STATE OF NEW YORK

7506--A

IN SENATE

January 18, 2018

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

AN ACT to amend the education law, in relation to contracts for excellence and the apportionment of public moneys; to amend the education law, in relation to the reporting of teacher diversity; to amend the education law, in relation to teaching tolerance; to amend the education law, in relation to reporting requirements of school level funding; to amend the education law, in relation facility aid for charter schools; to amend the education law, in relation to supplemental public excess cost aid; to amend the education law, in relation to full day kindergarten aid; to amend the education law, in relation to academic enhancement aid; to amend the education law, in relation to high tax aid; to amend the education law, in relation to universal pre-kindergarten aid; to amend the education law, in relation to the statewide universal full-day pre-kindergarten program; to amend the education law, in relation to the teachers of tomorrow teacher recruitment and retention program; to amend the education law, in relation to class sizes for special classes containing certain students with disabilities; 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 reimbursements for the 2018-2019 school year; 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 withholding a portion of employment preparation education aid and in relation to the effectiveness thereof; to amend the education law, in relation to class sizes for special classes containing certain students with disabilities; 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, in relation to the effectiveness thereof; to amend the education law, in relation to authorizing the granting of waivers for certain duties owed by school districts to children with handicapping conditions; to amend chapter 89 of the laws

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

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of 2016, relating to supplementary funding for dedicated programs for public school students in the East Ramapo central school district, in relation to the effectiveness thereof; 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, in relation to the effectiveness thereof; to amend chapter 169 of the laws of 1994, relating to certain provisions related to the 1994-95 state operations, aid to localities, capital projects and debt service budgets, in relation to the expiration of certain provisions; 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, in relation to the effectiveness thereof; 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 the effectiveness thereof; to amend chapter 56 of the laws of 2014, amending the education law relating to providing that standardized test scores shall not be included on a student's permanent record, in relation to the expiration of certain provisions; to amend the education law, in relation to requiring the commissioner of education to include certain information in the official score report of all students; relating to school bus driver training; relating to special apportionment for salary expenses and public pension accruals; relating to suballocations of appropriations; relating to the city school district of the city of Rochester; relating to total foundation aid for the purpose of the development, maintenance or expansion of certain magnet schools or magnet school programs for the 2017-2018 school year; and relating to the support of public libraries (Part A); to amend the education law, in relation to total foundation aid; to amend the education law, in relation to the total number of charters; to amend the education law, in relation to the salary for teachers providing instruction in career and technical education; to amend the education law, in relation to compliance with part 154 of the commissioner's regulations; to amend the education law, in relation to state aid adjustments; to legalize, validate, ratify and confirm certain acts relating to transportation contracts; to ratify and validate acts relating to final building project cost reports; to amend the education law, in relation to internal audits; to amend the education law, in relation to moneys apportioned for students with disabilities; to amend chapter 507 of the laws of 1974 relating to providing for the apportionment of state monies to certain nonpublic schools, to reimburse them for their expenses in complying with certain state requirements for the administration of state testing and evaluation programs and for participation in state programs for the reporting of basic educational data, in relation to the calculation of aid to nonpublic schools; to amend the education law, in relation to shared transportation aid; to amend the education law, in relation to reimbursement for grants for hiring teachers in nonpublic schools; to amend the education law, in relation to transportation expenses; relating to tuition revenue and tuition rate calculations and rate reconciliation for certain special act school districts; to amend the education law, in relation to eligibility for an apportionment; to amend the education law, in relation to the amount of the supplemental basic tuition for charter schools; to amend the education law, in relation to building aid for charter schools; and to amend the education law, in relation to state aid for library construction; to estab-

lish student-specific tuition rate enhancements for children's residential project education programs; and to amend the education law, in relation to special services aid and aid for career education (Part A-1); to amend the education law, in relation to child sexual abuse awareness; to amend the education law, in relation to the establishment of multi-year cost allowances for the Mount Vernon city school district; to amend the education law, in relation to establishing the youth violence prevention pilot program; to amend the arts and cultural affairs law, in relation to the Amistad commission; to amend the education law, in relation to establishing a pilot program for peace/conflict resolution centers; and providing for the repeal of certain provisions upon expiration thereof (Part A-2); to amend the education law, in relation to establishing active shooter drills at public and private educational institutions (Subpart A); to amend the executive law and the education law, in relation to authorizing certain school personnel to wear personal safety alarms (Subpart B); to amend the education law, in relation to a school resource officer program and providing school resource officer security protection aid (Subpart C); to amend the education law, in relation to security upgrades recommended by school safety improvement teams (Subpart D); to amend the education law, in relation to providing for security hardware and software safety technology (Subpart E); to amend the education law, in relation to providing counselors, social workers and psychologists in schools (Subpart F); to amend the education law, in relation to providing school mental health services program coordinators in schools (Subpart G); and to amend the education law, in relation to the comprehensive school security grant program (Subpart H)(Part A-3); to amend the education law and chapter 537 of the laws of 1976, relating to paid, free and reduced price breakfast for eligible pupils in certain school districts, in relation to prohibiting lunch shaming and to school breakfast and lunch programs (Part B); to amend the education law, in relation to authorizing school bus stop cameras; and to amend the vehicle and traffic law, in relation to owner liability for operator illegally overtaking or passing a school bus and increasing fines for passing a stopped school bus (Part C); to amend the education law, in relation to participation in recovery high school programs (Part D); intentionally omitted (Part E); to amend the education law, the business corporation law, the partnership law and the limited liability company law, in relation to certified public accountants (Part F); to amend chapter 57 of the laws of 2012 amending the social services law and the family court act relating to establishing a juvenile justice services close to home initiative, and amending the social services law, the family court act and the executive law relating to juvenile delinquents, in relation to extending the close to home (CTH) initiative and juvenile justice reforms an additional five years; and to repeal certain provisions of paragraph (a) of subdivision 8 of section 404 of the social services law relating to CTH funding and reimbursement (Part G); intentionally omitted (Part H); to amend part G of chapter 57 of the laws of 2013, amending the executive law and the social services law relating to consolidating the youth development and delinquency prevention program and the special delinquency prevention program, in relation to extending such provisions (Part I); to amend part K of 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 the effectiveness thereof (Part J); to amend the public authorities law, in relation to adding the office of children and family services to the list of entities to whom the dormitory authority of the state of New York (DASNY) is authorized to provide capital design and construction services (Part K); 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 L); intentionally omitted (Part M); to utilize reserves in the mortgage insurance fund for various housing purposes (Part N); to amend chapter 85 of the laws of 2017, relating to creating the Lake Ontario-St. Lawrence Seaway flood recovery and International Joint Commission Plan 2014 mitigation grant program, in relation to utilizing reserves in the mortgage insurance fund for various housing purposes (Subpart A); to amend chapter 85 of the laws of 2017 relating to creating the Lake Ontario-St. Lawrence Seaway flood recovery and International Joint Commission Plan 2014 mitigation grant program, in relation to including docks as an approved storm-related repair for primary and income qualified seasonal residences (Subpart B); to amend the military law, in relation to the Lake Ontario-St. Lawrence River flood prevention, response and recovery program (Subpart C); to amend the New York state urban development corporation act and the state finance law, in relation to financing the Lake Ontario-St. Lawrence River flood prevention, response and recovery program (Subpart D); and to amend the environmental conservation law, in relation to the New York state Lake Ontario-St. Lawrence River flood prevention, response, recovery and mitigation task force; to establish reporting and public hearing requirements for the New York state Lake Ontario-St. Lawrence River flood prevention, response, recovery and mitigation task force (Subpart E)(Part O); to repeal subdivision 11 of section 6305 of the education law relating to the development of a methodology for calculating chargeback rates by the state university of New York and the city university of New York (Part P); to amend the state finance law, in relation to establishing the SUNY Stony Brook Eastern Long Island hospital affiliation escrow fund (Part Q); to amend the education law, in relation to enhanced tuition awards (Part R); to amend the education law, in relation to requiring the state university of New York to compile a report regarding compliance with programs to be offered by boards of cooperative educational services (Part S); to amend the education law, in relation to the New York state science, technology, engineering and mathematics incentive program (Part T); to amend the education law, in relation to state appropriations to the state university of New York and the city university of New York (Part U); to amend the state finance law, in relation to five-year capital plans for the state university of New York and the city university of New York (Part V); to amend the education law, in relation to the board of trustees of the New York state higher education services corporation (Part W); to amend the education law, in relation to eligibility for an amount of an excelsior scholarship (Part X); to amend the education law, in relation to the commissioner of education (Part Y); to amend the education law, in relation to certain tuition waivers for firefighters and fire officer students of the city university of New York; and providing for the repeal of such provisions upon expiration thereof (Part Z); to amend the state finance law, in relation to the establishment of the state university of New York hospital operations escrow fund (Part AA); to amend the education law, in relation to establishing the New York state teacher loan forgiveness program (Part

BB); to amend the private housing finance law, in relation to establishing an affordable independent senior housing assistance program (Part CC); to amend the private housing finance law, in relation to residential emergency services to offer home repairs to the elderly program (Part DD); to amend the private housing finance law, in relation to disabled veteran access to home for heroes contracts (Part EE); to amend the multiple dwelling law, in relation to the floor area ratio (FAR) in the city of New York (Part FF); to amend the public housing law, in relation to the New York state low-income housing tax credit program (Part GG); to amend the real property tax law, in relation to tax abatements for dwelling units occupied by certain persons residing in rent-controlled or rent regulated properties, and providing state aid to cities affected by such tax abatements (Part HH); to establish the New York city tax reform study commission, and providing for its powers and duties (Part II); to amend the real property tax law, in relation to the increase in maximum rent or legal regulated rent for purposes of the tax abatement for rent-controlled and rent regulated property occupied by senior citizens or persons with disabilities in cities having a population of one million or more (Part JJ); to amend the administrative code of the city of New York and the real property tax law, in relation to increasing the average assessed value threshold (Part KK); to amend the labor law, in relation to exemptions from licensure requirements (Part LL); to amend the administrative code of the city of New York and the public housing law, in relation to establishing the New York city housing authority repair certificate program (Part MM); to amend the public housing law and the New York city charter, in relation to authorizing the New York city council to oversee the activities of the New York city housing authority (Part NN); to amend the public housing law, in relation to providing for the appointment of an independent monitor for the New York city housing authority, and providing for the powers and duties of such monitor (Part OO); to amend the public housing law and the New York city charter, in relation to directing the New York City Housing Authority to establish a 311 hotline for the submission and receipt of complaints (Part PP); to amend the administrative code of the city of New York, in relation to providing for retroactive benefit calculation for the senior citizens rent increase exemption and disability rent increase exemption (Part QQ); and to amend the state finance law, in relation to the local share requirements associated with increasing the age of juvenile jurisdiction (Part RR)

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 2018-2019
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through RR. The effective date for each particular
5 provision contained within such Part is set forth in the last section of
6 such Part. Any provision in any section contained within a Part, includ-
7 ing the effective date of the Part, which makes a reference to a section
8 "of this act", when used in connection with that particular component,
9 shall be deemed to mean and refer to the corresponding section of the
10 Part in which it is found. Section three of this act sets forth the
11 general effective date of this act.

PART A

Section 1. Paragraph e of subdivision 1 of section 211-d of the education law, as amended by section 1 of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:

e. Notwithstanding paragraphs a and b of this subdivision, a school district that submitted a contract for excellence for the two thousand eight--two thousand nine school year shall submit a contract for excellence for the two thousand nine--two thousand ten school year in conformity with the requirements of subparagraph (vi) of paragraph a of subdivision two of this section unless all schools in the district are identified as in good standing and provided further that, a school district that submitted a contract for excellence for the two thousand nine--two thousand ten school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand eleven--two thousand twelve school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the product of the amount approved by the commissioner in the contract for excellence for the two thousand nine--two thousand ten school year, multiplied by the district's gap elimination adjustment percentage and provided further that, a school district that submitted a contract for excellence for the two thousand eleven--two thousand twelve school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand twelve--two thousand thirteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand eleven--two thousand twelve school year and provided further that, a school district that submitted a contract for excellence for the two thousand twelve--two thousand thirteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand thirteen--two thousand fourteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand twelve--two thousand thirteen school year and provided further that, a school district that submitted a contract for excellence for the two thousand thirteen--two thousand fourteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand fourteen--two thousand fifteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand thirteen--two thousand fourteen school year; and provided further that, a school district that submitted a contract for excellence for the two thousand fourteen--two thousand fifteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand fifteen--two thousand sixteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the

expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand fourteen--two thousand fifteen school year; and provided further that a school district that submitted a contract for excellence for the two thousand fifteen--two thousand sixteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand sixteen--two thousand seventeen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand fifteen--two thousand sixteen school year; and provided further that, a school district that submitted a contract for excellence for the two thousand sixteen--two thousand seventeen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand seventeen--two thousand eighteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand sixteen--two thousand seventeen school year**; and provided further that a school district that submitted a contract for excellence for the two thousand seventeen--two thousand eighteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand eighteen--two thousand nineteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand seventeen--two thousand eighteen school year; and provided further that, a school district with a population of one million or more that submitted a contract for excellence for the two thousand seventeen--two thousand eighteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand eighteen--two thousand nineteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand seventeen--two thousand eighteen school year**. For purposes of this paragraph, the "gap elimination adjustment percentage" shall be calculated as the sum of one minus the quotient of the sum of the school district's net gap elimination adjustment for two thousand ten--two thousand eleven computed pursuant to chapter fifty-three of the laws of two thousand ten, making appropriations for the support of government, plus the school district's gap elimination adjustment for two thousand eleven--two thousand twelve as computed pursuant to chapter fifty-three of the laws of two thousand eleven, making appropriations for the support of the local assistance budget, including support for general support for public schools, divided by the total aid for adjustment computed pursuant to chapter fifty-three of the laws of two thousand eleven, making appropriations for the local assistance budget, including support for general support for public schools. Provided, further, that such amount shall be expended to support and maintain allowable programs and activities approved in the two thousand nine--two thousand ten school year or

to support new or expanded allowable programs and activities in the current year.

§ 2. The education law is amended by adding a new section 210-d to read as follows:

§ 210-d. Data reporting requirements for graduate-level teacher and educational leader programs. Each institution registered by the department with graduate-level teacher and leader education programs shall report to the department data in a form prescribed by the commissioner regarding demographic data, on students participating in and completing registered graduate-level teacher and educational leader programs.

§ 3. Section 305 of the education law is amended by adding a new subdivision 57 to read as follows:

57. The commissioner, in cooperation with the commissioner of the division of human rights, shall establish and develop a respect for diversity program within the department for the eighth and ninth grade. Such program shall include but not be limited to age-appropriate model curriculum, exemplar lesson plans, and best practice instructional resources designed to promote awareness and respect for diversity, including but not limited to respect for diversity of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.

§ 4. The education law is amended by adding a new section 3614 to read as follows:

§ 3614. Statement of the total funding allocation. Notwithstanding any provision of law, rule or regulation to the contrary, commencing with the two thousand eighteen--two thousand nineteen school year for school districts located in a city with a population of one hundred twenty-five thousand or more, such school districts shall annually submit and make publicly available, including on the district website, a detailed statement of the total funding allocation for each school in the district for the upcoming school budget year prior to the first day of such school year, provided that:

1. Such statements shall be in a form developed by the commissioner, provided that when preparing statements districts shall adhere to and complete the prescribed form accurately and fully. Provided, further, that each local educational agency shall include in such statement the approach used to allocate funds to each school and that such statement shall include but not be limited to separate entries for each individual school, demographic data for the school, per pupil funding level, source of funds, and uniform decision rules regarding allocation of centralized spending to individual schools from both state and local funds.

2. Nothing in this section shall alter or suspend statutory school district budget and voting requirements.

§ 5. Paragraph b of subdivision 6-g of section 3602 of the education law, as amended by section 11-a of part A of chapter 54 of the laws of 2016, is amended to read as follows:

b. The apportionment shall equal the product of (1) the sum of:

for aid payable for expenses incurred pursuant to subparagraph five of paragraph (e) of subdivision three of section twenty-eight hundred fifty-three of this chapter where the charter school prevails on appeal, the annual approved expenses incurred by the city school district pursuant to such subparagraph five multiplied by

(2) six-tenths**, provided, however, that the apportionment payable pursuant to this subdivision shall not exceed ten million dollars**.

§ 6. Clauses (A) and (B) of subparagraph 5 of paragraph e of subdivision 3 of section 2853 of the education law, clause (A) as amended by

section 11 of part A of chapter 54 of the laws of 2016, and clause (B) as amended by section 5 of part YYY of chapter 59 of the laws of 2017, are amended to read as follows:

(A) the actual rental cost**, including but not limited to lease payments, costs of capital improvements, costs of occupancy, maintenance and repairs, utilities, custodial, security, insurance and real property taxes,** of an alternative privately owned site selected by the charter school or

(B) [~~thirty~~] **forty** percent of the product of the charter school's basic tuition for the current school year and (i) for a new charter school that first commences instruction on or after July first, two thousand fourteen, the charter school's current year enrollment; or (ii) for a charter school which expands its grade level, pursuant to this article, the positive difference of the charter school's enrollment in the current school year minus the charter school's enrollment in the school year prior to the first year of the expansion.

§ 7. Intentionally omitted.

§ 8. Intentionally omitted.

§ 9. Paragraph r of subdivision 1 of section 3602 of the education law, as amended by section 11 of part B of chapter 57 of the laws of 2007, is amended to read as follows:

r. "Sparsity count", for districts operating a kindergarten through grade twelve school program, shall mean the product of (i) the base year public school enrollment of the district and (ii) **the sparsity factor, which shall mean** the quotient, computed to three decimals without rounding, of the positive remainder of twenty-five minus the enrollment per square mile divided by fifty and nine tenths, but not less than zero. Enrollment per square mile shall be the quotient, computed to two decimals without rounding, of the public school enrollment of the school district on the date enrollment was counted in accordance with this subdivision for the base year divided by the square miles of the district, as determined by the commissioner.

§ 9-a. Intentionally omitted.

§ 9-b. Intentionally omitted.

§ 9-c. Intentionally omitted.

§ 9-d. Intentionally omitted.

§ 10. The closing paragraph of subdivision 5-a of section 3602 of the education law, as amended by section 22 of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:

For the two thousand eight--two thousand nine school year, each school district shall be entitled to an apportionment equal to the product of fifteen percent and the additional apportionment computed pursuant to this subdivision for the two thousand seven--two thousand eight school year. For the two thousand nine--two thousand ten through two thousand [~~seventeen~~] **eighteen**--two thousand [~~eighteen~~] **nineteen** school years, each school district shall be entitled to an apportionment equal to the amount set forth for such school district as "SUPPLEMENTAL PUB EXCESS COST" under the heading "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand nine--two thousand ten school year and entitled "SA0910".

§ 11. Intentionally omitted.

§ 12. Intentionally omitted.

§ 13. Subdivision 12 of section 3602 of the education law, as amended by section 3 of part A of chapter 56 of the laws of 2015, the fourth undesignated paragraph as added by section 3 of part A of chapter 54 of

the laws of 2016, the closing paragraph as added by section 24 of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:

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

For the two thousand nine--two thousand ten through two thousand fourteen--two thousand fifteen school years, each school district shall be entitled to an apportionment equal to the amount set forth for such school district as "EDUCATION GRANTS, ACADEMIC EN" under the heading "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand nine--two thousand ten school year and entitled "SA0910", and such apportionment shall be deemed to satisfy the state obligation to provide an apportionment pursuant to subdivision eight of section thirty-six hundred forty-one of this article.

For the two thousand fifteen--two thousand sixteen year, each school district shall be entitled to an apportionment equal to the amount set forth for such school district as "ACADEMIC ENHANCEMENT" under the heading "2014-15 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand fourteen--two thousand fifteen school year and entitled "SA141-5", and such apportionment shall be deemed to satisfy the state obligation to provide an apportionment pursuant to subdivision eight of section thirty-six hundred forty-one of this article.

For the two thousand sixteen--two thousand seventeen school year, each school district shall be entitled to an apportionment equal to the amount set forth for such school district as "ACADEMIC ENHANCEMENT" under the heading "2015-16 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand fifteen--two thousand sixteen school year and entitled "SA151-6", and such apportionment shall be deemed to satisfy the state obligation to provide an apportionment pursuant to subdivision eight of section thirty-six hundred forty-one of this article.

For the two thousand seventeen--two thousand eighteen school year, each school district shall be entitled to an apportionment equal to the amount set forth for such school district as "ACADEMIC ENHANCEMENT" under the heading "2016-17 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand sixteen--two thousand seventeen school year and entitled "SA161-7", and such apportionment shall be deemed to satisfy the state obligation to provide an apportionment pursuant to subdivision eight of section thirty-six hundred forty-one of this article.

For the two thousand eighteen--two thousand nineteen school year, each school district shall be entitled to an apportionment equal to the amount set forth for such school district as "ACADEMIC ENHANCEMENT" under the heading "2017-18 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the

two thousand seventeen--two thousand eighteen school year and entitled "SA171-8", and such apportionment shall be deemed to satisfy the state obligation to provide an apportionment pursuant to subdivision eight of section thirty-six hundred forty-one of this article.

§ 14. The opening paragraph of subdivision 16 of section 3602 of the education law, as amended by section 25 of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:

Each school district shall be eligible to receive a high tax aid apportionment in the two thousand eight--two thousand nine school year, which shall equal the greater of (i) the sum of the tier 1 high tax aid apportionment, the tier 2 high tax aid apportionment and the tier 3 high tax aid apportionment or (ii) the product of the apportionment received by the school district pursuant to this subdivision in the two thousand seven--two thousand eight school year, multiplied by the due-minimum factor, which shall equal, for districts with an alternate pupil wealth ratio computed pursuant to paragraph b of subdivision three of this section that is less than two, seventy percent (0.70), and for all other districts, fifty percent (0.50). Each school district shall be eligible to receive a high tax aid apportionment in the two thousand nine--two thousand ten through two thousand twelve--two thousand thirteen school years in the amount set forth for such school district as "HIGH TAX AID" under the heading "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand nine--two thousand ten school year and entitled "SA0910". Each school district shall be eligible to receive a high tax aid apportionment in the two thousand thirteen--two thousand fourteen through two thousand [~~seventeen~~] **eighteen**--two thousand [~~eighteen~~] **nineteen** school years equal to the greater of (1) the amount set forth for such school district as "HIGH TAX AID" under the heading "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand nine--two thousand ten school year and entitled "SA0910" or (2) the amount set forth for such school district as "HIGH TAX AID" under the heading "2013-14 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the executive budget for the 2013-14 fiscal year and entitled "BT131-4".

§ 15. The opening paragraph of subdivision 10 of section 3602-e of the education law, as amended by section 26 of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:

Notwithstanding any provision of law to the contrary, (i) for aid payable in the two thousand eight--two thousand nine school year, the grant to each eligible school district for universal prekindergarten aid shall be computed pursuant to this subdivision, and (ii) for the two thousand nine--two thousand ten and two thousand ten--two thousand eleven school years, each school district shall be eligible for a maximum grant equal to the amount computed for such school district for the base year in the electronic data file produced by the commissioner in support of the two thousand nine--two thousand ten education, labor and family assistance budget, provided, however, that in the case of a district implementing programs for the first time or implementing expansion programs in the two thousand eight--two thousand nine school year where such programs operate for a minimum of ninety days in any one school year as provided in section 151-1.4 of the regulations of the commissioner, for the two thousand nine--two thousand ten and two thousand ten--two thousand eleven school years, such school district shall be eligible for a maximum grant equal to the amount computed pursuant to

paragraph a of subdivision nine of this section in the two thousand eight--two thousand nine school year, and (iii) for the two thousand eleven--two thousand twelve school year each school district shall be eligible for a maximum grant equal to the amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN" under the heading "2011-12 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the enacted budget for the 2011-12 school year and entitled "SA111-2", and (iv) for two thousand twelve--two thousand thirteen through two thousand sixteen--two thousand seventeen school years each school district shall be eligible for a maximum grant equal to the greater of (A) the amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN" under the heading "2010-11 BASE YEAR AIDS" in the school aid computer listing produced by the commissioner in support of the enacted budget for the 2011-12 school year and entitled "SA111-2", or (B) the amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN" under the heading "2010-11 BASE YEAR AIDS" in the school aid computer listing produced by the commissioner on May fifteenth, two thousand eleven pursuant to paragraph b of subdivision twenty-one of section three hundred five of this chapter, and (v) for the two thousand seventeen--two thousand eighteen **and two thousand eighteen--two thousand nineteen** school [~~year~~] **years**, each school district shall be eligible to receive a grant amount equal to the sum of (A) the amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN" under the heading "2016-17 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand sixteen--two thousand seventeen school year and entitled "SA161-7" plus (B) the amount awarded to such school district for the priority full-day prekindergarten and expanded half-day prekindergarten grant program for high need students for the two thousand sixteen--two thousand seventeen school year pursuant to chapter fifty-three of the laws of two thousand thirteen, and (vi) for the two thousand [~~eighteen~~] **nineteen**--two thousand [~~nineteen~~] **twenty** school year, each school district shall be eligible to receive a grant amount equal to the sum of (A) the amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN" in the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand [~~seventeen~~] **eighteen**--two thousand [~~eighteen~~] **nineteen** school year plus (B) the amount awarded to such school district for the federal preschool development expansion grant for the two thousand seventeen--two thousand eighteen school year pursuant to the American Recovery and Reinvestment Act of 2009 (ARRA), Sections 14005, 14006, and 14013, Title XIV, (Public Law 112-10), as amended by section 1832(b) of Division B of the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (Pub. L. 112-10), and the Department of Education Appropriations Act, 2012 (Title III Division F of Pub. L. 112-74, the Consolidated Appropriations Act, 2012)[~~, and (vii) for the two thousand nineteen--two thousand twenty school year, each school district shall be eligible to receive a grant amount equal to the sum of (A) the amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN ALLOCATION" on the computer file produced by the commissioner in support of the enacted budget for the two thousand eighteen--two thousand nineteen school year~~] plus [~~(B)~~] **(C)** the amount awarded to such school district for the expanded prekindergarten program for three and four year-olds for the two thousand eighteen--two thousand nineteen school year pursuant to chapter sixty-one of the laws of two thousand fifteen plus [~~(C)~~] **(D)** the amount awarded to such school district for the expanded prekindergarten

for three-year-olds in high need districts program for the two thousand eighteen--two thousand nineteen school year pursuant to chapter fifty-three of the laws of two thousand sixteen plus [~~(D)~~] **(E)** the amount awarded to such school district for the expanded prekindergarten program for three- and four-year-olds for the two thousand eighteen--two thousand nineteen school year pursuant to a chapter of the laws of two thousand seventeen plus [~~(E)~~] **(F)** the amount awarded to such school district, subject to an available appropriation, through the pre-kindergarten expansion grant for the two thousand eighteen--two thousand nineteen school year, provided that such school district has met all requirements pursuant to this section, and [~~(viii)~~] **(vii)** for the two thousand twenty--two thousand twenty-one school year and thereafter, each school district shall be eligible to receive a grant amount equal to the sum of (A) the amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN ALLOCATION" on the computer file produced by the commissioner in support of the enacted budget for the prior year plus (B) the amount awarded to such school district, subject to an available appropriation, through the pre-kindergarten expansion grant for the prior year, provided that such school district has met all requirements pursuant to this section, and provided further that the maximum grant shall not exceed the total actual grant expenditures incurred by the school district in the current school year as approved by the commissioner.

§ 16. Subparagraphs (ii) and (iii) of paragraph b of subdivision 10 of section 3602-e of the education law, as amended by section 26 of part YYY of chapter 59 of the laws of 2017, are amended to read as follows:

(ii) "Full-day prekindergarten pupils" shall equal:

For the two thousand seventeen--two thousand eighteen school year the sum of, from the priority full-day prekindergarten program, (A) the maximum aidable pupils such district was eligible to serve in the base year plus (B) the maximum aidable number of half-day prekindergarten pupils converted into a full-day prekindergarten pupil in the base year;

For the two thousand eighteen--two thousand nineteen school year the sum of, from [~~each of (A)~~] the programs pursuant to this section [~~and (B) the federal preschool development expansion grant, (1)~~]**, (A)** the maximum aidable full-day prekindergarten pupils such district was eligible to serve in the base year plus [~~(2)~~] **(B)** the maximum aidable number of half-day prekindergarten pupils converted into a full-day prekindergarten pupil in the base year;

For the two thousand nineteen--two thousand twenty school year the sum of, from each of (A) the programs pursuant to this section, (B) **the federal preschool development expansion grant, (C)** the expanded prekindergarten program, [~~(C)~~] **(D)** the expanded prekindergarten for three-year-olds, [~~(D)~~] **(E)** the expanded prekindergarten program for three- and four-year-olds, and [~~(E)~~] **(F)** the prekindergarten expansion grant, (1) the maximum aidable full-day prekindergarten pupils such district was eligible to serve in the base year, plus (2) the maximum aidable number of half-day prekindergarten pupils converted into a full-day prekindergarten pupil in the base year;

For the two thousand twenty--two thousand twenty-one school year and thereafter the sum of, from each of (A) the programs pursuant to this section and (B) the pre-kindergarten expansion grant, (1) the maximum aidable full-day prekindergarten pupils such district was eligible to serve in the base year, plus (2) the maximum aidable number of half-day prekindergarten pupils converted into a full-day prekindergarten pupil in the base year;

(iii) "Half-day prekindergarten pupils" shall equal:

For the two thousand seventeen--two thousand eighteen school year the sum of the maximum aidable half-day prekindergarten pupils such district was eligible to serve for the base year from (A) the program pursuant to this section plus such pupils from (B) the priority full-day prekindergarten program, less the maximum aidable number of half-day prekindergarten pupils converted into a full-day prekindergarten pupil under the priority full-day prekindergarten program for the base year;

For the two thousand eighteen--two thousand nineteen school year the maximum aidable half-day prekindergarten pupils such district was eligible to serve for the base year from [~~(A) the program pursuant to this section less (B) the maximum aidable number of half-day prekindergarten pupils converted into a full-day prekindergarten pupil under the federal preschool development expansion grant for the base year~~] **the program pursuant to this section**;

For the two thousand nineteen--two thousand twenty school year the sum of the maximum aidable half-day prekindergarten pupils such district was eligible to serve for the base year from (A) the program pursuant to this section plus such pupils from (B) the expanded prekindergarten program plus such pupils from (C) the expanded prekindergarten for three-year-olds plus such pupils from (D) the expanded prekindergarten program for three- and four-year-olds plus such pupils from (E) the prekindergarten expansion grant, less the sum of the maximum aidable number of half-day prekindergarten pupils converted into a full-day prekindergarten pupil under each of (1) **the federal preschool expansion grant for the base year plus such pupils from (2)** the expanded prekindergarten program plus such pupils from [~~(2)~~] **(3)** the expanded prekindergarten for three-year-olds plus such pupils from [~~(3)~~] **(4)** the expanded prekindergarten program for three- and four-year-olds plus such pupils from [~~(4)~~] **(5)** the prekindergarten expansion grant for the base year;

For the two thousand twenty--two thousand twenty-one school year and thereafter the sum of the maximum aidable half-day prekindergarten pupils such district was eligible to serve for the base year from (A) the program pursuant to this section plus such pupils from (B) the prekindergarten expansion grant, less the maximum aidable number of half-day prekindergarten pupils converted into a full-day prekindergarten pupil under the prekindergarten expansion grant for the base year;

§ 17. The closing paragraph of paragraph b of subdivision 10 of section 3602-e of the education law, as amended by section 26 of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:

For the purposes of this paragraph:

(A) "Priority full-day prekindergarten program" shall mean the priority full-day prekindergarten and expanded half-day prekindergarten grant program for high need students pursuant to chapter fifty-three of the laws of two thousand thirteen;

(B)"Federal preschool development expansion grant" shall mean the federal preschool development expansion grant pursuant to the American Recovery and Reinvestment Act of 2009 (ARRA), Sections 14005, 14006, and 14013, Title XIV, (Public Law 112-10), as amended by section 1832(b) of Division B of the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (Pub. L. 112-10), and the Department of Education Appropriations Act, 2012 (Title III Division F of Pub. L. 112-74, the Consolidated Appropriations Act, 2012);

(C) "Expanded prekindergarten program" shall mean the expanded prekindergarten program for three- and four year-olds pursuant to chapter sixty-one of the laws of two thousand fifteen;

(D) "Expanded prekindergarten for three-year-olds" shall mean the expanded prekindergarten for three-year-olds in high need districts program pursuant to chapter fifty-three of the laws of two thousand sixteen;

(E) "Expanded prekindergarten program for three- and four-year-olds" shall mean the expanded prekindergarten program for three- and four-year-olds pursuant to a chapter of the laws of two thousand seventeen;

(F) "Prekindergarten expansion grant" shall mean the prekindergarten expansion grant for the two thousand eighteen--two thousand nineteen school year and thereafter, **pursuant to subdivision eighteen of this section,** to the extent such program was available subject to appropriation, and provided that such school district has met all requirements pursuant to this section.

§ 18. Subdivision 11 of section 3602-e of the education law, as amended by section 27 of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:

11. Maintenance of effort reduction. Where a school district's current year prekindergarten pupils served is less than its prekindergarten maintenance of effort base, the school district shall have its current year apportionment [~~reduced by~~] **equal to** the product of the maintenance of effort factor computed in paragraph b of subdivision ten of this section multiplied by the grant amount it was eligible to receive pursuant to subdivision ten of this section.

§ 19. Subdivision 16 of section 3602-ee of the education law, as amended by section 31 of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:

16. The authority of the department to administer the universal full-day pre-kindergarten program shall expire June thirtieth, two thousand [~~eighteen~~] **nineteen**; provided that the program shall continue and remain in full effect.

§ 20. Intentionally omitted.

§ 21. The opening paragraph of section 3609-a of the education law, as amended by section 33 of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:

For aid payable in the two thousand seven--two thousand eight school year through the two thousand seventeen--two thousand eighteen 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 subdivision four of section ninety-two-c of the state finance law, less any grants provided pursuant to subdivision six of section ninety-seven-nnnn of the state

finance law, less any grants provided pursuant to subdivision twelve of section thirty-six hundred forty-one of this article, or (ii) the apportionment calculated by the commissioner based on data on file at the time the payment is processed; provided however, that for the purposes of any payments made pursuant to this section prior to the first business day of June of the current year, moneys apportioned shall not include any aids payable pursuant to subdivisions six and fourteen, if applicable, of section thirty-six hundred two of this part as current year aid for debt service on bond anticipation notes and/or bonds first issued in the current year or any aids payable for full-day kindergarten for the current year pursuant to subdivision nine of section thirty-six hundred two of this part. The definitions of "base year" and "current year" as set forth in subdivision one of section thirty-six hundred two of this part shall apply to this section. [~~For aid payable in the two thousand seventeen--two thousand eighteen school year, reference to such "school aid computer listing for the current year" shall mean the printouts entitled "SA171-8"~~] **For aid payable in the two thousand eighteen--two thousand nineteen school year and thereafter, "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 executive budget request 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 subdivisions six-a and 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 subdivision four of section ninety-two-c of the state finance law, less any grants provided pursuant to subdivision six of section ninety-seven-nnnn of the state finance law, less any grants provided pursuant to subdivision twelve of section thirty-six hundred forty-one of this article, or (ii) the apportionment calculated by the commissioner based on data on file at the time the payment is processed; provided however, that for the purposes of any payments made pursuant to this section prior to the first business day of June of the current year, moneys apportioned shall not include any aids payable pursuant to subdivisions six and fourteen, if applicable, of section thirty-six hundred two of this part as current year aid for debt service on bond anticipation notes and/or bonds first issued in the current year or any aids payable for full-day kindergarten for the current year pursuant to subdivision nine of section thirty-six hundred two of this part. For aid payable in the two thousand eighteen--two thousand nineteen school year, reference to such "school aid computer listing for the current year" shall mean the printouts entitled "SA181-9"**.

§ 22. Paragraph b of subdivision 2 of section 3612 of the education law, as amended by section 34 of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:

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

school district, the number of teachers employed in the school district who hold temporary licenses to teach in the public schools of the state, the number of provisionally certified teachers, the fiscal capacity and geographic sparsity of the district, the number of new teachers the school district intends to hire in the coming school year and the number of summer in the city student internships proposed by an eligible school district, if applicable. Grants provided pursuant to this section shall be used only for the purposes enumerated in this section. Notwithstanding any other provision of law to the contrary, a city school district in a city having a population of one million or more inhabitants receiving a grant pursuant to this section may use no more than eighty percent of such grant funds for any recruitment, retention and certification costs associated with transitional certification of teacher candidates for the school years two thousand one--two thousand two through two thousand [~~seventeen~~] **eighteen**--two thousand [~~eighteen~~] **nineteen**.

§ 23. Subdivision 6 of section 4402 of the education law, as amended by section 35 of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:

6. Notwithstanding any other law, rule or regulation to the contrary, the board of education of a city school district with a population of one hundred twenty-five thousand or more inhabitants shall be permitted to establish maximum class sizes for special classes for certain students with disabilities in accordance with the provisions of this subdivision. For the purpose of obtaining relief from any adverse fiscal impact from under-utilization of special education resources due to low student attendance in special education classes at the middle and secondary level as determined by the commissioner, such boards of education shall, during the school years nineteen hundred ninety-five--ninety-six through June thirtieth, two thousand [~~eighteen~~] **nineteen** of the two thousand [~~seventeen~~] **eighteen**--two thousand [~~eighteen~~] **nineteen** school year, be authorized to increase class sizes in special classes containing students with disabilities whose age ranges are equivalent to those of students in middle and secondary schools as defined by the commissioner for purposes of this section by up to but not to exceed one and two tenths times the applicable maximum class size specified in regulations of the commissioner rounded up to the nearest whole number, provided that in a city school district having a population of one million or more, classes that have a maximum class size of fifteen may be increased by no more than one student and provided that the projected average class size shall not exceed the maximum specified in the applicable regulation, provided that such authorization shall terminate on June thirtieth, two thousand. Such authorization shall be granted upon filing of a notice by such a board of education with the commissioner stating the board's intention to increase such class sizes and a certification that the board will conduct a study of attendance problems at the secondary level and will implement a corrective action plan to increase the rate of attendance of students in such classes to at least the rate for students attending regular education classes in secondary schools of the district. Such corrective action plan shall be submitted for approval by the commissioner by a date during the school year in which such board increases class sizes as provided pursuant to this subdivision to be prescribed by the commissioner. Upon at least thirty days notice to the board of education, after conclusion of the school year in which such board increases class sizes as provided pursuant to this subdivision, the commissioner shall be authorized to terminate such

authorization upon a finding that the board has failed to develop or implement an approved corrective action plan.

§ 24. Intentionally omitted.

§ 25. Subdivision b of section 2 of chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, as amended by section 44 of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:

b. Reimbursement for programs approved in accordance with subdivision a of this section for the [~~2015--2016 school year shall not exceed 60.7 percent of the lesser of such approvable costs per contact hour or thirteen dollars and forty cents per contact hour, reimbursement for the~~] 2016--2017 school year shall not exceed 60.3 percent of the lesser of such approvable costs per contact hour or thirteen dollars ninety cents per contact hour, [~~and~~] reimbursement for the 2017--2018 school year shall not exceed 60.4 percent of the lesser of such approvable costs per contact hour or thirteen dollars and ninety cents per contact hour, **and reimbursement for the 2018--2019 school year shall not exceed 59.4 percent of the lesser of such approvable costs per contact hour or fourteen dollars and seventy-five cents per contact hour,** where a contact hour represents sixty minutes of instruction services provided to an eligible adult. Notwithstanding any other provision of law to the contrary, [~~for the 2015--2016 school year such contact hours shall not exceed one million five hundred ninety-nine thousand fifteen (1,599,015) hours; whereas~~] for the 2016--2017 school year such contact hours shall not exceed one million five hundred fifty-one thousand three hundred twelve (1,551,312); [~~and~~] **whereas** for the 2017--2018 school year such contact hours shall not exceed one million five hundred forty-nine thousand four hundred sixty-three (1,549,463)**; and for the 2018--2019 school year such contact hours shall not exceed one million five hundred forty-nine thousand four hundred sixty-three (1,549,463)**. Notwithstanding any other provision of law to the contrary, the apportionment calculated for the city school district of the city of New York pursuant to subdivision 11 of section 3602 of the education law shall be computed as if such contact hours provided by the consortium for worker education, not to exceed the contact hours set forth herein, were eligible for aid in accordance with the provisions of such subdivision 11 of section 3602 of the education law.

§ 26. 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 w to read as follows:

w. The provisions of this subdivision shall not apply after the completion of payments for the 2018--2019 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).

§ 27. 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 46 of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:

§ 6. This act shall take effect July 1, 1992, and shall be deemed repealed on June 30, [~~2018~~] **2019**.

§ 28. 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 47 of part YYY of chapter 59 of the laws of 2017, 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, [~~2018~~] **2019** 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 twenty-four of this act shall be deemed to be repealed on and after July 1, [~~2018~~] **2019**;

§ 29. The education law is amended by adding a new section 4403-a to read as follows:

§ 4403-a. Waivers from certain duties. 1. A local school district, approved private school or board of cooperative educational services may submit an application for a waiver from any requirement imposed on such district, school or board of cooperative educational services pursuant to section forty-four hundred two or section forty-four hundred three of this article, and regulations promulgated thereunder, for a specific school year. Such application must be submitted at least sixty days in advance of the proposed date on which the waiver would be effective and shall be in a form prescribed by the commissioner.

2. Before submitting an application for a waiver, the local school district, approved private school or board of cooperative educational services shall provide notice of the proposed waiver to the parents or persons in parental relationship to the students that would be impacted by the waiver if granted. Such notice shall be in a form and manner that will ensure that such parents and persons in parental relationship will be aware of all relevant changes that would occur under the waiver, and shall include information on the form, manner and date by which parents may submit written comments on the proposed waiver. The local school district, approved private school, or board of cooperative educational services shall provide at least sixty days for such parents and persons in parental relationship to submit written comments, and shall include in the waiver application submitted to the commissioner pursuant to subdivision one of this section any written comments received from such parents or persons in parental relationship to such students.

3. The commissioner may grant a waiver from any requirement imposed on a local school district, approved private school or board of cooperative educational services pursuant to section forty-four hundred two or section forty-four hundred three of this article, upon a finding that such waiver will enable a local school district, approved private school or board of cooperative educational services to implement an innovative special education program that is consistent with applicable federal requirements, and will enhance student achievement and/or opportunities for placement in regular classes and programs. In making such determination, the commissioner shall consider any comments received by the local school district, approved private school or board of cooperative educational services from parents or persons in parental relation to the students that would be directly affected by the waiver if granted.

4. Any local school district, approved private school or board of cooperative educational services granted a waiver shall submit an annual

report to the commissioner regarding the operation and evaluation of the program no later than thirty days after the end of each school year for which a waiver is granted.

§ 30. Section 8 of chapter 89 of the laws of 2016, relating to supplementary funding for dedicated programs for public school students in the East Ramapo central school district, as amended by section 49 of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:

§ 8. This act shall take effect July 1, 2016 and shall expire and be deemed repealed June 30, [~~2018~~] **2019, except that paragraph (b) of section five of this act and section seven of this act shall expire and be deemed repealed June 30, 2021**.

§ 31. Section 12 of chapter 147 of the laws of 2001, amending the education law relating to conditional appointment of school district, charter school or BOCES employees, as amended by section 50 of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:

§ 12. This act shall take effect on the same date as chapter 180 of the laws of 2000 takes effect, and shall expire July 1, [~~2018~~] **2019** when upon such date the provisions of this act shall be deemed repealed.

§ 32. 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 32 of part A of chapter 54 of the laws of 2016, 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, [~~2018~~] **2020**.

§ 33. Section 4 of chapter 425 of the laws of 2002, amending the education law relating to the provision of supplemental educational services, attendance at a safe public school and the suspension of pupils who bring a firearm to or possess a firearm at a school, as amended by section 12 of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:

§ 4. This act shall take effect July 1, 2002 and shall expire and be deemed repealed June 30, [~~2018~~] **2019**.

§ 34. Section 5 of chapter 101 of the laws of 2003, amending the education law relating to the implementation of the No Child Left Behind Act of 2001, as amended by section 13 of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:

§ 5. This act shall take effect immediately; provided that sections one, two and three of this act shall expire and be deemed repealed on June 30, [~~2018~~] **2019**.

§ 35. Section 2 of subpart B of part AA of chapter 56 of the laws of 2014, amending the education law relating to providing that standardized test scores shall not be included on a student's permanent record, is amended to read as follows:

§ 2. This act shall take effect immediately and shall expire and be deemed repealed on December 31, [~~2018~~] **2019**.

§ 36. School bus driver training. In addition to apportionments otherwise provided by section 3602 of the education law, for aid payable in the 2018-2019 school year, the commissioner of education shall allocate school bus driver training grants to school districts and boards of cooperative educational services pursuant to sections 3650-a, 3650-b and 3650-c of the education law, or for contracts directly with not-for-profit educational organizations for the purposes of this section. Such payments shall not exceed four hundred thousand dollars ($400,000) per school year.

§ 37. Special apportionment for salary expenses. a. Notwithstanding any other provision of law, upon application to the commissioner of education, not sooner than the first day of the second full business week of June 2019 and not later than the last day of the third full business week of June 2019, a school district eligible for an apportionment pursuant to section 3602 of the education law shall be eligible to receive an apportionment pursuant to this section, for the school year ending June 30, 2019, for salary expenses incurred between April 1 and June 30, 2018 and such apportionment shall not exceed the sum of (i) the deficit reduction assessment of 1990--1991 as determined by the commissioner of education, pursuant to paragraph f of subdivision 1 of section 3602 of the education law, as in effect through June 30, 1993, plus (ii) 186 percent of such amount for a city school district in a city with a population in excess of 1,000,000 inhabitants, plus (iii) 209 percent of such amount for a city school district in a city with a population of more than 195,000 inhabitants and less than 219,000 inhabitants according to the latest federal census, plus (iv) the net gap elimination adjustment for 2010--2011, as determined by the commissioner of education pursuant to chapter 53 of the laws of 2010, plus (v) the gap elimination adjustment for 2011--2012 as determined by the commissioner of education pursuant to subdivision 17 of section 3602 of the education law, and provided further that such apportionment shall not exceed such salary expenses. Such application shall be made by a school district, after the board of education or trustees have adopted a resolution to do so and in the case of a city school district in a city with a population in excess of 125,000 inhabitants, with the approval of the mayor of such city.

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

c. Notwithstanding the provisions of section 3609-a of the education law, an amount equal to the amount paid to a school district pursuant to

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

§ 38. Special apportionment for public pension accruals. a. Notwithstanding any other provision of law, upon application to the commissioner of education, not later than June 30, 2019, a school district eligible for an apportionment pursuant to section 3602 of the education law shall be eligible to receive an apportionment pursuant to this section, for the school year ending June 30, 2019 and such apportionment shall not exceed the additional accruals required to be made by school districts in the 2004--2005 and 2005--2006 school years associated with changes for such public pension liabilities. The amount of such additional accrual shall be certified to the commissioner of education by the president of the board of education or the trustees or, in the case of a city school district in a city with a population in excess of 125,000 inhabitants, the mayor of such city. Such application shall be made by a school district, after the board of education or trustees have adopted a resolution to do so and in the case of a city school district in a city with a population in excess of 125,000 inhabitants, with the approval of the mayor of such city.

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

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

teachers' retirement system pursuant to subparagraph (1) of such paragraph, and any remainder to be deducted from the individualized payments due the district pursuant to paragraph b of such subdivision shall be deducted on a chronological basis starting with the earliest payment due the district.

§ 39. Intentionally omitted.

§ 40. Notwithstanding the provision of any law, rule, or regulation to the contrary, the city school district of the city of Rochester, upon the consent of the board of cooperative educational services of the supervisory district serving its geographic region may purchase from such board for the 2018--2019 school year, as a non-component school district, services required by article 19 of the education law.

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

a. for the development, maintenance or expansion of magnet schools or magnet school programs for the 2018--2019 school year. For the city school district of the city of New York there shall be a setaside of foundation aid equal to forty-eight million one hundred seventy-five thousand dollars ($48,175,000) including five hundred thousand dollars ($500,000) for the Andrew Jackson High School; for the Buffalo city school district, twenty-one million twenty-five thousand dollars ($21,025,000); for the Rochester city school district, fifteen million dollars ($15,000,000); for the Syracuse city school district, thirteen million dollars ($13,000,000); for the Yonkers city school district, forty-nine million five hundred thousand dollars ($49,500,000); for the Breakfast after the Bell program, five million dollars ($5,000,000); for the Newburgh city school district, four million six hundred forty-five thousand dollars ($4,645,000); for the Poughkeepsie city school district, two million four hundred seventy-five thousand dollars ($2,475,000); for the Mount Vernon city school district, two million dollars ($2,000,000); for the New Rochelle city school district, one million four hundred ten thousand dollars ($1,410,000); for the Schenectady city school district, one million eight hundred thousand dollars ($1,800,000); for the Port Chester city school district, one million one hundred fifty thousand dollars ($1,150,000); for the White Plains city school district, nine hundred thousand dollars ($900,000); for the Niagara Falls city school district, six hundred thousand dollars ($600,000); for the Albany city school district, three million five hundred fifty thousand dollars ($3,550,000); for the Utica city school district, two million dollars ($2,000,000); for the Beacon city school district, five hundred sixty-six thousand dollars ($566,000); for the Middletown city school district, four hundred thousand dollars ($400,000); for the Freeport union free school district, four hundred thousand dollars ($400,000); for the Greenburgh central school district, three hundred thousand dollars ($300,000); for the Amsterdam city school district, eight hundred thousand dollars ($800,000); for the Peekskill city school district, two hundred thousand dollars ($200,000); and for the Hudson city school district, four hundred thousand dollars ($400,000).

b. Notwithstanding any inconsistent provision of law to the contrary, a school district setting aside such foundation aid pursuant to this section may use such setaside funds for: (i) any instructional or instructional support costs associated with the operation of a magnet school; or (ii) any instructional or instructional support costs associated with implementation of an alternative approach to promote diversity

and/or enhancement of the instructional program and raising of standards in elementary and secondary schools of school districts having substantial concentrations of minority students.

c. The commissioner of education shall not be authorized to withhold foundation aid from a school district that used such funds in accordance with this paragraph, notwithstanding any inconsistency with a request for proposals issued by such commissioner for the purpose of attendance improvement and dropout prevention for the 2018--2019 school year, and for any city school district in a city having a population of more than one million, the setaside for attendance improvement and dropout prevention shall equal the amount set aside in the base year. For the 2018--2019 school year, it is further provided that any city school district in a city having a population of more than one million shall allocate at least one-third of any increase from base year levels in funds set aside pursuant to the requirements of this section to community-based organizations. Any increase required pursuant to this section to community-based organizations must be in addition to allocations provided to community-based organizations in the base year.

d. For the purpose of teacher support for the 2018--2019 school year: for the city school district of the city of New York, sixty-two million seven hundred seven thousand dollars ($62,707,000); for the Buffalo city school district, one million seven hundred forty-one thousand dollars ($1,741,000); for the Rochester city school district, one million seventy-six thousand dollars ($1,076,000); for the Yonkers city school district, one million one hundred forty-seven thousand dollars ($1,147,000); and for the Syracuse city school district, eight hundred nine thousand dollars ($809,000). All funds made available to a school district pursuant to this section shall be distributed among teachers including prekindergarten teachers and teachers of adult vocational and academic subjects in accordance with this section and shall be in addition to salaries heretofore or hereafter negotiated or made available; provided, however, that all funds distributed pursuant to this section for the current year shall be deemed to incorporate all funds distributed pursuant to former subdivision 27 of section 3602 of the education law for prior years. In school districts where the teachers are represented by certified or recognized employee organizations, all salary increases funded pursuant to this section shall be determined by separate collective negotiations conducted pursuant to the provisions and procedures of article 14 of the civil service law, notwithstanding the existence of a negotiated agreement between a school district and a certified or recognized employee organization.

§ 42. Support of public libraries. The moneys appropriated for the support of public libraries by a chapter of the laws of 2017 enacting the aid to localities budget shall be apportioned for the 2018-2019 state fiscal year in accordance with the provisions of sections 271, 272, 273, 282, 284, and 285 of the education law as amended by the provisions of this chapter and the provisions of this section, provided that library construction aid pursuant to section 273-a of the education law shall not be payable from the appropriations for the support of public libraries and provided further that no library, library system or program, as defined by the commissioner of education, shall receive less total system or program aid than it received for the year 2001-2002 except as a result of a reduction adjustment necessary to conform to the appropriations for support of public libraries.

Notwithstanding any other provision of law to the contrary the moneys appropriated for the support of public libraries for the year 2018-2019

by a chapter of the laws of 2018 enacting the education, labor and family assistance budget shall fulfill the state's obligation to provide such aid and, pursuant to a plan developed by the commissioner of education and approved by the director of the budget, the aid payable to libraries and library systems pursuant to such appropriations shall be reduced proportionately to assure that the total amount of aid payable does not exceed the total appropriations for such purpose.

§ 43. Severability. The provisions of this act shall be severable, and if the application of any clause, sentence, paragraph, subdivision, section or part of this act to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not necessarily affect, impair or invalidate the application of any such clause, sentence, paragraph, subdivision, section, part of this act or remainder thereof, as the case may be, to any other person or circumstance, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 44. This act shall take effect immediately, and shall be deemed to have been in full force and effect on and after April 1, 2018; provided, however, that:

1. Sections one, four, five, six, nine, ten, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty-one, twenty-two, twenty-three, thirty-six, forty and forty-one of this act shall take effect July 1, 2018; and

2. The amendments to 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 made by sections twenty-five and twenty-six of this act shall not affect the repeal of such chapter and shall be deemed repealed therewith; and

3. Section twenty-eight of this act shall be deemed to have been in full force and effect on and after the effective date of section 140 of chapter 82 of the laws of 1995.

PART A-1

Section 1. Subdivision 4 of section 3602 of the education law, as amended by section 16-a of part YYY of chapter 59 of the laws of 2017, 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 eight--two thousand nine school years, no school district shall receive total foundation aid in excess of the sum of the total foundation aid base for aid payable in the two thousand seven--two thousand eight school year computed pursuant to subparagraph (i) of paragraph j of subdivision one of this section, plus the phase-in foundation increase computed pursuant to paragraph b of this subdivision, and provided further that for the two thousand twelve--two thousand thirteen school year, no school district shall receive total foundation aid in excess of the sum of the total foundation aid base for aid payable in the two

thousand eleven--two thousand twelve school year computed pursuant to subparagraph (ii) of paragraph j of subdivision one of this section, plus the phase-in foundation increase computed pursuant to paragraph b of this subdivision, and provided further that for the two thousand thirteen--two thousand fourteen school year and thereafter, no school district shall receive total foundation aid in excess of the sum of the total foundation aid base computed pursuant to subparagraph (ii) of paragraph j of subdivision one of this section, plus the phase-in foundation increase computed pursuant to paragraph b of this subdivision, and provided further that for the two thousand sixteen--two thousand seventeen school year, no eligible school districts shall receive total foundation aid in excess of the sum of the total foundation aid base computed pursuant to subparagraph (ii) of paragraph j of subdivision one of this section plus the sum of (A) the phase-in foundation increase, (B) the executive foundation increase with a minimum increase pursuant to paragraph b-2 of this subdivision, and (C) an amount equal to "COMMUNITY SCHOOLS AID" in the computer listing produced by the commissioner in support of the executive budget request for the two thousand sixteen--two thousand seventeen school year and entitled "BT161-7", where (1) "eligible school district" shall be defined as a district with (a) an unrestricted aid increase of less than seven percent (0.07) and (b) a three year average free and reduced price lunch percent greater than fifteen percent (0.15), and (2) "unrestricted aid increase" shall mean the quotient arrived at when dividing (a) the sum of the executive foundation aid increase plus the gap elimination adjustment for the base year, by (b) the difference of foundation aid for the base year less the gap elimination adjustment for the base year, and (3) "executive foundation increase" shall mean the difference of (a) the amounts set forth for each school district as "FOUNDATION AID" under the heading "2016-17 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the executive budget request for the two thousand sixteen--two thousand seventeen school year and entitled "BT161-7" less (b) the amounts set forth for each school district as "FOUNDATION AID" under the heading "2015-16 BASE YEAR AIDS" in such computer listing and provided further that total foundation aid shall not be less than the product of the total foundation aid base computed pursuant to paragraph j of subdivision one of this section and the due-minimum percent which shall be, for the two thousand twelve--two thousand thirteen school year, one hundred and six-tenths percent (1.006) and for the two thousand thirteen--two thousand fourteen school year for city school districts of those cities having populations in excess of one hundred twenty-five thousand and less than one million inhabitants one hundred and one and one hundred and seventy-six thousandths percent (1.01176), and for all other districts one hundred and three-tenths percent (1.003), and for the two thousand fourteen--two thousand fifteen school year one hundred and eighty-five hundredths percent (1.0085), and for the two thousand fifteen--two thousand sixteen school year, one hundred thirty-seven hundredths percent (1.0037), subject to allocation pursuant to the provisions of subdivision eighteen of this section and any provisions of a chapter of the laws of New York as described therein, nor more than the product of such total foundation aid base and one hundred fifteen percent for any school year other than the two thousand seventeen--two thousand eighteen school year, provided, however, that for the two thousand sixteen--two thousand seventeen school year such maximum shall be no more than the sum of (i) the product of such total foundation aid base and one hundred fifteen percent plus (ii) the execu-

tive foundation increase and plus (iii) "COMMUNITY SCHOOLS AID" in the computer listing produced by the commissioner in support of the executive budget request for the two thousand sixteen--two thousand seventeen school year and entitled "BT161-7" and provided further that for the two thousand nine--two thousand ten through two thousand eleven--two thousand twelve school years, each school district shall receive total foundation aid in an amount equal to the amount apportioned to such school district for the two thousand eight--two thousand nine school year pursuant to this subdivision. Total aidable foundation pupil units shall be calculated pursuant to paragraph g of subdivision two of this section. For the purposes of calculating aid pursuant to this subdivision, aid for the city school district of the city of New York shall be calculated on a citywide basis.

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

(1) The foundation amount shall reflect the average per pupil cost of general education instruction in successful school districts, as determined by a statistical analysis of the costs of special education and general education in successful school districts, provided that the foundation amount shall be adjusted annually to reflect the percentage increase in the consumer price index as computed pursuant to section two thousand twenty-two of this chapter, provided that for the two thousand eight--two thousand nine school year, for the purpose of such adjustment, the percentage increase in the consumer price index shall be deemed to be two and nine-tenths percent (0.029), and provided further that the foundation amount for the two thousand seven--two thousand eight school year shall be five thousand two hundred fifty-eight dollars, and provided further that for the two thousand seven--two thousand eight through two thousand seventeen--two thousand eighteen 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 more than ninety-five percent (0.95) for the two thousand eight--two thousand nine school year, and provided further that such income wealth index shall not be less than zero for the two thousand thirteen--two thousand fourteen school year. The selected actual valuation shall be calculated pursuant to paragraph c of subdivision one of this section. Total wealth foundation pupil units shall be calculated pursuant to paragraph h of subdivision two of this section.

b. Phase-in foundation increase. (1) The phase-in foundation increase shall equal the product of the phase-in foundation increase factor multiplied by the positive difference, if any, of (i) the product of the total aidable foundation pupil units multiplied by the district's selected foundation aid less (ii) the total foundation aid base computed pursuant to paragraph j of subdivision one of this section.

(2) (i) Phase-in foundation percent. The phase-in foundation percent shall equal one hundred thirteen and fourteen one hundredths percent (1.1314) for the two thousand eleven--two thousand twelve school year, one hundred ten and thirty-eight hundredths percent (1.1038) for the two thousand twelve--two thousand thirteen school year, one hundred seven and sixty-eight hundredths percent (1.0768) for the two thousand thirteen--two thousand fourteen school year, one hundred five and six hundredths percent (1.0506) for the two thousand fourteen--two thousand fifteen school year, and one hundred two and five tenths percent (1.0250) for the two thousand fifteen--two thousand sixteen school year.

(ii) Phase-in foundation increase factor. For the two thousand eleven--two thousand twelve school year, the phase-in foundation increase factor shall equal thirty-seven and one-half percent (0.375) and the phase-in due minimum percent shall equal nineteen and forty-one hundredths percent (0.1941), for the two thousand twelve--two thousand thirteen school year the phase-in foundation increase factor shall equal

one and seven-tenths percent (0.017), for the two thousand thirteen--two thousand fourteen school year the phase-in foundation increase factor shall equal (1) for a city school district in a city having a population of one million or more, five and twenty-three hundredths percent (0.0523) or (2) for all other school districts zero percent, for the two thousand fourteen--two thousand fifteen school year the phase-in foundation increase factor shall equal (1) for a city school district of a city having a population of one million or more, four and thirty-two hundredths percent (0.0432) or (2) for a school district other than a city school district having a population of one million or more for which (A) the quotient of the positive difference of the foundation formula aid minus the foundation aid base computed pursuant to paragraph j of subdivision one of this section divided by the foundation formula aid is greater than twenty-two percent (0.22) and (B) a combined wealth ratio less than thirty-five hundredths (0.35), seven percent (0.07) or (3) for all other school districts, four and thirty-one hundredths percent (0.0431), and for the two thousand fifteen--two thousand sixteen school year the phase-in foundation increase factor shall equal: (1) for a city school district of a city having a population of one million or more, thirteen and two hundred seventy-four thousandths percent (0.13274); or (2) for districts where the quotient arrived at when dividing (A) the product of the total aidable foundation pupil units multiplied by the district's selected foundation aid less the total foundation aid base computed pursuant to paragraph j of subdivision one of this section divided by (B) the product of the total aidable foundation pupil units multiplied by the district's selected foundation aid is greater than nineteen percent (0.19), and where the district's combined wealth ratio is less than thirty-three hundredths (0.33), seven and seventy-five hundredths percent (0.0775); or (3) for any other district designated as high need pursuant to clause (c) of subparagraph two of paragraph c of subdivision six of this section for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand seven--two thousand eight school year and entitled "SA0708", four percent (0.04); or (4) for a city school district in a city having a population of one hundred twenty-five thousand or more but less than one million, fourteen percent (0.14); or (5) for school districts that were designated as small city school districts or central school districts whose boundaries include a portion of a small city for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand fourteen--two thousand fifteen school year and entitled "SA1415", four and seven hundred fifty-one thousandths percent (0.04751); or (6) for all other districts one percent (0.01), and for the two thousand sixteen--two thousand seventeen school year the foundation aid phase-in increase factor shall equal for an eligible school district the greater of: (1) for a city school district in a city with a population of one million or more, seven and seven hundred eighty four thousandths percent (0.07784); or (2) for a city school district in a city with a population of more than two hundred fifty thousand but less than one million as of the most recent federal decennial census, seven and three hundredths percent (0.0703); or (3) for a city school district in a city with a population of more than two hundred thousand but less than two hundred fifty thousand as of the most recent federal decennial census, six and seventy-two hundredths percent (0.0672); or (4) for a city school district in a city with a population of more than one hundred fifty thousand but less than two hundred thousand as of the most recent federal decennial census, six

and seventy-four hundredths percent (0.0674); or (5) for a city school district in a city with a population of more than one hundred twenty-five thousand but less than one hundred fifty thousand as of the most recent federal decennial census, nine and fifty-five hundredths percent (0.0955); or (6) for school districts that were designated as small city school districts or central school districts whose boundaries include a portion of a small city for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand fourteen--two thousand fifteen school year and entitled "SA141-5" with a combined wealth ratio less than one and four tenths (1.4), nine percent (0.09), provided, however, that for such districts that are also districts designated as high need urban-suburban pursuant to clause (c) of subparagraph two of paragraph c of subdivision six of this section for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand seven--two thousand eight school year and entitled "SA0708", nine and seven hundred and nineteen thousandths percent (0.09719); or (7) for school districts designated as high need rural pursuant to clause (c) of subparagraph two of paragraph c of subdivision six of this section for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand seven--two thousand eight school year and entitled "SA0708", thirteen and six tenths percent (0.136); or (8) for school districts designated as high need urban-suburban pursuant to clause (c) of subparagraph two of paragraph c of subdivision six of this section for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand seven--two thousand eight school year and entitled "SA0708", seven hundred nineteen thousandths percent (0.00719); or (9) for all other eligible school districts, forty-seven hundredths percent (0.0047), provided further that for the two thousand seventeen--two thousand eighteen school year the foundation aid increase phase-in factor shall equal (1) for school districts with a census 2000 poverty rate computed pursuant to paragraph q of subdivision one of this section equal to or greater than twenty-six percent (0.26), ten and three-tenths percent (0.103), or (2) for a school district in a city with a population in excess of one million or more, seventeen and seventy-seven one-hundredths percent (0.1777), or (3) for a city school district in a city with a population of more than two hundred fifty thousand but less than one million, as of the most recent decennial census, twelve and sixty-nine hundredths percent (0.1269) or (4) for a city school district in a city with a population of more than one hundred fifty thousand but less than two hundred thousand, as of the most recent federal decennial census, ten and seventy-eight one hundredths percent (0.1078), or (5) for a city school district in a city with a population of more than one hundred twenty-five thousand but less than one hundred fifty thousand as of the most recent federal decennial census, nineteen and one hundred eight one-thousandths percent (0.19108), or (6) for a city school district in a city with a population of more than two hundred thousand but less than two hundred fifty thousand as of the most recent federal decennial census, ten and six-tenths percent (0.106), or (7) for all other districts, four and eighty-seven one-hundredths percent (0.0487), and for the two thousand [~~eighteen~~] **nineteen**--two thousand [~~nineteen~~] **twenty** school year and thereafter the commissioner shall annually determine the phase-in foundation increase factor subject to allocation pursuant to the provisions of subdivision eighteen of this section and any provisions of 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.

b-2. Due minimum for the two thousand sixteen--two thousand seventeen school year. Notwithstanding any other provision of law to the contrary, for the two thousand sixteen--two thousand seventeen school year the total foundation aid shall not be less than the sum of the total foundation aid base computed pursuant to paragraph j of subdivision one of this section plus the due minimum for the two thousand sixteen--two thousand seventeen school year, where such due minimum shall equal the difference of (1) the product of (A) two percent (0.02) multiplied by (B) the difference of total foundation aid for the base year less the gap elimination adjustment for the base year, less (2) the sum of (A) the difference of the amounts set forth for each school district as "FOUNDATION AID" under the heading "2016-17 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the executive budget request for the two thousand sixteen--two thousand seventeen school year and entitled "BT161-7" less the amounts set forth for each school district as "FOUNDATION AID" under the heading "2015-16 BASE YEAR AIDS" in such computer listing plus (B) the gap elimination adjustment for the base year.

b-3. Due minimum for the two thousand seventeen--two thousand eighteen school year. Notwithstanding any other provision of law to the contrary, for the two thousand seventeen--two thousand eighteen school year the total foundation aid shall not be less than (A) the sum of the total foundation aid base computed pursuant to paragraph j of subdivision one of this section plus the product of (i) the difference of the amount set forth for such school district as "FOUNDATION AID" under the heading "2017-18 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the executive budget request for the two thousand seventeen--two thousand eighteen school year and entitled "BT171-8" less the amount set forth for such school district as "FOUNDATION AID" under the heading "2016-17 BASE YEAR AIDS" in the school aid computer listing produced by the commissioner in support of the executive budget request for the two thousand seventeen--two thousand eighteen school year and entitled "BT171-8" multiplied by (ii) one and eighteen one-hundredths (1.18), or (B) the product of forty-four and seventy-five one-hundredths percent (0.4475) multiplied by total foundation aid as computed pursuant to paragraph a of this subdivision, or (C) the sum of the total foundation aid base computed pursuant to paragraph j of subdivision one of this section plus the due minimum for the two thousand seventeen--two thousand eighteen school year, where such due minimum shall equal (1) for school districts with a census 2000 poverty rate computed pursuant to paragraph q of subdivision one of this section, equal to or greater than eleven and nine-tenths percent (0.119), the product of the foundation aid base for the two thousand seventeen--two thousand eighteen school year computed pursuant to subparagraph (iii) of paragraph j of subdivision one of this section multiplied by three hundred thirty-five ten-thousandths (0.0335), or (2) for all other school districts the product of the foundation aid base for the two thousand seventeen--two thousand eighteen school year computed pursuant to subparagraph (iii) of paragraph j of subdivision

one of this section multiplied by two and seventy-four one-hundredths percent (0.0274).

b-4. Additional increase for the two thousand seventeen-two thousand eighteen school year. For the two thousand seventeen-two thousand eighteen school year, any school district eligible to receive a phase-in foundation increase pursuant to this subdivision shall receive an additional foundation increase equal to the sum of tiers A, B, C, and D as defined herein.

(i) Tier A. For all school districts other than a district within a city with a population of one million or more, with a combined wealth ratio less than two (2.0), where either (A) the quotient arrived at by dividing the English language learner count pursuant to paragraph o of subdivision one of this section for the base year by the public school district enrollment for the base year pursuant to paragraph n of subdivision one of this section is greater than two one-hundredths (0.02) or (B) the quotient arrived at by dividing the difference of the English language learner count pursuant to paragraph o of subdivision one of this section for the base year less such count for one year prior to the base year by the public school district enrollment for one year prior to the base year pursuant to paragraph n of subdivision one of this section is greater than one one-thousandth (0.001), tier A shall equal the product of (A) the difference of two minus the combined wealth ratio multiplied by (B) one hundred dollars ($100.00) multiplied by (C) the English language learner count for the base year.

(ii) Tier B. For any school district (A) where the amount set forth as "25% LIMIT CAP ON INCREASE" on the computer file produced by the commissioner in support of the enacted budget for the two thousand seven--two thousand eight school year and entitled "SA070-8" is less than zero and (B) with a combined wealth ratio computed pursuant to paragraph c of subdivision three of this section greater than one (1.0), tier B shall equal the product of (A) the sum of (1) the difference of total foundation aid less the foundation aid base plus (2) the difference of the amount set forth for such school district as "FOUNDATION AID" under the heading "2017-18 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the executive budget request and entitled "BT1718" less the foundation aid base multiplied by (B) ten and two-tenths percent (0.102).

(iii) Tier C. For all school districts with a combined wealth ratio for total foundation aid computed pursuant to paragraph c of subdivision three of this section less than one (1.0), tier C shall be the greater of (A) for districts that were designated as small city school districts or central school districts whose boundaries include a portion of a small city for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand fourteen--two thousand fifteen school year and entitled "SA1415", the product of the public school district enrollment for the base year pursuant to paragraph n of subdivision one of this section multiplied by one hundred sixty-seven dollars and forty cents ($167.40) or (B) for school districts with a sparsity factor as set forth on the computer listing produced by the commissioner in support of the enacted budget for the two thousand seventeen--two thousand eighteen school year and entitled "SA171-8" of greater than zero, the product of the public school district enrollment for the base year multiplied by one hundred eighty-eight dollars ($188.00).

(iv) Tier D. For all school districts, other than districts within a city with a population of one hundred twenty-five thousand or more, with

a selected poverty rate of greater than eighteen hundredths (0.18), tier D shall equal the product of the selected poverty rate multiplied by the school district public enrollment for the base year multiplied by two hundred forty dollars ($240.00), provided, however, that for districts within a city with a population of greater than one hundred twenty-five thousand but less than one million and a selected poverty rate of greater than eighteen hundredths (0.18), tier D shall equal the product of the selected poverty rate multiplied by school district public enrollment for the base year multiplied by three hundred forty-four dollars ($344.00), and for a city school district in a city with a population of one million or more, tier D shall equal the product of the selected poverty rate multiplied by school district public enrollment for the base year multiplied by twenty-nine cents ($0.29).

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.

d. For the two thousand fourteen--two thousand fifteen through two thousand [~~seventeen~~] **eighteen**--two thousand [~~eighteen~~] **nineteen** school years a city school district of a city having a population of one million or more may use amounts apportioned pursuant to this subdivision for afterschool programs.

e. Community schools aid set-aside. 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 sum of (i) the amount, if any, set forth for such district as "COMMUNITY SCHL AID (BT1617)" in the data file produced by the commissioner in support of the enacted budget for the two thousand sixteen--two thousand seventeen school year and entitled "SA161-7" [~~and~~]**,** (ii) the amount, if any, set forth for such district as "COMMUNITY SCHL INCR" in the data file produced by the commissioner in support of the executive budget request for the two thousand seventeen--two thousand eighteen school year and entitled "BT171-8"**, and (iii) the amount, if any, set forth for such district as "COMMUNITY SCHOOLS INCREASE" in the data file produced by the commissioner in support of the executive budget for the two thousand eighteen--two thousand nineteen school year and entitled "BT181-9"**. Each school district shall use such "COMMUNITY SCHL AID (BT1617)" amount to support the transformation of school buildings into community hubs to deliver co-located or school-linked academic, health, mental health, nutrition, counseling, legal and/or other services to students and their families, including but not limited to providing a community school site coordinator, or to support other costs incurred to maximize students' academic achievement. Each school district shall use such "COMMUNITY

SCHL INCR" amount to support the transformation of school buildings into community hubs to deliver co-located or school linked academic, health, mental health services and personnel, after-school programming, dual language programs, nutrition, counseling, legal and/or other services to students and their families, including but not limited to providing a community school site coordinator and programs for English language learners, or to support other costs incurred to maximize students' academic achievement, provided however that a school district whose "COMMUNITY SCHL INCR" amount exceeds one million dollars ($1,000,000) shall use an amount equal to the greater of one hundred fifty thousand dollars ($150,000) or ten percent of such "COMMUNITY SCHL INCR" amount to support such transformation at schools with extraordinary high levels of student need as identified by the commissioner, subject to the approval of the director of the budget. **Each school district may use such "COMMUNITY SCHOOLS INCREASE" in the data file produced by the commissioner in support of the executive budget for the two thousand eighteen--two thousand nineteen school year and entitled "BT181-9" to support the transformation of school buildings into community hubs to deliver co-located or school linked academic, health, mental health services and personnel, after-school programming, dual language programs, nutrition, counseling, legal and/or other services to students and their families, or to support other costs incurred to maximize students' academic achievement, including but not limited to providing a community school site coordinator and programs for English language learners or to maximize student achievement.**

f. Foundation aid payable in the two thousand eighteen--two thousand nineteen school year. Notwithstanding any provision of law to the contrary, foundation aid payable in the two thousand eighteen--two thousand nineteen school year shall be equal to the sum of (1) the valuation increase, (2) the adjusted foundation aid increase, and (3) the executive foundation aid increase. For the purposes of this paragraph, the "executive foundation aid increase" shall be equal to the difference of (a) the amounts set forth for each school district as "FOUNDATION AID" under the heading "2018-19 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the executive budget request for the two thousand eighteen--two thousand nineteen school year and entitled "BT181-9" less (b) the amounts set forth for each school district as "FOUNDATION AID" under the heading "2017-18 BASE YEAR AIDS" in such computer listing.

(1) For a city school district in a city with a population of more than one million, the "valuation increase" shall be equal to one hundred sixty million, three hundred fifty thousand dollars ($160,350,000). For a city school district with a population of more than one hundred twenty-five thousand inhabitants but less than one million inhabitants, the "valuation increase" shall be equal to the product of (a) the actual valuation change factor, multiplied by (b) public school district enrollment for the current year pursuant to paragraph n of subdivision one of this section, multiplied by (c) five hundred fifty dollars ($550). For purposes of this subparagraph, the "actual valuation change factor" shall be equal to the difference of nineteen hundredths (0.19) less the absolute value of the quotient arrived at when dividing (i) the difference of actual valuation defined pursuant to paragraph c of subdivision one of this section less such actual valuation for the calendar year three years prior to the calendar year in which the base year commenced by (ii) actual valuation for the calendar year three years prior to the calendar year in which the base year commenced.

(2) The "adjusted foundation aid increase" shall be the greater of the following five tiers for all districts other than city school districts in a city with a population of more than one hundred twenty-five thousand inhabitants.

(i) Tier one shall be equal to the difference of the product of the tier one percent multiplied by the foundation aid base. For purposes of this subparagraph, the "tier one percent" shall be equal to (a) for districts with a combined wealth ratio computed pursuant to subparagraph one of paragraph c of subdivision three of this section less than five-tenths (0.50), one hundred fifty thousandths (0.015), (b) for districts with a combined wealth ratio greater than or equal to five-tenths (0.50) and less than one and thirteen hundredths (1.13), one thousand four hundred ninety five hundred-thousandths (0.01495), (c) for districts with a combined wealth ratio greater than or equal to one and thirteen hundredths (1.13) and less than three and four-tenths (3.4), one hundred forty-nine ten-thousandths (0.0149), or (d) for districts with a combined wealth ratio greater than or equal to three and four-tenths (3.4), one hundred forty-eight ten-thousandths (0.0148).

(ii) For eligible districts, tier two shall be equal to the product of the (a) English language learner factor, multiplied by (b) the product of public school district enrollment for the current year pursuant to paragraph n of subdivision one of this section, multiplied by (c) seventy-nine dollars and fifty cents ($79.50). A district is eligible for tier two if the quotient arrived at when dividing (a) the product of the English language learner count, multiplied by 50 percent (0.50), by (b) public school district enrollment for the current year pursuant to paragraph n of subdivision one of this section, is greater than three percent (0.03). For purposes of this subparagraph, the English language learner factor shall be equal to the positive difference, if any, of (a) three (3.0) less (b) the lesser of one or the combined wealth ratio.

(iii) For eligible districts, tier three shall be equal to the product of (a) public school district enrollment for the current year pursuant to paragraph n of subdivision one of this section, multiplied by (b) the sum of five-tenths (0.5) plus the three-year average free and reduced price lunch percent calculated pursuant to subparagraph (ii) of paragraph p of subdivision one of this section, multiplied by (c) two hundred sixty-two dollars ($262.00). A district is eligible for tier three if the sparsity count defined pursuant to paragraph r of subdivision one of this section is greater than zero.

(iv) Tier four shall be equal to the product of foundation aid remaining multiplied by the tier four percent. For purposes of this subparagraph, "foundation aid remaining" shall be equal to the positive difference, if any, of (a) the product of the total aidable foundation pupil units multiplied by the district's selected foundation aid less (b) the total foundation aid base computed pursuant to paragraph j of subdivision one of this section; and "tier four percent" shall be equal to (a) for districts with a combined wealth ratio less than twenty-five hundredths (0.25), six-tenths (0.60), (b) for districts with a combined wealth ratio greater than or equal to twenty-five hundredths (0.25) and less than one and twenty-two hundredths (1.22), three hundredths (0.03), or (c) for districts with a combined wealth ratio greater than or equal to one and twenty-two hundredths (1.22), zero.

(v) Tier five shall be equal to: for districts with a combined wealth ratio of less than ninety-one hundredths (0.91), the product of (a) school district enrollment for the base year pursuant to paragraph n of subdivision one of this section multiplied by ninety-four dollars and

forty cents ($94.40), (b) for districts with a combined wealth ratio greater than or equal to ninety-one hundredths (0.91) and less than three (3.0), the product of (1) the phase-in minimum factor multiplied by (2) twenty dollars ($20) multiplied by (3) the public school district enrollment for the current year pursuant to paragraph n of subdivision one of this section, or (c) for districts with a combined wealth ratio greater than or equal to three (3.0), zero. For purposes of this subparagraph, the phase-in minimum factor shall be equal to the lesser of (a) three (3.0) or (b) the positive difference, if any, of five (5.0) less the combined wealth ratio.

§ 2. Subdivision 9 of section 2852 of the education law, as amended by section 2 of subpart A of part B of chapter 20 of the laws of 2015, is amended to read as follows:

9. The total number of charters issued pursuant to this article statewide shall not [~~exceed four hundred sixty. (a) All charters issued on or after July first, two thousand fifteen and counted toward the numerical limits established by this subdivision shall be issued by the board of regents upon application directly to the board of regents or on the recommendation of the board of trustees of the state university of New York pursuant to a competitive process in accordance with subdivision nine-a of this section. Fifty of such charters issued on or after July first, two thousand fifteen, and no more, shall be granted to a charter for a school to be located in a city having a population of one million or more. The failure of any body to issue the regulations authorized pursuant to this article shall not affect the authority of a charter entity to propose a charter to the board of regents or the board of regents' authority to grant such charter. A conversion of an existing public school to a charter school, or the renewal or extension of a charter approved by any charter entity, shall not be counted toward the numerical limits established by this subdivision.~~

~~(b) A charter that has been surrendered, revoked or terminated on or before July first, two thousand fifteen, including a charter that has not been renewed by action of its charter entity, may be reissued pursuant to paragraph (a) of this subdivision by the board of regents either upon application directly to the board of regents or on the recommendation of the board of trustees of the state university of New York pursuant to a competitive process in accordance with subdivision nine-a of this section. Provided that such reissuance shall not be counted toward the statewide numerical limit established by this subdivision, and provided further that no more than twenty-two charters may be reissued pursuant to this paragraph.~~

~~(c) For purposes of determining the total number of charters issued within the numerical limits established by this subdivision, the approval date of the charter entity shall be the determining factor.~~

~~(d)~~] **be subject to restrictions.** Notwithstanding any provision of this article to the contrary, any charter authorized to be issued by chapter fifty-seven of the laws of two thousand seven effective July first, two thousand seven, and that remains unissued as of July first, two thousand fifteen, may be issued pursuant to the provisions of law applicable to a charter authorized to be issued by such chapter in effect as of June fifteenth, two thousand fifteen[~~; provided however that nothing in this paragraph shall be construed to increase the numerical limit applicable to a city having a population of one million or more as provided in paragraph (a) of this subdivision, as amended by a chapter of the laws of two thousand fifteen which added this paragraph~~].

§ 3. Paragraph b of subdivision 5 of section 1950 of the education law, as amended by chapter 296 of the laws of 2016, is amended to read as follows:

b. The cost of services herein referred to shall be the amount allocated to each component school district by the board of cooperative educational services to defray expenses of such board, including approved expenses from the testing of potable water systems of occupied school buildings under the board's jurisdiction as required pursuant to section eleven hundred ten of the public health law, except that that part of the salary paid any teacher, supervisor or other employee of the board of cooperative educational services which is in excess of thirty thousand dollars shall not be such an approved expense, and except also that administrative and clerical expenses shall not exceed ten percent of the total expenses for purposes of this computation. **Provided however, that for teachers providing instruction in career and technical education to school age students, the salary, to be considered as an approved expense, shall not exceed thirty-five thousand dollars for the two thousand eighteen--two thousand nineteen school year and thereafter.** Any gifts, donations or interest earned by the board of cooperative educational services or on behalf of the board of cooperative educational services by the dormitory authority or any other source shall not be deducted in determining the cost of services allocated to each component school district. Any payments made to a component school district by the board of cooperative educational services pursuant to subdivision eleven of section six-p of the general municipal law attributable to an approved cost of service computed pursuant to this subdivision shall be deducted from the cost of services allocated to such component school district. The expense of transportation provided by the board of cooperative educational services pursuant to paragraph q of subdivision four of this section shall be eligible for aid apportioned pursuant to subdivision seven of section thirty-six hundred two of this chapter and no board of cooperative educational services transportation expense shall be an approved cost of services for the computation of aid under this subdivision. Transportation expense pursuant to paragraph q of subdivision four of this section shall be included in the computation of the ten percent limitation on administrative and clerical expenses.

§ 4. The education law is amended by adding a new section 3006-b to read as follows:

§ 3006-b. Compliance with part 154 of the commissioner's regulations. 1. Notwithstanding any provision of law, rule, or regulation, this section shall apply to public school districts for purposes of complying with part 154 of the commissioner's regulations (8 NYCRR 154).

2. School districts that make a good faith effort to hire a teacher that is dual-certified, but cannot hire such teacher due to a lack of qualified or acceptable candidates, may satisfy such by hiring an individual who is not dual-certified, but who meets one of the following criteria: (i) has at least an initial teaching certificate and has scored proficiently on a content specialty test in the language to be instructed in; or (ii) is certified for "Teaching English to Speakers of Other Languages" (TESOL). Such individuals shall be deemed to satisfy instances where a second certified teacher is required for instruction in the native language of the student because the primary teacher is not dual-certified and the primary teacher is providing content specific instruction.

3. Individuals meeting either of the criteria in subdivision two of this section may also be used for purposes of administering the home language questionnaire that is used for initial identification purposes.

§ 5. Paragraph a of subdivision 5 of section 3604 of the education law, as amended by chapter 161 of the laws of 2005, is amended to read as follows:

a. State aid adjustments. All errors or omissions in the apportionment shall be corrected by the commissioner. Whenever a school district has been apportioned less money than that to which it is entitled, the commissioner may allot to such district the balance to which it is entitled. Whenever a school district has been apportioned more money than that to which it is entitled, the commissioner may, by an order, direct such moneys to be paid back to the state to be credited to the general fund local assistance account for state aid to the schools, or may deduct such amount from the next apportionment to be made to said district, **provided that any recovery initiated by the commissioner under this subdivision shall first be offset by any pending payment of moneys due to said district as a prior year adjustment payable pursuant to paragraph c of this subdivision, and that the commissioner shall remove such claim from the ordered list he or she prepares for such paragraph c, and** provided, however, that, upon notification of excess payments of aid for which a recovery must be made by the state through deduction of future aid payments, a school district may request that such excess payments be recovered by deducting such excess payments from the payments due to such school district and payable in the month of June in (i) the school year in which such notification was received and (ii) the two succeeding school years, provided further that there shall be no interest penalty assessed against such district or collected by the state. Such request shall be made to the commissioner in such form as the commissioner shall prescribe, and shall be based on documentation that the total amount to be recovered is in excess of one percent of the district's total general fund expenditures for the preceding school year. The amount to be deducted in the first year shall be the greater of (i) the sum of the amount of such excess payments that is recognized as a liability due to other governments by the district for the preceding school year and the positive remainder of the district's unreserved fund balance at the close of the preceding school year less the product of the district's total general fund expenditures for the preceding school year multiplied by five percent, or (ii) one-third of such excess payments. The amount to be recovered in the second year shall equal the lesser of the remaining amount of such excess payments to be recovered or one-third of such excess payments, and the remaining amount of such excess payments shall be recovered in the third year. Provided further that, notwithstanding any other provisions of this subdivision, any pending payment of moneys due to such district as a prior year adjustment payable pursuant to paragraph c of this subdivision for aid claims that had been previously paid as current year aid payments in excess of the amount to which the district is entitled and for which recovery of excess payments is to be made pursuant to this paragraph, shall be reduced at the time of actual payment by any remaining unrecovered balance of such excess payments, and the remaining scheduled deductions of such excess payments pursuant to this paragraph shall be reduced by the commissioner to reflect the amount so recovered. The commissioner shall certify no payment to a school district based on a claim submitted later than three years after the close of the school year in which such payment was first to be made. For claims for which payment is first to

be made in the nineteen hundred ninety-six--ninety-seven school year, the commissioner shall certify no payment to a school district based on a claim submitted later than two years after the close of such school year. For claims for which payment is first to be made in the nineteen hundred ninety-seven--ninety-eight school year and thereafter, the commissioner shall certify no payment to a school district based on a claim submitted later than one year after the close of such school year. Provided, however, no payments shall be barred or reduced where such payment is required as a result of a final audit of the state. It is further provided that, until June thirtieth, nineteen hundred ninety-six, the commissioner may grant a waiver from the provisions of this section for any school district if it is in the best educational interests of the district pursuant to guidelines developed by the commissioner and approved by the director of the budget.

§ 6. a. All the acts done and proceedings heretofore had and taken or caused to be had and taken by a school district and by all officers, employees or agents of each such school district relating to or in connection with transportation contracts (1) identified by the state education department as having been filed or executed late prior to June 30, 2018, and (2) for which an aid adjustment or recovery has not been initiated by the state education department as of the effective date of this act are hereby legalized, validated, ratified and confirmed, notwithstanding any failure to comply with the contract filing provisions of the education law, other than those filing provisions defined in paragraph a of subdivision 5 of section 3604 of the education law, in relation to any omission, error, defect, irregularity or illegality in such proceeding had and taken.

b. The education department is hereby directed to consider the aforementioned contracts for transportation aid as valid and proper obligations of such school district.

§ 7. a. Notwithstanding any other provision of law to the contrary, the actions or omissions of a school district which failed to submit a final building project cost report by June 30 of the school year following June 30 of the school year in which the certificate of substantial completion of the project is issued by the architect or engineer, or six months after issuance of such certificate, whichever is later, are hereby ratified and validated, provided the following conditions have been met: (i) that such building project was eligible for aid in a year for which the commissioner of education is required to prepare an estimate of apportionments due and owing pursuant to paragraph c of subdivision 21 of section 305 of the education law, and (ii) (A) that the school district was notified in writing by the state education department after March 1, 2015 but before July 1, 2018 that such final building cost reports were late, or (B) such building project was eligible for an installment recovery pursuant to section 11 of part YYY of chapter 59 of the laws of 2017 or sections 48, 49, 50, 51, and 52 of part A of chapter 54 of the laws of 2016 or sections 25-a, 25-b, 25-c, 25-d, and 25-e of part A of chapter 56 of the laws of 2015 or section 9-a of part A of chapter 56 of the laws of 2014 or section 24-a of part A of chapter 57 of the laws of 2013; provided, however, that notwithstanding any other provision of law to the contrary, the state education department shall not refund any monies for which recovery of excess payments has already been made pursuant to paragraph c of subdivision 5 of section 3604 of the education law and this act.

b. The education department is hereby directed to adjust the approved costs of the aforementioned projects for the 2017--2018 school year and

thereafter to reflect the ratification and validation provided in this act and to consider such adjusted approved costs as valid and proper obligations of such school districts.

§ 8. Subdivisions 1, 2 and 7 of section 2116-b of the education law, subdivisions 1 and 7 as added by chapter 263 of the laws of 2005, and subdivision 2 as amended by section 4 of part A of chapter 57 of the laws of 2013, are amended to read as follows:

1. No later than July first, two thousand six, each school district shall establish an internal audit function to be in operation no later than the following December thirty-first. Such function shall include: (a) development of a risk assessment of district operations, including but not limited to, a review of financial policies and procedures and the testing and evaluation of district internal controls; (b) [~~an annual~~] **a** review and update of such risk assessment; and (c) preparation of reports[~~, at least annually or more frequently as the trustees or board of education may direct,~~] which analyze significant risk assessment findings, recommend changes for strengthening controls and reducing identified risks, and specify timeframes for implementation of such recommendations. **Audits performed pursuant to this section shall be completed every five years.**

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

7. Nothing in this section shall be construed as requiring a school district in any city with a population of one hundred twenty-five thousand or more to replace or modify an existing internal audit function where such function already exists by special or local law, so long as the superintendent of the district [~~annually~~] certifies to the commissioner that the existing internal audit function meets or exceeds the requirements of this section**; provided, however, notwithstanding any special or local law to the contrary, school districts shall perform such internal audits every five years**.

§ 9. The opening paragraph of section 3609-b of the education law, as amended by section 33 of part B of chapter 57 of the laws of 2007, is amended to read as follows:

Moneys apportioned to school districts for the excess cost aid setaside pursuant to subdivision four of section thirty-six hundred two of this article and the apportionments for students with disabilities due in accordance with the provisions of subdivisions five and five-a of section thirty-six hundred two of this article and section forty-four hundred five of this chapter, shall be paid to or on behalf of school districts in accordance with the provisions of this section, provided, however, that payments made to or on behalf of any school district pursuant to this section shall be adjusted subsequent to the filing, in an acceptable manner, of aid claim forms prescribed by the commissioner**, provided, that the apportionments for students with disabilities due in accordance with the provisions of subdivision five of section thirty-six hundred two of this article and section forty-four hundred five of this chapter, who enroll in school districts after October first, shall be based on attendance in the current school year and shall be paid in the**

current school year subject to this section and subject to the STAC and AVL filing deadlines established by the commissioner.

§ 10. Section 207 of the education law is amended to read as follows:

§ 207. Legislative power. 1. Subject and in conformity to the constitution and laws of the state, the regents shall exercise legislative functions concerning the educational system of the state, determine its educational policies, and, except, as to the judicial functions of the commissioner [~~of education~~], establish rules for carrying into effect the laws and policies of the state, relating to education, and the functions, powers, duties and trusts conferred or charged upon the university and the [~~education~~] department. But no enactment of the regents shall modify in any degree the freedom of the governing body of any seminary for the training of priests or clergymen to determine and regulate the entire course of religious, doctrinal or theological instruction to be given in such institution. No rule by which more than a majority vote shall be required for any specified action by the regents shall be amended, suspended or repealed by a smaller vote than that required for action thereunder. Rules or regulations, or amendments or repeals thereof, adopted or prescribed by the commissioner [~~of education~~] as provided by law shall not be effective unless and until approved by the regents, except where authority is conferred by the regents upon the commissioner [~~of education~~] to adopt, prescribe, amend or repeal such rules or regulations.

2. Prior to promulgation of any rule, regulation, amendment or repeal, pursuant to this section of any other provision of law granting rulemaking or regulatory authority, the regents shall request a fiscal note from the division of budget. No rule, regulation, amendment, or repeal shall be promulgated unless a fiscal note from the division of budget has been filed with the secretary of the board of regents. Such fiscal note shall state the estimated annual costs of implementing the rule, regulation, amendment, or repeal to the state, school districts, and any other applicable political subdivisions. The requirement for a fiscal note may be waived at the discretion of the director of the division of budget for rules, regulations, amendments, or repeals promulgated pursuant to subdivision six of section two hundred two of the state administrative procedure act.

§ 11. Section 3 of chapter 507 of the laws of 1974, relating to providing for the apportionment of state monies to certain nonpublic schools, to reimburse them for their expenses in complying with certain state requirements for the administration of state testing and evaluation programs and for participation in state programs for the reporting of basic educational data, as amended by section 17 of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:

§ 3. Apportionment. a. The commissioner shall annually apportion to each qualifying school, for school years beginning on and after July first, nineteen hundred seventy-four, an amount equal to the actual cost incurred by each such school during the preceding school year for providing services required by law to be rendered to the state in compliance with the requirements of the state's pupil evaluation program, the basic educational data system, regents examinations, the statewide evaluation plan, the uniform procedure for pupil attendance reporting, the state's immunization program and other similar state prepared examinations and reporting procedures.

b. Such nonpublic schools shall be eligible to receive aid based on the number of days or portion of days attendance is taken and either a 5.0/5.5 hour standard instructional day, or another work day as certi-

fied by the nonpublic school officials. The average hourly rate shall be computed using the following methodology: the total salary and benefits of the individual divided by the total number of hours worked, with the total number of hours worked being the total number of days claimed multiplied by the total number of hours claimed pursuant to this subdivision.

c. The commissioner shall annually apportion to each qualifying school in the cities of New York, Buffalo and Rochester, for school years beginning on or after July first, two thousand sixteen, an amount equal to the actual cost incurred by each such school during the preceding school year in meeting the recording and reporting requirements of the state school immunization program, provided that the state's liability shall be limited to the amount appropriated for this purpose.

§ 12. Subdivision 7 of section 3602 of the education law is amended by adding a new paragraph f to read as follows:

f. In addition to any other apportionment under this subdivision, for the two thousand eighteen--two thousand nineteen school year and thereafter, a public school district other than a city school district in a city having a population of one million or more inhabitants that receives revenue from another public school district or BOCES for eligible shared transportation services, shall be eligible to offset a portion of such revenue received that reduces total expenses allowable for an apportionment under this subdivision. The amount of such offset under this paragraph shall be equal to the product of (1) the amount of revenue received from another public school district or BOCES for providing eligible shared transportation services and (2) the providing school district's transportation aid ratio under this subdivision. For the purpose of this paragraph, the commissioner shall be authorized to promulgate regulations including but not limited to the identification of transportation services eligible for sharing among participants, a methodology for calculating the cost of such shared transportation services among participants, and a reporting mechanism by which school districts will be required to demonstrate to the commissioner that such shared transportation services results in a cost savings to participants as well as to the state.

§ 13. Intentionally omitted.

§ 14. Intentionally omitted.

§ 15. Subdivision 2 of section 3037 of the education law, as added by section 18 of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:

2. (a) [~~Within amounts appropriated therefor,~~] For claims submitted on or before August first, two thousand nineteen, nonpublic schools shall, upon application, be reimbursed by the department for the salaries of eligible teachers. Each school which seeks a reimbursement pursuant to this section shall submit to the office of religious and independent schools an application therefor, together with such additional documents as the commissioner may reasonably require, at such times, in such form and containing such information as the commissioner may prescribe by regulation. Applications for reimbursement pursuant to this section must be received by August first of each year for schools to be reimbursed for the salaries of eligible teachers in the prior year.

(b) For claims submitted for the salaries of eligible teachers in the two thousand nineteen--two thousand twenty school year and thereafter, nonpublic schools shall, upon application, be reimbursed by the department for the salaries of eligible teachers. Each school which seeks a reimbursement pursuant to this section shall submit to the office of

religious and independent schools an application therefor, together with such additional documents as the commissioner may reasonably require, at such times, in such form and containing such information as the commissioner may prescribe by regulation. Applications for reimbursement pursuant to this section must be received by August first of each year for schools to be reimbursed for the salaries of eligible teachers in the prior year.

(c) Pursuant to paragraph (a) of this subdivision, reimbursement for eligible teachers shall be the average comparable teacher salary and personal service, per subject area, of public school teachers in the school district in which such nonpublic schools are located, multiplied by the percentage of full time equivalent secular instructional hours completed in the school day per subject area. Reimbursements shall not be provided for eligible teachers who provide instruction in mathematics, science or technology if such teachers also provide non-secular instruction in any capacity.

[~~(c) In~~] **(d) For claims submitted on or before August first, two thousand nineteen, in** the event that the applications for reimbursement under this section exceed the appropriation available for this program, then each applicant shall only be reimbursed an amount equal to the percentage that each such applicant represents to the total of all applications submitted.

§ 16. Subdivision 4 of section 3627 of the education law, as amended by section 53 of part A of chapter 54 of the laws of 2016, is amended to read as follows:

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 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 for the two thousand thirteen--two thousand fourteen school year such aid shall be limited to eight million one hundred thousand dollars and for the two thousand fourteen--two thousand fifteen school year such aid shall be limited to the sum of twelve million six hundred thousand dollars plus the base amount and for the two thousand fifteen--two thousand sixteen school year and thereafter such aid shall be limited to the sum of [~~seventeen~~] **eighteen** million [~~one~~] **six** hundred thousand dollars plus the base amount. **The cost of qualified tuition reductions authorized for reimbursement pursuant to paragraph b of subdivision one of this section shall be limited on an annual basis to four million dollars, which amount shall be subject to the limitations described in the preceding sentence of this subdivision and shall not be in addition to any amount authorized by the preceding sentence of this subdivision.** For purposes of this subdivision, "base amount" means the amount of transportation aid paid to the school district for expenditures incurred in the two thousand twelve--two thousand thirteen school year for transportation that would have been eligible for aid pursuant to this section had this section been in effect in such school year, except that subdivision six of this section shall be deemed not to have been in effect. And provided further that the school district shall continue to annually expend for the transportation described in subdivision one of this section at least the expenditures used for the base amount.

§ 16-a. Paragraph (b) of subdivision 1 of section 3627 of the education law, as amended by section 7 of part A of chapter 56 of the laws of 2014, is amended to read as follows:

(b) reimbursing the cost**, which may include fringe benefits including, but not limited to, qualified tuition reductions allowable under federal law,** incurred by licensed transportation carriers pursuant to contracts with such school district for providing transportation for those children attending public and nonpublic schools in grades kindergarten through six who remain at the same school for which they are enrolled for regularly scheduled academic classes from half-past nine o'clock in the morning or earlier until four o'clock in the afternoon or later, on weekdays, and reside at least one mile from their school of attendance for grades three through six, and at least one-half mile from their school of attendance for grades kindergarten through two.

§ 16-b. Subparagraph 11 of paragraph e and paragraph f of subdivision 1 of section 3623-a of the education law, as added by chapter 474 of the laws of 1996, is amended and a new paragraph g is added to read as follows:

(11) other expenses for district operated transportation systems, as approved pursuant to regulations of the commissioner[~~.~~]**;**

f. Other transportation operating expenses as approved pursuant to regulations of the commissioner[~~.~~]**;**

g. For reimbursement of the cost incurred by licensed transportation carriers pursuant to paragraph (b) of subdivision one of section thirty-six hundred twenty-seven of this part, such cost may include fringe benefits including, but not limited to, qualified tuition reductions allowable under federal law. Provided however that the cost of qualified tuition reductions authorized to be reimbursed pursuant to paragraph (b) of subdivision one of section thirty-six hundred twenty-seven of this part shall be limited on an annual basis to four million dollars.

§ 17. Notwithstanding any provision of law, rule, or regulation to the contrary, any special act school district established pursuant to Chapter 566 of the Laws of 1967, as amended, subject to an intake closure or limit on the entry of new student placements during the two thousand sixteen--two thousand seventeen school year or the two thousand seventeen--two thousand eighteen school year by the New York State Office of Children and Family Services or the New York State Office of Mental Health, where student enrollment in such district in the two thousand seventeen--two thousand eighteen school year is at least forty percent less than such school district's enrollment in the two thousand fourteen--two thousand fifteen school year, shall be held harmless from any reduction in tuition revenue or any tuition rate calculation and/or rate reconciliation arising out of such intake closure or limit on the entry of new student placements during the two thousand sixteen--two thousand seventeen school year or the two thousand seventeen--two thousand eighteen school year. The commissioner of education is hereby directed to substitute two thousand fifteen--two thousand sixteen school year pupil counts reported by any special act school district under this section to calculate and finalize any tuition rate and/or tuition rate reconciliation for such special act school district and shall submit such tuition rate and/or tuition rate reconciliation to the director of the budget and the director of the budget is hereby directed to approve such submittal. In the event such special act school district under this section sustains a reduction in tuition revenue for the two thousand sixteen--two thousand seventeen school year or the two thousand seventeen--two thousand eighteen school year, the school district shall

submit a claim for reimbursement to the commissioner of education no later than July 31, 2018 for the amount of such reduction in tuition revenue including an accounting in writing of how such reduction in tuition revenue was calculated and the director of the budget is hereby directed to approve and pay such claim.

§ 18. Section 1527-c of the education law, as added by section 21 of subpart F of part C of chapter 97 of the laws of 2011, is amended to read as follows:

§ 1527-c. Shared superintendent program. **1.** Notwithstanding any other provision of law, rule or regulation to the contrary, the governing board of a **public** school district **eligible for an apportionment under subdivision four of section thirty-six hundred two of this chapter and** with an enrollment of less than one thousand students in the previous year shall be authorized to enter into a school superintendent sharing contract with no more than two additional **public** school districts each of which had fewer than one thousand in enrolled pupils in the previous year. Each shared superintendent arrangement shall be governed by the boards of education of the **public** school districts participating in the shared contract**, provided that such shared superintendent contract must be approved by a duly adopted board resolution of each participating public school district prior to the commencement of services**. Provided however, that this section shall not be construed to alter, affect or impair any employment contract which is in effect on or before July first, two thousand [~~thirteen~~] **eighteen**. Any **public** school district which has entered into a school superintendent sharing program will continue to be eligible to complete such contract notwithstanding that the enrollment of the **public** school district exceeded one thousand students after entering into a shared superintendent contract. **Provided further, that this program shall only apply to shared superintendents and shall not apply to shared associate superintendents, shared assistant superintendents, or shared deputy superintendents.**

2. (a) The commissioner is authorized to provide an apportionment to each school district participating in a shared superintendent program equal to (i) twenty-five percent of such superintendent's annual salary where there are two participating school districts, or (ii) seventeen percent of such superintendent's annual salary where there are three participating school districts.

(b) For purposes of calculating the apportionment: (i) the superintendent's annual salary shall be equal to the lesser of (A) the district's net cost of the superintendent's prorated annual salary without benefits pursuant to an inter-municipal agreement, contract or memorandum of understanding, or (B) the median salary without benefits of all current full-time public school superintendents in a public school district eligible for an apportionment under subdivision four of section thirty-six hundred two of this chapter in the county where such shared superintendent program is located;

(ii) in the event the public school districts participating in such shared superintendent program are located in different counties, the superintendent's salary shall be equal to the lesser of (A) the district's net cost of the superintendent's prorated annual salary without benefits pursuant to an inter-municipal agreement, contract or memorandum of understanding, or (B) the average of the median salary without benefits of all current full-time public school superintendents in a public school district eligible for an apportionment under subdivision four of section thirty-six hundred two of this chapter in each county where such shared superintendent program is located. (C) No apportion-

ment shall be provided to any school district subject to the provisions of section two thousand twenty-three-a of this chapter and that has adopted a budget or where voters have approved a budget in excess of the tax levy limit prescribed by such section where such budget is in effect during the term of such shared superintendent program. Provided further, that in no event shall districts that have entered into an aidable cooperative educational services agreement for any such services with a board of cooperative educational services pursuant to section nineteen hundred fifty of this title be eligible for an award pursuant to this section for the same purpose.

3. The claim for an apportionment to be paid to each public school district under this section shall be submitted to the commissioner on a form prescribed for such purpose, and shall be payable no later than the first of September of the year following the year of participation in such shared superintendent program. Claims for an apportionment shall document (a) the district's net cost of the superintendent's prorated annual salary without benefits pursuant to an inter-municipal agreement, contract or memorandum of understanding, and (b) the savings obtained as a result of a district's participation in the shared superintendent program. The commissioner shall calculate the median salary without benefits of all current full-time public school superintendents in a public school district eligible for an apportionment under subdivision four of section thirty-six hundred two of this chapter in the county or counties where such shared superintendent program is located.

4. A superintendent working as an employee of one or more school districts under this section shall not be eligible to earn additional retirement service credit in any public retirement system as defined in section eight hundred of the retirement and social security law.

§ 19. Subdivision 1 of section 2856 of the education law, as amended by section 4 of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:

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

(i) for school years prior to the two thousand nine--two thousand ten school year, an amount equal to one hundred percent of the amount calculated pursuant to paragraph f of subdivision one of section thirty-six hundred two of this chapter for the school district for the year prior to the base year increased by the percentage change in the state total approved operating expense calculated pursuant to paragraph t of subdivision one of section thirty-six hundred two of this chapter from two years prior to the base year to the base year;

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

(iii) for the two thousand ten--two thousand eleven through two thousand thirteen--two thousand fourteen school years, the charter school basic tuition shall be the basic tuition computed for the two thousand

ten--two thousand eleven school year pursuant to the provisions of subparagraph (i) of this paragraph;

(iv) for the two thousand fourteen--two thousand fifteen, two thousand fifteen--two thousand sixteen and two thousand sixteen--two thousand seventeen school years, the charter school basic tuition shall be the sum of the lesser of the charter school basic tuition computed for the two thousand ten--two thousand eleven school year pursuant to the provisions of subparagraph (i) of this paragraph or the charter school basic tuition computed for the current year pursuant to the provisions of subparagraph (i) of this paragraph plus the supplemental basic tuition;

(v) for the two thousand seventeen--two thousand eighteen school year, the charter school basic tuition shall be the sum of (A) the charter school basic tuition for the two thousand sixteen--two thousand seventeen school year plus (B) five hundred dollars;

(vi) for the two thousand eighteen--two thousand nineteen school year[~~, the charter school basic tuition shall be the lesser of (A) the product of (i) the charter school basic tuition calculated for the base year multiplied by (ii) the average of the quotients for each school year in the period commencing with the year five years prior to the base year and finishing with the year prior to the base year of the total approved operating expense for such school district calculated pursuant to paragraph t of subdivision one of section thirty-six hundred two of this chapter for each such year divided by the total approved operating expense for such district for the immediately preceding year, provided that the highest and lowest annual quotients shall be excluded from the calculation of such average or (B) the quotient of the total general fund expenditures for the school district calculated pursuant to an electronic data file created for the purpose of compliance with paragraph b of subdivision twenty-one of section three hundred five of this chapter published annually on May fifteenth for the year prior to the base year divided by the total estimated public enrollment for the school district pursuant to paragraph n of subdivision one of section thirty-six hundred two of this chapter for the year prior to the base year.~~

~~(vii) for the two thousand nineteen--two thousand twenty school year the charter school basic tuition shall be the lesser of (A) the product of (i) the charter school basic tuition calculated for the base year multiplied by (ii) the average of the quotients for each school year in the period commencing with the year three years prior to the base year and finishing with the year prior to the base year of the total approved operating expense for such school district calculated pursuant to paragraph t of subdivision one of section thirty-six hundred two of this chapter for each such year divided by the total approved operating expense for such district for the immediately preceding year provided that the highest annual quotient calculated pursuant to this subparagraph shall be replaced by the average quotient calculated pursuant to subparagraph (vi) of this paragraph or (B) the quotient of the total general fund expenditures for the school district calculated pursuant to an electronic data file created for the purpose of compliance with paragraph b of subdivision twenty-one of section three hundred five of this chapter published annually on May fifteenth for the year prior to the base year divided by the total estimated public enrollment for the school district pursuant to paragraph n of subdivision one of section thirty-six hundred two of this chapter for the year prior to the base year.~~

~~(viii) for the two thousand twenty--two thousand twenty-one school year and thereafter, the charter school basic tuition shall be the lesser of (A) the product of (i) the charter school basic tuition calculated for the base year multiplied by (ii) the average of the quotients for each school year in the period commencing with the year three years prior to the base year and finishing with the year prior to the base year of the total approved operating expense for such school district calculated pursuant to paragraph t of subdivision one of section thirty-six hundred two of this chapter for each such year divided by the total approved operating expense for such district for the immediately preceding year or (B) the quotient of the total general fund expenditures for the school district calculated pursuant to an electronic data file created for the purpose of compliance with paragraph b of subdivision twenty-one of section three hundred five of this chapter published annually on May fifteenth for the year prior to the base year divided by the total estimated public enrollment for the school district pursuant to paragraph n of subdivision one of section thirty-six hundred two of this chapter for the year prior to the base year.~~] **and thereafter, the charter school basic tuition shall be equal to the sum of (1) the formula charter school tuition amount, which shall equal one hundred percent of the amount calculated pursuant to paragraph f of subdivision one of section thirty-six hundred two of this chapter for the school district for the year prior to the base year increased by the percentage change in the state total approved operating expense calculated pursuant to paragraph t of subdivision one of section thirty-six hundred two of this chapter from two years prior to the base year to the base year plus (2) the additional charter school tuition amount;**

(a-1) (i) For the purposes of this subdivision, the "supplemental basic tuition" shall be (A) for a school district for which the charter school basic tuition computed for the current year is greater than or equal to the charter school basic tuition for the two thousand ten--two thousand eleven school year pursuant to the provisions of subparagraph (i) of [~~this~~] paragraph **(a) of this subdivision**, (1) for the two thousand fourteen--two thousand fifteen school year two hundred and fifty dollars, and (2) for the two thousand fifteen--two thousand sixteen school year three hundred and fifty dollars, and (3) for the two thousand sixteen--two thousand seventeen school year five hundred dollars, and (4) for the two thousand seventeen--two thousand eighteen school year [~~and thereafter~~], the sum of (i) the supplemental basic tuition calculated for the two thousand sixteen--two thousand seventeen school year plus (ii) five hundred dollars, and (B) for school years prior to the two thousand seventeen--two thousand eighteen school year, for a school district for which the charter school basic tuition for the two thousand ten--two thousand eleven school year is greater than the charter school basic tuition for the current year pursuant to the provisions of subparagraph (i) of [~~this~~] paragraph **(a) of this subdivision**, the positive difference of the charter school basic tuition for the two thousand ten--two thousand eleven school year minus the charter school basic tuition for the current year pursuant to the provisions of subparagraph (i) of [~~this~~] paragraph **(a) of this subdivision** and (C) for school years following the two thousand sixteen--two thousand seventeen school years, for a school district for which the charter school basic tuition for the two thousand ten--two thousand eleven school year is greater than the charter school basic tuition for the current year pursuant to the provisions of subparagraph (i) of [~~this~~] paragraph **(a) of this subdivision**, the sum of (i) the supplemental basic tuition

calculated for the two thousand sixteen--two thousand seventeen school year plus (ii) five hundred dollars.

(ii) For the purposes of this subdivision, the "additional charter school tuition amount" shall equal the sum of the per pupil calculated pursuant to resolution R3049 of 2015, plus the per pupil calculated pursuant to resolution R6505 of 2016, plus four hundred dollars ($400).

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

(c) Notwithstanding any other provision of this subdivision to the contrary, payment of the federal aid attributable to a student with a disability attending a charter school shall be made in accordance with the requirements of section 8065-a of title twenty of the United States code and sections 76.785-76.799 and 300.209 of title thirty-four of the code of federal regulations.

(d) School districts shall be eligible for an annual apportionment equal to the amount of the supplemental basic tuition for the charter school in the base year for the expenses incurred in the two thousand fourteen--two thousand fifteen, two thousand fifteen--two thousand sixteen, **and** two thousand sixteen--two thousand seventeen school years [~~and thereafter~~]. **For the two thousand eighteen--two thousand nineteen school year and thereafter, charter schools shall be eligible for an annual apportionment equal to the amount of the additional charter school tuition paid in the base year defined pursuant to subparagraph (ii) of paragraph a-one of this subdivision.**

§ 20. Subdivision 1 of section 2856 of the education law, as amended by section 4-a of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:

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

(i) for school years prior to the two thousand nine--two thousand ten school year, an amount equal to one hundred percent of the amount calculated pursuant to paragraph f of subdivision one of section thirty-six hundred two of this chapter for the school district for the year prior to the base year increased by the percentage change in the state total approved operating expense calculated pursuant to paragraph t of subdivision one of section thirty-six hundred two of this chapter from two years prior to the base year to the base year;

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

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

(iv) for the two thousand fourteen--two thousand fifteen, two thousand fifteen--two thousand sixteen and two thousand sixteen--two thousand seventeen school years, the charter school basic tuition shall be the sum of the lesser of the charter school basic tuition computed for the two thousand ten--two thousand eleven school year pursuant to the provisions of subparagraph (i) of this paragraph or the charter school basic tuition computed for the current year pursuant to the provisions of subparagraph (i) of this paragraph plus the supplemental basic tuition;

(v) for the two thousand seventeen--two thousand eighteen school year, the charter school basic tuition shall be the sum of (A) the charter school basic tuition for the two thousand sixteen--two thousand seventeen school year plus (B) five hundred dollars;

(vi) for the two thousand eighteen--two thousand nineteen school year[~~, the charter school basic tuition shall be the lesser of (A) the product of (i) the charter school basic tuition calculated for the base year multiplied by (ii) the average of the quotients for each school year in the period commencing with the year five years prior to the base year and finishing with the year prior to the base year of the total approved operating expense for such school district calculated pursuant to paragraph t of subdivision one of section thirty-six hundred two of this chapter for each such year divided by the total approved operating expense for such district for the immediately preceding year, provided that the highest and lowest annual quotients shall be excluded from the calculation of such average or (B) the quotient of the total general fund expenditures for the school district calculated pursuant to an electronic data file created for the purpose of compliance with paragraph b of subdivision twenty-one of section three hundred five of this chapter published annually on May fifteenth for the year prior to the base year divided by the total estimated public enrollment for the school district pursuant to paragraph n of subdivision one of section thirty-six hundred two of this chapter for the year prior to the base year.~~

~~(vii) for the two thousand nineteen--two thousand twenty school year the charter school basic tuition shall be the lesser of (A) the product of (i) the charter school basic tuition calculated for the base year multiplied by (ii) the average of the quotients for each school year in the period commencing with the year three years prior to the base year and finishing with the year prior to the base year of the total approved~~

~~operating expense for such school district calculated pursuant to paragraph t of subdivision one of section thirty-six hundred two of this chapter for each such year divided by the total approved operating expense for such district for the immediately preceding year provided that the highest annual quotient calculated pursuant to this subparagraph shall be replaced by the average quotient calculated pursuant to subparagraph (vi) of this paragraph or (B) the quotient of the total general fund expenditures for the school district calculated pursuant to an electronic data file created for the purpose of compliance with paragraph b of subdivision twenty-one of section three hundred five of this chapter published annually on May fifteenth for the year prior to the base year divided by the total estimated public enrollment for the school district pursuant to paragraph n of subdivision one of section thirty-six hundred two of this chapter for the year prior to the base year.~~

~~(viii) for the two thousand twenty--two thousand twenty-one school year and thereafter, the charter school basic tuition shall be the lesser of (A) the product of (i) the charter school basic tuition calculated for the base year multiplied by (ii) the average of the quotients for each school year in the period commencing with the year three years prior to the base year and finishing with the year prior to the base year of the total approved operating expense for such school district calculated pursuant to paragraph t of subdivision one of section thirty-six hundred two of this chapter for each such year divided by the total approved operating expense for such district for the immediately preceding year or (B) the quotient of the total general fund expenditures for the school district calculated pursuant to an electronic data file created for the purpose of compliance with paragraph b of subdivision twenty-one of section three hundred five of this chapter published annually on May fifteenth for the year prior to the base year divided by the total estimated public enrollment for the school district pursuant to paragraph n of subdivision one of section thirty-six hundred two of this chapter for the year prior to the base year.~~] **and thereafter, the charter school basic tuition shall be equal to the sum of (1) the formula charter school tuition amount, which shall equal one hundred percent of the amount calculated pursuant to paragraph f of subdivision one of section thirty-six hundred two of this chapter for the school district for the year prior to the base year increased by the percentage change in the state total approved operating expense calculated pursuant to paragraph t of subdivision one of section thirty-six hundred two of this chapter from two years prior to the base year to the base year plus (2) the additional charter school tuition amount;**

(a-1) (i) For the purposes of this subdivision, the "supplemental basic tuition" shall be (A) for a school district for which the charter school basic tuition computed for the current year is greater than or equal to the charter school basic tuition for the two thousand ten--two thousand eleven school year pursuant to the provisions of subparagraph (i) of [~~this~~] paragraph **(a) of this subdivision**, (1) for the two thousand fourteen--two thousand fifteen school year two hundred and fifty dollars, and (2) for the two thousand fifteen--two thousand sixteen school year three hundred and fifty dollars, and (3) for the two thousand sixteen--two thousand seventeen school year five hundred dollars, and (4) for the two thousand seventeen--two thousand eighteen school year [~~and thereafter~~], the sum of (i) the supplemental basic tuition calculated for the two thousand sixteen--two thousand seventeen school year plus (ii) five hundred dollars, and (B) for school years prior to

the two thousand seventeen--two thousand eighteen school year, for a school district for which the charter school basic tuition for the two thousand ten--two thousand eleven school year is greater than the charter school basic tuition for the current year pursuant to the provisions of subparagraph (i) of [~~this~~] paragraph **(a) of this subdivision**, the positive difference of the charter school basic tuition for the two thousand ten--two thousand eleven school year minus the charter school basic tuition for the current year pursuant to the provisions of subparagraph (i) of [~~this~~] paragraph **(a) of this subdivision** and (C) for school years following the two thousand sixteen--two thousand seventeen school years, for a school district for which the charter school basic tuition for the two thousand ten--two thousand eleven school year is greater than the charter school basic tuition for the current year pursuant to the provisions of subparagraph (i) of [~~this~~] paragraph **(a) of this subdivision**, the sum of (i) the supplemental basic tuition calculated for the two thousand sixteen--two thousand seventeen school year plus (ii) five hundred dollars.

(ii) For the purposes of this subdivision, the "additional charter school tuition amount" shall equal the sum of the per pupil calculated pursuant to resolution R3049 of 2015, plus the per pupil calculated pursuant to resolution R6505 of 2016, plus four hundred dollars ($400).

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

(c) School districts shall be eligible for an annual apportionment equal to the amount of the supplemental basic tuition for the charter school in the base year for the expenses incurred in the two thousand fourteen--two thousand fifteen, two thousand fifteen--two thousand sixteen, **and** two thousand sixteen--two thousand seventeen school years [~~and thereafter~~]. **For the two thousand eighteen--two thousand nineteen school year and thereafter, charter schools shall be eligible for an annual apportionment equal to the amount of the additional charter school tuition paid in the base year defined pursuant to subparagraph (ii) of paragraph a-one of this subdivision.**

§ 21. Section 3602 of the education law is amended by adding a new subdivision 6-i to read as follows:

6-i. Building aid for schools authorized pursuant to article fifty-six of this chapter. a. Schools authorized pursuant to article fifty-six of this chapter shall be eligible for building aid to the same extent as school districts in a process prescribed by the commissioner, provided, that (1) aid apportionments for such schools shall be calculated based on the actual amortization and actual interest rate, (2) the building

aid ratio used shall be the ratio for the school district in which the school is located, and the charter school shall be responsible for payment of the local share of any aidable building expenses, and (3) aid on expenditures for lease payments shall be apportioned only if the lease has been approved by the school's board of trustees, the authorizing entity, and the commissioner.

b. The commissioner shall be authorized to grant specific waivers from building aid program requirements to schools authorized pursuant to article fifty-six of this chapter upon a showing that compliance with such requirements would create an undue economic hardship or that some other good cause exists that makes compliance extremely impractical.

c. School districts that collect payments from a school authorized pursuant to article fifty-six of this chapter under a lease or any other arrangement for the use of district-owned facilities shall have its building aid apportionment reduced by an amount equal to the school's payments to the district provided, however, nothing in this subdivision shall be construed to authorize a reduction in building aid attributable to building projects subject to the provisions of subdivision four of section twenty-seven hundred ninety-nine-tt of the public authorities law.

d. In the event that a school is no longer authorized pursuant to article fifty-six of this chapter, building aid payments shall cease immediately.

e. A charter school authorized under this article shall not be entitled to receive both building aid under this subdivision and under subdivision three of section twenty-eight hundred fifty-three of this chapter.

§ 22. Subdivision 1 of section 273-a of the education law, as amended by section 1 of chapter 480 of the laws of 2015, is amended to read as follows:

1. State aid shall be provided for up to fifty percent of the total project approved costs, excluding feasibility studies, plans or similar activities, for projects for the installation and infrastructure of broadband services, and for the acquisition of vacant land and the acquisition, construction, renovation or rehabilitation, including leasehold improvements, of buildings of public libraries and library systems chartered by the regents of the state of New York or established by act of the legislature subject to the limitations provided in subdivision five of this section and upon approval by the commissioner, except that state aid may be provided for up to [~~seventy-five~~] ninety percent of the total project approved costs for buildings of public libraries that are located in an economically disadvantaged community. Provided however that the state liability for aid paid pursuant to this section shall be limited to funds appropriated for such purpose. Aid shall be provided on approved expenses incurred during the period commencing July first and ending June thirtieth for up to three years, or until the project is completed, whichever occurs first. Fifty percent of such aid shall be payable to each system or library upon approval of the application by the department. Forty percent of such aid shall be payable in the next state fiscal year. The remaining ten percent shall be payable upon project completion.

§ 23. The Education Department shall establish student-specific tuition rate enhancements for three of the largest children's residential project education programs established pursuant to paragraph d of subdivision 5 of section 3202 of the education law, known as the Centers of Excellence in the treatment of children with Autism Spectrum Disor-

ders (ASD) and other complex disabilities. Such funds shall be used, as part of the State's broader efforts to address out-of-state placements, to annually provide enhanced clinical, educational and behavioral support programs for up to 30 students with autism and related disabilities whose behaviors are of such frequency, severity and intensity that their needs cannot currently be fully addressed through the resources provided to NYS school programs. The enhanced rates shall provide these programs with the staff, expertise and specially-designed environments necessary to effectively educate those students with the most severe and complex needs. Such programs shall submit evidence of effectiveness data to the education department annually, for up to three years, at which time the education department, in consultation with the office for people with developmental disabilities and the division of the budget shall determine whether to continue such programs on a permanent basis.

§ 24. The subdivision heading and paragraphs a and b of subdivision 10 of section 3602 of the education law, the subdivision heading and paragraph a of subdivision 10 as amended by section 32 of part H of chapter 83 of the laws of 2002, paragraph b of subdivision 10 as amended and such subdivision as renumbered by section 16 of part B of chapter 57 of the laws of 2007, are amended to read as follows:

Special services aid for large city school districts and other school districts which were not components of a board of cooperative educational services in the base year **and any school district located in a city with a population between sixty-two thousand and sixty-five thousand or between sixty-seven thousand and seventy thousand as recorded in the two thousand ten census**. a. The city school districts of those cities having populations in excess of one hundred twenty-five thousand and any other school district which was not a component of a board of cooperative educational services in the base year shall be entitled to an apportionment under the provisions of this section. **Any school district located in a city with a population between sixty-two thousand and sixty-five thousand or between sixty-seven thousand and seventy thousand as recorded in the two thousand ten census shall be entitled to an apportionment under the provisions of paragraph b of this subdivision.**

b. Aid for career education. There shall be apportioned to such city school districts and other school districts which were not components of a board of cooperative educational services in the base year **and any school district located in a city with a population between sixty-two thousand and sixty-five thousand or between sixty-seven thousand and seventy thousand as recorded in the two thousand ten census** for pupils in grades ten through twelve in attendance in career education programs as such programs are defined by the commissioner, subject for the purposes of this paragraph to the approval of the director of the budget, an amount for each such pupil to be computed by multiplying the career education aid ratio by three thousand nine hundred dollars. Such aid will be payable for weighted pupils attending career education programs operated by the school district and**, for city school districts of those cities having populations in excess of one hundred twenty-five thousand and any other school district which was not a component of a board of cooperative educational services in the base year** for weighted pupils for whom such school district contracts with boards of cooperative educational services to attend career education programs operated by a board of cooperative educational services. Weighted pupils for the purposes of this paragraph shall mean the sum of the attendance of students in grades ten through twelve in career education sequences in

trade, industrial, technical, agricultural or health programs plus the product of sixteen hundredths multiplied by the attendance of students in grades ten through twelve in career education sequences in business and marketing as defined by the commissioner in regulations. The career education aid ratio shall be computed by subtracting from one the product obtained by multiplying fifty-nine percent by the combined wealth ratio. This aid ratio shall be expressed as a decimal carried to three places without rounding, but not less than thirty-six percent.

Any school district that receives aid pursuant to this paragraph shall be required to use such amount to support career education programs in the current year.

A board of education which spends less than its local funds as defined by regulations of the commissioner for career education in the base year during the current year shall have its apportionment under this subdivision reduced in an amount equal to such deficiency in the current or a succeeding school year, provided however that the commissioner may waive such reduction upon determination that overall expenditures per pupil in support of career education programs were continued at a level equal to or greater than the level of such overall expenditures per pupil in the preceding school year.

§ 25. This act shall take effect immediately and section eleven of this act shall apply to apportionments made after July 1, 2014; provided, however, the amendments to paragraph b-1 of subdivision 4 of section 3602 of the education law made by section one of this act shall not affect the expiration of such paragraph and shall expire therewith; provided however, that sections sixteen, sixteen-a, and sixteen-b of this act shall be deemed to have been in full force and effect on the same date as section 23 of part A of chapter 57 of the laws of 2013 took effect; provided that the amendments to subdivision 1 of section 2856 of the education law made by section nineteen of this act shall be subject to the expiration and reversion of such subdivision pursuant to subdivision d of section 27 of chapter 378 of the laws of 2007, as amended, when upon such date the provisions of section twenty of this act shall take effect; provided further however that the amendments to subdivision 1 of section 273-a of the education law made by section twenty-two of this act shall not affect the expiration of such section as provided in chapter 498 of the laws of 2011, as amended, and shall be deemed to expire therewith.

PART A-2

Section 1. Section 305 of the education law is amended by adding a new subdivision 57 to read as follows:

57. a. The commissioner shall consult and collaborate with the commissioner of health and appropriate organizations that have expertise in the prevention of child sexual exploitation and child abuse, as well as other interested parties, to establish and develop a program within the department related to the prevention of child sexual exploitation and child abuse in grades kindergarten through eight. Such program shall be defined by the commissioner in regulations after consultation with the department of health and be designed to educate students, parents and school personnel about the prevention of child sexual exploitation and child abuse in grades kindergarten through eight. Such program shall include, but not be limited to:

(i) age-appropriate model curriculum, exemplar lesson plans, and best practice instructional resources for students, parents and school

personnel designed to promote the prevention of child sexual exploitation and child abuse. Such model curriculum, lesson plans and instructional resources shall include but not be limited to guidelines and methods of prevention, including recommendations to address this issue;

(ii) instructional tools and materials for students, parents and school personnel developed in collaboration with the commissioner of health, which shall include updated data and information on the prevention of child sexual exploitation and child abuse, with a review of such data and information to occur periodically, at intervals deemed appropriate by the commissioner and the commissioner of health; and

(iii) public availability of all materials related to such awareness, prevention and education programs on a dedicated webpage on the department's internet website, and provided at no cost to every school district, board of cooperative educational services, charter school and nonpublic school upon request.

b. The commissioner shall issue a guidance memorandum to every school district, board of cooperative educational services, charter school and nonpublic school, to inform them of the availability of the prevention of child sexual exploitation and child abuse program. The commissioner shall annually remind school districts, boards of cooperative educational services, charter schools and nonpublic schools, of the availability of prevention of child sexual exploitation and child abuse materials in grades kindergarten through eight.

§ 2. Paragraph a of subdivision 6 of section 3602 of the education law is amended by adding a new subparagraph 8 to read as follows:

(8) Notwithstanding any other provision of law to the contrary, for the purpose of computation of building aid for up to four new construction projects, authorized pursuant to a March seventh, two thousand seventeen Mount Vernon city school district bond proposal approved by the voters of such district, multi-year cost allowances for each project shall be established and utilized two times in the first five-year period. Subsequent multi-year cost allowances shall be established no sooner than ten years after establishment of the first maximum cost allowance authorized pursuant to this subparagraph.

§ 3. The education law is amended by adding a new section 319 to read as follows:

§ 319. Youth violence prevention pilot program. 1. Subject to available appropriations, the commissioner shall establish a pilot program for the prevention of youth violence. The commissioner shall select school districts to participate in the pilot program that have demonstrated a need based on factors, including, but not limited to, high rates of absenteeism, high rates of suspensions, designation of persistently dangerous school, and other factors as determined by the commissioner.

2. The program shall provide grant aid for the employment of mental health professionals within participating school districts including, but not limited to, social workers, school psychologists, and counselors.

3. To be considered for the pilot program, a school district shall submit a proposal to the commissioner detailing:

(a) the reasons why the district seeks to participate in this pilot;

(b) the school district's barriers to hiring mental health professionals; and

(c) the role that mental health professionals would provide if selected for the pilot.

4. The commissioner shall establish rules and regulations necessary to implement the provisions of this section.

§ 4. Subdivisions 1 and 4 of section 57.52 of the arts and cultural affairs law, as added by chapter 404 of the laws of 2005, are amended to read as follows:

1. The Amistad commission (commission), so named in honor of the group of enslaved Africans led by Joseph Cinque who, while being transported in eighteen hundred thirty-nine on a vessel named the Amistad, gained their freedom after overthrowing the crew and eventually having their case successfully argued before the United States Supreme Court, is hereby created and established. The commission shall consist of nineteen members, including the [~~secretary of state~~] **commissioner of education** or his or her designee, the [~~commissioner of education~~] **secretary of state** or his or her designee, and the chancellor of the state university of New York or his or her designee, serving ex officio, and sixteen public members. Public members shall be appointed as follows: four public members, no more than two of whom shall be of the same political party, shall be appointed by the temporary president of the senate; four public members, no more than two of whom shall be of the same political party, shall be appointed by the speaker of the assembly; and eight public members, no more than four of whom shall be of the same political party, shall be appointed by the governor. The public members shall be residents of the state, chosen with due regard to broad geographic representation and ethnic diversity, who have an interest in the history of the African slave trade and slavery in America and the contributions of African-Americans to our society.

4. The [~~secretary of state~~] **commissioner of education**, or his or her designee, shall serve as the chair and the [~~commissioner of education~~] **secretary of state**, or his or her designee, shall serve as the vice-chair of the commission. The presence of a majority of the authorized membership of the commission shall be required for the conduct of official business.

§ 5. Title 1 of the education law is amended by adding a new article 25 to read as follows:

ARTICLE 25

PEACE/CONFLICT RESOLUTION CENTERS PILOT PROGRAM

Section 1220. Peace/conflict resolution centers pilot program.

§ 1220. Peace/conflict resolution centers pilot program. 1. The commissioner shall establish a pilot program to provide peace/conflict resolution centers within school districts. The commissioner shall select up to five school districts to participate in the pilot program, provided at least one center established pursuant to this section shall be located in a city with a population of one million or more. The pilot program shall begin with the two thousand eighteen--two thousand nineteen school year.

2. To be considered for the pilot program, a school district shall submit a proposal to the commissioner with the goal of facilitating peaceful resolutions to student conflicts, and include methods to achieve the following goals: (a) provide for the supervised peer mediation of conflicts; (b) develop pupil leadership skills; and (c) promote peaceful atmospheres in schools and the surrounding communities. Nothing in this article shall prevent a proposal for a collaboration to provide such services in collaboration with boards of cooperative educational services. Each peace/conflict resolution shall be authorized to operate for at least two full school years.

3. The commissioner shall submit an annual report on or before July thirty-first, two thousand nineteen and on or before the same date every year thereafter to the governor and the legislature. Such report shall include, but not be limited to, the number of cases and resolutions, details on the subject matter of the cases, the commissioner's evaluation of the results of the pilot program and legislative recommendations on whether to continue, expand or make changes to the pilot program.

4. The commissioner shall promulgate any rules and regulations necessary to implement the provisions of this article.

§ 6. This act shall take effect immediately; provided, however, section one of this act shall take effect on the first of July next succeeding the date on which it shall have become a law; provided further, however, section three of this act shall take effect April 1, 2019; and provided further, section five of this act shall expire and be deemed repealed July 31, 2020. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made or completed on or before such effective date.

PART A-3

Section 1. This Part enacts into law components of legislation relating to school safety. Each component is wholly contained within a Subpart identified as Subparts A through H. The effective date for each particular provision contained within such Subpart as set forth in the last section of such Subpart. Any provision in any section contained within a Subpart, including the effective date of the Subpart, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Subpart in which it is found. Section three of this Part sets forth the general effective date of this Part.

SUBPART A

Section 1. Subdivision 1 of section 807 of the education law, as amended by section 2 of part B of chapter 54 of the laws of 2016, is amended to read as follows:

1. It shall be the duty of the principal or other person in charge of every public or private school or educational institution within the state, other than colleges or universities, to instruct and train the pupils by means of drills, so that they may in a sudden emergency be able to respond appropriately in the shortest possible time and without confusion or panic. Such drills shall be held at least twelve times in each school year, eight of which required drills shall be held between September first and December thirty-first of each such year. Eight of all such drills shall be evacuation drills, four of which shall be through use of the fire escapes on buildings where fire escapes are provided or through the use of identified secondary means of egress. Four of all such required drills shall be **emergency attack drills, with two of such drills being** lock-down drills **and two of such drills being active shooter drills. Upon request of the principal or other person in charge of such public or private educational institution, the New York state school safety improvement teams, established pursuant to section twenty-eight hundred one-b of this chapter, shall provide recommendations on how to perform such lock-down and active shooter drills at such**

public or private educational institution. Drills shall be conducted at different times of the school day. Pupils shall be instructed in the procedure to be followed in the event that a fire occurs during the lunch period or assembly, provided however, that such additional instruction may be waived where a drill is held during the regular school lunch period or assembly. Four additional drills shall be held in each school year during the hours after sunset and before sunrise in school buildings in which students are provided with sleeping accommodations. At least two additional drills shall be held during summer school in buildings where summer school is conducted, and one of such drills shall be held during the first week of summer school.

§ 2. This act shall take effect immediately.

SUBPART B

Section 1. The executive law is amended by adding a new section 214-f to read as follows:

§ 214-f. School safety. The superintendent, in consultation with the commissioner of education, shall establish a school safety program, that school districts may opt into at local option, in which teachers and other school personnel who have significant daily student contact are equipped with personal safety alarms. The superintendent shall set minimum requirements for the development and functionality of such personal safety alarms including, but not limited to, the alert system established between each district and their local police department, fire station and medical assistance provider. For purposes of this section, a "personal safety alarm" shall mean a wearable device that once activated, by the pressing of an emergency button, shall alert first responders, including but not limited to police, firefighters and medical assistance, of an emergency.

§ 2. Section 305 of the education law is amended by adding a new subdivision 57 to read as follows:

57. a. The commissioner, in consultation with the superintendent of state police, shall promulgate rules and regulations to allow the board of education or trustees of any school district in the state to provide for the use by, and distribution of personal safety alarms to teachers and other school personnel who have significant daily student contact.

b. For purposes of this section, a "personal safety alarm" shall mean a wearable device that once activated, by the pressing of an emergency button, shall alert first responders, including but not limited to police, firefighters and medical assistance, of an emergency.

c. The commissioner shall submit an annual report containing the amount of distributed personal safety alarms by school district to the speaker of the assembly and the temporary president of the senate.

§ 3. Section 3602 of the education law is amended by adding a new subdivision 19 to read as follows:

19. In addition to the apportionments payable to a school district pursuant to this section, the commissioner is hereby authorized to apportion to any school district additional aid pursuant to this subdivision for its approved expenditures in the base year for the purchase of personal safety alarms. The commissioner shall annually prescribe a special cost allowance for such personal safety alarms and the approved expenditures shall not exceed such cost allowance.

§ 4. This act shall take effect on the ninetieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of

this act on its effective date are authorized to be made and completed on or before such effective date.

SUBPART C

Section 1. The education law is amended by adding a new section 2801-c to read as follows:

§ 2801-c. New York state school resource officer program. 1. For purposes of this section, the term "school resource officer" shall mean a school resource officer, school safety officer, school security officer, or any other substantially similar position or office, that is designed to provide improved public safety and/or security on school grounds. Such school resource officer may be a retired police officer, a retired state trooper, a retired deputy sheriff, a state trooper, a police officer in the active duty service of a town, city or village, or a deputy sheriff from a county sheriff's department.

2. Any public, nonpublic or charter school, or a board of cooperative educational services, may employ, in either the classified or unclassified service, any school resource officer for the purpose of providing improved public safety and/or security on school grounds. Any such public, nonpublic or charter school, or a board of cooperative educational services, may also contract with the state of New York, or a county, city, town or village, for the provision of a state trooper, police officer or deputy sheriff, to serve as a school resource officer, for the purpose of providing improved public safety and/or security on school grounds. A school district, nonpublic school, charter school, or a board of cooperative educational services, shall be authorized to employ or contract for as many school resource officers as such district deems necessary.

3. It shall be the primary role of the school resource officer to provide improved public safety and/or security on school grounds. In addition, to this primary role, school resource officers also may serve additional roles, including but not limited to:

(a) Proposing and enforcing policies and administrative procedures related to school safety;

(b) Utilizing technology in the implementation of a comprehensive safety program;

(c) Serving as a liaison with other school officials and other community agencies, including but not limited to, other law enforcement entities, courts, health care entities, and mental health entities;

(d) Proposing and implementing strategies concerning prevention, response and recovery efforts for incidents and/or emergency situations occurring on school grounds and/or involving students, faculty, administration or visitors to the school;

(e) Proposing and assisting in the execution of school emergency drills and proposing and assisting in the creation of school safety plans;

(f) Providing educational and mentoring services to students;

(g) Assisting in the design, explanation and enforcement of school safety and security policies and procedures; and

(h) Performing such other and further roles, responsibilities and activities as the school district may deem appropriate and proper for a law enforcement officer to perform, in order to advance the security, safety and well-being of students, faculty, administration and visitors to the school district's schools, transportation vehicles and school grounds.

4. Such school resource officer may carry and possess firearms during the course of their duties at such school district, nonpublic school, charter school, or a board of cooperative educational services, but nothing in this subdivision shall be deemed to authorize such school resource officer to carry, possess, repair or dispose of a firearm unless the appropriate license therefor has been issued pursuant to section 400.00 of the penal law.

§ 2. Subparagraph 1 of paragraph d of subdivision 4 of section 1950 of the education law, as amended by chapter 474 of the laws of 1996, is amended and a new subparagraph 1-a is added to read as follows:

(1) Aidable shared services. At the request of component school districts, and with the approval of the commissioner, provide any of the following services on a cooperative basis: school nurse teacher, attendance supervisor, supervisor of teachers, dental hygienist, psychologist, school resource officer, as such term is defined in section twenty-eight hundred one-c of this chapter, teachers of art, music, physical education, career education subjects, guidance counsellors, operation of special classes for students with disabilities, as such term is defined in article eighty-nine of this chapter; pupil and financial accounting service by means of mechanical equipment; maintenance and operation of cafeteria or restaurant service for the use of pupils and teachers while at school, and such other services as the commissioner may approve. Such cafeteria or restaurant service may be used by the community for school related functions and activities and to furnish meals to the elderly residents of the district, sixty years of age or older. Utilization by elderly residents or school related groups shall be subject to the approval of the board of education. Charges shall be sufficient to bear the direct cost of preparation and serving of such meals, exclusive of any other available reimbursements.

(1-a) Notwithstanding any other provision of law, rule, or regulation to the contrary, school resource officers may be requested by charter schools and school districts for up to six days per week throughout the entire school year.

§ 3. Paragraph h of subdivision 4 of section 1950 of the education law is amended by adding two new subparagraphs 12 and 13 to read as follows:

(12) To enter into contracts with charter schools to provide school resource officers, as such term is defined in section twenty-eight hundred one-c of this chapter, provided that the costs of such school resource officers shall be aidable pursuant to subdivision five of this section to the same extent and on the same basis as costs allocated to a component school district, and further provided that the aid ratio shall be the aid ratio for the public school district where the charter school is located, and further provided that charter schools shall not be liable for payment of administrative expenses as defined in paragraph b of this subdivision.

(13) To enter into contracts with non-component school districts including city school districts of cities with one hundred twenty-five thousand inhabitants or more, to provide school resource officers, as such term is defined in section twenty-eight hundred one-c of this chapter, provided that the costs of such school resource officers shall be aidable pursuant to subdivision five of this section to the same extent and on the same basis as costs allocated to a component school district, and further provided that non-component school districts shall not be liable for payment of administrative expenses as defined in paragraph b of this subdivision.

§ 4. The education law is amended by adding a new section 3038 to read as follows:

§ 3038. Grants for school resource officers. 1. For purposes of this section, school resource officers shall have the same meaning as defined in section twenty-eight hundred one-c of this chapter.

2. Nonpublic schools shall, upon application, be reimbursed by the department for the salaries of school resource officers. Each school which seeks a reimbursement pursuant to this section shall submit to the office of religious and independent schools an application therefor, together with such additional documents as the commissioner may reasonably require, at such times, in such form and containing such information as the commissioner may prescribe by regulation. Applications for reimbursement pursuant to this section must be received by August first of each year for schools to be reimbursed for the salaries of eligible school resource officers in the prior year.

3. The commissioner may promulgate any rules or regulations necessary to carry out the provisions of this section.

§ 5. This act shall take effect immediately.

SUBPART D

Section 1. Section 2801-b of the education law, as amended by section 3-a of part A of chapter 57 of the laws of 2013, is amended to read as follows:

§ 2801-b. New York state school safety improvement teams. **1.** The governor shall establish New York state school safety improvement teams, which may be composed of representatives from the division of homeland security and emergency services, the division of state police, the division of criminal justice services, **the office of general services** and the department. Such New York State School Safety Improvement Teams shall review and assess school safety plans submitted, on a voluntary basis, by school districts [~~having a population of less than one hundred twenty-five thousand inhabitants~~], boards of cooperative educational services, nonpublic schools, **charter schools** and county vocational education and extension boards, and may make recommendations to improve such school safety plans.

2. Any request for a security review and assessment under this section shall be submitted to the commissioner of the division of homeland security and emergency services, and shall be responded to by a school safety improvement team within one hundred twenty days of the submission of such request. At the request of the school district, board of cooperative educational services, nonpublic school, charter school or county vocational and educational board, the school safety improvement team shall, in addition to a review of such entity's school safety plan, perform an on-site examination of such entity's facilities, and upon such examination shall include in its recommendations how the entity may improve the physical security of such facility examined.

3. Any school district, board of cooperative educational services, nonpublic school, charter school or county vocational and educational board, that requests and receives any recommendation from a school safety improvement team, shall not be held liable in any action for the failure to address any recommendation made by a school safety improvement team, within three years of the entity's receipt of such recommendation from the school safety improvement team.

§ 2. Subdivision 6-c of section 3602 of the education law, as amended by chapter 1 of the laws of 2013, paragraph b as amended by section 23

of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:

6-c. a. Building aid for metal detectors, **security upgrades made pursuant to recommendation from a school safety improvement team in accordance with section twenty-eight hundred one-b of this chapter,** and safety devices for electrically operated partitions, room dividers and doors. In addition to the apportionments payable to a school district pursuant to subdivision six of this section, the commissioner is hereby authorized to apportion to any school district additional building aid pursuant to this subdivision for its approved expenditures in the base year for the purchase of stationary metal detectors, security cameras, **security upgrades made pursuant to recommendation from a school safety improvement team in accordance with section twenty-eight hundred one-b of this chapter, and** safety devices for electrically operated partitions and room dividers required pursuant to section four hundred nine-f of this chapter, or other security devices approved by the commissioner that increase the safety of students and school personnel, provided, however, that funds apportioned to school districts pursuant to this section shall not supplant funds for existing district expenditures or for existing contractual obligations of the district for stationary metal detectors, security cameras, **security upgrades made pursuant to recommendation from a school safety improvement team in accordance with section twenty-eight hundred one-b of this chapter, and** partition and room divider safety devices, or security devices. Portable or hand held metal detectors shall not be eligible for aid pursuant to this subdivision. Such additional aid shall equal the product of the building aid ratio computed for use in the current year pursuant to paragraph c of subdivision six of this section and the actual approved expenditures incurred in the base year pursuant to this subdivision, provided that the limitations on cost allowances prescribed by paragraph a of subdivision six of this section shall not apply. The commissioner shall annually prescribe a special cost allowance for metal detectors, **security upgrades made pursuant to recommendation from a school safety improvement team in accordance with section twenty-eight hundred one-b of this chapter,** and security cameras, and the approved expenditures shall not exceed such cost allowance. The commissioner shall annually prescribe a special cost allowance for partition and room divider safety devices, and the approved expenditures shall not exceed such cost allowance.

b. For projects approved by the commissioner authorized to receive additional building aid pursuant to this subdivision for the purchase of stationary metal detectors, **security upgrades made pursuant to recommendation from a school safety improvement team in accordance with section twenty-eight hundred one-b of this chapter,** security cameras or other security devices approved by the commissioner that increase the safety of students and school personnel, provided that for purposes of this paragraph such other security devices shall be limited to electronic security systems and hardened doors, and provided that for projects approved by the commissioner on or after the first day of July two thousand thirteen and [~~before the first day of July two thousand eighteen~~] **thereafter** such additional aid shall equal the product of (i) the building aid ratio computed for use in the current year pursuant to paragraph c of subdivision six of this section plus ten percentage points, except that in no case shall this amount exceed one hundred percent, and (ii) the actual approved expenditures incurred in the base year pursuant to this subdivision, provided that the limitations on cost allowances prescribed by paragraph a of subdivision six of this section shall not

apply, and provided further that any projects aided under this paragraph must be included in a district's school safety plan. The commissioner shall annually prescribe a special cost allowance for metal detectors, and security cameras, and the approved expenditures shall not exceed such cost allowance.

§ 3. Section 3602-c of the education law is amended by adding a new subdivision 11 to read as follows:

11. Aid shall be made available to all nonpublic schools, charter schools and boards of cooperative educational services under this section, for security upgrades made pursuant to a recommendation from a school safety improvement team in accordance with section twenty-eight hundred one-b of this chapter, in the same manner as for public schools in subdivision six-c of section thirty-six hundred two of this part.

§ 4. This act shall take effect immediately.

SUBPART E

Section 1. Paragraph c of subdivision 2 of section 753 of the education law, as added by section 7-a of part B of chapter 57 of the laws of 2007, is amended to read as follows:

c. "Technology equipment", for the purposes of this article, shall mean **(1)** equipment with a useful life used in conjunction with or in support of educational programs including but not limited to video, solar energy, robotic, satellite, laser and such other equipment as the commissioner shall approve **or, (2) security and safety hardware technology** provided that expenses for the purchase or lease of such equipment shall not be eligible for aid under any other provisions of this chapter.

§ 2. Subdivisions 1 and 2 of section 751 of the education law, subdivision 1 as added by chapter 53 of the laws of 1984 and subdivision 2 as amended by section 3 of part A-1 of chapter 58 of the laws of 2011, are amended to read as follows:

1. In the several cities and school districts of the state, boards of education, trustees or such body or officers as perform the functions of such boards, shall designate software programs to be used in conjunction with computers of the school district **or in conjunction with security and safety technology platforms**.

2. A software program, for the purposes of this article shall mean (a) a computer program which a pupil is required to use as a learning aid in a particular class in the school the pupil legally attends, or (b) for expenses incurred after July first, two thousand nine, any content-based instructional materials in an electronic format that are aligned with state standards which are accessed or delivered through the internet based on a subscription model. Such electronic format materials may include a variety of media assets and learning tools, including video, audio, images, teacher guides, and student access capabilities as such terms are defined in the regulations of the commissioner. For expenses incurred on or after July first, two thousand eleven, a software program shall also mean **security and safety software technology including** items of expenditure that are eligible for an apportionment pursuant to sections seven hundred one, seven hundred eleven and/or seven hundred fifty-three of this title, where such items are designated by the school district as eligible for aid pursuant to this section, provided, however, that if aided pursuant to this section, such expenses shall not be aidable pursuant to any other section of law.

§ 3. Subdivision 6-c of section 3602 of the education law, as amended by chapter 1 of the laws of 2013, paragraph b as amended by section 23 of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:

6-c. a. Building aid for metal detectors, **security hardware and software safety technology,** and safety devices for electrically operated partitions, room dividers and doors. In addition to the apportionments payable to a school district pursuant to subdivision six of this section, the commissioner is hereby authorized to apportion to any school district additional building aid pursuant to this subdivision for its approved expenditures in the base year for the purchase of stationary metal detectors, security cameras, **security hardware and software safety technology, and** safety devices for electrically operated partitions and room dividers required pursuant to section four hundred nine-f of this chapter, or other security devices approved by the commissioner that increase the safety of students and school personnel, provided, however, that funds apportioned to school districts pursuant to this section shall not supplant funds for existing district expenditures or for existing contractual obligations of the district for stationary metal detectors, security cameras, **security hardware and software safety technology, and** partition and room divider safety devices, or security devices. Portable or hand held metal detectors shall not be eligible for aid pursuant to this subdivision. Such additional aid shall equal the product of the building aid ratio computed for use in the current year pursuant to paragraph c of subdivision six of this section and the actual approved expenditures incurred in the base year pursuant to this subdivision, provided that the limitations on cost allowances prescribed by paragraph a of subdivision six of this section shall not apply. The commissioner shall annually prescribe a special cost allowance for metal detectors, and security cameras, and the approved expenditures shall not exceed such cost allowance. The commissioner shall annually prescribe a special cost allowance for partition and room divider safety devices, and the approved expenditures shall not exceed such cost allowance.

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

§ 4. This act shall take effect immediately.

SUBPART F

Section 1. Section 305 of the education law is amended by adding a new subdivision 57 to read as follows:

57. a. The commissioner shall submit to the governor, the temporary president of the senate and the speaker of the assembly, a report regarding school counselors, school social workers and school psychologists for the current school year. Such report shall include, but not be limited to: (i) the number of full and part-time school counselors, school social workers and school psychologists in each school, (ii) the ratio of students to the number of school counselors, the ratio of students to the number of school social workers, and the ratio of students to the number of school psychologists in each school, and (iii) whether the school counselor, school social worker or school psychologist is providing counseling assistance to more than one school.

b. After such report is issued, the commissioner shall prepare a proposal on how to increase the number of school counselors, school social workers and school psychologists to meet the nationally accepted ratio of students to the number of school counselors, ratio of students to the number of school social workers, and ratio of students to the number of school psychologists within New York state such as those recommended by the school social work association of America, the American school counselors association and the national association of school psychiatrists. When preparing such proposal, the commissioner shall take into consideration the specific needs of individual school districts and the region in which such school district is located.

c. For purposes of this subdivision, the following terms shall have the following meanings:

(i) "school counselor" shall mean any personnel, licensed and certified by New York state as school counselor, hired to provide individual or group counseling assistance to students in the elementary, middle, or high school grades;

(ii) "school social worker" shall mean any personnel, licensed and certified by New York state as a school social worker, hired to provide individual or group counseling assistance to students in the elementary, middle, or high school grades; and

(iii) "school psychologist" shall mean any personnel, licensed and certified by New York state as a school psychologist, hired to provide individual or group counseling assistance to students in the elementary, middle, or high school grades.

(iv) "school" shall mean any public school, nonpublic school, charter school or board of cooperative educational services.

§ 2. Subparagraph 1 of paragraph d of subdivision 4 of section 1950 of the education law, as amended by chapter 474 of the laws of 1996, is amended and a new subparagraph 1-a is added to read as follows:

(1) Aidable shared services. At the request of component school districts, and with the approval of the commissioner, provide any of the following services on a cooperative basis: school nurse teacher, attendance supervisor, supervisor of teachers, dental hygienist, psychologist, school counselor, as such term is defined in subdivision fifty-seven of section three hundred five of this chapter, school social worker, as such term is defined in subdivision fifty-seven of section three hundred five of this chapter, school psychologist, as such term is defined in subdivision fifty-seven of section three hundred five of this chapter, teachers of art, music, physical education, career education subjects, guidance counsellors, operation of special classes for students with

disabilities, as such term is defined in article eighty-nine of this chapter; pupil and financial accounting service by means of mechanical equipment; maintenance and operation of cafeteria or restaurant service for the use of pupils and teachers while at school, and such other services as the commissioner may approve. Such cafeteria or restaurant service may be used by the community for school related functions and activities and to furnish meals to the elderly residents of the district, sixty years of age or older. Utilization by elderly residents or school related groups shall be subject to the approval of the board of education. Charges shall be sufficient to bear the direct cost of preparation and serving of such meals, exclusive of any other available reimbursements.

(1-a) Notwithstanding any other provision of law, rule, or regulation to the contrary, school counselors, school social workers, and school psychologists may be requested by charter schools and school districts for up to five days per week throughout the entire school year.

§ 3. Paragraph h of subdivision 4 of section 1950 of the education law is amended by adding two new subparagrahs 12 and 13 to read as follows:

(12) To enter into contracts with charter schools to provide school counselors, as such term is defined in subdivision fifty-seven of section three hundred five of this chapter, school social workers, as such term is defined in subdivision fifty-seven of section three hundred five of this chapter, and school psychologists, as such term is defined in subdivision fifty-seven of section three hundred five of this chapter, provided that the costs of such school counselors, school social workers, and school psychologists, shall be aidable pursuant to subdivision five of this section to the same extent and on the same basis as costs allocated to a component school district, and further provided that the aid ratio shall be the aid ratio for the public school district where the charter school is located and further provided that charter schools shall not be liable for payment of administrative expenses as defined in paragraph b of this subdivision.

(13) To enter into contracts with non-component school districts including city school districts of cities with one hundred twenty-five thousand inhabitants or more, to provide school counselors, as such term is defined in subdivision fifty-seven of section three hundred five of this chapter, school social workers, as such term is defined in subdivision fifty-seven of section three hundred five of this chapter, and school psychologists, as such term is defined in subdivision fifty-seven of section three hundred five of this chapter, provided that the costs of such school counselors, school social workers, and school psychologists, shall be aidable pursuant to subdivision five of this section to the same extent and on the same basis as costs allocated to a component school district, and further provided that non-component school districts shall not be liable for payment of administrative expenses as defined in paragraph b of this subdivision.

§ 4. The education law is amended by adding a new section 3040 to read as follows:

§ 3040. Grants for school counselors, school social workers, and school psychologists. 1. For purposes of this section, school counselors, school social workers, and school psychologists shall have the same meaning as defined in subdivision fifty-seven of section three hundred five of this chapter.

2. Nonpublic schools shall, upon application, be reimbursed by the department for the salaries of school counselors, school social workers, and school psychologists. Each school which seeks a reimbursement pursu-

ant to this section shall submit to the office of religious and independent schools an application therefor, together with such additional documents as the commissioner may reasonably require, at such times, in such form and containing such information as the commissioner may prescribe by regulation. Applications for reimbursement pursuant to this section must be received by August first of each year for schools to be reimbursed for the salaries of eligible school counselors, school social workers, and school psychologists in the prior year.

3. The commissioner may promulgate any rules or regulations necessary to carry out the provisions of this section.

§ 5. This act shall take effect immediately.

SUBPART G

Section 1. The education law is amended by adding a new section 2801-d to read as follows:

§ 2801-d. New York state school mental health services program coordinator. 1. For purposes of this section, the term "school mental health services program coordinator" shall mean a mental health services professional, with qualifications determined by regulation by the commissioner, whose role and responsibility shall be to work with students, faculty and other mental health and health care professionals to identify, report and address mental health issues of students, faculty and administration at any public or non-public school that could pose a risk to public safety.

2. Any public or non-public school, charter school or board of cooperative educational services may employ a mental health services professional, in either the classified or unclassified service, determined in regulation by the commissioner to be qualified, as a mental health services program coordinator. Any such public or non-public school, charter school or board of cooperative educational services may also contract with the state of New York, a county, city, town or village, or with a private mental health services provider, for the provision of a mental health services professional, determined in regulation by the commissioner to be qualified, to serve as a mental health services program coordinator.

3. The commissioner shall, by regulation, determine the qualifications for a mental health services program coordinator. A school district, nonpublic school, charter school or board of cooperative educational services shall be authorized to employ or contract for as many mental health services program coordinators, as such district, school or board of cooperative educational services deems necessary. The commissioner shall by regulation, establish the mandatory reports, the persons or entities with whom such reports shall be filed, and the treatment services that may be offered or directed by a mental health services program coordinator.

§ 2. Subparagraph 1 of paragraph d of subdivision 4 of section 1950 of the education law, as amended by chapter 474 of the laws of 1996, is amended and a new subparagraph 1-a is added to read as follows:

(1) Aidable shared services. At the request of component school districts, and with the approval of the commissioner, provide any of the following services on a cooperative basis: school nurse teacher, attendance supervisor, supervisor of teachers, dental hygienist, psychologist, school mental health services program coordinator, as such term is defined in section twenty-eight hundred one-d of this chapter, teachers of art, music, physical education, career education subjects, guidance

counsellors, operation of special classes for students with disabilities, as such term is defined in article eighty-nine of this chapter; pupil and financial accounting service by means of mechanical equipment; maintenance and operation of cafeteria or restaurant service for the use of pupils and teachers while at school, and such other services as the commissioner may approve. Such cafeteria or restaurant service may be used by the community for school related functions and activities and to furnish meals to the elderly residents of the district, sixty years of age or older. Utilization by elderly residents or school related groups shall be subject to the approval of the board of education. Charges shall be sufficient to bear the direct cost of preparation and serving of such meals, exclusive of any other available reimbursements.

(1-a) Notwithstanding any other provision of law, rule, or regulation to the contrary, school mental health services program coordinators may be requested by charter schools and school districts for up to five days per week throughout the entire school year.

§ 3. Paragraph h of subdivision 4 of section 1950 of the education law is amended by adding two new subparagraphs 12 and 13 to read as follows:

(12) To enter into contracts with charter schools to provide school mental health services program coordinators, as such term is defined in section twenty-eight hundred one-d of this chapter, provided that the costs of such school mental health services program coordinators shall be aidable pursuant to subdivision five of this section to the same extent and on the same basis as costs allocated to a component school district, and further provided that the aid ratio shall be the aid ratio for the public school district where the charter school is located and further provided that charter schools shall not be liable for payment of administrative expenses as defined in paragraph b of this subdivision.

(13) To enter into contracts with non-component school districts including city school districts of cities with one hundred twenty-five thousand inhabitants or more, to provide school mental health services program coordinators, as such term is defined in section twenty-eight hundred one-d of this chapter, provided that the costs of such school mental health services program coordinators shall be aidable pursuant to subdivision five of this section to the same extent and on the same basis as costs allocated to a component school district, and further provided that non-component school districts shall not be liable for payment of administrative expenses as defined in paragraph b of this subdivision.

§ 4. The education law is amended by adding a new section 3039 to read as follows:

§ 3039. Grants for school mental health services program coordinators. 1. For purposes of this section, school mental health services program coordinator shall have the same meaning as defined under section twenty-eight hundred one-d of this chapter.

2. Nonpublic schools shall, upon application, be reimbursed by the department for the salaries of school mental health services program coordinators. Each school which seeks a reimbursement pursuant to this section shall submit to the office of religious and independent schools an application therefor, together with such additional documents as the commissioner may reasonably require, at such times, in such form and containing such information as the commissioner may prescribe by regulation. Applications for reimbursement pursuant to this section must be received by August first of each year for schools to be reimbursed for the salaries of eligible school mental health services program coordinators in the prior year.

3. The commissioner may promulgate any rules or regulations necessary to carry out the provisions of this section.

§ 5. This act shall take effect immediately.

SUBPART H

Section 1. The education law is amended by adding a new section 411 to read as follows:

§ 411. Comprehensive school security grant program. 1. Within amounts appropriated for the installation and operation of comprehensive security systems in every school of the state, the commissioner is hereby authorized and directed to award grants to every public, parochial and private school in the state. Such grants shall be for the total capital costs of quick capacity smart sensor threat detection, and 360 degree security awareness including services, expenses and indirect costs. Grantees receiving funding pursuant to this subdivision may expend no more than five percent of grants for administration and no more than five percent for grantee training.

2. In the event the appropriation for the purposes of this section in any year is insufficient to pay all claims pursuant to this subdivision, the commissioner shall pay such claims on a prorated basis among all schools filing such claims until the appropriation is exhausted.

§ 2. This act shall take effect immediately.

§ 2. Severability. 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.

§ 3. This act shall take effect immediately; provided, however, that the applicable effective date of Subparts A through H of this Part shall be as specifically set forth in the last section of such Subparts.

PART B

Section 1. The education law is amended by adding a new section 908 to read as follows:

§ 908. Prohibition against lunch shaming. All public school districts, charter schools, and non-public schools in the state that participate in the national school lunch program or school breakfast program in which there is a school at which all pupils are not eligible to be served breakfast and lunch under the community eligibility provision or provision two of the federal national school lunch act, 42 U.S.C. Sec. 1751 et seq., shall develop a plan to ensure that a pupil whose parent or guardian has unpaid school meal fees is not shamed or treated differently than a pupil whose parent or guardian does not have unpaid school meal fees. The plan shall be submitted to the commissioner by July first, two thousand eighteen, or sixty days from the effective date of this section after enactment in conformance with regulations of the commissioner. After submission of such plan, the school or school district shall adopt and post the plan on its website. The plan shall include, but not be limited to, the following elements:

a. A statement that the school or school district shall provide the student with the student's meal of choice for that school day of the available reimbursable meal choices for such school day, if the student requests one, unless the student's parent or guardian has specifically provided written permission to the school or school district to withhold a meal, provided that such statement shall only require the school or school district to provide access to reimbursable meals, not a la carte items, adult meals, or other similar items;

b. An explanation of how staff will be trained to ensure that the procedures are carried out correctly and how the affected parents and guardians will be provided with assistance in establishing eligibility for free or reduced-price meals for their children;

c. A statement requiring the school or school district to notify the student's parent or guardian that the student's meal card or account balance is exhausted and unpaid meal charges are due. The notification statement may include a repayment schedule, but the school or school district may not charge any interest or fees in connection with any meals charged;

d. A communication procedure designed to support eligible families enrolling in the national free and reduced price meal program. Such communication procedures shall also include a process for determining eligibility when a student owes money for five or more meals, wherein the school or school district shall:

i. make every attempt to determine if a student is directly certified to be eligible for free meals;

ii. make at least two attempts, not including the application or instructions included in a school enrollment packet, to reach the student's parent or guardian and have the parent or guardian fill out a meal application; and

iii. require a school or school district to contact the parent or guardian to offer assistance with a meal application, determine if there are other issues within the household that have caused the child to have insufficient funds to purchase a school meal and offer any other assistance that is appropriate;

e. A clear explanation of procedures designed to decrease student distress or embarrassment, provided that, no school shall:

i. publicly identify or stigmatize a student who cannot pay for a meal or who owes a meal debt by any means including, but not limited to, requiring that a student wear a wristband or hand stamp;

ii. require a student who cannot pay for a meal or who owes a meal debt to do chores or other work to pay for meals, provided that chores or work required of all students regardless of a meal debt is permitted;

iii. require that a student throw away a meal after it has been served because of the student's inability to pay for the meal or because money is owed for earlier meals;

iv. take any action directed at a pupil to collect unpaid school meal fees. A school or school district may attempt to collect unpaid school meal fees from a parent or guardian; or

v. discuss any outstanding meal debt in the presence of other students;

f. A clear explanation of the procedure to handle unpaid meal charges, provided that nothing in this section is intended to allow for the unlimited accrual of debt;

g. Procedures to enroll in the free and reduced price lunch program, provided that such procedures shall include that, at the beginning of each school year, a school or school district shall provide:

i. a free, printed meal application in every school enrollment packet, or if the school or school district chooses to use an electronic meal application, provide in school enrollment packets with an explanation of the electronic meal application process and instructions for how parents or guardians may request a paper application at no cost; and

ii. meal applications and instructions in a language that parents and guardians understand. If a parent or guardian cannot read or understand a meal application, the school or school district shall offer assistance in completing the application;

h. If a school or school district becomes aware that a student who has not submitted a meal application is eligible for free or reduced-fee meals, the school or school district shall complete and file an application for the student pursuant to title seven, section 245.6(d) of the code of federal regulations; and

i. School or school district liaisons shall coordinate with the nutrition department to make sure homeless, foster, and migrant students receive free school meals, in accordance with federal law.

§ 2. Section 4 of chapter 537 of the laws of 1976, relating to paid, free and reduced price breakfast for eligible pupils in certain school districts is renumbered section 6 and two new sections 4 and 5 are added to read as follows:

§ 4. a. All public elementary or secondary schools in this state, not including a charter school authorized by article 56 of the education law, with at least seventy percent or more of its students eligible for free or reduced-price meals under the federal National School Lunch Program as determined by the State Education Department based upon data submitted by schools through the basic educational data system (BEDS) for the prior school year, shall be required to offer all students a school breakfast after the instructional day has begun.

b. Each public school may determine the breakfast service delivery model that best suits its students. Service delivery models may include, but are not limited to, breakfast in the classroom, grab and go breakfast, and breakfast served in the cafeteria. Time spent by students consuming breakfast may be considered instructional time when students consume breakfast in the students' classrooms and instruction is being provided while students are consuming breakfast. In determining a service delivery model, schools shall consult with teachers, parents, students and members of the community.

c. Schools subject to this requirement shall provide notice to students' parents and guardians that the school will be offering breakfast to all students after the instructional day has begun.

d. The State Education Department shall:

i. on or before May 1, 2018, and on or before May 1 of each year thereafter preceding each school year, publish on its website a list of the public schools that meet the requirements for operating such programs, and provide notification to such schools;

ii. develop and distribute guidelines for the implementation of such programs, which shall be in the compliance with all applicable federal and state laws governing the School Breakfast Program;

iii. provide technical assistance relating to the implementation of such program; and

iv. annually publish by December 2019, and each December thereafter, on its website information relating to each school subject to this requirement, as well as any other schools operating such program which are not subject to this requirement, in the prior school year. Such information shall include, but not be limited to: the school name,

service delivery models implemented, student enrollment, the free and reduced-price lunch percentage, the average daily breakfast participation rate, the total number of breakfast meals served during the school year, the total cost of the breakfast program during the school year, the total federal reimbursement for breakfast meals during the school year, and the total state reimbursement for breakfast meals during the school year.

§ 5. a. Notwithstanding any monetary limitations with respect to school lunch programs contained in any law or regulation, for school lunch meals served in the school year commencing July 1, 2019 and each July 1 thereafter, a school food authority shall be eligible for a lunch meal State subsidy of twenty-five cents, which shall include any annual State subsidy received by such school food authority under any other provision of State law, for any school lunch meal served by such school food authority; provided that the school food authority certifies to the State Education Department through the application submitted pursuant to subdivision b of this section that such food authority has purchased at least twenty-five percent of its total cost of lunch products for its school food service program from New York state farmers, growers, producers or processors in the preceding school year.

b. The State Education Department, in cooperation with the Department of Agriculture and Markets, shall develop an application for school food authorities to seek an additional State subsidy pursuant to this section in a timeline and format prescribed by the commissioner of education. Such application shall include, but not be limited to, documentation demonstrating the school food authority's total lunch purchases for its school food service programs and documentation demonstrating its total lunch purchases and percentages for such programs from New York State farmers, growers, producers or processors in the preceding school year. The application shall also include an attestation from the school food authority's chief operating officer that it purchased at least twenty-five percent of its total cost of lunch products for its school food service program from New York State farmers, growers, producers or processors in the preceding school year in order to meet the requirements for this additional State subsidy. School food authorities shall be required to annually apply for this subsidy.

c. The State Education Department shall annually publish information on its website commencing on September 1, 2019 and each September 1 thereafter, relating to each school food authority that applied for and received this additional State subsidy, including but not limited to: the school food authority name, student enrollment, average daily lunch participation, total lunch costs for its school food service programs, total cost of lunch products for its school food service programs purchased from New York State farmers, growers, producers or processors, and the percent of total lunch costs that were purchased from New York State farmers, growers, producers or processors.

§ 2-a. Subparagraph 3 of paragraph b of subdivision 6-f of section 3602 of the education law, as added by section 19 of part H of chapter 83 of the laws of 2002, is amended to read as follows:

(3) is to implement the breakfast after the bell school breakfast program, for eligible school districts beginning in the two thousand eighteen--two thousand nineteen school year, pursuant to section four of chapter five hundred thirty-seven of the laws of nineteen hundred seventy-six for equipment purchases, provided, however, that such expenses shall be limited to no more than five thousand dollars per school. Eligible equipment purchases shall include, but not be limited to,

equipment used for the storage, preservation, or distribution of food; and/or

(4) if bonded pursuant to paragraph j of subdivision six of this section, would cause a city school district in a city having a population of less than one hundred twenty-five thousand inhabitants to exceed ninety-five percent of its constitutional debt limit provided, however, that any debt issued pursuant to paragraph c of section 104.00 of the local finance law shall not be included in such calculation.

§ 3. This act shall take effect immediately; provided, however, that subdivision a of section 4 of chapter 537 of the laws of 1976, as added by section two of this act, shall take effect September 1, 2018.

PART C

Section 1. Section 1604 of the education law is amended by adding a new subdivision 43 to read as follows:

43. To pass, in the discretion of the trustees, a resolution authorizing the use of school bus cameras pursuant to section eleven hundred eighteen of the vehicle and traffic law, provided that the trustees may also enter into contracts with a third party for the installation, administration, operation, notice processing, and maintenance of such cameras, and for the sharing of revenue derived from such cameras pursuant to section eleven hundred eighteen of the vehicle and traffic law, provided that the lease, installation, operation and maintenance, or any other costs associated with such cameras other than purchases shall not be considered an aidable expense pursuant to section thirty-six hundred twenty-three-a of this chapter. The commissioner shall annually prescribe a special cost allowance for such school bus cameras, and the approved expenditures shall not exceed such cost allowance.

§ 2. Section 1709 of the education law is amended by adding a new subdivision 43 to read as follows:

43. To pass a resolution, in the discretion of the board, authorizing the use of school bus cameras pursuant to section eleven hundred eighteen of the vehicle and traffic law, provided that the board may also enter into contracts with a third party for the installation, administration, operation, notice processing, and maintenance of such cameras, and for the sharing of revenue derived from such cameras pursuant to section eleven hundred eighteen of the vehicle and traffic law, provided that the lease, installation, operation and maintenance, or any other costs associated with such cameras other than purchases shall not be considered an aidable expense pursuant to section thirty-six hundred twenty-three-a of this chapter. The commissioner shall annually prescribe a special cost allowance for such school bus cameras, and the approved expenditures shall not exceed such cost allowance.

§ 2-a. Paragraph c of subdivision 2 of section 3623-a of the education law, as amended by chapter 453 of the laws of 2005, is amended to read as follows:

c. The purchase of equipment deemed a proper school district expense, including: (i) the purchase of two-way radios to be used on old and new school buses, (ii) the purchase of stop-arms, to be used on old and new school buses, (iii) the purchase and installation of seat safety belts on school buses in accordance with the provisions of section thirty-six hundred thirty-five-a of this article, (iv) the purchase of school bus back up beepers, (v) the purchase of school bus front crossing arms, (vi) the purchase of school bus safety sensor devices, (vii) the

purchase and installation of exterior reflective marking on school buses, (viii) the purchase of automatic engine fire extinguishing systems for school buses used to transport students who use wheelchairs or other assistive mobility devices, [~~and~~] (ix) **the purchase of school bus cameras, and (x)** the purchase of other equipment as prescribed in the regulations of the commissioner; and

§ 3. The vehicle and traffic law is amended by adding a new section 1118 to read as follows:

§ 1118. Owner liability for operator illegally overtaking or passing a school bus. (a) 1. Notwithstanding any other provision of law, each board of education or trustees of a school district is hereby authorized and empowered to adopt and amend a resolution establishing a school bus safety camera program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with section eleven hundred seventy-four of this title. Such program shall empower a board of education or school district or school bus transportation contractor that has contracted with such school district to install school bus safety cameras upon school buses operated by or contracted with such district.

2. Such program shall utilize necessary technologies to ensure, to the extent practicable, that photographs produced by such school bus safety cameras shall not include images that identify the driver, the passengers, or the contents of the vehicle. Provided, however, that no notice of liability issued pursuant to this section shall be dismissed solely because a photograph or photographs allow for the identification of the contents of a vehicle, provided that such school district has made a reasonable effort to comply with the provisions of this paragraph.

(b) In any school district which has adopted a resolution pursuant to subdivision (a) of this section, the owner of a vehicle shall be liable for a penalty imposed pursuant to this section if such vehicle was used or operated with the permission of the owner, express or implied, in violation of subdivision (a) of section eleven hundred seventy-four of this title, and such violation is evidenced by information obtained from a school bus safety camera; provided however that no owner of a vehicle shall be liable for a penalty imposed pursuant to this section where the operator of such vehicle has been convicted of the underlying violation of subdivision (a) of section eleven hundred seventy-four of this title.

(c) For purposes of this section, "owner" shall have the meaning provided in article two-B of this chapter. For purposes of this section, "school bus safety camera" shall mean an automated photo monitoring device affixed to the outside of a school bus and designated to detect and store videotape and one or more images of motor vehicles that overtake or pass school buses in violation of subdivision (a) of section eleven hundred seventy-four of this title.

(d) No school district or school bus transportation contractor that has installed cameras pursuant to this section shall access the images from such cameras but shall provide, pursuant to an agreement with the appropriate law enforcement agency or agencies, for the proper handling and custody of such images for the forwarding of such images from such cameras to a law enforcement agency having jurisdiction in the area in which the violation occurred for the purpose of imposing monetary liability on the owner of a motor vehicle for illegally overtaking or passing a school bus in violation of subdivision (a) of section eleven hundred seventy-four of this title. After receipt of such images a police officer shall inspect such videotape and images to determine whether a violation of subdivision (a) of section eleven hundred seven-

ty-four of this title was committed. Upon such a finding a certificate, sworn to or affirmed by an officer of such agency, or a facsimile thereof, based upon inspection of photographs, microphotographs, videotape or other recorded images produced by a school bus safety camera, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation.

(e) An owner found liable pursuant to this section for a violation of subdivision (a) of section eleven hundred seventy-four of this title shall be liable for a monetary penalty of two hundred fifty dollars.

(e-1) Payment of the monetary penalty imposed by subdivision (e) of this section shall be payable to the school district. Nothing herein shall prevent the school district from entering into a memorandum of understanding with a local law enforcement agency to return a portion of such penalty received to the local law enforcement agency, provided however, in no case shall such portion returned to a local law enforcement agency exceed twenty percent of the amount received by the school district.

(e-2) In the event an owner is charged pursuant to this section with a violation of subdivision (a) of section eleven hundred seventy-four of this title where a sworn certificate has been issued pursuant to subdivision (d) of this section where such owner elects to plead guilty to a lesser charge, the payment of the monetary penalty imposed by subdivision (e) of this section shall not be reduced and shall be payable to the school district.

(f) An imposition of liability under this section shall not be deemed a conviction as an operator and shall not be made part of the operating record of the person upon whom such liability is imposed nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage.

(g) 1. A notice of liability shall be sent by the respective law enforcement agency by first class mail to each person alleged to be liable as an owner for a violation of subdivision (a) of section eleven hundred seventy-four of this title pursuant to this section. Personal delivery on the owner shall not be required. A manual or automatic record of mailing prepared in the ordinary course of business shall be prima facie evidence of the facts contained therein.

2. A notice of liability shall contain the name and address of the person alleged to be liable as an owner for a violation of subdivision (a) of section eleven hundred seventy-four of this title pursuant to this section, the registration number of the vehicle involved in such violation, the location where such violation took place, the date and time of such violation and the identification number of the camera which recorded the violation or other document locator number.

3. The notice of liability shall contain information advising the person charged of the manner and the time in which he may contest the liability alleged in the notice. Such notice of liability shall also contain a warning to advise the persons charged that failure to contest in the manner and time provided shall be deemed an admission of liability and that a default judgment may be entered thereon.

4. The notice of liability shall be prepared and mailed by the respective law enforcement agency having jurisdiction over the location where the violation occurred.

(h) Adjudication of the liability imposed upon owners by this section shall be by a traffic violations bureau established pursuant to section

three hundred seventy of the general municipal law or, if there be none, by the court having jurisdiction over traffic infractions, except that any city which has established or designated an administrative tribunal to hear and determine owner liability established by this article for failure to comply with traffic-control indications shall use such tribunal to adjudicate the liability imposed by this section.

(i) If an owner receives a notice of liability pursuant to this section for any time period during which the vehicle was reported to a police department as having been stolen, it shall be a valid defense to an allegation of liability for a violation of subdivision (a) of section eleven hundred seventy-four of this title pursuant to this section that the vehicle had been reported to the police as stolen prior to the time the violation occurred and had not been recovered by such time. For purposes of asserting the defense provided by this subdivision it shall be sufficient that a certified copy of the police report on the stolen vehicle be sent by first class mail to the traffic violations bureau, court having jurisdiction or parking violations bureau.

(j) Where the adjudication of liability imposed upon owners pursuant to this section is by an administrative tribunal, traffic violations bureau, or a court having jurisdiction, an owner who is a lessor of a vehicle to which a notice of liability was issued pursuant to subdivision (g) of this section shall not be liable for the violation of subdivision (a) of section eleven hundred seventy-four of this title, provided that he or she sends to the administrative tribunal, traffic violations bureau, or court having jurisdiction a copy of the rental, lease or other such contract document covering such vehicle on the date of the violation, with the name and address of the lessee clearly legible, within thirty-seven days after receiving notice from the bureau or court of the date and time of such violation, together with the other information contained in the original notice of liability. Failure to send such information within such thirty-seven day time period shall render the owner liable for the penalty prescribed by this section. Where the lessor complies with the provisions of this paragraph, the lessee of such vehicle on the date of such violation shall be deemed to be the owner of such vehicle for purposes of this section, shall be subject to liability for the violation of subdivision (a) of section eleven hundred seventy-four of this title pursuant to this section and shall be sent a notice of liability pursuant to subdivision (g) of this section.

(k) 1. If the owner liable for a violation of subdivision (a) of section eleven hundred seventy-four of this title pursuant to this section was not the operator of the vehicle at the time of the violation, the owner may maintain an action for indemnification against the operator.

2. Notwithstanding any other provision of this section, no owner of a vehicle shall be subject to a monetary fine imposed pursuant to this section if the operator of such vehicle was operating such vehicle without the consent of the owner at the time such operator was found to have been overtaking or passing a school bus. For purposes of this subdivision there shall be a presumption that the operator of such vehicle was operating such vehicle with the consent of the owner at the time such operator was found to have been overtaking or passing a school bus.

(l) Nothing in this section shall be construed to limit the liability of an operator of a vehicle for any violation of subdivision (a) of section eleven hundred seventy-four of this title.

(m) In any school district which adopts a school bus safety camera program pursuant to subdivision (a) of this section, such school district shall submit an annual report on the results of the use of its school bus safety cameras to the governor, the temporary president of the senate and the speaker of the assembly on or before June first, two thousand nineteen and on the same date in each succeeding year in which the demonstration program is operable. Such report shall include, but not be limited to:

1. a description of the number of busses and routes where school bus safety cameras were used;

2. the aggregate number of annual incidents of violations of subdivision (a) of section eleven hundred seventy-four of this title within the district;

3. the number of violations recorded by school bus safety cameras in the aggregate and on a daily, weekly and monthly basis;

4. the total number of notices of liability issued for violations recorded by such systems;

5. the number of fines and total amount of fines paid after first notice of liability issued for violations recorded by such systems;

6. the number of violations adjudicated and results of such adjudications including breakdowns of dispositions made for violations recorded by such systems;

7. the total amount of revenue realized by such school district from such adjudications;

8. expenses incurred by such school district in connection with the program; and

9. quality of the adjudication process and its results.

(n) It shall be a defense to any prosecution for a violation of subdivision (a) of section eleven hundred seventy-four of this title that such school bus safety cameras were malfunctioning at the time of the alleged violation.

§ 4. Subdivision (c) of section 1174 of the vehicle and traffic law, as amended by chapter 254 of the laws of 2002, is amended to read as follows:

(c) Every person convicted of a violation of subdivision (a) of this section shall: for a first conviction thereof, be punished by a fine of not less than [~~two hundred fifty~~] five hundred dollars nor more than [~~four~~] seven hundred fifty dollars or by imprisonment for not more than thirty days or by both such fine and imprisonment; for a conviction of a second violation, both of which were committed within a period of three years, such person shall be punished by a fine of not less than [~~six hundred~~] one thousand dollars nor more than [~~seven~~] one thousand two hundred fifty dollars or by imprisonment for not more than one hundred eighty days or by both such fine and imprisonment; upon a conviction of a third or subsequent violation, all of which were committed within a period of three years, such person shall be punished by a fine of not less than [~~seven hundred fifty~~] one thousand two hundred fifty dollars nor more than one thousand five hundred dollars or by imprisonment for not more than one hundred eighty days or by both such fine and imprisonment.

§ 5. This act shall take effect immediately.

PART D

Section 1. Subdivision 4 of section 1950 of the education law is amended by adding a new paragraph oo to read as follows:

oo. Notwithstanding any other provision of law, a board of cooperative educational services is authorized to enter into a memorandum of understanding with the trustees or board of education of a non-component school district, including city school districts of cities with one hundred twenty-five thousand inhabitants or more, to participate in a recovery high school program operated by the board of cooperative educational services for a period not to exceed five years upon such terms as such trustees or board of education and the board of cooperative educational services may mutually agree, provided that such agreement may provide for a charge for administration of the recovery high school program including capital costs, but participating non-component school districts shall not be liable for payment of administrative expenses as defined in paragraph b of this subdivision. Costs allocated to a participating non-component school district pursuant to a memorandum of understanding shall be aidable pursuant to subdivision five of this section to the same extent and on the same basis as costs allocated to a component school district.

§ 2. This act shall take effect immediately.

PART E

Intentionally Omitted

PART F

Section 1. Section 7408 of the education law is amended by adding a new subdivision 6 to read as follows:

6. Notwithstanding any other provision of law, any firm established to lawfully engage in the practice of public accountancy pursuant to article fifteen of the business corporation law, articles one and eight-B of the partnership law, or articles twelve and thirteen of the limited liability company law shall be deemed eligible to register pursuant to this section.

§ 2. Section 1503 of the business corporation law is amended by adding a new paragraph (h) to read as follows:

(h) Any firm established for the business purpose of incorporating as a professional service corporation formed to lawfully engage in the practice of public accountancy, as such practice is respectively defined under article one hundred forty-nine of the education law shall be required to show (1) that a simple majority of the ownership of the firm, in terms of financial interests, including ownership-based compensation, and voting rights held by the firm's owners, belongs to individuals licensed to practice public accountancy in some state, and (2) that all shareholders of a professional service corporation whose principal place of business is in this state, and who are engaged in the practice of public accountancy in this state, hold a valid license issued under section seventy-four hundred four of the education law or are public accountants licensed under section seventy-four hundred five of the education law. Although firms may include non-licensee owners, the firm and its owners must comply with rules promulgated by the state board of regents. Notwithstanding the provisions of this paragraph, a firm incorporated under this section may not have non-licensee owners if the firm's name includes the words "certified public accountant," or "certified public accountants," or the abbreviations "CPA" or "CPAs". Each non-licensee owner of a firm that is incorporated under this section shall be a natural person who actively participates in the business of

the firm or its affiliated entities. For purposes of this subdivision, "actively participate" means to provide services to clients or to otherwise individually take part in the day-to-day business or management of the firm. Such a firm shall have attached to its certificate of incorporation a certificate or certificates demonstrating the firm's compliance with this paragraph, in lieu of the certificate or certificates required by subparagraph (ii) of paragraph (b) of this section.

§ 3. Section 1507 of the business corporation law is amended by adding a new paragraph (c) to read as follows:

(c) Any firm established for the business purpose of incorporating as a professional service corporation pursuant to paragraph (h) of section fifteen hundred three of this article may issue shares to individuals who are authorized by law to practice in this state a profession which such corporation is authorized to practice and who are or have been engaged in the practice of such profession in such corporation or a predecessor entity, or who will engage in the practice of such profession in such corporation within thirty days of the date such shares are issued and may also issue shares to employees of the corporation not licensed as certified public accountants, provided that:

(i) at least fifty-one percent of the outstanding shares of stock of the corporation are owned by certified public accountants,

(ii) at least fifty-one percent of the directors are certified public accountants,

(iii) at least fifty-one percent of the officers are certified public accountants,

(iv) the president, the chairperson of the board of directors and the chief executive officer or officers are certified public accountants. No shareholder of a firm established for the business purpose of incorporating as a professional service corporation pursuant to paragraph (h) of section fifteen hundred three of this article shall enter into a voting trust agreement, proxy or any other type of agreement vesting in another person, other than another shareholder of the same corporation, the authority to exercise voting power of any or all of his or her shares. All shares issued, agreements made or proxies granted in violation of this section shall be void.

§ 4. Section 1508 of the business corporation law is amended by adding a new paragraph (c) to read as follows:

(c) The directors and officers of any firm established for the business purpose of incorporating as a professional service corporation pursuant to paragraph (h) of section fifteen hundred three of this article may include individuals who are not licensed to practice public accountancy, provided however that at least fifty-one percent of the directors, at least fifty-one percent of the officers and the president, the chairperson of the board of directors and the chief executive officer or officers are authorized by law to practice in this state a profession which such corporation is authorized to practice, and are either shareholders of such corporation or engaged in the practice of their professions in such corporation.

§ 5. Section 1509 of the business corporation law, as amended by chapter 550 of the laws of 2011, is amended to read as follows:

§ 1509. Disqualification of shareholders, directors, officers and employees.

If any shareholder, director, officer or employee of a professional service corporation, including a design professional service corporation, or any firm established for the business purpose of incorporating as a professional service corporation pursuant to paragraph (h) of

section fifteen hundred three of this article, who has been rendering professional service to the public becomes legally disqualified to practice his profession within this state, he shall sever all employment with, and financial interests (other than interests as a creditor) in, such corporation forthwith or as otherwise provided in section 1510 of this article. All provisions of law regulating the rendering of professional services by a person elected or appointed to a public office shall be applicable to a shareholder, director, officer and employee of such corporation in the same manner and to the same extent as if fully set forth herein. Such legal disqualification to practice his profession within this state shall be deemed to constitute an irrevocable offer by the disqualified shareholder to sell his shares to the corporation, pursuant to the provisions of section 1510 of this article or of the certificate of incorporation, by-laws or agreement among the corporation and all shareholders, whichever is applicable. Compliance with the terms of such offer shall be specifically enforceable in the courts of this state. A professional service corporation's failure to enforce compliance with this provision shall constitute a ground for forfeiture of its certificate of incorporation and its dissolution.

§ 6. Paragraph (a) of section 1511 of the business corporation law, as amended by chapter 550 of the laws of 2011, is amended and a new paragraph (c) is added to read as follows:

(a) No shareholder of a professional service corporation [~~or~~]**, including** a design professional service corporation**, or any firm established for the business purpose of incorporating as a professional service corporation pursuant to paragraph (h) of section fifteen hundred three of this article,** may sell or transfer his shares in such corporation except to another individual who is eligible to have shares issued to him by such corporation or except in trust to another individual who would be eligible to receive shares if he were employed by the corporation. Nothing herein contained shall be construed to prohibit the transfer of shares by operation of law or by court decree. No transferee of shares by operation of law or court decree may vote the shares for any purpose whatsoever except with respect to corporate action under sections 909 and 1001 of this chapter. The restriction in the preceding sentence shall not apply, however, where such transferee would be eligible to have shares issued to him if he were an employee of the corporation and, if there are other shareholders, a majority of such other shareholders shall fail to redeem the shares so transferred, pursuant to section 1510 of this article, within sixty days of receiving written notice of such transfer. Any sale or transfer, except by operation of law or court decree or except for a corporation having only one shareholder, may be made only after the same shall have been approved by the board of directors, or at a shareholders' meeting specially called for such purpose by such proportion, not less than a majority, of the outstanding shares as may be provided in the certificate of incorporation or in the by-laws of such professional service corporation. At such shareholders' meeting the shares held by the shareholder proposing to sell or transfer his shares may not be voted or counted for any purpose, unless all shareholders consent that such shares be voted or counted. The certificate of incorporation or the by-laws of the professional service corporation, or the professional service corporation and the shareholders by private agreement, may provide, in lieu of or in addition to the foregoing provisions, for the alienation of shares and may require the redemption or purchase of such shares by such corporation at prices and in a manner specifically set forth therein. The

existence of the restrictions on the sale or transfer of shares, as contained in this article and, if applicable, in the certificate of incorporation, by-laws, stock purchase or stock redemption agreement, shall be noted conspicuously on the face or back of every certificate for shares issued by a professional service corporation. Any sale or transfer in violation of such restrictions shall be void.

(c) A firm established for the business purpose of incorporating as a professional service corporation pursuant to paragraph (h) of section fifteen hundred three of this article, shall purchase or redeem the shares of a non-licensed professional shareholder in the case of his or her termination of employment within thirty days after such termination. A firm established for the business purpose of incorporating as a professional service corporation pursuant to paragraph (h) of section fifteen hundred three of this article, shall not be required to purchase or redeem the shares of a terminated non-licensed professional shareholder if such shares, within thirty days after such termination, are sold or transferred to another employee of the corporation pursuant to this article.

§ 7. Paragraph (a) of section 1512 of the business corporation law, as amended by chapter 550 of the laws of 2011, is amended to read as follows:

(a) Notwithstanding any other provision of law, the name of a professional service corporation, including a design professional service corporation **and any firm established for the business purpose of incorporating as a professional service corporation pursuant to paragraph (h) of section fifteen hundred three of this article**, may contain any word which, at the time of incorporation, could be used in the name of a partnership practicing a profession which the corporation is authorized to practice, and may not contain any word which could not be used by such a partnership. Provided, however, the name of a professional service corporation may not contain the name of a deceased person unless

(1) such person's name was part of the corporate name at the time of such person's death; or

(2) such person's name was part of the name of an existing partnership and at least two-thirds of such partnership's partners become shareholders of the corporation.

§ 8. Section 1514 of the business corporation law is amended by adding a new paragraph (c) to read as follows:

(c) Each firm established for the business purpose of incorporating as a professional service corporation pursuant to paragraph (h) of section fifteen hundred three of this article shall, at least once every three years on or before the date prescribed by the licensing authority, furnish a statement to the licensing authority listing the names and residence addresses of each shareholder, director and officer of such corporation and certify as the date of certification and at all times over the entire three year period that:

(i) at least fifty-one percent of the outstanding shares of stock of the corporation are and were owned by certified public accountants,

(ii) at least fifty-one percent of the directors are and were certified public accountants,

(iii) at least fifty-one percent of the officers are and were certified public accountants,

(iv) the president, the chairperson of the board of directors and the chief executive officer or officers are and were certified public accountants.

The statement shall be signed by the president or any certified public accountant vice-president and attested to by the secretary or any assistant secretary of the corporation.

§ 9. Paragraph (d) of section 1525 of the business corporation law, as added by chapter 505 of the laws of 1983, is amended to read as follows:

(d) "Foreign professional service corporation" means a professional service corporation, whether or not denominated as such, organized under the laws of a jurisdiction other than this state, all of the shareholders, directors and officers of which are authorized and licensed to practice the profession for which such corporation is licensed to do business; except that all shareholders, directors and officers of a foreign professional service corporation which provides health services in this state shall be licensed in this state. Notwithstanding any other provision of law a foreign professional service corporation formed to lawfully engage in the practice of public accountancy, as such practice is defined under article one hundred forty-nine of the education law, or equivalent state law, shall be required to show (1) that a simple majority of the ownership of the firm, in terms of financial interests, including ownership-based compensation, and voting rights held by the firm's owners, belongs to individuals licensed to practice public accountancy in some state, and (2) that all shareholders of a foreign professional service corporation whose principal place of business is in this state, and who are engaged in the practice of public accountancy in this state, hold a valid license issued under section seventy-four hundred four of the education law or are public accountants licensed under section seventy-four hundred five of the education law. Although firms may include non-licensee owners, the firm and its owners must comply with rules promulgated by the state board of regents. Notwithstanding the foregoing, a firm registered under this section may not have non-licensee owners if the firm's name includes the words "certified public accountant," or "certified public accountants," or the abbreviations "CPA" or "CPAs." Each non-licensee owner of a firm that is operating under this section shall be a natural person who actively participates in the business of the firm or its affiliated entities, provided each beneficial owner of an equity interest in such entity is a natural person who actively participates in the business conducted by the firm or its affiliated entities. For purposes of this subdivision, "actively participate" means to provide services to clients or to otherwise individually take part in the day-to-day business or management of the firm.

§ 10. Subdivision (q) of section 121-1500 of the partnership law, as amended by chapter 475 of the laws of 2014, is amended to read as follows:

(q) Each partner of a registered limited liability partnership formed to provide medical services in this state must be licensed pursuant to article 131 of the education law to practice medicine in this state and each partner of a registered limited liability partnership formed to provide dental services in this state must be licensed pursuant to article 133 of the education law to practice dentistry in this state. Each partner of a registered limited liability partnership formed to provide veterinary services in this state must be licensed pursuant to article 135 of the education law to practice veterinary medicine in this state. Each partner of a registered limited liability partnership formed to provide public accountancy services, whose principal place of business is in this state and who provides public accountancy services, must be licensed pursuant to article 149 of the education law to practice public

accountancy in this state. Each partner of a registered limited liability partnership formed to provide professional engineering, land surveying, geological services, architectural and/or landscape architectural services in this state must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions in this state. Each partner of a registered limited liability partnership formed to provide licensed clinical social work services in this state must be licensed pursuant to article 154 of the education law to practice clinical social work in this state. Each partner of a registered limited liability partnership formed to provide creative arts therapy services in this state must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. Each partner of a registered limited liability partnership formed to provide marriage and family therapy services in this state must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. Each partner of a registered limited liability partnership formed to provide mental health counseling services in this state must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. Each partner of a registered limited liability partnership formed to provide psychoanalysis services in this state must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. Each partner of a registered limited liability partnership formed to provide applied behavior analysis service in this state must be licensed or certified pursuant to article 167 of the education law to practice applied behavior analysis in this state. Notwithstanding any other provisions of law a limited liability partnership formed to lawfully engage in the practice of public accountancy, as such practice is respectively defined under article 149 of the education law, shall be required to show (1) that a simple majority of the ownership of the firm, in terms of financial interests, including ownership-based compensation, and voting rights held by the firm's owners, belongs to individuals licensed to practice public accountancy in some state, and (2) that all partners of a limited liability partnership whose principal place of business is in this state, and who are engaged in the practice of public accountancy in this state, hold a valid license issued under section 7404 of the education law or are public accountants licensed under section 7405 of the education law. Although firms may include non-licensee owners, the firm and its owners must comply with rules promulgated by the state board of regents. Notwithstanding the foregoing, a firm registered under this section may not have non-licensee owners if the firm's name includes the words "certified public accountant," or "certified public accounts," or the abbreviations "CPA" or "CPAs." Each non-licensee owner of a firm that is incorporated under this section shall be (1) a natural person who actively participates in the business of the firm or its affiliated entities, or (2) an entity, including, but not limited to, a partnership or professional corporation, provided each beneficial owner of an equity interest in such entity is a natural person who actively participates in the business conducted by the firm or its affiliated entities. For purposes of this subdivision, "actively participate" means to provide services to clients or to otherwise individually take part in the day-to-day business or management of the firm.

§ 11. Subdivision (q) of section 121-1502 of the partnership law, as amended by chapter 475 of the laws of 2014, is amended to read as follows:

(q) Each partner of a foreign limited liability partnership which provides medical services in this state must be licensed pursuant to article 131 of the education law to practice medicine in the state and each partner of a foreign limited liability partnership which provides dental services in the state must be licensed pursuant to article 133 of the education law to practice dentistry in this state. Each partner of a foreign limited liability partnership which provides veterinary service in the state shall be licensed pursuant to article 135 of the education law to practice veterinary medicine in this state. Each partner of a foreign limited liability partnership which provides professional engineering, land surveying, geological services, architectural and/or landscape architectural services in this state must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions. **Each partner of a foreign registered limited liability partnership formed to provide public accountancy services, whose principal place of business is in this state and who provides public accountancy services, must be licensed pursuant to article 149 of the education law to practice public accountancy in this state.** Each partner of a foreign limited liability partnership which provides licensed clinical social work services in this state must be licensed pursuant to article 154 of the education law to practice licensed clinical social work in this state. Each partner of a foreign limited liability partnership which provides creative arts therapy services in this state must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. Each partner of a foreign limited liability partnership which provides marriage and family therapy services in this state must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. Each partner of a foreign limited liability partnership which provides mental health counseling services in this state must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. Each partner of a foreign limited liability partnership which provides psychoanalysis services in this state must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. Each partner of a foreign limited liability partnership which provides applied behavior analysis services in this state must be licensed or certified pursuant to article 167 of the education law to practice applied behavior analysis in this state. **Notwithstanding any other provisions of law a foreign limited liability partnership formed to lawfully engage in the practice of public accountancy, as such practice is respectively defined under article 149 of the education law, shall be required to show (1) that a simple majority of the ownership of the firm, in terms of financial interests, including ownership-based compensation, and voting rights held by the firm's owners, belongs to individuals licensed to practice public accountancy in some state, and (2) that all partners of a foreign limited liability partnership whose principal place of business is in this state, and who are engaged in the practice of public accountancy in this state, hold a valid licence issued under section 7404 of the education law or are public accountants licensed under section 7405 of the education law. Although firms may include non-licensee owners, the firm and its owners must comply with rules promulgated by the state board of regents. Notwithstanding the foregoing, a firm registered under this section may not have non-licensee owners if the firm's name includes the words "certified public accountant," or "certified public accountants," or the abbreviations "CPA" or "CPAs." Each**

non-licensee owner of a firm that is incorporated under this section shall be (1) a natural person who actively participates in the business of the firm or its affiliated entities, or (2) an entity, including, but not limited to, a partnership or professional corporation, provided each beneficial owner of an equity interest in such entity is a natural person who actively participates in the business conducted by the firm or its affiliated entities. For purposes of this subdivision, "actively participate" means to provide services to clients or to otherwise individually take part in the day-to-day business or management of the firm.

§ 12. Subdivision (h) of section 121-101 of the partnership law, as added by chapter 950 of the laws of 1990, is amended to read as follows:

(h) "Limited partnership" and "domestic limited partnership" mean, unless the context otherwise requires, a partnership (i) formed by two or more persons pursuant to this article or which complies with subdivision (a) of section 121-1202 of this article and (ii) having one or more general partners and one or more limited partners. **Notwithstanding any other provisions of law a limited partnership or domestic limited partnership formed to lawfully engage in the practice of public accountancy, as such practice is respectively defined under article 149 of the education law shall be required to show (1) that a simple majority of the ownership of the firm, in terms of financial interests, including ownership-based compensation, and voting rights held by the firm's owners, belongs to individuals licensed to practice public accountancy in some state, and (2) that all partners of a limited partnership or domestic limited partnership, whose principal place of business is in this state, and who are engaged in the practice of public accountancy in this state, hold a valid license issued under section 7404 of the education law or are public accountants licensed under section 7405 of the education law. Although firms may include non-licensee owners, the firm and its owners must comply with rules promulgated by the state board of regents. Notwithstanding the foregoing, a firm registered under this section may not have non-licensee owners if the firm's name includes the words "certified public accountant," or "certified public accountants," or the abbreviations "CPA" or "CPAs." Each non-licensee owner of a firm that is registered under this section shall be (1) a natural person who actively participates in the business of the firm or its affiliated entities, or (2) an entity, including, but not limited to, a partnership or professional corporation, provided each beneficial owner of an equity interest in such entity is a natural person who actively participates in the business conducted by the firm or its affiliated entities. For purposes of this subdivision, "actively participate" means to provide services to clients or to otherwise individually take part in the day-to-day business or management of the firm.**

§ 13. Subdivision (b) of section 1207 of the limited liability company law, as amended by chapter 475 of the laws of 2014, is amended to read as follows:

(b) With respect to a professional service limited liability company formed to provide medical services as such services are defined in article 131 of the education law, each member of such limited liability company must be licensed pursuant to article 131 of the education law to practice medicine in this state. With respect to a professional service limited liability company formed to provide dental services as such services are defined in article 133 of the education law, each member of such limited liability company must be licensed pursuant to article 133 of the education law to practice dentistry in this state. With respect to a professional service limited liability company formed to provide

veterinary services as such services are defined in article 135 of the education law, each member of such limited liability company must be licensed pursuant to article 135 of the education law to practice veterinary medicine in this state. With respect to a professional service limited liability company formed to provide professional engineering, land surveying, architectural, landscape architectural and/or geological services as such services are defined in article 145, article 147 and article 148 of the education law, each member of such limited liability company must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions in this state. **With respect to a professional service limited liability company formed to provide public accountancy services as such services are defined in article 149 of the education law each member of such limited liability company whose principal place of business is in this state and who provides public accountancy services, must be licensed pursuant to article 149 of the education law to practice public accountancy in this state.** With respect to a professional service limited liability company formed to provide licensed clinical social work services as such services are defined in article 154 of the education law, each member of such limited liability company shall be licensed pursuant to article 154 of the education law to practice licensed clinical social work in this state. With respect to a professional service limited liability company formed to provide creative arts therapy services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. With respect to a professional service limited liability company formed to provide marriage and family therapy services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. With respect to a professional service limited liability company formed to provide mental health counseling services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. With respect to a professional service limited liability company formed to provide psychoanalysis services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. With respect to a professional service limited liability company formed to provide applied behavior analysis services as such services are defined in article 167 of the education law, each member of such limited liability company must be licensed or certified pursuant to article 167 of the education law to practice applied behavior analysis in this state. **Notwithstanding any other provisions of law a professional service limited liability company formed to lawfully engage in the practice of public accountancy, as such practice is respectively defined under article 149 of the education law shall be required to show (1) that a simple majority of the ownership of the firm, in terms of financial interests, including ownership-based compensation, and voting rights held by the firm's owners, belongs to individuals licensed to practice public accountancy in some state, and (2) that all members of a limited professional service limited liability company, whose principal place of business is in this state, and who are engaged in the practice of public**

accountancy in this state, hold a valid license issued under section 7404 of the education law or are public accountants licensed under section 7405 of the education law. Although firms may include non-licensee owners, the firm and its owners must comply with rules promulgated by the state board of regents. Notwithstanding the foregoing, a firm registered under this section may not have non-licensee owners if the firm's name includes the words "certified public accountant," or "certified public accountants," or the abbreviations "CPA" or "CPAs." Each non-licensee owner of a firm that is registered under this section shall be (1) a natural person who actively participates in the business of the firm or its affiliated entities, or (2) an entity, including, but not limited to, a partnership or professional corporation, provided each beneficial owner of an equity interest in such entity is a natural person who actively participates in the business conducted by the firm or its affiliated entities. For purposes of this subdivision, "actively participate" means to provide services to clients or to otherwise individually take part in the day-to-day business or management of the firm.

§ 14. Subdivision (a) of section 1301 of the limited liability company law, as amended by chapter 475 of the laws of 2014, is amended to read as follows:

(a) "Foreign professional service limited liability company" means a professional service limited liability company, whether or not denominated as such, organized under the laws of a jurisdiction other than this state, (i) each of whose members and managers, if any, is a professional authorized by law to render a professional service within this state and who is or has been engaged in the practice of such profession in such professional service limited liability company or a predecessor entity, or will engage in the practice of such profession in the professional service limited liability company within thirty days of the date such professional becomes a member, or each of whose members and managers, if any, is a professional at least one of such members is authorized by law to render a professional service within this state and who is or has been engaged in the practice of such profession in such professional service limited liability company or a predecessor entity, or will engage in the practice of such profession in the professional service limited liability company within thirty days of the date such professional becomes a member, or (ii) authorized by, or holding a license, certificate, registration or permit issued by the licensing authority pursuant to, the education law to render a professional service within this state; except that all members and managers, if any, of a foreign professional service limited liability company that provides health services in this state shall be licensed in this state. With respect to a foreign professional service limited liability company which provides veterinary services as such services are defined in article 135 of the education law, each member of such foreign professional service limited liability company shall be licensed pursuant to article 135 of the education law to practice veterinary medicine. With respect to a foreign professional service limited liability company which provides medical services as such services are defined in article 131 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 131 of the education law to practice medicine in this state. With respect to a foreign professional service limited liability company which provides dental services as such services are defined in article 133 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 133 of the educa-

tion law to practice dentistry in this state. With respect to a foreign professional service limited liability company which provides professional engineering, land surveying, geologic, architectural and/or landscape architectural services as such services are defined in article 145, article 147 and article 148 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions in this state. **With respect to a foreign professional service limited liability company which provides public accountancy services as such services are defined in article 149 of the education law, each member of such foreign professional service limited liability company whose principal place of business is in this state and who provides public accountancy services, shall be licensed pursuant to article 149 of the education law to practice public accountancy in this state.** With respect to a foreign professional service limited liability company which provides licensed clinical social work services as such services are defined in article 154 of the education law, each member of such foreign professional service limited liability company shall be licensed pursuant to article 154 of the education law to practice clinical social work in this state. With respect to a foreign professional service limited liability company which provides creative arts therapy services as such services are defined in article 163 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. With respect to a foreign professional service limited liability company which provides marriage and family therapy services as such services are defined in article 163 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. With respect to a foreign professional service limited liability company which provides mental health counseling services as such services are defined in article 163 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. With respect to a foreign professional service limited liability company which provides psychoanalysis services as such services are defined in article 163 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. With respect to a foreign professional service limited liability company which provides applied behavior analysis services as such services are defined in article 167 of the education law, each member of such foreign professional service limited liability company must be licensed or certified pursuant to article 167 of the education law to practice applied behavior analysis in this state. **Notwithstanding any other provisions of law a foreign professional service limited liability company formed to lawfully engage in the practice of public accountancy, as such practice is respectively defined under article 149 of the education law shall be required to show (1) that a simple majority of the ownership of the firm, in terms of financial interests, including ownership-based compensation, and voting rights held by the firm's owners, belongs to individuals licensed to practice public accountancy in some state, and (2) that all members of a foreign limited professional service limited liability company, whose principal place of business is**

in this state, and who are engaged in the practice of public accountancy in this state, hold a valid license issued under section 7404 of the education law or are public accountants licensed under section 7405 of the education law, Although firms may include non-licensee owners, the firm and its owners must comply with rules promulgated by the state board of regents. Notwithstanding the foregoing, a firm registered under this section may not have non-licensee owners if the firm's name includes the words "certified public accountant," or "certified public accountants," or the abbreviations "CPA" or "CPAs." Each non-licensee owner of a firm that is registered under this section shall be (1) a natural person who actively participates in the business of the firm or its affiliated entities, or (2) an entity, including, but not limited to, a partnership or professional corporation, provided each beneficial owner of an equity interest in such entity is a natural person who actively participates in the business conducted by the firm or its affiliated entities. For purposes of this subdivision, "actively participate" means to provide services to clients or to otherwise individually take part in the day-to-day business or management of the firm.

§ 15. This act shall take effect immediately.

PART G

Section 1. Subparagraphs (i), (ii), (iii) and (iv) of paragraph (a) of subdivision 8 of section 404 of the social services law are REPEALED.

§ 2. Section 11 of subpart A of part G of chapter 57 of the laws of 2012, amending the social services law and the family court act relating to establishing a juvenile justice services close to home initiative, is amended to read as follows:

§ 11. This act shall take effect April 1, 2012 and shall expire on March 31, [~~2018~~] 2023 when upon such date the provisions of this act shall be deemed repealed; 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 are authorized and directed to be made and completed on or before such effective date; provided, however, upon the repeal of this act, a social services district that has custody of a juvenile delinquent pursuant to an approved juvenile justice services close to home initiative shall retain custody of such juvenile delinquent until custody may be legally transferred in an orderly fashion to the office of children and family services.

§ 3. Section 7 of subpart B of part G of chapter 57 of the laws of 2012, amending the social services law, the family court act and the executive law relating to juvenile delinquents, is amended to read as follows:

§ 7. This act shall take effect April 1, 2012 and shall expire on March 31, [~~2018~~] 2023 when upon such date the provisions of this act shall be deemed repealed; 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 effective date.

§ 4. This act shall take effect immediately and shall be deemed to have been in full force and effect on March 31, 2018.

PART H

Intentionally Omitted

PART I

Section 1. Section 9 of part G of chapter 57 of the laws of 2013, amending the executive law and the social services law relating to consolidating the youth development and delinquency prevention program and the special delinquency prevention program, is amended to read as follows:

§ 9. This act shall take effect January 1, 2014 and shall expire and be deemed repealed on December 31, [~~2018~~] **2021**.

§ 2. This act shall take effect immediately.

PART J

Section 1. Section 4 of part K of 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, as amended by section 5 of part J of chapter 56 of the laws of 2015, is amended to read as follows:

§ 4. This act shall take effect July 1, 2012 and shall expire June 30, [~~2018~~] **2021** when upon such date the provisions of this act shall be deemed repealed.

§ 2. This act shall take effect immediately.

PART K

Section 1. Paragraph (b) of subdivision 2 of section 1676 of the public authorities law is amended by adding a new undesignated paragraph to read as follows:

The office of children and family services of the state of New York.

§ 2. This act shall take effect immediately.

PART L

Section 1. Paragraphs (a), (b), (c) and (d) of subdivision 1 of section 131-o of the social services law, as amended by section 1 of part P of chapter 56 of the laws of 2017, are amended to read as follows:

(a) in the case of each individual receiving family care, an amount equal to at least [~~$141.00~~] **$144.00** for each month beginning on or after January first, two thousand [~~seventeen~~] **eighteen**.

(b) in the case of each individual receiving residential care, an amount equal to at least [~~$163.00~~] **$166.00** for each month beginning on or after January first, two thousand [~~seventeen~~] **eighteen**.

(c) in the case of each individual receiving enhanced residential care, an amount equal to at least [~~$194.00~~] **$198.00** for each month beginning on or after January first, two thousand [~~seventeen~~] **eighteen**.

(d) for the period commencing January first, two thousand [~~eighteen~~] **nineteen**, 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 [~~eighteen~~] **nineteen**, but prior to June thirtieth, two thousand [~~eighteen~~] **nineteen**, rounded to the nearest whole dollar.

§ 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 P of chapter 56 of the laws of 2017, are amended to read as follows:

(a) On and after January first, two thousand [~~seventeen~~] **eighteen**, for an eligible individual living alone, [~~$822.00~~] **$837.00**; and for an eligible couple living alone, [~~$1,207.00~~] **$1,229.00**.

(b) On and after January first, two thousand [~~seventeen~~] **eighteen**, for an eligible individual living with others with or without in-kind income, [~~$758.00~~] **$773.00**; and for an eligible couple living with others with or without in-kind income, [~~$1,149.00~~] **$1,171.00**.

(c) On and after January first, two thousand [~~seventeen~~] **eighteen**, (i) for an eligible individual receiving family care, [~~$1,001.48~~] **$1,016.48** 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, [~~$963.48~~] **$978.48**; 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 [~~seventeen~~] **eighteen**, (i) for an eligible individual receiving residential care, [~~$1,170.00~~] **$1,185.00** 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, [~~$1,140.00~~] **$1,155.00**; 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~~] **(1) From** January first, two thousand seventeen **to March thirty-first, two thousand eighteen**, for an eligible individual receiving enhanced residential care, $1,429.00; and [~~(ii)~~] **(2)** for an eligible couple receiving enhanced residential care, two times the amount set forth in [~~subparagraph (i)~~] **clause one** of this [~~paragraph~~] **subparagraph**.

(ii) (1) From April first, two thousand eighteen to March thirty-first, two thousand nineteen, for an eligible individual receiving enhanced residential care, $1,549.00; and (2) for an eligible couple receiving enhanced residential care, two times the amount set forth in clause one of this subparagraph.

(iii) (1) From April first, two thousand nineteen to March thirty-first, two thousand twenty, for an eligible individual receiving enhanced residential care, $1,669.00; and (2) for an eligible couple receiving enhanced residential care, two times the amount set forth in clause one of this subparagraph.

(iv) (1) From April first, two thousand twenty to March thirty-first, two thousand twenty-one, for an eligible individual receiving enhanced residential care, $1,789.00; and (2) for an eligible couple receiving

enhanced residential care, two times the amount set forth in clause one of this subparagraph.

(v) (1) From April first, two thousand twenty-one to March thirty-first, two thousand twenty-two, for an eligible individual receiving enhanced residential care, $1,909.00; and (2) for an eligible couple receiving enhanced residential care, two times the amount set forth in clause one of this subparagraph.

(vi) (1) From April first, two thousand twenty-two and thereafter, for an eligible individual receiving enhanced residential care, $2,029.00; and (2) for an eligible couple receiving enhanced residential care, two times the amount set forth in clause one of this subparagraph.

(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 [~~eighteen~~] nineteen but prior to June thirtieth, two thousand [~~eighteen~~] nineteen.

§ 3. This act shall take effect December 31, 2018; provided, however, that the amendments to paragraph (e) of subdivision 2 of section 209 of the social services law made by section two of this act shall take effect April 1, 2018.

PART M

Intentionally Omitted

PART N

Section 1. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for purposes of the rural rental assistance program pursuant to article 17-a of the private housing finance law, a sum not to exceed $23,649,000 for the fiscal year ending March 31, 2019. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the housing trust fund corporation, for the purposes of reimbursing any costs associated with rural rental assistance program contracts authorized by this section, a total sum not to exceed $23,649,000, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2017-2018 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than June 30, 2018.

§ 2. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for purposes of the neighborhood preservation program, a sum not to exceed $14,550,000 for the fiscal year ending March 31, 2019. Within this amount, $250,000 shall be used for the purpose of entering into a contract with the neighborhood preservation

coalition to provide technical assistance and service to companies funded pursuant to article 16 of the private housing finance law. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the housing trust fund corporation, for the purposes of reimbursing any costs associated with neighborhood preservation program contracts authorized by this section, a total sum not to exceed $14,550,000, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2017-2018 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than June 30, 2018.

§ 3. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for purposes of the rural preservation program, a sum not to exceed $6,250,000 for the fiscal year ending March 31, 2019. Within this amount, $250,000 shall be used for the purpose of entering into a contract with the rural preservation coalition to provide technical assistance and service to companies funded pursuant to article 17 of the private housing finance law. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the housing trust fund corporation, for the purposes of reimbursing any costs associated with rural preservation program contracts authorized by this section, a total sum not to exceed $6,250,000, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2017-2018 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than June 30, 2018.

§ 4. Notwithstanding any other provision of law, the homeless housing and assistance corporation may provide, for purposes of the New York state supportive housing program, the solutions to end homelessness program or the operational support for AIDS housing program, or to qualified grantees under those programs, in accordance with the requirements of those programs, a sum not to exceed $6,522,000 for the fiscal year ending March 31, 2019. The homeless housing and assistance corporation may enter into an agreement with the office of temporary and disability assistance to administer such sum in accordance with the requirements of

the programs. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the homeless housing and assistance corporation, a total sum not to exceed $6,522,000, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2017-2018 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than March 31, 2019.

§ 5. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for the purposes of the access to home program pursuant to article 25 of the private housing finance law, a sum not to exceed $4,000,000 for the fiscal year ending March 31, 2019. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the housing trust fund corporation, for the purposes of reimbursing any costs associated with access to home contracts authorized by this section, a total sum not to exceed $4,000,000, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2017-18 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purpose of such account, the project pool insurance amount of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than June 30, 2018.

§ 6. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for the purposes of the residential emergency services to offer (Home) repairs to the elderly (RESTORE) program, a sum not to exceed $3,600,000 for the fiscal year ending March 31, 2019. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the housing trust fund corporation, for the purposes of reimbursing any costs associated with residential emergency services to offer (Home) repairs to the elderly (RESTORE) program contracts authorized by this section, a total sum not to exceed $3,600,000, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by

the state of New York mortgage agency for the fiscal year 2017-18 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purpose of such account, the project pool insurance amount of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than June 30, 2018.

§ 7. This act shall take effect immediately.

PART O

Section 1. This Part enacts into law components of legislation relating to the prevention, response and recovery of flooding on Lake Ontario and the St. Lawrence River. Each component is wholly contained within a Subpart identified as Subparts A through E. The effective date for each particular provision contained within such Subpart as set forth in the last section of such Subpart. Any provision in any section contained within a Subpart, including the effective date of the Subpart, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Subpart in which it is found. Section three of this Part sets forth the general effective date of this Part.

SUBPART A

Section 1. Paragraph (c) of subdivision 2 of section 1 of part A of chapter 85 of the laws of 2017, relating to creating the Lake Ontario-St. Lawrence Seaway flood recovery and International Joint Commission Plan 2014 mitigation grant program, as amended by section 2 of part J of chapter 61 of the laws of 2017, is amended to read as follows:

(c) The New York state urban development corporation shall administer this grant program, which shall not exceed in the aggregate $15,000,000 **plus any funds directed from the programs authorized in subdivisions 3 and 4 of this section**. Such corporation and other relevant state agencies and state authorities are hereby empowered to establish grant guidelines and additional eligibility criteria as deemed necessary to effectuate the administration of this program. Any grant guidelines and eligibility criteria established by the corporation pursuant to this subdivision shall be equivalent to, and shall not be more restrictive than, those established by the New York State Urban Development Corporation, doing business as the Empire State Development Corporation, in the grant programs it administered pursuant to part H of chapter 56 of the laws of 2011. In providing assistance pursuant to this subdivision, the New York state urban development corporation shall give preference to applicants that demonstrate the greatest need, based on available flood damage data provided by applicable state and/or federal agencies.

§ 2. Paragraph (c) of subdivision 3 of section 1 of part A of chapter 85 of the laws of 2017, relating to creating the Lake Ontario-St. Lawrence Seaway flood recovery and International Joint Commission Plan 2014 mitigation grant program, as amended by section 2 of part J of chapter 61 of the laws of 2017, is amended to read as follows:

(c) The affordable housing corporation shall administer this grant program, which shall not exceed in the aggregate [~~$15,000,000~~] **$90,000,000 plus any funds directed from the programs authorized in**

subdivisions 2 and 4 of this section. Such corporation and other relevant state agency or state authorities are hereby empowered to establish grant guidelines and additional eligibility criteria as deemed necessary to effectuate the administration of this program. Any grant guidelines and eligibility criteria established by the corporation pursuant to this subdivision shall be equivalent to, and shall not be more restrictive than, those established by the New York State Urban Development Corporation, doing business as the Empire State Development Corporation, in the grant programs it administered pursuant to part H of chapter 56 of the laws of 2011. In providing assistance pursuant to this subdivision, the affordable housing corporation shall give preference to applicants that demonstrate the greatest need, based on available flood damage data provided by applicable state and/or federal agencies.

§ 3. Paragraph (c) of subdivision 4 of section 1 of part A of chapter 85 of the laws of 2017, relating to creating the Lake Ontario-St. Lawrence Seaway flood recovery and International Joint Commission Plan 2014 mitigation grant program, as amended by section 2 of part J of chapter 61 of the laws of 2017, is amended to read as follows:

(c) The housing trust fund corporation shall administer this grant program, which shall not exceed in the aggregate $15,000,000 **plus any funds directed from the programs authorized in subdivisions 2 and 3 of this section**. Such corporation, and other relevant state agencies or state authorities, is hereby empowered to establish grant guidelines and additional eligibility criteria, based on available flood damage data provided by applicable state and/or federal agencies, as it deems necessary to effectuate the administration of this program. Any grant guidelines and eligibility criteria established by the corporation pursuant to this subdivision shall be equivalent to, and shall not be more restrictive than, those established by the New York State Urban Development Corporation, doing business as the Empire State Development Corporation, in the grant programs it administered pursuant to part H of chapter 56 of the laws of 2011. In providing assistance pursuant to this subdivision, the corporation shall give preference to applicants that demonstrate the greatest need, based on available flood damage data provided by applicable state and/or federal agencies.

§ 4. This act shall take effect immediately.

SUBPART B

Section 1. Paragraph (b) of subdivision 3 of section 1 of part A of chapter 85 of the laws of 2017, relating to creating the Lake Ontario-St. Lawrence Seaway flood recovery and International Joint Commission Plan 2014 mitigation grant program, as amended by section 2 of part J of chapter 61 of the laws of 2017, is amended to read as follows:

(b) Such grant shall be in an amount of no more than $50,000 and shall be used for flood-related repairs and restoration to structures, **docks,** equipment, and for other flood-related costs, all of which were not covered by any other federal, state or local recovery program or any third-party payors.

§ 2. This act shall take effect immediately.

SUBPART C

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

3. Upon the request of the sheriff of an impacted county, or upon the request of any county legislature or county board of supervisors in any impacted county, or upon the request of a mayor of any city or village in any impacted county, or upon the request of a supervisor of any town in any impacted county, the governor may order into the active service of the state, for such period, to such extent and in such manner as he may deem necessary, all or any part of the organized militia, in accordance with the provisions and purposes of the Lake Ontario-St. Lawrence River Flood Prevention, Response and Recovery Program as set forth in article five of this chapter. The compensation of all officers and enlisted men, while on duty or assembled pursuant to this subdivision, and all expenses incurred in connection with such duty or as a result thereof shall be paid in the manner prescribed by section two hundred twelve-a of this chapter. For purposes of this section, the term "impacted county" shall mean Niagara County, Orleans County, Monroe County, Wayne County, Cayuga County, Onondaga County, Oswego County, Jefferson County, St. Lawrence County, and/or Franklin County, if and when such county or counties have sustained an impact due to flooding caused at least in part by the rising levels of Lake Ontario or the St. Lawrence River, or their adjoining waterways.

§ 2. The military law is amended by adding a new article 5 to read as follows:

ARTICLE V
LAKE ONTARIO-ST. LAWRENCE RIVER FLOOD PREVENTION, RESPONSE AND RECOVERY PROGRAM

Section 100. Lake Ontario-St. Lawrence River Flood Prevention, Response and Recovery Program

§ 100. Lake Ontario-St. Lawrence River Flood Prevention, Response and Recovery Program. There is hereby established within the division, under the command, control and direction of the adjutant general, a Lake Ontario-St. Lawrence River Flood Prevention, Response and Recovery Program. It shall be the purpose of this program to provide flood prevention, response and recovery services to the persons, homeowners, business owners, employees and localities of an impacted county, in the event of flooding caused at least in part by the rising levels or Lake Ontario or the St. Lawrence River, or their adjoining waterways. For purposes of this section, the term "impacted county" shall mean Niagara County, Orleans County, Monroe County, Wayne County, Cayuga County, Onondaga County, Oswego County, Jefferson County, St. Lawrence County, and/or Franklin County, if and when such county or counties have sustained an impact due to flooding caused at least in part by the rising levels of Lake Ontario or the St. Lawrence River, or their adjoining waterways.

1. In accordance with a call by the governor pursuant to subdivision three of section six of this chapter, the adjutant general shall respond to a request for, and shall provide, flood prevention, response and recovery services in any impacted county. Such services shall include:

a. Prevention services. The adjutant general shall direct the performance of any services that would assist in the prevention or mitigation of the impact of flooding caused at least in part by the rising levels of Lake Ontario or the St. Lawrence River, or their adjoining waterways. Such services shall include, but not be limited to:

(i) Providing personnel, material and logistical support in deploying measures to prevent or mitigate any effects of flooding, including but not limited to, the procurement, filing and placement of sand bags; procurement and deployment of flood booms; and the construction and

placement of levies, seawalls, flood barriers, water diversion channels, or other emergency or permanent flood arresting, controlling or protection measures;

(ii) The development, in consultation with the state department of environmental conservation, the state division of homeland security and emergency services, the division of state police, and all the local governments of Niagara County, Orleans County, Monroe County, Wayne County, Cayuga County, Onondaga County, Oswego County, Jefferson County, St. Lawrence County, and Franklin County, of a Lake/River Flooding Prevention Action Plan, that identifies potential flooding hazards and conditions and makes recommendations concerning actions that will prevent and/or mitigate such hazards and effectively execute such prevention plan; and

(iii) Such other and further prevention services as the adjutant general, in consultation with the local governments of Niagara, Orleans, Monroe, Wayne, Cayuga, Onondaga, Oswego, Jefferson, St. Lawrence, and Franklin Counties may deem necessary, effective, prudent and/or expedient to effectively accomplish the purposes of this program and provide meaningful prevention services.

b. Response services. The adjutant general shall direct the performance of any services that would assist in the response to flooding caused at least in part by the rising levels of Lake Ontario or the St. Lawrence River, or their adjoining waterways. Such services shall include, but not be limited to:

(i) Providing personnel, material and logistical support in deploying measures to immediately respond to any effects of flooding, including but not limited to, the procurement, filing and placement of sand bags; procurement and deployment of flood booms; the construction and placement of levies, seawalls, flood barriers, water diversion channels, or other emergency flood arresting or controlling measures; and the provision of rescue, support and emergency relief services for those persons in an impacted county whose home, business, life or property are endangered by flooding;

(ii) The development, in consultation with the state department of environmental conservation, the state division of homeland security and emergency services, the division of state police, and all the local governments of Niagara County, Orleans County, Monroe County, Wayne County, Cayuga County, Onondaga County, Oswego County, Jefferson County, St. Lawrence County, and Franklin County, of a Lake/River Flooding Response Action Plan, that identifies potential required responses and makes recommendations concerning action steps to effectively execute such response plan; and

(iii) Such other and further response services as the adjutant general, in consultation with the local governments of Niagara, Orleans, Monroe, Wayne, Cayuga, Onondaga, Oswego, Jefferson, St. Lawrence, and Franklin Counties may deem necessary, effective, prudent and/or expedient to effectively accomplish the purposes of this program and provide meaningful response services.

c. Recovery services. The adjutant general shall direct the performance of any services that would assist in the recovery from the impact of flooding caused at least in part by the rising levels of Lake Ontario or the St. Lawrence River, or their adjoining waterways. Such services shall include, but not be limited to:

(i) Providing personnel, material and logistical support in deploying measures to immediately assist persons, businesses and localities to recover from any adverse effects of flooding, including but not limited

to, the construction or reconstruction of infrastructure, transportation systems, levies, seawalls, flood barriers, water diversion channels, or other flood arresting or controlling measures; and the provision of recovery, support and relief services for those persons in an impacted county whose home, business, life or property are endangered by flooding, and the stabilization and mitigation of damage caused by such flooding;

(ii) The development, in consultation with the state department of environmental conservation, the state division of homeland security and emergency services, the division of state police, and all the local governments of Niagara County, Orleans County, Monroe County, Wayne County, Cayuga County, Onondaga County, Oswego County, Jefferson County, St. Lawrence County, and Franklin County, of a Lake/River Flooding Recovery Action Plan, that identifies potential required recovery measures and makes recommendations concerning actions to effectively execute such recovery plan; and

(iii) Such other and further recovery services as the adjutant general, in consultation with the local governments of Niagara, Orleans, Monroe, Wayne, Cayuga, Onondaga, Oswego, Jefferson, St. Lawrence, and Franklin Counties may deem necessary, effective, prudent and/or expedient to effectively accomplish the purposes of this program and provide meaningful recovery services.

2. In executing the provision of flood prevention, response and recovery services under this program, the adjutant general may call upon assistance from any department, agency, division, office, commission or public authority in the state government, and shall further coordinate such services with all local governments within the impacted county receiving such services. The adjutant, in his discretion and judgment, may also invite the participation of federal or out of state entities to assist him in accomplishing the purposes of this program, including but not limited to, the army corps of engineers, the United States department of homeland security, the United States department of state, the United States department of defense, or any of its component commands thereof, and any such other federal or out of state entities as he or she may deem necessary, effective, prudent and/or expedient.

3. The adjutant general may make requests for financing support for any of the construction projects performed in accordance with the program established by this section from the New York state urban development corporation. The principal and interest for any bonds or notes issued for such financing by the New York state urban development corporation shall be paid from the state operations special emergency appropriation through a transfer by the governor to the general, special revenue, capital projects, proprietary or fiduciary funds to meet unanticipated emergencies pursuant to section fifty-three of the state finance law.

§ 3. The military law is amended by adding a new section 212-a to read as follows:

§ 212-a. Pay of troops when used for the Lake Ontario-St. Lawrence River Flood Prevention, Response and Recovery Program. All officers and enlisted men while on duty, or assembled therefor, by order of the governor, upon a request made in accordance with subdivision three of section six of this chapter, shall receive the pay set forth in subdivision one of section two hundred ten of this article. One hundred percent of such compensation and expenses incurred in connection with such duty or as a result thereof including quartering, caring for, transporting and subsisting the troops, and other expenses including the expense

incurred for pay, care, and subsistence of officers and enlisted men temporarily disabled in the line of duty, while on such duty, as set forth in section two hundred sixteen of this article, shall be paid by the state.

§ 4. This act shall take effect immediately.

SUBPART D

Section 1. Section 2 of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act is amended by adding a new fifth undesignated paragraph to read as follows:

It is further found and declared that there continues to exist an ongoing and repeated threat of flooding and flood related damage along the shoreline of Lake Ontario and the St. Lawrence River. This condition is contrary to the public interest and threatens the safety, security, health, welfare, well-being and repose of the people of the localities adjoining the shoreline as well as the people of the entire state. The ordinary operations of public and private funding, as well as the support of private enterprise, has proven inadequate to provide sufficient prevention against, response to and recovery from this flooding, and cannot support and provide the infrastructure projects that are necessary to achieve the level of prevention, response and recovery that the state's residents deserve, need and expect, and that the state requires. It is further declared to be the policy of the state to provide a means and mechanism to support and provide the adequate infrastructure that is necessary to achieve this level of prevention, response and recovery that the state's residents deserve, need and expect, and that the state requires.

§ 2. The opening paragraph of subdivision 6 of section 3 of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as amended by chapter 603 of the laws of 2003, is amended and a new paragraph (i) is added to read as follows:

(6) PROJECT: A specific work or improvement including lands, buildings, improvements, real and personal properties or any interest therein, acquired, owned, constructed, reconstructed, rehabilitated or improved by the corporation or any subsidiary thereof, whether or not still owned or financed by the corporation or any subsidiary thereof, including a residential project, an industrial project, a land use improvement project, a civic project, an industrial effectiveness project, a small and medium-sized business assistance project, a fruit growing, fruit processing, or winery business project, **a school safety infrastructure project** or an economic development project, all as defined herein, or any combination thereof, which combination shall hereinafter be called and known as a "multi-purpose project". The term "project" as used herein shall include projects, or any portion of a project.

(i) "flooding prevention, response and recovery infrastructure project". A project or that portion of a multi-purpose project designed and intended for the purpose of bolstering and improving infrastructure, in order to provide sufficient prevention against, response to and recovery from flooding events, or effects therefrom, and such other and further infrastructure and facilities as may be incidental or appurtenant thereto.

§ 3. The opening paragraph of section 18 of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development

corporation act, as amended by chapter 839 of the laws of 1987, is amended to read as follows:

The corporation shall not issue bonds and notes in an aggregate principal amount exceeding one billion two hundred ninety-five million dollars, excluding (1) bonds and notes issued to refund or otherwise repay outstanding bonds and notes of the corporation or of the New York state project finance agency, (2) notes issued by the corporation to evidence eligible loans made to the corporation pursuant to the New York state project finance agency act, [~~and~~] (3) **bonds and notes issued by the corporation to perform a flooding prevention, response and recovery infrastructure project in accordance with paragraph (i) of subdivision (6) of section three of this act, and (4)** bonds and notes issued with the approval of the state director of the budget and the New York state public authorities control board which are secured by and payable solely out of a specific project, other than a residential project, undertaken by the corporation subsequent to June first, nineteen hundred seventy-seven, and the revenues and receipts derived therefrom, without recourse against other assets of the corporation or against a debt service reserve fund to which state funds are apportionable pursuant to subdivision three of section twenty of this act, provided that the corporation shall not issue bonds or notes pursuant to this clause [~~(3)~~] if (a) (i) the arrangements under which the project is undertaken do not provide for annual real property taxes, or payments in lieu of real property taxes, on the real property included in the project securing such bonds or notes which together at least equal the average annual real property taxes which were paid with respect to such real property for three years prior to the acquisition of such project or any portion thereof by the corporation or a subsidiary thereof, and (ii) after a public hearing, the local legislative body of the city, town or village in which such project is to be located has not consented to such arrangements, provided, however, that in a city having a population of one million or more such consent shall be given by the board of estimate of such city, or (b) the aggregate principal amount of any such bonds and notes is less than twice the amount of any moneys appropriated by the state and made available by the corporation to the project securing such bonds and notes, or (c) the aggregate principal amount of the bonds and notes issued pursuant to this clause [~~(3)~~] will thereby exceed three hundred seventy-nine million dollars, excluding bonds and notes issued to refund or otherwise repay outstanding bonds and notes issued pursuant to this clause [~~(3)~~], provided, however, that the corporation may provide for a pooled financing arrangement with regard to bonds issued for the purposes of financing the construction of the Center for Computers, Microelectronics and Telecommunications at Columbia University, the Center for Science and Technology at Syracuse University, the Cornell Super Computer Center at Cornell University, the Onondaga County Convention Center Complex, the Center for Advanced Materials Processing at Clarkson University, the Center for Electro-Optic Imaging at University of Rochester, the Center for Neural Science at New York University, the Alfred University Incubator Facilities in Allegany County and Steuben County, the Broadway Redevelopment Project, and the Sematech Semiconductor facility, and, that the aggregate amount of bonds which may be issued pursuant to this clause [~~(3)~~] shall be increased above the amounts in the following schedule for the purposes of providing for the costs of issuance including any debt service reserve requirements that may be necessary in accordance with the following schedule:

§ 4. The state finance law is amended by adding a new article 17 to read as follows:

ARTICLE 17

FINANCING OF SPECIAL INFRASTRUCTURE PROJECTS RELATED TO FLOODING

Section 250. Infrastructure projects financed by the urban development corporation in accordance with the Lake Ontario-St. Lawrence River flood prevention, response and recovery program.

§ 250. Infrastructure projects financed by the urban development corporation in accordance with the Lake Ontario-St. Lawrence River flood prevention, response and recovery program. Principal and interest debt service on bonds or notes issued by the urban development corporation in accordance with a flooding prevention, response and recovery infrastructure project performed pursuant to with paragraph (i) of subdivision six of section three of the New York state urban development corporation act, shall be paid from the state operations special emergency appropriation through a transfer by the governor to the general, special revenue, capital projects, proprietary or fiduciary funds to meet unanticipated emergencies pursuant to section fifty-three of this chapter.

§ 5. This act shall take effect immediately.

SUBPART E

Section 1. The environmental conservation law is amended by adding a new article 74 to read as follows:

ARTICLE 74

TITLE 2

NEW YORK STATE LAKE ONTARIO - ST. LAWRENCE RIVER FLOOD PREVENTION, RESPONSE, RECOVERY AND MITIGATION TASK FORCE

Section 74-0101. Flood prevention, response, recovery and mitigation task force.

74-0103. Definitions.

74-0105. Task force composition.

74-0107. Task force duties.

§ 74-0101. Flood prevention, response, recovery and mitigation task force.

The New York state Lake Ontario-St. Lawrence River flood prevention, response, recovery and mitigation task force, referred to in this article as the task force, is hereby established to determine what measures should be taken to enhance flood prevention, recovery, response, management and mitigation in and along the shoreline and adjoining waterways of Lake Ontario and the St. Lawrence River, and to develop recommendations to accomplish such goal.

§ 74-0103. Definitions.

When used in this article:

1. "Adaptive measures" means any adjustment, whether passive, reactive or anticipatory, that may be taken to ameliorate the anticipated adverse consequences associated with flood events.

2. "Flood control study sector" means a particular aspect of the natural or built environment, economy, or society that could potentially be adversely impacted by flood events. Such term includes, but is not limited to, lake, stream and river banks, locks and dams, wetlands and waterfront areas, water resources, transportation infrastructure, water

supply and wastewater infrastructure, human health, recreation, tourism, power generation and business, residential, farm and municipal sectors.

3. "Flood event" means an overflow or inundation that comes from a lake, river or other body of water, whether caused by rainfall, waterway operation, dam operation, waterflow management, dam break, water runoff or other means, and causes or threatens damage.

4. "Lake Ontario" and "St. Lawrence River" shall mean the lake, river shoreline, lands and infrastructure of Lake Ontario and the St. Lawrence River, or its adjoining or affected communities of Niagara, Orleans, Monroe, Wayne, Cayuga, Onondaga, Oswego, Jefferson, St. Lawrence, and Franklin Counties.

§ 74-0105. Task force composition.

1. The task force shall consist of thirteen members; eight of whom shall be the adjutant general of the state division of military and naval affairs, the commissioner of the division of homeland security and emergency services, the commissioner of the department of environmental conservation, the secretary of state, the commissioner of transportation, the commissioner of the department of parks, recreation and historic preservation, the commissioner of the department of agriculture and markets and the chairman of the state economic development office or designee; and five additional members who shall be from outside the public offices listed in this section and one of each of whom shall be a hydrologist, civil engineer, climatologist, county emergency manager and soil and water conservation professional. The governor shall appoint three of the five additional members and the temporary president of the senate and speaker of the assembly shall each appoint one of each of the five additional members.

2. The task force shall appoint a chairperson from among its members.

3. The members of the task force shall receive no compensation for their services, but shall be allowed their actual and necessary expenses incurred in the performance of their duties.

4. The task force shall consult with each of the emergency management officers, or appropriate county officer, from Niagara, Orleans, Monroe, Wayne, Cayuga, Onondaga, Oswego, Jefferson, St. Lawrence, and Franklin counties, and each said officer shall provide to the task force a document listing their concerns and recommendations related to flooding along Lake Ontario and/or the St. Lawrence River. The task force shall consider such concerns and recommendations in its deliberations and in the formulation of its determinations and recommendations.

5. The task force shall meet at least six times over an eighteen month period at the call of the chairperson.

§ 74-0107. Task force duties.

The role of the task force includes, but is not limited to:

1. Conducting an in-depth examination of flood prevention, response and recovery issues, and flood control study sectors and issues, related to flood prevention, response and recovery, water management, flood control and flood mitigation in and along the shoreline and adjoining waterways of Lake Ontario and the St. Lawrence River, including:

(a) Adaptive measures that can be taken to effectuate flood prevention, response and recovery programs, and mitigate flood damages, including but not limited to feasible flood prevention, response and recovery measures, flood management activities, wetland restoration, flood control infrastructure, communication systems and related public safety and flood control structures and associated costs;

(b) Evaluation which should include impacts on agriculture, transportation, land use, health, insurance and economic sectors such as ship-

ping, fisheries, power generation, tourism, and recreation. Impacts on infrastructure, including bridges, low-lying roads, dams, locks, causeways, water and wastewater treatment plants and docks shall be included in the evaluation; and

(c) Evaluation of Lake Ontario and St. Lawrence River operation and management, and plans or agreements or treaties which may have a direct or indirect impact on flood control, prevention, response, recovery or mitigation and flood management including, but not limited to, debris management, communication, and water management and water level manipulation.

2. Evaluating and assessing of any flood prevention, response and recovery measures, flood control or flood mitigation measures, or water management procedures, agreements or treaties, identified in terms of feasibility, economic and public health impacts, and effectiveness, as well as identifying impediments to implementing effective flood prevention, response and recovery, flood control and flood mitigation measures, and where possible, actions that could be taken to resolve flooding issues.

3. Arranging through the department and the division of military and naval affairs, for the provision of such facilities, assistance and data as will enable the task force to carry out its powers and duties. Additionally, all other agencies of the state or subdivisions thereof shall, at the request of the chair provide the task force with such facilities, assistance, and data as will enable the task force to carry out its powers and duties.

§ 2. Report to the governor and legislature. 1. Within 18 months of the effective date of this act, the New York state flood prevention, response, recovery and mitigation task force shall issue a draft report, which shall be submitted to the governor, the temporary president of the senate, and the speaker of the assembly assessing flood mitigation and control in New York state with particular focus on Lake Ontario and the St. Lawrence River; including, but not limited to, recommendations on how such impacts should be addressed. At least three public hearings shall be held by the task force to provide the public with the opportunity to comment on the report. Notice of such hearings shall be provided on the department of environmental conservation website, and in the environmental notice bulletin.

2. Within 90 days of the date of the last public hearing, the New York state flood prevention, response, recovery and mitigation task force shall submit a final report to the governor, the temporary president of the senate, and the speaker of the assembly. Copies of such report shall also be made available to the public and posted on the websites of the department of environmental conservation and the division of naval and military affairs.

§ 3. This act shall take effect immediately and shall expire and be deemed repealed one hundred twenty days after the New York state flood prevention, response, recovery and mitigation task force has submitted its final, completed report.

§ 2. Severability. If any clause, sentence, paragraph, subdivision, section, subpart 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, subpart 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.

§ 3. This act shall take effect immediately; provided, however, that the applicable effective date of Subparts A through E of this Part shall be as specifically set forth in the last section of such Subparts.

PART P

Section 1. Subdivision 11 of section 6305 of the education law is REPEALED.

§ 2. This act shall take effect immediately.

PART Q

Section 1. The state finance law is amended by adding a new section 99-bb to read as follows:

§ 99-bb. SUNY Stony Brook Eastern Long Island hospital affiliation escrow fund. 1. Notwithstanding any other provision of law, rule, regulation, or practice to the contrary, there is hereby established in the joint custody of the comptroller and the chancellor of the state university of New York (SUNY) a trust and agency fund, to be known as the "SUNY Stony Brook Eastern Long Island hospital affiliation escrow fund" which shall be available without fiscal year limitation.

2. The SUNY Stony Brook Eastern Long Island hospital affiliation escrow fund shall consist of: (a) all monies generated through the activities of Stony Brook at Eastern Long Island hospital, including but not limited to patient revenue, federal reimbursement, and other associated revenue sources; (b) rent payments made by Stony Brook University hospital to the Eastern Long Island hospital association under a certain lease agreement approved by the director of the budget, the office of the New York state attorney general and the office of the New York state comptroller; and (c) to the extent permitted under the lease agreement referred to in paragraph (b) of this subdivision, working capital advances and capital acquisition advances made by Stony Brook University hospital to the Eastern Long Island hospital association.

§ 2. This act shall take effect immediately.

PART R

Section 1. Paragraphs a and d of subdivision 1 and subdivisions 4, 5 and 6 of section 667-d of the education law, as added by section 1 of part III of chapter 59 of the laws of 2017, are amended to read as follows:

a. Establishment. Enhanced tuition awards are available for students who are enrolled in approved programs in private [~~not-for-profit~~] degree granting institutions **of higher education** except those institutions set forth in paragraph b of subdivision four of section six hundred sixty-one of this part and who demonstrate the ability to complete such courses, in accordance with standards established by the commissioner; provided, that, no award shall exceed one hundred percent of the amount of tuition charged.

d. Credit requirements. An award shall be made to an applicant who: (i) if enrolled in (A) a private **degree granting** institution of higher education prior to application, has completed at least thirty combined credits per year following the student's start date, or its equivalent, applicable to his or her program or programs of study or (B) a public

degree granting institution of higher education prior to application, has completed at least thirty combined credits per year following the student's start date, or its equivalent, applicable to his or her program or programs of study and which were accepted upon transfer to a private degree granting institution of higher education; (ii) enrolls in at least twelve credits per semester and completes at least thirty combined credits per year following the student's start date, or its equivalent, applicable to his or her program or programs of study except in limited circumstances as prescribed by the corporation in regulation. Notwithstanding, in the student's last semester, the student may take at least one course needed to meet his or her graduation requirements and enroll in and complete at least twelve credit hours or its equivalent. For students who are disabled as defined by the Americans With Disabilities Act of 1990, 42 USC 12101, the corporation shall prescribe rules and regulations that allow applicants who are disabled to be eligible for an award pursuant to this section based on modified criteria.

4. Amount. Within the amounts appropriated therefor and based on availability of funds, awards shall be granted beginning with the two thousand seventeen--two thousand eighteen academic year and thereafter to applicants that the corporation has determined are eligible to receive such awards. The amount of the award under this program shall be such that the sum of the award plus a student's tuition assistance program award pursuant to section six hundred sixty-seven of this subpart plus the institution's matching award pursuant to subdivision five of this section shall equal six thousand dollars. Any institution that has lowered its tuition by more than fifteen percent over the last five years shall be exempt from having to provide such match until two thousand twenty-six and provided that such amount of award shall be adjusted as if such match had been provided.

5. Matching awards. Commencing with the two thousand seventeen--two thousand eighteen academic year and thereafter, participating institutions shall credit each recipient's remaining tuition expenses in an amount equal to the recipient's award under this section. [~~Such credit shall be applied after the recipient has received an institutional aid package, if any, to ensure that this program does not reduce institutional aid that would otherwise be granted.~~] Any institution that has lowered its tuition by more than fifteen percent over the last five years shall be exempt from having to provide such match until two thousand twenty-six.

6. Tuition. The rate of tuition charged to an individual receiving an award shall not be increased for the duration of time that such individual receives an award. Provided, that beginning with the two thousand eighteen--two thousand nineteen freshman class tuition shall not be increased by more than the five-year rolling average of the higher education price index per year for enhanced tuition award recipients. Provided, further however, that such requirement shall be waived for any institution that has lowered its tuition by more than fifteen percent over the last five years, provided that the tuition level charged by such institution is not increased by more than three percent per year over the next eight years.

§ 2. This act shall take effect immediately.

PART S

Section 1. Section 6306 of the education law is amended by adding a new subdivision 11 to read as follows:

11. The state university of New York shall consult with the boards of trustees of the state university of New York community colleges and compile a report on compliance with subdivision ten of this section. Such report shall be provided to the governor, the temporary president of the senate, the speaker of the assembly, the chair of the senate higher education committee and the chair of the assembly higher education committee on or before January first, two thousand nineteen.

§ 2. This act shall take effect immediately.

PART T

Section 1. Subdivision 1 of section 669-e of the education law, as added by section 1 of part G of chapter 56 of the laws of 2014, is amended to read as follows:

1. Undergraduate students who are matriculated in an approved undergraduate program leading to a career in science, technology, engineering or mathematics at a New York state [~~public institution of higher education~~] college as defined in subdivision two of section six hundred one of this title shall be eligible for an award under this section, provided the applicant: (a) graduates from a high school located in New York state during or after the two thousand thirteen--fourteen school year; and (b) graduates within the top ten percent of his or her high school class; and (c) enrolls in full-time study each term beginning in the fall term after his or her high school graduation in an approved undergraduate program in science, technology, engineering or mathematics, as defined by the corporation, at a New York state [~~public institution of higher education~~] college as defined in subdivision two of section six hundred one of this title; and (d) signs a contract with the corporation agreeing that his or her award will be converted to a student loan in the event the student fails to comply with the terms of this program as set forth in subdivision four of this section; and (e) complies with the applicable provisions of this article and all requirements promulgated by the corporation for the administration of the program.

§ 2. This act shall take effect immediately.

PART U

Section 1. Clause (v) of subparagraph 4 of paragraph h of subdivision 2 of section 355 of the education law, as amended by section 1 of part JJJ of chapter 59 of the laws of 2017, is amended to read as follows:

(v) Beginning in state fiscal year two thousand seventeen--two thousand eighteen [~~and ending in state fiscal year two thousand twenty--two thousand twenty-one~~] and thereafter, the state shall appropriate and make available general fund operating support[~~, including~~] and fringe benefits, for the state university and the state university health science centers in an amount not less than the [~~amount~~] amounts separately appropriated and made available in the prior state fiscal year; provided, further, the state shall appropriate and make available general fund operating support to cover all mandatory costs of the state university and the state university health science centers, which shall include, but not be limited to, collective bargaining costs including salary increments, fringe benefits, and other non-personal service costs such as utility costs, building rentals and other inflationary expenses incurred by the state university and the state university health science centers, and any increase in the tuition credit pursuant to section six

hundred eighty-nine-a of this title as tuition increases are enacted by the board of trustees of the state university; 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; provided further, the state shall appropriate and make available general fund support to fully fund the tuition credit pursuant to subdivision two of section six hundred sixty-nine-h of this title.

§ 2. Subparagraph (v) of paragraph (a) of subdivision 7 of section 6206 of the education law, as amended by section 2 of part JJJ of chapter 59 of the laws of 2017, is amended to read as follows:

(v) Beginning in state fiscal year two thousand seventeen--two thousand eighteen and [~~ending in state fiscal year two thousand twenty--two thousand twenty-one~~] thereafter, the state shall appropriate and make available general fund operating support[~~, including~~] and fringe benefits, for the city university in an amount not less than the [~~amount~~] amounts separately appropriated and made available in the prior state fiscal year; provided, further, the state shall appropriate and make available general fund operating support to cover all mandatory costs of the city university, which shall include, but not be limited to, collective bargaining costs, including salary increments, fringe benefits, and other non-personal service costs such as utility costs, building rentals and other inflationary expenses incurred by the city university, and any increase in the tuition credit pursuant to section six hundred eighty-nine-a of this chapter as tuition increases are enacted by the board of trustees of the city university; 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; provided further, the state shall appropriate and make available general fund support to fully fund the tuition credit pursuant to subdivision two of section six hundred sixty-nine-h of this chapter.

§ 3. This act shall take effect immediately provided that:

(a) the amendments to subparagraph 4 of paragraph h of subdivision 2 of section 355 of the education law made by section one of this act shall not affect the expiration and reversion of such subparagraph pursuant to chapter 260 of the laws of 2011, as amended, and shall expire therewith; and

(b) the amendments to paragraph (a) of subdivision 7 of section 6206 of the education law made by section two of this act shall not affect the expiration and reversion of such paragraph pursuant to chapter 260 of the laws of 2011, as amended, and shall expire therewith.

PART V

Section 1. Section 22-c of the state finance law is amended by adding a new subdivision 7 to read as follows:

7. For the fiscal year beginning on April first, two thousand nineteen and every fifth fiscal year thereafter, the governor shall submit to the legislature as part of the annual executive budget, five-year capital plans for the state university of New York state-operated campuses and city university of New York senior colleges. Such plans shall provide

for the annual appropriation of capital funds to cover one hundred percent of the annual critical maintenance needs identified by each university system, and may include funds for new infrastructure or other major capital initiatives, provided that such funding for new infrastructure or other major capital initiatives shall not count towards meeting the overall critical maintenance requirement. In the event that such plan is unable to fund one hundred percent of the critical maintenance needs due to the limitation imposed by article five-B of this chapter, the director of the budget shall develop five-year capital plans whereby the implementation of each capital plan would annually reduce the overall facility condition index (FCI) for each university system. For the purposes of this subdivision, "facility condition index" shall mean an industry benchmark that measures the ratio of deferred maintenance dollars to replacement dollars for the purposes of analyzing the effect of investing in facility improvements. The apportionment of capital appropriations to each state-operated campus or senior college shall be based on a methodology to be developed by the director of the budget, in consultation with the state university of New York and city university of New York.

§ 2. This act shall take effect immediately.

PART W

Section 1. Paragraph c of subdivision 2 and subdivisions 3, 4, 5 and 8 of section 652 of the education law, paragraph c of subdivision 2 as added by chapter 202 of the laws of 1996, subdivisions 3 and 4 as amended by chapter 339 of the laws of 2010, subdivision 5 as amended by chapter 240 of the laws of 1986 and subdivision 8 as added by chapter 193 of the laws of 1989, are amended to read as follows:

c. To support the administration by the federal government, other states, and institutions of post-secondary education of the federal student aid programs established under Title IV of the Higher Education Act of nineteen hundred sixty-five, as amended, or any successor statute; and

d. To provide information requested by the legislature, including, but not limited to, information on costs associated with policy proposals, statistics and state budget proposals.

3. The corporation shall be governed and all of its corporate powers exercised by a board of trustees which shall consist of fifteen members, [~~nine~~] five of whom shall be appointed by the governor with the advice and consent of the senate, two of whom shall be appointed by the temporary president of the senate, and two of whom shall be appointed by the speaker of the assembly. The members not requiring the advice and consent of the senate shall be the commissioner of education, the chancellor of the state university, the chancellor of the city university of the city of New York, the president of the organization representing the majority of the non-profit degree granting colleges within the state, and [~~three~~] two students. One such student shall be the president of the student assembly of the state university of New York, and one such student shall be the chair of the united student senate of city university of New York[~~, and one such student shall be a student registered in a full time course of study at a state university community college~~]. In the event a student who shall be a member by reason of his or her office in a student organization shall fail to qualify, the student who holds the next highest office in the organization shall be the member of the board.

4. All members shall be at least eighteen years of age, citizens of the United States and residents of the state. [~~The appointed members shall consist of two representatives of banking institutions within the state, two such members shall be the presidents of independent institutions of higher education within the state, one such member shall be a president or chief executive officer of a school licensed or registered pursuant to section five thousand one of this chapter, one such member shall be a financial aid officer at a higher education institution in New York, one such member shall be a president or chief executive officer of a degree granting proprietary college located within the state, one such member shall be a student currently registered and in full time attendance at a degree granting independent institution of higher education in New York, and one shall be representative of the public.~~] **The appointed members shall consist of two representatives from the state university of New York, two representatives from the city university of New York, two representatives from non-profit degree granting colleges within the state, one representative from a degree granting for-profit college located within the state, and two representatives that are financial aid officers, at higher education institutions within the state.**

5. The appointed members shall serve for terms of six years each and shall be eligible for reappointment to successive terms; provided, however, that the student [~~representative of the state university community colleges~~] **representatives** shall serve for a term of one year.

a. Procedure and designation of appointments. On the effective date of this paragraph, the governor shall appoint one representative from the state university of New York, one representative from the city university of New York, one representative from a non-profit degree granting college within the state, one representative from a degree granting for-profit college located within the state, and one representative that is a financial aid officer at a higher education institution within the state. The temporary president of the senate and the speaker of the assembly shall appoint the four remaining board members.

b. Procedures when vacancies occur. Vacancies shall be filled in the same manner as the original appointment and within the soonest time practicable but under no circumstances shall a seat remain vacant due to lack of appointment for more than twelve months.

8. The commissioner of education, the chancellor of the state university and the chancellor of the city university**, the president of the organization representing the majority of the non-profit degree granting colleges within the state** each may, by official authority filed in his or her respective department or university, and with the secretary of the board, designate an officer of his or her respective department or university to represent and exercise all the powers of such commissioner or chancellor as the case may be at all meetings of the board from which such commissioner or chancellor may be absent.

§ 2. This act shall take effect immediately.

PART X

Section 1. Subdivisions 1 and 2 of section 669-h of the education law, as added by section 1 of part HHH of chapter 59 of the laws of 2017, are amended to read as follows:

1. Eligibility. An excelsior scholarship award shall be made to an applicant who: (a) is matriculated in an approved program leading to an undergraduate degree at a New York state public institution of higher

education; (b) if enrolled in (i) a public institution of higher education prior to application, has completed at least thirty combined credits per year following the student's start date, or its equivalent, applicable to his or her program or programs of study or (ii) an institution of higher education prior to application, has completed at least thirty combined credits per year following the student's start date, or its equivalent, applicable to his or her program or programs of study and which were accepted upon transfer to a public institution of higher education; (c) enrolls in at least twelve credits per semester and completes at least thirty combined credits per year following the student's start date, or its equivalent, applicable to his or her program or programs of study except in limited circumstances as prescribed by the corporation in regulation **provided that such regulation include provisions authorizing students enrolled in remedial courses at New York state community colleges to qualify for an award, under the following circumstances: (i) if a student is enrolled in two remedial courses per semester, the credit requirement shall be nine credits per semester; and (ii) if a student is enrolled in one remedial course per semester, the credit requirement shall be twelve credits per semester**. Notwithstanding, in the student's last semester, the student may take at least one course needed to meet his or her graduation requirements and enroll in and complete at least twelve credit hours or its equivalent. For students who are disabled as defined by the Americans With Disabilities Act of 1990, 42 USC 12101, the corporation shall prescribe rules and regulations that allow applicants who are disabled to be eligible for an award pursuant to this section based on modified criteria; (d) has an adjusted gross income, as defined in this subdivision, equal to or less than: (i) one hundred thousand dollars for recipients receiving an award in the two thousand seventeen--two thousand eighteen academic year; (ii) one hundred ten thousand dollars for recipients receiving an award in the two thousand eighteen--two thousand nineteen academic year; and (iii) one hundred twenty-five thousand dollars for recipients receiving an award in the two thousand nineteen--two thousand twenty academic year and thereafter; and (e) complies with the applicable provisions of this article and all requirements promulgated by the corporation for the administration of the program. Adjusted gross income shall be the total of the combined adjusted gross income of the applicant and the applicant's parents or the applicant and the applicant's spouse, if married, as reported on the federal income tax return, or as otherwise obtained by the corporation, for the calendar year coinciding with the tax year established by the U.S. department of education to qualify applicants for federal student financial aid programs authorized by Title IV of the Higher Education Act of nineteen hundred sixty-five, as amended, for the school year in which application for assistance is made.

2. Amount. Within amounts appropriated therefor and based on availability of funds, awards shall be granted beginning with the two thousand seventeen--two thousand eighteen academic year and thereafter to applicants that the corporation has determined are eligible to receive such awards. The corporation shall grant such awards in an amount up to five thousand five hundred dollars or actual tuition, whichever is less; provided, however, (a) a student who receives educational grants and/or scholarships that cover the student's full cost of attendance shall not be eligible for an award under this program; and (b) an award under this program shall be applied to tuition after the application of payments received under the tuition assistance program pursuant to section six

hundred sixty-seven of this subpart, tuition credits pursuant to section six hundred eighty-nine-a of this article, federal Pell grant pursuant to section one thousand seventy of title twenty of the United States code, et. seq., and any other program that covers the cost of attendance, and the award under this program shall be reduced in the amount equal to such payments, provided that the combined benefits do not exceed five thousand five hundred dollars. Upon notification of an award under this program, the institution shall defer the amount of tuition. **Notwithstanding paragraphs (a) and (b) of this subdivision, a scholarship shall not reduce the amount of an award under this program if such scholarship is funded exclusively through private donations.** Notwithstanding paragraph h of subdivision two of section three hundred fifty-five and paragraph (a) of subdivision seven of section six thousand two hundred six of this chapter, and any other law, rule or regulation to the contrary, the undergraduate tuition charged by the institution to recipients of an award shall not exceed the tuition rate established by the institution for the two thousand sixteen--two thousand seventeen academic year provided, however, that in the two thousand twenty-one--two thousand twenty-two academic year and every four years thereafter, the undergraduate tuition charged by the institution to recipients of an award shall be reset to equal the tuition rate established by the institution for the forthcoming academic year, provided further that the tuition credit calculated pursuant to section six hundred eighty-nine-a of this article shall be applied toward the tuition rate charged for recipients of an award under this program. Provided further that the state university of New York and the city university of New York shall provide an additional tuition credit to students receiving an award to cover the remaining cost of tuition.

§ 2. This act shall take effect immediately.

PART Y

Section 1. The education law is amended by adding a new section 301-a to read as follows:

§ 301-a. Commissioner of education; certain accreditation services. The commissioner shall promulgate rules and regulations requiring the department to provide accreditation services to institutions of higher education.

§ 2. This act shall take effect immediately.

PART Z

Section 1. Subdivision 7 of section 6206 of the education law is amended by adding a new paragraph (d) to read as follows:

(d) Notwithstanding the provisions of any other general, special or local law, rule or regulation, the board of trustees shall promulgate regulations to permit firefighters and fire officers employed by the New York city fire department, who are enrolled in programs leading to baccalaureate or higher degrees at a senior college of the city university to attend two courses without tuition, provided that such courses are related to their employment as firefighters and fire officers and that such tuition-waived attendance does not deny course attendance at a senior college of the city university by an individual who is otherwise qualified under this section.

§ 2. This act shall take effect immediately and shall expire and be deemed repealed July 1, 2020.

PART AA

Section 1. The state finance law is amended by adding a new section 99-bb to read as follows:

§ 99-bb. State university of New York hospital operations escrow fund. 1. Notwithstanding any other provision of law, rule, regulation, or practice to the contrary, there is hereby established in the joint custody of the comptroller and the chancellor of the state university of New York (SUNY) a trust and agency fund, to be known as the "state university of New York hospital operations escrow fund." Within the account may be available up to two hundred eighty-one million three hundred seventy-six thousand dollars per fiscal year.

2. Such fund may consist of monies generated through the activities of the teaching hospitals at Downstate Medical, Upstate Medical, and Stony Brook, including but not limited to patient revenue, federal reimbursement, and other associated revenue sources.

§ 2. This act shall take effect immediately.

PART BB

Section 1. The education law is amended by adding a new section 679-j to read as follows:

§ 679-j. The New York state teacher loan forgiveness program. 1. Purpose. The president shall grant student loan forgiveness awards for the purpose of increasing the number of teachers serving in the state.

2. Eligibility. To be eligible for an award pursuant to this subdivision, applicants shall (a) be certified as a teacher; (b) be employed full time in this state in an elementary or secondary school; (c) comply with subdivisions three and five of section six hundred sixty-one of this part; (d) have an outstanding student loan debt; and (e) meet one of the following criteria:

(i) teach in a shortage subject area;

(ii) teach in a hard to staff district; or

(iii) the applicant is economically disadvantaged, as defined by the corporation.

3. Definitions. For the purposes of this section, the term "shortage subject area" shall mean a curriculum subject matter or practice of teaching where there is a shortage of teachers in New York state, as designated by the department, and the term "hard to staff school districts" shall mean school districts that have a shortage of teachers, as designated by the department.

4. Priority. Such awards shall be made annually to applicants in the following priority:

(a) First priority shall be given to applicants who have received payment of an award pursuant to this section in a prior year and who, in the year prior to application, are teachers in (i) a subject shortage area, or (ii) a hard to staff school district;

(b) Second priority shall be given to applicants who have not received payment of an award pursuant to this section in a prior year and who are teachers in (i) a subject shortage area, or (ii) hard to staff school district in the year prior to such application; and

(c) Third priority shall be given to applicants who are economically disadvantaged as defined by the corporation.

5. Awards. The corporation shall grant awards pursuant to the amount appropriated for such purpose and based on availability of funds in an amount up to six thousand five hundred dollars to individuals who are

employed full-time as teachers for the school year prior to such application, provided that no recipient shall receive an award that exceeds the total remaining balance of the student loan debt pursuant to this section, in excess of thirty-two thousand five hundred dollars.

6. Rules and regulations. The corporation is authorized to promulgate rules and regulations necessary for the implementation of the provisions of this section. In the event that there are more applicants who have the same priority, as provided in subdivision four of this section, than there are remaining awards, the corporation shall provide in regulation the method of distributing the remaining number of such awards, which may include a lottery or other form of random selection.

§ 2. This act shall take effect April 1, 2019, provided however that effective immediately, the higher education services corporation shall promulgate rules and regulations necessary to implement the provisions of this act.

PART CC

Section 1. The private housing finance law is amended by adding a new article 29 to read as follows:

ARTICLE XXIX

AFFORDABLE INDEPENDENT SENIOR HOUSING ASSISTANCE PROGRAM

Section 1260. Affordable independent senior housing assistance program.

§ 1260. Affordable independent senior housing assistance program. 1. Establishment. The commissioner, in conjunction with the commissioner of health, shall develop an affordable independent senior housing assistance program, which shall provide grants within amounts appropriated or otherwise available therefor to affordable independent senior housing properties to establish and operate resident assistance programs. The grants shall be distributed by the commissioner of health.

2. Definitions. For purposes of this article, the following terms shall have the following meanings: (a) "affordable independent senior housing property" shall mean apartment buildings or apartment complexes occupied by individuals over sixty years of age, who live independently and at least eighty percent of whom have a total household income that does not exceed sixty percent of the area median income; and

(b) "resident assistance" shall mean support offered to residents of affordable independent senior housing properties to help promote healthy living by extending independence and improving quality of life.

3. Assistance. Resident assistance shall be determined by the commissioner of health; provided however, that the provision of such assistance shall not include any services or assistance that requires the property to be licensed as an adult care facility pursuant to article seven of the social services law or an assisted living residence pursuant to article forty-six-B of the public health law. Prior to issuing any grants pursuant to this article, the department of health shall solicit input from various stakeholders to determine what would constitute assistance to ensure that such assistance would not require such licensure. A summary of such input and the determination by the department of health as to whether the assistance provided by the grant applicant would require licensure as an adult care facility or assisted living residence shall be in writing and shared with the various stakeholders prior to the approval of any grants pursuant to this section.

4. Allocation. Sixty percent of the total funds awarded pursuant to this article in any fiscal year shall be allocated to projects located in urban areas of the state, as such term is defined in subdivision four

of section twelve hundred thirty-one of this chapter. Forty percent of the total funds awarded pursuant to this article in any fiscal year shall be allocated to projects located in rural areas of the state, as such term is defined in subdivision three of section twelve hundred thirty-one of this chapter. Any funds appropriated or otherwise available therefor for the program may be transferred to the department of health. A portion of any amounts appropriated or otherwise available therefor may be used by the commissioner of health to administer the program.

§ 2. This act shall take effect immediately.

PART DD

Section 1. The private housing finance law is amended by adding a new article 29 to read as follows:

ARTICLE XXIX

RESIDENTIAL EMERGENCY SERVICES TO OFFER HOME REPAIRS TO THE ELDERLY PROGRAM

Section 1260. Statement of legislative findings.
1261. Definitions.
1262. Residential emergency services to offer home repairs to the elderly contracts.

§ 1260. Statement of legislative findings. The legislature hereby finds and declares that there exists in New York state a need for financial resources to assist senior citizen homeowners with the cost of addressing emergencies and code violations that pose a threat to their health and safety, or affecting the livability of their home. Providing assistance for the cost of making such critical repairs will enable many seniors to continue to live independently in their own homes.

§ 1261. Definitions. As used in this article:

1. "Corporation" shall mean the housing trust fund corporation established in section forty-five-a of this chapter.

2. "Eligible applicant" shall mean a unit of local government or not-for-profit corporation in existence for a period of one or more years prior to application, which is, or will be at the time of award, incorporated under the not-for-profit corporation law and has been engaged primarily in housing and community development activities.

3. "Residential emergency services to offer home repairs to the elderly programs" shall mean a series of activities by an eligible applicant to administer funds to provide either loans or grants to homeowners sixty years of age or older, with a household income of less than one hundred percent of the area median income, to oversee the adaptation or retrofitting of eligible properties.

4. "Eligible property" shall mean a housing unit that is the primary residence of a person that is sixty years of age or older and have a household income that does not exceed one hundred percent of the area median income.

§ 1262. Residential emergency services to offer home repairs to the elderly contracts. 1. Within the limit of funds available in the residential emergency services to offer home repairs to the elderly program, the corporation is hereby authorized to enter into contracts with eligible applicants to provide financial assistance for the actual costs of a residential emergency services to offer home repairs to the elderly program. The financial assistance shall be either in the form of grants or loans, as the corporation shall determine. Funds must be used for one- to four-unit dwellings that are owned and occupied by eligible

households, and work undertaken cannot exceed ten thousand dollars per building. No more than fifty percent of the total amount awarded pursuant to this article in any fiscal year shall be allocated to any residential emergency services to offer home repairs to the elderly program located within any single municipality.

2. From the date of the emergency referral, the eligible applicant has up to three business days to respond and inspect the eligible property; from the date of the inspection and assessment of emergency repair need, the eligible applicant must start the repairs within fourteen business days; all repairs must be completed within sixty business days of the start of the repairs.

3. The total payment pursuant to any one contract shall not exceed five hundred thousand dollars and the contract shall provide for completion of the program within a reasonable period, as specified therein, which shall not in any event exceed three years from its commencement. Upon request, the corporation may extend the term of the contract for up to two additional one year periods for good cause shown by the eligible applicant.

4. The corporation shall authorize the eligible applicant to spend seven and one-half percent of the contract amount for approved planning and administrative costs associated with administering the program.

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law; 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 are authorized and directed to be made and completed on or before such effective date.

PART EE

Section 1. The private housing finance law is amended by adding a new article 29 to read as follows:

ARTICLE XXIX

NEW YORK ACCESS TO HOME FOR HEROES PROGRAM

Section 1260. Statement of legislative findings and purpose.
1261. Definitions.
1262. Access to home for heroes contracts.

§ 1260. Statement of legislative findings and purpose. The legislature hereby finds and declares that many disabled veterans in New York state face a significant impediment to accessible and affordable housing as a result of service related injuries, age or health related disabilities. These men and women have served our country and state with honor and distinction and deserve to achieve maximum independence, social interaction and community integration. Providing financial assistance with the cost of adapting the dwelling units of our disabled veterans, is fundamental to providing for the promise of living safely, comfortably and productively in the most integrated setting of their choice.

§ 1261. Definitions. As used in this article:

1. "Corporation" shall mean the housing trust fund corporation established in section forty-five-a of this chapter.

2. "Eligible applicant" shall mean a city, town, village or not-for-profit corporation in existence for a period of one or more years prior to application, which is, or will be at the time of award, incorporated under the not-for-profit corporation law and has substantial experience in adapting or retrofitting homes for persons with disabilities.

3. "Veteran" shall mean a resident of this state who (a) has served in the United States army, navy, marine corps, air force or coast guard or (b) has served on active duty or ordered to active duty as defined in 10 USC 101 (d)(1) as a member of the national guard or other reserve component of the armed forces of the United States or (c) has served on active duty or ordered to active duty for the state, as a member of the state organized militia as defined in subdivision nine of section one of the military law and has been released from such service documented by an honorable or general discharge.

4. "Disabled veteran" shall mean a veteran with a permanent anatomical or physiological impairment, which substantially limits a major life activity, demonstrable by medically accepted clinical or diagnostic techniques. A recent professional evaluation must be provided which identifies the disability, describes the substantial limitation caused by the disability, and recommends potential structural modifications to improve the activities of daily living within and/or access to such residence in consideration of such disability.

5. "Access to home for heroes programs" or "programs" shall mean a series of activities by an eligible applicant to administer funds to provide grants to homeowners and renters and to oversee the adaptation or retrofitting of eligible properties.

6. "Eligible property" shall mean a housing unit that is the primary residence of a disabled veteran and a total household income that does not exceed one hundred and twenty percent of area median income. A property shall not be considered an eligible property if the owner of the property is otherwise obligated by federal, state or local law to provide the improvements funded under this article.

§ 1262. Access to home for heroes contracts. 1. Within the limit of funds available in the access to home for heroes program, the corporation is hereby authorized to enter into contracts with eligible applicants to provide financial assistance for the actual costs of an access to home for heroes program. The financial assistance shall be in the form of grants. No more than fifty percent of the total amount awarded pursuant to this article in any fiscal year shall be allocated to access to home programs located within any single municipality.

2. The total payment pursuant to any one contract shall not exceed five hundred thousand dollars and the contract shall provide for completion of the program within a reasonable period, as specified therein, which shall not in any event exceed three years from its commencement. Upon request, the corporation may extend the term of the contract for up to two additional one year periods for good cause shown by the eligible applicant.

3. The corporation shall authorize the eligible applicant to spend seven and one-half percent of the contract amount for approved administrative costs associated with administering the program.

4. The corporation shall require that, in order to receive funds pursuant to this article, the eligible applicant shall submit a plan which shall include, but not be limited to, program feasibility, impact on the community, budget for expenditure of program funds, a schedule for completion of the program, affirmative action and minority business participation.

§ 2. This act shall take effect immediately.

PART FF

Section 1. Subdivision 3 of section 26 of the multiple dwelling law, as amended by chapter 748 of the laws of 1961, is amended to read as follows:

3. Floor area ratio (FAR). [~~The~~] **Except as otherwise provided in the zoning resolution of the city of New York, the** floor area ratio (FAR) of any dwelling or dwellings on a lot shall not exceed 12.0, except that a fireproof class B dwelling in which six or more passenger elevators are maintained and operated in any city having a local zoning law, ordinance or resolution restricting districts in such city to residential use, may be erected in accordance with the provisions of such zoning law, ordinance or resolution, if such class B dwelling is erected in a district no part of which is restricted by such zoning law, ordinance or resolution to residential uses.

§ 2. This act shall take effect immediately.

PART GG

Section 1. Section 25 of the public housing law is amended by adding a new subdivision 3 to read as follows:

3. As of April first, two thousand eighteen, the credits allowed to a taxpayer pursuant to section twenty-two of this article may be transferred, sold or assigned to any other party without regard to how the federal low-income housing tax credit with respect to the low-income building is allocated; provided, however, prior to such transfer, sale or assignment, such taxpayer shall submit to the commissioner a statement which describes the amount of the low-income housing tax credit for transfer, sale or assignment, the proposed recipient of the credit and any other information required by the commissioner.

§ 2. This act shall take effect immediately.

PART HH

Section 1. The section heading of section 467-b of the real property tax law, as amended by section 1 of chapter 188 of the laws of 2005, is amended to read as follows:

Tax abatement for rent-controlled and rent regulated property occupied by senior citizens or persons with disabilities **or persons paying a maximum rent or legal regulated rent which exceeds one-half of the combined income of all members of their household**.

§ 2. Paragraph b of subdivision 1 of section 467-b of the real property tax law, as amended by section 1 of chapter 188 of the laws of 2005, is amended to read as follows:

b. "Head of the household" means a person (i) who is sixty-two years of age or older, or (ii) who qualifies as a person with a disability pursuant to subdivision five of this section, **or (iii) who pays a maximum rent or legal regulated rent which exceeds one-half of the combined income of all members of their household,** and is entitled to the possession or to the use or occupancy of a dwelling unit;

§ 3. Subdivision 2 of section 467-b of the real property tax law, as amended by chapter 747 of the laws of 1985, paragraph (c) as added by chapter 553 of the laws of 2015, paragraph (d) as added by chapter 343 of the laws of 2016, is amended to read as follows:

2. The governing body of any municipal corporation is hereby authorized and empowered to adopt, after public hearing, in accordance with the provisions of this section, a local law, ordinance or resolution providing for the abatement of taxes of said municipal corporation

imposed on real property containing a dwelling unit as defined herein by one of the following amounts: (a) where the head of the household does not receive a monthly allowance for shelter pursuant to the social services law, an amount not in excess of that portion of any increase in maximum rent or legal regulated rent which causes such maximum rent or legal regulated rent to exceed one-third of the combined income of all members of the household; or

(b) **where the head of the household qualifies as a person paying a maximum rent or legal regulated rent which exceeds one-half of the combined income of all members of the household and does not receive a monthly allowance for shelter pursuant to the social services law, an amount not in excess of that portion of any increase in maximum rent or legal regulated rent which causes such maximum rent or legal regulated rent to exceed one-half of the combined income of all members of the household; or**

(c) where the head of the household receives a monthly allowance for shelter pursuant to the social services law, an amount not in excess of that portion of any increase in maximum rent or legal regulated rent which is not covered by the maximum allowance for shelter which such person is entitled to receive pursuant to the social services law.

[~~(c)~~] **(d)** Provided, however, that in a city of a population of one million or more, where the head of household has been granted a rent increase exemption order that is in effect as of January first, two thousand fifteen or takes effect on or before July first, two thousand fifteen, the amount determined by paragraph (a) of this subdivision shall be an amount not in excess of the difference between the maximum rent or legal regulated rent and the amount specified in such order, as adjusted by any other provision of this section.

[~~(d)~~] **(e)** (1) Provided, however, that in a city with a population of one million or more, a head of the household who has received a rent increase exemption order that has expired and who, upon renewal application for the period commencing immediately after such expiration, is determined to be ineligible for a rent increase exemption order because the combined income of all members of the household exceeds the maximum amount allowed by this section or the maximum rent or legal regulated rent does not exceed one-third of the combined income of all members of the household, may submit a new application during the following calendar year, and if such head of the household receives a rent increase exemption order that commences during such calendar year, the tax abatement amount for such order shall be calculated as if such prior rent increase exemption order had not expired. However, no tax abatement benefits may be provided for the period of ineligibility.

(2) No head of the household may receive more than three rent increase exemption orders calculated as if a prior rent increase exemption order had not expired, as described in subparagraph one of this paragraph.

§ 4. Paragraph a of subdivision 3 of section 467-b of the real property tax law, as amended by section 1 of part U of chapter 55 of the laws of 2014, is amended to read as follows:

a. for a dwelling unit where the head of the household is a person sixty-two years of age or older **or where the head of the household pays a maximum rent or legal regulated rent which exceeds one-half of the combined income of all members of the household**, no tax abatement shall be granted if the combined income of all members of the household for the income tax year immediately preceding the date of making application exceeds four thousand dollars, or such other sum not more than twenty-five thousand dollars beginning July first, two thousand five, twenty-

six thousand dollars beginning July first, two thousand six, twenty-seven thousand dollars beginning July first, two thousand seven, twenty-eight thousand dollars beginning July first, two thousand eight, twenty-nine thousand dollars beginning July first, two thousand nine, and fifty thousand dollars beginning July first, two thousand fourteen, as may be provided by the local law, ordinance or resolution adopted pursuant to this section, provided that when the head of the household retires before the commencement of such income tax year and the date of filing the application, the income for such year may be adjusted by excluding salary or earnings and projecting his or her retirement income over the entire period of such year.

§ 5. Paragraph d of subdivision 1 of section 467-c of the real property tax law, as separately amended by chapters 188 and 205 of the laws of 2005, subparagraph 1 as amended by section 2 of part U of chapter 55 of the laws of 2014, is amended to read as follows:

d. "Eligible head of the household" means (1) a person or his or her spouse who is sixty-two years of age or older**, or a person who pays a maximum rent which exceeds one-half of the combined income of all members of the household,** and is entitled to the possession or to the use and occupancy of a dwelling unit, provided, however, with respect to a dwelling which was subject to a mortgage insured or initially insured by the federal government pursuant to section two hundred thirteen of the National Housing Act, as amended "eligible head of the household" shall be limited to that person or his or her spouse who was entitled to possession or the use and occupancy of such dwelling unit at the time of termination of such mortgage, and whose income when combined with the income of all other members of the household, does not exceed six thousand five hundred dollars for the taxable period, or such other sum not less than sixty-five hundred dollars nor more than twenty-five thousand dollars beginning July first, two thousand five, twenty-six thousand dollars beginning July first, two thousand six, twenty-seven thousand dollars beginning July first, two thousand seven, twenty-eight thousand dollars beginning July first, two thousand eight, twenty-nine thousand dollars beginning July first, two thousand nine, and fifty thousand dollars beginning July first, two thousand fourteen, as may be provided by local law; or (2) a person with a disability as defined in this subdivision.

§ 6. Subparagraph 1 of paragraph a of subdivision 3 of section 467-c of the real property tax law, as amended by chapter 747 of the laws of 1985, is amended to read as follows:

(1) where the eligible head of the household **who is either sixty-two years of age or older or is disabled** does not receive a monthly allowance for shelter pursuant to the social services law, the amount by which increases in the maximum rent subsequent to such person's eligibility date have resulted in the maximum rent exceeding one-third of the combined income of all members of the household for the taxable period, **or where the eligible head of the household is a person who pays a maximum rent which exceeds one-half of the combined income of all members of the household and does not receive a monthly allowance for shelter pursuant to the social services law, the amount by which increases in the maximum rent subsequent to such person's date have resulted in the maximum rent exceeding one-half of the combined income of all members of the household for the taxable period,** except that in no event shall a rent increase exemption order/tax abatement certificate become effective prior to January first, nineteen hundred seventy-six; or

§ 7. The state comptroller shall annually pay to each city providing real property tax abatements pursuant to sections 467-b and 467-c of the real property tax law an amount equal to 10 per centum of the real property tax revenue lost during the city fiscal year due to the implementation of the provisions of this act. Each city eligible for state payments pursuant to this section shall provide the state comptroller with such information as he or she shall deem necessary.

§ 8. This act shall take effect July 1, 2018; provided however, that

a. the amendments to section 467-b of the real property tax law, made by sections one, two, three and four of this act shall be subject to the expiration and reversion of such section pursuant to section 17 of chapter 576 of the laws of 1974, and shall expire and be deemed repealed therewith;

b. the amendments to paragraph a of subdivision 3 of section 467-b of the real property tax law, made by section four of this act shall be subject to the expiration of such paragraph pursuant to section 4 of part U of chapter 55 of the laws of 2014, as amended, and shall be deemed to expire therewith; and

c. the amendments to subparagraph 1 of paragraph d of subdivision 1 of section 467-c of the real property tax law, made by section five of this act shall not affect the expiration of such subparagraph pursuant to section 4 of part U of chapter 55 of the laws of 2014, as amended, and shall expire and be deemed repealed therewith.

PART II

Section 1. There is hereby established the New York city tax reform study commission to provide the governor and the legislature with a blueprint for reforming the local real property tax system in the city of New York.

§ 2. The New York city tax reform study commission shall consist of 11 members appointed by the governor: three members shall be appointed upon the recommendation of the temporary president of the senate, three members shall be appointed upon the recommendation of the speaker of the assembly, two members shall be appointed upon the recommendation of the mayor of the city of New York, one member shall be appointed upon the recommendation of the speaker of the city council of the city of New York, one member shall be appointed upon the recommendation of the minority leader of the senate, and one member shall be appointed upon the recommendation of the minority leader of the assembly. Such commission shall include at least one member representative of each of the following: the New York city municipal government, academia, real estate industry and a recognized labor organization, all based in the city of New York.

§ 3. On or before January 1, 2020, the New York city tax reform study commission shall provide the governor and the legislature with recommendations on any changes that should be made to, at a minimum, the class share system, assessment process and tax rate formulae utilized within the city of New York.

§ 4. The New York city tax reform study commission shall be assisted in its powers and duties pursuant to this act by personnel employed by state and city of New York agencies including, but not limited to, the state department of taxation and finance and the department of finance of the city of New York.

§ 5. This act shall take effect immediately.

PART JJ

Section 1. Paragraph e of subdivision 1 of section 467-b of the real property tax law, as amended by chapter 555 of the laws of 1977, is amended to read as follows:

e. "Increase in maximum rent or legal regulated rent" means any increase in the maximum rent or the legal regulated rent for the dwelling unit in question pursuant to the applicable rent control law or to the emergency tenant protection act of nineteen seventy-four, respectively, or such classes of increase thereunder as may be specified in a local law, ordinance or resolution enacted pursuant to this section, over such base period rent as shall be provided therein or an exemption from the maximum rent or legal regulated rent as specified in paragraph c or d of subdivision three of this section**; provided, however, that, in cities having a population of one million or more, if the rent for the dwelling unit, at the time a tax abatement certificate is issued, is less than the maximum rent or the legal regulated rent for such dwelling unit pursuant to the applicable rent control law or to the emergency tenant protection act of nineteen seventy-four, then "increase in maximum rent or legal regulated rent" means any increase in the rent paid for the dwelling unit, which shall not exceed the maximum rent or the legal regulated rent, at the time a tax abatement certificate is to be issued**;

§ 2. This act shall take effect immediately; provided, however, that the amendments to paragraph e of subdivision 1 of section 467-b of the real property tax law made by section one of this act shall not affect the expiration of such section and shall be deemed to expire therewith.

PART KK

Section 1. Subparagraph (ii) of paragraph 3 of subdivision d of section 11-243 of the administrative code of the city of New York, as amended by local law number 49 of the city of New York for the year 1993, is amended to read as follows:

(ii) is owned as a condominium and is occupied as the residence or home of three or more families living independently of each other; provided, however, that, in addition to all other conditions of eligibility for the benefits of this section, except for multiple dwellings in which units have been newly created by substantial rehabilitation of vacant buildings or conversions of non-residential buildings, the availability of benefits under this section for such multiple dwellings, buildings or structures shall be conditioned on the following: (a) alterations or improvements to at least one building-wide system are part of the application for benefits, and (b) (i) the assessed valuation of such multiple dwelling, building, or structure, including land, shall not exceed an average of [~~thirty~~] **fifty** thousand dollars per dwelling unit at the time of the commencement of the alterations or improvements, and (ii) during the three years immediately preceding the commencement of the alterations or improvements the average per room sale price of the dwelling units or the stock allocated to such dwelling units shall have been no greater than thirty-five percent of the maximum mortgage amount for a single family home eligible for purchase by the Federal National Mortgage Association; provided that if less than ten percent of the dwelling units or an amount of stock less than the amount allocable to ten percent of such dwelling units was not transferred during such preceding three year period, eligibility for benefits shall be condi-

tioned upon the multiple dwelling, building, or structure having an assessed valuation per dwelling unit of no more than twenty-five thousand dollars at the time of the commencement of the alterations or improvements. Provided, further, that such benefits shall be available only for alterations or improvements commenced on or after June first, nineteen hundred eighty-six.

§ 2. The opening paragraph of paragraph (a) of subdivision 1 of section 489 of the real property tax law, as amended by section 19 of part A of chapter 20 of the laws of 2015, is amended to read as follows:

Any city to which the multiple dwelling law is applicable, acting through its local legislative body or other governing agency, is hereby authorized and empowered, to and including January first, two thousand [~~nineteen~~] **twenty-two**, to adopt and amend local laws or ordinances providing that any increase in assessed valuation of real property shall be exempt from taxation for local purposes, as provided herein, to the extent such increase results from:

§ 3. The closing paragraph of subparagraph 6 of paragraph (a) of subdivision 1 of section 489 of the real property tax law, as amended by section 20 of part A of chapter 20 of the laws of 2015, is amended to read as follows:

Such conversion, alterations or improvements shall be completed within thirty months after the date on which same shall be started except that such thirty month limitation shall not apply to conversions of residential units which are registered with the loft board in accordance with article seven-C of the multiple dwelling law pursuant to subparagraph one of this paragraph. Notwithstanding the foregoing, a sixty month period for completion shall be available for alterations or improvements undertaken by a housing development fund company organized pursuant to article eleven of the private housing finance law, which are carried out with the substantial assistance of grants, loans or subsidies from any federal, state or local governmental agency or instrumentality or which are carried out in a property transferred from such city if alterations and improvements are completed within seven years after the date of transfer. In addition, the local housing agency is hereby empowered to grant an extension of the period of completion for any project carried out with the substantial assistance of grants, loans or subsidies from any federal, state or local governmental agency or instrumentality, if such alterations or improvements are completed within sixty months from commencement of construction. Provided, further, that such conversion, alterations or improvements shall in any event be completed prior to June thirtieth, two thousand [~~nineteen~~] **twenty-two**. Exemption for conversions, alterations or improvements pursuant to subparagraph one, two, three or four of this paragraph shall continue for a period not to exceed fourteen years and begin no sooner than the first quarterly tax bill immediately following the completion of such conversion, alterations or improvements. Exemption for alterations or improvements pursuant to this subparagraph or subparagraph five of this paragraph shall continue for a period not to exceed thirty-four years and shall begin no sooner than the first quarterly tax bill immediately following the completion of such alterations or improvements. Such exemption shall be equal to the increase in the valuation which is subject to exemption in full or proportionally under this subdivision for ten or thirty years, whichever is applicable. After such period of time, the amount of such exempted assessed valuation of such improvements shall be reduced by twenty percent in each succeeding year until the assessed value of the improvements are fully taxable. Provided, however, exemption for any

conversion, alterations or improvements which are aided by a loan or grant under article eight, eight-A, eleven, twelve, fifteen or twenty-two of the private housing finance law, section six hundred ninety-six-a or section ninety-nine-h of the general municipal law, or section three hundred twelve of the housing act of nineteen hundred sixty-four (42 U.S.C.A. 1452b), or the Cranston-Gonzalez national affordable housing act (42 U.S.C.A. 12701 et. seq.), or started after July first, nineteen hundred eighty-three by a housing development fund company organized pursuant to article eleven of the private housing finance law which are carried out with the substantial assistance of grants, loans or subsidies from any federal, state or local governmental agency or instrumentality or which are carried out in a property transferred from any city and where alterations and improvements are completed within seven years after the date of transfer may commence at the beginning of any tax quarter subsequent to the start of such conversion, alterations or improvements and prior to the completion of such conversion, alterations or improvements.

§ 4. This act shall take effect immediately.

PART LL

Section 1. Subdivision 4 of section 933 of the labor law, as amended by chapter 90 of the laws of 2015, is amended to read as follows:

4. a federal, state or local governmental unit or public authority and employees thereof that perform mold assessment, remediation, or abatement on any property owned, managed or remediated by such governmental unit or authority**; provided, however, that the exemption under this subdivision shall not apply to the New York city housing authority**.

§ 2. This act shall take effect immediately.

PART MM

Section 1. The administrative code of the city of New York is amended by adding a new section 25-116 to read as follows:

§ 25-116 New York city housing authority repair certificate program. a. The city planning commission shall establish the New York city housing authority repair certificate program, in cooperation with the New York city housing authority. Under such program, the city planning commission shall grant amendments to zoning resolutions which increase the allowable development in areas covered by a New York city housing authority repair certificate issued pursuant to section four hundred two-d of the public housing law.

b. The city planning commission shall for each application for an amendment of a zoning resolution, establish the per foot value of any New York city housing authority repair certificate issued in the areas covered by such amendment and the maximum allowed foot area ratio that may be granted to the holder of such certificate in the newly zoned area. Such per foot value shall be updated annually based upon increases in the consumer price index for housing costs in the New York city metropolitan area.

c. A developer who seeks to obtain an increased foot area ratio in a newly zoned area, by means of being the holder of a New York city housing authority repair certificate, shall submit an application therefor to the city planning commission. Such commission shall within seven days of receiving an application pursuant to this subdivision, forward it to the New York city housing authority, along with the per foot value to be

granted if the applicant receives a repair certificate from such authority.

d. Upon certification by the New York city housing authority that a developer has been awarded a repair certificate, the city planning commission shall approve such developer's application submitted pursuant to this section.

e. The transfer of a certificate must be registered with the city planning commission within seven days of the transfer.

§ 2. The public housing law is amended by adding a new section 402-d to read as follows:

§ 402-d. Issuance of repair certificate. 1. The New York city housing authority, in consultation with the New York city planning commission, shall establish procedures and guidelines for the awarding of repair certificates by such authority to developers which perform capital repairs to a project operated by the authority. No such certificate shall be awarded based upon the performance of any work which would constitute regular maintenance upon any project operated by such authority. The procedures and guidelines established pursuant to this subdivision shall provide maximum allowable costs for various kinds and types of capital repair projects.

2. There shall be established, within the New York city housing authority, an office of repair certification. Such office shall administer the repair certificate program. The office shall establish lists of repair projects, to authority facilities, which shall be eligible for the repair certificate program, the estimated value of each such repair project, and the priority of each repair project based upon its urgency and/or importance.

3. The office of repair certification shall receive each application forwarded to the New York city housing authority pursuant to subdivision c of section 25-116 of the administrative code of the city of New York. Within ten days of receiving an application, the office shall contact the applicant and provide it with a list of eligible repair projects equal in value to the benefit to be provided to such applicant by the city planning commission. Such list shall, to the extent practicable, include only those eligible repair projects within the same neighborhood included in the area to which the requested amendment to the zoning resolution relates, regardless of the importance or urgency of the repair project. Provided, however, if no such eligible repair projects exist in the neighborhood, then the projects shall be listed in order of priority.

4. Upon receipt of a list from the office, an applicant must reply within thirty days. If the applicant fails to do so, its application shall be terminated. Such reply to the office shall include designation of the project or projects the applicant desires to complete, the applicant's estimate of the cost of completing the repair project, and a timeline for the completion of the project.

5. The office of repair certification shall, within fourteen days of receiving an applicant's reply, review the costs and project plan submitted, and either approve or disapprove such reply. If an applicant's submission is disapproved, it shall have fifteen days to resubmit a new project plan and estimate of costs for review by the office. Upon a second submission, the office shall again make a determination within fourteen days, and, if the plan is disapproved, the office shall provide the applicant with a written explanation therefor.

6. For any repair project plan that is approved by the office of repair certification where the applicant's estimated cost thereof

exceeds the value of the project established by the office, such office shall provide notice to the city planning commission that the zoning valuation of the zoning amendment must be adjusted within seven days.

7. Upon completion of the agreed upon repair project or projects by the applicant, the office shall award the applicant a certificate of completion and provide a copy thereof to the city planning commission within fourteen days of certifying the completion of the project.

§ 3. This act shall take effect on the one hundred eightieth day after it shall have become a law; 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 are authorized and directed to be made and completed on or before such effective date.

PART NN

Section 1. The public housing law is amended by adding a new section 402-d to read as follows:

§ 402-d. New York city council oversight. The New York city council as established in section twenty-one of the New York city charter is empowered to mandate that the New York city housing authority produce reports about any facets of its operations or the condition of the projects under its management, including any project based section eight voucher developments in which the authority has an ownership stake, through the passage of a local law. Such a law shall determine which information is to be included in the report, the deadline for the production of the report, whether the reporting mandate applies once or is recurring, and which local authorities shall receive copies. A copy of any such reports must be provided to the commissioner and shall be considered an agency document for the purposes of article six of the public officers law.

§ 2. Subdivision a of section 29 of the New York city charter, as added by a vote of the people of the city of New York at the general election held in November 1989, is amended to read as follows:

a. The council, acting as a committee of the whole, and each standing or special committee of the council, through hearings or otherwise:

1. [~~may~~] May investigate any matters within its jurisdiction relating to the property, affairs, or government of the city or of any county within the city, or to any other powers of the council, or to the effectuation of the purposes or provisions of this charter or any laws relating to the city or to any county within the city.

2. [~~shall~~] Shall review on a regular and continuous basis the activities of the agencies of the city, including their service goals and performance and management efficiency. Each unit of appropriation in the adopted budget of the city shall be assigned to a standing committee. Each standing committee of the council shall hold at least one hearing each year relating to the activities of each of the agencies under its jurisdiction.

3. Shall review on a regular and continuous basis the activities of the New York city housing authority, including the service goals, performance and management efficiency of such authority. Such authority shall be assigned to a standing committee. Such standing committee of the council shall hold at least one hearing each year relating to the activities of the New York city housing authority.

§ 3. This act shall take effect on the thirtieth day after it shall have become a law.

PART OO

Section 1. The public housing law is amended by adding a new section 402-d to read as follows:

§ 402-d. Independent monitor. 1. There shall be established within the division of housing and community renewal, an office of independent monitor for the New York city housing authority. The head of such office shall be the New York city housing authority independent monitor. The independent monitor shall be appointed by the governor in consultation with the Citywide Council of Presidents for tenant leaders of the New York city housing authority and with the city council of the city of New York who shall submit recommendations to the governor for appointment of the independent monitor. The independent monitor shall be appointed, with the advice and consent of the senate for a term of three years; provided, however, that an independent monitor may be removed, by the governor, prior to the expiration of his or her term, after an opportunity to be heard, for substantial neglect of duty, gross misconduct in office, or inability to carry out the duties of such office. Any vacancy in the office of New York city housing authority independent monitor prior to the expiration of his or her term shall be filled in the same manner as provided for the original appointment for the remainder of such unexpired term. Upon the expiration of the term of any independent monitor, his or her successor shall be appointed for a term of four years.

2. The New York city housing authority independent monitor shall employ and may remove such personnel as he or she may deem necessary for the performance of the duties of the office of independent monitor for the New York city housing authority pursuant to this section, and fix their compensation within the amounts made available therefor.

3. (a) Such independent monitor, or any officer or employee of the office of independent monitor for the New York city housing authority as shall be designated by him or her, shall have the authority to, and may, in his or her sole discretion, require review and oversight, in whole or in part, of any project, and make recommendations regarding required corrective or other action to the New York city housing authority in connection with such project.

(b) For the purposes of this section, the term "project" shall mean any work associated with the planning, acquisition, design, engineering, environmental analysis, construction, reconstruction, restoration, rehabilitation, establishment, improvement, renovation, extension, repair, revitalization, management and development of a capital asset as defined in section two of the state finance law.

(c) The New York city housing authority upon undertaking such project shall fully cooperate with any determination of the New York city housing authority independent monitor, and provide access to all personnel, books, records, plans, specifications, data and other information as may be necessary for such independent monitor to perform his or her duties.

(d) In the event the New York city housing authority independent monitor determines that corrective or other action is necessary for such a project, then the independent monitor shall have the authority to direct that the New York city housing authority shall implement all corrective or other action as shall be required to accomplish the project, to the extent practicable, on time, within budget and at an acceptable overall cost to such authority. Such corrective or other action shall include, but not be limited to:

(i) Modification of such plans, specifications, designs and estimates of costs for the construction of the project and equipment of facilities;

(ii) Detailed analysis of the project schedule;

(iii) Detailed analysis of project budget;

(iv) Detailed analysis of change orders and/or payments to prime contractors, subcontractors and other parties;

(v) Detailed analysis of records of construction observations, inspections and deficiencies;

(vi) Termination of contracts, contractors, subcontractors or other consultants;

(vii) Procurement of independent auditors, project managers, legal counsel, or other professionals for the benefit of the project;

(viii) Regular reporting of project status and milestones to the public;

(ix) Active project management review and oversight utilizing additional resources provided by the New York city housing authority independent monitor; and

(x) Periodic project review and audit by the New York city housing authority independent monitor on a suitable time interval determined by such monitor.

(e) The New York city housing authority upon proposing a public works project having a total or aggregate construction value in excess of one million dollars shall include a summary of the provisions of this subdivision in all such proposal and/or bid documents for such projects.

(f) All contract documents shall expressly incorporate the provisions of this section and include compliance with the provisions hereof as a condition of performance.

4. The independent monitor shall, on or before February first each year, submit to the governor, each conference of the legislature, the authority, and the mayor and the city council of the city of New York, a report on his or her activities pursuant to this section during the previous calendar year, including any corrective actions that were required to be taken, and shall also report upon the status of all projects under taken by the New York city housing authority and whether such projects are progressing on schedule and within budget.

§ 2. This act shall take effect immediately.

PART PP

Section 1. The public housing law is amended by adding a new section 402-d to read as follows:

§ 402-d. New York City Housing Authority 311 hotline. The New York City Housing Authority is authorized and directed to establish, in coordination with the department of information technology and telecommunications of the city of New York, a system whereby residents of any project operated by such authority may report housing violations and submit other complaints through the existing 311 citizens service center that is operated by the New York city department of information technology and telecommunications.

§ 2. The New York city charter is amended by adding a new section 1076 to read as follows:

§ 1076. New York City Housing Authority 311 hotline. The department is authorized and directed to establish, in coordination with the New York City Housing Authority, a system whereby the existing 311 hotline accepts calls from New York City Housing Authority residents. The

department or the city council may promulgate any rules and regulations necessary to accept and process complaints from tenants of public housing projects operated by the New York City Housing Authority. The department shall further establish rules and procedures for the timely and effective transmission of such resident complaints to the New York City Housing Authority in coordination with the department of housing preservation and development.

§ 3. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that effective immediately, the New York City Housing Authority and the department of information technology and telecommunications of the city of New York are authorized and directed to promulgate any rules and regulations necessary to implement the provisions of this act on its effective date on or before such date.

PART QQ

Section 1. Section 26-605 of the administrative code of the city of New York is amended by adding a new subdivision (c-1) to read as follows:

(c-1) For any eligible head of household who submits an application for a rent increase exemption order pursuant to subdivision (a) or (b) of this section, the date of such application shall be deemed to be (i) the date of the applicant's initial eligibility for a rent increase exemption order, if the actual date of submission of the application is two years or less after such date of initial eligibility, or (ii) the date which is two years prior to the actual date of the submission of the application, if such application is submitted more than two years after the applicant's date of initial eligibility for a rent increase exemption order, and the calculation of such rent increase exemption, prospectively, shall be based upon the applicant's initial date of eligibility and not upon the date of such application, provided, however, that the provisions of this subdivision shall only apply to the calculation of benefits and no prior rental payments attributable to any rent increase prior to the date of application shall be subject to recoupment.

§ 2. This act shall take effect immediately.

PART RR

Section 1. Section 54-m of the state finance law, as added by section 104 of part WWW of chapter 59 of the laws of 2017, is amended to read as follows:

§ 54-m. Local share requirements associated with increasing the age of juvenile jurisdiction above fifteen years of age. Notwithstanding any other provision of law to the contrary, counties and the city of New York shall not be required to contribute a local share of eligible expenditures that would not have been incurred absent the provisions of [~~a~~] chapter fifty-nine of the laws of two thousand seventeen that added this section [~~unless the most recent budget adopted by a county that is subject to the provisions of section three-c of the general municipal law exceeded the tax levy limit prescribed in such section or the local government is not subject to the provisions of section three-c of the general municipal law; provided, however, that the state budget director shall be authorized to waive any local share of expenditures associated with a chapter of the laws of two thousand seventeen that increased the~~

~~age of juvenile jurisdiction above fifteen years of age, upon a showing of financial hardship by a county or the city of New York upon application in the form and manner prescribed by the division of the budget. In evaluating an application for a financial hardship waiver, the budget director shall consider the incremental cost to the locality related to increasing the age of juvenile jurisdiction, changes in state or federal aid payments, and other extraordinary costs, including the occurrence of a disaster as defined in paragraph a of subdivision two of section twenty of the executive law, repair and maintenance of infrastructure, annual growth in tax receipts, including personal income, business and other taxes, prepayment of debt service and other expenses, or such other factors that the director may determine~~].

§ 2. This act shall take effect on the same date as section 104 of part WWW of chapter 59 of the laws of 2017 takes effect.

§ 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 judgement 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 judgement 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.

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