEN PHASE-IN
51 GRANTS. WITHIN THE AMOUNTS APPROPRIATED FOR SUCH PURPOSE THE COMMISSION-
52 ER SHALL AWARD GRANTS TO SCHOOL DISTRICTS TO EXPAND PRE-KINDERGARTEN AND
53 FULL-DAY KINDERGARTEN. A. GRANTS MAY BE AWARDED TO ESTABLISH NEW FULL-
54 DAY AND/OR TO CONVERT EXISTING HALF-DAY PRE-KINDERGARTEN PLACEMENTS OR
55 HALF-DAY KINDERGARTEN PLACEMENTS INTO FULL-DAY PLACEMENTS; PROVIDED
56 THAT:

(1) GRANTS AWARDED FOR THE CREATION OF NEW FULL-DAY PRE-KINDERGARTEN PLACEMENTS OR THE CONVERSION OF EXISTING HALF-DAY PRE-KINDERGARTEN PLACEMENTS INTO FULL-DAY PRE-KINDERGARTEN PLACEMENTS SHALL CONTINUE IN SUBSEQUENT SCHOOL YEARS SUBJECT TO THE AVAILABILITY OF APPROPRIATIONS;

(2) GRANTS NOT AWARDED FROM ANNUAL ALLOCATIONS SHALL REMAIN AVAILABLE FOR SUBSEQUENT AWARDS FOR FULL-DAY PRE-KINDERGARTEN OR FULL-DAY KINDERGARTEN CONVERSION GRANTS IN SUBSEQUENT SCHOOL YEARS; AND

(3) THE COMPTROLLER SHALL, ANNUALLY, UPON DIRECTION OF THE COMMISSIONER WITH THE APPROVAL OF THE DIRECTOR OF THE BUDGET, TRANSFER AN AMOUNT EQUAL TO THE SUM OF THE GRANTS AMOUNTS NOT AWARDED FROM ANNUAL ALLOCATIONS FOR FIVE-YEAR STATEWIDE UNIVERSAL FULL-DAY PRE-KINDERGARTEN AND FULL-DAY KINDERGARTEN CONVERSION PHASE-IN GRANTS FROM THE GENERAL FUND TO THE FIVE-YEAR STATEWIDE UNIVERSAL FULL-DAY PRE-KINDERGARTEN PHASE-IN RESERVE FUND ESTABLISHED PURSUANT TO SECTION NINETY-SEVEN-PPPP OF THE STATE FINANCE LAW. FUNDS TRANSFERRED TO THE FIVE-YEAR STATEWIDE UNIVERSAL FULL-DAY PRE-KINDERGARTEN PHASE-IN RESERVE FUND SHALL ONLY BE MADE AVAILABLE, PAID OVER AND DISTRIBUTED FOR FULL-DAY PRE-KINDERGARTEN AND FULL-DAY KINDERGARTEN CONVERSION GRANTS PURSUANT TO THIS SUBDIVISION IN SUBSEQUENT SCHOOL YEARS.

B. AWARD CRITERIA SHALL INCLUDE THE FOLLOWING:

(1) MEASURES OF SCHOOL DISTRICT NEED;

(2) MEASURES OF THE NEED OF STUDENTS TO BE SERVED BY EACH OF THE SCHOOL DISTRICTS;

(3) THE SCHOOL DISTRICT'S PROPOSAL TO TARGET THE HIGHEST NEED SCHOOLS AND STUDENTS;

(4) THE EXTENT TO WHICH THE DISTRICT WOULD PRIORITIZE FUNDS TO MAXIMIZE THE TOTAL NUMBER OF ELIGIBLE CHILDREN IN THE DISTRICT SERVED IN PRE-KINDERGARTEN PROGRAMS; AND

(5) PROPOSAL QUALITY.

C. GRANTS SHALL ONLY BE AVAILABLE TO SUPPORT PROGRAMS:

(1) THAT PROVIDE INSTRUCTION FOR AT LEAST FIVE HOURS PER SCHOOL DAY FOR FULL-DAY PRE-KINDERGARTEN OR KINDERGARTEN PROGRAMS;

(2) THAT ENSURE THAT, TO THE EXTENT COMMUNITY-BASED PROVIDERS ARE PART OF A PRE-KINDERGARTEN PROGRAM, SUCH PROVIDERS MEET THE REQUIREMENTS OF PARAGRAPHS D-1 AND D-2 OF SUBDIVISION TWELVE OF SECTION THIRTY-SIX HUNDRED TWO-E OF THIS ARTICLE;

(3) THAT IN THE CASE OF PRE-KINDERGARTEN PROGRAMS OTHERWISE COMPLY WITH ALL OF THE SAME RULES AND REQUIREMENTS AS UNIVERSAL PRE-KINDERGARTEN PROGRAMS PURSUANT TO SECTION THIRTY-SIX HUNDRED TWO-E OF THIS ARTICLE EXCEPT AS MODIFIED HEREIN; AND

(4) THAT SUPPLEMENT, NOT SUPPLANT EXISTING KINDERGARTEN AND PRE-KINDERGARTEN PROGRAMS.

D. A SCHOOL DISTRICT'S PRE-KINDERGARTEN GRANT SHALL EQUAL THE PRODUCT OF (A) (I) TWO MULTIPLIED BY THE APPROVED NUMBER OF NEW FULL-DAY PRE-KINDERGARTEN PLACEMENT PLUS (II) THE APPROVED NUMBER OF HALF-DAY PRE-KINDERGARTEN AND HALF-DAY KINDERGARTEN PLACEMENT CONVERSIONS AND (B) THE DISTRICT'S SELECTED AID PER PRE-KINDERGARTEN PUPIL PURSUANT TO SUBPARAGRAPH (I) OF PARAGRAPH B OF SUBDIVISION TEN OF SECTION THIRTY-SIX HUNDRED TWO-E OF THIS ARTICLE; PROVIDED, HOWEVER, THAT NO DISTRICT SHALL RECEIVE A GRANT IN EXCESS OF THE TOTAL ACTUAL GRANT EXPENDITURES INCURRED BY THE DISTRICT IN THE CURRENT SCHOOL YEAR AS APPROVED BY THE COMMISSIONER AND PROVIDED FURTHER, FULL-DAY KINDERGARTEN CONVERSION PLACEMENTS FUNDED PURSUANT TO THIS SUBDIVISION SHALL NOT BE ELIGIBLE TO RECEIVE AN APPORTIONMENT PURSUANT TO SUBDIVISION NINE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS ARTICLE.

1 S 21-b. The state finance law is amended by adding a new section
2 97-pppp to read as follows:

3 S 97-PPPP. FIVE-YEAR STATEWIDE UNIVERSAL FULL-DAY PRE-KINDERGARTEN
4 PHASE-IN RESERVE FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT
5 CUSTODY OF THE COMPTROLLER AND THE COMMISSIONER OF TAXATION AND FINANCE
6 A FUND, TO BE KNOWN AS THE "FIVE-YEAR STATEWIDE UNIVERSAL FULL-DAY PRE-
7 KINDERGARTEN PHASE-IN RESERVE FUND".

8 2. SUCH FUND SHALL CONSIST OF MONEYS TRANSFERRED FROM THE GENERAL FUND
9 PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH A OF SUBDIVISION SIXTEEN OF
10 SECTION THIRTY-SIX HUNDRED FORTY-ONE OF THE EDUCATION LAW. MONEYS IN THE
11 FIVE-YEAR STATEWIDE UNIVERSAL FULL-DAY PRE-KINDERGARTEN PHASE-IN RESERVE
12 FUND SHALL ONLY BE MADE AVAILABLE, PAID OVER AND DISTRIBUTED FOR
13 FULL-DAY PRE-KINDERGARTEN AND FULL-DAY KINDERGARTEN CONVERSION GRANTS TO
14 SCHOOL DISTRICTS PURSUANT TO SUCH SUBDIVISION SIXTEEN OF SECTION THIR-
15 TY-SIX HUNDRED FORTY-ONE OF THE EDUCATION LAW IN SUBSEQUENT SCHOOL
16 YEARS.

17 S 22. School bus driver training. In addition to apportionments other-
18 wise provided by section 3602 of the education law, for aid payable in
19 the 2014--2015 school year, the commissioner of education shall allocate
20 school bus driver training grants to school districts and boards of
21 cooperative educational services pursuant to sections 3650-a, 3650-b and
22 3650-c of the education law, or for contracts directly with not-for-pro-
23 fit educational organizations for the purposes of this section. Such
24 payments shall not exceed four hundred thousand dollars (\$400,000) per
25 school year.

26 S 23. Section 37 of part A of chapter 57 of the laws of 2013, relating
27 to school district eligibility relating to state aid to the public
28 schools and implementation of the education, labor and family assistance
29 budget for the 2013-14 state fiscal year, is amended to read as follows:

30 S 37. Special apportionment for salary expenses. a. Notwithstanding
31 any other provision of law, upon application to the commissioner of
32 education, not sooner than the first day of the second full business
33 week of June, 2014 and not later than the last day of the third full
34 business week of June, 2014, a school district eligible for an appor-
35 tionment pursuant to section 3602 of the education law shall be eligible
36 to receive an apportionment pursuant to this section, for the school
37 year ending June 30, 2014, for salary expenses incurred between April 1
38 and June 30, 2014 and such apportionment shall not exceed the sum of (i)
39 the deficit reduction assessment of 1990--1991 as determined by the
40 commissioner of education, pursuant to paragraph f of subdivision 1 of
41 section 3602 of the education law, as in effect through June 30, 1993,
42 plus (ii) 186 percent of such amount for a city school district in a
43 city with a population in excess of 1,000,000 inhabitants, plus (iii)
44 209 percent of such amount for a city school district in a city with a
45 population of more than 195,000 inhabitants and less than 219,000 inhab-
46 itants according to the latest federal census, plus (iv) the net gap
47 elimination adjustment for 2010--2011, as determined by the commissioner
48 of education pursuant to chapter 53 of the laws of 2010, plus (v) the
49 gap elimination adjustment for 2011--2012 as determined by the commis-
50 sioner of education pursuant to subdivision 17 of section 3602 of the
51 education law, PLUS (VI) THE GAP ELIMINATION ADJUSTMENT FOR 2012-2013 AS
52 DETERMINED BY THE COMMISSIONER OF EDUCATION PURSUANT TO SUBDIVISION 17
53 OF SECTION 3602 OF THE EDUCATION LAW FOR A CITY SCHOOL DISTRICT IN A
54 CITY WITH A POPULATION OF MORE THAN 195,000 INHABITANTS AND LESS THAN
55 219,000 INHABITANTS ACCORDING TO THE LATEST FEDERAL CENSUS, and provided
56 further that such apportionment shall not exceed such salary expenses.

1 Such application shall be made by a school district, after the board of
2 education or trustees have adopted a resolution to do so and in the case
3 of a city school district in a city with a population in excess of
4 125,000 inhabitants, with the approval of the mayor of such city.

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

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

36 S 23-a. Special apportionment for salary expenses. a. Notwithstanding
37 any other provision of law, upon application to the commissioner of
38 education, not sooner than the first day of the second full business
39 week of June, 2015 and not later than the last day of the third full
40 business week of June, 2015, a school district eligible for an appor-
41 tionment pursuant to section 3602 of the education law shall be eligible
42 to receive an apportionment pursuant to this section, for the school
43 year ending June 30, 2015, for salary expenses incurred between April 1
44 and June 30, 2015 and such apportionment shall not exceed the sum of (i)
45 the deficit reduction assessment of 1990--1991 as determined by the
46 commissioner of education, pursuant to paragraph f of subdivision 1 of
47 section 3602 of the education law, as in effect through June 30, 1993,
48 plus (ii) 186 percent of such amount for a city school district in a
49 city with a population in excess of 1,000,000 inhabitants, plus (iii)
50 209 percent of such amount for a city school district in a city with a
51 population of more than 195,000 inhabitants and less than 219,000 inhab-
52 itants according to the latest federal census, plus (iv) the net gap
53 elimination adjustment for 2010--2011, as determined by the commissioner
54 of education pursuant to chapter 53 of the laws of 2010, plus (v) the
55 gap elimination adjustment for 2011--2012 as determined by the commis-
56 sioner of education pursuant to subdivision 17 of section 3602 of the

1 education law, plus (vi) the gap elimination adjustment for 2012-13 as
2 determined by the commissioner of education pursuant to subdivision 17
3 of section 3602 of the education law, and provided further that such
4 apportionment shall not exceed such salary expenses. Such application
5 shall be made by a school district, after the board of education or
6 trustees have adopted a resolution to do so and in the case of a city
7 school district in a city with a population in excess of 125,000 inhab-
8 itants, with the approval of the mayor of such city.

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

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

40 S 24. Special apportionment for public pension accruals. a. Notwith-
41 standing any other provision of law, upon application to the commission-
42 er of education, not later than June 30, 2015, a school district eligi-
43 ble for an apportionment pursuant to section 3602 of the education law
44 shall be eligible to receive an apportionment pursuant to this section,
45 for the school year ending June 30, 2015 and such apportionment shall
46 not exceed the additional accruals required to be made by school
47 districts in the 2004--2005 and 2005--2006 school years associated with
48 changes for such public pension liabilities. The amount of such addi-
49 tional accrual shall be certified to the commissioner of education by
50 the president of the board of education or the trustees or, in the case
51 of a city school district in a city with a population in excess of
52 125,000 inhabitants, the mayor of such city. Such application shall be
53 made by a school district, after the board of education or trustees have
54 adopted a resolution to do so and in the case of a city school district
55 in a city with a population in excess of 125,000 inhabitants, with the
56 approval of the mayor of such city.

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

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

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

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

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

46 d. Notwithstanding any other law, rule or regulation to the contrary,
47 moneys appropriated to the state education department for general
48 support for public schools may be interchanged with any other item of
49 appropriation for general support for public schools within the general
50 fund local assistance account office of prekindergarten through grade
51 twelve education programs.

52 S 26. Notwithstanding the provision of any law, rule, or regulation to
53 the contrary, the city school district of the city of Rochester, upon
54 the consent of the board of cooperative educational services of the
55 supervisory district serving its geographic region may purchase from

1 such board for the 2014--2015 school year, as a non-component school
2 district, services required by article 19 of the education law.

3 S 27. The amounts specified in this section shall be a set aside from
4 the state funds which each such district is receiving from the total
5 foundation aid: for the purpose of the development, maintenance or
6 expansion of magnet schools or magnet school programs for the 2014--2015
7 school year. To the city school district of the city of New York there
8 shall be paid forty-eight million one hundred seventy-five thousand
9 dollars (\$48,175,000) including five hundred thousand dollars (\$500,000)
10 for the Andrew Jackson High School; to the Buffalo city school district,
11 twenty-one million twenty-five thousand dollars (\$21,025,000); to the
12 Rochester city school district, fifteen million dollars (\$15,000,000);
13 to the Syracuse city school district, thirteen million dollars
14 (\$13,000,000); to the Yonkers city school district, forty-nine million
15 five hundred thousand dollars (\$49,500,000); to the Newburgh city school
16 district, four million six hundred forty-five thousand dollars
17 (\$4,645,000); to the Poughkeepsie city school district, two million four
18 hundred seventy-five thousand dollars (\$2,475,000); to the Mount Vernon
19 city school district, two million dollars (\$2,000,000); to the New
20 Rochelle city school district, one million four hundred ten thousand
21 dollars (\$1,410,000); to the Schenectady city school district, one
22 million eight hundred thousand dollars (\$1,800,000); to the Port Chester
23 city school district, one million one hundred fifty thousand dollars
24 (\$1,150,000); to the White Plains city school district, nine hundred
25 thousand dollars (\$900,000); to the Niagara Falls city school district,
26 six hundred thousand dollars (\$600,000); to the Albany city school
27 district, three million five hundred fifty thousand dollars
28 (\$3,550,000); to the Utica city school district, two million dollars
29 (\$2,000,000); to the Beacon city school district, five hundred sixty-six
30 thousand dollars (\$566,000); to the Middletown city school district,
31 four hundred thousand dollars (\$400,000); to the Freeport union free
32 school district, four hundred thousand dollars (\$400,000); to the Green-
33 burgh central school district, three hundred thousand dollars
34 (\$300,000); to the Amsterdam city school district, eight hundred thou-
35 sand dollars (\$800,000); to the Peekskill city school district, two
36 hundred thousand dollars (\$200,000); and to the Hudson city school
37 district, four hundred thousand dollars (\$400,000). Notwithstanding the
38 provisions of this section, a school district receiving a grant pursuant
39 to this section may use such grant funds for: (i) any instructional or
40 instructional support costs associated with the operation of a magnet
41 school; or (ii) any instructional or instructional support costs associ-
42 ated with implementation of an alternative approach to reduction of
43 racial isolation and/or enhancement of the instructional program and
44 raising of standards in elementary and secondary schools of school
45 districts having substantial concentrations of minority students. The
46 commissioner of education shall not be authorized to withhold magnet
47 grant funds from a school district that used such funds in accordance
48 with this paragraph, notwithstanding any inconsistency with a request
49 for proposals issued by such commissioner. For the purpose of attendance
50 improvement and dropout prevention for the 2014--2015 school year, for
51 any city school district in a city having a population of more than one
52 million, the setaside for attendance improvement and dropout prevention
53 shall equal the amount set aside in the base year. For the 2014--2015
54 school year, it is further provided that any city school district in a
55 city having a population of more than one million shall allocate at
56 least one-third of any increase from base year levels in funds set aside

1 pursuant to the requirements of this subdivision to community-based
2 organizations. Any increase required pursuant to this subdivision to
3 community-based organizations must be in addition to allocations
4 provided to community-based organizations in the base year. For the
5 purpose of teacher support for the 2014--2015 school year: to the city
6 school district of the city of New York, sixty-two million seven hundred
7 seven thousand dollars (\$62,707,000); to the Buffalo city school
8 district, one million seven hundred forty-one thousand dollars
9 (\$1,741,000); to the Rochester city school district, one million seven-
10 ty-six thousand dollars (\$1,076,000); to the Yonkers city school
11 district, one million one hundred forty-seven thousand dollars
12 (\$1,147,000); and to the Syracuse city school district, eight hundred
13 nine thousand dollars (\$809,000). All funds made available to a school
14 district pursuant to this section shall be distributed among teachers
15 including prekindergarten teachers and teachers of adult vocational and
16 academic subjects in accordance with this section and shall be in addi-
17 tion to salaries heretofore or hereafter negotiated or made available;
18 provided, however, that all funds distributed pursuant to this section
19 for the current year shall be deemed to incorporate all funds distrib-
20 uted pursuant to former subdivision 27 of section 3602 of the education
21 law for prior years. In school districts where the teachers are repres-
22 ented by certified or recognized employee organizations, all salary
23 increases funded pursuant to this section shall be determined by sepa-
24 rate collective negotiations conducted pursuant to the provisions and
25 procedures of article 14 of the civil service law, notwithstanding the
26 existence of a negotiated agreement between a school district and a
27 certified or recognized employee organization.

28 S 28. Support of public libraries. The moneys appropriated for the
29 support of public libraries by a chapter of the laws of 2014 enacting
30 the aid to localities budget shall be apportioned for the 2014--2015
31 state fiscal year in accordance with the provisions of sections 271,
32 272, 273, 282, 284, and 285 of the education law as amended by the
33 provisions of this chapter and the provisions of this section, provided
34 that library construction aid pursuant to section 273-a of the education
35 law shall not be payable from the appropriations for the support of
36 public libraries and provided further that no library, library system or
37 program, as defined by the commissioner of education, shall receive less
38 total system or program aid than it received for the year 2001--2002
39 except as a result of a reduction adjustment necessary to conform to the
40 appropriations for support of public libraries.

41 Notwithstanding any other provision of law to the contrary the moneys
42 appropriated for the support of public libraries for the year 2014--2015
43 by a chapter of the laws of 2014 enacting the education, labor and fami-
44 ly assistance budget shall fulfill the state's obligation to provide
45 such aid and, pursuant to a plan developed by the commissioner of educa-
46 tion and approved by the director of the budget, the aid payable to
47 libraries and library systems pursuant to such appropriations shall be
48 reduced proportionately to assure that the total amount of aid payable
49 does not exceed the total appropriations for such purpose.

50 S 29. Severability. The provisions of this act shall be severable, and
51 if the application of any clause, sentence, paragraph, subdivision,
52 section or part of this act to any person or circumstance shall be
53 adjudged by any court of competent jurisdiction to be invalid, such
54 judgment shall not necessarily affect, impair or invalidate the applica-
55 tion of any such clause, sentence, paragraph, subdivision, section, part
56 of this act or remainder thereof, as the case may be, to any other

1 person or circumstance, but shall be confined in its operation to the
2 clause, sentence, paragraph, subdivision, section or part thereof
3 directly involved in the controversy in which such judgment shall have
4 been rendered.

5 S 30. This act shall take effect immediately, and shall be deemed to
6 have been in full force and effect on and after April 1, 2014, provided,
7 however, that:

8 1. Sections one, two, three, three-a, four, five, seven, nine, twelve,
9 thirteen, seventeen, twenty-a, twenty-b, twenty-one-a, twenty-one-b,
10 twenty-two, twenty-six and twenty-seven of this act shall take effect
11 July 1, 2014.

12 2. The amendments to paragraph b-1 of subdivision 4 of section 3602 of
13 the education law made by section three of this act shall not affect the
14 expiration of such paragraph and shall be deemed to expire therewith.

15 3. Section eight-a of this act shall be deemed to have been in full
16 force and effect on and after July 1, 2013.

17 4. Section eight-b of this act shall apply to charter school transi-
18 tion aid payable in the 2014-2015 school year and thereafter.

19 5. Section eight-c of this act shall take effect immediately and shall
20 be deemed to have been in full force and effect on and after July 1,
21 2010; provided, further, that the amendments to subdivision 1 of section
22 2856 of the education law made by section eight-c of this act shall be
23 subject to the expiration and reversion of such subdivision pursuant to
24 section 27 of chapter 378 of the laws of 2007, as amended, when upon
25 such date the provisions of section eight-d of this act shall take
26 effect.

27 6. The amendments to subdivision 6 of section 4402 of the education
28 law made by section nine of this act shall not affect the repeal of such
29 subdivision and shall be deemed repealed therewith.

30 7. Section ten of this act shall take effect July 1, 2014.

31 8. Section ten-a of this act shall take effect July 1, 2016.

32 9. Section eleven of this act shall take effect April 1, 2014 and
33 shall first apply to the provision of services and programs pursuant to
34 section 4410 of the education law in the 2015-2016 school year.

35 10. The amendments to chapter 756 of the laws of 1992, relating to
36 funding a program for work force education conducted by a consortium for
37 worker education in New York city, made by sections twelve and thirteen
38 of this act shall not affect the repeal of such chapter and shall be
39 deemed repealed therewith.

40 11. Section sixteen of this act shall take effect immediately and
41 shall be deemed to have been in full force and effect on and after the
42 effective date of section 140 of chapter 82 of the laws of 1995.

43 12. Section twenty-five of this act shall expire and be deemed
44 repealed June 30, 2015.

45 PART B

46 Section 1. The smart schools bond act of 2014 is enacted to read as
47 follows:

48 SMART SCHOOLS BOND ACT OF 2014

49 Section 1. Short title.

50 2. Creation of a state debt.

51 3. Bonds of the state.

52 4. Use of moneys received.

5. Work performed.

Section 1. Short title. This act shall be known and may be cited as the "smart schools bond act of 2014".

S 2. Creation of a state debt. The creation of a state debt in an amount not exceeding in the aggregate two billion three hundred seventeen million dollars (\$2,317,000,000) is hereby authorized to provide moneys for the single purpose of improving learning and opportunity in the state by funding capital projects for: (1) public school districts, other than special act school districts, to (i) acquire learning technology equipment or facilities which shall include, but not be limited to, interactive whiteboards, computer servers, and desktop, laptop and tablet computers, (ii) install high-speed broadband or wireless internet connectivity for schools, and (iii) construct, enhance, and modernize educational facilities to accommodate pre-kindergarten programs and construct classroom space to replace transportable classroom units; (2) special act school districts as defined in section 4001 of the education law, state supported schools subject to the provisions of article 85 of the education law and approved private residential and non-residential schools for the education of students with disabilities of school age to (i) acquire learning technology equipment or facilities and (ii) install high-speed broadband or wireless internet connectivity for schools; (3) boards of cooperative educational services to acquire learning technology equipment or facilities; and (4) nonpublic elementary and secondary school students to acquire learning technology equipment which shall include, but not be limited to, interactive whiteboards, computer servers, and desktop, laptop and tablet computers. The legislature may, by appropriate legislation and subject to such conditions as it may impose, make available out of the proceeds of the sale of bonds authorized in this act, moneys disbursed or to be disbursed for the cost of approved capital projects undertaken by, or on behalf of, school districts for such purposes.

S 3. Bonds of the state. The state comptroller is hereby authorized and empowered to issue and sell bonds of the state up to the aggregate amount of two billion three hundred seventeen million dollars (\$2,317,000,000) for the purposes of this act, subject to the provisions of article 5 of the state finance law.

The aggregate principal amount of such bonds shall not exceed two billion three hundred seventeen million dollars (\$2,317,000,000) excluding bonds issued to refund or otherwise repay bonds heretofore issued for such purpose; provided, however, that upon any such refunding or repayment, the total aggregate principal amount of outstanding bonds may be greater than two billion three hundred seventeen million dollars (\$2,317,000,000) only if the present value of the aggregate debt service of the refunding or repayment bonds to be issued shall not exceed the present value of the aggregate debt service of the bonds to be refunded or repaid. The method for calculating present value shall be determined by law.

S 4. Use of moneys received. The moneys received by the state from the sale of bonds sold pursuant to this act shall be expended pursuant to appropriations for capital projects of: (1) public school districts, other than special act school districts, related to design, planning, site acquisition, demolition, construction, reconstruction, rehabilitation or acquisition and/or installation of equipment for (i) classroom technology projects, which shall include, but not be limited to, interactive whiteboards, computer servers, desktop and laptop computers, and tablets, (ii) connectivity projects, which shall include high-speed

1 broadband or wireless internet connectivity for schools, and (iii) pre-
2 kindergarten or transportable classroom unit replacement projects, which
3 shall include the enhancement or modernization of educational facilities
4 to accommodate pre-kindergarten programs or the expansion or
5 construction of adequate and appropriate instructional space to replace
6 transportable classroom units; (2) special act school districts as
7 defined in section 4001 of the education law, state supported schools
8 subject to the provisions of article 85 of the education law and
9 approved private residential and non-residential schools for the educa-
10 tion of students with disabilities of school age, related to design,
11 planning, site acquisition, demolition, construction, reconstruction,
12 rehabilitation or acquisition and/or installation of equipment for (i)
13 classroom technology projects and (ii) connectivity projects; and (3)
14 boards of cooperative educational services related to the acquisition
15 and/or installation of equipment for classroom technology projects.

16 S 5. Work performed. All work performed on a project authorized by
17 this act where all or any portion thereof involves an agreement or lease
18 for construction, demolition, reconstruction, excavation, rehabili-
19 tation, repair, renovation, alteration or improvement shall be deemed
20 public work and shall be subject to and performed in accordance with the
21 provisions of article 8 of the labor law to the same extent and in the
22 same manner as a contract of the state, and compliance with all the
23 provisions of article 8 of the labor law shall be required of any
24 lessee, sublessee, contractor or subcontractor on the project including
25 the enforcement of prevailing wage requirements by the fiscal officer as
26 defined in paragraph e of subdivision 5 of section 220 of the labor law
27 to the same extent as a contract of the state.

28 S 2. Severability. The provisions of this act shall be severable, and
29 if the application of any clause, sentence, paragraph, subdivision,
30 section or part of this act to any person or circumstance shall be
31 adjudged by any court of competent jurisdiction to be invalid, such
32 judgment shall not necessarily affect, impair or invalidate the applica-
33 tion of any such clause, sentence, paragraph, subdivision, section, part
34 of this act or remainder thereof, as the case may be, to any other
35 person or circumstance, but shall be confined in its operation to the
36 clause, sentence, paragraph, subdivision, section or part thereof
37 directly involved in the controversy in which such judgment shall have
38 been rendered.

39 S 3. This act shall take effect immediately, provided that the
40 provisions of section one of this act shall not take effect unless and
41 until this act shall have been submitted to the people at the general
42 election to be held in November 2014 and shall have been approved by a
43 majority of all votes cast for and against it at such election. Upon
44 approval by the people, section one of this act shall take effect imme-
45 diately. The ballots to be furnished for the use of voters upon
46 submission of this act shall be in the form prescribed by the election
47 law and the proposition or question to be submitted shall be printed
48 thereon in substantially the following form, namely "The SMART SCHOOLS
49 BOND ACT OF 2014, as set forth in section one of part B of chapter (here
50 insert the chapter number) of the laws of 2014, authorizes the sale of
51 state bonds of up to two billion three hundred seventeen million dollars
52 (\$2,317,000,000) to provide access to classroom technology and high-
53 speed internet connectivity to equalize opportunities for children to
54 learn and to add classroom space to expand high-quality pre-kindergarten
55 programs and replace classroom trailers. Shall the SMART SCHOOLS BOND
56 ACT OF 2014 be approved?".

1

PART C

2 Section 1. This act shall be known and may be cited as the "smart
3 schools implementation act of 2014".

4 S 2. Section 3641 of the education law is amended by adding a new
5 subdivision 16 to read as follows:

6 16. IMPLEMENTATION OF THE SMART SCHOOLS BOND ACT OF 2014. A. DEFINI-
7 TIONS. THE FOLLOWING TERMS, WHENEVER USED OR REFERRED TO IN THIS
8 SUBDIVISION, UNLESS THE CONTEXT INDICATES OTHERWISE, SHALL HAVE THE
9 FOLLOWING MEANINGS:

10 (1) "BONDS" SHALL MEAN GENERAL OBLIGATION BONDS ISSUED PURSUANT TO THE
11 "SMART SCHOOLS BOND ACT OF 2014" IN ACCORDANCE WITH ARTICLE VII OF THE
12 NEW YORK STATE CONSTITUTION AND ARTICLE FIVE OF THE STATE FINANCE LAW.

13 (2) "SMART SCHOOLS REVIEW BOARD" SHALL MEAN A BODY COMPRISED OF THE
14 STATE COMPTROLLER, THE DIRECTOR OF THE BUDGET, AND THE COMMISSIONER, OR
15 THEIR RESPECTIVE DESIGNEES.

16 (3) "SMART SCHOOLS INVESTMENT PLAN" SHALL MEAN A DOCUMENT PREPARED BY
17 AN ELIGIBLE SCHOOL OR DISTRICT, SETTING FORTH THE SMART SCHOOLS PROJECT
18 OR PROJECTS TO BE UNDERTAKEN WITH SUCH SCHOOL OR DISTRICT'S SMART
19 SCHOOLS ALLOCATION, WHICH PLAN IN THE CASE OF A PUBLIC SCHOOL DISTRICT
20 ELIGIBLE FOR FOUNDATION AID PURSUANT TO SUBDIVISION FOUR OF SECTION
21 THIRTY-SIX HUNDRED TWO OF THIS ARTICLE SHALL INCLUDE A CLASSROOM TECH-
22 NOLOGY PROJECT THAT PROVIDES FOR EXPENDITURE OF ITS SUPPLEMENTAL SMART
23 SCHOOLS ALLOCATION TO ACQUIRE LEARNING TECHNOLOGY HARDWARE AND TO
24 PROVIDE FOR THE LOAN OF LEARNING TECHNOLOGY HARDWARE SO ACQUIRED TO
25 NONPUBLIC ELEMENTARY AND SECONDARY SCHOOL STUDENTS PURSUANT TO SECTION
26 SEVEN HUNDRED FIFTY-FIVE OF THIS CHAPTER.

27 (4) "SMART SCHOOLS PROJECT" SHALL MEAN A CAPITAL PROJECT AS SET FORTH
28 AND DEFINED IN SUBPARAGRAPHS FIVE, SIX, OR SEVEN OF THIS PARAGRAPH.

29 (5) "PRE-KINDERGARTEN OR TRANSPORTABLE CLASSROOM UNIT (TCU) REPLACE-
30 MENT PROJECT" SHALL MEAN A CAPITAL PROJECT WHICH, AS A PRIMARY PURPOSE,
31 EXPANDS THE AVAILABILITY OF ADEQUATE AND APPROPRIATE INSTRUCTIONAL SPACE
32 FOR PRE-KINDERGARTEN OR PROVIDES FOR THE EXPANSION OR CONSTRUCTION OF
33 ADEQUATE AND APPROPRIATE INSTRUCTIONAL SPACE TO REPLACE TCUS.

34 (6) "CONNECTIVITY PROJECT" SHALL MEAN A CAPITAL PROJECT WHICH, AS A
35 PRIMARY PURPOSE, EXPANDS HIGH-SPEED BROADBAND OR WIRELESS INTERNET
36 CONNECTIVITY IN SCHOOL BUILDINGS, FOR ENHANCED EDUCATIONAL OPPORTUNITY
37 IN THE STATE.

38 (7) "CLASSROOM TECHNOLOGY PROJECT" SHALL MEAN A CAPITAL PROJECT TO
39 ACQUIRE LEARNING TECHNOLOGY HARDWARE FOR SCHOOLS, CLASSROOMS, AND
40 STUDENT USE, INCLUDING BUT NOT LIMITED TO WHITEBOARDS, COMPUTER SERVERS,
41 DESKTOP COMPUTERS, LAPTOP COMPUTERS, AND TABLET COMPUTERS. SUCH TERM MAY
42 INCLUDE A BOARD OF COOPERATIVE EDUCATIONAL SERVICES CAPITAL PROJECT FOR
43 THE ACQUISITION OF LEARNING TECHNOLOGY HARDWARE ONLY.

44 (8) "SELECTED SCHOOL AID" SHALL MEAN THE SUM OF THE AMOUNTS SET FORTH
45 AS "FOUNDATION AID", "FULL DAY K CONVERSION", "BOCES", "SPECIAL
46 SERVICES", "HIGH COST EXCESS COST", "PRIVATE EXCESS COST", "HARDWARE &
47 TECHNOLOGY", "SOFTWARE, LIBRARY, TEXTBOOK", "TRANSPORTATION INCL
48 SUMMER", "OPERATING REORG INCENTIVE", "CHARTER SCHOOL TRANSITIONAL",
49 "ACADEMIC ENHANCEMENT", "HIGH TAX AID", AND "SUPPLEMENTAL PUB EXCESS
50 COST" UNDER THE HEADING "2013-14 BASE YEAR AIDS" IN THE SCHOOL AID
51 COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE EXECU-
52 TIVE BUDGET PROPOSAL FOR THE TWO THOUSAND FOURTEEN-FIFTEEN SCHOOL YEAR.

53 (9) "SMART SCHOOLS ALLOCATION" SHALL MEAN:

54 (I) FOR EACH SCHOOL DISTRICT ELIGIBLE FOR FOUNDATION AID PURSUANT TO
55 SUBDIVISION FOUR OF SECTION THIRTY-SIX HUNDRED TWO OF THIS ARTICLE, THE

1 SUM OF: THE PRODUCT OF (A) TWO BILLION DOLLARS (\$2,000,000,000) MULTI-
2 PLIED BY (B) THE QUOTIENT OF SUCH SCHOOL DISTRICT'S SELECTED SCHOOL AID
3 DIVIDED BY THE TOTAL SELECTED SCHOOL AID TO ALL SCHOOL DISTRICTS, PLUS
4 THE SUPPLEMENTAL SMART SCHOOLS ALLOCATION; AND

5 (II) FOR EACH SPECIAL ACT SCHOOL DISTRICT, STATE SUPPORTED SCHOOL AND
6 APPROVED PRIVATE SCHOOL FOR THE EDUCATION OF STUDENTS WITH DISABILITIES
7 OF SCHOOL AGE, SEVEN HUNDRED SEVENTY DOLLARS AND SIXTY-FIVE HUNDREDTHS
8 (\$770.65) PER FULL TIME EQUIVALENT STUDENT ENROLLED IN SUCH DISTRICT OR
9 SCHOOLS IN THE BASE YEAR, PROVIDED THAT THE STATEWIDE TOTAL ALLOCATIONS
10 OF ALL SUCH SCHOOL DISTRICTS AND SCHOOLS SHALL NOT EXCEED THIRTEEN
11 MILLION EIGHT HUNDRED AND FOURTEEN THOUSAND SIX HUNDRED AND FIFTY-FIVE
12 DOLLARS (\$13,814,655) AND IN THE EVENT THE AMOUNT APPROPRIATED FOR SUCH
13 PURPOSE IS NOT SUFFICIENT TO MAKE SUCH PER CAPITA ALLOCATIONS OF SEVEN
14 HUNDRED SEVENTY DOLLARS AND SIXTY-FIVE HUNDREDTHS (\$770.65) TO ALL
15 SCHOOLS AND DISTRICTS, THE COMMISSIONER SHALL ADJUST THE PER CAPITA
16 ALLOCATION PAYABLE TO ALL SUCH SCHOOLS AND DISTRICTS TO FIT WITHIN THE
17 APPROPRIATION.

18 (10) "SUPPLEMENTAL SMART SCHOOLS ALLOCATION" FOR EACH SCHOOL DISTRICT
19 ELIGIBLE FOR FOUNDATION AID SHALL MEAN THE PRODUCT OF SEVEN HUNDRED
20 SEVENTY DOLLARS AND SIXTY-FIVE CENTS (\$770.65) MULTIPLIED BY SUCH
21 DISTRICT'S NONPUBLIC SCHOOL ENROLLMENT IN THE BASE YEAR AS DEFINED IN
22 SUBPARAGRAPH THREE OF PARAGRAPH N OF SUBDIVISION ONE OF SECTION THIRTY-
23 SIX HUNDRED TWO OF THIS ARTICLE.

24 (11) "ELIGIBLE SCHOOL OR DISTRICT" SHALL MEAN A SCHOOL DISTRICT ELIGI-
25 BLE FOR FOUNDATION AID PURSUANT TO SUBDIVISION FOUR OF SECTION
26 THIRTY-SIX HUNDRED TWO OF THIS ARTICLE, A SPECIAL ACT SCHOOL DISTRICT AS
27 DEFINED IN SECTION FOUR THOUSAND ONE OF THE EDUCATION LAW, A STATE
28 SUPPORTED SCHOOL SUBJECT TO THE PROVISIONS OF ARTICLE EIGHTY-FIVE OF THE
29 EDUCATION LAW OR AN APPROVED PRIVATE RESIDENTIAL AND NON-RESIDENTIAL
30 SCHOOL FOR THE EDUCATION OF STUDENTS WITH DISABILITIES OF SCHOOL AGE.

31 B. SMART SCHOOLS INVESTMENT PLANS. (1) THE SMART SCHOOLS REVIEW BOARD
32 SHALL ISSUE GUIDELINES SETTING FORTH REQUIRED COMPONENTS AND ELIGIBILITY
33 CRITERIA FOR SMART SCHOOLS INVESTMENT PLANS TO BE SUBMITTED BY ELIGIBLE
34 SCHOOLS OR DISTRICTS. SUCH GUIDELINES SHALL INCLUDE BUT NOT BE LIMITED
35 TO (I) A TIMELINE FOR SUBMISSION OF SMART SCHOOLS INVESTMENT PLANS; AND
36 (II) ANY LIMITATIONS ON THE AMOUNT OF A SMART SCHOOLS ALLOCATION THAT
37 MAY BE USED FOR ASSETS WITH A SHORT PROBABLE LIFE.

38 (2) NO ELIGIBLE SCHOOL OR DISTRICT SHALL BE ENTITLED TO A SMART
39 SCHOOLS GRANT UNTIL SUCH SCHOOL OR DISTRICT SHALL HAVE SUBMITTED A SMART
40 SCHOOLS INVESTMENT PLAN TO THE SMART SCHOOLS REVIEW BOARD AND RECEIVED
41 SUCH BOARD'S APPROVAL OF SUCH INVESTMENT PLAN. IN DEVELOPING SUCH
42 INVESTMENT PLAN, SCHOOL DISTRICTS SHALL CONSULT WITH PARENTS, TEACHERS,
43 STUDENTS, COMMUNITY MEMBERS AND OTHER STAKEHOLDERS.

44 (3) THE SMART SCHOOLS REVIEW BOARD SHALL REVIEW ALL SMART SCHOOLS
45 INVESTMENT PLANS FOR COMPLIANCE WITH ALL ELIGIBILITY CRITERIA AND OTHER
46 REQUIREMENTS SET FORTH IN THE GUIDELINES. THE SMART SCHOOLS REVIEW BOARD
47 MAY APPROVE OR REJECT SUCH PLANS, OR MAY RETURN SUCH PLANS TO THE ELIGI-
48 BLE SCHOOL DISTRICT OR SCHOOL FOR MODIFICATIONS. UPON APPROVAL, THE
49 SMART SCHOOLS PROJECT OR PROJECTS DESCRIBED IN THE INVESTMENT PLAN SHALL
50 BE ELIGIBLE FOR SMART SCHOOLS GRANTS. A SMART SCHOOLS PROJECT INCLUDED
51 IN A SCHOOL DISTRICT'S OR SCHOOL'S SMART SCHOOLS INVESTMENT PLAN SHALL
52 NOT REQUIRE SEPARATE APPROVAL OF THE COMMISSIONER UNLESS IT IS PART OF A
53 SCHOOL CONSTRUCTION PROJECT REQUIRED TO BE SUBMITTED FOR APPROVAL OF THE
54 COMMISSIONER PURSUANT TO SECTION FOUR HUNDRED EIGHT OF THIS CHAPTER
55 AND/OR SUBDIVISION SIX OF SECTION THIRTY-SIX HUNDRED TWO OF THIS ARTI-
56 CLE. ANY DEPARTMENT, AGENCY OR PUBLIC AUTHORITY SHALL PROVIDE THE SMART

1 SCHOOLS REVIEW BOARD WITH ANY INFORMATION IT REQUIRES TO FULFILL ITS
2 DUTIES PURSUANT TO THIS SUBDIVISION.

3 (4) ANY AMENDMENTS OR SUPPLEMENTS TO A SMART SCHOOL INVESTMENT PLAN
4 MUST BE SUBMITTED TO THE SMART SCHOOLS REVIEW BOARD FOR APPROVAL, AND
5 SHALL NOT TAKE EFFECT UNTIL SUCH APPROVAL IS GRANTED.

6 C. EXPENDITURE OF MONEY. (1) SMART SCHOOLS GRANTS. EACH ELIGIBLE
7 SCHOOL DISTRICT OR SCHOOL, WHICH HAS AN APPROVED SMART SCHOOLS INVEST-
8 MENT PLAN INCLUDING A SMART SCHOOLS PROJECT OR PROJECTS SHALL BE ENTI-
9 TLED TO A GRANT OR GRANTS FOR THE SMART SCHOOLS PROJECT OR PROJECTS
10 INCLUDED THEREIN IN AN AMOUNT, WHETHER IN THE AGGREGATE OR OTHERWISE,
11 NOT TO EXCEED THE SMART SCHOOLS ALLOCATION CALCULATED FOR SUCH SCHOOL
12 DISTRICT OR SCHOOL. THE AMOUNT OF SUCH ALLOCATION NOT EXPENDED,
13 DISBURSED OR ENCUMBERED FOR ANY SCHOOL YEAR SHALL BE CARRIED OVER FOR
14 EXPENDITURE AND DISBURSEMENT TO THE NEXT SUCCEEDING SCHOOL YEAR.
15 EXPENDITURES FROM THE SMART SCHOOLS ALLOCATION SHALL NOT BE ELIGIBLE FOR
16 AID UNDER ANY OTHER PROVISION OF THIS CHAPTER.

17 (2) THE AMOUNTS DETERMINED PURSUANT TO THIS SUBDIVISION TO BE PAID TO
18 ELIGIBLE SCHOOL DISTRICTS AND SCHOOLS SHALL BE CERTIFIED BY THE COMMIS-
19 SIONER IN ACCORDANCE WITH THIS SUBDIVISION. THE AMOUNTS OF MONEY SO
20 CERTIFIED OR MADE AVAILABLE SHALL BE PAID BY THE COMPTROLLER IN ACCORD-
21 ANCE WITH APPROPRIATIONS THEREFOR, PROVIDED, HOWEVER, THAT THE PAYMENT
22 SCHEDULE SET FORTH IN SUBDIVISION ONE OF THIS SECTION SHALL NOT APPLY TO
23 SUCH PAYMENTS. SUCH PAYMENT SHALL FULFILL ANY OBLIGATION OF THE STATE OR
24 THE COMMISSIONER TO APPORTION FUNDS PURSUANT TO THIS SUBDIVISION, AND
25 WHENEVER A SCHOOL DISTRICT HAS BEEN APPORTIONED MORE MONEY PURSUANT TO
26 THIS SUBDIVISION THAN THAT TO WHICH IT IS ENTITLED, THE COMMISSIONER MAY
27 DEDUCT SUCH AMOUNT FROM THE NEXT APPORTIONMENT TO BE MADE TO SUCH SCHOOL
28 DISTRICT.

29 D. CONSISTENCY WITH FEDERAL TAX LAW. ALL ACTIONS TAKEN PURSUANT TO
30 THIS SUBDIVISION SHALL BE REVIEWED FOR CONSISTENCY WITH PROVISIONS OF
31 THE FEDERAL INTERNAL REVENUE CODE AND REGULATIONS THEREUNDER, IN ACCORD-
32 ANCE WITH PROCEDURES ESTABLISHED IN CONNECTION WITH THE ISSUANCE OF ANY
33 TAX EXEMPT BONDS PURSUANT TO THIS SUBDIVISION, TO PRESERVE THE TAX
34 EXEMPT STATUS OF SUCH BONDS.

35 E. COMPLIANCE WITH OTHER LAW. EVERY RECIPIENT OF FUNDS TO BE MADE
36 AVAILABLE PURSUANT TO THIS SUBDIVISION SHALL COMPLY WITH ALL APPLICABLE
37 STATE, FEDERAL AND LOCAL LAWS.

38 S 3. The state finance law is amended by adding a new section 97-0000
39 to read as follows:

40 S 97-0000. SMART SCHOOLS BOND FUND. 1. THERE IS HEREBY ESTABLISHED IN
41 THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSIONER OF TAXA-
42 TION AND FINANCE A SPECIAL FUND TO BE KNOWN AS THE "SMART SCHOOLS BOND
43 FUND".

44 2. THE STATE COMPTROLLER SHALL DEPOSIT INTO THE SMART SCHOOLS BOND
45 FUND ALL MONEYS RECEIVED BY THE STATE FROM THE SALE OF BONDS AND/OR
46 NOTES FOR USES ELIGIBLE PURSUANT TO SECTION FOUR OF THE SMART SCHOOLS
47 BOND ACT OF 2014.

48 3. MONEYS IN THE SMART SCHOOLS BOND FUND, FOLLOWING APPROPRIATION BY
49 THE LEGISLATURE AND ALLOCATION BY THE DIRECTOR OF THE BUDGET, SHALL BE
50 AVAILABLE ONLY FOR REIMBURSEMENT OF EXPENDITURES MADE FROM APPROPRI-
51 ATIONS FROM THE CAPITAL PROJECTS FUND FOR THE PURPOSE OF THE SMART
52 SCHOOLS BOND FUND, AS SET FORTH IN THE SMART SCHOOLS BOND ACT OF 2014.

53 4. NO MONEYS RECEIVED BY THE STATE FROM THE SALE OF BONDS AND/OR NOTES
54 SOLD PURSUANT TO THE SMART SCHOOLS BOND ACT OF 2014 SHALL BE EXPENDED
55 FOR ANY PROJECT UNTIL FUNDS THEREFOR HAVE BEEN ALLOCATED PURSUANT TO THE
56 PROVISIONS OF THIS SECTION AND COPIES OF THE APPROPRIATE CERTIFICATES OF

1 APPROVAL FILED WITH THE CHAIR OF THE SENATE FINANCE COMMITTEE, THE CHAIR
2 OF THE ASSEMBLY WAYS AND MEANS COMMITTEE AND THE STATE COMPTROLLER.

3 S 4. The education law is amended by adding a new section 755 to read
4 as follows:

5 S 755. LOAN OF LEARNING TECHNOLOGY HARDWARE. 1. IN THE SEVERAL CITIES
6 AND SCHOOL DISTRICTS OF THE STATE, SCHOOL AUTHORITIES, AS DEFINED IN
7 SUBDIVISION TWELVE OF SECTION TWO OF THIS CHAPTER, SHALL HAVE THE POWER
8 AND DUTY, TO THE EXTENT PROVIDED IN THIS SECTION, TO LOAN, UPON REQUEST
9 OF AN INDIVIDUAL OR A GROUP OF INDIVIDUAL PUPILS, TO ALL PUPILS LEGALLY
10 ATTENDING NONPUBLIC ELEMENTARY OR SECONDARY SCHOOLS LOCATED IN THE
11 SCHOOL DISTRICT, LEARNING TECHNOLOGY HARDWARE ACQUIRED PURSUANT TO
12 SUBDIVISION SIXTEEN OF SECTION THIRTY-SIX HUNDRED FORTY-ONE OF THIS
13 CHAPTER WHICH IS DESIGNATED FOR USE IN ANY PUBLIC ELEMENTARY OR SECOND-
14 ARY SCHOOLS OF THE STATE OR IS APPROVED BY ANY SCHOOL AUTHORITIES. SUCH
15 LEARNING TECHNOLOGY HARDWARE IS TO BE LOANED FREE TO SUCH CHILDREN,
16 COMMENCING WITH THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL
17 YEAR, SUBJECT TO SUCH RULES AND REGULATIONS AS ARE OR MAY BE PRESCRIBED
18 BY THE BOARD OF REGENTS AND SUCH SCHOOL AUTHORITIES.

19 2. NO SCHOOL DISTRICT SHALL BE REQUIRED TO LOAN LEARNING TECHNOLOGY
20 HARDWARE IN AN AMOUNT IN EXCESS OF THE DISTRICT'S SUPPLEMENTAL SMART
21 SCHOOLS ALLOCATION AS DEFINED IN SUBDIVISION SIXTEEN OF SECTION THIRTY-
22 SIX HUNDRED FORTY-ONE OF THIS CHAPTER. NOTHING IN THIS ARTICLE SHALL BE
23 CONSTRUED TO REQUIRE A SCHOOL DISTRICT TO LOAN TO CHILDREN ATTENDING
24 NONPUBLIC SCHOOLS, PURSUANT TO THIS SECTION, LEARNING TECHNOLOGY HARD-
25 WARE PURCHASED WITH LOCAL OR FEDERAL FUNDS OR WITH STATE FUNDS OTHER
26 THAN FUNDS APPORTIONED PURSUANT TO SUBDIVISION SIXTEEN OF SECTION THIR-
27 TY-SIX HUNDRED FORTY-ONE OF THIS CHAPTER.

28 3. SCHOOL AUTHORITIES SHALL ADOPT REGULATIONS SPECIFYING THE DATE BY
29 WHICH REQUESTS FOR THE PURCHASE AND LOAN OF LEARNING TECHNOLOGY HARDWARE
30 MUST BE RECEIVED BY THE DISTRICT. NOTICE OF SUCH DATE SHALL BE GIVEN TO
31 ALL NON-PUBLIC SCHOOLS IN THE SCHOOL DISTRICT. FOR THE TWO THOUSAND
32 FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR, SUCH DATE SHALL NOT BE
33 EARLIER THAN THE FIRST DAY OF JANUARY OF SUCH SCHOOL YEAR. AND FOR THE
34 TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR AND THEREAFTER,
35 SUCH DATE SHALL NOT BE EARLIER THAN THE FIRST DAY OF JUNE OF THE SCHOOL
36 YEAR PRIOR TO THAT FOR WHICH SUCH LEARNING TECHNOLOGY HARDWARE IS BEING
37 REQUESTED, PROVIDED, HOWEVER, THAT A PARENT OR GUARDIAN OF A CHILD NOT
38 ATTENDING A PARTICULAR NON-PUBLIC SCHOOL PRIOR TO JUNE FIRST OF THE
39 SCHOOL YEAR MAY SUBMIT A WRITTEN REQUEST FOR LEARNING TECHNOLOGY HARD-
40 WARE WITHIN THIRTY DAYS AFTER SUCH CHILD IS ENROLLED IN SUCH NON-PUBLIC
41 SCHOOL. IN NO EVENT, HOWEVER, SHALL A REQUEST MADE LATER THAN THE TIMES
42 OTHERWISE PROVIDED PURSUANT TO THIS SUBDIVISION BE DENIED WHERE A
43 REASONABLE EXPLANATION IS GIVEN FOR THE DELAY IN MAKING THE REQUEST.

44 S 5. Section 61 of the state finance law is amended by adding a new
45 subdivision 31 to read as follows:

46 SMART SCHOOLS PROJECTS

47 31. THIRTY YEARS. FOR THE PAYMENT OF SMART SCHOOLS PROJECTS, INCLUDING
48 BUT NOT LIMITED TO PRE-KINDERGARTEN OR TRANSPORTABLE CLASSROOM UNIT
49 REPLACEMENT PROJECTS, CONNECTIVITY PROJECTS, AND CLASSROOM TECHNOLOGY
50 PROJECTS, ALL AS DEFINED IN SUBDIVISION SIXTEEN OF SECTION THIRTY-SIX
51 HUNDRED FORTY-ONE OF THE EDUCATION LAW AND UNDERTAKEN PURSUANT TO A
52 CHAPTER OF THE LAWS OF TWO THOUSAND FOURTEEN, ENACTING AND CONSTITUTING
53 THE SMART SCHOOLS BOND ACT OF 2014. THIRTY YEARS FOR PRE-KINDERGARTEN OR
54 TRANSPORTABLE CLASSROOM UNIT REPLACEMENT PROJECTS, TWENTY YEARS FOR
55 CONNECTIVITY PROJECTS, AND EIGHT YEARS FOR CLASSROOM TECHNOLOGY
56 PROJECTS. NOTWITHSTANDING THE FOREGOING, FOR THE PURPOSES OF CALCULATING

1 ANNUAL DEBT SERVICE, THE STATE COMPTROLLER SHALL APPLY A WEIGHTED AVER-
2 AGE PERIOD OF PROBABLE LIFE OF SUCH SMART SCHOOLS PROJECTS, INCLUDING
3 WITH ANY OTHER WORKS OR PURPOSES TO BE FINANCED WITH STATE DEBT. WEIGHT-
4 ED AVERAGE PERIOD OF PROBABLE LIFE SHALL BE DETERMINED BY COMPUTING THE
5 SUM OF THE PRODUCTS DERIVED FROM MULTIPLYING THE DOLLAR VALUE OF THE
6 PORTION OF THE DEBT CONTRACTED FOR EACH WORK OR PURPOSE (OR CLASS OF
7 WORKS OR PURPOSES) BY THE PROBABLE LIFE OF SUCH WORK OR PURPOSE (OR
8 CLASS OF WORKS OR PURPOSES) AND DIVIDING THE RESULTING SUM BY THE DOLLAR
9 VALUE OF THE ENTIRE DEBT AFTER TAKING INTO CONSIDERATION ANY ORIGINAL
10 ISSUE PREMIUM OR DISCOUNT.

11 S 6. All work performed on a project authorized by this act where all
12 or any portion thereof involves an agreement or lease for construction,
13 demolition, reconstruction, excavation, rehabilitation, repair, reno-
14 vation, alteration or improvement shall be deemed public work and shall
15 be subject to and performed in accordance with the provisions of article
16 8 of the labor law to the same extent and in the same manner as a
17 contract of the state, and compliance with all the provisions of article
18 8 of the labor law shall be required of any lessee, sublessee, contrac-
19 tor or subcontractor on the project including the enforcement of
20 prevailing wage requirements by the fiscal officer as defined in para-
21 graph e of subdivision 5 of section 220 of the labor law to the same
22 extent as a contract of the state.

23 S 7. Severability. If any clause, sentence, paragraph, section or
24 part of this act shall be adjudged by any court of competent jurisdic-
25 tion to be invalid, such judgment shall not affect, impair or invalidate
26 the remainder thereof, but shall be confined in its operation to the
27 clause, sentence, paragraph, section or part thereof directly involved
28 in the controversy in which such judgment shall have been rendered.

29 S 8. This act shall take effect only in the event that section 1 of
30 part B of a chapter of the laws of 2014, enacting the "smart schools
31 bond act of 2014," is submitted to the people at the general election to
32 be held in November 2014 and is approved by a majority of all votes cast
33 for and against it at such election. Upon such approval, this act shall
34 take effect immediately. Effective immediately, the addition, amendment,
35 and/or repeal of any rule or regulation necessary for the implementation
36 of the foregoing sections of this act are authorized and directed to be
37 made and completed on or before such effective date.

38

PART D

39 Section 1. Short title. This act shall be known and may be cited as
40 the "nurse practitioners modernization act".

41 S 2. Subdivision 3 of section 6902 of the education law, as added by
42 chapter 257 of the laws of 1988, is amended to read as follows:

43 3. (a) (I) The practice of registered professional nursing by a nurse
44 practitioner, certified under section six thousand nine hundred ten of
45 this article, may include the diagnosis of illness and physical condi-
46 tions and the performance of therapeutic and corrective measures within
47 a specialty area of practice, in collaboration with a licensed physician
48 qualified to collaborate in the specialty involved, provided such
49 services are performed in accordance with a written practice agreement
50 and written practice protocols EXCEPT AS PERMITTED BY PARAGRAPH (B) OF
51 THIS SUBDIVISION. The written practice agreement shall include explicit
52 provisions for the resolution of any disagreement between the collab-
53 orating physician and the nurse practitioner regarding a matter of diag-
54 nosis or treatment that is within the scope of practice of both. To the

1 extent the practice agreement does not so provide, then the collaborat-
2 ing physician's diagnosis or treatment shall prevail.

3 (II) IN THE EVENT THAT (A) AN EXISTING WRITTEN PRACTICE AGREEMENT WITH
4 A COLLABORATING PHYSICIAN TERMINATES AS A RESULT OF: THE COLLABORATING
5 PHYSICIAN MOVING, RETIRING, NO LONGER NEEDING THE SERVICES OF THE NURSE
6 PRACTITIONER, NO LONGER BEING QUALIFIED TO PRACTICE; OR THE WRITTEN
7 PRACTICE AGREEMENT TERMINATING DUE TO NO FAULT ON THE PART OF THE NURSE
8 PRACTITIONER; AND (B) THE NURSE PRACTITIONER DEMONSTRATES THAT HE OR SHE
9 HAS MADE A GOOD FAITH EFFORT TO ENTER INTO A NEW WRITTEN PRACTICE AGREE-
10 MENT WITH A COLLABORATING PHYSICIAN AND HAS BEEN UNABLE TO DO SO, THEN
11 UPON APPROVAL BY THE DEPARTMENT, SUCH NURSE PRACTITIONER MAY CONTINUE TO
12 PRACTICE PURSUANT TO THIS PARAGRAPH WITHIN A SPECIALTY AREA OF PRACTICE
13 FOR A PERIOD OF UP TO SIX MONTHS, IN COLLABORATION WITH A NURSE PRACTI-
14 TIONER WHO HAS BEEN CERTIFIED UNDER SECTION SIX THOUSAND NINE HUNDRED
15 TEN OF THIS ARTICLE, WHO HAS BEEN PRACTICING FOR MORE THAN THREE THOU-
16 SAND SIX HUNDRED HOURS AND WHO IS QUALIFIED TO COLLABORATE IN THE
17 SPECIALTY INVOLVED, PROVIDED THAT SERVICES ARE PERFORMED IN ACCORDANCE
18 WITH A WRITTEN PRACTICE AGREEMENT AND WRITTEN PRACTICE PROTOCOLS; SUCH
19 SIX MONTH TIME PERIOD FOR COLLABORATION BETWEEN NURSE PRACTITIONERS MAY
20 BE EXTENDED FOR A PERIOD OF TIME NOT TO EXCEED AN ADDITIONAL SIX MONTHS
21 UPON A SHOWING OF GOOD CAUSE SUBJECT TO THE APPROVAL OF THE DEPARTMENT.

22 [(b)] (III) Prescriptions for drugs, devices and immunizing agents may
23 be issued by a nurse practitioner, under this [subdivision] PARAGRAPH
24 and section six thousand nine hundred ten of this article, in accordance
25 with the practice agreement and practice protocols EXCEPT AS PERMITTED
26 BY PARAGRAPH (B) OF THIS SUBDIVISION. The nurse practitioner shall
27 obtain a certificate from the department upon successfully completing a
28 program including an appropriate pharmacology component, or its equiv-
29 alent, as established by the commissioner's regulations, prior to
30 prescribing under this [subdivision] PARAGRAPH. The certificate issued
31 under section six thousand nine hundred ten of this article shall state
32 whether the nurse practitioner has successfully completed such a program
33 or equivalent and is authorized to prescribe under this [subdivision]
34 PARAGRAPH.

35 [(c)] (IV) Each practice agreement shall provide for patient records
36 review by the collaborating physician OR, WHERE APPLICABLE, THE COLLAB-
37 ORATING NURSE PRACTITIONER, in a timely fashion but in no event less
38 often than every three months. The names of the nurse practitioner and
39 the collaborating physician OR, WHERE APPLICABLE, THE COLLABORATING
40 NURSE PRACTITIONER shall be clearly posted in the practice setting of
41 the nurse practitioner.

42 [(d)] (V) The practice protocol shall reflect current accepted medical
43 and nursing practice, OR FOR COLLABORATING WITH ANOTHER NURSE PRACTI-
44 TIONER PURSUANT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE CURRENT
45 ACCEPTED NURSING PRACTICE. The protocols shall be filed with the
46 department within ninety days of the commencement of the practice and
47 may be updated periodically. The commissioner shall make regulations
48 establishing the procedure for the review of protocols and the disposi-
49 tion of any issues arising from such review.

50 [(e)] (VI) No physician OR, WHERE APPLICABLE, NURSE PRACTITIONER,
51 shall enter into practice agreements with more than four nurse practi-
52 tioners who are not located on the same physical premises as the collab-
53 orating physician OR COLLABORATING NURSE PRACTITIONER.

54 [(f)] (B) NOTWITHSTANDING SUBPARAGRAPH (I) OF PARAGRAPH (A) OF THIS
55 SUBDIVISION, A NURSE PRACTITIONER, CERTIFIED UNDER SECTION SIXTY-NINE
56 HUNDRED TEN OF THIS ARTICLE AND PRACTICING FOR MORE THAN THREE THOUSAND

1 SIX HUNDRED HOURS MAY COMPLY WITH THIS PARAGRAPH IN LIEU OF COMPLYING
2 WITH THE REQUIREMENTS OF PARAGRAPH (A) OF THIS SUBDIVISION RELATING TO
3 COLLABORATION WITH A PHYSICIAN, A WRITTEN PRACTICE AGREEMENT AND WRITTEN
4 PRACTICE PROTOCOLS. A NURSE PRACTITIONER COMPLYING WITH THIS PARAGRAPH
5 SHALL HAVE COLLABORATIVE RELATIONSHIPS WITH ONE OR MORE LICENSED PHYSI-
6 CIANS QUALIFIED TO COLLABORATE IN THE SPECIALTY INVOLVED OR A HOSPITAL,
7 LICENSED UNDER ARTICLE TWENTY-EIGHT OF THE PUBLIC HEALTH LAW, THAT
8 PROVIDES SERVICES THROUGH LICENSED PHYSICIANS QUALIFIED TO COLLABORATE
9 IN THE SPECIALTY INVOLVED AND HAVING PRIVILEGES AT SUCH INSTITUTION. AS
10 EVIDENCE THAT THE NURSE PRACTITIONER MAINTAINS COLLABORATIVE RELATION-
11 SHIPS, THE NURSE PRACTITIONER SHALL COMPLETE AND MAINTAIN A FORM,
12 CREATED BY THE DEPARTMENT, WHICH THE NURSE PRACTITIONER SHALL ATTEST TO,
13 THAT IDENTIFIES WRITTEN PRACTICE PROTOCOLS AND THE METHODS BY WHICH THE
14 NURSE PRACTITIONER WILL COLLABORATE SUCH AS: THE CRITERIA TO BE USED
15 REGARDING CONSULTATION, INCLUDING METHODS AND FREQUENCY OF HOW CONSULTA-
16 TION SHALL BE PROVIDED; COLLABORATIVE MANAGEMENT AND REFERRAL; AND EMER-
17 GENCY REFERRAL PLANS. SUCH FORMS SHALL BE UPDATED AS NEEDED AND MAY BE
18 SUBJECT TO REVIEW BY THE DEPARTMENT. THE NURSE PRACTITIONER SHALL MAKE
19 INFORMATION CONTAINED IN THIS FORM AVAILABLE TO HIS OR HER PATIENTS UPON
20 REQUEST. FAILURE TO COMPLY WITH THE REQUIREMENTS FOUND IN THIS PARAGRAPH
21 BY A NURSE PRACTITIONER WHO IS NOT COMPLYING WITH SUCH PROVISIONS OF
22 PARAGRAPH (A) OF THIS SUBDIVISION, SHALL BE SUBJECT TO PROFESSIONAL
23 MISCONDUCT PROVISIONS AS SET FORTH IN ARTICLE ONE HUNDRED THIRTY OF THIS
24 TITLE.

25 (C) Nothing in this subdivision shall be deemed to limit or diminish
26 the practice of the profession of nursing as a registered professional
27 nurse under this article or any other law, rule, regulation or certifi-
28 cation, nor to deny any registered professional nurse the right to do
29 any act or engage in any practice authorized by this article or any
30 other law, rule, regulation or certification.

31 [(g)] (D) The provisions of this subdivision shall not apply to any
32 activity authorized, pursuant to statute, rule or regulation, to be
33 performed by a registered professional nurse in a hospital as defined in
34 article twenty-eight of the public health law.

35 (E) THE COMMISSIONER, IN CONSULTATION WITH THE COMMISSIONER OF HEALTH,
36 SHALL ISSUE A REPORT ON THE IMPLEMENTATION OF THE PROVISIONS OF THIS
37 SECTION, ALONG WITH INFORMATION THAT INCLUDES, BUT IS NOT LIMITED TO:
38 THE NUMBER OF NURSE PRACTITIONERS PRACTICING FOR FEWER THAN THREE THOU-
39 SAND SIX HUNDRED HOURS THAT PRACTICE PURSUANT TO A WRITTEN PRACTICE
40 AGREEMENT WITH A PHYSICIAN; THE NUMBER OF NURSE PRACTITIONERS THAT PRAC-
41 TICE PURSUANT TO A WRITTEN PRACTICE AGREEMENT WITH A NURSE PRACTITIONER
42 FOR SIX MONTHS AND THE NUMBER OF THESE NURSE PRACTITIONERS THAT EXTEND A
43 WRITTEN PRACTICE AGREEMENT FOR AN ADDITIONAL SIX MONTHS UPON A SHOWING
44 OF GOOD CAUSE SUBJECT TO THE APPROVAL OF THE DEPARTMENT; THE NUMBER OF
45 NURSE PRACTITIONERS THAT PRACTICE PURSUANT TO COLLABORATIVE RELATION-
46 SHIPS WITH PHYSICIANS; AND OTHER INFORMATION THE DEPARTMENT DEEMS RELE-
47 VANT, INCLUDING BUT NOT LIMITED TO, ANY RECOMMENDATIONS FOR THE CONTIN-
48 UATION OF OR AMENDMENTS TO THE PROVISIONS OF THIS SECTION RELATING TO
49 WRITTEN PRACTICE AGREEMENTS OR COLLABORATIVE RELATIONSHIPS. THE COMMIS-
50 SIONER SHALL SUBMIT THIS REPORT TO THE GOVERNOR, THE SPEAKER OF THE
51 ASSEMBLY, THE TEMPORARY PRESIDENT OF THE SENATE, AND THE CHAIRS OF THE
52 ASSEMBLY AND SENATE HIGHER EDUCATION COMMITTEES BY SEPTEMBER FIRST, TWO
53 THOUSAND EIGHTEEN.

54 S 3. This act shall take effect on the first day of January after it
55 shall have become a law and shall expire June 30 of the sixth year after
56 it shall have become a law, when upon such date the provisions of this

1 act shall be deemed repealed; provided, however, that effective imme-
2 diately, the addition, amendment and/or repeal of any rule or regulation
3 necessary for the implementation of this act on its effective date is
4 authorized and directed to be made and completed on or before such
5 effective date.

PART E

Intentionally Omitted

PART F

9 Section 1. Section 292 of the executive law is amended by adding a new
10 subdivision 35 to read as follows:

11 35. THE TERM "EDUCATIONAL INSTITUTION", WHEN USED IN THIS ARTICLE,
12 SHALL MEAN:

13 (A) ANY EDUCATION CORPORATION OR ASSOCIATION WHICH HOLDS ITSELF OUT TO
14 THE PUBLIC TO BE NON-SECTARIAN AND EXEMPT FROM TAXATION PURSUANT TO THE
15 PROVISIONS OF ARTICLE FOUR OF THE REAL PROPERTY TAX LAW; OR

16 (B) ANY PUBLIC SCHOOL, INCLUDING ANY SCHOOL DISTRICT, BOARD OF COOPER-
17 ATIVE EDUCATIONAL SERVICES, PUBLIC COLLEGE, OR PUBLIC UNIVERSITY.

18 S 2. Subdivision 4 of section 296 of the executive law, as amended by
19 chapter 106 of the laws of 2003, is amended to read as follows:

20 4. It shall be an unlawful discriminatory practice for an [education
21 corporation or association which holds itself out to the public to be
22 non-sectarian and exempt from taxation pursuant to the provisions of
23 article four of the real property tax law] EDUCATIONAL INSTITUTION to
24 deny the use of its facilities to any person otherwise qualified, or to
25 permit the harassment of any student or applicant, by reason of his
26 race, color, religion, disability, national origin, sexual orientation,
27 military status, sex, age or marital status, except that any such insti-
28 tution which establishes or maintains a policy of educating persons of
29 one sex exclusively may admit students of only one sex.

30 S 3. This act shall take effect immediately.

PART G

32 Section 1. The education law is amended by adding a new section 669-e
33 to read as follows:

34 S 669-E. NEW YORK STATE SCIENCE, TECHNOLOGY, ENGINEERING AND MATHEMAT-
35 ICS INCENTIVE PROGRAM. 1. UNDERGRADUATE STUDENTS WHO ARE MATRICULATED IN
36 AN APPROVED UNDERGRADUATE PROGRAM LEADING TO A CAREER IN SCIENCE, TECH-
37 NOLOGY, ENGINEERING OR MATHEMATICS, INCLUDING, BUT NOT LIMITED TO,
38 APPROVED UNDERGRADUATE PROGRAMS THAT LEAD TO A CAREER AS A HIGH SCHOOL
39 SCIENCE OR MATH TEACHER OR A CAREER IN NURSING, AT A NEW YORK STATE
40 PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL BE ELIGIBLE FOR AN AWARD
41 UNDER THIS SECTION, PROVIDED THE APPLICANT: (A) GRADUATES FROM A HIGH
42 SCHOOL LOCATED IN NEW YORK STATE DURING OR AFTER THE TWO THOUSAND THIR-
43 TEEN--FOURTEEN SCHOOL YEAR; AND (B) GRADUATES WITHIN THE TOP TEN PERCENT
44 OF HIS OR HER HIGH SCHOOL CLASS; AND (C) ENROLLS IN FULL-TIME STUDY EACH
45 ACADEMIC YEAR BEGINNING IN THE FALL TERM AFTER HIS OR HER HIGH SCHOOL
46 GRADUATION IN AN APPROVED UNDERGRADUATE PROGRAM IN SCIENCE, TECHNOLOGY,
47 ENGINEERING OR MATHEMATICS, AS DEFINED BY THE CORPORATION, AT A NEW YORK
48 STATE PUBLIC INSTITUTION OF HIGHER EDUCATION; AND (D) SIGNS A CONTRACT
49 WITH THE CORPORATION AGREEING THAT HIS OR HER AWARD WILL BE CONVERTED TO
50 A STUDENT LOAN IN THE EVENT THE STUDENT FAILS TO COMPLY WITH THE TERMS

1 OF THIS PROGRAM AS SET FORTH IN SUBDIVISION FOUR OF THIS SECTION; AND
2 (E) COMPLIES WITH THE APPLICABLE PROVISIONS OF THIS ARTICLE AND ALL
3 REQUIREMENTS PROMULGATED BY THE CORPORATION FOR THE ADMINISTRATION OF
4 THE PROGRAM.

5 2. AWARDS SHALL BE GRANTED BEGINNING WITH THE TWO THOUSAND
6 FOURTEEN--TWO THOUSAND FIFTEEN ACADEMIC YEAR AND THEREAFTER TO APPLI-
7 CANTS THAT THE CORPORATION HAS DETERMINED ARE ELIGIBLE TO RECEIVE SUCH
8 AWARDS. THE CORPORATION SHALL GRANT SUCH AWARDS IN AN AMOUNT EQUAL TO
9 THE AMOUNT OF UNDERGRADUATE TUITION FOR RESIDENTS OF NEW YORK STATE
10 CHARGED BY THE STATE UNIVERSITY OF NEW YORK OR ACTUAL TUITION CHARGED,
11 WHICHEVER IS LESS; PROVIDED, HOWEVER, (A) A STUDENT WHO RECEIVES EDUCA-
12 TIONAL GRANTS AND/OR SCHOLARSHIPS THAT COVER THE STUDENT'S FULL COST OF
13 ATTENDANCE SHALL NOT BE ELIGIBLE FOR AN AWARD UNDER THIS PROGRAM; (B)
14 FOR A STUDENT WHO RECEIVES EDUCATIONAL GRANTS AND/OR SCHOLARSHIPS THAT
15 COVER LESS THAN THE STUDENT'S FULL COST OF ATTENDANCE, SUCH GRANTS
16 AND/OR SCHOLARSHIPS SHALL NOT BE DEEMED DUPLICATIVE OF THIS PROGRAM AND
17 MAY BE HELD CONCURRENTLY WITH AN AWARD UNDER THIS PROGRAM, PROVIDED THAT
18 THE COMBINED BENEFITS DO NOT EXCEED THE STUDENT'S FULL COST OF ATTEND-
19 ANCE; AND (C) AN AWARD UNDER THIS PROGRAM SHALL BE APPLIED TO TUITION
20 AFTER THE APPLICATION OF ALL OTHER EDUCATIONAL GRANTS AND SCHOLARSHIPS
21 LIMITED TO TUITION AND SHALL BE REDUCED IN AN AMOUNT EQUAL TO SUCH
22 EDUCATIONAL GRANTS AND/OR SCHOLARSHIPS. UPON NOTIFICATION OF AN AWARD
23 UNDER THIS PROGRAM, THE INSTITUTION SHALL DEFER THE AMOUNT OF TUITION
24 EQUAL TO THE AWARD. NO AWARD SHALL BE FINAL UNTIL THE RECIPIENT'S
25 SUCCESSFUL COMPLETION OF A TERM HAS BEEN CERTIFIED BY THE INSTITUTION.

26 3. AN ELIGIBLE RECIPIENT SHALL NOT RECEIVE AN AWARD FOR MORE THAN FOUR
27 ACADEMIC YEARS OF FULL-TIME UNDERGRADUATE STUDY OR FIVE ACADEMIC YEARS
28 IF THE PROGRAM OF STUDY NORMALLY REQUIRES FIVE YEARS, EXCLUDING ANY
29 ALLOWABLE INTERRUPTION OF STUDY.

30 4. THE CORPORATION SHALL CONVERT TO A STUDENT LOAN THE FULL AMOUNT OF
31 THE AWARD GIVEN PURSUANT TO THIS SECTION, PLUS INTEREST, ACCORDING TO A
32 SCHEDULE TO BE DETERMINED BY THE CORPORATION IF: (A) A RECIPIENT FAILS
33 TO COMPLETE AN APPROVED UNDERGRADUATE PROGRAM IN SCIENCE, TECHNOLOGY,
34 ENGINEERING OR MATHEMATICS OR CHANGES MAJORS TO A PROGRAM OF UNDERGRADU-
35 ATE STUDY OTHER THAN IN SCIENCE, TECHNOLOGY, ENGINEERING OR MATHEMATICS;
36 OR (B) UPON COMPLETION OF SUCH UNDERGRADUATE DEGREE PROGRAM A RECIPIENT
37 FAILS TO EITHER (I) COMPLETE FIVE YEARS OF EMPLOYMENT IN THE SCIENCE,
38 TECHNOLOGY, ENGINEERING OR MATHEMATICS FIELD WITH A PUBLIC OR PRIVATE
39 ENTITY LOCATED WITHIN NEW YORK STATE, OR (II) MAINTAIN RESIDENCY IN NEW
40 YORK STATE FOR SUCH PERIOD OF EMPLOYMENT; OR (C) A RECIPIENT FAILS TO
41 RESPOND TO REQUESTS BY THE CORPORATION FOR THE STATUS OF HIS OR HER
42 ACADEMIC OR PROFESSIONAL PROGRESS. THE TERMS AND CONDITIONS OF THIS
43 SUBDIVISION SHALL BE DEFERRED FOR INDIVIDUALS WHO GRADUATE WITH A DEGREE
44 IN AN APPROVED UNDERGRADUATE PROGRAM IN SCIENCE, TECHNOLOGY, ENGINEERING
45 OR MATHEMATICS AND CONTINUE THEIR EDUCATION ON AT LEAST A HALF-TIME
46 BASIS IN A GRADUATE OR HIGHER DEGREE PROGRAM OR OTHER PROFESSIONAL
47 LICENSURE DEGREE PROGRAM UNTIL THEY ARE CONFERRED A DEGREE, AND SHALL
48 ALSO BE DEFERRED FOR ANY INTERRUPTION IN UNDERGRADUATE STUDY OR EMPLOY-
49 MENT AS ESTABLISHED BY THE RULES AND REGULATIONS OF THE CORPORATION.
50 THE TERMS AND CONDITIONS OF THIS SUBDIVISION MAY ALSO BE DEFERRED FOR A
51 GRACE PERIOD, TO BE ESTABLISHED BY THE CORPORATION, FOLLOWING THE
52 COMPLETION OF AN APPROVED UNDERGRADUATE PROGRAM IN SCIENCE, TECHNOLOGY,
53 ENGINEERING OR MATHEMATICS. ANY OBLIGATION TO COMPLY WITH SUCH
54 PROVISIONS AS OUTLINED IN THIS SECTION SHALL BE CANCELLED UPON THE DEATH
55 OF THE RECIPIENT. NOTWITHSTANDING ANY PROVISIONS OF THIS SUBDIVISION TO
56 THE CONTRARY, THE CORPORATION IS AUTHORIZED TO PROMULGATE RULES AND

1 REGULATIONS TO PROVIDE FOR THE WAIVER OR SUSPENSION OF ANY FINANCIAL
2 OBLIGATION WHICH WOULD INVOLVE EXTREME HARDSHIP.

3 5. THE CORPORATION IS AUTHORIZED TO PROMULGATE RULES AND REGULATIONS,
4 AND MAY PROMULGATE EMERGENCY REGULATIONS, NECESSARY FOR THE IMPLEMENTA-
5 TION OF THE PROVISIONS OF THIS SECTION, INCLUDING, BUT NOT LIMITED TO,
6 THE RATE OF INTEREST CHARGED FOR REPAYMENT OF THE STUDENT LOAN.

7 S 2. This act shall take effect immediately and shall be deemed to
8 have been in full force and effect on and after April 1, 2014.

9 PART H

10 Section 1. Paragraph (a) of subdivision 1 of section 1 of part U of
11 chapter 57 of the laws of 2005 amending the labor law and other laws
12 implementing the state fiscal plan for the 2005-2006 state fiscal year,
13 relating to the New York state higher education capital matching grant
14 program for independent colleges, as amended by section 1 of part C of
15 chapter 57 of the laws of 2013, is amended to read as follows:

16 (a) The New York state higher education capital matching grant board
17 is hereby created to have and exercise the powers, duties and preroga-
18 tives provided by the provisions of this section and any other provision
19 of law. The board shall remain in existence during the period of the New
20 York state higher education capital matching grant program from the
21 effective date of this section through March 31, [2014] 2017, or the
22 date on which the last of the funds available for grants under this
23 section shall have been disbursed, whichever is earlier; provided,
24 however, that the termination of the existence of the board shall not
25 affect the power and authority of the dormitory authority to perform its
26 obligations with respect to any bonds, notes, or other indebtedness
27 issued or incurred pursuant to authority granted in this section.

28 S 2. Paragraph (h) of subdivision 4 of section 1 of part U of chapter
29 57 of the laws of 2005 amending the labor law and other laws implement-
30 ing the state fiscal plan for the 2005-2006 state fiscal year, relating
31 to the New York state higher education capital matching grant program
32 for independent colleges, as amended by section 2 of part C of chapter
33 57 of the laws of 2013, is amended to read as follows:

34 (h) In the event that any colleges do not apply for higher education
35 capital matching grants by March 31, 2009, or in the event they apply
36 for and are awarded, but do not use the full amount of such grants, the
37 unused funds associated with such grants shall thereafter be awarded to
38 colleges on a competitive basis, according to the priorities set forth
39 below. Notwithstanding subdivision five of this section, any college
40 shall be eligible to apply for such unused funds in response to a
41 request for proposals for a higher education capital matching grant
42 pursuant to this paragraph. In such cases, the following priorities
43 shall apply: first, priority shall be given to otherwise eligible
44 colleges that either were, or would have been, deemed ineligible for the
45 program prior to March 31, 2009, due to missed deadlines, insufficient
46 matching funds, lack of accreditation or other disqualifying reasons;
47 and second, after the board has acted upon all such first-priority
48 applications for unused funds, if any such funds remain, those funds
49 shall be available for distribution to eligible colleges. The dormitory
50 authority shall develop a request for proposals and application process,
51 in consultation with the board, for higher education capital matching
52 grants awarded pursuant to this paragraph, and shall develop criteria,
53 subject to review by the board, for the awarding of such grants. Such
54 criteria shall include, but not be limited to the matching criteria

1 contained in paragraph (c) of this subdivision, and the application
2 criteria set forth in paragraph (e) of this subdivision. The dormitory
3 authority shall require all applications in response to the request for
4 proposals to be submitted by September 1, [2013] 2014, and the board
5 shall act on each application for such matching grants by November 1,
6 [2013] 2014.

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 C of chapter 57 of the laws of 2013, 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, [2015,]
21 2017, 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 C of chapter
29 57 of the laws of 2013, 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, [2014]
32 2018, 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, [2014] 2018 to [the board,] the governor, the director of
35 the budget, the temporary president of the senate, and the speaker of
36 the assembly on the aggregate impact of the higher education matching
37 capital grant program. Such report shall provide information on the
38 progress 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, 2014.

41 PART I

42 Section 1. Paragraphs (a), (b), (c) and (d) of subdivision 1 of
43 section 131-o of the social services law, as amended by section 1 of
44 part E of chapter 57 of the laws of 2013, are amended to read as
45 follows:

46 (a) in the case of each individual receiving family care, an amount
47 equal to at least [\$137.00] \$139.00 for each month beginning on or after
48 January first, two thousand [thirteen] FOURTEEN.

49 (b) in the case of each individual receiving residential care, an
50 amount equal to at least [\$158.00] \$160.00 for each month beginning on
51 or after January first, two thousand [thirteen] FOURTEEN.

52 (c) in the case of each individual receiving enhanced residential
53 care, an amount equal to at least [\$187.00] \$190.00 for each month
54 beginning on or after January first, two thousand [thirteen] FOURTEEN.

(d) for the period commencing January first, two thousand [fourteen] FIFTEEN, 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 [fourteen] FIFTEEN, but prior to June thirtieth, two thousand [fourteen] FIFTEEN, 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 E of chapter 57 of the laws of 2013, are amended to read as follows:

(a) On and after January first, two thousand [thirteen] FOURTEEN, for an eligible individual living alone, [\$797.00] \$808.00; and for an eligible couple living alone, [\$1170.00] \$1186.00.

(b) On and after January first, two thousand [thirteen] FOURTEEN, for an eligible individual living with others with or without in-kind income, [\$733.00] \$744.00; and for an eligible couple living with others with or without in-kind income, [\$1112.00] \$1128.00.

(c) On and after January first, two thousand [thirteen] FOURTEEN, (i) for an eligible individual receiving family care, [\$976.48] \$987.48 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, [\$938.48] \$949.48; 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 [thirteen] FOURTEEN, (i) for an eligible individual receiving residential care, [\$1145.00] \$1156.00 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, [\$1115.00] \$1126.00; 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 [thirteen] FOURTEEN, for an eligible individual receiving enhanced residential care, [\$1404.00] \$1415.00; and (ii) for an eligible couple receiving enhanced residential care, two times the amount set forth in subparagraph (i) of this paragraph.

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

S 3. This act shall take effect December 31, 2014.

1 Section 1. The opening paragraph of section 21-a of the social
2 services law, as added by section 144-a of part B of chapter 436 of the
3 laws of 1997, is amended to read as follows:

4 Any electronic benefit transfer system shall be implemented by the
5 department on a statewide basis and shall be administered pursuant to
6 the provisions of this section. FOR THE PURPOSES OF SUCH ELECTRONIC
7 BENEFIT TRANSFER SYSTEM, THE TERM "ELECTRONIC BENEFIT TRANSFER" INCLUDES
8 THE USE OF A CREDIT OR DEBIT CARD SERVICE, AUTOMATED TELLER MACHINE,
9 POINT-OF-SALE TERMINAL, OR ACCESS TO AN ONLINE SYSTEM FOR THE WITHDRAWAL
10 OF FUNDS OR THE PROCESSING OF A PAYMENT FOR MERCHANDISE OR A SERVICE.

11 S 2. Section 17 of the alcoholic beverage control law is amended by
12 adding two new subdivisions 10 and 11 to read as follows:

13 10. TO REQUIRE EACH APPLICANT SEEKING OR LICENSEE AUTHORIZED TO SELL
14 LIQUOR AND/OR WINE AT RETAIL FOR OFF-PREMISES CONSUMPTION OR LICENSED
15 WITH A SPECIAL ON-PREMISES LICENSE WHOSE PRINCIPAL BUSINESS IS THE OPER-
16 ATION OF AN ADULT ENTERTAINMENT FACILITY TO DEMONSTRATE TO THE AUTHORITY
17 THAT THEY HAVE REQUIRED THIRD PARTY PROCESSORS TO BLOCK ELECTRONIC BENE-
18 FIT TRANSFERS AS DEFINED BY SECTION TWENTY-ONE-A OF THE SOCIAL SERVICES
19 LAW FOR THE PURPOSES OF ACCESSING PUBLIC ASSISTANCE ON PREMISES. SUCH
20 REQUIREMENT SHALL NOT BE APPLICABLE IF THE APPLICANT OR LICENSEE IS A
21 RETAIL ESTABLISHMENT THAT ALSO SELLS GROCERIES, INCLUDING STAPLE FOODS.

22 11. TO SUBMIT A REPORT ON DECEMBER FIRST OF EACH YEAR TO THE OFFICE OF
23 TEMPORARY AND DISABILITY ASSISTANCE INCLUDING ALL RELEVANT INFORMATION
24 DEMONSTRATING THAT ALL APPLICANTS AND LICENSEES: (A) LICENSED UNDER THE
25 PROVISIONS OF THE ALCOHOLIC BEVERAGE CONTROL LAW TO SELL LIQUOR AND/OR
26 WINE AT RETAIL FOR OFF-PREMISES CONSUMPTION; OR (B) LICENSED WITH A
27 SPECIAL ON-PREMISES LICENSE UNDER THE PROVISIONS OF THE ALCOHOLIC BEVER-
28 AGE CONTROL LAW WHOSE PRINCIPAL BUSINESS IS THE OPERATION OF AN ADULT
29 ENTERTAINMENT FACILITY THAT HAVE AUTOMATED TELLER MACHINES AND/OR POINT
30 OF SALE TERMINALS ON PREMISES ARE IN COMPLIANCE AND HAVE REQUIRED THIRD
31 PARTY PROCESSORS TO BLOCK ELECTRONIC BENEFIT TRANSFERS AS DEFINED BY
32 SECTION TWENTY-ONE-A OF THE SOCIAL SERVICES LAW FOR THE PURPOSES OF
33 ACCESSING PUBLIC ASSISTANCE ON PREMISES. SUCH REPORT SHALL ALSO CONTAIN
34 ALL RELEVANT INFORMATION REGARDING ANY PENALTIES IMPOSED FOR FAILURE TO
35 PROHIBIT SUCH ACCESS PURSUANT TO SECTION ONE HUNDRED EIGHTEEN OF THE
36 THIS CHAPTER, AND IF SUCH LICENSEE, IF APPLICABLE, HAS SINCE COME INTO
37 COMPLIANCE. SUCH INFORMATION SHALL NOT BE REQUIRED TO BE PROVIDED
38 REGARDING ANY APPLICANT OR LICENSEE THAT ALSO SELLS GROCERIES INCLUDING
39 STAPLE FOODS.

40 S 3. Section 105 of the alcoholic beverage control law is amended by
41 adding a new subdivision 24 to read as follows:

42 24. APPLICANTS AND RETAIL LICENSEES OF LIQUOR AND/OR WINE FOR
43 OFF-PREMISES CONSUMPTION WITH AUTOMATED TELLER MACHINES OR POINT OF SALE
44 TERMINALS ON PREMISES SHALL REQUIRE THIRD PARTY PROCESSORS TO BLOCK
45 ELECTRONIC BENEFIT TRANSFERS AS DEFINED BY SECTION TWENTY-ONE-A OF THE
46 SOCIAL SERVICES LAW FOR THE PURPOSES OF ACCESSING PUBLIC ASSISTANCE ON
47 PREMISES. SUCH REQUIREMENT SHALL NOT BE APPLICABLE IF IT IS A RETAIL
48 ESTABLISHMENT THAT ALSO SELLS GROCERIES, INCLUDING STAPLE FOODS.

49 S 4. Section 64-a of the alcoholic beverage control law is amended by
50 adding a new subdivision 6-a to read as follows:

51 6-A. EVERY SPECIAL ON-PREMISES LICENSEE WHOSE PRINCIPAL BUSINESS IS
52 THE OPERATION OF AN ADULT ENTERTAINMENT FACILITY AS PERMITTED UNDER
53 PARAGRAPH B OF SUBDIVISION SIX OF THIS SECTION WITH AUTOMATED TELLER
54 MACHINES OR POINT OF SALE TERMINALS ON PREMISES, SHALL REQUIRE THIRD
55 PARTY PROCESSORS TO BLOCK ELECTRONIC BENEFIT TRANSFERS AS DEFINED BY

SECTION TWENTY-ONE-A OF THE SOCIAL SERVICES LAW FOR THE PURPOSES OF ACCESSING PUBLIC ASSISTANCE ON PREMISES.

S 5. Section 102 of the alcoholic beverage control law is amended by adding a new subdivision 8 to read as follows:

8. NO PERSON, FIRM, ESTABLISHMENT, ENTITY OR CORPORATION LICENSED PURSUANT TO THIS CHAPTER, TO SELL LIQUOR AND/OR WINE AT RETAIL FOR OFF-PREMISES CONSUMPTION OR LICENSED WITH A SPECIAL ON-PREMISES LICENSE WHOSE PRINCIPAL BUSINESS IS THE OPERATION OF AN ADULT ENTERTAINMENT FACILITY SHALL ALLOW ELECTRONIC BENEFIT TRANSFERS AS DEFINED IN SECTION TWENTY-ONE-A OF THE SOCIAL SERVICES LAW FOR THE PURPOSES OF ACCESSING PUBLIC ASSISTANCE BENEFITS ON PREMISES. SUCH REQUIREMENT SHALL NOT BE APPLICABLE IF IT IS A RETAIL ESTABLISHMENT THAT ALSO SELLS GROCERIES, INCLUDING STAPLE FOODS. SHOULD SUCH LICENSEE FAIL TO PREVENT ELECTRONIC BENEFIT TRANSFERS AS DEFINED BY SECTION TWENTY-ONE-A OF THE SOCIAL SERVICES LAW, SUCH FAILURE SHALL CONSTITUTE CAUSE FOR THE PURPOSES OF SECTION ONE HUNDRED EIGHTEEN OF THIS ARTICLE.

S 6. Subdivision 1 of section 118 of the alcoholic beverage control law is amended by adding a new paragraph (c) to read as follows:

(C) FOR ALLOWING ELECTRONIC BENEFIT TRANSFERS AS DEFINED BY SECTION TWENTY-ONE-A OF THE SOCIAL SERVICES LAW FOR THE PURPOSES OF ACCESSING PUBLIC ASSISTANCE ON PREMISES.

S 7. Section 104 of the racing, pari-mutuel wagering and breeding law is amended by adding a new subdivision 23 to read as follows:

23. TO REQUIRE EACH APPLICANT SEEKING, OR LICENSEE AUTHORIZED UNDER THIS CHAPTER TO CONDUCT CHARITABLE GAMING, GAMING, OR HORSE RACING AND PARI-MUTUEL WAGERING ACTIVITIES TO DEMONSTRATE TO THE COMMISSION AND THE APPROPRIATE DIVISION THAT THEY HAVE REQUIRED THIRD PARTY PROCESSORS TO BLOCK ELECTRONIC BENEFIT TRANSFERS AS DEFINED BY SECTION TWENTY-ONE-A OF THE SOCIAL SERVICES LAW AT ANY AUTOMATED TELLER MACHINE, OR POINT OF SALE TERMINAL LOCATED ON PREMISES FOR THE PURPOSES OF ACCESSING PUBLIC ASSISTANCE. SUCH REQUIREMENT SHALL NOT BE APPLICABLE IF: (A) SUCH FACILITY IS LOCATED WITHIN THE SAME BUILDING OR COMPLEX AS A GROCERY STORE THAT SELLS GROCERIES INCLUDING STAPLE FOODS; (B) SUCH FACILITY IS AN ESTABLISHMENT THAT OFFERS GAMBLING OR GAMING ACTIVITIES INCIDENTAL TO THE PRINCIPAL PURPOSE OF THE BUSINESS; OR (C) TO ANY AREA OF A PARI-MUTUEL RACE TRACK THAT DOES NOT ACCEPT WAGERS AND IS NOT OPEN TO THE PUBLIC OR TO UNAUTHORIZED PERSONNEL, SUCH AS NON-WAGERING AREAS OF THE BACKSTRETCH.

SHOULD SUCH LICENSEE FAIL TO PREVENT ELECTRONIC BENEFIT TRANSFERS AS DEFINED BY SECTION TWENTY-ONE-A OF THE SOCIAL SERVICES LAW, THEY SHALL BE SUBJECT TO DISCIPLINARY ACTION PURSUANT TO THE AUTHORITY PROVIDED TO THIS COMMISSION, SECTION FOUR HUNDRED NINETY-FIVE OF THE GENERAL MUNICIPAL LAW OR SECTION ONE THOUSAND SIX HUNDRED SEVEN OF THE TAX LAW, WHICH SHALL INCLUDE EITHER REVOCATION, CANCELLATION OR SUSPENSION OF SUCH LICENSE OR AUTHORIZATION.

S 8. Subdivision 10 of section 1316 of the racing, pari-mutuel wagering and breeding law, as added by chapter 174 of the laws of 2013, is amended and a new subdivision 11 is added to read as follows:

10. formulate for board approval and abide by an affirmative action program of equal opportunity whereby the applicant establishes specific goals for the utilization of minorities, women and veterans on construction jobs[.];

11. REQUIRE THIRD PARTY PROCESSORS TO BLOCK ELECTRONIC BENEFIT TRANSFERS AS DEFINED BY SECTION TWENTY-ONE-A OF THE SOCIAL SERVICES LAW FOR THE PURPOSES OF ACCESSING PUBLIC ASSISTANCE AT ANY AUTOMATED TELLER MACHINE, OR POINT OF SALE TERMINAL LOCATED ON THE PREMISES. SUCH

1 REQUIREMENT SHALL NOT BE APPLICABLE IF: (A) SUCH FACILITY IS LOCATED
2 WITHIN THE SAME BUILDING OR COMPLEX AS A GROCERY STORE THAT SELLS
3 GROCERIES INCLUDING STAPLE FOODS; OR (B) SUCH FACILITY IS AN ESTABLISH-
4 MENT THAT OFFERS GAMBLING OR GAMING ACTIVITIES INCIDENTAL TO THE PRINCI-
5 PAL PURPOSE OF THE BUSINESS.

6 S 9. Subdivision 2 of section 1338 of the racing, pari-mutuel wagering
7 and breeding law, as added by chapter 174 of the laws of 2013, is
8 amended to read as follows:

9 2. prohibit authorized automated teller machines AND POINT OF SALE
10 TERMINALS from accepting electronic benefit [cards] TRANSFERS AS DEFINED
11 BY SECTION TWENTY-ONE-A OF THE SOCIAL SERVICES LAW, debit cards, or
12 similar negotiable instruments issued by the state or political subdivi-
13 sions for the purpose of accessing temporary public assistance BY
14 REQUIRING THIRD PARTY PROCESSORS TO BLOCK SUCH TRANSACTIONS;

15 S 10. Section 480 of the general municipal law is amended by adding a
16 new subdivision 3 to read as follows:

17 3. EACH APPLICANT FOR A LICENSE WITH AUTOMATED TELLER MACHINES OR
18 POINT OF SALE TERMINALS ON PREMISES SHALL REQUIRE THIRD PARTY PROCESSORS
19 TO BLOCK ELECTRONIC BENEFIT TRANSFERS AS DEFINED BY SECTION TWENTY-ONE-A
20 OF THE SOCIAL SERVICES LAW FOR THE PURPOSES OF ACCESSING PUBLIC ASSIST-
21 ANCE ON PREMISES. SUCH REQUIREMENT SHALL NOT BE APPLICABLE IF: (A) SUCH
22 FACILITY IS LOCATED WITHIN THE SAME BUILDING OR COMPLEX AS A GROCERY
23 STORE THAT SELLS GROCERIES INCLUDING STAPLE FOODS; OR (B) SUCH FACILITY
24 IS AN ESTABLISHMENT THAT OFFERS GAMBLING OR GAMING ACTIVITIES INCIDENTAL
25 TO THE PRINCIPAL PURPOSE OF THE BUSINESS.

26 S 11. Subdivisions 5 and 6 and the closing paragraph of section 495 of
27 the general municipal law, as amended by chapter 438 of the laws of
28 1962, are amended and a new subdivision 7 is added to read as follows:

29 (5) divert or pay any portion of the net proceeds of any game of bingo
30 to any person, association or corporation, except in furtherance of one
31 or more of the lawful purposes defined in this article; [or]

32 (6) violate any of the provisions of this article or of any term of
33 any license issued under this article; OR

34 (7) ALLOW ELECTRONIC BENEFIT TRANSFERS AS DEFINED BY SECTION
35 TWENTY-ONE-A OF THE SOCIAL SERVICES LAW FOR THE PURPOSES OF ACCESSING
36 PUBLIC ASSISTANCE BENEFITS;

37 shall be guilty of a misdemeanor and shall forfeit any license issued
38 under this article and be ineligible to apply for a license under this
39 article for one year thereafter, EXCEPT FOR AN OFFENSE AS SPECIFIED IN
40 SUBDIVISION SEVEN OF THIS SECTION. ANY PERSON, ASSOCIATION OR CORPO-
41 RATION LICENSED UNDER THIS ARTICLE, WHO ALLOWS AN OFFENSE AS DELINEATED
42 IN SUBDIVISION SEVEN OF THIS SECTION SHALL BE SUBJECT TO DISCIPLINARY
43 ACTIONS WHICH SHALL INCLUDE EITHER REVOCATION, CANCELLATION OR SUSPEN-
44 SION OF SUCH LICENSE OR AUTHORIZATION.

45 S 12. Section 1617-a of the tax law is amended by adding a new subdi-
46 vision i to read as follows:

47 I. EACH APPLICANT, OR LICENSEE AUTHORIZED UNDER THIS ARTICLE TO OPER-
48 ATE A VIDEO LOTTERY TERMINAL WITH AUTOMATED TELLER MACHINES OR POINT OF
49 SALE TERMINALS ON PREMISES SHALL REQUIRE THIRD PARTY PROCESSORS TO BLOCK
50 ELECTRONIC BENEFIT TRANSFERS AS DEFINED BY SECTION TWENTY-ONE-A OF THE
51 SOCIAL SERVICES LAW FOR THE PURPOSES OF ACCESSING PUBLIC ASSISTANCE.
52 SUCH REQUIREMENT SHALL NOT BE APPLICABLE IF: (A) SUCH FACILITY IS
53 LOCATED WITHIN THE SAME BUILDING OR COMPLEX AS A GROCERY STORE WHICH
54 SELLS GROCERIES INCLUDING STAPLE FOODS; OR (B) SUCH FACILITY IS AN
55 ESTABLISHMENT THAT OFFERS GAMBLING OR GAMING ACTIVITIES INCIDENTAL TO
56 THE PRINCIPAL PURPOSE OF THE BUSINESS.

1 SHOULD SUCH LICENSEE FAIL TO PREVENT ELECTRONIC BENEFIT TRANSFERS AS
2 DEFINED BY SECTION TWENTY-ONE-A OF THE SOCIAL SERVICES LAW, THEY SHALL
3 BE SUBJECT TO DISCIPLINARY ACTIONS PURSUANT TO SECTION ONE HUNDRED FOUR
4 OF THE RACING, PARI-MUTUEL WAGERING AND BREEDING LAW AND SECTION ONE
5 THOUSAND SIX HUNDRED SEVEN OF THIS CHAPTER, WHICH SHALL INCLUDE EITHER
6 REVOCATION, CANCELLATION OR SUSPENSION OF SUCH LICENSE OR AUTHORIZATION.

7 S 13. Section 1607 of the tax law is amended by adding a new subdivi-
8 sion i to read as follows:

9 I. FAILURE OF LICENSEES AUTHORIZED TO OPERATE A VIDEO LOTTERY TERMINAL
10 TO REQUIRE THIRD PARTY PROCESSORS TO BLOCK ELECTRONIC BENEFIT TRANSFERS
11 AS DEFINED BY SECTION TWENTY-ONE-A OF THE SOCIAL SERVICES LAW FOR THE
12 PURPOSES OF ACCESSING PUBLIC ASSISTANCE BENEFITS. SUCH REQUIREMENT SHALL
13 NOT BE APPLICABLE IF: (A) SUCH FACILITY IS LOCATED WITHIN THE SAME
14 BUILDING OR COMPLEX AS A GROCERY STORE THAT SELLS GROCERIES INCLUDING
15 STAPLE FOODS; OR (B) SUCH FACILITY IS AN ESTABLISHMENT THAT OFFERS
16 GAMBLING OR GAMING ACTIVITIES INCIDENTAL TO THE PRINCIPAL PURPOSE OF THE
17 BUSINESS.

18 S 14. Section 104 of the racing, pari-mutuel wagering and breeding law
19 is amended by adding a new subdivision 24 to read as follows:

20 24. TO SUBMIT A REPORT ON DECEMBER FIRST OF EACH YEAR TO THE OFFICE OF
21 TEMPORARY AND DISABILITY ASSISTANCE INCLUDING ALL RELEVANT INFORMATION
22 DEMONSTRATING THAT ALL APPLICANTS AND LICENSEES: (A) LICENSED OR AUTHOR-
23 IZED TO CONDUCT PARI-MUTUEL WAGERING ACTIVITY UNDER THIS CHAPTER; (B)
24 LICENSED TO PARTICIPATE IN CHARITABLE GAMING UNDER ARTICLE FOURTEEN-H OF
25 THE GENERAL MUNICIPAL LAW; (C) LICENSED TO PARTICIPATE IN THE OPERATION
26 OF A VIDEO LOTTERY FACILITY UNDER SECTION ONE THOUSAND SIX HUNDRED
27 SEVENTEEN-A OF THE TAX LAW; OR (D) LICENSED TO OPERATE A GAMING FACILITY
28 UNDER SECTION ONE THOUSAND THREE HUNDRED ELEVEN OF THIS CHAPTER THAT
29 HAVE AUTOMATED TELLER MACHINES AND/OR POINT OF SALE TERMINALS ON PREM-
30 ISES ARE IN COMPLIANCE AND HAVE REQUIRED THIRD PARTY PROCESSORS TO BLOCK
31 ELECTRONIC BENEFIT TRANSFERS AS DEFINED BY SECTION TWENTY-ONE-A OF THE
32 SOCIAL SERVICES LAW FOR THE PURPOSES OF ACCESSING PUBLIC ASSISTANCE ON
33 PREMISES. SUCH REPORT SHALL ALSO CONTAIN ALL RELEVANT INFORMATION
34 REGARDING ANY PENALTIES IMPOSED FOR FAILURE TO PROHIBIT SUCH ACCESS, AND
35 IF SUCH LICENSEE, IF APPLICABLE, HAS SINCE COME INTO COMPLIANCE. SUCH
36 INFORMATION SHALL NOT BE REQUIRED TO BE PROVIDED REGARDING ANY ENTITY
37 LOCATED WITHIN THE SAME BUILDING OR COMPLEX AS A GROCERY STORE THAT
38 SELLS GROCERIES INCLUDING STAPLE FOODS; OR FOR SUCH ENTITY THAT OFFERS
39 GAMBLING OR GAMING ACTIVITIES INCIDENTAL TO THE PRINCIPAL PURPOSE OF THE
40 BUSINESS.

41 S 15. Section 151 of the social services law, as added by chapter 570
42 of the laws of 1951, is amended to read as follows:

43 S 151. [Penalty] PENALTIES for cashing public assistance checks OR
44 ACCEPTING ELECTRONIC BENEFIT TRANSFERS FROM PUBLIC ASSISTANCE
45 RECIPIENTS. [No] 1. EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION TWO OF
46 THIS SECTION, NO person, firm, ESTABLISHMENT, ENTITY, or corporation:
47 (A) licensed under the [provision] PROVISIONS of the alcoholic beverage
48 control law to sell liquor AND/OR WINE at retail FOR OFF-PREMISES
49 CONSUMPTION; (B) LICENSED WITH A SPECIAL ON-PREMISES LICENSE UNDER THE
50 PROVISIONS OF THE ALCOHOLIC BEVERAGE CONTROL LAW WHOSE PRINCIPAL BUSI-
51 NESS IS THE OPERATION OF AN ADULT ENTERTAINMENT FACILITY; (C) LICENSED
52 OR AUTHORIZED TO CONDUCT PARI-MUTUEL WAGERING ACTIVITY UNDER THE RACING,
53 PARI-MUTUEL WAGERING AND BREEDING LAW; (D) LICENSED TO PARTICIPATE IN
54 CHARITABLE GAMING UNDER ARTICLE FOURTEEN-H OF THE GENERAL MUNICIPAL LAW;
55 (E) LICENSED TO PARTICIPATE IN THE OPERATION OF A VIDEO LOTTERY FACILITY
56 UNDER SECTION ONE THOUSAND SIX HUNDRED SEVENTEEN-A OF THE TAX LAW; (F)

1 LICENSED TO OPERATE A GAMING FACILITY UNDER SECTION ONE THOUSAND THREE
2 HUNDRED ELEVEN OF THE RACING, PARI-MUTUEL WAGERING AND BREEDING LAW; OR
3 (G) THAT IS THE OWNER OF A BUSINESS PROVIDING ADULT-ORIENTED ENTER-
4 TAINMENT IN WHICH PERFORMERS DISROBE OR PERFORM IN AN UNCLOTHED STATE
5 FOR ENTERTAINMENT shall cash or accept[, for any purpose whatsoever,]
6 any public assistance check OR ELECTRONIC BENEFIT TRANSFER issued by a
7 [public welfare] SOCIAL SERVICES official or department as and for
8 public assistance.

9 2. SUCH RESTRICTIONS SHALL NOT APPLY TO: (A) ANY GROCERY STORE THAT
10 SELLS GROCERIES INCLUDING STAPLE FOODS AND THAT ALSO OFFERS, OR IS
11 LOCATED WITHIN THE SAME BUILDING OR COMPLEX AS A CASINO, OR GAMING
12 ESTABLISHMENT; (B) ANY AREA OF A PARI-MUTUEL RACE TRACK THAT DOES NOT
13 ACCEPT WAGERS AND IS NOT OPEN TO THE PUBLIC OR TO UNAUTHORIZED PERSON-
14 NEL, SUCH AS NON-WAGERING AREAS OF THE BACKSTRETCH; (C) ANY ESTABLISH-
15 MENT THAT OFFERS GAMBLING INCIDENTAL TO THE PRINCIPAL PURPOSE OF BUSI-
16 NESS; OR (D) ANY ESTABLISHMENT THAT SELLS GROCERIES INCLUDING STAPLE
17 FOODS AND LIQUOR AND/OR WINE FOR OFF PREMISES CONSUMPTION. FOR PURPOSES
18 OF THIS PARAGRAPH, "GAMING ESTABLISHMENT" SHALL MEAN ANY VIDEO LOTTERY
19 FACILITY, OFF-TRACK BETTING BRANCH OFFICE, SIMULCAST FACILITY, LICENSED
20 COMMERCIAL CHARITABLE GAMING FACILITY, OR ANY PARI-MUTUEL RACE TRACK.

21 3. PENALTIES. (A) A violation of the provisions OF SUBDIVISION ONE of
22 this section [for the first offense shall be punishable by a fine not to
23 exceed fifty dollars. A second offense] TAKING PLACE AT THE LICENSED
24 PREMISES BY A PERSON, CORPORATION OR ENTITY LICENSED UNDER THE ALCOHOLIC
25 BEVERAGE CONTROL LAW: (I) TO SELL LIQUOR AND/OR WINE AT RETAIL FOR OFF-
26 PREMISES CONSUMPTION; OR (II) WITH A SPECIAL ON-PREMISES LICENSE WHOSE
27 PRINCIPAL BUSINESS IS THE OPERATION OF AN ADULT ENTERTAINMENT FACILITY
28 AS PERMITTED BY THE RULES OF THE STATE LIQUOR AUTHORITY, shall consti-
29 tute [sufficient] cause, FOR THE PURPOSES OF SECTION ONE HUNDRED EIGH-
30 TEEN OF THE ALCOHOLIC BEVERAGE CONTROL LAW for the revocation, cancella-
31 tion or suspension of such license [issued pursuant to the alcoholic
32 beverage control law].

33 (B) A VIOLATION OF THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION
34 BY ANY PERSON, CORPORATION OR ENTITY LICENSED TO OPERATE A GAMING FACIL-
35 ITY UNDER SECTION ONE THOUSAND THREE HUNDRED ELEVEN OF THE RACING,
36 PARI-MUTUEL WAGERING AND BREEDING LAW; LICENSED UNDER SECTION ONE THOU-
37 SAND SIX HUNDRED SEVENTEEN-A OF THE TAX LAW TO PARTICIPATE IN THE OPERA-
38 TION OF A VIDEO LOTTERY FACILITY; LICENSED OR AUTHORIZED TO CONDUCT
39 PARI-MUTUEL WAGERING UNDER THE RACING, PARI-MUTUEL WAGERING AND BREEDING
40 LAW; OR LICENSED TO PARTICIPATE IN CHARITABLE GAMING UNDER ARTICLE FOUR-
41 TEEN-H OF THE GENERAL MUNICIPAL LAW, SHALL SUBJECT SUCH PERSON, CORPO-
42 RATION OR ENTITY TO DISCIPLINARY ACTION PURSUANT TO SECTION ONE HUNDRED
43 FOUR OF THE RACING, PARI-MUTUEL WAGERING AND BREEDING LAW, SECTION FOUR
44 HUNDRED NINETY-FIVE OF THE GENERAL MUNICIPAL LAW AND SECTION ONE THOU-
45 SAND SIX HUNDRED SEVEN OF THE TAX LAW, WHICH SHALL INCLUDE EITHER REVO-
46 CATION, CANCELLATION OR SUSPENSION OF SUCH LICENSE OR AUTHORIZATION.

47 (C) A VIOLATION OF THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION
48 BY ANY PERSON, FIRM, ESTABLISHMENT, ENTITY OR CORPORATION THAT IS THE
49 OWNER OF A BUSINESS PROVIDING ADULT-ORIENTED ENTERTAINMENT IN WHICH
50 PERFORMERS DISROBE OR PERFORM IN AN UNCLOTHED STATE FOR ENTERTAINMENT,
51 WHICH IS NOT OTHERWISE LICENSED PURSUANT TO THE ALCOHOLIC BEVERAGE
52 CONTROL LAW, SHALL BE A VIOLATION, AS DEFINED IN SUBDIVISION THREE OF
53 SECTION 10.00 OF THE PENAL LAW, SUBJECT TO A FINE OF NOT MORE THAN ONE
54 HUNDRED DOLLARS, A SECOND SUCH VIOLATION SHALL BE SUBJECT TO A FINE OF
55 NOT MORE THAN FIVE HUNDRED DOLLARS, AND A THIRD OR SUBSEQUENT SUCH

1 VIOLATION SHALL BE SUBJECT TO A FINE OF NOT MORE THAN ONE THOUSAND
2 DOLLARS.

3 4. THE OFFICE SHALL HAVE THE AUTHORITY TO COLLABORATE WITH AND ASSIST
4 THE NEW YORK STATE LIQUOR AUTHORITY, THE NEW YORK STATE GAMING COMMIS-
5 SION, ANY NECESSARY LICENSEE AND ANY BUSINESS WHOSE PRINCIPAL PURPOSE OF
6 BUSINESS IS PROVIDING ADULT ORIENTED ENTERTAINMENT IN WHICH PERFORMERS
7 DISROBE OR PERFORM IN AN UNCLOTHED STATE FOR ENTERTAINMENT WITH THE
8 PROCESS OF REQUIRING THIRD PARTY PROCESSORS TO BLOCK ELECTRONIC BENEFIT
9 TRANSFERS. SUCH ASSISTANCE MAY INCLUDE MONITORING AUTOMATED TELLER
10 MACHINE AND POINT OF SALE TERMINAL REPORTS TO ENSURE THE BANK IDENTIFI-
11 CATION NUMBER ASSOCIATED WITH ELECTRONIC BENEFIT TRANSFER CARDS HAS BEEN
12 SUCCESSFULLY BLOCKED.

13 S 16. This act shall take effect on the sixtieth day after it shall
14 have become a law; provided, however, the New York state office of
15 temporary and disability assistance, the New York state liquor authority
16 and the New York state gaming commission shall be authorized to promul-
17 gate regulations on an emergency basis and immediately take such other
18 actions as necessary to implement the provisions of this act; provided,
19 further, that the amendments to section 17 of the alcoholic beverage
20 control law made by section two of this act shall not affect the expira-
21 tion of such section and shall be deemed to expire therewith.

22 PART K

23 Section 1. Notwithstanding any other provision of law, the housing
24 trust fund corporation (the corporation) may provide, for purposes of
25 the rural rental assistance program, a sum not to exceed twenty million
26 four hundred thousand dollars for the fiscal year ending March 31, 2015.
27 Notwithstanding any other provision of law, and provided that the
28 reserves in the project pool insurance account of the mortgage insurance
29 fund created pursuant to section 2429-b of the public authorities law
30 are sufficient to attain and maintain the credit rating (as determined
31 by the agency) required to accomplish the purposes of such account, the
32 board of directors of the state of New York mortgage agency shall
33 authorize the transfer from the project pool insurance account of the
34 mortgage insurance fund to the housing trust fund corporation (the
35 corporation), for the purposes of reimbursing any costs associated with
36 rural rental assistance program contracts authorized by this section, a
37 total sum not to exceed twenty million four hundred thousand dollars as
38 soon as practicable but no later than June 30, 2014. Notwithstanding any
39 other provision of law, all current and existing rural rental assistance
40 program contracts may be assigned to the corporation to administer as
41 soon as practicable. Notwithstanding any other provision of law, such
42 funds may be used by the corporation in support of contracts scheduled
43 to expire in 2014-15 for as many as 10 additional years; in support of
44 contracts for new eligible projects for a period not to exceed 5 years;
45 and in support of contracts which reach their 25 year maximum in and/or
46 prior to 2014-15 for an additional one year period.

47 S 2. Notwithstanding any other provision of law, the housing finance
48 agency may provide, for costs associated with the rehabilitation of
49 Mitchell Lama housing projects, a sum not to exceed thirty-two million
50 dollars for the fiscal year ending March 31, 2015. Notwithstanding any
51 other provision of law, and provided that the reserves in the project
52 pool insurance account of the mortgage insurance fund created pursuant
53 to section 2429-b of the public authorities law are sufficient to attain
54 and maintain the credit rating (as determined by the agency) required to
55 accomplish the purposes of such account, the board of directors of the

1 state of New York mortgage agency shall authorize the transfer from the
2 project pool insurance account of the mortgage insurance fund to the
3 housing finance agency, for the purposes of reimbursing any costs asso-
4 ciated with Mitchell Lama housing projects authorized by this section, a
5 total sum not to exceed thirty-two million dollars as soon as practica-
6 ble but no later than March 31, 2015.

7 S 3. Notwithstanding any other provision of law, the housing trust
8 fund corporation (the corporation) may provide, for purposes of the
9 neighborhood preservation program and for the purpose of entering into a
10 contract with the neighborhood preservation coalition to provide techni-
11 cal assistance and services to companies funded pursuant to article XVI
12 of the private housing finance law, a sum not to exceed ten million
13 seventy-three thousand dollars for the fiscal year ending March 31,
14 2015. The contract with the neighborhood preservation coalition shall be
15 an amount not less than one hundred fifty thousand dollars. Notwith-
16 standing any other provision of law, and provided that the reserves in
17 the project pool insurance account of the mortgage insurance fund
18 created pursuant to section 2429-b of the public authorities law are
19 sufficient to attain and maintain the credit rating (as determined by
20 the agency) required to accomplish the purposes of such account, the
21 board of directors of the state of New York mortgage agency shall
22 authorize the transfer from the project pool insurance account of the
23 mortgage insurance fund to the housing trust fund corporation (the
24 corporation), for the purposes of reimbursing any costs associated with
25 neighborhood preservation program contracts and the contract with the
26 neighborhood preservation coalition authorized by this section, a total
27 sum not to exceed ten million seventy-three thousand dollars as soon as
28 practicable but no later than June 30, 2014.

29 S 4. Notwithstanding any other provision of law, the housing trust
30 fund corporation (the corporation) may provide, for purposes of the
31 rural preservation program and for the purpose of entering into a
32 contract with the rural housing coalition to provide technical assist-
33 ance and services to companies funded pursuant to article XII of the
34 private housing finance law, a sum not to exceed four million two
35 hundred four thousand dollars for the fiscal year ending March 31, 2015.
36 The contract with the rural housing coalition shall be in an amount not
37 less than one hundred fifty thousand dollars. Notwithstanding any other
38 provision of law, and provided that the reserves in the project pool
39 insurance account of the mortgage insurance fund created pursuant to
40 section 2429-b of the public authorities law are sufficient to attain
41 and maintain the credit rating (as determined by the agency) required to
42 accomplish the purposes of such account, the board of directors of the
43 state of New York mortgage agency shall authorize the transfer from the
44 project pool insurance account of the mortgage insurance fund to the
45 housing trust fund corporation (the corporation), for the purposes of
46 reimbursing any costs associated with rural preservation program
47 contracts and the contract with the rural housing coalition authorized
48 by this section, a total sum not to exceed four million two hundred four
49 thousand dollars as soon as practicable but no later than June 30, 2014.

50 S 5. Notwithstanding any other provision of law, and provided that
51 the reserves in the project pool insurance account of the mortgage
52 insurance fund created pursuant to section 2429-b of the public authori-
53 ties law are sufficient to attain and maintain the credit rating (as
54 determined by the agency) required to accomplish the purposes of such
55 account, the board of directors of the state of New York mortgage agency
56 shall authorize the transfer from the project pool insurance account of

1 the mortgage insurance fund to the state treasury for deposit in the
2 general fund a total sum not to exceed twenty million dollars as soon as
3 practicable but no later than March 31, 2015.

4 S 6. Notwithstanding any other provision of law, the housing trust
5 fund corporation (the corporation) may provide, for the purposes of
6 carrying out the provisions of the low income housing trust fund program
7 created pursuant to article XVIII of the private housing finance law, a
8 sum not to exceed two million five hundred thousand dollars for the
9 fiscal year ending March 31, 2015. Notwithstanding any other provision
10 of law, and provided that reserves in the project pool insurance account
11 of the mortgage insurance fund created pursuant to section 2429-b of the
12 public authorities law are sufficient to attain and maintain the credit
13 rating (as determined by the agency) required to accomplish the purposes
14 of such account, the board of directors of the state of New York mort-
15 gage agency shall authorize the transfer from the project pool insurance
16 account of the mortgage insurance fund to the housing trust fund corpo-
17 ration (the corporation), for the purposes of carrying out the
18 provisions of the low income housing trust fund program created pursuant
19 to article XVIII of the private housing finance law authorized by this
20 section, a total sum not to exceed two million five hundred thousand
21 dollars as soon as practicable but no later than March 31, 2015.

22 S 7. Notwithstanding any other provision of law, the housing trust
23 fund corporation (the corporation) may provide, for purposes of the
24 homes for working families program for deposit in the housing trust fund
25 created pursuant to section 59-a of the private housing finance law and
26 subject to the provisions of article XVIII of the private housing
27 finance law, a sum not to exceed one million seven hundred fifty thou-
28 sand dollars for the fiscal year ending March 31, 2015. Notwithstanding
29 any other provision of law, and provided that the reserves in the
30 project pool insurance account of the mortgage insurance fund created
31 pursuant to section 2429-b of the public authorities law are sufficient
32 to attain and maintain the credit rating (as determined by the agency)
33 required to accomplish the purposes of such account, the board of direc-
34 tors of the state of New York mortgage agency shall authorize the trans-
35 fer from the project pool insurance account of the mortgage insurance
36 fund to the housing trust fund corporation (the corporation), for the
37 purposes of reimbursing any costs associated with homes for working
38 families program contracts authorized by this section, a total sum not
39 to exceed one million seven hundred fifty thousand dollars as soon as
40 practicable but no later than March 31, 2015.

41 S 8. This act shall take effect immediately.

42 PART L

43 Section 1. Subparagraph 8 of paragraph h of subdivision 4 of section
44 1950 of the education law, as added by section 1 of part K of chapter 57
45 of the laws of 2012, is amended to read as follows:

46 (8) To enter into contracts with the commissioner of the office of
47 children and family services pursuant to subdivision six-a of section
48 thirty-two hundred two of this chapter to provide to such office, for
49 the benefit of youth in its custody, any special education programs
50 [and], related services AND CAREER AND TECHNICAL EDUCATION SERVICES
51 provided by the board of cooperative educational services to component
52 school districts. Any such proposed contract shall be subject to the
53 review and approval of the commissioner to determine that it is an
54 approved cooperative educational service. Services provided pursuant to

1 such contracts shall be provided at cost, and the board of cooperative
2 educational services shall not be authorized to charge any costs
3 incurred in providing such services to its component school districts.

4 S 2. Subdivision 6-a of section 3202 of the education law, as amended
5 by section 2 of part K of chapter 57 of the laws of 2012, is amended to
6 read as follows:

7 6-a. Notwithstanding subdivision six of this section or any other law
8 to the contrary, the commissioner of the office of children and family
9 services shall be responsible for the secular education of youth under
10 the jurisdiction of the office and may contract for such education with
11 the trustees or board of education of the school district wherein a
12 facility for the residential care of such youth is located or with the
13 board of cooperative educational services at which any such school
14 district is a component district for special education programs [and],
15 related services AND CAREER AND TECHNICAL EDUCATION SERVICES. A youth
16 attending a local public school while in residence at such facility
17 shall be deemed a resident of the school district where his parent or
18 guardian resides at the commencement of each school year for the purpose
19 of determining which school district shall be responsible for the
20 youth's tuition pursuant to section five hundred four of the executive
21 law.

22 S 3. Section 3 of part K of chapter 57 of the laws of 2012, amending
23 the education law relating to authorizing the board of cooperative
24 educational services to enter into contracts with the commissioner of
25 children and family services to provide certain services, is amended to
26 read as follows:

27 S 3. The office of children and family services, in consultation with
28 the STATE EDUCATION department [of education], shall prepare and submit
29 to the governor, the temporary president of the senate and the speaker
30 of the assembly a report by December 1, 2015, that shall analyze the
31 cost effectiveness and programmatic impact of delivering special educa-
32 tion programs [and], related services AND CAREER AND TECHNICAL EDUCATION
33 SERVICES through boards of cooperative educational services in juvenile
34 justice facilities operated by the office.

35 S 4. This act shall take effect immediately; provided that the amend-
36 ments to subparagraph 8 of paragraph h of subdivision 4 of section 1950
37 of the education law made by section one of this act shall not affect
38 the expiration and repeal of such subparagraph and shall expire and be
39 deemed repealed therewith pursuant to section 4 of part K of chapter 57
40 of the laws of 2012, and provided further, that the amendments to subdi-
41 vision 6-a of section 3202 of the education law made by section two of
42 this act shall be subject to the expiration and reversion of such subdi-
43 vision pursuant to section 4 of part K of chapter 57 of the laws of
44 2012; and the amendments made to section 3 of part K of chapter 57 of
45 the laws of 2012 by section three of this act shall not affect the
46 repeal of such section as provided in section 4 of part K of chapter 57
47 of the laws of 2012 and shall be deemed repealed therewith.

48 PART M

49 Section 1. Section 131-a of the social services law is amended by
50 adding a new subdivision 14 to read as follows:

51 14. IN DETERMINING THE NEED FOR AID PROVIDED PURSUANT TO PUBLIC
52 ASSISTANCE PROGRAMS, EACH PERSON LIVING WITH CLINICAL/SYMPTOMATIC HIV
53 ILLNESS OR AIDS IN SOCIAL SERVICES DISTRICTS WITH A POPULATION OVER FIVE
54 MILLION WHO IS RECEIVING SERVICES THROUGH SUCH DISTRICT'S ADMINISTRATIVE

UNIT PROVIDING HIV/AIDS SERVICES, PUBLIC ASSISTANCE AND EARNED AND/OR UNEARNED INCOME, SHALL NOT BE REQUIRED TO PAY MORE THAN THIRTY PERCENT OF HIS OR HER MONTHLY EARNED AND/OR UNEARNED INCOME TOWARD THE COST OF RENT THAT SUCH PERSON HAS A DIRECT OBLIGATION TO PAY; THIS PROVISION SHALL NOT APPLY TO ROOM AND BOARD ARRANGEMENTS.

S 2. This act shall take effect immediately; provided that no funds shall be expended pursuant to this act until a plan submitted by a district has been approved by the office of temporary and disability assistance and the director of the budget.

PART N

Section 1. This act shall be known and may be cited as the "New York state DREAM Act".

S 2. The education law is amended by adding a new section 609 to read as follows:

S 609. NEW YORK DREAM FUND COMMISSION. 1. (A) THERE SHALL BE CREATED A NEW YORK DREAM FUND COMMISSION WHICH SHALL BE COMMITTED TO ADVANCING THE EDUCATIONAL OPPORTUNITIES OF THE CHILDREN OF IMMIGRANTS.

(B) THE NEW YORK DREAM FUND COMMISSION SHALL BE COMPOSED OF TWELVE MEMBERS TO BE APPOINTED AS FOLLOWS:

(I) FOUR MEMBERS SHALL BE APPOINTED BY THE GOVERNOR;

(II) THREE MEMBERS SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE;

(III) THREE MEMBERS SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY;

(IV) ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE SENATE;

(V) ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE ASSEMBLY;

(C) TO THE EXTENT PRACTICABLE, MEMBERS OF SUCH COMMISSION SHALL REFLECT THE RACIAL, ETHNIC, GENDER, LANGUAGE, AND GEOGRAPHIC DIVERSITY OF THE STATE.

(D) TO THE EXTENT PRACTICABLE, MEMBERS OF SUCH COMMISSION SHALL INCLUDE COLLEGE AND UNIVERSITY ADMINISTRATORS AND FACULTY, AND OTHER INDIVIDUALS COMMITTED TO ADVANCING THE EDUCATIONAL OPPORTUNITIES OF THE CHILDREN OF IMMIGRANTS.

(E) MEMBERS OF THE NEW YORK DREAM FUND COMMISSION SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES.

2. (A) THE NEW YORK DREAM FUND COMMISSION SHALL HAVE THE POWER TO:

(I) ADMINISTER THE PROVISIONS OF THIS SECTION;

(II) CREATE AND RAISE FUNDS FOR THE NEW YORK DREAM FUND;

(III) ESTABLISH A NOT-FOR-PROFIT ENTITY CHARGED WITH THE RESPONSIBILITY OF RAISING FUNDS FOR THE ADMINISTRATION OF THIS SECTION AND ANY EDUCATIONAL OR TRAINING PROGRAMS SUCH COMMISSION IS TASKED WITH ADMINISTERING AND FUNDING SCHOLARSHIPS TO STUDENTS WHO ARE CHILDREN OF IMMIGRANTS TO THE UNITED STATES;

(IV) PUBLICIZE THE AVAILABILITY OF SUCH SCHOLARSHIPS FROM THE NEW YORK DREAM FUND;

(V) DEVELOP CRITERIA AND A SELECTION PROCESS FOR THE RECIPIENTS OF SCHOLARSHIPS FROM THE NEW YORK DREAM FUND;

(VI) RESEARCH ISSUES PERTAINING TO THE AVAILABILITY OF ASSISTANCE WITH THE COSTS OF HIGHER EDUCATION FOR THE CHILDREN OF IMMIGRANTS AND OTHER ISSUES REGARDING ACCESS FOR AND THE PERFORMANCE OF THE CHILDREN OF IMMIGRANTS WITHIN HIGHER EDUCATION;

(VII) ESTABLISH, PUBLICIZE, AND ADMINISTER TRAINING PROGRAMS FOR HIGH SCHOOL COUNSELORS, ADMISSIONS OFFICERS, AND FINANCIAL AID OFFICERS OF INSTITUTIONS OF HIGHER EDUCATION. THE TRAINING PROGRAMS SHALL INSTRUCT PARTICIPANTS ON THE EDUCATIONAL OPPORTUNITIES AVAILABLE TO COLLEGE-BOUND

STUDENTS WHO ARE THE CHILDREN OF IMMIGRANTS, INCLUDING, BUT NOT LIMITED TO, IN-STATE TUITION AND SCHOLARSHIP PROGRAMS. TO THE EXTENT PRACTICABLE, THE NEW YORK DREAM FUND COMMISSION SHALL OFFER THE TRAINING PROGRAM TO SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE EDUCATIONAL SERVICES THROUGHOUT THE STATE, PROVIDED HOWEVER, THAT PRIORITY SHALL BE GIVEN TO SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE EDUCATIONAL SERVICES WITH LARGER NUMBER OF STUDENTS WHO ARE THE CHILDREN OF IMMIGRANTS OVER SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE EDUCATIONAL SERVICES WITH LESSER NUMBER OF STUDENTS WHO ARE THE CHILDREN OF IMMIGRANTS;

(VIII) ESTABLISH A PUBLIC AWARENESS CAMPAIGN REGARDING EDUCATIONAL OPPORTUNITIES AVAILABLE TO COLLEGE BOUND STUDENTS WHO ARE THE CHILDREN OF IMMIGRANTS; AND

(IX) ESTABLISH, BY RULE, PROCEDURES FOR ACCEPTING AND EVALUATING APPLICATIONS FOR SCHOLARSHIPS FROM THE CHILDREN OF IMMIGRANTS AND ISSUING SCHOLARSHIPS TO SELECTED STUDENT APPLICANTS;

(B) TO RECEIVE A SCHOLARSHIP PURSUANT TO THIS SECTION, A STUDENT APPLICANT MUST MEET THE FOLLOWING QUALIFICATIONS:

(I) HAVE RESIDED WITH HIS OR HER PARENTS OR GUARDIANS WHILE ATTENDING A PUBLIC OR PRIVATE HIGH SCHOOL IN THIS STATE;

(II) HAVE GRADUATED FROM A PUBLIC OR PRIVATE HIGH SCHOOL OR RECEIVED THE EQUIVALENT OF A HIGH SCHOOL DIPLOMA IN THIS STATE;

(III) HAVE ATTENDED A PUBLIC OR PRIVATE HIGH SCHOOL IN THIS STATE FOR AT LEAST TWO YEARS AS OF THE DATE HE OR SHE GRADUATED FROM HIGH SCHOOL OR RECEIVED THE EQUIVALENT OF A HIGH SCHOOL DIPLOMA;

(IV) HAVE AT LEAST ONE PARENT OR GUARDIAN WHO IMMIGRATED TO THE UNITED STATES.

(C) THE NEW YORK DREAM FUND COMMISSION AND THE NEW YORK DREAM FUND SHALL BE FUNDED ENTIRELY BY PRIVATE CONTRIBUTIONS AND NO STATE FUNDS SHALL BE APPROPRIATED TO OR USED BY THE NEW YORK DREAM FUND. NO FUNDS OF THE NEW YORK DREAM FUND OR THE NEW YORK DREAM FUND COMMISSION SHALL BE TRANSFERRED TO THE GENERAL FUND OR ANY SPECIAL REVENUE FUND OR SHALL BE USED FOR ANY PURPOSE OTHER THAN THE PURPOSES SET FORTH IN THIS SECTION.

3. THE NEW YORK DREAM FUND COMMISSION AND THE NEW YORK DREAM FUND SHALL BE SUBJECT TO THE PROVISIONS OF ARTICLES SIX AND SEVEN AND SECTION SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW.

S 3. Subdivision 3 of section 661 of the education law is REPEALED.

S 4. Paragraph a of subdivision 5 of section 661 of the education law, as amended by chapter 466 of the laws of 1977, is amended to read as follows:

a. (I) Except as provided in subdivision two of section six hundred seventy-four OF THIS PART AND SUBPARAGRAPH (II) OF THIS PARAGRAPH, an applicant for an award at the undergraduate level of study must either [(i)] (A) have been a legal resident of the state for at least one year immediately preceding the beginning of the semester, quarter or term of attendance for which application for assistance is made, or [(ii)] (B) be a legal resident of the state and have been a legal resident during his last two semesters of high school either prior to graduation, or prior to admission to college. Provided further that persons shall be eligible to receive awards under section six hundred sixty-eight or section six hundred sixty-nine OF THIS PART who are currently legal residents of the state and are otherwise qualified.

(II) AN APPLICANT WHO IS NOT A LEGAL RESIDENT OF THE STATE ELIGIBLE PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH, BUT IS A UNITED STATES CITIZEN, A PERMANENT LAWFUL RESIDENT, A LAWFUL NON-IMMIGRANT ALIEN OR AN

1 APPLICANT WITHOUT LAWFUL IMMIGRATION STATUS SHALL BE ELIGIBLE FOR AN
2 AWARD AT THE UNDERGRADUATE LEVEL OF STUDY PROVIDED THAT THE STUDENT:

3 (A) ATTENDED A REGISTERED NEW YORK STATE HIGH SCHOOL FOR TWO OR MORE
4 YEARS, GRADUATED FROM A REGISTERED NEW YORK STATE HIGH SCHOOL AND
5 APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR THE
6 UNDERGRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN FIVE YEARS OF
7 RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR

8 (B) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR A STATE HIGH
9 SCHOOL EQUIVALENCY DIPLOMA, RECEIVED A STATE HIGH SCHOOL EQUIVALENCY
10 DIPLOMA AND APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCA-
11 TION FOR THE UNDERGRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN
12 FIVE YEARS OF RECEIVING A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA; OR

13 (C) IS OTHERWISE ELIGIBLE FOR THE PAYMENT OF TUITION AND FEES AT A
14 RATE NO GREATER THAN THAT IMPOSED FOR RESIDENT STUDENTS OF THE STATE
15 UNIVERSITY OF NEW YORK, THE CITY UNIVERSITY OF NEW YORK OR COMMUNITY
16 COLLEGES AS PRESCRIBED IN SUBPARAGRAPH EIGHT OF PARAGRAPH H OF SUBDIVI-
17 SION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OR PARAGRAPH (A) OF SUBDI-
18 VISION SEVEN OF SECTION SIXTY-TWO HUNDRED SIX OF THIS CHAPTER.

19 PROVIDED, FURTHER, THAT A STUDENT WITHOUT LAWFUL IMMIGRATION STATUS
20 SHALL ALSO BE REQUIRED TO FILE AN AFFIDAVIT WITH SUCH INSTITUTION OF
21 HIGHER EDUCATION STATING THAT THE STUDENT HAS FILED AN APPLICATION TO
22 LEGALIZE HIS OR HER IMMIGRATION STATUS, OR WILL FILE SUCH AN APPLICATION
23 AS SOON AS HE OR SHE IS ELIGIBLE TO DO SO.

24 S 5. Paragraph b of subdivision 5 of section 661 of the education law,
25 as amended by chapter 466 of the laws of 1977, is amended to read as
26 follows:

27 b. [An] (I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF THIS
28 PARAGRAPH, AN applicant for an award at the graduate level of study must
29 either [(i)] (A) have been a legal resident of the state for at least
30 one year immediately preceding the beginning of the semester, quarter or
31 term of attendance for which application for assistance is made, or
32 [(ii)] (B) be a legal resident of the state and have been a legal resi-
33 dent during his last academic year of undergraduate study and have
34 continued to be a legal resident until matriculation in the graduate
35 program.

36 (II) AN APPLICANT WHO IS NOT A LEGAL RESIDENT OF THE STATE ELIGIBLE
37 PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH, BUT IS A UNITED STATES
38 CITIZEN, A PERMANENT LAWFUL RESIDENT, A LAWFUL NON-IMMIGRANT ALIEN OR AN
39 APPLICANT WITHOUT LAWFUL IMMIGRATION STATUS SHALL BE ELIGIBLE FOR AN
40 AWARD AT THE UNDERGRADUATE LEVEL OF STUDY PROVIDED THAT THE STUDENT:

41 (A) ATTENDED A REGISTERED APPROVED NEW YORK STATE HIGH SCHOOL FOR TWO
42 OR MORE YEARS, GRADUATED FROM A REGISTERED NEW YORK STATE HIGH SCHOOL
43 AND APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR
44 THE GRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN TEN YEARS OF
45 RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR

46 (B) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR A STATE HIGH
47 SCHOOL EQUIVALENCY DIPLOMA, RECEIVED A STATE HIGH SCHOOL EQUIVALENCY
48 DIPLOMA AND APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCA-
49 TION FOR THE GRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN TEN
50 YEARS OF RECEIVING A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA; OR

51 (C) IS OTHERWISE ELIGIBLE FOR THE PAYMENT OF TUITION AND FEES AT A
52 RATE NO GREATER THAN THAT IMPOSED FOR RESIDENT STUDENTS OF THE STATE
53 UNIVERSITY OF NEW YORK, THE CITY UNIVERSITY OF NEW YORK OR COMMUNITY
54 COLLEGES AS PRESCRIBED IN SUBPARAGRAPH EIGHT OF PARAGRAPH H OF SUBDIVI-
55 SION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OR PARAGRAPH (A) OF SUBDI-
56 VISION SEVEN OF SECTION SIXTY-TWO HUNDRED SIX OF THIS CHAPTER.

1 PROVIDED, FURTHER, THAT A STUDENT WITHOUT LAWFUL IMMIGRATION STATUS
2 SHALL ALSO BE REQUIRED TO FILE AN AFFIDAVIT WITH SUCH INSTITUTION OF
3 HIGHER EDUCATION STATING THAT THE STUDENT HAS FILED AN APPLICATION TO
4 LEGALIZE HIS OR HER IMMIGRATION STATUS, OR WILL FILE SUCH AN APPLICATION
5 AS SOON AS HE OR SHE IS ELIGIBLE TO DO SO.

6 S 6. Paragraph d of subdivision 5 of section 661 of the education law,
7 as amended by chapter 844 of the laws of 1975, is amended to read as
8 follows:

9 d. If an applicant for an award allocated on a geographic basis has
10 more than one residence in this state, his OR HER residence for the
11 purpose of this article shall be his OR HER place of actual residence
12 during the major part of the year while attending school, as determined
13 by the commissioner; AND FURTHER PROVIDED THAT AN APPLICANT WHO DOES NOT
14 HAVE A RESIDENCE IN THIS STATE AND IS ELIGIBLE FOR AN AWARD PURSUANT TO
15 SUBPARAGRAPH (II) OF PARAGRAPH A OR SUBPARAGRAPH (II) OF PARAGRAPH B OF
16 THIS SUBDIVISION SHALL BE DEEMED TO RESIDE IN THE GEOGRAPHIC AREA OF THE
17 INSTITUTION OF HIGHER EDUCATION IN WHICH HE OR SHE ATTENDS FOR PURPOSES
18 OF AN AWARD ALLOCATED ON A GEOGRAPHIC BASIS.

19 S 7. Paragraph e of subdivision 5 of section 661 of the education law,
20 as added by chapter 630 of the laws of 2005, is amended to read as
21 follows:

22 e. Notwithstanding any other provision of this article to the contra-
23 ry, the New York state [residency] eligibility [requirement] REQUIRE-
24 MENTS for receipt of awards [is] SET FORTH IN PARAGRAPHS A AND B OF THIS
25 SUBDIVISION ARE waived for a member, or the spouse or dependent of a
26 member, of the armed forces of the United States on full-time active
27 duty and stationed in this state.

28 S 8. Paragraph h of subdivision 2 of section 355 of the education law
29 is amended by adding a new subparagraph 10 to read as follows:

30 (10) SUCH REGULATIONS SHALL FURTHER PROVIDE THAT ANY STUDENT WHO IS
31 NOT A LEGAL RESIDENT OF NEW YORK STATE BUT IS A UNITED STATES CITIZEN, A
32 PERMANENT LAWFUL RESIDENT, A LAWFUL NON-IMMIGRANT ALIEN OR AN APPLICANT
33 WITHOUT LAWFUL IMMIGRATION STATUS MAY HAVE THE PAYMENT OF TUITION AND
34 OTHER FEES AND CHARGES REDUCED BY STATE-AIDED PROGRAMS, SCHOLARSHIPS OR
35 OTHER FINANCIAL ASSISTANCE AWARDED UNDER THE PROVISIONS OF ARTICLES
36 THIRTEEN, THIRTEEN-A, FOURTEEN AND FOURTEEN-A OF THIS CHAPTER, PROVIDED
37 THAT THE STUDENT MEETS THE REQUIREMENTS SET FORTH IN SUBPARAGRAPH (II)
38 OF PARAGRAPH A OR SUBPARAGRAPH (II) OF PARAGRAPH B OF SUBDIVISION FIVE
39 OF SECTION SIX HUNDRED SIXTY-ONE OF THIS CHAPTER, AS APPLICABLE.

40 S 9. Subdivision 7 of section 6206 of the education law is amended by
41 adding a new paragraph (d) to read as follows:

42 (D) THE TRUSTEES SHALL FURTHER PROVIDE THAT ANY STUDENT WHO IS NOT A
43 LEGAL RESIDENT OF NEW YORK STATE BUT IS A UNITED STATES CITIZEN, A
44 PERMANENT LAWFUL RESIDENT, A LAWFUL NON-IMMIGRANT ALIEN OR AN APPLICANT
45 WITHOUT LAWFUL IMMIGRATION STATUS MAY HAVE THE PAYMENT OF TUITION AND
46 OTHER FEES AND CHARGES REDUCED BY STATE-AIDED PROGRAMS, SCHOLARSHIPS OR
47 OTHER FINANCIAL ASSISTANCE AWARDED UNDER THE PROVISIONS OF ARTICLES
48 THIRTEEN, THIRTEEN-A, FOURTEEN AND FOURTEEN-A OF THIS CHAPTER, PROVIDED
49 THAT THE STUDENT MEETS THE REQUIREMENTS SET FORTH IN SUBPARAGRAPH (II)
50 OF PARAGRAPH A OR SUBPARAGRAPH (II) OF PARAGRAPH B OF SUBDIVISION FIVE
51 OF SECTION SIX HUNDRED SIXTY-ONE OF THIS CHAPTER, AS APPLICABLE.

52 S 10. Section 6305 of the education law is amended by adding a new
53 subdivision 8-a to read as follows:

54 8-A. THE PAYMENT OF TUITION AND OTHER FEES AND CHARGES OF A STUDENT
55 WHO IS ATTENDING A COMMUNITY COLLEGE AND WHO IS NOT A LEGAL RESIDENT OF
56 NEW YORK STATE BUT IS A UNITED STATES CITIZEN, A PERMANENT LAWFUL RESI-

DENT, A LAWFUL NON-IMMIGRANT ALIEN OR AN APPLICANT WITHOUT LAWFUL IMMIGRATION STATUS MAY BE REDUCED BY STATE-AIDED PROGRAMS, SCHOLARSHIPS AND OTHER FINANCIAL ASSISTANCE AWARDED UNDER THE PROVISIONS OF ARTICLES THIRTEEN, THIRTEEN-A, FOURTEEN AND FOURTEEN-A OF THIS CHAPTER, PROVIDED THAT THE STUDENT MEETS THE REQUIREMENTS SET FORTH IN SUBPARAGRAPH (II) OF PARAGRAPH A OR SUBPARAGRAPH (II) OF PARAGRAPH B OF SUBDIVISION FIVE OF SECTION SIX HUNDRED SIXTY-ONE OF THIS CHAPTER, AS APPLICABLE.

S 11. Paragraph d of subdivision 3 of section 6451 of the education law, as amended by chapter 149 of the laws of 1972, is amended to read as follows:

d. Any necessary supplemental financial assistance, which may include the cost of books and necessary maintenance for such enrolled students, INCLUDING STUDENTS WITHOUT LAWFUL IMMIGRATION STATUS PROVIDED THAT THE STUDENT MEETS THE REQUIREMENTS SET FORTH IN SUBPARAGRAPH (II) OF PARAGRAPH A OR SUBPARAGRAPH (II) OF PARAGRAPH B OF SUBDIVISION FIVE OF SECTION SIX HUNDRED SIXTY-ONE OF THIS CHAPTER, AS APPLICABLE; provided, however, that such supplemental financial assistance shall be furnished pursuant to criteria promulgated by the commissioner with the approval of the director of the budget.

S 12. Subparagraph (v) of paragraph a of subdivision 4 of section 6452 of the education law, as added by chapter 917 of the laws of 1970, is amended to read as follows:

(v) Any necessary supplemental financial assistance, which may include the cost of books and necessary maintenance for such students, INCLUDING STUDENTS WITHOUT LAWFUL IMMIGRATION STATUS PROVIDED THAT THE STUDENT MEETS THE REQUIREMENTS SET FORTH IN SUBPARAGRAPH (II) OF PARAGRAPH A OR SUBPARAGRAPH (II) OF PARAGRAPH B OF SUBDIVISION FIVE OF SECTION SIX HUNDRED SIXTY-ONE OF THIS CHAPTER, AS APPLICABLE; provided, however, that such supplemental financial assistance shall be furnished pursuant to criteria promulgated by such universities and approved by the regents and the director of the budget.

S 13. Paragraph (a) of subdivision 2 of section 6455 of the education law, as added by chapter 285 of the laws of 1986, is amended to read as follows:

(a) (I) Undergraduate science and technology entry program moneys may be used for tutoring, counseling, remedial and special summer courses, supplemental financial assistance, program administration, and other activities which the commissioner may deem appropriate. To be eligible for undergraduate collegiate science and technology entry program support, a student must be a resident of New York [who is], OR MEET THE REQUIREMENTS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH, AND MUST BE either economically disadvantaged or from a minority group historically under represented in the scientific, technical, health and health-related professions, and [who demonstrates] MUST DEMONSTRATE interest in and a potential for a professional career if provided special services. Eligible students must be in good academic standing, enrolled full time in an approved, undergraduate level program of study, as defined by the regents.

(II) AN APPLICANT WHO IS NOT A LEGAL RESIDENT OF NEW YORK STATE, BUT WHO IS A UNITED STATES CITIZEN, A PERMANENT LAWFUL RESIDENT, A LAWFUL NON-IMMIGRANT ALIEN OR AN APPLICANT WITHOUT LAWFUL IMMIGRATION STATUS, SHALL BE ELIGIBLE FOR AN AWARD AT THE UNDERGRADUATE LEVEL OF STUDY PROVIDED THAT THE STUDENT:

(1) ATTENDED A REGISTERED NEW YORK STATE HIGH SCHOOL FOR TWO OR MORE YEARS, GRADUATED FROM A REGISTERED NEW YORK STATE HIGH SCHOOL AND APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR THE

1 UNDERGRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN FIVE YEARS OF
2 RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR

3 (2) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR A STATE HIGH
4 SCHOOL EQUIVALENCY DIPLOMA, RECEIVED A STATE HIGH SCHOOL EQUIVALENCY
5 DIPLOMA AND APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCA-
6 TION FOR THE UNDERGRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN
7 FIVE YEARS OF RECEIVING A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA,
8 ATTENDED AN APPROVED NEW YORK STATE HIGH SCHOOL FOR TWO OR MORE YEARS,
9 GRADUATED FROM AN APPROVED NEW YORK STATE HIGH SCHOOL AND APPLIED FOR
10 ATTENDANCE AT AN INSTITUTION OF HIGHER EDUCATION WITHIN FIVE YEARS OF
11 RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR

12 (3) IS OTHERWISE ELIGIBLE FOR THE PAYMENT OF TUITION AND FEES AT A
13 RATE NO GREATER THAN THAT IMPOSED FOR RESIDENT STUDENTS OF THE STATE
14 UNIVERSITY OF NEW YORK, THE CITY UNIVERSITY OF NEW YORK OR COMMUNITY
15 COLLEGES AS PRESCRIBED IN SUBPARAGRAPH EIGHT OF PARAGRAPH H OF SUBDIVI-
16 SION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OR PARAGRAPH (A) OF SUBDI-
17 VISION SEVEN OF SECTION SIXTY-TWO HUNDRED SIX OF THIS CHAPTER.

18 PROVIDED, FURTHER, THAT A STUDENT WITHOUT LAWFUL IMMIGRATION STATUS
19 SHALL ALSO BE REQUIRED TO FILE AN AFFIDAVIT WITH SUCH INSTITUTION OF
20 HIGHER EDUCATION STATING THAT THE STUDENT HAS FILED AN APPLICATION TO
21 LEGALIZE HIS OR IMMIGRATION STATUS, OR WILL FILE SUCH AN APPLICATION AS
22 SOON AS HE OR SHE IS ELIGIBLE TO DO SO.

23 S 14. Paragraph (a) of subdivision 3 of section 6455 of the education
24 law, as added by chapter 285 of the laws of 1986, is amended to read as
25 follows:

26 (a) (I) Graduate science and technology entry program moneys may be
27 used for recruitment, academic enrichment, career planning, supplemental
28 financial assistance, review for licensing examinations, program admin-
29 istration, and other activities which the commissioner may deem appro-
30 priate. To be eligible for graduate collegiate science and technology
31 entry program support, a student must be a resident of New York [who
32 is], OR MEET THE REQUIREMENTS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH,
33 AND MUST BE either economically disadvantaged or from a minority group
34 historically underrepresented in the scientific, technical and health-
35 related professions. Eligible students must be in good academic stand-
36 ing, enrolled full time in an approved graduate level program, as
37 defined by the regents.

38 (II) AN APPLICANT WHO IS NOT A LEGAL RESIDENT OF NEW YORK STATE, BUT
39 EITHER IS A UNITED STATES CITIZEN, A PERMANENT LAWFUL RESIDENT, A LAWFUL
40 NON-IMMIGRANT ALIEN OR AN APPLICANT WITHOUT LAWFUL IMMIGRATION STATUS
41 SHALL BE ELIGIBLE FOR AN AWARD AT THE UNDERGRADUATE LEVEL OF STUDY
42 PROVIDED THAT THE STUDENT:

43 (1) ATTENDED A REGISTERED APPROVED NEW YORK STATE HIGH SCHOOL FOR TWO
44 OR MORE YEARS, GRADUATED FROM A REGISTERED NEW YORK STATE HIGH SCHOOL
45 AND APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR
46 THE GRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN TEN YEARS OF
47 RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR

48 (2) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR A STATE HIGH
49 SCHOOL EQUIVALENCY DIPLOMA, RECEIVED A STATE HIGH SCHOOL EQUIVALENCY
50 DIPLOMA AND APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCA-
51 TION FOR THE GRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN TEN
52 YEARS OF RECEIVING A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA; OR

53 (3) IS OTHERWISE ELIGIBLE FOR THE PAYMENT OF TUITION AND FEES AT A
54 RATE NO GREATER THAN THAT IMPOSED FOR RESIDENT STUDENTS OF THE STATE
55 UNIVERSITY OF NEW YORK, THE CITY UNIVERSITY OF NEW YORK OR COMMUNITY
56 COLLEGES AS PRESCRIBED IN SUBPARAGRAPH EIGHT OF PARAGRAPH H OF SUBDIVI-

SION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OR PARAGRAPH (A) OF SUBDIVISION SEVEN OF SECTION SIXTY-TWO HUNDRED SIX OF THIS CHAPTER.

PROVIDED, FURTHER, THAT A STUDENT WITHOUT LAWFUL IMMIGRATION STATUS SHALL ALSO BE REQUIRED TO FILE AN AFFIDAVIT WITH SUCH INSTITUTION OF HIGHER EDUCATION STATING THAT THE STUDENT HAS FILED AN APPLICATION TO LEGALIZE HIS OR HER IMMIGRATION STATUS, OR WILL FILE SUCH AN APPLICATION AS SOON AS HE OR SHE IS ELIGIBLE TO DO SO.

S 15. Subparagraph (i) of paragraph a of subdivision 2 of section 695-e of the education law, as amended by chapter 593 of the laws of 2003, is amended to read as follows:

(i) the name, address and social security number [or], employer identification number, OR INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER of the account owner UNLESS A FAMILY TUITION ACCOUNT THAT WAS IN EFFECT PRIOR TO THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND FOURTEEN THAT AMENDED THIS SUBPARAGRAPH DOES NOT ALLOW FOR A TAXPAYER IDENTIFICATION NUMBER, IN WHICH CASE A TAXPAYER IDENTIFICATION NUMBER SHALL BE ALLOWED UPON THE EXPIRATION OF THE CONTRACT;

S 16. Subparagraph (iii) of paragraph a of subdivision 2 of section 695-e of the education law, as amended by chapter 593 of the laws of 2003, is amended to read as follows:

(iii) the name, address, and social security number, EMPLOYER IDENTIFICATION NUMBER, OR INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER of the designated beneficiary, UNLESS A FAMILY TUITION ACCOUNT THAT WAS IN EFFECT PRIOR TO THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND FOURTEEN THAT AMENDED THIS SUBPARAGRAPH DOES NOT ALLOW FOR A TAXPAYER IDENTIFICATION NUMBER, IN WHICH CASE A TAXPAYER IDENTIFICATION NUMBER SHALL BE ALLOWED UPON THE EXPIRATION OF THE CONTRACT; and

S 17. The president of the higher education services corporation, in consultation with the commissioner of education, shall establish an application form and procedures that shall allow a student applicant that meets the requirements set forth in subparagraph (ii) of paragraph (a) or subparagraph (ii) of paragraph b of subdivision 5 of section 661 of the education law to apply directly to the higher education services corporation or education department for applicable awards without having to submit information to any other state or federal agency. All information contained within the applications filed with such corporation or department shall be deemed confidential.

S 18. This act shall take effect immediately; provided, however, that:

(a) section two of this act shall take effect January 1, 2015;

(b) sections fifteen and sixteen of this act shall take effect on the ninetieth day after it shall have become a law; provided, however, that any rule or regulation necessary for the timely implementation of this act on its effective date shall be promulgated on or before such effective date; and

(c) sections three through fourteen and section seventeen of this act shall take effect on the ninetieth day after the issuance of regulations and the development of an application form by the president of the higher education services corporation and commissioner of education or on the ninetieth day after it shall have become a law, whichever shall be later; provided, however that effective immediately the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized and directed to be made and completed on or before such date; provided, further, however, that the president of the higher education services corporation and the commissioner of education shall notify the legislative bill drafting commission upon the occurrence of the issuance of the regulations and

1 the development of an application form in order that the commission may
2 maintain an accurate and timely effective data base of the official text
3 of the laws of the state of New York in furtherance of effectuating the
4 provisions of section 44 of the legislative law and section 70-b of the
5 public officers law.

PART O

7 Section 1. Subdivision 4 of section 410-x of the social services law,
8 as added by section 52 of part B of chapter 436 of the laws of 1997, is
9 amended to read as follows:

10 4. The amount to be paid or allowed for child care assistance funded
11 under the block grant shall be the actual cost of care but no more than
12 the applicable market-related payment rate established by the department
13 in regulations. The payment rates established by the department shall be
14 sufficient to ensure equal access for eligible children to comparable
15 child care assistance in the substate area that are provided to children
16 whose parents are not eligible to receive assistance under any federal
17 or state programs. Such payment rates shall take into account the vari-
18 ations in the costs of providing child care in different settings and to
19 children of different age groups, and the additional costs of providing
20 child care for children with special needs. FOR THE PURPOSE OF DETER-
21 MINING SUCH PAYMENT RATES, AN INFANT SHALL BE CONSIDERED A CHILD UNDER
22 THE AGE OF TWO.

23 S 2. This act shall take effect April 1, 2014.

PART P

25 Section 1. Subdivision 6 of section 410-x of the social services law,
26 as added by section 52 of part B of chapter 436 of the laws of 1997, is
27 amended to read as follows:

28 6. Pursuant to department regulations, child care assistance shall be
29 provided on a sliding fee basis based upon the family's ability to pay.
30 THE LOCAL SOCIAL SERVICES DISTRICT SHALL NOT REQUIRE A FAMILY RECEIVING
31 CHILD CARE ASSISTANCE PURSUANT TO THIS TITLE TO CONTRIBUTE MORE THAN
32 TWENTY PERCENT OF THE AMOUNT OF THEIR INCOME EXCEEDING THE POVERTY
33 LEVEL.

34 S 2. This act shall take effect April 1, 2014.

PART Q

36 Section 1. Section 410-x of the social services law is amended by
37 adding a new subdivision 9 to read as follows:

38 9. REIMBURSEMENT FOR PAYMENT ON BEHALF OF CHILDREN WHO ARE TEMPORARILY
39 ABSENT FROM CHILD CARE IS REQUIRED FOR A MINIMUM OF TWELVE DAYS IN A SIX
40 MONTH PERIOD. REIMBURSEMENT MAY BE AUTHORIZED FOR A MAXIMUM NUMBER OF
41 ABSENCES, WHICH SHALL BE NO LESS THAN TWENTY-FOUR DAYS IN A SIX MONTH
42 PERIOD AS DETERMINED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES
43 PURSUANT TO REGULATION. REIMBURSEMENT FOR ADDITIONAL ABSENCES SHALL BE
44 ALLOWABLE IN THE CASE OF EXTENUATING CIRCUMSTANCES, AS DETERMINED BY THE
45 OFFICE OF CHILDREN AND FAMILY SERVICES PURSUANT TO REGULATION.

46 S 2. This act shall take effect April 1, 2014.

PART R

1 Section 1. Subdivisions 2, 3, 4, 5 and 6 of section 410-w of the
2 social services law, are renumbered subdivisions 3, 4, 5, 6 and 7 and a
3 new subdivision 2 is added to read as follows:

4 2. FOR PURPOSES OF DETERMINING FINANCIAL ELIGIBILITY UNDER THIS TITLE,
5 THE EARNED INCOME OF A DEPENDENT CHILD UNDER THE AGE OF EIGHTEEN, WHO IS
6 NOT LEGALLY RESPONSIBLE FOR THE CHILD OR CHILDREN FOR WHICH CHILD CARE
7 ASSISTANCE IS SOUGHT, SHALL BE DISREGARDED WHEN DETERMINING THE ELIGI-
8 BILITY OF A HOUSEHOLD FOR A CHILD CARE SUBSIDY.

9 S 2. This act shall take effect immediately.

10 PART S

11 Section 1. The social services law is amended by adding a new section
12 372-h to read as follows:

13 S 372-H. POST ADOPTION SERVICES. 1. THE OFFICE OF CHILDREN AND FAMILY
14 SERVICES SHALL COLLECT DATA AND INFORMATION ON THE AVAILABILITY OF
15 POST-ADOPTION SERVICES AROUND THE STATE. THE OFFICE SHALL WORK WITH
16 LOCAL SOCIAL SERVICES DISTRICTS, AUTHORIZED AGENCIES, AND NOT-FOR-PROFIT
17 AGENCIES WITH EXPERIENCE PROVIDING POST-ADOPTION SERVICES TO GATHER, TO
18 THE GREATEST EXTENT POSSIBLE, NON-IDENTIFYING INFORMATION BY COUNTY
19 INCLUDING BUT NOT LIMITED TO:

20 A. THE NUMBER OF CHILDREN ENTERING FOSTER CARE WHO HAD PREVIOUSLY BEEN
21 ADOPTED;

22 B. THE NUMBER OF FAMILIES WHO RECEIVED POST-ADOPTION SERVICES;

23 C. THE NUMBER OF CHILDREN IN PARAGRAPH A OF THIS SUBDIVISION WHO HAD
24 RECEIVED POST-ADOPTION SERVICES AND WHAT TYPE OF SERVICES WERE RENDERED;

25 D. THE NUMBER OF DENIED REQUESTS FOR SERVICES, AND THE REASON FOR SUCH
26 DENIALS; AND

27 E. THE TYPE OF SERVICE FOR WHICH REQUESTS WERE DENIED.

28 2. THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL SUBMIT A REPORT TO
29 THE SPEAKER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT OF THE SENATE, THE
30 MINORITY LEADER OF THE ASSEMBLY AND THE MINORITY LEADER OF THE SENATE NO
31 LATER THAN SEPTEMBER FIRST OF EACH YEAR WITH THE DATA AND INFORMATION
32 REQUIRED BY SUBDIVISION ONE OF THIS SECTION FOR THE PRECEDING YEAR. THE
33 OFFICE SHALL INCLUDE AN ANALYSIS OF THE AVAILABILITY OF POST-ADOPTION
34 SERVICES STATEWIDE AND REGIONALLY, THE EXTENT TO WHICH THE PROVISIONS OF
35 SUCH SERVICES PREVENTS THE DISRUPTION OF ADOPTIONS AND RECOMMENDATIONS
36 FOR SPECIFIC SERVICES TO PROMOTE THE PERMANENCY OF ADOPTIVE PLACEMENTS.
37 THE OFFICE SHALL INDICATE THE EXTENT TO WHICH THE INFORMATION COLLECTED
38 REFLECTS THE TOTAL POPULATION DESCRIBED IN SUBDIVISION ONE OF THIS
39 SECTION, AND IDENTIFY ANY IMPEDIMENTS TO COLLECTING SUCH INFORMATION.

40 S 2. This act shall take effect on the thirty-first of August next
41 succeeding the date on which it shall have become a law; provided,
42 however, that effective immediately, the addition, amendment and/or
43 repeal of any rule or regulation necessary for the implementation of
44 this act on its effective date is authorized and directed to be made and
45 completed on or before such effective date.

46 PART T

47 Section 1. Paragraph (a) of subdivision 2 of section 335-a of the
48 social services law, as amended by section 148 of part B of chapter 436
49 of the laws of 1997, is amended to read as follows:

50 (a) Based on the assessment required by subdivision one of this
51 section, the social services official, in consultation with the partic-
52 ipant, shall develop an employability plan in writing which shall set

1 forth the services that will be provided by the social services official
2 and the activities in which the participant will take part, including
3 supportive services and shall set forth an employment goal for the
4 participant. [A local social services district may assign recipients in
5 households without dependent children to any activity.] TO THE EXTENT
6 POSSIBLE, THE EMPLOYABILITY PLAN SHALL REFLECT THE PREFERENCES OF THE
7 PARTICIPANT IN A MANNER THAT IS CONSISTENT WITH THE RESULTS OF THE
8 PARTICIPANT'S ASSESSMENT AND THE NEED OF THE SOCIAL SERVICES DISTRICT TO
9 MEET FEDERAL AND STATE WORK ACTIVITY PARTICIPATION REQUIREMENTS, AND, IF
10 SUCH PREFERENCES CANNOT BE ACCOMMODATED, THE REASONS SHALL BE SPECIFIED
11 IN THE EMPLOYABILITY PLAN. The employability plan also shall take into
12 account the participant's supportive services needs, available program
13 resources, local employment opportunities, and where the social services
14 official is considering an educational activity assignment for such
15 participant, the participant's liability for student loans, grants and
16 scholarship awards. The employability plan shall be explained to the
17 participant. Any change to the participant's employability plan required
18 by the social services official shall be discussed with the participant
19 and shall be documented in writing.

20 S 2. Paragraph (h) of subdivision 1 of section 336 of the social
21 services law, as amended by chapter 214 of the laws of 1998, is amended
22 to read as follows:

23 (h) vocational educational training as time limited by federal law.
24 For the purposes of this title, "vocational educational training" shall
25 include but not be limited to organized educational programs offering a
26 sequence of courses which are directly related to the preparation of
27 individuals for current or emerging occupations [requiring other than a
28 baccalaureate or advanced degree] INCLUDING PROGRAMS THAT REQUIRE UP TO
29 FOUR YEARS OF POST-SECONDARY EDUCATION. Such programs shall include
30 competency-based applied learning which contributes to an individual's
31 academic knowledge, higher-order reasoning, and problem-solving skills,
32 work attitudes, general employability skills, and the occupational-spe-
33 cific skills necessary for economic independence. Such term also
34 includes applied technology education;

35 S 3. Paragraph (i) of subdivision 1 of section 336 of the social
36 services law, as added by section 148 of part B of chapter 436 of the
37 laws of 1997, is amended to read as follows:

38 (i) job skills training directly related to employment. JOB SKILLS
39 TRAINING DIRECTLY RELATED TO EMPLOYMENT SHALL INCLUDE BUT NOT BE LIMITED
40 TO PARTICIPATION IN UP TO FOUR YEARS OF POST-SECONDARY EDUCATION TO THE
41 EXTENT CONSISTENT WITH FEDERAL AND STATE REQUIREMENTS;

42 S 4. Subdivision 1 of section 336-a of the social services law, as
43 amended by section 148 of part B of chapter 436 of the laws of 1997, is
44 amended to read as follows:

45 1. Social services districts shall make available vocational educa-
46 tional training and educational activities INCLUDING PROGRAMS THAT
47 REQUIRE UP TO FOUR YEARS OF POST-SECONDARY EDUCATION. Such activities
48 may include but need not be limited to, high school education or educa-
49 tion designed to prepare a participant for a high school equivalency
50 certificate, basic and remedial education, AND education in English
51 proficiency and SHALL INCLUDE no more than a total of [two] FOUR years
52 of post-secondary education (or the part-time equivalent if full-time
53 study would constitute an undue hardship) [in]. EDUCATIONAL ACTIVITIES
54 PURSUANT TO THIS SECTION MAY BE OFFERED WITH any of the following
55 providers which meet the performance or assessment standards established
56 in regulations by the commissioner for such providers: a community

1 college, licensed trade school, registered business school, or a two-
2 year OR FOUR-YEAR college; provided, however, that such post-secondary
3 education must be necessary to the attainment of the participant's indi-
4 vidual employment goal as set forth in the employability plan and such
5 goal must relate directly to obtaining useful employment in a recognized
6 occupation. WHEN MAKING ANY ASSIGNMENT TO ANY EDUCATIONAL ACTIVITY
7 PURSUANT TO THIS SUBDIVISION, SUCH ASSIGNMENT SHALL BE PERMITTED ONLY TO
8 THE EXTENT THAT SUCH ASSIGNMENT IS CONSISTENT WITH THE INDIVIDUAL'S
9 ASSESSMENT AND EMPLOYMENT PLAN GOALS IN ACCORDANCE WITH SECTIONS THREE
10 HUNDRED THIRTY-FIVE AND THREE HUNDRED THIRTY-FIVE-A OF THIS TITLE AND
11 SHALL REQUIRE THAT THE INDIVIDUAL MAINTAINS SATISFACTORY ACADEMIC
12 PROGRESS. FOR PURPOSES OF THIS PROVISION "SATISFACTORY ACADEMIC
13 PROGRESS" SHALL MEAN SATISFACTORY PROGRESS AS DEFINED IN 20 USC 1091(C).

14 S 5. Paragraph (c) of subdivision 1 of section 131-n of the social
15 services law, as amended by chapter 373 of the laws of 2003, is amended
16 to read as follows:

17 (c) an amount up to one thousand four hundred dollars in a separate
18 bank account established by an individual while currently in receipt of
19 assistance for the purpose of paying tuition at a two-year OR FOUR-YEAR
20 accredited post-secondary educational institution, so long as the funds
21 are not used for any other purpose,

22 S 6. This act shall take effect immediately; provided, however, that
23 the amendments to paragraph (c) of subdivision 1 of section 131-n of the
24 social services law made by section five of this act shall not affect
25 the expiration of such section and shall be deemed to expire therewith.

26

PART U

27 Section 1. Subdivision 2 of section 410-x of the social services law,
28 as amended by chapter 416 of the laws of 2000, is amended to read as
29 follows:

30 2. (a) A social services district may establish priorities for the
31 families which will be eligible to receive funding; provided that the
32 priorities provide that eligible families will receive equitable access
33 to child care assistance funds to the extent that these funds are avail-
34 able.

35 (b) A social services district shall set forth its priorities for
36 child care assistance in the district's consolidated services plan. The
37 commissioner of the office of children and family services shall not
38 approve any plan that does not provide for equitable access to child
39 care assistance funds.

40 (c) A social services district shall be authorized to set aside
41 portions of its block grant allocation to serve one or more of its
42 priority groups and/or to discontinue funding to families with lower
43 priorities in order to serve families with higher priorities; provided
44 that the method of disbursement to priority groups provides that eligi-
45 ble families within a priority group will receive equitable access to
46 child care assistance funds to the extent that these funds are avail-
47 able.

48 (d) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE
49 COMMISSIONER IN ANY SOCIAL SERVICES DISTRICT THAT DOES NOT HAVE SUFFI-
50 CIENT FUNDING TO SERVE ALL ELIGIBLE WORKING FAMILIES UNDER TWO HUNDRED
51 PERCENT OF THE STATE INCOME STANDARD, SHALL OFFER THE TWELVE MONTH WORK
52 EXEMPTION PROVIDED IN PARAGRAPH (D) OF SUBDIVISION ONE OF SECTION THREE
53 HUNDRED THIRTY-TWO OF THIS CHAPTER, TO ALL PARENTS OR OTHER RELATIVES IN
54 RECEIPT OF PUBLIC ASSISTANCE WHO ARE PERSONALLY PROVIDING CARE FOR A

CHILD UNDER ONE YEAR OF AGE REGARDLESS OF WHETHER SUCH PARENT OR OTHER RELATIVE HAS PREVIOUSLY BEEN OFFERED AN EXEMPTION UNDER SUCH SECTION THREE HUNDRED THIRTY-TWO. THIS SECTION SHALL NOT APPLY TO INDIVIDUALS WHO:

(I) SOLELY PARTICIPATE IN WORK ACTIVITIES THAT PROVIDE EARNED INCOME; OR

(II) PARTICIPATE IN A COMBINATION OF WORK ACTIVITIES; FOR THE PORTION OF WORK ACTIVITIES THAT PROVIDE EARNED INCOME.

(E) IN THE EVENT THAT A SOCIAL SERVICES DISTRICT MUST DISCONTINUE FUNDING TO A PRIORITY GROUP IT SHALL NOTIFY THE OFFICE OF CHILDREN AND FAMILY SERVICES WITHIN TEN DAYS OF SUCH ACTION, IDENTIFYING THE PARTICULAR GROUP AFFECTED. IN THE EVENT THAT FUNDING IS RESTORED, THE SOCIAL SERVICES DISTRICT SHALL NOTIFY THE OFFICE OF CHILDREN AND FAMILY SERVICES WITHIN TEN DAYS OF SUCH RESTORATION.

(F) Each social services district shall collect and submit to the commissioner of the office of children and family services in a manner to be specified by the commissioner of the office of children and family services information concerning the disbursement of child care assistance funds showing geographic distribution of children receiving assistance within the district, THE NUMBER OF WORKING FAMILIES WHO WERE OTHERWISE ELIGIBLE FOR CHILD CARE ASSISTANCE BUT WHO WERE DENIED BECAUSE THE DISTRICT LACKED SUFFICIENT FUNDING TO SERVE ALL ELIGIBLE FAMILIES AND THE NUMBER AND AGE OF CHILDREN WHO COULD NOT BE SERVED AS A RESULT.

[(e)] (G) The commissioner of the office of children and family services shall submit a report to the governor, temporary president of the senate and the speaker of the assembly on or before August thirty-first[, two thousand one] OF EVERY YEAR concerning the implementation of this section. This report shall include information concerning the disbursement of child care assistance funds showing geographic distribution of children receiving assistance within the state. BEGINNING AUGUST THIRTY-FIRST, TWO THOUSAND FIFTEEN, SUCH REPORT, AND EACH SUBSEQUENT REPORT THEREAFTER, SHALL ALSO:

(I) IDENTIFY THE COUNTIES THAT HAVE DISCONTINUED OR RESTORED FUNDING TO PRIORITY GROUPS, AS SET FORTH IN SUBDIVISION (E) OF THIS SECTION;

(II) LIST THE PRIORITY GROUPS AFFECTED;

(III) PROVIDE FOR EACH COUNTY FOR EACH OF THE TWELVE MONTHS COVERED BY THIS REPORT THE NUMBER OF WORKING FAMILIES WHO WERE OTHERWISE ELIGIBLE FOR CHILD CARE ASSISTANCE BUT WHO WERE DENIED BECAUSE THE DISTRICT LACKED SUFFICIENT FUNDING TO SERVE ALL ELIGIBLE FAMILIES; AND

(IV) THE NUMBER AND AGE OF CHILDREN WHO COULD NOT BE SERVED AS A RESULT.

S 2. This act shall take effect immediately.

PART V

Section 1. Legislative findings. The legislature hereby finds and declares that:

According to the 2010 United States Census, in New York state, 310,876 children under the age of 18 live in homes headed by grandparent caregivers and 71,997 children under the age of 18 live in homes headed by a caregiver who is an elderly relative.

Rarely do these caregivers have access to subsidies or support for the children in their care; moreover, many are forced to return to the workforce, cut into retirement savings, or seek additional employment in order to provide for these children.

1 In addition to unexpected expenses and drastic situation changes, many
2 caregivers find their housing security complicated or jeopardized by the
3 need to care for young children. Often, housing that may have been
4 appropriate for a single, low- or fixed-income grandparent or senior is
5 neither accepting of, nor suitable or appropriate, for young children.

6 In order to respond to the various housing needs of grandparent and
7 elderly relative caregivers, the legislature must evaluate and under-
8 stand the circumstances, scope, and scale of the issue.

9 S 2. 1. Grandparent housing study. The New York state division of
10 housing and community renewal, in consultation with the New York state
11 office of children and family services and the New York state office for
12 the aging, shall execute a study on housing in relation to grandparent
13 and elderly relative caregivers of children under the age of 18, includ-
14 ing, but not limited to:

15 a. circumstances under which children reside with and are under the
16 primary care of grandparent or elderly relative caregivers;

17 b. housing challenges, including transitional access to, physical
18 accommodations of, discrimination in, and current availability of appro-
19 priate housing, that grandparent and elderly relative caregivers
20 confront when caring for young children;

21 c. the economic costs to and social support needs of grandparent and
22 elderly relative caregivers, particularly those who are low-income or
23 live on fixed incomes;

24 d. policy, taxation, and financing models that legislators and state
25 agencies may consider in addressing the housing needs of grandparent and
26 elderly relative caregivers;

27 e. availability and awareness of programs aimed at providing support
28 to low- and fixed-income grandparent and elderly relative caregivers;
29 and

30 f. statistical and geographic mapping of households across New York
31 where children reside with and are under the primary care of grandparent
32 or elderly relative caregivers.

33 2. Grandparent housing study report. The New York state division of
34 housing and community renewal shall submit to the governor, the speaker
35 and minority leader of the assembly, and the temporary president and
36 minority leader of the senate a report with findings and recommendations
37 concerning the grandparent housing study within one year of the effec-
38 tive date of this act.

39 3. Assistance. To the maximum extent possible, the New York state
40 division of housing and community renewal, the office of children and
41 family services, and the office for the aging shall be entitled to
42 request and receive, and shall utilize and be provided with such facili-
43 ties, resources, and data from any state court, department, division,
44 board, bureau, commission, agency, or political subdivision that they
45 may reasonably request to properly execute their responsibilities pursu-
46 ant to this act.

47 S 3. This act shall take effect immediately, provided, however, that
48 the provisions of this act shall expire and be deemed repealed one year
49 and one day after this act shall have become a law or upon submission of
50 the grandparent housing study report pursuant to subdivision two of
51 section two of this act, whichever is later; provided that the New York
52 state division of housing and community renewal shall notify the legis-
53 lative bill drafting commission of the date of submission of the grand-
54 parent housing study report.

1 Section 1. Section 341 of the social services law, as amended by
2 section 148 of part B of chapter 436 of the laws of 1997, subdivision 1
3 as amended by section 1 of part D of chapter 61 of the laws of 2006, is
4 amended to read as follows:

5 S 341. [Conciliation] RE-ENGAGEMENT; CONCILIATION; refusal to partic-
6 ipate. 1. (a) Consistent with federal law and regulations and this
7 title, IF A PARTICIPANT HAS FAILED OR REFUSED TO COMPLY WITH THE
8 REQUIREMENTS OF THIS TITLE AND THE DISTRICT HAS DETERMINED THAT HE OR
9 SHE IS NOT EXEMPT FROM SUCH REQUIREMENTS AND HAS VERIFIED THAT APPROPRI-
10 ATE CHILD CARE, TRANSPORTATION, AND ACCOMMODATIONS FOR DISABILITY WERE
11 IN PLACE AT THE TIME OF SUCH FAILURE OR REFUSAL, [if a participant has
12 failed or refused to comply with the requirements of this title,] the
13 social services district shall issue a RE-ENGAGEMENT notice in plain
14 language indicating that such failure or refusal has taken place and of
15 the right of such participant to [conciliation to resolve] AVOID A PRO-
16 RATA REDUCTION IN PUBLIC ASSISTANCE BENEFITS THROUGH THE RE-ENGAGEMENT
17 PROCESS. "RE-ENGAGEMENT PROCESS" SHALL MEAN THE PROCESS THROUGH WHICH A
18 PARTICIPANT MAY AVOID A PRO-RATA REDUCTION IN PUBLIC ASSISTANCE BENEFITS
19 BY AGREEING TO COMPLY WITH THE REQUIREMENTS OF THIS TITLE CONSISTENT
20 WITH ANY MEDICAL CONDITION WHICH MAY LIMIT THE INDIVIDUAL'S ABILITY TO
21 PARTICIPATE IN WORK ACTIVITIES, BY NOTIFYING THE DISTRICT THAT HE OR SHE
22 HAS BECOME EXEMPT FROM THE REQUIREMENTS OF THIS TITLE, OR BY RESOLVING
23 the reasons for such failure or refusal [to avoid a pro-rata reduction
24 in public assistance benefits for a period of time set forth in section
25 three hundred forty-two of this title] AT A CONCILIATION CONFERENCE.
26 THE NOTICE SHALL INDICATE THAT THE PARTICIPANT HAS TEN DAYS TO REQUEST
27 RE-ENGAGEMENT WITH THE DISTRICT. The notice shall indicate the specific
28 instance or instances of willful refusal or failure to comply without
29 good cause with the requirements of this title and the necessary actions
30 that must be taken to avoid a pro-rata reduction in public assistance
31 benefits AND THE DISTRICT HAS VERIFIED THAT APPROPRIATE CHILD CARE,
32 TRANSPORTATION AND ACCOMMODATIONS FOR DISABILITY WERE IN PLACE AT THE
33 TIME OF SUCH FAILURE OR REFUSAL. [The notice shall indicate that the
34 participant has seven days to request conciliation with the district
35 regarding such failure or refusal in the case of a safety net partic-
36 ipant and ten days in the case of a family assistance participant.]

37 (1) IF A PARTICIPANT CHOOSES TO AVOID A PRO-RATA REDUCTION IN PUBLIC
38 ASSISTANCE BENEFITS THROUGH A CONCILIATION CONFERENCE, IT WILL BE THE
39 RESPONSIBILITY OF THE PARTICIPANT TO GIVE REASONS FOR SUCH FAILURE OR
40 REFUSAL. The RE-ENGAGEMENT notice shall also include an explanation in
41 plain language of what would constitute good cause for non-compliance
42 and examples of acceptable forms of evidence that may warrant an
43 exemption from work activities, including evidence of domestic violence,
44 and physical or mental health limitations that may be provided at the
45 conciliation conference to demonstrate such good cause for failure to
46 comply with the requirements of this title. UNLESS AS PART OF THE
47 RE-ENGAGEMENT PROCESS THE PARTICIPANT DOES NOT AGREE TO COMPLY, HAS NOT
48 BECOME EXEMPT OR THE DISTRICT DETERMINES AS A RESULT OF THE CONCILIATION
49 CONFERENCE THAT SUCH FAILURE OR REFUSAL WAS WILLFUL AND WITHOUT GOOD
50 CAUSE, NO FURTHER ACTION SHALL BE TAKEN.

51 (2) If the participant does not contact the district within [the spec-
52 ified number of] TEN days OF THE RE-ENGAGEMENT NOTICE, the district
53 shall [issue ten days notice of intent to discontinue or reduce assist-
54 ance, pursuant to regulations of the department. Such notice shall also
55 include a statement of the participant's right to a fair hearing relat-
56 ing to such discontinuance or reduction. If such participant contacts

1 the district within seven days in the case of a safety net participant
2 or within ten days in the case of a family assistance participant, it
3 will be the responsibility of the participant to give reasons for such
4 failure or refusal] MAKE A FINDING OF WHETHER THE ALLEGED FAILURE OR
5 REFUSAL TO COMPLY WAS WILLFUL AND WITHOUT GOOD CAUSE AND SHALL CONSIDER
6 ANY EVIDENCE IN THE POSSESSION OF THE DISTRICT INDICATING THAT THE
7 PARTICIPANT HAS GOOD CAUSE AND IF THE PARTICIPANT IS OTHERWISE PARTIC-
8 IPATING IN WORK ACTIVITIES, THERE SHALL BE NO FINDING OF WILLFULNESS
9 WITHOUT GOOD CAUSE BASED ON A SINGLE APPOINTMENT OR INFRACTION.

10 (b) [Unless the district determines as a result of such conciliation
11 process that such failure or refusal was willful and was without good
12 cause, no further action shall be taken.] If the district determines
13 that such failure or refusal was willful and without good cause, AND
14 THAT THE INDIVIDUAL IS NOT EXEMPT FROM THE REQUIREMENTS OF THIS TITLE,
15 the district shall notify such participant in writing, in plain language
16 and in a manner distinct from any previous notice, by issuing ten days
17 notice of its intent to discontinue or reduce assistance. Such notice
18 shall include the reasons for such determination, the specific instance
19 or instances of willful refusal or failure to comply without good cause
20 with the requirements of this title, SHALL VERIFY THAT APPROPRIATE CHILD
21 CARE, TRANSPORTATION AND ACCOMMODATIONS FOR DISABILITY WERE IN PLACE AT
22 THE TIME OF SUCH FAILURE OR REFUSAL, AND SPECIFY the necessary actions
23 that must be taken to avoid a pro-rata reduction in public assistance
24 benefits, INCLUDING AGREEING TO COMPLY WITH THE REQUIREMENTS OF THIS
25 TITLE CONSISTENT WITH ANY MEDICAL CONDITION WHICH MAY LIMIT THE INDIVID-
26 UAL'S ABILITY TO PARTICIPATE IN WORK ACTIVITIES OR NOTIFYING THE
27 DISTRICT THAT HE OR SHE HAS BECOME EXEMPT FROM THE REQUIREMENTS OF THIS
28 TITLE and the right to a fair hearing relating to such discontinuance or
29 reduction. [Unless extended by mutual agreement of the participant and
30 the district, conciliation shall terminate and a determination shall be
31 made within fourteen days of the date a request for conciliation is made
32 in the case of a safety net participant or within thirty days of the
33 conciliation notice in the case of a family assistance participant.]

34 2. (a) The department shall establish in regulation a conciliation
35 procedure for the resolution of disputes related to an individual's
36 participation in programs pursuant to this title.

37 (b) The district shall contract with an independent entity, approved
38 by the department, or shall use designated trained staff at the supervi-
39 sory level who have no direct responsibility for the participant's case
40 to mediate disputes in the conciliation conference. [If no such supervi-
41 sory staff or independent entity is available, the district may desig-
42 nate another trained individual, who has no direct responsibility for
43 the participant's case to mediate disputes in the conciliation confer-
44 ence.]

45 (c) If a participant's dispute cannot be resolved through such concil-
46 iation procedure, an opportunity for a fair hearing shall be provided.
47 No sanction relating to the subject dispute may be imposed during the
48 [conciliation] RE-ENGAGEMENT process.

49 3. When any [family assistance] participant required to participate in
50 work activities fails to comply with the provisions of this title, the
51 social services district shall take such actions as prescribed by appro-
52 priate federal law and regulation and this title.

53 4. [When any safety net participant required to participate in work
54 activities fails to comply with the provisions of this title, the social
55 services district shall deny assistance to such participant in accord-
56 ance with section three hundred forty-two of this title.]

1 5. (a) To the extent that] CONSISTENT WITH federal law [requires] AND
2 THIS TITLE, a social services district shall provide to those [family
3 assistance] participants whose failure to comply has continued for
4 [three months] THIRTY DAYS or longer a written reminder of the option to
5 end a sanction [after the expiration of the applicable minimum sanction
6 period] by terminating the failure to comply as specified in subdivision
7 [three] ONE of this section. Such notice shall advise that the partic-
8 ipant may immediately terminate the [first or second] sanction by
9 [participating in the program or accepting employment and that any
10 subsequent sanction after six months have elapsed may be terminated by
11 participating in the program or accepting employment.

12 (b) A social services district shall provide to those safety net
13 participants whose failure to comply has continued for the length of the
14 sanction period or longer a written reminder of the option to end a
15 sanction after the expiration of the applicable minimum sanction period
16 by terminating the failure to comply as specified in subdivision four of
17 this section.] EITHER AGREEING TO COMPLY WITH THE REQUIREMENTS OF THIS
18 TITLE CONSISTENT WITH ANY MEDICAL CONDITION WHICH MAY LIMIT THE INDIVID-
19 UAL'S ABILITY TO PARTICIPATE IN WORK ACTIVITIES OR NOTIFYING THE
20 DISTRICT THAT HE OR SHE HAS BECOME EXEMPT FROM THE REQUIREMENTS OF THIS
21 TITLE.

22 [6.] 5. Consistent with federal law and regulation AND THIS TITLE, no
23 NOTICE SHALL BE ISSUED AS SPECIFIED IN SUBDIVISION ONE OF THIS SECTION
24 UNLESS IT HAS BEEN DETERMINED THAT THE INDIVIDUAL IS NOT EXEMPT FROM THE
25 REQUIREMENTS OF THIS TITLE AND HAS DETERMINED THAT APPROPRIATE CHILD
26 CARE, TRANSPORTATION AND ACCOMMODATIONS FOR DISABILITY WERE IN PLACE AT
27 THE TIME OF SUCH FAILURE OR REFUSAL TO COMPLY WITH THE REQUIREMENTS OF
28 THIS TITLE AND NO action shall be taken pursuant to this section for
29 failure to participate in the program or refusal to accept employment
30 if:

31 (a) child care for a child under age thirteen (or day care for any
32 incapacitated individual living in the same home as a dependent child)
33 is necessary for an individual to participate or continue participation
34 in activities pursuant to this title or accept employment and such care
35 is not available and the social services district fails to provide such
36 care;

37 (b) (1) the employment would result in the family of the participant
38 experiencing a net loss of cash income; provided, however, a participant
39 may not claim good cause under this paragraph if the social services
40 district assures that the family will not experience a net loss of cash
41 income by making a supplemental payment;

42 (2) net loss of cash income results if the family's gross income less
43 necessary work-related expenses is less than the cash assistance the
44 participant was receiving at the time the offer of employment is made;
45 or

46 (c) the participant meets other grounds for good cause set forth by
47 the department in its implementation plan for this title which, at a
48 minimum, must describe what circumstances beyond the household's control
49 will constitute "good cause".

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

53 S 342. Noncompliance with the requirements of this title. 1. In
54 accordance with the provisions of this section an individual who is
55 required to participate in work activities shall be ineligible to
56 receive public assistance if he or she fails to comply, without good

1 cause, with the requirements of this title AND THE DISTRICT HAS DETER-
2 MINED THAT HE OR SHE IS NOT EXEMPT FROM SUCH REQUIREMENTS AND HAS VERI-
3 FIED THAT APPROPRIATE CHILD CARE, TRANSPORTATION, AND ACCOMMODATIONS FOR
4 DISABILITY WERE IN PLACE AT THE TIME OF SUCH FAILURE OR REFUSAL. Such
5 ineligibility shall be for the amount and periods specified in this
6 section. Good cause for failing to comply with the requirements of this
7 title shall be defined in department regulations, provided, however,
8 that the parent or caretaker relative of a child under thirteen years of
9 age shall not be subject to the ineligibility provisions of this section
10 if the individual can demonstrate, in accordance with the regulations of
11 the office of children and family services [department], that lack of
12 available child care prevents such individual from complying with the
13 work requirements of this title. The parent or caretaker relative shall
14 be responsible for locating the child care needed to meet the work
15 requirements; provided, however, that the relevant social services
16 district shall provide a parent or caretaker relative who demonstrates
17 an inability to obtain needed child care with a choice of two providers,
18 at least one of which will be a regulated provider.

19 2. In the case of an applicant for or recipient of public assistance
20 WHOM THE DISTRICT HAS DETERMINED IS NOT EXEMPT FROM THE REQUIREMENTS OF
21 THIS TITLE AND who is a parent or caretaker of a dependent child, the
22 public assistance benefits otherwise available to the household of which
23 such individual is a member shall be reduced pro-rata:

24 (a) for the first instance of failure to comply without good cause
25 with the requirement of this article until the individual is willing to
26 comply;

27 (b) for the second instance of failure to comply without good cause
28 with the requirements of this article, UNTIL THE INDIVIDUAL IS WILLING
29 TO COMPLY OR, for a period of three months and thereafter until the
30 individual is willing to comply, WHICHEVER IS SHORTER;

31 (c) for the third and all subsequent instances of failure to comply
32 without good cause with the requirements of this article, UNTIL THE
33 INDIVIDUAL IS WILLING TO COMPLY OR, for a period of six months and ther-
34 eafter until the individual is willing to comply, WHICHEVER IS SHORTER.

35 3. In the case of an individual who is a member of a household without
36 dependent children WHOM THE DISTRICT HAS DETERMINED IS NOT EXEMPT FROM
37 THE REQUIREMENTS OF THIS TITLE AND WHO IS applying for or in receipt of
38 safety net assistance, the public assistance benefits otherwise avail-
39 able to the household of which such individual is a member shall be
40 reduced pro-rata:

41 (a) for the first such failure or refusal, until the failure or
42 refusal TO COMPLY WITH THE REQUIREMENTS OF THIS TITLE CONSISTENT WITH
43 ANY MEDICAL CONDITION WHICH MAY LIMIT THE INDIVIDUAL'S ABILITY TO
44 PARTICIPATE IN WORK ACTIVITIES ceases or ninety days, which ever period
45 of time is [longer] SHORTER;

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

49 (c) for the third and all subsequent such failures or refusals, until
50 the failure ceases or one hundred eighty days, whichever period of time
51 is [longer] SHORTER.

52 4. A recipient of public assistance WHOM THE DISTRICT HAS DETERMINED
53 IS NOT EXEMPT FROM THE REQUIREMENTS OF THIS TITLE AND who quits or
54 reduces his hours of employment without good cause shall be considered
55 to have failed to comply with the requirements of this article and shall
56 be subject to the provisions of this section.

1 5. A person described in paragraph (b) of subdivision seven of section
2 one hundred fifty-nine of this chapter may not be sanctioned if his or
3 her failure to comply with requirements of this title are related to
4 his or her health status.

5 S 3. This act shall take effect immediately.

6 PART X

7 Section 1. Section 106 of the social services law, as amended by chap-
8 ter 200 of the laws of 1946, the section heading as amended, subpara-
9 graph 5 of paragraph (a) of subdivision 2 as renumbered and paragraphs
10 (e) and (f) of subdivision 2 as added by chapter 1080 of the laws of
11 1974, subdivision 1 and paragraph (a) of subdivision 2 as amended by
12 chapter 764 of the laws of 1972, paragraph (b) of subdivision 2 as
13 amended by chapter 150 of the laws of 1955, paragraph (c) of subdivision
14 2 as amended by chapter 310 of the laws of 1962, paragraph (d) of subdi-
15 vision 2 as added by chapter 43 of the laws of 1952, subdivision 3 as
16 amended by chapter 271 of the laws of 1948 and subdivision 4 as added by
17 chapter 340 of the laws of 2003, is amended to read as follows:

18 S 106. Powers of social services official to receive and dispose of a
19 deed, mortgage, or lien. 1. A social services official responsible, by
20 or pursuant to any provision of this chapter, for the administration of
21 assistance or care granted or applied for may accept a deed of real
22 property and/or a mortgage thereon on behalf of the public welfare
23 district for the assistance and care of a person at public expense but
24 such property shall not be considered as public property and shall
25 remain on the tax rolls and such deed or mortgage shall be subject to
26 redemption as provided in paragraph (a) of subdivision [two] SIX hereof.

27 2. ANY INCONSISTENT PROVISION OF THIS CHAPTER OR ANY OTHER LAW
28 NOTWITHSTANDING, A SOCIAL SERVICES OFFICIAL MAY NOT ASSERT ANY CLAIM
29 UNDER ANY PROVISION OF THIS CHAPTER TO RECOVER PAYMENTS MADE AS PART OF
30 SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP), CHILD CARE SERVICES,
31 EMERGENCY ASSISTANCE TO ADULTS OR THE HOME ENERGY ASSISTANCE PROGRAM
32 (HEAP).

33 3. ANY INCONSISTENT PROVISION OF THIS CHAPTER OR OF ANY OTHER LAW
34 NOTWITHSTANDING, A SOCIAL SERVICES OFFICIAL MAY NOT ASSERT ANY CLAIM
35 UNDER ANY PROVISION OF THIS CHAPTER TO RECOVER PAYMENTS OF PUBLIC
36 ASSISTANCE IF SUCH PAYMENTS WERE REIMBURSED BY CHILD SUPPORT
37 COLLECTIONS.

38 4. ANY INCONSISTENT PROVISION OF THIS CHAPTER OR OF ANY OTHER LAW
39 NOTWITHSTANDING, A SOCIAL SERVICES OFFICIAL MAY NOT ASSERT ANY CLAIM
40 UNDER ANY PROVISION OF THIS CHAPTER TO RECOVER PAYMENTS OF PUBLIC
41 ASSISTANCE UNLESS, BEFORE IT HAS ACCEPTED A DEED OR MORTGAGE FROM AN
42 APPLICANT OR RECIPIENT, IT HAS FIRST RECEIVED A SIGNED ACKNOWLEDGMENT
43 FROM THE APPLICANT OR RECIPIENT ACKNOWLEDGING THAT:

44 (A) THE APPLICANT OR RECIPIENT UNDERSTANDS THAT BENEFITS PROVIDED AS
45 PART OF SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP), CHILD CARE
46 SERVICES, EMERGENCY ASSISTANCE TO ADULTS OR THE HOME ENERGY ASSISTANCE
47 PROGRAM (HEAP) MAY NOT BE INCLUDED AS PART OF THE RECOVERY TO BE MADE
48 UNDER THE MORTGAGE;

49 (B) IF THE APPLICANT OR RECIPIENT DECLINES TO PROVIDE THE LIEN OR
50 MORTGAGE THE CHILDREN IN THE HOUSEHOLD REMAIN ELIGIBLE FOR PUBLIC
51 ASSISTANCE.

52 5. (A) UNTIL SUCH PROPERTY OR MORTGAGE IS SOLD, ASSIGNED OR FORECLOSED
53 PURSUANT TO LAW BY THE SOCIAL SERVICES OFFICIAL, OR UNTIL SUCH MORTGAGE
54 HAS BEEN PAID OFF, THE PERSON GIVING SUCH DEED OR MORTGAGE, OR HIS OR

1 HER ESTATE OR THOSE ENTITLED THERETO, SHALL RECEIVE AN ANNUAL ACCOUNTING
2 OF THE PUBLIC ASSISTANCE INCURRED AND REPAIRS AND TAXES PAID ON PROPER-
3 TY. THE DISTRICT SHALL PROVIDE SUCH ACCOUNTING NO LATER THAN FOUR MONTHS
4 AFTER THE END OF THE COUNTY'S FISCAL YEAR.

5 (B) SUCH ACCOUNTING SHALL INCLUDE INFORMATION REGARDING THE DEBT OWED,
6 INCLUDING, BUT NOT LIMITED TO:

7 (1) AN ENUMERATION OF ALL ASSISTANCE INCURRED BY THE PERSON GIVING
8 SUCH DEED OR MORTGAGE OR HIS OR HER HOUSEHOLD TO DATE;

9 (2) THE CURRENT AMOUNT OF RECOVERABLE ASSISTANCE UNDER THE DEED OR
10 MORTGAGE;

11 (3) THE AMOUNT OF ANY CREDITS AGAINST ASSISTANCE INCLUDING BUT NOT
12 LIMITED TO:

13 A. THE AMOUNT OF CHILD SUPPORT COLLECTED AND RETAINED BY THE DISTRICT
14 AS REIMBURSEMENT FOR ASSISTANCE;

15 B. RECOVERIES UNDER SECTION ONE HUNDRED FOUR OF THIS TITLE;

16 C. RECOVERIES UNDER SECTION ONE HUNDRED THIRTY-ONE-R OF THIS CHAPTER.

17 (4) SAID ACCOUNTING SHALL ALSO PROVIDE INFORMATION REGARDING THE
18 MANNER IN WHICH PAYMENTS MAY BE MADE TO THE SOCIAL SERVICES DISTRICT TO
19 REDUCE THE AMOUNT OF THE MORTGAGE.

20 (C) IN THE EVENT THAT AN ANNUAL ACCOUNTING IS NOT PROVIDED TO THE
21 PERSON GIVING SUCH DEED OR MORTGAGE OR HIS OR HER ESTATE OR THOSE ENTI-
22 TLED THERETO, WITHIN THE FOUR MONTH PERIOD REQUIRED IN PARAGRAPH (A) OF
23 THIS SUBDIVISION, NO ASSISTANCE SHALL BE RECOVERABLE FOR THAT FISCAL
24 YEAR. IN THE EVENT THAT THE PERSON GIVEN THE DEED OR MORTGAGE HAS
25 RECEIVED NO RECOVERABLE ASSISTANCE IN ANY YEAR, THE ANNUAL ACCOUNTING
26 MUST CONTINUE TO BE PROVIDED, REFLECTING ANY CREDITS THAT HAVE BEEN
27 APPLIED AGAINST THE ACCOUNT.

28 (D) NO DEED OR MORTGAGE TAKEN ON OR BEFORE JANUARY FIRST, TWO THOUSAND
29 FOURTEEN SHALL BE VALID UNLESS A SOCIAL SERVICES OFFICIAL PROVIDES AN
30 ACCOUNTING TO THE PERSON GIVING SUCH DEED OR MORTGAGE OR HIS OR HER
31 ESTATE OR THOSE ENTITLED THERETO, PURSUANT TO THIS SUBDIVISION, ON OR
32 BEFORE NOVEMBER FIRST, TWO THOUSAND FIFTEEN.

33 6. (a) (1) Until such property or mortgage is sold, assigned or fore-
34 closed pursuant to law by the social services official, the person
35 giving such deed or mortgage, or his estate or those entitled thereto,
36 may redeem the same by the payment of all expenses incurred for the
37 support of the person, and for repairs and taxes paid on such property,
38 provided, however, that a social services official may enter into a
39 contract for such redemption, subject to the provisions of this para-
40 graph, and containing such terms and conditions, including provisions
41 for periodic payments, [with or] without interest, [as the social
42 services official shall deem appropriate,] for an amount less than the
43 full expenses incurred for the support of the person and for repairs and
44 taxes paid on such property (hereinafter called a "lesser sum"), which
45 lesser sum shall in no event be less than the difference between the
46 appraised value of such property and the total of the then unpaid prin-
47 cipal balance of any recorded mortgages and the unpaid balance of sums
48 secured by other liens against such property.

49 (2) In the case of a redemption for a lesser sum, the social services
50 official shall obtain (i) an appraisal of the current market value of
51 such property, by an appraiser acceptable to both parties, and (ii) a
52 statement of the principal balance of any recorded mortgages or other
53 liens against such property (excluding the debt secured by the deed,
54 mortgage or lien of the social services official). Any expenses incurred
55 pursuant to this paragraph shall be audited and allowed in the same
56 manner as other official expenses.

1 (3) Every redemption contract for any lesser sum shall be approved by
2 the department upon an application by the social services official
3 containing the appraisal and statement required by subparagraph two, a
4 statement by the social services official of his reasons for entering
5 into the contract for such lesser sum and any other information required
6 by regulations of the department.

7 (4) So long as the terms of the approved redemption contract are
8 performed, no public sale of such property shall be held.

9 (5) The redemption for a lesser sum shall reduce the claim of the
10 social services official against the recipient on the implied contract
11 under section one hundred four of this chapter or under any other law,
12 to the extent of all sums paid in redemption.

13 (b) In order to allow a minimum period for redemption, the public
14 welfare official shall not sell the property or mortgage until after the
15 expiration of one year from the date he received the deed or mortgage,
16 but if unoccupied property has not been redeemed within six months from
17 the date of death of the person who conveyed it to him by deed the
18 public welfare official may thereafter, and before the expiration of
19 such year, sell the property.

20 (c) Except as otherwise provided in this chapter, upon the death of
21 the person or his receiving institutional care, if the mortgage has not
22 been redeemed, sold or assigned, the public welfare official may enforce
23 collection of the mortgage debt in the manner provided for the foreclo-
24 sure of mortgages by action.

25 (d) Provided the department shall have given its approval in writing,
26 the public welfare official may, when in his judgment it is advisable
27 and in the public interest, release a part of the property from the lien
28 of the mortgage to permit, and in consideration of, the sale of such
29 part by the owner and the application of the proceeds to reduce said
30 mortgage or to satisfy and discharge or reduce a prior or superior mort-
31 gage.

32 (e) While real property covered by a deed or mortgage is occupied, in
33 whole or in part, by an aged, blind or disabled person who executed such
34 deed or mortgage to the social services official for old age assistance,
35 assistance to the blind or aid to the disabled granted to such person
36 before January first, nineteen hundred seventy-four, the social services
37 official shall not sell the property or assign or enforce the mortgage
38 unless it appears reasonably certain that the sale or other disposition
39 of the property will not materially adversely affect the welfare of such
40 person. After the death of such person no claim for assistance granted
41 him shall be enforced against any real property while it is occupied by
42 the surviving spouse.

43 (f) Except as otherwise provided, upon the death of a person who
44 executed a lien to the social services official in return for old age
45 assistance, assistance to the blind or aid to the disabled granted prior
46 to January first, nineteen hundred seventy-four, or before the death of
47 such person if it appears reasonably certain that the sale or other
48 disposition of the property will not materially adversely affect the
49 welfare of such person, the social services official may enforce such
50 lien in the manner provided by article three of the lien law. After the
51 death of such person the lien may not be enforced against real property
52 while it is occupied by the surviving spouse.

53 [3.] 7. The sale of any parcel of real property or mortgage on real
54 property by the public welfare official, under the provisions of this
55 section, shall be made at a public sale, held at least two weeks after
56 notice thereof shall have been published in a newspaper having a general

1 circulation in that section of the county in which the real property is
2 located. Such notice shall specify the time and place of such public
3 sale and shall contain a brief description of the premises to be sold,
4 or upon which the mortgage is a lien, as the case may be. Unless in the
5 judgment of the public welfare official, it shall be in the public
6 interest to reject all bids, such parcel or mortgage shall be sold to
7 the highest responsible bidder.

8 [4. Any inconsistent provision of this chapter or of any other law
9 notwithstanding, a social services official may not assert any claim
10 under any provision of this chapter to recover payments of public
11 assistance if such payments were reimbursed by child support
12 collections.]

13 8. IT IS PERMISSIBLE FOR SOCIAL SERVICES OFFICIALS TO SUBORDINATE A
14 MORTGAGE TAKEN ON BEHALF OF THE PUBLIC WELFARE DISTRICT PURSUANT TO THIS
15 SECTION. THE SOCIAL SERVICES OFFICIAL SHALL SUBORDINATE A MORTGAGE WITH-
16 IN THIRTY DAYS OF RECEIPT OF WRITTEN NOTICE THAT THE HOMEOWNER IS
17 ATTEMPTING TO MODIFY A MORTGAGE HELD BY A MORTGAGEE WITH SUPERIOR LIEN
18 RIGHTS AND SUBORDINATION OF THE PUBLIC WELFARE DISTRICT'S MORTGAGE IS
19 REQUIRED BY THE SUPERIOR LIEN HOLDER IN ORDER FOR IT TO APPROVE OR
20 COMPLETE THE MODIFICATION.

21 S 2. This act shall take effect on the sixtieth day after it shall
22 have become a law.

23 PART Y

24 Section 1. Subparagraph 4 of paragraph h of subdivision 2 of section
25 355 of the education law, as amended by chapter 260 of the laws of 2011
26 and clause (ii) as amended by section 1 of part P of chapter 57 of the
27 laws of 2012, is amended to read as follows:

28 (4) The trustees shall not impose a differential tuition charge based
29 upon need or income. Except as hereinafter provided, all students
30 enrolled in programs leading to like degrees at state-operated insti-
31 tutions of the state university shall be charged a uniform rate of
32 tuition except for differential tuition rates based on state residency.
33 Provided, however, that the trustees may authorize the presidents of the
34 colleges of technology and the colleges of agriculture and technology to
35 set differing rates of tuition for each of the colleges for students
36 enrolled in degree-granting programs leading to an associate degree and
37 non-degree granting programs so long as such tuition rate does not
38 exceed the tuition rate charged to students who are enrolled in like
39 degree programs or degree-granting undergraduate programs leading to a
40 baccalaureate degree at other state-operated institutions of the state
41 university of New York. Except as otherwise authorized in this subpara-
42 graph, the trustees shall not adopt changes affecting tuition charges
43 prior to the enactment of the annual budget, provided however that:

44 (i) Commencing with the two thousand eleven--two thousand twelve
45 academic year and ending in the two thousand fifteen--two thousand
46 sixteen academic year the state university of New York board of trustees
47 shall be empowered to increase the resident undergraduate rate of
48 tuition by not more than three hundred dollars over the resident under-
49 graduate rate of tuition adopted by the board of trustees in the prior
50 academic year, provided however that FOR THE TWO THOUSAND ELEVEN--TWO
51 THOUSAND TWELVE ACADEMIC YEAR AND THEREAFTER if the annual resident
52 undergraduate rate of tuition would exceed five thousand dollars, then a
53 tuition credit for each eligible student, as determined and calculated
54 by the New York state higher education services corporation pursuant to

section six hundred eighty-nine-a of this title, shall be applied toward the tuition charged for each semester, quarter or term of study. Tuition for each semester, quarter or term of study shall not be due for any student eligible to receive such tuition credit until the tuition credit is calculated and applied against the tuition charged for the corresponding semester, quarter or term.

(ii) On or before November thirtieth, two thousand eleven, the trustees shall approve and submit to the chairs of the assembly ways and means committee and the senate finance committee and to the director of the budget a master tuition plan setting forth the tuition rates that the trustees propose for resident undergraduate students for the five year period commencing with the two thousand eleven--two thousand twelve academic year and ending in the two thousand fifteen--two thousand sixteen academic year, and shall submit any proposed amendments to such plan by November thirtieth of each subsequent year thereafter through November thirtieth, two thousand fifteen, and provided further COMMENCING IN THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE ACADEMIC YEAR AND ENDING IN THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN ACADEMIC YEAR, that with the approval of the board of trustees, each university center may increase non-resident undergraduate tuition rates each year by not more than ten percent over the tuition rates of the prior academic year for a five year period commencing with the semester following the semester in which the governor and the chancellor of the state university of New York approve the NY-SUNY 2020 proposal for such university center.

(iii) The state shall appropriate annually and make available general fund operating support, including fringe benefits, for the state university in an amount not less than the amount appropriated and made available to the state university in state fiscal year two thousand eleven--two thousand twelve. Beginning in state fiscal year two thousand twelve--two thousand thirteen and thereafter, the state shall appropriate and make available general fund operating support, including fringe benefits, for the state university AND THE STATE UNIVERSITY HEALTH SCIENCE CENTERS in an amount not less than the amount appropriated and made available in the prior state fiscal year; provided, however, that if the governor declares a fiscal emergency, and communicates such emergency to the temporary president of the senate and speaker of the assembly, state support for operating expenses at the state university and city university may be reduced in a manner proportionate to one another, and the aforementioned provisions shall not apply.

(iv) For the state university fiscal years commencing two thousand eleven--two thousand twelve and ending two thousand fifteen--two thousand sixteen, each university center may set aside a portion of its tuition revenues derived from tuition increases to provide increased financial aid for New York state resident undergraduate students whose net taxable income is eighty thousand dollars or more subject to the approval of a NY-SUNY 2020 proposal by the governor and the chancellor of the state university of New York. Nothing in this paragraph shall be construed as to authorize that students whose net taxable income is eighty thousand dollars or more are eligible for tuition assistance program awards pursuant to section six hundred sixty-seven of this chapter.

S 2. Subparagraph (i) of paragraph (a) of subdivision 7 of section 6206 of the education law, as amended by chapter 260 of the laws of 2011, is amended to read as follows:

(i) Commencing with the two thousand eleven--two thousand twelve academic year and ending in the two thousand fifteen--two thousand

16 sixteen academic year, the city university of New York board of trustees shall be empowered to increase the resident undergraduate rate of tuition by not more than three hundred dollars over the resident undergraduate rate of tuition adopted by the board of trustees in the prior academic year, provided however that FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE ACADEMIC YEAR AND THEREAFTER if the annual resident undergraduate rate of tuition would exceed five thousand dollars, then a tuition credit for each eligible student, as determined and calculated by the New York state higher education services corporation pursuant to section six hundred eighty-nine-a of this chapter, shall be applied toward the tuition charged for each semester, quarter or term of study. Tuition for each semester, quarter or term of study shall not be due for any student eligible to receive such tuition credit until the tuition credit is calculated and applied against the tuition charged for the corresponding semester, quarter or term.

16 S 3. Section 16 of chapter 260 of the laws of 2011 amending the education law and the New York state urban development corporation act, relating to establishing components of the NY-SUNY 2020 challenge grant program, as amended by section 65-a of part HH of chapter 57 of the laws of 2013, is amended to read as follows:

21 S 16. This act shall take effect July 1, 2011; provided that sections one, two, [three, four, five,] six, eight, nine, ten, eleven, twelve, thirteen, fourteen and fifteen of this act shall expire 5 years after such effective date when upon such date the provisions of this act shall be deemed repealed.

26 S 4. This act shall take effect immediately.

27 PART Z

28 Section 1. Subdivision 4 of section 663 of the education law, as
29 amended by chapter 62 of the laws of 1977, is amended to read as
30 follows:

31 4. Relinquishing of parental control. In determining the amount of an
32 award, the president may, in cases of unusual and exceptional family
33 circumstances warranting such action, recognize an existing condition
34 wherein parental control has in effect been relinquished by the parents
35 or others responsible for the applicant, and notwithstanding the
36 provisions of subdivision three of this section, the applicant has in
37 effect been emancipated. PROVIDED, HOWEVER, THAT STUDENTS WHO HAVE QUAL-
38 IFIED AS AN ORPHAN, FOSTER CHILD, OR WARD OF THE COURT FOR THE PURPOSES
39 OF FEDERAL STUDENT FINANCIAL AID PROGRAMS AUTHORIZED BY TITLE IV OF THE
40 HIGHER EDUCATION ACT OF 1965, AS AMENDED, SHALL NOT BE CONSIDERED EMAN-
41 CIPATED FOR THE PURPOSES OF DETERMINING AN AWARD PURSUANT TO SECTION SIX
42 HUNDRED SIXTY-SEVEN OF THIS ARTICLE. The criteria used in determining
43 these cases of unusual and exceptional family circumstances shall be
44 established by the president with the approval of the board of trustees
45 and the director of the division of the budget.

46 S 2. The opening paragraph of item 1 of clause (A) of subparagraph (i)
47 of paragraph a of subdivision 3 of section 667 of the education law, as
48 amended by section 1 of part H of chapter 58 of the laws of 2011, is
49 amended to read as follows:

50 In the case of students who have not been granted an exclusion of
51 parental income, WHO HAVE QUALIFIED AS AN ORPHAN, FOSTER CHILD, OR WARD
52 OF THE COURT FOR THE PURPOSES OF FEDERAL STUDENT FINANCIAL AID PROGRAMS
53 AUTHORIZED BY TITLE IV OF THE HIGHER EDUCATION ACT OF 1965, AS AMENDED,
54 or had a dependent for income tax purposes during the tax year next

preceding the academic year for which application is made, except for those students who have been granted exclusion of parental income who have a spouse but no other dependent:

S 3. This act shall take effect immediately.

PART AA

Section 1. Subitem (c) of item 1 of clause (A) of subparagraph (i) of paragraph a of subdivision 3 of section 667 of the education law, as separately amended by section 1 of part E and section 1 of part H of chapter 58 of the laws of 2011, is amended to read as follows:

(c) For students first receiving aid in two thousand--two thousand one and thereafter, five thousand dollars, EXCEPT STARTING IN TWO THOUSAND FOURTEEN-TWO THOUSAND FIFTEEN AND THEREAFTER SUCH STUDENTS SHALL RECEIVE FIVE THOUSAND THREE HUNDRED DOLLARS; or

S 2. This act shall take effect immediately.

PART BB

Section 1. Subdivision 1 of section 679-a of the education law, as added by chapter 161 of the laws of 2005, is amended to read as follows:

1. Purpose. The president shall grant student loan forgiveness awards for the purpose of increasing the number of social workers serving in critical human service areas. For the purposes of this section, the term "critical human service area" shall mean an area in New York state designated by the corporation, in consultation with a committee comprised of one representative each from the corporation, the department, the department of health, the department of mental hygiene, and the office of children and family services, provided that such areas shall include, but not be limited to, areas with a shortage of social workers in HOME CARE, health, mental health, substance abuse, aging, HIV/AIDS and child welfare concerns, or communities with multi-lingual needs.

S 2. This act shall take effect immediately; provided, however, that the amendments to subdivision 1 of section 679-a of the education law made by section one of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

S 2. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, 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. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

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