

S. 2808

A. 4008

S E N A T E - A S S E M B L Y

February 1, 2011

IN SENATE -- 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

IN ASSEMBLY -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means

AN ACT to amend the education law, in relation to contracts of excellence, library funding, reimbursement of school districts, electronic format materials and reporting requirements, apportionment of school aid, building aid, foundation aid base, apportionment of school aid and of current year approved expenditures for debt service, apportionment of transportation aid, academic enhancement aid, incentive operating aid for reorganized districts, high tax aid, Medicaid reimbursement, gap elimination adjustment, school district performance incentive grants, grants, maximum class size; to amend the state finance law, in relation to base grant; to amend chapter 756 of the laws of 1992 relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to apportionment and reimbursement; in relation to the apportionment of funds to the education jobs fund; to amend chapter 169 of the laws of 1994 relating to certain provisions related to the 1994-95 state operations, aid to localities, capital projects and debt service budgets, chapter 82 of the laws of 1995, amending the education law and certain other laws relating to state aid to school districts and the appropriation of funds for the support of government, chapter 386 of the laws of 1996 amending the education law relating to providing for a waiver allowing state aid in certain circumstances, chapter 472 of the laws of 1998 amending the education law relating to the lease of school buses by school districts, chapter 147 of the laws of 2001 amending the education law relating to conditional appointment of school district, charter school or BOCES employees, chapter 425 of the laws of 2002 amending the education law relating to the provision of supplemental educational services, attendance at a safe public school and the suspension of pupils who bring a firearm to or possess a firearm at a school, chapter 101 of the laws of 2003 amending the education law relating to implementation of the No Child Left Behind

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

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Act of 2001, chapter 57 of the laws of 2008 amending the education law relating to the universal pre-kindergarten program, in relation to school aid and extending the expiration of certain provisions of such chapters; to amend chapter 665 of the laws of 1963, relating to the human resources school, in relation to changing such name to the Henry Viscardi school; to amend the public authorities law, in relation to approved non-profit schools for the deaf and blind or other students with disabilities, in relation to school bus driver training; in relation to the support of public libraries; to provide special apportionment for salary expenses; to provide special apportionment for public pension expenses; in relation to suballocation of certain education department accruals; in relation to purchases by the city school district of Rochester; to repeal section 23 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, in relation to the effectiveness thereof; to repeal certain provisions of the education law, in relation to instruction of the deaf and blind; and providing for the repeal of section 86 of this act on March 31, 2012 when upon such date the provisions of such section shall be deemed repealed (Part A); to amend the education law, in relation to the school district management efficiency awards program and school district performance improvement awards grant (Part B); to repeal article 9 of the arts and cultural affairs law relating to the New York state theatre institute corporation and section 97-u of state finance law relating to the New York state theatre institute corporation fund, and to establish procedures for the transfer and ownership of rights and real property currently held by the entity formerly referred to as the New York state theatre institute (Part C); to amend the education law, the public authorities law and the public buildings law, in relation to capital facilities in support of the state university and community colleges; and providing for the repeal of certain provisions upon expiration thereof (Subpart A); to amend the education law and the state finance law, in relation to procurement in support of the state and city universities; and providing for the repeal of such provisions upon expiration thereof (Subpart B); to amend the education law, in relation to state university health care facilities; and providing for the repeal of such provisions upon expiration thereof (Subpart C); and to enact certain reporting requirements; and providing for the repeal of such provisions upon expiration thereof (Subpart D) (Part D); to amend the education law, in relation to tuition assistance program award determinations (Part E); to amend the education law, in relation to income as a determinate of tuition assistance awards (Part F); to amend the education law, in relation to restrictions on eligibility to receive awards and loans; and to repeal certain provisions of such law relating thereto (Part G); to amend the education law, in relation to tuition assistance program awards (Part H); to amend the education law, in relation to good academic standing requirements (Part I); to amend the education law, in relation to tuition assistance program awards for graduate school students; and to repeal certain provisions of such law relating thereto (Part J); to amend chapter 31 of the laws of 1985, amending the education law relating to regents scholarships in certain professions, in relation to the physician loan forgiveness program (Part K); to amend chapter 57 of the laws of 2005 amending the education law relating to the New York state nursing faculty loan forgiveness incentive program and the New York state nursing faculty scholarship program, in

relation to the effectiveness thereof (Part L); to amend chapter 161 of the laws of 2005, amending the education law and other laws relating to the social worker loan forgiveness program, in relation to the effectiveness thereof (Part M); to amend the real property tax law and the tax law, in relation to containing the cost of the STAR program and allowing the renunciation of STAR and other property tax exemptions (Part N); to amend the education law, in relation to maintenance costs for students with disabilities placed in a residential school under article 89 of the education law; and to amend the social services law, in relation to expenditures by social services districts for children in residential schools (Part O); to amend the social services law and the executive law, in relation to establishing a primary prevention incentive program; to amend the executive law, in relation to delinquent and runaway youths; to repeal subdivision 3 of section 409-a of the social services law, relating to community optional preventive services; and to repeal article 10-A of the social services law, relating to the William B. Hoyt memorial children and family trust (Part P); to amend the executive law, in relation to prior notice for closure of facilities operated by the office of children and family services; and to repeal certain provisions of such law relating thereto (Subpart A); and to amend the executive law, the family court act, the social services law and the county law, in relation to funding and utilization of juvenile detention and funding for supervision and treatment services; to repeal subdivisions 7 and 8 of section 530 of the executive law, relating to state operation of juvenile detention and approval of new juvenile detention capacity; and to repeal certain provisions of article 7 of the family court act and subdivision 12 of section 153 of the social services law, relating to the use of detention for persons alleged or adjudicated to be in need of supervision (Subpart B) (Part Q); to amend the social services law, in relation to the fee charged for clearances from the statewide central register of child abuse or maltreatment (Part R); to amend the social services law, in relation to increasing the standards of monthly need for aged, blind and disabled persons (Part S); to amend the social services law, in relation to sanctions imposed for noncompliance with public assistance work requirements; and to repeal certain provisions of such law relating thereto and providing for the repeal of such provisions upon expiration thereof (Part T); to amend the social services law, in relation to the standards of monthly need for persons in receipt of public assistance (Part U); to amend the private housing finance law, in relation to the neighborhood and rural preservation program and to repeal articles 16 and 17 of such law relating thereto (Part V); and to amend chapter 62 of the laws of 2003 amending the state finance law and other laws relating to authorizing and directing the state comptroller to loan money to certain funds and accounts, in relation to extending the interest assessment surcharge fund (Part W)

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 2011-2012
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through W. The effective date for each particular

1 provision contained within such Part is set forth in the last section of
2 such Part. Any provision in any section contained within a Part, includ-
3 ing the effective date of the Part, which makes a reference to a section
4 "of this act", when used in connection with that particular component,
5 shall be deemed to mean and refer to the corresponding section of the
6 Part in which it is found. Section three of this act sets forth the
7 general effective date of this act.

8

PART A

9 Section 1. Paragraph e of subdivision 1 of section 211-d of the educa-
10 tion law, as added by section 2-a of part A of chapter 57 of the laws of
11 2009, is amended to read as follows:

12 e. Notwithstanding paragraphs a and b of this subdivision, a school
13 district that submitted a contract for excellence for the two thousand
14 eight--two thousand nine school year shall submit a contract for excel-
15 lence for the two thousand nine--two thousand ten school year in
16 conformity with the requirements of subparagraph (vi) of paragraph a of
17 subdivision two of this section unless all schools in the district are
18 identified as in good standing AND PROVIDED FURTHER THAT, A SCHOOL
19 DISTRICT THAT SUBMITTED A CONTRACT FOR EXCELLENCE FOR THE TWO THOUSAND
20 NINE--TWO THOUSAND TEN SCHOOL YEAR, UNLESS ALL SCHOOLS IN THE DISTRICT
21 ARE IDENTIFIED AS IN GOOD STANDING, SHALL SUBMIT A CONTRACT FOR EXCEL-
22 LENCE FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR WHICH
23 SHALL, NOTWITHSTANDING THE REQUIREMENTS OF SUBPARAGRAPH (VI) OF PARA-
24 GRAPH A OF SUBDIVISION TWO OF THIS SECTION, PROVIDE FOR THE EXPENDITURE
25 OF AN AMOUNT WHICH SHALL BE NOT LESS THAN THE PRODUCT OF THE AMOUNT
26 APPROVED BY THE COMMISSIONER IN THE CONTRACT FOR EXCELLENCE FOR THE TWO
27 THOUSAND NINE--TWO THOUSAND TEN SCHOOL YEAR, MULTIPLIED BY THE
28 DISTRICT'S GAP ELIMINATION ADJUSTMENT PERCENTAGE. FOR PURPOSES OF THIS
29 PARAGRAPH, THE "GAP ELIMINATION ADJUSTMENT PERCENTAGE" SHALL BE CALCU-
30 LATED AS THE SUM OF ONE MINUS THE QUOTIENT OF THE SCHOOL DISTRICT'S GAP
31 ELIMINATION ADJUSTMENT FOR TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE AS
32 COMPUTED PURSUANT TO A CHAPTER OF THE LAWS OF TWO THOUSAND ELEVEN
33 ENACTED TO MAKE APPROPRIATIONS FOR THE SUPPORT OF THE LOCAL ASSISTANCE
34 BUDGET, INCLUDING SUPPORT FOR GENERAL SUPPORT FOR PUBLIC SCHOOLS,
35 DIVIDED BY THE TOTAL AID FOR ADJUSTMENT COMPUTED PURSUANT TO A CHAPTER
36 OF THE LAWS OF TWO THOUSAND ELEVEN ENACTED TO MAKE APPROPRIATIONS FOR
37 THE LOCAL ASSISTANCE BUDGET, INCLUDING SUPPORT FOR GENERAL SUPPORT FOR
38 PUBLIC SCHOOLS. PROVIDED, FURTHER, THAT SUCH AMOUNT SHALL BE EXPENDED TO
39 SUPPORT AND MAINTAIN ALLOWABLE PROGRAMS AND ACTIVITIES APPROVED IN THE
40 TWO THOUSAND NINE--TWO THOUSAND TEN SCHOOL YEAR OR TO SUPPORT NEW OR
41 EXPANDED ALLOWABLE PROGRAMS AND ACTIVITIES IN THE CURRENT YEAR.

42 S 2. Subparagraph (vii) of paragraph a of subdivision 2 of section
43 211-d of the education law, as added by section 3 of part A of chapter
44 57 of the laws of 2009, is amended to read as follows:

45 (vii) (A) Notwithstanding any other provision of this section to the
46 contrary, a school district that submitted a contract for excellence for
47 the two thousand seven--two thousand eight school year and the two thou-
48 sand eight--two thousand nine school year and is required to submit a
49 contract for excellence for the two thousand nine--two thousand ten
50 school year but did not fully expend all of its two thousand seven--two
51 thousand eight foundation aid subject to the contract for excellence
52 restrictions during the two thousand seven--two thousand eight school
53 year may re-allocate and expend such unexpended funds during the two
54 thousand eight--two thousand nine and two thousand nine--two thousand

1 ten school years for allowable contract for excellence programs and
2 activities as defined in subdivision three of this section in a manner
3 prescribed by the commissioner. For purposes of determining maintenance
4 of effort pursuant to subparagraph (vi) of this paragraph for the two
5 thousand eight--two thousand nine school year, funds expended pursuant
6 to this subparagraph shall be included in the total budgeted amount
7 approved by the commissioner in the district's contract for excellence
8 for the two thousand seven--two thousand eight school year; provided
9 that such amount shall not be counted more than once in determining
10 maintenance of effort for the two thousand nine--two thousand ten school
11 year or thereafter.

12 (B) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION TO THE CONTRA-
13 RY, A SCHOOL DISTRICT THAT SUBMITTED A CONTRACT FOR EXCELLENCE FOR THE
14 TWO THOUSAND NINE--TWO THOUSAND TEN SCHOOL YEAR AND IS REQUIRED TO
15 SUBMIT A CONTRACT FOR EXCELLENCE FOR THE TWO THOUSAND ELEVEN--TWO THOU-
16 SAND TWELVE SCHOOL YEAR BUT DID NOT FULLY EXPEND ALL OF ITS TWO THOUSAND
17 NINE--TWO THOUSAND TEN FOUNDATION AID SUBJECT TO THE CONTRACT FOR EXCEL-
18 LENCE RESTRICTIONS DURING THE TWO THOUSAND NINE--TWO THOUSAND TEN SCHOOL
19 YEAR MAY RE-ALLOCATE AND EXPEND SUCH UNEXPENDED FUNDS DURING THE TWO
20 THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR FOR ALLOWABLE CONTRACT
21 FOR EXCELLENCE PROGRAMS AND ACTIVITIES AS DEFINED IN SUBDIVISION THREE
22 OF THIS SECTION IN A MANNER PRESCRIBED BY THE COMMISSIONER. FOR PURPOSES
23 OF DETERMINING MAINTENANCE OF EFFORT PURSUANT TO SUBPARAGRAPH (VI) OF
24 THIS PARAGRAPH FOR THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN SCHOOL
25 YEAR, FUNDS EXPENDED PURSUANT TO THIS SUBPARAGRAPH SHALL BE INCLUDED IN
26 THE TOTAL BUDGETED AMOUNT APPROVED BY THE COMMISSIONER IN THE DISTRICT'S
27 CONTRACT FOR EXCELLENCE FOR THE TWO THOUSAND NINE--TWO THOUSAND TEN
28 SCHOOL YEAR; PROVIDED THAT SUCH AMOUNT SHALL NOT BE COUNTED MORE THAN
29 ONCE IN DETERMINING MAINTENANCE OF EFFORT FOR THE TWO THOUSAND
30 ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR OR THEREAFTER.

31 S 3. Subdivision 12 of section 273 of the education law, as amended by
32 section 4-a of part A of chapter 57 of the laws of 2009, is amended to
33 read as follows:

34 12. The commissioner is hereby authorized to expend [in state fiscal
35 year two thousand six--two thousand seven three million dollars and in
36 state fiscal year two thousand seven--two thousand eight eight million
37 dollars and in state fiscal year two thousand eight--two thousand nine
38 seven million nine hundred forty thousand dollars and in state fiscal
39 year two thousand nine--two thousand ten eight million dollars subject
40 to an appropriation] FUNDS ANNUALLY for formula grants to public library
41 systems, reference and research library resources systems, and school
42 library systems operating under an approved plan of service. Such formu-
43 la grants shall be provided for the period commencing July first and
44 ending on June thirtieth next following. Such formula grants will be
45 distributed in the following manner:

46 a. Each public library system established pursuant to sections two
47 hundred fifty-five and two hundred seventy-two of this part and operat-
48 ing under a plan approved by the commissioner is entitled to receive
49 ANNUALLY thirty-nine thousand dollars and an amount equal to ten and
50 ninety-four hundredths percent of the amount of state aid received for
51 the current year by such system under paragraphs a, c, d, e and n of
52 subdivision one of this section [for the two thousand nine--two thousand
53 ten state fiscal year];

54 b. Each reference and research library resources system established
55 pursuant to section two hundred seventy-two of this part and operating
56 under a plan approved by the commissioner is entitled to receive ANNUAL-

1 LY thirty-nine thousand dollars and an amount equal to ten and ninety-
2 four hundredths percent of the amount of state aid received for the
3 current year under paragraph a of subdivision four of this section [for
4 the two thousand nine--two thousand ten state fiscal year]; and
5 c. Each school library system established pursuant to section two
6 hundred eighty-two of this part and operating under a plan approved by
7 the commissioner is entitled to receive ANNUALLY thirty-nine thousand
8 dollars and an amount equal to ten and ninety-four hundredths percent of
9 the amount of state aid received for the current year by such system
10 under paragraphs a, b, c, d, e and f of subdivision one of section two
11 hundred eighty-four of this part [for the two thousand nine--two thou-
12 sand ten state fiscal year].

13 S 4. Section 407-b of the education law, as added by chapter 407 of
14 the laws of 1989, subdivision 5 as amended by chapter 557 of the laws of
15 1989, subdivision 6, paragraph (a) and subparagraphs (iii) and (iv) of
16 paragraph (b) of subdivision 8 as amended by chapter 695 of the laws of
17 1992 and subdivision 10 as amended by chapter 31 of the laws of 1996, is
18 amended to read as follows:

19 S 407-b. Authorization for dormitory authority financing of capital
20 facilities for state-supported schools for blind and deaf students. 1.
21 The legislature declares that it is in the interest of the state and the
22 children of the state to assure that state-supported schools for the
23 instruction of blind and deaf students and other children with [handi-
24 capping conditions] DISABILITIES pursuant to article eighty-five of this
25 chapter and chapter one thousand sixty of the laws of nineteen hundred
26 seventy-four have sufficient facilities related to the education of such
27 children. The legislature finds that state-supported schools for blind
28 and deaf students providing such education [are] WERE in need of
29 improved and additional facilities related to the education of such
30 children, and the means to finance the construction of such improvements
31 and additional facilities PURSUANT TO THIS SECTION. The legislature,
32 therefore, enacts the following provisions.

33 2. This section shall apply to APPROVED PRIVATE SCHOOLS, FORMERLY
34 KNOWN AS state-supported schools for the instruction of the blind and
35 deaf students and children with other [handicapping conditions, subject
36 to the appointment of the commissioner, pursuant to article eighty-five]
37 DISABILITIES AS ENUMERATED IN SUBDIVISION ONE OF SECTION FORTY-TWO
38 HUNDRED ONE of this chapter and [chapter one thousand sixty of the laws
39 of nineteen hundred seventy-four] THE FINANCING OF THE DESIGN,
40 CONSTRUCTION, RECONSTRUCTION, REHABILITATION, IMPROVEMENT, RENOVATION OR
41 OTHERWISE PROVIDING FOR FURNISHING OR EQUIPPING OF EDUCATIONAL OR RESI-
42 DENTIAL FACILITIES FOR PROJECTS APPROVED BY THE COMMISSIONER FOR SUCH
43 SCHOOLS ON OR BEFORE JUNE THIRTIETH, TWO THOUSAND ELEVEN.

44 3. Such [state-supported] schools may enter into leases, subleases or
45 other agreements with the dormitory authority pursuant to title four of
46 article eight of the public authorities law for the financing of the
47 design, construction, reconstruction, rehabilitation, improvement, reno-
48 vation or otherwise providing for furnishing or equipping of educational
49 or residential facilities where the total estimated cost of such facili-
50 ties exceeds ten thousand dollars. The plans and specifications of such
51 capital facilities shall be subject to approval of the commissioner.
52 Such educational or residential facilities may be constructed only on
53 land owned by such [state-supported] school or, if the land is leased,
54 where the lease is for a period at least equal to the appropriate period
55 of probable usefulness for such facilities as listed in section 11.00 of

1 the local finance law, or the length of the lease, sublease or other
2 agreement with the dormitory authority, whichever is longer.

3 4. Each [state-supported] school shall, notwithstanding any other
4 provision of law, have the power to convey, lease, sublease or otherwise
5 make available to the dormitory authority without consideration, title
6 or any other rights in real property satisfactory to the dormitory
7 authority.

8 5. In addition to providing for all other matters deemed necessary and
9 proper, such leases, subleases and other agreements shall (a) require
10 the [state-supported] APPROVED PRIVATE school to pay to the dormitory
11 authority annual rentals which shall include the amount required to pay
12 the principal of and interest on obligations of the dormitory authority
13 issued in relation to providing such facilities and all incidental
14 expenses of the dormitory authority incurred in relation thereto, (b)
15 require the [state-supported] school to include an amount sufficient to
16 meet its obligations under the lease, sublease or other agreement in
17 each proposed budget submitted during the term of the lease, sublease or
18 other agreement, and (c) a provision that such agreement shall not be
19 effective unless and until it is approved by the commissioner and the
20 director of the budget.

21 6. Title or other real property rights, to the capital facilities
22 financed pursuant to this section shall remain with the dormitory
23 authority until the dormitory authority certifies to the commissioner
24 and the comptroller the receipt by it of the amount necessary to pay the
25 aggregate amount of annual rentals to the dormitory authority. At such
26 time, title or other real property rights thereto shall be transferred
27 by the dormitory authority to the [state-supported] school. In order to
28 avail itself of the provisions of this section, each [state-supported]
29 SUCH APPROVED PRIVATE SCHOOL school must also agree to continue to oper-
30 ate a program for the education of children WITH DISABILITIES pursuant
31 to [article] ARTICLES eighty-five AND EIGHTY-NINE of this chapter [and
32 chapter one thousand sixty of the laws of nineteen hundred seventy-
33 four], and any lease, sublease or other agreement with the dormitory
34 authority shall provide that, if the [state-supported] school shall
35 cease to operate at any time during the term of the agreement, the
36 school shall have the obligation to pay the total aggregate amount of
37 annual rentals to the dormitory authority. Upon a determination that the
38 [state-supported] school is unable to satisfy such obligations, the
39 state may take such title or other real property rights of the dormitory
40 authority in such land, buildings, equipment and other properties which
41 the [state-supported] school uses for its program upon payments, subject
42 to appropriations, by the state to the dormitory authority of the amount
43 required to pay the total aggregate amount of annual rentals to the
44 dormitory authority.

45 7. On or before November fifteenth of each year, the dormitory author-
46 ity shall submit, and thereafter may resubmit, to the director of the
47 budget, the state comptroller, the chairman of the senate finance
48 committee and the chairman of the assembly ways and means committee a
49 report setting forth the amounts, if any, of all annual rentals esti-
50 mated to become due in the succeeding state fiscal year to the dormitory
51 authority from the [state-supported] APPROVED PRIVATE schools ENUMERATED
52 IN SUBDIVISION ONE OF SECTION FORTY-TWO HUNDRED ONE OF THIS CHAPTER FOR
53 PROJECTS APPROVED BY THE COMMISSIONER ON OR BEFORE JUNE THIRTIETH, TWO
54 THOUSAND ELEVEN pursuant to any leases, subleases or other agreements
55 between the dormitory authority and [state-supported] SUCH schools to

1 provide educational and residential facilities for such [state-support-
2 ed] schools.

3 The state comptroller shall pay over to the dormitory authority pursu-
4 ant to appropriations therefor solely from moneys available in the
5 school capital facilities financing reserve fund the amount set forth in
6 such report at the times and in the amounts set forth in the certificate
7 filed with the comptroller by the dormitory authority pursuant to
8 subparagraph (iv) of paragraph (b) of subdivision eight of this section.

9 8. Method of payment; reserve fund. (a) Each [state-supported] school
10 which elects to avail itself of the provisions of this section shall
11 have established with the state comptroller a school capital facilities
12 financing reserve account which shall be used to pay to the dormitory
13 authority the annual rentals payable to the dormitory authority by
14 [state-supported] schools which have entered into leases, subleases or
15 other agreements with the dormitory authority to provide educational or
16 residential facilities pursuant to this section or to reimburse the
17 state for expenditures from appropriations made pursuant to subdivision
18 seven of this section. The dormitory authority shall identify to the
19 state comptroller and to the commissioner the [state-supported] schools
20 with which it has leases, subleases or other agreements pursuant to this
21 section and shall annually certify the amount of annual rentals required
22 to be paid pursuant to such leases, subleases or other agreements.

23 (b) (i) There is hereby established in the custody of the state comp-
24 troller a special fund to be known as the school capital facilities
25 financing reserve fund. Within such fund, there is hereby established a
26 special account for each [state-supported] school which enters into a
27 lease, sublease or other agreement with the dormitory authority pursuant
28 to this section.

29 (ii) Notwithstanding the provisions of any other law, such fund shall
30 consist of payments as made and determined by the commissioner. The
31 comptroller shall maintain sufficient amounts in the fund in order to
32 pay when due the annual rentals due to the dormitory authority from each
33 such [state-supported] school pursuant to any lease, sublease or other
34 agreement entered into pursuant to the provisions of this section. The
35 dormitory authority shall certify to the state comptroller the dates and
36 amounts of such payments as scheduled in its lease, subleases or other
37 agreements with such [state-supported] school. The commissioner shall
38 certify the amount of payments due the fund from [state-supported] SUCH
39 APPROVED PRIVATE schools, and shall make such payments to the fund at
40 such times as appropriate, subject to the approval of the director of
41 the budget, and after consultation with the dormitory authority.

42 (iii) Revenues in any special account in the school capital facilities
43 financing reserve fund may be commingled with any other moneys in such
44 fund. All deposits of such revenues shall be secured by obligations of
45 the United States or of the state of New York or its political subdivi-
46 sions. Such obligations shall have a market value not less than one
47 hundred five percent of the amount of such deposits. All the banks and
48 trust companies are authorized to give security for such deposits. Any
49 such revenues in such fund may, in the discretion of the comptroller, be
50 invested in obligations of the United States or the state or obligations
51 the principal of and interest on which are guaranteed by the United
52 States or by the state. Any interest earned shall be credited to such
53 fund.

54 (iv) Upon receipt by the comptroller of a certificate or certificates
55 from the dormitory authority that it requires a payment or payments from
56 the appropriate special account established for a [state-supported]

1 school to comply with any lease, sublease or other agreement pursuant to
2 this section, each of which certificate shall specify the required
3 payment or payments and the date when the payment or payments is
4 required, the comptroller shall pay from such special account on or
5 before the specified date or within thirty days after receipt of such
6 certificate or certificates, whichever is later, to the paying agent
7 designated by the dormitory authority in any such certificate, the
8 amount or amounts so certified.

9 (v) Notwithstanding any other provisions of this subdivision to the
10 extent that the state makes appropriations for the payment of annual
11 rentals to the dormitory authority required to be paid pursuant to the
12 terms of any lease, sublease or other agreement between the dormitory
13 authority and any [state-supported] schools and makes such payments,
14 moneys in the school capital facilities financing reserve fund shall be
15 used to reimburse the state for moneys so expended from such appropri-
16 ation.

17 (vi) All payments of money from the school capital facilities financ-
18 ing reserve fund shall be made on the audit and warrant of the state
19 comptroller.

20 9. All state officials are authorized and required to take whatever
21 actions are necessary to carry out the provisions of this section and
22 any leases, subleases or other agreements entered into pursuant to this
23 section, including making the required payments to the dormitory author-
24 ity.

25 10. Notwithstanding any other provision of law to the contrary, the
26 dormitory authority may execute leases, subleases, or other agreements
27 with [state supported] APPROVED PRIVATE schools for financing of the
28 design, construction, rehabilitation, improvement, renovation, acquisi-
29 tion or provision, furnishing or equipping of capital facilities;
30 provided, however, that during the two year period commencing July
31 first, nineteen hundred ninety-five, the amount of bonds inclusive of
32 principal, interest and issuance costs to be issued for each individual
33 lease, sublease, or other agreement shall not exceed fifteen million
34 dollars annually; provided further that the interest on such bonds may
35 not be deferred through additional borrowing; and provided finally that
36 the total amount of such bonds for all such leases, subleases, or agree-
37 ments with [state supported] schools during such period shall not exceed
38 sixty-five million dollars.

39 On or before September first of each year, the commissioner shall
40 submit to the chairs of the assembly ways and means committee, the
41 senate finance committee and the director of the budget, a capital plan
42 for those projects expected to be bonded for [state supported] schools
43 pursuant to this section, within such sixty-five million dollar allow-
44 ance. After application of the principles of the capital assets preser-
45 vation program, such plan shall accord priority to health and safety
46 considerations and shall specify the name, location, estimated total
47 cost of the project at the time the project is to be bid, the antic-
48 ipated bid date and the anticipated completion date and may contain any
49 further recommendations the commissioner may deem appropriate.

50 11. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE
51 PROVISIONS OF THIS SECTION AND THE DORMITORY AUTHORITY ACT, AS THE SAME
52 WERE AMENDED BY CHAPTER FOUR HUNDRED SEVEN OF THE LAWS OF NINETEEN
53 HUNDRED EIGHTY-NINE, SHALL, IN ALL RESPECTS, CONTINUE TO APPLY TO ANY
54 APPROVED PRIVATE NONRESIDENTIAL AND RESIDENTIAL SCHOOL WITH RESPECT TO
55 ANY BONDS ISSUED BY THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK FOR

1 THE BENEFIT OF SUCH SCHOOL PRIOR TO THE EFFECTIVE DATE OF THIS SUBDIVI-
2 SION.

3 S 5. Subdivision 1 of section 1104 of the education law, as amended by
4 chapter 53 of the laws of 1990, is amended to read as follows:

5 1. The commissioner [of education] in the annual apportionment of
6 public moneys shall apportion therefrom to each county maintaining
7 approved vocational education and extension work, a quota amounting to
8 one-half of the salary paid each teacher, director, assistant, and
9 supervisor, WHERE SUCH SALARY IS ATTRIBUTABLE TO A COURSE OF STUDY FIRST
10 SUBMITTED TO THE COMMISSIONER FOR APPROVAL PURSUANT TO SECTION ELEVEN
11 HUNDRED THREE OF THIS ARTICLE ON OR BEFORE JULY FIRST, TWO THOUSAND TEN,
12 but not to exceed THE AMOUNT COMPUTED BY THE COMMISSIONER BASED UPON AN
13 ASSUMED ANNUALIZED SALARY EQUAL TO ten thousand five hundred dollars PER
14 SCHOOL YEAR on account of the employment of such teacher, director,
15 assistant or supervisor.

16 S 6. Section 1104 of the education law is amended by adding a new
17 subdivision 3 to read as follows:

18 3. FOR THE APPORTIONMENT PAYABLE PURSUANT TO THIS SECTION FOR SCHOOL
19 YEARS COMMENCING PRIOR TO JULY FIRST, TWO THOUSAND NINE, THE COMMISSION-
20 ER SHALL CERTIFY NO PAYMENT TO A VOCATIONAL EDUCATION AND EXTENSION
21 BOARD BASED ON A CLAIM SUBMITTED LATER THAN THREE YEARS AFTER THE CLOSE
22 OF THE SCHOOL YEAR IN WHICH SUCH PAYMENT WAS FIRST TO BE MADE. FOR
23 CLAIMS FOR WHICH PAYMENT IS FIRST TO BE MADE IN THE TWO THOUSAND
24 NINE--TWO THOUSAND TEN SCHOOL YEAR AND THEREAFTER, THE COMMISSIONER
25 SHALL CERTIFY NO PAYMENT TO A VOCATIONAL EDUCATION AND EXTENSION BOARD
26 BASED ON A CLAIM SUBMITTED LATER THAN ONE YEAR AFTER THE CLOSE OF SUCH
27 SCHOOL YEAR. PROVIDED, HOWEVER, NO PAYMENTS SHALL BE BARRED OR REDUCED
28 WHERE SUCH PAYMENT IS REQUIRED AS A RESULT OF A FINAL AUDIT OF THE
29 STATE.

30 S 7. Intentionally omitted.

31 S 8. Subdivision 21-a of section 1604 of the education law, as added
32 by chapter 472 of the laws of 1998, is amended to read as follows:

33 21-a. To lease a motor vehicle or vehicles to be used for the trans-
34 portation of the children of the district from a school district, board
35 of cooperative educational services or county vocational education and
36 extension board or from any other source, under the conditions specified
37 in this subdivision. No such agreement for the lease of a motor vehicle
38 or vehicles shall be for a term of more than one school year, provided
39 that when THE BOARD OF TRUSTEES CAN DEMONSTRATE TO THE SATISFACTION OF
40 THE COMMISSIONER THAT THE COST OF A LEASE, IF EXTENDED OVER THE EXPECTED
41 LIFESPAN OF A SCHOOL BUS, WOULD BE LOWER THAN THE COST OF PURCHASING A
42 SCHOOL BUS, AND THE LEASE IS authorized by a vote of the qualified
43 voters of the district, such lease may have a term of up to five years.
44 Where the trustee or board of trustees enter into a lease of a motor
45 vehicle or vehicles pursuant to this subdivision for a term of one
46 school year or less, such trustee or board shall not be authorized to
47 enter into another lease for the same or an equivalent replacement vehi-
48 cle or vehicles, as determined by the commissioner, without obtaining
49 approval of the qualified voters of the school district.

50 S 9. Intentionally omitted.

51 S 10. Intentionally omitted.

52 S 11. Intentionally omitted.

53 S 12. Paragraph i of subdivision 25 of section 1709 of the education
54 law, as added by chapter 472 of the laws of 1998, is amended to read as
55 follows:

1 i. In addition to the authority granted in paragraph e of this subdi-
2 vision, the board of education shall be authorized to lease a motor
3 vehicle or vehicles to be used for the transportation of the children of
4 the district from sources other than a school district, board of cooper-
5 ative educational services or county vocational education and extension
6 board under the conditions specified in this paragraph. No such agree-
7 ment for the lease of a motor vehicle or vehicles shall be for a term of
8 more than one school year, provided that when THE BOARD OF EDUCATION CAN
9 DEMONSTRATE TO THE SATISFACTION OF THE COMMISSIONER THAT THE COST OF A
10 LEASE, IF EXTENDED OVER THE EXPECTED LIFESPAN OF A SCHOOL BUS, WOULD BE
11 LOWER THAN THE COST OF PURCHASING A SCHOOL BUS, AND THE LEASE IS author-
12 ized by a vote of the qualified voters of the district, such lease may
13 have a term of up to five years. Where the board of education enters a
14 lease of a motor vehicle or vehicles pursuant to this paragraph for a
15 term of one school year or less, such board shall not be authorized to
16 enter into another lease of the same or an equivalent replacement vehi-
17 cle or vehicles, as determined by the commissioner, without obtaining
18 approval of the voters.

19 S 13. Intentionally omitted.

20 S 14. Intentionally omitted.

21 S 15. Subparagraph 2 of paragraph d of subdivision 4 of section 1950
22 of the education law, as added by chapter 474 of the laws of 1996, is
23 amended to read as follows:

24 (2) Certain services prohibited. (I) Commencing with the nineteen
25 hundred ninety-seven--ninety-eight school year, the commissioner shall
26 not be authorized to approve as an aidable shared service pursuant to
27 this subdivision any cooperative maintenance services or municipal
28 services, including but not limited to, lawn mowing services and heat-
29 ing, ventilation or air conditioning repair or maintenance or trash
30 collection, or any other municipal services as defined by the commis-
31 sioner. On and after the effective date of this paragraph, the commis-
32 sioner shall not approve, as an aidable shared service, any new cooper-
33 ative maintenance or municipal services for the nineteen hundred
34 ninety-six--ninety-seven school year, provided that the commissioner may
35 approve the continuation of such services for one year if provided in
36 the nineteen hundred ninety-five--ninety-six school year.

37 (II) COMMENCING WITH THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE
38 SCHOOL YEAR, THE COMMISSIONER SHALL NOT BE AUTHORIZED TO APPROVE AS AN
39 AIDABLE SHARED SERVICE PURSUANT TO THIS SUBDIVISION THE FOLLOWING
40 SERVICES:

41 (A) COLLECTIVE NEGOTIATIONS AND LABOR RELATIONS;

42 (B) PERSONNEL SERVICES - RECRUITING;

43 (C) EMPLOYEE ASSISTANCE PROGRAMS;

44 (D) BUSINESS OFFICE SERVICES, INCLUDING BUT NOT LIMITED TO COMPETITIVE
45 BIDDING COORDINATION, PAYROLL, MICROFILMING, TEXTBOOK COORDINATOR, BUSI-
46 NESS MANAGER, BUSINESS OFFICE SUPPORT, MEDICAID REIMBURSEMENT, TELECOM-
47 MUNICATIONS, TELEPHONE INTERCONNECTS, INSURANCE MANAGEMENT COORDINATION
48 AND EMPLOYEE BENEFIT AND HEALTHCARE BENEFIT COORDINATION;

49 (E) PLANNING SERVICES AND MANAGEMENT;

50 (F) PUBLIC INFORMATION COORDINATOR OR SERVICES (PUBLIC RELATIONS);

51 (G) SCHOOL FOOD SERVICES AND FOOD MANAGEMENT;

52 (H) EXTRACURRICULAR ACTIVITIES AND INTER-SCHOLASTIC SPORTS COORDI-
53 NATION;

54 (I) INSTRUCTIONAL GRAPHICS, EQUIPMENT REPAIR, PRINTING, PHOTOCOPYING,
55 NON-PRINT DUPLICATION, EDUCATIONAL TELEVISION;

56 (J) ENERGY MANAGEMENT;

(K) SUBSTITUTE TEACHER COORDINATION;
(L) GASB 45 PLANNING AND VALUATION; OR
(M) ENGINEERING SERVICES.

NOTHING IN THIS CLAUSE SHALL PRECLUDE THE ABILITY OF A BOARD OF COOPERATIVE EDUCATIONAL SERVICES TO APPLY FOR AND RECEIVE AID PURSUANT TO ANY OTHER PROVISION OF LAW. ADDITIONALLY, NOTHING IN THIS CLAUSE SHALL PRECLUDE A BOARD OF COOPERATIVE EDUCATIONAL SERVICES FROM PROVIDING THESE SERVICES WITHOUT RESPECT TO AID.

S 16. Paragraphs a and g of subdivision 5 of section 1950 of the education law, paragraph a as amended by section 4 and paragraph g as amended by section 5 of part C of chapter 57 of the laws of 2004, are amended to read as follows:

a. Upon application by a board of cooperative educational services, there shall be apportioned and paid from state funds to each board of cooperative educational services an amount which shall be the product of the approved cost of services actually incurred during the base year multiplied by the sharing ratio for cooperative educational services aid which, FOR APPROVED COSTS INCURRED PRIOR TO JULY FIRST, TWO THOUSAND ELEVEN, shall equal the greater of: (i) an amount equal to one minus the quotient expressed as a decimal to three places without rounding of eight mills divided by the tax rate of the local district computed upon the actual valuation of taxable property, as determined pursuant to subdivision one of section thirty-six hundred two of this chapter [and notwithstanding section three thousand six hundred three,] expressed in mills to the nearest tenth as determined by the commissioner, provided, however, that where services are provided to a school district which is included within a central high school district or to a central high school district, such amount shall equal one minus the quotient expressed as a decimal to three places without rounding of three mills divided by the tax rates, expressed in mills to the nearest tenth, of such districts, as determined by the commissioner or (ii) the aid ratio of each school district for the current year, which shall be such component school district's board of cooperative educational services aid ratio and which shall be not less than thirty-six percent converted to decimals and shall be not more than ninety percent converted to decimals, AND WHICH, FOR APPROVED COSTS INCURRED ON OR AFTER JULY FIRST, TWO THOUSAND ELEVEN, SHALL EQUAL THE STATE SHARING RATIO FOR TOTAL FOUNDATION AID COMPUTED FOR EACH SCHOOL DISTRICT FOR THE CURRENT YEAR PURSUANT TO PARAGRAPH G OF SUBDIVISION THREE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS CHAPTER, BUT NOT LESS THAN TEN PERCENT AND NOT MORE THAN NINETY PERCENT. For the purposes of this paragraph, the tax rate of the local district computed upon the actual valuation of taxable property shall be the sum of the amount of tax raised by the school district plus any payments in lieu of taxes received by the school district pursuant to section four hundred eighty-five of the real property tax law, divided by the actual valuation of the school district, provided, however that the tax rate for a central high school district shall be the sum of the amount of tax raised by the common and union free school districts included within the central high school district for the support of the central high school district plus any payments in lieu of taxes received for the support of the central high school district pursuant to section four hundred eighty-five of the real property tax law, divided by the actual valuation of the central high school district. The tax rate for each common or union free school district which is included within a central high school district shall be the sum of the amount raised for the support of such common or union free school

1 district plus any payments in lieu of taxes received for the support of
2 the school district pursuant to section four hundred eighty-five of the
3 real property tax law, exclusive of the amount raised for the central
4 high school district, divided by the actual valuation of such common or
5 union free school district.

6 g. Any payment required by a board of cooperative educational services
7 to the dormitory authority or any payment required by a board of cooper-
8 ative educational services to acquire or construct a school facility of
9 the board of cooperative educational services, and any payments for
10 rental of facilities by a board of cooperative educational services
11 shall, for the purposes of apportionment of public moneys to the board
12 of cooperative educational services by the state of New York, be deemed
13 to be an administrative or capital expense, as designated by the commis-
14 sioner, but the entire amount of such payment shall be utilized in
15 making such apportionment and the limitation of ten percent of the total
16 expenses contained in this subdivision shall not be applicable. Any
17 expense designated by the commissioner as a capital expense shall be
18 included in the capital budget of the board of cooperative educational
19 services and, except as otherwise provided in this paragraph, shall be
20 aided in the same manner as an administrative expense. Any such payment
21 shall not be considered part of the total expenses of the board for
22 purposes of determining the administrative and clerical expenses not to
23 exceed ten percent otherwise eligible for aid under this subdivision,
24 and such payments shall be considered for the purpose of apportionment
25 during the current school year such payment is made. The apportionment
26 for such payments shall be determined by multiplying the amount of such
27 payment allocated to each component school district in the board of
28 cooperative educational services by the BOARD OF COOPERATIVE EDUCATIONAL
29 SERVICES BUILDING aid ratio, and shall be not more than ninety percent
30 converted to decimals, WHERE, FOR APPORTIONMENTS COMPUTED PRIOR TO JULY
31 FIRST, TWO THOUSAND TWELVE, THE BOARD OF COOPERATIVE EDUCATIONAL
32 SERVICES BUILDING AID RATIO SHALL BE THE AID RATIO of each such compo-
33 nent computed pursuant to subdivision three of section thirty-six
34 hundred two and used to apportion aid to that district in that current
35 school year, AND FOR APPORTIONMENTS COMPUTED ON OR AFTER JULY FIRST, TWO
36 THOUSAND TWELVE SHALL BE THE SHARING RATIO FOR COOPERATIVE EDUCATIONAL
37 SERVICES AID COMPUTED PURSUANT TO PARAGRAPH A OF THIS SUBDIVISION;
38 provided, however, the apportionment for the construction, acquisition,
39 reconstruction, rehabilitation, or improvement of board of cooperative
40 educational services facilities, including payments to the dormitory
41 authority and payments under any lease agreement, shall be based upon
42 the cost of the board of cooperative educational services school facili-
43 ties but not to exceed the cost allowance set forth in subdivision six
44 of section thirty-six hundred two of [the education law] THIS CHAPTER
45 and payments for rental facilities shall be subject to the approval of
46 the commissioner.

47 S 17. Paragraph c of subdivision 5-a of section 1950 of the education
48 law, as added by chapter 82 of the laws of 1995, is amended to read as
49 follows:

50 c. Applicable percent. The applicable percent shall be determined by
51 the number of years that an eligible district has been a component
52 district of a BOCES. In the first year, such percent shall be equal to
53 the district's [BOCES and building] SHARING RATIO FOR COOPERATIVE EDUCA-
54 TIONAL SERVICES aid [ratio] for aid payable in the first year in which
55 the district joins the BOCES, each year thereafter, such percent shall

1 be reduced by ten percent until such percent would drop below ten
2 percent at which time it shall be deemed to be zero.

3 S 18. Intentionally omitted.

4 S 19. Intentionally omitted.

5 S 20. Intentionally omitted.

6 S 21. Paragraph (a) of subdivision 1 of section 2856 of the education
7 law, as amended by section 12 of part A of chapter 57 of the laws of
8 2009, is amended to read as follows:

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

19 (I) FOR SCHOOL YEARS PRIOR TO THE TWO THOUSAND NINE--TWO THOUSAND TEN
20 SCHOOL YEAR AND FOR SCHOOL YEARS FOLLOWING THE TWO THOUSAND TWELVE--TWO
21 THOUSAND THIRTEEN SCHOOL YEAR, an amount equal to one hundred percent of
22 the amount calculated pursuant to paragraph f of subdivision one of
23 section thirty-six hundred two of this chapter for the school district
24 for the year prior to the base year increased by the percentage change
25 in the state total approved operating expense calculated pursuant to
26 paragraph t of subdivision one of section thirty-six hundred two of this
27 chapter from two years prior to the base year to the base year;
28 [provided, however, that]

29 (II) for the two thousand nine--two thousand ten school year, the
30 charter school basic tuition shall be the amount payable by such
31 district as charter school basic tuition for the two thousand eight--two
32 thousand nine school year[.];

33 (III) FOR THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN THROUGH TWO THOU-
34 SAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEARS, THE CHARTER SCHOOL
35 BASIC TUITION SHALL BE THE BASIC TUITION COMPUTED FOR THE TWO THOUSAND
36 TEN--TWO THOUSAND ELEVEN SCHOOL YEAR PURSUANT TO THE PROVISIONS OF
37 SUBPARAGRAPH (I) OF THIS PARAGRAPH.

38 S 22. Subdivision 1 of section 2856 of the education law, as separate-
39 ly amended by chapter 4 of the laws of 1998 and section 12 of part A of
40 chapter 57 of the laws of 2009, is amended to read as follows:

41 1. (A) The enrollment of students attending charter schools shall be
42 included in the enrollment, attendance and, if applicable, count of
43 students with disabilities of the school district in which the pupil
44 resides. The charter school shall report all such data to the school
45 districts of residence in a timely manner. Each school district shall
46 report such enrollment, attendance and count of students with disabili-
47 ties to the department. The school district of residence shall pay
48 directly to the charter school for each student enrolled in the charter
49 school who resides in the school district THE CHARTER SCHOOL BASIC
50 TUITION WHICH SHALL BE:

51 (I) FOR SCHOOL YEARS PRIOR TO THE TWO THOUSAND NINE--TWO THOUSAND TEN
52 SCHOOL YEAR AND FOR SCHOOL YEARS FOLLOWING THE TWO THOUSAND TWELVE--TWO
53 THOUSAND THIRTEEN SCHOOL YEAR, an amount equal to one hundred percent of
54 the amount calculated pursuant to paragraph f of subdivision one of
55 section [thirty six] THIRTY-SIX hundred two of this chapter for the
56 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 [subdivision eleven] PARAGRAPH T OF SUBDIVISION ONE of section [thirty six] THIRTY-SIX hundred two of this chapter from two years prior to the base year to the base year; [provided, however, that]

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

(III) FOR THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN THROUGH TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN 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.

(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.

S 23. Subdivision 1 of section 3602 of the education law is amended by adding a new paragraph z to read as follows:

Z. BEGINNING WITH THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR AND THEREAFTER, "NEEDS-RESOURCE INDEX" SHALL MEAN THE NUMBER COMPUTED TO THREE DECIMALS WITHOUT ROUNDING OBTAINED WHEN (1) THE QUOTIENT OF THE EXTRAORDINARY NEEDS PERCENT OF SUCH DISTRICT DIVIDED BY THE STATEWIDE EXTRAORDINARY NEEDS PERCENT IS DIVIDED BY (2) THE COMBINED WEALTH RATIO OF SUCH DISTRICT. SUCH STATEWIDE AVERAGE EXTRAORDINARY NEEDS PERCENT SHALL BE ESTABLISHED EACH YEAR BY THE COMMISSIONER.

S 24. Paragraph j of subdivision 1 of section 3602 of the education law is amended by adding a new subparagraph (iii) to read as follows:

(III) THE TOTAL FOUNDATION AID BASE FOR AID PAYABLE IN THE TWO THOUSAND SEVEN--TWO THOUSAND EIGHT SCHOOL YEAR AND THEREAFTER, AND FOR AID CALCULATIONS FOR SUBSEQUENT SCHOOL YEARS BASED ON AID PAYABLE IN SUCH SCHOOL YEARS, SHALL BE DEEMED FINAL AND NOT SUBJECT TO CHANGE ON OR AFTER JULY FIRST OF THE SCHOOL YEAR FOLLOWING THE LAST SCHOOL YEAR IN WHICH THE COMMISSIONER MAY LAST ACCEPT AND CERTIFY FOR PAYMENT ANY ADDITIONAL CLAIM FOR SUCH SCHOOL YEAR PURSUANT TO PARAGRAPH A OF SUBDIVISION FIVE OF SECTION THIRTY-SIX HUNDRED FOUR OF THIS ARTICLE.

S 25. Subdivision 1 of section 3602 of the education law is amended by adding four new paragraphs z, aa, bb and cc to read as follows:

Z. "TOTAL PERSONAL INCOME OF THE STATE" SHALL MEAN THE TOTAL PERSONAL INCOME OF THE STATE OF NEW YORK AS PUBLISHED BY THE UNITED STATES DEPARTMENT OF COMMERCE OR ANY SUCCESSOR AGENCY FROM WHICH INFORMATION IS AVAILABLE, AGGREGATED ON A STATE FISCAL YEAR BASIS. FOR THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR, SUCH PERSONAL INCOME SHALL BE

1 BASED ON THE DATA AVAILABLE MOST PROXIMATE AND PRIOR TO FEBRUARY FIRST,
2 TWO THOUSAND ELEVEN, AND FOR THE TWO THOUSAND THIRTEEN--TWO THOUSAND
3 FOURTEEN SCHOOL YEAR AND EACH SCHOOL YEAR THEREAFTER, SUCH PERSONAL
4 INCOME SHALL BE BASED ON THE DATA AVAILABLE MOST PROXIMATE AND PRIOR TO
5 OCTOBER THIRTY-FIRST OF THE BASE YEAR. SUBSEQUENT REVISIONS OF THE
6 PUBLISHED ESTIMATED DOLLAR AMOUNT FOR ANY STATE FISCAL YEAR ESTIMATE
7 EMPLOYED PURSUANT TO THE TERMS OF THIS SECTION SHALL NOT AFFECT THE
8 VALIDITY OF THE DETERMINATIONS MADE FOR ANY STATE FISCAL YEAR.

9 AA. "PERSONAL INCOME GROWTH INDEX" SHALL MEAN (1) FOR THE TWO THOUSAND
10 TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR, THE AVERAGE OF THE QUOTIENTS
11 FOR EACH YEAR IN THE PERIOD COMMENCING WITH THE TWO THOUSAND FIVE--TWO
12 THOUSAND SIX STATE FISCAL YEAR AND FINISHING WITH THE TWO THOUSAND
13 NINE--TWO THOUSAND TEN STATE FISCAL YEAR OF THE TOTAL PERSONAL INCOME OF
14 THE STATE FOR EACH SUCH YEAR DIVIDED BY THE TOTAL PERSONAL INCOME OF THE
15 STATE FOR THE IMMEDIATELY PRECEDING STATE FISCAL YEAR, BUT NOT LESS THAN
16 ONE AND (2) FOR THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN SCHOOL
17 YEAR AND EACH SCHOOL YEAR THEREAFTER, THE QUOTIENT OF THE TOTAL PERSONAL
18 INCOME OF THE STATE FOR THE STATE FISCAL YEAR ONE YEAR PRIOR TO THE
19 STATE FISCAL YEAR IN WHICH THE BASE YEAR COMMENCED DIVIDED BY THE TOTAL
20 PERSONAL INCOME OF THE STATE FOR THE IMMEDIATELY PRECEDING STATE FISCAL
21 YEAR, BUT NOT LESS THAN ONE.

22 BB. "EXCESS GROWTH AMOUNT" SHALL MEAN THE POSITIVE DIFFERENCE, IF ANY,
23 OF (1) THE STATEWIDE TOTAL, EXCLUDING THE GAP ELIMINATION ADJUSTMENT, OF
24 THE APPORTIONMENTS DUE AND OWING DURING THE CURRENT SCHOOL YEAR TO
25 SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE EDUCATIONAL SERVICES FROM THE
26 GENERAL SUPPORT FOR PUBLIC SCHOOLS LESS (2) THE PRODUCT OF THE PERSONAL
27 INCOME GROWTH INDEX MULTIPLIED BY THE STATEWIDE TOTAL OF SUCH APPORTION-
28 MENTS, INCLUDING THE GAP ELIMINATION ADJUSTMENT, DUE AND OWING DURING
29 THE BASE SCHOOL YEAR TO SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE
30 EDUCATIONAL SERVICES FROM THE GENERAL SUPPORT FOR PUBLIC SCHOOLS AS
31 COMPUTED BASED ON AN ELECTRONIC DATA FILE USED TO PRODUCE THE SCHOOL AID
32 COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE ENACTED
33 BUDGET FOR THE BASE YEAR.

34 CC. "GAP ELIMINATION ADJUSTMENT PERCENTAGE" SHALL MEAN THE QUOTIENT OF
35 THE GAP ELIMINATION ADJUSTMENT AMOUNT SET FORTH FOR EACH SCHOOL DISTRICT
36 AS "NET GAP ELIMINATION ADJMT" UNDER THE HEADING "2011-12 ESTIMATED
37 AIDS" IN THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN
38 SUPPORT OF THE EXECUTIVE BUDGET PROPOSAL FOR THE 2011-12 SCHOOL YEAR AND
39 ENTITLED "BT111-2", DIVIDED BY THE STATEWIDE TOTAL OF ALL SUCH GAP ELIM-
40 INATION ADJUSTMENT AMOUNTS SET FORTH FOR ALL DISTRICTS IN SUCH SCHOOL
41 AID COMPUTER LISTING.

42 S 26. The opening paragraph and paragraphs a, b and b-1 of subdivision
43 4 of section 3602 of the education law, the opening paragraph, subpara-
44 graph 1 of paragraph a and paragraphs b and b-1 as amended by section 13
45 of part A of chapter 57 of the laws of 2009, paragraph a as amended by
46 section 14 of part B of chapter 57 of the laws of 2008, are amended to
47 read as follows:

48 In addition to any other apportionment pursuant to this chapter, a
49 school district, other than a special act school district as defined in
50 subdivision eight of section four thousand one of this chapter, shall be
51 eligible for total foundation aid equal to the product of total aidable
52 foundation pupil units multiplied by the district's selected foundation
53 aid, which shall be the greater of five hundred dollars (\$500) or foun-
54 dation formula aid, provided, however that for the two thousand seven--
55 two thousand eight through two thousand eight--two thousand nine and
56 [two thousand eleven--two thousand twelve through] two thousand [twelve]

1 THIRTEEN--two thousand [thirteen] FOURTEEN THROUGH TWO THOUSAND
2 FIFTEEN--TWO THOUSAND SIXTEEN school years, no school district shall
3 receive total foundation aid in excess of the sum of the total founda-
4 tion aid base for aid payable in the two thousand seven--two thousand
5 eight school year computed pursuant to subparagraph (i) of paragraph j
6 of subdivision one of this section, plus the phase-in foundation
7 increase computed pursuant to paragraph b of this subdivision, and
8 provided further that total foundation aid shall not be less than the
9 product of the total foundation aid base computed pursuant to paragraph
10 j of subdivision one of this section and one hundred three percent, nor
11 more than the product of such total foundation aid base and one hundred
12 fifteen percent, and provided further that for the two thousand nine--
13 two thousand ten [and two thousand ten--two thousand eleven] THROUGH TWO
14 THOUSAND TWELVE--TWO THOUSAND THIRTEEN school years, each school
15 district shall receive total foundation aid in an amount equal to the
16 amount apportioned to such school district for the two thousand eight--
17 two thousand nine school year pursuant to this subdivision. Total aida-
18 ble foundation pupil units shall be calculated pursuant to paragraph g
19 of subdivision two of this section. For the purposes of calculating aid
20 pursuant to this subdivision, aid for the city school district of the
21 city of New York shall be calculated on a citywide basis.

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

27 (1) The foundation amount shall reflect the average per pupil cost of
28 general education instruction in successful school districts, as deter-
29 mined by a statistical analysis of the costs of special education and
30 general education in successful school districts, provided that the
31 foundation amount shall be adjusted annually to reflect the percentage
32 increase in the consumer price index as computed pursuant to section two
33 thousand twenty-two of this chapter, provided that for the two thousand
34 eight--two thousand nine school year, for the purpose of such adjust-
35 ment, the percentage increase in the consumer price index shall be
36 deemed to be two and nine-tenths percent (0.029), and provided further
37 that the foundation amount for the two thousand seven--two thousand
38 eight school year shall be five thousand two hundred fifty-eight
39 dollars, and provided further that for the two thousand seven--two thou-
40 sand eight through [two thousand twelve--two thousand thirteen] TWO
41 THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN school years, [such] THE founda-
42 tion amount shall be further adjusted by the phase-in foundation percent
43 established pursuant to paragraph b of this subdivision.

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

50	Labor Force Region	Index
51	Capital District	1.124
52	Southern Tier	1.045
53	Western New York	1.091
54	Hudson Valley	1.314
55	Long Island/NYC	1.425
56	Finger Lakes	1.141

1	Central New York	1.103
2	Mohawk Valley	1.000
3	North Country	1.000

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

9 (4) The expected minimum local contribution shall equal the lesser of
10 (i) the product of (A) the quotient arrived at when the selected actual
11 valuation is divided by total wealth foundation pupil units, multiplied
12 by (B) the product of the local tax factor, multiplied by the income
13 wealth index, or (ii) the product of (A) the product of the foundation
14 amount, the regional cost index, and the pupil need index, multiplied by
15 (B) the positive difference, if any, of one minus the state sharing
16 ratio for total foundation aid. The local tax factor shall be estab-
17 lished by May first of each year by determining the product, computed to
18 four decimal places without rounding, of ninety percent multiplied by
19 the quotient of the sum of the statewide average tax rate as computed by
20 the commissioner for the current year in accordance with the provisions
21 of paragraph e of subdivision one of section thirty-six hundred nine-e
22 of this part plus the statewide average tax rate computed by the commis-
23 sioner for the base year in accordance with such provisions plus the
24 statewide average tax rate computed by the commissioner for the year
25 prior to the base year in accordance with such provisions, divided by
26 three, provided however that for the two thousand seven--two thousand
27 eight school year, such local tax factor shall be sixteen thousandths
28 (0.016), and provided further that for the two thousand eight--two thou-
29 sand nine school year, such local tax factor shall be one hundred
30 fifty-four ten thousandths (0.0154). The income wealth index shall be
31 calculated pursuant to paragraph d of subdivision three of this section,
32 provided, however, that for the purposes of computing the expected mini-
33 mum local contribution the income wealth index shall not be less than
34 sixty-five percent (0.65) and shall not be more than two hundred percent
35 (2.0) and provided however that such income wealth index shall not be
36 more than ninety-five percent (0.95) for the two thousand eight--two
37 thousand nine school year. The selected actual valuation shall be calcu-
38 lated pursuant to paragraph c of subdivision one of this section. Total
39 wealth foundation pupil units shall be calculated pursuant to paragraph
40 h of subdivision two of this section.

41 b. Phase-in foundation increase. (1) The phase-in foundation increase
42 shall equal the product of the phase-in foundation increase factor
43 multiplied by the greater of (i) the positive difference, if any, of (A)
44 the product of the total aidable foundation pupil units multiplied by
45 the district's selected foundation aid less (B) the total foundation aid
46 base for aid payable in the two thousand seven--two thousand eight
47 school year computed pursuant to subparagraph (i) of paragraph j of
48 subdivision one of this section or (ii) the product of the phase-in
49 due-minimum percent multiplied by the total foundation aid base for aid
50 payable in the two thousand seven--two thousand eight school year
51 computed pursuant to subparagraph (i) of paragraph j of subdivision one
52 of this section.

53 (2) For the two thousand seven--two thousand eight school year, the
54 phase-in foundation percent shall equal one hundred seven and sixty-
55 eight hundredths percent (1.0768), the phase-in foundation increase

1 factor shall equal twenty percent (0.20), and the phase-in due-minimum
2 percent shall equal twelve and fifty-five hundredths percent (0.1255);
3 for the two thousand eight--two thousand nine school year, the phase-
4 in foundation percent shall equal one hundred five and twenty-six
5 hundredths percent (1.0526), the phase-in foundation increase factor
6 shall equal thirty-seven and one-half percent (0.375), and the phase-in
7 due-minimum percent shall equal twelve and fifty-five hundredths percent
8 (0.1255);
9 for the two thousand nine--two thousand ten school year, the phase-in
10 foundation percent shall equal one hundred two and five tenths percent
11 (1.025), the phase-in foundation increase factor shall equal thirty-sev-
12 en and one-half percent (0.375), and the phase-in due-minimum percent
13 shall equal twelve and fifty-five hundredths percent (0.1255);
14 for the two thousand ten--two thousand eleven school year, the phase-
15 in foundation percent shall equal one hundred seven and sixty-eight
16 hundredths percent (1.0768), the phase-in foundation increase factor
17 shall equal thirty-seven and one-half percent (0.375), and the phase-in
18 due-minimum percent shall equal twelve and fifty-five hundredths percent
19 (0.1255);
20 for the two thousand eleven--two thousand twelve school year, the
21 phase-in foundation percent shall equal [one hundred five and six
22 hundredths percent (1.0506)] ONE HUNDRED THIRTEEN AND FOURTEEN ONE
23 HUNDREDTHS PERCENT (1.1314), the phase-in foundation increase factor
24 shall equal [fifty-three and one-tenth percent (0.531)] THIRTY-SEVEN AND
25 ONE-HALF PERCENT (0.375), and the phase-in due-minimum percent shall
26 equal [twelve and fifty-five hundredths percent (0.1255)] NINETEEN AND
27 FORTY-ONE HUNDREDTHS PERCENT (0.1941); and
28 for the two thousand twelve--two thousand thirteen school year, the
29 phase-in foundation percent shall equal [one hundred two and five
30 hundredths percent (1.0250)] ONE HUNDRED TEN AND THIRTY-EIGHT HUNDREDTHS
31 PERCENT (1.1038), the phase-in foundation increase factor shall equal
32 [seventy-five percent (0.75)] THIRTY-SEVEN AND ONE-HALF PERCENT (0.375),
33 and the phase-in due-minimum percent shall equal [twelve and fifty-five
34 hundredths percent (0.1255)] NINETEEN AND FORTY-ONE HUNDREDTHS PERCENT
35 (0.1941); AND
36 FOR THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN SCHOOL YEAR, THE
37 PHASE-IN FOUNDATION PERCENT SHALL EQUAL ONE HUNDRED SEVEN AND
38 SIXTY-EIGHT HUNDREDTHS PERCENT (1.0768), THE PHASE-IN FOUNDATION
39 INCREASE FACTOR SHALL EQUAL FORTY-FIVE AND ONE-HALF PERCENT (0.455), AND
40 THE PHASE-IN DUE-MINIMUM PERCENT SHALL EQUAL NINETEEN AND FORTY-ONE
41 HUNDREDTHS PERCENT (0.1941);
42 FOR THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR, THE
43 PHASE-IN FOUNDATION PERCENT SHALL EQUAL ONE HUNDRED FIVE AND SIX
44 HUNDREDTHS PERCENT (1.0506), THE PHASE-IN FOUNDATION INCREASE FACTOR
45 SHALL EQUAL SIXTY-ONE AND ONE-HALF PERCENT (0.615), AND THE PHASE-IN
46 DUE-MINIMUM PERCENT SHALL EQUAL NINETEEN AND FORTY-ONE HUNDREDTHS
47 PERCENT (0.1941); AND
48 FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR, THE
49 PHASE-IN FOUNDATION PERCENT SHALL EQUAL ONE HUNDRED TWO AND FIVE TENTHS
50 PERCENT (1.0250), THE PHASE-IN FOUNDATION INCREASE FACTOR SHALL EQUAL
51 EIGHTY PERCENT (0.800), AND THE PHASE-IN DUE-MINIMUM PERCENT SHALL EQUAL
52 NINETEEN AND FORTY-ONE HUNDREDTHS PERCENT (0.1941).
53 b-1. Notwithstanding any other provision of law to the contrary, for
54 the two thousand seven--two thousand eight through [two thousand thir-
55 teen--two thousand fourteen] TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN
56 school years, the additional amount payable to each school district

1 pursuant to this subdivision in the current year as total foundation
2 aid, after deducting the total foundation aid base, shall be deemed a
3 state grant in aid identified by the commissioner for general use for
4 purposes of sections seventeen hundred eighteen and two thousand twenty-three of this chapter.

6 S 27. The closing paragraph of subdivision 5-a of section 3602 of the
7 education law, as amended by section 14 of part A of chapter 57 of the
8 laws of 2009, is amended to read as follows:

9 For the two thousand eight--two thousand nine school year, each school
10 district shall be entitled to an apportionment equal to the product of
11 fifteen percent and the additional apportionment computed pursuant to
12 this subdivision for the two thousand seven--two thousand eight school
13 year. For the two thousand nine--two thousand ten [and] THROUGH two
14 thousand [ten] TWELVE--two thousand [eleven] THIRTEEN school years, each
15 school district shall be entitled to an apportionment equal to the
16 amount set forth for such school district as "SUPPLEMENTAL PUB EXCESS
17 COST" under the heading "2008-09 BASE YEAR AIDS" in the school aid
18 computer listing produced by the commissioner in support of the budget
19 for the two thousand nine--two thousand ten school year and entitled
20 "SA0910".

21 S 28. The opening paragraph and paragraphs a, b and c of subdivision 6
22 of section 3602 of the education law, the opening paragraph as amended
23 by chapter 416 of the laws of 2007, paragraph a as added by chapter 57
24 of the laws of 1993, the opening paragraph of paragraph a as amended by
25 chapter 260 of the laws of 1993, subparagraphs 1, 2 and 3 of paragraph a
26 as amended and subparagraph 4 of paragraph a as added by section 5 of
27 part A of chapter 60 of the laws of 2000, subparagraph 5 of paragraph a
28 as added by section 12, clause (ii) of subparagraph 2 of paragraph b as
29 amended by section 12-a and clause (c) of subparagraph 2 of paragraph c
30 as added by section 12-b of part L of chapter 57 of the laws of 2005,
31 paragraph b as amended by section 37 of part A of chapter 436 of the
32 laws of 1997, subparagraph 1 of paragraph b as amended by section 12 and
33 clause (i) of subparagraph 2 of paragraph b as amended by section 13 of
34 part C of chapter 57 of the laws of 2004, paragraph c as amended by
35 chapter 474 of the laws of 1996, subparagraph 2 of paragraph c as
36 amended by section 13 of part L of chapter 405 of the laws of 1999 and
37 clause (b) of subparagraph 2 of paragraph c as amended by section 15 of
38 part B of chapter 57 of the laws of 2008, are amended to read as
39 follows:

40 Any apportionment to a school district pursuant to this subdivision
41 shall be based upon:

42 (1) base year approved expenditures for capital outlays incurred prior
43 to July first, two thousand one from its general fund, capital fund or
44 reserved funds and

45 (2) current year approved expenditures for debt service, including:

46 (I) debt service for refunding bond issues eligible for an apportion-
47 ment pursuant to paragraph g of this subdivision and

48 (II) lease or other annual payments to the New York city educational
49 construction fund created by article ten of this chapter or the city of
50 Yonkers educational construction fund created by article ten-B of this
51 chapter which have been pledged to secure the payment of bonds, notes or
52 other obligations issued by the fund to finance the construction, acqui-
53 sition, reconstruction, rehabilitation or improvement of the school
54 portion of combined occupancy structures, or

55 (III) for lease or other annual payments to the New York state urban
56 development corporation created by chapter one hundred seventy-four of

1 the laws of nineteen hundred sixty-eight, pursuant to agreement between
2 such school district and such corporation relating to the construction,
3 acquisition, reconstruction, rehabilitation or improvement of any school
4 building, or

5 (IV) for annual payments to the dormitory authority pursuant to any
6 lease, sublease or other agreement relating to the financing, refinanc-
7 ing, acquisition, design, construction, reconstruction, rehabilitation,
8 improvement, furnishing and equipping of, or otherwise provide for
9 school district capital facilities or school district capital equipment
10 made under the provisions of section sixteen hundred eighty of the
11 public authorities law, or

12 (V) for annual payments pursuant to any lease, sublease or other
13 agreement relating to the financing, refinancing, acquisition, design,
14 construction, reconstruction, rehabilitation, improvement, furnishing
15 and equipping of, or otherwise providing for educational facilities of a
16 city school district under the provisions of section sixteen of chapter
17 six hundred five of the laws of two thousand, or

18 (VI) for payments, pursuant to any assignment authorized by section
19 twenty-seven hundred ninety-nine of the public authorities law, of
20 debt service in furtherance of funding the five-year educational facili-
21 ties capital plan of the city of New York school district or related
22 debt service costs and expenses as set forth in such section, OR

23 (VII) for annual payments pursuant to any lease, sublease or other
24 agreement relating to the financing, refinancing, design, recon-
25 struction, rehabilitation, improvement, furnishing and equipping of, or
26 otherwise providing for projects authorized pursuant to the city of
27 Syracuse and the board of education of the city school district of the
28 city of Syracuse cooperative school reconstruction act, OR

29 (VIII) for annual payments pursuant to any lease, sublease or other
30 agreement relating to the financing, refinancing, design, recon-
31 struction, rehabilitation, improvement, furnishing and equipping of, or
32 otherwise providing for projects authorized pursuant to the city of
33 Rochester and the board of education of the city school district of the
34 city of Rochester school facilities modernization program act, or

35 (IX) for lease, lease-purchase or other annual payments to another
36 school district or person, partnership or corporation pursuant to an
37 agreement made under the provisions of section four hundred three-b,
38 subdivision eight of section twenty-five hundred three, or subdivision
39 six of section twenty-five hundred fifty-four of this chapter, provided
40 that the apportionment for such lease or other annual payments under the
41 provisions of section four hundred three-b, subdivision eight of section
42 twenty-five hundred three, or subdivision six of section twenty-five
43 hundred fifty-four of this chapter, other than payments under a lease-
44 purchase agreement or an equivalent agreement, shall be based upon
45 approved expenditures in the current year.

46 Approved expenditures for capital outlays from a school district's
47 general fund, capital fund or reserved funds that are incurred on or
48 after July first, two thousand two, and are not aidable pursuant to
49 subdivision six-f of this section, shall be aidable as debt service
50 under an assumed amortization established pursuant to paragraphs e and j
51 of this subdivision. In any such case approved expenditures shall be
52 only for new construction, reconstruction, purchase of existing struc-
53 tures, for site purchase and improvement, for new garages, for original
54 equipment, furnishings, machinery, or apparatus, and for professional
55 fees and other costs incidental to such construction or reconstruction,
56 or purchase of existing structures. In the case of a lease or lease-pur-

1 chase agreement entered pursuant to section four hundred three-b, subdi-
2 vision eight of section twenty-five hundred three or subdivision six of
3 section twenty-five hundred fifty-four of this chapter, approved expend-
4 itures for the lease or other annual payments shall not include the
5 costs of heat, electricity, water or other utilities or the costs of
6 operation or maintenance of the leased facility. An apportionment shall
7 be available pursuant to this subdivision for construction, recon-
8 struction, rehabilitation or improvement in a building, or portion ther-
9 eof, being leased by a school district only if the lease is for a term
10 of at least ten years subsequent to the date of the general construction
11 contract for such construction, reconstruction, rehabilitation or
12 improvement. Each school district shall prepare a five year capital
13 facilities plan, pursuant to regulations developed by the commissioner
14 for such purpose, provided that in the case of a city school district in
15 a city having a population of one million inhabitants or more, such
16 facilities plan shall comply with the provisions of section twenty-five
17 hundred ninety-p of this chapter and this subdivision. Such plan shall
18 include, but not be limited to, a building inventory, and estimated
19 expense of facility needs, for new construction, additions, alterations,
20 reconstruction, major repairs, energy consumption and maintenance by
21 school building, as appropriate. Such five year plan shall include a
22 priority ranking of projects and shall be amended if necessary to
23 reflect subsequent on-site evaluations of facilities conducted by state
24 supported contractors.

25 a. For capital outlays for such purposes first incurred on or after
26 July first, nineteen hundred sixty-one and debt service for such
27 purposes first incurred on or after July first, nineteen hundred sixty-
28 two, WHERE SUCH EXPENDITURES ARE INCURRED FOR PROJECTS APPROVED BY THE
29 COMMISSIONER PRIOR TO FEBRUARY FIRST, TWO THOUSAND ELEVEN AND FOR
30 COMPETITIVE CONSTRUCTION FUND PROJECTS APPROVED BY THE COMMISSIONER ON
31 OR AFTER FEBRUARY FIRST, TWO THOUSAND ELEVEN, the actual approved
32 expenditures less the amount of civil defense aid received pursuant to
33 the provisions of section thirty-five of chapter seven hundred eighty-
34 four of the laws of nineteen hundred fifty-one as amended shall be
35 allowed for purposes of apportionment under this subdivision but not in
36 excess of the following schedule of cost allowances:

37 (1) For new construction and the purchase of existing structures, the
38 cost allowances shall be based upon the rated capacity of the building
39 or addition and a basic per pupil allowance of up to six thousand three
40 hundred seventy-five dollars adjusted monthly by a statewide index
41 reflecting changes in the cost of labor and materials since July first,
42 nineteen hundred ninety-two, established by the commissioner of labor,
43 modified by an annual county or multi-county labor market composite wage
44 rate, established by the commissioner of labor in consultation with the
45 commissioner, for July first of the base year, commencing July first,
46 nineteen hundred ninety-seven for general construction contracts awarded
47 on or after July first, nineteen hundred ninety-eight, indexed to the
48 median of such county or multi-county rates, but not less than one.
49 Such base allowance shall apply to a building or an addition housing
50 grades prekindergarten through six and shall be adjusted for a building
51 or an addition housing grades seven through nine by a factor of one and
52 four-tenths, for a building or an addition housing grades seven through
53 twelve by a factor of one and five-tenths, for a building or addition
54 housing special education programs by a factor of two, except that where
55 such building or addition is connected to, or such space is located
56 within, a public school facility housing programs for nondisabled

1 pupils, as approved by the commissioner, a factor of three shall be
2 used. Rated capacity of a building or an addition shall be determined by
3 the commissioner based on space standards and other requirements for
4 building construction specified by the commissioner. Such assigned
5 capacity ratings shall include, in addition to those spaces used for the
6 instruction of pupils, those spaces which are used for elementary and
7 secondary school libraries, cafeterias, prekindergarten instructional
8 rooms, teachers' conference rooms, gymnasiums and auditoriums. For new
9 construction projects approved on or after July first, two thousand, by
10 the voters of the school district or by the board of education of a city
11 school district in a city with more than one hundred twenty-five thou-
12 sand inhabitants, and/or the chancellor in a city school district in a
13 city having a population of one million or more, such rated capacity for
14 new buildings and additions constructed to replace existing buildings
15 that, in the judgment of the commissioner, have not been adequately
16 maintained and have not reached their projected useful life shall be
17 reduced by the commissioner by an amount proportional to the remaining
18 unused portion of the useful life of the existing buildings, provided
19 however that the commissioner may waive such requirement upon a finding
20 that replacement of the existing building is necessary to protect the
21 health and safety of students or staff, that reconstruction and modern-
22 ization of the existing building would not adequately address such
23 health and safety problems, and that the need to replace the building
24 was not caused by failure to adequately maintain the building. If the
25 commissioner of labor resets the statewide index reflecting changes in
26 the costs of labor and materials since July first, nineteen hundred
27 ninety-two, the commissioner shall adopt regulations to supersede the
28 basic per pupil allowance of up to six thousand three hundred seventy-
29 five dollars to the imputed allowance in effect at that time.

30 (2) Where a school district has expenditures for site purchase, grad-
31 ing or improvement of the site, original furnishings, equipment, machin-
32 ery or apparatus, or professional fees, or other incidental costs, the
33 cost allowances for new construction and the purchase of existing struc-
34 tures may be increased by the actual expenditures for such purposes but
35 by not more than:

36 (I) FOR PROJECTS APPROVED PRIOR TO FEBRUARY FIRST, TWO THOUSAND ELEVEN
37 BY THE VOTERS OF THE SCHOOL DISTRICT OR BY THE BOARD OF EDUCATION OF A
38 CITY SCHOOL DISTRICT IN A CITY WITH MORE THAN ONE HUNDRED TWENTY-FIVE
39 THOUSAND INHABITANTS, AND/OR THE CHANCELLOR IN A CITY SCHOOL DISTRICT IN
40 A CITY HAVING A POPULATION OF ONE MILLION OR MORE, AN AMOUNT EQUAL TO
41 the product of the applicable cost allowance established pursuant to
42 subparagraph one of this paragraph and twenty per centum for school
43 buildings or additions housing grades prekindergarten through six and by
44 not more than the product of such cost allowance and twenty-five per
45 centum for school buildings or additions housing grades seven through
46 twelve and by not more than the product of such cost allowance and twen-
47 ty-five per centum for school buildings or additions housing special
48 education programs as approved by the commissioner, AND

49 (II) FOR PROJECTS APPROVED ON OR AFTER FEBRUARY FIRST, TWO THOUSAND
50 ELEVEN BY THE VOTERS OF THE SCHOOL DISTRICT OR BY THE BOARD OF EDUCATION
51 OF A CITY SCHOOL DISTRICT IN A CITY WITH MORE THAN ONE HUNDRED
52 TWENTY-FIVE THOUSAND INHABITANTS, AND/OR THE CHANCELLOR IN A CITY SCHOOL
53 DISTRICT IN A CITY HAVING A POPULATION OF ONE MILLION OR MORE, AND
54 INCLUDED IN THE COMPETITIVE CONSTRUCTION FUND PURSUANT TO SUBPARAGRAPH
55 SIX OF THIS PARAGRAPH, AN AMOUNT EQUAL TO THE PRODUCT OF THE LESSER OF
56 THE COST ALLOWANCE COMPUTED PURSUANT TO SUBPARAGRAPH ONE OF THIS PARA-

1 GRAPH OR THE ACTUAL COSTS RELATING TO THE CONSTRUCTION, ACQUISITION,
2 RECONSTRUCTION, REHABILITATION OR IMPROVEMENT OF A SCHOOL BUILDING AND
3 TWENTY PER CENTUM FOR SCHOOL BUILDINGS OR ADDITIONS HOUSING GRADES PREK-
4 INDERGARTEN THROUGH SIX AND BY NOT MORE THAN THE PRODUCT OF SUCH LESSER
5 AMOUNT AND TWENTY-FIVE PER CENTUM FOR SCHOOL, BUILDINGS OR ADDITIONS
6 HOUSING GRADES SEVEN THROUGH TWELVE AND BY NOT MORE THAN THE PRODUCT OF
7 SUCH LESSER AMOUNT AND TWENTY-FIVE PER CENTUM FOR SCHOOL BUILDINGS OR
8 ADDITIONS HOUSING SPECIAL EDUCATION PROGRAMS AS APPROVED BY THE COMMIS-
9 SIONER.

10 (3) Cost allowances for reconstructing or modernizing structures shall
11 not exceed one hundred per centum of the cost allowances for the equiv-
12 alent new construction over the projected useful life of the building,
13 to be determined in accordance with the regulations of the commissioner.
14 Reconstruction projects shall reasonably meet the criteria established
15 for new construction, including but not limited to energy, fire,
16 personal safety and space per pupil standards.

17 (4) The commissioner shall promulgate regulations prescribing the
18 methodology for establishing a multi-year cost allowance for the purpose
19 of computation of building aid to school districts and a procedure for
20 school districts to appeal the determination that a building has not
21 been adequately maintained, as required by subparagraphs one and three
22 of this paragraph. Such methodology shall include the development of a
23 building replacement cost allowance schedule for the replacement of
24 major building systems of a building over its projected useful life and
25 the construction of new buildings and additions for projects that have
26 been approved on or after July first, two thousand by the voters of the
27 school district or by the board of education of a city school district
28 in a city with more than one hundred twenty-five thousand inhabitants,
29 and/or the chancellor in a city school district in a city having a popu-
30 lation of one million or more. For purposes of this subdivision, "major
31 building systems" shall mean the electrical, plumbing, heating, venti-
32 lation and air conditioning systems, and the roof and other major struc-
33 tural elements of a school building.

34 (5) For costs relating to the construction, acquisition, recon-
35 struction or leases of any school building project conducted by or on
36 behalf of a city school district in a city having a population of one
37 million inhabitants or more, where a general construction contract has
38 been awarded or a purchase or lease agreement was executed on or after
39 July first, two thousand four, the cost allowance for such project shall
40 include: (a) construction and incidental costs where such costs are
41 associated with multistory construction necessitated by substandard site
42 sizes, site security costs, difficulties with delivery of construction
43 supplies, increased fire [resistance] RESISTANCE and fire suppression
44 costs, and (b) site acquisition, environmental remediation and building
45 demolition costs, provided, however, that costs which are eligible for
46 an apportionment pursuant to this subparagraph on or before July first,
47 two thousand six shall be deemed to be debt service for the two thousand
48 five--two thousand six school year on new bonds and capital notes aida-
49 ble in July following the current year pursuant to clause (b) of subpar-
50 agraph one of paragraph f of this subdivision.

51 On or before January first, two thousand nine, the commissioner shall
52 report to the director of the budget, the chair of the senate finance
53 committee and the chair of the assembly ways and means committee on the
54 projects which received funding pursuant to the provisions of this
55 subparagraph, and the overall implementation of this subparagraph.

(6) FOR PROJECTS APPROVED ON OR AFTER FEBRUARY FIRST, TWO THOUSAND ELEVEN, THE COMPETITIVE CONSTRUCTION FUND SHALL BE COMPRISED OF THOSE PROJECTS SELECTED BY THE COMMISSIONER WITHIN THE COMPETITIVE CONSTRUCTION CEILING AND THOSE PROJECTS SELECTED BY THE COMMISSIONER WITHIN THE EMERGENCY PROJECT CEILING.

(I) FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR AND THEREAFTER, THE COMPETITIVE CONSTRUCTION CEILING SHALL BE TWO BILLION DOLLARS (\$2,000,000,000). PROJECT ELIGIBILITY PURSUANT TO THIS CLAUSE WILL BE PRIORITIZED ON THE BASIS OF THE BUILDING CONDITION SURVEYS SUBMITTED PURSUANT TO SUBDIVISION SIX-E OF THIS SECTION AND SUBDIVISION FOUR OF SECTION THIRTY-SIX HUNDRED FORTY-ONE OF THIS ARTICLE, THE AGE OF THE BUILDING AND THE OVERALL NEEDS OF THE DISTRICT. COMPETITIVE CONSTRUCTION PROJECTS SHALL HAVE BEEN APPROVED BY THE VOTERS OF THE SCHOOL DISTRICT OR APPROVED BY THE TRUSTEES OR BOARD OF EDUCATION FOR SCHOOL DISTRICTS WHERE VOTER APPROVAL IS NOT REQUIRED, AND SHALL BE CATEGORIZED BY THE FOLLOWING CLASSIFICATIONS:

(A) FIRST TIER PROJECTS SHALL BE NECESSARY TO INSURE THE HEALTH AND SAFETY OF THE BUILDING'S OCCUPANTS OR OF NEIGHBORING RESIDENTS THROUGH REMEDIATION OF SPECIFIC HAZARDS IDENTIFIED BY THE DEPARTMENT OF HEALTH AND DEFICIENCIES IDENTIFIED BY FIRE SAFETY INSPECTIONS, OR THROUGH CORRECTION OF CODE DEFICIENCIES THAT ARE DETERMINED TO BE HAZARDOUS TO HEALTH OR SAFETY AND ARE IDENTIFIED THROUGH SUCH BUILDING CONDITION SURVEY;

(B) SECOND TIER PROJECTS SHALL BE NECESSARY TO AMELIORATE IMMEDIATE OVERCROWDING, AS DEFINED BY THE COMMISSIONER, IN THE SCHOOL DISTRICT;

(C) THIRD TIER PROJECTS SHALL BE NECESSARY TO REPLACE OR RENOVATE SCHOOL BUILDINGS THAT HAVE BEEN IN USE FOR MORE THAN FORTY YEARS, WHERE SUCH PROJECTS DO NOT INCLUDE A CAPACITY INCREASE GREATER THAN TEN PERCENT OF THE GROSS FLOOR AREA AND WHERE SUCH SCHOOL DISTRICT HAS A NEEDS-RESOURCE INDEX IN EXCESS OF THE STATEWIDE MEDIAN, AS ESTABLISHED BY THE COMMISSIONER;

(D) FOURTH TIER PROJECTS SHALL BE PROJECTS TO MODERNIZE OR RENOVATE SCHOOL BUILDINGS THAT HAVE BEEN IN USE FOR AT LEAST TWENTY YEARS, WHERE SUCH PROJECTS DO NOT INCLUDE A CAPACITY INCREASE GREATER THAN TEN PERCENT OF THE GROSS FLOOR AREA AND WHERE SUCH SCHOOL DISTRICT HAS A NEEDS-RESOURCE INDEX IN EXCESS OF THE STATEWIDE MEDIAN, AS ESTABLISHED BY THE COMMISSIONER;

(E) FIFTH TIER PROJECTS SHALL BE PROJECTS TO ADD SIGNIFICANT CAPACITY WHERE THE MAJORITY OF SUCH ADDED CAPACITY IS USED TO AUGMENT BASIC EDUCATIONAL SPACE SUCH AS CLASSROOMS AND LABORATORIES, OR BUILDING SYSTEM RENOVATIONS WHICH ARE DESIGNED TO EXTEND THE USEFUL LIFE OF THE BUILDING BY AT LEAST FIFTEEN YEARS AND WHERE SUCH SCHOOL DISTRICT HAS A NEEDS-RESOURCE INDEX IN EXCESS OF THE STATEWIDE MEDIAN, AS ESTABLISHED BY THE COMMISSIONER.

(F) SIXTH TIER PROJECTS SHALL BE PROJECTS THAT HAVE NOT BEEN MADE ELIGIBLE PURSUANT TO SUBCLAUSES (A), (B), (C), (D) OR (E) OF THIS CLAUSE AND ARE NOT INELIGIBLE FOR BUILDING AID PURSUANT TO SUBCLAUSE (G) OF THIS CLAUSE.

(G) NOTWITHSTANDING ANY OTHER PROVISION OF THIS CLAUSE, PROJECTS TO MODERNIZE OR RENOVATE SCHOOL BUILDINGS THAT HAVE BEEN IN USE FOR LESS THAN TWENTY YEARS; PROJECTS TO RENOVATE OR RECONSTRUCT SPACE LEASED FOR NON-SCHOOL DISTRICT PURPOSES, EXCLUDING SPACE LEASED TO BOARDS OF COOPERATIVE EDUCATIONAL SERVICES; AND PROJECTS TO CORRECT DESIGN FLAWS, ERRORS OR OMISSIONS AND IMPROPER CONSTRUCTION SHALL NOT BE ELIGIBLE FOR AN APPORTIONMENT OF BUILDING AID PURSUANT TO THIS CLAUSE.

1 WITHIN EACH TIER CATEGORY, PROJECTS SHALL BE RANKED FIRST BY THE
2 DISTRICT'S NEED RESOURCE INDEX, THEN BY THE ADJUSTED AGE OF THE BUILD-
3 ING. PROJECTS SHALL BE SELECTED FOR INCLUSION IN THE COMPETITIVE
4 CONSTRUCTION FUND IN RANK ORDER, FIRST FROM FIRST TIER PROJECTS, THEN
5 FROM SECOND TIER PROJECTS, THEN FROM THIRD TIER PROJECTS, THEN FROM
6 FOURTH TIER PROJECTS, THEN FROM FIFTH TIER PROJECTS, THEN FROM SIXTH
7 TIER PROJECTS. SUCH DETERMINATION SHALL BE MADE PURSUANT TO REGULATIONS
8 OF THE COMMISSIONER ON A QUARTERLY BASIS, ON THE FIRST BUSINESS DAY
9 FOLLOWING FEBRUARY FIFTEENTH, THE FIRST BUSINESS DAY FOLLOWING MAY
10 FIFTEENTH, THE FIRST BUSINESS DAY FOLLOWING AUGUST FIFTEENTH AND THE
11 FIRST BUSINESS DAY FOLLOWING NOVEMBER FIFTEENTH. ANY SCHOOL DISTRICT NOT
12 IN A CITY HAVING A POPULATION OF ONE MILLION OR MORE SHALL BE ELIGIBLE
13 TO RECEIVE A MAXIMUM OF TWENTY PERCENT OF THE FUNDS AVAILABLE PURSUANT
14 TO THIS PARAGRAPH. ANY CITY SCHOOL DISTRICT IN A CITY HAVING A POPU-
15 LATION OF ONE MILLION OR MORE SHALL BE ELIGIBLE TO RECEIVE A MAXIMUM OF
16 FIFTY PERCENT OF THE FUNDS AVAILABLE PURSUANT TO THIS PARAGRAPH
17 PROVIDED, HOWEVER, THAT IN THE EVENT THAT ANY SUCH CITY HAS NOT MADE
18 APPLICATION FOR AND BEEN AWARDED SUCH FUNDS AS OF APRIL FIRST, THEY
19 SHALL BE MADE AVAILABLE FOR OTHER PROJECTS ELIGIBLE FOR FUNDING PURSUANT
20 TO THIS CLAUSE.

21 (II) FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR AND
22 THEREAFTER, THE EMERGENCY PROJECT CEILING SHALL BE THIRTY MILLION
23 DOLLARS (\$30,000,000). PROJECT ELIGIBILITY PURSUANT TO THIS CLAUSE SHALL
24 BE CONSTRUCTION EMERGENCY PROJECTS THAT ARE REVIEWED BY THE STATE EDUCA-
25 TION DEPARTMENT AT THE REQUEST OF THE SCHOOL DISTRICT AND ARE DETERMINED
26 TO BE NECESSARY TO REMEDIATE EMERGENCY SITUATIONS WHICH ARISE IN PUBLIC
27 SCHOOL BUILDINGS AND THREATEN THE HEALTH AND/OR SAFETY OF BUILDING OCCU-
28 PANTS, AS A RESULT OF THE UNANTICIPATED DISCOVERY OF ASBESTOS OR OTHER
29 HAZARDOUS SUBSTANCES DURING CONSTRUCTION WORK ON A SCHOOL OR SIGNIFICANT
30 DAMAGE CAUSED BY A FIRE, SNOW STORM, ICE STORM, EXCESSIVE RAIN, HIGH
31 WIND, FLOOD OR SIMILAR CATASTROPHIC EVENT WHICH RESULTS IN THE NECESSITY
32 FOR IMMEDIATE REPAIR. IF FUNDS MADE AVAILABLE PURSUANT TO THIS SUBPARA-
33 GRAPH REMAIN UNALLOCATED AS OF APRIL FIRST, THEY SHALL BE MADE AVAILABLE
34 FOR COMPETITIVE CONSTRUCTION PROJECTS ELIGIBLE FOR FUNDING PURSUANT TO
35 CLAUSE (A) OF THIS SUBPARAGRAPH. IF, UPON SUBSEQUENT REVIEW OF THE
36 PROJECT, IT IS DEEMED NOT TO HAVE BEEN AN EMERGENCY PROJECT, THE
37 DISTRICT SHALL HAVE ITS APPORTIONMENTS PAYABLE PURSUANT TO THIS SECTION
38 REDUCED BY THE AMOUNT OF ANY APPORTIONMENTS PREVIOUSLY PAID PURSUANT TO
39 THIS CLAUSE FOR SUCH PROJECT, AND SUCH PROJECT SHALL BE ELIGIBLE FOR
40 FUNDING PURSUANT TO CLAUSE (A) OF THIS SUBPARAGRAPH.

41 b. (1) The apportionment for school building purposes to any district
42 shall be determined by adding the amount of its current year approved
43 expenditures for lease or other annual payments under the provisions of
44 section four hundred three-b, subdivision eight of section twenty-five
45 hundred three, or subdivision six of section twenty-five hundred fifty-
46 four of this chapter, other than payments under a lease-purchase agree-
47 ment or an equivalent agreement, plus the amount of its current year
48 approved expenditures under an assumed amortization for capital outlays
49 for school building purposes from its general fund, capital fund or from
50 a reserve fund to the amount of its current year approved expenditures
51 for debt service for such purposes and multiplying the sum by its aid
52 ratio. Expenditures made for computer equipment, including original
53 purchase and installation of hardware, conduit, wiring, and powering of
54 hardware installations in computer classrooms, or for building or
55 campuswide local area network systems and in-building elements of other
56 wide area networks, including the original purchase and installation of

1 conduit, wiring, and powering of hardware installations, may be included
2 in approved expenditures for building aid pursuant to this paragraph on
3 the approval of the commissioner regardless of any minimum cost require-
4 ment that may be applied to other approved expenditures pursuant to this
5 section. Such equipment expenses claimed for aid under this subdivision
6 shall not be claimed for aid under any other provisions of this chapter.

7 (2) Additional apportionment for certain school building projects.

8 (i) Eligibility. All school building projects (a) approved by the voters
9 of the school district or (b) approved by the board of education of a
10 city school district in a city with more than one hundred twenty-five
11 thousand inhabitants, and/or the chancellor in a city school district in
12 a city having a population of one million or more or (c) in the case of
13 a construction emergency project, approved by the board of education of
14 any school district or by the chancellor in a city school district in a
15 city having a population of one million or more, for projects approved
16 on or after July first, nineteen hundred ninety-eight, shall be eligible
17 for an additional apportionment pursuant to this subparagraph to the
18 extent that expenditures for such projects are otherwise aidable pursu-
19 ant to this subdivision, provided that where such projects are leases,
20 such projects would only be aidable pursuant to this subdivision follow-
21 ing the approval of the voters of the school district if entered into
22 pursuant to section four hundred three-b of the education law, and
23 provided that for all such projects so approved on or after July first,
24 two thousand, expenditures directly related to swimming pools shall not
25 be eligible for such additional apportionment, and further provided that
26 for the purposes of this subdivision a construction emergency project
27 shall mean a school construction project approved on or after July
28 first, two thousand, to remediate emergency situations which arise in
29 public school buildings and threaten the health and/or safety of build-
30 ing occupants, as a result of the unanticipated discovery of asbestos or
31 other hazardous substances during construction work on a school or
32 significant damage caused by a fire, snow storm, ice storm, excessive
33 rain, high wind, flood or similar catastrophic event which results in
34 the necessity for immediate repair.

35 (ii) Apportionment. The apportionment pursuant to this subparagraph
36 shall equal the product of such eligible approved expenses determined in
37 accordance with the provisions of clause (i) of this subparagraph and
38 this section and the incentive decimal computed for use in the year in
39 which the project was approved. The incentive decimal shall equal the
40 positive remainder resulting when the district's building aid ratio
41 selected pursuant to paragraph c of this subdivision is subtracted from
42 the enhanced building aid ratio. The enhanced building aid ratio shall
43 equal the sum of the building aid ratio selected for use in the current
44 year pursuant to paragraph c of this subdivision and one-tenth, computed
45 to three decimals without rounding, but not more than (a) ninety-eight
46 hundredths for a high need school district, as defined pursuant to regu-
47 lations of the commissioner, for all school building projects approved
48 by the voters of the school district or by the board of education of a
49 city school district in a city with more than one hundred twenty-five
50 thousand inhabitants, and/or the chancellor in a city school district in
51 a city having a population of one million or more, on or after July
52 first, two thousand five, or (b) ninety-five hundredths for any other
53 school building project or school district, nor less than one-tenth.

54 c. (1) For aid payable in the school year nineteen hundred ninety-
55 three--ninety-four and earlier, any school district may compute aid
56 under the provisions of this subdivision, or under FORMER subdivision

1 six of section thirty-six hundred one-a of this article, using the
2 building aid ratio computed for use in the current year or the aid ratio
3 computed for use in any year commencing with the nineteen hundred eight-
4 y-one--eighty-two school year as computed by the commissioner based on
5 data on file with the education department as of July first, nineteen
6 hundred ninety-six, and; provided that, school districts who are eligi-
7 ble for aid under paragraph f of subdivision fourteen of this section
8 may compute aid under the provisions of this subdivision using the aid
9 ratio so computed for the reorganized district or the highest of the aid
10 ratios so computed for any of the individual school districts which
11 existed prior to the date of the reorganized school district.

12 (2) (a) For aid payable in the school years nineteen hundred ninety-
13 four--ninety-five and thereafter for all school building projects
14 approved by the voters of the school district or by the board of educa-
15 tion of a city school district in a city with more than one hundred
16 twenty-five thousand inhabitants, and/or the chancellor in a city school
17 district in a city having a population of one million or more, before
18 July first, two thousand, any school district may compute aid under the
19 provisions of this subdivision using the building aid ratio computed for
20 use in the current year or the aid ratio computed for use in any year
21 commencing with the nineteen hundred eighty-one--eighty-two school year
22 as such earlier aid ratios are computed by the commissioner based on
23 data on file with the education department on or before July first of
24 the third school year following the school year in which aid is first
25 payable; provided that, school districts who are eligible for aid under
26 paragraph f of subdivision fourteen of this section may compute aid
27 under the provisions of this subdivision using the aid ratio so computed
28 for the reorganized district or the highest of the aid ratios so
29 computed for any of the individual school districts which existed prior
30 to the date of the reorganized school district.

31 (b) For aid payable in the school years two thousand--two thousand one
32 and thereafter for all school building projects approved by the voters
33 of the school district or by the board of education of a city school
34 district in a city with more than one hundred twenty-five thousand
35 inhabitants, and/or the chancellor in a city school district in a city
36 having a population of one million or more, on or after July first, two
37 thousand AND BEFORE FEBRUARY FIRST, TWO THOUSAND ELEVEN, any school
38 district shall compute aid under the provisions of this subdivision
39 using the sum of the high-need supplemental building aid ratio, if any,
40 computed pursuant to clause (c) of this subparagraph and the greater of
41 (i) the building aid ratio computed for use in the current year; or (ii)
42 a building aid ratio equal to the difference of the aid ratio that was
43 used or that would have been used to compute an apportionment pursuant
44 to this subdivision in the nineteen hundred ninety-nine--two thousand
45 school year as such aid ratio is computed by the commissioner based on
46 data on file with the department on or before July first of the third
47 school year following the school year in which aid is first payable,
48 less one-tenth; or (iii) for all such school building projects approved
49 by the voters of the school district or by the board of education of a
50 city school district in a city with more than one hundred twenty-five
51 thousand inhabitants, and/or the chancellor in a city school district in
52 a city having a population of one million or more, on or after July
53 first, two thousand and on or before June thirtieth, two thousand four,
54 for any school district for which the pupil wealth ratio is greater than
55 two and five-tenths in the school year in which such school building
56 project was approved by the voters of the school district or by the

1 board of education of a city school district in a city with more than
2 one hundred twenty-five thousand inhabitants, and/or the chancellor in a
3 city school district in a city having a population of one million or
4 more and for which the alternate pupil wealth ratio is less than eight-
5 y-five hundredths in such school year, and for all such school building
6 projects approved by the voters of the school district or by the board
7 of education of a city school district in a city with more than one
8 hundred twenty-five thousand inhabitants, and/or the chancellor in a
9 city school district in a city having a population of one million or
10 more, on or after July first, two thousand five and on or before June
11 thirtieth, two thousand eight, for any school district for which the
12 pupil wealth ratio was greater than two and five-tenths in the two thou-
13 sand--two thousand one school year and for which the alternate pupil
14 wealth ratio was less than eighty-five hundredths in the two thousand--
15 two thousand one school year, the additional building aid ratio;
16 provided that, school districts who are eligible for aid under paragraph
17 f of subdivision fourteen of this section may compute aid under the
18 provisions of this subdivision using the difference of the highest of
19 the aid ratios so computed for the reorganized district or the highest
20 of the aid ratios so computed for any of the individual school districts
21 which existed prior to the date of the reorganized school district less
22 one-tenth.

23 (c) For aid payable in the school years two thousand five--two thou-
24 sand six and thereafter for all school building projects approved by the
25 voters of the school district or by the board of education of a city
26 school district in a city with more than one hundred twenty-five thou-
27 sand inhabitants, and/or the chancellor in A city school district in a
28 city having a population of one million or more, on or after July first,
29 two thousand five, high need school districts, as defined pursuant to
30 regulations of the commissioner, may compute aid under the provisions of
31 this subdivision using the high-need supplemental building aid ratio,
32 which shall be the lesser of (A) the product, computed to three decimals
33 without rounding, of the greater of the building aid ratios computed
34 pursuant to subclauses i, ii and iii of clause (b) of this subparagraph
35 multiplied by five percent, or (B) the positive remainder of ninety-
36 eight one-hundredths less the greater of the building aid ratios
37 computed pursuant to subclauses i, ii and iii of clause (b) of this
38 subparagraph.

39 (D) FOR AID PAYABLE IN THE SCHOOL YEARS TWO THOUSAND ELEVEN--TWO THOU-
40 SAND TWELVE AND THEREAFTER FOR ALL SCHOOL BUILDING PROJECTS APPROVED BY
41 THE VOTERS OF THE SCHOOL DISTRICT OR BY THE BOARD OF EDUCATION OF A CITY
42 SCHOOL DISTRICT IN A CITY WITH MORE THAN ONE HUNDRED TWENTY-FIVE THOU-
43 SAND INHABITANTS, AND/OR THE CHANCELLOR IN A CITY SCHOOL DISTRICT IN A
44 CITY HAVING A POPULATION OF ONE MILLION OR MORE, ON OR AFTER FEBRUARY
45 FIRST, TWO THOUSAND ELEVEN, ANY SCHOOL DISTRICT SHALL COMPUTE AID UNDER
46 THE PROVISIONS OF THIS SUBDIVISION USING THE SUM OF THE HIGH-NEED
47 SUPPLEMENTAL BUILDING AID RATIO, IF ANY, COMPUTED PURSUANT TO CLAUSE (C)
48 OF THIS SUBPARAGRAPH AND THE BUILDING AID RATIO COMPUTED FOR USE IN THE
49 CURRENT YEAR.

50 S 29. Clause (c) of subparagraph 1 of paragraph e of subdivision 6 of
51 section 3602 of the education law, as amended by section 3 of part A-3
52 of chapter 58 of the laws of 2006, is amended to read as follows:

53 (c) By the first day of September of the current year the comptroller
54 of the city of New York shall provide to the commissioner an analysis,
55 as prescribed by the commissioner, of the actual average interest rate
56 applied to all capital debt incurred by the city of New York AND THE NEW

1 YORK CITY TRANSITIONAL FINANCE AUTHORITY for school purposes [(or by the
2 New York city transitional finance authority for school purposes, if no
3 such capital debt is incurred by the city of New York)] during the base
4 year and of the estimated average interest rate applied to all capital
5 debt to be incurred by the city of New York AND THE NEW YORK CITY TRAN-
6 SITIONAL FINANCE AUTHORITY for school purposes [(or by the New York city
7 transitional finance authority for school purposes, if no such capital
8 debt is incurred by the city of New York)] during the current year. Upon
9 approval by the commissioner such actual average interest rate shall be
10 established as the interest rate applicable to the base year for the
11 purposes of this subparagraph and subparagraph two of this paragraph,
12 and such estimated average interest rate shall be tentatively estab-
13 lished as the interest rate applicable to the current year, except that
14 all apportionments of aid payable during the current year based on such
15 estimated average interest rate shall be recalculated in the following
16 year and adjusted as appropriate based on the appropriate actual average
17 interest rate then established by the commissioner.

18 S 30. Clause (d) of subparagraph 5 of paragraph e of subdivision 6 of
19 section 3602 of the education law, as added by section 55-a of part A of
20 chapter 57 of the laws of 2009, is amended to read as follows:

21 (d) Notwithstanding any other law, rule or regulation to the contrary,
22 any interest rate calculated under this subdivision shall take into
23 account any federal subsidy payments made or to be made to the applica-
24 ble [issuer] SCHOOL DISTRICT OR AN ISSUER ON BEHALF OF THE SCHOOL
25 DISTRICT under the terms of a federally authorized debt instrument which
26 have the effect of reducing the actual interest costs incurred by [such
27 issuer] THE SCHOOL DISTRICT OR AN ISSUER ON BEHALF OF THE SCHOOL
28 DISTRICT over the life of such capital debt, irrespective of any federal
29 government right of set-off.

30 S 31. Paragraph e of subdivision 6 of section 3602 of the education
31 law is amended by adding a new subparagraph 8 to read as follows:

32 (8) NOTWITHSTANDING ANY OTHER PROVISION OF THE LAW TO THE CONTRARY,
33 WHERE, DURING THE PERIOD OF ASSUMED AMORTIZATION RELATING TO A PROJECT
34 FOR THE CONSTRUCTION, ACQUISITION, RECONSTRUCTION, REHABILITATION OR
35 IMPROVEMENT OF A SCHOOL BUILDING, THE SCHOOL BUILDING IS SOLD OR OWNER-
36 SHIP IS OTHERWISE TRANSFERRED TO AN ENTITY OTHER THAN THE SCHOOL
37 DISTRICT OR CITY AND SUCH TRANSFER RESULTS IN THE BUILDING NO LONGER
38 BEING OPERATED BY THE SCHOOL DISTRICT AS A PUBLIC ELEMENTARY OR SECOND-
39 ARY SCHOOL THAT IS NOT INDEPENDENT OR AUTONOMOUS, THE DISTRICT SHALL,
40 WITHIN SIXTY DAYS OF THE TRANSFER OF OWNERSHIP, NOTIFY THE COMMISSIONER
41 OF SUCH SALE OR TRANSFER, AND SHALL PROVIDE SUCH ADDITIONAL INFORMATION
42 ABOUT THE SALE OR TRANSFER AS THE COMMISSIONER MAY REQUIRE, IN A FORM
43 PRESCRIBED BY THE COMMISSIONER, AND THE COMMISSIONER SHALL RE-COMPUTE
44 THE BUILDING AID, IF ANY, PAYABLE FOR SUCH PROJECT PURSUANT TO THIS
45 SUBPARAGRAPH, EXCEPT TO THE EXTENT SUCH RE-COMPUTATION WOULD CONFLICT
46 WITH THE PROVISIONS OF SECTION TWENTY-SEVEN HUNDRED NINETY-NINE-TT OF
47 THE PUBLIC AUTHORITIES LAW. THE COMMISSIONER SHALL DEDUCT THE REVENUES
48 RECEIVED BY THE SCHOOL DISTRICT OR CITY AS A RESULT OF SUCH SALE OR
49 TRANSFER FROM THE APPROVED TOTAL PROJECT COST AND, BASED ON SUCH
50 ADJUSTED PROJECT COST, ESTABLISH A NEW ASSUMED AMORTIZATION FOR THE
51 REMAINING USEFUL LIFE OF THE PROJECT UNDER THE APPLICABLE PROVISIONS OF
52 THIS PARAGRAPH.

53 S 32. Clause (ii) of subparagraph 5 of paragraph i of subdivision 6 of
54 section 3602 of the education law, as amended by section 1 of part F of
55 chapter 383 of the laws of 2001, is amended to read as follows:

1 (ii) notwithstanding any inconsistent provisions of this paragraph,
2 for aid payable in the two thousand two--two thousand three school year
3 and thereafter, approved expenditures for debt service for energy
4 performance contracts shall be based on assumed amortization where
5 required by paragraph e of this subdivision, AND PROVIDED FURTHER, THAT
6 APPROVED EXPENDITURES FOR DEBT SERVICE FOR ENERGY PERFORMANCE CONTRACTS
7 FOR PROJECTS APPROVED BY THE VOTERS OF THE SCHOOL DISTRICT OR BY THE
8 BOARD OF EDUCATION OF A CITY SCHOOL DISTRICT IN A CITY WITH MORE THAN
9 ONE HUNDRED TWENTY-FIVE THOUSAND INHABITANTS, AND/OR THE CHANCELLOR IN A
10 CITY SCHOOL DISTRICT IN A CITY HAVING A POPULATION OF ONE MILLION OR
11 MORE, ON OR AFTER JULY FIRST, TWO THOUSAND ELEVEN SHALL NOT BE ELIGIBLE
12 FOR AN ADDITIONAL APPORTIONMENT COMPUTED PURSUANT TO CLAUSE (II) OF
13 SUBPARAGRAPH TWO OF PARAGRAPH B OF THIS SUBDIVISION.

14 S 33. Subparagraph 1 of paragraph b of subdivision 7 of section 3602
15 of the education law, as amended by section 17 of part B of chapter 57
16 of the laws of 2007, is amended and a new subparagraph 3 is added to
17 read as follows:

18 (1) For the purposes of this apportionment, approved transportation
19 operating expense shall be the actual expenditure incurred by a school
20 district and approved by the commissioner, LESS ANY DEDUCTIONS REQUIRED
21 BY SUBPARAGRAPH THREE OF THIS PARAGRAPH: (i) for those items of trans-
22 portation operating expense allowable under subdivision one of section
23 thirty-six hundred twenty-three-a of this article for regular aidable
24 transportation of pupils as such terms are defined in sections thirty-
25 six hundred twenty-one and thirty-six hundred twenty-two-a of this arti-
26 cle, and (ii) for those items of transportation operating expense allow-
27 able under subdivision one of section thirty-six hundred twenty-three-a
28 of this article for the transportation required or authorized pursuant
29 to article eighty-nine of this chapter, and (iii) for providing monitors
30 on school buses for students with disabilities, and (iv) for transporta-
31 tion operating expenses allowable under section thirty-six hundred twen-
32 ty-three-a of this article for the transportation of homeless children
33 authorized by paragraph c of subdivision four of section thirty-two
34 hundred nine of this chapter, provided that the total approved cost of
35 such transportation shall not exceed the amount of the total cost of the
36 most cost-effective mode of transportation.

37 (3) (I) COMMENCING WITH AID PAYABLE IN THE TWO THOUSAND THIRTEEN--TWO
38 THOUSAND FOURTEEN SCHOOL YEAR, TO RECEIVE AID ON ITS TOTAL ACTUAL TRANS-
39 PORTATION OPERATING EXPENSE APPROVED BY THE COMMISSIONER FOR THE BASE
40 YEAR, A SCHOOL DISTRICT SHALL DEMONSTRATE TO THE SATISFACTION OF THE
41 COMMISSIONER THAT IT: (I) HAS IMPLEMENTED A MAJORITY OF THE COST-EFFEC-
42 TIVE TRANSPORTATION MANAGEMENT BEST PRACTICES PRESCRIBED IN THE REGU-
43 LATIONS OF THE COMMISSIONER THAT ARE APPLICABLE TO THE DISTRICT, OR (II)
44 HAS ENTERED INTO A COST-EFFECTIVE SHARED TRANSPORTATION ARRANGEMENT WITH
45 ANOTHER LOCAL GOVERNMENT ENTITY.

46 (II) FOR PURPOSES OF THIS SUBPARAGRAPH, COST-EFFECTIVE TRANSPORTATION
47 MANAGEMENT BEST PRACTICES SHALL INCLUDE, BUT NEED NOT BE LIMITED TO:

48 (A) MAINTENANCE OF A REASONABLE UTILIZATION RATIO FOR BUSES;
49 (B) USE OF MULTIPLE YEAR CONTRACTS FOR PRIVATE VENDOR CONTRACTS;
50 (C) NO BUS PURCHASES MADE AT HIGHER THAN STATE CONTRACT PRICE IN THE
51 BASE YEAR;

52 (D) EARLY ADVERTISEMENT FOR NEW CONTRACTS;

53 (E) USE OF BUS ROUTING SOFTWARE WHERE POSSIBLE; AND/OR

54 (F) USE OF A STATEWIDE WEBSITE TO ADVERTISE FOR BIDS.

55 (III) A SCHOOL DISTRICT THAT FAILS TO MEET THE REQUIREMENTS OF CLAUSE
56 (I) OF THIS SUBPARAGRAPH SHALL HAVE ITS TOTAL ACTUAL TRANSPORTATION

1 OPERATING EXPENSE AS OTHERWISE APPROVED BY THE COMMISSIONER REDUCED AS
2 FOLLOWS:

3 (A) FOR AID PAYABLE IN THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOUR-
4 TEEN SCHOOL YEAR, BY TWO AND ONE HALF PERCENT;

5 (B) FOR AID PAYABLE IN THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN
6 SCHOOL YEAR, BY FIVE PERCENT;

7 (C) FOR AID PAYABLE IN THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN
8 SCHOOL YEAR, BY SEVEN AND ONE-HALF PERCENT;

9 (D) FOR AID PAYABLE IN THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVEN-
10 TEEN SCHOOL YEAR, BY TEN PERCENT.

11 S 34. Paragraph c of subdivision 7 of section 3602 of the education
12 law, as amended by section 1 of part A-4 of chapter 58 of the laws of
13 2006, is amended to read as follows:

14 c. (1) For the purposes of computing this apportionment for the two
15 thousand five--two thousand six school year and thereafter, approved
16 transportation capital, debt service, and lease expense shall be the
17 amount computed based upon an assumed amortization determined pursuant
18 to paragraph e of this subdivision for an expenditure incurred by a
19 school district and approved by the commissioner for those items of
20 transportation capital, debt service and lease expense allowable under
21 subdivision two of section thirty-six hundred twenty-three-a of this
22 article for: (i) the regular aidable transportation of pupils, as such
23 terms are defined in sections thirty-six hundred twenty-one and thirty-
24 six hundred twenty-two-a of this article, (ii) the transportation of
25 children with disabilities pursuant to article eighty-nine of this chap-
26 ter, and (iii) the transportation of homeless children pursuant to para-
27 graph c of subdivision four of section thirty-two hundred nine of this
28 chapter, provided that the total approved cost of such transportation
29 shall not exceed the amount of the total cost of the most cost-effective
30 mode of transportation.

31 (2) Approvable expenses for the purchase of school buses shall be
32 limited to the actual purchase price, or the expense as if the bus were
33 purchased under state contract, whichever is less. If the commissioner
34 determines that no comparable bus was available under state contract at
35 the time of purchase, the approvable expenses shall be the actual
36 purchase price or the state wide median price of such bus in the most
37 recent base year in which such median price was established with an
38 allowable year to year CPI increase as defined in subdivision fourteen
39 of section three hundred five of this chapter; whichever is less. Such
40 median shall be computed by the commissioner for the purposes of this
41 subdivision.

42 (3) FOR A SCHOOL BUS WITH A SEATING CAPACITY OF TEN OR MORE PASSEN-
43 GERS, INCLUDING THE DRIVER, WHICH IS PURCHASED ON OR AFTER THE EFFECTIVE
44 DATE OF THIS SUBPARAGRAPH AS A REPLACEMENT FOR AN EXISTING SCHOOL BUS,
45 THE EXPENSE OF SUCH PURCHASE SHALL NOT BE AN ALLOWABLE COST UNLESS THE
46 SCHOOL BUS BEING REPLACED IS AT LEAST TEN YEARS OLD AND HAS A MILEAGE IN
47 EXCESS OF ONE HUNDRED TWENTY THOUSAND MILES, OR A WAIVER IS GRANTED BY
48 THE COMMISSIONER PURSUANT TO THIS PARAGRAPH. FOR A SCHOOL BUS WITH A
49 SEATING CAPACITY OF LESS THAN TEN PASSENGERS, INCLUDING THE DRIVER,
50 WHICH IS PURCHASED ON OR AFTER THE EFFECTIVE DATE OF THIS SUBPARAGRAPH
51 AS A REPLACEMENT FOR AN EXISTING SCHOOL BUS, THE EXPENSE OF SUCH
52 PURCHASE SHALL NOT BE AN ALLOWABLE COST UNLESS THE SCHOOL BUS BEING
53 REPLACED IS AT LEAST TEN YEARS OLD AND HAS A MILEAGE IN EXCESS OF ONE
54 HUNDRED TWENTY THOUSAND MILES, OR A WAIVER IS GRANTED BY THE COMMISSION-
55 ER PURSUANT TO THIS SUBPARAGRAPH. THE COMMISSIONER MAY GRANT SUCH WAIVER
56 WHERE THE SCHOOL DISTRICT DEMONSTRATES TO THE SATISFACTION OF THE

1 COMMISSIONER THAT THE CONTINUED OPERATION OF THE VEHICLE WOULD BE UNSAFE
2 AS A RESULT OF DAMAGE TO THE VEHICLE FROM AN ACCIDENT OR OTHERWISE, OR
3 OF MECHANICAL FAILURE, THAT CANNOT BE REMEDIED BY REPAIRS WITHOUT EXCES-
4 SIVE COST TO THE SCHOOL DISTRICTS.

5 S 35. Subdivision 12 of section 3602 of the education law, as added by
6 section 19 of part B of chapter 57 of the laws of 2008, the closing
7 paragraph as added by section 18 of part A of chapter 57 of the laws of
8 2009, is amended to read as follows:

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

22 For the two thousand nine--two thousand ten [and] THROUGH two thousand
23 [ten] TWELVE--two thousand [eleven] THIRTEEN school years, each school
24 district shall be entitled to an apportionment equal to the amount set
25 forth for such school district as "EDUCATION GRANTS, ACADEMIC EN" under
26 the heading "2008-09 BASE YEAR AIDS" in the school aid computer listing
27 produced by the commissioner in support of the budget for the two thou-
28 sand nine--two thousand ten school year and entitled "SA0910", and such
29 apportionment shall be deemed to satisfy the state obligation to provide
30 an apportionment pursuant to subdivision eight of section thirty-six
31 hundred forty-one of this article.

32 S 36. The opening paragraph of subdivision 16 of section 3602 of the
33 education law, as amended by section 19 of part A of chapter 57 of the
34 laws of 2009, is amended to read as follows:

35 Each school district shall be eligible to receive a high tax aid
36 apportionment in the two thousand eight--two thousand nine school year,
37 which shall equal the greater of (i) the sum of the tier 1 high tax aid
38 apportionment, the tier 2 high tax aid apportionment and the tier 3 high
39 tax aid apportionment or (ii) the product of the apportionment received
40 by the school district pursuant to this subdivision in the two thousand
41 seven--two thousand eight school year, multiplied by the due-minimum
42 factor, which shall equal, for districts with an alternate pupil wealth
43 ratio computed pursuant to paragraph b of subdivision three of this
44 section that is less than two, seventy percent (0.70), and for all other
45 districts, fifty percent (0.50). Each school district shall be eligible
46 to receive a high tax aid apportionment in the two thousand nine--two
47 thousand ten [and] THROUGH two thousand [ten] TWELVE--two thousand
48 [eleven] THIRTEEN school years in the amount set forth for such school
49 district as "HIGH TAX AID" under the heading "2008-09 BASE YEAR AIDS" in
50 the school aid computer listing produced by the commissioner in support
51 of the budget for the two thousand nine--two thousand ten school year
52 and entitled "SA0910".

53 S 37. Section 3602 of the education law is amended by adding a new
54 subdivision 17 to read as follows:

55 17. GAP ELIMINATION ADJUSTMENT. COMMENCING WITH AID PAYABLE IN THE
56 TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR, THE AGGREGATE

1 APPORTIONMENTS DUE ANY SCHOOL DISTRICT AND PAYABLE FROM APPROPRIATIONS
2 MADE IN SUPPORT OF GENERAL SUPPORT FOR PUBLIC SCHOOLS SHALL BE REDUCED
3 BY THE GAP ELIMINATION ADJUSTMENT, AND SUCH REDUCTION SHALL BE INCLUDED
4 IN THE COMPUTATION OF "MONEYS APPORTIONED" PURSUANT TO THE OPENING PARA-
5 GRAPH OF SECTION THIRTY-SIX HUNDRED NINE-A OF THIS PART. THE GAP ELIMI-
6 NATION ADJUSTMENT FOR ANY DISTRICT SHALL EQUAL THE PRODUCT OF THE GAP
7 ELIMINATION ADJUSTMENT PERCENTAGE FOR SUCH DISTRICT AND THE EXCESS
8 GROWTH AMOUNT, AS COMPUTED PURSUANT TO SUBDIVISION ONE OF THIS SECTION.

9 S 38. The opening paragraph of subdivision 10 of section 3602-e of the
10 education law, as amended by section 21 of part A of chapter 57 of the
11 laws of 2009, is amended to read as follows:

12 Notwithstanding any provision of law to the contrary, for aid payable
13 in the two thousand eight--two thousand nine school year, the grant to
14 each eligible school district for universal prekindergarten aid shall be
15 computed pursuant to this subdivision, and for the two thousand nine--
16 two thousand ten and two thousand ten--two thousand eleven school years,
17 each school district shall be eligible for a maximum grant equal to the
18 amount computed for such school district for the base year in the elec-
19 tronic data file produced by the commissioner in support of the two
20 thousand nine--two thousand ten education, labor and family assistance
21 budget, provided, however, that in the case of a district implementing
22 programs for the first time or implementing expansion programs in the
23 two thousand eight--two thousand nine school year where such programs
24 operate for a minimum of ninety days in any one school year as provided
25 in section 151-1.4 of the regulations of the commissioner, FOR THE TWO
26 THOUSAND NINE--TWO THOUSAND TEN AND TWO THOUSAND TEN--TWO THOUSAND ELEV-
27 EN SCHOOL YEARS, such school district shall be eligible for a maximum
28 grant equal to the amount computed pursuant to paragraph a of subdivi-
29 sion nine of this section in the two thousand eight--two thousand nine
30 school year, AND FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE AND
31 TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEARS EACH SCHOOL
32 DISTRICT SHALL BE ELIGIBLE FOR A MAXIMUM GRANT EQUAL TO THE AMOUNT SET
33 FORTH FOR SUCH SCHOOL DISTRICT AS "UNIVERSAL PRE-KINDERGARTEN" UNDER THE
34 HEADING "2011-12 ESTIMATED AIDS" IN THE SCHOOL AID COMPUTER LISTING
35 PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET REQUEST
36 FOR THE 2011-12 SCHOOL YEAR AND ENTITLED "BT111-2", and provided further
37 that the maximum grant shall not exceed the total actual grant expendi-
38 tures incurred by the school district in the current school year as
39 approved by the commissioner.

40 S 39. Paragraphs a and b of subdivision 5 of section 3604 of the
41 education law, paragraph a as amended by chapter 161 of the laws of 2005
42 and paragraph b as amended by section 59 of part A of chapter 436 of the
43 laws of 1997, are amended to read as follows:

44 a. State aid adjustments. All errors or omissions in the apportionment
45 shall be corrected by the commissioner. Whenever a school district has
46 been apportioned less money than that to which it is entitled, the
47 commissioner may allot to such district the balance to which it is enti-
48 tled. Whenever a school district has been apportioned more money than
49 that to which it is entitled, the commissioner may, by an order, direct
50 such moneys to be paid back to the state to be credited to the general
51 fund local assistance account for state aid to the schools, or may
52 deduct such amount from the next apportionment to be made to said
53 district, provided, however, that, upon notification of excess payments
54 of aid for which a recovery must be made by the state through deduction
55 of future aid payments, a school district may request that such excess
56 payments be recovered by deducting such excess payments from the

1 payments due to such school district and payable in the month of June in
2 (i) the school year in which such notification was received and (ii) the
3 two succeeding school years, provided further that there shall be no
4 interest penalty assessed against such district or collected by the
5 state. Such request shall be made to the commissioner in such form as
6 the commissioner shall prescribe, and shall be based on documentation
7 that the total amount to be recovered is in excess of one percent of the
8 district's total general fund expenditures for the preceding school
9 year. The amount to be deducted in the first year shall be the greater
10 of (i) the sum of the amount of such excess payments that is recognized
11 as a liability due to other governments by the district for the preced-
12 ing school year and the positive remainder of the district's unreserved
13 fund balance at the close of the preceding school year less the product
14 of the district's total general fund expenditures for the preceding
15 school year multiplied by five percent, or (ii) one-third of such excess
16 payments. The amount to be recovered in the second year shall equal the
17 lesser of the remaining amount of such excess payments to be recovered
18 or one-third of such excess payments, and the remaining amount of such
19 excess payments shall be recovered in the third year. Provided further
20 that, notwithstanding any other provisions of this subdivision, any
21 pending payment of moneys due to such district as a prior year adjust-
22 ment payable pursuant to paragraph c of this subdivision for aid claims
23 that had been previously paid as current year aid payments in excess of
24 the amount to which the district is entitled and for which recovery of
25 excess payments is to be made pursuant to this paragraph, shall be
26 reduced at the time of actual payment by any remaining unrecovered
27 balance of such excess payments, and the remaining scheduled deductions
28 of such excess payments pursuant to this paragraph shall be reduced by
29 the commissioner to reflect the amount so recovered. [The commissioner
30 shall certify no payment to a school district based on a claim submitted
31 later than three years after the close of the school year in which such
32 payment was first to be made. For claims for which payment is first to
33 be made in the nineteen hundred ninety-six--ninety-seven school year,
34 the commissioner shall certify no payment to a school district based on
35 a claim submitted later than two years after the close of such school
36 year.] For claims for which payment is first to be made [in the nineteen
37 hundred ninety-seven--ninety-eight] PRIOR TO THE TWO THOUSAND TEN--TWO
38 THOUSAND ELEVEN school year [and thereafter], the commissioner shall
39 certify no payment to a school district based on a claim submitted later
40 than one year after the close of such school year. FOR CLAIMS FOR WHICH
41 PAYMENT IS FIRST TO BE MADE IN THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN
42 SCHOOL YEAR, THE COMMISSIONER SHALL CERTIFY NO PAYMENT TO A SCHOOL
43 DISTRICT IN EXCESS OF THE PAYMENT COMPUTED BASED ON AN ELECTRONIC DATA
44 FILE USED TO PRODUCE THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE
45 COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET REQUEST FOR THE TWO
46 THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR AND ENTITLED "BT111-2".
47 FOR CLAIMS FOR WHICH PAYMENT IS FIRST TO BE MADE IN THE TWO THOUSAND
48 ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR AND THEREAFTER, THE COMMISSIONER
49 SHALL CERTIFY NO PAYMENT TO A SCHOOL DISTRICT, OTHER THAN PAYMENTS
50 PURSUANT TO SUBDIVISIONS SIX-A, ELEVEN, THIRTEEN AND FIFTEEN OF SECTION
51 THIRTY-SIX HUNDRED TWO OF THIS PART, IN EXCESS OF THE PAYMENT COMPUTED
52 BASED ON AN ELECTRONIC DATA FILE USED TO PRODUCE THE SCHOOL AID COMPUTER
53 LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET
54 REQUEST, AND SHALL CERTIFY NO PAYMENT TO A SCHOOL DISTRICT BASED ON A
55 CLAIM SUBMITTED LATER THAN THE DATE UPON WHICH AN ELECTRONIC DATA FILE
56 WAS CREATED FOR THE PURPOSES OF COMPUTING THE JUNE AMOUNT PURSUANT TO

1 SUBPARAGRAPH TWO OF PARAGRAPH B OF SUBDIVISION ONE OF SECTION THIRTY-SIX
2 HUNDRED NINE-A OF THIS PART. Provided, however, no payments shall be
3 barred or reduced where such payment is required as a result of a final
4 audit of the state. [It is further provided that, until June thirtieth,
5 nineteen hundred ninety-six, the commissioner may grant a waiver from
6 the provisions of this section for any school district if it is in the
7 best educational interests of the district pursuant to guidelines devel-
8 oped by the commissioner and approved by the director of the budget.]
9 b. Claims resulting from court orders or judgments. [Any] FOR CLAIMS
10 FOR WHICH PAYMENT IS FIRST TO BE MADE PRIOR TO THE TWO THOUSAND TEN--TWO
11 THOUSAND ELEVEN SCHOOL YEAR, ANY payment which would be due as the
12 result of a court order or judgment shall not be barred, provided that,
13 commencing January first, nineteen hundred ninety-six, such court order
14 or judgment and any other data required shall be filed with the comp-
15 troller within one year from the date of the court order or judgment,
16 and provided further that the commissioner shall certify no payment to a
17 school district for a specific school year that is based on a claim that
18 results from a court order or judgement so filed with the comptroller
19 unless the total value of such claim, as determined by the commissioner,
20 is greater than one percent of the school district's total revenues from
21 state sources as previously recorded in the general fund and reported to
22 the comptroller in the annual financial report of the school district
23 for such school year.

24 S 40. The opening paragraph of section 3609-a of the education law, as
25 amended by section 22 of part A of chapter 57 of the laws of 2009, is
26 amended to read as follows:

27 For aid payable in the two thousand seven--two thousand eight school
28 year [and thereafter] THROUGH THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN
29 SCHOOL YEAR, "moneys apportioned" shall mean the lesser of (i) the sum
30 of one hundred percent of the respective amount set forth for each
31 school district as payable pursuant to this section in the school aid
32 computer listing for the current year produced by the commissioner in
33 support of the budget which includes the appropriation for the general
34 support for public schools for the prescribed payments and individual-
35 ized payments due prior to April first for the current year plus the
36 apportionment payable during the current school year pursuant to subdi-
37 vision six-a and subdivision fifteen of section thirty-six hundred two
38 of this part minus any reductions to current year aids pursuant to
39 subdivision seven of section thirty-six hundred four of this part or any
40 deduction from apportionment payable pursuant to this chapter for
41 collection of a school district basic contribution as defined in subdi-
42 vision eight of section forty-four hundred one of this chapter, less any
43 grants provided pursuant to subparagraph two-a of paragraph b of subdi-
44 vision four of section ninety-two-c of the state finance law, less any
45 grants provided pursuant to subdivision twelve of section thirty-six
46 hundred forty-one of this article, or (ii) the apportionment calculated
47 by the commissioner based on data on file at the time the payment is
48 processed; provided however, that for the purposes of any payments made
49 pursuant to this section prior to the first business day of June of the
50 current year, moneys apportioned shall not include any aids payable
51 pursuant to subdivisions six and fourteen, if applicable, of section
52 thirty-six hundred two of this part as current year aid for debt service
53 on bond anticipation notes and/or bonds first issued in the current year
54 or any aids payable for full-day kindergarten for the current year
55 pursuant to subdivision nine of section thirty-six hundred two of this
56 part. The definitions of "base year" and "current year" as set forth in

1 subdivision one of section thirty-six hundred two of this part shall
2 apply to this section. For aid payable in the two thousand nine--two
3 thousand ten school year, reference to such "school aid computer listing
4 for the current year" shall mean the printouts entitled "SA0910". FOR
5 AID PAYABLE IN THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR
6 AND THEREAFTER, "MONEYS APPORTIONED" SHALL MEAN THE LESSER OF: (I) THE
7 SUM OF ONE HUNDRED PERCENT OF THE RESPECTIVE AMOUNT SET FORTH FOR EACH
8 SCHOOL DISTRICT AS PAYABLE PURSUANT TO THIS SECTION IN THE SCHOOL AID
9 COMPUTER LISTING FOR THE CURRENT YEAR PRODUCED BY THE COMMISSIONER IN
10 SUPPORT OF THE EXECUTIVE BUDGET REQUEST WHICH INCLUDES THE APPROPRIATION
11 FOR THE GENERAL SUPPORT FOR PUBLIC SCHOOLS FOR THE PRESCRIBED PAYMENTS
12 AND INDIVIDUALIZED PAYMENTS DUE PRIOR TO APRIL FIRST FOR THE CURRENT
13 YEAR PLUS THE APPORTIONMENT PAYABLE DURING THE CURRENT SCHOOL YEAR
14 PURSUANT TO SUBDIVISIONS SIX-A AND FIFTEEN OF SECTION THIRTY-SIX HUNDRED
15 TWO OF THIS PART MINUS ANY REDUCTIONS TO CURRENT YEAR AIDS PURSUANT TO
16 SUBDIVISION SEVEN OF SECTION THIRTY-SIX HUNDRED FOUR OF THIS PART OR ANY
17 DEDUCTION FROM APPORTIONMENT PAYABLE PURSUANT TO THIS CHAPTER FOR
18 COLLECTION OF A SCHOOL DISTRICT BASIC CONTRIBUTION AS DEFINED IN SUBDI-
19 VISION EIGHT OF SECTION FORTY-FOUR HUNDRED ONE OF THIS CHAPTER, LESS ANY
20 GRANTS PROVIDED PURSUANT TO SUBPARAGRAPH TWO-A OF PARAGRAPH B OF SUBDI-
21 VISION FOUR OF SECTION NINETY-TWO-C OF THE STATE FINANCE LAW, LESS ANY
22 GRANTS PROVIDED PURSUANT TO SUBDIVISION TWELVE OF SECTION THIRTY-SIX
23 HUNDRED FORTY-ONE OF THIS ARTICLE; OR (II) THE APPORTIONMENT CALCULATED
24 BY THE COMMISSIONER BASED ON DATA ON FILE AT THE TIME THE PAYMENT IS
25 PROCESSED; PROVIDED HOWEVER, THAT FOR THE PURPOSES OF ANY PAYMENTS MADE
26 PURSUANT TO THIS SECTION PRIOR TO THE FIRST BUSINESS DAY OF JUNE OF THE
27 CURRENT YEAR, MONEYS APPORTIONED SHALL NOT INCLUDE ANY AIDS PAYABLE
28 PURSUANT TO SUBDIVISIONS SIX AND FOURTEEN, IF APPLICABLE, OF SECTION
29 THIRTY-SIX HUNDRED TWO OF THIS PART AS CURRENT YEAR AID FOR DEBT SERVICE
30 ON BOND ANTICIPATION NOTES AND/OR BONDS FIRST ISSUED IN THE CURRENT YEAR
31 OR ANY AIDS PAYABLE FOR FULL-DAY KINDERGARTEN FOR THE CURRENT YEAR
32 PURSUANT TO SUBDIVISION NINE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS
33 PART. THE DEFINITIONS OF "BASE YEAR" AND "CURRENT YEAR" AS SET FORTH IN
34 SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS PART SHALL
35 APPLY TO THIS SECTION.

36 S 41. Subparagraphs 2 and 3 of paragraph a and clauses (i), (iv), (v),
37 (vi) and (vii) of subparagraph 3 of paragraph b of subdivision 1 of
38 section 3609-a of the education law, subparagraph 2 of paragraph a and
39 clauses (v) and (vii) of subparagraph 3 of paragraph b as amended by
40 section 32 of part B of chapter 57 of the laws of 2007, subparagraph 3
41 of paragraph a and clauses (i) and (iv) of subparagraph 3 of paragraph b
42 as amended by chapter 474 of the laws of 1996 and clause (vi) of subpar-
43 agraph 3 of paragraph b as added by section 43 of part A of chapter 60
44 of the laws of 2000, are amended to read as follows:

45 (2) Lottery apportionment. Of the estimated moneys to be apportioned
46 by the commissioner to school districts for the current year, that
47 portion payable pursuant to section ninety-two-c of the state finance
48 law, exclusive of the minimum lottery grant provided for the purchase of
49 textbooks pursuant to subparagraph one of paragraph b of subdivision
50 four of section ninety-two-c of such law and the lottery grant provided
51 pursuant to subparagraph two-a of paragraph b of subdivision four of
52 section ninety-two-c of the state finance law, shall be payable on the
53 [first] LAST state business day of September.

54 (3) Lottery textbook apportionment. The minimum lottery grant provided
55 for the purchase of textbooks pursuant to subparagraph one of paragraph
56 b of subdivision four of section ninety-two-c of the state finance law,

1 shall be payable on or before the [first] LAST STATE BUSINESS day of
2 September.

3 (i) Winter payments. The amounts designated for January, February and
4 March pursuant to clauses (i), (ii) and (iii) of subparagraph two of
5 this paragraph shall be paid on OR BEFORE the [first] LAST state busi-
6 ness day of such months.

7 (iv) April and May payments. Any amount designated for and remaining
8 to be paid in April or May pursuant to clauses (iv) and (v) of subpara-
9 graph two of this paragraph minus any portion of such amounts advanced
10 pursuant to clause (ii) of this subparagraph shall be paid on OR BEFORE
11 the [first] LAST state business day of such months.

12 (v) June payment. The moneys apportioned to school districts and
13 designated for June pursuant to clause (vi) of subparagraph two of this
14 paragraph shall be paid on OR BEFORE the [first] LAST state business day
15 of such month, to the extent that moneys are owed to school districts
16 pursuant to this section for the current year, including claims for
17 current year aid for debt service on bond anticipation notes aidable in
18 June and/or new bonds and capital notes aidable in June pursuant to
19 subdivisions six and fourteen, if applicable, of section thirty-six
20 hundred two of this [article] PART and claims for current year aid for
21 conversion to full day kindergarten [pursuant to subdivision nine of
22 section thirty-six hundred two of this article], after taking into
23 account any adjustments made in accordance with clauses (ii) and (iii)
24 of this subparagraph, net of any disallowances.

25 (vi) Deferred July payment of certain claims for debt service on bond
26 anticipation notes and on bonds or capital notes first issued in the
27 current year. The moneys apportioned to school districts for claims for
28 current year aid for debt service on bond anticipation notes aidable in
29 July following the current year and/or new bonds and capital notes aida-
30 ble in July following the current year pursuant to subdivisions six and
31 fourteen, if applicable, of section thirty-six hundred two of this
32 [article] PART shall be paid on OR BEFORE the [first] LAST state busi-
33 ness day of July immediately following the current school year, to the
34 extent that moneys are owed to school districts pursuant to this section
35 for the current year, net of any disallowances.

36 (vii) Deferred September payments. Any amounts payable to a school
37 district pursuant to this section which exceeded one hundred percent of
38 the respective amount set forth for such district as payable pursuant to
39 this section in the school aid computer listing for the current school
40 year shall be designated for payment for the month of September next
41 following the close of the current school year. Such payments shall be
42 made on OR BEFORE the [first] LAST state business day of the month of
43 September, based on data on file as of August first.

44 S 42. Clause (iii) of subparagraph 3 of paragraph b of subdivision 1
45 of section 3609-a of the education law, as amended by section 32 of part
46 B of chapter 57 of the laws of 2007, is amended to read as follows:

47 (iii) Determining final payment for the state fiscal year. Prior to
48 transmitting the March payment to the state comptroller, based on
49 current year, base year and prior school year state aid payments made or
50 scheduled to be made from the general support for public schools appro-
51 priations for the state fiscal year ending March thirty-first, the
52 commissioner shall determine the extent to which the amount designated
53 for June pursuant to clause (vi) of subparagraph two of this paragraph,
54 as adjusted in accordance with clause (ii) of this subparagraph, net of
55 any disallowances, would need to be advanced and paid on or before March
56 thirty-first in order to use the remainder of such appropriations,

1 EXCLUDING AMOUNTS ASSIGNED TO THE DEPARTMENT OF HEALTH PURSUANT TO
2 SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED NINE-B OF THIS ARTICLE, on
3 or before March thirty-first, or to the extent to which the amount
4 designated for March would need to be proportionally reduced so as not
5 to exceed such state fiscal year appropriations. The commissioner shall
6 report the amount of money required to be advanced or deferred and the
7 percent it represents of the June or March amounts, as the case may be,
8 to the director of the budget, the chairperson of the senate finance
9 committee and the chairperson of the assembly ways and means committee.
10 To the extent that moneys are advanced or deferred pursuant to this
11 paragraph, they shall be in the same proportion as each school
12 district's share bears to the total of such June or March amount. Upon
13 approval of the director of the budget, the commissioner shall transmit
14 the schedule of any such partial June prepayments or such reduced March
15 payments to the state comptroller. Any portion of the March payment
16 deferred shall be added to the June payment; any portion of the June
17 payment advanced shall be paid on or before March thirty-first.

18 S 43. Subparagraph 4 of paragraph b of subdivision 1 of section 3609-a
19 of the education law, as amended by section 25 of part A of chapter 57
20 of the laws of 2009, is amended to read as follows:

21 (4) State share of medicaid reimbursements. For the purposes of this
22 subparagraph, FOR AID PAYABLE IN THE TWO THOUSAND TEN--TWO THOUSAND
23 ELEVEN SCHOOL YEAR, the first reporting period shall run from May first
24 of the base year through January thirty-first of the current year, and
25 the second reporting period shall run from February first of the current
26 year through [April thirtieth] MARCH THIRTY-FIRST of the current year.
27 FOR AID PAYABLE IN THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL
28 YEAR AND THEREAFTER, THE FIRST REPORTING PERIOD SHALL RUN FROM APRIL
29 FIRST OF THE BASE YEAR THROUGH DECEMBER THIRTY-FIRST OF THE CURRENT
30 YEAR, AND THE SECOND REPORTING PERIOD SHALL RUN FROM JANUARY FIRST OF
31 THE CURRENT YEAR THROUGH MARCH THIRTY-FIRST OF THE CURRENT YEAR.
32 Notwithstanding any inconsistent provisions of law to the contrary, the
33 sustaining advance payment due any school district pursuant to clause
34 (ii) of subparagraph three of this paragraph in March shall be reduced
35 by fifty percent of any federal participation during the first reporting
36 period pursuant to title XIX of the social security act, in special
37 education programs provided pursuant to article eighty-nine of this
38 chapter for services provided on or before June thirtieth, two thousand
39 nine; the June payment due any school district pursuant to clause (v) of
40 subparagraph three of this paragraph shall be reduced by fifty percent
41 of any federal participation during the second reporting period for
42 services provided on or before June thirtieth, two thousand nine. Not
43 later than ten days after the end of [a] THE FIRST reporting period
44 ENDING ON JANUARY THIRTY-FIRST, TWO THOUSAND ELEVEN, NOT LATER THAN
45 FORTY-ONE DAYS AFTER EACH FIRST REPORTING PERIOD THEREAFTER AND NOT
46 LATER THAN FORTY DAYS AFTER THE END OF EACH SECOND REPORTING PERIOD, the
47 commissioner of health, as the authorized fiscal agent of the state
48 education department, shall certify to the commissioner and the director
49 of the budget the total amount of such federal moneys paid to a school
50 district for such services during such reporting period. Following each
51 cycle payment, the commissioner of health shall report to the commis-
52 sioner the aggregate amount of such federal medicaid payments to each
53 school district. The commissioner shall recoup such amounts first, to
54 the extent possible, from the specified payment, then by withholding any
55 other moneys due the school district and finally by direct billing to
56 any school district still owing moneys to the state. All moneys withheld

1 or paid to the state on account of this paragraph shall be credited by
2 the comptroller to the local assistance account for general support for
3 public schools.

4 S 44. Subdivision 1 of section 3609-a of the education law is amended
5 by adding a new paragraph e to read as follows:

6 E. GAP ELIMINATION ADJUSTMENT FOR TWO THOUSAND ELEVEN--TWO THOUSAND
7 TWELVE. (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY,
8 THE COMMISSIONER SHALL REDUCE PAYMENTS DUE TO EACH DISTRICT FOR THE TWO
9 THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR PURSUANT TO THIS
10 SECTION BY AN AMOUNT EQUAL TO THE GAP ELIMINATION ADJUSTMENT COMPUTED
11 FOR SUCH DISTRICT, AND SUCH AMOUNT SHALL BE DEDUCTED FROM MONEYS APPOR-
12 TIONED FOR THE PURPOSES OF PAYMENTS MADE PURSUANT TO THIS SECTION AND IF
13 THE REDUCTION IS GREATER THAN THE SUM OF THE AMOUNTS AVAILABLE FOR SUCH
14 DEDUCTIONS, THE REMAINDER OF THE REDUCTION SHALL BE WITHHELD FROM
15 PAYMENTS SCHEDULED TO BE MADE TO THE DISTRICT PURSUANT TO THIS SECTION
16 FOR THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR, AND
17 PROVIDED FURTHER THAT AN AMOUNT EQUAL TO THE AMOUNT OF SUCH DEDUCTION
18 SHALL BE DEEMED TO HAVE BEEN PAID TO THE DISTRICT PURSUANT TO THIS
19 SECTION FOR THE SCHOOL YEAR IN WHICH SUCH DEDUCTION IS MADE. THE COMMIS-
20 SIONER SHALL COMPUTE SUCH GAP ELIMINATION ADJUSTMENT AND SHALL PROVIDE A
21 SCHEDULE OF SUCH REDUCTION IN PAYMENTS TO THE STATE COMPTROLLER, THE
22 DIRECTOR OF THE BUDGET, THE CHAIR OF THE SENATE FINANCE COMMITTEE AND
23 THE CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE.

24 (2) THE GAP ELIMINATION ADJUSTMENT FOR TWO THOUSAND ELEVEN--TWO THOU-
25 SAND TWELVE SCHOOL YEAR SHALL BE COMPUTED AS FOLLOWS, BASED ON DATA USED
26 BY THE COMMISSIONER FOR THE PURPOSES OF PRODUCING A SCHOOL AID COMPUTER
27 LISTING IN SUPPORT OF THE EXECUTIVE BUDGET PROPOSAL FOR THE TWO THOUSAND
28 ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR.

29 (I) THE PERCENTAGE REDUCTION SHALL BE THE SUM OF (A) THE PRODUCT OF
30 THE TOTAL AID FOR ADJUSTMENT, MULTIPLIED BY SIX AND FOUR-TENTHS PERCENT
31 (0.064), AND (B) THE PRODUCT OF FOUR THOUSAND FOUR HUNDRED DOLLARS
32 (\$4,400) MULTIPLIED BY THE REDUCTION FACTOR, MULTIPLIED BY THE PUBLIC
33 SCHOOL DISTRICT ENROLLMENT FOR THE BASE YEAR COMPUTED PURSUANT TO
34 SUBPARAGRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE OF SUCH SECTION THIR-
35 TY-SIX HUNDRED TWO OF THIS PART, PROVIDED, HOWEVER, THAT SUCH PERCENTAGE
36 REDUCTION SHALL NOT BE LESS THAN THE PRODUCT OF ELEVEN PERCENT (0.11)
37 MULTIPLIED BY SUCH TOTAL AID FOR ADJUSTMENT, AND NOT MORE THAN THE PROD-
38 UCT OF TWENTY-THREE PERCENT (0.23) MULTIPLIED BY SUCH TOTAL AID FOR
39 ADJUSTMENT.

40 (II) THE TAX EFFORT REDUCTION SHALL BE THE PRODUCT OF THE TOTAL AID
41 FOR ADJUSTMENT, MULTIPLIED BY THE QUOTIENT OF TWENTY-THREE PERCENT
42 (0.23) DIVIDED BY THE QUOTIENT OF THE TAX EFFORT RATIO DIVIDED BY FOUR
43 AND FIVE TENTHS PERCENT (0.045), PROVIDED, HOWEVER, THAT SUCH TAX EFFORT
44 REDUCTION SHALL NOT BE LESS THAN THE PRODUCT OF FIFTEEN PERCENT (0.15)
45 MULTIPLIED BY SUCH TOTAL AID FOR ADJUSTMENT, AND NOT MORE THAN THE PROD-
46 UCT OF TWENTY-THREE PERCENT (0.23) MULTIPLIED BY SUCH TOTAL AID FOR
47 ADJUSTMENT.

48 (III) THE TGFE CHECK SHALL BE THE PRODUCT OF THE TGFE PERCENTAGE AND
49 THE TOTAL GENERAL FUND EXPENDITURES OF SUCH DISTRICT IN THE BASE YEAR.

50 (IV) THE ADMINISTRATIVE EFFICIENCY OFFSET SHALL BE THE PRODUCT OF
51 SEVENTY-FIVE DOLLARS (\$75), MULTIPLIED BY THE STATE SHARING RATIO,
52 MULTIPLIED BY THE TOTAL AIDABLE FOUNDATION PUPIL UNITS.

53 THE GAP ELIMINATION ADJUSTMENT FOR A DISTRICT SHALL EQUAL THE LESSER
54 OF THE DISTRICT'S PERCENTAGE REDUCTION AND ITS TGFE CHECK, PROVIDED,
55 HOWEVER, THAT IN THE CASE OF A DISTRICT WITH A TAX EFFORT RATIO GREATER
56 THAN FOUR AND ONE-HALF PERCENT (0.045) AND A COMBINED WEALTH RATIO FOR

1 TOTAL FOUNDATION AID THAT IS LESS THAN ONE AND FIVE-TENTHS (0.015)
2 PERCENT, THE GAP ELIMINATION ADJUSTMENT FOR A DISTRICT SHALL EQUAL THE
3 LESSER OF THE PERCENTAGE REDUCTION, THE TGFE CHECK AND THE TAX EFFORT
4 REDUCTION, AND FURTHER PROVIDED THAT IN THE CASE OF A SCHOOL DISTRICT,
5 OTHER THAN A CITY SCHOOL DISTRICT OF A CITY HAVING A POPULATION IN
6 EXCESS OF ONE HUNDRED TWENTY-FIVE THOUSAND, WITH (A) AN ADMINISTRATIVE
7 EFFICIENCY RATIO OF LESS THAN ONE AND EIGHT-TENTHS PERCENT (0.018) AND
8 (B) AN ADMINISTRATIVE EXPENSE PER PUPIL OF LESS THAN THREE HUNDRED
9 FORTY-EIGHT DOLLARS (\$348), THE GAP ELIMINATION ADJUSTMENT SHALL BE
10 REDUCED BY AN AMOUNT EQUAL TO THE ADMINISTRATIVE EFFICIENCY OFFSET.

11 (3) FOR THE PURPOSES OF SUCH COMPUTATION, (I) "TOTAL AID FOR ADJUST-
12 MENT" SHALL MEAN THE SUM OF THE AMOUNTS SET FORTH FOR EACH SCHOOL
13 DISTRICT AS "FOUNDATION AID", "FULL DAY K CONVERSION", "BOCES + SPECIAL
14 SERVICES", "HIGH COST EXCESS COST", "PRIVATE EXCESS COST", "HARDWARE &
15 TECHNOLOGY", "SOFTWARE, LIBRARY, TEXTBOOK", "TRANSPORTATION INCL
16 SUMMER", "OPERATING REORG INCENTIVE", "CHARTER SCHOOL TRANSITIONAL",
17 "ACADEMIC ENHANCEMENT", "HIGH TAX AID" AND "SUPPLEMENTAL PUB EXCESS
18 COST" UNDER THE HEADING "2011-12 ESTIMATED AIDS" IN THE SCHOOL AID
19 COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE EXECU-
20 TIVE BUDGET PROPOSAL FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE
21 SCHOOL YEAR;

22 (II) "THREE-YEAR AVERAGE FREE AND REDUCED PRICE LUNCH PERCENT" SHALL
23 MEAN THE QUOTIENT OF (A) THE SUM OF THE NUMBER OF PUPILS IN KINDERGARTEN
24 THROUGH GRADE SIX ATTENDING THE PUBLIC SCHOOLS OF THE DISTRICT WHO HAVE
25 APPLICATIONS ON FILE OR WHO ARE LISTED ON A DIRECT CERTIFICATION LETTER
26 CONFIRMING THEIR ELIGIBILITY FOR PARTICIPATION IN THE STATE AND FEDER-
27 ALLY FUNDED FREE AND REDUCED PRICE LUNCH PROGRAM ON THE DATE ENROLLMENT
28 WAS COUNTED IN ACCORDANCE WITH THIS SUBDIVISION FOR THE YEAR PRIOR TO
29 THE BASE YEAR, PLUS SUCH NUMBER OF ELIGIBLE APPLICANTS FOR THE FREE AND
30 REDUCED PRICE LUNCH PROGRAM COMPUTED FOR THE YEAR TWO YEARS PRIOR TO THE
31 BASE YEAR, PLUS SUCH NUMBER OF ELIGIBLE APPLICANTS FOR THE FREE AND
32 REDUCED PRICE LUNCH PROGRAM COMPUTED FOR THE YEAR THREE YEARS PRIOR TO
33 THE BASE YEAR, DIVIDED BY (B) THE SUM OF THE NUMBER OF PUPILS IN KINDER-
34 GARTEN THROUGH GRADE SIX ON A REGULAR ENROLLMENT REGISTER OF A PUBLIC
35 SCHOOL DISTRICT ON THE DATE ENROLLMENT WAS COUNTED IN ACCORDANCE WITH
36 THIS SUBDIVISION FOR THE YEAR PRIOR TO THE BASE YEAR, PLUS SUCH NUMBER
37 OF PUPILS IN KINDERGARTEN THROUGH GRADE SIX ON A REGULAR ENROLLMENT
38 REGISTER OF A PUBLIC SCHOOL DISTRICT COMPUTED FOR THE YEAR TWO YEARS
39 PRIOR TO THE BASE YEAR, PLUS SUCH NUMBER OF PUPILS IN KINDERGARTEN
40 THROUGH GRADE SIX ON A REGULAR ENROLLMENT REGISTER OF A PUBLIC SCHOOL
41 DISTRICT COMPUTED FOR THE YEAR THREE YEARS PRIOR TO THE BASE YEAR; AND

42 (III) "TOTAL AIDABLE FOUNDATION PUPIL UNITS" SHALL MEAN THE TOTAL
43 AIDABLE FOUNDATION PUPIL UNITS COMPUTED PURSUANT TO PARAGRAPH G OF
44 SUBDIVISION TWO OF SUCH SECTION THIRTY-SIX HUNDRED TWO OF THIS PART, FOR
45 THE PURPOSES OF COMPUTING TOTAL FOUNDATION AID; AND

46 (IV) "COMBINED WEALTH RATIO FOR TOTAL FOUNDATION AID" SHALL MEAN THE
47 COMBINED WEALTH RATIO FOR TOTAL FOUNDATION AID COMPUTED PURSUANT TO
48 SUBPARAGRAPH TWO OF PARAGRAPH C OF SUBDIVISION THREE OF SECTION THIRTY-
49 SIX HUNDRED TWO OF THIS PART; AND

50 (V) "THE STATE SHARING RATIO" SHALL MEAN THE STATE SHARING RATIO
51 COMPUTED FOR TOTAL FOUNDATION AID COMPUTED PURSUANT TO PARAGRAPH G OF
52 SUBDIVISION THREE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS PART, BUT
53 NOT LESS THAN TEN PERCENT (0.10); AND

54 (VI) "TAX EFFORT RATIO" SHALL MEAN THE TAX EFFORT RATIO COMPUTED
55 PURSUANT TO SUBPARAGRAPH THREE OF PARAGRAPH A OF SUBDIVISION SIXTEEN OF
56 SECTION THIRTY-SIX HUNDRED TWO OF THIS PART; AND

(VII) "REDUCTION FACTOR" SHALL MEAN THE PRODUCT OF THE POSITIVE REMAINDER OF ONE LESS THE THREE-YEAR AVERAGE FREE AND REDUCED PRICE LUNCH PERCENT, MULTIPLIED BY THE COMBINED WEALTH RATIO FOR TOTAL FOUNDATION AID COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH C OF SUBDIVISION THREE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS PART; AND

(VIII) "ADMINISTRATIVE EFFICIENCY RATIO" SHALL MEAN THE QUOTIENT OF THE SUM OF THE EXPENDITURES RELATED TO THE BOARD OF EDUCATION, INCLUDING EXPENDITURES FOR THE BOARD OF EDUCATION, THE DISTRICT CLERK'S OFFICE, THE DISTRICT MEETING, AUDITING SERVICE, THE TREASURER'S OFFICE, THE TAX COLLECTOR'S OFFICE, LEGAL SERVICES AND THE SCHOOL CENSUS, PLUS EXPENDITURES FOR CENTRAL ADMINISTRATION, INCLUDING EXPENDITURES FOR THE CHIEF SCHOOL OFFICER, THE BUSINESS OFFICE, THE PURCHASING OFFICE, THE PERSONNEL OFFICE, THE RECORDS MANAGEMENT OFFICER, PUBLIC INFORMATION AND SERVICES AND FEES FOR FISCAL AGENTS, DIVIDED BY THE TOTAL EXPENDITURES CHARGED BY A DISTRICT TO THE GENERAL, DEBT SERVICE, AND SPECIAL AID FUNDS, EXCLUDING TRANSFERS FROM THE GENERAL FUND TO THE DEBT SERVICE AND SPECIAL AID FUNDS, BASED ON EXPENDITURES REPORTED BY THE DISTRICT FOR THE SCHOOL YEAR TWO YEARS PRIOR TO THE BASE YEAR, BASED ON DATA ON FILE FOR AN ELECTRONIC DATA FILE USED TO PRODUCE THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET REQUEST; AND

(IX) "ADMINISTRATIVE EXPENSE PER PUPIL" SHALL MEAN THE QUOTIENT OF THE SUM OF THE EXPENDITURES RELATED TO THE BOARD OF EDUCATION, INCLUDING EXPENDITURES FOR THE BOARD OF EDUCATION, THE DISTRICT CLERK'S OFFICE, THE DISTRICT MEETING, AUDITING SERVICE, THE TREASURER'S OFFICE, THE TAX COLLECTOR'S OFFICE, LEGAL SERVICES AND THE SCHOOL CENSUS, PLUS EXPENDITURES FOR CENTRAL ADMINISTRATION, INCLUDING EXPENDITURES FOR THE CHIEF SCHOOL OFFICER, THE BUSINESS OFFICE, THE PURCHASING OFFICE, THE PERSONNEL OFFICE, THE RECORDS MANAGEMENT OFFICER, PUBLIC INFORMATION AND SERVICES AND FEES FOR FISCAL AGENTS, CHARGED BY A DISTRICT TO THE GENERAL, DEBT SERVICE, AND SPECIAL AID FUNDS, BASED ON EXPENDITURES REPORTED BY THE DISTRICT FOR THE SCHOOL YEAR TWO YEARS PRIOR TO THE BASE YEAR, DIVIDED BY THE PUBLIC SCHOOL DISTRICT ENROLLMENT FOR THE BASE YEAR COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS PART BASED ON DATA ON FILE FOR AN ELECTRONIC DATA FILE USED TO PRODUCE THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET REQUEST; AND

(X) "TGFE PERCENTAGE" SHALL MEAN, (A) IN THE CASE OF A DISTRICT DETERMINED TO BE A HIGH NEED SCHOOL DISTRICT PURSUANT TO CLAUSE (C) OF SUBPARAGRAPH TWO OF PARAGRAPH C OF SUBDIVISION SIX OF SECTION THIRTY-SIX HUNDRED TWO OF THIS PART 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", FOR A SCHOOL DISTRICT WHICH HAS A THREE-YEAR AVERAGE FREE AND REDUCED PRICE LUNCH PERCENT GREATER THAN SEVENTY-FIVE PERCENT (0.75) AND WHICH HAS AN ADMINISTRATIVE EFFICIENCY RATIO LESS THAN ONE AND FIFTY-FIVE ONE HUNDREDTHS PERCENT (0.0155), FOUR AND SEVEN TENTHS PERCENT (0.047) AND FOR ALL OTHER SUCH SCHOOL DISTRICTS, SIX AND NINE TENTHS PERCENT (0.069), OR (B) IN THE CASE OF ALL OTHER SCHOOL DISTRICTS, ELEVEN PERCENT (0.11).

S 45. Paragraphs a and a-1 of subdivision 1 of section 3609-b of the education law, paragraph a as amended by section 26 and paragraph a-1 as added by section 27 of part A of chapter 57 of the laws of 2009, are amended to read as follows:

1 a. Any moneys to be apportioned by the commissioner to school
2 districts during the school year pursuant to this section for services
3 provided on or before June thirtieth, two thousand nine THAT WERE REIM-
4 Bursed BY THE STATE ON OR BEFORE APRIL FIRST, TWO THOUSAND ELEVEN shall,
5 in the first instance, be designated as the state share of moneys due a
6 school district pursuant to title XIX of the social security act, on
7 account of school supportive health services provided to students with
8 disabilities in special education programs pursuant to article eighty-
9 nine of this chapter and to those pupils who are qualified handicapped
10 persons as defined in the federal rehabilitation act of nineteen hundred
11 seventy-three, as amended. Some or all of such state share may be
12 assigned on behalf of school districts to the department of health, as
13 provided herein; any remaining state share moneys shall be paid to
14 school districts on the same schedule as the federal share of such title
15 XIX payments and shall be based on the monthly report of the commission-
16 er of health to the commissioner; and any remaining moneys to be appor-
17 tioned to a school district pursuant to this section shall be paid in
18 accordance with the provisions of subdivision two of this section. The
19 amount to be assigned to the department of health, as determined by the
20 commissioner of health, for any school district shall not exceed the
21 federal share of any moneys due such school district pursuant to title
22 XIX. Moneys designated as state share moneys shall be paid to such
23 school districts based on the submission and approval of claims related
24 to such school supportive health services, in the manner provided by
25 law.

26 a-1. Any moneys to be apportioned by the commissioner to school
27 districts during the school year pursuant to this section for services
28 provided during the two thousand nine--two thousand ten school year and
29 thereafter, OR FOR SERVICES PROVIDED IN A PRIOR SCHOOL YEAR THAT WERE
30 NOT REIMBURSED BY THE STATE ON OR BEFORE APRIL FIRST, TWO THOUSAND ELEV-
31 EN, shall, in the first instance, be designated as the state share of
32 moneys due a school district pursuant to title XIX of the social securi-
33 ty act, on account of school supportive health services provided to
34 students with disabilities in special education programs pursuant to
35 article eighty-nine of this chapter and to those pupils who are quali-
36 fied handicapped persons as defined in the federal rehabilitation act of
37 nineteen hundred seventy-three, as amended. Such state share shall be
38 assigned on behalf of school districts to the department of health, as
39 provided herein; the amount designated as such nonfederal share shall be
40 transferred by the commissioner to the department of health based on the
41 monthly report of the commissioner of health to the commissioner; and
42 any remaining moneys to be apportioned to a school district pursuant to
43 this section shall be paid in accordance with the provisions of subdivi-
44 sion two of this section. The amount to be assigned to the department of
45 health, as determined by the commissioner of health, for any school
46 district shall not exceed the federal share of any moneys due such
47 school district pursuant to title XIX. Moneys designated as state share
48 moneys shall be paid to such school districts by the department of
49 health based on the submission and approval of claims related to such
50 school supportive health services, in the manner provided by law.

51 S 46. Paragraph b of subdivision 2 of section 3612 of the education
52 law, as amended by section 28 of part A of chapter 57 of the laws of
53 2009, is amended to read as follows:

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

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

17 S 47. Subdivision 6 of section 3622-a of the education law, as amended
18 by chapter 422 of the laws of 2004, is amended to read as follows:

19 6. Transportation of pupils to and from approved summer school
20 programs operated by a school district in the two thousand--two thousand
21 one school year and thereafter, provided, however, [that any expenses
22 for which aid is received pursuant to subdivision thirty-nine of section
23 thirty-six hundred two of this article shall be excluded from the compu-
24 tation of allowable transportation expense, and provided further] that
25 if the total statewide apportionment attributable to allowable transpor-
26 tation expenses incurred pursuant to this subdivision exceeds five
27 million dollars (\$5,000,000), individual school district allocations
28 shall be prorated to ensure that the apportionment for such summer
29 transportation does not exceed five million dollars (\$5,000,000),
30 provided that such prorated apportionment computed and payable as of
31 September one of the school year immediately following the school year
32 for which such aid is claimed shall be deemed final and not subject to
33 change; and

34 S 48. Paragraph c of subdivision 2 of section 3623-a of the education
35 law, as amended by chapter 453 of the laws of 2005, is amended and a new
36 paragraph f is added to read as follows:

37 c. [The] SUBJECT TO THE LIMITATION IN PARAGRAPH F OF THIS SUBDIVISION,
38 THE purchase of equipment deemed a proper school district expense,
39 including: (i) the purchase of two-way radios to be used on old and new
40 school buses, (ii) the purchase of stop-arms, to be used on old and new
41 school buses, (iii) the purchase and installation of seat safety belts
42 on school buses in accordance with the provisions of section thirty-six
43 hundred thirty-five-a of this article, (iv) the purchase of school bus
44 back up beepers, (v) the purchase of school bus front crossing arms,
45 (vi) the purchase of school bus safety sensor devices, (vii) the
46 purchase and installation of exterior reflective marking on school
47 buses, (viii) the purchase of automatic engine fire extinguishing
48 systems for school buses used to transport students who use wheelchairs
49 or other assistive mobility devices, and (ix) the purchase of other
50 equipment as prescribed in the regulations of the commissioner; and

51 F. NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH C OF THIS SUBDIVISION,
52 ALLOWABLE EXPENSES FOR THE PURCHASE OF EQUIPMENT FOR NEW SCHOOL BUSES
53 PURCHASED ON OR AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH SHALL BE
54 LIMITED TO EXPENSES FOR THOSE ITEMS OF EQUIPMENT DETERMINED BY THE
55 DEPARTMENT TO BE COST-EFFECTIVE.

1 S 49. Section 3641 of the education law is amended by adding a new
2 subdivision 7 to read as follows:

3 7. A. THERE IS HEREBY ESTABLISHED WITHIN THE DEPARTMENT THE LOCAL
4 COMPETITIVE PERFORMANCE GRANT PROGRAM FOR PRIORITY INITIATIVES TO
5 IMPROVE THE ACADEMIC ACHIEVEMENT OF STUDENTS.

6 B. THE COMMISSIONER MAY AWARD GRANTS, WITHIN AVAILABLE FUNDING, IN
7 SUPPORT OF PROGRAMS THAT HAVE PROVEN TO BE EFFECTIVE IN IMPROVING THE
8 ACADEMIC ACHIEVEMENT OF STUDENTS, INCLUDING TO THE EXTENT PRACTICABLE,
9 BUT NOT LIMITED TO, SERVICES THAT SUPPORT STUDENTS' ACADEMIC ACHIEVEMENT
10 AND CLASSROOM READINESS, ENHANCE THE PROFESSIONAL CAPACITY OF TEACHERS
11 OR PROVIDE SUPPORT FOR ECONOMICALLY DISADVANTAGED AND UNDERREPRESENTED
12 INDIVIDUALS WHO WISH TO ENTER THE TEACHING WORKFORCE. SUCH GRANTS SHALL
13 BE AWARDED UNDER THIS SECTION ON A COMPETITIVE BASIS PURSUANT TO A
14 REQUEST FOR APPLICATION/PROPOSAL PROCESS AS DEVELOPED BY THE COMMISSION-
15 ER AND APPROVED BY THE DIRECTOR OF THE BUDGET.

16 C. THE COMMISSIONER MAY PROMULGATE REGULATIONS, INCLUDING ON AN EMER-
17 GENCY BASIS, AS NECESSARY TO IMPLEMENT THIS SECTION.

18 S 50. Paragraph b of subdivision 11 of section 3641 of the education
19 law, as amended by chapter 9 of the laws of 2008, is amended to read as
20 follows:

21 b. To the Roosevelt union free school district FOR THE TWO THOUSAND
22 ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR there shall be paid [twelve] SIX
23 million dollars [(\$12,000,000)] (\$6,000,000) on an annual basis, AND FOR
24 THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR AND THEREAFT-
25 ER THERE SHALL BE PAID TWELVE MILLION DOLLARS (\$12,000,000) ON ANNUAL
26 BASIS. For school years commencing on July first, two thousand seven and
27 thereafter, such special academic improvement grant shall be payable
28 from funds appropriated for such purpose and shall be apportioned to the
29 Roosevelt union free school district in accordance with the payment
30 schedules contained in section three thousand six hundred nine-a of this
31 article, notwithstanding any provision of law to the contrary.

32 S 51. Section 4201 of the education law, subdivision 1 as amended by
33 chapter 183 of the laws of 1965, paragraph h of subdivision 1 as amended
34 by chapter 496 of the laws of 1986 and paragraph l of subdivision 1 as
35 amended by chapter 111 of the laws of 1975, is amended to read as
36 follows:

37 S 4201. [Duties of commissioner of education] APPROVED PRIVATE SCHOOLS
38 FOR THE INSTRUCTION OF THE BLIND AND THE DEAF AND OTHER STUDENTS WITH
39 DISABILITIES. 1. The following institutions for the instruction of the
40 deaf and of the blind shall be [subject to the visitation of the commis-
41 sioner of education] DEEMED TO BE APPROVED PRIVATE NONRESIDENTIAL AND
42 RESIDENTIAL SCHOOLS FOR THE EDUCATION OF STUDENTS WITH DISABILITIES
43 APPROVED PURSUANT TO PARAGRAPHS E AND G OF SUBDIVISION TWO OF SECTION
44 FORTY-FOUR HUNDRED ONE OF THIS TITLE, AS APPLICABLE, AS OF JULY FIRST,
45 TWO THOUSAND ELEVEN AND THEREAFTER SHALL OPERATE AS APPROVED PRIVATE
46 NONRESIDENTIAL AND RESIDENTIAL SCHOOLS PURSUANT TO ARTICLE EIGHTY-NINE
47 OF THIS TITLE FOR ALL PURPOSES, INCLUDING WHERE APPLICABLE AS AN
48 APPROVED PROGRAM UNDER SECTION FORTY-FOUR HUNDRED EIGHT OF THIS TITLE,
49 EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION AND SECTION FORTY-TWO
50 HUNDRED FOUR-A OF THIS ARTICLE:

- 51 a. The New York school for the deaf;
- 52 b. The Lexington school for the deaf;
- 53 c. St. Mary's school for the deaf in the city of Buffalo;
- 54 d. THE HENRY VISCARDI SCHOOL;
- 55 e. St. Joseph's school for the deaf in the city of New York;
- 56 f. Rochester school for the deaf in the city of Rochester;

1 h. The New York Institute for Special Education in the city of New
2 York;

3 i. Lavelle School for the Blind in the city of New York;

4 j. Mill Neck Manor school for the deaf in Nassau county;

5 k. St. Francis DeSales school for the deaf and hard of hearing in the
6 county of Kings.

7 l. Cleary Deaf Child Center, Inc., in the counties of Suffolk and
8 Nassau.

9 2. [It shall be the duty of the commissioner:

10 a. To inquire into the organization of the several schools and the
11 methods of instruction employed therein.

12 b. To prescribe courses of study and methods of instruction that will
13 meet the requirements of the state for the education of state pupils.

14 c. To make appointments of pupils to the several schools, to transfer
15 such pupils from one school to another as circumstances may require; to
16 cancel appointments for sufficient reason.

17 d. To ascertain by a comparison with other similar institutions wheth-
18 er any improvements in instruction and discipline can be made; and for
19 that purpose to appoint from time to time, suitable persons to visit the
20 schools.

21 e. To suggest to the directors of such institutions and to the legis-
22 lature such improvements as he shall judge expedient.

23 f. To make an annual report to the legislature on all of the matters
24 enumerated in this subdivision and particularly as to the condition of
25 the schools, the improvement of the pupils, and their treatment in
26 respect to board and lodging.] BY NO LATER THAN JULY FIRST, TWO THOUSAND
27 TWELVE, THE COMMISSIONER SHALL REVIEW THE APPROVED STATUS OF EACH SUCH
28 SCHOOL AND, BASED ON THE STANDARDS APPLICABLE TO ALL OTHER APPROVED
29 PRIVATE SCHOOLS, DETERMINE WHETHER TO CONTINUE OR REVOKE SUCH APPROVAL
30 BASED UPON THE SCHOOL'S COMPLIANCE WITH SUCH STANDARDS. IN ADDITION,
31 SUCH SCHOOLS MAY BE APPROVED BY THE COMMISSIONER TO SERVE STUDENT POPU-
32 LATIONS OTHER THAN BLIND OR VISUALLY IMPAIRED OR DEAF OR HEARING
33 IMPAIRED STUDENTS.

34 3. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION TO
35 THE CONTRARY, THE STATE APPOINTMENTS OF ALL STUDENTS OF SCHOOL AGE
36 ENROLLED IN SUCH SCHOOLS PRIOR TO JULY FIRST, TWO THOUSAND ELEVEN SHALL
37 CONTINUE UNTIL JUNE THIRTIETH, TWO THOUSAND TWELVE OR UNTIL SUCH TIME AS
38 THE COMMITTEE ON SPECIAL EDUCATION OF THE SCHOOL DISTRICT IN WHICH THE
39 STUDENT CURRENTLY RESIDES HAS RECOMMENDED AN INDIVIDUALIZED EDUCATION
40 PROGRAM FOR SUCH STUDENT FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND
41 TWELVE SCHOOL YEAR, WHICHEVER IS LATER. WHERE SUCH COMMITTEE ON SPECIAL
42 EDUCATION HAS RECOMMENDED PLACEMENT IN AN APPROVED PRIVATE SCHOOL LISTED
43 IN SUBDIVISION ONE OF THIS SECTION PURSUANT TO PARAGRAPH D OF SUBDIVI-
44 SION TWO OF SECTION FORTY-FOUR HUNDRED ONE OF THIS TITLE FOR THE TWO
45 THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR IN AN INDIVIDUALIZED
46 EDUCATION PROGRAM RECOMMENDED PRIOR TO JULY FIRST, TWO THOUSAND ELEVEN,
47 SUCH PLACEMENT SHALL BE DEEMED TO HAVE BEEN A PLACEMENT IN SUCH SCHOOL
48 MADE PURSUANT TO PARAGRAPHS E AND G OF SUBDIVISION TWO OF SECTION
49 FORTY-FOUR HUNDRED ONE OF THIS TITLE AND SHALL CONTINUE WITHOUT
50 DISRUPTION DESPITE TERMINATION OF THE STATE APPOINTMENT.

51 4. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE
52 CURRENT SCHOOL DISTRICT OF RESIDENCE OF EACH STUDENT ENROLLED IN SUCH
53 SCHOOL SHALL BE RESPONSIBLE FOR THE TUITION AND MAINTENANCE COSTS,
54 EXCEPT WHERE SUCH MAINTENANCE COSTS ARE REIMBURSED BY A DIRECT STATE
55 APPROPRIATION FOR SUCH PURPOSE, OF STUDENTS OF SCHOOL AGE ENROLLED IN
56 SUCH SCHOOLS PURSUANT TO SECTION FORTY-FOUR HUNDRED FIVE OF THIS TITLE

1 TO THE SAME EXTENT AS WITH OTHER APPROVED PRIVATE SCHOOLS, INCLUDING ANY
2 STUDENTS WHOSE STATE APPOINTMENTS ARE CONTINUED BEYOND JUNE THIRTIETH,
3 TWO THOUSAND ELEVEN IN ACCORDANCE WITH SUBDIVISION THREE OF THIS
4 SECTION. PROVIDED, HOWEVER, THAT THE COSTS OF PARTICIPATION IN A PUBLIC
5 RETIREMENT SYSTEM FOR EMPLOYEES HIRED ON OR BEFORE JUNE THIRTIETH, TWO
6 THOUSAND ELEVEN SHALL CONTINUE TO BE ALLOWABLE AND SUCH EMPLOYEES SHALL
7 CONTINUE TO BE DEEMED PUBLIC EMPLOYEES AND THE SCHOOLS PUBLIC EMPLOYERS
8 SOLELY FOR SUCH PURPOSE. EMPLOYEES OF SUCH SCHOOLS HIRED ON OR AFTER
9 JULY FIRST, TWO THOUSAND ELEVEN SHALL NOT BE ELIGIBLE TO PARTICIPATE IN
10 A PUBLIC RETIREMENT SYSTEM.

11 5. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION TO
12 THE CONTRARY, ON AND AFTER JULY FIRST, TWO THOUSAND ELEVEN, SUCH SCHOOLS
13 SHALL NOT BE AUTHORIZED TO OPERATE MULTIDISCIPLINARY TEAMS, AND EACH
14 STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM MAY ONLY BE DEVELOPED, RECOM-
15 MENDED AND REVISED BY THE COMMITTEE ON SPECIAL EDUCATION OF THE
16 STUDENT'S SCHOOL DISTRICT OF RESIDENCE.

17 6. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION TO
18 THE CONTRARY, ALL PRESCHOOL PROGRAMS SERVING STUDENTS WITH DISABILITIES
19 THAT WERE PROVIDED BY A SCHOOL ENUMERATED IN SUBDIVISION ONE OF THIS
20 SECTION IN THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN SCHOOL YEAR, OTHER
21 THAN THOSE PROGRAMS AUTHORIZED BY SECTION FORTY-TWO HUNDRED FOUR-A OF
22 THIS ARTICLE, SHALL, AS OF JULY FIRST, TWO THOUSAND ELEVEN, BE DEEMED TO
23 BE APPROVED PROGRAMS PURSUANT TO SECTION FORTY-FOUR HUNDRED TEN OF THIS
24 TITLE. BY NO LATER THAN JULY FIRST, TWO THOUSAND TWELVE, THE COMMISSION-
25 ER SHALL REVIEW THE APPROVED STATUS OF EACH SUCH PROGRAM AND, BASED ON
26 THE STANDARDS APPLICABLE TO ALL OTHER APPROVED PROGRAMS FOR CHILDREN
27 WITH DISABILITIES, DETERMINE WHETHER TO CONTINUE OR REVOKE SUCH APPROVAL
28 BASED UPON THE SCHOOL'S COMPLIANCE WITH SUCH STANDARDS.

29 7. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION TO
30 THE CONTRARY, ANY REFERENCE IN LAW TO "STATE-SUPPORTED SCHOOLS" SHALL BE
31 DEEMED A REFERENCE TO THE SCHOOLS ENUMERATED IN SUBDIVISION ONE OF THIS
32 SECTION AND SHALL CONTINUE IN EFFECT UNLESS IT CONFLICTS WITH THE
33 PROVISIONS OF THIS SECTION, IN WHICH CASE THE PROVISIONS OF THIS SECTION
34 SHALL PREVAIL.

35 S 52. Sections 4202, 4203, subdivisions 2 and 3 of section 4204, 4205,
36 4206, subdivisions 2, 3 and 4 of section 4207, 4208, 4209, 4211, 4212
37 and 4213 of the education law are REPEALED.

38 S 53. Subdivision 1 of section 4204 of the education law, as amended
39 by chapter 352 of the laws of 1958, is amended to read as follows:

40 1. Each deaf pupil so received into any of the institutions aforesaid
41 shall be provided with board, lodging and tuition; and the directors of
42 the institution shall receive an appropriation for each pupil so
43 provided for, in quarterly payments, to be paid by the commissioner of
44 taxation and finance, on the warrant of the comptroller, to the treasur-
45 er of said institution; provided, however, that an estimated one-half of
46 each such quarterly payment shall be due on the first day of each quar-
47 ter, the estimate to be based on the affidavit of the chief executive
48 officer of the institution stating the number of pupils for whom board,
49 lodging and tuition was so provided by the institution during the
50 preceding quarter and during the comparable quarter of the preceding
51 year, and the remaining part of each such quarterly payment shall be due
52 thereafter on the first day of the quarter next ensuing, upon the pres-
53 entation by the treasurer of the institution of a bill showing the actu-
54 al time and number of pupils attending the institution, which bill shall
55 be signed by the chief executive officer of the institution, and veri-
56 fied by his oath. THE PROVISIONS OF THIS SUBDIVISION SHALL APPLY TO

1 BOARD, LODGING AND TUITION FOR THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN
2 AND PRIOR SCHOOL YEARS.

3 S 54. Section 4204-a of the education law, as added by chapter 1066 of
4 the laws of 1974, subdivision 1 as amended by chapter 705 of the laws of
5 1992, is amended to read as follows:

6 S 4204-a. DEAF-INFANT PROGRAM. (1) All deaf children resident in this
7 state, below the age of three, of suitable age and capacity, who shall
8 have been resident in this state for one year immediately preceding the
9 application, or is an orphan whose nearest friend shall have been resi-
10 dent in this state for one year immediately preceding the application,
11 shall be eligible to receive approved educational services in one of the
12 institutions for instruction for the deaf of the state as enumerated in
13 section forty-two hundred one of this article, as well as in such educa-
14 tional programs or other like facilities which shall, in the discretion
15 of the commissioner, be certified as eligible to receive such pupils on
16 a day basis only; provided, however, the foregoing requirement as to
17 length of residence in this state may be waived in the discretion of the
18 commissioner. Such children who are first eligible for services pursuant
19 to section forty-four hundred ten of this [chapter] TITLE whose parents
20 or persons in parental relationship elect to have them continue to
21 receive services pursuant to this section may do so through August thir-
22 ty-first of the calendar year in which such child turns three.

23 (2) Each deaf pupil so received into any of the approved institutions
24 or facilities aforesaid shall be provided with tuition; and the direc-
25 tors of the institution or facility shall receive an appropriation for
26 each pupil so provided for, in quarterly payments, to be paid by the
27 commissioner of taxation and finance on the warrant of the comptroller,
28 to the treasurer of said institution or facility, on his OR HER present-
29 ing a bill showing the actual time and number of pupils in attendance,
30 which bill shall be signed by the chief executive officer of the insti-
31 tution, and verified under his OR HER oath.

32 (3) Children placed in any such approved institution or facility,
33 pursuant to this section, shall be maintained therein on a day basis
34 only at the expense of the state for the period of time the school is in
35 session. Further, the commissioner shall approve such expense only if
36 the child attends the facility nearest his OR HER legal residence;
37 provided, however, that the foregoing requirement as to the facility the
38 child shall attend may be waived in the discretion of the commissioner.

39 (4) The commissioner shall promulgate such rules and regulations
40 pertaining to the educational programs for deaf children placed in
41 facilities under the provisions of this section as he OR SHE shall deem
42 to be in the best interests of such children.

43 (5) The [state education] department shall maintain a register of such
44 approved institutions or facilities which, after inspection, it deems
45 qualified to meet the needs of such child for instruction of such child
46 in such institution or facility. Such inspection shall also determine
47 the eligibility of such educational facility to receive the funds
48 hereinbefore specified.

49 S 55. Section 4204-b of the education law, as added by chapter 853 of
50 the laws of 1976, is amended to read as follows:

51 S 4204-b. School district contribution. The school district of which
52 any such child is resident at the time of admission or readmission to
53 any of the institutions or facilities enumerated in section forty-two
54 hundred one of this [chapter] ARTICLE shall be required to reimburse the
55 state on account of any expenditure made by the state for any such child
56 initially appointed by the commissioner to such institution or facility

1 after June thirtieth, nineteen hundred seventy-seven AND ATTENDING SUCH
2 FACILITY OR INSTITUTION IN THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN
3 SCHOOL YEAR OR A PRIOR SCHOOL YEAR in an amount equal to the school
4 district basic contribution defined in subdivision eight of section
5 forty-four hundred one of this [chapter] TITLE. The state comptroller
6 may deduct from any state funds which become due to a school district
7 for each year in which such child was in attendance at such institution
8 or facility an amount equal to the reimbursement required to be made by
9 such school district in accordance with this section, and the amount so
10 deducted shall not be included in the operating expense of such district
11 for the purposes of computing the apportionment for operating expense
12 aid pursuant to subdivision eleven of section thirty-six hundred two of
13 this chapter.

14 S 56. Subdivision 1 of section 4207 of the education law, as amended
15 by chapter 352 of the laws of 1958, is amended to read as follows:

16 1. Each blind pupil so received into any of the institutions specified
17 in this article shall be provided with board, lodging and tuition; and
18 the directors of the institution shall receive an appropriation for each
19 pupil so provided for, in quarterly payments, to be paid by the commis-
20 sioner of taxation and finance, on the warrant of the comptroller, to
21 the treasurer of said institution; provided, however, that an estimated
22 one-half of each such quarterly payment shall be due on the first day of
23 each quarter, the estimate to be based on the affidavit of the chief
24 executive officer of the institution stating the number of pupils for
25 whom board, lodging and tuition was so provided by the institution
26 during the preceding quarter and during the comparable quarter of the
27 preceding year, and the remaining part of each such quarterly payment
28 shall be due thereafter on the first day of the quarter next ensuing,
29 upon the presentation by the treasurer of the institution of a bill
30 showing the actual time and number of pupils attending the institution,
31 which bill shall be signed by the chief executive officer of the insti-
32 tution, and verified by his oath. THE PROVISIONS OF THIS SUBDIVISION
33 SHALL APPLY TO BOARD, LODGING AND TUITION FOR THE TWO THOUSAND TEN--TWO
34 THOUSAND ELEVEN AND PRIOR SCHOOL YEARS.

35 S 57. Paragraph d of subdivision 2 of section 4401 of the education
36 law, as amended by chapter 53 of the laws of 1990, is amended to read as
37 follows:

38 d. Appointment by the commissioner to a state school in accordance
39 with article eighty-seven or eighty-eight of this [chapter or a state-
40 supported school in accordance with article eighty-five of this chapter]
41 TITLE.

42 S 58. Subdivision 6 of section 4402 of the education law, as amended
43 by section 34 of part A of chapter 57 of the laws of 2009, is amended to
44 read as follows:

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

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

28 S 59. Subdivision 17 of section 4403 of the education law, as amended
29 by chapter 53 of the laws of 1987, is amended to read as follows:

30 17. Commencing with the nineteen hundred eighty-seven--eighty-eight
31 school year, to provide for instruction during the months of July and
32 August of students with [handicapping conditions] DISABILITIES who have
33 received state appointments pursuant to article [eighty-five,] eighty-
34 seven or eighty-eight of this [chapter] TITLE and whose [handicapping
35 conditions] DISABILITIES, in the judgment of the commissioner, are
36 severe enough to exhibit the need for a structured learning environment
37 of twelve months duration to maintain developmental levels, by making
38 such appointments for twelve months; provided that the initial term of
39 appointment of a student with a [handicapping condition] DISABILITY who
40 is the minimum age eligible for such a state appointment shall not
41 commence during the months of July or August.

42 S 60. Section 4408 of the education law, as amended by chapter 82 of
43 the laws of 1995, subdivision 1 as amended by section 32 and subdivision
44 3 as amended by section 33 of part A-1 of chapter 58 of the laws of
45 2006, is amended to read as follows:

46 S 4408. Payment for July and August programs for students with disa-
47 bilities. 1. State aid. The commissioner shall make payments for
48 approved July and August programs for students with disabilities in
49 accordance with this section in an amount equal to [eighty percent of]
50 THE PRODUCT OF THE STATE PAYMENT, COMPUTED PURSUANT TO SUBDIVISION FIVE
51 OF THIS SECTION, AND the sum of the approved tuition and maintenance
52 rates and the transportation expense for the current year enrollment of
53 students with disabilities ages five through twenty-one or students
54 eligible for services during July and August pursuant to article [eight-
55 y-five,] eighty-seven or eighty-eight of this chapter, where such costs
56 are determined pursuant to section forty-four hundred five of this arti-

cle, provided that the placement of such students was approved by the commissioner, if required. Such programs shall operate for six weeks and shall be funded for thirty days of service, provided, however, that the observance of the legal holiday for Independence day may constitute a day of service. Upon certification by the school district in which the student resides, that such services were provided, such payment shall be made to the provider of such services, in accordance with the provisions of subdivision three of this section.

2. Chargeback to a municipality. Ten percent of the approved cost of July and August services provided pursuant to this section for each student shall be a charge against the municipality in which the parent, or person in parental relationship to such student, resided on July first of the school year in which such services were provided. The comptroller shall deduct from any state funds which become due to a municipality an amount equal to such ten percent required in accordance with this subdivision which amount shall be credited to the local assistance account of the state education department as designated by the division of the budget.

3. Payment schedule. For aid payable in the [two thousand six--two thousand seven] TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE school year AND THEREAFTER, moneys appropriated annually to the department from the general fund - local assistance account under the elementary, middle and secondary education program for July and August programs for students with disabilities, shall be used as follows: (i) for remaining base year and prior school years obligations, PROVIDED THAT STATE AID PAYMENTS DUE FOR SUCH PRIOR SCHOOL YEARS SHALL BE PAID WITHIN THE LIMIT OF THE APPROPRIATION DESIGNATED FOR SUCH PURPOSE, AND PROVIDED FURTHER THAT EACH ELIGIBLE CLAIM SHALL BE PAYABLE IN THE ORDER THAT IT HAS BEEN APPROVED FOR PAYMENT BY THE COMMISSIONER, BUT IN NO CASE SHALL A SINGLE CLAIM DRAW DOWN MORE THAN FORTY-FIVE PERCENT OF THE APPROPRIATION SO DESIGNATED FOR A SINGLE YEAR, AND PROVIDED FURTHER THAT NO CLAIM SHALL BE SET ASIDE FOR INSUFFICIENCY OF FUNDS TO MAKE A COMPLETE PAYMENT, BUT SHALL BE ELIGIBLE FOR A PARTIAL PAYMENT IN ONE YEAR AND SHALL RETAIN ITS PRIORITY DATE STATUS FOR APPROPRIATIONS DESIGNATED FOR SUCH PURPOSES IN FUTURE YEARS, (ii) for the purposes of subdivision four of this section for schools operated under articles eighty-seven and eighty-eight of this chapter, OR ANY OTHER PURPOSE OF SUCH APPROPRIATION EXCEPT AS DESIGNATED IN PARAGRAPH (I) OF THIS SUBDIVISION AND THIS PARAGRAPH and (iii) notwithstanding any inconsistent provisions of this chapter, for payments made pursuant to this section for current school year obligations WITHIN THE LIMIT OF THE AMOUNT OF THE APPROPRIATION DESIGNATED FOR SUCH PURPOSE THAT REMAINS AFTER PAYMENT OF CLAIMS PURSUANT TO PARAGRAPHS (I) AND (II) OF THIS SUBDIVISION, provided, however, that such payments shall not exceed seventy percent of the state aid due for the sum of the approved tuition and maintenance rates and transportation expense provided for herein; provided, however, that payment of eligible claims shall be payable in the order that such claims have been approved for payment by the commissioner, but in no case shall a single payee draw down more than forty-five percent of the appropriation provided for the purposes of this section, and provided further that no claim shall be set aside for insufficiency of funds to make a complete payment, but shall be eligible for a partial payment in one year and shall retain its priority date status for appropriations provided for this section in future years.

4. Of the amount so appropriated to the department for the July and August programs for schools operated under articles eighty-seven and

1 eighty-eight of this chapter, an amount shall be transferred to the
2 special revenue funds - other, Batavia school for the blind and Rome
3 school for the deaf accounts, pursuant to a plan to be developed by the
4 commissioner and approved by the director of the budget for students
5 with disabilities attending July and August programs pursuant to this
6 section at such schools pursuant to such articles. Such amount shall be
7 determined by the tuition and maintenance rates and the total number of
8 students with disabilities approved by the commissioner for placement
9 for the July and August program. The commissioner shall establish the
10 methodology for computation of such tuition and maintenance rates for
11 each school which shall take into account all pertinent expenditures
12 including administration, direct care staff, nondirect care staff and
13 other than personal service costs.

14 5. State [share] PAYMENT. A. FOR SCHOOL YEARS COMMENCING PRIOR TO
15 JULY FIRST, TWO THOUSAND ELEVEN, THE STATE PAYMENT SHALL BE EIGHTY
16 PERCENT OF THE SUM OF SUCH APPROVED TUITION AND MAINTENANCE RATES AND
17 TRANSPORTATION EXPENSE.

18 B. FOR SCHOOL YEARS COMMENCING ON OR AFTER JULY FIRST, TWO THOUSAND
19 ELEVEN, THE STATE PAYMENT SHALL BE EQUAL TO THE STATE SHARING RATIO FOR
20 TOTAL FOUNDATION AID COMPUTED PURSUANT TO PARAGRAPH G OF SUBDIVISION
21 THREE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS CHAPTER, BUT SHALL NOT
22 BE LESS THAN TWENTY PERCENT NOR MORE THAN NINETY PERCENT.

23 C. NOTHING IN THIS SUBDIVISION SHALL BE CONSTRUED TO ALTER THE CHARGE-
24 BACK TO A MUNICIPALITY REQUIRED PURSUANT TO SUBDIVISION TWO OF THIS
25 SECTION.

26 6. MEDICAID ADJUSTMENT. In accordance with the provisions of subpara-
27 graph four of paragraph b of subdivision one of section thirty-six
28 hundred nine-a of this chapter FOR SERVICES PROVIDED DURING THE TWO
29 THOUSAND EIGHT--TWO THOUSAND NINE AND PRIOR SCHOOL YEARS, any moneys due
30 the school district shall be reduced by an amount equal to fifty percent
31 of any federal participation, pursuant to title XIX of the social secu-
32 rity act, in special education programs provided pursuant to this
33 section. FOR SERVICES PROVIDED DURING THE TWO THOUSAND NINE--TWO THOU-
34 SAND TEN SCHOOL YEAR AND THEREAFTER, OR FOR SERVICES PROVIDED IN A PRIOR
35 SCHOOL YEAR THAT WERE NOT REIMBURSED BY THE STATE ON OR BEFORE APRIL
36 FIRST, TWO THOUSAND ELEVEN, SUCH STATE SHARE SHALL BE DESIGNATED AND
37 TRANSFERRED PURSUANT TO SECTION THIRTY-SIX HUNDRED NINE-B OF THIS CHAP-
38 TER.

39 [6.] 7. Notwithstanding any other provision of law to the contrary, no
40 payments shall be made by the commissioner pursuant to this section on
41 or after July first, nineteen hundred ninety-six based on a claim
42 submitted later than three years after the end of the school year in
43 which services were rendered, provided however that no payment shall be
44 barred or reduced where such payment is required as a result of a court
45 order or judgment or a final audit.

46 S 61. Intentionally omitted.

47 S 62. Paragraphs a and d of subdivision 1 of section 4410-b of the
48 education law, as added by chapter 6 of the laws of 2000, are amended to
49 read as follows:

50 a. "Approved preschool special education program" shall mean a public
51 or private agency which has been approved by the commissioner as a
52 provider of special education programs or services to preschool students
53 with disabilities pursuant to subdivision nine of section forty-four
54 hundred ten of this article or A DEAF-INFANT PROGRAM PROVIDED pursuant
55 to article eighty-five of this chapter.

1 d. "Public or private agency" shall mean an approved preschool special
2 education program, or [a state-supported] AN APPROVED PRIVATE school
3 [operating pursuant to article eighty-five] LISTED IN SUBDIVISION ONE OF
4 SECTION FORTY-TWO HUNDRED ONE of this chapter THAT PROVIDES A DEAF-IN-
5 FANT PROGRAM, or an approved private non-residential or residential
6 school that provides special services or programs pursuant to subdivi-
7 sion two of section forty-four hundred one of this article. Such term
8 shall not include an individual providing related services only to
9 preschool students with disabilities pursuant to section forty-four
10 hundred ten of this article. Such term shall include a board of cooper-
11 ative educational services only to the extent it is an approved
12 preschool special education program, and only for those students
13 provided special education programs or services pursuant to section
14 forty-four hundred ten of this article.

15 S 63. Clause (b) of subparagraph (iii) of paragraph b of subdivision
16 11 of section 4410 of the education law, as amended by chapter 205 of
17 the laws of 2009, is amended to read as follows:

18 (b) Any moneys due municipalities pursuant to this paragraph for
19 services provided during the two thousand nine--two thousand ten school
20 year and thereafter, OR FOR SERVICES PROVIDED IN A PRIOR SCHOOL YEAR
21 THAT WERE NOT REIMBURSED BY THE STATE ON OR BEFORE APRIL FIRST, TWO
22 THOUSAND ELEVEN, shall, in the first instance, be designated as the
23 state share of moneys due a municipality pursuant to title XIX of the
24 social security act, on account of school supportive health services
25 provided to preschool students with disabilities pursuant to this
26 section. Such state share shall be assigned on behalf of municipalities
27 to the department of health, as provided herein; the amount designated
28 as such nonfederal share shall be transferred by the commissioner to the
29 department of health based on the monthly report of the commissioner of
30 health to the commissioner; and any remaining moneys to be apportioned
31 to a municipality pursuant to this section shall be paid in accordance
32 with this section. The amount to be assigned to the department of
33 health, as determined by the commissioner of health, for any munici-
34 pality shall not exceed the federal share of any moneys due such munici-
35 pality pursuant to title XIX of the social security act. Moneys desig-
36 nated as state share moneys shall be paid to such municipality by the
37 department of health based on the submission and approval of claims
38 related to such school supportive health services, in the manner
39 provided by law.

40 S 64. Subparagraph 4 of paragraph b of subdivision 4 of section 92-c
41 of the state finance law, as amended by section 46 of part B of chapter
42 57 of the laws of 2007, is amended to read as follows:

43 (4) each eligible school district shall be entitled to an additional
44 lottery grant equal to the result of multiplying the district's total
45 aidable FOUNDATION pupil units for the base year COMPUTED PURSUANT TO
46 PARAGRAPH G OF SUBDIVISION TWO OF SECTION THIRTY-SIX HUNDRED TWO OF THIS
47 ACT by:

48
$$\text{Base Grant} \times (1 + \text{aid ratio})$$

49 Where, the base grant shall equal the sum of the net total available
50 moneys after making payments pursuant to subparagraphs (1), (2), (2-a)
51 and (3) above, plus an amount from the general support for public
52 schools-- general fund local assistance account equal to the June
53 lottery payment, divided by the total aidable FOUNDATION pupil units of
54 the state and where the Aid Ratio is equal to one minus the pupil wealth

1 ratio of the district as such term is defined in section thirty-six
2 hundred two of the education law. In no case shall a school district aid
3 ratio exceed one (1) or be less than minus one (-1).

4 S 65. Subdivision b of section 2 of chapter 756 of the laws of 1992,
5 relating to funding a program for work force education conducted by the
6 consortium for worker education in New York city, as amended by section
7 41 of part A of chapter 57 of the laws of 2009, is amended to read as
8 follows:

9 b. Reimbursement for programs approved in accordance with subdivision
10 a of this section [for the 2006-07 school year shall not exceed 64.7
11 percent of the lesser of such approvable costs per contact hour or nine
12 dollars and twenty-five cents per contact hour where a contact hour
13 represents sixty minutes of instruction services provided to an eligible
14 adult, reimbursement for the 2007-08 school year shall not exceed 63.3
15 percent of the lesser of such approvable costs per contact hour or nine
16 dollars and ninety cents per contact hour where a contact hour repres-
17 ents sixty minutes of instruction services provided to an eligible
18 adult], reimbursement for the 2008-09 school year shall not exceed 62.8
19 percent of the lesser of such approvable costs per contact hour or ten
20 dollars and sixty-five cents per contact hour [where a contact hour
21 represents sixty minutes of instruction services provided to an eligible
22 adult and], reimbursement for the 2009-10 school year shall not exceed
23 64.1 percent of the lesser of such approvable costs per contact hour or
24 eleven dollars and [fifty] FORTY cents per contact hour [where a contact
25 hour represents sixty minutes of instruction services provided to an
26 eligible adult], REIMBURSEMENT FOR THE 2010-11 SCHOOL YEAR SHALL NOT
27 EXCEED 62.6 PERCENT OF THE LESSER OF SUCH APPROVABLE COSTS PER CONTACT
28 HOUR OR TWELVE DOLLARS AND FIVE CENTS PER CONTACT HOUR AND REIMBURSEMENT
29 FOR THE 2011-12 SCHOOL YEAR SHALL NOT EXCEED 62.9 PERCENT OF THE LESSER
30 OF SUCH APPROVABLE COSTS PER CONTACT HOUR OR TWELVE DOLLARS AND TWENTY-
31 NINE CENTS PER CONTACT HOUR, WHERE A CONTACT HOUR REPRESENTS SIXTY
32 MINUTES OF INSTRUCTION SERVICES PROVIDED TO AN ELIGIBLE ADULT. Notwith-
33 standing any other provision of law to the contrary, [for the 2006-07
34 school year such contact hours shall not exceed one million nine hundred
35 twenty-three thousand seventy-six (1,923,076) hours; whereas for the
36 2007-08 school year such contact hours shall not exceed one million
37 eight hundred thirty-seven thousand sixty (1,837,060) hours; whereas]
38 for the 2008-09 school year such contact hours shall not exceed one
39 million nine hundred forty-six thousand one hundred seven (1,946,107)
40 hours; whereas for the 2009-10 school year such contact hours shall not
41 exceed one million seven hundred [sixty-three] EIGHTY thousand [nine
42 hundred seven (1,763,907)] EIGHT HUNDRED TWENTY-ONE (1,780,821) hours;
43 WHEREAS FOR THE 2010-11 SCHOOL YEAR SUCH CONTACT HOURS SHALL NOT EXCEED
44 ONE MILLION FIVE HUNDRED TWENTY-FIVE THOUSAND ONE HUNDRED NINETY-EIGHT
45 (1,525,198) HOURS; WHEREAS FOR THE 2011-12 SCHOOL YEAR SUCH CONTACT
46 HOURS SHALL NOT EXCEED ONE MILLION FOUR HUNDRED NINETY-THREE THOUSAND
47 FIVE HUNDRED SIX (1,493,506) HOURS.

48 Notwithstanding any other provision of law to the contrary, the appor-
49 tionment calculated for the city school district of the city of New York
50 pursuant to subdivision 11 of section 3602 of the education law shall be
51 computed as if such contact hours provided by the consortium for worker
52 education, not to exceed the contact hours set forth herein, were eligi-
53 ble for aid in accordance with the provisions of such subdivision 11 of
54 section 3602 of the education law.

55 S 66. Section 4 of chapter 756 of the laws of 1992, relating to fund-
56 ing a program for work force education conducted by the consortium for

1 worker education in New York city, is amended by adding a new subdivi-
2 sion p to read as follows:

3 P. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY AFTER THE
4 COMPLETION OF PAYMENTS FOR THE 2011-2012 SCHOOL YEAR. NOTWITHSTANDING
5 ANY INCONSISTENT PROVISIONS OF LAW, THE COMMISSIONER OF EDUCATION SHALL
6 WITHHOLD A PORTION OF EMPLOYMENT PREPARATION EDUCATION AID DUE TO THE
7 CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK TO SUPPORT A PORTION OF THE
8 COSTS OF THE WORK FORCE EDUCATION PROGRAM. SUCH MONEYS SHALL BE CREDITED
9 TO THE ELEMENTARY AND SECONDARY EDUCATION FUND-LOCAL ASSISTANCE ACCOUNT
10 AND SHALL NOT EXCEED ELEVEN MILLION FIVE HUNDRED THOUSAND DOLLARS
11 (\$11,500,000).

12 S 67. Section 6 of chapter 756 of the laws of 1992, relating to fund-
13 ing a program for work force education conducted by the consortium for
14 worker education in New York city, as amended by section 43 of part A of
15 chapter 57 of the laws of 2009, is amended to read as follows:

16 S 6. This act shall take effect July 1, 1992, and shall be deemed
17 repealed on June 30, [2010] 2012.

18 S 68. Subdivision 1 of section 167 of chapter 169 of the laws of 1994
19 relating to certain provisions related to the 1994-95 state operations,
20 aid to localities, capital projects and debt service budgets, as amended
21 by section 44 of part A of chapter 57 of the laws of 2009, is amended to
22 read as follows:

23 1. Sections one through seventy of this act shall be deemed to have
24 been in full force and effect as of April 1, 1994 provided, however,
25 that sections one, two, twenty-four, twenty-five and twenty-seven
26 through seventy of this act shall expire and be deemed repealed on March
27 31, 2000; provided, however, that section twenty of this act shall apply
28 only to hearings commenced prior to September 1, 1994, and provided
29 further that section twenty-six of this act shall expire and be deemed
30 repealed on March 31, 1997; and provided further that sections four
31 through fourteen, sixteen, and eighteen, nineteen and twenty-one through
32 twenty-one-a of this act shall expire and be deemed repealed on March
33 31, 1997; and provided further that sections three, fifteen, seventeen,
34 twenty[,] AND twenty-two [and twenty-three] of this act shall expire and
35 be deemed repealed on March 31, [2011] 2013.

36 S 69. Subdivisions 22 and 24 of section 140 of chapter 82 of the laws
37 of 1995, amending the education law and certain other laws relating to
38 state aid to school districts and the appropriation of funds for the
39 support of government, as amended by section 45 of part A of chapter 57
40 of the laws of 2009, are amended to read as follows:

41 (22) sections one hundred twelve, one hundred thirteen, one hundred
42 fourteen, one hundred fifteen and one hundred sixteen of this act shall
43 take effect on July 1, 1995; provided, however, that section one hundred
44 thirteen of this act shall remain in full force and effect until July 1,
45 [2010] 2012 at which time it shall be deemed repealed;

46 (24) sections one hundred eighteen through one hundred thirty of this
47 act shall be deemed to have been in full force and effect on and after
48 July 1, 1995; provided further, however, that the amendments made pursu-
49 ant to section one hundred nineteen of this act shall be deemed to be
50 repealed on and after July 1, [2010] 2012;

51 S 70. Section 2 of chapter 386 of the laws of 1996, amending the
52 education law relating to providing for a waiver allowing state aid in
53 certain circumstances, as amended by chapter 661 of the laws of 2005, is
54 amended to read as follows:

55 S 2. This act shall take effect immediately, provided that the
56 provisions of this act shall be deemed to have been in full force and

1 effect on and after January 1, 1996[, and provided, further that this
2 act shall be deemed repealed on and after January 1, 2011].

3 S 71. Section 7 of chapter 472 of the laws of 1998 amending the educa-
4 tion law relating to the lease of school buses by school districts, as
5 amended by section 46 of part A of chapter 57 of the laws of 2009, is
6 amended to read as follows:

7 S 7. This act shall take effect September 1, 1998, and shall expire
8 and be deemed repealed September 1, [2011] 2013.

9 S 72. Section 12 of chapter 147 of the laws of 2001, amending the
10 education law relating to conditional appointment of school district,
11 charter school or BOCES employees, as amended by chapter 179 of the laws
12 of 2009, is amended to read as follows:

13 S 12. This act shall take effect on the same date as chapter 180 of
14 the laws of 2000 takes effect, and shall expire July 1, [2010] 2012 when
15 upon such date the provisions of this act shall be deemed repealed.

16 S 73. Section 4 of chapter 425 of the laws of 2002, amending the
17 education law relating to the provision of supplemental educational
18 services, attendance at a safe public school and the suspension of
19 pupils who bring a firearm to or possess a firearm at a school, as
20 amended by chapter 158 of the laws of 2009, is amended to read as
21 follows:

22 S 4. This act shall take effect July 1, 2002 and shall expire and be
23 deemed repealed June 30, [2010] 2012.

24 S 74. Section 5 of chapter 101 of the laws of 2003, amending the
25 education law relating to implementation of the No Child Left Behind Act
26 of 2001, as amended by chapter 158 of the laws of 2009, is amended to
27 read as follows:

28 S 5. This act shall take effect immediately; provided that sections
29 one, two and three of this act shall expire and be deemed repealed on
30 June 30, [2010] 2012.

31 S 75. Subdivision 4 of section 51 of part B of chapter 57 of the laws
32 of 2008 amending the education law relating to the universal pre-kinder-
33 garden program, is amended to read as follows:

34 4. section 23 of this act shall take effect July 1, 2008 and shall
35 expire and be deemed repealed June 30, [2010] 2012;

36 S 76. Section 23 of chapter 169 of the laws of 1994, relating to
37 certain provisions related to the 1994-95 state operations, aid to
38 localities, capital projects and debt service budgets, is REPEALED.

39 S 77. Section 1 of chapter 665 of the laws of 1963, relating to the
40 Human Resources School, as amended by chapter 1060 of the laws of 1974
41 and subdivision f as added by chapter 235 of the laws of 1990, is
42 amended to read as follows:

43 Section 1. a. Whereas the state of New York is committed to the devel-
44 opment of educational programs for all of its pupils and the promotion
45 and development of EDUCATIONAL programs for [physically handicapped]
46 children WITH PHYSICAL DISABILITIES in public school classes so that
47 they may benefit from the many advantages inherent in group instruction.

48 In the fulfillment of this commitment and notwithstanding any incon-
49 sistent provision of law, the legislature does hereby, through the
50 facility known as the [Human Resources] HENRY VISCARDI school, provide
51 for the instruction of [severely physically handicapped] children WITH
52 SEVERE PHYSICAL DISABILITIES who prior to admission to such school have
53 been receiving home-instruction, attending out-of-state schools or have
54 been exempted from school because their disability or combination of
55 disabilities is such to make them ineligible for or unable to receive
56 instruction in regular schools.

1 b. The [Human Resources] HENRY VISCARDI school shall be [the subject
2 of visitation of the commissioner of education to the same extent as
3 prescribed for those schools] AN APPROVED PRIVATE SCHOOL PURSUANT TO
4 ARTICLE 89 OF THE EDUCATION LAW AS set forth in section [forty-two
5 hundred one] 4201 of the education law [and the commissioner of educa-
6 tion shall have the same duties toward the Human Resources school as
7 prescribed in sections forty-two hundred one and forty-two hundred two
8 of the education law].

9 c. Each such severely physically [handicapped] DISABLED child received
10 into the [Human Resources] HENRY VISCARDI school shall, IN THE TWO THOU-
11 SAND TEN--TWO THOUSAND ELEVEN AND PRIOR SCHOOL YEARS, be provided with
12 tuition and the directors or trustees of said [Human Resources] HENRY
13 VISCARDI school shall receive an appropriation for each pupil so
14 provided for, to the same extent as that provided for the schools for
15 the deaf and blind as enumerated in section [forty-two hundred one] 4201
16 of the education law and in the same manner as set forth in section
17 forty-two hundred four of the education law except that in the case of
18 [Human Resources] THE HENRY VISCARDI school no payment for board or
19 lodging shall be provided.

20 [The commissioner is authorized to transfer any funds appropriated by
21 the legislature for the Human Resources school to those funds appropri-
22 ated for those schools enumerated in section forty-two hundred one of
23 the education law. Thereafter, the commissioner shall include the
24 expenses anticipated for the support of such severely physically hand-
25 icapped students attending the Human Resources school in the budget
26 estimates, submissions and appropriations made pursuant to section
27 forty-two hundred four of the education law.]

28 d. The eligibility requirements for pupils attending the [Human
29 Resources] HENRY VISCARDI school shall extend to all severely physically
30 [handicapped] DISABLED children [who meet the residence and age require-
31 ments, subject to the waiver by the commissioner as set forth in section
32 forty-two hundred three of the education law] AND OTHER STUDENTS WITH
33 DISABILITIES LAWFULLY ATTENDING PROGRAMS OFFERED BY SUCH SCHOOL AND
34 APPROVED BY THE COMMISSIONER OF EDUCATION.

35 e. [The term of instruction for pupils in the Human Resources school
36 shall be the same as that set forth in subdivision two of section
37 forty-two hundred four of the education law.

38 f.] In the event that the name "Human Resources School" as set forth
39 herein is changed, the provisions hereof shall apply to such school as
40 renamed.

41 S 78. Subdivision 2 of section 1676 of the public authorities law is
42 amended by adding a new undesignated paragraph to read as follows:

43 APPROVED PRIVATE NON-PROFIT SCHOOLS FOR THE DEAF AND BLIND OR OTHER
44 STUDENTS WITH DISABILITIES AS LISTED IN SUBDIVISION ONE OF SECTION
45 FORTY-TWO HUNDRED ONE OF THE EDUCATION LAW WHICH IS APPROVED BY THE
46 COMMISSIONER OF EDUCATION TO PROVIDE SERVICES TO SUCH STUDENTS PURSUANT
47 TO ARTICLE EIGHTY-NINE OF THE EDUCATION LAW.

48 S 79. Subdivision 1 of section 1680 of the public authorities law is
49 amended by adding a new undesignated paragraph to read as follows:

50 APPROVED PRIVATE NON-PROFIT SCHOOLS FOR THE DEAF AND BLIND OR OTHER
51 STUDENTS WITH DISABILITIES AS LISTED IN SUBDIVISION ONE OF SECTION
52 FORTY-TWO HUNDRED ONE OF THE EDUCATION LAW WHICH IS APPROVED BY THE
53 COMMISSIONER OF EDUCATION TO PROVIDE SERVICES TO SUCH STUDENTS PURSUANT
54 TO ARTICLE EIGHTY-NINE OF THE EDUCATION LAW.

55 S 80. Section 1680 of the public authorities law is amended by adding
56 a new subdivision 41 to read as follows:

1 41. A. THE DORMITORY AUTHORITY MAY ENTER INTO LEASES, SUBLEASES OR
2 OTHER AGREEMENTS WITH APPROVED PRIVATE NON-PROFIT SCHOOLS, AS DEFINED IN
3 THIS SUBDIVISION, FOR THE FINANCING OF AND THE DESIGN, CONSTRUCTION,
4 RECONSTRUCTION, REHABILITATION, IMPROVEMENT, RENOVATION, ACQUISITION OR
5 OTHERWISE PROVIDING FOR, FURNISHING OR EQUIPPING OF CAPITAL FACILITIES
6 WHICH ARE EDUCATIONAL FACILITIES WHERE THE TOTAL ESTIMATED COST OF SUCH
7 FACILITIES EXCEEDS TEN THOUSAND DOLLARS. THE PLANS AND SPECIFICATIONS OF
8 SUCH CAPITAL FACILITIES SHALL BE SUBJECT TO THE APPROVAL OF THE COMMIS-
9 SIONER OF EDUCATION WITH RESPECT TO EDUCATIONAL FACILITIES. SUCH CAPITAL
10 FACILITIES MAY BE CONSTRUCTED ONLY ON LAND OWNED BY SUCH PRIVATE
11 NOT-FOR-PROFIT SCHOOL OR, IF THE LAND IS LEASED, WHERE THE LEASE IS FOR
12 A PERIOD AT LEAST EQUAL TO THE APPROPRIATE PERIOD OF PROBABLE USEFULNESS
13 FOR SUCH FACILITIES AS LISTED IN SECTION 11.00 OF THE LOCAL FINANCE LAW,
14 OR THE LENGTH OF THE LEASE, SUBLEASE OR OTHER AGREEMENT WITH THE DORMI-
15 TORY AUTHORITY, WHICHEVER IS LONGER.

16 B. FOR PURPOSES OF THIS SUBDIVISION, AN "APPROVED PRIVATE NON-PROFIT
17 SCHOOL" MEANS AN APPROVED PRIVATE SCHOOL FOR THE INSTRUCTION OF THE DEAF
18 AND BLIND AND OTHER STUDENTS WITH DISABILITIES LISTED IN SUBDIVISION ONE
19 OF SECTION FORTY-TWO HUNDRED ONE OF THE EDUCATION LAW WHICH IS APPROVED
20 BY THE COMMISSIONER OF EDUCATION TO PROVIDE SERVICES TO SUCH STUDENTS
21 PURSUANT TO ARTICLE EIGHTY-NINE OF THE EDUCATION LAW.

22 C. EACH SUCH PRIVATE NON-PROFIT SCHOOL SHALL, NOTWITHSTANDING ANY
23 OTHER PROVISION OF LAW, HAVE THE POWER TO CONVEY, LEASE, SUBLEASE OR
24 OTHERWISE MAKE AVAILABLE TO THE DORMITORY AUTHORITY WITHOUT CONSIDER-
25 ATION, TITLE OR ANY OTHER RIGHTS IN REAL PROPERTY SATISFACTORY TO THE
26 DORMITORY AUTHORITY.

27 D. IN ADDITION TO PROVIDING FOR ALL OTHER MATTERS DEEMED NECESSARY AND
28 PROPER, SUCH LEASES, SUBLEASES AND OTHER AGREEMENTS SHALL (1) REQUIRE
29 SUCH PRIVATE NON-PROFIT SCHOOL TO PAY TO THE DORMITORY AUTHORITY ANNUAL
30 RENTALS WHICH SHALL INCLUDE THE AMOUNT REQUIRED TO PAY THE PRINCIPAL OF
31 AND INTEREST ON OBLIGATIONS OF THE DORMITORY AUTHORITY ISSUED IN
32 RELATION TO PROVIDING SUCH FACILITIES AND ALL INCIDENTAL EXPENSES OF THE
33 DORMITORY AUTHORITY INCURRED IN RELATION THERETO, (2) REQUIRE THE
34 PRIVATE NON-PROFIT SCHOOL TO INCLUDE AN AMOUNT SUFFICIENT TO MEET ITS
35 OBLIGATIONS UNDER THE LEASE, SUBLEASE OR OTHER AGREEMENT IN EACH
36 PROPOSED BUDGET SUBMITTED DURING THE TERM OF THE LEASE, SUBLEASE OR
37 OTHER AGREEMENT, AND (3) NOT BE EXECUTED UNTIL SUCH CAPITAL FACILITIES
38 ARE APPROVED BY THE COMMISSIONER OF EDUCATION WITH RESPECT TO EDUCA-
39 TIONAL FACILITIES.

40 E. TITLE OR OTHER REAL PROPERTY RIGHTS TO THE CAPITAL FACILITIES
41 FINANCED PURSUANT TO THIS SECTION SHALL REMAIN WITH THE DORMITORY
42 AUTHORITY UNTIL THE DORMITORY AUTHORITY CERTIFIES TO THE COMMISSIONER OF
43 EDUCATION WITH RESPECT TO EDUCATIONAL FACILITIES AND THE COMPTROLLER THE
44 RECEIPT BY IT OF THE AMOUNT NECESSARY TO PAY THE TOTAL AGGREGATE AMOUNT
45 OF ANNUAL RENTALS TO THE DORMITORY AUTHORITY. AT SUCH TIME, TITLE OR
46 OTHER REAL PROPERTY RIGHTS THERETO SHALL BE TRANSFERRED BY THE DORMITORY
47 AUTHORITY TO SUCH PRIVATE NON-PROFIT SCHOOL FOR USE FOR EDUCATIONAL
48 PURPOSES. IN ORDER TO AVAIL ITSELF OF THE PROVISIONS OF THIS SECTION,
49 EACH SUCH PRIVATE NON-PROFIT SCHOOL MUST ALSO AGREE TO CONTINUE TO OPER-
50 ATE A PROGRAM FOR THE EDUCATION OF CHILDREN PURSUANT TO CONTRACT WITH
51 PUBLIC SCHOOL DISTRICTS OR SOCIAL SERVICES DISTRICTS, AND SUCH LEASE,
52 SUBLEASE OR OTHER AGREEMENT WITH THE DORMITORY AUTHORITY SHALL PROVIDE
53 THAT, IF THE PRIVATE NON-PROFIT SCHOOL SHALL CEASE TO OPERATE SUCH A
54 PROGRAM AT ANY TIME DURING THE TERM OF THE AGREEMENT, THE STATE WILL
55 HAVE THE OPTION TO TAKE SUCH TITLE OR OTHER REAL PROPERTY RIGHTS OF THE
56 DORMITORY AUTHORITY IN LAND, BUILDINGS, EQUIPMENT AND OTHER PROPERTIES

1 WHICH THE PRIVATE NON-PROFIT SCHOOL USES FOR ITS PROGRAM UPON, SUBJECT
2 TO APPROPRIATIONS, PAYMENT BY THE STATE TO THE DORMITORY AUTHORITY OF
3 THE AMOUNT REQUIRED TO PAY THE TOTAL AGGREGATE AMOUNT OF ANNUAL RENTALS
4 TO THE DORMITORY AUTHORITY.

5 F. ON OR BEFORE NOVEMBER FIFTEENTH OF EACH YEAR, THE DORMITORY AUTHOR-
6 ITY SHALL SUBMIT, AND THEREAFTER MAY RESUBMIT, TO THE DIRECTOR OF THE
7 BUDGET, THE STATE COMPTROLLER, THE CHAIRMAN OF THE SENATE FINANCE
8 COMMITTEE AND THE CHAIRMAN OF THE ASSEMBLY WAYS AND MEANS COMMITTEE A
9 REPORT SETTING FORTH THE AMOUNTS, IF ANY, OF ALL ANNUAL RENTALS ESTI-
10 MATED TO BECOME DUE IN THE SUCCEEDING STATE FISCAL YEAR TO THE DORMITORY
11 AUTHORITY FROM THE PRIVATE NON-PROFIT SCHOOL PURSUANT TO ANY LEASES,
12 SUBLEASES OR OTHER AGREEMENTS BETWEEN THE DORMITORY AUTHORITY AND SUCH
13 PRIVATE NON-PROFIT SCHOOL TO PROVIDE EDUCATIONAL FACILITIES FOR SUCH
14 PRIVATE NON-PROFIT SCHOOL. THE STATE COMPTROLLER SHALL PAY OVER TO THE
15 DORMITORY AUTHORITY PURSUANT TO APPROPRIATIONS THEREFOR SOLELY FROM
16 MONEYS AVAILABLE IN THE PRIVATE NON-PROFIT SCHOOL CAPITAL FACILITIES
17 FINANCING RESERVE FUND THE AMOUNT SET FORTH IN SUCH REPORT AT THE TIMES
18 AND IN THE AMOUNTS SET FORTH IN THE CERTIFICATE FILED WITH THE COMP-
19 TROLLER BY THE DORMITORY AUTHORITY PURSUANT TO CLAUSE (IV) OF SUBPARA-
20 GRAPH TWO OF PARAGRAPH G OF THIS SUBDIVISION.

21 G. METHOD OF PAYMENT; RESERVE FUND. (1) EACH PRIVATE NON-PROFIT SCHOOL
22 WHICH ELECTS TO AVAIL ITSELF OF THE PROVISIONS OF THIS SECTION SHALL
23 HAVE ESTABLISHED WITH THE STATE COMPTROLLER A PRIVATE NON-PROFIT SCHOOL
24 CAPITAL FACILITIES FINANCING RESERVE ACCOUNT WHICH SHALL BE USED TO PAY
25 TO THE DORMITORY AUTHORITY THE ANNUAL RENTALS PAYABLE TO THE DORMITORY
26 AUTHORITY BY PRIVATE NON-PROFIT SCHOOLS WHICH HAVE ENTERED INTO LEASES,
27 SUBLEASES OR OTHER AGREEMENTS WITH THE DORMITORY AUTHORITY TO PROVIDE
28 EDUCATIONAL FACILITIES PURSUANT TO THE PROVISIONS OF THIS SECTION. THE
29 DORMITORY AUTHORITY SHALL IDENTIFY TO THE STATE COMPTROLLER AND TO THE
30 COMMISSIONER OF EDUCATION WITH RESPECT TO EDUCATIONAL FACILITIES, THE
31 PRIVATE NON-PROFIT SCHOOLS WITH WHICH IT HAS LEASES, SUBLEASES OR OTHER
32 AGREEMENTS PURSUANT TO THIS SECTION AND SHALL ANNUALLY CERTIFY THE
33 AMOUNT OF ANNUAL RENTALS REQUIRED TO BE PAID PURSUANT TO SUCH LEASES,
34 SUBLEASES OR OTHER AGREEMENTS.

35 (2) (I) THERE IS HEREBY ESTABLISHED IN THE CUSTODY OF THE STATE COMP-
36 TROLLER A SPECIAL FUND TO BE KNOWN AS THE PRIVATE NON-PROFIT SCHOOL
37 CAPITAL FACILITIES FINANCING RESERVE FUND. WITHIN SUCH FUND, THERE IS
38 HEREBY ESTABLISHED A SPECIAL ACCOUNT FOR EACH PRIVATE NON-PROFIT SCHOOL
39 WHICH ENTERS INTO A LEASE, SUBLEASE OR OTHER AGREEMENT WITH THE DORMITO-
40 RY AUTHORITY PURSUANT TO THIS SECTION.

41 (II) NOTWITHSTANDING THE PROVISIONS OF ANY OTHER LAW, SUCH FUND SHALL
42 CONSIST OF PART OF THE TUITION PAYMENTS FROM PUBLIC SCHOOL DISTRICTS AND
43 SOCIAL SERVICES DISTRICTS AS DETERMINED BY THE COMMISSIONER OF EDUCA-
44 TION. THE COMPTROLLER SHALL MAINTAIN SUFFICIENT AMOUNTS IN THE FUND IN
45 ORDER TO PAY WHEN DUE THE ANNUAL RENTALS DUE TO THE DORMITORY AUTHORITY
46 FROM EACH SUCH PRIVATE NON-PROFIT SCHOOL PURSUANT TO ANY LEASE, SUBLEASE
47 OR OTHER AGREEMENT ENTERED INTO PURSUANT TO THE PROVISIONS OF THIS
48 SECTION. THE DORMITORY AUTHORITY SHALL CERTIFY TO THE STATE COMPTROLLER
49 THE DATES AND AMOUNT OF SUCH ANNUAL PAYMENTS AS SCHEDULED IN ITS LEASES,
50 SUBLEASES OR OTHER AGREEMENTS WITH SUCH PRIVATE NON-PROFIT SCHOOLS. THE
51 COMMISSIONER OF EDUCATION WITH RESPECT TO EDUCATIONAL FACILITIES SHALL
52 CERTIFY THE AMOUNT OF PAYMENTS DUE THE FUND FROM PUBLIC SCHOOL DISTRICTS
53 AND SOCIAL SERVICES DISTRICTS, RESPECTIVELY AND SUCH PUBLIC SCHOOL
54 DISTRICTS AND SOCIAL SERVICES DISTRICTS SHALL MAKE SUCH PAYMENTS TO THE
55 FUND AT SUCH TIMES AS SHALL BE PRESCRIBED BY THE COMMISSIONER WITH

1 RESPECT TO EDUCATIONAL FACILITIES, SUBJECT TO THE APPROVAL OF THE DIREC-
2 TOR OF THE BUDGET, AND AFTER CONSULTATION WITH THE DORMITORY AUTHORITY.

3 (III) REVENUES IN ANY SPECIAL ACCOUNT IN THE PRIVATE NON-PROFIT SCHOOL
4 CAPITAL FACILITIES FINANCING RESERVE FUND MAY BE COMMINGLED WITH ANY
5 OTHER MONIES IN SUCH FUND. ALL DEPOSITS OF SUCH REVENUES WITH BANKS AND
6 TRUST COMPANIES SHALL BE SECURED BY OBLIGATIONS OF THE UNITED STATES OR
7 OF THE STATE OF NEW YORK OR ITS POLITICAL SUBDIVISIONS. SUCH OBLIGATIONS
8 SHALL HAVE A MARKET VALUE AT LEAST EQUAL AT ALL TIMES TO, BUT NOT LESS
9 THAN, ONE HUNDRED FIVE PERCENT OF THE AMOUNT OF SUCH DEPOSITS. ALL BANKS
10 AND TRUST COMPANIES ARE AUTHORIZED TO GIVE SECURITY FOR SUCH DEPOSITS.
11 ANY SUCH REVENUES IN SUCH FUND MAY, IN THE DISCRETION OF THE COMP-
12 TROLLER, BE INVESTED IN OBLIGATIONS OF THE UNITED STATES OR THE STATE OR
13 OBLIGATIONS THE PRINCIPAL OF AND INTEREST ON WHICH ARE GUARANTEED BY THE
14 UNITED STATES OR BY THE STATE. ANY INTEREST EARNED SHALL BE CREDITED TO
15 SUCH FUND.

16 (IV) UPON RECEIPT BY THE COMPTROLLER OF A CERTIFICATE OR CERTIFICATES
17 FROM THE DORMITORY AUTHORITY THAT IT REQUIRES A PAYMENT OR PAYMENTS FROM
18 THE APPROPRIATE SPECIAL ACCOUNT ESTABLISHED FOR A PRIVATE NON-PROFIT
19 SCHOOL IN ORDER FOR SUCH PRIVATE NON-PROFIT SCHOOL TO COMPLY WITH ANY
20 LEASE, SUBLEASE OR OTHER AGREEMENT PURSUANT TO THIS SECTION, EACH OF
21 WHICH CERTIFICATES SHALL SPECIFY THE REQUIRED PAYMENT OR PAYMENTS AND
22 THE DATE WHEN THE PAYMENT OR PAYMENTS IS REQUIRED, THE COMPTROLLER SHALL
23 PAY FROM SUCH SPECIAL ACCOUNT ON OR BEFORE THE SPECIFIED DATE OR WITHIN
24 THIRTY DAYS AFTER RECEIPT OF SUCH CERTIFICATE OR CERTIFICATES, WHICHEVER
25 IS LATER, TO THE PAYING AGENT DESIGNATED BY THE DORMITORY AUTHORITY IN
26 ANY SUCH CERTIFICATE, THE AMOUNT OR AMOUNTS SO CERTIFIED.

27 (V) ALL PAYMENTS OF MONEY FROM THE PRIVATE NON-PROFIT SCHOOL CAPITAL
28 FACILITIES FINANCING RESERVE FUND SHALL BE MADE ON THE AUDIT AND WARRANT
29 OF THE STATE COMPTROLLER.

30 H. NOTWITHSTANDING THE PROVISIONS OF ANY CONTRACT PURSUANT TO ARTICLE
31 EIGHTY-ONE OR EIGHTY-NINE OF THE EDUCATION LAW BETWEEN A SOCIAL SERVICES
32 DISTRICT OR A PUBLIC SCHOOL DISTRICT AND A PRIVATE NON-PROFIT SCHOOL. IF
33 THE PRIVATE NON-PROFIT SCHOOL ENTERS INTO A LEASE, SUBLEASE OR OTHER
34 AGREEMENT WITH THE DORMITORY AUTHORITY PURSUANT TO THIS SECTION,
35 PAYMENTS DUE FROM THE PUBLIC SCHOOL DISTRICT OR SOCIAL SERVICES DISTRICT
36 SHALL BE MADE IN ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER.

37 I. ALL STATE AND LOCAL OFFICIALS ARE AUTHORIZED AND REQUIRED TO TAKE
38 WHATEVER ACTIONS ARE NECESSARY TO CARRY OUT THE PROVISIONS OF THIS
39 SECTION AND THE PROVISIONS OF ANY LEASES, SUBLEASES OR OTHER AGREEMENTS
40 ENTERED INTO PURSUANT TO THIS SECTION, INCLUDING MAKING THE REQUIRED
41 PAYMENTS TO THE DORMITORY AUTHORITY.

42 J. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE
43 DORMITORY AUTHORITY MAY EXECUTE LEASES, SUBLEASES, OR OTHER AGREEMENTS
44 WITH PRIVATE NON-PROFIT SCHOOLS FOR FINANCING OF THE DESIGN,
45 CONSTRUCTION, REHABILITATION, IMPROVEMENT, RENOVATION, ACQUISITION OR
46 PROVISION, FURNISHING OR EQUIPPING OF CAPITAL FACILITIES; PROVIDED,
47 HOWEVER, THAT COMMENCING JULY FIRST, TWO THOUSAND ELEVEN, THE AMOUNT OF
48 BONDS INCLUSIVE OF PRINCIPAL, INTEREST AND ISSUANCE COSTS TO BE ISSUED
49 FOR EACH INDIVIDUAL LEASE, SUBLEASE, OR OTHER AGREEMENT SHALL NOT EXCEED
50 SUCH LIMITS AS ESTABLISHED IN SECTION FOUR HUNDRED SEVEN-B OF THE EDUCA-
51 TION LAW; AND PROVIDED FURTHER THAT THE TOTAL AMOUNT OF SUCH BONDS FOR
52 ALL SUCH LEASES, SUBLEASES, OR AGREEMENTS WITH PRIVATE NON-PROFIT
53 SCHOOLS EXCLUSIVE OF BONDS FOR PROJECTS ALREADY APPROVED BY THE DIVISION
54 OF BUDGET AS OF SUCH DATE SHALL NOT EXCEED LIMITS AS ESTABLISHED IN SUCH
55 SECTION FOUR HUNDRED SEVEN-B.

1 K. ON OR BEFORE SEPTEMBER FIRST OF EACH YEAR, THE COMMISSIONER OF
2 EDUCATION SHALL SUBMIT TO THE CHAIRS OF THE ASSEMBLY WAYS AND MEANS
3 COMMITTEE, THE SENATE FINANCE COMMITTEE AND THE DIRECTOR OF THE BUDGET,
4 A CAPITAL PLAN FOR THOSE PROJECTS EXPECTED TO BE BONDED FOR PRIVATE
5 NON-PROFIT SCHOOLS PURSUANT TO THIS SECTION. AFTER APPLICATION OF THE
6 PRINCIPLES OF THE CAPITAL ASSETS PRESERVATION PROGRAM PURSUANT TO EDUCA-
7 TION LAW, SUCH PLAN SHALL ACCORD PRIORITY TO HEALTH AND SAFETY CONSIDER-
8 ATIONS AND SHALL SPECIFY THE NAME, LOCATION, ESTIMATED TOTAL COST OF THE
9 PROJECT AT THE TIME THE PROJECT IS TO BE BID, THE ANTICIPATED BID DATE
10 AND THE ANTICIPATED COMPLETION DATE AND MAY CONTAIN ANY FURTHER RECOM-
11 MENDATIONS THE COMMISSIONER MAY DEEM APPROPRIATE.

12 S 81. Section 6-p of the general municipal law is amended by adding a
13 new subdivision 10 to read as follows:

14 10. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE GOVERN-
15 ING BOARD OF A SCHOOL DISTRICT MAY, DURING THE TWO THOUSAND ELEVEN--TWO
16 THOUSAND TWELVE SCHOOL YEAR, AUTHORIZE A WITHDRAWAL FROM THIS FUND IN AN
17 AMOUNT NOT TO EXCEED THE LESSER OF: (A) THE DOLLAR VALUE OF EXCESS FUND-
18 ING IN THE FUND AS DETERMINED BY THE COMPTROLLER PURSUANT TO SECTION
19 THIRTY-THREE OF THIS CHAPTER OR (B) THE AMOUNT OF THE SCHOOL DISTRICT'S
20 GAP ELIMINATION ADJUSTMENT AS CALCULATED BY THE COMMISSIONER OF EDUCA-
21 TION PURSUANT TO PARAGRAPH E OF SUBDIVISION ONE OF SECTION THIRTY-SIX
22 HUNDRED NINE-A OF THE EDUCATION LAW. FUNDS WITHDRAWN PURSUANT TO THIS
23 SUBDIVISION MAY ONLY BE USED FOR THE PURPOSE OF MAINTAINING EDUCATIONAL
24 PROGRAMMING DURING THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL
25 YEAR WHICH OTHERWISE WOULD HAVE BEEN REDUCED AS A RESULT OF SUCH GAP
26 ELIMINATION ADJUSTMENT. GOVERNING BOARDS WHICH MAKE SUCH A WITHDRAWAL
27 SHALL SUBMIT, IN A FORM PRESCRIBED BY THE COMMISSIONER OF EDUCATION,
28 RELEVANT INFORMATION ABOUT THE WITHDRAWAL, WHICH SHALL INCLUDE BUT NOT
29 BE LIMITED TO, THE AMOUNT OF SUCH WITHDRAWAL, THE DATE OF WITHDRAWAL,
30 AND THE USE OF SUCH WITHDRAWN FUNDS.

31 S 82. School bus driver training. In addition to apportionments other-
32 wise provided by section 3602 of the education law, for aid payable in
33 the 2010-11 and 2011-2012 school years, the commissioner of education
34 shall allocate school bus driver training grants to school districts and
35 boards of cooperative education services pursuant to sections 3650-a,
36 3650-b and 3650-c of the education law, or for contracts directly with
37 not-for-profit educational organizations for the purposes of this
38 section. Such payments shall not exceed four hundred thousand dollars
39 (\$400,000) per school year.

40 S 83. Support of public libraries. The moneys appropriated for the
41 support of public libraries by the chapter of the laws of 2011 enacting
42 the local assistance budget shall be apportioned for the 2011--12 state
43 fiscal year in accordance with the provisions of sections 271, 272, 273,
44 282, 284, and 285 of the education law as amended by the provisions of
45 this chapter and the provisions of this section, provided that library
46 construction aid pursuant to section 273-a of the education law shall
47 not be payable from the appropriations for the support of public
48 libraries and provided further that no library, library system or
49 program, as defined by the commissioner of education, shall receive less
50 total system or program aid than it received for the year 2001--2002
51 except as a result of a reduction adjustment necessary to conform to the
52 appropriations for support of public libraries.

53 Notwithstanding any other provision of law to the contrary the moneys
54 appropriated for the support of public libraries for the year 2011--2012
55 by a chapter of the laws of 2011 enacting the local assistance budget
56 shall fulfill the state's obligation to provide such aid and, pursuant

1 to a plan developed by the commissioner of education and approved by the
2 director of the budget, the aid payable to libraries and library systems
3 pursuant to such appropriations shall be reduced proportionately to
4 assure that the total amount of aid payable does not exceed the total
5 appropriations for such purpose.

6 S 84. Special apportionment for salary expenses. a. 1. Notwithstand-
7 ing any other provision of law, upon application to the commissioner of
8 education, not sooner than the first day of the second full business
9 week of June, 2011 and not later than the last day of the third full
10 business week of June, 2011, a school district eligible for an appor-
11 tionment pursuant to section 3602 of the education law shall be eligible
12 to receive an apportionment pursuant to this section, for the school
13 year ending June 30, 2011, for salary expenses incurred between April 1
14 and June 30, 2011.

15 2. Notwithstanding any other provision of law, upon application to the
16 commissioner of education, not sooner than the first day of the second
17 full business week of June, 2012 and not later than the last day of the
18 third full business week of June, 2012, a school district eligible for
19 an apportionment pursuant to section 3602 of the education law shall be
20 eligible to receive an apportionment pursuant to this section, for the
21 school year ending June 30, 2012, for salary expenses incurred between
22 April 1 and June 30, 2012.

23 3. Such apportionment shall not exceed the sum of (i) the deficit
24 reduction assessment of 1990-91 as determined by the commissioner of
25 education, pursuant to paragraph f of subdivision 1 of section 3602 of
26 the education law, as in effect through June 30, 1993, plus (ii) 186
27 percent of such amount for a city school district in a city with a popu-
28 lation in excess of 1,000,000 inhabitants, plus (iii) 209 percent of
29 such amount for a city school district in a city with a population of
30 more than 195,000 inhabitants and less than 219,000 inhabitants accord-
31 ing to the latest federal census, and provided further that such appor-
32 tionment shall not exceed such salary expenses. Such application shall
33 be made by a school district, after the board of education or trustees
34 have adopted a resolution to do so and in the case of a city school
35 district in a city with a population in excess of 125,000 inhabitants,
36 with the approval of the mayor of such city.

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

53 c. Notwithstanding the provisions of section 3609-a of the education
54 law, an amount equal to the amount paid to a school district pursuant to
55 subdivisions a and b of this section shall first be deducted from the
56 following payments due the school district during the school year

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

12 S 85. Special apportionment for public pension accruals. a. 1.
13 Notwithstanding any other provision of law, upon application to the
14 commissioner of education, not later than June 30, 2011, a school
15 district eligible for an apportionment pursuant to section 3602 of the
16 education law shall be eligible to receive an apportionment pursuant to
17 this section, for the school year ending June 30, 2011.

18 2. Notwithstanding any other provision of law, upon application to the
19 commissioner of education, not later than June 30, 2012, a school
20 district eligible for an apportionment pursuant to section 3602 of the
21 education law shall be eligible to receive an apportionment pursuant to
22 this section, for the school year ending June 30, 2012.

23 3. Such apportionment shall not exceed the additional accruals
24 required to be made by school districts in the 2004-05 and 2005-06
25 school years associated with changes for such public pension liabil-
26 ities. The amount of such additional accrual shall be certified to the
27 commissioner of education by the president of the board of education or
28 the trustees or, in the case of a city school district in a city with a
29 population in excess of 125,000 inhabitants, the mayor of such city.
30 Such application shall be made by a school district, after the board of
31 education or trustees have adopted a resolution to do so and in the case
32 of a city school district in a city with a population in excess of
33 125,000 inhabitants, with the approval of the mayor of such city.

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

50 c. Notwithstanding the provisions of section 3609-a of the education
51 law, an amount equal to the amount paid to a school district pursuant to
52 subdivisions a and b of this section shall first be deducted from the
53 following payments due the school district during the school year
54 following the year in which application was made pursuant to subpara-
55 graphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of
56 section 3609-a of the education law in the following order: the lottery

1 apportionment payable pursuant to subparagraph (2) of such paragraph
2 followed by the fixed fall payments payable pursuant to subparagraph (4)
3 of such paragraph and then followed by the district's payments to the
4 teachers' retirement system pursuant to subparagraph (1) of such para-
5 graph, and any remainder to be deducted from the individualized payments
6 due the district pursuant to paragraph b of such subdivision shall be
7 deducted on a chronological basis starting with the earliest payment due
8 the district.

9 S 86. a. Notwithstanding any other law, rule or regulation to the
10 contrary, any moneys appropriated to the state education department may
11 be suballocated to other state departments or agencies, as needed, to
12 accomplish the intent of the specific appropriations contained therein.

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

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

23 d. Notwithstanding any other law, rule or regulation to the contrary,
24 moneys appropriated to the state education department for general
25 support for public schools may be interchanged with any other item of
26 appropriation for general support for public schools within the general
27 fund local assistance account office of prekindergarten through grade
28 twelve education program.

29 S 87. Notwithstanding the provision of any law, rule, or regulation to
30 the contrary, the city school district of the city of Rochester, upon
31 the consent of the board of cooperative educational services of the
32 supervisory district serving its geographic region may purchase from
33 such board for the 2010-11 and 2011-12 school years, as a non-component
34 school district, services required by article 19 of the education law.

35 S 88. The amounts specified in this section shall be a setaside from
36 the state funds which each such district is receiving from the total
37 foundation aid:

38 a. for the purpose of the development, maintenance or expansion of
39 magnet schools or magnet school programs for the two thousand eleven--
40 two thousand twelve school year. To the city school district of the city
41 of New York there shall be paid forty-eight million one hundred seven-
42 ty-five thousand dollars (\$48,175,000) including five hundred thousand
43 dollars (\$500,000) for the Andrew Jackson High School; to the Buffalo
44 city school district, twenty-one million twenty-five thousand dollars
45 (\$21,025,000); to the Rochester city school district, fifteen million
46 dollars (\$15,000,000); to the Syracuse city school district, thirteen
47 million dollars (\$13,000,000); to the Yonkers city school district,
48 forty-nine million five hundred thousand dollars, (\$49,500,000); to the
49 Newburgh city school district, four million six hundred forty-five thou-
50 sand dollars (\$4,645,000); to the Poughkeepsie city school district, two
51 million four hundred seventy-five thousand dollars (\$2,475,000); to the
52 Mount Vernon city school district, two million dollars (\$2,000,000); to
53 the New Rochelle city school district, one million four hundred ten
54 thousand dollars (\$1,410,000); to the Schenectady city school district,
55 one million eight hundred thousand dollars (\$1,800,000); to the Port
56 Chester city school district, one million one hundred fifty thousand

1 dollars (\$1,150,000); to the White Plains city school district, nine
2 hundred thousand dollars (\$900,000); to the Niagara Falls city school
3 district, six hundred thousand dollars (\$600,000); to the Albany city
4 school district, three million five hundred fifty thousand dollars
5 (\$3,550,000); to the Utica city school district, two million dollars
6 (\$2,000,000); to the Beacon city school district, five hundred sixty-six
7 thousand dollars (\$566,000); to the Middletown city school district,
8 four hundred thousand dollars (\$400,000); to the Freeport union free
9 school district, four hundred thousand dollars (\$400,000); to the Green-
10 burgh central school district, three hundred thousand dollars
11 (\$300,000); to the Amsterdam city school district, eight hundred thou-
12 sand dollars (\$800,000); to the Peekskill city school district, two
13 hundred thousand dollars (\$200,000); and to the Hudson city school
14 district, four hundred thousand dollars (\$400,000).

15 b. notwithstanding the provisions of paragraph a of this subdivision,
16 a school district receiving a grant pursuant to this subdivision may use
17 such grant funds for: (i) any instructional or instructional support
18 costs associated with the operation of a magnet school; or (ii) any
19 instructional or instructional support costs associated with implementa-
20 tion of an alternative approach to reduction of racial isolation and/or
21 enhancement of the instructional program and raising of standards in
22 elementary and secondary schools of school districts having substantial
23 concentrations of minority students. The commissioner of education shall
24 not be authorized to withhold magnet grant funds from a school district
25 that used such funds in accordance with this paragraph, notwithstanding
26 any inconsistency with a request for proposals issued by such commis-
27 sioner.

28 c. for the purpose of attendance improvement and dropout prevention
29 for the two thousand eleven--two thousand twelve school year, for any
30 city school district in a city having a population of more than one
31 million, the setaside for attendance improvement and dropout prevention
32 shall equal the amount set aside in the year prior to the base year. For
33 the two thousand eleven--two thousand twelve school year, it is further
34 provided that any city school district in a city having a population of
35 more than one million shall allocate at least one-third of any increase
36 from base year levels in funds set aside pursuant to the requirements of
37 this subdivision to community-based organizations. Any increase required
38 pursuant to this subdivision to community-based organizations must be in
39 addition to allocations provided to community-based organizations in the
40 base year.

41 d. for the purpose of teacher support for the two thousand eleven--two
42 thousand twelve school year: to the city school district of the city of
43 New York, sixty-two million seven hundred seven thousand dollars
44 (\$62,707,000); to the Buffalo city school district, one million seven
45 hundred forty-one thousand dollars (\$1,741,000); to the Rochester city
46 school district, one million seventy-six thousand dollars (\$1,076,000);
47 to the Yonkers city school district, one million one hundred forty-seven
48 thousand dollars (\$1,147,000); and to the Syracuse city school district,
49 eight hundred nine thousand dollars (\$809,000). All funds made available
50 to a school district pursuant to this subdivision shall be distributed
51 among teachers including prekindergarten teachers and teachers of adult
52 vocational and academic subjects in accordance with this subdivision and
53 shall be in addition to salaries heretofore or hereafter negotiated or
54 made available; provided, however, that all funds distributed pursuant
55 to this section for the current year shall be deemed to incorporate all
56 funds distributed pursuant to former subdivision 27 of section 3602 of

1 the education law for prior years. In school districts where the teach-
2 ers are represented by certified or recognized employee organizations,
3 all salary increases funded pursuant to this section shall be determined
4 by separate collective negotiations conducted pursuant to the provisions
5 and procedures of article 14 of the civil service law, notwithstanding
6 the existence of a negotiated agreement between a school district and a
7 certified or recognized employee organization.

8 S 89. Severability. The provisions of this act shall be severable, and
9 if the application of any clause, sentence, paragraph, subdivision,
10 section or part of this act to any person or circumstance shall be
11 adjudged by any court of competent jurisdiction to be invalid, such
12 judgment shall not necessarily affect, impair or invalidate the applica-
13 tion of any such clause, sentence, paragraph, subdivision, section, part
14 of this act or remainder thereof, as the case may be, to any other
15 person or circumstance, but shall be confined in its operation to the
16 clause, sentence, paragraph, subdivision, section or part thereof
17 directly involved in the controversy in which such judgment shall have
18 been rendered.

19 S 90. This act shall take effect immediately; and shall be deemed to
20 have been in full force and effect on and after April 1, 2011, provided,
21 however, that:

22 1. section five of this act shall take effect immediately and shall be
23 deemed to have been in full force and effect on and after July 1, 2006;

24 2. section twenty-four of this act shall take effect immediately and
25 shall be deemed to have been in full force and effect on and after July
26 1, 2007;

27 3. sections seventy-two through seventy-five of this act shall take
28 effect immediately and shall be deemed to have been in full force and
29 effect on and after June 30, 2010;

30 4. sections two, three, twenty-five, twenty-six, thirty-seven, thir-
31 ty-nine, forty-four, forty-nine, fifty-eight, sixty-five, sixty-six,
32 eighty-two and eighty-seven of this act shall take effect immediately
33 and shall be deemed to have been in full force and effect on and after
34 July 1, 2010;

35 5. section twenty-eight of this act shall be deemed to have been in
36 full force and effect on and after February 1, 2011;

37 6. sections four, fifteen through seventeen, twenty-one, twenty-two,
38 twenty-seven, thirty-three, thirty-five, thirty-six, thirty-eight,
39 forty-two, forty-three, forty-six, fifty through fifty-seven, fifty-
40 nine, sixty, sixty-two, sixty-four, seventy-six through eighty and
41 eighty-eight of this act shall take effect July 1, 2011;

42 7. section sixty-seven of this act shall take effect immediately, and
43 shall be deemed to have been in full force and effect on and after the
44 effective date of section 85 of part H of chapter 83 of the laws of
45 2002;

46 8. section sixty-eight of this act shall be deemed to have been in
47 full force and effect on and after the effective date of section 101 of
48 chapter 436 of the laws of 1997;

49 9. section sixty-nine of this act shall take effect immediately, and
50 shall be deemed to have been in full force and effect as of the effec-
51 tive date of section 140 of chapter 82 of the laws of 1995;

52 10. section seventy of this act shall take effect immediately and
53 shall be deemed to have been in full force and effect on and after Janu-
54 ary 1, 2011;

11. section eighty-six of this act shall take effect immediately, and shall be deemed to have been in full force and effect on and after April 1, 2010 and shall be deemed repealed on March 31, 2012;

12. section eighty-seven of this act shall take effect immediately and shall be deemed to have been in full force and effect on and after July 1, 2010;

13. the amendments to subdivision 21-a of section 1604 of the education law made by section eight of this act shall not affect the repeal of such subdivision and shall be deemed repealed therewith;

14. the amendments to subdivision 25 of section 1709 of the education law made by section twelve of this act shall not affect the repeal of such subdivision and shall be deemed repealed therewith;

15. the amendments to subdivision 1 of section 2856 of the education law made by section twenty-one 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-two of this act shall take effect;

16. notwithstanding the provisions of article 5 of the general construction law, the provisions of subdivision 6 of section 4402 of the education law, as amended by section fifty-eight of this act, are hereby revived and shall continue in full force and effect as such provisions existed on July 1, 2010; provided that the amendments to such subdivision 6 shall not affect the repeal of such subdivision;

17. notwithstanding the provisions of article 5 of the general construction law, the provisions of subdivision b of section 2, 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, as amended by sections sixty-five and sixty-six of this act are hereby revived and shall continue in full force and effect as such provisions existed on June 30, 2010;

18. the amendments to section 7 of chapter 472 of the laws of 1998 amending the education law relating to school buses by school districts made by section seventy-one of this act shall not affect the expiration of such section and shall be deemed to expire therewith;

19. the amendments to 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 made by section seventy-two of this act shall not affect the expiration of such section and shall be deemed to expire therewith;

20. notwithstanding the provisions of article 5 of the general construction law, the provisions of 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 at a school, as amended by section seventy-three of this act are hereby revived and shall continue in full force and effect as such provisions existed on June 30, 2010;

21. notwithstanding the provisions of article 5 of the general construction law, the provisions of section 5 of chapter 101 of the laws of 2003 amending the education law relating to implementation of the No Child Left Behind Act of 2001, as amended by section seventy-four of this act are hereby revived and shall continue in full force and effect as such provisions existed on June 30, 2010; and

22. notwithstanding the provisions of article 5 of the general construction law, the provisions of section 4 of chapter 51 of the laws of 2008 amending the education law relating to the universal pre-kinder-

1 garten program, as amended by section seventy-five of this act are here-
2 by revived and shall continue in full force and effect as such
3 provisions existed on June 30, 2010.

4 PART B

5 Section 1. Section 3641 of the education law is amended by adding a
6 new subdivision 5 to read as follows:

7 5. SCHOOL DISTRICT MANAGEMENT EFFICIENCY AWARDS PROGRAM. A. WITHIN
8 THE AMOUNT APPROPRIATED FOR SUCH PURPOSE, SUBJECT TO A PLAN DEVELOPED
9 JOINTLY WITH THE SECRETARY OF STATE AND APPROVED BY THE DIRECTOR OF THE
10 BUDGET, THE COMMISSIONER SHALL AWARD COMPETITIVE GRANTS PURSUANT TO THIS
11 SUBDIVISION FOR ACHIEVING SCHOOL DISTRICT MANAGEMENT EFFICIENCIES.

12 (1) SUCH PLAN SHALL INCLUDE BUT NOT BE LIMITED TO: THE PROCESS BY
13 WHICH A REQUEST FOR PROPOSALS IS DEVELOPED; THE SCORING RUBRIC BY WHICH
14 SUCH PROPOSALS WILL BE EVALUATED; THE FORM AND MANNER BY WHICH APPLICA-
15 TIONS WILL BE SUBMITTED; THE MANNER BY WHICH CALCULATION OF THE AMOUNT
16 OF THE AWARD WAS DETERMINED, INCLUDING ESTABLISHING BENCHMARKS BASED ON
17 ACTUAL COST SAVINGS THAT MUST BE MET BEFORE ANY AWARDS ARE PAID; AND THE
18 TIMELINE FOR THE ISSUANCE AND REVIEW OF APPLICATIONS TO ENSURE THAT
19 GRANTS WILL BE FIRST AWARDED DURING THE TWO THOUSAND ELEVEN--TWO THOU-
20 SAND TWELVE SCHOOL YEAR.

21 (2) THE COMMISSIONER SHALL BE AUTHORIZED, CONSISTENT WITH THE PLAN
22 REQUIRED BY THIS PARAGRAPH, TO PROMULGATE RULES AND REGULATIONS NECES-
23 SARY FOR THE IMPLEMENTATION OF THIS SUBDIVISION.

24 B. A RESPONSE TO A REQUEST FOR PROPOSALS ISSUED PURSUANT TO THIS
25 SUBDIVISION MAY BE SUBMITTED BY A SCHOOL DISTRICT OR JOINTLY BY TWO OR
26 MORE SCHOOL DISTRICTS WHO HAVE DEMONSTRATED TO THE SATISFACTION OF THE
27 COMMISSIONER THAT:

28 (1) ONE OR MORE LONG TERM EFFICIENCIES IN SCHOOL DISTRICT MANAGEMENT,
29 OPERATIONS, PROCUREMENT PRACTICES OR OTHER COST SAVINGS MEASURES THAT
30 HAVE NOT AND WILL NOT RESULT IN AN INCREASE IN COST TO THE STATE OR
31 LOCALITY HAVE BEEN IMPLEMENTED;

32 (2) SUCH EFFICIENCIES HAVE RESULTED OR WILL RESULT IN A SIGNIFICANT
33 REDUCTION IN TOTAL OPERATING EXPENSES COMPARED TO THE PRIOR YEAR, IN THE
34 ADMINISTRATIVE COMPONENT, OR THE EQUIVALENT, OF THE SCHOOL DISTRICT
35 BUDGET, IN TRANSPORTATION OPERATING EXPENSES, IN TRANSPORTATION CAPITAL
36 EXPENSES, AND/OR IN OTHER NON-PERSONAL SERVICE COSTS INCLUDED IN THE
37 PROGRAM COMPONENT OF THE SCHOOL DISTRICT BUDGET, OR THE EQUIVALENT,
38 COMPARED TO THE PRIOR YEAR; AND

39 (3) SUCH EFFICIENCIES ARE EXPECTED TO RESULT IN SUBSTANTIAL AND
40 SUSTAINABLE COST SAVINGS IN FUTURE YEARS; AND

41 (4) IF TWO OR MORE SCHOOL DISTRICTS ARE APPLYING JOINTLY, AND HAVE
42 ENTERED A SHARED SERVICES AGREEMENT AS AUTHORIZED BY LAW, THAT SIGNIF-
43 ICANT SAVINGS WOULD RESULT FROM SUCH SHARED SERVICES; PROVIDED THAT IN
44 NO EVENT SHALL DISTRICTS THAT HAVE ENTERED INTO AN AIDABLE COOPERATIVE
45 EDUCATIONAL SERVICES AGREEMENT FOR ANY SUCH SERVICES WITH A BOARD OF
46 COOPERATIVE EDUCATIONAL SERVICES PURSUANT TO SECTION NINETEEN HUNDRED
47 FIFTY OF THIS CHAPTER BE ELIGIBLE FOR AN AWARD PURSUANT TO THIS SUBDIVI-
48 SION. PROVIDED HOWEVER, A DISTRICT WHICH HAS RECEIVED AN AWARD PURSUANT
49 TO THE LOCAL GOVERNMENT EFFICIENCY GRANT PROGRAM AUTHORIZED BY SUBDIVI-
50 SION TEN OF SECTION FIFTY-FOUR OF THE STATE FINANCE LAW, SHALL NOT BE
51 ELIGIBLE TO RECEIVE AN AWARD PURSUANT TO THIS SUBDIVISION FOR THE SAME
52 PURPOSE.

53 C. THE COMMISSIONER SHALL GRANT PRIORITY TO APPLICATIONS THAT HAVE
54 DEMONSTRATED THAT THE LONG TERM EFFICIENCIES THAT HAVE BEEN IMPLEMENTED:

(1) ARE INNOVATIVE IN THE MANNER THAT THE MANAGEMENT OR ORGANIZATIONAL STRUCTURE MAY BE CHANGED TO GENERATE SIGNIFICANT SAVINGS WHILE MAINTAINING OR IMPROVING STUDENT ACHIEVEMENT; (2) HAVE THE PARTICIPATION OF THE TEACHERS, PARENTS AND/OR OTHER STAKEHOLDERS IN THE SCHOOL DISTRICT; (3) ARE MEASURES OR STRATEGIES THAT OTHER SCHOOL DISTRICTS CAN REPLICATE; OR (4) HAVE THE GREATEST QUANTIFIABLE SAVINGS THAT WILL BE SUSTAINABLE.

D. A SCHOOL DISTRICT OR SCHOOL DISTRICTS SEEKING A GRANT SHALL SUBMIT AN APPLICATION TO THE COMMISSIONER IN A FORM AND MANNER AND BY A DATE AS PRESCRIBED BY THE COMMISSIONER. THE COMMISSIONER MAY CONSULT WITH ANY OTHER STATE AGENCY ABOUT SUCH GRANTS AND EACH SUCH AGENCY SHALL COOPERATE IN ASSISTING IN THE ANALYSIS OF GRANT APPLICATIONS.

E. THE AMOUNT OF THE GRANT AWARD, INCLUDING THE MAXIMUM GRANT AMOUNT AVAILABLE TO ANY DISTRICT OR DISTRICTS, SHALL BE DETERMINED BY THE COMMISSIONER, CONSISTENT WITH THE PLAN DEVELOPED PURSUANT TO PARAGRAPH A OF THIS SUBDIVISION PROVIDED THAT THE AMOUNT OF SUCH AWARDS SHALL BE, BASED UPON THE SIZE OF THE DISTRICT OR SCHOOL DISTRICTS MEASURED BY PUBLIC SCHOOL ENROLLMENT OF THE DISTRICT OR DISTRICTS; PROVIDED FURTHER THAT SUCH AMOUNT MAY BE ADJUSTED BASED UPON MEASURES OF DISTRICT NEED.

S 2. Section 3641 of the education law is amended by adding a new subdivision 6 to read as follows:

6. SCHOOL DISTRICT PERFORMANCE IMPROVEMENT AWARDS GRANT. A. WITHIN THE AMOUNTS APPROPRIATED FOR SUCH PURPOSE, THE COMMISSIONER SHALL AWARD COMPETITIVE GRANTS TO ELIGIBLE SCHOOL DISTRICTS PURSUANT TO THIS SUBDIVISION THAT HAVE DEMONSTRATED THE MOST IMPROVED ACADEMIC ACHIEVEMENT GAINS AND STUDENT OUTCOMES, AS WELL AS HAVING IMPLEMENTED STRATEGIES THAT HAVE THE MOST POTENTIAL FOR CONTINUED IMPROVEMENTS IN STUDENT PERFORMANCE.

B. THE COMMISSIONER SHALL:

(1) DEVELOP A COMPETITIVE REQUEST FOR PROPOSALS TO BE ISSUED ON OR BEFORE OCTOBER FIRST, TWO THOUSAND ELEVEN AND SHALL ENSURE THAT GRANTS WILL FIRST BE AWARDED PURSUANT TO THIS SUBDIVISION DURING THE TWO THOUSAND ELEVEN-TWO THOUSAND TWELVE SCHOOL YEAR.

(2) CREATE A PEER REVIEW PROCESS AND A SCORING RUBRIC TO BE USED IN THE EVALUATION OF APPLICATIONS DURING SUCH PROCESS. SUCH SCORING RUBRIC SHALL GIVE PRIORITY TO THOSE ELIGIBLE SCHOOL DISTRICTS THAT HAVE THE MOST SIGNIFICANT MEASURABLE IMPROVEMENTS IN ACADEMIC ACHIEVEMENT AND STUDENT OUTCOMES; AND HAVE (A) IMPLEMENTED RIGOROUS PROGRAMS TO IMPROVE MIDDLE SCHOOL STUDENT PERFORMANCE; (B) NEWLY ESTABLISHED OR EXPANDED PARTICIPATION IN COLLEGE LEVEL OR EARLY COLLEGE PROGRAMS; (C) SIGNIFICANTLY INCREASED COLLEGE ADMISSION RATES; (D) EXEMPLARY CAREER AND TECHNICAL EDUCATION PROGRAMS WITH A RECORD OF SUCCESSFUL STUDENT OUTCOMES; OR (E) OTHER INNOVATIVE AND REPLICABLE STRATEGIES FOR STUDENT ACHIEVEMENT.

(3) BE AUTHORIZED TO PROMULGATE RULES AND REGULATIONS NECESSARY FOR THE IMPLEMENTATION OF THIS SUBDIVISION.

C. TO BE AN ELIGIBLE APPLICANT, A SCHOOL DISTRICT MUST:

(1) HAVE A RACE TO THE TOP FINAL SCOPE OF WORK THAT WAS APPROVED BY THE COMMISSIONER BY FEBRUARY FIFTEENTH, TWO THOUSAND ELEVEN;

(2) HAVE DEMONSTRATED SATISFACTORY PROGRESS, AS DETERMINED BY THE COMMISSIONER, TOWARDS IMPLEMENTATION OF ELEMENTS SUCH AS HIGH QUALITY STUDENT ASSESSMENTS, USE OF DATA TO IMPROVE INSTRUCTION AND STUDENT PERFORMANCE, PROVISION OF PROFESSIONAL DEVELOPMENT TO IMPROVE TEACHER PERFORMANCE; AND

(3) BE AMONG THE SCHOOL DISTRICTS SHOWING THE GREATEST GAINS IN STUDENT PERFORMANCE IN ITS CATEGORY OF DISTRICT IN THE PRIOR SCHOOL YEAR AS REFLECTED BY INCREASES IN STUDENT OUTCOME, AS WELL AS OTHER MEASURES

FOR CLOSING THE ACHIEVEMENT GAP, IMPROVING HIGH SCHOOL PERFORMANCE AND GRADUATION RATES, AND INCREASING COLLEGE ATTENDANCE AND RETENTION RATES AS COMPARED TO STUDENT PERFORMANCE IN THOSE AREAS IN THE APPLICABLE BASELINE YEAR.

D. FOR PURPOSES OF THIS SUBDIVISION:

(1) "CATEGORY OF DISTRICT" MEANS:

(A) A HIGH-NEED LARGE CITY CATEGORY CONSISTING OF CITY SCHOOL DISTRICTS HAVING A POPULATION OF ONE HUNDRED TWENTY-FIVE THOUSAND INHABITANTS OR MORE, PROVIDED THAT IN THE CASE OF THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK THE CHANCELLOR SHALL HAVE THE OPTION OF APPLYING ON BEHALF OF ONE OR MORE COMMUNITY SCHOOL DISTRICTS AND/OR DISTRICT SEVENTY-FIVE IN LIEU OF APPLYING ON A CITYWIDE BASIS;

(B) A HIGH-NEED URBAN-SUBURBAN CATEGORY AS DEFINED BY THE COMMISSIONER BASED UPON THE NEED/RESOURCE CAPACITY INDEX APPLICABLE TO SUCH SCHOOL DISTRICTS;

(C) A HIGH-NEED RURAL CATEGORY AS DEFINED BY THE COMMISSIONER BASED UPON THE NEED/RESOURCE CAPACITY INDEX APPLICABLE TO SUCH SCHOOL DISTRICTS;

(D) AN AVERAGE NEED CATEGORY AS DEFINED BY THE COMMISSIONER BASED UPON THE NEED/RESOURCE CAPACITY INDEX APPLICABLE TO SUCH SCHOOL DISTRICTS; AND

(E) A LOW NEED CATEGORY AS DEFINED BY THE COMMISSIONER BASED UPON THE NEED/RESOURCE CAPACITY INDEX APPLICABLE TO SUCH SCHOOL DISTRICTS.

(2) THE COMMISSIONER SHALL ESTABLISH A METHODOLOGY FOR DETERMINING WHICH DISTRICTS IN EACH CATEGORY OF DISTRICT THAT HAVE APPLIED FOR A PERFORMANCE IMPROVEMENT GRANT HAVE SHOWN THE GREATEST ACHIEVEMENT GAINS. PROVIDED, HOWEVER, THAT WHERE A SCHOOL DISTRICT DOES NOT HAVE THE MINIMUM NUMBER OF STUDENTS SPECIFIED BY THE COMMISSIONER FOR ACCOUNTABILITY PURPOSES (MINIMUM "N" SIZE) IN ONE OR MORE OF THE FIVE SUBGROUPS, SUCH DISTRICT SHALL NOT BE DISQUALIFIED FROM RECEIVING A GRANT, BUT A PREFERENCE SHALL BE GIVEN TO DISTRICTS WITHIN EACH CATEGORY OF DISTRICT WITH THE HIGHEST NUMBER OF SUBGROUPS MEETING SUCH MINIMUM "N" SIZE.

E. THE COMMISSIONER SHALL GRANT AWARDS TO THE SCHOOL DISTRICTS, AS RECOMMENDED BY THE PEER REVIEW PANEL, AMONG THE VARIOUS CATEGORIES OF DISTRICTS AND DETERMINE THE AMOUNT OF THE GRANT AWARD FOR EACH ELIGIBLE SCHOOL DISTRICT BASED UPON THE PUBLIC SCHOOL ENROLLMENT OF THE DISTRICT; PROVIDED FURTHER THAT SUCH AMOUNT MAY BE ADJUSTED BASED UPON MEASURES OF DISTRICT NEED.

F. ANY SCHOOL DISTRICT RECEIVING AN AWARD SHALL EXPEND GRANT FUNDS IN ACCORDANCE WITH A HIGH-QUALITY PLAN SUBMITTED WITH ITS APPLICATION IN RESPONSE TO THE REQUEST FOR PROPOSALS. SUCH PLAN MUST SPECIFY HOW SUCH FUNDS WILL BE USED TO ENHANCE THE ACTIVITIES AND STRATEGIES THAT HAVE BEEN OR WILL BE IMPLEMENTED THAT HAVE BEEN DEMONSTRATED TO BE EFFECTIVE IN, OR SHOW THE MOST PROMISE FOR, INCREASING STUDENT PERFORMANCE.

S 3. This act shall take effect immediately.

PART C

Section 1. Article 9 of the arts and cultural affairs law is REPEALED.

S 2. Section 97-u of the state finance law is REPEALED.

S 3. Notwithstanding any inconsistent provision of law, all rights and property previously held by the entity formerly referred to as the New York state theatre institute corporation, as established in chapter 824 of the laws of 1992, and as repealed in this act, shall pass to and be vested within the office of general services.

S 4. This act shall take effect immediately.

1

PART D

2 Section 1. This act enacts into law major components of legislation
3 which are necessary to implement the state fiscal plan for the 2011-2012
4 state fiscal year. Each component is wholly contained within a Subpart
5 identified as Subparts A through D. The effective date for each partic-
6 ular provision contained within such Subparts is set forth in the last
7 section of such Subpart. Any provision in any section contained within a
8 Subpart, including the effective date of the Subpart, which makes a
9 reference to a section "of this act", when used in connection with that
10 particular component, shall be deemed to mean and refer to the corre-
11 sponding section of the Subpart in which it is found. Section three of
12 this act sets forth the general effective date of this act.

13

SUBPART A

14 Section 1. Paragraph a of subdivision 2 of section 355 of the educa-
15 tion law, as amended by chapter 552 of the laws of 1985, is amended to
16 read as follows:

17 a. (1) To take, hold and administer on behalf of the state university
18 or any institution therein, real and personal property or any interest
19 therein and the income thereof either absolutely or in trust for any
20 educational or other purpose within the jurisdiction and corporate
21 purposes of the state university. The trustees may acquire property for
22 such purposes by purchase, appropriation or lease and by the acceptance
23 of gifts, grants, bequests and devises, and, within appropriations made
24 therefor, may equip and furnish buildings and otherwise improve property
25 owned, used or occupied by the state university or any institution ther-
26 ein. THE TRUSTEES MAY ACQUIRE PROPERTY BY THE ACCEPTANCE OF CONDITIONAL
27 GIFTS, GRANTS, DEVISES OR BEQUESTS, THE PROVISIONS OF SECTION ELEVEN OF
28 THE STATE FINANCE LAW NOTWITHSTANDING. Where real property is to be
29 acquired by purchase or appropriation, such acquisition shall be in
30 accordance with the provisions of section three hundred seven of this
31 chapter except that the powers and duties in said section mentioned to
32 be performed by the commissioner [of education] shall be performed by
33 the state university trustees.

34 (2) THE PROVISIONS OF SECTIONS THREE, THIRTY-A, AND THIRTY-THREE OF
35 THE PUBLIC LANDS LAW NOTWITHSTANDING, THE TRUSTEES MAY PROVIDE FOR THE
36 LEASE, TRANSFER OR CONVEYANCE, OTHER THAN CONVEYANCE OF TITLE, OF
37 STATE-OWNED REAL PROPERTY UNDER THE JURISDICTION OF THE STATE UNIVERSI-
38 TY, UPON APPROVAL OF THE STATE UNIVERSITY ASSET MAXIMIZATION REVIEW
39 BOARD CREATED PURSUANT TO SECTION THREE HUNDRED SIXTY-ONE OF THIS ARTI-
40 CLE. THE FOREGOING NOTWITHSTANDING, THE TRUSTEES, UPON APPROVAL OF THE
41 STATE UNIVERSITY ASSET MAXIMIZATION REVIEW BOARD, MAY PROVIDE FOR THE
42 LEASE OF SUCH REAL PROPERTY FOR PERIODS NOT TO EXCEED FIFTY YEARS IN
43 SUPPORT OF THE EDUCATIONAL AND OTHER CORPORATE PURPOSES OF THE STATE
44 UNIVERSITY, UNLESS THE SUBJECT PROJECT IS IN CONFLICT WITH THE MISSION
45 OF THE CAMPUS TO WHICH IT RELATES, INCLUDING BUT NOT LIMITED TO, THE
46 DEVELOPMENT AND OPERATION OF RESEARCH, INCUBATOR, COMMUNITY, HEALTH
47 CARE, RETAIL, FOOD SERVICE, TELECOMMUNICATION, STUDENT AND FACULTY HOUS-
48 ING, ENERGY, GOVERNMENTAL, SENIOR COMMUNITY, HOTEL, CONFERENCE CENTER
49 AND RECREATIONAL FACILITIES, AND FOR THE PURPOSE OF MAXIMIZING THE USE
50 OF NATURAL RESOURCES; PROVIDED, HOWEVER, THAT WITH REGARD TO ANY SUCH
51 LEASE, TRANSFER OR CONVEYANCE:

52 (I) SUCH LEASE OR AGREEMENT SHALL BE DEEMED A STATE CONTRACT FOR
53 PURPOSES OF ARTICLE FIFTEEN-A OF THE EXECUTIVE LAW, AND THE ENTITY

ENTERING INTO SUCH CONTRACT SHALL BE DEEMED A STATE AGENCY FOR PURPOSES OF ARTICLE FIFTEEN-A OF THE EXECUTIVE LAW.

(II) ALL WORK PERFORMED ON A PROJECT WHERE ALL OR ANY PORTION THEREOF INVOLVES A LEASE OR AGREEMENT FOR CONSTRUCTION, DEMOLITION, RECONSTRUCTION, EXCAVATION, REHABILITATION, REPAIR, RENOVATION, ALTERATION OR IMPROVEMENT SHALL BE DEEMED A PUBLIC WORK AND SHALL BE SUBJECT TO AND PERFORMED IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE EIGHT OF THE LABOR LAW TO THE SAME EXTENT AND IN THE SAME MANNER AS A CONTRACT OF THE STATE, AND COMPLIANCE WITH ALL THE PROVISIONS OF ARTICLE EIGHT OF THE LABOR LAW SHALL BE REQUIRED OF ANY LESSEE, SUBLESSEE, CONTRACTOR OR SUBCONTRACTOR ON THE PROJECT.

(III) THE LESSEE OR SUBLESSEE SHALL INDEMNIFY AND DEFEND THE STATE UNIVERSITY OF NEW YORK AGAINST ALL CLAIMS, SUITS, ACTIONS AND LIABILITY TO ALL PERSONS ARISING OUT OF THE LESSEE OR SUBLESSEE'S USE OR OCCUPANCY OF THE DEMISED PREMISES.

(IV) NOTHING IN THE LEASE OR AGREEMENT SHALL BE DEEMED TO WAIVE OR IMPAIR ANY RIGHTS OR BENEFITS OF EMPLOYEES OF THE STATE UNIVERSITY OF NEW YORK THAT OTHERWISE WOULD BE AVAILABLE TO THEM PURSUANT TO THE TERMS OF COLLECTIVE BARGAINING AGREEMENTS. ALL WORK PERFORMED ON THE DEMISED PREMISES THAT ORDINARILY WOULD BE PERFORMED BY EMPLOYEES SUBJECT TO ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW SHALL CONTINUE TO BE PERFORMED BY SUCH EMPLOYEES.

(V) UPON THE EXPIRATION OF THE LEASE OR AGREEMENT, THE DEMISED PREMISES SHALL REVERT TO THE STATE UNIVERSITY OF NEW YORK.

(VI) IN THE EVENT THE DEMISED PREMISES SHALL CEASE TO BE USED FOR THE PURPOSES DESCRIBED IN THE LEASE OR AGREEMENT, THE LEASE OR AGREEMENT SHALL IMMEDIATELY TERMINATE, AND THE DEMISED PREMISES SHALL REVERT TO THE STATE UNIVERSITY OF NEW YORK.

(VII) ANY CONTRACTS AWARDED OR ENTERED INTO BY A CAMPUS RELATED FOUNDATION, ALUMNI ASSOCIATION OR AFFILIATE THEREOF, ANY NOT-FOR-PROFIT CORPORATION OR ASSOCIATION ORGANIZED BY A STATE-OPERATED INSTITUTION TO FURTHER ITS PURPOSES, OR ANY LIMITED LIABILITY COMPANY WHOSE SOLE MEMBER IS ANY OF THE FOREGOING ENTITIES, FOR CONSTRUCTION, RECONSTRUCTION, RENOVATION, REHABILITATION, IMPROVEMENT OR EXPANSION AT THE STATE-OPERATED INSTITUTION, FOR ANY SINGLE CONSTRUCTION PROJECT EXCEEDING TEN MILLION DOLLARS IN THE AGGREGATE, FOR WHICH MORE THAN TWENTY-FIVE PERCENT OF SUCH AGGREGATE AMOUNT IS TO BE PAID FROM APPROPRIATIONS FURNISHED BY EITHER THE STATE OF NEW YORK OR THE STATE UNIVERSITY, SUCH CONSTRUCTION, RECONSTRUCTION, RENOVATION, REHABILITATION, IMPROVEMENT OR EXPANSION AT THE STATE-OPERATED INSTITUTION SHALL BE UNDERTAKEN PURSUANT TO A PROJECT LABOR AGREEMENT, AS DEFINED IN SUBDIVISION ONE OF SECTION TWO HUNDRED TWENTY-TWO OF THE LABOR LAW, PROVIDED A STUDY DONE BY OR FOR THE CONTRACTING ENTITY DETERMINES THAT A PROJECT LABOR AGREEMENT WILL BENEFIT SUCH CONSTRUCTION, RECONSTRUCTION, RENOVATION, REHABILITATION, IMPROVEMENT OR EXPANSION THROUGH REDUCED RISK OF DELAY, POTENTIAL COST SAVINGS OR POTENTIAL REDUCTION IN THE RISK OF LABOR UNREST IN LIGHT OF ANY PERTINENT LOCAL HISTORY THEREOF. FOR PURPOSES OF APPLYING THE DOLLAR THRESHOLDS SET FORTH IN THIS CLAUSE, THE TERM "SINGLE CONSTRUCTION PROJECT" SHALL MEAN ANY CONSTRUCTION, RECONSTRUCTION, RENOVATION, REHABILITATION, IMPROVEMENT OR EXPANSION ACTIVITY ASSOCIATED WITH ONE OR MORE BUILDINGS, STRUCTURES OR IMPROVEMENTS, INCLUDING ALL DIRECTLY RELATED INFRASTRUCTURE AND SITE WORK IN CONTEMPLATION THEREOF, THAT ARE FUNCTIONALLY INTERDEPENDENT.

(3) THE PROVISIONS OF SECTION ONE HUNDRED SIXTY-SEVEN OF THE STATE FINANCE LAW NOTWITHSTANDING, THE TRUSTEES MAY PROVIDE FOR THE SALE, LEASE, TRANSFER OR CONVEYANCE OF PERSONAL PROPERTY UNDER THE CUSTODY AND

CONTROL OF THE STATE UNIVERSITY IN SUCH MANNER AND UPON SUCH TERMS AS THE TRUSTEES SHALL DETERMINE. THE PROVISIONS OF SECTION TWENTY-THREE OF THE PUBLIC LANDS LAW AND SECTION ONE HUNDRED SIXTY-SEVEN OF THE STATE FINANCE LAW NOTWITHSTANDING, THE PROCEEDS FROM THE SALE, LEASE, TRANSFER OR CONVEYANCE OF STATE-OWNED REAL PROPERTY UNDER THE JURISDICTION OF THE STATE UNIVERSITY OR OF PERSONAL PROPERTY UNDER THE CUSTODY AND CONTROL OF THE STATE UNIVERSITY SHALL BE RETAINED BY THE STATE UNIVERSITY.

S 2. The education law is amended by adding a new section 361 to read as follows:

S 361. STATE UNIVERSITY ASSET MAXIMIZATION REVIEW BOARD; CREATION; PROCEDURE. 1. CREATION. (A) THE STATE UNIVERSITY ASSET MAXIMIZATION REVIEW BOARD ("THE BOARD") IS HEREBY CREATED TO HAVE AND EXERCISE THE POWERS, DUTIES AND PREROGATIVES PROVIDED BY THE PROVISIONS OF THIS SECTION AND ANY OTHER PROVISION OF LAW.

(B) THE VOTING MEMBERSHIP OF THE BOARD SHALL CONSIST OF THREE PERSONS APPOINTED BY THE GOVERNOR, OF WHICH ONE SHALL BE UPON THE RECOMMENDATION OF THE TEMPORARY PRESIDENT OF THE SENATE AND ONE UPON THE RECOMMENDATION OF THE SPEAKER OF THE ASSEMBLY. UPON RECOMMENDATION OF THE NOMINATING PARTY, THE GOVERNOR SHALL REPLACE ANY MEMBER IN ACCORDANCE WITH THE PROVISION CONTAINED IN THIS SUBDIVISION FOR THE APPOINTMENT OF MEMBERS. THE GOVERNOR SHALL DESIGNATE ONE OF THE MEMBERS TO SERVE AS CHAIRPERSON. THE BOARD SHALL ACT BY UNANIMOUS VOTE OF THE MEMBERS OF THE BOARD; PROVIDED, HOWEVER THAT WITHIN FORTY-FIVE DAYS OF RECEIPT OF AN APPLICATION SPECIFIED IN PARAGRAPH (B) OF SUBDIVISION THREE OF THIS SECTION, THE DESIGNATED BOARD CHAIRPERSON SHALL CONVENE A MEETING OF THE BOARD, CONSISTING OF ALL VOTING AND NON-VOTING MEMBERS OF THE BOARD PURSUANT TO THIS PARAGRAPH AND PARAGRAPHS (C), (D) AND (E) OF THIS SUBDIVISION PROVIDED, HOWEVER THAT ALL VOTING MEMBERS OR THEIR DESIGNEE MUST PARTICIPATE TO APPROVE OR DENY AN APPLICATION. ANY DETERMINATION OF THE BOARD SHALL BE EVIDENCED BY A CERTIFICATION THEREOF EXECUTED BY ALL THE MEMBERS. EACH MEMBER OF THE BOARD SHALL BE ENTITLED TO DESIGNATE A REPRESENTATIVE TO ATTEND MEETINGS OF THE BOARD ON THE DESIGNATING MEMBER'S BEHALF, AND TO VOTE OR OTHERWISE ACT ON THE DESIGNATING MEMBER'S BEHALF IN THE DESIGNATING MEMBER'S ABSENCE. NOTICE OF SUCH DESIGNATION SHALL BE FURNISHED IN WRITING TO THE BOARD BY THE DESIGNATING MEMBER. A REPRESENTATIVE SHALL SERVE AT THE PLEASURE OF THE DESIGNATING MEMBER DURING THE MEMBER'S TERM OF OFFICE. A REPRESENTATIVE SHALL NOT BE AUTHORIZED TO DELEGATE ANY OF HIS OR HER DUTIES OR FUNCTIONS TO ANY OTHER PERSON.

(C) THE GOVERNOR SHALL ALSO APPOINT TWO NON-VOTING MEMBERS TO THE BOARD OF WHICH ONE SHALL BE UPON THE RECOMMENDATION OF THE MINORITY LEADER OF THE SENATE AND ONE UPON THE RECOMMENDATION OF THE MINORITY LEADER OF THE ASSEMBLY. EACH NON-VOTING MEMBER SHALL BE ENTITLED TO DESIGNATE A REPRESENTATIVE TO ATTEND MEETINGS OF THE BOARD IN HIS OR HER PLACE.

(D) TWO EX-OFFICIO NON-VOTING MEMBERS OF THE BOARD SHALL BE THE STATE COMPTROLLER AND THE STATE ATTORNEY GENERAL. EACH EX-OFFICIO MEMBER SHALL BE ENTITLED TO DESIGNATE A REPRESENTATIVE TO ATTEND MEETINGS OF THE BOARD IN HIS OR HER PLACE.

(E) TWO EX-OFFICIO NON-VOTING MEMBERS OF THE BOARD SHALL BE THE PRESIDENT OF THE AFL-CIO AND THE DIRECTOR OF THE DIVISION OF MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES OF THE EMPIRE STATE DEVELOPMENT CORPORATION. EACH EX-OFFICIO MEMBER SHALL BE ENTITLED TO DESIGNATE A REPRESENTATIVE TO ATTEND MEETINGS OF THE BOARD IN HIS OR HER PLACE.

(F) EVERY OFFICER, EMPLOYEE, OR MEMBER OF A GOVERNING BOARD OR OTHER BOARD OF ANY COLLEGE OR GROUP OR ASSOCIATION OF COLLEGES, AND EVERY NEW

1 YORK STATE REGENT, EVERY OFFICER OR EMPLOYEE OF THE BOARD OF REGENTS OR
2 THE DEPARTMENT AND EVERY TRUSTEE, OFFICER OR EMPLOYEE OF THE STATE
3 UNIVERSITY OF NEW YORK SHALL BE INELIGIBLE FOR APPOINTMENT AS A MEMBER,
4 REPRESENTATIVE, OFFICER, EMPLOYEE OR AGENT OF THE BOARD.

5 (G) THE MEMBERS OF THE BOARD SHALL SERVE WITHOUT SALARY OR PER DIEM
6 ALLOWANCE BUT SHALL BE ENTITLED TO REIMBURSEMENT FOR ACTUAL AND NECES-
7 SARY EXPENSES INCURRED IN THE PERFORMANCE OF OFFICIAL DUTIES PURSUANT TO
8 THIS SECTION OR OTHER PROVISION OF LAW, PROVIDED HOWEVER THAT SUCH
9 MEMBERS AND REPRESENTATIVES ARE NOT, AT THE TIME SUCH EXPENSES ARE
10 INCURRED, PUBLIC OFFICERS OR EMPLOYEES OTHERWISE ENTITLED TO SUCH
11 REIMBURSEMENT.

12 (H) THE MEMBERS, THEIR REPRESENTATIVES, OFFICERS AND STAFF TO THE
13 BOARD SHALL BE DEEMED EMPLOYEES WITHIN THE MEANING OF SECTION SEVENTEEN
14 OF THE PUBLIC OFFICERS LAW.

15 2. POWERS, FUNCTIONS AND DUTIES OF THE STATE UNIVERSITY ASSET MAXIMI-
16 ZATION REVIEW BOARD; LIMITATIONS. PURSUANT TO THIS CHAPTER, THE BOARD
17 SHALL HAVE THE POWER AND IT SHALL BE ITS DUTY TO APPROVE OR DENY: (A)
18 REQUESTS RECEIVED FROM THE TRUSTEES OF THE STATE UNIVERSITY FOR THE
19 LEASE, TRANSFER OR CONVEYANCE, OTHER THAN THE CONVEYANCE OF TITLE, OF
20 STATE-OWNED REAL PROPERTY UNDER THE JURISDICTION OF THE STATE
21 UNIVERSITY, AND (B) REQUESTS FROM THE TRUSTEES OF THE STATE UNIVERSITY
22 TO PARTICIPATE IN JOINT AND COOPERATIVE ARRANGEMENTS WITH PUBLIC,
23 NOT-FOR-PROFIT AND BUSINESS ENTITIES AS PARTNERS, JOINT VENTURERS,
24 MEMBERS OF NOT-FOR-PROFIT CORPORATIONS, MEMBERS OF LIMITED LIABILITY
25 COMPANIES AND SHAREHOLDERS OF BUSINESS CORPORATIONS, AS AUTHORIZED BY
26 PARAGRAPH Z OF SUBDIVISION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OF
27 THIS ARTICLE.

28 3. (A) THE TRUSTEES OF THE STATE UNIVERSITY OF NEW YORK SHALL SUBMIT,
29 IN WRITING, AN APPLICATION TO ALL VOTING AND NON-VOTING MEMBERS OF THE
30 BOARD FOR THE LEASE, TRANSFER, CONVEYANCE, OTHER THAN THE CONVEYANCE OF
31 TITLE, OF STATE-OWNED REAL PROPERTY UNDER THE JURISDICTION OF THE STATE
32 UNIVERSITY. THE APPLICATION SHALL INCLUDE, BUT NOT BE LIMITED TO, THE
33 NAME OR NAMES OF THE PROSPECTIVE ENTITY FOR WHICH A LEASE OR AGREEMENT
34 SHALL BE ENTERED, THE GEOGRAPHICAL LOCATION AND PARCEL OF REAL PROPERTY
35 THAT WOULD BE UTILIZED, THE PERIOD OF TIME FOR WHICH THE LEASE, TRANSFER
36 OR CONVEYANCE IS TO BE EXECUTED AND ANY CONSIDERATION WHICH IS TO BE
37 GRANTED TO THE STATE UNIVERSITY FOR THE LEASE, TRANSFER OR CONVEYANCE OF
38 SUCH REAL PROPERTY. WHERE A LEASE AGREEMENT FOR STUDENT AND/OR FACULTY
39 HOUSING IS SUBMITTED TO THE BOARD FOR APPROVAL, IF APPLICABLE, THE BOARD
40 MAY TAKE INTO CONSIDERATION WHETHER THE AGREEMENT WOULD IMPACT OCCUPANCY
41 IN DORMITORIES FINANCED PURSUANT TO AGREEMENTS BETWEEN THE DORMITORY
42 AUTHORITY OF THE STATE OF NEW YORK, THE STATE UNIVERSITY OF NEW YORK OR
43 THE STATE UNIVERSITY CONSTRUCTION FUND. THE TRUSTEES SHALL ALSO FURNISH
44 ANY OTHER INFORMATION THAT THE BOARD DEEMS NECESSARY WITHIN FIFTEEN DAYS
45 OF THE REQUEST.

46 (B) UPON RECEIPT OF AN APPLICATION FROM THE TRUSTEES, THE BOARD SHALL
47 HAVE NO MORE THAN FORTY-FIVE DAYS TO EVALUATE SUCH APPLICATION AND
48 RECORD A VOTE OF APPROVE OR DENY FOR EACH VOTING MEMBER OF THE BOARD.

49 (C) WITHIN THREE DAYS OF RECEIPT OF AN APPLICATION BY THE BOARD, THE
50 CHAIRPERSON OF THE BOARD SHALL CONVENE AN INITIAL MEETING TO TAKE PLACE
51 WITH AT LEAST SEVEN DAYS ADVANCE NOTICE TO ALL MEMBERS OF THE BOARD, AND
52 WITHIN TWENTY-ONE DAYS OF THE RECEIPT OF THE APPLICATION FOR THE PURPOSE
53 OF RECORDING A VOTE TO APPROVE, DENY, OR TABLE THE APPLICATION. IF ANY
54 VOTE IS MADE TO DENY THE APPLICATION, THE APPLICATION IS DENIED UNLESS
55 THERE IS A VOTE TO TABLE THE APPLICATION. IF AT THE INITIAL MEETING,
56 ANY VOTING MEMBER OR THEIR DESIGNEE DOES NOT PARTICIPATE TO RECORD A

1 VOTE, OR IF THERE IS A VOTE TO TABLE THE APPLICATION, THEN WITHIN THREE
2 DAYS OF THE INITIAL MEETING, THE CHAIRPERSON OF THE BOARD SHALL CONVENE
3 A SUBSEQUENT MEETING WITH AT LEAST SEVEN DAYS ADVANCE NOTICE TO ALL
4 MEMBERS OF THE BOARD, AND WITHIN THIRTY-FIVE DAYS OF THE RECEIPT OF THE
5 APPLICATION FOR THE PURPOSE OF RECORDING A VOTE TO APPROVE, DENY, OR
6 TABLE THE APPLICATION. IF ANY VOTE IS MADE TO DENY THE APPLICATION, THE
7 APPLICATION IS DENIED UNLESS THERE IS A VOTE TO TABLE THE APPLICATION.
8 IF AT THE SUBSEQUENT MEETING, ANY VOTING MEMBER OR THEIR DESIGNEE DOES
9 NOT PARTICIPATE TO RECORD A VOTE, OR IF THERE IS A VOTE TO TABLE THE
10 APPLICATION, THEN WITHIN THREE DAYS OF THE SUBSEQUENT MEETING, THE
11 CHAIRPERSON OF THE BOARD SHALL CONVENE A FINAL MEETING WITH AT LEAST
12 SEVEN DAYS ADVANCE NOTICE TO ALL MEMBERS OF THE BOARD, AND WITHIN
13 FORTY-FIVE DAYS OF THE RECEIPT OF THE APPLICATION FOR THE PURPOSE OF
14 RECORDING A VOTE TO APPROVE OR DENY THE APPLICATION. IF ANY VOTE IS MADE
15 TO DENY THE APPLICATION, THE APPLICATION IS DENIED. IF ANY VOTING MEMBER
16 OR THEIR DESIGNEE DOES NOT PARTICIPATE IN THE FINAL MEETING, OR IF ANY
17 VOTING MEMBER DOES NOT CAST A VOTE TO APPROVE OR DENY THE APPLICATION,
18 THEN THE VOTE OF SUCH MEMBER SHALL BE RECORDED AS A VOTE TO APPROVE THE
19 APPLICATION.

20 (D) IN THE EVENT THAT THE CHAIRPERSON OF THE BOARD DOES NOT CONVENE A
21 MEETING REQUIRED PURSUANT TO PARAGRAPH (C) OF THIS SUBDIVISION, EITHER
22 OF THE OTHER VOTING MEMBERS OF THE BOARD SHALL HAVE THE AUTHORITY TO
23 CONVENE SUCH MEETING WITHIN THE SAME PARAMETERS AND WITH THE SAME CRITE-
24 RIA REQUIRED BY SUCH PARAGRAPH, EXCEPT THAT ANY SUCH MEETING SHALL BE
25 CONVENED WITHIN TWO DAYS OF THE EXPIRATION OF THE THREE DAY TIME ALLOT-
26 MENT PROVIDED TO THE CHAIRPERSON. IN ADDITION, NOTHING IN THIS SECTION
27 SHALL PREVENT THE CHAIRPERSON FROM CONVENING ADDITIONAL MEETINGS NOT
28 SPECIFICALLY REQUIRED PURSUANT TO PARAGRAPH (C) OF THIS SUBDIVISION,
29 PROVIDED THAT ANY SUCH MEETING SHALL ALLOW AT LEAST SEVEN DAYS ADVANCE
30 NOTICE TO ALL MEMBERS OF THE BOARD.

31 (E) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBDIVISION, ANY
32 ADVANCE NOTICE REQUIREMENTS MAY BE WAIVED UPON THE CONSENT OF ALL VOTING
33 MEMBERS OF THE BOARD.

34 (F) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBDIVISION, IF ANY
35 VOTING MEMBER CASTS A VOTE TO TABLE THE APPLICATION, NO OTHER VOTES
36 SHALL BE RECORDED UNTIL A SUBSEQUENT MEETING IS CONVENED. PROVIDED,
37 HOWEVER, THAT A VOTE TO TABLE THE APPLICATION SHALL NOT BE ALLOWABLE
38 AFTER THIRTY-FIVE DAYS OF THE RECEIPT OF THE APPLICATION.

39 (G) ALL MEETINGS CONVENED BY THE BOARD SHALL BE SUBJECT TO THE OPEN
40 MEETINGS LAW, AND ANY VOTES RECORDED BY ANY VOTING MEMBER OF THE BOARD
41 SHALL BE MADE PUBLIC.

42 (H) UPON APPROVAL OF AN APPLICATION, THE TRUSTEES SHALL SUBMIT TO THE
43 BOARD PROOF OF COMPLIANCE WITH ARTICLE FIFTEEN-A OF THE EXECUTIVE LAW
44 AND UPON NON-COMPLIANCE, SHALL PROVIDE GOOD CAUSE SHOWN FOR SUCH
45 NON-COMPLIANCE. UPON REVIEW OF SUCH INFORMATION, THE BOARD SHALL REPORT
46 ITS FINDINGS TO THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF
47 THE ASSEMBLY, THE CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE, THE
48 CHAIR OF THE SENATE FINANCE COMMITTEE AND THE CHAIR OF THE HIGHER EDUCA-
49 TION COMMITTEES IN BOTH HOUSES.

50 4. (A) THE TRUSTEES OF THE STATE UNIVERSITY SHALL SUBMIT, IN WRITING,
51 AN APPLICATION TO ALL VOTING AND NON-VOTING MEMBERS OF THE BOARD TO
52 PARTICIPATE IN JOINT AND COOPERATIVE ARRANGEMENTS WITH PUBLIC, NOT-FOR-
53 PROFIT AND BUSINESS ENTITIES AS PARTNERS, JOINT VENTURERS, MEMBERS OF
54 NOT-FOR-PROFIT CORPORATIONS, MEMBERS OF LIMITED LIABILITY COMPANIES AND
55 SHAREHOLDERS OF BUSINESS CORPORATIONS, AS AUTHORIZED BY PARAGRAPH Z OF
56 SUBDIVISION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OF THIS ARTICLE. THE

1 APPLICATION SHALL INCLUDE, BUT NOT BE LIMITED TO, THE NAME OF THE ENTITY
2 WITH WHICH THE STATE UNIVERSITY SEEKS TO PARTICIPATE, THE TYPE OF LEGAL
3 ENTITY TO BE CREATED, AND THE TRANSACTION THAT THE STATE UNIVERSITY AND
4 THE OTHER PARTICIPANT SEEK TO UNDERTAKE. THE TRUSTEES SHALL ALSO FURNISH
5 INFORMATION RELATED TO THEIR PLANS TO ADVERTISE PROSPECTIVE PROJECTS IN
6 THE PROCUREMENT OPPORTUNITIES NEWSLETTER AND IN LOCAL NEWSPAPERS AND
7 TAKE ANY OTHER STEPS TO MAXIMIZE THE OPPORTUNITY FOR LOCAL BUSINESS
8 PARTICIPATION AND THE BOARD MAY REQUEST ANY OTHER INFORMATION THAT THE
9 BOARD DEEMS NECESSARY WITHIN FIFTEEN DAYS OF THE REQUEST.

10 (B) UPON RECEIPT OF AN APPLICATION FROM THE TRUSTEES, THE BOARD SHALL
11 HAVE NO MORE THAN FORTY-FIVE DAYS TO EVALUATE SUCH APPLICATION AND
12 RECORD A VOTE OF APPROVE OR DENY FOR EACH VOTING MEMBER OF THE BOARD.

13 (C) WITHIN THREE DAYS OF RECEIPT OF AN APPLICATION BY THE BOARD, THE
14 CHAIRPERSON OF THE BOARD SHALL CONVENE AN INITIAL MEETING TO TAKE PLACE
15 WITH AT LEAST SEVEN DAYS ADVANCE NOTICE TO ALL MEMBERS OF THE BOARD, AND
16 WITHIN TWENTY-ONE DAYS OF THE RECEIPT OF THE APPLICATION FOR THE PURPOSE
17 OF RECORDING A VOTE TO APPROVE, DENY, OR TABLE THE APPLICATION. IF ANY
18 VOTE IS MADE TO DENY THE APPLICATION, THE APPLICATION IS DENIED UNLESS
19 THERE IS A VOTE TO TABLE THE APPLICATION. IF AT THE INITIAL MEETING,
20 ANY VOTING MEMBER OR THEIR DESIGNEE DOES NOT PARTICIPATE TO RECORD A
21 VOTE, OR IF THERE IS A VOTE TO TABLE THE APPLICATION, THEN WITHIN THREE
22 DAYS OF THE INITIAL MEETING, THE CHAIRPERSON OF THE BOARD SHALL CONVENE
23 A SUBSEQUENT MEETING WITH AT LEAST SEVEN DAYS ADVANCE NOTICE TO ALL
24 MEMBERS OF THE BOARD, AND WITHIN THIRTY-FIVE DAYS OF THE RECEIPT OF THE
25 APPLICATION FOR THE PURPOSE OF RECORDING A VOTE TO APPROVE, DENY, OR
26 TABLE THE APPLICATION. IF ANY VOTE IS MADE TO DENY THE APPLICATION, THE
27 APPLICATION IS DENIED UNLESS THERE IS A VOTE TO TABLE THE APPLICATION.
28 IF AT THE SUBSEQUENT MEETING, ANY VOTING MEMBER OR THEIR DESIGNEE DOES
29 NOT PARTICIPATE TO RECORD A VOTE, OR IF THERE IS A VOTE TO TABLE THE
30 APPLICATION, THEN WITHIN THREE DAYS OF THE SUBSEQUENT MEETING, THE
31 CHAIRPERSON OF THE BOARD SHALL CONVENE A FINAL MEETING WITH AT LEAST
32 SEVEN DAYS ADVANCE NOTICE TO ALL MEMBERS OF THE BOARD, AND WITHIN
33 FORTY-FIVE DAYS OF THE RECEIPT OF THE APPLICATION FOR THE PURPOSE OF
34 RECORDING A VOTE TO APPROVE OR DENY THE APPLICATION. IF ANY VOTE IS MADE
35 TO DENY THE APPLICATION, THE APPLICATION IS DENIED. IF ANY VOTING MEMBER
36 OR THEIR DESIGNEE DOES NOT PARTICIPATE IN THE FINAL MEETING, OR IF ANY
37 VOTING MEMBER DOES NOT CAST A VOTE TO APPROVE OR DENY THE APPLICATION,
38 THEN THE VOTE OF SUCH MEMBER SHALL BE RECORDED AS A VOTE TO APPROVE THE
39 APPLICATION.

40 (D) IN THE EVENT THAT THE CHAIRPERSON OF THE BOARD DOES NOT CONVENE A
41 MEETING REQUIRED PURSUANT TO PARAGRAPH (C) OF THIS SUBDIVISION, EITHER
42 OF THE OTHER VOTING MEMBERS OF THE BOARD SHALL HAVE THE AUTHORITY TO
43 CONVENE SUCH MEETING WITHIN THE SAME PARAMETERS AND WITH THE SAME CRITE-
44 RIA REQUIRED BY SUCH PARAGRAPH, EXCEPT THAT ANY SUCH MEETING SHALL BE
45 CONVENED WITHIN TWO DAYS OF THE EXPIRATION OF THE THREE DAY TIME ALLOT-
46 MENT PROVIDED TO THE CHAIRPERSON. IN ADDITION, NOTHING IN THIS SECTION
47 SHALL PREVENT THE CHAIRPERSON FROM CONVENING ADDITIONAL MEETINGS NOT
48 SPECIFICALLY REQUIRED PURSUANT TO PARAGRAPH (C) OF THIS SUBDIVISION,
49 PROVIDED THAT ANY SUCH MEETING SHALL ALLOW AT LEAST SEVEN DAYS ADVANCE
50 NOTICE TO ALL MEMBERS OF THE BOARD.

51 (E) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBDIVISION, ANY
52 ADVANCE NOTICE REQUIREMENTS MAY BE WAIVED UPON THE CONSENT OF ALL VOTING
53 MEMBERS OF THE BOARD.

54 (F) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBDIVISION, IF ANY
55 VOTING MEMBER CASTS A VOTE TO TABLE THE APPLICATION, NO OTHER VOTES
56 SHALL BE RECORDED UNTIL A SUBSEQUENT MEETING IS CONVENED. PROVIDED,

1 HOWEVER, THAT A VOTE TO TABLE THE APPLICATION SHALL NOT BE ALLOWABLE
2 AFTER THIRTY-FIVE DAYS OF THE RECEIPT OF THE APPLICATION.

3 (G) ALL MEETINGS CONVENED BY THE BOARD SHALL BE SUBJECT TO THE OPEN
4 MEETINGS LAW, AND ANY VOTES RECORDED BY ANY VOTING MEMBER OF THE BOARD
5 SHALL BE MADE PUBLIC.

6 (H) UPON APPROVAL OF AN APPLICATION, THE TRUSTEES SHALL SUBMIT TO THE
7 BOARD PROOF OF COMPLIANCE WITH ARTICLE FIFTEEN-A OF THE EXECUTIVE LAW
8 AND UPON NON-COMPLIANCE, SHALL PROVIDE GOOD CAUSE SHOWN FOR SUCH
9 NON-COMPLIANCE. UPON REVIEW OF SUCH INFORMATION, THE BOARD SHALL REPORT
10 ITS FINDINGS TO THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF
11 THE ASSEMBLY, THE CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE, THE
12 CHAIR OF THE SENATE FINANCE COMMITTEE AND THE CHAIR OF THE HIGHER EDUCA-
13 TION COMMITTEES IN BOTH HOUSES.

14 5. INsofar AS THE PROVISIONS OF THIS SECTION ARE INCONSISTENT WITH THE
15 PROVISIONS OF ANY LAW, GENERAL, SPECIAL OR LOCAL, THE PROVISIONS OF THIS
16 SECTION SHALL BE CONTROLLING, EXCEPT THAT NOTHING IN THIS SECTION SHALL
17 PRECLUDE THE STATE UNIVERSITY OF NEW YORK FROM ENTERING INTO CONTRACTS
18 OR AGREEMENTS OTHERWISE PERMITTED BY LAW WITHOUT BOARD APPROVAL.

19 S 3. Subdivision 2 of section 355 of the education law is amended by
20 adding two new paragraphs y and z to read as follows:

21 Y. TO LEASE OR MAKE AVAILABLE TO ANY OTHER PUBLIC OR PRIVATE FOR-PRO-
22 FIT OR NON-PROFIT ENTITY, INCLUDING, BUT NOT LIMITED TO, A LOCAL DEVEL-
23 OPMENT CORPORATION ORGANIZED UNDER SECTION FOURTEEN HUNDRED ELEVEN OF
24 THE NOT-FOR-PROFIT CORPORATION LAW OR AN INDUSTRIAL DEVELOPMENT AGENCY
25 ORGANIZED UNDER ARTICLE EIGHTEEN-A OF THE GENERAL MUNICIPAL LAW, A
26 PORTION OF THE GROUNDS OR REAL PROPERTY OCCUPIED BY A STATE OPERATED
27 INSTITUTION OR STATUTORY OR CONTRACT COLLEGE FOR THE CONSTRUCTION,
28 ACQUISITION, RECONSTRUCTION, REHABILITATION OR IMPROVEMENT OF ACADEMIC
29 BUILDINGS, DORMITORIES OR OTHER FACILITIES THEREON AND FOR THE PURPOSE
30 OF FACILITATING SUCH CONSTRUCTION, ACQUISITION, RECONSTRUCTION, REHABIL-
31 ITATION OR IMPROVEMENT, TO ENTER INTO LEASES AND AGREEMENTS FOR THE USE
32 OF ANY SUCH ACADEMIC BUILDING, DORMITORY OR OTHER FACILITY; PROVIDED,
33 HOWEVER, THAT NOTHING HEREIN CONTAINED SHALL AFFECT THE PROVISIONS OF
34 ANY LEASE OR AGREEMENT HERETOFORE EXECUTED BY THE STATE UNIVERSITY WITH
35 THE DORMITORY AUTHORITY. THE STATE UNIVERSITY TRUSTEES MAY ALSO ENTER
36 INTO AGREEMENTS WITH ANY OTHER PUBLIC OR PRIVATE FOR-PROFIT OR NON-PRO-
37 FIT ENTITY, INCLUDING, BUT NOT LIMITED TO A LOCAL DEVELOPMENT CORPO-
38 RATION ORGANIZED UNDER SECTION FOURTEEN HUNDRED ELEVEN OF THE
39 NOT-FOR-PROFIT CORPORATION LAW OR AN INDUSTRIAL DEVELOPMENT AGENCY
40 ORGANIZED UNDER ARTICLE EIGHTEEN-A OF THE GENERAL MUNICIPAL LAW, TO
41 FURNISH HEAT FROM A CENTRAL HEATING PLANT TO ANY ACADEMIC BUILDING,
42 DORMITORY OR OTHER FACILITY ERECTED BY THEM OR WITH MONEYS SUPPLIED BY
43 THEM.

44 Z. IN CONNECTION WITH PUBLIC-PRIVATE PARTNERSHIPS IN SUPPORT OF THE
45 CORPORATE PURPOSES OF THE STATE UNIVERSITY, TO PARTICIPATE IN JOINT AND
46 COOPERATIVE ARRANGEMENTS WITH PUBLIC, NOT-FOR-PROFIT AND BUSINESS ENTI-
47 TIES AS PARTNERS, JOINT VENTURERS, MEMBERS OF NOT-FOR-PROFIT CORPO-
48 RATIONS, MEMBERS OF LIMITED LIABILITY COMPANIES AND SHAREHOLDERS OF
49 BUSINESS CORPORATIONS. THE STATE UNIVERSITY'S PARTICIPATION SHALL BE
50 SUBJECT TO GUIDELINES OF THE STATE UNIVERSITY WITH RESPECT TO CONFLICTS
51 OF INTEREST AND TO ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW AND THE
52 APPLICABLE PROVISIONS OF AGREEMENTS BETWEEN THE STATE AND EMPLOYEE
53 ORGANIZATIONS PURSUANT TO SUCH ARTICLE FOURTEEN. NOTWITHSTANDING ANY
54 INCONSISTENT PROVISION IN SECTION EIGHT OF THE COURT OF CLAIMS ACT, THE
55 STATE UNIVERSITY MAY INCLUDE IN A CONTRACT RELATING TO SUCH PARTIC-
56 IPATION, OTHER THAN A CONTRACT WITH STATE EMPLOYEES RELATING TO TERMS

1 AND CONDITIONS OF THEIR EMPLOYMENT, A PROVISION THAT SOME OR ALL
2 DISPUTES ARISING UNDER OR RELATED TO SUCH CONTRACT SHALL BE RESOLVED BY
3 BINDING ARBITRATION IN ACCORDANCE WITH THE RULES OF A NATIONALLY-RECOG-
4 NIZED ARBITRATION ASSOCIATION. NOTHING CONTAINED IN THE PUBLIC OFFICERS
5 LAW OR IN ANY OTHER LAW, RULE OR REGULATION SHALL BE CONSTRUED OR
6 APPLIED TO PROHIBIT STATE UNIVERSITY OFFICERS AND EMPLOYEES FROM ENGAG-
7 ING IN ACTIVITIES FOR WHICH NO COMPENSATION IS PAID AS DESIGNEES OF THE
8 STATE UNIVERSITY IN CONNECTION WITH SUCH JOINT AND COOPERATIVE ARRANGE-
9 MENTS, INCLUDING SERVING AS DESIGNEES OF THE STATE UNIVERSITY AS DIREC-
10 TORS ON BOARDS OR OTHER GOVERNING BODIES OF CORPORATIONS OR OTHER ENTI-
11 TIES.

12 S 4. Subdivisions 8 and 12 of section 373 of the education law, as
13 added by chapter 251 of the laws of 1962, are amended to read as
14 follows:

15 8. (A) To design, construct, acquire, reconstruct, rehabilitate and
16 improve academic buildings, dormitories and other facilities for the
17 state university [in accordance with sections three hundred seventy-five
18 and three hundred seventy-six of this chapter] USING ANY PROJECT DELIV-
19 ERY METHOD, INCLUDING BUT NOT LIMITED TO, DESIGN, BID, BUILD,
20 DESIGN/BUILD, OR CONSTRUCTION MANAGER AT RISK, THAT WILL ASSIST THE FUND
21 IN FULFILLING ITS PURPOSES UNDER SECTION THREE HUNDRED SEVENTY-TWO OF
22 THIS ARTICLE, PROVIDED THAT ALL WORK PERFORMED ON A PROJECT WHERE ALL OR
23 ANY PORTION THEREOF INVOLVES A LEASE OR AGREEMENT FOR SUCH CONSTRUCTION,
24 DEMOLITION, RECONSTRUCTION, EXCAVATION, REHABILITATION, REPAIR, RENO-
25 VATION, ALTERATION OR IMPROVEMENTS SHALL BE DEEMED PUBLIC WORK AND SHALL
26 BE SUBJECT TO AND PERFORMED IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE
27 EIGHT OF THE LABOR LAW TO THE SAME EXTENT AND IN THE SAME MANNER AS A
28 CONTRACT OF THE STATE. COMPLIANCE WITH ALL THE PROVISIONS OF ARTICLE
29 EIGHT OF THE LABOR LAW AND ARTICLE FIFTEEN-A OF THE EXECUTIVE LAW SHALL
30 BE REQUIRED OF ANY LESSEE, SUBLESSEE, CONTRACTOR, OR SUBCONTRACTOR ON
31 THE PROJECT. IN NO EVENT SHALL MORE THAN FIFTEEN PERCENT OF THE TOTAL
32 ANNUAL COST OF ALL STATE UNIVERSITY CAPITAL PROJECTS BE AWARDED FOR
33 PROJECTS THAT USE A PROJECT DELIVERY METHOD OTHER THAN DESIGN, BID,
34 BUILD.

35 (B) NO LATER THAN DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN THE FUND
36 SHALL SUBMIT TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE AND
37 THE SPEAKER OF THE ASSEMBLY A REPORT DESCRIBING THE EFFICACY OF THE
38 FUND'S USE OF PROJECT DELIVERY METHODS OTHER THAN DESIGN, BID, BUILD.
39 COMMENTS, IF ANY, OF THE NEW YORK STATE BUILDING AND CONSTRUCTION TRADES
40 COUNCIL SHALL BE INCLUDED IN SUCH REPORT.

41 (C) WITH RESPECT TO ANY PROJECT BY THE FUND FOR WHICH A PROJECT DELIV-
42 ERY METHOD OTHER THAN DESIGN, BID, BUILD IS PROPOSED, THE PROJECT SHALL
43 BE UNDERTAKEN PURSUANT TO A PROJECT LABOR AGREEMENT, AS DEFINED IN
44 SUBDIVISION ONE OF SECTION TWO HUNDRED TWENTY-TWO OF THE LABOR LAW.
45 UNLESS THE FUND DETERMINES, UPON THE BASIS OF A STUDY DONE BY OR FOR THE
46 CONTRACTING ENTITY BY A QUALIFIED ENTITY ACCEPTABLE TO THE FUND, THAT
47 THE FUND'S INTEREST IN OBTAINING THE BEST WORK AT THE LOWEST POSSIBLE
48 PRICE, PREVENTING FAVORITISM, FRAUD AND CORRUPTION, AND OTHER CONSIDER-
49 ATIONS SUCH AS THE IMPACT OF DELAY, THE POSSIBILITY OF COST SAVINGS
50 ADVANTAGES, AND ANY LOCAL HISTORY OF LABOR UNREST, ARE BEST MET BY
51 REQUIRING A PROJECT LABOR AGREEMENT, THE FUND SHALL NOT UNDERTAKE THE
52 PROJECT USING A PROJECT DELIVERY METHOD OTHER THAN DESIGN, BID, BUILD;

53 12. To [make] PROCURE and execute contracts, lease agreements, and all
54 other instruments necessary or convenient for the exercise of its corpo-
55 rate powers and the fulfillment of its corporate purposes under this
56 article. NOTWITHSTANDING SECTION ONE HUNDRED TWELVE OF THE STATE FINANCE

1 LAW OR ANY OTHER LAW TO THE CONTRARY, ALL SUCH FUND PROCUREMENTS SHALL
2 BE SUBJECT ONLY TO PROCUREMENT GUIDELINES THAT ARE ANNUALLY ADOPTED BY
3 THE FUND TRUSTEES, WHICH SHALL CONFORM TO THE PROVISIONS OF TITLE FOUR
4 OF ARTICLE NINE OF THE PUBLIC AUTHORITIES LAW EXCEPT SECTION
5 TWENTY-EIGHT HUNDRED SEVENTY-NINE-A OF SUCH LAW;

6 S 5. Subdivisions 2 and 8 of section 376 of the education law, as
7 added by chapter 251 of the laws of 1962, the opening paragraph and
8 paragraph a of subdivision 8 as amended by chapter 877 of the laws of
9 1990 and paragraph f of subdivision 8 as added by chapter 769 of the
10 laws of 1978, are amended to read as follows:

11 2. The fund may construct, acquire, reconstruct, rehabilitate and
12 improve such facilities, other than dormitories, by its own employees,
13 by agreement with a state retirement system or any state agency author-
14 ized to perform such work, or by contract awarded pursuant to subdivi-
15 sion eight of this section. IF THE FUND AND THE STATE UNIVERSITY ENTER
16 INTO AN AGREEMENT WHEREBY THE STATE UNIVERSITY IS AUTHORIZED BY THE FUND
17 TO CONSTRUCT, ACQUIRE, RECONSTRUCT, REHABILITATE AND IMPROVE SUCH FACIL-
18 ITIES, SUCH AGREEMENT MAY ALLOW THE STATE UNIVERSITY TO USE THE SAME
19 PROJECT DELIVERY METHODS CONTAINED IN SUBDIVISION EIGHT OF SECTION THREE
20 HUNDRED SEVENTY-THREE OF THIS ARTICLE.

21 8. All contracts which are to be awarded pursuant to this subdivision
22 shall be awarded by public letting in accordance with the following
23 provisions, notwithstanding any contrary provision of section ONE
24 HUNDRED TWELVE, one hundred thirty-five, one hundred thirty-six, one
25 hundred thirty-nine or one hundred forty of the state finance law OR ANY
26 OTHER LAW, provided, however, that where the estimated expense of any
27 contract which may be awarded pursuant to this subdivision is less than
28 TWO HUNDRED fifty thousand dollars, a performance bond and a bond for
29 the payment of labor and material may, in the discretion of the fund,
30 not be required, and except that in the discretion of the fund, a
31 contract may be entered into for such purposes without public letting
32 where the estimated expense thereof is less than twenty thousand
33 dollars, or where in the judgment of the fund an emergency condition
34 exists as a result of damage to an existing academic building, dormitory
35 or other facility which has been caused by an act of God, fire or other
36 casualty, or any other unanticipated, sudden and unexpected occurrence,
37 that has resulted in damage to or a malfunction in an existing academic
38 building, dormitory or other facility and involves a pressing necessity
39 for immediate repair, reconstruction or maintenance in order to permit
40 the safe continuation of the use or function of such facility, or to
41 protect the facility or the life, health or safety of any person, and
42 the nature of the work is such that in the judgment of the fund it would
43 be impractical and against the public interest to have public letting;
44 provided, however, that the fund, prior to awarding a contract hereunder
45 because of an emergency condition notify the comptroller of its intent
46 to award such a contract:

47 a. [If contracts are to be publicly let, the] THE letting agency shall
48 advertise the invitation to bid OR THE REQUEST FOR PROPOSALS in [a news-
49 paper published in the city of Albany and in] such [other newspapers]
50 NEWSPAPER as will be most likely in its opinion to give adequate notice
51 to contractors of the work required [and of the invitation to bid]
52 provided, however, that where the estimated expense of any contract
53 which may be awarded pursuant to this subdivision is less than TWO
54 HUNDRED fifty thousand dollars, the letting agency may advertise the
55 invitation to bid solely through the procurement opportunities newslet-
56 ter published pursuant to section one hundred forty-two of the economic

1 development law. The invitation to bid OR REQUEST FOR PROPOSALS shall
2 contain such information as the letting agency shall deem appropriate
3 [and a statement of the time and place where all bids received pursuant
4 to such notice will be publicly opened and read].

5 b. The letting agency shall not award any contract after public
6 bidding except to the lowest bidder who in its opinion is qualified to
7 perform the work required and is responsible and reliable. The letting
8 agency may, however, reject any or all bids, again advertise for bids,
9 or waive any informality in a bid if it believes that the public inter-
10 est will be promoted thereby.

11 c. The invitation to bid, REQUEST FOR PROPOSALS and the contract
12 awarded shall contain such other terms and conditions, and such
13 provisions for penalties, as the letting agency may deem desirable.

14 d. [The form of any] ANY contract awarded pursuant to this subdivision
15 shall [be approved by the attorney general and by the comptroller and
16 shall] contain a clause that the contract shall be deemed executory to
17 the extent of the moneys available and that no liability shall be
18 incurred by the fund beyond the moneys available therefor.

19 e. The letting agency shall require such deposits, bonds and security
20 in connection with the submission of bids OR REQUEST FOR PROPOSALS, the
21 award of contracts and the performance of work as it shall determine to
22 be in the public interest and for the protection of the state, the state
23 university, the fund and the letting agency.

24 f. Notwithstanding the provisions of any other law to the contrary,
25 all contracts for public work awarded by the state university
26 construction fund pursuant to this subdivision shall be in accordance
27 with section one hundred thirty-nine-f of the state finance law.

28 S 6. Paragraph (b) of subdivision 2 of section 1676 of the public
29 authorities law is amended by adding three new undesignated paragraphs
30 to read as follows:

31 ANY ENTITY WHICH IS ORGANIZED BY OFFICERS, EMPLOYEES, ALUMNI OR
32 STUDENTS OF THE STATE UNIVERSITY OF NEW YORK TO SUPPORT THE STATE
33 UNIVERSITY AND WHICH IS QUALIFIED AS AN ORGANIZATION UNDER THE UNITED
34 STATES INTERNAL REVENUE CODE AS EXEMPT FROM INCOME TAX, OTHER THAN THE
35 RESEARCH FOUNDATION OF STATE UNIVERSITY OF NEW YORK AND ANY ENTITY WHICH
36 IS ORGANIZED EXCLUSIVELY BY STUDENTS OF THE STATE UNIVERSITY, FOR THE
37 FINANCING, REFINANCING, ACQUISITION, DESIGN, CONSTRUCTION, RECON-
38 STRUCTION, REHABILITATION, IMPROVEMENT, FURNISHING AND EQUIPPING OF ANY
39 HOUSING UNIT FOR THE USE OF STUDENTS, FACULTY, STAFF AND THEIR FAMILIES
40 OR ANY ACADEMIC BUILDING, ADMINISTRATION BUILDING, LIBRARY, LABORATORY,
41 CLASSROOM, HEALTH FACILITY OR OTHER FACILITY, BUILDING OR STRUCTURE
42 ESSENTIAL, NECESSARY OR USEFUL IN FURTHERING THE ACADEMIC, CULTURAL,
43 HEALTH OR RESEARCH PROGRAMS OF THE STATE UNIVERSITY OF NEW YORK, INCLUD-
44 ING ALL NECESSARY AND USUAL ATTENDANT AND RELATED FACILITIES AND EQUIP-
45 MENT.

46 ANY ENTITY WHICH IS ORGANIZED BY OFFICERS, EMPLOYEES, ALUMNI OR
47 STUDENTS OF A LOCALLY SPONSORED COMMUNITY COLLEGE, INCLUDING A LOCALLY
48 SPONSORED COMMUNITY COLLEGE ESTABLISHED AND OPERATED BY A COMMUNITY
49 COLLEGE REGION AS SET FORTH IN SECTION SIXTY-THREE HUNDRED ONE OF THE
50 EDUCATION LAW, TO SUPPORT THE LOCALLY SPONSORED COMMUNITY COLLEGE AND
51 WHICH IS QUALIFIED AS AN ORGANIZATION UNDER THE UNITED STATES INTERNAL
52 REVENUE CODE AS EXEMPT FROM INCOME TAX, OTHER THAN ANY ENTITY WHICH IS
53 ORGANIZED EXCLUSIVELY BY STUDENTS OF THE LOCALLY SPONSORED COMMUNITY
54 COLLEGE, FOR THE FINANCING, REFINANCING, ACQUISITION, DESIGN,
55 CONSTRUCTION, RECONSTRUCTION, REHABILITATION, IMPROVEMENT, FURNISHING
56 AND EQUIPPING OF ANY HOUSING UNIT FOR THE USE OF STUDENTS, FACULTY,

1 STAFF AND THEIR FAMILIES OR ANY ACADEMIC BUILDING, ADMINISTRATION BUILD-
2 ING, LIBRARY, LABORATORY, CLASSROOM, HEALTH FACILITY OR OTHER FACILITY,
3 BUILDING OR STRUCTURE ESSENTIAL, NECESSARY OR USEFUL IN FURTHERING THE
4 ACADEMIC, CULTURAL, HEALTH OR RESEARCH PROGRAMS OF THE LOCALLY SPONSORED
5 COMMUNITY COLLEGE, INCLUDING ALL NECESSARY AND USUAL ATTENDANT AND
6 RELATED FACILITIES AND EQUIPMENT.

7 A LOCALLY SPONSORED COMMUNITY COLLEGE, FOR THE ACQUISITION, DESIGN,
8 CONSTRUCTION, RECONSTRUCTION, REHABILITATION AND IMPROVEMENT OF A HOUS-
9 ING UNIT, INCLUDING ALL NECESSARY AND ATTENDANT AND RELATED FACILITIES
10 AND EQUIPMENT, FOR THE USE OF STUDENTS, MARRIED STUDENTS, FACULTY, STAFF
11 AND THE FAMILIES THEREOF AT SUCH LOCALLY SPONSORED COMMUNITY COLLEGE.

12 S 7. Subdivision 1 of section 1680 of the public authorities law is
13 amended by adding three new undesignated paragraphs to read as follows:

14 ANY ENTITY WHICH IS ORGANIZED BY OFFICERS, EMPLOYEES, ALUMNI OR
15 STUDENTS OF THE STATE UNIVERSITY OF NEW YORK TO SUPPORT THE STATE
16 UNIVERSITY AND WHICH IS QUALIFIED AS AN ORGANIZATION UNDER THE UNITED
17 STATES INTERNAL REVENUE CODE AS EXEMPT FROM INCOME TAX, OTHER THAN THE
18 RESEARCH FOUNDATION OF STATE UNIVERSITY OF NEW YORK AND ANY ENTITY WHICH
19 IS ORGANIZED EXCLUSIVELY BY STUDENTS OF THE STATE UNIVERSITY, FOR THE
20 FINANCING, REFINANCING, ACQUISITION, DESIGN, CONSTRUCTION, RECON-
21 STRUCTION, REHABILITATION, IMPROVEMENT, FURNISHING AND EQUIPPING OF ANY
22 HOUSING UNIT FOR THE USE OF STUDENTS, FACULTY, STAFF AND THEIR FAMILIES
23 OR ANY ACADEMIC BUILDING, ADMINISTRATION BUILDING, LIBRARY, LABORATORY,
24 CLASSROOM, HEALTH FACILITY OR ANY OTHER BUILDING, FACILITY OR STRUCTURE
25 ESSENTIAL, NECESSARY OR USEFUL IN FURTHERING THE ACADEMIC, CULTURAL,
26 HEALTH OR RESEARCH PROGRAMS FOR THE STATE UNIVERSITY OF NEW YORK,
27 INCLUDING ALL NECESSARY AND USUAL ATTENDANT AND RELATED FACILITIES AND
28 EQUIPMENT; PROVIDED HOWEVER THAT ANY PROJECT PROPOSED TO BE UNDERTAKEN
29 PURSUANT TO THIS PARAGRAPH SHALL FIRST BE APPROVED BY THE STATE UNIVER-
30 SITY OF NEW YORK; PROVIDED FURTHER AND NOTWITHSTANDING ANY PROVISION OF
31 LAW TO THE CONTRARY, THAT ANY SUCH NOT-FOR-PROFIT ENTITY, THE STATE
32 UNIVERSITY OF NEW YORK AND THE STATE UNIVERSITY CONSTRUCTION FUND ARE
33 HEREBY AUTHORIZED TO TAKE SUCH ACTIONS AND TO ENTER INTO SUCH AGREEMENTS
34 WITH THE DORMITORY AUTHORITY AS ARE NECESSARY TO: (I) UNDERTAKE THE
35 FINANCING, REFINANCING, ACQUISITION, DESIGN, CONSTRUCTION, RECON-
36 STRUCTION, REHABILITATION, IMPROVEMENT, FURNISHING AND EQUIPPING OF ANY
37 PROJECT AS PROVIDED IN THIS PARAGRAPH, INCLUDING, BUT NOT LIMITED TO,
38 PROVIDING FOR THE CONVEYANCE OF STATE-OWNED PROPERTY UNDER THE JURISDIC-
39 TION OF THE STATE UNIVERSITY TO THE NOT-FOR-PROFIT ENTITY; OR (II) GRANT
40 THE AUTHORITY A LIEN ON ANY REVENUES OR PROPERTY OR ANY MONEYS TO BE
41 RECEIVED BY THE NOT-FOR-PROFIT ENTITY TO THE EXTENT THAT SUCH REVENUES,
42 PROPERTY OR MONEYS ARE PLEDGED BY THE ENTITY TO THE DORMITORY AUTHORITY
43 TO SECURE THE PAYMENT OF ALL AMOUNTS OWED TO THE AUTHORITY ON ACCOUNT OF
44 ANY PROJECT UNDERTAKEN PURSUANT TO THIS PARAGRAPH; PROVIDED FURTHER,
45 THAT ALL WORK PERFORMED ON A PROJECT WHERE ALL OR ANY PORTION THEREOF
46 INVOLVES A LEASE OR AGREEMENT FOR CONSTRUCTION, DEMOLITION, RECON-
47 STRUCTION, EXCAVATION, REHABILITATION, REPAIR, RENOVATION, ALTERATION OR
48 IMPROVEMENT SHALL BE DEEMED PUBLIC WORK AND SHALL BE SUBJECT TO AND
49 PERFORMED IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE EIGHT OF THE
50 LABOR LAW TO THE SAME EXTENT AND IN THE SAME MANNER AS A CONTRACT OF THE
51 STATE AND THE CONTRACTORS PERFORMING SUCH WORK SHALL ALSO BE DEEMED A
52 STATE AGENCY FOR THE PURPOSE OF ARTICLE FIFTEEN-A OF THE EXECUTIVE LAW
53 AND SUBJECT TO THE PROVISIONS OF SUCH ARTICLE, AND SHALL BE SUBJECT TO A
54 COMPETITIVE PROCESS. COMPLIANCE WITH ALL THE PROVISIONS OF ARTICLE
55 EIGHT OF THE LABOR LAW SHALL BE REQUIRED OF ANY LESSEE, SUBLESSEE,
56 CONTRACTOR, OR SUBCONTRACTOR ON THE PROJECT. ALL STATE AND LOCAL OFFI-

1 CERS ARE HEREBY AUTHORIZED TO PAY ALL FUNDS SO ASSIGNED AND PLEDGED TO
2 THE DORMITORY AUTHORITY OR, UPON THE DIRECTION OF THE DORMITORY AUTHORI-
3 TY, TO ANY TRUSTEE OF ANY DORMITORY AUTHORITY BOND OR NOTE ISSUE.
4 NEITHER THE STATE OF NEW YORK, THE STATE UNIVERSITY OF NEW YORK NOR THE
5 STATE UNIVERSITY CONSTRUCTION FUND SHALL TAKE ANY ACTION IN SUCH MANNER
6 AS TO IMPAIR OR DIMINISH THE RIGHTS AND REMEDIES OF THE AUTHORITY PURSU-
7 ANT TO ANY SUCH PLEDGE AND ASSIGNMENT AND ANY LIEN OR OTHER SECURITY
8 INTEREST CREATED PURSUANT TO THIS PARAGRAPH.

9 ANY ENTITY WHICH IS ORGANIZED BY OFFICERS, EMPLOYEES, ALUMNI OR
10 STUDENTS OF A LOCALLY SPONSORED COMMUNITY COLLEGE, INCLUDING A LOCALLY
11 SPONSORED COMMUNITY COLLEGE ESTABLISHED AND OPERATED BY A COMMUNITY
12 COLLEGE REGION AS SET FORTH IN SECTION SIXTY-THREE HUNDRED ONE OF THE
13 EDUCATION LAW, TO SUPPORT THE LOCALLY SPONSORED COMMUNITY COLLEGE AND
14 WHICH IS QUALIFIED AS AN ORGANIZATION UNDER THE UNITED STATES INTERNAL
15 REVENUE CODE AS EXEMPT FROM INCOME TAX, OTHER THAN ANY ENTITY WHICH IS
16 ORGANIZED EXCLUSIVELY BY STUDENTS OF THE LOCALLY SPONSORED COMMUNITY
17 COLLEGE, FOR THE FINANCING, REFINANCING, ACQUISITION, DESIGN,
18 CONSTRUCTION, RECONSTRUCTION, REHABILITATION, IMPROVEMENT, FURNISHING
19 AND EQUIPPING OF ANY HOUSING UNIT FOR THE USE OF STUDENTS, FACULTY,
20 STAFF AND THEIR FAMILIES OR ANY ACADEMIC BUILDING, ADMINISTRATION BUILD-
21 ING, LIBRARY, LABORATORY, CLASSROOM, HEALTH FACILITY OR ANY OTHER BUILD-
22 ING, FACILITY OR STRUCTURE ESSENTIAL, NECESSARY OR USEFUL IN FURTHERING
23 THE ACADEMIC, CULTURAL, HEALTH OR RESEARCH PROGRAMS FOR THE LOCALLY
24 SPONSORED COMMUNITY COLLEGE, INCLUDING ALL NECESSARY AND USUAL ATTENDANT
25 AND RELATED FACILITIES AND EQUIPMENT; PROVIDED HOWEVER THAT ANY PROJECT
26 PROPOSED TO BE UNDERTAKEN PURSUANT TO THIS PARAGRAPH SHALL FIRST BE
27 APPROVED BY THE BOARD OF TRUSTEES OF THE LOCALLY SPONSORED COMMUNITY
28 COLLEGE; PROVIDED FURTHER AND NOTWITHSTANDING ANY PROVISION OF LAW TO
29 THE CONTRARY, THAT ANY SUCH NOT-FOR-PROFIT ENTITY, THE LOCALLY SPONSORED
30 COMMUNITY COLLEGE AND THE LOCAL SPONSOR ARE HEREBY AUTHORIZED TO TAKE
31 SUCH ACTIONS AND TO ENTER INTO SUCH AGREEMENTS WITH THE DORMITORY
32 AUTHORITY AS ARE NECESSARY TO: (I) UNDERTAKE THE FINANCING, REFINANCING,
33 ACQUISITION, DESIGN, CONSTRUCTION, RECONSTRUCTION, REHABILITATION,
34 IMPROVEMENT, FURNISHING AND EQUIPPING OF ANY PROJECT AS PROVIDED IN THIS
35 PARAGRAPH, INCLUDING, BUT NOT LIMITED TO, PROVIDING FOR THE CONVEYANCE
36 OF PROPERTY HELD IN TRUST BY THE LOCAL SPONSOR FOR THE USES AND PURPOSES
37 OF THE LOCALLY SPONSORED COMMUNITY COLLEGE TO THE NOT-FOR-PROFIT ENTITY;
38 OR (II) GRANT THE AUTHORITY A LIEN ON ANY REVENUES OR PROPERTY OR ANY
39 MONEYS TO BE RECEIVED BY THE NOT-FOR-PROFIT ENTITY TO THE EXTENT THAT
40 SUCH REVENUES, PROPERTY OR MONEYS ARE PLEDGED BY THE ENTITY TO THE
41 DORMITORY AUTHORITY TO SECURE THE PAYMENT OF ALL AMOUNTS OWED TO THE
42 AUTHORITY ON ACCOUNT OF ANY PROJECT UNDERTAKEN PURSUANT TO THIS PARA-
43 GRAPH; PROVIDED FURTHER, ALL WORK PERFORMED ON A PROJECT WHERE ALL OR
44 ANY PORTION THEREOF INVOLVES A LEASE OR AGREEMENT FOR CONSTRUCTION,
45 DEMOLITION, RECONSTRUCTION, EXCAVATION, REHABILITATION, REPAIR, RENO-
46 VATION, ALTERATION OR IMPROVEMENT SHALL BE DEEMED PUBLIC WORK AND SHALL
47 BE SUBJECT TO AND PERFORMED IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE
48 EIGHT OF THE LABOR LAW TO THE SAME EXTENT AND IN THE SAME MANNER AS A
49 CONTRACT OF THE STATE AND THE CONTRACTORS PERFORMING SUCH WORK SHALL
50 ALSO BE DEEMED A STATE AGENCY FOR THE PURPOSE OF ARTICLE FIFTEEN-A OF
51 THE EXECUTIVE LAW AND SUBJECT TO THE PROVISIONS OF SUCH ARTICLE, AND
52 SHALL BE SUBJECT TO A COMPETITIVE PROCESS. COMPLIANCE WITH ALL THE
53 PROVISIONS OF ARTICLE EIGHT OF THE LABOR LAW SHALL BE REQUIRED OF ANY
54 LESSEE, SUBLESSEE, CONTRACTOR, OR SUBCONTRACTOR ON THE PROJECT. ALL
55 STATE AND LOCAL OFFICERS ARE HEREBY AUTHORIZED TO PAY ALL SUCH FUNDS SO
56 ASSIGNED AND PLEDGED TO THE DORMITORY AUTHORITY OR, UPON THE DIRECTION

1 OF THE DORMITORY AUTHORITY, TO ANY TRUSTEE OF ANY DORMITORY AUTHORITY
2 BOND OR NOTE ISSUE. NEITHER THE STATE OF NEW YORK, THE LOCAL SPONSOR
3 NOR THE LOCALLY SPONSORED COMMUNITY COLLEGE SHALL TAKE ANY ACTION IN
4 SUCH MANNER AS TO IMPAIR OR DIMINISH THE RIGHTS AND REMEDIES OF THE
5 AUTHORITY PURSUANT TO ANY SUCH PLEDGE AND ASSIGNMENT AND ANY LIEN OR
6 OTHER SECURITY INTEREST CREATED PURSUANT TO THIS PARAGRAPH.

7 A LOCALLY SPONSORED COMMUNITY COLLEGE, FOR THE ACQUISITION, DESIGN,
8 CONSTRUCTION, RECONSTRUCTION, REHABILITATION AND IMPROVEMENT OF A HOUS-
9 ING UNIT, INCLUDING ALL NECESSARY AND ATTENDANT AND RELATED FACILITIES
10 AND EQUIPMENT, FOR THE USE OF STUDENTS, MARRIED STUDENTS, FACULTY, STAFF
11 AND THE FAMILIES THEREOF AT SUCH LOCALLY SPONSORED COMMUNITY COLLEGE.

12 S 8. Section 6304 of the education law is amended by adding a new
13 subdivision 14 to read as follows:

14 14. A. FOR THE PURPOSES OF THIS SUBDIVISION, A "COMMUNITY COLLEGE
15 DORMITORY" SHALL MEAN A HOUSING UNIT, INCLUDING ALL NECESSARY AND
16 ATTENDANT AND RELATED FACILITIES AND EQUIPMENT ACQUIRED, DESIGNED,
17 CONSTRUCTED, RECONSTRUCTED, REHABILITATED AND IMPROVED, OR OTHERWISE
18 PROVIDED THROUGH THE DORMITORY AUTHORITY IN ACCORDANCE WITH THE
19 PROVISIONS OF THE DORMITORY AUTHORITY ACT FOR THE USE OF STUDENTS,
20 MARRIED STUDENTS, FACULTY, STAFF AND THE FAMILIES THEREOF AT A COMMUNITY
21 COLLEGE.

22 B. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, A COMMUNITY
23 COLLEGE IS AUTHORIZED TO TAKE SUCH ACTIONS AND TO ENTER INTO SUCH AGREE-
24 MENTS WITH THE DORMITORY AUTHORITY AS ARE NECESSARY TO: (I) UNDERTAKE
25 THE FINANCING, REFINANCING, ACQUISITION, DESIGN, CONSTRUCTION, RECON-
26 STRUCTION, REHABILITATION, IMPROVEMENT, FURNISHING AND EQUIPPING OF A
27 COMMUNITY COLLEGE DORMITORY, INCLUDING, BUT NOT LIMITED TO, PROVIDING
28 FOR THE LEASING OR OTHERWISE MAKING AVAILABLE TO THE DORMITORY AUTHORITY
29 REAL PROPERTY HELD BY THE LOCAL SPONSOR IN TRUST FOR THE USES AND
30 PURPOSES OF THE COMMUNITY COLLEGE; OR (II) GRANT THE DORMITORY AUTHORITY
31 A LIEN ON ANY REVENUES OR PROPERTY OR ANY MONEYS TO BE RECEIVED BY THE
32 COMMUNITY COLLEGE DERIVED FROM THE OPERATIONS OF THE PROJECT BEING
33 FINANCED TO THE EXTENT THAT SUCH REVENUES, PROPERTY OR MONEYS ARE
34 PLEDGED BY THE COMMUNITY COLLEGE TO THE DORMITORY AUTHORITY TO SECURE
35 THE PAYMENT OF ALL AMOUNTS OWED TO THE AUTHORITY ON ACCOUNT OF ANY
36 COMMUNITY COLLEGE DORMITORY UNDERTAKEN PURSUANT TO THIS SUBDIVISION;
37 PROVIDED, FURTHER, THAT ANY SUCH AGREEMENTS MAY PROVIDE THAT THE OBLI-
38 GATION OF THE COMMUNITY COLLEGE TO MAKE RENTAL OR OTHER PAYMENTS TO THE
39 DORMITORY AUTHORITY SHALL CONSTITUTE A GENERAL OBLIGATION OF THE COMMU-
40 NITY COLLEGE PAYABLE FROM ALL MONIES LEGALLY AVAILABLE TO THE COMMUNITY
41 COLLEGE (INCLUDING AMOUNTS PROVIDED FOR OPERATING AID BY THE LOCAL SPON-
42 SOR OR SPONSORS TO THE COMMUNITY COLLEGE PURSUANT TO SUBDIVISION ONE OF
43 THIS SECTION OR AMOUNTS PROVIDED FOR OPERATING AID BY THE STATE TO THE
44 COMMUNITY COLLEGE); AND PROVIDED FURTHER, THAT ALL WORK PERFORMED ON A
45 COMMUNITY COLLEGE DORMITORY UNDERTAKEN PURSUANT TO THIS SUBDIVISION
46 WHERE ALL OR ANY PORTION THEREOF INVOLVES A LEASE OR AGREEMENT FOR
47 CONSTRUCTION, DEMOLITION, RECONSTRUCTION, EXCAVATION, REHABILITATION,
48 REPAIR, RENOVATION, ALTERATION OR IMPROVEMENT SHALL BE DEEMED PUBLIC
49 WORK AND SHALL BE SUBJECT TO AND PERFORMED IN ACCORDANCE WITH THE
50 PROVISIONS OF ARTICLE EIGHT OF THE LABOR LAW TO THE SAME EXTENT AND IN
51 THE SAME MANNER AS A CONTRACT OF THE STATE AND THE CONTRACTORS PERFORM-
52 ING SUCH WORK SHALL ALSO BE DEEMED A STATE AGENCY FOR THE PURPOSE OF
53 ARTICLE FIFTEEN-A OF THE EXECUTIVE LAW AND SUBJECT TO THE PROVISIONS OF
54 SUCH ARTICLE, AND SHALL BE SUBJECT TO A COMPETITIVE PROCESS. COMPLIANCE
55 WITH ALL THE PROVISIONS OF ARTICLE EIGHT OF THE LABOR LAW SHALL BE
56 REQUIRED OF ANY LESSEE, SUBLESSEE, CONTRACTOR, OR SUBCONTRACTOR ON THE

PROJECT. ALL STATE AND LOCAL OFFICERS ARE HEREBY AUTHORIZED AND REQUIRED TO PAY ALL SUCH FUNDS SO ASSIGNED AND PLEDGED TO THE DORMITORY AUTHORITY OR, UPON THE DIRECTION OF THE DORMITORY AUTHORITY, TO ANY TRUSTEE OF ANY DORMITORY AUTHORITY BOND OR NOTE ISSUE. NEITHER THE STATE OF NEW YORK, THE STATE UNIVERSITY OF NEW YORK NOR A LOCAL SPONSOR SHALL TAKE ANY ACTION IN SUCH MANNER AS TO IMPAIR OR DIMINISH THE RIGHTS AND REMEDIES OF THE DORMITORY AUTHORITY PURSUANT TO ANY SUCH PLEDGE AND ASSIGNMENT AND ANY LIEN OR OTHER SECURITY INTEREST CREATED PURSUANT TO THIS SUBDIVISION.

C. A LOCAL SPONSOR IS AUTHORIZED TO LEASE OR OTHERWISE MAKE AVAILABLE TO THE DORMITORY AUTHORITY FOR THE PURPOSES SET FORTH IN THIS SUBDIVISION REAL PROPERTY HELD IN TRUST BY THE LOCAL SPONSOR FOR THE USES AND PURPOSES OF THE COMMUNITY COLLEGE.

D. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, NEITHER A LOCAL SPONSOR NOR THE STATE OF NEW YORK SHALL BE REQUIRED TO PROVIDE A SHARE OF THE CAPITAL COSTS OF A COMMUNITY COLLEGE DORMITORY. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY TO ANY PROJECT FOR WHICH THE STATE APPROPRIATES FUNDS PURSUANT TO SUBDIVISION EIGHT OF THIS SECTION.

S 9. Section 1680 of the public authorities law is amended by adding a new subdivision 41 to read as follows:

41. A. FOR THE PURPOSES OF THIS SUBDIVISION, A "COMMUNITY COLLEGE DORMITORY" SHALL MEAN A HOUSING UNIT, INCLUDING ALL NECESSARY AND ATTENDANT AND RELATED FACILITIES AND EQUIPMENT ACQUIRED, DESIGNED, CONSTRUCTED, RECONSTRUCTED, REHABILITATED AND IMPROVED, OR OTHERWISE PROVIDED THROUGH THE DORMITORY AUTHORITY IN ACCORDANCE WITH THE PROVISIONS OF THE DORMITORY AUTHORITY ACT FOR THE USE OF STUDENTS, MARRIED STUDENTS, FACULTY, STAFF AND THE FAMILIES THEREOF AT A LOCALLY SPONSORED COMMUNITY COLLEGE.

B. THE DORMITORY AUTHORITY IS HEREBY EMPOWERED AND AUTHORIZED TO ENTER INTO A LEASE OR OTHER AGREEMENT WITH A LOCALLY SPONSORED COMMUNITY COLLEGE TO FINANCE, REFINANCE, ACQUIRE, DESIGN, CONSTRUCT, RECONSTRUCT, REHABILITATE, IMPROVE, FURNISH AND EQUIP ONE OR MORE COMMUNITY COLLEGE DORMITORIES. SUCH LEASE OR OTHER AGREEMENT MAY PROVIDE FOR THE PAYMENT OF ANNUAL RENTALS AND OTHER PAYMENTS BY THE LOCALLY SPONSORED COMMUNITY COLLEGE TO THE DORMITORY AUTHORITY AND CONTAIN SUCH OTHER TERMS AND CONDITIONS AS MAY BE AGREED UPON BY THE PARTIES THERETO, INCLUDING BUT NOT LIMITED TO PROVISIONS RELATING TO THE MAINTENANCE AND OPERATION OF THE COMMUNITY COLLEGE DORMITORIES, THE ESTABLISHMENT OF RESERVE FUNDS, INDEMNITIES AND THE DISPOSITION OF A COMMUNITY COLLEGE DORMITORY OR THE INTEREST OF THE AUTHORITY THEREIN PRIOR TO OR UPON THE TERMINATION OR EXPIRATION OF SUCH LEASE OR OTHER AGREEMENT.

C. IN THE EVENT OF A FAILURE OF A LOCALLY SPONSORED COMMUNITY COLLEGE TO PAY THE DORMITORY AUTHORITY WHEN DUE ALL OR PART OF AMOUNTS PAYABLE BY THE LOCALLY SPONSORED COMMUNITY COLLEGE TO THE DORMITORY AUTHORITY PURSUANT TO A LEASE OR AGREEMENT AUTHORIZED BY THIS SUBDIVISION, THE DORMITORY AUTHORITY SHALL FORTHWITH MAKE AND DELIVER TO THE STATE COMPTROLLER A CERTIFICATE STATING THE AMOUNT OF THE PAYMENT REQUIRED TO HAVE BEEN MADE BY THE LOCALLY SPONSORED COMMUNITY COLLEGE, THE AMOUNT PAID BY THE LOCALLY SPONSORED COMMUNITY COLLEGE, AND THE AMOUNT REMAINING UNPAID BY THE LOCALLY SPONSORED COMMUNITY COLLEGE. THE STATE COMPTROLLER, AFTER GIVING WRITTEN NOTICE TO THE DIRECTOR OF THE BUDGET, SHALL PAY TO THE DORMITORY AUTHORITY THE AMOUNT SET FORTH IN SUCH CERTIFICATE AS REMAINING UNPAID, WHICH AMOUNT SHALL BE PAID FROM ANY MONIES APPROPRIATED BY THE STATE FOR OR ON ACCOUNT OF THE OPERATING COSTS OF THE LOCALLY SPONSORED COMMUNITY COLLEGE AND NOT YET PAID. THE AMOUNT REQUIRED TO BE PAID

1 BY THE STATE COMPTROLLER PURSUANT TO THIS PARAGRAPH SHALL BE PAID TO THE
2 DORMITORY AUTHORITY AS SOON AS PRACTICABLE AFTER RECEIPT OF THE CERTIF-
3 ICATE OF THE DORMITORY AUTHORITY AND NOTICE TO THE DIRECTOR OF THE BUDG-
4 ET IS GIVEN, WHETHER OR NOT THE MONEYS FROM WHICH SUCH PAYMENT IS TO BE
5 MADE ARE THEN DUE AND PAYABLE TO THE LOCALLY SPONSORED COMMUNITY
6 COLLEGE. THE AMOUNT OF STATE APPROPRIATIONS PAYABLE TO THE LOCALLY SPON-
7 SORED COMMUNITY COLLEGE FROM WHICH THE STATE COMPTROLLER HAS MADE A
8 PAYMENT PURSUANT TO THIS PARAGRAPH SHALL BE REDUCED BY THE AMOUNT SO
9 PAID TO THE DORMITORY AUTHORITY, NOTWITHSTANDING THE AMOUNT APPROPRIATED
10 AND APPORTIONED BY THE STATE TO THE LOCALLY SPONSORED COMMUNITY COLLEGE,
11 AND THE STATE SHALL NOT BE OBLIGATED TO MAKE AND THE LOCALLY SPONSORED
12 COMMUNITY COLLEGE SHALL NOT BE ENTITLED TO RECEIVE ANY ADDITIONAL APPOR-
13 TIONMENT OR PAYMENT OF STATE MONEYS. NOTHING CONTAINED IN THIS SUBDIVI-
14 SION SHALL BE CONSTRUED TO CREATE AN OBLIGATION UPON THE STATE TO APPRO-
15 PRIATE MONEYS FOR OR ON ACCOUNT OF THE OPERATING COSTS OF THE LOCALLY
16 SPONSORED COMMUNITY COLLEGE, TO PRECLUDE THE STATE FROM REDUCING THE
17 AMOUNT OF MONEYS APPROPRIATED OR LEVEL OF SUPPORT PROVIDED FOR THE OPER-
18 ATING COSTS OF THE LOCALLY SPONSORED COMMUNITY COLLEGE FROM THE AMOUNT
19 APPROPRIATED OR LEVEL OF SUPPORT PROVIDED IN ANY PRIOR FISCAL YEAR, OR
20 TO PRECLUDE THE STATE FROM ALTERING OR MODIFYING THE MANNER IN WHICH IT
21 PROVIDES FOR THE OPERATING COSTS OF THE LOCALLY SPONSORED COMMUNITY
22 COLLEGE.

23 D. THE PROVISIONS OF THIS SUBDIVISION SHALL BE IN ADDITION TO ANY
24 AUTHORIZATION CONTAINED IN THIS TITLE GOVERNING THE PROVISION OF FACILI-
25 TIES BY THE DORMITORY AUTHORITY FOR THE LOCAL SPONSOR OF A LOCALLY SPON-
26 SORED COMMUNITY COLLEGE, AND ALL PROVISIONS OF THIS TITLE NOT INCONSIST-
27 ENT WITH THE PROVISIONS OF THIS SUBDIVISION SHALL BE APPLICABLE WITH
28 RESPECT TO ANY BONDS OF THE AUTHORITY ISSUED TO OBTAIN FUNDS FOR ANY
29 PURPOSE AUTHORIZED UNDER THIS SUBDIVISION FOR THE BENEFIT OF A LOCALLY
30 SPONSORED COMMUNITY COLLEGE AND WITH RESPECT TO THE POWERS OF THE DORMI-
31 TORY AUTHORITY.

32 S 10. Subdivision 12 of section 3 of the public buildings law, as
33 amended by section 48 of part T of chapter 57 of the laws of 2007, is
34 amended to read as follows:

35 12. Lease from time to time buildings, rooms or premises in the county
36 of Albany, and elsewhere as required, for providing space for depart-
37 ments, commissions, boards and officers of the state government, upon
38 such terms and conditions as he or she deems most advantageous to the
39 state. Any such lease shall, however, be for a term not exceeding ten
40 years, but may provide for optional renewals on the part of the state,
41 for terms of ten years or less. Each such lease shall contain a clause
42 stating that the contract of the state thereunder shall be deemed execu-
43 tory only to the extent of moneys available therefor and that no liabil-
44 ity shall be incurred by the state beyond the money available for such
45 purpose. Notwithstanding the provisions of any other law, except section
46 sixteen hundred seventy-six of the public authorities law relating to
47 use of dormitory authority facilities by the aged, the commissioner of
48 general services shall have sole and exclusive authority to lease space
49 for state departments, agencies, commissions, boards and officers, OTHER
50 THAN THE STATE UNIVERSITY OF NEW YORK, within the county of Albany. Any
51 buildings, rooms or premises, now or hereafter held by the commissioner
52 of general services under lease, may be sublet, in part or in whole,
53 provided that in the judgment of the commissioner, and the occupying
54 department, commission, board, and officers of the state government,
55 such buildings, rooms or premises are not for a time needed.

1 S 11. This act shall take effect immediately; provided, however, that
2 sections one through nine of this act shall expire and be deemed
3 repealed June 30, 2016, and provided, further, that the amendments to
4 subdivision 12 of section 3 of the public buildings law made by section
5 ten of this act shall take effect on the same date as the reversion of
6 such subdivision as provided in subdivision 4 of section 27 of chapter
7 95 of the laws of 2000, as amended.

8

SUBPART B

9 Section 1. Subdivisions 5 and 6 of section 355 of the education law,
10 subdivision 5 as added by chapter 552 of the laws of 1985, paragraph a
11 of subdivision 5 as amended by chapter 682 of the laws of 2007, para-
12 graph c of subdivision 5 as added by chapter 103 of the laws of 1989,
13 paragraph d of subdivision 5 as added by chapter 537 of the laws of 1997
14 and subdivision 6 as amended by chapter 554 of the laws of 1985, are
15 amended to read as follows:

16 5. Notwithstanding the provisions of [paragraph] SUBDIVISIONS two AND
17 THREE of section one hundred twelve and sections one hundred fifteen,
18 one hundred sixty-one, AND one hundred sixty-three [and one hundred
19 seventy-four] of the state finance law and sections three and six of the
20 New York state printing and public documents law or any other law to the
21 contrary, the state university trustees are authorized and empowered to:

22 a. (i) purchase materials, equipment and supplies, including computer
23 equipment and motor vehicles[, where the amount for a single purchase
24 does not exceed twenty thousand dollars], (ii) execute contracts for
25 services and construction, CONSTRUCTION-RELATED contracts [to an amount
26 not exceeding twenty thousand dollars] AND CONTRACTS FOR COMPUTER TECH-
27 NOLOGY AND LEASES, LICENSES, PERMITS AND CONTRACTS FOR THE PURCHASE OR
28 SALE OF REAL PROPERTY, and (iii) contract for printing [to an amount not
29 exceeding five thousand dollars], without prior approval by any other
30 state officer or agency, but subject to rules and regulations of the
31 state comptroller not otherwise inconsistent with the provisions of this
32 section and in accordance with [the rules and regulations] GUIDELINES
33 promulgated by the state university board of trustees after consultation
34 with the state comptroller. [In addition, the trustees, after consulta-
35 tion with the commissioner of general services, are authorized to annu-
36 ally negotiate with the state comptroller increases in the aforemen-
37 tioned dollar limits and the exemption of any articles, categories of
38 articles or commodities from these limits. Rules and regulations]. THE
39 GUIDELINES promulgated by the state university board of trustees shall,
40 to the extent practicable, require that competitive proposals be solici-
41 ted for purchases, and shall include requirements that purchases and
42 contracts authorized under this section be at the lowest available
43 price, including consideration of prices available through other state
44 agencies, consistent with quality requirements, and as will best promote
45 the public interest. Such purchases may be made directly from any
46 contractor pursuant to any contract for commodities let by the office of
47 general services or any other state agency;

48 b. to establish cash advance accounts for the purpose of purchasing
49 materials, supplies, or services, for cash advances for travel expenses
50 and per diem allowances, or for advance payment of wages and salary. The
51 account may be used to purchase such materials, supplies, or services
52 where the amount of a single purchase does not exceed [two hundred
53 fifty] ONE THOUSAND dollars, in accordance with such guidelines as shall

1 be prescribed by the state university trustees after consultation with
2 the state comptroller.

3 c. establish guidelines in consultation with the commissioner of
4 general services authorizing participation by the state university in
5 programs administered by the office of general services for the purchase
6 of available New York state food products. The commissioner of general
7 services shall provide assistance to the state university necessary to
8 enable the university to participate in these programs.

9 [d. (1) Award contract extensions for campus transportation without
10 competitive bidding where such contracts were secured either through
11 competitive bidding or through evaluation of proposals in response to a
12 request for proposals pursuant to subparagraph (2) of this paragraph,
13 however such extensions may be rejected if the amount to be paid to the
14 contractor in any year of such proposed extension fails to reflect any
15 decrease in the regional consumer price index for the New York, New
16 York-Northeastern, New Jersey area, based upon the index for all urban
17 consumers (CPI-U) during the preceding twelve-month period. At the time
18 of any contract extension, consideration shall be given to any compet-
19 itive proposal offered by a public transportation agency. Such contract
20 may be increased for each year of the contract extension by an amount
21 not to exceed the regional consumer price index increase for the New
22 York, New York-Northeastern, New Jersey area, based upon the index for
23 all urban consumers (CPI-U), during the preceding twelve-month period,
24 provided it has been satisfactorily established by the contractor that
25 there has been at least an equivalent increase in the amount of his cost
26 of operation, during the period of the contract.]

27 6. To enter into any contract or agreement deemed necessary or advis-
28 able after consultation with appropriate state agencies for carrying out
29 the objects and purposes of state university without prior review or
30 approval by any state officer or agency [other than the state comp-
31 troller and the attorney general] including contracts with non-profit
32 corporations organized by officers, employees, alumni or students of
33 state university for the furtherance of its objects and purposes.
34 Contracts or agreements entered into with the federal government to
35 enable participation in federal student loan programs, including any and
36 all instruments required thereunder, shall not be subject to the
37 requirements of section forty-one of the state finance law; provided,
38 however, that the state shall not be liable for any portion of any
39 defaults which it has agreed to assume pursuant to any such agreement in
40 an amount in excess of money appropriated or otherwise lawfully avail-
41 able therefor at the time the liability for payment arises.

42 S 2. Section 355 of the education law is amended by adding two new
43 subdivisions 5-a and 5-b to read as follows:

44 5-A. A. THE CHANCELLOR OF THE STATE UNIVERSITY AND THE COMMISSIONER OF
45 THE OFFICE OF GENERAL SERVICES SHALL DEVELOP A PROTOCOL TO DETERMINE
46 WHETHER IT IS MORE ECONOMICAL AND EFFICIENT TO PURCHASE GOODS FOR THE
47 STATE UNIVERSITY SYSTEM THROUGH THE CENTRALIZED CONTRACTS OF THE OFFICE
48 OF GENERAL SERVICES THAN THROUGH A COMPETITIVE BIDDING PROCESS.

49 B. THE PROTOCOL SHALL INCLUDE A PROCESS IN WHICH THE CHANCELLOR SHALL
50 OBTAIN INFORMATION ANNUALLY FROM EACH STATE-OPERATED INSTITUTION AND
51 UNIVERSITY HEALTH SCIENCES CENTER UNDER THE JURISDICTION OF THE STATE
52 UNIVERSITY, IN SUCH DETAIL AS REQUIRED BY THE CHANCELLOR, RELATING TO
53 THE TYPE AND TOTAL AMOUNT OF GOODS, INCLUDING TECHNOLOGY PURCHASES FOR
54 NEW SOFTWARE, SYSTEMS, ENHANCEMENTS AND EQUIPMENT, THAT EACH STATE-OPER-
55 ATED INSTITUTION OR UNIVERSITY HEALTH SCIENCES CENTER PROPOSES TO
56 PURCHASE IN THE UPCOMING FISCAL YEAR.

1 C. UPON RECEIPT OF THE INFORMATION OBTAINED PURSUANT TO PARAGRAPH B OF
2 THIS SUBDIVISION, THE CHANCELLOR, PURSUANT TO THE PROTOCOL AND IF JUSTI-
3 FIED BY PRICE AND VALUE, MAY REQUIRE THE STATE-OPERATED INSTITUTION OR
4 UNIVERSITY HEALTH SCIENCES CENTER TO MAKE ITS PURCHASES THROUGH THE USE
5 OF THE CENTRALIZED CONTRACTS OF THE OFFICE OF GENERAL SERVICES.

6 5-B. A. THE STATE UNIVERSITY SHALL PROVIDE BY OCTOBER FIFTEENTH OF
7 EACH YEAR TO THE DIRECTOR OF THE DIVISION OF BUDGET, THE STATE COMP-
8 TROLLER, THE SPEAKER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT OF THE
9 SENATE AND THE CHAIRS OF THE ASSEMBLY AND SENATE HIGHER EDUCATION
10 COMMITTEES A REPORT WHICH SETS FORTH WITH RESPECT TO ITS CONTRACTING
11 PROCESS THE FOLLOWING INFORMATION FOR THE PRIOR FISCAL YEAR:

12 (1) THE STATE UNIVERSITY'S PROCUREMENT GUIDELINES;

13 (2) SELECTION METHOD, INCLUDING "LOWEST PRICE", "BEST VALUE", SOLE
14 SOURCE, SINGLE SOURCE, NEGOTIATED AND EMERGENCY PROCUREMENT SUBTOTALLED
15 BY STATE-OPERATED INSTITUTIONS AND UNIVERSITY HEALTH SCIENCES CENTERS
16 AND BY TYPE OF GOODS OR COMMODITY;

17 (3) NUMBER OF CONTRACTS AWARDED BY NUMBER OF BIDS AND/OR PROPOSALS AND
18 SOURCE SELECTION METHOD;

19 (4) A LISTING OF CONTRACTS BY INDIVIDUAL STATE-OPERATED INSTITUTION
20 AND UNIVERSITY HEALTH SCIENCES CENTER, INCLUDING VENDOR NAME, APPROVAL
21 DATES, DOLLAR VALUE OF SUCH CONTRACTS, INCLUDING THE TOTAL AMOUNT OF
22 GOODS PURCHASED THROUGH THE CENTRALIZED CONTRACTS OF THE OFFICE OF
23 GENERAL SERVICES;

24 (5) A LISTING OF THE TOTAL NUMBER AND AMOUNT OF CONTRACTS AWARDED FOR
25 THE PRIOR FISCAL YEAR AND TOTAL YEAR-TO-DATE EXPENDITURES FOR ALL
26 CONTRACTS, WITH SUBTOTALS BY CENTRAL ADMINISTRATION, AND BY INDIVIDUAL
27 STATE-OPERATED INSTITUTION AND UNIVERSITY HEALTH SCIENCES CENTER; AND
28 MAJOR CONTRACT CATEGORY INCLUDING, BUT NOT LIMITED TO, GOODS, EQUIPMENT
29 AND COMMODITIES;

30 (6) THE TOTAL NUMBER AND TOTAL DOLLAR VALUE OF SINGLE SOURCE CONTRACTS
31 AWARDED DURING THE FISCAL YEAR, AND THE PERCENTAGE THAT SUCH CONTRACTS
32 REPRESENT OF THE STATE UNIVERSITY'S TOTAL NUMBER AND TOTAL DOLLAR VALUE
33 OF CONTRACT AWARDS DURING THE REPORTING PERIOD; AND

34 (7) THE NUMBER OF CONTRACTS DISAPPROVED DURING THE FISCAL YEAR AND
35 REASONS FOR DISAPPROVAL.

36 B. THE REPORT SHALL ALSO SET FORTH ANY RECOMMENDATIONS TO IMPROVE THE
37 EFFICIENCY OF THE STATE UNIVERSITY'S PROCUREMENT PROCESS.

38 S 3. Subdivision a of section 6218 of the education law, as amended by
39 chapter 697 of the laws of 1993, is amended to read as follows:

40 a. Notwithstanding the provisions of [paragraph] SUBDIVISIONS two AND
41 THREE of section one hundred twelve and sections one hundred fifteen,
42 one hundred sixty-one[,] AND one hundred sixty-three [and one hundred
43 seventy-four] of the state finance law and sections three and six of the
44 New York state printing and public documents law or any other law to the
45 contrary, the city university [trustees are] IS authorized and empowered
46 to:

47 (i) purchase materials, equipment and supplies, including computer
48 equipment and motor vehicles, [where the amount for a single purchase
49 does not exceed twenty thousand dollars,] (ii) execute contracts for
50 services [to an amount not exceeding twenty thousand dollars]; INCLUDING
51 CONSTRUCTION, CONSTRUCTION-RELATED CONTRACTS, CONTRACTS FOR COMPUTER
52 TECHNOLOGY AND LEASES, LICENSES, PERMITS AND CONTRACTS FOR THE PURCHASE
53 OR SALE OF REAL PROPERTY, and (iii) contract for printing [to an amount
54 not exceeding five thousand dollars], without prior approval by any
55 other state officer or agency, but subject to rules and regulations of
56 the state comptroller not otherwise inconsistent with the provisions of

1 this section and in accordance with the [rules and regulations] GUIDE-
2 LINES promulgated by the city university board of trustees after consul-
3 tation with the state comptroller. [In addition, the trustees are
4 authorized to annually negotiate with the state comptroller increases in
5 the aforementioned dollar limits and the exemption of any articles,
6 categories of articles or commodities from these limits. Rules and regu-
7 lations] THE GUIDELINES promulgated by the city university board of
8 trustees shall, to the extent practicable, require that competitive
9 proposals be solicited for purchases, and shall include requirements
10 that purchases and contracts authorized under this section be at the
11 lowest possible price.

12 S 4. Section 6218 of the education law is amended by adding a new
13 subdivision i to read as follows:

14 I. (I) THE CITY UNIVERSITY SHALL PROVIDE BY OCTOBER FIFTEENTH OF EACH
15 YEAR TO THE DIRECTOR OF THE DIVISION OF THE BUDGET, THE STATE COMP-
16 TROLLER, THE SPEAKER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT OF THE
17 SENATE AND THE CHAIRS OF THE ASSEMBLY AND SENATE HIGHER EDUCATION
18 COMMITTEES A REPORT WHICH SETS FORTH WITH RESPECT TO ITS CONTRACTING
19 PROCESS THE FOLLOWING INFORMATION FOR THE PRIOR FISCAL YEAR:

20 1. THE CITY UNIVERSITY'S PROCUREMENT GUIDELINES;

21 2. SELECTION METHOD, INCLUDING "LOWEST PRICE", "BEST VALUE", SOLE
22 SOURCE, SINGLE SOURCE, NEGOTIATED AND EMERGENCY PROCUREMENT SUBTOTALLED
23 BY INDIVIDUAL SENIOR COLLEGES AND BY TYPE OF GOODS OR COMMODITY;

24 3. NUMBER OF CONTRACTS AWARDED BY NUMBER OF BIDS AND/OR PROPOSALS AND
25 SOURCE SELECTION METHOD;

26 4. A LISTING OF THE CONTRACTS BY INDIVIDUAL SENIOR COLLEGES, INCLUDING
27 VENDOR NAME, APPROVAL DATES, DOLLAR VALUE OF SUCH CONTRACTS;

28 5. A LISTING OF THE TOTAL NUMBER AND AMOUNT OF CONTRACTS AWARDED FOR
29 THE PRIOR FISCAL YEAR AND TOTAL YEAR-TO-DATE EXPENDITURES FOR ALL
30 CONTRACTS, WITH SUBTOTALS BY CENTRAL ADMINISTRATION, AND BY INDIVIDUAL
31 SENIOR COLLEGES; AND MAJOR CONTRACT CATEGORY INCLUDING, BUT NOT LIMITED
32 TO, GOODS, EQUIPMENT AND COMMODITIES;

33 6. THE TOTAL NUMBER AND TOTAL DOLLAR VALUE OF SINGLE SOURCE CONTRACTS
34 AWARDED DURING THE FISCAL YEAR, AND THE PERCENTAGE THAT SUCH CONTRACTS
35 REPRESENT OF THE CITY UNIVERSITY'S TOTAL NUMBER AND TOTAL DOLLAR VALUE
36 OF CONTRACT AWARDS DURING THE REPORTING PERIOD; AND

37 7. THE NUMBER OF CONTRACTS DISAPPROVED DURING THE FISCAL YEAR AND
38 REASONS FOR DISAPPROVAL.

39 (II) THE REPORT SHALL SET FORTH ANY RECOMMENDATIONS TO IMPROVE THE
40 EFFICIENCY OF THE CITY UNIVERSITY'S PROCUREMENT PROCESS.

41 S 5. The education law is amended by adding a new section 6283 to read
42 as follows:

43 S 6283. PROCUREMENTS OF THE FUND. NOTWITHSTANDING ANY OTHER
44 PROVISION OF LAW, THE CONTRACTS OF THE FUND MAY BE EXECUTED AND SHALL BE
45 VALID, ENFORCEABLE AND EFFECTIVE WITHOUT PRIOR REVIEW OR APPROVAL BY, OR
46 FILING WITH, THE STATE COMPTROLLER, PROVIDED, HOWEVER, THAT SUCH
47 CONTRACTS SHALL BE SUBJECT TO PROCUREMENT GUIDELINES THAT ARE ANNUALLY
48 ADOPTED BY THE FUND TRUSTEES, WHICH SHALL CONFORM TO THE PROVISIONS OF
49 TITLE FOUR OF ARTICLE NINE OF THE PUBLIC AUTHORITIES LAW, EXCEPT SECTION
50 TWENTY-EIGHT HUNDRED SEVENTY-NINE-A OF SUCH LAW.

51 S 6. Subdivisions 2 and 3 of section 112 of the state finance law, as
52 amended by chapter 319 of the laws of 1992, paragraph (a) of subdivision
53 2 as amended by section 2 of part D of chapter 56 of the laws of 2006,
54 are amended to read as follows:

55 2. (a) Before any contract made for or by any state agency, depart-
56 ment, board, officer, commission, or institution, except the office of

1 general services, THE CITY UNIVERSITY OF NEW YORK AND THE STATE UNIVER-
2 SITY OF NEW YORK, shall be executed or become effective, whenever such
3 contract exceeds fifty thousand dollars in amount and before any
4 contract made for or by the office of general services shall be executed
5 or become effective, whenever such contract exceeds eighty-five thousand
6 dollars in amount, it shall first be approved by the comptroller and
7 filed in his or her office, provided, however, that the comptroller
8 shall make a final written determination with respect to approval of
9 such contract within ninety days of the submission of such contract to
10 his or her office unless the comptroller shall notify, in writing, the
11 state agency, department, board, officer, commission, or institution,
12 prior to the expiration of the ninety day period, and for good cause, of
13 the need for an extension of not more than fifteen days, or a reasonable
14 period of time agreed to by such state agency, department, board, offi-
15 cer, commission, or institution and provided, further, that such written
16 determination or extension shall be made part of the procurement record
17 pursuant to paragraph f of subdivision one of section one hundred
18 sixty-three of this chapter.

19 (b) Whenever any liability of any nature shall be incurred by or for
20 any state department, board, officer, commission, or institution OTHER
21 THAN THE CITY UNIVERSITY OF NEW YORK AND THE STATE UNIVERSITY OF NEW
22 YORK, notice that such liability has been incurred shall be immediately
23 given in writing to the state comptroller.

24 3. A contract or other instrument wherein the state or any of its
25 officers, agencies, boards or commissions OTHER THAN THE CITY UNIVERSITY
26 OF NEW YORK AND THE STATE UNIVERSITY OF NEW YORK agrees to give a
27 consideration other than the payment of money, when the value or reason-
28 ably estimated value of such consideration exceeds ten thousand dollars,
29 shall not become a valid enforceable contract unless such contract or
30 other instrument shall first be approved by the comptroller and filed in
31 his office.

32 S 7. Paragraph i of subdivision 2 of section 355 of the education law,
33 as amended by chapter 552 of the laws of 1985, is amended to read as
34 follows:

35 i. To lease to alumni associations of institutions of the state
36 university a portion of the grounds occupied by any institution of the
37 state university, for the erection thereon of dormitories to be used by
38 students in attendance at such institutions. The terms of any lease and
39 the character of the building to be erected shall be determined by the
40 state university trustees. [Such lease, prior to its execution, shall be
41 submitted to the attorney general for his approval as to its form,
42 contents and legal effect.] Nothing contained in this paragraph shall
43 affect the provisions of any lease heretofore executed by a board of
44 visitors of any state-operated institution pursuant to law. The state
45 university trustees may similarly enter into an agreement with an alumni
46 association of an institution of the state university to furnish heat
47 from a central heating plant to any dormitory erected by such alumni
48 association. Any such dormitory shall not be subject to taxation for any
49 purpose.

50 S 8. Subdivision (b) of section 6281 of the education law, as amended
51 by chapter 1081 of the laws of 1969, is amended to read as follows:

52 (b) Notwithstanding any other provision of this article or any other
53 law, any contract let by the dormitory authority and/or the city univer-
54 sity construction fund for the purposes of this article shall be in
55 conformity with the provisions of section one hundred one of the general
56 municipal law, AND MAY BE AWARDED USING ANY DELIVERY METHOD AUTHORIZED

BY THE PROCUREMENT GUIDELINES ADOPTED BY THE CITY UNIVERSITY CONSTRUCTION FUND OR THE DORMITORY AUTHORITY PURSUANT TO SECTION TWENTY-EIGHT HUNDRED SEVENTY-NINE OF THE PUBLIC AUTHORITIES LAW.

S 9. This act shall take effect immediately and shall expire and be deemed repealed June 30, 2016.

SUBPART C

Section 1. Subdivision 16 of section 355 of the education law, as added by chapter 363 of the laws of 1998, is amended to read as follows:

16. Subject to laws and regulations applicable to the state university as a health care provider the state university trustees may:

a. Notwithstanding section one hundred sixty-three of the state finance law AND SECTION SIXTY-THREE OF THE EXECUTIVE LAW, authorize [contracts for] a state university health care facility [for participation] TO CREATE AND/OR PARTICIPATE in managed care networks and other joint and cooperative arrangements with public, [non-profit] NOT-FOR-PROFIT or FOR PROFIT business entities, INCLUDING JOINT VENTURES, NOT-FOR-PROFIT OR FOR PROFIT CORPORATIONS, PROFESSIONAL CORPORATIONS, AND LIMITED LIABILITY COMPANIES, including entering into a maximum of twenty network arrangements per year, as partners, JOINT VENTURERS, members of [non-profit] NOT-FOR-PROFIT corporations, MEMBERS OF LIMITED LIABILITY COMPANIES and shareholders of business corporations, and the provision of management and administrative services by or for state university. Any contract for the provision of management services shall be subject to any provision of the public health law and health regulations applicable to the state university as a health care provider, including any review by the commissioner of health pursuant to 10 NYCRR section 405.3(f). In addition, the commissioner of health shall provide for public comment within thirty days of a submission of any management contract required to be reviewed pursuant to regulation. The trustees may also authorize contracts, including [capitation] RISK-SHARING contracts, for a state university health care facility for the provision of general comprehensive and specialty health care services, directly or through contract with other service providers or entities, including state university employees or entities comprised thereof. Contracts authorized hereunder shall be:

(1) consistent with trustee guidelines respecting all terms and conditions necessary and appropriate for managed care NETWORKS and other [network,] joint or cooperative arrangements, including GUIDELINES GOVERNING THE AWARDING OF SUCH CONTRACTS, guidelines for comparative review where appropriate, AND CONFLICT-OF-INTEREST GUIDELINES;

(2) subject to laws and regulations applicable to the state university as a health care provider, including with respect to rates and certificates of need; and

(3) subject to article fourteen of the civil service law and the applicable provisions of agreements between the state and employee organizations pursuant to article fourteen of the civil service law.

b. (1) Notwithstanding the provisions of [subdivision two of section one hundred twelve of the state finance law relating to the dollar threshold requiring the comptroller's approval of contracts and] SUBDIVISION TWO OF SECTION ONE HUNDRED TWELVE OF THE STATE FINANCE LAW RELATING TO THE COMPTROLLER'S APPROVAL OF CONTRACTS FOR SERVICES AND subdivision six of section one hundred sixty-three of the state finance law AND SECTION SIXTY-THREE OF THE EXECUTIVE LAW, authorize contracts for the

1 purchase of goods and services for state university health care facili-
2 ties WITHOUT PRIOR APPROVAL BY ANY OTHER STATE OFFICER OR AGENCY:

3 [(1)] (A) for any contract [which does not exceed seventy-five thou-
4 sand dollars] FOR GOODS OR SERVICES OR FOR ANY REVENUE CONTRACT; or

5 [(2)] (B) for joint or group purchasing arrangements [which do not
6 exceed seventy-five thousand dollars without prior approval by any other
7 state, officer or agency] in accordance with procedures and requirements
8 found in paragraph a of subdivision five of this section.

9 [(3) contracts] (2) CONTRACTS authorized hereunder shall be subject to
10 article fourteen of the civil service law and the applicable provisions
11 of agreements between the state and employee organizations pursuant to
12 article fourteen of the civil service law AND SHALL BE CONSISTENT WITH
13 TRUSTEE GUIDELINES GOVERNING THE AWARDING OF SUCH CONTRACTS, COMPARATIVE
14 REVIEW WHERE APPROPRIATE, AND CONFLICT-OF-INTEREST GUIDELINES.

15 [The trustees are authorized to negotiate annually with the state
16 comptroller increases in the aforementioned dollar limits.]

17 c. Authorize contracts for the acquisition BY STATE UNIVERSITY HEALTH
18 CARE FACILITIES OR FACILITIES SUITABLE FOR THE DELIVERY OF HEALTH CARE
19 SERVICES, by purchase, lease, sublease, transfer of jurisdiction or
20 otherwise[, of facilities suitable for the delivery of health care
21 services] and for the construction, repair, maintenance, equipping,
22 rehabilitation or improvement thereof. SUCH FACILITIES MAY BE ACQUIRED
23 IN WHOLE OR IN PART BY STATE UNIVERSITY HEALTH CARE FACILITIES, EITHER
24 DIRECTLY OR THROUGH OWNERSHIP IN A JOINT OR COOPERATIVE ARRANGEMENT
25 AUTHORIZED BY PARAGRAPH A OF THIS SUBDIVISION. Such contracts shall be
26 [subject to approval by the attorney general as to form and by the
27 director of the budget and the state comptroller] CONSISTENT WITH TRUS-
28 TEE GUIDELINES GOVERNING THE AWARDING OF SUCH CONTRACTS, INCLUDING
29 GUIDELINES REQUIRING COMPARATIVE REVIEW WHERE APPROPRIATE AND CONFLICT
30 OF INTEREST GUIDELINES. Contracts under this paragraph shall be funded
31 from any moneys lawfully available for the expenses of the STATE UNIVER-
32 SITY health care facilities.

33 D. THE STATE UNIVERSITY SHALL PROVIDE BY JULY FIFTEENTH OF EACH YEAR
34 TO THE DIRECTOR OF THE BUDGET AND TO THE CHAIRS OF THE SENATE FINANCE
35 COMMITTEE AND THE ASSEMBLY WAYS AND MEANS COMMITTEE A REPORT WHICH SETS
36 FORTH WITH RESPECT TO CONTRACTS ENTERED INTO DURING THE PRIOR YEAR BY
37 STATE UNIVERSITY HEALTH CARE FACILITIES (1) THE AMOUNT, PURPOSE, AND
38 DURATION OF CONTRACTS AND ARRANGEMENTS ENTERED INTO PURSUANT TO PARA-
39 GRAPHS A AND C OF THIS SUBDIVISION, (2) A LISTING OF CONTRACTS OVER THE
40 AMOUNT OF TWO HUNDRED FIFTY THOUSAND DOLLARS ENTERED INTO PURSUANT TO
41 CLAUSE (A) OF SUBPARAGRAPH ONE OF PARAGRAPH B OF THIS SUBDIVISION, AND
42 (3) THE AMOUNT, PURPOSE AND DURATION OF CONTRACTS OVER THE AMOUNT OF TWO
43 HUNDRED FIFTY THOUSAND DOLLARS ENTERED INTO PURSUANT TO CLAUSE (B) OF
44 SUBPARAGRAPH ONE OF PARAGRAPH B OF THIS SUBDIVISION.

45 S 2. Notwithstanding any inconsistent provision in section 8 of the
46 court of claims act, subdivision 10 of section 355 of the education law
47 or any other provision of law, a state university health care facility
48 may include in a contract authorized by paragraph a of subdivision 16 of
49 section 355 of the education law, other than a contract with state
50 employees relating to terms and conditions of their employment, a
51 provision that some or all disputes arising under or related to such
52 contract shall be resolved by binding arbitration in accordance with the
53 rules of a nationally-recognized arbitration association.

54 S 3. This act shall take effect immediately, and shall expire and be
55 deemed repealed June 30, 2016.

1

SUBPART D

2 Section 1. The board of trustees of the state university of New York
3 and the city university of New York shall report every January first to
4 the governor, the temporary president of the senate and the speaker of
5 the assembly on the effectiveness of the reforms pursuant to this act.
6 The report shall address the progress of the state-operated and senior
7 colleges in competing with the top academic research institutions, the
8 impact of efforts by the state university of New York and the city
9 university of New York to increase the economic well-being of New York.

10 S 2. This act shall take effect immediately, and shall expire and be
11 deemed repealed June 30, 2016.

12 S 2. Severability clause. If any clause, sentence, paragraph, subdivi-
13 sion, section or part of this act shall be adjudged by any court of
14 competent jurisdiction to be invalid, such judgment shall not affect,
15 impair, or invalidate the remainder thereof, but shall be confined in
16 its operation to the clause, sentence, paragraph, subdivision, section
17 or part thereof directly involved in the controversy in which such judg-
18 ment shall have been rendered. It is hereby declared to be the intent of
19 the legislature that this act would have been enacted even if such
20 invalid provisions had not been included herein.

21 S 3. This act shall take effect immediately; provided, however, that
22 the applicable effective date of Subparts A through D of this act shall
23 be as specifically set forth in the last section of such Subparts.

24

PART E

25 Section 1. Subitem (c) of item 1 of clause (A) of subparagraph (i) of
26 paragraph a of subdivision 3 of section 667 of the education law, as
27 amended by section 1 of part B of chapter 60 of the laws of 2000, is
28 amended and a new subitem (d) is added to read as follows:

29 (c) For students first receiving aid in [the] two thousand--two thou-
30 sand one and thereafter, five thousand dollars[.]; OR

31 (D) FOR UNDERGRADUATE STUDENTS ENROLLED IN A PROGRAM OF STUDY AT A
32 PUBLIC OR NON-PUBLIC DEGREE-GRANTING INSTITUTION THAT DOES NOT OFFER A
33 PROGRAM OF STUDY THAT LEADS TO A BACCALAUREATE DEGREE, OR AT A REGIS-
34 TERED NOT-FOR-PROFIT BUSINESS SCHOOL QUALIFIED FOR TAX EXEMPTION UNDER
35 SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE FOR FEDERAL INCOME TAX
36 PURPOSES THAT DOES NOT OFFER A PROGRAM OF STUDY THAT LEADS TO A BACCA-
37 LAUREATE DEGREE, FOUR THOUSAND DOLLARS. PROVIDED, HOWEVER, THAT THIS
38 SUBITEM SHALL NOT APPLY TO STUDENTS ENROLLED IN A PROGRAM OF STUDY LEAD-
39 ING TO A CERTIFICATE OR DEGREE IN NURSING.

40 S 2. This act shall take effect July 1, 2011.

41

PART F

42 Section 1. Subdivision 1 of section 663 of the education law, as
43 amended by section 1 of part F of chapter 57 of the laws of 2009, is
44 amended to read as follows:

45 1. Income defined. Except as otherwise provided in this section,
46 "income" shall be the total of the combined net taxable income and
47 income from pensions of New York state, local governments [and], the
48 federal government AND ANY PRIVATE EMPLOYER of the applicant, the appli-
49 cant's spouse, and the applicant's parents, INCLUDING ANY PENSION AND
50 ANNUITY INCOME EXCLUDED FOR PURPOSES OF TAXATION PURSUANT TO PARAGRAPH
51 THREE-A OF SUBSECTION (C) OF SECTION SIX HUNDRED TWELVE OF THE TAX LAW,

1 as reported in New York state income tax returns for the calendar year
2 next preceding the beginning of the school year for which application
3 for assistance is made, except that any amount received by an applicant
4 as a scholarship at an educational institution or as a fellowship grant,
5 including the value of contributed services and accommodations, shall
6 not be included within the definition of "income" for the purposes of
7 this article. The term "parent" shall include birth parents, steppar-
8 ents, adoptive parents and the spouse of an adoptive parent. Income, if
9 not a whole dollar amount, shall be assumed to be equal to the next
10 lowest whole dollar amount. Any change in the status of an applicant
11 with regard to the persons responsible for the applicant's support
12 occurring after the beginning of any semester shall not be considered to
13 change the applicant's award for that semester.

14 S 2. This act shall take effect July 1, 2011.

15

PART G

16 Section 1. Paragraphs b and c of subdivision 6 of section 661 of the
17 education law are REPEALED and two new paragraphs b and c are added to
18 read as follows:

19 B. A STUDENT WHO IS IN DEFAULT ON A STUDENT LOAN MADE UNDER ANY STAT-
20 UTORY NEW YORK STATE OR FEDERAL EDUCATION LOAN PROGRAM SHALL BE INELIGI-
21 BLE TO RECEIVE ANY AWARD OR LOAN PURSUANT TO THIS ARTICLE UNTIL THE
22 STUDENT CURES THE DEFAULT STATUS PURSUANT TO APPLICABLE LAW AND REGU-
23 LATION.

24 C. A STUDENT WHO HAS FAILED TO COMPLY WITH THE TERMS OF ANY SERVICE
25 CONDITION IMPOSED BY AN AWARD MADE PURSUANT TO THIS ARTICLE OR HAS
26 FAILED TO REPAY AN AWARD MADE PURSUANT TO THIS ARTICLE, AS REQUIRED BY
27 PARAGRAPH A OF SUBDIVISION FOUR OF SECTION SIX HUNDRED SIXTY-FIVE OF
28 THIS SUBPART, SHALL BE INELIGIBLE TO RECEIVE ANY AWARD OR LOAN PURSUANT
29 TO THIS ARTICLE SO LONG AS SUCH FAILURE TO COMPLY OR REPAY CONTINUES.

30 S 2. This act shall take effect July 1, 2011; provided that the
31 provisions of this act shall apply to any student who is in default in
32 the repayment of any student loan or under the terms of any award pursu-
33 ant to article 14 of the education law.

34

PART H

35 Section 1. Subclause 1 of clause (A) of subparagraph (i) of paragraph
36 a of subdivision 3 of section 667 of the education law, as amended by
37 section 1 of part B of chapter 60 of the laws of 2000, is amended to
38 read as follows:

39 (1) In the case of students who have not been granted an exclusion of
40 parental income or had a dependent for income tax purposes during the
41 tax year next preceding the academic year for which application is made,
42 EXCEPT FOR THOSE STUDENTS WHO HAVE BEEN GRANTED EXCLUSION OF PARENTAL
43 INCOME WHO HAVE A SPOUSE BUT NO OTHER DEPENDENT:

44 (a) For students first receiving aid after nineteen hundred ninety-
45 three--nineteen hundred ninety-four and before two thousand--two thou-
46 sand one, four thousand one hundred twenty-five dollars; or

47 (b) For students first receiving aid in nineteen hundred ninety-three-
48 -nineteen hundred ninety-four or earlier, three thousand five hundred
49 seventy-five dollars; or

50 (c) For students first receiving aid in [the] two thousand--two thou-
51 sand one and thereafter, five thousand dollars.

1 S 2. Subclause 2 of clause (A) of subparagraph (i) of paragraph a of
 2 subdivision 3 of section 667 of the education law, as amended by section
 3 1 of part B of chapter 60 of the laws of 2000, is amended to read as
 4 follows:

5 (2) In the case of students receiving awards pursuant to subparagraph
 6 (iii) of this paragraph AND THOSE STUDENTS WHO HAVE BEEN GRANTED EXCLU-
 7 SION OF PARENTAL INCOME WHO HAVE A SPOUSE BUT NO OTHER DEPENDENT.

8 (a) For students first receiving aid in nineteen hundred ninety-four
 9 --nineteen hundred ninety-five and nineteen hundred ninety-five--nine-
 10 teen hundred ninety-six and thereafter, three thousand twenty-five
 11 dollars, or

12 (b) For students first receiving aid in nineteen hundred ninety-two--
 13 nineteen hundred ninety-three and nineteen hundred ninety-three--nine-
 14 teen hundred ninety-four, two thousand five hundred seventy-five
 15 dollars, or

16 (c) For students first receiving aid in nineteen hundred ninety-one--
 17 nineteen hundred ninety-two or earlier, two thousand four hundred fifty
 18 dollars; or

19 S 3. Subparagraph (iii) of paragraph a of subdivision 3 of section 667
 20 of the education law, as amended by section 1 of part B of chapter 60 of
 21 the laws of 2000, is amended to read as follows:

22 (iii) (A) For students who have been granted exclusion of parental
 23 income and were single with no dependent for income tax purposes during
 24 the tax year next preceding the academic year for which application is
 25 made, the base amount, as determined in subparagraph (i) of this para-
 26 graph, shall be reduced in relation to income as follows:

27 Amount of income	Schedule of reduction
28	of base amount
29 [(A)] (1) Less than three thousand	None
30 dollars	
31 [(B)] (2) Three thousand dollars or	Thirty-one per centum of
32 more, but not more than ten	amount in excess of three
33 thousand dollars	thousand dollars

34 (B) FOR THOSE STUDENTS WHO HAVE BEEN GRANTED EXCLUSION OF PARENTAL
 35 INCOME WHO HAVE A SPOUSE BUT NO OTHER DEPENDENT, FOR INCOME TAX PURPOSES
 36 DURING THE TAX YEAR NEXT PRECEDING THE ACADEMIC YEAR FOR WHICH APPLICA-
 37 TION IS MADE, THE BASE AMOUNT, AS DETERMINED IN SUBPARAGRAPH (I) OF THIS
 38 PARAGRAPH, SHALL BE REDUCED IN RELATION TO INCOME AS FOLLOWS:

39 AMOUNT OF INCOME	SCHEDULE OF REDUCTION
40	OF BASE AMOUNT
41 (1) LESS THAN SEVEN THOUSAND	NONE
42 DOLLARS	
43 (2) SEVEN THOUSAND DOLLARS OR	SEVEN PER CENTUM OF EXCESS
44 MORE, BUT LESS THAN ELEVEN	OVER SEVEN THOUSAND DOLLARS
45 THOUSAND DOLLARS	
46 (3) ELEVEN THOUSAND DOLLARS OR	TWO HUNDRED EIGHTY DOLLARS
47 MORE, BUT LESS THAN EIGHTEEN	PLUS TEN PER CENTUM OF EXCESS
48 THOUSAND DOLLARS	OVER ELEVEN THOUSAND DOLLARS
49 (4) EIGHTEEN THOUSAND DOLLARS OR	NINE HUNDRED EIGHTY DOLLARS
50 MORE, BUT NOT MORE THAN FORTY	PLUS TWELVE PER CENTUM OF
51 THOUSAND DOLLARS	EXCESS OVER EIGHTEEN

THOUSAND DOLLARS

S 4. This act shall take effect July 1, 2011.

PART I

Section 1. Subparagraphs (i), (ii), (iii) and (iv) of paragraph c of subdivision 6 of section 665 of the education law, subparagraphs (i), (ii) and (iii) as added by section 3 of part E-1 of chapter 57 of the laws of 2007 and subparagraph (iv) as amended by section 2 of part I of chapter 57 of the laws of 2008, are amended to read as follows:

(i) For students first receiving aid in two thousand seven--two thousand eight, THROUGH AND INCLUDING TWO THOUSAND NINE--TWO THOUSAND TEN, AND FOR REMEDIAL STUDENTS AS DEFINED IN PARAGRAPH D OF THIS SUBDIVISION WHO FIRST RECEIVED AID IN TWO THOUSAND SEVEN--TWO THOUSAND EIGHT, and thereafter, and enrolled in four-year or five-year undergraduate programs whose terms are organized in semesters:

Before Being Certified for This Payment	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th
--	-----	-----	-----	-----	-----	-----	-----	-----	-----	------

A Student Must Have Accrued at Least This Many Credits	0	3	9	21	33	45	60	75	90	105
---	---	---	---	----	----	----	----	----	----	-----

With At Least This Grade Point Average	0	1.1	1.2	1.3	2.0	2.0	2.0	2.0	2.0	2.0
--	---	-----	-----	-----	-----	-----	-----	-----	-----	-----

(ii) For students first receiving aid in two thousand seven--two thousand eight, THROUGH AND INCLUDING TWO THOUSAND NINE--TWO THOUSAND TEN, AND FOR REMEDIAL STUDENTS AS DEFINED IN PARAGRAPH D OF THIS SUBDIVISION WHO FIRST RECEIVED AID IN TWO THOUSAND SEVEN--TWO THOUSAND EIGHT, and thereafter, and enrolled in two-year undergraduate programs whose terms are organized in semesters:

Before Being Certified for This Payment	1	2	3	4	5	6
--	---	---	---	---	---	---

A Student Must Have Accrued at Least This Many Credits	0	3	9	18	30	45
--	---	---	---	----	----	----

With at Least This Grade Point Average	0	.5	.75	1.3	2.0	2.0
--	---	----	-----	-----	-----	-----

(iii) For students first receiving aid in two thousand seven--two thousand eight, THROUGH AND INCLUDING TWO THOUSAND NINE--TWO THOUSAND

1 TEN, AND FOR REMEDIAL STUDENTS AS DEFINED IN PARAGRAPH D OF THIS SUBDI-
 2 VISION WHO FIRST RECEIVED AID IN TWO THOUSAND SEVEN--TWO THOUSAND EIGHT,
 3 and thereafter, and enrolled in four-year or five-year undergraduate
 4 programs whose terms are organized on a trimester basis:

5	Before Being	1	2	3	4	5	6	7	8
6	Certified								
7	for This								
8	Payment								

9	A Student	0	2	4	9	17	25	33	40
10	Must Have								
11	Accrued at								
12	Least This								
13	Many Credits								

14	With At Least	0	1.1	1.1	1.2	1.2	1.3	2.0	2.0
15	This Grade								
16	Point Average								

17 and,

18	Before Being	9	10	11	12	13	14	15
19	Certified							
20	for This							
21	Payment							

22	A Student	50	60	70	80	90	100	110
23	Must Have							
24	Accrued at							
25	Least This							
26	Many Credits							

27	With At Least	2.0	2.0	2.0	2.0	2.0	2.0	2.0
28	This Grade							
29	Point Average							

30 (iv) For students first receiving aid in two thousand seven--two thou-
 31 sand eight, THROUGH AND INCLUDING TWO THOUSAND NINE--TWO THOUSAND TEN,
 32 AND FOR REMEDIAL STUDENTS AS DEFINED IN PARAGRAPH D OF THIS SUBDIVISION
 33 WHO FIRST RECEIVED AID IN TWO THOUSAND SEVEN--TWO THOUSAND EIGHT, and
 34 thereafter, and enrolled in two-year undergraduate programs whose terms
 35 are organized on a trimester basis:

36	Before Being	1	2	3	4	5	6	7	8	9
37	Certified									
38	for This									
39	Payment									

40	A Student	0	2	4	9	15	21	30	37	45
41	Must Have									
42	Accrued at									
43	Least This									
44	Many Credits									

45	With At Least	0	.5	.5	.75	.75	1.3	2.0	2.0	2.0
----	---------------	---	----	----	-----	-----	-----	-----	-----	-----

1	FOR THIS									
2	PAYMENT									
3	A STUDENT	0	4	8	14	22	30	38	46	
4	MUST HAVE									
5	ACCRUED AT									
6	LEAST THIS									
7	MANY CREDITS									
8	WITH AT LEAST	0	1.1	1.5	1.5	1.8	2.0	2.0	2.0	
9	THIS GRADE									
10	POINT AVERAGE									
11	AND,									
12	BEFORE BEING	9TH	10TH	11TH	12TH	13TH	14TH	15TH		
13	CERTIFIED									
14	FOR THIS									
15	PAYMENT									
16	A STUDENT	56	66	76	86	96	106	116		
17	MUST HAVE									
18	ACCRUED AT									
19	LEAST THIS									
20	MANY CREDITS									
21	WITH AT LEAST	2.0	2.0	2.0	2.0	2.0	2.0	2.0		
22	THIS GRADE									
23	POINT AVERAGE									

24 (VIII) FOR STUDENTS FIRST RECEIVING AID IN TWO THOUSAND TEN--TWO THOU-
 25 SAND ELEVEN AND THEREAFTER, WHO DO NOT MEET THE DEFINITION OF REMEDIAL
 26 STUDENT AS DEFINED IN PARAGRAPH D OF THIS SUBDIVISION, AND ARE ENROLLED
 27 IN A TWO-YEAR UNDERGRADUATE PROGRAM WHOSE TERMS ARE ORGANIZED ON A
 28 TRIMESTER BASIS:

29	BEFORE BEING	1ST	2ND	3RD	4TH	5TH	6TH	7TH	8TH	9TH
30	CERTIFIED									
31	FOR THIS									
32	PAYMENT									
33	A STUDENT	0	2	6	14	22	30	38	46	54
34	MUST HAVE									
35	ACCRUED AT									
36	LEAST THIS									
37	MANY CREDITS									
38	WITH AT LEAST	0	1.0	1.3	1.5	1.5	1.8	2.0	2.0	2.0
39	THIS GRADE									
40	POINT AVERAGE									

41 S 3. Subdivision 6 of section 665 of the education law is amended by
 42 adding a new paragraph d to read as follows:

43 D. FOR PURPOSES OF PARAGRAPH C OF THIS SUBDIVISION, A REMEDIAL STUDENT
 44 SHALL MEAN A STUDENT CARRYING A FULL-TIME PROGRAM: (A) WHOSE SCORES ON A
 45 RECOGNIZED COLLEGE PLACEMENT EXAM OR NATIONALLY RECOGNIZED STANDARDIZED
 46 EXAM INDICATE THE NEED FOR REMEDIATION, AS CERTIFIED BY THE APPROPRIATE

1 COLLEGE OFFICIAL AND APPROVED BY THE COMMISSIONER, AND WHO IS ENROLLED
2 IN UP TO NINE SEMESTER HOURS OF NON-CREDIT REMEDIAL COURSES, AS APPROVED
3 BY THE COMMISSIONER, IN THEIR FIRST TERM OF STUDY, AND UP TO SIX SEMES-
4 TER HOURS OF NON-CREDIT REMEDIAL COURSES, AS APPROVED BY THE COMMISSION-
5 ER, IN EACH TERM THEREAFTER; OR (B) WHO IS ENROLLED IN THE HIGHER EDUCA-
6 TION OPPORTUNITY PROGRAM (HEOP), THE EDUCATION OPPORTUNITY PROGRAM
7 (EOP), THE SEARCH FOR EDUCATION, ELEVATION AND KNOWLEDGE (SEEK) PROGRAM,
8 OR THE COLLEGE DISCOVERY PROGRAM.

9 S 4. This act shall take effect July 1, 2011.

10

PART J

11 Section 1. Subdivision 2 of section 667 of the education law, as added
12 by chapter 83 of the laws of 1995, is amended to read as follows:

13 2. Duration. No undergraduate shall be eligible for more than four
14 academic years of study, or five academic years if the program of study
15 normally requires five years. Students enrolled in a program of remedial
16 study, approved by the commissioner in an institution of higher educa-
17 tion and intended to culminate in a degree in undergraduate study shall,
18 for purposes of this section, be considered as enrolled in a program of
19 study normally requiring five years. An undergraduate student enrolled
20 in an eligible two year program of study approved by the commissioner
21 shall be eligible for no more than three academic years of study. [No
22 graduate student shall be eligible for more than four academic years of
23 study provided, however, that no graduate student shall be eligible for
24 more than one degree program at the master's, first professional or
25 doctorate level. No student shall be eligible for a total of more than
26 the equivalent of eight years of combined undergraduate and graduate
27 study.] Any semester, quarter, or term of attendance during which a
28 student receives any award under this article, after the effective date
29 of the former scholar incentive program and prior to academic year nine-
30 teen hundred eighty-nine--nineteen hundred ninety, shall be counted
31 toward the maximum term of eligibility for tuition assistance under this
32 section, except that any semester, quarter or term of attendance during
33 which a student received an award pursuant to section six hundred
34 sixty-six of this [article] SUBPART shall be counted as one-half of a
35 semester, quarter or term, as the case may be, toward the maximum term
36 of eligibility under this section. Any semester, quarter or term of
37 attendance during which a student received an award pursuant to section
38 six hundred sixty-seven-a of this [article] SUBPART shall not be counted
39 toward the maximum term of eligibility under this section.

40 S 2. Paragraph c of subdivision 3 of section 667 of the education law
41 is REPEALED and paragraph d is relettered paragraph c.

42 S 3. Subdivision 5 of section 663 of the education law, as amended by
43 chapter 622 of the laws of 2008, is amended to read as follows:

44 5. Adjustments of income. [(a) Except for purposes of paragraphs a and
45 b of subdivision three of section six hundred sixty-seven of this part
46 if, during the academic year in which the applicant will receive an
47 award, one or more of either the parents of the applicant or other
48 dependent children of such parents, the spouse of the applicant, or one
49 or more dependent children of the applicant, in addition to the appli-
50 cant, will be in full-time attendance in an approved program, the
51 combined net taxable income determined under subdivision one of this
52 section shall be divided by the total number of the aforesaid persons
53 (including the applicant) who will be in such attendance, and the

1 resulting quotient shall be deemed the applicable income in determining
2 the applicant's award for such academic year.

3 (b)] In the determination of income for purposes of paragraphs a and b
4 of subdivision three of section six hundred sixty-seven of this part if,
5 during the academic year in which the applicant will receive an award,
6 one of either the parents of the applicant or other dependent child of
7 such parents, the spouse of the applicant, or one or more dependent
8 children of the applicant, in addition to the applicant, will be in
9 full-time attendance in an approved program, the combined net taxable
10 income determined under subdivision one of this section shall be reduced
11 by three thousand dollars and an additional two thousand dollars for
12 each other such person additional to the aforesaid persons (including
13 the applicant) who will be in such attendance, and the resulting amount
14 shall be deemed the applicable income in determining the applicant's
15 award for the academic year.

16 S 4. Paragraph a of subdivision 3 of section 663 of the education law,
17 as amended by chapter 62 of the laws of 1977, is amended to read as
18 follows:

19 a. In determining the amount of an award for [graduate and undergradu-
20 ate] students, the income of the parents shall be excluded if the
21 student has been emancipated from his parents.

22 S 5. The opening paragraph of subparagraph 1 of paragraph b of subdivi-
23 sion 3 of section 663 of the education law, as amended by chapter 101
24 of the laws of 1992, is amended to read as follows:

25 The applicant is a student who was married on or before December thir-
26 ty-first of the calendar year prior to the beginning of the academic
27 year for which application is made or is an undergraduate student who
28 has reached the age of twenty-two on or before June thirtieth prior to
29 the academic year for which application is made [or is a graduate
30 student,] and who, during the calendar year next preceding the semester,
31 quarter or term of attendance for which application is made and at all
32 times subsequent thereto up to and including the entire period for which
33 application is made:

34 S 6. Paragraph d of subdivision 3 of section 663 of the education law,
35 as amended by chapter 62 of the laws of 1977, is amended to read as
36 follows:

37 d. Any [graduate or] undergraduate student who was allowed to exclude
38 parental income pursuant to the provisions of subdivision three of
39 section six hundred three of this chapter as they existed prior to July
40 first, nineteen hundred seventy-four may continue to exclude such income
41 for so long as he continues to comply with such provisions.

42 S 7. This act shall take effect July 1, 2011.

43

PART K

44 Section 1. Section 17 of chapter 31 of the laws of 1985, amending the
45 education law relating to regents scholarships in certain professions,
46 as amended by section 1 of part I of chapter 57 of the laws of 2008, is
47 amended to read as follows:

48 S 17. This act shall take effect immediately; provided, however, that
49 the scholarship and loan forgiveness programs established pursuant to
50 the provisions of this act shall terminate upon the granting of such
51 awards for the 2008-2009 school year PROVIDED, HOWEVER, THAT THE REGENTS
52 PHYSICIAN LOAN FORGIVENESS PROGRAM ESTABLISHED PURSUANT TO THIS ACT
53 SHALL NOT TERMINATE UNTIL THE GRANTING OF SUCH AWARDS FOR THE 2015-16

1 SCHOOL YEAR, PROVIDED THAT THE FINAL DISBURSEMENT OF ANY MULTI-YEAR
2 AWARDS GRANTED IN SUCH SCHOOL YEAR SHALL BE PAID.

3 S 2. This act shall take effect immediately and shall be deemed to
4 have been in full force and effect on the same date and in the same
5 manner as part I of chapter 57 of the laws of 2008, takes effect.

6 PART L

7 Section 1. Section 3 of part V of chapter 57 of the laws of 2005
8 amending the education law relating to the New York state nursing facul-
9 ty loan forgiveness incentive program and the New York state nursing
10 faculty scholarship program, as added by section 4 of part D of chapter
11 63 of the laws of 2005, is amended to read as follows:

12 S 3. This act shall take effect on the same date and in the same
13 manner as Part H of [a] THIS chapter [of the laws of 2005 amending the
14 labor law and other laws relating to implementing the state fiscal plan
15 for the 2005-2006 state fiscal year, as proposed in legislative bill
16 numbers S.3667 and A.6841, takes effect]; provided that section two of
17 this act shall take effect on the same date and in the same manner as
18 Part I of [a] THIS chapter [of the laws of 2005 amending the labor law
19 and other laws relating to implementing the state fiscal plan for the
20 2005-2006 state fiscal year, as proposed in legislative bill numbers
21 S.3667 and A.6841, takes effect]; and provided further that this act
22 shall expire and be deemed repealed on June 30, [2010] 2016.

23 S 2. This act shall take effect immediately.

24 PART M

25 Section 1. Subdivision (a) of section 50 of chapter 161 of the laws of
26 2005, amending the education law and other laws relating to the social
27 worker loan forgiveness program is amended to read as follows:

28 (a) section two of this act shall expire and be deemed repealed June
29 30, [2011] 2016; and provided, further that the amendment to paragraph b
30 of subdivision 1 of section 679-c and the amendment to paragraph 2 of
31 subdivision a of section 679-d of the education law made by sections
32 three and four of this act shall not affect the repeal of such sections
33 and shall be deemed repealed therewith;

34 S 2. This act shall take effect immediately.

35 PART N

36 Section 1. Paragraph (b) of subdivision 12 of section 425 of the real
37 property tax law, as added by section 1 of part B of chapter 389 of the
38 laws of 1997, is amended and a new paragraph (d) is added to read as
39 follows:

40 (b) Procedure. The assessed value attributable to each such improperly
41 granted exemption shall be entered separately on the next ensuing tenta-
42 tive or final assessment roll. The provisions of section five hundred
43 fifty-one or five hundred fifty-three of this chapter, relating to the
44 entry by the assessor of omitted real property on a tentative or final
45 assessment roll, shall apply so far as practicable to the revocation
46 procedure, except that the tax rate to be applied to any revoked
47 exemption shall be the tax rate that was applied to the corresponding
48 assessment roll, AND THAT INTEREST SHALL THEN BE ADDED TO EACH SUCH
49 PRODUCT AT THE RATE PRESCRIBED BY SECTION NINE HUNDRED TWENTY-FOUR-A OF
50 THIS CHAPTER OR SUCH OTHER LAW AS MAY BE APPLICABLE FOR EACH MONTH OR

1 PORTION THEREON SINCE THE LEVY OF TAXES UPON THE ASSESSMENT ROLL OR
2 ROLLS UPON WHICH THE EXEMPTION WAS GRANTED.

3 (D) APPLICABILITY. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT BE
4 APPLICABLE TO THE EXTENT THAT THE PRIOR EXEMPTIONS SHALL HAVE BEEN
5 RENOUNCED PURSUANT TO SECTION FOUR HUNDRED NINETY-SIX OF THIS ARTICLE.

6 S 2. The real property tax law is amended by adding a new section 496
7 to read as follows:

8 S 496. VOLUNTARILY RENUNCIATION OF AN EXEMPTION. 1. A PROPERTY OWNER
9 WHO WISHES TO GIVE UP HIS OR HER CLAIM TO AN EXEMPTION ON ONE OR MORE
10 PRECEDING ASSESSMENT ROLLS MAY RENOUNCE THE EXEMPTION IN THE MANNER
11 PROVIDED BY THIS SECTION.

12 2. AN APPLICATION TO RENOUNCE AN EXEMPTION SHALL BE MADE ON A FORM
13 PRESCRIBED BY THE COMMISSIONER AND SHALL BE FILED WITH THE COUNTY DIREC-
14 TOR OF REAL PROPERTY TAX SERVICES NO LATER THAN TWENTY YEARS AFTER THE
15 LEVY OF TAXES UPON THE ASSESSMENT ROLL ON WHICH THE RENOUNCED EXEMPTION
16 APPEARS. THE COUNTY DIRECTOR, AFTER CONSULTING WITH THE ASSESSOR AS
17 APPROPRIATE, SHALL COMPUTE THE TOTAL AMOUNT OWED ON ACCOUNT OF THE
18 RENOUNCED EXEMPTION AS FOLLOWS:

19 (A) FOR EACH ASSESSMENT ROLL ON WHICH THE RENOUNCED EXEMPTION APPEARS,
20 THE ASSESSED VALUE THAT WAS EXEMPTED SHALL BE MULTIPLIED BY THE TAX RATE
21 OR RATES THAT WERE APPLIED TO THAT ASSESSMENT ROLL. INTEREST SHALL THEN
22 BE ADDED TO EACH SUCH PRODUCT AT THE RATE PRESCRIBED BY SECTION NINE
23 HUNDRED TWENTY-FOUR-A OF THIS CHAPTER OR SUCH OTHER LAW AS MAY BE APPLI-
24 CABLE FOR EACH MONTH OR PORTION THEREON SINCE THE LEVY OF TAXES UPON
25 SUCH ASSESSMENT ROLL.

26 (B) THE SUM OF THE CALCULATIONS MADE PURSUANT TO PARAGRAPH (A) OF THIS
27 SUBDIVISION WITH RESPECT TO ALL OF THE ASSESSMENT ROLLS IN QUESTION
28 SHALL BE DETERMINED.

29 (C) A PROCESSING FEE OF FIVE HUNDRED DOLLARS SHALL BE ADDED TO THE SUM
30 DETERMINED PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION.

31 3. AFTER COMPUTING THE TOTAL AMOUNT DUE ON ACCOUNT OF THE RENOUNCED
32 EXEMPTION, THE COUNTY DIRECTOR SHALL RETURN THE FORM TO THE APPLICANT
33 WITH THE TOTAL AMOUNT DUE NOTED THEREON. A COPY OF SUCH FORM SHALL BE
34 PROVIDED TO THE ASSESSOR, AND IN THE CASE OF THE STAR EXEMPTION, TO THE
35 COMMISSIONER. WITHIN FIFTEEN DAYS AFTER THE MAILING OF SUCH FORM, THE
36 APPLICANT SHALL PAY THE TOTAL AMOUNT DUE AS SHOWN THEREON TO THE COUNTY
37 TREASURER, WHO SHALL ISSUE A RECEIPT FOR SUCH PAYMENT. AFTER DEDUCTING
38 THE PROCESSING FEE, THE COUNTY TREASURER SHALL DISTRIBUTE THE AMOUNT
39 COLLECTED AMONG THE AFFECTED MUNICIPAL CORPORATIONS ACCORDING TO THE
40 TAXES AND INTEREST OWING TO EACH, PROVIDED THAT IN THE CASE OF THE STAR
41 EXEMPTION AUTHORIZED BY SECTION FOUR HUNDRED TWENTY-FIVE OF THIS ARTI-
42 CLE, THE AMOUNT COLLECTED, INCLUDING INTEREST, SHALL BE PAID TO THE
43 STATE IN THE MANNER DIRECTED BY THE COMMISSIONER.

44 4. NOTWITHSTANDING THE FOREGOING PROVISIONS OF THIS SECTION, IN A CITY
45 WITH A POPULATION OF ONE MILLION OR MORE, AN EXEMPTION MAY BE RENOUNCED
46 ON A FORM PRESCRIBED BY THE COMMISSIONER OF FINANCE, AND THE DUTIES
47 IMPOSED BY THIS SECTION UPON THE COUNTY TREASURER SHALL BE PERFORMED BY
48 THE COMMISSIONER OF FINANCE.

49 S 3. Paragraph (e) of subdivision 3 of section 550 of the real proper-
50 ty tax law, as added by chapter 160 of the laws of 1988, is amended to
51 read as follows:

52 (e) an incorrect entry of a partial exemption on an assessment roll
53 for a parcel which is not eligible for such partial exemption; PROVIDED
54 THAT THE EXEMPTION HAS NOT BEEN RENOUNCED PURSUANT TO SECTION FOUR
55 HUNDRED NINETY-SIX OF THIS CHAPTER; or

1 S 4. Paragraph (f-1) of subdivision 1 of section 553 of the real prop-
2 erty tax law, as added by chapter 616 of the laws of 2002, is amended to
3 read as follows:

4 (f-1) an incorrect entry of a partial exemption on the immediately
5 preceding year's assessment roll for a parcel which was not eligible for
6 such exemption, provided that there has not been a transfer of title
7 subsequent to the filing of such roll AND PROVIDED FURTHER THAT THE
8 EXEMPTION HAS NOT BEEN RENOUNCED PURSUANT TO SECTION FOUR HUNDRED NINE-
9 TY-SIX OF THIS CHAPTER;

10 S 5. Subdivision 2 of section 1306-a of the real property tax law, as
11 added by section 16 of part B of chapter 389 of the laws of 1997, is
12 amended to read as follows:

13 2. Tax savings. (A)(I) The tax savings for each parcel receiving the
14 exemption authorized by section four hundred twenty-five of this chapter
15 shall be computed by subtracting the amount actually levied against the
16 parcel from the amount that would have been levied if not for the
17 exemption, PROVIDED HOWEVER, THAT BEGINNING WITH THE TWO THOUSAND
18 ELEVEN-TWO THOUSAND TWELVE SCHOOL YEAR, THE TAX SAVINGS APPLICABLE TO
19 ANY "PORTION" (WHICH AS USED HEREIN SHALL MEAN THAT PART OF AN ASSESSING
20 UNIT LOCATED WITHIN A SCHOOL DISTRICT) SHALL NOT EXCEED THE TAX SAVINGS
21 APPLICABLE TO THAT PORTION IN THE PRIOR SCHOOL YEAR MULTIPLIED BY ONE
22 HUNDRED TWO PERCENT, WITH THE RESULT ROUNDED TO THE NEAREST DOLLAR. THE
23 TAX SAVINGS ATTRIBUTABLE TO THE BASIC AND ENHANCED EXEMPTIONS SHALL BE
24 CALCULATED SEPARATELY. IT SHALL BE THE RESPONSIBILITY OF THE COMMISSION-
25 ER TO CALCULATE TAX SAVINGS LIMITATIONS FOR PURPOSES OF THIS
26 SUBDIVISION.

27 (II) THE TAX SAVINGS APPLICABLE TO A PORTION FOR THE TWO THOUSAND
28 TEN-TWO THOUSAND ELEVEN SCHOOL YEAR SHALL BE DETERMINED BY MULTIPLYING
29 THE EXEMPT AMOUNT APPLICABLE TO THE PORTION FOR THE TWO THOUSAND TEN-TWO
30 THOUSAND ELEVEN SCHOOL YEAR BY THE TAX RATE APPLICABLE TO THE PORTION
31 FOR THE TWO THOUSAND TEN-TWO THOUSAND ELEVEN SCHOOL YEAR, WITH SEPARATE
32 CALCULATIONS FOR THE BASIC AND ENHANCED EXEMPTIONS.

33 (III) WHERE A SCHOOL TAX RATE WAS CHANGED IN THE MIDST OF THE PRIOR
34 SCHOOL YEAR, AN ANNUALIZED SCHOOL TAX RATE SHALL BE USED FOR THIS
35 PURPOSE. THE ANNUALIZED TAX RATE FOR THIS PURPOSE SHALL BE DETERMINED BY
36 CALCULATING THE AVERAGE OF THE TAX RATES IN EFFECT AT VARIOUS TIMES
37 DURING THE SCHOOL YEAR, WEIGHTED ACCORDING TO THE LENGTH OF TIME DURING
38 WHICH THEY WERE RESPECTIVELY APPLICABLE.

39 (B) A statement shall then be placed on the tax bill for the parcel in
40 substantially the following form: "Your tax savings this year resulting
41 from the New York state school tax relief (STAR) program is \$_____."

42 S 6. Section 171-u of the tax law is amended by adding a new subdivi-
43 sion 5 to read as follows:

44 (5)(A) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE
45 COMMISSIONER MAY ADOPT RULES PRESCRIBING A UNIFORM STATEWIDE SYSTEM OF
46 PARCEL IDENTIFICATION NUMBERS AND A UNIFORM STATEWIDE ASSESSMENT CALEN-
47 DAR APPLICABLE TO ALL "ASSESSING UNITS", AS THAT TERM IS DEFINED BY
48 SECTION ONE HUNDRED TWO OF THE REAL PROPERTY TAX LAW, PROVIDED THAT NO
49 SUCH RULE SHALL APPLY TO AN ASSESSMENT ROLL WITH A TAXABLE STATUS DATE
50 OCCURRING PRIOR TO JANUARY FIRST, TWO THOUSAND THIRTEEN. THE RULES SO
51 PRESCRIBED SHALL TAKE PRECEDENCE OVER ANY AND ALL GENERAL, SPECIAL AND
52 LOCAL LAWS, ORDINANCES AND RESOLUTIONS TO THE CONTRARY.

53 (B) THE UNIFORM STATEWIDE ASSESSMENT CALENDAR SO PRESCRIBED SHALL
54 PROVIDE FOR A UNIFORM VALUATION DATE, A UNIFORM TAXABLE STATUS DATE, A
55 UNIFORM DATE FOR THE FILING OF TENTATIVE ASSESSMENT ROLLS, A UNIFORM
56 DATE FOR THE HEARING OF COMPLAINTS ON TENTATIVE ASSESSMENTS, AND A

1 UNIFORM DATE FOR THE FILING OF FINAL ASSESSMENT ROLLS. THE CALENDAR MAY
2 NOT, HOWEVER, OVERRIDE THE DATES OTHERWISE SET BY LAW FOR THE LEVY OR
3 COLLECTION OF TAXES, NOR MAY IT OVERRIDE THE DATES OTHERWISE SET BY LAW
4 FOR LOCAL FISCAL YEARS TO BEGIN OR END.

5 (C) NOTWITHSTANDING THE FOREGOING PROVISIONS OF THIS SUBDIVISION, THE
6 COMMISSIONER MAY, AT HIS OR HER DISCRETION, ADOPT RULES THAT ARE APPLI-
7 CABLE ONLY TO "SPECIAL ASSESSING UNITS," AS THAT TERM IS DEFINED BY
8 SECTION EIGHTEEN HUNDRED ONE OF THE REAL PROPERTY TAX LAW, WHICH
9 PRESCRIBE AN ALTERNATIVE SYSTEM OF PARCEL IDENTIFICATION NUMBERS AND AN
10 ALTERNATIVE ASSESSMENT CALENDAR SOLELY FOR SUCH SPECIAL ASSESSING UNITS.

11 S 7. This act shall take effect immediately.

12 PART 0

13 Section 1. Paragraphs b and c of subdivision 1 of section 4405 of the
14 education law, paragraph b as amended and paragraph c as added by
15 section 2 of part G2 of chapter 62 of the laws of 2003, are amended to
16 read as follows:

17 b. Expenditures made by a social services district for the maintenance
18 of [a child with a disability placed in a residential school under the
19 provisions of this article, including a child with a disability placed
20 in a special act school district by a school district committee on
21 special education pursuant to this article, or] a child with a disabili-
22 ty placed in a state school under the provisions of articles eighty-sev-
23 en and eighty-eight of this chapter shall be subject to reimbursement by
24 the state pursuant to the provisions of subdivision ten of section one
25 hundred fifty-three of the social services law. Expenditures shall
26 include both direct payments and deductions from state aid made by the
27 comptroller, if any, in lieu of such direct payments.

28 c. Expenditures made by a social services district for the maintenance
29 of a child with a disability placed in a residential school under the
30 provisions of this article, including a child with a disability placed
31 by a school district committee on special education pursuant to this
32 article in a special act school district, or a state school subject to
33 the provisions of articles eighty-seven and eighty-eight of this chap-
34 ter, shall be subject to [twenty] FIFTY-SIX AND EIGHT HUNDRED
35 FORTY-EIGHT THOUSANDTHS percent reimbursement by the child's school
36 district of residence pursuant to the provisions of subdivision ten of
37 section one hundred fifty-three of the social services law. The amount
38 of such reimbursement shall be a charge upon such school district of
39 residence.

40 S 2. Subdivision 10 of section 153 of the social services law, as
41 amended by section 1 of part G2 of chapter 62 of the laws of 2003, is
42 amended to read as follows:

43 10. Expenditures made by a social services district for the mainte-
44 nance of children with disabilities, placed by school districts, pursu-
45 ant to section forty-four hundred five of the education law shall, if
46 approved by the office of children and family services, be subject to
47 [forty percent reimbursement by the state and twenty] FIFTY-SIX AND
48 EIGHT HUNDRED FORTY-EIGHT THOUSANDTHS percent reimbursement by school
49 districts in accordance with paragraph (c) of subdivision one of section
50 forty-four hundred five of the education law, after first deducting
51 therefrom any federal funds received or to be received on account of
52 such expenditures, except that in the case of a student attending a
53 state-operated school for the deaf or blind pursuant to article eighty-
54 seven or eighty-eight of the education law who was not placed in such

1 school by a school district such expenditures shall be subject to fifty
2 percent reimbursement by the state after first deducting therefrom any
3 federal funds received or to be received on account of such expenditures
4 and there shall be no reimbursement by school districts. Such expendi-
5 tures shall not be subject to the limitations on state reimbursement
6 contained in subdivision two of section one hundred fifty-three-k of
7 this [chapter] TITLE. In the event of the failure of the school district
8 to make the maintenance payment pursuant to the provisions of this
9 subdivision, the state comptroller shall withhold state reimbursement to
10 any such school district in an amount equal to the unpaid obligation for
11 maintenance and pay over such sum to the social services district upon
12 certification of the commissioner of the office of children and family
13 services and the commissioner of education that such funds are overdue
14 and owed by such school district. The commissioner of the office of
15 children and family services, in consultation with the commissioner of
16 education, shall promulgate regulations to implement the provisions of
17 this subdivision.

18 S 3. This act shall take effect immediately and shall be deemed to
19 have been in full force and effect on and after January 1, 2011;
20 provided, however, that the amendments to subdivision 10 of section 153
21 of the social services law made by section two of this act shall not
22 affect the expiration of such subdivision and shall expire therewith.

23

PART P

24 Section 1. The social services law is amended by adding a new section
25 409-b to read as follows:

26 S 409-B. PRIMARY PREVENTION INCENTIVE PROGRAM. 1. NOTWITHSTANDING ANY
27 PROVISION OF LAW TO THE CONTRARY AND SUBJECT TO AVAILABLE APPROPRIATION,
28 ELIGIBLE EXPENDITURES BY A MUNICIPALITY FOR PRIMARY PREVENTION INCENTIVE
29 PROGRAMS AND SERVICES SHALL BE SUBJECT TO STATE REIMBURSEMENT FOR UP TO
30 SIXTY-TWO PERCENT OF THE MUNICIPALITY'S EXPENDITURES, EXCLUSIVE OF ANY
31 FEDERAL FUNDS MADE AVAILABLE FOR SUCH PURPOSES, NOT TO EXCEED THE
32 MUNICIPALITY'S DISTRIBUTION UNDER THE PRIMARY PREVENTION INCENTIVE
33 PROGRAM. THE STATE FUNDS APPROPRIATED FOR THE PRIMARY PREVENTION INCEN-
34 TIVE PROGRAM SHALL BE DISTRIBUTED TO ELIGIBLE MUNICIPALITIES BY THE
35 OFFICE OF CHILDREN AND FAMILY SERVICES BASED ON A PLAN DEVELOPED BY THE
36 OFFICE AND SUBJECT TO THE APPROVAL OF THE DIRECTOR OF THE BUDGET. THE
37 OFFICE IS AUTHORIZED, IN ITS DISCRETION, TO MAKE ADVANCES TO A MUNICI-
38 PALITY IN ANTICIPATION OF SUCH STATE REIMBURSEMENT. ANY CLAIMS SUBMITTED
39 BY A MUNICIPALITY FOR REIMBURSEMENT FOR A PARTICULAR PROGRAM YEAR FOR
40 WHICH THE MUNICIPALITY DOES NOT RECEIVE STATE REIMBURSEMENT DURING THAT
41 PROGRAM YEAR MAY NOT BE CLAIMED AGAINST ANY DISTRIBUTION AMOUNT FOR THE
42 NEXT PROGRAM YEAR. THE OFFICE MAY REQUIRE THAT SUCH CLAIMS BE SUBMITTED
43 TO THE OFFICE ELECTRONICALLY IN THE MANNER AND FORMAT REQUIRED BY THE
44 OFFICE.

45 2. AS USED IN THIS SECTION, THE TERM "MUNICIPALITY" SHALL MEAN A COUN-
46 TY, OR A CITY HAVING A POPULATION OF ONE MILLION OR MORE; AND THE TERM
47 "PRIMARY PREVENTION INCENTIVE PROGRAMS AND SERVICES" SHALL MEAN PROGRAMS
48 OR SERVICES PROVIDED ON A COMMUNITY BASIS FOR THE PURPOSES OF PREVENTING
49 CHILD ABUSE AND NEGLECT, AVERTING FAMILY CRISES AND LATER FOSTER CARE
50 PLACEMENTS FOR FAMILIES THAT ARE NOT AT IMMEDIATE RISK OF FOSTER CARE,
51 PREVENTING DELINQUENCY, OR PROMOTING POSITIVE YOUTH DEVELOPMENT. PRIMARY
52 PREVENTION INCENTIVE PROGRAMS AND SERVICES SHALL NOT INCLUDE "PREVENTIVE
53 SERVICES" AS DEFINED IN SECTION FOUR HUNDRED NINE OF THIS TITLE AND
54 PROVIDED TO INDIVIDUAL CHILDREN AND THEIR FAMILIES PURSUANT TO SUBDIVI-

1 SION ONE OR TWO OF SECTION FOUR HUNDRED NINE-A OF THE SOCIAL SERVICES
2 LAW.

3 3. TWO OR MORE MUNICIPALITIES MAY JOIN TOGETHER TO ESTABLISH, OPERATE
4 AND MAINTAIN PRIMARY PREVENTION INCENTIVE PROGRAMS AND MAY MAKE AND
5 PERFORM AGREEMENTS IN CONNECTION THEREWITH. SUCH AGREEMENTS SHALL
6 INCLUDE PROVISIONS FOR THE PROPORTIONATE COST TO BE BORNE BY EACH MUNI-
7 CIPALITY AND FOR THE MANNER OF EMPLOYMENT OF PERSONNEL AND MAY PROVIDE
8 THAT A FISCAL OFFICER OF ONE SUCH MUNICIPALITY SHALL BE THE CUSTODIAN OF
9 THE MONEYS MADE AVAILABLE FOR EXPENDITURE FOR SUCH PURPOSES BY ALL SUCH
10 MUNICIPALITIES AND THAT SUCH FISCAL OFFICER MAY MAKE PAYMENTS THEREFROM
11 UPON AUDIT OF THE APPROPRIATE AUDITING BODY OR OFFICER OF HIS OR HER
12 MUNICIPALITY. IN MAKING CLAIMS FOR STATE REIMBURSEMENT PURSUANT TO THIS
13 SECTION, EACH MUNICIPALITY SHALL CLAIM FOR ITS PROPORTIONATE SHARE OF
14 EXPENDITURES. HOWEVER, WHERE THE AGREEMENT PROVIDES FOR A DISBURSING
15 MUNICIPALITY, SUCH DISBURSING MUNICIPALITY SHALL CLAIM FOR THE TOTAL
16 JOINT PROGRAM EXPENDITURES MADE AND SHALL DISBURSE THE STATE REIMBURSE-
17 MENT TO EACH PARTICIPATING MUNICIPALITY BASED UPON THE PROPORTIONATE
18 SHARE OF EACH PARTICIPATING MUNICIPALITY'S EXPENDITURES.

19 4. A MUNICIPALITY AND THE BOARD OF EDUCATION, BOARD OF TRUSTEES OR THE
20 TRUSTEE OF A SCHOOL DISTRICT MAY MAKE AND PERFORM AGREEMENTS PROVIDING
21 FOR THE OPERATION BY A SCHOOL DISTRICT OF A YOUTH DEVELOPMENT OR SIMILAR
22 PROGRAM.

23 5. THE CHIEF EXECUTIVE OFFICER OF EACH MUNICIPALITY MAY DESIGNATE ONE
24 OR MORE AGENCIES RESPONSIBLE FOR PROVIDING PRIMARY PREVENTION INCENTIVE
25 PROGRAMS AND SERVICES PURSUANT TO THIS SECTION. PROGRAMS AND SERVICES
26 SHALL BE TARGETED TO COMMUNITIES HAVING THE HIGHEST NEED FOR SUCH
27 SERVICES, AND SHALL INCLUDE EVIDENCE-BASED PROGRAMS DEMONSTRATED TO
28 REDUCE CHILD ABUSE AND NEGLECT, PREVENT FOSTER CARE PLACEMENT, PREVENT
29 DELINQUENCY OR PROMOTE POSITIVE YOUTH DEVELOPMENT.

30 6. MUNICIPALITIES MAY APPLY TO THE OFFICE FOR A WAIVER OF ELIGIBILITY
31 AND ADMINISTRATIVE REQUIREMENTS FOR PRIMARY PREVENTION INCENTIVE
32 PROGRAMS AND SERVICES. UPON APPROVAL OF THE APPLICATION BY THE OFFICE,
33 ELIGIBILITY REQUIREMENTS ESTABLISHED IN STATUTE OR REGULATION MAY BE
34 WAIVED FOR THOSE PERSONS AND COMMUNITIES IDENTIFIED IN THE APPLICATION
35 AS RECIPIENTS OF THE SERVICES. WHERE SUCH A WAIVER IS APPROVED, THE
36 OFFICE SHALL HAVE THE AUTHORITY TO ESTABLISH ALTERNATIVE STANDARDS TO BE
37 FOLLOWED BY THE MUNICIPALITY THAT IS GRANTED A WAIVER. UPON APPROVAL OF
38 AN APPLICATION FOR SUCH WAIVERS, THE OFFICE APPROVAL MUST SPECIFY THE
39 REQUIREMENTS BEING WAIVED AND ANY ALTERNATIVE STANDARDS ESTABLISHED.

40 7. PRIMARY PREVENTION INCENTIVE PROGRAMS AND SERVICES MAY BE PROVIDED
41 DIRECTLY BY A MUNICIPALITY OR THROUGH PURCHASE OF SERVICE.

42 S 2. Subdivisions 4, 6 and 7 of section 532-a of the executive law,
43 subdivisions 4 and 6 as amended by section 14 of part E of chapter 57 of
44 the laws of 2005, and subdivision 7 as added by section 13 of part G of
45 chapter 58 of the laws of 2010, are amended to read as follows:

46 4. "[Approved] CERTIFIED runaway program" shall mean [any non-residen-
47 tial program approved by the office of children and family services
48 after submission by the county youth bureau, as part of its comprehen-
49 sive plan, or] any residential facility which is operated by an author-
50 ized agency as defined in subdivision ten of section three hundred
51 seventy-one of the social services law, and [approved] CERTIFIED by the
52 office of children and family services [after submission by the county
53 youth bureau as part of its comprehensive plan], established and oper-
54 ated to provide services to runaway and homeless youth in accordance
55 with the regulations of the office of temporary and disability assist-
56 ance and the office of children and family services. Such programs may

1 also provide non-residential crisis intervention and residential respite
2 services to youth in need of crisis intervention or respite services, as
3 defined in this section. Residential respite services in [an approved]
4 A CERTIFIED runaway program may be provided for no more than twenty-one
5 days in accordance with the regulations of the office of children and
6 family services.

7 6. "Transitional independent living support program" shall mean [any
8 non-residential program approved by the office of children and family
9 services after submission by the county youth bureau as part of its
10 comprehensive plan, or] any residential facility [approved] CERTIFIED by
11 the office of children and family services [after submission by the
12 county youth bureau as part of its comprehensive plan], established and
13 operated to provide supportive services, for a period of up to eighteen
14 months in accordance with the regulations of the office of children and
15 family services, to enable homeless youth between the ages of sixteen
16 and twenty-one to progress from crisis care and transitional care to
17 independent living. Such transitional independent living support program
18 may also provide services to youth in need of crisis intervention or
19 respite services. Notwithstanding the time limitation in paragraph (i)
20 of subdivision (d) of section seven hundred thirty-five of the family
21 court act, residential respite services may be provided in a transi-
22 tional independent living support program for a period of more than
23 twenty-one days.

24 7. "Safe house" shall mean a residential program for sexually
25 exploited children as defined in subdivision one of section four hundred
26 forty-seven-a of the social services law. [An approved] A CERTIFIED
27 runaway program may operate a short-term safe house, as defined in
28 subdivision two of section four hundred forty-seven-a of the social
29 services law, for sexually exploited children. A transitional independ-
30 ent living support program may operate a long-term safe house for sexu-
31 ally exploited children.

32 S 3. The opening paragraph and paragraph (e) of subdivision 1 and
33 subdivision 2 of section 532-b of the executive law, the opening para-
34 graph of subdivision 1 as amended by chapter 182 of the laws of 2002,
35 paragraph (e) of subdivision 1 as amended by chapter 569 of the laws of
36 1994 and subdivision 2 as added by chapter 722 of the laws of 1978, are
37 amended to read as follows:

38 Notwithstanding any other provision of law, pursuant to regulations of
39 the office of children and family services [an approved] A CERTIFIED
40 runaway program is authorized to and shall:

41 (e) assist in arranging for necessary services for runaway or homeless
42 youth, and where appropriate, their families, including but not limited
43 to food, shelter, clothing, medical care, education and individual and
44 family counseling. Where the [approved] CERTIFIED runaway program
45 concludes that such runaway or homeless youth would be eligible for
46 assistance, care or services from a local social services district, it
47 shall assist the youth in securing such assistance, care or services as
48 the youth is entitled to; and

49 2. The runaway youth may remain in the program on a voluntary basis
50 for a period not to exceed thirty days from the date of admission where
51 the filing of a petition pursuant to article ten of the family court act
52 is not contemplated, in order that arrangements can be made for the
53 runaway youth's return home, alternative residential placement pursuant
54 to section three hundred ninety-eight of the social services law, or any
55 other suitable plan. If the runaway youth and the parent, guardian or
56 custodian agree, in writing, the runaway youth may remain in the runaway

1 program up to sixty days without the filing of a petition pursuant to
2 article ten of the family court act[, provided that in any such case the
3 facility shall first have obtained the approval of the county runaway
4 coordinator, who shall notify the county youth bureau of his approval
5 together with a statement as to the reason why such additional residen-
6 tial stay is necessary and a description of the efforts being made to
7 find suitable alternative living arrangements for such youth].

8 S 4. Subdivision 2 of section 532-c of the executive law, as added by
9 chapter 722 of the laws of 1978, is amended to read as follows:

10 2. Where custody of the youth upon leaving the [approved] CERTIFIED
11 program is assumed by a relative or other person, other than the parent
12 or guardian, the staff of the program shall so notify the parent or
13 guardian as soon as practicable after the release of the youth. The
14 officers, directors or employees of [an approved] A CERTIFIED runaway
15 program shall be immune from any civil or criminal liability for or
16 arising out of the release of a runaway or homeless youth to a relative
17 or other responsible person other than a parent or guardian.

18 S 5. Subdivisions (a), (c) and (e) of section 532-e of the executive
19 law, as amended by chapter 182 of the laws of 2002, are amended to read
20 as follows:

21 (a) visit, inspect and make periodic reports on the operation and
22 adequacy of [approved] CERTIFIED runaway programs and transitional inde-
23 pendent living support programs;

24 (c) maintain a register of [approved] CERTIFIED runaway programs,
25 transitional independent living support programs and runaway and home-
26 less youth service coordinators;

27 (e) develop and promulgate in consultation with [county youth bureaus
28 and] organizations or programs which have had past experience dealing
29 with runaway and homeless youth, regulations concerning the coordination
30 and integration of services available for runaway and otherwise homeless
31 youth and prohibiting the disclosure or transferal of any records
32 containing the identity of individual youth receiving services pursuant
33 to this section, without the written consent of the youth; and

34 S 6. Subdivision 3 of section 409-a of the social services law is
35 REPEALED.

36 S 7. Subdivisions 2 and 4 of section 447-a of the social services law,
37 subdivision 2 as added by chapter 569 of the laws of 2008 and subdivi-
38 sion 4 as amended by section 1 of part G of chapter 58 of the laws of
39 2010, are amended to read as follows:

40 2. The term "short-term safe house" means a residential facility oper-
41 ated by an authorized agency as defined in subdivision ten of section
42 three hundred seventy-one of this article including a residential facil-
43 ity operating as part of [an approved] A CERTIFIED runaway program as
44 defined in subdivision four of section five hundred thirty-two-a of the
45 executive law or a not-for-profit agency with experience in providing
46 services to sexually exploited youth and approved in accordance with the
47 regulations of the office of children and family services that provides
48 emergency shelter, services and care to sexually exploited children
49 including food, shelter, clothing, medical care, counseling and appro-
50 priate crisis intervention services at the time they are taken into
51 custody by law enforcement and for the duration of any legal proceeding
52 or proceedings in which they are either the complaining witness or the
53 subject child. The short-term safe house shall also be available at the
54 point in time that a child under the age of eighteen has first come into
55 the custody of juvenile detention officials, law enforcement, local

1 jails or the local commissioner of social services or is residing with
2 the local runaway and homeless youth authority.

3 4. The term "safe house" means a residential facility operated by an
4 authorized agency as defined in subdivision ten of section three hundred
5 seventy-one of this article including a residential facility operating
6 as part of [an approved] A CERTIFIED runaway program as defined in
7 subdivision four of section five hundred thirty-two-a of the executive
8 law or a not-for-profit agency with experience in providing services to
9 sexually exploited youth and approved in accordance with the regulations
10 of the office of children and family services that provides shelter for
11 sexually exploited children. In addition, a long-term safe house may be
12 operated by a transitional independent living support program as defined
13 in subdivision six of section five hundred thirty-two-a of the executive
14 law. A safe house serving sexually exploited children as defined in this
15 title shall provide or assist in securing necessary services for such
16 sexually exploited children either through direct provision of services,
17 or through written agreements with other community and public agencies
18 for the provision of services including but not limited to housing,
19 assessment, case management, medical care, legal, mental health and
20 substance and alcohol abuse services. Where appropriate such safe house
21 in accordance with a service plan for such sexually exploited child may
22 also provide counseling and therapeutic services, educational services
23 including life skills services and planning services to successfully
24 transition residents back to the community. Nothing in the provisions of
25 this title or article nineteen-H of the executive law shall prevent a
26 child who is the subject of a proceeding which has not reached final
27 disposition from residing at the safe house for the duration of that
28 proceeding nor shall it prevent any sexually exploited child who is not
29 the subject of a proceeding from residing at the safe house. An advocate
30 employed by a short-term safe house or other appropriate staff of a
31 short-term safe house shall, to the maximum extent possible, preferably
32 within twenty-four hours but within no more than seventy-two hours
33 following a sexually exploited child's admission into the program other
34 than pursuant to a court order, notify such child's parent, guardian or
35 custodian of his or her physical and emotional condition and the circum-
36 stances surrounding the child's presence at the program, unless there
37 are compelling circumstances why the parent, guardian or custodian
38 should not be so notified. Where such circumstances exist, the advocate
39 or other appropriate staff member shall either file an appropriate peti-
40 tion in the family court, refer the youth to the local social services
41 district, or in instances where abuse or neglect is suspected, report
42 such case pursuant to title six of this article.

43 S 8. Subdivision 1 of section 447-b of the social services law, as
44 amended by section 2 of part G of chapter 58 of the laws of 2010, is
45 amended to read as follows:

46 1. Notwithstanding any inconsistent provision of law, pursuant to
47 regulations of the office of children and family services, every local
48 social services district shall as a component of the district's multi-
49 year consolidated services child welfare services plan address the child
50 welfare services needs of sexually exploited children and to the extent
51 that funds are available specifically therefor ensure that a short-term
52 safe house or another short-term safe placement such as [an approved] A
53 CERTIFIED runaway and homeless youth program, approved respite or crisis
54 program providing crisis intervention or respite services or community-
55 based program to serve sexually exploited children is available to chil-
56 dren residing in such district. Nothing in this section shall prohibit a

1 local social services district from utilizing existing respite or crisis
2 intervention services already operated by such social services district
3 or homeless youth programs or services for victims of human trafficking
4 pursuant to article ten-D of this chapter so long as the staff members
5 have received appropriate training approved by the office of children
6 and family services regarding sexually exploited children and the exist-
7 ing programs and facilities provide a safe, secure and appropriate envi-
8 ronment for sexually exploited children. Crisis intervention services,
9 short-term safe house care and community-based programming may, where
10 appropriate, be provided by the same not-for-profit agency. Local social
11 services districts may work cooperatively to provide such short-term
12 safe house or other short-term safe placement, services and programming
13 and access to such placement, services and programming may be provided
14 on a regional basis, provided, however, that every local social services
15 district shall to the extent that funds are available ensure that such
16 placement, services and programs shall be readily accessible to sexually
17 exploited children residing within the district.

18 S 9. Article 10-A of the social services law is REPEALED.

19 S 10. This act shall take effect on July 1, 2011; provided however
20 that section six of this act shall be considered to have been in full
21 force and effect on and after October 1, 2010.

22 PART Q

23 Section 1. This act enacts into law major components of legislation
24 which are necessary to continue transforming New York's juvenile justice
25 system. Each component is wholly contained within a Subpart identified
26 as Subparts A and B. The effective date for each particular provision
27 contained within such Subpart is set forth in the last section of such
28 Subpart. Any provision in any section contained within a Subpart,
29 including the effective date of the Subpart, which makes reference to a
30 section "of this act", when used in connection with that particular
31 component, shall be deemed to mean and refer to the corresponding
32 section of the Subpart in which it is found. Section three of this act
33 sets forth the general effective date of this act.

34 SUBPART A

35 Section 1. Paragraph (c) of subdivision 15 of section 501 of the exec-
36 utive law is REPEALED and subdivision (d) is relettered subdivision (c).
37

S 2. This act shall take effect April 1, 2011.

38 SUBPART B

39 Section 1. Subdivision 3 of section 502 of the executive law, as added
40 by chapter 465 of the laws of 1992, is amended to read as follows:

41 3. "Detention" means the temporary care and maintenance of youth held
42 away from their homes pursuant to article three [or seven] of the family
43 court act, or held pending a hearing for alleged violation of the condi-
44 tions of release from [a division] AN OFFICE OF CHILDREN AND FAMILY
45 SERVICES facility or authorized agency, or held pending a hearing for
46 alleged violation of the condition of parole as a juvenile offender, or
47 held pending return to a jurisdiction other than the one in which the
48 youth is held, or held pursuant to a securing order of a criminal court
49 if the youth named therein as principal is charged as a juvenile offen-
50 der or held pending a hearing on an extension of placement or held pend-

1 ing transfer to a facility upon commitment or placement by a court. Only
2 alleged or convicted juvenile offenders who have not attained their
3 eighteenth birthday shall be subject to detention in a detention facili-
4 ty.

5 S 2. Subdivision 4, paragraphs (b) and (c) of subdivision 5 and subdi-
6 vision 7 of section 503 of the executive law, as amended by chapter 465
7 of the laws of 1992, are amended to read as follows:

8 4. The [division] OFFICE OF CHILDREN AND FAMILY SERVICES shall visit
9 and inspect all facilities used for detention and make periodic reports
10 of the operation and adequacy of such facilities, and the need for
11 provision of such facilities to the county executive, if there be one,
12 the county legislature and the family court judges of the county in
13 which such facilities are located, and the office of court adminis-
14 tration. [The department of social services shall cooperate with the
15 division for youth to make arrangements for joint visitation and
16 inspection of foster care programs certified by the department of social
17 services and serving youth detained, in cities having a population of
18 one million or more, pursuant to article seven of the family court act.]

19 (b) The [division] OFFICE OF CHILDREN AND FAMILY SERVICES may suspend
20 a certification for good cause shown. Suspension shall mean that no
21 persons coming within the provisions of article three [or seven] of the
22 family court act and no alleged or convicted juvenile offender may be
23 received for care in a detention facility, but persons already in care
24 may remain in care. The [division] OFFICE may impose such conditions in
25 the event of a suspension as it shall deem necessary and proper.

26 (c) [The division] SUCH OFFICE may revoke a certification for good
27 cause shown. Revocation shall mean that no persons coming within the
28 provisions of article three [or seven] of the family court act and no
29 alleged or convicted juvenile offender may be received for care nor
30 remain at the detention facility.

31 7. The person in charge of each detention facility shall keep a record
32 of all time spent in such facility for each youth in care. The detention
33 facility shall deliver a certified transcript of such record to the
34 [division] OFFICE, social services district, or other agency taking
35 custody of the youth pursuant to article three [or seven] of the family
36 court act, before, or at the same time as the youth is delivered to the
37 [division] OFFICE, district or other agency, as is appropriate.

38 S 3. The executive law is amended by adding a new section 529-b to
39 read as follows:

40 S 529-B. SUPERVISION AND TREATMENT SERVICES FOR JUVENILES PROGRAM. 1.
41 (A) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, ELIGIBLE
42 EXPENDITURES BY AN ELIGIBLE MUNICIPALITY FOR SERVICES TO DIVERT YOUTH AT
43 RISK OF, ALLEGED TO BE, OR ADJUDICATED AS JUVENILE DELINQUENTS FROM
44 PLACEMENT IN DETENTION OR IN RESIDENTIAL CARE SHALL BE SUBJECT TO STATE
45 REIMBURSEMENT UNDER THE SUPERVISION AND TREATMENT SERVICES FOR JUVENILES
46 PROGRAM FOR UP TO SIXTY-TWO PERCENT OF THE MUNICIPALITY'S EXPENDITURES,
47 SUBJECT TO AVAILABLE APPROPRIATIONS AND EXCLUSIVE OF ANY FEDERAL FUNDS
48 MADE AVAILABLE FOR SUCH PURPOSES, NOT TO EXCEED THE MUNICIPALITY'S
49 DISTRIBUTION UNDER THE SUPERVISION AND TREATMENT SERVICES FOR JUVENILES
50 PROGRAM.

51 (B) THE STATE FUNDS APPROPRIATED FOR THE SUPERVISION AND TREATMENT
52 SERVICES FOR JUVENILES PROGRAM SHALL BE DISTRIBUTED TO ELIGIBLE MUNICI-
53 PALITIES BY THE OFFICE OF CHILDREN AND FAMILY SERVICES BASED ON A PLAN
54 DEVELOPED BY THE OFFICE WHICH MAY CONSIDER HISTORICAL INFORMATION
55 REGARDING THE NUMBER OF YOUTH SEEN AT PROBATION INTAKE FOR AN ALLEGED
56 ACT OF DELINQUENCY, THE NUMBER OF YOUTH REMANDED TO DETENTION, THE

1 NUMBER OF JUVENILE DELINQUENTS PLACED WITH THE OFFICE, THE NUMBER OF
2 JUVENILE DELINQUENTS PLACED IN RESIDENTIAL CARE WITH THE MUNICIPALITY,
3 THE MUNICIPALITY'S REDUCTION IN THE USE OF DETENTION AND RESIDENTIAL
4 PLACEMENTS, AND OTHER FACTORS AS DETERMINED BY THE OFFICE. SUCH PLAN
5 DEVELOPED BY THE OFFICE SHALL BE SUBJECT TO THE APPROVAL OF THE DIRECTOR
6 OF THE BUDGET. THE OFFICE IS AUTHORIZED, IN ITS DISCRETION, TO MAKE
7 ADVANCE DISTRIBUTIONS TO A MUNICIPALITY IN ANTICIPATION OF STATE
8 REIMBURSEMENT.

9 2. AS USED IN THIS SECTION, THE TERM "MUNICIPALITY" SHALL MEAN A COUN-
10 TY, OR A CITY HAVING A POPULATION OF ONE MILLION OR MORE, AND "SUPER-
11 VISION AND TREATMENT SERVICES FOR JUVENILES" SHALL MEAN COMMUNITY-BASED
12 SERVICES OR PROGRAMS DESIGNED TO SAFELY MAINTAIN YOUTH IN THE COMMUNITY
13 PENDING A FAMILY COURT DISPOSITION AND SERVICES OR PROGRAMS PROVIDED TO
14 YOUTH ADJUDICATED AS JUVENILE DELINQUENTS TO PREVENT RESIDENTIAL PLACE-
15 MENT OF SUCH YOUTH OR A RETURN TO PLACEMENT WHERE SUCH YOUTH HAVE BEEN
16 RELEASED TO THE COMMUNITY FROM RESIDENTIAL PLACEMENT. SUPERVISION AND
17 TREATMENT SERVICES FOR JUVENILES MAY INCLUDE BUT ARE NOT LIMITED TO
18 SERVICES OR PROGRAMS THAT:

19 (A) PROVIDE OR FACILITATE SUPPORT TO SUCH YOUTH FOR MENTAL HEALTH
20 DISORDERS, SUBSTANCE ABUSE PROBLEMS, OR LEARNING DISABILITIES THAT
21 CONTRIBUTE TO SUCH YOUTH BEING AT RISK FOR DETENTION, RESIDENTIAL PLACE-
22 MENT, OR RETURN TO DETENTION OR RESIDENTIAL PLACEMENT;

23 (B) PROVIDE TEMPORARY RESPITE CARE;

24 (C) PROVIDE FAMILY THERAPY OR SUPPORT OR EXPLORE ALTERNATE HOUSING
25 OPTIONS FOR YOUTH WHO ARE AT RISK FOR DETENTION OR PLACEMENT DUE TO THE
26 ABSENCE OF AN AVAILABLE HOME;

27 (D) PROVIDE POST-RELEASE SUPPORT WITHIN THE YOUTH'S COMMUNITY; OR

28 (E) REDUCE ARREST RATES OR RECIDIVISM.

29 3. (A) THE CHIEF EXECUTIVE OFFICER OF THE MUNICIPALITY SHALL DESIGNATE
30 A LEAD AGENCY FOR THE PURPOSES OF PLANNING AND ADMINISTERING THE MUNICI-
31 PALITY'S SUPERVISION AND TREATMENT SERVICES FOR JUVENILES PROGRAM. IN
32 ORDER FOR A MUNICIPALITY TO BE ELIGIBLE TO RECEIVE REIMBURSEMENT PURSU-
33 ANT TO THIS SECTION, SUCH MUNICIPALITY MUST SUBMIT AN ANNUAL PLAN TO THE
34 OFFICE OF CHILDREN AND FAMILY SERVICES DETAILING HOW THE SUPERVISION AND
35 TREATMENT SERVICES FOR JUVENILES WILL BE PROVIDED WITHIN THE MUNICI-
36 PALITY. THE MUNICIPALITY SHALL DEVELOP SUCH PLAN IN COOPERATION WITH THE
37 APPLICABLE LOCAL GOVERNMENTAL DEPARTMENTS RESPONSIBLE FOR PROBATION, LAW
38 ENFORCEMENT, DETENTION, AND SOCIAL SERVICES; AND WITH THE COURTS,
39 SERVICE PROVIDERS, SCHOOLS AND YOUTH DEVELOPMENT PROGRAMS. THE PLAN MUST
40 BE APPROVED BY THE CHIEF EXECUTIVE OFFICER OF THE MUNICIPALITY, AND MUST
41 INCLUDE:

42 (I) AN ANALYSIS THAT IDENTIFIES THE NEIGHBORHOODS OR COMMUNITIES FROM
43 WHICH THE GREATEST NUMBER OF JUVENILE DELINQUENTS ARE REMANDED TO
44 DETENTION OR RESIDENTIALLY PLACED;

45 (II) WHERE THE USE OF DETENTION OR RESIDENTIAL PLACEMENT IN THE MUNI-
46 CIPALITY SHOWS A SIGNIFICANT RACIAL OR ETHNIC DISPROPORTIONALITY, A
47 DESCRIPTION OF HOW THE SERVICES PROPOSED FOR FUNDING WILL ADDRESS SUCH
48 DISPROPORTIONALITY;

49 (III) A DESCRIPTION OF HOW THE SERVICES AND PROGRAMS PROPOSED FOR
50 FUNDING WILL REDUCE THE NUMBER OF YOUTH FROM THE MUNICIPALITY WHO ARE
51 DETAINED AND RESIDENTIALLY PLACED; HOW SUCH SERVICES AND PROGRAMS ARE
52 FAMILY-FOCUSED; AND WHETHER SUCH SERVICES AND PROGRAMS ARE CAPABLE OF
53 BEING REPLICATED ACROSS MULTIPLE SITES;

54 (IV) A DESCRIPTION OF THE DEMONSTRATED EFFECTIVENESS OF SUCH SERVICES
55 AND PROGRAMS OR OTHER JUSTIFICATION WHY THE SERVICES AND PROGRAMS ARE
56 PROPOSED FOR FUNDING;

(V) PROJECTED PERFORMANCE OUTCOMES FOR SUCH SERVICES AND PROGRAMS, INCLUDING AN ESTIMATE OF THE ANTICIPATED REDUCTIONS IN DETENTION UTILIZATION AND RESIDENTIAL PLACEMENTS, AND OTHER PROJECTED POSITIVE OUTCOMES FOR YOUTH WHO PARTICIPATE IN THE SERVICES AND PROGRAMS; AND

(VI) FOR EACH YEAR THAT THE MUNICIPALITY SUBMITS A PLAN AS REQUIRED BY THIS SECTION, THE MUNICIPALITY MUST PROVIDE THE FOLLOWING INFORMATION FOR THE MOST RECENT PRECEDING YEAR FOR WHICH SUCH MUNICIPALITY RECEIVED FUNDING:

(A) THE NUMBER OF YOUTH WHO PARTICIPATED IN THE SERVICES AND PROGRAMS FUNDED PURSUANT TO THIS SECTION; AND

(B) WHETHER THE SERVICES AND PROGRAMS ACHIEVED THE PROJECTED REDUCTIONS IN DETENTION UTILIZATION AND RESIDENTIAL PLACEMENTS AND OTHER PERFORMANCE OUTCOMES.

(B) A MUNICIPALITY'S PLAN SHALL BE SUBMITTED TO THE OFFICE OF CHILDREN AND FAMILY SERVICES FOR REVIEW AND APPROVAL. THE OFFICE MAY APPROVE ALL OR PART OF THE PLAN BASED ON THE POTENTIAL EFFECTIVENESS OF THE PLAN.

(I) IF THE OFFICE DOES NOT APPROVE A PLAN, THE MUNICIPALITY SHALL HAVE SIXTY DAYS TO SUBMIT AN AMENDED PLAN.

(II) UPON APPROVAL OF A PLAN, THE OFFICE SHALL NOTIFY THE MUNICIPALITY AND POST THE APPROVED PLAN ON THE OFFICE OF CHILDREN AND FAMILY SERVICES WEBSITE.

(C) ANY CLAIMS SUBMITTED BY A MUNICIPALITY FOR REIMBURSEMENT FOR A PARTICULAR PROGRAM YEAR FOR WHICH THE MUNICIPALITY DOES NOT RECEIVE STATE REIMBURSEMENT DURING THE APPLICABLE PROGRAM YEAR MAY NOT BE CLAIMED AGAINST THAT MUNICIPALITY'S DISTRIBUTION FOR ANY SUCCEEDING PROGRAM YEAR. THE OFFICE MAY REQUIRE THAT SUCH CLAIMS BE SUBMITTED TO THE OFFICE ELECTRONICALLY IN THE MANNER AND FORMAT REQUIRED BY THE OFFICE.

(D) ANY MUNICIPALITY SUBMITTING CLAIMS FOR REIMBURSEMENT SHALL CERTIFY TO THE OFFICE THAT SUPERVISION AND TREATMENT SERVICES FOR JUVENILES PROGRAM FUNDS WERE NOT USED TO SUPPLANT OTHER STATE AND LOCAL FUNDS, AND SUCH CLAIMS FOR REIMBURSEMENT ARE NOT FOR THE SAME TYPE AND LEVEL OF SERVICES THAT THE MUNICIPALITY PROVIDED UNDER ANY CONTRACT IN EXISTENCE ON SEPTEMBER THIRTIETH, TWO THOUSAND TEN THAT WAS FUNDED OTHER THAN THROUGH THE OFFICE OF CHILDREN AND FAMILY SERVICES AS COMMUNITY OPTIONAL PREVENTIVE, ALTERNATIVES TO DETENTION, ALTERNATIVES TO RESIDENTIAL PLACEMENT, PREVENTIVE, INDEPENDENT LIVING, OR AFTER CARE SERVICES.

4. TWO OR MORE ELIGIBLE MUNICIPALITIES MAY JOIN TOGETHER TO ESTABLISH, OPERATE AND MAINTAIN SUPERVISION AND TREATMENT SERVICES FOR JUVENILES PROGRAMS AND MAY MAKE AND PERFORM AGREEMENTS IN CONNECTION THEREWITH. SUCH AGREEMENTS SHALL INCLUDE PROVISIONS FOR THE PROPORTIONATE COST TO BE BORNE BY EACH MUNICIPALITY AND FOR THE MANNER OF EMPLOYMENT OF PERSONNEL AND MAY PROVIDE THAT A FISCAL OFFICER OF ONE SUCH MUNICIPALITY SHALL BE THE CUSTODIAN OF THE MONEYS MADE AVAILABLE FOR EXPENDITURE FOR SUCH PURPOSES BY ALL SUCH MUNICIPALITIES AND THAT SUCH FISCAL OFFICER MAY MAKE PAYMENTS THEREFROM UPON AUDIT OF THE APPROPRIATE AUDITING BODY OR OFFICER OF HIS MUNICIPALITY. IN MAKING CLAIMS FOR STATE REIMBURSEMENT PURSUANT TO THIS SECTION, EACH MUNICIPALITY SHALL CLAIM FOR ITS PROPORTIONATE SHARE OF EXPENDITURES. HOWEVER, WHERE THE AGREEMENT PROVIDES FOR A DISBURSING MUNICIPALITY, SUCH DISBURSING MUNICIPALITY SHALL CLAIM FOR THE TOTAL JOINT PROGRAM EXPENDITURES MADE AND SHALL DISBURSE THE STATE REIMBURSEMENT TO EACH PARTICIPATING MUNICIPALITY BASED UPON THE PROPORTIONATE SHARE OF EACH PARTICIPATING MUNICIPALITY'S EXPENDITURES.

S 4. Subdivisions 1, 2, 2-a, 3 and 4 of section 530 of the executive law, subdivisions 1, 3 and 4 as amended by chapter 880 of the laws of 1976, subdivision 2 as amended by chapter 920 of the laws of 1982,

1 subdivision 2-a as added and paragraph (a) of subdivision 4 as amended
2 by chapter 419 of the laws of 1987, the closing paragraph of subdivision
3 2-a as amended by chapter 465 of the laws of 1992, and paragraph (c) of
4 subdivision 4 as added by chapter 169 of the laws of 1994, are amended
5 to read as follows:

6 1. Definitions. As used in this section, the [terms "local charge" and
7 "state charge" shall have the meaning ascribed to them in the social
8 services law] TERM "MUNICIPALITY" SHALL MEAN A COUNTY, OR A CITY HAVING
9 A POPULATION OF ONE MILLION OR MORE.

10 2. Expenditures made by [social services districts] MUNICIPALITIES in
11 providing care, maintenance and supervision to youth in detention facil-
12 ities [designated pursuant to sections seven hundred twenty-four and
13 305.2 of the family court act and certified by the division for youth,]
14 shall be subject to reimbursement by the state [upon approval by the
15 division in accordance with its regulations], as follows:

16 [(1) the full amount expended by the district for care, maintenance
17 and supervision of state charges;

18 (2) fifty percent of the amount expended for the care, maintenance and
19 supervision of local charges where counties conform with requirements of
20 subdivision B of section two hundred eighteen-a of the county law.

21 2-a. Expenditures made by the city of New York in providing care,
22 maintenance and supervision to youth detained pursuant to article seven
23 of the family court act in foster care facilities approved by the state
24 department of social services shall be subject to reimbursement by the
25 state upon the approval of the division, as follows:

26 (1) the full per diem rate set by the state department of social
27 services for such programs for the care, maintenance and supervision of
28 state charges;

29 (2) fifty percent of the per diem rate set by the state department of
30 social services for such programs for the care, maintenance and super-
31 vision of local charges. Notwithstanding the provisions of this subdivi-
32 sion, section three hundred ninety-eight-a of the social services law
33 shall not apply to facilities certified by the division pursuant to
34 section five hundred three of this chapter.] (A) NOTWITHSTANDING ANY
35 PROVISION OF LAW TO THE CONTRARY, ELIGIBLE EXPENDITURES BY A MUNICI-
36 PALITY FOR THE CARE MAINTENANCE AND SUPERVISION IN SECURE AND NON-SECURE
37 DETENTION FACILITIES CERTIFIED BY THE OFFICE OF CHILDREN AND FAMILY
38 SERVICES IN ACCORDANCE WITH SECTION FIVE HUNDRED THREE OF THIS ARTICLE
39 PROVIDED DURING A PARTICULAR PROGRAM YEAR FOR THOSE YOUTH ALLEGED TO BE
40 JUVENILE DELINQUENTS; ADJUDICATED JUVENILE DELINQUENTS HELD PENDING
41 TRANSFER TO A FACILITY UPON PLACEMENT, AND JUVENILE DELINQUENTS HELD AT
42 THE REQUEST OF THE OFFICE OF CHILDREN AND FAMILY SERVICES PENDING EXTEN-
43 SION OF PLACEMENT HEARINGS OR RELEASE REVOCATION HEARINGS OR WHILE
44 AWAITING DISPOSITION OF SUCH HEARINGS; AND YOUTH ALLEGED TO BE OR
45 CONVICTED AS JUVENILE OFFENDERS SHALL BE SUBJECT TO STATE REIMBURSEMENT
46 FOR UP TO FIFTY PERCENT OF THE MUNICIPALITY'S EXPENDITURES, EXCLUSIVE OF
47 ANY FEDERAL FUNDS MADE AVAILABLE FOR SUCH PURPOSES, NOT TO EXCEED THE
48 MUNICIPALITY'S DISTRIBUTION FROM FUNDS THAT HAVE BEEN APPROPRIATED
49 SPECIFICALLY THEREFOR FOR THAT PROGRAM YEAR; PROVIDED, FURTHER, HOWEVER,
50 THAT COMMENCING JANUARY FIRST, TWO THOUSAND TWELVE, REIMBURSEMENT FROM A
51 MUNICIPALITY'S DISTRIBUTION FOR YOUTH ALLEGED TO BE JUVENILE DELINQUENTS
52 SHALL ONLY BE AVAILABLE FOR THOSE YOUTH WHO HAVE BEEN ASSESSED PURSUANT
53 TO A DETENTION RISK ASSESSMENT INSTRUMENT APPROVED BY THE OFFICE OF
54 CHILDREN AND FAMILY SERVICES AS HIGH RISK FOR: NOT APPEARING IN COURT ON
55 THE RETURN DATE; OR, BEFORE SUCH RETURN DATE, FOR COMMITTING AN ACT
56 WHICH IF COMMITTED BY AN ADULT WOULD CONSTITUTE A CRIME. MUNICIPALITIES

1 SHALL IMPLEMENT THE USE OF DETENTION RISK ASSESSMENT INSTRUMENTS IN A
2 MANNER PRESCRIBED BY THE OFFICE SO AS TO INFORM DETENTION DECISIONS.
3 NOTWITHSTANDING ANY OTHER PROVISION OF STATE LAW TO THE CONTRARY, DATA
4 NECESSARY FOR COMPLETION OF A DETENTION RISK ASSESSMENT INSTRUMENT AND
5 CLAIMING REIMBURSEMENT FOR DETENTION SHALL BE SHARED BETWEEN LAW
6 ENFORCEMENT, PROBATION, COURTS, DETENTION ADMINISTRATORS, AND DETENTION
7 PROVIDERS, AND A COPY OF THE COMPLETED DETENTION RISK ASSESSMENT INSTRU-
8 MENT SHALL BE MADE AVAILABLE TO THE APPLICABLE DETENTION PROVIDER.

9 (B) THE STATE FUNDS APPROPRIATED FOR JUVENILE DETENTION SERVICES SHALL
10 BE DISTRIBUTED TO ELIGIBLE MUNICIPALITIES BY THE OFFICE OF CHILDREN AND
11 FAMILY SERVICES BASED ON A PLAN DEVELOPED BY THE OFFICE WHICH MAY
12 CONSIDER HISTORICAL INFORMATION REGARDING THE NUMBER OF YOUTH REMANDED
13 TO DETENTION, THE MUNICIPALITY'S REDUCTION IN THE USE OF DETENTION, THE
14 MUNICIPALITY'S YOUTH POPULATION, AND OTHER FACTORS AS DETERMINED BY THE
15 OFFICE. SUCH PLAN DEVELOPED BY THE OFFICE SHALL BE SUBJECT TO THE
16 APPROVAL OF THE DIRECTOR OF THE BUDGET. THE OFFICE IS AUTHORIZED, IN ITS
17 DISCRETION, TO MAKE ADVANCE DISTRIBUTIONS TO A MUNICIPALITY IN ANTIC-
18 IPATION OF STATE REIMBURSEMENT.

19 (C) A MUNICIPALITY MAY ALSO USE THE FUNDS DISTRIBUTED TO IT FOR JUE-
20 NILE DETENTION SERVICES UNDER THIS SECTION FOR A PARTICULAR PROGRAM YEAR
21 FOR FIFTY PERCENT STATE REIMBURSEMENT FOR SUPERVISION AND TREATMENT
22 SERVICES FOR JUVENILES PROGRAMS PROVIDED DURING AN APPLICABLE PROGRAM
23 YEAR TO AT-RISK, ALLEGED OR ADJUDICATED JUVENILE DELINQUENTS IN COMMUNI-
24 TY-BASED NON-RESIDENTIAL SETTINGS THAT HAVE NOT OTHERWISE BEEN SUBJECT
25 TO STATE REIMBURSEMENT UNDER SECTION FIVE HUNDRED TWENTY-NINE-B OF THIS
26 TITLE. ANY CLAIMS SUBMITTED BY A MUNICIPALITY FOR REIMBURSEMENT FOR
27 DETENTION SERVICES OR SUPERVISION AND TREATMENT SERVICES FOR JUVENILES
28 PROVIDED DURING A PARTICULAR PROGRAM YEAR FOR WHICH THE MUNICIPALITY
29 DOES NOT RECEIVE STATE REIMBURSEMENT FROM THE MUNICIPALITY'S DISTRIB-
30 UTION OF DETENTION SERVICES FUNDS FOR THAT PROGRAM YEAR MAY NOT BE
31 CLAIMED AGAINST THE MUNICIPALITY'S DISTRIBUTION OF FUNDS AVAILABLE UNDER
32 THIS SECTION FOR THE NEXT APPLICABLE PROGRAM YEAR. THE OFFICE MAY
33 REQUIRE THAT SUCH CLAIMS BE SUBMITTED TO THE OFFICE ELECTRONICALLY AT
34 SUCH TIMES AND IN THE MANNER AND FORMAT REQUIRED BY THE OFFICE.

35 3. Wherever detention services are not provided directly or indirectly
36 by a [social services district] MUNICIPALITY, the [district] MUNICI-
37 PALITY shall act as the intermediary between the [division] OFFICE OF
38 CHILDREN AND FAMILY SERVICES and the agency lawfully providing such
39 services, for the purpose of claiming and receiving reimbursement,
40 furnishing financial information and obtaining approval for reserved
41 accommodations pursuant to this section.

42 4. (a) The [social services districts] MUNICIPALITY must notify the
43 [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES of state aid
44 received under other state aid formulas by each detention facility[,
45 and, in the city of New York, by each foster care facility which is
46 providing care, maintenance and supervision] for which the [district]
47 MUNICIPALITY is seeking reimbursement pursuant to this section, includ-
48 ing but not limited to, aid for education, probation and mental health
49 services.

50 (b) In computing reimbursement to the [social services districts]
51 MUNICIPALITY pursuant to this section, the [division] OFFICE shall
52 insure that the aggregate of state aid under all state aid formulas
53 shall not exceed fifty percent of the cost of care, maintenance and
54 supervision provided TO detainees ELIGIBLE FOR STATE REIMBURSEMENT UNDER
55 SUBDIVISION TWO OF THIS SECTION, exclusive of federal aid for such

1 purposes NOT TO EXCEED THE AMOUNT OF THE MUNICIPALITY'S DISTRIBUTION
2 UNDER THE JUVENILE DETENTION SERVICES PROGRAM.

3 (c) Reimbursement for administrative related expenditures as defined
4 by the [director of the division for youth] OFFICE OF CHILDREN AND FAMI-
5 LY SERVICES, for secure and nonsecure detention services shall not
6 exceed seventeen percent of the total approved expenditures for facili-
7 ties of twenty-five beds or more and shall not exceed twenty-one percent
8 of the total approved expenditures for facilities with less than twen-
9 ty-five beds.

10 S 5. Subparagraphs 1, 2 and 4 of paragraph (a) and paragraph (b) of
11 subdivision 5 of section 530 of the executive law, as amended by chapter
12 920 of the laws of 1982, subparagraph 4 of paragraph (a) as added by
13 chapter 419 of the laws of 1987, are amended to read as follows:

14 (1) temporary care, maintenance and supervision provided alleged juve-
15 nile delinquents [and persons in need of supervision] in detention
16 facilities certified pursuant to [sections seven hundred twenty-four
17 and] SECTION 305.2 of the family court act by the [division for youth]
18 OFFICE OF CHILDREN AND FAMILY SERVICES, pending adjudication of alleged
19 delinquency [or alleged need of supervision] by the family court, or
20 pending transfer to institutions to which committed or placed by such
21 court or while awaiting disposition by such court after adjudication or
22 held pursuant to a securing order of a criminal court if the person
23 named therein as principal is under sixteen; or,

24 (2) temporary care, maintenance and supervision provided juvenile
25 delinquents [and persons in need of supervision] in approved detention
26 facilities at the request of the [division for youth] OFFICE OF CHILDREN
27 AND FAMILY SERVICES pending release revocation hearings or while await-
28 ing disposition after such hearings; or

29 [(4) temporary care, maintenance and supervision provided youth
30 detained in the city of New York in foster care facilities pursuant to
31 article seven of the family court act.]

32 (b) Payments made for reserved accommodations, whether or not in full
33 time use, approved by the [division for youth] OFFICE OF CHILDREN AND
34 FAMILY SERVICES and certified pursuant to [sections seven hundred twen-
35 ty-four and] SECTION 305.2 of the family court act, in order to assure
36 that adequate accommodations will be available for the immediate recep-
37 tion and proper care therein of youth for which detention costs are
38 reimbursable pursuant to paragraph (a) of this subdivision, shall be
39 reimbursed as expenditures for care, maintenance and supervision [of
40 local charges] under the provisions of this section, provided the [divi-
41 sion] OFFICE shall have given its prior approval for reserving such
42 accommodations.

43 S 6. Subdivisions 7 and 8 of section 530 of the executive law are
44 REPEALED and subdivision 9, as added by section 2 of part C of chapter
45 83 of the laws of 2002, is renumbered subdivision 7 and amended to read
46 as follows:

47 7. The agency administering detention for each county and the city of
48 New York shall submit to the office of children and family services, AT
49 SUCH TIMES AND in such form and manner AND CONTAINING SUCH INFORMATION
50 as required by the office of children and family services, [a quarterly]
51 AN ANNUAL report on youth remanded pursuant to article three [or seven]
52 of the family court act who are detained [for forty-five days or more in
53 any twelve month period] DURING EACH CALENDAR YEAR INCLUDING, COMMENCING
54 JANUARY FIRST, TWO THOUSAND TWELVE, THE RISK LEVEL OF EACH DETAINED
55 YOUTH AS ASSESSED BY A DETENTION RISK ASSESSMENT INSTRUMENT APPROVED BY
56 THE OFFICE OF CHILDREN AND FAMILY SERVICES. THE OFFICE MAY REQUIRE THAT

1 SUCH DATA ON DETENTION USE BE SUBMITTED TO THE OFFICE ELECTRONICALLY.
2 Such report shall include, but not be limited to[:], the reason for the
3 court's determination in accordance with section 320.5 [or seven hundred
4 thirty-nine] of the family court act to detain the youth; the offense or
5 offenses with which the youth is charged; and all other reasons why the
6 youth remains detained. [Detention agencies shall submit each quarterly
7 report to the office within thirty days of the end of the quarter and
8 the office shall submit a compilation of all of the separate reports for
9 the quarter to the governor and the legislature within forty-five days
10 of the end of the quarter. The first quarterly report shall cover the
11 last quarter of two thousand two.]

12 S 7. Subdivision (c) of section 531 of the executive law, as added by
13 chapter 43 of the laws of 1978, is amended to read as follows:

14 (c) expenditures made by each [such social services district] MUNICI-
15 PALITY for the care, maintenance and supervision of youths in secure and
16 non-secure detention for which reimbursement is approved pursuant to
17 section five hundred thirty of this [chapter, or for which reimbursement
18 is due to the state pursuant to subdivision seven of such section]
19 TITLE, including the numbers of such youths in each category of
20 detention facility and the per diem rates charged.

21 S 8. Paragraphs (iv) and (v) of subdivision (a) of section 213 of the
22 family court act, as amended by chapter 920 of the laws of 1982, are
23 amended to read as follows:

24 (iv) the number of children released and the number detained under
25 [sections seven hundred twenty-eight and] SECTION 307.4;

26 (v) the number of alleged juvenile delinquents released and the number
27 detained under section 320.5 [and the number of alleged persons in need
28 of supervision released and detained under section seven hundred thir-
29 ty-nine,] and the duration of the detention [in both groups];

30 S 9. Paragraph (b) of subdivision 3 of section 320.5 of the family
31 court act, as added by section 1 of part DD of chapter 57 of the laws of
32 2008, is amended to read as follows:

33 (b) Any finding directing detention pursuant to paragraph (a) of this
34 subdivision made by the court shall state the facts, THE LEVEL OF RISK
35 THE YOUTH WAS ASSESSED PURSUANT TO A DETENTION RISK ASSESSMENT INSTRU-
36 MENT APPROVED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES, and THE
37 reasons for such finding INCLUDING, IF A DETERMINATION IS MADE TO PLACE
38 A YOUTH IN DETENTION WHO WAS ASSESSED AT A LOW OR MEDIUM RISK ON SUCH A
39 RISK ASSESSMENT INSTRUMENT, THE PARTICULAR REASONS WHY DETENTION WAS
40 DETERMINED TO BE NECESSARY.

41 S 10. Subdivisions (b), (c) and (d) of section 712 and sections 720,
42 727, 728, 729, 739, 747 and 748 of the family court act are REPEALED.

43 S 11. Subdivision (a) and paragraphs (iii) and (iv) of subdivision (b)
44 of section 735 of the family court act, as added by section 7 of part E
45 of chapter 57 of the laws of 2005, are amended to read as follows:

46 (a) Each county and any city having a population of one million or
47 more shall offer diversion services as defined in section seven hundred
48 twelve of this article to youth who are at risk of being the subject of
49 a person in need of supervision petition. Such services shall be
50 designed to provide an immediate response to families in crisis, to
51 identify and utilize appropriate [alternatives to detention and]
52 SERVICES AND PROGRAMS to divert youth from being the subject of a peti-
53 tion in family court. Each county and such city shall designate either
54 the local social services district or the probation department as lead
55 agency for the purposes of providing diversion services.

1 (iii) assess whether the youth would benefit from residential respite
2 services[; and

3 (iv) determine whether alternatives to detention are appropriate to
4 avoid remand of the youth to detention].

5 S 12. Paragraph (a) of subdivision 2 of section 754 of the family
6 court act, as amended by chapter 7 of the laws of 1999, is amended to
7 read as follows:

8 (a) The order shall state the court's reasons for the particular
9 disposition. If the court places the child in accordance with section
10 seven hundred fifty-six of this part, the court in its order shall
11 determine: (i) whether continuation in the child's home would be contra-
12 ry to the best interest of the child and where appropriate, that reason-
13 able efforts were made prior to the date of the dispositional hearing
14 held pursuant to this article to prevent or eliminate the need for
15 removal of the child from his or her home and, if the child was removed
16 from his or her home prior to the date of such hearing, that such
17 removal was in the child's best interest and, where appropriate, reason-
18 able efforts were made to make it possible for the child to return safe-
19 ly home. If the court determines that reasonable efforts to prevent or
20 eliminate the need for removal of the child from the home were not made
21 but that the lack of such efforts was appropriate under the circum-
22 stances, the court order shall include such a finding; and (ii) in the
23 case of a child who has attained the age of sixteen, the services need-
24 ed, if any, to assist the child to make the transition from foster care
25 to independent living. [Nothing in this subdivision shall be construed
26 to modify the standards for directing detention set forth in section
27 seven hundred thirty-nine of this article.]

28 S 13. Subdivision (c) of section 756 of the family court act is
29 REPEALED and subdivision (b), as amended by chapter 7 of the laws of
30 1999, is amended to read as follows:

31 (b) Placements under this section may be for an initial period of
32 twelve months. The court may extend a placement pursuant to section
33 seven hundred fifty-six-a. In its discretion, the court may recommend
34 restitution or require services for public good pursuant to section
35 seven hundred fifty-eight-a in conjunction with an order of placement.
36 For the purposes of calculating the initial period of placement, such
37 placement shall be deemed to have commenced sixty days after the date
38 the child was removed from his or her home in accordance with the
39 provisions of this article. [If the respondent has been in detention
40 pending disposition, the initial period of placement ordered under this
41 section shall be credited with and diminished by the amount of time
42 spent by the respondent in detention prior to the commencement of the
43 placement unless the court finds that all or part of such credit would
44 not serve the best interests of the respondent.]

45 S 14. Section 774 of the family court act is amended to read as
46 follows:

47 S 774. Action on petition for transfer. On receiving a petition under
48 section seven hundred seventy-three, the court may proceed under
49 sections seven hundred thirty-seven, OR seven hundred thirty-eight [or
50 seven hundred thirty-nine] with respect to the issuance of a summons or
51 warrant [and sections seven hundred twenty-seven and seven hundred twen-
52 ty-nine govern questions of detention and failure to comply with a prom-
53 ise to appear]. Due notice of the petition and a copy of the petition
54 shall also be served personally or by mail upon the office of the local-
55 ity chargeable for the support of the person involved and upon the
56 person involved and his parents and other persons.

1 S 15. Subdivision 12 of section 153 of the social services law is
2 REPEALED.

3 S 16. Subdivision 12 of section 398 of the social services law, as
4 added by chapter 419 of the laws of 1987, is amended to read as follows:

5 12. A social services official shall be permitted to place persons
6 adjudicated in need of supervision or delinquent[, and in cities having
7 a population of one million or more alleged persons to be in need of
8 supervision and persons adjudicated in need of supervision in detention
9 pending transfer to a placement,] in the same foster care facilities as
10 are providing care to destitute, neglected, abused or abandoned chil-
11 dren. Such foster care facilities shall not provide care to a youth in
12 the care of a social services official as a convicted juvenile offender.

13 S 17. The section heading, opening paragraph and paragraph 2 of subdi-
14 vision A and subdivisions B and C of section 218-a of the county law,
15 the section heading as amended by chapter 880 of the laws of 1976, the
16 opening paragraph of subdivision A as amended by chapter 465 of the laws
17 of 1992, paragraph 2 of subdivision A as amended by chapter 555 of the
18 laws of 1978, subdivision B as amended by chapter 419 of the laws of
19 1987 and subdivision C as added by section 12 of part E of chapter 57 of
20 the laws of 2005, are amended to read as follows:

21 County detention facilities for [juvenile delinquents and persons in
22 need of supervision] JUVENILES.

23 To assure that suitable and conveniently accessible accommodations and
24 proper and adequate detention in secure and non-secure detention facili-
25 ties, as defined in section five hundred two of the executive law and
26 the regulations of the [division for youth] OFFICE OF CHILDREN AND FAMI-
27 LY SERVICES, will be available when required for the temporary care,
28 maintenance and security of alleged and convicted juvenile offenders,
29 AND alleged and adjudicated juvenile delinquents [and alleged and adju-
30 dicated persons in need of supervision]. Such regulations shall not
31 require any county to provide temporary care in a secure detention
32 facility for residents of any other county except upon a space available
33 basis. The county executive, if there be one, otherwise the board of
34 supervisors shall designate the agency of county government responsible
35 for the administration of the county juvenile detention program and
36 shall so advise the [New York state division for youth] OFFICE OF CHIL-
37 DREN AND FAMILY SERVICES, and may make provisions therefor as follows:

38 2. Authorize a contract between its county and one or more other coun-
39 ties, which is or are operating a conveniently accessible detention
40 facility certified by the [division for youth] OFFICE OF CHILDREN AND
41 FAMILY SERVICES and in compliance with regulations of the [division for
42 youth] OFFICE, providing for the reception, temporary accommodation and
43 care in such facility of alleged or adjudicated juvenile delinquents
44 [and persons in need of supervision] held for or at the direction of its
45 family court, for and in consideration of the payments to be made there-
46 for, on a per capita basis, pursuant to the terms of such contract.

47 B. Notwithstanding any other provision of law, each board of supervi-
48 sors shall provide or assure the availability of conveniently accessible
49 and adequate non-secure detention facilities, certified by the [state
50 division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES, as resources
51 for the family court in the county pursuant to [articles seven and]
52 ARTICLE three of the family court act, to be operated in compliance with
53 the regulations of the [division for youth] OFFICE for the temporary
54 care and maintenance of alleged and adjudicated juvenile delinquents
55 [and persons in need of supervision] held for or at the direction of a
56 family court.

C. Each county shall offer diversion services to children who are at risk of being the subject of a petition under article seven of the family court act. Such services shall be designed to provide an immediate response to families in crisis and to identify and utilize appropriate [alternatives to juvenile detention] SERVICES.

S 18. This act shall take effect July 1, 2011; provided, however, a person held in a detention facility or, in the city of New York, remanded to a foster care facility, pursuant to articles 3 or 7 of the family court act prior to the effective date of this act shall be governed by the provisions of law in effect at the time that such person was detained or remanded; and provided, further, however, section nine of this act shall take effect January 1, 2012.

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

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

25

PART R

Section 1. Paragraph (f) of subdivision 1 of section 424-a of the social services law, as amended by chapter 441 of the laws of 1993, is amended to read as follows:

(f) The [department] OFFICE OF CHILDREN AND FAMILY SERVICES shall charge a fee of [five] SIXTY dollars when[, pursuant to regulations of the department,] it conducts a search of its records within the statewide central register for child abuse or maltreatment in accordance with this section or regulations of the [department] OFFICE to determine whether an applicant for employment [as specified in paragraph (b) of this subdivision] is the subject of an indicated child abuse or maltreatment report[, except that fees shall not be charged for requests for screenings related to applications for] INCLUDING AN APPLICANT TO BE A child day care [providers or for employment with child day care providers including requests] PROVIDER AND A REQUEST made pursuant to subdivision six of this section. Such fees shall be deposited in [an] A SPECIAL REVENUE - OTHER account and shall be made available to the [department] OFFICE for costs incurred in the implementation of this section. [Procedures for payment of such fees shall be established by the regulations of the department.]

S 2. This act shall take effect immediately and shall apply to any request for a search of the records of the statewide central register of child abuse or maltreatment that is received by the office of children and family services on or after April 1, 2011.

49

PART S

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

1 part I of chapter 58 of the laws of 2010, are amended to read as
2 follows:

3 (a) in the case of each individual receiving family care, an amount
4 equal to at least \$130.00 for each month beginning on or after January
5 first, two thousand [ten] ELEVEN.

6 (b) in the case of each individual receiving residential care, an
7 amount equal to at least \$150.00 for each month beginning on or after
8 January first, two thousand [ten] ELEVEN.

9 (c) in the case of each individual receiving enhanced residential
10 care, an amount equal to at least \$178.00 for each month beginning on or
11 after January first, two thousand [ten] ELEVEN.

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

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

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

23 S 2. Paragraphs (a), (b), (c), (d), (e) and (f) of subdivision 2 of
24 section 209 of the social services law, as amended by section 2 of part
25 I of chapter 58 of the laws of 2010, are amended to read as follows:

26 (a) On and after January first, two thousand [ten] ELEVEN, for an
27 eligible individual living alone, \$761.00; and for an eligible couple
28 living alone, \$1115.00.

29 (b) On and after January first, two thousand [ten] ELEVEN, for an
30 eligible individual living with others with or without in-kind income,
31 \$697.00; and for an eligible couple living with others with or without
32 in-kind income, \$1057.00.

33 (c) On and after January first, two thousand [ten] ELEVEN, (i) for an
34 eligible individual receiving family care, \$940.48 if he or she is
35 receiving such care in the city of New York or the county of Nassau,
36 Suffolk, Westchester or Rockland; and (ii) for an eligible couple
37 receiving family care in the city of New York or the county of Nassau,
38 Suffolk, Westchester or Rockland, two times the amount set forth in
39 subparagraph (i) of this paragraph; or (iii) for an eligible individual
40 receiving such care in any other county in the state, \$902.48; and (iv)
41 for an eligible couple receiving such care in any other county in the
42 state, two times the amount set forth in subparagraph (iii) of this
43 paragraph.

44 (d) On and after January first, two thousand [ten] ELEVEN, (i) for an
45 eligible individual receiving residential care, \$1109.00 if he or she is
46 receiving such care in the city of New York or the county of Nassau,
47 Suffolk, Westchester or Rockland; and (ii) for an eligible couple
48 receiving residential care in the city of New York or the county of
49 Nassau, Suffolk, Westchester or Rockland, two times the amount set forth
50 in subparagraph (i) of this paragraph; or (iii) for an eligible individ-
51 ual receiving such care in any other county in the state, \$1079.00; and
52 (iv) for an eligible couple receiving such care in any other county in
53 the state, two times the amount set forth in subparagraph (iii) of this
54 paragraph.

55 (e) (i) On and after January first, two thousand [ten] ELEVEN, for an
56 eligible individual receiving enhanced residential care, \$1368.00; and

1 (ii) for an eligible couple receiving enhanced residential care, two
2 times the amount set forth in subparagraph (i) of this paragraph.
3 (f) The amounts set forth in paragraphs (a) through (e) of this subdi-
4 vision shall be increased to reflect any increases in federal supple-
5 mental security income benefits for individuals or couples which become
6 effective on or after January first, two thousand [eleven] TWELVE but
7 prior to June thirtieth, two thousand [eleven] TWELVE.
8 S 3. This act shall take effect December 31, 2011.

9

PART T

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

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

53 (b) Unless the district determines as a result of such conciliation
54 process that such failure or refusal was willful and was without good

1 cause, no further action shall be taken. If the district determines that
2 such failure or refusal was willful and without good cause, the district
3 shall notify such participant in writing, in plain language and in a
4 manner distinct from any previous notice, by issuing ten days notice of
5 its intent to discontinue or reduce assistance. Such notice shall
6 include the reasons for such determination, the specific instance or
7 instances of willful refusal or failure to comply without good cause
8 with the requirements of this title, the necessary actions that must be
9 taken to avoid a pro-rata reduction OR DISCONTINUANCE in public assist-
10 ance benefits, and the right to a fair hearing relating to such discon-
11 tinuance or reduction. Unless extended by mutual agreement of the
12 participant and the district, conciliation shall terminate and a deter-
13 mination shall be made within [fourteen] THIRTY days of the date a
14 request for conciliation is made [in the case of a safety net partic-
15 ipant or within thirty days of the conciliation notice in the case of a
16 family assistance participant].

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

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

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

27 (a) REDUCED PRO-RATA for the first instance of failure to comply with-
28 out good cause with the requirement of this article until the individual
29 is willing to comply;

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

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

38 3. [In the case of an individual who is a member of a household with-
39 out dependent children applying for or in receipt of safety net assist-
40 ance the public assistance benefits otherwise available to the household
41 of which such individual is a member shall be reduced pro-rata:

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

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

46 (c) for the third and all subsequent such failures or refusals, until
47 the failure ceases or one hundred eighty days, whichever period of time
48 is longer.] WITH RESPECT TO THE SANCTIONS SET FORTH IN SUBDIVISION TWO
49 OF THIS SECTION, IF THE INDIVIDUAL COMPLIES WITH THE REQUIREMENT OF THIS
50 ARTICLE WITHIN THE SIX-MONTH MINIMUM SANCTION DURATIONS SET FORTH IN
51 PARAGRAPH (C) OF SUBDIVISION TWO OF THIS SECTION THE HOUSEHOLD SHALL
52 RECEIVE A PRO-RATA REDUCED GRANT FOR THE REMAINING MINIMUM PERIOD.
53 CONTINUED COMPLIANCE AFTER THE MINIMUM DURATION SHALL RESTORE THE GRANT
54 TO THE FULL AMOUNT.

55 S 4. The office of temporary and disability assistance, in consulta-
56 tion with the office of children and family services, shall submit a

1 report to the chairperson of the senate finance committee, the chair-
 2 person of the assembly ways and means committee, and the director of the
 3 division of budget on the implementation of the full family sanction
 4 policy. Such report shall include the number of sanctioned cases that
 5 had their case closed due to the new sanction policy, the monthly bene-
 6 fit of those sanctioned cases that had their cases closed and the number
 7 of sanctioned cases involving case closure that subsequently were
 8 reopened upon demonstrated willingness to comply with work requirements.
 9 Such report shall also determine if there were child welfare referrals
 10 made since October, 1, 2011 that were a function of the new sanction
 11 policy. This report shall be submitted by December 31, 2012.

12 S 5. This act shall take effect October 1, 2011 and shall expire on
 13 September 30, 2013, when upon such date the provisions of this act shall
 14 be deemed repealed.

15

PART U

16 Section 1. Paragraph (a-2) of subdivision 2 of section 131-a of the
 17 social services law, as added by section 1 of part Y of chapter 57 of
 18 the laws of 2009, is amended to read as follows:

19 (a-2) For the period beginning July first, two thousand ten and ending
 20 June thirtieth, two thousand [eleven] TWELVE, the following schedule
 21 shall be the standard of monthly need for determining eligibility for
 22 all categories of assistance in and by all social services districts:

Number of Persons in Household

23						
24	One	Two	Three	Four	Five	Six
25	\$141	\$225	\$300	\$386	\$477	\$551

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

28 S 2. Paragraph (a-3) of subdivision 2 of section 131-a of the social
 29 services law, as added by section 1 of part Y of chapter 57 of the laws
 30 of 2009, is amended to read as follows:

31 (a-3) For the period beginning July first, two thousand [eleven]
 32 TWELVE and thereafter, the following schedule shall be the standard of
 33 monthly need for determining eligibility for all categories of assist-
 34 ance in and by all social services districts:

Number of Persons in Household

35						
36	One	Two	Three	Four	Five	Six
37	\$158	\$252	\$335	\$432	\$533	\$616

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

40 S 3. Paragraph (a-2) of subdivision 3 of section 131-a of the social
 41 services law, as added by section 2 of part Y of chapter 57 of the laws
 42 of 2009, is amended to read as follows:

43 (a-2) For the period beginning July first, two thousand ten and ending
 44 June thirtieth, two thousand [eleven] TWELVE, persons and families
 45 determined to be eligible by the application of the standard of need
 46 prescribed by the provisions of subdivision two of this section, less
 47 any available income or resources which are not required to be disre-
 48 garded by other provisions of this chapter, shall receive maximum month-
 49 ly grants and allowances in all social services districts, in accordance
 50 with the following schedule, for public assistance:

Number of Persons in Household

51						
52	One	Two	Three	Four	Five	Six
53	\$141	\$225	\$300	\$386	\$477	\$551

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

3 S 4. Paragraph (a-3) of subdivision 3 of section 131-a of the social
4 services law, as added by section 2 of part Y of chapter 57 of the laws
5 of 2009, is amended to read as follows:

6 (a-3) For the period beginning July first, two thousand [eleven]
7 TWELVE and thereafter, persons and families determined to be eligible by
8 the application of the standard of need prescribed by the provisions of
9 subdivision two of this section, less any available income or resources
10 which are not required to be disregarded by other provisions of this
11 chapter, shall receive maximum monthly grants and allowances in all
12 social services districts, in accordance with the following schedule,
13 for public assistance:

14 Number of Persons in Household

15 One	16 Two	17 Three	18 Four	19 Five	20 Six
\$158	\$252	\$335	\$432	\$533	\$616

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

19 S 5. This act shall take effect immediately and shall be deemed to
20 have been in full force and effect on and after April 1, 2011.

21 PART V

22 Section 1. Article 16 and article 17 of the private housing finance
23 law are REPEALED.

24 S 2. The private housing finance law is amended by adding a new arti-
25 cle 27 to read as follows:

26 ARTICLE XXVII

27 NEIGHBORHOOD AND RURAL PRESERVATION PROGRAM

28 SECTION 1230. PURPOSE.

29 1231. DEFINITIONS.

30 1232. PROGRAM CONTRACTS.

31 1233. RULES AND REGULATIONS.

32 1234. RELATIONSHIP TO OTHER LAWS.

33 S 1230. PURPOSE. THERE CONTINUE TO EXIST IN ALL AREAS OF THE STATE
34 SIGNIFICANT UNMET HOUSING NEEDS OF PERSONS AND FAMILIES OF LOW INCOME,
35 NUMEROUS HOUSING UNITS WHICH ARE DETERIORATING OR IN NEED OF REHABILI-
36 TATION OR IMPROVEMENT, AND RELATED FACTORS DEMONSTRATING A NEED FOR
37 ATTENTION TO HOUSING PRESERVATION AND COMMUNITY REVITALIZATION. IT IS
38 THE PURPOSE OF THIS ARTICLE TO ESTABLISH A NEIGHBORHOOD AND RURAL PRES-
39 ERVATION PROGRAM WITHIN THE DIVISION OF HOUSING AND COMMUNITY RENEWAL.

40 S 1231. DEFINITIONS. AS USED IN THIS ARTICLE:

41 1. "COMMISSIONER" SHALL MEAN THE COMMISSIONER OF THE STATE DIVISION OF
42 HOUSING AND COMMUNITY RENEWAL.

43 2. "DIVISION" SHALL MEAN THE STATE DIVISION OF HOUSING AND COMMUNITY
44 RENEWAL.

45 3. "NEIGHBORHOOD OR RURAL PRESERVATION CORPORATIONS" SHALL MEAN CORPO-
46 RATIONS ORGANIZED UNDER THE PROVISIONS OF THE NOT-FOR-PROFIT CORPORATION
47 LAW THAT HAVE BEEN ENGAGED PRIMARILY IN HOUSING PRESERVATION AND COMMU-
48 NITY RENEWAL ACTIVITIES AS DEFINED IN SUBDIVISION SIX OF THIS SECTION.

49 4. "ELIGIBLE APPLICANT" SHALL MEAN ANY NEIGHBORHOOD OR RURAL PRESERVA-
50 TION CORPORATION OR COMBINATION OF CORPORATIONS IN EXISTENCE FOR A PERI-
51 OD OF ONE OR MORE YEARS PRIOR TO APPLICATION.

52 5. "REGION" SHALL MEAN ANY NEIGHBORHOOD OR RURAL AREA WITHIN THE STATE
53 SUCH AS A COUNTY, CITY, TOWN, VILLAGE, POSTAL ZONE, OR CENSUS TRACT OR
54 ANY SPECIFIED PART OR COMBINATION THEREOF OR AS OTHERWISE APPROVED BY

1 THE COMMISSIONER, WITHIN WHICH HOUSING PRESERVATION AND COMMUNITY
2 RENEWAL ACTIVITIES FUNDED IN PART PURSUANT TO THIS ARTICLE ARE TO BE
3 CARRIED OUT.

4 6. "HOUSING PRESERVATION AND COMMUNITY RENEWAL ACTIVITIES" INCLUDE:
5 (A) THE NEW CONSTRUCTION OR THE ACQUISITION, MAINTENANCE, PRESERVATION,
6 REPAIR, REHABILITATION OR OTHER IMPROVEMENT OF VACANT OR OCCUPIED HOUS-
7 ING ACCOMMODATIONS; DEMOLITION OR SEALING OF VACANT STRUCTURES WHERE
8 NECESSARY OR APPROPRIATE; DISPOSITION OF HOUSING ACCOMMODATIONS TO PRES-
9 ENT OR POTENTIAL OCCUPANTS OR CO-OPERATIVE ORGANIZATIONS; TRAINING OR
10 OTHER FORMS OF ASSISTANCE TO OCCUPANTS OF HOUSING ACCOMMODATIONS; AND
11 MANAGEMENT OF HOUSING ACCOMMODATIONS AS AGENT FOR THE OWNERS, RECEIVERS,
12 ADMINISTRATORS OR MUNICIPALITIES; AND (B) ACTIVITIES, SIMILAR TO THOSE
13 SPECIFIED IN PARAGRAPH (A) OF THIS SUBDIVISION, AIMED AT ACCOMPLISHING
14 SIMILAR PURPOSES AND MEETING SIMILAR NEEDS WITH RESPECT TO RETAIL AND
15 SERVICE ESTABLISHMENTS WITHIN A REGION WHEN CARRIED OUT IN CONNECTION
16 WITH AND INCIDENTAL TO A PROGRAM OF HOUSING RELATED ACTIVITIES.

17 7. "PERSONS OF LOW INCOME" SHALL MEAN INDIVIDUALS AND FAMILIES WHOSE
18 ANNUAL INCOMES DO NOT EXCEED NINETY PER CENT OF THE MEDIAN ANNUAL INCOME
19 FOR ALL RESIDENTS OF THE REGION WITHIN WHICH THEY RESIDE OR A LARGER
20 AREA ENCOMPASSING SUCH REGION FOR WHICH MEDIAN ANNUAL INCOME CAN BE
21 DETERMINED.

22 S 1232. PROGRAM CONTRACTS. 1. IN ORDER TO BE ELIGIBLE TO RECEIVE FUNDS
23 PURSUANT TO THIS ARTICLE, AN ELIGIBLE APPLICANT SHALL SUBMIT A PROPOSAL
24 BASED ON CRITERIA AS DETERMINED BY THE COMMISSIONER.

25 2. WITHIN THE LIMIT OF FUNDS AVAILABLE IN THE NEIGHBORHOOD AND RURAL
26 PRESERVATION APPROPRIATION, THE DIVISION MAY ENTER INTO CONTRACTS WITH
27 CORPORATIONS TO PROVIDE HOUSING PRESERVATION AND COMMUNITY RENEWAL
28 ACTIVITIES.

29 3. IN DETERMINING WHETHER TO ENTER INTO A CONTRACT WITH A NEIGHBOR-
30 HOOD OR RURAL PRESERVATION CORPORATION OR CORPORATIONS PURSUANT TO THIS
31 ARTICLE, THE COMMISSIONER SHALL DETERMINE THAT THE DEMOGRAPHIC AND OTHER
32 RELEVANT DATA PERTAINING TO A REGION AS SPECIFIED IN THE CONTRACT INDIC-
33 CATE THAT SUCH REGION CONTAINS SIGNIFICANT UNMET HOUSING NEEDS OF
34 PERSONS OF LOW INCOME, THAT THE HOUSING STOCK OF SUCH REGION, BECAUSE OF
35 ITS AGE, DETERIORATION, OR OTHER FACTORS, REQUIRES IMPROVEMENT IN ORDER
36 TO PRESERVE THE COMMUNITIES WITHIN THE REGION AND THAT THE CORPORATION
37 PROPOSES TO ASSIST SUCH REGION THROUGH ACTIVE INTERVENTION TO EFFECT THE
38 REGION'S PRESERVATION, STABILIZATION OR IMPROVEMENT.

39 4. EACH CONTRACT ENTERED INTO PURSUANT TO THIS ARTICLE SHALL PROVIDE
40 FOR PAYMENT TO THE NEIGHBORHOOD OR RURAL PRESERVATION CORPORATION OR
41 CORPORATIONS FOR THE HOUSING PRESERVATION AND COMMUNITY RENEWAL ACTIV-
42 ITIES TO BE PERFORMED. PAYMENTS SHALL BE BASED ON PERFORMANCE CRITERIA
43 ESTABLISHED BY THE COMMISSIONER.

44 5. PAYMENT PURSUANT TO THIS ARTICLE SHALL BE RESTRICTED TO SUMS
45 REQUIRED FOR THE PAYMENT OF SALARIES AND WAGES TO EMPLOYEES OF SUCH
46 CORPORATIONS WHO ARE ENGAGED IN RENDERING HOUSING PRESERVATION AND
47 COMMUNITY RENEWAL ACTIVITIES, FEES TO CONSULTANTS AND PROFESSIONALS
48 RETAINED BY THEM FOR PLANNING AND PERFORMING SUCH ACTIVITIES AND OTHER
49 COSTS AND EXPENSES DIRECTLY RELATED TO SUCH EMPLOYEES, CONSULTANTS AND
50 PROFESSIONALS. SUCH FUNDS MAY BE USED FOR PLANNING ANY HOUSING PRESER-
51 VATION AND COMMUNITY RENEWAL ACTIVITY AND FOR RENOVATING, REPAIRING,
52 FURNISHING, EQUIPPING AND OPERATING AN OFFICE FACILITY TO BE USED IN
53 CONNECTION WITH THE CONDUCT OF HOUSING PRESERVATION AND COMMUNITY
54 RENEWAL ACTIVITIES BY THE CORPORATION.

55 6. CONTRACTS ENTERED INTO PURSUANT TO THIS SECTION SHALL BE FOR A
56 PERIOD OF NO MORE THAN ONE YEAR, BUT MAY BE RENEWED OR EXTENDED FROM

1 YEAR TO YEAR AT THE DISCRETION OF THE COMMISSIONER, AND SHALL PROVIDE
2 FOR PAYMENT BY THE DIVISION OF NO MORE THAN FIVE HUNDRED THOUSAND
3 DOLLARS PER YEAR.

4 S 1233. RULES AND REGULATIONS. THE COMMISSIONER MAY ISSUE RULES AND
5 REGULATIONS OR OPERATIONAL BULLETINS FOR THE APPLICATION AND AWARDING OF
6 FUNDS UNDER THIS ARTICLE.

7 S 1234. RELATIONSHIP TO OTHER LAWS. NOTHING IN THIS ARTICLE SHALL BE
8 DEEMED TO DENY OR LIMIT THE RIGHT OF ANY CORPORATION TO SEEK OR RECEIVE
9 ASSISTANCE UNDER, OR OTHERWISE PARTICIPATE IN, ANY OTHER PROGRAM PURSU-
10 ANT TO THIS CHAPTER, OR ANY OTHER GOVERNMENTAL PROGRAM RELATING TO HOUS-
11 ING OR COMMUNITY RENEWAL. NOTHING IN THIS ARTICLE SHALL BE DEEMED TO
12 DENY OR LIMIT THE RIGHT OF ANY CORPORATION TO CARRY OUT ANY PROGRAM OR
13 SERVICE THROUGH A SUBSIDIARY CORPORATION OR OTHER INSTRUMENTALITY.

14 S 3. Notwithstanding any provision of law to the contrary, any refer-
15 ence, in any provision of law, to article 16 or article 17 of the
16 private housing finance law, sections 901 through 909 of the private
17 housing finance law, or sections 1001 through 1010 of the private hous-
18 ing finance law shall be deemed to refer to article 27 of the private
19 housing finance law.

20 S 4. This act shall take effect July 1, 2011.

21 PART W

22 Section 1. Section 39 of part P2 of chapter 62 of the laws of 2003
23 amending the state finance law and other laws relating to authorizing
24 and directing the state comptroller to loan money to certain funds and
25 accounts, as amended by section 1 of part Z of chapter 57 of the laws of
26 2009, is amended to read as follows:

27 S 39. This act shall take effect immediately and shall be deemed to
28 have been in full force and effect on and after April 1, 2003; provided,
29 however, that sections one, three, four, six, seven through fifteen, and
30 seventeen of this act shall expire March 31, 2004, when upon such date
31 the provisions of such sections shall be deemed repealed; [and sections
32 thirty and thirty-one of this act shall expire December 31, 2011] and
33 the amendments made to section 69-c of the state finance law by section
34 thirty-two of this act shall not affect the expiration and repeal of
35 such section and shall be deemed to be expired therewith.

36 S 2. This act shall take effect immediately.

37 S 2. Severability clause. If any clause, sentence, paragraph, subdivi-
38 sion, section or part of this act shall be adjudged by any court of
39 competent jurisdiction to be invalid, such judgment shall not affect,
40 impair, or invalidate the remainder thereof, but shall be confined in
41 its operation to the clause, sentence, paragraph, subdivision, section
42 or part thereof directly involved in the controversy in which such judg-
43 ment shall have been rendered. It is hereby declared to be the intent of
44 the legislature that this act would have been enacted even if such
45 invalid provisions had not been included herein.

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