

STATE OF NEW YORK

4151

2025-2026 Regular Sessions

IN SENATE

February 3, 2025

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, the mental hygiene law and the social services law, in relation to student age eligibility for certain programs and benefits

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 1 of section 112-a of the education law, as
2 amended by chapter 26 of the laws of 2022, is amended to read as
3 follows:

4 1. A person under twenty-one years of age, or under twenty-two years
5 of age for a student with a disability as defined in section forty-four
6 hundred one of this chapter, who has not received a high school diploma
7 and who is placed with, committed to, under the supervision of, detained
8 or otherwise confined in any facility operated or administered by a
9 state department or agency or political subdivision of the state which
10 provides educational programs pursuant to section one hundred twelve of
11 this article, or who is confined in a correctional facility, as defined
12 in subdivision four of section two of the correction law, and who
13 participates in an educational program provided by such facility, shall
14 be issued a high school diploma by the school district of location
15 except when credit bearing educational programming is provided by another
16 school district. When credit bearing educational programming is
17 provided by another school district, that district shall be responsible
18 for issuing the high school diploma. The school district responsible for
19 issuing the diploma must determine if such person has completed the
20 minimum New York state diploma requirements as set forth in the regu-
21 lations of the commissioner while placed with, committed to, under the
22 supervision of, detained or confined in such facility.

23 § 2. Subdivisions 13 and 14 of section 1102 of the education law,
24 subdivision 13 as amended by chapter 301 of the laws of 1996, and subdi-

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

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1 vision 14 as added by chapter 293 of the laws of 1954, are amended to
2 read as follows:

3 13. It may transport pupils under twenty-one years of age, or under
4 twenty-two years of age for a student with a disability as defined in
5 section forty-four hundred one of this chapter, to and from schools and
6 classes maintained by such vocational education and extension board for
7 instruction in career education. In providing such transportation, the
8 board may transport pupils residing outside the county who are attending
9 such schools and classes maintained by such board pursuant to subdivi-
10 sion twelve of this section.

11 14. It may purchase and maintain a motor vehicle or vehicles to be
12 used for the transportation of school children under twenty-one years of
13 age, or under twenty-two years of age for a student with a disability as
14 defined in section forty-four hundred one of this chapter, to schools
15 and classes maintained by the county vocational education and extension
16 board. Such motor vehicle or vehicles may be leased to a school district
17 when not needed for such transportation. When such motor vehicle shall
18 be leased as provided in this subdivision, public liability and property
19 damage insurance, fire insurance and compensation insurance of drivers
20 shall be provided in the amount stated in section thirty-six hundred
21 twenty-seven of this chapter and collision insurance shall be provided
22 in the amount of value of the vehicle to protect the lessor. No part of
23 the cost and expenses resulting from operation, maintenance and repair
24 of such vehicles during the leasing thereof shall be included in deter-
25 mining the amount of any form of state aid received by such county voca-
26 tional education and extension board.

27 § 3. Section 1106 of the education law, as amended by chapter 293 of
28 the laws of 1954, is amended to read as follows:

29 § 1106. Transportation. 1. In a county which has a vocational educa-
30 tion and extension board which does not furnish transportation to pupils
31 pursuant to subdivision thirteen of section eleven hundred two of this
32 [~~chapter~~] part the cost of the transportation of pupils under twenty-one
33 years of age, or under twenty-two years of age for a student with a
34 disability as defined in section forty-four hundred one of this chapter,
35 to schools and classes maintained by such county vocational education
36 and extension board shall be a charge upon the district in which such
37 pupils reside, or are attending as non-resident pupils. Such transpor-
38 tation shall be considered as other transportation of school pupils in
39 accordance with the provisions of part two of article seventy-three of
40 [~~the education law~~] this chapter and the district of residence, or the
41 district in which non-resident pupils are attending, shall be entitled
42 to a transportation quota.

43 2. In a county which has a vocational education and extension board
44 which furnishes transportation to pupils pursuant to subdivision thir-
45 teen of section eleven hundred two of this [~~chapter~~] part, such voca-
46 tional education and extension board shall receive a transportation
47 quota which shall be one-half of the cost of the transportation of
48 pupils under twenty-one years of age, or under twenty-two years of age
49 for a student with a disability as defined in section forty-four hundred
50 one of this chapter, to schools and classes maintained by such voca-
51 tional education and extension board.

52 § 4. Subdivision 2 of section 1125 of the education law, as amended by
53 chapter 363 of the laws of 2018, is amended to read as follows:

54 2. "Child" shall mean a person under the age of twenty-one years, or
55 under twenty-two years of age for a student with a disability as defined
56 in section forty-four hundred one of this chapter, enrolled in a school.

1 § 5. The opening paragraph of section 2583 of the education law, as
2 amended by chapter 655 of the laws of 1978, is amended to read as
3 follows:

4 The board of education of the city of New York shall require from the
5 officers conducting schools by appointment of the board, and from the
6 trustees, managers or directors of the corporate schools entitled to
7 participate in the funds of the board of education of the city of New
8 York, an annual report in writing dated the thirty-first day of Decem-
9 ber, which shall be signed and certified by a majority of such officers,
10 trustees, managers or directors, and which report shall state: the
11 whole number of schools within their jurisdiction; the length of time
12 each school shall have been kept open; the whole number of pupils over
13 four and under twenty-one years of age, or under twenty-two years of age
14 for a student with a disability as defined in section forty-four hundred
15 one of this chapter, who shall have been taught free of expense to such
16 pupils in their schools, during the year ending with the date of the
17 report, which number shall be ascertained by adding to the number of
18 children on register at the commencement of each year, the number admit-
19 ted during that year, which shall be considered the total for that year;
20 the average number that has actually attended such schools during the
21 year, to be ascertained by the teachers keeping an exact account of the
22 number of pupils present every school day or half day, which, being
23 added together, and divided by four hundred sixty, or if less than a
24 year by the number of school sessions, shall be considered the average
25 of attending pupils, which average shall be affirmed or sworn to by the
26 principal teacher of the school; a detailed statement of the amount of
27 moneys received or expended for their respective schools during the
28 year, from or by the commissioner of finance of such city, and of the
29 purposes for and the manner in which the same shall have been expended;
30 a particular account of the state of the schools, and of the property
31 and affairs of each school under their care; the titles of all books
32 used; and such other information as such board of education shall
33 require.

34 § 6. Section 3028-a of the education law, as amended by chapter 19 of
35 the laws of 1987, is amended to read as follows:

36 § 3028-a. Students under twenty-one years of age suspected of alcohol
37 abuse or narcotic addiction. Any teacher, school administrator, school
38 guidance counselor, school psychologist, school drug counselor, school
39 nurse, supervisor of attendance, attendance teacher or attendance offi-
40 cer having reasonable cause to suspect that a secondary or elementary
41 student under twenty-one years of age, or under twenty-two years of age
42 for a student with a disability as defined in section forty-four hundred
43 one of this chapter, is a substance or alcohol abuser or substance
44 dependent, who report such information to the appropriate secondary or
45 elementary school officials pursuant to the school's drug policy or if
46 the school has no drug policy to the school's principal or the parents
47 or legal guardians of such student under twenty-one years of age, or
48 under twenty-two years of age for a student with a disability as defined
49 in section forty-four hundred one of this chapter, shall have immunity
50 from any civil liability that might otherwise be incurred or imposed as
51 a result of the making of such a report.

52 § 7. Subdivision 1 of section 3202 of the education law, as amended by
53 section 47 of part PP of chapter 56 of the laws of 2022, is amended to
54 read as follows:

55 1. A person over five and under twenty-one years of age, or under
56 twenty-two years of age for a student with a disability as defined in

1 section forty-four hundred one of this chapter, who has not received a
2 high school diploma is entitled to attend the public schools maintained
3 in the district in which such person resides without the payment of
4 tuition. Provided further that such person may continue to attend the
5 public school in such district in the same manner, if temporarily resid-
6 ing outside the boundaries of the district when relocation to such
7 temporary residence is a consequence of such person's parent or person
8 in parental relationship being called to active military duty, other
9 than training. Notwithstanding any other provision of law to the contra-
10 ry, the school district shall not be required to provide transportation
11 between a temporary residence located outside of the school district and
12 the school the child attends. A veteran of any age who shall have served
13 as a member of the armed forces of the United States and who (a) shall
14 have been discharged therefrom under conditions other than dishonorable,
15 or (b) has a qualifying condition, as defined in section one of the
16 veterans' services law, and has received a discharge other than bad
17 conduct or dishonorable from such service, or (c) is a discharged LGBT
18 veteran, as defined in section one of the veterans' services law, and
19 has received a discharge other than bad conduct or dishonorable from
20 such service, may attend any of the public schools of the state upon
21 conditions prescribed by the board of education, and such veterans shall
22 be included in the pupil count for state aid purposes. A nonveteran
23 under twenty-one years of age, or under twenty-two years of age for a
24 student with a disability as defined in section forty-four hundred one
25 of this chapter, who has received a high school diploma shall be permit-
26 ted to attend classes in the schools of the district in which such
27 person resides or in a school of a board of cooperative educational
28 services upon payment of tuition under such terms and conditions as
29 shall be established in regulations promulgated by the commissioner;
30 provided, however, that a school district may waive the payment of
31 tuition for such nonveteran, but in any case such a nonveteran who has
32 received a high school diploma shall not be counted for any state aid
33 purposes. Nothing herein contained shall, however, require a board of
34 education to admit a child who becomes five years of age after the
35 school year has commenced unless [~~his or her~~] their birthday occurs on
36 or before the first of December.

37 § 8. Paragraphs a and f of subdivision 7 of section 3202 of the educa-
38 tion law, paragraph a as amended and paragraph f as added by chapter 564
39 of the laws of 2001, are amended to read as follows:

40 a. A person under twenty-one years of age, or under twenty-two years
41 of age for a student with a disability as defined in section forty-four
42 hundred one of this chapter, who has not received a high school diploma
43 and who is incarcerated in a correctional facility maintained by a coun-
44 ty or by the city of New York or in a youth shelter is eligible for
45 educational services pursuant to this subdivision and in accordance with
46 the regulations of the commissioner. Such services shall be provided by
47 the school district in which the facility or youth shelter is located,
48 within the limits of the funds allocated by the commissioner for such
49 purposes pursuant to section thirty-six hundred two of this chapter and
50 pursuant to a plan approved by the commissioner. School districts shall
51 submit such plan by July fifteenth of each school year. Boards of educa-
52 tion are authorized to contract for the provision of such educational
53 services by a board of cooperative educational services or by another
54 public school district.

55 f. As used in this subdivision, "youth shelter" shall mean an alterna-
56 tive residential facility for the incarceration of youths between the

1 ages of sixteen and twenty-one, or under twenty-two years of age for a
2 student with a disability as defined in section forty-four hundred one
3 of this chapter, who are remanded by the criminal courts.

4 § 9. Subdivision 8 of section 3202 of the education law, as amended by
5 chapter 569 of the laws of 1994, is amended to read as follows:

6 8. Homeless children. A homeless child, as defined in subdivision one
7 of section thirty-two hundred nine of this ~~[article]~~ part, over the age
8 of five and under twenty-one years of age, or under twenty-two years of
9 age for a student with a disability as defined in section forty-four
10 hundred one of this chapter, who has not received a high school diploma,
11 shall be entitled to attend a public school without the payment of
12 tuition, in accordance with the provisions of section thirty-two hundred
13 nine of this ~~[article]~~ part.

14 § 10. Paragraph e of subdivision 2 and subdivisions 4 and 6 of section
15 3212 of the education law, as amended by chapter 919 of the laws of
16 1974, are amended to read as follows:

17 e. Shall furnish, with respect to an individual from seventeen to
18 twenty-one years of age, or under twenty-two years of age for a student
19 with a disability as defined in section forty-four hundred one of this
20 chapter, on demand of a duly authorized representative of the school
21 authorities, satisfactory proof that ~~[he]~~ such individual is able to
22 speak, read and write English as required for the completion of the
23 fifth year of the elementary school course of study, or cause such indi-
24 vidual to submit to an examination to determine ~~[his]~~ their ability in
25 these respects.

26 4. Duties of certain individuals from sixteen to twenty-one years of
27 age. An individual from sixteen to twenty-one years of age, or under
28 twenty-two years of age for a student with a disability as defined in
29 section forty-four hundred one of this chapter, if not under the control
30 of a person in parental relation, shall comply with such requirements of
31 this part ~~[one of this article]~~ as are applicable.

32 6. Birth certificates. For the purpose of this part ~~[one of this arti-~~
33 ~~cle]~~, the board of health upon request shall furnish to the school
34 authorities, or to the person in parental relation to a minor, or to an
35 individual from seventeen to twenty-one years of age, or under twenty-
36 two years of age for a student with a disability as defined in section
37 forty-four hundred one of this chapter, a duly certified transcript of
38 the birth certificate, filed according to law, of an individual from
39 five to twenty-one years of age, or under twenty-two years of age for a
40 student with a disability as defined in section forty-four hundred one
41 of this chapter.

42 § 11. Subdivision 2-a of section 3214 of the education law, as added
43 by chapter 181 of the laws of 2000, is amended to read as follows:

44 2-a. a. Violent pupil. For the purposes of this section, a violent
45 pupil is an elementary or secondary student under twenty-one years of
46 age, or under twenty-two years of age for a student with a disability as
47 defined in section forty-four hundred one of this chapter, who:

48 (1) commits an act of violence upon a teacher, administrator or other
49 school employee;

50 (2) commits, while on school district property, an act of violence
51 upon another student or any other person lawfully upon said property;

52 (3) possesses, while on school district property, a gun, knife,
53 explosive or incendiary bomb, or other dangerous instrument capable of
54 causing physical injury or death;

1 (4) displays, while on school district property, what appears to be a
2 gun, knife, explosive or incendiary bomb or other dangerous instrument
3 capable of causing death or physical injury;

4 (5) threatens, while on school district property, to use any instru-
5 ment that appears capable of causing physical injury or death;

6 (6) knowingly and intentionally damages or destroys the personal prop-
7 erty of a teacher, administrator, other school district employee or any
8 person lawfully upon school district property; or

9 (7) knowingly and intentionally damages or destroys school district
10 property.

11 b. Disruptive pupil. For the purposes of this section, a disruptive
12 pupil is an elementary or secondary student under twenty-one years of
13 age, or under twenty-two years of age for a student with a disability as
14 defined in section forty-four hundred one of this chapter, who is
15 substantially disruptive of the educational process or substantially
16 interferes with the teacher's authority over the classroom.

17 § 12. Subdivisions 2, 3 and 4 of section 3241 of the education law,
18 subdivision 2 as amended by chapter 266 of the laws of 1956, subdivision
19 3 as amended by chapter 855 of the laws of 1972, are amended to read as
20 follows:

21 2. Such census shall include all persons between birth and eighteen
22 years of age and in the case of [~~physically or mentally handicapped~~
23 ~~children~~] a student with a disability, as defined in section forty-four
24 hundred one of this chapter, between birth and [~~twenty-one~~] twenty-two
25 years of age, their names, their respective residences by street and
26 number, the day of the month and the year of their birth, the names of
27 the persons in parental relation to them, such information relating to
28 [~~physical or mental defects, to illiteracy~~] their disability, to employ-
29 ment and to the enforcement of the law relating to child labor and
30 compulsory education as the [~~education~~] department and the board of
31 education of each such city shall require and also such further informa-
32 tion as such board of education shall require.

33 3. Such board shall provide to the commissioner [~~of education~~] upon
34 written request therefor and in such form as shall be prescribed by
35 [~~him~~] such commissioner, a report containing the names, ages and
36 addresses of those children who are blind or deaf and those having seri-
37 ous [~~physical or mental defects~~] disabilities. In addition such report
38 shall indicate whether such children are being educated within the
39 public schools of the district or, if they are not, where such education
40 is being furnished them.

41 4. It shall be the duty of persons in parental relation to any person
42 between such ages residing within the limits of any such city to make
43 such reports as the board of education of such city shall require. Such
44 reports shall contain the following information:

45 a. Two weeks before any child shall become of the compulsory school
46 age, the name of such child, its residence, the name of the person or
47 persons in parental relation thereto, and the name and location of the
48 school to which such child shall have been or shall be sent as a pupil.

49 b. In case a child of compulsory school age shall, for any cause, be
50 removed from one school and sent to another school, or sent to work in
51 accordance with the labor law, all the facts in relation thereto.

52 c. In case the residence of a child shall be removed from one police
53 precinct to another police precinct, the new residence and the other
54 facts required in paragraphs a and b of this subdivision.

55 d. In case a child between birth and eighteen years of age and in the
56 case of a student with a disability, as defined in section forty-four

1 hundred one of this chapter, between birth and twenty-two years of age,
2 shall become a resident of such city for the first time, the name, resi-
3 dence and such other facts as the board of education shall require.

4 § 13. Section 3242 of the education law, as amended by section 3 of
5 part A of chapter 57 of the laws of 2013, is amended to read as follows:

6 § 3242. School census in school districts. The trustees or board of
7 education of every school district may cause a census to be taken of all
8 children between birth and eighteen years of age, including all such
9 facts and information as are required in the census provided for in
10 section thirty-two hundred forty-one of this part. Such census shall be
11 prepared biennially for children between ages five and eighteen who are
12 entitled to attend the public schools without payment of tuition in
13 duplicate in their respective school districts, and one copy thereof
14 filed with the teacher or principal and the other copy filed with the
15 district superintendent or superintendent on or before the fifteenth day
16 of October. For pre-school students from birth to five years of age,
17 such census may be prepared and filed biennially on or before the
18 fifteenth day of October. Such census shall include the reports and
19 information required from cities as provided in section thirty-two
20 hundred forty-one of this part. All information regarding a student with
21 a disability under the age of [~~twenty-one~~] twenty-two years shall be
22 filed annually with the superintendent of the board of cooperative
23 educational services of which said district may be a part.

24 § 14. Subparagraph 1 of paragraph d of subdivision 1 of section 3602
25 of the education law, as amended by section 11 of part B of chapter 57
26 of the laws of 2007, is amended to read as follows:

27 (1) Equivalent attendance shall mean the quotient of the total number
28 of student hours of instruction in programs in a public school of a
29 school district or a board of cooperative educational services leading
30 to a high school diploma or a high school equivalency diploma as defined
31 in regulations of the commissioner for pupils under the age of twenty-
32 one, or under twenty-two years of age for a student with a disability as
33 defined in section forty-four hundred one of this chapter, not on a
34 regular day school register of the district, divided by one thousand.
35 Average daily attendance shall include the equivalent attendance of the
36 school district. For the purposes of secondary school weighting, such
37 equivalent attendance shall be considered as average daily attendance in
38 grades seven through twelve.

39 § 15. Paragraph a-1 of subdivision 11 of section 3602 of the education
40 law, as amended by section 29-a of part A of chapter 56 of the laws of
41 2024, is amended to read as follows:

42 a-1. Notwithstanding the provisions of paragraph a of this subdivi-
43 sion, for aid payable in the school years two thousand--two thousand one
44 through two thousand nine--two thousand ten, and two thousand eleven--
45 two thousand twelve through two thousand twenty-four--two thousand twen-
46 ty-five, the commissioner may set aside an amount not to exceed two
47 million five hundred thousand dollars from the funds appropriated for
48 purposes of this subdivision for the purpose of serving persons twenty-
49 one years of age or older, or under twenty-two years of age for a
50 student with a disability as defined in section forty-four hundred one
51 of this chapter, who have not been enrolled in any school for the
52 preceding school year, including persons who have received a high school
53 diploma or high school equivalency diploma but fail to demonstrate basic
54 educational competencies as defined in regulation by the commissioner,
55 when measured by accepted standardized tests, and who shall be eligible

1 to attend employment preparation education programs operated pursuant to
2 this subdivision.

3 § 16. Section 4213 of the education law, as added by chapter 496 of
4 the laws of 1986, is amended to read as follows:

5 § 4213. Other persons eligible for appointment. In accordance with
6 the provisions of the charter of the New York Institute for Special
7 Education, and amendments thereto, as issued by the board of regents,
8 children with handicapping conditions, other than handicapping condi-
9 tions which would establish eligibility for appointment to the schools
10 enumerated in this article, shall be eligible for appointment to the New
11 York Institute for Special Education as state pupils. The provisions of
12 this article shall apply but not necessarily be limited to the appoint-
13 ment, education, maintenance and support of such pupils. Such pupils
14 eligible for appointment, pursuant to this section, shall be persons
15 over five and under [~~twenty-one~~] twenty-two years of age who have not
16 received a high school diploma.

17 § 17. The opening paragraph of section 4355 of the education law, as
18 amended by chapter 474 of the laws of 1996, is amended to read as
19 follows:

20 1. All deaf or blind and deaf children between the age of three years
21 and [~~twenty-one~~] twenty-two years, and of suitable capacity for instruc-
22 tion who are legal residents of the state shall be eligible for appoint-
23 ment to the New York state school for the deaf without charge for such
24 period of time in each individual case as may be set by the commis-
25 sioner, either: (i) upon the recommendation of the committee on special
26 education or committee on preschool special education of the child's
27 school district of residence, as applicable; or (ii) where the parents
28 of a school age child make application directly to the commissioner or
29 the school, upon recommendation of the school's multidisciplinary team
30 in accordance with the joint placement procedures established in this
31 section.

32 § 18. Subdivision 1 of section 4401 of the education law, as amended
33 by chapter 378 of the laws of 2007, is amended to read as follows:

34 1. A "child with a disability" or "student with a disability" means a
35 person under the age of [~~twenty-one~~] twenty-two who is entitled to
36 attend public schools pursuant to section thirty-two hundred two of this
37 chapter and who, because of [~~mental~~] cognitive, physical or emotional
38 reasons can only receive appropriate educational opportunities from a
39 program of special education. Such term does not include a child whose
40 educational needs are due primarily to unfamiliarity with the English
41 language, environmental, cultural or economic factors. Lack of appropri-
42 ate instruction in reading, including in the essential components of
43 reading instruction as defined in subsection three of section twelve
44 hundred eight of the elementary and secondary education act of nineteen
45 hundred sixty-five, or lack of appropriate instruction in mathematics or
46 limited English proficiency shall not be the determinant factor in iden-
47 tifying a student as a student with a disability. "Special education"
48 means specially designed instruction which includes special services or
49 programs as delineated in subdivision two of this section, and transpor-
50 tation, provided at no cost to the parents to meet the unique needs of a
51 child with a disability. A "child with a handicapping condition" means a
52 child with a disability.

53 § 19. Subdivision 1 of section 4401 of the education law, as amended
54 by chapter 311 of the laws of 1999, is amended to read as follows:

55 1. A "child with a disability" or "student with a disability" means a
56 person under the age of [~~twenty-one~~] twenty-two who is entitled to

1 attend public schools pursuant to section thirty-two hundred two of this
2 chapter and who, because of [~~mental~~] cognitive, physical or emotional
3 reasons can only receive appropriate educational opportunities from a
4 program of special education. Such term does not include a child whose
5 educational needs are due primarily to unfamiliarity with the English
6 language, environmental, cultural or economic factors. Lack of instruc-
7 tion in reading or mathematics or limited English proficiency shall not
8 be the determinant factor in identifying a student as a student with a
9 disability. "Special education" means specially designed instruction
10 which includes special services or programs as delineated in subdivision
11 two of this section, and transportation, provided at no cost to the
12 parents to meet the unique needs of a child with a disability. A "child
13 with a handicapping condition" means a child with a disability.

14 § 20. Paragraph a of subdivision 1 of section 4402 of the education
15 law, as amended by section 51-b of part L of chapter 405 of the laws
16 1999, is amended to read as follows:

17 a. The board of education or trustees of each school district and the
18 city school district of the city of New York shall ascertain under regu-
19 lations prescribed by the commissioner and approved by the regents of
20 the university, the number of children with handicapping conditions in
21 such district under the age of [~~twenty-one~~] twenty-two years and the
22 nature of the handicapping condition of each such child in accordance
23 with the provisions of this section, and shall maintain a register
24 containing the name of each child with a handicapping condition who
25 resides in the district, the nature of such child's handicapping condi-
26 tion, the educational placement and setting, if any, of such child.

27 § 21. Clause (c) of subparagraph 3 of paragraph b of subdivision 1 of
28 section 4402 of the education law, as amended by chapter 600 of the laws
29 of 1994, is amended to read as follows:

30 (c) Provide written prior notice to the parents or person in parental
31 relationship of the child upon receipt of referral for evaluation or
32 whenever such committee plans to continue, modify or change the iden-
33 tification, evaluation, or educational placement of the child or the
34 provision of a free appropriate public education to the child and advise
35 the parent of or person in parental relationship to the child of [~~his or~~
36 ~~her~~] their opportunity to address the committee, either in person or in
37 writing, on the appropriateness of the committee's recommendations on
38 program placements to be made to the board of education or trustees.
39 Such notice shall, where a child has been placed in a residential
40 program by a committee on special education, or has been determined to
41 be at risk of such a placement pursuant to subparagraph four of this
42 paragraph [~~b of subdivision one of section forty four hundred two of~~
43 ~~this article~~], also notify the parent or other person in parental
44 relationship that the child is not entitled to receive free educational
45 services or to remain in a residential educational program after the age
46 of [~~twenty-one~~] twenty-two, the receipt of a high school diploma or the
47 time described in subdivision five of this section.

48 § 22. Subdivision 5 of section 4402 of the education law, as amended
49 by chapter 371 of the laws of 2023, is amended to read as follows:

50 5. Notwithstanding any provisions of this article to the contrary or
51 the provisions of section thirty-two hundred two of this chapter, a
52 child with a disability who reaches the age of [~~twenty-one~~] twenty-two
53 during (a) the period commencing with the first day of July and ending
54 on the thirty-first day of August shall if otherwise eligible, be enti-
55 tled to continue in a July and August program until the thirty-first day
56 of August or until the termination of the summer program, whichever

1 shall first occur; or (b) the period commencing on the first day of
2 September and ending on the thirtieth day of June shall be entitled to
3 continue in such program until the thirtieth day of June or until the
4 termination of the school year, whichever shall first occur.

5 § 23. Subdivision 8 of section 4402 of the education law, as added by
6 chapter 434 of the laws of 2014, is amended to read as follows:

7 8. Upon their child's enrollment or attendance in a public school,
8 such school shall notify every parent or person in parental relation of
9 their rights regarding referral and evaluation of their child for the
10 purposes of special education services or programs pursuant to applica-
11 ble federal and state laws. Such notification may be provided by direct-
12 ing parents or persons in parental relation to obtain information
13 located on the department's website relating to a parent's guide to
14 special education in New York state for children ages three through
15 [~~twenty-one~~] twenty-two provided the notification shall also contain the
16 name and contact information for the chairperson of the school
17 district's committee on special education or other individual who is
18 charged with processing referrals to the committee in the district.

19 § 24. Subdivision 3 of section 4410-b of the education law, as amended
20 by chapter 437 of the laws of 2005, is amended to read as follows:

21 3. Federal flow-through funds. Each school district receiving an allo-
22 cation of funds pursuant to section six hundred eleven of the individ-
23 uals with disabilities education act for the nineteen hundred ninety-
24 nine--two thousand school year or any subsequent school year shall
25 sub-allocate such funds in accordance with this subdivision to other
26 public and private agencies providing special education services to
27 students ages three to [~~twenty-one~~] twenty-two who were placed in such
28 agency by the school district's IEP team. For school years prior to two
29 thousand six--two thousand seven, such sub-allocations shall be made on
30 a per capita basis, based upon the number of students three to [~~twenty-~~
31 ~~one~~] twenty-two years of age who were placed in such agency by the
32 school district's IEP team and were served by the public or private
33 agency as of December first of the base year, as reported to the commis-
34 sioner; and, for the school year two thousand six--two thousand seven
35 and thereafter, such sub-allocations shall be made on a per capita
36 basis, based upon the number of students three to [~~twenty-one~~] twenty-
37 two years of age who were placed in such agency by the school district's
38 IEP team and who were receiving special education programming and
39 instruction from the public or private agency as of December first of
40 the base year, as reported to the commissioner, and according to a
41 formulae based upon the number of students three to [~~twenty-one~~] twen-
42 ty-two years of age who were receiving related services only from the
43 public or private agency as of December first of the base year, as
44 reported to the commissioner, such that such sub-allocation shall be in
45 an amount determined in accordance with the provisions of this subdivi-
46 sion. For the school year two thousand six--two thousand seven, the per
47 capita sub-allocation shall be adjusted whereby each student three to
48 [~~twenty-one~~] twenty-two years of age who was placed in an agency by the
49 school district's IEP team and who is receiving special education
50 programming and instruction therefrom shall be counted as one per capita
51 and each such student who is receiving related services only from such
52 public or private agency shall be counted as two-thirds of a per capita,
53 for purposes of determining such per capita sub-allocation for such
54 school year and that for the school year two thousand seven--two thou-
55 sand eight and thereafter, shall be counted as one-third for the
56 purposes of determining the per capita sub-allocation for such school

1 year; provided, however, that any municipality which, prior to July
2 first, two thousand three, operated an approved special education itin-
3 erant teacher program for students three to five years of age who were
4 placed in such program by a school district's IEP team, shall be deemed
5 to be a public or private agency for purposes of this section and the
6 sub-allocation directed by this subdivision shall be made on a per capi-
7 ta basis, based upon the number of students, three to [~~twenty-one~~] twen-
8 ty-two years of age who are receiving special education programming and
9 instruction and related services only therefrom. Payments of such sub-
10 allocation shall be made in the same proportion as such funds are paid
11 to the school district by the state within thirty days after: (i) the
12 school district receives any portion of its allocation of funds for the
13 current year pursuant to section six hundred eleven of the individuals
14 with disabilities education act; or (ii) the school district receives an
15 application for a sub-allocation by a public or private agency, or, for
16 the nineteen hundred ninety-nine--two thousand school year only, the
17 school district receives notice from the commissioner that such an
18 application for a sub-allocation has been filed with the commissioner;
19 whichever occurs later.

20 § 25. Subparagraph 1 of paragraph b of subdivision 8 of section 4410-b
21 of the education law, as added by chapter 437 of the laws of 2005, is
22 amended to read as follows:

23 (1) develop forms to be submitted by school districts that report the
24 number of students three to [~~twenty-one~~] twenty-two years of age who are
25 placed in a public or private agency providing special education
26 services and who are receiving special education programming and
27 instruction from such agency, and the number of such students who are
28 receiving related services only from such agency; and

29 § 26. Subdivision 22 of section 305 of the education law, as added by
30 chapter 262 of the laws of 1988 and as renumbered by chapter 627 of the
31 laws of 1989, is amended to read as follows:

32 22. The commissioner shall establish the procedures for a statewide
33 system of assigning unique student identification numbers for all
34 students in public and nonpublic schools within the state for purposes
35 of student tracking and for state reporting purposes. Students shall
36 retain their numbers until they attain the age of twenty-one, or until
37 they attain the age of twenty-two for students with a disability as
38 defined in section forty-four hundred one of this chapter. As new
39 students enter schools in New York, they shall be assigned a unique
40 number. The commissioner shall include in such system appropriate proce-
41 dures for insuring security and confidentiality of student information.
42 The commissioner shall adopt regulations to provide for the implementa-
43 tion of such statewide system by school districts and nonpublic schools.

44 § 27. Subdivision 4 of section 4001 of the education law, as added by
45 chapter 563 of the laws of 1980 and as renumbered by chapter 947 of the
46 laws of 1981, is amended to read as follows:

47 4. "Child with a [~~handicapping-condition~~] disability" or "student with
48 a disability" shall mean a person between the ages of five and [~~twenty-~~
49 ~~one~~] twenty-two who has been identified through appropriate evaluation
50 and assessment as having a disability arising from cognitive, emotional
51 or physical factors, or any combination thereof, which interferes with
52 the child's ability to benefit from regular education.

53 § 28. Subdivision 1 of section 4002 of the education law, as added by
54 chapter 563 of the laws of 1980, is amended to read as follows:

55 1. Each child between the ages of five and [~~twenty-one~~] twenty-two who
56 resides in a child care institution and who has not yet graduated from

1 high school shall be entitled to receive a free and appropriate educa-
2 tion in the least restrictive environment for that child.

3 § 29. Subdivision 1 of section 4408 of the education law, as amended
4 by section 32 of part A-1 of chapter 58 of the laws of 2006, is amended
5 to read as follows:

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

23 § 30. Subdivisions (b) and (c) of section 7.37 of the mental hygiene
24 law, subdivision (b) as amended by chapter 600 of the laws of 1994, and
25 subdivision (c) as added by chapter 570 of the laws of 1983, are amended
26 to read as follows:

27 (b) Upon receipt of a report, the commissioner shall review the report
28 and shall determine if the child will likely need adult services. If
29 necessary and appropriate, the commissioner may conduct an evaluation of
30 the child to determine if adult services will be needed. Such evaluation
31 shall include, but not be limited to, the medical, vocational or day
32 services and social needs of the child, the desires of the child and of
33 [~~his or her~~] their parents or guardian, and the availability of appro-
34 priate services. If the child will likely need adult services, the
35 commissioner shall develop a plan for continued care which shall include
36 any evaluation and shall identify those adult programs or services which
37 may be available and which are operated or licensed by the office and by
38 the local governmental unit of the county in which the child resides, or
39 in the event that the child resides in a county within the city of New
40 York, the local governmental unit of the city of New York. Such written
41 plan shall be made available to the individual, unless the individual
42 objects, and [~~his or her~~] their parents or guardian as soon as practica-
43 ble but not later than one year before the individual attains the age of
44 [~~twenty-one~~] twenty-two. If such recommendation has been made prior to
45 one year before the individual attains the age of [~~twenty~~] twenty-one,
46 the office shall provide yearly updates until the individual attains the
47 age of [~~twenty-one~~] twenty-two.

48 (c) If the commissioner determines, pursuant to subdivision (b) of
49 this section, that such child will not require adult services, the
50 commissioner shall notify the child's parent or guardian in writing of
51 such determination. Such notice shall be given as soon as practicable
52 but no later than six months before the child attains the age of [~~twea-~~
53 ~~ty-one~~] twenty-two.

54 § 31. Subdivision (a) of section 7.37-a of the mental hygiene law, as
55 added by chapter 405 of the laws of 1998, is amended to read as follows:

1 (a) For purposes of this section, "transitional care" shall mean care
2 and maintenance of persons:

3 1. who were placed in foster care by a social services district pursu-
4 ant to article six of the social services law and who have become twen-
5 ty-one years of age, or who have become twenty-two years of age for a
6 student with a disability as defined in section forty-four hundred one
7 of the education law, or who were placed in a residential educational
8 placement by a school district pursuant to article eighty-nine of the
9 education law and who are no longer eligible for free educational
10 services because they have completed the school year in which they
11 became [~~twenty-one~~] twenty-two;

12 2. who were disabled and in need of residential care prior to becoming
13 age twenty-one, or becoming age twenty-two for a student with a disabili-
14 ty as defined in section forty-four hundred one of the education law,
15 or prior to becoming ineligible for free education services and who have
16 since remained continuously disabled and continuously in need of resi-
17 dential care;

18 3. who became twenty-one, or twenty-two for a student with a disabili-
19 ty as defined in section forty-four hundred one of the education law, or
20 became ineligible for free educational services prior to July first,
21 nineteen hundred ninety-six;

22 4. with respect to whom the office has approved a plan of continued
23 out of home care for the person but has not yet identified a currently
24 available appropriate placement;

25 5. whose residential needs can be met by the facility in which the
26 persons resided prior to becoming age [~~twenty-one~~] twenty-two or becom-
27 ing ineligible for free educational services; and

28 6. who on July first, nineteen hundred ninety-eight are in receipt of
29 transitional care, or who have continuously remained in the foster care
30 or residential education placement where they had received transitional
31 care.

32 § 32. Paragraph 1 of subdivision (c) section 7.37-a of the mental
33 hygiene law, as added by chapter 405 of the laws of 1998, is amended to
34 read as follows:

35 1. the office has an agreement with the residential facility for
36 continued care of qualified persons at rates which are no greater than
37 the rates that would have been available if such persons were under age
38 [~~twenty-one~~] twenty-two;

39 § 33. Subdivision (a) of section 7.38 of the mental hygiene law, as
40 amended by chapter 37 of the laws of 2011, is amended to read as
41 follows:

42 (a) The office shall, in consultation with the department of social
43 services, the education department, the office for people with develop-
44 mental disabilities, and the council on children and families, develop a
45 plan and implement procedures to help assure that all persons who are at
46 the age or time to first qualify for transitional care as described in
47 section 7.37-a of this article, and for whom the office has accepted
48 planning responsibilities, receive assistance in locating an appropriate
49 and available residential placement or plan of services, within the
50 state and within the system of care subject to the jurisdiction of the
51 office, prior to the age or time at which they would otherwise have
52 qualified for transitional care, if such individual had become [~~twenty-~~
53 ~~one~~] twenty-two or become ineligible for educational services prior to
54 July first, nineteen hundred ninety-six. For purposes of this section,
55 the age or time at which a person would qualify for transitional care is
56 twenty-one for persons in foster care, and the end of the school year in

1 which they become twenty-one for persons in residential schools, except
2 that in the case of students with disabilities as defined in section
3 forty-four hundred one of the education law, the age or time at which a
4 person would qualify for transitional care is twenty-two.

5 § 34. Subdivisions (b) and (c) of section 13.37 of the mental hygiene
6 law, as amended by chapter 508 of the laws of 2008, are amended to read
7 as follows:

8 (b) Upon receipt of a report, the commissioner shall review the report
9 and shall determine if the child will likely need adult services. If
10 necessary and appropriate, the commissioner may conduct an evaluation of
11 the child to determine if adult services will be needed. Such evaluation
12 shall include, but not be limited to, the medical, vocational or day
13 services and social needs of the child, the desires of the child and of
14 [~~his or her~~] their parents or guardian, and the availability of appro-
15 priate services. If the child will likely need adult services, the
16 commissioner shall develop a plan for continued care which shall include
17 any evaluation and shall identify those adult programs or services which
18 may be available and which are operated or licensed by the office and by
19 the local governmental unit of the county in which the child resides, or
20 in the event that the child resides in a county within the city of New
21 York, the local governmental unit of the city of New York. Such written
22 plan shall be made available to the individual and, unless the individ-
23 ual objects, to [~~his or her~~] their parents or guardian as soon as prac-
24 ticable but not later than one year before the individual attains the
25 age of [~~twenty-one~~] twenty-one. If such recommendation has been made
26 prior to one year before the individual attains the age of [~~twenty~~]
27 twenty-one, the office shall provide yearly updates until the individual
28 attains the age of [~~twenty-one~~] twenty-two.

29 (c) If the commissioner determines, pursuant to subdivision (b) of
30 this section, that such child will not require adult services, the
31 commissioner shall notify the child's parent or guardian and the commit-
32 tee on special education, multidisciplinary team or social services
33 official, which submitted the report, in writing of such determination.
34 Such notice shall be given as soon as practicable but no later than six
35 months before the child attains the age of [~~twenty-one~~] twenty-two.
36 Such notice shall state the reasons for the determination and may recom-
37 mend a state agency which may be responsible for determining and recom-
38 mending adult services. If such determination is not acceptable to the
39 child's parent or guardian, such person may appeal the determination
40 pursuant to regulations adopted by the commissioner.

41 § 35. Subdivision (a) of section 13.37-a of the mental hygiene law, as
42 amended by chapter 106 of the laws of 2015, is amended to read as
43 follows:

44 (a) For purposes of this section, "transitional care" shall mean care
45 and maintenance of persons:

46 1. who were placed in foster care by a social services district pursu-
47 ant to article six of the social services law and who have become twen-
48 ty-one years of age, or have become twenty-two years of age for a
49 student with a disability as defined in section forty-four hundred one
50 of the education law, or who were placed in a residential educational
51 placement by a school district pursuant to article eighty-nine of the
52 education law and who are no longer eligible for free educational
53 services because they have completed the school year in which they
54 became [~~twenty-one~~] twenty-two;

55 2. who were disabled and in need of residential care prior to becoming
56 age [~~twenty-one~~] twenty-two or prior to becoming ineligible for free

1 education services and who have since remained continuously disabled and
2 continuously in need of residential care;

3 3. who became twenty-one, or twenty-two for a student with a disabili-
4 ty as defined in section forty-four hundred one of the education law, or
5 became ineligible for free educational services prior to July first,
6 nineteen hundred ninety-six;

7 4. with respect to whom the office has approved a plan of continued
8 out of home care for the person but has not yet identified a currently
9 available appropriate placement;

10 5. whose residential needs can be met by the facility in which the
11 persons resided prior to becoming age twenty-one, or twenty-two for a
12 student with a disability as defined in section forty-four hundred one
13 of the education law, or becoming ineligible for free educational
14 services; and

15 6. who on July first, nineteen hundred ninety-eight are in receipt of
16 transitional care, or who have continuously remained in the foster care
17 or residential education placement where they had received transitional
18 care.

19 § 36. Paragraph 1 of subdivision (c) of section 13.37-a of the mental
20 hygiene law, as added by chapter 405 of the laws of 1998, is amended to
21 read as follows:

22 1. the office has an agreement with the residential facility for
23 continued care of qualified persons at rates which are no greater than
24 the rates that would have been available if such persons were under age
25 [~~twenty-one~~] twenty-two;

26 § 37. Subdivision (a) of section 13.38 of the mental hygiene law, as
27 amended by chapter 106 of the laws of 2015, is amended to read as
28 follows:

29 (a) The office shall, in consultation with the department of social
30 services, the education department, the office of mental health, and the
31 council on children and families, develop a plan and implement proce-
32 dures to help assure that all persons who are at the age or time to
33 first qualify for transitional care, as described in section 13.37-a of
34 this article, and for whom the office has accepted planning responsibil-
35 ities, receive assistance in locating an appropriate and available resi-
36 dential placement or plan of services, within the state and within the
37 system of care subject to the jurisdiction of the office, prior to the
38 age or time at which they would otherwise have qualified for transi-
39 tional care, if such individuals had become twenty-one, or twenty-two
40 for a student with a disability as defined in section forty-four hundred
41 one of the education law, or become ineligible for educational services
42 prior to July first, nineteen hundred ninety-six. For purposes of this
43 section, the age or time at which a person would qualify for transi-
44 tional care is twenty-one, or twenty-two for a student with a disability
45 as defined in section forty-four hundred one of the education law, for
46 persons in foster care, and the end of the school year in which they
47 become [~~twenty-one~~] twenty-two for persons in residential schools.

48 § 38. Paragraph 4 of subdivision (g) of section 29.15 of the mental
49 hygiene law, as amended by chapter 273 of the laws of 1986, is amended
50 to read as follows:

51 4. The notification of the appropriate school district and the commit-
52 tee on special education regarding the proposed discharge or release of
53 a patient under [~~twenty-one~~] twenty-two years of age, consistent with
54 all applicable federal and state laws relating to confidentiality of
55 such information.

1 § 39. Section 33.11 of the mental hygiene law, as amended by chapter
2 168 of the laws of 2010, is amended to read as follows:

3 § 33.11 Education for children with mental disabilities.

4 The office of mental health and the office for people with develop-
5 mental disabilities shall provide the same education for patients in
6 office of mental health hospitals and residents in office for people
7 with developmental disabilities schools who are between the ages of five
8 and [~~twenty-one~~] twenty-two which they would otherwise be entitled to
9 receive in their local school districts pursuant to article eighty-nine
10 of the education law. The cost of such education shall be a charge upon
11 and shall be paid by the office of mental health or the office for
12 people with developmental disabilities when received within such a
13 hospital or school by a patient or resident therein. Such education
14 shall be adapted to the mental attainments of such children. Provided,
15 however, that such children as can benefit therefrom shall be admitted
16 to the schools of the school district in which such hospital or school
17 is located in accordance with regulations of the commissioner of educa-
18 tion developed in consultation with the commissioners of mental health
19 and developmental disabilities. The cost of such instruction less the
20 state aid attributed to such child, shall be a charge upon the school
21 district in which the child resided at the time of admission to the
22 state hospital or school, except in those cases as provided in paragraph
23 c of subdivision five of section thirty-two hundred two of the education
24 law.

25 § 40. Subdivision (c) of section 118 of the social services law, as
26 amended by chapter 909 of the laws of 1974, is amended to read as
27 follows:

28 (c) if a child under the age of twenty-one years, or twenty-two years
29 for a student with a disability as defined in section forty-four hundred
30 one of the education law, in a boarding home under the care of an
31 authorized agency, or

32 § 41. Subdivisions 2 and 4 of section 169 of the social services law,
33 as amended by chapter 909 of the laws of 1974, are amended to read as
34 follows:

35 2. The [~~wife, husband~~] spouse, child or grandchild under the age of
36 twenty-one years, or twenty-two years for a student with a disability as
37 defined in section forty-four hundred one of the education law, [~~father,~~
38 ~~mother, stepfather or stepmother~~] parent or stepparent of a veteran, if
39 living with the veteran;

40 4. The dependent children under the age of twenty-one years, or twen-
41 ty-two years for a student with a disability as defined in section
42 forty-four hundred one of the education law, or the incapacitated chil-
43 dren of a deceased veteran.

44 § 42. Paragraph (a) of subdivision 2 of section 350-j of the social
45 services law, as amended by section 38 of part B of chapter 436 of the
46 laws of 1997, is amended to read as follow:

47 (a) where the child is under twenty-one years of age, or twenty-two
48 years for a student with a disability as defined in section forty-four
49 hundred one of the education law; and

50 § 43. Subdivision 1 of section 386 of the social services law, as
51 amended by chapter 555 of the laws of 1978, is amended to read as
52 follows:

53 1. The board or the department is authorized to visit, in its
54 discretion, any minor under the age of twenty-one years, or twenty-two
55 years for a student with a disability as defined in section forty-four

1 hundred one of the education law, committed, placed out or boarded out
2 and not legally adopted or in the custody of a legal guardian.

3 § 44. Paragraph (h) of subdivision 6 of section 398 of the social
4 services law, as amended by chapter 387 of the laws of 1999, is amended
5 to read as follows:

6 (h) Supervise children who have been cared for away from their fami-
7 lies until such children become twenty-one years of age, or twenty-two
8 years of age for a student with a disability as defined in section
9 forty-four hundred one of the education law, or until they are
10 discharged to their own parents, relatives within the third degree or
11 guardians, or adopted, provided, however, that in the case of a child
12 who is developmentally disabled as such term is defined in section 1.03
13 of the mental hygiene law, emotionally disturbed or physically hand-
14 icapped, and who is receiving care in a group home, agency boarding home
15 or any child care facility operated by an authorized agency with a
16 capacity of thirteen or more children, and who is in receipt of educa-
17 tional services and under the care and custody of a local department of
18 social services, the commissioner of the office of children and family
19 services shall allow such child who reaches the age of twenty-one, or
20 twenty two in the case of a student with a disability as defined in
21 section forty-four hundred one of the education law, during the period
22 commencing on the first day of September and ending on the thirtieth day
23 of June to be entitled to continue in such program until the thirtieth
24 day of June or until the termination of the school year, whichever shall
25 first occur.

26 § 45. Subdivisions 1 and 2 of section 398-c of the social services
27 law, as added by chapter 570 of the laws of 1983, are amended to read as
28 follows:

29 1. The commissioner shall determine whether a child, whose report is
30 submitted to the department pursuant to subparagraph five of paragraph b
31 of subdivision one of section forty-four hundred two of the education
32 law or subdivision thirteen of section three hundred ninety-eight of
33 this article, will likely need adult services and, if such need will
34 likely exist, develop a recommendation of all appropriate programs
35 authorized or operated by the department which may be available when the
36 child attains the age of [~~twenty-one~~] twenty-two. If necessary and
37 appropriate, the commissioner may conduct an evaluation of the child to
38 determine if adult services will be necessary. Such recommendation of
39 all programs shall be made available to the parent or guardian of such
40 child as soon as practicable but no later than six months before such
41 child attains the age of [~~twenty-one~~] twenty-two.

42 2. If the commissioner determines pursuant to subdivision one of this
43 section, that such child will not require adult services, the commis-
44 sioner shall notify the child's parent or guardian in writing of such
45 determination. Such notice shall be given as soon as practicable but no
46 later than six months before the child attains the age of [~~twenty-one~~]
47 twenty-two.

48 § 46. Subparagraph (i) of paragraph (a) of subdivision 1 of section
49 409-a of the social services law, as amended by chapter 342 of the laws
50 of 2010, is amended to read as follows:

51 (i) the child will be placed, returned to or continued in foster care
52 unless such services are provided and that it is reasonable to believe
53 that by providing such services the child will be able to remain with or
54 be returned to [~~his or her~~] their family, and for a former foster care
55 youth under the age of twenty-one, or twenty-two in the case of a
56 student with a disability as defined in section forty-four hundred one

1 of the education law, who was previously placed in the care and custody
2 or custody and guardianship of the local commissioner of social services
3 or other officer, board or department authorized to receive children as
4 public charges where it is reasonable to believe that by providing such
5 services the former foster care youth will avoid a return to foster care
6 or

7 § 47. Subdivision 5 of section 430 of the social services law, as
8 added by chapter 906 of the laws of 1976, is amended to read as follows:

9 5. As used in this title, "day services" shall mean care and treatment
10 for part of the day of one or more children under eighteen years of age
11 and their families in a program which provides to such children and
12 families in accordance with their needs various services such as psychi-
13 atric, psychological, social casework, educational, vocational, health,
14 transportation and such other services as may be appropriate. Such
15 services shall be provided in accordance with program standards promul-
16 gated by the department. Day services may be continued after the eigh-
17 teenth birthday of a child in the care of an authorized agency and until
18 [~~he~~] such child becomes twenty-one years of age, or twenty-two years of
19 age in the case of a student with a disability as defined in section
20 forty-four hundred one of the education law. Day services shall not be
21 provided to any children and their families for periods in excess of one
22 year, without the approval of the department.

23 § 48. This act shall take effect immediately; provided that the amend-
24 ments to subdivision 1 of section 4401 of the education law made by
25 section eighteen of this act shall be subject to the expiration and
26 reversion of such subdivision pursuant to section 22 of chapter 352 of
27 the laws of 2005, as amended, and subdivision d of section 27 of chapter
28 378 of the laws of 2007, as amended, when upon such date the provisions
29 of section nineteen of this act shall take effect; provided further that
30 section twenty of this act shall take effect on the same date as the
31 reversion of paragraph a of subdivision 1 of section 4402 of the educa-
32 tion law, as provided in section 22 of chapter 352 of the laws of 2005,
33 as amended.