S T A T E O F N E W Y O R K

5816

2011-2012 Regular Sessions

I N S E N A T E

June 17, 2011

Introduced by Sen. FLANAGAN -- (at request of the State Education Department) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the education law, the general municipal law, the environmental conservation law and the vehicle and traffic law, in relation to mandate relief for school districts and certain other educational entities; to repeal subdivision 17 of section 1950 of the education law, relating to board of cooperative educational services special education space plans; to repeal paragraph d of subdivision 4 of section 3641 of the education law, relating to reports on the status of asbestos containing building materials; to repeal subdivision 15 of section 353 of the executive law, relating to reports on certain children of Vietnam veterans; and to repeal subdivisions 2 and 3 of section 810 of the education law, relating to conservation day

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 35 of section 1604 of the education law, as added by chapter 263 of the laws of 2005, is amended to read as follows:

35. a. In their discretion, to adopt a resolution establishing the office of claims auditor and appoint a claims auditor who shall hold his or her position subject to the pleasure of such trustees. IN THEIR DISCRETION, THE TRUSTEES MAY ADOPT A RESOLUTION ESTABLISHING THE OFFICE OF DEPUTY CLAIMS AUDITOR WHO SHALL ACT AS CLAIMS AUDITOR IN THE ABSENCE OF THE CLAIMS AUDITOR. Such claims auditor shall report directly to the trustees. No person shall be eligible for appointment to the office of claims auditor OR DEPUTY CLAIMS AUDITOR who shall also be:

(1) a trustee of the school district;

(2) the clerk or treasurer of the school district;

(3) the superintendent of schools or other official of the district responsible for business management;

(4) the person designated as purchasing agent; or

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

LBD13172-01-1

(5) clerical or professional personnel directly involved in accounting and purchasing functions of the school district.

b. Such claims auditor OR DEPUTY CLAIMS AUDITOR shall not be required to be a resident of the district, and the [position] POSITIONS of claims auditor AND DEPUTY CLAIMS AUDITOR shall be classified in the exempt class of the civil service. The trustees, at any time after the establishment of the office of claims auditor OR DEPUTY CLAIMS AUDITOR, may adopt a resolution abolishing such office, whereupon such office shall be abolished. When the office of claims auditor shall have been established and a claims auditor shall have been appointed and shall have qualified, the powers and duties of the trustees with respect to claims auditing, and allowing or rejecting all accounts, charges, claims or demands against the school district, shall devolve upon and thereafter be exercised by such claims auditor during the continuance of such office. The trustees shall be permitted to delegate the claims audit function TO ONE OR MORE INDEPENDENT ENTITIES by using (1) inter-municipal cooperative agreements, (2) shared services to the extent authorized by section nineteen hundred fifty of this title, or (3) independent contractors, to fulfill this function.

C. WHEN THE TRUSTEES DELEGATE THE CLAIMS AUDIT FUNCTION USING AN INTER-MUNICIPAL COOPERATIVE AGREEMENT, SHARED SERVICE AUTHORIZED BY SECTION NINETEEN HUNDRED FIFTY OF THIS TITLE, OR AN INDEPENDENT CONTRACTOR, THE TRUSTEES SHALL BE RESPONSIBLE FOR AUDITING ALL CLAIMS FOR SERVICES FROM THE ENTITY PROVIDING THE DELEGATED CLAIMS AUDITOR, EITHER DIRECTLY OR THROUGH A DELEGATION TO A DIFFERENT INDEPENDENT ENTITY.

S 2. Subdivision 20-a of section 1709 of the education law, as amended by chapter 263 of the laws of 2005, is amended to read as follows:

20-a. a. In its discretion to adopt a resolution establishing the office of claims auditor and appoint a claims auditor who shall hold his or her position subject to the pleasure of such board of education. IN ITS DISCRETION, THE BOARD OF EDUCATION MAY ADOPT A RESOLUTION ESTABLISHING THE OFFICE OF DEPUTY CLAIMS AUDITOR WHO SHALL ACT AS CLAIMS AUDITOR IN THE ABSENCE OF THE CLAIMS AUDITOR. Such claims auditor shall report directly to the board of education. No person shall be eligible for appointment to the office of claims auditor OR DEPUTY CLAIMS AUDITOR who shall also be:

(1) a member of the board of education;

(2) the clerk or treasurer of the board of education;

(3) the superintendent of schools or other official of the district responsible for business management;

(4) the person designated as purchasing agent; or

(5) clerical or professional personnel directly involved in accounting and purchasing functions of the school district.

b. Such claims auditor OR DEPUTY CLAIMS AUDITOR shall not be required to be a resident of the district, and such position shall be classified in the exempt class of the civil service. Such board of education, at any time after the establishment of the office of claims auditor OR DEPUTY CLAIMS AUDITOR, may adopt a resolution abolishing such office, whereupon such office shall be abolished. When the office of claims auditor shall have been established and a claims auditor shall have been appointed and shall have qualified, the powers and duties of the board of education with respect to claims auditing, allowing or rejecting all accounts, charges, claims or demands against the school district shall devolve upon and thereafter be exercised by such claims auditor, during the continuance of such office. A board shall be permitted to delegate the claims audit function TO ONE OR MORE INDEPENDENT ENTITIES by using

(1) inter-municipal cooperative agreements, (2) shared services to the extent authorized by section nineteen hundred fifty of this title, or (3) independent contractors, to fulfill this function.

C. WHEN THE BOARD OF EDUCATION DELEGATES THE CLAIMS AUDIT FUNCTION USING AN INTER-MUNICIPAL COOPERATIVE AGREEMENT, SHARED SERVICE AUTHORIZED BY SECTION NINETEEN HUNDRED FIFTY OF THIS TITLE, OR AN INDEPENDENT CONTRACTOR, THE BOARD SHALL BE RESPONSIBLE FOR AUDITING ALL CLAIMS FOR SERVICES FROM THE ENTITY PROVIDING THE DELEGATED CLAIMS AUDITOR, EITHER DIRECTLY OR THROUGH A DELEGATION TO A DIFFERENT INDEPENDENT ENTITY.

S 3. Paragraph e of subdivision 2 of section 1711 of the education law, as amended by chapter 263 of the laws of 2005, is amended to read as follows:

e. To have supervision and direction of associate, assistant and other superintendents, directors, supervisors, principals, teachers, lecturers, medical inspectors, nurses, claims auditors, DEPUTY CLAIMS AUDITORS, attendance officers, janitors and other persons employed in the management of the schools or the other educational activities of the district authorized by this chapter and under the direction and management of the board of education; to transfer teachers from one school to another, or from one grade of the course of study to another grade in such course, and to report immediately such transfers to such board for its consideration and actions; to report to such board violations of regulations and cases of insubordination, and to suspend an associate, assistant or other superintendent, director, supervisor, expert, principal, teacher or other employee until the next regular meeting of such board, when all facts relating to the case shall be submitted to such board for its consideration and action.

S 4. Subdivision 1 of section 1724 of the education law, as amended by chapter 259 of the laws of 1975, is amended to read as follows:

1. No claim against a central school district or a union free school district, except for compensation for services of an officer or employee engaged at agreed wages by the hour, day, week, month or year or for the principal of or interest on indebtedness of the district, shall be paid unless an itemized voucher therefor approved by the officer whose action gave rise or origin to the claim, shall have been presented to the board of education of the district and shall have been audited and allowed; PROVIDED, HOWEVER, THAT IN THE CASE OF A SCHOOL DISTRICT WITH A PUBLIC SCHOOL ENROLLMENT OF TEN THOUSAND STUDENTS OR MORE, THE BOARD OF EDUCATION MAY, AT ITS DISCRETION, USE A RISK-BASED OR SAMPLING METHODOLOGY TO DETERMINE WHICH CLAIMS ARE TO BE AUDITED IN LIEU OF AUDITING ALL CLAIMS. The board of education shall be authorized, but not required, to prescribe the form of such voucher.

S 5. Subdivision 4 of section 1950 of the education law is amended by adding a new paragraph oo to read as follows:

OO. AT THE REQUEST OF ONE OR MORE SCHOOL DISTRICTS, CONTRACT FOR THE PROCUREMENT OF TELECOMMUNICATIONS EQUIPMENT ON BEHALF OF SUCH SCHOOL DISTRICTS, SUBJECT TO THE REQUIREMENTS OF SECTIONS ONE HUNDRED THREE AND ONE HUNDRED FOUR-B OF THE GENERAL MUNICIPAL LAW, PROVIDED THAT THE COSTS OF SUCH CONTRACTS SHALL BE ELIGIBLE FOR AID PURSUANT TO SUBDIVISION FIVE OF THIS SECTION IF APPROVED BY THE COMMISSIONER AS AN AIDABLE SHARED SERVICE UPON REQUEST OF TWO OR MORE COMPONENT SCHOOL DISTRICTS.

S 6. Paragraph q of subdivision 4 of section 1950 of the education law, as separately amended by chapters 367 and 563 of the laws of 1979, is amended to read as follows:

q. To provide transportation for pupils [to and from classes maintained by such board of cooperative educational services] at the request

of one or more school districts. SUCH SERVICES MAY INCLUDE, BUT NEED NOT BE LIMITED TO, AUTHORIZED PUPIL TRANSPORTATION TO AND FROM CLASSES MAINTAINED BY A BOARD OF COOPERATIVE EDUCATIONAL SERVICES AND TO AND FROM SCHOOL, BOTH PUBLIC AND NONPUBLIC. School districts and boards of cooperative educational services are authorized to enter into contracts with one or more school districts, private contractors, and one or more boards of cooperative educational services and any municipal corporation and authority to provide such transportation. Boards of cooperative educational services may operate joint or regional transportation systems for the transportation authorized by articles seventy-three and eighty-nine of this chapter. Such [transporation] TRANSPORTATION, except when provided by a political subdivision or a board of cooperative educational services, shall be subject to the requirements of subdivision fourteen of section three hundred five of [the education law] THIS CHAPTER.

S 7. Subdivision 17 of section 1950 of the education law is REPEALED.

S 8. Subdivision 2 of section 2116-b of the education law, as added by chapter 263 of the laws of 2005, is amended to read as follows:

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

S 9. Section 2215 of the education law is amended by adding a new subdivision 17 to read as follows:

17. TO DETERMINE THE ADEQUACY AND APPROPRIATENESS OF THE FACILITIES SPACE AVAILABLE TO HOUSE SPECIAL EDUCATION PROGRAMS IN THE GEOGRAPHIC AREA SERVED BY THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES, CONSISTENT WITH THE LEAST RESTRICTIVE ENVIRONMENT REQUIREMENT AND TO ENSURE THE STABILITY AND CONTINUITY OF PROGRAM PLACEMENTS FOR STUDENTS WITH DISABILITIES, INCLUDING PROCEDURES THAT ENSURE THAT SPECIAL EDUCATION PROGRAMS AND SERVICES LOCATED IN APPROPRIATE FACILITIES WILL NOT BE RELOCATED WITHOUT ADEQUATE CONSIDERATION OF THE NEEDS OF PARTICIPATING STUDENTS WITH DISABILITIES.

S 10. Subdivision 5 of section 2503 of the education law, as amended by chapter 263 of the laws of 2005, is amended to read as follows:

5. Shall create, abolish, maintain and consolidate such positions, divisions, boards or bureaus as, in its judgment, may be necessary for the proper and efficient administration of its work; shall appoint properly qualified persons to fill such positions, including a superintendent of schools, such associate, assistant and other superintendents, directors, supervisors, principals, teachers, lecturers, special instructors, medical inspectors, nurses, claims auditors, DEPUTY CLAIMS AUDITORS, attendance officers, secretaries, clerks, custodians, janitors and other employees and other persons or experts in educational, social or recreational work or in the business management or direction of its affairs as said board shall determine necessary for the efficient management of the schools and other educational, social, recreational and business activities; and shall determine their duties except as otherwise provided herein.

S 11. Subdivision 5 of section 2508 of the education law, as amended by chapter 263 of the laws of 2005, is amended to read as follows:

5. To have supervision and direction of associate, assistant and other superintendents, directors, supervisors, principals, teachers, lecturers, medical inspectors, nurses, claims auditors, DEPUTY CLAIMS AUDITORS, attendance officers, janitors and other persons employed in the management of the schools or the other educational activities of the district authorized by this chapter and under the direction and management of the board of education; to transfer teachers from one school to another, or from one grade of the course of study to another grade in such course, and to report immediately such transfers to such board for its consideration and action; to report to such board violations of regulations and cases of insubordination, and to suspend an associate, assistant or other superintendent, director, supervisor, expert, principal, teacher or other employee until the next regular meeting of such board, when all facts relating to the case shall be submitted to such board for its consideration and action.

S 12. Subdivision 2 of section 2523 of the education law, as amended by chapter 263 of the laws of 2005, is amended to read as follows:

2. Such moneys shall be disbursed only on the signature of such treasurer by checks payable to the person or persons entitled thereto. The board of education may in its discretion require that such checks-other than checks for salary, be countersigned by another officer of such district. When authorized by resolution of the board of education such checks may be signed with the facsimile signature of the treasurer and other district officer whose signature is required, as reproduced by a machine or device commonly known as a check-signer. Each check drawn by the treasurer shall state the fund against which it is drawn. No fund shall be overdrawn nor shall any check be drawn upon one fund to pay a claim chargeable to another. No money shall be paid out by the treasurer except upon the warrant of the clerk of the board of education after audit and allowance by such board, or if a claims auditor OR DEPUTY CLAIMS AUDITOR shall have been appointed, except upon the warrant of such claims auditor OR DEPUTY CLAIMS AUDITOR after audit and allowance thereof; provided, however, when provision for payment has been made in the annual budget the treasurer may pay, without such warrant or prior audit and allowance, (a) the principal of and interest on bonds, notes or other evidences of indebtedness of the district or for the payment of which the district shall be liable, and (b) compensation for services of officers or employees engaged at agreed wages by the hour, day, week, month or year upon presentation of a duly certified payroll; AND PROVIDED FURTHER THAT IN THE CASE OF A CITY SCHOOL DISTRICT WITH A PUBLIC SCHOOL ENROLLMENT OF TEN THOUSAND STUDENTS OR MORE, THE BOARD OF EDUCATION MAY, AT ITS DISCRETION, USE A RISK-BASED OR SAMPLING METHODOLOGY TO DETERMINE WHICH CLAIMS ARE TO BE AUDITED IN LIEU OF AUDITING ALL CLAIMS. By resolution duly adopted, the board may determine to enter into a contract to provide for the deposit of the periodic payroll of the school district in a bank or trust company for disbursal by it in accordance with provisions of section ninety-six-b of the banking law.

S 13. Subdivision 1 of section 2524 of the education law, as amended by chapter 263 of the laws of 2005, is amended to read as follows:

1. No claim against a city school district, except for compensation for services of an officer or employee engaged at agreed wages by the hour, day, week, month or year or for the principal of or interest on indebtedness of the district, shall be paid unless an itemized voucher therefor approved by the officer whose action gave rise or origin to the claim, shall have been presented to the board of education, or THE claims auditor OR DEPUTY CLAIMS AUDITOR of the city school district and

shall have been audited and allowed, PROVIDED THAT IN THE CASE OF A CITY SCHOOL DISTRICT WITH A PUBLIC SCHOOL ENROLLMENT OF TEN THOUSAND STUDENTS OR MORE, THE BOARD OF EDUCATION MAY, AT ITS DISCRETION, USE A RISK-BASED OR SAMPLING METHODOLOGY TO DETERMINE WHICH CLAIMS ARE TO BE AUDITED IN LIEU OF AUDITING ALL CLAIMS. The board of education shall be authorized, but not required, to prescribe the form of such voucher.

S 14. Section 2525 of the education law, as amended by chapter 263 of the laws of 2005, is amended to read as follows:

S 2525. Audit of claims. 1. The board of education, in considering any claim OR WHERE APPLICABLE A SAMPLING OF CLAIMS, may require any person presenting the same to be sworn before it or before any member thereof and to give testimony relative to the justness and accuracy of such claim, and may take evidence and examine witnesses under oath in respect to the claim, and for that purpose may issue subpoenas for the attendance of witnesses. When a claim OR WHERE APPLICABLE A SAMPLING OF CLAIMS has been finally audited by the board of education the clerk of such board shall endorse thereon or attach thereto a certificate of such audit and file the same as a public record in his or her office. When any claim has been so audited and a certificate thereof so filed, the clerk of the board of education shall draw a warrant specifying the name of the claimant, the amount allowed and the fund, function and object chargeable therewith and such other information as may be deemed necessary and essential, directed to the treasurer of the district, authorizing and directing him or her to pay to the claimant the amount allowed upon his or her claim. A copy of such warrant shall be filed in the office of the clerk.

2. In a city school district in which the office of claims auditor OR DEPUTY CLAIMS AUDITOR has been created, the claims auditor OR DEPUTY CLAIMS AUDITOR in considering a claim OR WHERE APPLICABLE A SAMPLING OF CLAIMS, may require any person presenting the same to be sworn before him or her and to give testimony relative to the justness and accuracy of such claim, and may take evidence and examine witnesses under oath in respect to the claim, and for that purpose may issue subpoenas for the attendance of witnesses. When a claim, OR WHERE APPLICABLE A SAMPLING OF CLAIMS, has been finally audited by the claims auditor OR DEPUTY CLAIMS AUDITOR he or she shall endorse thereon or attach thereto a certificate of such audit and file the same as a public record in his or her office. When any claim has been so audited and a certificate thereof so filed, the claims auditor OR DEPUTY CLAIMS AUDITOR shall draw a warrant specifying the number of the claim, the name of the claimant, the amount allowed and the fund, function and object chargeable therewith and such other information as may be deemed necessary or essential, directed to the treasurer of the district, authorizing and directing him or her to pay to the claimant the amount allowed upon his or her claim. IN THE CASE OF A CITY SCHOOL DISTRICT WITH A PUBLIC SCHOOL ENROLLMENT OF TEN THOUSAND STUDENTS OR MORE, THE BOARD OF EDUCATION MAY, AT ITS DISCRETION, USE A RISK-BASED OR SAMPLING METHODOLOGY TO DETERMINE WHICH CLAIMS ARE TO BE AUDITED IN LIEU OF AUDITING ALL CLAIMS. A copy of such warrant shall be filed in the office of the clerk.

S 15. Section 2526 of the education law, as amended by chapter 263 of the laws of 2005, is amended to read as follows:

S 2526. Claims auditor. 1. The board of education of a city school district may adopt a resolution establishing the office of claims auditor and appoint a claims auditor who shall hold his or her position subject to the pleasure of such board of education. IN ITS DISCRETION, THE BOARD MAY ADOPT A RESOLUTION ESTABLISHING THE OFFICE OF DEPUTY

CLAIMS AUDITOR WHO SHALL ACT AS CLAIMS AUDITOR IN THE ABSENCE OF THE CLAIMS AUDITOR. Such claims auditor shall report directly to the board of education. No person shall be eligible for appointment to the office of claims auditor OR DEPUTY CLAIMS AUDITOR who shall be:

(1) a member of the board of education;

(2) the clerk or treasurer of the board of education;

(3) the superintendent of schools or other official of the district responsible for business management;

(4) the person designated as purchasing agent; or

(5) clerical or professional personnel directly involved in accounting and purchasing functions of the school district.

1-a. The [position] POSITIONS of claims auditor AND DEPUTY CLAIMS AUDITOR shall be classified in the exempt class of civil service. Such board of education, at any time after the establishment of the office of claims auditor OR DEPUTY CLAIMS AUDITOR, may adopt a resolution abolishing such office, whereupon such office shall be abolished.

2. When the office of claims auditor shall have been established and a claims auditor shall have been appointed and shall have qualified, the powers and duties of the board of education with respect to claims auditing, allowing or rejecting all accounts, charges, claims or demands against the city school district shall devolve upon and thereafter be exercised by such claims auditor, during the continuance of such office. The board of education shall be permitted to delegate the claims audit function TO ONE OR MORE INDEPENDENT ENTITIES by using (1) inter-municipal cooperative agreements, (2) shared services to the extent authorized by section nineteen hundred fifty of this title, or (3) independent contractors, to fulfill this function.

3. WHEN THE BOARD OF EDUCATION DELEGATES THE CLAIMS AUDIT FUNCTION USING AN INTER-MUNICIPAL COOPERATIVE AGREEMENT, SHARED SERVICE AUTHORIZED BY SECTION NINETEEN HUNDRED FIFTY OF THIS TITLE, OR AN INDEPENDENT CONTRACTOR, THE BOARD SHALL BE RESPONSIBLE FOR AUDITING ALL CLAIMS FOR SERVICES FROM THE ENTITY PROVIDING THE DELEGATED CLAIMS AUDITOR, EITHER DIRECTLY OR THROUGH A DELEGATION TO A DIFFERENT INDEPENDENT ENTITY.

S 16. Section 2527 of the education law, as amended by chapter 263 of the laws of 2005, is amended to read as follows:

S 2527. Official undertakings. The clerk of the board of education or, where the office of claims auditor OR DEPUTY CLAIMS AUDITOR has been created, the claims auditor OR DEPUTY CLAIMS AUDITOR, and the treasurer, collector and such other officers and employees as the board of education shall designate, shall, before they enter upon the duties of their respective offices or positions, each execute to the school district and file with the school district clerk an official undertaking in such sum and with such corporate surety as the board of education shall direct and approve. The board of education may, at any time, require any such officer or employee to file a new official undertaking for such sum and with such corporate surety as the board shall approve. Such undertakings as shall have been approved by the board of education shall forthwith be filed with the school district clerk. The expense of any undertaking executed pursuant to this section shall be a school district charge.

S 17. Subdivision 2-a of section 2554 of the education law, as amended by chapter 263 of the laws of 2005, is amended to read as follows:

2-a. a. In its discretion to adopt a resolution establishing the office of claims auditor and appoint a claims auditor who shall hold his or her position subject to the pleasure of the board. IN ITS DISCRETION, THE BOARD MAY ADOPT A RESOLUTION ESTABLISHING ONE OR MORE OFFICES OF DEPUTY CLAIMS AUDITOR WHO SHALL ACT AS CLAIMS AUDITOR IN THE

ABSENCE OF THE CLAIMS AUDITOR. Such claims auditor shall report directly to the board of education. No person shall be eligible for appointment to the office of claims auditor OR DEPUTY CLAIMS AUDITOR who shall be

(1) a member of the board of education;

(2) a clerk or treasurer of the board of education;

(3) the superintendent of schools or other official of the district responsible for business management;

(4) the person designated as purchasing agent; or

(5) clerical or professional personnel directly involved in accounting and purchasing functions of the school district.

b. The [position] POSITIONS of claims auditor OR DEPUTY CLAIMS AUDITOR shall be classified in the exempt class of civil service. The board of education, at any time after the establishment of the office of claims auditor OR DEPUTY CLAIMS AUDITOR, may adopt a resolution abolishing the office. When the office of claims auditor shall have been established and a claims auditor shall have been appointed and shall have qualified, the powers and duties of the board of education with respect to auditing accounts, charges, claims or demands against the city school district shall devolve upon and thereafter be exercised by such claims auditor, during the continuance of the office. The board of education shall be permitted to delegate the claims audit function TO ONE OR MORE INDEPENDENT ENTITIES by using (1) inter-municipal cooperative agreements, or (2) independent contractors, to fulfill this function.

C. WHEN THE BOARD OF EDUCATION DELEGATES THE CLAIMS AUDIT FUNCTION USING AN INTER-MUNICIPAL COOPERATIVE AGREEMENT, SHARED SERVICE AUTHORIZED BY SECTION NINETEEN HUNDRED FIFTY OF THIS TITLE, OR AN INDEPENDENT CONTRACTOR, THE BOARD SHALL BE RESPONSIBLE FOR AUDITING ALL CLAIMS FOR SERVICES FROM THE ENTITY PROVIDING THE DELEGATED CLAIMS AUDITOR, EITHER DIRECTLY OR THROUGH A DELEGATION TO A DIFFERENT INDEPENDENT ENTITY REQUIREMENT AND TO ENSURE THE STABILITY AND CONTINUITY OF PROGRAM PLACEMENTS FOR STUDENTS WITH DISABILITIES, INCLUDING PROCEDURES THAT ENSURE THAT SPECIAL EDUCATION PROGRAMS AND SERVICES LOCATED IN APPROPRIATE FACILITIES WILL NOT BE RELOCATED WITHOUT ADEQUATE CONSIDERATION OF THE NEEDS OF PARTICIPATING STUDENTS WITH DISABILITIES.

S 18. Subdivision 2 of section 2562 of the education law, as amended by chapter 263 of the laws of 2005, is amended to read as follows:

2. The said board of education may require any person presenting for settlement an account or claim for any cause whatever against it to be sworn before it or a committee thereof, or before the claims auditor OR DEPUTY CLAIMS AUDITOR, or before any person designated by said board, touching such account or claim, and when so sworn, to answer orally as to any facts relative to the justness of such account or claim. A member of the board, the claims auditor OR DEPUTY CLAIMS AUDITOR, or any other person designated as hereinbefore stated, shall have the power to administer an oath to any person who shall give testimony to the justness of such account or claim, and for the purpose of securing such testimony may issue subpoenas for the attendance of witnesses. Wilful false swearing before the said board of education, a committee thereof, the claims auditor OR DEPUTY CLAIMS AUDITOR, or before any person designated as hereinbefore stated, is perjury and punishable as such.

S 19. Subdivision 6 of section 2566 of the education law, as amended by chapter 263 of the laws of 2005, is amended to read as follows:

6. To have supervision and direction of associate, assistant, district and other superintendents, directors, supervisors, principals, teachers, lecturers, medical inspectors, nurses, claims auditors, DEPUTY CLAIMS AUDITORS, attendance officers, janitors and other persons employed in

the management of the schools or the other educational activities of the city authorized by this chapter and under the direction and management of the board of education, except that in the city school districts of the cities of Buffalo and Rochester to also appoint, within the amounts budgeted therefor, such associate, assistant and district superintendents and all other supervising staff who are excluded from the right to bargain collectively pursuant to article fourteen of the civil service law; to transfer teachers from one school to another, or from one grade of the course of study to another grade in such course, and to report immediately such transfers to said board for its consideration and action; to report to said board of education violations of regulations and cases of insubordination, and to suspend an associate, assistant, district or other superintendent, director, supervisor, expert, principal, teacher or other employee until the next regular meeting of the board, when all facts relating to the case shall be submitted to the board for its consideration and action.

S 20. Paragraph a of subdivision 1 of section 2576 of the education law, as amended by chapter 263 of the laws of 2005, is amended to read as follows:

a. The salary of the superintendent of schools, associate, district or assistant or other superintendents, examiners, directors, supervisors, principals, teachers, lecturers, special instructors, claims auditors, DEPUTY CLAIMS AUDITORS, medical inspectors, nurses, attendance officers, clerks, custodians and janitors and the salary, fees or compensation of all other employees appointed or employed by said board of education. In addition, the expenses of personnel utilized to fulfill the internal audit function pursuant to section twenty-one hundred sixteen-b of this [chapter] TITLE.

S 21. Subdivisions 2 and 4 of section 2580 of the education law, subdivision 2 as amended by chapter 263 of the laws of 2005 and subdivision 4 as amended by chapter 452 of the laws of 1964, is amended to read as follows:

2. Such funds shall be disbursed by authority of the board of education upon written orders drawn on the city treasurer or other fiscal officer of the city. Such orders shall be signed by the superintendent of schools and the secretary of the board of education or such other officers as the board may authorize. If a claims auditor OR DEPUTY CLAIMS AUDITOR shall have been appointed, orders shall be signed by [the] SUCH claims auditor; provided, however, that the board may require, in addition, the signature of such other officer or officers as it may by resolution direct. Orders shall be numbered consecutively and shall specify the purpose for which they are drawn and the person or corporation to whom they are payable.

4. It shall be unlawful for a city treasurer or other officer having the custody of such city funds to permit their use for any purpose other than that for which they are lawfully authorized; they shall be paid out only on audit of the board of education or as otherwise provided herein; PROVIDED, HOWEVER, THAT THE BOARD OF EDUCATION MAY, AT ITS DISCRETION, USE A RISK-BASED OR SAMPLING METHODOLOGY TO DETERMINE WHICH CLAIMS ARE TO BE AUDITED IN LIEU OF AUDITING ALL CLAIMS. Payments from such funds shall be made only by checks signed by the treasurer or other custodian of such moneys and payable to the person or persons entitled thereto and countersigned either by the comptroller, or in a city having no comptroller, by an officer designated by the officer or body having the general control of the financial affairs of such city. The board of education of such city shall make, in addition to such classification of

its funds and accounts as it desires for its own use and information, such further classification of the funds under its management and control and of the disbursements thereof as the comptroller of the city, or the officer or body having the general control of the financial affairs of such city, shall require, and such board shall furnish such data in relation to such funds and their disbursements as the comptroller or such other financial officer or body of the city shall require.

S 22. Section 3035 of the education law is amended by adding a new subdivision 3-b to read as follows:

3-B. UPON REQUEST FROM A PROSPECTIVE EMPLOYEE WHO HAS BEEN CLEARED BY THE COMMISSIONER OF MOTOR VEHICLES PURSUANT TO SECTION FIVE HUNDRED NINE-CC OR TWELVE HUNDRED TWENTY-NINE-D OF THE VEHICLE AND TRAFFIC LAW, THE DEPARTMENT OF MOTOR VEHICLES SHALL BE AUTHORIZED TO FORWARD A COPY OF SUCH INDIVIDUAL'S CRIMINAL HISTORY RECORD AND SUCH INDIVIDUAL'S FINGERPRINTS TO THE COMMISSIONER FOR PURPOSES OF CONDUCTING A CRIMINAL HISTORY RECORD CHECK PURSUANT TO THIS SECTION. FURTHERMORE, UPON NOTIFICATION THAT SUCH PROSPECTIVE EMPLOYEE HAS BEEN CLEARED FOR EMPLOYMENT BY THE COMMISSIONER PURSUANT TO THIS SECTION, THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL HAVE THE AUTHORITY TO PROVIDE SUBSEQUENT CRIMINAL HISTORY NOTIFICATIONS DIRECTLY TO THE COMMISSIONER.

S 23. Subdivision 1 of section 3241 of the education law, as amended by chapter 971 of the laws of 1969, is amended to read as follows:

1. The board of education of each city, except in cities having a population of one hundred twenty-five thousand or more, shall constitute a permanent census board in such city. Such board shall, under its regulations, cause a census of the children in its city to be taken and to be amended from day to day, as changes of residence shall occur among persons in such cities within the ages prescribed in subdivision two of this section and as other persons shall come within the ages prescribed therein and as other persons within such ages shall become residents of such cities, so that there shall always be on file with such board a complete census giving the facts and information required in subdivision two of this section; PROVIDED, HOWEVER, THAT FOR PRE-SCHOOL STUDENTS FROM BIRTH TO FIVE YEARS OF AGE, SUCH CENSUS MAY BE PREPARED AND FILED BIENNIALLY ON OR BEFORE THE FIFTEENTH DAY OF OCTOBER.

S 24. Section 3242 of the education law, as amended by chapter 425 of the laws of 1993, is amended to read as follows:

S 3242. School census in school districts. The trustees or board of education of every school district may cause a census to be taken of all children between birth and eighteen years of age, including all such facts and information as are required in the census provided for in section thirty-two hundred forty-one of this chapter. Such census shall be prepared ANNUALLY FOR CHILDREN BETWEEN AGE FIVE AND EIGHTEEN WHO ARE ENTITLED TO ATTEND THE PUBLIC SCHOOLS WITHOUT PAYMENT OF TUITION in duplicate in their respective school districts, and one copy thereof filed with the teacher or principal and the other copy filed with the district superintendent or superintendent on or before the [fifteen] FIFTEENTH day of October. FOR PRE-SCHOOL STUDENTS FROM BIRTH TO FIVE YEARS OF AGE, SUCH CENSUS MAY BE PREPARED AND FILED BIENNIALLY ON OR BEFORE THE FIFTEENTH DAY OF OCTOBER. Such census shall include the reports and information required from cities as provided in section thirty-two hundred forty-one. All information regarding a [handicapped person] STUDENT WITH A DISABILITY under the age of twenty-one years shall be filed annually with the superintendent of the board of cooperative educational services of which said district may be a part.

S 25. Clause (b) of subparagraph 3 of paragraph e of subdivision 6 of section 3602 of the education law, as amended by section 1 of part F of chapter 383 of the laws of 2001, is amended to read as follows:

(b) Such assumed amortization for a project approved by the commissioner on or after the later of the first day of December, two thousand one or thirty days after the date upon which this subdivision shall have become a law AND PRIOR TO THE FIRST DAY OF JULY, TWO THOUSAND ELEVEN or for any debt service related to projects approved by the commissioner prior to such date where a bond, capital note or bond anticipation note is first issued [on or after such date] WITHIN SUCH PERIOD to fund such projects, shall commence: (i) eighteen months after such approval or (ii) on the date of receipt by the commissioner of a certification by the district that a general construction contract has been awarded for such project by the district, whichever is later, and SUCH ASSUMED AMORTIZATION FOR A PROJECT APPROVED BY THE COMMISSIONER ON OR AFTER THE FIRST DAY OF JULY, TWO THOUSAND ELEVEN SHALL COMMENCE: (III) EIGHTEEN MONTHS AFTER SUCH APPROVAL OR (IV) ON THE DATE OF RECEIPT BY THE COMMISSIONER OF BOTH THE FINAL CERTIFICATE OF SUBSTANTIAL COMPLETION OF THE PROJECT ISSUED BY THE ARCHITECT OR ENGINEER AND THE FINAL COST REPORT FOR SUCH PROJECT, WHICHEVER IS LATER, OR (V) UPON THE DATE OF A FINDING BY THE COMMISSIONER THAT THE CERTIFICATE OF SUBSTANTIAL COMPLETION OF THE PROJECT HAS BEEN ISSUED BY THE ARCHITECT OR ENGINEER, BUT THE DISTRICT IS UNABLE TO COMPLETE THE FINAL COST REPORT BECAUSE OF CIRCUMSTANCES BEYOND THE CONTROL OF THE DISTRICT. SUCH ASSUMED AMORTIZATION shall provide for equal semiannual payments of principal and interest based on an interest rate established pursuant to subparagraph five of this paragraph for such purpose for the school year during which such certification is received. The first installment of obligations issued by the school district in support of such projects may mature not later than the dates established pursuant to sections 21.00 and 22.10 of the local finance law.

S 26. Paragraph a of subdivision 1 and paragraph a and subparagraph 1 of paragraph b of subdivision 2 of section 3602-c of the education law, paragraph a of subdivision 1 as amended by chapter 474 of the laws of 2004, paragraph a and subparagraph 1 of paragraph b of subdivision 2 as amended by chapter 378 of the laws of 2007, are amended and a new paragraph e is added to subdivision 2, to read as follows:

a. "Services" shall mean instruction in the areas of gifted pupils, career education and education for students with disabilities, and counseling, psychological and social work services related to such instruction provided during the regular school year for pupils enrolled in a nonpublic school located in a school district, OTHER THAN AN APPROVED PRIVATE RESIDENTIAL OR NON-RESIDENTIAL SCHOOL FOR THE EDUCATION OF STUDENTS WITH DISABILITIES, provided that such instruction is given to pupils enrolled in the public schools of such district. SUCH TERM SHALL ALSO INCLUDE EDUCATION FOR STUDENTS WITH DISABILITIES ENROLLED IN SUCH A NONPUBLIC SCHOOL WHICH IS PROVIDED IN JULY AND AUGUST IN ACCORDANCE WITH PARAGRAPH E OF SUBDIVISION TWO OF THIS SECTION.

a. Boards of education of all school districts of the state shall furnish services to students who are residents of this state and who attend nonpublic schools located in such school districts, upon the written request of the parent or person in parental relation of any such student. Such a request for career education or services to gifted students shall be filed with the board of education of the school district in which the parent or person in parental relation of the student resides on or before the first day of June preceding the school

year for which the request is made. In the case of education for students with disabilities, such a request shall be filed with the trustees or board of education of the school district of location on or before the first of [June] APRIL preceding the school year for which the request is made[, or by July first, two thousand seven for the two thousand seven--two thousand eight school year only,] FOR THOSE STUDENTS FOR WHOM AN INDIVIDUALIZED EDUCATION SERVICE PROGRAM WAS DEVELOPED AND IMPLEMENTED PURSUANT TO THIS SECTION PRIOR TO SUCH DATE, AND ON OR BEFORE THE FIRST OF JUNE PRECEDING THE SCHOOL YEAR FOR WHICH THE REQUEST IS MADE FOR THOSE STUDENTS WHO WILL BE FIRST RECEIVING EDUCATION FOR STUDENTS WITH DISABILITIES PURSUANT TO THIS SECTION IN THE SCHOOL YEAR FOR WHICH THE REQUEST IS MADE OR FOR WHOM AN INDIVIDUALIZED EDUCATION SERVICE PROGRAM IS FIRST DEVELOPED AND IMPLEMENTED ON OR AFTER APRIL FIRST AND ON OR BEFORE JUNE FIRST; provided that where a student is first identified as a student with a disability after the first day of June preceding the school year for which the request is made, [or thirty days after the chapter of the laws of two thousand seven which amended this paragraph, takes effect where applicable, and prior to the first day of April of such current school year,] such request shall be submitted within thirty days after AN INDIVIDUALIZED EDUCATION SERVICE PROGRAM IS DEVELOPED FOR such student [is first identified]. [For students first identified after March first of the current school year, any such request for education for students with disabilities in the current school year that is submitted on or after April first of such current school year, shall be deemed a timely request for such services in the following school year.]

(1) For the purpose of obtaining education for students with disabilities, as defined in paragraph d of subdivision one of this section, such request shall be reviewed by the committee on special education of the school district of location, which shall develop an individualized education service program for the student based on the student's individual needs in the same manner and with the same contents as an individualized education program, EXCEPT AS OTHERWISE PROVIDED IN THIS SUBPARAGRAPH. The committee on special education shall assure that special education programs and services are made available to students with disabilities attending nonpublic schools located within the school district on an equitable basis, as compared to special education programs and services provided to other students with disabilities attending public or nonpublic schools located within the school district, EXCEPT THAT THERE SHALL BE NO ENTITLEMENT UNDER THIS SECTION TO THE PROVISION OF A SPECIAL CLASS OR INTEGRATED CO-TEACHING SERVICES, AS SUCH TERMS ARE DEFINED IN THE REGULATIONS OF THE COMMISSIONER, BY THE SCHOOL DISTRICT OF LOCATION FOR ALL OR PART OF THE SCHOOL DAY. Review of the recommendation of the committee on special education may be obtained by the parent or person in parental relation of the pupil pursuant to the provisions of section forty-four hundred four of this chapter; PROVIDED THAT A DUE PROCESS COMPLAINT, OTHER THAN A DUE PROCESS COMPLAINT RELATING TO CHILD FIND REQUIREMENTS BROUGHT PURSUANT TO PARAGRAPH C OF THIS SUBDIVISION, SUBMITTED ON OR AFTER SEPTEMBER FIRST TWO THOUSAND ELEVEN SHALL BE SUBMITTED TO MEDIATION PURSUANT TO SECTION FORTY-FOUR HUNDRED FOUR-A OF THIS CHAPTER AND AT LEAST ONE MEDIATION SESSION SHALL BE HELD PRIOR TO MAKING A REQUEST FOR AN IMPARTIAL HEARING.

E. A NONPUBLIC SCHOOL STUDENT WHOSE DISABILITY IS SEVERE ENOUGH TO EXHIBIT THE NEED FOR A STRUCTURED LEARNING ENVIRONMENT OF TWELVE MONTHS DURATION TO MAINTAIN DEVELOPMENTAL LEVELS SHALL BE ELIGIBLE TO RECEIVE

SPECIAL EDUCATION PROGRAMS AND SERVICES IN JULY AND AUGUST IN ACCORDANCE WITH THE INDIVIDUALIZED EDUCATION SERVICE PROGRAM DEVELOPED BY THE COMMITTEE ON SPECIAL EDUCATION OF THE SCHOOL DISTRICT OF LOCATION AND THE PROVISIONS OF SECTION FORTY-FOUR HUNDRED EIGHT OF THIS CHAPTER. PROVIDED, HOWEVER, THAT A NONPUBLIC SCHOOL STUDENT SHALL NOT BE ENTITLED PURSUANT TO THIS SECTION TO PLACEMENT IN A SPECIAL CLASS OR INTEGRATED CO-TEACHING SERVICES, AS SUCH TERMS ARE DEFINED IN THE REGULATIONS OF THE COMMISSIONER, IN JULY AND AUGUST. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE SCHOOL DISTRICT OF LOCATION SHALL BE ELIGIBLE FOR STATE AID FOR SUCH SERVICES EXCLUSIVELY PURSUANT TO SECTION FORTY-FOUR HUNDRED EIGHT OF THIS CHAPTER.

S 27. Subdivision 7 of section 3602-c of the education law, as amended by chapter 378 of the laws of 2007, is amended to read as follows:

7. a. Boards of education of districts providing career education and gifted education services to non-resident students shall be entitled to recover tuition from the district of residence of such students in accordance with a formula promulgated by the commissioner by regulation.

b. In the case of the education for students with disabilities who are residents of New York, a school district of location providing services to non-resident students shall be entitled to recover costs of services, costs of evaluation, and costs of committee on special education administration directly from the district of residence of the student if consent of the parent or person in parental relation is obtained to release of personally identifiable information concerning their child. If such consent is not obtained, the school district of location shall submit to the commissioner, in a form prescribed by the commissioner, a claim for costs of services, evaluation costs, and committee on special education administrative costs that includes the address of the student's permanent residence, including the school district of residence, and a certification by officials of the nonpublic school attended by the student that such address is the address of record of such student. Upon certification by the commissioner of the amount of such claim, the state comptroller shall deduct such amount from any state funds which become due to such school district of residence.

c. The amount charged by the school district of location for services, evaluation[, eligible due process costs] and committee on special education administrative costs shall not exceed the actual cost to the school district of location, after deducting any costs paid with federal or state funds. The commissioner shall adopt regulations prescribing a dispute resolution mechanism that will be available to a school district of residence where such district disagrees with the amount of tuition or costs charged by the school district of location.

D. THE COMMISSIONER SHALL ESTABLISH REGIONAL RATE METHODOLOGIES FOR COMPUTING REGIONAL RATES TO DETERMINE ACTUAL COSTS FOR EACH OF THE FOLLOWING CATEGORIES OF COSTS: (I) COSTS OF SERVICES, (II) EVALUATIONS AND (III) SPECIAL EDUCATION ADMINISTRATION. THE SCHOOL DISTRICT OF LOCATION MAY ELECT TO USE ANY SUCH REGIONAL RATE METHODOLOGIES IN EFFECT FOR THE CURRENT SCHOOL YEAR FOR ALL NONRESIDENT STUDENTS RECEIVING SERVICES PURSUANT TO SUBDIVISION TWO OF THIS SECTION IN SUCH SCHOOL YEAR OR MAY OPT TO COMPUTE ACTUAL COSTS ON AN INDIVIDUAL STUDENT BASIS. IF SUCH SCHOOL DISTRICT ELECTS TO USE REGIONAL RATES FOR SERVICES, IT SHALL USE ALL REGIONAL RATES THEN IN EFFECT FOR BILLING SERVICES FOR ALL SUCH NONRESIDENT STUDENTS AND IF SUCH SCHOOL DISTRICT ELECTS TO USE REGIONAL RATES FOR BILLING EVALUATION OR SPECIAL EDUCATION ADMINISTRATION COSTS, IT SHALL USE SUCH RATES FOR BILLING FOR SUCH COSTS FOR ALL SUCH NONRESIDENT STUDENTS. THE SCHOOL DISTRICT OF LOCATION MAY, HOWEVER, ELECT TO

USE REGIONAL RATES FOR ONE OR MORE CATEGORIES OF COSTS, AND NOT FOR THE OTHER CATEGORIES.

E. NO CLAIM SHALL BE PAYABLE PURSUANT TO THIS SUBDIVISION UNLESS IT IS SUBMITTED TO THE SCHOOL DISTRICT OF RESIDENCE, OR THE COMMISSIONER WHERE APPLICABLE, WITHIN ONE YEAR OF THE END OF THE SCHOOL YEAR IN WHICH THE COSTS WERE INCURRED, OR WITHIN SIXTY DAYS OF THE EFFECTIVE DATE OF THIS PARAGRAPH, WHICHEVER IS LATER.

S 28. Section 3635 of the education law is amended by adding a new subdivision 8 to read as follows:

8. THE TRUSTEES OR BOARD OF EDUCATION OF A SCHOOL DISTRICT MAY, AT ITS DISCRETION, PROVIDE STUDENT TRANSPORTATION BASED UPON PATTERNS OF ACTUAL RIDERSHIP. THE ACTUAL RIDERSHIP SHALL BE BASED UPON THE HISTORY AND EXPERIENCE THAT YIELDS A CONSISTENT PATTERN OF ELIGIBLE PUPILS NOT USING DISTRICT TRANSPORTATION; OR MODELING OF FUTURE RIDERSHIP; OR THE SHARING OF TRANSPORTATION REGIONALLY; OR OTHER CRITERIA DETERMINED BY THE SCHOOL DISTRICT THAT ENSURE THAT ALL STUDENTS IN NEED OF TRANSPORTATION RECEIVE IT. NOTHING IN THIS SUBDIVISION SHALL BE CONSTRUED TO REDUCE OR RELIEVE SCHOOL DISTRICTS FROM THE RESPONSIBILITY OF PROVIDING TRANSPORTATION TO STUDENTS OTHERWISE ELIGIBLE FOR AND ACTUALLY IN NEED OF SUCH TRANSPORTATION. NOTHING IN THIS SUBDIVISION SHALL BE CONSTRUED TO AUTHORIZE A SCHOOL DISTRICT TO HAVE STANDING PASSENGERS IN VIOLATION OF SECTION THIRTY-SIX HUNDRED THIRTY-FIVE-C OF THIS ARTICLE, AND UNANTICIPATED RIDERSHIP SHALL NOT BE DEEMED AN UNFORESEEN OCCURRENCE FOR PURPOSES OF SUBDIVISION TWO OF SUCH SECTION AFTER THE FIRST DAY IN WHICH SUCH UNANTICIPATED RIDERSHIP OCCURS. ANY SCHOOL DISTRICT THAT, AT ITS DISCRETION, HAS ELECTED TO PROVIDE STUDENT TRANSPORTATION BASED UPON PATTERNS OF ACTUAL RIDERSHIP SHALL PLACE SUCH PLANS ON THE SCHOOL DISTRICT'S WEBSITE ON OR BEFORE AUGUST FIFTEENTH OF THE SCHOOL YEAR IN WHICH THE TRANSPORTATION PLAN WILL BE IMPLEMENTED.

S 29. Paragraph d of subdivision 4 of section 3641 of the education law is REPEALED.

S 30. Subparagraphs 5 and 7 of paragraph b of subdivision 1 of section 4402 of the education law, subparagraph 5 as amended by chapter 256 of the laws of 1988 and subparagraph 7 as amended by chapter 194 of the laws of 1991, are amended to read as follows:

(5) The committee on special education or, in the case of a state operated school, the multidisciplinary team shall [provide written notice that a child who is placed in those residential programs specified in paragraphs d, g, h and l of subdivision two of section forty-four hundred one of this article is not entitled to receive tuition free educational services after the age of twenty-one, the receipt of a high school diploma or the time described in subdivision five of this section. Such written notice shall be provided to the child and to the parents or legal guardian of such child when such child attains the age of eighteen or, if such child is over the age of eighteen when placed in such a residential program, at the time of placement. Upon the first annual review after the age of fifteen of a child who is receiving non-residential special services or programs as specified in paragraph a, b, c, d, e, f, i, j, l or m of subdivision two of section forty-four hundred one of this article, or is receiving special services or programs in a day program at the human resources school; is receiving such special services or programs one hundred per centum of the school day; is receiving individualized attention or intervention because of intensive management needs or a severe handicap; and, as determined by the committee on special education or multidisciplinary team pursuant to regulations promulgated by the commissioner, may need adult services

from the office of mental health, office of mental retardation and developmental disabilities, the state department of social services, a social services district, or the state education department, the committee or multidisciplinary team shall provide to such child's parent or guardian, and if such child is eighteen years of age or older, to the child, written notice that such child is not entitled to receive tuition free educational services after the receipt of a high school diploma, the age of twenty-one or the time described in subdivision five of this section.] ENSURE THAT UPON THE FIRST ANNUAL REVIEW AFTER THE AGE OF EIGHTEEN OF A STUDENT WITH A DISABILITY WHO IS PLACED IN A RESIDENTIAL PROGRAM BY THE COMMITTEE OR MULTIDISCIPLINARY TEAM, THE COMMITTEE OR MULTIDISCIPLINARY TEAM, WITH THE CONSENT OF THE PARENTS OR THE CHILD IF AGE EIGHTEEN OR OLDER, SHALL NOTIFY AND INVITE A REPRESENTATIVE OF THE OFFICE OF MENTAL HEALTH, OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES, THE STATE OFFICE OF CHILDREN AND FAMILY SERVICES, OR THE STATE EDUCATION DEPARTMENT AS APPROPRIATE, TO PARTICIPATE IN THE COMMITTEE ON SPECIAL EDUCATION MEETING FOR THE DEVELOPMENT OF A RECOMMENDATION FOR ADULT SERVICES PURSUANT TO SECTION 7.37 OR 13.37 OF THE MENTAL HYGIENE LAW, SECTION THREE HUNDRED NINETY-EIGHT-C OF THE SOCIAL SERVICES LAW OR SECTION FORTY-FOUR HUNDRED THREE OF THIS ARTICLE. THE COMMITTEE OR MULTIDISCIPLINARY TEAM SHALL GIVE THE PARENT OR GUARDIAN OF THE CHILD, OR FOR A STUDENT AGE EIGHTEEN AND OLDER, THE CHILD, THE OPPORTUNITY TO CONSENT IN WRITING TO THE RELEASE OF RELEVANT INFORMATION TO SUCH OTHER PUBLIC AGENCY OR AGENCIES, UPON REQUEST OF SUCH AGENCY OR AGENCIES, FOR PURPOSES OF DETERMINING APPROPRIATENESS OF AN ADULT PROGRAM FOR SUCH STUDENT.

(a) [Written notice given pursuant to this subparagraph shall describe in detail the opportunity to consent to have the child's name and other relevant information forwarded in a report to the commissioner of mental health, commissioner of mental retardation and developmental disabilities, commissioner of social services, or commissioner of education, or their designees, for the purpose of determining whether such child will likely need adult services and, if so, recommending possible adult services.] For the purposes of this subparagraph "relevant information" shall be defined as that information in the possession of and used by the committee or the multidisciplinary team to ascertain the physical, mental, emotional and cultural-educational factors which contribute to the child's [handicapping condition] DISABILITY, including but not limited to: (i) results of physical and psychological examinations performed by private and school district physicians and psychologists; (ii) relevant information presented by the parent, guardian and teacher; (iii) school data which bear on the child's progress including the child's most recent individualized education program; (iv) results of the most recent examinations and evaluations performed pursuant to clause (d) of subparagraph three of this paragraph; and (v) results of other suitable evaluations and examinations possessed by the committee or multidisciplinary team. Nothing in this subparagraph shall be construed to require any committee or multidisciplinary team to perform any examination or evaluation not otherwise required by law.

(b) Upon consent obtained pursuant to clause [(c)] (A) of this subparagraph, the committee or multidisciplinary team shall forward the child's name and other relevant information in a report to the [commissioner of mental health, commissioner of mental retardation and developmental disabilities, commissioner of social services, or commissioner of education, or their designees, for the development of a recommendation for adult services pursuant to section 7.37 or 13.37 of the mental

hygiene law, section three hundred ninety-eight-c of the social services law or subdivision ten of section forty-four hundred three of this article. The] APPROPRIATE PUBLIC AGENCY AS DETERMINED BY THE committee or multidisciplinary team [shall determine which commissioner shall receive the report by considering], BASED UPON the child's [handicapping condition] DISABILITY and physical, mental, emotional and social needs. The committee shall forward additional and updated relevant information to the [commissioner of mental health, commissioner of mental retardation and developmental disabilities, commmissioner of social services, or commissioner of education, or their designees,] APPROPRIATE PUBLIC AGENCY upon the request for such information by such [commissioner or designee] AGENCY, WITH THE CONSENT OF THE PARENTS, OR THE STUDENT, IF AGE EIGHTEEN OR OLDER.

(c) [Upon receipt of the notice by the child pursuant to this subparagraph, the child, if eighteen years of age or older, shall be given the opportunity to consent or withhold consent to the release of the relevant information. Such opportunity shall be given within twenty days of the receipt of the notice. An appropriate member of the staff of the educational facility shall be available to assist the child, if necessary, to understand the contents of the notice and the need for his or her consent for the release of the relevant information. A form, prescribed by the commissioner, shall be presented to the child for response, which shall clearly set forth the options of giving consent or withholding consent. In the event that the child exercises neither option, and the designated member of the staff of the educational facility has reason to believe that the child may not be able to understand the purpose of the form, or in the event that the child is less than eighteen years of age, the committee on special education or the multidisciplinary team shall give the parent or guardian of the child the opportunity to consent in writing to the release of the relevant information. Nothing in this clause shall be construed to be a determination of the child's mental capacity.

(d)] When the committee or multidisciplinary team is notified by the [commissioner who] PUBLIC AGENCY WHICH received the report that such state agency is not responsible for determining and recommending adult services for the child, the committee or multidisciplinary team shall forward the report to another [commissioner] PUBLIC AGENCY; or, if the committee or multidisciplinary team determines that there exists a dispute as to which state agency has the responsibility for determining and recommending adult services, the committee or multidisciplinary team may forward the report to the council on children and families for a resolution of such dispute.

[(e) The committee and multidisciplinary team shall prepare and submit an annual report to the state education department on or before October first of each year. Such annual report shall contain the number of cases submitted to each commissioner pursuant to clause (b) or (d) of this subparagraph, the type and severity of the handicapping condition involved with each such case, the number of notices received which deny responsibility for determining and recommending adult services, and other information necessary for the state education department and the council on children and families to monitor the need for adult services. Such annual report shall not contain individually identifying information. The state education department shall forward a copy of such annual report to the council on children and families. All information received by the council on children and families pursuant to this subparagraph shall be subject to the confidentiality requirements of the department.

(f) For purposes of this subparagraph, the term "multidisciplinary team" refers to the unit which operates in lieu of a committee on special education with respect to children in state operated schools.

(7)] (6) The committee on special education shall provide a copy of the handbook for parents of children with [handicapping conditions] DISABILITIES established under subdivision eight of section four thousand four hundred three of this article or a locally approved [handicapped] booklet FOR PARENTS OF CHILDREN WITH DISABILITIES to the parents or person in parental relationship to a child as soon as practicable after such child has been referred for evaluation to the committee on special education.

S 31. Paragraph a of subdivision 2 of section 4402 of the education law, as amended by chapter 243 of the laws of 1989, is amended to read as follows:

a. The board of education or trustees of each school district shall be required to furnish suitable educational opportunities for [children with handicapping conditions] STUDENTS WITH DISABILITIES by one of the special services or programs listed in subdivision two of section forty-four hundred one. The need of the individual child shall determine which of such services shall be rendered. Each district shall provide to the maximum extent appropriate such services in a manner which enables [children with handicapping conditions] STUDENTS WITH DISABILITIES to participate in regular education services when appropriate. Such services or programs shall be furnished between the months of September and June of each year, except that for the nineteen hundred eighty-seven--eighty-eight school year and thereafter, with respect to the students whose [handicapping conditions] DISABILITIES are severe enough to exhibit the need for a structured learning environment of twelve months duration to maintain developmental levels, the board of education or trustees of each school district upon the recommendation of the committee on special education [and, in the first instance, the consent of the parent] shall also provide, either directly or by contract, for the provision of special services and programs as defined in section forty-four hundred one of this article during the months of July and August as contained in the individualized education program for each eligible [child] STUDENT, and with prior approval by the commissioner if required; provided that [(i) a student with a handicapping condition who is first eligible to attend public school in the nineteen hundred eighty-seven--eighty-eight school year shall not be eligible to receive services pursuant to this paragraph during the months of July and August nineteen hundred eighty-seven and (ii) a student with a handicapping condition who is first eligible to attend public school in the nineteen hundred eighty-eight--eighty-nine school year shall not be eligible to receive services pursuant to this paragraph during the months of July and August nineteen hundred eighty-eight and (iii) a student with a handicapping condition who is eligible for services during the months of July and August nineteen hundred eighty-nine pursuant to the provisions of subdivision six of section forty-four hundred ten of this article shall not be eligible to receive services pursuant to this paragraph during such months and (iv)] a student with a [handicapping condition] DISABILITY who is eligible for services, including services during the months of July and August, pursuant to section forty-four hundred ten of this article shall not be eligible to receive services pursuant to this paragraph during the months of July and August.

S 32. Paragraph d of subdivision 4 of section 4402 of the education law, as amended by chapter 646 of the laws of 1992, is amended to read as follows:

d. Notwithstanding any other provision of law, such board shall provide suitable transportation up to a distance of fifty miles to and from a nonpublic school which a [child] STUDENT with a [handicapping condition] DISABILITY attends if such [child] STUDENT has been so identified by the local committee on special education and such [child] STUDENT attends such school for the purpose of receiving services or programs FROM SUCH NONPUBLIC SCHOOL THAT ARE similar to special [educational programs] EDUCATION PROGRAMS AND SERVICES recommended for such [child] STUDENT by the local committee on special education. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, A NONPUBLIC STUDENT RECEIVING TRANSPORTATION PURSUANT TO THIS PARAGRAPH SHALL NOT BE ENTITLED TO SPECIAL EDUCATION PROGRAMS AND SERVICES FROM THE SCHOOL DISTRICT OF LOCATION PURSUANT TO SECTION THIRTY-SIX HUNDRED TWO-C OF THIS CHAPTER. AS A CONDITION OF ELIGIBILITY FOR SUCH TRANSPORTATION, THE PARENT OR PERSON IN PARENTAL RELATION TO THE STUDENT SHALL CONSENT TO THE PROVISION OF NOTICE BY THE SCHOOL DISTRICT OF RESIDENCE TO THE CHAIRPERSON OF THE COMMITTEE OR SUBCOMMITTEE ON SPECIAL EDUCATION OF THE SCHOOL DISTRICT IN WHICH THE NONPUBLIC SCHOOL IS LOCATED IDENTIFYING SUCH STUDENT, BY NAME, ADDRESS AND SCHOOL OF ATTENDANCE, AS A STUDENT RECEIVING TRANSPORTATION PURSUANT TO THIS PARAGRAPH. THE SCHOOL DISTRICT OF RESIDENCE SHALL PROVIDE SUCH NOTICE NO LATER THAN THIRTY DAYS AFTER COMMENCING SUCH TRANSPORTATION.

S 33. Paragraph a of subdivision 1 of section 4404 of the education law, as amended by chapter 430 of the laws of 2006, is amended to read as follows:

a. If the parent or person in parental relation of a student, the board of education or trustees of a school district or a state agency responsible for providing education to students with disabilities presents a complaint with respect to any matter relating to the identification, evaluation or educational placement of the student or the provision of a free appropriate public education to the student or a manifestation determination or other matter relating to placement upon discipline of a student with a disability that may be the subject of an impartial hearing pursuant to subsection (k) of section fourteen hundred fifteen of title twenty of the United States code and the implementing federal regulations, and the party presenting the complaint or their attorney provides a due process complaint notice in accordance with federal law and regulations and such complaint sets forth an alleged violation that occurred not more than [two years] ONE YEAR before the date the parent or public agency knew or should have known about the alleged action that forms the basis for the complaint, OR IN THE CASE OF A COMPLAINT SEEKING TUITION REIMBURSEMENT FOR THE UNILATERAL PARENTAL PLACEMENT OF A STUDENT IN A PRIVATE SCHOOL, SUCH TUITION CLAIM IS PRESENTED NOT MORE THAN ONE HUNDRED EIGHTY DAYS FROM THE PLACEMENT BY THE PARENT OR PERSON IN PARENTAL RELATION IN THE PRIVATE SCHOOL, the board or agency shall appoint an impartial hearing officer to review the due process complaint notice when challenged and, if the matter is not resolved in a resolution session that has been convened as required by federal law, to preside over an impartial due process hearing and make a determination within such period of time as the commissioner by regulation shall determine, provided that the board of education or trustees shall offer the parent or person in parental relation the option of mediation pursuant to section forty-four hundred four-a of this article

as an alternative to an impartial hearing. Where the parent or person in parental relation or a school district or public agency presents a complaint, the school district or public agency responsible for appointing the impartial hearing officer shall provide the parent or person in parental relation with a procedural safeguards notice as required pursuant to subsection (d) of section fourteen hundred fifteen of title twenty of the United States code and the implementing federal regulations. Notwithstanding any provision of this subdivision to the contrary, the time limitation on presenting a complaint shall not apply to a parent or person in parental relation to the student if the parent or person in parental relation was prevented from requesting the impartial hearing due to specific misrepresentations by the school district or other public agency that it had resolved the problem forming the basis of the complaint or due to the school district's or other public agency's withholding of information from the parent or person in parental relation that was required under federal law to be provided. Nothing in this subdivision shall be construed to authorize the board of education or trustees to bring an impartial hearing to override the refusal of a parent or person in parental relation to consent where a local educational agency is prohibited by federal law from initiating such a hearing.

S 34. Paragraph a of subdivision 14 of section 305 of the education law, as amended by chapter 273 of the laws of 1999, is amended to read as follows:

a. All contracts for the transportation of school children, all contracts to maintain school buses owned or leased by a school district that are used for the transportation of school children, all contracts for mobile instructional units, and all contracts to provide, maintain and operate cafeteria or restaurant service by a private food service management company shall be subject to the approval of the commissioner, who may disapprove a proposed contract if, in his opinion, the best interests of the district will be promoted thereby. Except as provided in paragraph e of this subdivision, all such contracts involving an annual expenditure in excess of the amount specified for purchase contracts in the bidding requirements of the general municipal law shall be awarded to the lowest responsible bidder, which responsibility shall be determined by the board of education or the trustee of a district, with power hereby vested in the commissioner to reject any or all bids if, in his opinion, the best interests of the district will be promoted thereby and, upon such rejection of all bids, the commissioner shall order the board of education or trustee of the district to seek, obtain and consider new proposals. All proposals for such transportation, maintenance, mobile instructional units, or cafeteria and restaurant service shall be in such form as the commissioner may prescribe. Advertisement for bids shall be published in a newspaper or newspapers designated by the board of education or trustee of the district having general circulation within the district for such purpose OR IN THE STATE'S PROCUREMENT OPPORTUNITIES NEWSLETTER IN ACCORDANCE WITH ARTICLE FOUR-C OF THE ECONOMIC DEVELOPMENT LAW. Such advertisement shall contain a statement of the time when and place where all bids received pursuant to such advertisement will be publicly opened and read either by the school authorities or by a person or persons designated by them. All bids received shall be publicly opened and read at the time and place so specified. At least five days shall elapse between the first publication of such advertisement and the date so specified for the opening and reading of bids. The requirement for competitive bidding shall not apply

to an award of a contract for the transportation of pupils or a contract for mobile instructional units OR THE PROVISION, MAINTENANCE AND OPERATION OF CAFETERIA OR RESTAURANT SERVICE, if such award is based on an evaluation of proposals in response to a request for proposals pursuant to paragraph e of this subdivision. The requirement for competitive bidding shall not apply to annual, biennial, or triennial extensions of a contract nor shall the requirement for competitive bidding apply to quadrennial or quinquennial year extensions of a contract involving transportation of pupils, maintenance of school buses or mobile instructional units secured either through competitive bidding or through evaluation of proposals in response to a request for proposals pursuant to paragraph e of this subdivision, when such extensions (1) are made by the board of education or the trustee of a district, under rules and regulations prescribed by the commissioner, and, (2) do not extend the original contract period beyond five years from the date cafeteria and restaurant service commenced thereunder and in the case of contracts for the transportation of pupils, for the maintenance of school buses or for mobile instructional units, that such contracts may be extended, except that power is hereby vested in the commissioner, in addition to his existing statutory authority to approve or disapprove transportation or maintenance contracts, (i) to reject any extension of a contract beyond the initial term thereof if he finds that amount to be paid by the district to the contractor in any year of such proposed extension fails to reflect any decrease in the regional consumer price index for the N.Y., N.Y.-Northeastern, N.J. area, based upon the index for all urban consumers (CPI-U) during the preceding twelve month period; and (ii) to reject any extension of a contract after ten years from the date transportation or maintenance service commenced thereunder, or mobile instructional units were first provided, if in his opinion, the best interests of the district will be promoted thereby. Upon such rejection of any proposed extension, the commissioner may order the board of education or trustee of the district to seek, obtain and consider bids pursuant to the provisions of this section. The board of education or the trustee of a school district electing to extend a contract as provided herein, may, in its discretion, increase the amount to be paid in each year of the contract extension by an amount not to exceed the regional consumer price index increase for the N.Y., N.Y.-Northeastern, N.J. area, based upon the index for all urban consumers (CPI-U), during the preceding twelve month period, provided it has been satisfactorily established by the contractor that there has been at least an equivalent increase in the amount of his cost of operation, during the period of the contract.

S 35. Paragraph e of subdivision 14 of section 305 of the education law, as amended by chapter 464 of the laws of 1997, is amended to read as follows:

e. Notwithstanding the provisions of any general, special or local law or charter, a board of education or a trustee of a district, pursuant to rules and regulations promulgated by the commissioner, may award a contract for the transportation of pupils or a contract for mobile instructional units OR FOR THE PROVISION, MAINTENANCE AND OPERATION OF CAFETERIA OR RESTAURANT SERVICE BY A PRIVATE FOOD SERVICE MANAGEMENT COMPANY involving an annual expenditure in excess of the amount specified for purchase contracts in the bidding requirements of the general municipal law in compliance with the provisions of paragraph a of this subdivision or subsequent to an evaluation of proposals submitted in response to a request for proposals prepared by or for the board of

education or trustee of a district. A CONTRACT AWARDED THROUGH A REQUEST FOR PROPOSALS SHALL BE AWARDED BASED ON BEST VALUE IN ACCORDANCE WITH SUBDIVISION ONE-B OF SECTION ONE HUNDRED THREE OF THE GENERAL MUNICIPAL LAW. The commissioner, in addition to his existing statutory authority to approve or disapprove transportation contracts, may reject any award of a transportation contract or a contract for mobile instructional units that is based on an evaluation of proposals submitted in response to a request for proposals if he finds that (1) the contractor is not the most responsive to the request for proposals, or (2) that the best interests of the district will be promoted thereby.

S 36. Section 103 of the general municipal law is amended by adding a new subdivision 1-b to read as follows:

1-B. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION TO THE CONTRARY, THE TRUSTEES OR BOARD OF EDUCATION OF A SCHOOL DISTRICT OR A BOARD OF COOPERATIVE EDUCATIONAL SERVICES MAY DETERMINE THAT IT IS IN THE BEST INTEREST OF THE SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES TO ADOPT A POLICY AUTHORIZING THE AWARD OF CONTRACTS FOR SERVICES ON THE BASIS OF BEST VALUE AS DEFINED IN SECTION ONE HUNDRED SIXTY-THREE OF THE STATE FINANCE LAW TO RESPONSIVE AND RESPONSIBLE OFFERS. SUCH A CONTRACT FOR SERVICES MAY BE AWARDED ON THE BASIS OF BEST VALUE PROVIDED THAT THE CONTRACTING PROCESS AND AWARD SHALL COMPLY WITH THE GUIDELINES ESTABLISHED UNDER SECTION ONE HUNDRED SIXTY-THREE OF THE STATE FINANCE LAW BY THE STATE PROCUREMENT COUNCIL. ANY PROCUREMENT MADE UNDER THIS SUBDIVISION SHALL BE APPROVED BY THE TRUSTEES OR BOARD OF EDUCATION OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES, AS APPLICABLE. THE PROVISIONS OF THIS SUBDIVISION SHALL APPLY TO CONTRACTS SUBJECT TO THE PROVISIONS OF SUBDIVISION FOURTEEN OF SECTION THREE HUNDRED FIVE OF THE EDUCATION LAW, TO THE EXTENT PROVIDED IN SUCH SUBDIVISION FOURTEEN OF SECTION THREE HUNDRED FIVE OF THE EDUCATION LAW.

S 37. Subdivision 2 of section 103 of the general municipal law, as amended by section 5 of part X of chapter 62 of the laws of 2003, is amended to read as follows:

2. Advertisement for bids shall be published in the official newspaper or newspapers, if any, or otherwise in a newspaper or newspapers designated for such purpose OR IN THE STATE'S PROCUREMENT OPPORTUNITIES NEWSLETTER IN ACCORDANCE WITH ARTICLE FOUR-C OF THE ECONOMIC DEVELOPMENT LAW. Such advertisement shall contain a statement of the time when and place where all bids received pursuant to such notice will be publicly opened and read, and the designation of the receiving device if the political subdivision or district has authorized the receipt of bids in an electronic format. Such board or agency may by resolution designate any officer or employee to open the bids at the time and place specified in the notice. Such designee shall make a record of such bids in such form and detail as the board or agency shall prescribe and present the same at the next regular or special meeting of such board or agency. All bids received shall be publicly opened and read at the time and place so specified. At least five days shall elapse between the first publication of such advertisement and the date so specified for the opening and reading of bids.

S 37-a. Subdivision 2 of section 103 of the general municipal law, as amended by chapter 296 of the laws of 1958, is amended to read as follows:

2. Advertisement for bids shall be published in the official newspaper or newspapers, if any, or otherwise in a newspaper or newspapers designated for such purpose OR IN THE STATE'S PROCUREMENT OPPORTUNITIES NEWSLETTER IN ACCORDANCE WITH ARTICLE FOUR-C OF THE ECONOMIC DEVELOPMENT

LAW. Such advertisement shall contain a statement of the time when and place where all bids received pursuant to such notice will be publicly opened and read. Such board or agency may by resolution designate any officer or employee to open the bids at the time and place specified in the notice. Such designee shall make a record of such bids in such form and detail as the board or agency shall prescribe and present the same at the next regular or special meeting of such board or agency. All bids received shall be publicly opened and read at the time and place so specified. At least five days shall elapse between the first publication of such advertisement and the date so specified for the opening and reading of bids.

S 38. Subdivision 1 of section 6-0107 of the environmental conservation law, as added by chapter 433 of the laws of 2010, is amended to read as follows:

1. In addition to meeting other criteria and requirements of law governing approval, development, financing and state aid for the construction of new or expanded public infrastructure or the reconstruction thereof, no state infrastructure agency shall approve, undertake, support or finance a public infrastructure project, including providing grants, awards, loans or assistance programs, unless, to the extent practicable, it is consistent with the relevant criteria specified in subdivision two of this section. NOTWITHSTANDING THE PROVISIONS OF THIS SUBDIVISION OR ANY OTHER PROVISION OF THIS ARTICLE TO THE CONTRARY, PROJECTS FOR THE RECONSTRUCTION, RENOVATION, REPAIR OR IMPROVEMENT OF EXISTING PUBLIC SCHOOL FACILITIES OR EXISTING LIBRARY FACILITIES, AND PROJECTS FOR THE CONSTRUCTION OF NEW OR EXPANDED PUBLIC SCHOOL OR LIBRARY FACILITIES IN CITIES HAVING A POPULATION OF ONE HUNDRED TWENTY-FIVE THOUSAND INHABITANTS OR MORE, SHALL NOT BE DEEMED PUBLIC INFRASTRUCTURE PROJECTS SUBJECT TO THE REQUIREMENTS OF THIS ARTICLE.

S 39. Subparagraph 1 of paragraph (b) and paragraphs (c) and (d) of subdivision 20 of section 375 of the vehicle and traffic law, subparagraph 1 of paragraph (b) as amended by chapter 242 of the laws of 1992, paragraph (c) as amended by chapter 96 of the laws of 1973 and paragraph (d) as amended by chapter 567 of the laws of 1985, are amended to read as follows:

(1) In addition to such signal lamps, two signs shall be conspicuously displayed on the exterior of every such omnibus designating it as a school omnibus by the use of the words "SCHOOL BUS" which shall be painted or otherwise inscribed thereon in black letters. Such letters shall be of uniform size, at least eight inches in height, and each stroke of each letter shall be not less than one inch in width. The background of each such sign shall be painted [the color known as "national school bus chrome."] ON A BACKGROUND OF RETRO REFLECTIVE NATIONAL SCHOOL BUS YELLOW MATERIAL. THE MATERIAL SHALL BE THE SAME QUALITY AND TYPE AS FEDERAL MOTOR VEHICLE SAFETY STANDARDS REQUIRES FOR THE MARKING OF EMERGENCY EXITS. For each such omnibus having a seating capacity in excess of fifteen children, such signs shall be securely mounted on top of such vehicle, one of which shall be affixed on the front and one on the rear thereof. For each such omnibus having a seating capacity of not more than fifteen children, such signs shall be securely mounted on top of such vehicle, one of which shall face the front and one of which shall face the rear thereof. Each such sign shall be visible and readable from a point at least two hundred feet distant.

(c) [In the event such vehicle is operated on a public highway during the period between one-half hour after sunset and one-half hour before

sunrise, the signs required by paragraph (b) of this subdivision shall be illuminated as to be visible from a point at least five hundred feet distant.

(d)] Every such omnibus shall be equipped as provided in paragraphs (a) and (b) of this subdivision, [and such signs shall be displayed and illuminated in accordance with paragraphs (b) and (c) of this subdivision,] and such signal lamps shall be operated as provided in paragraph (a) of this subdivision at all times when such omnibus shall be engaged in transporting pupils to and from school or school activities or in transporting children to and from child care centers maintained for children of migrant farm and food processing laborers, or in transporting children to and from camp or camp activities or transporting children to and from religious services or instruction or transporting persons with disabilities on any such omnibus used by any state facility or not-for-profit agency licensed by the state.

S 40. Subdivision 15 of section 353 of the executive law is REPEALED.

S 40-a. Subdivisions 2 and 3 of section 810 of the education law are REPEALED.

S 41. The commissioner of education, in consultation with the office of the state comptroller, shall conduct a study of the feasibility and desirability of authorizing school districts and boards of cooperative educational services to enter national credit card contracts as a cost-saving measure, with appropriate safeguards. The commissioner shall submit a report to the board of regents, the governor and the legislature by no later than January 15, 2012, with recommendations on whether and under what conditions such credit card contracts should be authorized and identifying any legislative or regulatory changes that would be needed to authorize such credit card contracts.

S 42. This act shall take effect July 1, 2011; provided, however, if this act shall become a law after such date it shall take effect immediately and shall be deemed to have been in full force and effect on and after July 1, 2011; provided further that:

a. the amendments to subdivision 2 of section 3602-c of the education law made by section twenty-six of this act shall not affect the expiration of such subdivision and shall expire therewith;

b. the amendments to subdivision 7 of section 3602-c of the education law made by section twenty-seven of this act shall not affect the expiration of such subdivision and shall expire therewith;

b-1. the amendments to paragraph a of subdivision 1 of section 4404 of the education law made by section thirty-three of this act shall not affect the expiration of such subdivision and shall expire therewith;

c. the amendments to paragraph a of subdivision 14 of section 305 of the education law made by section thirty-four of this act shall not affect the expiration of such paragraph and shall expire therewith;

d. the amendments to paragraph e of subdivision 14 of section 305 of the education law made by section thirty-five of this act shall not affect the repeal of such paragraph and shall be deemed repealed therewith; and

e. the amendments to subdivision 2 of section 103 of the general municipal law made by section thirty-seven of this act shall be subject to the expiration and reversion of such subdivision pursuant to subdivision (a) of section 41 of part X of chapter 62 of the laws of 2003, as amended, when upon such date the provisions of section thirty-seven-a of this act shall take effect.