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

S. 6257--E A. 9057--D

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

January 17, 2012

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT in relation to school district eligibility for an increase in apportionment of school aid and implementation of new standards for conducting annual professional performance reviews to determine teacher and principal effectiveness; to amend the education law, in relation to contracts for excellence, apportionment of school aid, apportionment of school aid and of current year approved expenditures for debt service, calculation of the gap elimination restoration amount, apportionment for transportation, school district management efficiency awards, maximum class size, transportation to students who remain at school until 5 pm or later; to amend the social services law, in relation to requiring the office of temporary and disability assistance to provide the department of education with certain information; to amend the general municipal law, in relation to withdrawals from the employee benefit accrued liability reserve fund; to amend chapter 756 of the laws of 1992 relating to funding a program for work

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

LBD12672-07-2

force education conducted by the consortium for worker education in New York city, in relation to apportionment and reimbursement; and in relation to extending the expiration of certain provisions; to amend chapter 121 of the laws of 1996, relating to authorizing the Roosevelt union free school district to finance deficits by the issuance of serial bonds, in relation to extending certain provisions; to amend chapter 169 of the laws of 1994 relating to certain provisions related to the 1994-95 state operations, aid to localities, capital projects and debt service budgets, to amend chapter 82 of the laws of 1995, amending the education law and certain other laws relating to state aid to school districts and the appropriation of funds for the support of government, to amend chapter 698 of the laws of 1996 amending the education law relating to transportation contracts, to amend chapter 147 of the laws of 2001 amending the education law relating to conditional appointment of school district, charter school or BOCES employees, to amend chapter 425 of the laws of 2002 amending the education law relating to the provision of supplemental educational services, attendance at a safe public school and the suspension of pupils who bring a firearm to or possess a firearm at a school, to amend chapter 101 of the laws of 2003 amending the education law relating to implementation of the No Child Left Behind Act of 2001, to amend chapter 57 of the laws of 2008 amending the education law relating to the universal pre-kindergarten program, in relation to extending the expiration of certain provisions of such chapters; to amend the education law, in relation to authorizing annual professional performance reviews transition grants; to authorize the Roosevelt union free school district to finance deficits by the issuance of serial bonds; 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; relating to submission of school construction final cost reports; to repeal certain provisions of the education law relating to annual professional performance review of classroom teachers and building principals and the teacher evaluation appeal process; and providing for the repeal of certain provisions upon expiration thereof (Part A); intentionally omitted (Part A-1); intentionally omitted (Part A-2); to amend the education law, in relation to tenured teacher disciplinary hearings (Part B); to amend the social services law, in relation to increasing the standards of monthly need for aged, blind and disabled persons living in the community (Part C); to amend the social services law, in relation to the standards of monthly need for persons in receipt of public assistance (Part D); to amend the social services law, in relation to authorizing the office of temporary and disability assistance to administer the program of supplemental security income additional state payments; and to repeal certain provisions of such law relating thereto (Part E); to amend chapter 83 of the laws of 2002 amending the executive law and other laws relating to funding for children and family services, in relation to the effectiveness thereof (Part F); to amend the social services law and the family court act, in relation to establishing a juvenile justice services close to home initiative and providing for the repeal of such provisions upon expiration thereof (Subpart A); and to amend the social services law, the family court act and the executive law, in relation to juvenile delinquents; and providing for the repeal of such

provisions upon expiration thereof (Subpart B) (Part G); to amend chapter 57 of the laws of 2005 amending the labor law and other laws implementing the state fiscal plan for the 2005-2006 state fiscal year, relating to the New York state higher education capital matching grant program for independent colleges, in relation to the effectiveness thereof (Part H); to amend the education law, in relation to provision of services, technical assistance and program activities to state agencies by Cornell university (Part I); intentionally omitted (Part J); to amend the education law, in relation to authorizing the board of cooperative educational services to enter into contracts with the commissioner of children and family services to provide certain services; and providing for the repeal of such provisions upon expiration thereof (Part K); to repeal section 527-l of the executive law, relating to annual reports of the youth center facility program (Part L); to amend the executive law, in relation to the creation of a validated risk assessment instrument (Part M); directing the board of trustees of SUNY and CUNY to conduct a study on student remediation and strategies and programs to promote transition to college readiness (Part N); to amend the education law, in relation to the SUNY Challenge Grant Program (Part O); to amend the education law, in relation to non-resident tuition of students of the university centers of the State University of New York (Part P); to amend the education law, in relation to community college charges for non-residence students (Part Q); to amend the vehicle and traffic law, in relation to the demonstration program authorized within Nassau and Suffolk counties (Part R); to authorize payments of aid and incentives for municipalities (Part S); to amend the public lands law, in relation to state aid on certain state leased or state-owned land (Part T); to amend the general municipal law, in relation to the municipal redevelopment law authorizing tax increment bonds payable from and secured by real property taxes levied by a school district within a project area (Part U); to amend the public health law and the education law, in relation to prescription forms and labels, interpretation services and patients with limited English proficiency (Part V); and to amend the executive law, in relation to providing for the establishment of a state veteran's cemetery (Part W)

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

Section 1. This act enacts into law major components of legislation which are necessary to implement the state fiscal plan for the 2012-2013 state fiscal year. Each component is wholly contained within a Part identified as Parts A through W. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section three of this act sets forth the general effective date of this act.

PART A

Section 1. Notwithstanding any inconsistent provision of law, no school district shall be eligible for an apportionment of general support for public schools from the funds appropriated for the 2012-13 school year in excess of the amount apportioned to such district for the same time period during the base year unless such school district has submitted documentation that has been approved by the commissioner of education by January 17, 2013 demonstrating that it has fully implemented new standards and procedures for conducting annual professional performance reviews of classroom teachers and building principals to determine teacher and principal effectiveness including but not limited to providing for (i) state assessments and other comparable measures which shall comprise twenty or twenty-five percent of the evaluation; (ii) locally selected measures of the student achievement subcomponent which shall comprise twenty or fifteen percent of the evaluation; (iii) subjective measures of effectiveness that have been approved by the commissioner with the majority of such points based on multiple observations by an administrator or principal with at least one unannounced observation which shall comprise 60 percent of the evaluation; and (iv) a scoring rubric which ensures that it is possible to receive any one of four ratings limited to highly effective, effective, developing and ineffective; provided however that if any such payments in excess of the amount apportioned to such district for the same time period during the base year were made, and the school district has not submitted documentation that it has fully implemented new standards and procedures as set forth above that has been approved by the commissioner of education by January 17, 2013, the total amount of such payments shall be deducted by the commissioner from future payments to the school district; provided further that, for the 2012-13 school year if such deduction is greater than the sum of the amounts available for such deductions, the remainder of the deduction shall be withheld from payments scheduled to be made to the school district pursuant to section 3609-a of the education law for the 2013-14 school year; provided further that notwithstanding any inconsistent provision of law to the contrary such documentation shall include a plan adopted by the governing board of the school district for conducting annual professional performance reviews of classroom teachers and building principals that has been approved by the commissioner, and in order to be approvable such plan shall conform with the requirements for conducting annual professional performance reviews of classroom teachers and building principals, including but not limited to (i) state assessments and other comparable measures which shall comprise twenty or twenty-five percent of the evaluation; (ii) locally selected measures of the student achievement subcomponent which shall comprise twenty or fifteen percent of the evaluation; (iii) subjective measures of effectiveness that have been approved by the commissioner with the majority of such points based on multiple observations by an administrator or principal with at least one unannounced observation which shall comprise 60 percent of the evaluation; and (iv) a scoring rubric which ensures that it is possible to receive any one of four ratings limited to highly effective, effective, developing and ineffective; consistent with and conforms to a chapter of the laws of 2012 amending the education law relating to annual professional performance review of classroom teachers and building principals and the teacher evaluation appeal process in the city of New York, as proposed in legislative bill numbers S.6732 and A.9554, and provided further that for a school district in a city with a population of one million or more, notwithstanding any inconsistent provision of law, no such school district shall be eligible for an

apportionment of general support for public schools from the funds appropriated for the 2012-13 school year in excess of the amount appropriated to such district for the same time period during the base year unless such school district has submitted documentation that has been approved by the commissioner by January 17, 2013 demonstrating that it has adopted an expeditious appeals process pertaining to the annual professional performance review of classroom teachers and building principals that is consistent with and conforms to a chapter of the laws of 2012 amending the education law relating to annual professional performance review of classroom teachers and building principals and the teacher evaluation appeal process in the city of New York, as proposed in legislative bill numbers S.6732 and A.9554, and if any such payments in excess of the amount apportioned to such district for the same time period during the base year were made, and the school district has not submitted documentation that has been approved by the commissioner by January 17, 2013 that it has adopted an expeditious appeals process pertaining to the annual professional performance review of classroom teachers and building principals that is consistent with and conforms to a chapter of the laws of 2012 amending the education law relating to annual professional performance review of classroom teachers and building principals and the teacher evaluation appeal process in the city of New York, as proposed in legislative bill numbers S.6732 and A.9554, the total amount of such payments shall be deducted by the commissioner from future payments to the school district; and provided further that, for the 2012-13 school year if such deduction is greater than the sum of the amounts available for such deductions, the remainder of the deduction shall be withheld from payments scheduled to be made to the school district pursuant to section 3609-a of the education law for the 2013-14 school year.

S 2. Paragraph e of subdivision 1 of section 211-d of the education law, as amended by section 1 of part A of chapter 58 of the laws of 2011, is amended to read as follows:

e. Notwithstanding paragraphs a and b of this subdivision, a school district that submitted a contract for excellence for the two thousand eight--two thousand nine school year shall submit a contract for excellence for the two thousand nine--two thousand ten school year in conformity with the requirements of subparagraph (vi) of paragraph a of subdivision two of this section unless all schools in the district are identified as in good standing and provided further that, a school district that submitted a contract for excellence for the two thousand nine--two thousand ten school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand eleven--two thousand twelve school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the product of the amount approved by the commissioner in the contract for excellence for the two thousand nine--two thousand ten school year, multiplied by the district's gap elimination adjustment percentage AND PROVIDED FURTHER THAT, A SCHOOL DISTRICT THAT SUBMITTED A CONTRACT FOR EXCELLENCE FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR, UNLESS ALL SCHOOLS IN THE DISTRICT ARE IDENTIFIED AS IN GOOD STANDING, SHALL SUBMIT A CONTRACT FOR EXCELLENCE FOR THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR WHICH SHALL, NOTWITHSTANDING THE REQUIREMENTS OF SUBPARAGRAPH (VI) OF PARAGRAPH A OF SUBDIVISION TWO OF THIS SECTION, PROVIDE FOR THE EXPENDITURE OF AN AMOUNT WHICH SHALL BE NOT LESS THAN

THE AMOUNT APPROVED BY THE COMMISSIONER IN THE CONTRACT FOR EXCELLENCE FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR. For purposes of this paragraph, the "gap elimination adjustment percentage" shall be calculated as the sum of one minus the quotient of the sum of the school district's net gap elimination adjustment for two thousand ten--two thousand eleven computed pursuant to chapter fifty-three of the laws of two thousand ten, making appropriations for the support of government, plus the school district's gap elimination adjustment for two thousand eleven--two thousand twelve as computed pursuant to [a] chapter FIFTY-THREE of the laws of two thousand eleven, making appropriations for the support of the local assistance budget, including support for general support for public schools, divided by the total aid for adjustment computed pursuant to [a] chapter FIFTY-THREE of the laws of two thousand eleven, making appropriations for the local assistance budget, including support for general support for public schools. Provided, further, that such amount shall be expended to support and maintain allowable programs and activities approved in the two thousand nine--two thousand ten school year or to support new or expanded allowable programs and activities in the current year.

S 3. Subdivision 7 of section 95 of the social services law, as added by chapter 452 of the laws of 1986, is amended to read as follows:

7. A. When an eligible recipient under this section is issued an authorization to participate in the food stamp program by written or electronic means, such authorization to participate [may]:

(I) MAY be redeemed for food stamp program coupons at designated redemption centers by the recipient or by an authorized representative. When an eligible recipient under this section is issued food stamp program coupons, such food stamp program coupons may be used to purchase food items from a food distributor by the recipient or by an authorized representative. Any other transfer or sale of authorizations to participate or food stamp program coupons shall constitute an unauthorized use of said authorizations or coupons;

(II) SHALL REQUIRE THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE TO PROVIDE THE STATE EDUCATION DEPARTMENT A DATASET WHICH CONTAINS A LISTING OF STUDENTS AGES THREE TO EIGHTEEN WHO RECEIVE FEDERAL ASSISTANCE THROUGH THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) AND TEMPORARY ASSISTANCE TO NEEDY FAMILIES (TANF).

(III) THE STATE EDUCATION DEPARTMENT SHALL MAKE SUCH DATASET AVAILABLE TO ALL SCHOOLS (PUBLIC AND NONPUBLIC) THAT PARTICIPATE IN: THE NATIONAL SCHOOL LUNCH, SCHOOL BREAKFAST, SUMMER FOOD SERVICE, OR SPECIAL MILK PROGRAMS WITH A FREE MILK OPTION OF THE AVAILABILITY OF SUCH DATASET.

(IV) ALL SCHOOLS IDENTIFIED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH SHALL ACCESS SUCH DATASET OUTLINED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH AT LEAST THREE TIMES A YEAR AND IDENTIFY SUCH CHILD AS ELIGIBLE FOR FREE MEALS/MILK AND SUCH CHILD MAY RECEIVE FREE MEALS/MILK WITHOUT FURTHER APPLICATION. UPON IDENTIFICATION, SUCH SCHOOL SHALL NOTIFY THE STUDENT'S PARENT OR GUARDIAN OF SUCH ELIGIBILITY. SUCH NOTIFICATION SHALL ALSO CONTAIN AN OPPORTUNITY TO DECLINE THE RECEIPT OF FREE MEALS/MILK. IN THE EVENT A SCHOOL RECEIVES NOTIFICATION TO DECLINE THE FREE MEALS/MILK BENEFIT THE CHILD SHALL BE REMOVED FROM THE FREE ELIGIBILITY LIST IN SUCH PROGRAM.

(B) For the purposes of this subdivision, "authorized representative" shall be defined in regulations promulgated by the commissioner.

S 4. Intentionally omitted.

S 5. Paragraphs dd and ee of subdivision 1 of section 3602 of the education law, as added by section 25 of part A of chapter 58 of the laws of 2011, are amended to read as follows:

dd. "Allowable growth amount" shall mean the product of the positive difference of the personal income growth index minus one, multiplied by the statewide total of the SUM OF (1) THE apportionments, including the gap elimination adjustment, due and owing during the base year, commencing with the base year computed for the two thousand twelve--two thousand thirteen school year, to school districts and boards of cooperative educational services from the general support for public schools as computed based on an electronic data file used to produce the school aid computer listing produced by the commissioner in support of the enacted budget for the base year PLUS (2) THE COMPETITIVE AWARDS AMOUNT FOR THE BASE YEAR.

ee. "Competitive awards amount" shall mean, for THE two thousand twelve--two thousand thirteen state fiscal year AND THEREAFTER, fifty million dollars[, and for two thousand thirteen--two thousand fourteen and thereafter, the product of the personal income growth index multiplied by the base year competitive awards amount].

S 6. Paragraph c of subdivision 17 of section 3602 of the education law, as added by section 37 of part A of chapter 58 of the laws of 2011, is amended and a new paragraph d is added to read as follows:

c. The gap elimination adjustment for the two thousand twelve--two thousand thirteen school year and thereafter shall be equal to the gap elimination adjustment for the base year, plus, in any year in which the preliminary growth amount exceeds the allowable growth amount, the product of the gap elimination adjustment percentage for such district and the positive difference, if any, between the preliminary growth amount less the allowable growth amount, as computed pursuant to subdivision one of this section, and less the [product of the gap elimination adjustment percentage for such district and the] gap elimination adjustment restoration amount, if any, allocated pursuant to [subdivision eighteen of] this section.

D. THE GAP ELIMINATION ADJUSTMENT RESTORATION AMOUNT FOR THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR FOR A SCHOOL DISTRICT SHALL BE COMPUTED BASED ON DATA ON FILE WITH THE COMMISSIONER AND IN THE DATABASE USED BY THE COMMISSIONER TO PRODUCE AN UPDATED ELECTRONIC DATA FILE IN SUPPORT OF THE ENACTED BUDGET FOR THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN STATE FISCAL YEAR, AND SHALL EQUAL THE SUM OF (I) THE GREATER OF:

(A) THE PRODUCT OF (1) THE PRODUCT OF THE EXTRAORDINARY NEEDS INDEX MULTIPLIED BY TWO HUNDRED TWENTY-THREE DOLLARS AND EIGHTY CENTS, COMPUTED TO TWO DECIMAL PLACES WITHOUT ROUNDING, MULTIPLIED BY (2) THE STATE SHARING RATIO COMPUTED PURSUANT TO PARAGRAPH G OF SUBDIVISION THREE OF THIS SECTION MULTIPLIED BY (3) THE PUBLIC SCHOOL DISTRICT ENROLLMENT FOR THE BASE YEAR, CALCULATED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION, WHERE THE EXTRAORDINARY NEEDS INDEX SHALL BE THE QUOTIENT OF THE EXTRAORDINARY NEEDS PERCENT FOR THE DISTRICT COMPUTED PURSUANT TO PARAGRAPH W OF SUBDIVISION ONE OF THIS SECTION DIVIDED BY FORTY-EIGHT HUNDREDTHS; OR

(B) FOR ANY DISTRICT WITH A GEA/TGFE RATIO GREATER THAN ONE, WHERE THE GEA/TGFE RATIO SHALL BE THE QUOTIENT OF THE GAP ELIMINATION ADJUSTMENT FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR FOR THE DISTRICT DIVIDED BY THE TOTAL GENERAL FUND EXPENDITURES OF SUCH DISTRICT IN THE BASE YEAR, DIVIDED BY THE QUOTIENT OF THE STATEWIDE TOTAL GAP ELIMINATION ADJUSTMENT FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE

SCHOOL YEAR DIVIDED BY TOTAL GENERAL FUND EXPENDITURES IN THE BASE YEAR, THE PRODUCT OF (1) THE PRODUCT OF THE GEA/TGFE RATIO MULTIPLIED BY NINETY DOLLARS, COMPUTED TO TWO DECIMAL PLACES WITHOUT ROUNDING, MULTIPLIED BY (2) THE STATE SHARING RATIO COMPUTED PURSUANT TO PARAGRAPH G OF SUBDIVISION THREE OF THIS SECTION MULTIPLIED BY (3) THE PUBLIC SCHOOL DISTRICT ENROLLMENT FOR THE BASE YEAR, CALCULATED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION; OR

(C) THE PRODUCT OF TWO AND NINE HUNDRED FIFTY-SIX ONE-THOUSANDTHS OF A PERCENT (0.02956) MULTIPLIED BY THE GAP ELIMINATION ADJUSTMENT FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR; OR

(D) THE PRODUCT OF (1) THE POSITIVE DIFFERENCE, IF ANY, OF ONE AND THIRTY-SEVEN ONE-HUNDREDTHS (1.37) MINUS THE PRODUCT OF THE COMBINED WEALTH RATIO COMPUTED PURSUANT TO SUBPARAGRAPH ONE OF PARAGRAPH C OF SUBDIVISION THREE OF THIS SECTION MULTIPLIED BY ONE AND ONE-HALF (1.5), BUT NOT MORE THAN ONE, MULTIPLIED BY (2) THE PUBLIC SCHOOL DISTRICT ENROLLMENT FOR THE BASE YEAR, CALCULATED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION, MULTIPLIED BY (3) FOUR HUNDRED SEVENTY-THREE DOLLARS AND SEVENTY CENTS; OR

(E) FOR ANY DISTRICT WITH A TAX EFFORT RATIO COMPUTED PURSUANT TO SUBPARAGRAPH THREE OF PARAGRAPH A OF SUBDIVISION SIXTEEN OF THIS SECTION THAT IS GREATER THAN FOUR AND FOUR-TENTHS (4.4) AND A COMBINED WEALTH RATIO COMPUTED PURSUANT TO SUBPARAGRAPH ONE OF PARAGRAPH C OF SUBDIVISION THREE OF THIS SECTION THAT IS LESS THAN ONE AND ONE-HALF (1.5), THE PRODUCT OF (1) THE STATE SHARING RATIO COMPUTED PURSUANT TO PARAGRAPH G OF SUBDIVISION THREE OF THIS SECTION MULTIPLIED BY (2) THE PUBLIC SCHOOL DISTRICT ENROLLMENT FOR THE BASE YEAR, CALCULATED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION, MULTIPLIED BY (3) THREE HUNDRED NINE DOLLARS AND THIRTY CENTS;

BUT SHALL BE NO GREATER THAN THE PRODUCT OF TWENTY-FIVE PERCENT AND THE GAP ELIMINATION ADJUSTMENT FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR FOR THE DISTRICT, AND (II) THE LIMITED ENGLISH PROFICIENCY RESTORATION WHICH SHALL BE APPORTIONED TO CITY SCHOOL DISTRICTS OF CITIES WITH A POPULATION IN EXCESS OF ONE HUNDRED TWENTY-FIVE THOUSAND AND LESS THAN ONE MILLION. FOR ANY SUCH CITY SCHOOL DISTRICT WITH A LIMITED ENGLISH PROFICIENCY RATIO GREATER THAN OR EQUAL TO FOUR PERCENT AND LESS THAN FIVE PERCENT, THE LIMITED ENGLISH PROFICIENCY RESTORATION SHALL EQUAL THE PRODUCT OF THE LIMITED ENGLISH PROFICIENCY RESTORATION BASE MULTIPLIED BY SEVEN TENTHS. FOR ANY SUCH CITY SCHOOL DISTRICT WITH A LIMITED ENGLISH PROFICIENCY RATIO GREATER THAN OR EQUAL TO FIVE PERCENT, THE LIMITED ENGLISH PROFICIENCY RESTORATION SHALL EQUAL THE PRODUCT OF THE LIMITED ENGLISH PROFICIENCY RESTORATION BASE MULTIPLIED BY TWO AND TWO TENTHS. FOR ANY SUCH CITY SCHOOL DISTRICT WITH A LIMITED ENGLISH PROFICIENCY RATIO LESS THAN FOUR PERCENT, THE LIMITED ENGLISH PROFICIENCY RESTORATION SHALL EQUAL THE PRODUCT OF THE LIMITED ENGLISH PROFICIENCY RESTORATION BASE MULTIPLIED BY ONE AND SEVENTY-FIVE HUNDREDTHS.

(A) FOR THE PURPOSES OF COMPUTATIONS PURSUANT TO THIS SUBPARAGRAPH (1) "LIMITED ENGLISH PROFICIENCY RATIO" SHALL MEAN THE QUOTIENT OF (A) THE PRODUCT OF THE LIMITED ENGLISH PROFICIENCY COUNT COMPUTED PURSUANT TO PARAGRAPH O OF SUBDIVISION ONE OF THIS SECTION MULTIPLIED BY FIFTY PERCENT, DIVIDED BY (B) PUBLIC SCHOOL DISTRICT ENROLLMENT FOR THE BASE YEAR COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION;

(2) "LIMITED ENGLISH PROFICIENCY RESTORATION BASE" SHALL MEAN THE PRODUCT OF THE AMOUNT SET FORTH FOR SUCH SCHOOL DISTRICT AS "TOTAL" UNDER THE HEADING "2011-12 BASE YEAR AIDS" IN THE SCHOOL AID COMPUTER

LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE ENACTED BUDGET FOR THE 2012-13 SCHOOL YEAR AND ENTITLED "SA121-3" MULTIPLIED BY ELEVEN HUNDREDTHS OF ONE PERCENT.

(E) THE GAP ELIMINATION ADJUSTMENT RESTORATION AMOUNT FOR THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN SCHOOL YEAR AND THEREAFTER SHALL EQUAL THE PRODUCT OF THE GAP ELIMINATION PERCENTAGE FOR SUCH DISTRICT AND THE GAP ELIMINATION ADJUSTMENT RESTORATION ALLOCATION ESTABLISHED PURSUANT TO SUBDIVISION EIGHTEEN OF THIS SECTION.

S 6-a. The opening paragraph and subparagraph 1 of paragraph b and the closing paragraph of paragraph 2 of subdivision 4 of section 3602 of the education law, as amended by section 26 of part A of chapter 58 of the laws of 2011, are amended to read as follows:

In addition to any other apportionment pursuant to this chapter, a school district, other than a special act school district as defined in subdivision eight of section four thousand one of this chapter, shall be eligible for total foundation aid equal to the product of total aidable foundation pupil units multiplied by the district's selected foundation aid, which shall be the greater of five hundred dollars ($500) or foundation formula aid, provided, however that for the two thousand seven--two thousand eight through two thousand eight--two thousand nine school years, no school district shall receive total foundation aid in excess of the sum of the total foundation aid base for aid payable in the two thousand seven--two thousand eight school year computed pursuant to subparagraph (i) of paragraph j of subdivision one of this section, plus the phase-in foundation increase computed pursuant to paragraph b of this subdivision, and provided further that for the two thousand twelve--two thousand thirteen school year and thereafter, no school district shall receive total foundation aid in excess of the sum of the total foundation aid base for aid payable in the [two thousand twelve--two thousand thirteen] TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE school year computed pursuant to paragraph j of subdivision one of this section, plus the phase-in foundation increase computed pursuant to paragraph b of this subdivision, and provided further that total foundation aid shall not be less than the product of the total foundation aid base computed pursuant to paragraph j of subdivision one of this section and one hundred [three] AND SIX-TENTHS percent (1.006) subject to allocation pursuant to the provisions of subdivision eighteen of this section and any provisions of a chapter of the laws of New York as described therein, nor more than the product of such total foundation aid base and one hundred fifteen percent, and provided further that for the two thousand nine--two thousand ten through two thousand eleven--two thousand twelve school years, each school district shall receive total foundation aid in an amount equal to the amount apportioned to such school district for the two thousand eight--two thousand nine school year pursuant to this subdivision. Total aidable foundation pupil units shall be calculated pursuant to paragraph g of subdivision two of this section. For the purposes of calculating aid pursuant to this subdivision, aid for the city school district of the city of New York shall be calculated on a citywide basis.

(1) The phase-in foundation increase shall equal the product of the phase-in foundation increase factor multiplied by [the greater of (i)] the positive difference, if any, of [(A)] (I) the product of the total aidable foundation pupil units multiplied by the district's selected foundation aid less [(B)] (II) the total foundation aid base for aid payable in the two thousand eleven--two thousand twelve school year computed pursuant to paragraph j of subdivision one of this section [or

(ii) the product of the phase-in due-minimum percent multiplied by the total foundation aid base for aid payable in the two thousand seven--two thousand eight school year computed pursuant to subparagraph (i) of paragraph j of subdivision one of this section].

For the two thousand eleven--two thousand twelve school year, the phase-in foundation increase factor shall equal thirty-seven and one-half percent (0.375) and the phase-in due minimum percent shall equal nineteen and forty-one hundredths percent (0.1941), [and] for the two thousand twelve--two thousand thirteen school year THE PHASE-IN FOUNDATION INCREASE FACTOR SHALL EQUAL ONE AND SEVEN-TENTHS PERCENT (0.017), AND FOR THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN SCHOOL YEAR and thereafter the commissioner shall annually determine the phase-in foundation increase factor subject to allocation pursuant to the provisions of subdivision eighteen of this section and any provisions of a chapter of the laws of New York as described therein.

S 7. Paragraph a-1 of subdivision 11 of section 3602 of the education law, as amended by section 75 of part A of chapter 58 of the laws of 2011, is amended to read as follows:

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

S 8. Intentionally omitted.

S 9. The opening paragraph of section 3609-a of the education law, as amended by section 40 of part A of chapter 58 of the laws of 2011, is amended to read as follows:

For aid payable in the two thousand seven--two thousand eight school year and thereafter, "moneys apportioned" shall mean the lesser of (i) the sum of one hundred percent of the respective amount set forth for each school district as payable pursuant to this section in the school aid computer listing for the current year produced by the commissioner in support of the budget which includes the appropriation for the general support for public schools for the prescribed payments and individualized payments due prior to April first for the current year plus the apportionment payable during the current school year pursuant to subdivision six-a and subdivision fifteen of section thirty-six hundred two of this part minus any reductions to current year aids pursuant to subdivision seven of section thirty-six hundred four of this part or any deduction from apportionment payable pursuant to this chapter for collection of a school district basic contribution as defined in subdivision eight of section forty-four hundred one of this chapter, less any grants provided pursuant to subparagraph two-a of paragraph b of subdivision four of section ninety-two-c of the state finance law, less any grants provided pursuant to subdivision twelve of section thirty-six hundred forty-one of this article, or (ii) the apportionment calculated by the commissioner based on data on file at the time the payment is

processed; provided however, that for the purposes of any payments made pursuant to this section prior to the first business day of June of the current year, moneys apportioned shall not include any aids payable pursuant to subdivisions six and fourteen, if applicable, of section thirty-six hundred two of this part as current year aid for debt service on bond anticipation notes and/or bonds first issued in the current year or any aids payable for full-day kindergarten for the current year pursuant to subdivision nine of section thirty-six hundred two of this part. The definitions of "base year" and "current year" as set forth in subdivision one of section thirty-six hundred two of this part shall apply to this section. For aid payable in the [two thousand eleven--two thousand twelve] TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN school year, reference to such "school aid computer listing for the current year" shall mean the printouts entitled ["SA111-2"] "SA121-3".

S 10. Paragraph b of subdivision 2 of section 3612 of the education law, as amended by section 46 of part A of chapter 58 of the laws of 2011, is amended to read as follows:

b. Such grants shall be awarded to school districts, within the limits of funds appropriated therefor, through a competitive process that takes into consideration the magnitude of any shortage of teachers in the school district, the number of teachers employed in the school district who hold temporary licenses to teach in the public schools of the state, the number of provisionally certified teachers, the fiscal capacity and geographic sparsity of the district, the number of new teachers the school district intends to hire in the coming school year and the number of summer in the city student internships proposed by an eligible school district, if applicable. Grants provided pursuant to this section shall be used only for the purposes enumerated in this section. Notwithstanding any other provision of law to the contrary, a city school district in a city having a population of one million or more inhabitants receiving a grant pursuant to this section may use no more than eighty percent of such grant funds for any recruitment, retention and certification costs associated with transitional certification of teacher candidates for the school years two thousand one--two thousand two through [two thousand eleven--two thousand twelve] TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN.

S 10-a. The opening paragraph of subdivision 10 of section 3602-e of the education law, as amended by section 38 of part A of chapter 58 of the laws of 2011, is amended to read as follows:

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

sion nine of this section in the two thousand eight--two thousand nine school year, and for the two thousand eleven--two thousand twelve [and two thousand twelve--two thousand thirteen school years] SCHOOL YEAR each school district shall be eligible for a maximum grant equal to the amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN" under the heading "2011-12 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the enacted budget for the 2011-12 school year and entitled "SA111-2", AND FOR TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN AND TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN SCHOOL YEARS EACH SCHOOL DISTRICT SHALL BE ELIGIBLE FOR A MAXIMUM GRANT EQUAL TO THE GREATER OF (I) THE AMOUNT SET FORTH FOR SUCH SCHOOL DISTRICT AS "UNIVERSAL PREKINDERGARTEN" UNDER THE HEADING "2010-11 BASE YEAR AIDS" IN THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE ENACTED BUDGET FOR THE 2011-12 SCHOOL YEAR AND ENTITLED "SA111-2", OR (II) THE AMOUNT SET FORTH FOR SUCH SCHOOL DISTRICT AS "UNIVERSAL PREKINDERGARTEN" UNDER THE HEADING "2010-11 BASE YEAR AIDS" IN THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER ON MAY FIFTEENTH, TWO THOUSAND ELEVEN PURSUANT TO PARAGRAPH B OF SUBDIVISION TWENTY-ONE OF SECTION THREE HUNDRED FIVE OF THIS CHAPTER, and provided further that the maximum grant shall not exceed the total actual grant expenditures incurred by the school district in the current school year as approved by the commissioner.

S 10-b. Subdivision 11 of section 3602-e of the education law, as amended by section 19 of part B of chapter 57 of the laws of 2007, is amended to read as follows:

11. Notwithstanding the provisions of subdivision ten of this section, where the district serves fewer children during the current year than [in the base year] THE LESSER OF THE CHILDREN SERVED IN THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN SCHOOL YEAR OR ITS BASE AIDABLE PREKINDERGARTEN PUPILS COMPUTED FOR THE TWO THOUSAND SEVEN--TWO THOUSAND EIGHT SCHOOL YEAR, the school district shall have its apportionment reduced in an amount proportional to such deficiency in the current year or in the succeeding school year, as determined by the commissioner, except such reduction shall not apply to school districts which have fully implemented a universal pre-kindergarten program by making such program available to all eligible children. Expenses incurred by the school district in implementing a pre-kindergarten program plan pursuant to this subdivision shall be deemed ordinary contingent expenses.

S 10-c. Paragraphs d-1 and d-2 of subdivision 12 of section 3602-e of the education law, as added by section 23 of part B of chapter 57 of the laws of 2008, are amended to read as follows:

d-1. guidelines which allow personnel employed by an eligible agency that is collaborating with a school district to provide prekindergarten services and licensed by an agency other than the department, to meet the staff qualifications prescribed by the licensing or registering agency; provided however, a written plan is established for prekindergarten teachers to obtain a certificate valid for service in early childhood grades within five years after commencing employment, or by [January third] JUNE THIRTIETH, two thousand [thirteen] SEVENTEEN, whichever is later;

d-2. guidelines which allow personnel employed by an eligible agency that is collaborating with a school district to provide prekindergarten services and not licensed or registered by the department or other agency, to meet the staff qualifications prescribed by such eligible agency; provided however, a written plan is established for prekindergarten teachers to obtain a certificate valid for service in early childhood

grades within five years after commencing employment, or by [January third] JUNE THIRTIETH, two thousand [thirteen] SEVENTEEN, whichever is later;

S 11. Intentionally omitted.

S 11-a. Subparagraph 1 of paragraph a of subdivision 5 of section 3641 of the education law, as added by section 1 of part B of chapter 58 of the laws of 2011, is amended to read as follows:

(1) Such plan shall include but not be limited to: the process by which a request for proposals is developed; the scoring rubric by which such proposals will be evaluated; the form and manner by which applications will be submitted; the manner by which calculation of the amount of the award was determined, including establishing benchmarks based on actual cost savings that must be met before any awards are paid; and the timeline for the issuance and review of applications to ensure that grants will be first awarded [during] WITHIN ONE HUNDRED AND TWENTY DAYS FOLLOWING THE END OF the two thousand eleven--two thousand twelve school year.

S 11-b. Paragraphs d and e of subdivision 5 of section 3641 of the education law are relettered paragraphs e and f and a new paragraph d is added to read as follows:

D. A SCHOOL DISTRICT THAT SUBMITS DOCUMENTATION THAT HAS BEEN APPROVED BY THE COMMISSIONER BY SEPTEMBER FIRST, TWO THOUSAND TWELVE DEMONSTRATING THAT IT HAS FULLY IMPLEMENTED NEW STANDARDS AND PROCEDURES FOR CONDUCTING ANNUAL PROFESSIONAL PERFORMANCE REVIEWS OF CLASSROOM TEACHERS AND BUILDING PRINCIPALS TO DETERMINE TEACHER AND PRINCIPAL EFFECTIVENESS, SHALL RECEIVE BONUS POINTS IN THE SCORING OF ITS GRANT APPLICATION.

S 11-c. Subdivision 5 of section 3641 of the education law is amended by adding a new paragraph g to read as follows:

G. FOR THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN STATE FISCAL YEAR AND THEREAFTER, IN ADDITION TO THE COMPETITIVE AWARDS AMOUNT AS DEFINED IN PARAGRAPH EE OF SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS ARTICLE, A MINIMUM OF THIRTY-SEVEN MILLION FIVE HUNDRED THOUSAND DOLLARS SHALL BE AVAILABLE FOR THIS PURPOSE IN EACH STATE FISCAL YEAR.

S 11-d. Subdivision 6 of section 3641 of the education law is amended by adding a new paragraph g to read as follows:

G. FOR THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN STATE FISCAL YEAR AND THEREAFTER, IN ADDITION TO THE COMPETITIVE AWARDS AMOUNT AS DEFINED IN PARAGRAPH EE OF SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS ARTICLE, A MINIMUM OF THIRTY-SEVEN MILLION FIVE HUNDRED THOUSAND DOLLARS SHALL BE AVAILABLE FOR THIS PURPOSE IN EACH STATE FISCAL YEAR.

S 12. Subdivision 6 of section 4402 of the education law, as amended by section 58 of part A of chapter 58 of the laws of 2011, is amended to read as follows:

6. Notwithstanding any other law, rule or regulation to the contrary, the board of education of a city school district with a population of one hundred twenty-five thousand or more inhabitants shall be permitted to establish maximum class sizes for special classes for certain students with disabilities in accordance with the provisions of this subdivision. For the purpose of obtaining relief from any adverse fiscal impact from under-utilization of special education resources due to low student attendance in special education classes at the middle and secondary level as determined by the commissioner, such boards of education shall, during the school years nineteen hundred ninety-five--nine-

ty-six through June thirtieth, two thousand [twelve] THIRTEEN of the [two thousand eleven--two thousand twelve] TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN school year, be authorized to increase class sizes in special classes containing students with disabilities whose age ranges are equivalent to those of students in middle and secondary schools as defined by the commissioner for purposes of this section by up to but not to exceed one and two tenths times the applicable maximum class size specified in regulations of the commissioner rounded up to the nearest whole number, provided that in a city school district having a population of one million or more, classes that have a maximum class size of fifteen may be increased by no more than one student and provided that the projected average class size shall not exceed the maximum specified in the applicable regulation, provided that such authorization shall terminate on June thirtieth, two thousand. Such authorization shall be granted upon filing of a notice by such a board of education with the commissioner stating the board's intention to increase such class sizes and a certification that the board will conduct a study of attendance problems at the secondary level and will implement a corrective action plan to increase the rate of attendance of students in such classes to at least the rate for students attending regular education classes in secondary schools of the district. Such corrective action plan shall be submitted for approval by the commissioner by a date during the school year in which such board increases class sizes as provided pursuant to this subdivision to be prescribed by the commissioner. Upon at least thirty days notice to the board of education, after conclusion of the school year in which such board increases class sizes as provided pursuant to this subdivision, the commissioner shall be authorized to terminate such authorization upon a finding that the board has failed to develop or implement an approved corrective action plan.

S 12-a. Subdivision 2 of section 4204 of the education law, as amended by section 51 of part A of chapter 58 of the laws of 2011, is amended to read as follows:

2. For expenses incurred in the two thousand eleven--two thousand twelve school year and thereafter, each deaf pupil so received into any of the institutions subject to this article shall be provided with board, lodging and tuition, and such institutions shall be reimbursed for such expenses in accordance with this subdivision.

a. [The] FOR THE TWO THOUSAND ELEVEN--TWELVE AND TWO THOUSAND TWELVE--THIRTEEN SCHOOL YEARS, costs of tuition as defined in section forty-two hundred eleven of this article, shall be a charge upon the school district of which any such child is resident at the time of admission or readmission to any of the institutions subject to this article and the directors of the institution shall bill such school district for such tuition costs on a quarterly basis. The first such quarterly payment may be based on projected enrollment, provided that subsequent payments shall be adjusted to reflect actual enrollment. The amount of tuition paid by such school district shall be eligible for reimbursement by the state to the extent provided in section forty-two hundred four-b of this article.

b. FOR THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN SCHOOL YEAR AND THEREAFTER, THE COSTS OF TUITION AS DEFINED IN SECTION FORTY-TWO HUNDRED ELEVEN OF THIS ARTICLE, SHALL BE A CHARGE UPON THE CURRENT SCHOOL DISTRICT OF RESIDENCE OF ANY SUCH CHILD SUBJECT TO THIS ARTICLE AND THE DIRECTORS OF THE INSTITUTION SHALL BILL SUCH SCHOOL DISTRICT FOR SUCH TUITION COSTS ON A QUARTERLY BASIS. THE FIRST SUCH QUARTERLY PAYMENT MAY BE BASED ON PROJECTED ENROLLMENT, PROVIDED THAT SUBSEQUENT

PAYMENTS SHALL BE ADJUSTED TO REFLECT ACTUAL ENROLLMENT. THE AMOUNT OF TUITION PAID BY SUCH SCHOOL DISTRICT SHALL BE ELIGIBLE FOR REIMBURSEMENT BY THE STATE TO THE EXTENT PROVIDED IN SECTION FORTY-TWO HUNDRED FOUR-B OF THIS ARTICLE.

C. The costs of board and lodging shall be a charge upon the state and the directors of the institution shall receive an appropriation for each pupil so provided for, in quarterly payments, to be paid by the commissioner of taxation and finance, on the warrant of the comptroller, to the treasurer of said institution; provided, however, that an estimated one-half of each such quarterly payment shall be due on the first day of each quarter, the estimate to be based on the affidavit of the chief executive officer of the institution stating the number of pupils for whom board and lodging was so provided by the institution during the preceding quarter and during the comparable quarter of the preceding year, and the remaining part of each such quarterly payment shall be due thereafter during the first day of each quarter next ensuing, upon the presentation by the treasurer of the institution of a bill showing the actual time and number of pupils attending the institution who received board and lodging, which bill shall be signed by the chief executive officer of the institution, and verified by his oath.

S 12-b. Section 4204-b of the education law, as amended by section 53 of part A of chapter 58 of the laws of 2011, is amended to read as follows:

S 4204-b. School district contribution and state reimbursement. 1. [The] FOR THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN AND PRIOR SCHOOL YEARS, THE school district of which any such child is resident at the time of admission or readmission to any of the institutions or facilities subject to this article shall be required to reimburse the state on account of any expenditure made by the state for any such child initially appointed by the commissioner to such institution or facility after June thirtieth, nineteen hundred seventy-seven in an amount equal to the school district basic contribution defined in subdivision eight of section forty-four hundred one of this title, except that for the two thousand eleven--two thousand twelve AND TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN school [year and thereafter] YEARS, such school district shall be responsible for reimbursing the state in an amount equal to the positive difference of the school district basic contribution minus the tuition paid by such school district pursuant to section forty-two hundred four or forty-two hundred seven of this article.

2. FOR THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN SCHOOL YEAR AND THEREAFTER, THE CHILD'S CURRENT SCHOOL DISTRICT OF RESIDENCE SHALL BE REQUIRED TO REIMBURSE THE STATE ON ACCOUNT OF ANY EXPENDITURE MADE BY THE STATE FOR ANY SUCH CHILD IN AN AMOUNT EQUAL TO THE POSITIVE DIFFERENCE OF THE SCHOOL DISTRICT BASIC CONTRIBUTION MINUS THE TUITION PAID BY SUCH SCHOOL DISTRICT PURSUANT TO SECTION FORTY-TWO HUNDRED FOUR OR FORTY-TWO HUNDRED SEVEN OF THIS ARTICLE.

3. The state comptroller may deduct from any state funds which become due to a school district for each year in which such child was in attendance at such institution or facility an amount equal to the reimbursement required to be made by such school district in accordance with this section, and the amount so deducted shall not be included in the operating expense of such district for the purposes of computing the apportionment for operating expense aid pursuant to subdivision eleven of section thirty-six hundred two of this chapter.

[2.] 4. The state shall reimburse the school district of which any such child is resident at the time of admission or readmission to any of

the institutions subject to this article for tuition paid to the institution in an amount equal to the positive difference between the amount of such tuition and the school district basic contribution. Such state reimbursement to the school district shall not be paid prior to April first of the school year in which such tuition costs are paid by the school district. The tuition incurred through December thirty-first of such school year shall be payable prior to June thirtieth of such school year, provided that a claim is submitted on or before June first.

S 12-c. Subdivision 2 of section 4207 of the education law, as amended by section 54 of part A of chapter 58 of the laws of 2011, is amended to read as follows:

2. For expenses incurred in the two thousand eleven--two thousand twelve school year and thereafter, each blind pupil so received into any of the institutions subject to this article shall be provided with board, lodging and tuition, and such institutions shall be reimbursed for such expenses in accordance with this subdivision.

a. [The] FOR THE TWO THOUSAND ELEVEN AND TWO THOUSAND TWELVE SCHOOL YEARS, costs of tuition, as defined in section forty-two hundred eleven of this article, shall be a charge upon the school district of which any such child is resident at the time of admission or readmission to any of the institutions subject to this article and the directors of the institution shall bill such school district for such tuition costs on a quarterly basis. The first such quarterly payment may be based on projected enrollment, provided that subsequent payments shall be adjusted to reflect actual enrollment. The amount of tuition paid by such school district shall be eligible for reimbursement by the state to the extent provided in section forty-two hundred four-b of this article.

b. FOR THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN SCHOOL YEAR AND THEREAFTER, THE COSTS OF TUITION AS DEFINED IN SECTION FORTY-TWO HUNDRED ELEVEN OF THIS ARTICLE, SHALL BE A CHARGE UPON THE CURRENT SCHOOL DISTRICT OF RESIDENCE OF ANY SUCH CHILD SUBJECT TO THIS ARTICLE AND THE DIRECTORS OF THE INSTITUTION SHALL BILL SUCH SCHOOL DISTRICT FOR SUCH TUITION COSTS ON A QUARTERLY BASIS. THE FIRST SUCH QUARTERLY PAYMENT MAY BE BASED ON PROJECTED ENROLLMENT, PROVIDED THAT SUBSEQUENT PAYMENTS SHALL BE ADJUSTED TO REFLECT ACTUAL ENROLLMENT. THE AMOUNT OF TUITION PAID BY SUCH SCHOOL DISTRICT SHALL BE ELIGIBLE FOR REIMBURSEMENT BY THE STATE TO THE EXTENT PROVIDED IN SECTION FORTY-TWO HUNDRED FOUR-B OF THIS ARTICLE.

C. The costs of board and lodging shall be a charge upon the state and the directors of the institution shall receive an appropriation for each pupil so provided for, in quarterly payments, to be paid by the commissioner of taxation and finance, on the warrant of the comptroller, to the treasurer of said institution; provided, however, that an estimated one-half of each such quarterly payment shall be due on the first day of each quarter, the estimate to be based on the affidavit of the chief executive officer of the institution stating the number of pupils for whom board and lodging was so provided by the institution during the preceding quarter and during the comparable quarter of the preceding year, and the remaining part of each such quarterly payment shall be due thereafter on the first day of the quarter next ensuing, upon the presentation by the treasurer of the institution of a bill showing the actual time and number of pupils attending the institution who received board and lodging, which bill shall be signed by the chief executive officer of the institution, and verified by his oath.

S 13. Subdivision b of section 2 of chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the

consortium for worker education in New York city, as amended by section 65 of part A of chapter 58 of the laws of 2011, is amended to read as follows:

b. Reimbursement for programs approved in accordance with subdivision a of this section [for the 2008-09 school year shall not exceed 62.8 percent of the lesser of such approvable costs per contact hour or ten dollars and sixty-five cents per contact hour, reimbursement] for the 2009-10 school year shall not exceed 64.1 percent of the lesser of such approvable costs per contact hour or eleven dollars and fifty cents per contact hour, reimbursement for the 2010--2011 school year shall not exceed 62.6 percent of the lesser of such approvable costs per contact hour or twelve dollars and five cents per contact hour [and], reimbursement for the 2011--2012 school year shall not exceed 62.9 percent of the lesser of such approvable costs per contact hour or twelve dollars and fifteen cents per contact hour, AND REIMBURSEMENT FOR THE 2012--2013 SCHOOL YEAR SHALL NOT EXCEED 63.3 PERCENT OF THE LESSER OF SUCH APPROVABLE COSTS PER CONTACT HOUR OR TWELVE DOLLARS AND THIRTY-FIVE CENTS PER CONTACT HOUR, where a contact hour represents sixty minutes of instruction services provided to an eligible adult. Notwithstanding any other provision of law to the contrary, [for the 2008-09 school year such contact hours shall not exceed one million nine hundred forty-six thousand one hundred seven (1,946,107) hours; whereas] for the 2009-10 school year such contact hours shall not exceed one million seven hundred sixty--three thousand nine hundred seven (1,763,907) hours; whereas for the 2010--2011 school year such contact hours shall not exceed one million five hundred twenty-five thousand one hundred ninety-eight (1,525,198) hours; whereas for the 2011--2012 school year such contact hours shall not exceed one million seven hundred one thousand five hundred seventy (1,701,570) hours; WHEREAS FOR THE 2012--2013 SCHOOL YEAR SUCH CONTACT HOURS SHALL NOT EXCEED ONE MILLION SIX HUNDRED SIXTY-FOUR THOUSAND FIVE HUNDRED THIRTY-TWO (1,664,532) HOURS. Notwithstanding any other provision of law to the contrary, the apportionment calculated for the city school district of the city of New York pursuant to subdivision 11 of section 3602 of the education law shall be computed as if such contact hours provided by the consortium for worker education, not to exceed the contact hours set forth herein, were eligible for aid in accordance with the provisions of such subdivision 11 of section 3602 of the education law.

S 14. Section 4 of chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, is amended by adding a new subdivision q to read as follows:

Q. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY AFTER THE COMPLETION OF PAYMENTS FOR THE 2012--2013 SCHOOL YEAR. NOTWITHSTANDING ANY INCONSISTENT PROVISIONS OF LAW, THE COMMISSIONER OF EDUCATION SHALL WITHHOLD A PORTION OF EMPLOYMENT PREPARATION EDUCATION AID DUE TO THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK TO SUPPORT A PORTION OF THE COSTS OF THE WORK FORCE EDUCATION PROGRAM. SUCH MONEYS SHALL BE CREDITED TO THE ELEMENTARY AND SECONDARY EDUCATION FUND-LOCAL ASSISTANCE ACCOUNT AND SHALL NOT EXCEED THIRTEEN MILLION DOLLARS ($13,000,000).

S 15. Section 6 of chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, as amended by section 67 of part A of chapter 58 of the laws of 2011, is amended to read as follows:

S 6. This act shall take effect July 1, 1992, and shall be deemed repealed on June 30, [2012] 2013.

S 16. The education law is amended by adding a new section 3627 to read as follows:

S 3627. TRANSPORTATION AFTER 5PM. 1. NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS SECTION TO THE CONTRARY, FOR THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR, A CITY SCHOOL DISTRICT LOCATED IN A CITY HAVING A POPULATION OF ONE MILLION OR MORE PROVIDING TRANSPORTATION PURSUANT TO THIS CHAPTER SHALL BE RESPONSIBLE FOR (I) PROVIDING TRANSPORTATION AFTER FIVE O'CLOCK IN THE AFTERNOON FOR THOSE CHILDREN ATTENDING PUBLIC AND NONPUBLIC SCHOOLS IN GRADES KINDERGARTEN THROUGH SIX WHO REMAIN AT THE SAME SCHOOL FOR WHICH THEY ARE ENROLLED FOR REGULARLY SCHEDULED ACADEMIC CLASSES FROM HALF-PAST NINE O'CLOCK IN THE MORNING OR EARLIER UNTIL FIVE O'CLOCK IN THE AFTERNOON OR LATER, ON WEEKDAYS, AND RESIDE AT LEAST ONE MILE FROM THEIR SCHOOL OF ATTENDANCE FOR GRADES THREE THROUGH SIX, AND AT LEAST ONE-HALF MILE FROM THEIR SCHOOL OF ATTENDANCE FOR GRADES KINDERGARTEN THROUGH TWO OR (II) REIMBURSING THE COST INCURRED BY LICENSED TRANSPORTATION CARRIERS PURSUANT TO CONTRACTS WITH SUCH SCHOOL DISTRICT FOR PROVIDING TRANSPORTATION FOR THOSE CHILDREN ATTENDING PUBLIC AND NONPUBLIC SCHOOLS IN GRADES KINDERGARTEN THROUGH SIX WHO REMAIN AT THE SAME SCHOOL FOR WHICH THEY ARE ENROLLED FOR REGULARLY SCHEDULED ACADEMIC CLASSES FROM HALF-PAST NINE O'CLOCK IN THE MORNING OR EARLIER UNTIL FIVE O'CLOCK IN THE AFTERNOON OR LATER, ON WEEKDAYS, AND RESIDE AT LEAST ONE MILE FROM THEIR SCHOOL OF ATTENDANCE FOR GRADES THREE THROUGH SIX, AND AT LEAST ONE-HALF MILE FROM THEIR SCHOOL OF ATTENDANCE FOR GRADES KINDERGARTEN THROUGH TWO. NOTHING HEREIN SHALL PROHIBIT THE SCHOOL DISTRICT FROM REIMBURSING FOR COSTS INCURRED FOR SUCH CONTRACTS BETWEEN THE SCHOOL DISTRICT AND ANY ENTITY PROVIDING OR CONTRACTING FOR SUCH TRANSPORTATION SERVICE. A DISTRICT DOES NOT SATISFY ITS OBLIGATION UNDER THIS SECTION BY PROVIDING PUBLIC SERVICE TRANSPORTATION.

2. THE EXPENDITURE OF THE APPROPRIATION PROVIDED FOR THE PURPOSE HEREIN SHALL NOT BE CONSIDERED ELIGIBLE FOR TRANSPORTATION AID.

3. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION TO THE CONTRARY, IN NO EVENT SHALL SUCH CITY SCHOOL DISTRICT, IN ORDER TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION, BE REQUIRED TO INCUR ANY COSTS IN EXCESS OF THE APPROPRIATION PROVIDED FOR SUCH PURPOSE. IN THE EVENT THE APPROPRIATION PROVIDED FOR SUCH PURPOSE IS INSUFFICIENT, THE CITY SCHOOL DISTRICT OF NEW YORK SHALL PROVIDE TRANSPORTATION SERVICES WITHIN THE AMOUNTS APPROPRIATED ON AN EQUITABLE BASIS, UNTIL SUCH APPROPRIATION IS EXHAUSTED.

4. THE CHANCELLOR OF SUCH SCHOOL DISTRICT, IN CONSULTATION WITH THE COMMISSIONER, SHALL PRESCRIBE THE MOST COST EFFECTIVE SYSTEM FOR IMPLEMENTING THE REQUIREMENTS OF THIS SECTION, TAKING INTO CONSIDERATION THE COSTS ASSOCIATED WITH PARAGRAPHS (I) AND (II) OF SUBDIVISION ONE OF THIS SECTION, WHILE AT THE SAME TIME ATTEMPTING TO MAXIMIZE STUDENT SAFETY WITH CONSIDERATION OF THE AGE OF THE STUDENT TO BE TRANSPORTED.

5. THE PARENT OR GUARDIAN OR ANY REPRESENTATIVE AUTHORIZED BY SUCH PARENT OR GUARDIAN SHALL HAVE NOTIFIED THE SCHOOL DISTRICT IN WRITING IN THE SAME MANNER AND UPON THE SAME DATES AS ARE REQUIRED FOR A REQUEST FOR TRANSPORTATION PURSUANT TO SUBDIVISION TWO OF SECTION THIRTY-SIX HUNDRED THIRTY-FIVE OF THIS ARTICLE WITH NO OPTION TO REQUEST TRANSPORTATION AT A LATER DATE PROVIDED THAT A REQUEST FOR SUCH TRANSPORTATION FOR THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR MAY BE SUBMITTED WITHIN THIRTY DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION.

S 16-a. 1. Notwithstanding any other provision of law to the contrary, where the education department denies or has denied transportation aid for a school district transportation contract or has recovered overpay-

ments of such aid relating thereto, the actions or omissions of all officers, employees or agents of an eligible school district relating to or in connection with transportation contracts for the 2004-05 school year through the 2011-12 school year and for contracts and contract extensions entered into prior to the 2004-05 school year for which expenses were incurred in the 2004-05 school year or thereafter, and, where a district can demonstrate to the satisfaction of the commissioner that such actions or omissions involve only inadvertent and minor clerical or technical errors, all acts incidental thereto are hereby legalized, validated, ratified and confirmed, notwithstanding any failure to comply with the filing provisions of the education law, the general municipal law or any other law, rule or regulation other than those filing provisions defined in paragraph a of subdivision 5 of section 3604 of the education law, in relation to any omission, error, defect, irregularity or illegality in such proceeding had and taken.

2. The education department is hereby directed to consider the contracts legalized, ratified, validated and confirmed pursuant to subdivision 1 of this section for transportation aid as a valid and proper obligation of the school district for aid payable for expense incurred in the 2004-05 school year and thereafter; provided that such school district submits to the education department the applicable contract number or numbers, school year and upon request, a copy of the contract, on or before December 31, 2012 and the contract is approved by the commissioner of education, and provided further that any amount due and payable for school years prior to the 2012-13 school year as a result of this act shall be paid pursuant to the provisions of paragraph c of subdivision 5 of section 3604 of the education law.

3. Notwithstanding any other provision of law to the contrary, any pending payment of moneys due to a school district for a contract approved for transportation aid pursuant to subdivision 2 of this section, as a prior year adjustment payable pursuant to paragraph c of subdivision 5 of section 3604 of the education law for aid claims that had been previously paid in excess as current year aid payments and for which recovery of excess payments is to be made pursuant to this act, shall be reduced by any remaining unrecovered balance of such excess payments, and the remaining scheduled deductions of such excess payments pursuant to this act shall be reduced by the commissioner of education to reflect the amount so recovered.

S 17. Subdivision 1 of section 167 of chapter 169 of the laws of 1994, relating to certain provisions related to the 1994-95 state operations, aid to localities, capital projects and debt service budgets, as amended by section 68 of part A of chapter 58 of the laws of 2011, is amended to read as follows:

1. Sections one through seventy of this act shall be deemed to have been in full force and effect as of April 1, 1994 provided, however, that sections one, two, twenty-four, twenty-five and twenty-seven through seventy of this act shall expire and be deemed repealed on March 31, 2000; provided, however, that section twenty of this act shall apply only to hearings commenced prior to September 1, 1994, and provided further that section twenty-six of this act shall expire and be deemed repealed on March 31, 1997; and provided further that sections four through fourteen, sixteen, and eighteen, nineteen and twenty-one through twenty-one-a of this act shall expire and be deemed repealed on March 31, 1997; and provided further that sections three, fifteen, seventeen, twenty, twenty-two and twenty-three of this act shall expire and be deemed repealed on March 31, [2013] 2014.

S 17-a. Subdivision 6-a of section 140 of chapter 82 of the laws of 1995, amending the education law and certain other laws relating to state aid to school districts and the appropriation of funds for the support of government, as amended by section 51 of part B of chapter 57 of the laws of 2007, is amended to read as follows:

(6-a) Section seventy-three of this act shall take effect July 1, 1995 and shall be deemed repealed June 30, [2012] 2017;

S 18. Subdivisions 22 and 24 of section 140 of chapter 82 of the laws of 1995, amending the education law and certain other laws relating to state aid to school districts and the appropriation of funds for the support of government, as amended by section 69 of part A of chapter 58 of the laws of 2011, are amended to read as follows:

(22) sections one hundred twelve, one hundred thirteen, one hundred fourteen, one hundred fifteen and one hundred sixteen of this act shall take effect on July 1, 1995; provided, however, that section one hundred thirteen of this act shall remain in full force and effect until July 1, [2012] 2013 at which time it shall be deemed repealed;

(24) sections one hundred eighteen through one hundred thirty of this act shall be deemed to have been in full force and effect on and after July 1, 1995; provided further, however, that the amendments made pursuant to section one hundred nineteen of this act shall be deemed to be repealed on and after July 1, [2012] 2013;

S 19. Section 4 of chapter 698 of the laws of 1996, amending the education law relating to transportation contracts, as amended by chapter 165 of the laws of 2007, is amended to read as follows:

S 4. This act shall take effect immediately, and shall expire and be deemed repealed on and after June 30, [2012] 2017.

S 20. Section 12 of chapter 147 of the laws of 2001, amending the education law relating to conditional appointment of school district, charter school or BOCES employees, as amended by section 72 of part A of chapter 58 of the laws of 2011, is amended to read as follows:

S 12. This act shall take effect on the same date as chapter 180 of the laws of 2000 takes effect, and shall expire July 1, [2012] 2013 when upon such date the provisions of this act shall be deemed repealed.

S 21. Section 4 of chapter 425 of the laws of 2002, amending the education law relating to the provision of supplemental educational services, attendance at a safe public school and the suspension of pupils who bring a firearm to or possess a firearm at a school, as amended by section 73 of part A of chapter 58 of the laws of 2011, is amended to read as follows:

S 4. This act shall take effect July 1, 2002 and shall expire and be deemed repealed June 30, [2012] 2013.

S 22. 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 74 of part A of chapter 58 of the laws of 2011, is amended to read as follows:

S 5. This act shall take effect immediately; provided that sections one, two and three of this act shall expire and be deemed repealed on June 30, [2012] 2013.

S 22-a. Subparagraph 5 of paragraph g of subdivision 2 of section 3012-c of the education law, as amended by a chapter of the laws of 2012 amending the education law relating to annual professional performance review of classroom teachers and building principals and the teacher evaluation appeal process in the city of New York, as proposed in legislative bill numbers S. 6732 and A. 9554, is REPEALED.

S 22-b. Section 3641 of the education law is amended by adding a new subdivision 15 to read as follows:

15. ANNUAL PROFESSIONAL PERFORMANCE REVIEWS TRANSITION GRANTS. A. FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR AND/OR THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR PROVIDED, IF A SCHOOL DISTRICT HAS SUBMITTED A PLAN PURSUANT TO PARAGRAPH K OF SUBDIVISION TWO OF SECTION THREE THOUSAND TWELVE-C OF THIS CHAPTER BEFORE JUNE THIRTIETH, TWO THOUSAND TWELVE AND THE COMMISSIONER FINDS THAT SUCH PLAN DOES NOT MEET THE REQUIREMENTS OF SECTION THREE THOUSAND TWELVE-C OF THIS CHAPTER UNDER PARAGRAPH K OF SUBDIVISION TWO OF SECTION THREE THOUSAND TWELVE-C OF THIS CHAPTER, AND THAT THE COST OF IMPLEMENTING THE LOCALLY-DEVELOPED COMPONENTS OF AN APPROVED PLAN PURSUANT TO PARAGRAPH K OF SUBDIVISION TWO OF SECTION THREE THOUSAND TWELVE-C OF THIS CHAPTER ARE MORE COSTLY THAN THE PLAN THAT IS ORIGINALLY SUBMITTED, THE COMMISSIONER IS AUTHORIZED TO AWARD ANNUAL PROFESSIONAL PERFORMANCE REVIEWS TRANSITION GRANTS TO ELIGIBLE SCHOOL DISTRICTS PURSUANT TO THIS SUBDIVISION.

B. PRIOR TO THE SUBMISSION OF THE PLAN FOR APPROVAL UNDER PARAGRAPH K OF SUBDIVISION TWO OF SECTION THREE THOUSAND TWELVE-C OF THIS CHAPTER A SCHOOL DISTRICT MAY SUBMIT FOR REVIEW TO THE COMMISSIONER PRIOR TO JUNE THIRTIETH, TWO THOUSAND TWELVE LOCALLY DEVELOPED COMPONENTS TO MEET THE REQUIREMENTS OF SECTION THREE THOUSAND TWELVE-C OF THIS CHAPTER FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR AND/OR THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR. A SCHOOL DISTRICT SHALL HAVE THE AUTHORITY TO SUBMIT LOCALLY DEVELOPED COMPONENTS TO THE COMMISSIONER ONLY IF SUCCESSFULLY DETERMINED THROUGH COLLECTIVE BARGAINING. THE COMMISSIONER SHALL HAVE THE DISCRETION AND AUTHORITY TO REVIEW SUCH LOCALLY DEVELOPED COMPONENTS AND IN SUCH CASES IF THE COMMISSIONER DETERMINES THAT CHANGES TO THE SUBMITTED LOCALLY DEVELOPED COMPONENTS ARE NECESSARY TO MEET THE REQUIREMENTS OF SECTION THREE THOUSAND TWELVE-C OF THIS CHAPTER AND FURTHER THE COMMISSIONER DETERMINES SUCH CHANGES ARE MORE COSTLY THAN THE LOCALLY DEVELOPED COMPONENTS ORIGINALLY SUBMITTED UNDER THIS PARAGRAPH, THE COMMISSIONER IS AUTHORIZED TO AWARD ANNUAL PROFESSIONAL PERFORMANCE REVIEWS TRANSITION GRANTS TO ELIGIBLE SCHOOL DISTRICTS PURSUANT TO THIS SUBDIVISION UPON FINAL APPROVAL OF THE PLAN UNDER PARAGRAPH K OF SUBDIVISION TWO OF SECTION THREE THOUSAND TWELVE-C OF THIS CHAPTER.

C. THE SCHOOL DISTRICT MAY PROVIDE A SCHEDULE OF SUCH ADDITIONAL EXPENSES, IF ANY, ON A FORM PRESCRIBED BY THE COMMISSIONER, THAT WERE NECESSARILY INCURRED BY THE SCHOOL DISTRICT IN ORDER TO IMPLEMENT THE SPECIFIC REQUIREMENTS OF THE COMMISSIONER CONTAINED IN THE APPROVED PLAN. THE COMMISSIONER SHALL HAVE THE DISCRETION AND AUTHORITY TO APPROVE OR DISAPPROVE SUCH EXPENSES FROM SUCH SCHEDULE FOR GRANTS UNDER THIS SUBDIVISION. THE COMMISSIONER MAY REQUIRE SUPPORTING DOCUMENTATION FROM THE SCHOOL DISTRICT IN ORDER TO DETERMINE WHETHER OR NOT SUCH ADDITIONAL EXPENSES WERE VALID, REASONABLE, AND ESSENTIAL TO IMPLEMENTING THE SPECIFIC REQUIREMENTS OF THE COMMISSIONER AND TO DETERMINE WHETHER OR NOT SUCH CLAIM, OR ANY PART OF SUCH CLAIM, BE APPROVED. THE COMMISSIONER MAY ALSO CONSIDER THE MANNER IN WHICH THE COMPONENTS OF THE PLAN WERE DEVELOPED AND IF SUCH REQUIREMENTS WERE NOT MET AS A RESULT OF A LACK OF GOOD FAITH.

D. APPROVED ADDITIONAL EXPENSES FOR ANNUAL PROFESSIONAL PERFORMANCE REVIEWS TRANSITION GRANTS PURSUANT TO THIS SUBDIVISION SHALL BE ELIGIBLE FOR REIMBURSEMENT. SUCH APPROVED EXPENSES SHALL BE ELIGIBLE FOR PAYMENT ON OR AFTER SEPTEMBER FIRST FOLLOWING THE END OF THE SCHOOL YEAR IN WHICH SUCH EXPENSES WERE APPROVED. IN THE EVENT THE APPROPRIATION FOR PURPOSES OF THIS SUBDIVISION IN ANY YEAR IS INSUFFICIENT TO PAY ALL

APPROVED CLAIMS PURSUANT TO THIS SUBDIVISION, THE COMMISSIONER SHALL PAY SUCH CLAIMS ON A PRORATED BASIS AMONG ALL DISTRICTS FILING SUCH CLAIMS UNTIL THE APPROPRIATION IS EXHAUSTED. THE COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS SUBDIVISION WITHIN SIXTY DAYS OF THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND TWELVE THAT ADDED THIS SUBDIVISION.

S 23. Subdivision 4 of section 51 of part B of chapter 57 of the laws of 2008 amending the education law relating to the universal pre-kindergarten program, as amended by chapter 2 of the laws of 2011, is amended to read as follows:

4. section 23 of this act shall take effect July 1, 2008 and shall expire and be deemed repealed June 30, [2012] 2017;

S 24. School bus driver training. In addition to apportionments otherwise provided by section 3602 of the education law, for aid payable in the 2012--13 school year, the commissioner of education shall allocate school bus driver training grants to school districts and boards of cooperative education services pursuant to sections 3650-a, 3650-b and 3650-c of the education law, or for contracts directly with not-for-profit educational organizations for the purposes of this section. Such payments shall not exceed four hundred thousand dollars ($400,000) per school year.

S 25. Support of public libraries. The moneys appropriated for the support of public libraries by the chapter of the laws of 2012 enacting the aid to localities budget shall be apportioned for the 2012--13 state fiscal year in accordance with the provisions of sections 271, 272, 273, 282, 284, and 285 of the education law as amended by the provisions of this act, provided that library construction aid pursuant to section 273-a of the education law shall not be payable from the appropriations for the support of public libraries and provided further that no library, library system or program, as defined by the commissioner of education, shall receive less total system or program aid than it received for the year 2001--2002 except as a result of a reduction adjustment necessary to conform to the appropriations for support of public libraries.

Notwithstanding any other provision of law to the contrary the moneys appropriated for the support of public libraries for the year 2012--2013 by a chapter of the laws of 2012 enacting the aid to localities budget shall fulfill the state's obligation to provide such aid and, pursuant to a plan developed by the commissioner of education and approved by the director of the budget, the aid payable to libraries and library systems pursuant to such appropriations shall be reduced proportionately to assure that the total amount of aid payable does not exceed the total appropriations for such purpose.

S 26. Special apportionment for salary expenses. a. Notwithstanding any other provision of law, upon application to the commissioner of education, not sooner than the first day of the second full business week of June, 2013 and not later than the last day of the third full business week of June, 2013, a school district eligible for an apportionment pursuant to section 3602 of the education law shall be eligible to receive an apportionment pursuant to this section, for the school year ending June 30, 2013, for salary expenses incurred between April 1 and June 30, 2013 and such apportionment shall not exceed the sum of (i) the deficit reduction assessment of 1990--91 as determined by the commissioner of education, pursuant to paragraph f of subdivision 1 of section 3602 of the education law, as in effect through June 30, 1993, plus (ii) 186 percent of such amount for a city school district in a

city with a population in excess of 1,000,000 inhabitants, plus (iii) 209 percent of such amount for a city school district in a city with a population of more than 195,000 inhabitants and less than 219,000 inhabitants according to the latest federal census plus (iv) the net gap elimination adjustment for 2010--2011, as determined by the commissioner of education pursuant to chapter 53 of the laws of 2010, plus (v) the gap elimination adjustment for 2011--12 as determined by the commissioner of education pursuant to subdivision 17 of section 3602 of the education law, and provided further that such apportionment shall not exceed such salary expenses. Such application shall be made by a school district, after the board of education or trustees have adopted a resolution to do so and in the case of a city school district in a city with a population in excess of 125,000 inhabitants, with the approval of the mayor of such city.

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

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

S 27. Special apportionment for public pension accruals. a. Notwithstanding any other provision of law, upon application to the commissioner of education, not later than June 30, 2013, a school district eligible for an apportionment pursuant to section 3602 of the education law shall be eligible to receive an apportionment pursuant to this section, for the school year ending June 30, 2013 and such apportionment shall not exceed the additional accruals required to be made by school districts in the 2004--05 and 2005--06 school years associated with changes for such public pension liabilities. The amount of such additional accrual shall be certified to the commissioner of education by the president of the board of education or the trustees or, in the case

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

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

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

S 27-a. Subdivision 11 of section 3641 of the education law is amended by adding a new paragraph c to read as follows:

C. FOR THE PURPOSES OF ENSURING IMPROVEMENT IN ACADEMIC ACHIEVEMENT CONSISTENT WITH THE PROVISIONS OF THIS GRANT, IN ANY YEAR IN WHICH AN APPORTIONMENT IS PROVIDED PURSUANT TO THIS SECTION, THE ROOSEVELT UNION FREE SCHOOL DISTRICT SHALL:

(1) SUBMIT TO THE COMMISSIONER A FIVE-YEAR EDUCATIONAL PLAN, IN A MANNER PRESCRIBED BY THE COMMISSIONER, AND SUCH PLAN SHALL INCLUDE SPECIFIC COURSES OF ACTION THAT WILL BE TAKEN AND DETAILS DESCRIBING HOW ADDITIONAL STATE AND FEDERAL FUNDS WILL BE USED TO IMPROVE EDUCATIONAL OUTCOMES FOR STUDENTS AND INCREASE THE QUALITY OF TEACHERS AND PRINCIPALS. THIS FIVE-YEAR EDUCATIONAL PLAN WILL BE UPDATED AND SUBMITTED TO THE COMMISSIONER BY SEPTEMBER FIRST OF EACH YEAR.

(2) SUBMIT A FIVE-YEAR FISCAL STABILIZATION PLAN IN A MANNER PRESCRIBED BY THE COMMISSIONER, AND ALIGNED WITH THE FIVE-YEAR EDUCATIONAL PLAN FOR APPROVAL BY THE COMMISSIONER OR HIS DESIGNEE BY SEPTEMBER FIRST OF EACH YEAR.

(3) PROVIDE A PROPOSED ANNUAL BUDGET TO THE COMMISSIONER BY THE FIRST BUSINESS DAY OF MAY OF EACH YEAR.

(4) PROVIDE AN ANNUAL APPROVED BUDGET TO THE COMMISSIONER BY JULY FIRST OF EACH YEAR.

(5) PROVIDE QUARTERLY BUDGET STATUS REPORTS INCLUDING COMPLIANCE WITH THE ANNUAL APPROVED BUDGET OF THE DISTRICT.

(6) TAKE ANY ADDITIONAL ACTIONS OR SUBMIT ADDITIONAL DOCUMENTATION IDENTIFIED BY THE COMMISSIONER DEEMED NECESSARY TO ENSURE THE FISCAL INTEGRITY OF THE ROOSEVELT UNION FREE SCHOOL DISTRICT.

S 27-b. Subdivision a of section 5 of chapter 121 of the laws of 1996, relating to authorizing the Roosevelt union free school district to finance deficits, as amended by chapter 9 of the laws of 2008, is amended to read as follows:

a. Notwithstanding any other provisions of law, upon application to the commissioner of education submitted not sooner than April first and not later than June thirtieth of the applicable school year, the Roosevelt union free school district shall be eligible to receive an apportionment pursuant to this chapter for salary expenses, including related benefits, incurred between April first and June thirtieth of such school year. Such apportionment shall not exceed: for the 1996-97 school year through the [2010-11] 2012-13 school year, four million dollars ($4,000,000); for the [2011-12] 2013-14 school year, three million dollars ($3,000,000); for the [2012-13] 2014-2015 school year, two million dollars ($2,000,000); for the [2013-14] 2015-16 school year, one million dollars ($1,000,000); and for the [2014-15] 2016-17 school year, zero dollars. Such annual application shall be made after the board of education has adopted a resolution to do so with the approval of the commissioner of education.

S 28. a. Notwithstanding any other law, rule or regulation to the contrary, any moneys appropriated to the state education department may be suballocated to other state departments or agencies, as needed, to accomplish the intent of the specific appropriations contained therein.

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

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

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

S 29. Notwithstanding the provision of any law, rule, or regulation to the contrary, the city school district of the city of Rochester, upon the consent of the board of cooperative educational services of the supervisory district serving its geographic region may purchase from such board for the 2012--13 school year, as a non-component school district, services required by article 19 of the education law.

S 30. The amounts specified in this section shall be a setaside from the state funds which each such district is receiving from the total foundation aid:

a. for the purpose of the development, maintenance or expansion of magnet schools or magnet school programs for the 2012--2013 school year. To the city school district of the city of New York there shall be paid forty-eight million one hundred seventy-five thousand dollars ($48,175,000) including five hundred thousand dollars ($500,000) for the Andrew Jackson High School; to the Buffalo city school district, twenty-one million twenty-five thousand dollars ($21,025,000); to the Rochester city school district, fifteen million dollars ($15,000,000); to the Syracuse city school district, thirteen million dollars ($13,000,000); to the Yonkers city school district, forty-nine million five hundred thousand dollars ($49,500,000); to the Newburgh city school district, four million six hundred forty-five thousand dollars ($4,645,000); to the Poughkeepsie city school district, two million four hundred seventy-five thousand dollars ($2,475,000); to the Mount Vernon city school district, two million dollars ($2,000,000); to the New Rochelle city school district, one million four hundred ten thousand dollars ($1,410,000); to the Schenectady city school district, one million eight hundred thousand dollars ($1,800,000); to the Port Chester city school district, one million one hundred fifty thousand dollars ($1,150,000); to the White Plains city school district, nine hundred thousand dollars ($900,000); to the Niagara Falls city school district, six hundred thousand dollars ($600,000); to the Albany city school district, three million five hundred fifty thousand dollars ($3,550,000); to the Utica city school district, two million dollars ($2,000,000); to the Beacon city school district, five hundred sixty-six thousand dollars ($566,000); to the Middletown city school district, four hundred thousand dollars ($400,000); to the Freeport union free school district, four hundred thousand dollars ($400,000); to the Greenburgh central school district, three hundred thousand dollars ($300,000); to the Amsterdam city school district, eight hundred thousand dollars ($800,000); to the Peekskill city school district, two hundred thousand dollars ($200,000); and to the Hudson city school district, four hundred thousand dollars ($400,000).

b. notwithstanding the provisions of subdivision a of this section, a school district receiving a grant pursuant to this section may use such grant funds for: (i) any instructional or instructional support costs associated with the operation of a magnet school; or (ii) any instructional or instructional support costs associated with implementation of an alternative approach to reduction of racial isolation and/or enhancement of the instructional program and raising of standards in elementary and secondary schools of school districts having substantial concentrations of minority students. The commissioner of education shall not be authorized to withhold magnet grant funds from a school district that used such funds in accordance with this paragraph, notwithstanding any inconsistency with a request for proposals issued by such commissioner.

c. for the purpose of attendance improvement and dropout prevention for the 2012--2013 school year, for any city school district in a city having a population of more than one million, the setaside for attendance improvement and dropout prevention shall equal the amount set aside in the year prior to the base year. For the 2012--2013 school year, it is further provided that any city school district in a city having a population of more than one million shall allocate at least one-third of any increase from base year levels in funds set aside pursuant to the requirements of this subdivision to community-based organizations. Any increase required pursuant to this subdivision to community-based organ-

izations must be in addition to allocations provided to community-based organizations in the base year.

d. for the purpose of teacher support for the 2012--2013 school year: to the city school district of the city of New York, sixty-two million seven hundred seven thousand dollars ($62,707,000); to the Buffalo city school district, one million seven hundred forty-one thousand dollars ($1,741,000); to the Rochester city school district, one million seventy-six thousand dollars ($1,076,000); to the Yonkers city school district, one million one hundred forty-seven thousand dollars ($1,147,000); and to the Syracuse city school district, eight hundred nine thousand dollars ($809,000). All funds made available to a school district pursuant to this subdivision shall be distributed among teachers including prekindergarten teachers and teachers of adult vocational and academic subjects in accordance with this subdivision and shall be in addition to salaries heretofore or hereafter negotiated or made available; provided, however, that all funds distributed pursuant to this section for the current year shall be deemed to incorporate all funds distributed pursuant to former subdivision 27 of section 3602 of the education law for prior years. In school districts where the teachers are represented by certified or recognized employee organizations, all salary increases funded pursuant to this section shall be determined by separate collective negotiations conducted pursuant to the provisions and procedures of article 14 of the civil service law, notwithstanding the existence of a negotiated agreement between a school district and a certified or recognized employee organization.

S 30-a. Subdivision 10 of section 6-p of the general municipal law, as added by section 81 of part A of chapter 58 of the laws of 2011, is amended to read as follows:

10. Notwithstanding any provision of law to the contrary, the governing board of a school district may, during the two thousand [eleven] TWELVE--two thousand [twelve] THIRTEEN school year, authorize a withdrawal from this fund in an amount not to exceed the lesser of: (a) the dollar value of excess funding in the fund as determined by the comptroller pursuant to section thirty-three of this chapter or (b) the amount of the school district's REMAINING gap elimination adjustment as calculated by the commissioner of education pursuant to subdivision seventeen of section thirty-six hundred two of the education law. Funds withdrawn pursuant to this subdivision may only be used for the purpose of maintaining educational programming during the two thousand [eleven] TWELVE--two thousand [twelve] THIRTEEN school year which otherwise would have been reduced as a result of such gap elimination adjustment. Governing boards which make such a withdrawal shall submit, in a form prescribed by the commissioner of education, relevant information about the withdrawal, which shall include but not be limited to, the amount of such withdrawal, the date of withdrawal, and the use of such withdrawn funds.

S 31. a. Notwithstanding any other provision of law to the contrary, the actions or omissions of any school district which failed to submit a final building project cost report by June 30 of the school year following June 30 of the school year in which the certificate of substantial completion of the project is issued by the architect or engineer, or six months after issuance of such certificate, whichever is later, are hereby ratified and validated, provided that such building project was eligible for aid in a year for which the commissioner is required to prepare an estimate of apportionments due and owing pursuant to paragraph c of subdivision 21 of section 305 of the education law, provided

further that such school district submits a final cost report on or before December 31, 2012 and such report is approved by the commissioner of education, and provided further that any amount due and payable for school years prior to the 2013-14 school year as a result of this act shall be paid pursuant to the provisions of paragraph c of subdivision 5 of section 3604 of the education law.

b. Notwithstanding any other provision of law to the contrary, any pending payment of moneys due to such district as a prior year adjustment payable pursuant to paragraph c of subdivision 5 of section 3604 of the education law for aid claims that had been previously paid in excess as current year aid payments and for which recovery of excess payments is to be made pursuant to this act, shall be reduced by any remaining unrecovered balance of such excess payments, and the remaining scheduled deductions of such excess payments pursuant to this act shall be reduced by the commissioner of education to reflect the amount so recovered.

c. The education department is hereby directed to adjust the approved costs of the aforementioned projects on a pro-rata basis to reflect the number of years between June 30 of the school year following June 30 of the school year in which the certificate of substantial completion of the project is issued by the architect or engineer, or six months after issuance of such certificate, whichever is later and the date upon which the district filed a final cost report as a proportion of the useful life of the project, and to consider such adjusted approved costs as valid and proper obligations of such school districts.

S 31-a. Clause (b) of subparagraph 3 of paragraph e of subdivision 6 of section 3602 of the education law, as amended by section 4 of subpart F of part C of chapter 97 of the laws of 2011, 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 the first day of December, two thousand one 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 EFFECTIVE date of A WAIVER BASED ON a finding by the commissioner, PURSUANT TO A PROCESS SET FORTH 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 SUBMIT A FINAL CERTIFICATE OF SUBSTANTIAL COMPLETION FOR THE PROJECT AND/OR 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 32. Severability. The provisions of this act shall be severable, and if the application of any clause, sentence, paragraph, subdivision, section or part of this act to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not necessarily affect, impair or invalidate the application of any such clause, sentence, paragraph, subdivision, section, part of this act or remainder thereof, as the case may be, to any other person or circumstance, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

S 33. This act shall take effect immediately, and shall be deemed to have been in full force and effect on and after April 1, 2012, provided, however, that:

1. Section ten-b of this act shall be deemed to have been in full force and effect on and after July 1, 2011;

2. Sections six, seven, nine, ten, ten-a, twelve, thirteen, fourteen, sixteen-a twenty-four and thirty of this act shall take effect July 1, 2012;

3. Section sixteen of this act shall take effect July 1, 2012 and shall expire and be deemed repealed June 30, 2013;

4. The amendments to paragraphs d-1 and d-2 of subdivision 12 of section 3602-e of the education law made by section ten-c of this act shall not affect the repeal of such paragraphs and shall be deemed repealed therewith;

5. The amendments to subdivision 6 of section 4402 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;

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

7. Section twenty-two-a of this act shall take effect on the same date and in the same manner as a chapter of the laws of 2012 amending the education law relating to annual professional performance review of classroom teachers and building principals and the teacher evaluation appeal process in the city of New York, as proposed in legislative bill numbers S. 6732 and A. 9554, takes effect; and

8. Section twenty-eight of this act shall expire and be deemed repealed June 30, 2013.

PART A-1
Intentionally Omitted

PART A-2
Intentionally Omitted

PART B

Section 1. Section 3020-a of the education law, as amended by chapter 691 of the laws of 1994, paragraph (b) of subdivision 2 as separately amended by chapters 296 and 325 of the laws of 2008, paragraph (c) of subdivision 2 and paragraph a of subdivision 3 as amended and subpara-

graph (i-a) of paragraph c of subdivision 3 as added by chapter 103 of the laws of 2010, is amended to read as follows:

S 3020-a. Disciplinary procedures and penalties. 1. Filing of charges. All charges against a person enjoying the benefits of tenure as provided in subdivision three of section [one thousand one] ELEVEN hundred two, and sections [two thousand five] TWENTY-FIVE hundred nine, [two thousand five] TWENTY-FIVE hundred seventy-three, twenty-five hundred ninety-j, three thousand twelve and three thousand fourteen of this chapter shall be in writing and filed with the clerk or secretary of the school district or employing board during the period between the actual opening and closing of the school year for which the employed is normally required to serve. Except as provided in subdivision eight of section [two thousand five] TWENTY-FIVE hundred seventy-three and subdivision seven of section twenty-five hundred ninety-j of this chapter, no charges under this section shall be brought more than three years after the occurrence of the alleged incompetency or misconduct, except when the charge is of misconduct constituting a crime when committed.

2. [(a)] Disposition of charges. A. Upon receipt of the charges, the clerk or secretary of the school district or employing board shall immediately notify said board thereof. Within five days after receipt of charges, the employing board, in executive session, shall determine, by a vote of a majority of all the members of such board, whether probable cause exists to bring a disciplinary proceeding against an employee pursuant to this section. If such determination is affirmative, a written statement specifying (I) the charges in detail, (II) the maximum penalty which will be imposed by the board if the employee does not request a hearing or that will be sought by the board if the employee is found guilty of the charges after a hearing and [outlining] (III) the employee's rights under this section, shall be immediately forwarded to the accused employee by certified or registered mail, return receipt requested or by personal delivery to the employee.

[(b)] B. The employee may be suspended pending a hearing on the charges and the final determination thereof. The suspension shall be with pay, except the employee may be suspended without pay if the employee has entered a guilty plea to or has been convicted of a felony crime concerning the criminal sale or possession of a controlled substance, a precursor of a controlled substance, or drug paraphernalia as defined in article two hundred twenty or two hundred twenty-one of the penal law; or a felony crime involving the physical abuse of a minor or student. The employee shall be terminated without a hearing, as provided for in this section, upon conviction of a sex offense, as defined in subparagraph two of paragraph b of subdivision seven-a of section three hundred five of this chapter. To the extent this section applies to an employee acting as a school administrator or supervisor, as defined in subparagraph three of paragraph b of subdivision seven-b of section three hundred five of this chapter, such employee shall be terminated without a hearing, as provided for in this section, upon conviction of a felony offense defined in subparagraph two of paragraph b of subdivision seven-b of section three hundred five of this chapter.

[(c)] C. Within ten days of receipt of the statement of charges, the employee shall notify the clerk or secretary of the employing board in writing whether he or she desires a hearing on the charges and when the charges concern pedagogical incompetence or issues involving pedagogical judgment, his or her choice of either a single hearing officer or a three member panel, provided that a three member panel shall not be available where the charges concern pedagogical incompetence based sole-

ly upon a teacher's or principal's pattern of ineffective teaching or performance as defined in section three thousand twelve-c of this article. All other charges shall be heard by a single hearing officer.

[(d)] D. The unexcused failure of the employee to notify the clerk or secretary of his or her desire for a hearing within ten days of the receipt of charges shall be deemed a waiver of the right to a hearing. Where an employee requests a hearing in the manner provided for by this section, the clerk or secretary of the board shall, within three working days of receipt of the employee's notice or request for a hearing, notify the commissioner [of education] of the need for a hearing. If the employee waives his or her right to a hearing the employing board shall proceed, within fifteen days, by a vote of a majority of all members of such board, to determine the case and fix the penalty, if any, to be imposed in accordance with subdivision four of this section.

3. Hearings. a. Notice of hearing. Upon receipt of a request for a hearing in accordance with subdivision two of this section, the commissioner shall forthwith notify the American Arbitration Association (hereinafter "association") of the need for a hearing and shall request the association to provide to the commissioner forthwith a list of names of persons chosen by the association from the association's panel of labor arbitrators to potentially serve as hearing officers together with relevant biographical information on each arbitrator. Upon receipt of said list and biographical information, the commissioner shall forthwith send a copy of both simultaneously to the employing board and the employee. The commissioner shall also simultaneously notify both the employing board and the employee of each potential hearing officer's record in the last five cases of commencing and completing hearings within the time periods prescribed in this section.

b. (i) Hearing officers. All hearings pursuant to this section shall be conducted before and by a single hearing officer selected as provided for in this section. A hearing officer shall not be eligible to serve [as such] IN SUCH POSITION if he or she is a resident of the school district, other than the city of New York, under the jurisdiction of the employing board, an employee, agent or representative of the employing board or of any labor organization representing employees of such employing board, has served as such agent or representative within two years of the date of the scheduled hearing, or if he or she is then serving as a mediator or fact finder in the same school district.

(A) Notwithstanding any other provision of law, FOR HEARINGS COMMENCED BY THE FILING OF CHARGES PRIOR TO APRIL FIRST, TWO THOUSAND TWELVE, the hearing officer shall be compensated by the department with the customary fee paid for service as an arbitrator under the auspices of the association for each day of actual service plus necessary travel and other reasonable expenses incurred in the performance of his or her duties. All other expenses of the disciplinary proceedings COMMENCED BY THE FILING OF CHARGES PRIOR TO APRIL FIRST, TWO THOUSAND TWELVE shall be paid in accordance with rules promulgated by the commissioner [of education]. CLAIMS FOR SUCH COMPENSATION FOR DAYS OF ACTUAL SERVICE AND REIMBURSEMENT FOR NECESSARY TRAVEL AND OTHER EXPENSES FOR HEARINGS COMMENCED BY THE FILING OF CHARGES PRIOR TO APRIL FIRST, TWO THOUSAND TWELVE SHALL BE PAID FROM AN APPROPRIATION FOR SUCH PURPOSE IN THE ORDER IN WHICH THEY HAVE BEEN APPROVED BY THE COMMISSIONER FOR PAYMENT, PROVIDED PAYMENT SHALL FIRST BE MADE FOR ANY OTHER HEARING COSTS PAYABLE BY THE COMMISSIONER, INCLUDING THE COSTS OF TRANSCRIBING THE RECORD, AND PROVIDED FURTHER THAT NO SUCH 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 PURPOSE IN FUTURE YEARS.

(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION TO THE CONTRARY, FOR HEARINGS COMMENCED BY THE FILING OF CHARGES ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE, THE HEARING OFFICER SHALL BE COMPENSATED BY THE DEPARTMENT FOR EACH DAY OF ACTUAL SERVICE PLUS NECESSARY TRAVEL AND OTHER REASONABLE EXPENSES INCURRED IN THE PERFORMANCE OF HIS OR HER DUTIES, PROVIDED THAT THE COMMISSIONER SHALL ESTABLISH A SCHEDULE FOR MAXIMUM RATES OF COMPENSATION OF HEARING OFFICERS BASED ON CUSTOMARY AND REASONABLE FEES FOR SERVICE AS AN ARBITRATOR AND PROVIDE FOR LIMITATIONS ON THE NUMBER OF STUDY HOURS THAT MAY BE CLAIMED.

(ii) [Not later than ten days after the date the] THE commissioner [mails] SHALL MAIL to the employing board and the employee the list of potential hearing officers and biographies provided to the commissioner by the association, the employing board and the employee, individually or through their agents or representatives, shall by mutual agreement select a hearing officer from said list to conduct the hearing and shall notify the commissioner of their selection.

(iii) [If the employing board and the employee fail to agree on an arbitrator to serve as a hearing officer from said list and so notify the commissioner within ten days after receiving the list from the commissioner, the commissioner shall request the association to appoint a hearing officer from said list.] WITHIN FIFTEEN DAYS AFTER RECEIVING THE LIST OF POTENTIAL HEARING OFFICERS AS DESCRIBED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE EMPLOYING BOARD AND THE EMPLOYEE SHALL EACH NOTIFY THE COMMISSIONER OF THEIR AGREED UPON HEARING OFFICER SELECTION. IF THE EMPLOYING BOARD AND THE EMPLOYEE FAIL TO AGREE ON AN ARBITRATOR TO SERVE AS A HEARING OFFICER FROM THE LIST OF POTENTIAL HEARING OFFICERS, OR FAIL TO NOTIFY THE COMMISSIONER OF A SELECTION WITHIN SUCH FIFTEEN DAY TIME PERIOD, THE COMMISSIONER SHALL APPOINT A HEARING OFFICER FROM THE LIST. THE PROVISIONS OF THIS SUBPARAGRAPH SHALL NOT APPLY IN CITIES WITH A POPULATION OF ONE MILLION OR MORE WITH ALTERNATIVE PROCEDURES SPECIFIED IN SECTION THREE THOUSAND TWENTY OF THIS ARTICLE.

(iv) In those cases in which the employee elects to have the charges heard by a hearing panel, the hearing panel shall consist of the hearing officer, selected in accordance with this subdivision, and two additional persons, one selected by the employee and one selected by the employing board, from a list maintained for such purpose by the commissioner [of education]. The list shall be composed of professional personnel with administrative or supervisory responsibility, professional personnel without administrative or supervisory responsibility, chief school administrators, members of employing boards and others selected from lists of nominees submitted to the commissioner by statewide organizations representing teachers, school administrators and supervisors and the employing boards. Hearing panel members other than the hearing officer shall be compensated by the department [of education] at the rate of one hundred dollars for each day of actual service plus necessary travel and subsistence expenses. The hearing officer shall be compensated as set forth in this subdivision. The hearing officer shall be the [chairman] CHAIRPERSON of the hearing panel.

c. Hearing procedures. (i) (A) The commissioner [of education] shall have the power to establish necessary rules and procedures for the conduct of hearings under this section.

(B) THE DEPARTMENT SHALL BE AUTHORIZED TO MONITOR AND INVESTIGATE A HEARING OFFICER'S COMPLIANCE WITH STATUTORY TIMELINES PURSUANT TO THIS SECTION. THE COMMISSIONER SHALL ANNUALLY INFORM ALL HEARING OFFICERS

WHO HAVE HEARD CASES PURSUANT TO THIS SECTION DURING THE PRECEDING YEAR THAT THE TIME PERIODS PRESCRIBED IN THIS SECTION FOR CONDUCTING SUCH HEARINGS ARE TO BE STRICTLY FOLLOWED. A RECORD OF CONTINUED FAILURE TO COMMENCE AND COMPLETE HEARINGS WITHIN THE TIME PERIODS PRESCRIBED IN THIS SECTION SHALL BE CONSIDERED GROUNDS FOR THE COMMISSIONER TO EXCLUDE SUCH INDIVIDUAL FROM THE LIST OF POTENTIAL HEARING OFFICERS SENT TO THE EMPLOYING BOARD AND THE EMPLOYEE FOR SUCH HEARINGS.

(C) Such rules shall not require compliance with technical rules of evidence. Hearings shall be conducted by the hearing officer selected pursuant to paragraph b of this subdivision with full and fair disclosure of the nature of the case and evidence against the employee by the employing board and shall be public or private at the discretion of the employee. The employee shall have a reasonable opportunity to defend himself or herself and an opportunity to testify in his or her own behalf. The employee shall not be required to testify. Each party shall have the right to be represented by counsel, to subpoena witnesses, and to cross-examine witnesses. All testimony taken shall be under oath which the hearing officer is hereby authorized to administer.

[A competent stenographer, designated by the commissioner of education and compensated by the state education department, shall keep and transcribe a] (D) AN ACCURATE record of the proceedings SHALL BE KEPT AT THE EXPENSE OF THE DEPARTMENT at each such hearing IN ACCORDANCE WITH THE REGULATIONS OF THE COMMISSIONER. A copy of the [transcript] RECORD of the hearings shall, upon request, be furnished without charge to the employee and the board of education involved. THE DEPARTMENT SHALL BE AUTHORIZED TO UTILIZE ANY NEW TECHNOLOGY OR SUCH OTHER APPROPRIATE MEANS TO TRANSCRIBE OR RECORD SUCH HEARINGS IN AN ACCURATE, RELIABLE, EFFICIENT AND COST-EFFECTIVE MANNER WITHOUT ANY CHARGE TO THE EMPLOYEE OR BOARD OF EDUCATION INVOLVED.

(i-a)(A) Where charges of incompetence are brought based solely upon a pattern of ineffective teaching or performance of a classroom teacher or principal, as defined in section three thousand twelve-c of this article, the hearing shall be conducted before and by a single hearing officer in an expedited hearing, which shall commence within seven days after the pre-hearing conference and shall be completed within sixty days after the pre-hearing conference. The hearing officer shall establish a hearing schedule at the pre-hearing conference to ensure that the expedited hearing is completed within the required timeframes and to ensure an equitable distribution of days between the employing board and the charged employee. Notwithstanding any other law, rule or regulation to the contrary, no adjournments may be granted that would extend the hearing beyond such sixty days, except as authorized in this subparagraph. A hearing officer, upon request, may grant a limited and time specific adjournment that would extend the hearing beyond such sixty days if the hearing officer determines that the delay is attributable to a circumstance or occurrence substantially beyond the control of the requesting party and an injustice would result if the adjournment were not granted.

(B) Such charges shall allege that the employing board has developed and substantially implemented a teacher or principal improvement plan in accordance with subdivision four of section three thousand twelve-c of this article for the employee following the first evaluation in which the employee was rated ineffective, and the immediately preceding evaluation if the employee was rated developing. Notwithstanding any other provision of law to the contrary, a pattern of ineffective teaching or performance as defined in section three thousand twelve-c of this arti-

cle shall constitute very significant evidence of incompetence for purposes of this section. Nothing in this subparagraph shall be construed to limit the defenses which the employee may place before the hearing officer in challenging the allegation of a pattern of ineffective teaching or performance.

(C) The commissioner shall annually inform all hearing officers who have heard cases pursuant to this section during the preceding year that the time periods prescribed in this subparagraph for conducting expedited hearings are to be strictly followed. A record of continued failure to commence and complete expedited hearings within the time periods prescribed in this subparagraph shall be considered grounds for the commissioner to exclude such individual from the list of potential hearing officers sent to the employing board and the employee for such expedited hearings.

(ii) The hearing officer selected to conduct a hearing under this section shall, within ten to fifteen days of agreeing to serve [as such] IN SUCH POSITION, hold a pre-hearing conference which shall be held in the school district or county seat of the county, or any county, wherein the employing school board is located. The pre-hearing conference shall be limited in length to one day except that the hearing officer, in his or her discretion, may allow one additional day for good cause shown.

(iii) At the pre-hearing conference the hearing officer shall have the power to:

(A) issue subpoenas;

(B) hear and decide all motions, including but not limited to motions to dismiss the charges;

(C) hear and decide all applications for bills of particular or requests for production of materials or information, including, but not limited to, any witness statement (or statements), investigatory statement (or statements) or note (notes), exculpatory evidence or any other evidence, including district or student records, relevant and material to the employee's defense.

(iv) Any pre-hearing motion or application relative to the sufficiency of the charges, application or amendment thereof, or any preliminary matters shall be made upon written notice to the hearing officer and the adverse party no less than five days prior to the date of the pre-hearing conference. Any pre-hearing motions or applications not made as provided for herein shall be deemed waived except for good cause as determined by the hearing officer.

(v) In the event that at the pre-hearing conference the employing board presents evidence that the professional license of the employee has been revoked and all judicial and administrative remedies have been exhausted or foreclosed, the hearing officer shall schedule the date, time and place for an expedited hearing, which hearing shall commence not more than seven days after the pre-hearing conference and which shall be limited to one day. The expedited hearing shall be held in the local school district or county seat of the county or any county, wherein the said employing board is located. The expedited hearing shall not be postponed except upon the request of a party and then only for good cause as determined by the hearing officer. At such hearing, each party shall have equal time in which to present its case.

(vi) During the pre-hearing conference, the hearing officer shall determine the reasonable amount of time necessary for a final hearing on the charge or charges and shall schedule the location, time(s) and date(s) for the final hearing. The final hearing shall be held in the local school district or county seat of the county, or any county, wher-

ein the said employing school board is located. In the event that the hearing officer determines that the nature of the case requires the final hearing to last more than one day, the days that are scheduled for the final hearing shall be consecutive. The day or days scheduled for the final hearing shall not be postponed except upon the request of a party and then only for good cause shown as determined by the hearing officer. In all cases, the final hearing shall be completed no later than sixty days after the pre-hearing conference unless the hearing officer determines that extraordinary circumstances warrant a limited extension.

(VII) ALL EVIDENCE SHALL BE SUBMITTED BY ALL PARTIES WITHIN ONE HUNDRED TWENTY-FIVE DAYS OF THE FILING OF CHARGES AND NO ADDITIONAL EVIDENCE SHALL BE ACCEPTED AFTER SUCH TIME, ABSENT EXTRAORDINARY CIRCUMSTANCES BEYOND THE CONTROL OF THE PARTIES.

D. LIMITATION ON CLAIMS. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION TO THE CONTRARY, NO PAYMENTS SHALL BE MADE BY THE DEPARTMENT PURSUANT TO THIS SUBDIVISION ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE FOR: (I) COMPENSATION OF A HEARING OFFICER OR HEARING PANEL MEMBER, (II) REIMBURSEMENT OF SUCH HEARING OFFICERS OR PANEL MEMBERS FOR NECESSARY TRAVEL OR OTHER EXPENSES INCURRED BY THEM, OR (III) FOR OTHER HEARING EXPENSES ON A CLAIM SUBMITTED LATER THAN ONE YEAR AFTER THE FINAL DISPOSITION OF THE HEARING BY ANY MEANS, INCLUDING SETTLEMENT, OR WITHIN NINETY DAYS AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH, WHICHEVER IS LATER; PROVIDED THAT NO PAYMENT SHALL BE BARRED OR REDUCED WHERE SUCH PAYMENT IS REQUIRED AS A RESULT OF A COURT ORDER OR JUDGMENT OR A FINAL AUDIT.

4. Post hearing procedures. [(a)] A. The hearing officer shall render a written decision within thirty days of the last day of the final hearing, or in the case of an expedited hearing within ten days of such expedited hearing, and shall [forthwith] forward a copy thereof to the commissioner [of education] who shall immediately forward copies of the decision to the employee and to the clerk or secretary of the employing board. The written decision shall include the hearing officer's findings of fact on each charge, his or her conclusions with regard to each charge based on said findings and shall state what penalty or other action, if any, shall be taken by the employing board. At the request of the employee, in determining what, if any, penalty or other action shall be imposed, the hearing officer shall consider the extent to which the employing board made efforts towards correcting the behavior of the employee which resulted in charges being brought under this section through means including but not limited to: remediation, peer intervention or an employee assistance plan. In those cases where a penalty is imposed, such penalty may be a written reprimand, a fine, suspension for a fixed time without pay, or dismissal. In addition to or in lieu of the aforementioned penalties, the hearing officer, where he or she deems appropriate, may impose upon the employee remedial action including but not limited to leaves of absence with or without pay, continuing education and/or study, a requirement that the employee seek counseling or medical treatment or that the employee engage in any other remedial or combination of remedial actions.

[(b)] B. Within fifteen days of receipt of the hearing officer's decision the employing board shall implement the decision. If the employee is acquitted he or she shall be restored to his or her position with full pay for any period of suspension without pay and the charges expunged from the employment record. If an employee who was convicted of a felony crime specified in paragraph [(b)] B of subdivision two of this

section, has said conviction reversed, the employee, upon application, shall be entitled to have his OR HER pay and other emoluments restored, for the period from the date of his OR HER suspension to the date of the decision.

[(c)] C. The hearing officer shall indicate in the decision whether any of the charges brought by the employing board were frivolous as defined in section [eight thousand three] EIGHTY-THREE hundred three-a of the civil practice law and rules. If the hearing [officers] OFFICER finds that all of the charges brought against the employee were frivolous, the hearing officer shall order the employing board to reimburse the [state education] department the reasonable costs said department incurred as a result of the proceeding and to reimburse the employee the reasonable costs, including but not limited to reasonable attorneys' fees, the employee incurred in defending the charges. If the hearing officer finds that some but not all of the charges brought against the employee were frivolous, the hearing officer shall order the employing board to reimburse the [state education] department a portion, in the discretion of the hearing officer, of the reasonable costs said department incurred as a result of the proceeding and to reimburse the employee a portion, in the discretion of the hearing officer, of the reasonable costs, including but not limited to reasonable attorneys' fees, the employee incurred in defending the charges.

5. Appeal. A. Not later than ten days after receipt of the hearing officer's decision, the employee or the employing board may make an application to the New York state supreme court to vacate or modify the decision of the hearing officer pursuant to section [seven thousand five] SEVENTY-FIVE hundred eleven of the civil practice law and rules. The court's review shall be limited to the grounds set forth in such section. The hearing panel's determination shall be deemed to be final for the purpose of such proceeding.

B. In no case shall the filing or the pendency of an appeal delay the implementation of the decision of the hearing officer.

S 2. This act shall take effect immediately, except that if this act shall have become a law on or after April 1, 2012 this act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2012.

PART C

Section 1. Paragraphs (a), (b), (c) and (d) of subdivision 1 of section 131-o of the social services law, as amended by section 1 of part S of chapter 58 of the laws of 2011, are amended to read as follows:

(a) in the case of each individual receiving family care, an amount equal to at least [$130.00] $135.00 for each month beginning on or after January first, two thousand [eleven] TWELVE.

(b) in the case of each individual receiving residential care, an amount equal to at least [$150.00] $155.00 for each month beginning on or after January first, two thousand [eleven] TWELVE.

(c) in the case of each individual receiving enhanced residential care, an amount equal to at least [$178.00] $184.00 for each month beginning on or after January first, two thousand [eleven] TWELVE.

(d) for the period commencing January first, two thousand [twelve] THIRTEEN, the monthly personal needs allowance shall be an amount equal to the sum of the amounts set forth in subparagraphs one and two of this paragraph:

(1) the amounts specified in paragraphs (a), (b) and (c) of this subdivision; and

(2) the amount in subparagraph one of this paragraph, multiplied by the percentage of any federal supplemental security income cost of living adjustment which becomes effective on or after January first, two thousand [twelve] THIRTEEN, but prior to June thirtieth, two thousand [twelve] THIRTEEN, rounded to the nearest whole dollar.

S 2. Paragraphs (a), (b), (c), (d), (e) and (f) of subdivision 2 of section 209 of the social services law, as amended by section 2 of part S of chapter 58 of the laws of 2011, are amended to read as follows:

(a) On and after January first, two thousand [eleven] TWELVE, for an eligible individual living alone, [$761.00] $785.00; and for an eligible couple living alone, [$1115.00] $1152.00.

(b) On and after January first, two thousand [eleven] TWELVE, for an eligible individual living with others with or without in-kind income, [$697.00] $721.00; and for an eligible couple living with others with or without in-kind income, [$1057.00] $1094.00.

(c) On and after January first, two thousand [eleven] TWELVE, (i) for an eligible individual receiving family care, [$940.48] $964.48 if he or she is receiving such care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible couple receiving family care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland, two times the amount set forth in subparagraph (i) of this paragraph; or (iii) for an eligible individual receiving such care in any other county in the state, [$902.48] $926.48; and (iv) for an eligible couple receiving such care in any other county in the state, two times the amount set forth in subparagraph (iii) of this paragraph.

(d) On and after January first, two thousand [eleven] TWELVE, (i) for an eligible individual receiving residential care, [$1109.00] $1133.00 if he or she is receiving such care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible couple receiving residential care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland, two times the amount set forth in subparagraph (i) of this paragraph; or (iii) for an eligible individual receiving such care in any other county in the state, [$1079.00] $1103.00; and (iv) for an eligible couple receiving such care in any other county in the state, two times the amount set forth in subparagraph (iii) of this paragraph.

(e) (i) On and after January first, two thousand [eleven] TWELVE, for an eligible individual receiving enhanced residential care, [$1368.00] $1392.00; and (ii) for an eligible couple receiving enhanced residential care, two times the amount set forth in subparagraph (i) of this paragraph.

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

S 3. This act shall take effect July 1, 2012.

PART D

Section 1. Paragraph (a-3) of subdivision 2 of section 131-a of the social services law, as amended by section 2 of part U of chapter 58 of

the laws of 2011, is amended and a new paragraph (a-4) is added to read as follows:

(a-3) For the period beginning July first, two thousand twelve and [thereafter] ENDING SEPTEMBER THIRTIETH, TWO THOUSAND TWELVE, the following schedule shall be the standard of monthly need for determining eligibility for all categories of assistance in and by all social services districts:

Number of Persons in Household					
One	Two	Three	Four	Five	Six
[$158]	[$252]	[$335]	[$432]	[$533]	[$616]
$150	$239	$317	$409	$505	$583

For each additional person in the household there shall be added an additional amount of [eighty-four] EIGHTY dollars monthly.

(A-4) FOR THE PERIOD BEGINNING OCTOBER FIRST, TWO THOUSAND TWELVE AND THEREAFTER, THE FOLLOWING SHALL BE THE STANDARD OF MONTHLY NEED FOR DETERMINING ELIGIBILITY FOR ALL CATEGORIES OF ASSISTANCE IN AND BY ALL SOCIAL SERVICES DISTRICTS:

NUMBER OF PERSONS IN HOUSEHOLD					
ONE	TWO	THREE	FOUR	FIVE	SIX
$158	$252	$336	$433	$534	$617

FOR EACH ADDITIONAL PERSON IN THE HOUSEHOLD THERE SHALL BE ADDED AN ADDITIONAL AMOUNT OF EIGHTY-FIVE DOLLARS MONTHLY.

S 2. Paragraph (a-3) of subdivision 3 of section 131-a of the social services law, as amended by section 4 of part U of chapter 58 of the laws of 2011, is amended and a new paragraph (a-4) is added to read as follows:

(a-3) For the period beginning July first, two thousand twelve and [thereafter] ENDING SEPTEMBER THIRTIETH, TWO THOUSAND TWELVE, persons and families determined to be eligible by the application of the standard of need prescribed by the provisions of subdivision two of this section, less any available income or resources which are not required to be disregarded by other provisions of this chapter, shall receive maximum monthly grants and allowances in all social services districts, in accordance with the following schedule, for public assistance:

Number of Persons in Household					
One	Two	Three	Four	Five	Six
[$158]	[$252]	[$335]	[$432]	[$533]	[$616]
$150	$239	$317	$409	$505	$583

For each additional person in the household there shall be added an additional amount of [eighty-four] EIGHTY dollars monthly.

(A-4) FOR THE PERIOD BEGINNING OCTOBER FIRST, TWO THOUSAND TWELVE AND THEREAFTER, PERSONS AND FAMILIES DETERMINED TO BE ELIGIBLE BY THE APPLICATION OF THE STANDARD OF NEED PRESCRIBED BY THE PROVISIONS OF SUBDIVISION TWO OF THIS SECTION, LESS ANY AVAILABLE INCOME OR RESOURCES WHICH ARE NOT REQUIRED TO BE DISREGARDED BY OTHER PROVISIONS OF THIS CHAPTER, SHALL RECEIVE MAXIMUM MONTHLY GRANTS AND ALLOWANCES IN ALL SOCIAL SERVICES DISTRICTS, IN ACCORDANCE WITH THE FOLLOWING SCHEDULE, FOR PUBLIC ASSISTANCE:

NUMBER OF PERSONS IN HOUSEHOLD					
ONE	TWO	THREE	FOUR	FIVE	SIX
$158	$252	$336	$433	$534	$617

FOR EACH ADDITIONAL PERSON IN THE HOUSEHOLD THERE SHALL BE ADDED AN ADDITIONAL AMOUNT OF EIGHTY-FIVE DOLLARS MONTHLY.

S 3. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2012.

PART E

Section 1. Paragraph (f) of subdivision 3 of section 22 of the social services law, as relettered by chapter 611 of the laws of 1979, is relettered paragraph (g) and a new paragraph (f) is added to read as follows:

(F) UNLESS AN AGREEMENT IS IN EFFECT FOR FEDERAL ADMINISTRATION OF ADDITIONAL STATE PAYMENTS PURSUANT TO SECTION TWO HUNDRED ELEVEN OF THIS CHAPTER, APPLICANTS FOR AND RECIPIENTS OF ADDITIONAL STATE PAYMENTS AS DEFINED IN SUBDIVISION TWO OF SECTION TWO HUNDRED EIGHT OF THIS CHAPTER; AND

S 2. Subdivision 2 of section 208 of the social services law, as added by chapter 1080 of the laws of 1974, is amended to read as follows:

2. "Additional state payments" shall mean payments made to aged, blind and disabled persons who are receiving, or who would but for their income be eligible to receive, federal supplemental security income benefits, whether made by [social services districts] THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE in accordance with the provisions of this title and with title sixteen of the federal social security act, or by the [secretary] COMMISSIONER of the [federal department of health, education and welfare] UNITED STATES SOCIAL SECURITY ADMINISTRATION, pursuant to and in accordance with the provisions of this title, title sixteen of the federal social security act, and provisions of any agreement entered into between the state and such [secretary] COMMISSIONER by which the [secretary] COMMISSIONER agrees to administer such additional state payments on behalf of the state. SUCH PAYMENTS ARE EQUAL TO THE STANDARD OF NEED, LESS THE GREATER OF THE FEDERAL BENEFIT RATE OR COUNTABLE INCOME. FOR PURPOSES OF THIS TITLE, THE "FEDERAL BENEFIT RATE" SHALL MEAN THE MAXIMUM PAYMENT OF SUPPLEMENTAL SECURITY INCOME PAYABLE TO A PERSON OR COUPLE WITH NO COUNTABLE INCOME.

S 3. Section 208 of the social services law is amended by adding a new subdivision 12 to read as follows:

12. THE TERM "STANDARD OF NEED" SHALL REFER SOLELY TO THE MAXIMUM LEVEL OF INCOME A PERSON OR COUPLE MAY HAVE AND REMAIN ELIGIBLE FOR ADDITIONAL STATE PAYMENTS UNDER THIS TITLE. THE TERM APPLIES SOLELY TO THE PROGRAM OF ADDITIONAL STATE PAYMENTS AND HAS NO APPLICATION TO ANY OTHER PROGRAM OR BENEFIT.

S 4. Paragraph (a) of subdivision 1 of section 209 of the social services law, as added by chapter 1080 of the laws of 1974 and subparagraph (iv) as amended by chapter 214 of the laws of 1998, is amended to read as follows:

(a) NOTWITHSTANDING ANY LAW TO THE CONTRARY, NO PERSON SHALL BE ELIGIBLE FOR ANY PAYMENT PURSUANT TO THIS TITLE WHO IS INELIGIBLE FOR SUPPLEMENTAL SECURITY INCOME FOR ANY REASON OTHER THAN HAVING COUNTABLE INCOME EXCEEDING THE FEDERAL BENEFIT RATE FOR SUCH PROGRAM. An individual shall be eligible to receive additional state payments if he OR SHE HAS APPLIED FOR SUPPLEMENTAL SECURITY INCOME BENEFITS, HAS RECEIVED A DETERMINATION WITH RESPECT TO SUCH APPLICATION AND:

(i) is over sixty-five years of age, or is blind or disabled; and

(ii) does not have countable income in an amount equal to or greater than the standard of need established in subdivision two of this section; and

(iii) does not have countable resources in an amount equal to or greater than the amount of resources an individual or couple may have and remain eligible for supplemental security income benefits pursuant to federal law and regulations of the department; and

(iv) is a resident of the state and is either a citizen of the United States or is not an alien who is or would be ineligible for federal supplemental security income benefits solely by reason of alien status.

S 5. Subdivision 1 of section 212 of the social services law is REPEALED and a new subdivision 1 is added to read as follows:

1. IF THERE IS NO AGREEMENT IN EFFECT FOR FEDERAL ADMINISTRATION OF ADDITIONAL STATE PAYMENTS PURSUANT TO SECTION TWO HUNDRED ELEVEN OF THIS TITLE, THE COMMISSIONER OF THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE SHALL BE RESPONSIBLE FOR PROVIDING SUCH PAYMENTS TO ELIGIBLE RESIDENTS OF THE STATE AS REQUIRED BY THIS TITLE AND SHALL:

(A) ACCEPT AND PROCESS APPLICATIONS FOR ADDITIONAL STATE PAYMENTS TO BE MADE PURSUANT TO THIS TITLE;

(B) DETERMINE ELIGIBILITY FOR AND THE AMOUNT OF ADDITIONAL STATE PAYMENTS IN ACCORDANCE WITH THIS TITLE;

(C) REDETERMINE ELIGIBILITY PERIODICALLY AS THE OFFICE MAY REQUIRE; PROVIDED, HOWEVER, THAT ANY SUCH REDETERMINATIONS SHALL BE NO MORE FREQUENT THAN PROVIDED BY THE APPLICABLE REGULATIONS OF THE UNITED STATES SOCIAL SECURITY ADMINISTRATION; AND

(D) TAKE ALL OTHER ACTIONS NECESSARY TO EFFECTUATE THE PROVISIONS OF THIS TITLE.

S 6. Subparagraph 2 of paragraph (a) of subdivision 1 of section 366 of the social services law, as added by chapter 1080 of the laws of 1974, is amended to read as follows:

(2) is receiving or is eligible to receive federal supplemental security income payments and/or additional state payments[, so long as there is in effect an agreement between the state and the secretary of health, education and welfare, pursuant to section three hundred sixty-three-b of this title, for the federal determination of eligibility of aged, blind and disabled persons for medical assistance, and so long as such secretary requires, as a condition of entering into such agreement, that such person be eligible for medical assistance] PURSUANT TO TITLE SIX OF THIS ARTICLE; ANY INCONSISTENT PROVISION OF THIS CHAPTER OR OTHER LAW NOTWITHSTANDING, THE DEPARTMENT MAY DESIGNATE THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE AS ITS AGENT TO DISCHARGE ITS RESPONSIBILITY, OR SO MUCH OF ITS RESPONSIBILITY AS IS PERMITTED BY FEDERAL LAW, FOR DETERMINING ELIGIBILITY FOR MEDICAL ASSISTANCE WITH RESPECT TO PERSONS WHO ARE NOT ELIGIBLE TO RECEIVE FEDERAL SUPPLEMENTAL SECURITY INCOME PAYMENTS BUT WHO ARE RECEIVING A STATE ADMINISTERED SUPPLEMENTARY PAYMENT OR MANDATORY MINIMUM SUPPLEMENT IN ACCORDANCE WITH THE PROVISIONS OF SUBDIVISION ONE OF SECTION TWO HUNDRED TWELVE OF THIS ARTICLE; or

S 7. This act shall take effect immediately.

PART F

Section 1. Section 28 of part C of chapter 83 of the laws of 2002, amending the executive law and other laws relating to funding for children and family services, as amended by section 1 of part Q of chapter 57 of the laws of 2009, is amended to read as follows:

S 28. This act shall take effect immediately; provided that sections nine through eighteen and twenty through twenty-seven of this act shall be deemed to have been in full force and effect on and after April 1, 2002; provided, however, that section fifteen of this act shall apply to claims that are otherwise reimbursable by the state on or after April 1, 2002 except as provided in subdivision 9 of section 153-k of the social services law as added by section fifteen of this act; provided further

however, that nothing in this act shall authorize the office of children and family services to deny state reimbursement to a social services district for violations of the provisions of section 153-d of the social services law for services provided from January 1, 1994 through March 31, 2002; provided that section nineteen of this act shall take effect September 13, 2002 AND SHALL EXPIRE AND BE DEEMED REPEALED JUNE 30, 2012; and, provided further, however, that notwithstanding any law to the contrary, the office of children and family services shall have the authority to promulgate, on an emergency basis, any rules and regulations necessary to implement the requirements established pursuant to this act; provided further, however, that the regulations to be developed pursuant to section one of this act shall not be adopted by emergency rule; and provided further that the provisions of sections nine THROUGH EIGHTEEN AND TWENTY through twenty-seven of this act shall expire and be deemed repealed on June 30, [2012] 2017.

S 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2012.

PART G

Section 1. This part enacts into law major components of legislation which are necessary for establishing a juvenile justice services close to home initiative. Each component is wholly contained within a subpart identified as subparts A through B. The effective date for each particular provision contained within such subpart is set forth in the last section of such subpart. Any provision in any section contained within a subpart, including the effective date of the subpart, which makes reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the subpart in which it is found. Section four of this part sets forth the general effective date of this act.

S 2. Legislative intent. In order to provide a juvenile justice system that ensures public safety and improves short and long term outcomes for youth and their families, it is the intent of this legislation to authorize the city of New York to provide juvenile justice services to all adjudicated juvenile delinquents who reside in the city, and are determined by the family court to need placement other than in a secure facility. This legislation aims to transform the juvenile justice system by authorizing the city to develop a system for its youth that strives to:

(a) provide an effective continuum of diversion, supervision, treatment and confinement, ensuring that the most appropriate level of care is provided for all youth, consistent with public safety, keeping youth close to home, minimizing the dislocation of youth from their families and building on positive connections between young people and their communities;

(b) provide accountability of the system and organizations within the system, ensuring that both internal and external mechanisms for oversight of the system are maintained;

(c) be data-driven, ensuring that objective instruments are employed at all key decision making stages and that system actors readily and transparently share information to inform ongoing changes in policy and practice;

(d) promote family and community involvement, ensuring that positive family and community supports are actively engaged;

(e) be based on evidence-informed practices, ensuring that programs and services provided are shown to have worked in improving outcomes for youth, maintaining public safety and reducing unnecessary confinement and recidivism and unwarranted racial/ethnic disparities; and

(f) provide effective reintegration services, ensuring that youth remain connected to appropriate educational services and positive behavioral supports and/or treatment modalities upon transitioning home from placement.

SUBPART A

Section 1. The social services law is amended by adding a new section 404 to read as follows:

S 404. JUVENILE JUSTICE SERVICES CLOSE TO HOME INITIATIVE. 1. A SOCIAL SERVICES DISTRICT IN A CITY WITH A POPULATION IN EXCESS OF ONE MILLION MAY IMPLEMENT A CLOSE TO HOME INITIATIVE TO PROVIDE JUVENILE JUSTICE SERVICES TO ALL ADJUDICATED JUVENILE DELINQUENTS DETERMINED BY A FAMILY COURT IN SUCH DISTRICT AS NEEDING PLACEMENT OTHER THAN IN A SECURE FACILITY AND TO ENTER INTO CONTRACTS WITH ANY AUTHORIZED AGENCY, AS DEFINED BY SECTION THREE HUNDRED SEVENTY-ONE OF THIS CHAPTER, TO OPERATE AND MAINTAIN NON-SECURE AND LIMITED SECURE FACILITIES. SUCH A SOCIAL SERVICES DISTRICT SHALL HAVE SUFFICIENT CAPACITY TO SERVE ALL ADJUDICATED JUVENILE DELINQUENTS NEEDING RESIDENTIAL PLACEMENTS WITHIN THE DISTRICT WITHIN TWENTY-FOUR MONTHS OF APPROVAL OF A PLAN FOR EACH SETTING LEVEL EXCEPT FOR THOSE JUVENILE DELINQUENTS WHO NEED SPECIALIZED SERVICES THAT ARE NOT AVAILABLE WITHIN THE DISTRICT.

2. A SOCIAL SERVICES DISTRICT SHALL OBTAIN PRIOR APPROVAL FROM THE OFFICE OF CHILDREN AND FAMILY SERVICES OF ITS PLAN FOR ESTABLISHING AND IMPLEMENTING SUCH AN INITIATIVE IN ACCORDANCE WITH GUIDELINES ESTABLISHED AND IN THE FORMAT, AND INCLUDING THE INFORMATION REQUIRED, BY SUCH OFFICE. SUCH DISTRICT SHALL SUBMIT SEPARATE PLANS FOR HOW THE DISTRICT WILL IMPLEMENT INITIATIVES FOR JUVENILE DELINQUENTS PLACED IN NON-SECURE SETTINGS AND IN LIMITED SECURE SETTINGS. ANY SUCH PLAN SHALL SPECIFY, IN DETAIL, AS APPLICABLE:

(A) HOW THE DISTRICT WILL PROVIDE A CONTINUUM OF EVIDENCE INFORMED, HIGH-QUALITY COMMUNITY-BASED AND RESIDENTIAL PROGRAMMING THAT WILL PROTECT COMMUNITY SAFETY AND PROVIDE APPROPRIATE SERVICES TO YOUTH, INCLUDING THE OPERATION OF NON-SECURE AND LIMITED SECURE FACILITIES, IN SUFFICIENT CAPACITY AND IN A MANNER DESIGNED TO MEET THE NEEDS OF JUVENILE DELINQUENTS CARED FOR UNDER THE INITIATIVE. SUCH PROGRAMMING SHALL BE BASED ON AN ANALYSIS OF RECENT PLACEMENT TRENDS OF YOUTH FROM WITHIN SUCH DISTRICT, INCLUDING THE NUMBER OF YOUTH WHO HAVE BEEN PLACED IN THE CUSTODY OF THE OFFICE OF CHILDREN AND FAMILY SERVICES FOR PLACEMENT IN OTHER THAN A SECURE FACILITY;

(B) THE ANTICIPATED START-UP AND ON-GOING SERVICES AND ADMINISTRATIVE COSTS OF THE INITIATIVE;

(C) THE READINESS OF THE DISTRICT TO ESTABLISH THE INITIATIVE AND THE AVAILABILITY OF ALL NEEDED RESOURCES, INCLUDING THE LOCATION OF SERVICES AND AVAILABILITY OF THE PROVIDERS THAT WILL PROVIDE ALL NECESSARY SERVICES UNDER THE INITIATIVE INCLUDING, BUT NOT LIMITED TO, RESIDENTIAL, NON-RESIDENTIAL, EDUCATIONAL, MEDICAL, SUBSTANCE ABUSE, MENTAL HEALTH AND AFTER CARE SERVICES AND COMMUNITY SUPERVISION;

(D) THE PROPOSED EFFECTIVE DATE OF THE PLAN AND DOCUMENTATION OF THE DISTRICT'S READINESS TO BEGIN ACCEPTING AND APPROPRIATELY SERVING JUVENILE DELINQUENTS UNDER THE PLAN;

(E) HOW THE DISTRICT WILL PROVIDE NECESSARY AND APPROPRIATE STAFFING TO IMPLEMENT THE INITIATIVE;

(F) HOW THE DISTRICT WILL MONITOR THE QUALITY OF SERVICES PROVIDED TO YOUTH, INCLUDING HOW THE DISTRICT WILL PROVIDE CASE MANAGEMENT SERVICES;

(G) HOW, THROUGHOUT THE INITIATIVE, THE DISTRICT WILL SEEK AND RECEIVE ON-GOING COMMUNITY AND STAKEHOLDER INPUT RELATING TO THE IMPLEMENTATION AND EFFECTIVENESS OF THE INITIATIVE;

(H) HOW THE DISTRICT WILL ENSURE THAT ALL STAFF WORKING DIRECTLY WITH YOUTH SERVED UNDER THE INITIATIVE HAVE RECEIVED NECESSARY AND APPROPRIATE TRAINING;

(I) HOW THE DISTRICT WILL MONITOR THE USE OF RESTRAINTS ON YOUTH, INCLUDING, BUT NOT LIMITED TO, THE USE OF MECHANICAL RESTRAINTS;

(J) HOW THE DISTRICT WILL DEVELOP AND IMPLEMENT PROGRAMS AND POLICIES TO ENSURE PROGRAM SAFETY AND THAT YOUTH RECEIVE APPROPRIATE SERVICES BASED ON THEIR NEEDS, INCLUDING, BUT NOT LIMITED TO, EDUCATIONAL, BEHAVIORAL, MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES IN ACCORDANCE WITH INDIVIDUALIZED TREATMENT PLANS DEVELOPED FOR EACH YOUTH;

(K) HOW THE DISTRICT WILL DEVELOP AND IMPLEMENT GENDER SPECIFIC PROGRAMMING AND POLICIES TO MEET THE SPECIALIZED NEEDS OF LESBIAN, GAY, BISEXUAL AND TRANSGENDER YOUTH;

(L) HOW THE DISTRICT WILL DEVELOP AND IMPLEMENT PROGRAMMING THAT IS CULTURALLY COMPETENT TO MEET THE DIVERSE NEEDS OF THE YOUTH;

(M) HOW THE DISTRICT WILL DEVELOP AND IMPLEMENT LOCAL PROGRAMS THAT WILL SEEK TO REDUCE THE DISPROPORTIONATE PLACEMENT OF MINORITY YOUTH IN RESIDENTIAL PROGRAMS IN THE JUVENILE JUSTICE SYSTEM;

(N) HOW THE DISTRICT WILL DEVELOP AND IMPLEMENT A PLAN TO REDUCE THE NUMBER OF YOUTH ABSENT WITHOUT LEAVE FROM PLACEMENT;

(O) HOW THE DISTRICT WILL DEVELOP AND IMPLEMENT POLICIES TO SERVE YOUTH IN THE LEAST RESTRICTIVE SETTING CONSISTENT WITH THE NEEDS OF YOUTH AND PUBLIC SAFETY, AND TO AVOID MODIFICATIONS OF PLACEMENTS TO THE OFFICE OF CHILDREN AND FAMILY SERVICES;

(P) HOW THE DISTRICT WILL ENGAGE IN PERMANENCY AND DISCHARGE PLANNING FOR JUVENILE DELINQUENTS PLACED IN ITS CUSTODY INCLUDING, BUT NOT LIMITED TO, SECURING ADEQUATE HOUSING AND HEALTH INSURANCE AND EDUCATION AND EMPLOYMENT, AS APPROPRIATE;

(Q) HOW THE DISTRICT WILL DEVELOP AND IMPLEMENT A COMPREHENSIVE AFTER CARE PROGRAM TO PROVIDE SERVICES AND SUPPORTS FOR YOUTH WHO HAVE RE-ENTERED THE COMMUNITY FOLLOWING A JUVENILE JUSTICE PLACEMENT WITH THE DISTRICT;

(R) HOW THE DISTRICT WILL DEVELOP AND IMPLEMENT POLICIES FOCUSED ON REDUCING RECIDIVISM OF YOUTH WHO LEAVE THE PROGRAM;

(S) HOW THE LOCAL PROBATION DEPARTMENT WILL IMPLEMENT A COMPREHENSIVE PREDISPOSITION INVESTIGATION PROCESS THAT INCLUDES, AT LEAST, THE USE OF APPROPRIATE ASSESSMENTS TO DETERMINE THE COGNITIVE, EDUCATIONAL/VOCATIONAL, AND SUBSTANCE ABUSE NEEDS OF THE YOUTH AND THE USE OF A VALIDATED RISK ASSESSMENT INSTRUMENT, APPROVED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES; AND HOW THE DISTRICT WILL IMPLEMENT AN INTAKE PROCESS FOR YOUTH PLACED IN RESIDENTIAL CARE THAT INCLUDES THE USE OF APPROPRIATE ASSESSMENTS TO DETERMINE THE MEDICAL, DENTAL, MENTAL AND BEHAVIORAL HEALTH NEEDS OF THE YOUTH; AND

(T) HOW THE DISTRICT WILL PROVIDE FOR THE RESTRICTIVE SETTING AND PROGRAMS NECESSARY TO SERVE YOUTH WHO NEED PLACEMENT IN A LIMITED SECURE SETTING CONSISTENT WITH THE NECESSITY FOR THE PROTECTION OF THE HEALTH AND SAFETY OF THE JUVENILE DELINQUENTS IN THE FACILITY AND THE SURROUNDING COMMUNITY.

3. (A) PRIOR TO SUBMITTING ANY PLAN PURSUANT TO SUBDIVISION TWO OF THIS SECTION TO IMPLEMENT A JUVENILE JUSTICE SERVICES CLOSE TO HOME INITIATIVE FOR JUVENILE DELINQUENTS PLACED IN NON-SECURE SETTINGS, THE SOCIAL SERVICES DISTRICT SHALL CONDUCT AT LEAST ONE PUBLIC HEARING ON THE PROPOSED PLAN. ANY SUCH PUBLIC HEARINGS SHALL ONLY BE HELD AFTER THIRTY DAYS NOTICE HAS BEEN PROVIDED IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN THE JURISDICTION FOR WHICH THE SOCIAL SERVICES DISTRICT IS LOCATED. THE NOTICE SHALL SPECIFY THE TIMES OF THE PUBLIC HEARING AND PROVIDE INFORMATION ON HOW WRITTEN COMMENTS ON THE PLAN MAY BE SUBMITTED TO THE DISTRICT FOR CONSIDERATION. ADDITIONALLY, FOR A PERIOD OF AT LEAST THIRTY DAYS PRIOR TO A HEARING, THE DISTRICT SHALL POST ON ITS WEBSITE A NOTICE OF THE HEARING, A COPY OF THE PROPOSED PLAN, AND INFORMATION ON HOW WRITTEN COMMENTS ON THE PLAN MAY BE SUBMITTED TO THE DISTRICT FOR CONSIDERATION.

(B) PRIOR TO SUBMITTING A PLAN PURSUANT TO SUBDIVISION TWO OF THIS SECTION TO IMPLEMENT A JUVENILE JUSTICE SERVICES CLOSE TO HOME INITIATIVE FOR JUVENILE DELINQUENTS PLACED IN LIMITED SECURE SETTINGS, THE SOCIAL SERVICES DISTRICT SHALL:

(I) HOLD AT LEAST ONE FORUM IN EACH OF THE FIVE BOROUGHS WITHIN THE DISTRICT FOR COMMUNITY MEMBERS AND RELEVANT STAKEHOLDERS INCLUDING POTENTIAL PROVIDER AGENCIES TO DISCUSS, IN GENERAL, THE MANNER IN WHICH THE DISTRICT INTENDS TO PROVIDE THE RESIDENTIAL AND AFTERCARE SERVICES TO YOUTH WHO NEED PLACEMENT IN LIMITED SECURE SETTINGS IN A MANNER TO PROTECT COMMUNITY SAFETY AND PROVIDE APPROPRIATE SERVICES TO SUCH YOUTH, AND TO RESPOND TO CONCERNS AND RECEIVE SUGGESTED ALTERNATIVES;

(II) CONDUCT AT LEAST ONE PUBLIC HEARING IN EACH OF THE FIVE BOROUGHS WITHIN THE DISTRICT ON THE PROPOSED PLAN. SUCH PUBLIC HEARINGS SHALL ONLY BE HELD AFTER THIRTY DAYS NOTICE HAS BEEN PROVIDED IN A NEWSPAPER OF GENERAL CIRCULATION IN THE RESPECTIVE BOROUGH. THE NOTICE SHALL SPECIFY THE TIME OF THE HEARING IN THE RESPECTIVE BOROUGH AND PROVIDE INFORMATION ON HOW WRITTEN COMMENTS ON THE PLAN MAY BE SUBMITTED TO THE DISTRICT FOR CONSIDERATION. ADDITIONALLY, FOR A PERIOD OF AT LEAST THIRTY DAYS PRIOR TO EACH SUCH HEARING, THE DISTRICT SHALL POST ON ITS WEBSITE A NOTICE OF THE HEARING, A COPY OF THE PROPOSED PLAN, AND INFORMATION ON HOW WRITTEN COMMENTS ON THE PLAN MAY BE SUBMITTED TO THE DISTRICT FOR CONSIDERATION.

4. THE SOCIAL SERVICES DISTRICT SHALL SUBMIT, WITH ANY SUCH PLAN, AN ASSESSMENT OF ANY WRITTEN COMMENTS RECEIVED, AND ANY COMMENTS PRESENTED AT THE PUBLIC HEARING. AT A MINIMUM, SUCH ASSESSMENT SHALL CONTAIN:

(A) A SUMMARY AND ANALYSIS OF THE ISSUES RAISED AND SIGNIFICANT ALTERNATIVES SUGGESTED;

(B) A STATEMENT OF THE REASONS WHY ANY SIGNIFICANT ALTERNATIVES WERE NOT INCORPORATED INTO THE PLAN; AND

(C) A DESCRIPTION OF ANY CHANGES MADE TO THE PLAN AS A RESULT OF SUCH COMMENTS.

AT THE TIME OF, OR PRIOR TO, THE SUBMISSION OF EACH SUCH PLAN TO THE OFFICE, THE SOCIAL SERVICES DISTRICT SHALL POST ON ITS WEBSITE THE PLAN AND THE ASSESSMENT OF COMMENTS. AT THE TIME IT SUBMITS ITS PLAN TO THE OFFICE, THE SOCIAL SERVICES DISTRICT SHALL PROVIDE A COPY OF THE PLAN AND ASSESSMENT OF COMMENTS TO THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY.

5. THE OFFICE OF CHILDREN AND FAMILY SERVICES, IN CONSULTATION WITH THE OFFICE OF MENTAL HEALTH AND THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, SHALL BE AUTHORIZED TO REQUEST AMENDMENTS TO ANY PLAN PRIOR TO APPROVAL. FOR ANY PLAN THAT ONLY COVERS JUVENILE DELINQUENTS PLACED IN NON-SECURE SETTINGS, THE OFFICE SHALL, WITHIN THIRTY DAYS OF

RECEIVING THE PLAN, EITHER APPROVE OR DISAPPROVE THE PLAN OR REQUEST AMENDMENTS TO THE PLAN. IF ANY AMENDMENTS ARE REQUESTED TO THE PLAN, THE OFFICE SHALL APPROVE OR DISAPPROVE THE PLAN WITHIN FIFTEEN DAYS OF ITS RESUBMISSION WITH THE REQUESTED AMENDMENTS. FOR ANY PLAN THAT COVERS JUVENILE DELINQUENTS PLACED IN LIMITED SECURE SETTINGS, THE OFFICE SHALL, WITHIN SIXTY DAYS OF RECEIVING THE PLAN, EITHER APPROVE OR DISAPPROVE THE PLAN OR REQUEST AMENDMENTS TO THE PLAN. IF ANY AMENDMENTS ARE REQUESTED TO THE PLAN, THE OFFICE SHALL APPROVE OR DISAPPROVE THE PLAN WITHIN FIFTEEN DAYS OF ITS RESUBMISSION WITH THE REQUESTED AMENDMENTS. IN NO EVENT SHALL THE OFFICE APPROVE SUCH A PLAN FOR LIMITED SECURE SETTINGS PRIOR TO APRIL FIRST, TWO THOUSAND THIRTEEN.

6. (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, IF THE OFFICE OF CHILDREN AND FAMILY SERVICES APPROVES A SOCIAL SERVICES DISTRICT'S PLAN TO IMPLEMENT A JUVENILE JUSTICE SERVICES CLOSE TO HOME INITIATIVE FOR JUVENILE DELINQUENTS PLACED IN NON-SECURE SETTINGS, SUCH OFFICE SHALL WORK WITH SUCH DISTRICT TO IDENTIFY THOSE JUVENILE DELINQUENTS IN THE OFFICE'S CUSTODY RESIDING IN NON-SECURE PLACEMENTS AND THOSE CONDITIONALLY RELEASED FROM A FACILITY WHO WERE PLACED BY A FAMILY COURT WITHIN THE JURISDICTION OF SAID SOCIAL SERVICES DISTRICT. THE OFFICE SHALL EVALUATE THE PLACEMENT LENGTH AND THE NEEDS OF SUCH JUVENILE DELINQUENTS AND, WHERE APPROPRIATE, FILE A PETITION PURSUANT TO SECTION 355.1 OF THE FAMILY COURT ACT TO TRANSFER CUSTODY OF SUCH YOUTH TO SAID SOCIAL SERVICES DISTRICT ON THE EFFECTIVE DATE OF THE PLAN, OR AS SOON AS APPROPRIATE THEREAFTER, BUT IN NO EVENT LATER THAN NINETY DAYS AFTER SUCH EFFECTIVE DATE; PROVIDED, HOWEVER, IF THE OFFICE DETERMINES, ON A CASE-BY-CASE BASIS, FOR REASONS DOCUMENTED IN WRITING SUBMITTED TO THE SOCIAL SERVICES DISTRICT, THAT A TRANSFER WITHIN NINETY DAYS OF THE EFFECTIVE DATE OF THE PLAN WOULD BE DETRIMENTAL TO THE EDUCATION OR THE EMOTIONAL, MENTAL OR PHYSICAL HEALTH OF A YOUTH, OR WOULD SERIOUSLY INTERFERE WITH THE YOUTH'S INTERSTATE TRANSFER OR IMMINENT DISCHARGE, THE OFFICE SHALL PROVIDE AN ESTIMATED TIME BY WHICH THE OFFICE EXPECTS TO BE ABLE TO PETITION FOR THE TRANSFER OF SUCH YOUTH OR TO RELEASE SUCH YOUTH FROM ITS CARE, AND SHALL NOTIFY THE DISTRICT AND THE ATTORNEY FOR THE RESPONDENT OF ANY DELAY OF THAT EXPECTED DATE AND THE REASONS FOR SUCH A DELAY.

(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, IF THE OFFICE APPROVES A SOCIAL SERVICES DISTRICT'S PLAN TO IMPLEMENT A JUVENILE JUSTICE SERVICES CLOSE TO HOME INITIATIVE FOR JUVENILE DELINQUENTS PLACED IN LIMITED-SECURE SETTINGS, SUCH OFFICE SHALL WORK WITH SUCH DISTRICT TO IDENTIFY JUVENILE DELINQUENTS IN THE OFFICE'S CUSTODY RESIDING IN LIMITED SECURE PLACEMENTS WHO WERE PLACED BY A FAMILY COURT IN THE SOCIAL SERVICES DISTRICT. THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL EVALUATE THE PLACEMENT LENGTH AND NEEDS OF SUCH JUVENILE DELINQUENTS AND, WHERE APPROPRIATE, FILE A PETITION PURSUANT TO SECTION 355.1 OF THE FAMILY COURT ACT TO TRANSFER CUSTODY OF SUCH YOUTH TO SAID SOCIAL SERVICES DISTRICT ON THE EFFECTIVE DATE OF THE PLAN OR AS SOON AS APPROPRIATE THEREAFTER, BUT IN NO EVENT LATER THAN NINETY DAYS AFTER SUCH EFFECTIVE DATE; PROVIDED, HOWEVER, IF THE OFFICE DETERMINES, ON A CASE-BY-CASE BASIS, FOR REASONS DOCUMENTED IN WRITING SUBMITTED TO THE SOCIAL SERVICES DISTRICT, THAT A TRANSFER WITHIN NINETY DAYS OF THE EFFECTIVE DATE OF THE PLAN WOULD BE DETRIMENTAL TO THE EDUCATION OR THE EMOTIONAL, MENTAL OR PHYSICAL HEALTH OF A YOUTH, OR WOULD SERIOUSLY INTERFERE WITH THE YOUTH'S INTERSTATE TRANSFER OR IMMINENT DISCHARGE, THE OFFICE SHALL PROVIDE AN ESTIMATED TIME BY WHICH THE OFFICE EXPECTS TO BE ABLE TO PETITION FOR THE TRANSFER OF SUCH YOUTH OR TO RELEASE SUCH YOUTH FROM ITS CARE, AND SHALL NOTIFY THE DISTRICT AND THE ATTORNEY FOR THE

RESPONDENT OF ANY DELAY OF THAT EXPECTED DATE AND THE REASONS FOR SUCH A DELAY.

7. (A) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (C) OF SUBDIVISION FIFTEEN OF SECTION FIVE HUNDRED ONE OF THE EXECUTIVE LAW, OR ANY OTHER LAW TO THE CONTRARY, IF THE OFFICE OF CHILDREN AND FAMILY SERVICES APPROVES A SOCIAL SERVICES DISTRICT'S PLAN FOR A JUVENILE JUSTICE SERVICES CLOSE TO HOME INITIATIVE TO IMPLEMENT SERVICES FOR JUVENILE DELINQUENTS PLACED IN NON-SECURE OR LIMITED SECURE SETTINGS, SUCH OFFICE SHALL BE AUTHORIZED, FOR UP TO A YEAR AFTER THE EFFECTIVE DATE OF THE FIRST OF ANY SUCH APPROVED PLAN FOR A DISTRICT TO IMPLEMENT SERVICES FOR EACH SETTING LEVEL, BUT IN NO EVENT LATER THAN SEPTEMBER FIRST, TWO THOUSAND FOURTEEN: (1) TO CLOSE ANY OF ITS FACILITIES IN THE CORRESPONDING SETTING LEVELS COVERED BY THE APPROVED PLAN AND TO MAKE SIGNIFICANT ASSOCIATED SERVICE REDUCTIONS AND PUBLIC EMPLOYEE STAFFING REDUCTIONS AND TRANSFER OPERATIONS FOR THOSE SETTING LEVELS TO A PRIVATE OR NOT-FOR-PROFIT ENTITY, AS DETERMINED BY THE COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY SERVICES SOLELY TO REFLECT THE DECREASE IN THE NUMBER OF JUVENILE DELINQUENTS PLACED WITH SUCH OFFICE FROM SUCH SOCIAL SERVICES DISTRICT; (2) TO REDUCE COSTS TO THE STATE AND OTHER SOCIAL SERVICES DISTRICTS RESULTING FROM SUCH DECREASE; AND (3) TO ADJUST SERVICES TO PROVIDE REGIONALLY-BASED CARE TO JUVENILE DELINQUENTS FROM OTHER PARTS OF THE STATE NEEDING SERVICES IN THOSE LEVELS OF RESIDENTIAL SERVICES. AT LEAST SIXTY DAYS PRIOR TO TAKING ANY SUCH ACTION, THE COMMISSIONER OF THE OFFICE SHALL PROVIDE NOTICE OF SUCH ACTION TO THE SPEAKER OF THE ASSEMBLY AND THE TEMPORARY PRESIDENT OF THE SENATE AND SHALL POST SUCH NOTICE UPON ITS PUBLIC WEBSITE. SUCH NOTICE MAY BE PROVIDED AT ANY TIME ON OR AFTER THE DATE THE OFFICE APPROVES A PLAN AUTHORIZING A SOCIAL SERVICES DISTRICT TO IMPLEMENT PROGRAMS FOR JUVENILE DELINQUENTS PLACED IN THE APPLICABLE SETTING LEVEL. SUCH COMMISSIONER SHALL BE AUTHORIZED TO CONDUCT ANY AND ALL PREPARATORY ACTIONS WHICH MAY BE REQUIRED TO EFFECTUATE SUCH CLOSURES OR SIGNIFICANT SERVICE OR STAFFING REDUCTIONS AND TRANSFER OF OPERATIONS DURING SUCH SIXTY DAY PERIOD. IN ASSESSING WHICH OF SUCH FACILITIES TO CLOSE, OR AT WHICH TO IMPLEMENT ANY SIGNIFICANT SERVICE REDUCTIONS, PUBLIC EMPLOYEE STAFFING REDUCTIONS AND/OR TRANSFER OF OPERATIONS TO A PRIVATE OR NOT-FOR-PROFIT ENTITY, THE COMMISSIONER SHALL CONSIDER THE FOLLOWING FACTORS: (1) ABILITY TO PROVIDE A SAFE, HUMANE AND THERAPEUTIC ENVIRONMENT FOR PLACED YOUTH; (2) ABILITY TO MEET THE EDUCATIONAL, MENTAL HEALTH, SUBSTANCE ABUSE AND BEHAVIORAL HEALTH TREATMENT NEEDS OF PLACED YOUTH; (3) COMMUNITY NETWORKS AND PARTNERSHIPS THAT PROMOTE THE SOCIAL, MENTAL, ECONOMIC AND BEHAVIORAL DEVELOPMENT OF PLACED YOUTH; (4) FUTURE CAPACITY REQUIREMENTS FOR THE EFFECTIVE OPERATION OF YOUTH FACILITIES; (5) THE PHYSICAL CHARACTERISTICS, CONDITIONS AND COSTS OF OPERATION OF THE FACILITY; AND (6) THE LOCATION OF THE FACILITY IN REGARDS TO COSTS AND EASE OF TRANSPORTATION OF PLACED YOUTH AND THEIR FAMILIES.

(B) ANY TRANSFERS OF CAPACITY OR ANY RESULTING TRANSFER OF FUNCTIONS SHALL BE AUTHORIZED TO BE MADE BY THE COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY SERVICES AND ANY TRANSFER OF PERSONNEL UPON SUCH TRANSFER OF CAPACITY OR TRANSFER OF FUNCTIONS SHALL BE ACCOMPLISHED IN ACCORDANCE WITH THE PROVISIONS OF SECTION SEVENTY OF THE CIVIL SERVICE LAW.

8. (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, ELIGIBLE EXPENDITURES DURING THE APPLICABLE TIME PERIODS MADE BY A SOCIAL SERVICES DISTRICT FOR AN APPROVED JUVENILE JUSTICE SERVICES CLOSE TO HOME INITIATIVE SHALL, IF APPROVED BY THE DEPARTMENT OF FAMILY ASSISTANCE, BE SUBJECT TO REIMBURSEMENT WITH STATE FUNDS ONLY UP TO THE

EXTENT OF AN ANNUAL APPROPRIATION MADE SPECIFICALLY THEREFOR, AFTER FIRST DEDUCTING THEREFROM ANY FEDERAL FUNDS PROPERLY RECEIVED OR TO BE RECEIVED ON ACCOUNT THEREOF; PROVIDED, HOWEVER, THAT WHEN SUCH FUNDS HAVE BEEN EXHAUSTED, A SOCIAL SERVICES DISTRICT MAY RECEIVE STATE REIMBURSEMENT FROM OTHER AVAILABLE STATE APPROPRIATIONS FOR THAT STATE FISCAL YEAR FOR ELIGIBLE EXPENDITURES FOR SERVICES THAT OTHERWISE WOULD BE REIMBURSABLE UNDER SUCH FUNDING STREAMS. ANY CLAIMS SUBMITTED BY A SOCIAL SERVICES DISTRICT FOR REIMBURSEMENT FOR A PARTICULAR STATE FISCAL YEAR FOR WHICH THE SOCIAL SERVICES DISTRICT DOES NOT RECEIVE STATE REIMBURSEMENT FROM THE ANNUAL APPROPRIATION FOR THE APPROVED CLOSE TO HOME INITIATIVE MAY NOT BE CLAIMED AGAINST THAT DISTRICT'S APPROPRIATION FOR THE INITIATIVE FOR THE NEXT OR ANY SUBSEQUENT STATE FISCAL YEAR.

(I) STATE FUNDING FOR REIMBURSEMENT SHALL BE, SUBJECT TO APPROPRIATION, IN THE FOLLOWING AMOUNTS: FOR STATE FISCAL YEAR 2013-14, $35,200,000 ADJUSTED BY ANY CHANGES IN SUCH AMOUNT REQUIRED BY SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH; FOR STATE FISCAL YEAR 2014-15, $41,400,000 ADJUSTED TO INCLUDE THE AMOUNT OF ANY CHANGES MADE TO THE STATE FISCAL YEAR 2013-14 APPROPRIATION UNDER SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH PLUS ANY ADDITIONAL CHANGES REQUIRED BY SUCH SUBPARAGRAPHS; AND, SUCH REIMBURSEMENT SHALL BE, SUBJECT TO APPROPRIATION, FOR ALL SUBSEQUENT STATE FISCAL YEARS IN THE AMOUNT OF THE PRIOR YEAR'S ACTUAL APPROPRIATION ADJUSTED BY ANY CHANGES REQUIRED BY SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH.

(II) THE REIMBURSEMENT AMOUNTS SET FORTH IN SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE INCREASED OR DECREASED BY THE PERCENTAGE THAT THE AVERAGE OF THE MOST RECENTLY APPROVED MAXIMUM STATE AID RATES FOR GROUP RESIDENTIAL FOSTER CARE PROGRAMS IS HIGHER OR LOWER THAN THE AVERAGE OF THE APPROVED MAXIMUM STATE AID RATES FOR GROUP RESIDENTIAL FOSTER CARE PROGRAMS IN EXISTENCE IMMEDIATELY PRIOR TO THE MOST RECENTLY APPROVED RATES.

(III) THE REIMBURSEMENT AMOUNTS SET FORTH IN SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE INCREASED IF EITHER THE POPULATION OF ALLEGED JUVENILE DELINQUENTS WHO RECEIVE A PROBATION INTAKE OR THE TOTAL POPULATION OF ADJUDICATED JUVENILE DELINQUENTS PLACED ON PROBATION COMBINED WITH THE POPULATION OF ADJUDICATED JUVENILE DELINQUENTS PLACED OUT OF THEIR HOMES IN A SETTING OTHER THAN A SECURE FACILITY PURSUANT TO SECTION 352.2 OF THE FAMILY COURT ACT, INCREASES BY AT LEAST TEN PERCENT OVER THE RESPECTIVE POPULATION IN THE ANNUAL BASELINE YEAR. THE BASELINE YEAR SHALL BE THE PERIOD FROM JULY FIRST, TWO THOUSAND TEN THROUGH JUNE THIRTIETH, TWO THOUSAND ELEVEN OR THE MOST RECENT TWELVE MONTH PERIOD FOR WHICH THERE IS COMPLETE DATA, WHICHEVER IS LATER. IN EACH SUCCESSIVE YEAR, THE POPULATION OF THE PREVIOUS JULY FIRST THROUGH JUNE THIRTIETH PERIOD SHALL BE COMPARED TO THE BASELINE YEAR FOR DETERMINING ANY ADJUSTMENTS TO A STATE FISCAL YEAR APPROPRIATION. WHEN EITHER POPULATION INCREASES BY TEN PERCENT OR MORE, THE REIMBURSEMENT WILL BE ADJUSTED BY A PERCENTAGE EQUAL TO THE LARGER OF THE PERCENTAGE INCREASE IN EITHER THE NUMBER OF PROBATION INTAKES FOR ALLEGED JUVENILE DELINQUENTS OR THE TOTAL POPULATION OF ADJUDICATED JUVENILE DELINQUENTS PLACED ON PROBATION COMBINED WITH THE POPULATION OF ADJUDICATED JUVENILE DELINQUENTS PLACED OUT OF THEIR HOMES IN A SETTING OTHER THAN A SECURE FACILITY PURSUANT TO SECTION 352.2 OF THE FAMILY COURT ACT.

(IV) THE SOCIAL SERVICES DISTRICT AND/OR THE NEW YORK CITY DEPARTMENT OF PROBATION SHALL PROVIDE AN ANNUAL REPORT INCLUDING THE DATA REQUIRED TO CALCULATE THE POPULATION ADJUSTMENT TO THE NEW YORK CITY OFFICE OF MANAGEMENT AND BUDGET, THE DIVISION OF CRIMINAL JUSTICE SERVICES AND THE STATE DIVISION OF THE BUDGET NO LATER THAN THE FIRST DAY OF SEPTEMBER

FOLLOWING THE CLOSE OF THE PREVIOUS JULY FIRST THROUGH JUNE THIRTIETH PERIOD.

(B) THE DEPARTMENT OF FAMILY ASSISTANCE IS AUTHORIZED, IN ITS DISCRETION, TO MAKE ADVANCES TO A SOCIAL SERVICES DISTRICT IN ANTICIPATION OF THE STATE REIMBURSEMENT PROVIDED FOR IN THIS SECTION.

(C) A SOCIAL SERVICES DISTRICT SHALL CONDUCT ELIGIBILITY DETERMINATIONS FOR FEDERAL AND STATE FUNDING AND SUBMIT CLAIMS FOR REIMBURSEMENT IN SUCH FORM AND MANNER AND AT SUCH TIMES AND FOR SUCH PERIODS AS THE DEPARTMENT OF FAMILY ASSISTANCE SHALL DETERMINE.

(D) NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW OR REGULATION OF THE DEPARTMENT OF FAMILY ASSISTANCE, STATE REIMBURSEMENT SHALL NOT BE MADE FOR ANY EXPENDITURE MADE FOR THE DUPLICATION OF ANY GRANT OR ALLOWANCE FOR ANY PERIOD.

(E) CLAIMS SUBMITTED BY A SOCIAL SERVICES DISTRICT FOR REIMBURSEMENT SHALL BE PAID AFTER DEDUCTING ANY EXPENDITURES DEFRAYED BY FEES, THIRD PARTY REIMBURSEMENT, AND ANY NON-TAX LEVY FUNDS INCLUDING ANY DONATED FUNDS.

(F) THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL NOT REIMBURSE ANY CLAIMS FOR EXPENDITURES FOR RESIDENTIAL SERVICES THAT ARE SUBMITTED MORE THAN TWENTY-TWO MONTHS AFTER THE CALENDAR QUARTER IN WHICH THE EXPENDITURES WERE MADE.

(G) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE STATE SHALL NOT BE RESPONSIBLE FOR REIMBURSING A SOCIAL SERVICES DISTRICT AND A DISTRICT SHALL NOT SEEK STATE REIMBURSEMENT FOR ANY PORTION OF ANY STATE DISALLOWANCE OR SANCTION TAKEN AGAINST THE SOCIAL SERVICES DISTRICT, OR ANY FEDERAL DISALLOWANCE ATTRIBUTABLE TO FINAL FEDERAL AGENCY DECISIONS OR TO SETTLEMENTS MADE, WHEN SUCH DISALLOWANCE OR SANCTION RESULTS FROM THE FAILURE OF THE SOCIAL SERVICES DISTRICT TO COMPLY WITH FEDERAL OR STATE REQUIREMENTS, INCLUDING, BUT NOT LIMITED TO, FAILURE TO DOCUMENT ELIGIBILITY FOR THE FEDERAL OR STATE FUNDS IN THE CASE RECORD. TO THE EXTENT THAT THE SOCIAL SERVICES DISTRICT HAS SUFFICIENT CLAIMS OTHER THAN THOSE THAT ARE SUBJECT TO DISALLOWANCE OR SANCTION TO DRAW DOWN THE FULL ANNUAL APPROPRIATION, SUCH DISALLOWANCE OR SANCTION SHALL NOT RESULT IN A REDUCTION IN PAYMENT OF STATE FUNDS TO THE DISTRICT UNLESS THE DISTRICT REQUESTS THAT THE DEPARTMENT USE A PORTION OF THE APPROPRIATION TOWARD MEETING THE DISTRICT'S RESPONSIBILITY TO REPAY THE FEDERAL GOVERNMENT FOR THE DISALLOWANCE OR SANCTION AND ANY RELATED INTEREST PAYMENTS.

(H) RATES FOR RESIDENTIAL SERVICES. (I) THE OFFICE SHALL ESTABLISH THE RATES, IN ACCORDANCE WITH SECTION THREE HUNDRED NINETY-EIGHT-A OF THIS CHAPTER, FOR ANY NON-SECURE FACILITIES ESTABLISHED UNDER AN APPROVED JUVENILE JUSTICE SERVICES CLOSE TO HOME INITIATIVE. FOR ANY SUCH NON-SECURE FACILITY THAT WILL BE USED PRIMARILY BY THE SOCIAL SERVICES DISTRICT WITH AN APPROVED CLOSE TO HOME INITIATIVE, FINAL AUTHORITY FOR ESTABLISHMENT OF SUCH RATES AND ANY ADJUSTMENTS THERETO SHALL RESIDE WITH THE OFFICE, BUT SUCH RATES AND ANY ADJUSTMENTS THERETO SHALL BE ESTABLISHED ONLY UPON THE REQUEST OF, AND IN CONSULTATION WITH, SUCH SOCIAL SERVICES DISTRICT.

(II) A SOCIAL SERVICES DISTRICT WITH AN APPROVED JUVENILE JUSTICE SERVICES CLOSE TO HOME INITIATIVE FOR JUVENILE DELINQUENTS PLACED IN LIMITED SECURE SETTINGS SHALL HAVE THE AUTHORITY TO ESTABLISH AND ADJUST, ON AN ANNUAL OR REGULAR BASIS, MAINTENANCE RATES FOR LIMITED SECURE FACILITIES PROVIDING RESIDENTIAL SERVICES UNDER SUCH INITIATIVE. SUCH RATES SHALL NOT BE SUBJECT TO THE PROVISIONS OF SECTION THREE HUNDRED NINETY-EIGHT-A OF THIS CHAPTER BUT SHALL BE SUBJECT TO MAXIMUM COST LIMITS ESTABLISHED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES.

9. UPON APPROVAL OF A SOCIAL SERVICES DISTRICT'S PLAN, THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL NOTIFY THE SUPERVISING FAMILY COURT JUDGE RESPONSIBLE FOR THE FAMILY COURTS SERVING SUCH DISTRICT OF THE EFFECTIVE DATE AND PLACEMENT SETTINGS COVERED BY THE PLAN.

(A) BEGINNING ON THE EFFECTIVE DATE OF A DISTRICT'S APPROVED PLAN THAT ONLY COVERS JUVENILE DELINQUENTS PLACED IN NON-SECURE SETTINGS, A FAMILY COURT JUDGE SERVING IN A COUNTY WHERE SUCH SOCIAL SERVICES DISTRICT IS LOCATED SHALL ONLY BE AUTHORIZED TO PLACE AN ADJUDICATED JUVENILE DELINQUENT IN THE CUSTODY OF THE COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY SERVICES FOR PLACEMENT IN A SECURE OR LIMITED SECURE FACILITY PURSUANT TO SECTION 353.3 OR 353.5 OF THE FAMILY COURT ACT.

(B) BEGINNING ON THE EFFECTIVE DATE OF A DISTRICT'S APPROVED PLAN TO IMPLEMENT PROGRAMS FOR JUVENILE DELINQUENTS PLACED IN LIMITED SECURE SETTINGS, A FAMILY COURT JUDGE SERVING IN A COUNTY WHERE SUCH SOCIAL SERVICES DISTRICT IS LOCATED SHALL ONLY BE AUTHORIZED TO PLACE AN ADJUDICATED JUVENILE DELINQUENT IN THE CUSTODY OF THE COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY SERVICES FOR PLACEMENT IN A SECURE FACILITY PURSUANT TO SECTION 353.3 OR 353.5 OF THE FAMILY COURT ACT.

10. IF THE SOCIAL SERVICES DISTRICT RECEIVES THE NECESSARY APPROVAL TO IMPLEMENT A CLOSE TO HOME INITIATIVE, THE DISTRICT SHALL IMPLEMENT THE INITIATIVE IN ACCORDANCE WITH ALL APPLICABLE FEDERAL AND STATE LAWS AND REGULATIONS. IF THE SOCIAL SERVICES DISTRICT RECEIVES THE NECESSARY APPROVAL OF A PLAN FOR JUVENILE DELINQUENTS PLACED IN LIMITED SECURE SETTINGS, THE OFFICE SHALL PROMULGATE REGULATIONS GOVERNING THE OPERATION OF SUCH LIMITED SECURE FACILITIES. IF SUCH REGULATIONS ARE NOT ADOPTED PRIOR TO THE DATE THAT AN AUTHORIZED AGENCY APPLIES FOR A LICENSE TO OPERATE SUCH A FACILITY, THE FACILITY SHALL BE SUBJECT TO THE EXISTING REGULATIONS OF THE OFFICE THAT WOULD APPLY TO THE OPERATION OF A FOSTER CARE FACILITY OF THE SAME SIZE; PROVIDED, HOWEVER, THAT THE OFFICE SHALL BE AUTHORIZED TO GRANT AN EXCEPTION TO THE AUTHORIZED AGENCY, UNTIL SUCH LIMITED SECURE REGULATIONS ARE ADOPTED, TO ANY SUCH EXISTING REGULATION THAT THE OFFICE DETERMINES WOULD IMPEDE THE ABILITY OF THE AUTHORIZED AGENCY TO PROVIDE THE RESTRICTIVE SETTING AND PROGRAMS NECESSARY TO SERVE YOUTH WHO NEED PLACEMENT IN A LIMITED SECURE SETTING IN ACCORDANCE WITH THE APPROVED PLAN. ANY LIMITED SECURE FACILITY THAT IS GRANTED SUCH A WAIVER SHALL COMPLY WITH ANY ALTERNATE REQUIREMENTS THE OFFICE MAY CONSIDER NECESSARY FOR THE PROTECTION OF THE HEALTH OR SAFETY OF THE JUVENILE DELINQUENTS IN THE FACILITY OR THE SURROUNDING COMMUNITY. THE OFFICE SHALL TAKE ALL REASONABLE STEPS AVAILABLE TO FINALIZE THE ADOPTION OF REGULATIONS GOVERNING THE OPERATION OF SUCH LIMITED SECURE FACILITIES NO LATER THAN SIX MONTHS AFTER IT ISSUES THE FIRST LICENSE FOR A PROGRAM TO PROVIDE SERVICES TO JUVENILE DELINQUENTS PLACED IN LIMITED SECURE SETTINGS BUT IN NO EVENT SHALL SUCH REGULATIONS BE ADOPTED ON AN EMERGENCY BASIS.

(A) THE INITIATIVE SHALL BE SUBJECT TO THE OFFICE OF CHILDREN AND FAMILY SERVICES' ONGOING OVERSIGHT AND MONITORING INCLUDING, BUT NOT LIMITED TO: CASE RECORD REVIEWS; STAFF, FAMILY, AND CLIENT INTERVIEWS; ON-SITE INSPECTIONS; REVIEW OF DATA REGARDING PROVIDER PERFORMANCE, YOUTH AND STAFF SAFETY, AND QUALITY OF CARE, WHICH MUST BE PROVIDED TO THE OFFICE IN ORDER TO CARRY OUT ITS RESPONSIBILITIES, IN THE FORM AND MANNER AND AT SUCH TIMES AS REQUIRED BY THE OFFICE; AND CONTINUED LICENSING AND MONITORING OF THE AUTHORIZED AGENCIES PROVIDING SERVICES UNDER THE PLAN PURSUANT TO THIS CHAPTER.

(B) THE SOCIAL SERVICES DISTRICT SHALL PROVIDE EACH JUVENILE DELINQUENT WITH AN APPROPRIATE LEVEL OF SERVICES DESIGNED TO MEET HIS OR HER INDIVIDUAL NEEDS AND TO ENHANCE PUBLIC SAFETY AND SHALL PROVIDE THE

OFFICE OF CHILDREN AND FAMILY SERVICES WITH SPECIFIC INFORMATION AS REQUIRED BY THE OFFICE, IN THE FORMAT AND AT SUCH TIMES AS REQUIRED BY SUCH OFFICE, ON THE YOUTH PARTICIPATING IN THE INITIATIVE AND THE PROGRAMS SERVING SUCH YOUTH. SUCH INFORMATION SHALL BE PROVIDED TO THE OFFICE OF CHILDREN AND FAMILY SERVICES ON A MONTHLY BASIS FOR THE FIRST TWELVE MONTHS IMMEDIATELY FOLLOWING THE IMPLEMENTATION OF THE PROGRAMS FOR EACH LEVEL OF CARE AND SHALL BE PROVIDED TO SUCH OFFICE ON A QUARTERLY BASIS THEREAFTER.

11. THE SOCIAL SERVICES DISTRICT SHALL SUBMIT AN ANNUAL REPORT TO THE OFFICE OF CHILDREN AND FAMILY SERVICES, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY, IN THE FORMAT REQUIRED BY SUCH OFFICE, DETAILING OVERALL INITIATIVE PERFORMANCE. SUCH REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO:

(A) NUMBER OF JUVENILE DELINQUENTS PLACED WITH THE LOCAL SOCIAL SERVICES DISTRICT;

(B) NUMBER OF JUVENILE DELINQUENTS PLACED IN A NON-SECURE FACILITY WITH THE SOCIAL SERVICES DISTRICT;

(C) NUMBER OF JUVENILE DELINQUENTS PLACED IN A LIMITED SECURE FACILITY WITH THE SOCIAL SERVICES DISTRICT, AS APPLICABLE;

(D) DEMOGRAPHIC INFORMATION ABOUT JUVENILE DELINQUENTS IN CARE;

(E) NUMBER OF SPECIALIZED BEDS IN EACH CATEGORY OF SPECIALIZED PROGRAM;

(F) NUMBER AND NATURE OF INCIDENT REPORTS;

(G) NUMBER OF JUVENILE DELINQUENTS ABSENT WITHOUT LEAVE PER FACILITY;

(H) AVERAGE LENGTH OF STAY;

(I) NUMBER OF CONDITIONALLY RELEASED JUVENILE DELINQUENTS;

(J) NUMBER OF DISCHARGED JUVENILE DELINQUENTS WHO ARE SUBSEQUENTLY PLACED WITH THE DISTRICT;

(K) NUMBER AND NATURE OF CORRECTIVE ACTION PLANS AND RESOLUTIONS;

(L) NUMBER OF JUVENILE DELINQUENTS TRANSFERRED BETWEEN FACILITIES, INCLUDING THE NUMBER OF JUVENILE DELINQUENTS TRANSFERRED BETWEEN NON-SECURE AND LIMITED-SECURE FACILITIES, AS APPLICABLE; AND

(M) NUMBER OF PETITIONS FILED TO TRANSFER JUVENILE DELINQUENTS BETWEEN THE CUSTODY OF THE OFFICE AND THE SOCIAL SERVICES DISTRICT.

12. IF THE OFFICE OF CHILDREN AND FAMILY SERVICES DETERMINES THAT THE SOCIAL SERVICES DISTRICT IS FAILING TO ADEQUATELY PROVIDE FOR THE JUVENILE DELINQUENTS PLACED UNDER AN APPROVED PLAN, SUCH OFFICE MAY REQUIRE THE SOCIAL SERVICES DISTRICT TO SUBMIT A CORRECTIVE ACTION PLAN, FOR SUCH OFFICE'S APPROVAL, DEMONSTRATING HOW IT WILL RECTIFY THE INADEQUACIES IN THE TIME SPECIFIED BY THE OFFICE, BUT NO LATER THAN THIRTY DAYS FROM SUCH REQUEST. IF THE OFFICE DETERMINES THAT THE SOCIAL SERVICES DISTRICT IS FAILING TO MAKE SUFFICIENT PROGRESS TOWARDS IMPLEMENTING THE CORRECTIVE ACTION PLAN IN THE TIME AND MANNER APPROVED BY THE OFFICE BUT NO LATER THAN SIXTY DAYS FROM THE DATE OF SUBMISSION OF THE CORRECTIVE ACTION PLAN, THE OFFICE SHALL PROVIDE THE DISTRICT WRITTEN NOTICE OF SUCH DETERMINATION AND THE BASIS THEREFOR, AND MANDATE THAT THE DISTRICT TAKE ALL NECESSARY ACTIONS TO IMPLEMENT THE PLAN. IF A DISTRICT HAS FAILED, WITHIN A REASONABLE TIME THEREAFTER AS SPECIFIED BY THE OFFICE BASED ON THE NATURE OF THE FAILURE, WHICH SHALL IN NO EVENT EXCEED SIXTY DAYS, TO MAKE PROGRESS IMPLEMENTING ANY REGULATION, OR ANY OTHER PORTION OF SUCH PLAN THAT IS INTENDED TO PREVENT IMMINENT DANGER TO THE HEALTH, SAFETY OR WELFARE OF THE YOUTH BEING SERVED UNDER THE PLAN, THE OFFICE MAY WITHHOLD OR SET ASIDE A PORTION OF THE FUNDING DUE UNDER SUBDIVISION EIGHT OF THIS SECTION UNTIL THE DISTRICT DEMONSTRATES THAT SUFFICIENT PROGRESS IS BEING MADE; OR TERMINATE THE DISTRICT'S AUTHORITY TO OPERATE ALL OR A PORTION OF THE JUVENILE JUSTICE SERVICES CLOSE TO HOME INITI-

ATIVE, TAKE ALL NECESSARY STEPS TO ASSUME CUSTODY FOR, AND PROVIDE SERVICES TO, THE APPLICABLE JUVENILE DELINQUENTS BEING SERVED UNDER THE INITIATIVE, AND DISCONTINUE FUNDS PROVIDED TO THE DISTRICT FOR SUCH SERVICES. THE OFFICE SHALL NOT WITHHOLD, SET ASIDE OR DISCONTINUE STATE AID TO A DISTRICT UNTIL WRITTEN NOTICE IS GIVEN TO THE COMMISSIONER OF THE DISTRICT, AND IN THE EVENT FUNDING IS WITHHELD, SET ASIDE OR DISCONTINUED, THE DISTRICT MAY APPEAL TO THE OFFICE, WHICH SHALL HOLD A FAIR HEARING THEREON IN ACCORDANCE WITH THE PROVISIONS OF SECTION TWENTY-TWO OF THIS CHAPTER RELATING TO FAIR HEARINGS. THE DISTRICT MAY INSTITUTE A PROCEEDING FOR A REVIEW OF THE DETERMINATION OF THE OFFICE FOLLOWING THE FAIR HEARING PURSUANT TO ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES. ANY FUNDS WITHHELD, SET ASIDE OR DISCONTINUED PURSUANT TO THIS PROVISION SHALL BE APPLIED TO ADDRESS THE PROBLEM WHICH WAS THE BASIS FOR SUCH SANCTION. IF THE OFFICE TERMINATES A DISTRICT'S AUTHORITY TO OPERATE ANY PORTION OF A JUVENILE JUSTICE SERVICES CLOSE TO HOME INITIATIVE IN ACCORDANCE WITH THIS SUBDIVISION, THE OFFICE SHALL NOTIFY THE SUPERVISING FAMILY COURT JUDGE RESPONSIBLE FOR THE FAMILY COURTS SERVING SUCH DISTRICT OF SUCH TERMINATION AND THE EFFECTIVE DATE OF SUCH TERMINATION.

13. ONCE A PLAN BECOMES OPERATIVE PURSUANT TO THIS SECTION, THE SOCIAL SERVICES DISTRICT SHALL CARRY OUT THE FOLLOWING FUNCTIONS, POWERS AND DUTIES WITH RESPECT TO PLACEMENTS OF JUVENILE DELINQUENTS IN ACCORDANCE WITH THE PROVISIONS OF SUCH PLAN AND ALL APPLICABLE FEDERAL AND STATE LAWS AND REGULATIONS:

(A) TO ENTER INTO CONTRACTS WITH AUTHORIZED AGENCIES, AS DEFINED IN SECTION THREE HUNDRED SEVENTY-ONE OF THIS CHAPTER, TO OPERATE AND MAINTAIN FACILITIES AUTHORIZED UNDER SUCH PLAN; SUCH CONTRACTS MAY INCLUDE SUCH PROGRAM REQUIREMENTS AS DEEMED NECESSARY BY THE DISTRICT;

(B) TO DETERMINE THE PARTICULAR FACILITY OR PROGRAM IN WHICH A JUVENILE DELINQUENT PLACED WITH THE DISTRICT SHALL BE CARED FOR, BASED UPON ANY APPLICABLE COURT ORDER, PURSUANT TO SUBDIVISION TWO OF SECTION 353.3 OF THE FAMILY COURT ACT, AND AN EVALUATION OF SUCH JUVENILE DELINQUENT;

(C) TO TRANSFER A JUVENILE DELINQUENT FROM ONE FACILITY TO ANY OTHER FACILITY, WHEN THE INTERESTS OF SUCH JUVENILE DELINQUENT REQUIRE SUCH ACTION, UPON PRIOR NOTICE TO THE RESPONDENT, THE ATTORNEY FOR THE RESPONDENT AND THE RESPONDENT'S PARENT OR LEGAL GUARDIAN, UNLESS AN IMMEDIATE CHANGE OF PLACEMENT IS NECESSARY, IN WHICH CASE SUCH NOTICE SHALL BE TRANSMITTED ON THE NEXT BUSINESS DAY; PROVIDED THAT, IF THE DISTRICT HAS AN APPROVED PLAN TO IMPLEMENT SERVICES FOR JUVENILE DELINQUENTS PLACED IN LIMITED SECURE SETTINGS, A JUVENILE DELINQUENT TRANSFERRED TO A NON-SECURE FACILITY FROM A LIMITED SECURE FACILITY MAY BE RETURNED TO A LIMITED SECURE FACILITY UPON A DETERMINATION BY THE DISTRICT THAT, FOR ANY REASON, CARE AND TREATMENT AT THE NON-SECURE FACILITY IS NO LONGER SUITABLE;

(D) TO CAUSE A JUVENILE DELINQUENT UNDER THE JURISDICTION OF THE DISTRICT WHO HAS RUN AWAY FROM A FACILITY RUN BY THE DISTRICT OR AN AUTHORIZED AGENCY; OR IS CONDITIONALLY RELEASED AND HAS VIOLATED A CONDITION OF RELEASE THEREFROM, OR IF THERE IS A CHANGE IN CIRCUMSTANCES AND THE DISTRICT DETERMINES THAT IT WOULD BE CONSISTENT WITH THE NEEDS AND BEST INTERESTS OF SAID JUVENILE DELINQUENT AND THE NEED TO PROTECT THE COMMUNITY; TO BE APPREHENDED AND RETURNED TO THE DISTRICT, DETENTION FACILITY, AUTHORIZED AGENCY, OR PROGRAM PURSUANT TO REGULATIONS OF THE OFFICE OF CHILDREN AND FAMILY SERVICES; PROVIDED FURTHER THAT:

(I) A SOCIAL SERVICES OFFICIAL SHALL GIVE IMMEDIATE WRITTEN NOTICE TO BOTH THE OFFICE AND THE FAMILY COURT WHEN ANY JUVENILE DELINQUENT PLACED

WITH THE SOCIAL SERVICES DISTRICT IS ABSENT FROM SUCH PLACEMENT WITHOUT CONSENT;

(II) AN AUTHORIZED AGENCY SHALL GIVE IMMEDIATE WRITTEN NOTICE TO THE OFFICE, THE DISTRICT AND THE FAMILY COURT WHEN ANY JUVENILE DELINQUENT PLACED BY THE DISTRICT FOR CARE IN SUCH AUTHORIZED AGENCY IS ABSENT FROM SUCH PLACEMENT WITHOUT CONSENT;

(III) A MAGISTRATE MAY CAUSE A RUNAWAY OR CONDITIONALLY RELEASED JUVENILE DELINQUENT TO BE HELD IN CUSTODY UNTIL RETURNED TO THE DISTRICT;

(E) TO ISSUE A WARRANT FOR THE APPREHENSION AND RETURN OF A JUVENILE DELINQUENT UNDER THE JURISDICTION OF THE DISTRICT WHO HAS RUN AWAY FROM A FACILITY RUN BY THE DISTRICT OR AN AUTHORIZED AGENCY; OR IS CONDITIONALLY RELEASED AND HAS VIOLATED A CONDITION OF RELEASE THEREFROM, OR IF THERE IS A CHANGE IN CIRCUMSTANCES AND THE DISTRICT DETERMINES THAT IT WOULD BE CONSISTENT WITH THE NEEDS AND BEST INTEREST OF SAID JUVENILE DELINQUENT AND THE NEED TO PROTECT THE COMMUNITY; PURSUANT TO REGULATIONS OF THE OFFICE OF CHILDREN AND FAMILY SERVICES; PROVIDED THAT:

(I) A SOCIAL SERVICES OFFICIAL, PURSUANT TO THE REGULATIONS OF THE OFFICE OF CHILDREN AND FAMILY SERVICES, SHALL ISSUE A WARRANT DIRECTED GENERALLY TO ANY PEACE OFFICER, ACTING PURSUANT TO SUCH OFFICER'S SPECIAL DUTIES, OR POLICE OFFICER IN THE STATE FOR THE APPREHENSION AND RETURN OF ANY RUNAWAY OR CONDITIONALLY RELEASED JUVENILE DELINQUENT UNDER THE JURISDICTION OF THE DISTRICT AND SUCH WARRANT SHALL BE EXECUTED BY ANY PEACE OFFICER, ACTING PURSUANT TO SUCH OFFICER'S SPECIAL DUTIES, OR POLICE OFFICER TO WHOM IT MAY BE DELIVERED; THE SOCIAL SERVICES DISTRICT ALSO SHALL PROVIDE RELEVANT LAW ENFORCEMENT AGENCIES WITHIN FORTY-EIGHT HOURS WITH ANY PHOTOGRAPHS OF ANY RUNAWAY OR CONDITIONALLY RELEASED JUVENILE DELINQUENT FOR WHOM A WARRANT IS ISSUED, TOGETHER WITH ANY PERTINENT INFORMATION RELATIVE TO SUCH JUVENILE DELINQUENT; SUCH PHOTOGRAPHS SHALL REMAIN THE PROPERTY OF THE SOCIAL SERVICES DISTRICT AND SHALL BE KEPT CONFIDENTIAL FOR USE SOLELY IN THE APPREHENSION OF SUCH JUVENILE DELINQUENT AND SHALL BE RETURNED PROMPTLY TO THE DISTRICT UPON APPREHENSION OF SUCH JUVENILE DELINQUENT, OR UPON THE DEMAND OF THE DISTRICT;

(F) TO AUTHORIZE AN EMPLOYEE DESIGNATED BY THE SOCIAL SERVICES DISTRICT, WITHOUT A WARRANT, TO APPREHEND A RUNAWAY OR CONDITIONALLY RELEASED JUVENILE DELINQUENT UNDER THE JURISDICTION OF THE DISTRICT WHO HAS RUN AWAY FROM A FACILITY RUN BY THE DISTRICT OR AN AUTHORIZED AGENCY; OR IS CONDITIONALLY RELEASED AND HAS VIOLATED A CONDITION OF RELEASE THEREFROM, OR IF THERE IS A CHANGE IN CIRCUMSTANCES AND THE DISTRICT DETERMINES THAT IT WOULD BE CONSISTENT WITH THE NEEDS AND BEST INTERESTS OF SAID JUVENILE DELINQUENT AND THE NEED TO PROTECT THE COMMUNITY; IN ANY COUNTY IN THIS STATE WHOSE RETURN HAS BEEN ORDERED BY THE DISTRICT PURSUANT TO THE REGULATIONS OF THE OFFICE, AND RETURN SAID JUVENILE DELINQUENT TO ANY APPROPRIATE SOCIAL SERVICES DISTRICT, DETENTION FACILITY, AUTHORIZED AGENCY OR PROGRAM;

(G) PURSUANT TO THE REGULATIONS OF THE OFFICE OF CHILDREN AND FAMILY SERVICES, TO DEVELOP AND OPERATE PROGRAMS FOR YOUTH PLACED OR REFERRED TO THE DISTRICT OR IN CONJUNCTION WITH AN ORDER PROVIDED IN ACCORDANCE WITH SECTION 353.6 OF THE FAMILY COURT ACT;

(H) UPON THE PLACEMENT OF ANY JUVENILE DELINQUENT EIGHTEEN YEARS OF AGE OR OLDER, OR UPON THE EIGHTEENTH BIRTHDAY OF ANY YOUTH PLACED IN THE CUSTODY OF THE SOCIAL SERVICES DISTRICT FOR AN ADJUDICATION OF JUVENILE DELINQUENCY FOR HAVING COMMITTED AN ACT WHICH IF COMMITTED BY AN ADULT WOULD CONSTITUTE A FELONY, AND STILL IN THE CUSTODY OF THE SOCIAL SERVICES DISTRICT, TO NOTIFY THE DIVISION OF CRIMINAL JUSTICE SERVICES OF SUCH PLACEMENT OR BIRTHDAY. PROVIDED, HOWEVER, IN THE CASE OF A

YOUTH ELEVEN OR TWELVE YEARS OF AGE AT THE TIME THE ACT OR ACTS WERE COMMITTED, THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL NOT BE PROVIDED WITH THE YOUTH'S NAME, UNLESS THE ACTS COMMITTED BY SUCH YOUTH WOULD CONSTITUTE A CLASS A OR B FELONY. UPON THE SUBSEQUENT DISCHARGE IT SHALL BE THE DUTY OF THE SOCIAL SERVICES DISTRICT TO NOTIFY THE DIVISION OF CRIMINAL JUSTICE SERVICES OF THAT FACT AND THE DATE OF DISCHARGE. FOR THE PURPOSES OF THIS PARAGRAPH, A YOUTH'S AGE SHALL BE DETERMINED TO BE THE AGE STATED IN THE PLACEMENT ORDER;

(I) TO PROVIDE JUVENILE DELINQUENTS IN RESIDENTIAL PLACEMENTS WITH REASONABLE AND APPROPRIATE VISITATION BY FAMILY MEMBERS AND CONSULTATION WITH THEIR LEGAL REPRESENTATIVE IN ACCORDANCE WITH THE REGULATIONS OF THE OFFICE OF CHILDREN AND FAMILY SERVICES; AND

(J) TO PROVIDE RESIDENTIAL CARE IN PROGRAMS SUBJECT TO THE REGULATIONS OF THE OFFICE OF CHILDREN AND FAMILY SERVICES, FOR INFANTS BORN TO OR BEING NURSED BY FEMALE JUVENILE DELINQUENTS PLACED WITH THE DISTRICT; RESIDENTIAL CARE FOR SUCH AN INFANT MAY BE PROVIDED FOR SUCH PERIOD OF TIME AS IS DEEMED DESIRABLE FOR THE WELFARE OF THE MOTHER OR INFANT.

14. THE FOLLOWING PERSONS SHALL BE AUTHORIZED TO VISIT, AT THEIR PLEASURE, ALL PROGRAMS OPERATED BY A SOCIAL SERVICES DISTRICT PURSUANT TO, OR IN ACCORDANCE WITH THIS SECTION: THE GOVERNOR; LIEUTENANT GOVERNOR; COMPTROLLER; ATTORNEY GENERAL; MEMBERS OF THE LEGISLATURE; JUDGES OF THE COURT OF APPEALS; JUDGES FROM SUPREME COURT, FAMILY COURT AND COUNTY COURTS AND DISTRICT ATTORNEYS, COUNTY ATTORNEYS AND ATTORNEYS EMPLOYED IN THE OFFICE OF THE CORPORATION COUNSEL HAVING JURISDICTION WITHIN THE APPLICABLE SOCIAL SERVICES DISTRICT OR COUNTY WHERE A PROGRAM IS LOCATED; AND ANY PERSON OR AGENCY OTHERWISE AUTHORIZED BY STATUTE.

15. A JUVENILE DELINQUENT IN THE CARE OF THE SOCIAL SERVICES DISTRICT WHO ATTENDS PUBLIC SCHOOL WHILE IN RESIDENCE AT A FACILITY SHALL BE DEEMED A RESIDENT OF THE SCHOOL DISTRICT WHERE THE YOUTH'S PARENT OR GUARDIAN RESIDES AT THE COMMENCEMENT OF EACH SCHOOL YEAR FOR THE PURPOSE OF DETERMINING WHICH SCHOOL DISTRICT SHALL BE RESPONSIBLE FOR THE YOUTH'S TUITION.

16. THE SOCIAL SERVICES DISTRICT SHALL BE PERMITTED TO APPEAR AS AMICUS IN ANY ACTION INVOLVING AN APPEAL FROM A DECISION OF ANY COURT OF THIS STATE THAT RELATES TO PROGRAMS, CONDITIONS OR SERVICES PROVIDED BY SUCH DISTRICT OR ANY AUTHORIZED AGENCY WITH WHICH THE DISTRICT HAS PLACED A JUVENILE DELINQUENT PURSUANT TO THIS SECTION. WRITTEN NOTICE SHALL BE GIVEN BY THE CORPORATION COUNSEL OF THE CITY OF NEW YORK, OR COUNTY ATTORNEY, AS APPLICABLE, TO THE PARTIES TO THE APPEAL WHEN SUCH AMICUS STATUS IS REQUESTED.

17. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE SOCIAL SERVICES DISTRICT MAY DELAY ACCEPTANCE OF A JUVENILE DELINQUENT IN DETENTION WHO IS PLACED IN THE DISTRICT'S CUSTODY IN ACCORDANCE WITH THE REGULATIONS OF THE OFFICE OF CHILDREN AND FAMILY SERVICES; PROVIDED, HOWEVER, THAT WHERE THE JUVENILE DELINQUENT IS IN DETENTION, SUCH DELAY MAY NOT EXCEED FIFTEEN DAYS FROM THE DATE THE PLACEMENT WAS MADE EXCEPT AS PROVIDED FOR IN SUBDIVISION THREE OF SECTION THREE HUNDRED NINETY-EIGHT OF THIS ARTICLE.

18. NO ORDER THAT PLACES A JUVENILE DELINQUENT IN THE CUSTODY OF THE SOCIAL SERVICES DISTRICT THAT RECITES THE FACTS UPON WHICH IT IS BASED SHALL BE DEEMED OR HELD TO BE INVALID BY REASON OF ANY IMPERFECTION OR DEFECT IN FORM.

S 2. Section 351.1 of the family court act is amended by adding a new subdivision 2-a to read as follows:

2-A. (A) IN A SOCIAL SERVICES DISTRICT OPERATING AN APPROVED JUVENILE JUSTICE SERVICES CLOSE TO HOME INITIATIVE PURSUANT TO SECTION FOUR

HUNDRED FOUR OF THE SOCIAL SERVICES LAW, THE LOCAL PROBATION DEPARTMENT SHALL DEVELOP AND SUBMIT TO THE OFFICE OF CHILDREN AND FAMILY SERVICES FOR PRIOR APPROVAL A VALIDATED PRE-DISPOSITIONAL RISK ASSESSMENT INSTRUMENT AND ANY RISK ASSESSMENT PROCESS. THE OFFICE SHALL SHARE A COPY OF ANY SUCH INSTRUMENT AND PROCESS WITH THE OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES AND ANY EXPERT CONSULTING WITH THE OFFICE PURSUANT TO THIS SECTION. SUCH DEPARTMENT SHALL PERIODICALLY REVALIDATE ANY APPROVED PRE-DISPOSITIONAL RISK ASSESSMENT INSTRUMENT. THE DEPARTMENT SHALL CONSPICUOUSLY POST INFORMATION ABOUT THE INSTRUMENT ON ITS WEBSITE, INCLUDING BUT NOT LIMITED TO, THE NAME OF THE INSTRUMENT; THE NAME AND CONTACT INFORMATION OF THE PERSON, INSTITUTION OR COMPANY THAT DEVELOPED SUCH INSTRUMENT; WHAT THE INSTRUMENT IS INTENDED TO MEASURE; THE TYPES OF FACTORS AND INFORMATION THE INSTRUMENT TAKES INTO CONSIDERATION; THE PROCESS BY WHICH THE INSTRUMENT IS USED IN BOTH THE PRE-DISPOSITION INVESTIGATION AND DISPOSITIONAL PHASE OF A HEARING; THE PURPOSE FOR THE INSTRUMENT AND HOW THE INSTRUMENT INFORMS THE RECOMMENDATION IN THE PRE-DISPOSITIONAL INVESTIGATION REPORT; LINKS TO INDEPENDENT RESEARCH AND STUDIES ABOUT THE INSTRUMENT AS WELL AS ITS OWN VALIDATION ANALYSIS RELATING TO THE INSTRUMENT, WHEN AVAILABLE; THE MOST RECENT DATE THE INSTRUMENT WAS VALIDATED AND THE DATE THE NEXT RE-VALIDATION PROCESS IS ANTICIPATED TO BEGIN. THE DEPARTMENT SHALL CONFER WITH APPROPRIATE STAKEHOLDERS, INCLUDING BUT NOT LIMITED TO, ATTORNEYS FOR CHILDREN, PRESENTMENT AGENCIES AND THE FAMILY COURT, PRIOR TO REVISING ANY VALIDATED PRE-DISPOSITIONAL RISK ASSESSMENT INSTRUMENT OR PROCESS. SUCH DEPARTMENT SHALL PROVIDE ANY APPROVED PRE-DISPOSITIONAL RISK ASSESSMENT INSTRUMENT AND PROCESS TO THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY. ANY REVISED PRE-DISPOSITIONAL RISK ASSESSMENT INSTRUMENT SHALL BE SUBJECT TO PERIODIC EMPIRICAL VALIDATION AND TO THE APPROVAL OF THE OFFICE OF CHILDREN AND FAMILY SERVICES. THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL CONSULT WITH INDIVIDUALS WITH PROFESSIONAL RESEARCH EXPERIENCE AND EXPERTISE IN CRIMINAL JUSTICE; SOCIAL WORK; JUVENILE JUSTICE; AND APPLIED MATHEMATICS, PSYCHOMETRICS AND/OR STATISTICS TO ASSIST THE OFFICE IN DETERMINING THE METHODS IT WILL USE TO: APPROVE THE DEPARTMENT'S VALIDATED AND REVALIDATED PRE-DISPOSITIONAL RISK ASSESSMENT INSTRUMENT AND PROCESS; AND ANALYZE THE EFFECTIVENESS OF THE USE OF SUCH INSTRUMENT AND PROCESS IN ACCOMPLISHING THEIR INTENDED GOALS; AND ANALYZE, TO THE GREATEST EXTENT POSSIBLE, ANY DISPARATE IMPACT ON DISPOSITIONAL OUTCOMES FOR JUVENILES BASED ON RACE, SEX, NATIONAL ORIGIN, ECONOMIC STATUS, AND ANY OTHER CONSTITUTIONALLY PROTECTED CLASS, REGARDING THE USE OF SUCH INSTRUMENT. THE OFFICE SHALL CONSULT WITH SUCH INDIVIDUALS REGARDING WHETHER IT IS APPROPRIATE TO ATTEMPT TO ANALYZE WHETHER THERE IS ANY SUCH DISPARATE IMPACT BASED ON SEXUAL ORIENTATION AND, IF SO, THE BEST METHODS TO CONDUCT SUCH ANALYSIS. THE OFFICE SHALL TAKE INTO CONSIDERATION ANY RECOMMENDATIONS GIVEN BY SUCH INDIVIDUALS INVOLVING IMPROVEMENTS THAT COULD BE MADE TO SUCH INSTRUMENT AND PROCESS. THE DEPARTMENT SHALL PROVIDE TRAINING ON THE APPROVED INSTRUMENT AND ANY APPROVED PROCESS TO THE APPLICABLE FAMILY COURTS, PRESENTMENT AGENCY, AND COURT APPOINTED ATTORNEYS FOR RESPONDENTS.

(B) ONCE AN INITIAL VALIDATED RISK ASSESSMENT INSTRUMENT AND ANY RISK ASSESSMENT PROCESS HAVE BEEN APPROVED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES IN CONSULTATION WITH THE OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES, THE LOCAL PROBATION DEPARTMENT SHALL PROVIDE THE APPLICABLE SUPERVISING FAMILY COURT JUDGE WITH A COPY OF THE VALIDATED RISK ASSESSMENT INSTRUMENT AND ANY SUCH PROCESS ALONG WITH THE LETTER FROM THE OFFICE OF CHILDREN AND FAMILY SERVICES APPROVING THE INSTRUMENT

AND PROCESS, IF APPLICABLE, AND INDICATING THE DATE THE INSTRUMENT AND ANY SUCH PROCESS SHALL BE EFFECTIVE, PROVIDED THAT SUCH EFFECTIVE DATE SHALL BE AT LEAST THIRTY DAYS AFTER SUCH NOTIFICATION.

(C) COMMENCING ON THE EFFECTIVE DATE OF A VALIDATED PRE-DISPOSITIONAL RISK ASSESSMENT INSTRUMENT AND ANY APPROVED PROCESS AND THEREAFTER, EACH PROBATION INVESTIGATION ORDERED UNDER SUBDIVISION TWO OF THIS SECTION SHALL INCLUDE THE RESULTS OF THE VALIDATED RISK ASSESSMENT OF THE RESPONDENT AND PROCESS, IF ANY; AND A RESPONDENT SHALL NOT BE PLACED IN ACCORDANCE WITH SECTION 353.3 OR 353.5 OF THIS PART UNLESS THE COURT HAS RECEIVED AND GIVEN DUE CONSIDERATION TO THE RESULTS OF SUCH VALIDATED RISK ASSESSMENT AND ANY APPROVED PROCESS AND MADE THE FINDINGS REQUIRED PURSUANT TO PARAGRAPH (F) OF SUBDIVISION TWO OF SECTION 352.2 OF THIS PART.

(D) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, DATA NECESSARY FOR COMPLETION OF A PRE-DISPOSITIONAL RISK ASSESSMENT INSTRUMENT MAY BE SHARED AMONG LAW ENFORCEMENT, PROBATION, COURTS, DETENTION ADMINISTRATIONS, DETENTION PROVIDERS, PRESENTMENT AGENCIES, AND THE ATTORNEY FOR THE CHILD UPON RETENTION OR APPOINTMENT SOLELY FOR THE PURPOSE OF ACCURATE COMPLETION OF SUCH RISK ASSESSMENT INSTRUMENT. A COPY OF THE COMPLETED PRE-DISPOSITIONAL RISK ASSESSMENT INSTRUMENT SHALL BE MADE AVAILABLE TO THE ATTORNEY FOR THE RESPONDENT AND THE APPLICABLE COURT.

(E) THE LOCAL PROBATION DEPARTMENT SHALL PROVIDE THE OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES WITH INFORMATION REGARDING THE USE OF THE PRE-DISPOSITIONAL RISK ASSESSMENT INSTRUMENT AND ANY RISK ASSESSMENT PROCESS IN THE TIME AND MANNER REQUIRED BY THE OFFICE. THE OFFICE MAY REQUIRE THAT SUCH DATA BE SUBMITTED TO THE OFFICE ELECTRONICALLY. THE OFFICE SHALL NOT COMMINGLE ANY SUCH INFORMATION WITH ANY CRIMINAL HISTORY DATABASE. THE OFFICE SHALL SHARE SUCH INFORMATION WITH THE OFFICE OF CHILDREN AND FAMILY SERVICES. THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL USE AND SHARE SUCH INFORMATION ONLY FOR THE PURPOSES OF THIS SECTION AND IN ACCORDANCE WITH THIS SECTION. SUCH INFORMATION SHALL BE SHARED AND RECEIVED IN A MANNER THAT PROTECTS THE CONFIDENTIALITY OF SUCH INFORMATION. THE SHARING, USE, DISCLOSURE AND REDISCLOSURE OF SUCH INFORMATION TO ANY PERSON, OFFICE, OR OTHER ENTITY NOT SPECIFICALLY AUTHORIZED TO RECEIVE IT PURSUANT TO THIS SECTION OR ANY OTHER LAW IS PROHIBITED.

(F) THE FAMILY COURTS SHALL PROVIDE THE OFFICE OF CHILDREN AND FAMILY SERVICES WITH SUCH INFORMATION, IN THE TIME AND MANNER REQUIRED BY THE OFFICE, AS IS NECESSARY FOR THE OFFICE TO DETERMINE THE VALIDITY AND EFFICACY OF ANY PRE-DISPOSITIONAL RISK ASSESSMENT INSTRUMENT AND PROCESS SUBMITTED TO THE OFFICE FOR APPROVAL UNDER THIS SUBDIVISION AND TO ANALYZE ANY DISPARATE IMPACT ON DISPOSITIONAL OUTCOMES FOR JUVENILES IN ACCORDANCE WITH PARAGRAPH (A) OF THIS SUBDIVISION. THE OFFICE SHALL USE AND SHARE SUCH INFORMATION ONLY FOR THE PURPOSES OF THIS SECTION AND IN ACCORDANCE WITH THIS SECTION. SUCH INFORMATION SHALL BE SHARED AND RECEIVED IN A MANNER THAT PROTECTS THE CONFIDENTIALITY OF SUCH INFORMATION. THE SHARING, USE, DISCLOSURE AND REDISCLOSURE OF SUCH INFORMATION TO ANY PERSON, OFFICE, OR OTHER ENTITY NOT SPECIFICALLY AUTHORIZED TO RECEIVE IT PURSUANT TO THIS SECTION OR ANY OTHER LAW IS PROHIBITED.

(G) THE OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES SHALL PROMULGATE REGULATIONS, IN CONSULTATION WITH THE OFFICE OF CHILDREN AND FAMILY SERVICES, REGARDING THE ROLE OF LOCAL PROBATION DEPARTMENTS IN THE COMPLETION AND USE OF THE PRE-DISPOSITIONAL RISK ASSESSMENT INSTRUMENT AND IN THE RISK ASSESSMENT PROCESS.

S 3. Subdivision 2 of section 352.2 of the family court act is amended by adding a new paragraph (f) to read as follows:

(F)(1) IN A SOCIAL SERVICES DISTRICT OPERATING AN APPROVED JUVENILE JUSTICE SERVICES CLOSE TO HOME INITIATIVE PURSUANT TO SECTION FOUR HUNDRED FOUR OF THE SOCIAL SERVICES LAW, UPON THE EFFECTIVE DATE OF A RISK ASSESSMENT INSTRUMENT AND ANY RISK ASSESSMENT PROCESS THAT HAVE BEEN APPROVED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES PURSUANT TO SUBDIVISION TWO-A OF SECTION 351.1 OF THIS PART, THE COURT SHALL GIVE DUE CONSIDERATION TO THE RESULTS OF THE VALIDATED RISK ASSESSMENT AND ANY SUCH PROCESS PROVIDED TO THE COURT PURSUANT TO SUCH SUBDIVISION WHEN DETERMINING THE APPROPRIATE DISPOSITION FOR THE RESPONDENT.

(2) ANY ORDER OF THE COURT DIRECTING THE PLACEMENT OF A RESPONDENT INTO A RESIDENTIAL PROGRAM SHALL STATE:

(I) THE LEVEL OF RISK THE YOUTH WAS ASSESSED AT PURSUANT TO THE VALIDATED RISK ASSESSMENT INSTRUMENT; AND

(II) IF A DETERMINATION IS MADE TO PLACE A YOUTH IN A HIGHER LEVEL OF PLACEMENT THAN APPEARS WARRANTED BASED ON SUCH RISK ASSESSMENT INSTRUMENT AND ANY APPROVED RISK ASSESSMENT PROCESS, THE PARTICULAR REASONS WHY SUCH PLACEMENT WAS DETERMINED TO BE NECESSARY FOR THE PROTECTION OF THE COMMUNITY AND TO BE CONSISTENT WITH THE NEEDS AND BEST INTERESTS OF THE RESPONDENT; AND

(III) THAT A LESS RESTRICTIVE ALTERNATIVE THAT WOULD BE CONSISTENT WITH THE NEEDS AND BEST INTERESTS OF THE RESPONDENT AND THE NEED FOR PROTECTION OF THE COMMUNITY IS NOT AVAILABLE.

S 4. Section 353.3 of the family court act is amended by adding a new subdivision 2-a to read as follows:

2-A. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW TO THE CONTRARY, AND PURSUANT TO SUBDIVISION TWO OF THIS SECTION IN A DISTRICT OPERATING AN APPROVED JUVENILE JUSTICE SERVICES CLOSE TO HOME INITIATIVE PURSUANT TO SECTION FOUR HUNDRED FOUR OF THE SOCIAL SERVICES LAW:

(A) BEGINNING ON THE EFFECTIVE DATE OF THE DISTRICT'S APPROVED PLAN THAT ONLY COVERS JUVENILE DELINQUENTS PLACED IN NON-SECURE SETTINGS, THE COURT MAY ONLY PLACE THE RESPONDENT:

(I) IN THE CUSTODY OF THE COMMISSIONER OF THE LOCAL SOCIAL SERVICES DISTRICT FOR PLACEMENT IN A NON-SECURE LEVEL OF CARE; OR

(II) IN THE CUSTODY OF THE COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY SERVICES FOR PLACEMENT IN A LIMITED SECURE OR SECURE LEVEL OF CARE; AND

(B) BEGINNING ON THE EFFECTIVE DATE OF THE DISTRICT'S APPROVED PLAN TO IMPLEMENT PROGRAMS FOR YOUTH PLACED IN LIMITED SECURE SETTINGS, THE COURT MAY ONLY PLACE THE RESPONDENT:

(I) IN THE CUSTODY OF THE COMMISSIONER OF THE LOCAL SOCIAL SERVICES DISTRICT FOR PLACEMENT IN:

(A) A NON-SECURE LEVEL OF CARE;

(B) A LIMITED SECURE LEVEL OF CARE; OR

(C) EITHER A NON-SECURE OR LIMITED SECURE LEVEL OF CARE, AS DETERMINED BY SUCH COMMISSIONER; OR

(II) IN THE CUSTODY OF THE COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY SERVICES FOR PLACEMENT IN A SECURE LEVEL OF CARE.

S 5. Subdivision 9 of section 353.3 of the family court act, as amended by section 6 of part G of chapter 58 of the laws of 2010, is amended to read as follows:

9. If the court places a respondent with the office of children and family services, OR WITH A SOCIAL SERVICES DISTRICT WITH AN APPROVED PLAN TO IMPLEMENT A JUVENILE JUSTICE SERVICES CLOSE TO HOME INITIATIVE UNDER SECTION FOUR HUNDRED FOUR OF THE SOCIAL SERVICES LAW, pursuant to

this section after finding that such [child] RESPONDENT committed a felony, the court may, in its discretion, further order that such respondent shall be confined in a residential facility for a minimum period set by the order, not to exceed six months.

S 6. Subdivisions 4 and 5 of section 353.5 of the family court act, as added by chapter 920 of the laws of 1982, subparagraph (i) of paragraph (a) of subdivision 4 and subparagraph (i) of paragraph (a) of subdivision 5 as amended by chapter 419 of the laws of 1987, subparagraph (iv) of paragraph (a) of subdivision 4 and subparagraph (iv) of paragraph (a) of subdivision 5 as amended by chapter 687 of the laws of 1993, paragraphs (b) and (d) of subdivision 4 and paragraph (d) of subdivision 5 as amended by chapter 398 of the laws of 1983, are amended to read as follows:

4. When the order is for a restrictive placement in the case of a youth found to have committed a designated class A felony act,

(a) the order shall provide that:

(i) the respondent shall be placed with the [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES for an initial period of five years. If the respondent has been in detention pending disposition, the initial period of placement ordered under this section shall be credited with and diminished by the amount of time spent by the respondent in detention prior to the commencement of the placement unless the court finds that all or part of such credit would not serve the needs and best interests of the respondent or the need for protection of the community.

(ii) the respondent shall initially be confined in a secure facility for a period set by the order, to be not less than twelve nor more than eighteen months provided, however, where the order of the court is made in compliance with subdivision five OF THIS SECTION, the respondent shall initially be confined in a secure facility for eighteen months.

(iii) after the period set under [clause] SUBPARAGRAPH (ii) OF THIS PARAGRAPH, the respondent shall be placed in a residential facility for a period of twelve months; PROVIDED, HOWEVER, THAT IF THE RESPONDENT HAS BEEN PLACED FROM A FAMILY COURT IN A SOCIAL SERVICES DISTRICT OPERATING AN APPROVED JUVENILE JUSTICE SERVICES CLOSE TO HOME INITIATIVE PURSUANT TO SECTION FOUR HUNDRED FOUR OF THE SOCIAL SERVICES LAW, ONCE THE TIME FRAMES IN SUBPARAGRAPH (II) OF THIS PARAGRAPH ARE MET:

(A) BEGINNING ON THE EFFECTIVE DATE OF SUCH A SOCIAL SERVICES DISTRICT'S PLAN THAT ONLY COVERS JUVENILE DELINQUENTS PLACED IN NON-SECURE SETTINGS, IF THE OFFICE OF CHILDREN AND FAMILY SERVICES CONCLUDES, BASED ON THE NEEDS AND BEST INTERESTS OF THE RESPONDENT AND THE NEED FOR PROTECTION FOR THE COMMUNITY, THAT A NON-SECURE LEVEL OF CARE IS APPROPRIATE FOR THE RESPONDENT, SUCH OFFICE SHALL FILE A PETITION PURSUANT TO PARAGRAPH (B) OR (C) OF SUBDIVISION TWO OF SECTION 355.1 OF THIS PART TO HAVE THE RESPONDENT PLACED WITH THE APPLICABLE LOCAL COMMISSIONER OF SOCIAL SERVICES; AND

(B) BEGINNING ON THE EFFECTIVE DATE OF SUCH A SOCIAL SERVICES DISTRICT'S PLAN THAT COVERS JUVENILE DELINQUENTS PLACED IN LIMITED SECURE SETTINGS, IF THE OFFICE OF CHILDREN AND FAMILY SERVICES CONCLUDES, BASED ON THE NEEDS AND BEST INTERESTS OF THE RESPONDENT AND THE NEED FOR PROTECTION FOR THE COMMUNITY, THAT A NON-SECURE OR LIMITED SECURE LEVEL OF CARE IS APPROPRIATE FOR THE RESPONDENT, SUCH OFFICE SHALL FILE A PETITION PURSUANT TO PARAGRAPH (B) OR (C) OF SUBDIVISION TWO OF SECTION 355.1 OF THIS PART TO HAVE THE RESPONDENT PLACED WITH THE APPLICABLE LOCAL COMMISSIONER OF SOCIAL SERVICES.

(C) IF THE RESPONDENT IS PLACED WITH THE LOCAL COMMISSIONER OF SOCIAL SERVICES IN ACCORDANCE WITH CLAUSE (A) OR (B) OF THIS SUBPARAGRAPH, THE

REMAINDER OF THE PROVISIONS OF THIS SECTION SHALL CONTINUE TO APPLY TO THE RESPONDENT'S PLACEMENT.

(iv) the respondent may not be released from a secure facility or transferred to a facility other than a secure facility during the period provided in [clause] SUBPARAGRAPH (ii) of this paragraph, nor may the respondent be released from a residential facility during the period provided in [clause] SUBPARAGRAPH (iii) OF THIS PARAGRAPH. No home visits shall be permitted during the period of secure confinement set by the court order or one year, whichever is less, except for emergency visits for medical treatment or severe illness or death in the family. All home visits must be accompanied home visits: (A) while a youth is confined in a secure facility, whether such confinement is pursuant to a court order or otherwise; (B) while a youth is confined in a residential facility other than a secure facility within six months after confinement in a secure facility; and (C) while a youth is confined in a residential facility other than a secure facility in excess of six months after confinement in a secure facility unless two accompanied home visits have already occurred. An "accompanied home visit" shall mean a home visit during which the youth shall be accompanied at all times while outside the secure or residential facility by appropriate personnel of the [division for youth designated pursuant to regulations of the director of the division] OFFICE OF CHILDREN AND FAMILY SERVICES OR, IF APPLICABLE, A LOCAL SOCIAL SERVICES DISTRICT WHICH OPERATES AN APPROVED JUVENILE JUSTICE SERVICES CLOSE TO HOME INITIATIVE PURSUANT TO SECTION FOUR HUNDRED FOUR OF THE SOCIAL SERVICES LAW.

(b) Notwithstanding any other provision of law, during the first twelve months of the respondent's placement, no motion, hearing or order may be made, held or granted pursuant to section 355.1; provided, however, that during such period a motion to vacate the order may be made pursuant to [355.1] SUCH SECTION, but only upon grounds set forth in section 440.10 of the criminal procedure law.

(c) During the placement or any extension thereof:

(i) after the expiration of the period provided in [clause] SUBPARAGRAPH (iii) of paragraph (a) OF THIS SUBDIVISION, the respondent shall not be released from a residential facility without the written approval of the [director of the division for youth or his designated deputy director] OFFICE OF CHILDREN AND FAMILY SERVICES OR, IF APPLICABLE, A SOCIAL SERVICES DISTRICT OPERATING AN APPROVED JUVENILE JUSTICE SERVICES CLOSE TO HOME INITIATIVE PURSUANT TO SECTION FOUR HUNDRED FOUR OF THE SOCIAL SERVICES LAW.

(ii) the respondent shall be subject to intensive supervision whenever not in a secure or residential facility.

(iii) the respondent shall not be discharged from the custody of the [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES OR, IF APPLICABLE, A SOCIAL SERVICES DISTRICT OPERATING AN APPROVED JUVENILE JUSTICE SERVICES CLOSE TO HOME INITIATIVE PURSUANT TO SECTION FOUR HUNDRED FOUR OF THE SOCIAL SERVICES LAW, unless a motion therefor under section 355.1 is granted by the court, which motion shall not be made prior to the expiration of three years of the placement.

(iv) unless otherwise specified in the order, the [division] OFFICE OF CHILDREN AND FAMILY SERVICES OR, IF APPLICABLE, A SOCIAL SERVICES DISTRICT OPERATING AN APPROVED JUVENILE JUSTICE SERVICES CLOSE TO HOME INITIATIVE PURSUANT TO SECTION FOUR HUNDRED FOUR OF THE SOCIAL SERVICES LAW shall report in writing to the court not less than once every six months during the placement on the status, adjustment and progress of the respondent.

(d) Upon the expiration of the initial period of placement, or any extension thereof, the placement may be extended in accordance with section 355.3 on a petition of any party or the [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES, OR, IF APPLICABLE, A SOCIAL SERVICES DISTRICT OPERATING AN APPROVED JUVENILE JUSTICE SERVICES CLOSE TO HOME INITIATIVE PURSUANT TO SECTION FOUR HUNDRED FOUR OF THE SOCIAL SERVICES LAW, after a dispositional hearing, for an additional period not to exceed twelve months, but no initial placement or extension of placement under this section may continue beyond the respondent's twenty-first birthday.

(e) The court may also make an order pursuant to subdivision two of section 353.4.

5. When the order is for a restrictive placement in the case of a youth found to have committed a designated felony act, other than a designated class A felony act,

(a) the order shall provide that:

(i) the respondent shall be placed with the [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES for an initial period of three years. If the respondent has been in detention pending disposition, the initial period of placement ordered under this section shall be credited with and diminished by the amount of time spent by the respondent in detention prior to the commencement of the placement unless the court finds that all or part of such credit would not serve the needs and best interests of the respondent or the need for protection of the community.

(ii) the respondent shall initially be confined in a secure facility for a period set by the order, to be not less than six nor more than twelve months.

(iii) after the period set under [clause] SUBPARAGRAPH (ii) OF THIS PARAGRAPH, the respondent shall be placed in a residential facility for a period set by the order, to be not less than six nor more than twelve months; PROVIDED, HOWEVER, THAT IF THE RESPONDENT HAS BEEN PLACED FROM A FAMILY COURT IN A SOCIAL SERVICES DISTRICT OPERATING AN APPROVED JUVENILE JUSTICE SERVICES CLOSE TO HOME INITIATIVE PURSUANT TO SECTION FOUR HUNDRED FOUR OF THE SOCIAL SERVICES LAW, ONCE THE TIME FRAMES IN SUBPARAGRAPH (II) OF THIS PARAGRAPH ARE MET:

(A) BEGINNING ON THE EFFECTIVE DATE OF SUCH A SOCIAL SERVICES DISTRICT'S PLAN THAT ONLY COVERS JUVENILE DELINQUENTS PLACED IN NON-SECURE SETTINGS, IF THE OFFICE OF CHILDREN AND FAMILY SERVICES CONCLUDES, BASED ON THE NEEDS AND BEST INTERESTS OF THE RESPONDENT AND THE NEED FOR PROTECTION FOR THE COMMUNITY, THAT A NON-SECURE LEVEL OF CARE IS APPROPRIATE FOR THE RESPONDENT, SUCH OFFICE SHALL FILE A PETITION PURSUANT TO PARAGRAPH (B) OR (C) OF SUBDIVISION TWO OF SECTION 355.1 OF THIS PART TO HAVE THE RESPONDENT PLACED WITH THE APPLICABLE LOCAL COMMISSIONER OF SOCIAL SERVICES; AND

(B) BEGINNING ON THE EFFECTIVE DATE OF SUCH A SOCIAL SERVICES DISTRICT'S PLAN TO IMPLEMENT PROGRAMS FOR YOUTH PLACED IN LIMITED SECURE SETTINGS, IF THE OFFICE OF CHILDREN AND FAMILY SERVICES CONCLUDES, BASED ON THE NEEDS AND BEST INTERESTS OF THE RESPONDENT AND THE NEED FOR PROTECTION FOR THE COMMUNITY, THAT A NON-SECURE OR LIMITED SECURE LEVEL OF CARE IS APPROPRIATE FOR THE RESPONDENT, SUCH OFFICE SHALL FILE A PETITION PURSUANT TO PARAGRAPH (B) OR (C) OF SUBDIVISION TWO OF SECTION 355.1 OF THIS PART TO HAVE THE RESPONDENT PLACED WITH THE APPLICABLE LOCAL COMMISSIONER OF SOCIAL SERVICES.

(C) IF THE RESPONDENT IS PLACED WITH A LOCAL COMMISSIONER OF SOCIAL SERVICES IN ACCORDANCE WITH CLAUSE (A) OR (B) OF THIS SUBPARAGRAPH, THE

REMAINDER OF THE PROVISIONS OF THIS SECTION SHALL CONTINUE TO APPLY TO THE RESPONDENT'S PLACEMENT.

(iv) the respondent may not be released from a secure facility or transferred to a facility other than a secure facility during the period provided by the court pursuant to [clause] SUBPARAGRAPH (ii) OF THIS PARAGRAPH, nor may the respondent be released from a residential facility during the period provided by the court pursuant to [clause] SUBPARAGRAPH (iii) OF THIS PARAGRAPH. No home visits shall be permitted during the period of secure confinement set by the court order or one year, whichever is less, except for emergency visits for medical treatment or severe illness or death in the family. All home visits must be accompanied home visits: (A) while a youth is confined in a secure facility, whether such confinement is pursuant to a court order or otherwise; (B) while a youth is confined in a residential facility other than a secure facility within six months after confinement in a secure facility; and (C) while a youth is confined in a residential facility other than a secure facility in excess of six months after confinement in a secure facility unless two accompanied home visits have already occurred. An "accompanied home visit" shall mean a home visit during which the youth shall be accompanied at all times while outside the secure or residential facility by appropriate personnel of the [division for youth designated pursuant to regulations of the director of the division] OFFICE OF CHILDREN AND FAMILY SERVICES OR, IF APPLICABLE, A SOCIAL SERVICES DISTRICT OPERATING AN APPROVED JUVENILE JUSTICE CLOSE TO HOME INITIATIVE PURSUANT TO SECTION FOUR HUNDRED FOUR OF THE SOCIAL SERVICES LAW.

(b) Notwithstanding any other provision of law, during the first six months of the respondent's placement, no motion, hearing or order may be made, held or granted pursuant to section 355.1; provided, however, that during such period a motion to vacate the order may be made pursuant to such section, but only upon grounds set forth in section 440.10 of the criminal procedure law.

(c) During the placement or any extension thereof:

(i) after the expiration of the period provided in [clause] SUBPARAGRAPH (iii) of paragraph (a) OF THIS SUBDIVISION, the respondent shall not be released from a residential facility without the written approval of the [director of the division for youth or his designated deputy director] OFFICE OF CHILDREN AND FAMILY SERVICES OR, IF APPLICABLE, A SOCIAL SERVICES DISTRICT OPERATING AN APPROVED JUVENILE JUSTICE SERVICES CLOSE TO HOME INITIATIVE PURSUANT TO SECTION FOUR HUNDRED FOUR OF THE SOCIAL SERVICES LAW.

(ii) the respondent shall be subject to intensive supervision whenever not in a secure or residential facility.

(iii) the respondent shall not be discharged from the custody of the [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES, OR, IF APPLICABLE, A SOCIAL SERVICES DISTRICT OPERATING AN APPROVED JUVENILE JUSTICE SERVICES CLOSE TO HOME INITIATIVE PURSUANT TO SECTION FOUR HUNDRED FOUR OF THE SOCIAL SERVICES LAW.

(iv) unless otherwise specified in the order, the [division] OFFICE OF CHILDREN AND FAMILY SERVICES OR, IF APPLICABLE, A SOCIAL SERVICES DISTRICT OPERATING AN APPROVED JUVENILE JUSTICE SERVICES CLOSE TO HOME INITIATIVE PURSUANT TO SECTION FOUR HUNDRED FOUR OF THE SOCIAL SERVICES LAW, shall report in writing to the court not less than once every six months during the placement on the status, adjustment and progress of the respondent.

(d) Upon the expiration of the initial period of placement or any extension thereof, the placement may be extended in accordance with

section 355.3 upon petition of any party or the [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES OR, IF APPLICABLE, A SOCIAL SERVICES DISTRICT OPERATING AN APPROVED JUVENILE JUSTICE SERVICES CLOSE TO HOME INITIATIVE PURSUANT TO SECTION FOUR HUNDRED FOUR OF THE SOCIAL SERVICES LAW, after a dispositional hearing, for an additional period not to exceed twelve months, but no initial placement or extension of placement under this section may continue beyond the respondent's twenty-first birthday.

(e) The court may also make an order pursuant to subdivision two of section 353.4.

S 7. Subdivision 8 of section 353.5 of the family court act, as added by chapter 920 of the laws of 1982, is amended to read as follows:

8. The [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES OR, IF APPLICABLE, THE SOCIAL SERVICES DISTRICT OPERATING AN APPROVED CLOSE TO HOME INITIATIVE PURSUANT TO SECTION FOUR HUNDRED FOUR OF THE SOCIAL SERVICES LAW, shall retain the power to continue the confinement of the youth in a secure or other residential facility, AS APPLICABLE, beyond the periods specified by the court, within the term of the placement.

S 8. Subdivision 2 of section 355.1 of the family court act, as added by chapter 920 of the laws of 1982, is amended to read as follows:

2. An order issued under section 353.3, may, upon a showing of a substantial change of circumstances, be set aside, modified, vacated or terminated upon motion of the commissioner of social services or the [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES with whom the respondent has been placed.

(A)(I) FOR A SOCIAL SERVICES DISTRICT THAT ONLY HAS AN APPROVED PLAN TO IMPLEMENT PROGRAMS FOR JUVENILE DELINQUENTS PLACED IN NON-SECURE SETTINGS AS PART OF AN APPROVED JUVENILE JUSTICE SERVICES CLOSE TO HOME INITIATIVE PURSUANT TO SECTION FOUR HUNDRED FOUR OF THE SOCIAL SERVICES LAW, BEGINNING ON THE EFFECTIVE DATE OF THAT PLAN, IF THE DISTRICT DETERMINES THAT PLACEMENT IN A LIMITED SECURE FACILITY IS APPROPRIATE AND CONSISTENT WITH THE NEED FOR PROTECTION OF THE COMMUNITY AND THE NEEDS AND BEST INTERESTS OF THE RESPONDENT PLACED INTO ITS CARE, THE SOCIAL SERVICES DISTRICT SHALL FILE A PETITION TO TRANSFER THE CUSTODY OF THE RESPONDENT TO THE OFFICE OF CHILDREN AND FAMILY SERVICES, AND SHALL PROVIDE A COPY OF SUCH PETITION TO SUCH OFFICE, THE RESPONDENT, THE ATTORNEY FOR THE RESPONDENT AND THE RESPONDENT'S PARENT OR LEGAL GUARDIAN. THE COURT SHALL RENDER A DECISION WHETHER THE JUVENILE DELINQUENT SHOULD BE TRANSFERRED TO THE OFFICE WITHIN SEVENTY-TWO HOURS, EXCLUDING WEEKENDS AND PUBLIC HOLIDAYS. THE FAMILY COURT SHALL, AFTER ALLOWING THE OFFICE OF CHILDREN AND FAMILY SERVICES AND THE ATTORNEY FOR THE RESPONDENT, AFTER NOTICE HAVING BEEN GIVEN, AN OPPORTUNITY TO BE HEARD, GRANT SUCH A PETITION ONLY IF THE COURT DETERMINES, AND STATES IN ITS WRITTEN ORDER, THE REASONS WHY A LIMITED SECURE PLACEMENT IS NECESSARY AND CONSISTENT WITH THE NEEDS AND BEST INTERESTS OF THE RESPONDENT AND THE NEED FOR PROTECTION OF THE COMMUNITY.

(II) FOR A SOCIAL SERVICES DISTRICT WITH AN APPROVED PLAN OR APPROVED PLANS THAT COVER JUVENILE DELINQUENTS PLACED IN NON-SECURE OR IN NON-SECURE AND IN LIMITED SECURE SETTINGS AS PART OF AN APPROVED JUVENILE JUSTICE SERVICES CLOSE TO HOME INITIATIVE PURSUANT TO SECTION FOUR HUNDRED FOUR OF THE SOCIAL SERVICES LAW, BEGINNING ON THE EFFECTIVE DATE OF THE PLAN, IF THE DISTRICT DETERMINES THAT A SECURE LEVEL OF PLACEMENT IS APPROPRIATE AND CONSISTENT WITH THE NEED FOR PROTECTION OF THE COMMUNITY AND THE NEEDS AND BEST INTERESTS OF THE RESPONDENT PLACED INTO ITS CARE, THE SOCIAL SERVICES DISTRICT SHALL FILE A PETITION TO TRANSFER THE CUSTODY OF THE RESPONDENT TO THE OFFICE OF CHILDREN AND FAMILY SERVICES,

AND SHALL PROVIDE A COPY OF SUCH PETITION TO SUCH OFFICE, THE RESPONDENT, THE ATTORNEY FOR THE RESPONDENT AND THE RESPONDENT'S PARENT OR LEGAL GUARDIAN. THE COURT SHALL RENDER A DECISION WHETHER THE YOUTH SHOULD BE TRANSFERRED WITHIN SEVENTY-TWO HOURS, EXCLUDING WEEKENDS AND PUBLIC HOLIDAYS. THE FAMILY COURT SHALL, AFTER ALLOWING THE OFFICE OF CHILDREN AND FAMILY SERVICES AND THE ATTORNEY FOR THE RESPONDENT, AFTER NOTICE HAVING BEEN GIVEN, AN OPPORTUNITY TO BE HEARD, GRANT SUCH A PETITION ONLY IF THE COURT DETERMINES, AND STATES IN ITS WRITTEN ORDER, THAT THE YOUTH NEEDS A SECURE LEVEL OF PLACEMENT BECAUSE:

(A) THE RESPONDENT HAS BEEN SHOWN TO BE EXCEPTIONALLY DANGEROUS TO HIMSELF OR HERSELF OR TO OTHER PERSONS. EXCEPTIONALLY DANGEROUS BEHAVIOR MAY INCLUDE, BUT IS NOT LIMITED TO, ONE OR MORE SERIOUS INTENTIONAL ASSAULTS, SEXUAL ASSAULTS OR SETTING FIRES; OR

(B) THE RESPONDENT HAS DEMONSTRATED BY A PATTERN OF BEHAVIOR THAT HE OR SHE NEEDS A MORE STRUCTURED SETTING AND THE SOCIAL SERVICES DISTRICT HAS CONSIDERED THE APPROPRIATENESS AND AVAILABILITY OF A TRANSFER TO AN ALTERNATIVE NON-SECURE OR LIMITED SECURE FACILITY. SUCH BEHAVIOR MAY INCLUDE, BUT IS NOT LIMITED TO: DISRUPTIONS IN FACILITY PROGRAMS; CONTINUOUSLY AND MALICIOUSLY DESTROYING PROPERTY; OR, REPEATEDLY COMMITTING OR INCITING OTHER YOUTH TO COMMIT ASSAULTIVE OR DESTRUCTIVE ACTS.

(III) THE COURT MAY ORDER THAT THE RESPONDENT BE HOUSED IN A LOCAL SECURE DETENTION FACILITY ON AN INTERIM BASIS PENDING ITS FINAL RULING ON THE PETITION FILED PURSUANT TO THIS PARAGRAPH.

(B) THE FOLLOWING PROVISIONS SHALL APPLY IF THE OFFICE OF CHILDREN AND FAMILY SERVICES FILES A PETITION WITH A FAMILY COURT IN A SOCIAL SERVICES DISTRICT WITH AN APPROVED JUVENILE JUSTICE SERVICES CLOSE TO HOME INITIATIVE PURSUANT TO SECTION FOUR HUNDRED FOUR OF THE SOCIAL SERVICES LAW TO TRANSFER, WITHIN THE FIRST NINETY DAYS THAT SUCH PLAN IS EFFECTIVE, TO SUCH DISTRICT A RESPONDENT PLACED IN THE OFFICE'S CARE PURSUANT TO EITHER SECTION 353.3 OR 353. 5 OF THIS PART:

(I) SUCH A PETITION SHALL BE PROVIDED TO THE RESPONDENT, THE ATTORNEY FOR THE RESPONDENT AND THE RESPONDENT'S PARENT OR LEGAL GUARDIAN. IF THE DISTRICT ONLY HAS AN APPROVED PLAN THAT COVERS JUVENILE DELINQUENTS PLACED IN NON-SECURE SETTINGS, THE FAMILY COURT SHALL GRANT SUCH A PETITION, WITHOUT A HEARING, UNLESS THE ATTORNEY FOR THE RESPONDENT, AFTER NOTICE, OBJECTS TO THE TRANSFER ON THE BASIS THAT THE RESPONDENT NEEDS TO BE PLACED WITH THE OFFICE OR THE FAMILY COURT DETERMINES THAT THERE IS INSUFFICIENT INFORMATION IN THE PETITION TO GRANT THE TRANSFER WITHOUT A HEARING. THE FAMILY COURT SHALL GRANT THE PETITION UNLESS THE COURT DETERMINES, AND STATES IN ITS WRITTEN ORDER, THE REASONS WHY PLACEMENT WITH THE OFFICE IS NECESSARY AND CONSISTENT WITH THE NEEDS AND BEST INTERESTS OF THE RESPONDENT AND THE NEED FOR PROTECTION OF THE COMMUNITY.

(II) IF THE DISTRICT HAS AN APPROVED PLAN OR APPROVED PLANS THAT COVER JUVENILE DELINQUENTS PLACED IN NON-SECURE AND IN LIMITED SECURE SETTINGS, FOR THE FIRST NINETY DAYS THAT THE PLAN THAT COVERS JUVENILE DELINQUENTS IN LIMITED SECURE SETTINGS IS EFFECTIVE, THE FAMILY COURT SHALL GRANT SUCH A PETITION, WITHOUT A HEARING, UNLESS THE ATTORNEY FOR THE RESPONDENT, AFTER NOTICE, OBJECTS TO THE TRANSFER ON THE BASIS THAT THE RESPONDENT NEEDS TO BE PLACED WITH THE OFFICE OR THE FAMILY COURT DETERMINES THAT THERE IS INSUFFICIENT INFORMATION IN THE PETITION TO GRANT THE TRANSFER WITHOUT A HEARING. THE FAMILY COURT SHALL GRANT THE PETITION UNLESS THE COURT DETERMINES, AND STATES IN ITS WRITTEN ORDER, THE REASONS WHY PLACEMENT WITH THE OFFICE IS NECESSARY AND CONSISTENT WITH THE NEEDS AND BEST INTERESTS OF THE RESPONDENT AND THE NEED FOR PROTECTION OF THE COMMUNITY.

(C) BEGINNING NINETY-ONE DAYS AFTER THE EFFECTIVE DATE A SOCIAL SERVICES DISTRICT'S PLAN TO IMPLEMENT PROGRAMS FOR JUVENILE JUSTICE SERVICES CLOSE TO HOME INITIATIVE PURSUANT TO SECTION FOUR HUNDRED FOUR OF THE SOCIAL SERVICES LAW, IF THE OFFICE OF CHILDREN AND FAMILY SERVICES FILES A PETITION TO TRANSFER TO SUCH DISTRICT A RESPONDENT PLACED IN THE OFFICE'S CARE PURSUANT TO EITHER SECTION 353.3 OR 353.5 OF THIS PART FROM A FAMILY COURT IN SUCH A SOCIAL SERVICES DISTRICT, THE OFFICE SHALL PROVIDE A COPY OF THE PETITION TO THE SOCIAL SERVICES DISTRICT, THE ATTORNEY FOR THE RESPONDENT AND THE PRESENTMENT AGENCY.

(I) IF THE DISTRICT ONLY HAS AN APPROVED PLAN THAT COVERS JUVENILE DELINQUENTS PLACED IN NON-SECURE SETTINGS, THE FAMILY COURT SHALL, AFTER ALLOWING THE SOCIAL SERVICES DISTRICT, THE ATTORNEY FOR THE RESPONDENT AND THE PRESENTMENT AGENCY AN OPPORTUNITY TO BE HEARD, GRANT A PETITION FILED PURSUANT TO THIS SUBPARAGRAPH UNLESS THE COURT DETERMINES, AND STATES IN ITS WRITTEN ORDER, THE REASONS WHY A SECURE OR LIMITED SECURE PLACEMENT IS NECESSARY AND CONSISTENT WITH THE NEEDS AND BEST INTERESTS OF THE RESPONDENT AND THE NEED FOR PROTECTION OF THE COMMUNITY.

(II) IF THE DISTRICT HAS AN APPROVED PLAN OR APPROVED PLANS THAT COVER JUVENILE DELINQUENTS PLACED IN NON-SECURE AND LIMITED SECURE SETTINGS, BEGINNING NINETY-ONE DAYS AFTER THE EFFECTIVE DATE OF THE PLAN THAT COVERS JUVENILE DELINQUENTS PLACED IN LIMITED SECURE SETTINGS, THE FAMILY COURT, AFTER ALLOWING THE SOCIAL SERVICES DISTRICT, THE ATTORNEY FOR THE RESPONDENT AND THE PRESENTMENT AGENCY AN OPPORTUNITY TO BE HEARD, SHALL GRANT A PETITION FILED PURSUANT TO THIS SUBPARAGRAPH, UNLESS THE COURT DETERMINES, AND STATES IN ITS WRITTEN ORDER, THE REASONS WHY A SECURE PLACEMENT IS NECESSARY AND CONSISTENT WITH THE NEEDS AND BEST INTERESTS OF THE RESPONDENT AND THE NEED FOR PROTECTION OF THE COMMUNITY.

S 9. Subdivision 1 of section 355.5 of the family court act, as added by chapter 7 of the laws of 1999, is amended to read as follows:

1. For the purposes of this section the term "non-secure facility" means a facility operated by an authorized agency in accordance with an operating certificate issued pursuant to the social services law or a facility, not including a secure or limited secure facility, with a capacity of twenty-five beds or less operated by the office of children and family services in accordance with section five hundred four of the executive law. THE TERM SHALL NOT INCLUDE A LIMITED SECURE FACILITY WITHIN A SOCIAL SERVICES DISTRICT OPERATING AN APPROVED JUVENILE JUSTICE SERVICES CLOSE TO HOME INITIATIVE PURSUANT TO SECTION FOUR HUNDRED FOUR OF THE SOCIAL SERVICES LAW.

S 10. Notwithstanding any other provision of law to the contrary, the state shall be authorized to lease to the city of New York, for a dollar a year, any real property utilized for the care, maintenance and supervision of adjudicated juvenile delinquents for use by a social services district pursuant to an approved plan for a juvenile justice services close to home initiative for the purpose of carrying out any powers, functions or duties described in section four hundred four of the social services law, or any other provision of this act. The city of New York shall be responsible for all costs associated with operating and maintaining such real property other than any debt services costs for such property that were in existence when the lease was executed. Applicable state officials shall be authorized to make announced and unannounced inspections of the property to determine whether it is being maintained in an appropriate manner. The city of New York shall be responsible for making any repairs to such leased property necessary to maintain the property in at least as good as condition as it was when the property

was first leased to the city, allowing for normal wear and tear, and shall return the property to the state, when the lease ends or is terminated, in the same or better condition than the property was in at the time the lease was first executed, aside from normal wear and tear. The city of New York shall obtain prior approval from the state for any major renovations to any such leased property. The leasing to the social services district or the subleasing, design, construction, reconstruction, improvement, rehabilitation, maintaining, furnishing, repairing, equipping or use of any such facility by the social services district for the care, maintenance and supervision of adjudicated juvenile delinquents shall not be subject to the provisions of any general, special or local law, city charter, administrative code, ordinance or resolution governing uniform land use review procedures, any other land use planning review and approvals, historic preservation procedures, architectural reviews, franchise approvals and other state or local review and approval procedures governing the use of land and the improvements thereon within the city.

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

SUBPART B

Section 1. Section 398 of the social services law is amended by adding a new subdivision 3-a to read as follows:

3-A. AS TO DELINQUENT CHILDREN:

(A)(1) CONDITIONALLY RELEASE ANY JUVENILE DELINQUENT PLACED WITH THE DISTRICT TO AFTERCARE WHENEVER THE DISTRICT DETERMINES CONDITIONAL RELEASE TO BE CONSISTENT WITH THE NEEDS AND BEST INTERESTS OF SUCH JUVENILE DELINQUENT, THAT SUITABLE CARE AND SUPERVISION CAN BE PROVIDED, AND THAT THERE IS A REASONABLE PROBABILITY THAT SUCH JUVENILE DELINQUENT CAN BE CONDITIONALLY RELEASED WITHOUT ENDANGERING PUBLIC SAFETY; PROVIDED, HOWEVER, THAT SUCH CONDITIONAL RELEASE SHALL BE MADE IN ACCORDANCE WITH THE REGULATIONS OF THE OFFICE OF CHILDREN AND FAMILY SERVICES, AND PROVIDED FURTHER THAT NO JUVENILE DELINQUENT WHILE ABSENT FROM A FACILITY OR PROGRAM WITHOUT THE CONSENT OF THE DIRECTOR OF SUCH FACILITY OR PROGRAM SHALL BE CONDITIONALLY RELEASED BY THE DISTRICT SOLELY BY REASON OF THE ABSENCE.

(2) IT SHALL BE A CONDITION OF SUCH RELEASE THAT A JUVENILE DELINQUENT SO RELEASED SHALL CONTINUE TO BE THE RESPONSIBILITY OF THE SOCIAL SERVICES DISTRICT FOR THE PERIOD PROVIDED IN THE ORDER OF PLACEMENT.

(3) THE SOCIAL SERVICES DISTRICT MAY PROVIDE CLOTHING, SERVICES AND OTHER NECESSITIES FOR ANY CONDITIONALLY RELEASED JUVENILE DELINQUENT, AS MAY BE REQUIRED, INCLUDING MEDICAL CARE AND SERVICES NOT PROVIDED TO SUCH JUVENILE DELINQUENT AS MEDICAL ASSISTANCE FOR NEEDY PERSONS PURSUANT TO TITLE ELEVEN OF ARTICLE FIVE OF THIS CHAPTER.

(4) THE SOCIAL SERVICES DISTRICT, PURSUANT TO THE REGULATIONS OF THE OFFICE OF CHILDREN AND FAMILY SERVICES, MAY CAUSE A JUVENILE DELINQUENT TO BE RETURNED TO A FACILITY OPERATED AND MAINTAINED BY THE DISTRICT, OR AN AUTHORIZED AGENCY UNDER CONTRACT WITH THE DISTRICT, AT ANY TIME WITHIN THE PERIOD OF PLACEMENT, WHERE THERE IS A VIOLATION OF THE CONDITIONS OF RELEASE OR A CHANGE OF CIRCUMSTANCES.

(5) JUVENILE DELINQUENTS CONDITIONALLY RELEASED BY A SOCIAL SERVICES DISTRICT MAY BE PROVIDED FOR AS FOLLOWS:

(I) IF, IN THE OPINION OF THE SOCIAL SERVICES DISTRICT, THERE IS NO SUITABLE PARENT, RELATIVE OR GUARDIAN TO WHOM A JUVENILE DELINQUENT CAN BE CONDITIONALLY RELEASED, AND SUITABLE CARE CANNOT OTHERWISE BE SECURED, THE DISTRICT MAY CONDITIONALLY RELEASE SUCH JUVENILE DELINQUENT TO THE CARE OF ANY OTHER SUITABLE PERSON; PROVIDED THAT WHERE SUCH SUITABLE PERSON HAS NO LEGAL RELATIONSHIP WITH THE JUVENILE, THE DISTRICT SHALL ADVISE SUCH PERSON OF THE PROCEDURES FOR OBTAINING CUSTODY OR GUARDIANSHIP OF THE JUVENILE.

(II) IF A CONDITIONALLY RELEASED JUVENILE DELINQUENT IS SUBJECT TO ARTICLE SIXTY-FIVE OF THE EDUCATION LAW OR ELECTS TO PARTICIPATE IN AN EDUCATIONAL PROGRAM LEADING TO A HIGH SCHOOL DIPLOMA, HE OR SHE SHALL BE ENROLLED IN A SCHOOL OR EDUCATIONAL PROGRAM LEADING TO A HIGH SCHOOL DIPLOMA FOLLOWING RELEASE, OR, IF SUCH RELEASE OCCURS DURING THE SUMMER RECESS, UPON THE COMMENCEMENT OF THE NEXT SCHOOL TERM. IF A CONDITIONALLY RELEASED JUVENILE DELINQUENT IS NOT SUBJECT TO ARTICLE SIXTY-FIVE OF THE EDUCATION LAW, AND DOES NOT ELECT TO PARTICIPATE IN AN EDUCATIONAL PROGRAM LEADING TO A HIGH SCHOOL DIPLOMA, STEPS SHALL BE TAKEN, TO THE EXTENT POSSIBLE, TO FACILITATE HIS OR HER GAINFUL EMPLOYMENT OR ENROLLMENT IN A VOCATIONAL PROGRAM FOLLOWING RELEASE.

(B) WHEN A JUVENILE DELINQUENT PLACED WITH THE SOCIAL SERVICES DISTRICT IS ABSENT FROM PLACEMENT WITHOUT CONSENT, SUCH ABSENCE SHALL INTERRUPT THE CALCULATION OF TIME FOR HIS OR HER PLACEMENT. SUCH INTERRUPTION SHALL CONTINUE UNTIL SUCH JUVENILE DELINQUENT RETURNS TO THE FACILITY OR AUTHORIZED AGENCY IN WHICH HE OR SHE WAS PLACED. PROVIDED, HOWEVER, THAT ANY TIME SPENT BY A JUVENILE DELINQUENT IN CUSTODY FROM THE DATE OF ABSENCE TO THE DATE PLACEMENT RESUMES SHALL BE CREDITED AGAINST THE TIME OF SUCH PLACEMENT PROVIDED THAT SUCH CUSTODY:

(1) WAS DUE TO AN ARREST OR SURRENDER BASED UPON THE ABSENCE; OR

(2) AROSE FROM AN ARREST OR SURRENDER ON ANOTHER CHARGE WHICH DID NOT CULMINATE IN A CONVICTION, ADJUDICATION OR ADJUSTMENT.

(C) IN ADDITION TO THE OTHER REQUIREMENTS OF THIS SECTION, NO JUVENILE DELINQUENT PLACED WITH A SOCIAL SERVICES DISTRICT OPERATING AN APPROVED JUVENILE JUSTICE SERVICES CLOSE TO HOME INITIATIVE PURSUANT TO SECTION FOUR HUNDRED FOUR OF THIS CHAPTER PURSUANT TO A RESTRICTIVE PLACEMENT UNDER THE FAMILY COURT ACT SHALL BE RELEASED EXCEPT PURSUANT TO SECTION 353.5 OF THE FAMILY COURT ACT.

S 2. Section 351.1 of the family court act is amended by adding a new subdivision 2-b to read as follows:

2-B. THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL DEVELOP A VALIDATED PRE-DISPOSITIONAL RISK ASSESSMENT INSTRUMENT AND ANY RISK ASSESSMENT PROCESS FOR JUVENILE DELINQUENTS. THE OFFICE SHALL PERIODICALLY REVALIDATE ANY APPROVED PRE-DISPOSITIONAL RISK ASSESSMENT INSTRUMENT. THE OFFICE SHALL CONSPICUOUSLY POST ANY APPROVED PRE-DISPOSITIONAL RISK ASSESSMENT INSTRUMENT AND ANY RISK ASSESSMENT PROCESS ON ITS WEBSITE AND SHALL CONFER WITH APPROPRIATE STAKEHOLDERS, INCLUDING BUT NOT LIMITED TO, ATTORNEYS FOR CHILDREN, PRESENTMENT AGENCIES AND THE FAMILY COURT, PRIOR TO REVISING ANY VALIDATED PRE-DISPOSITIONAL RISK ASSESSMENT INSTRUMENT OR PROCESS. ANY SUCH REVISED PRE-DISPOSITIONAL RISK ASSESS-

MENT INSTRUMENT SHALL BE SUBJECT TO PERIODIC EMPIRICAL VALIDATION. THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL CONSULT WITH INDIVIDUALS WITH PROFESSIONAL RESEARCH EXPERIENCE AND EXPERTISE IN CRIMINAL JUSTICE; SOCIAL WORK; JUVENILE JUSTICE; AND APPLIED MATHEMATICS, PSYCHOMETRICS AND/OR STATISTICS TO ASSIST THE OFFICE IN DETERMINING THE METHOD IT WILL USE TO: DEVELOP, VALIDATE AND REVALIDATE SUCH PRE-DISPOSITIONAL RISK ASSESSMENT INSTRUMENT; DEVELOP THE RISK ASSESSMENT PROCESS; AND ANALYZE THE EFFECTIVENESS OF THE USE OF SUCH PRE-DISPOSITIONAL RISK ASSESSMENT INSTRUMENT AND PROCESS IN ACCOMPLISHING THEIR INTENDED GOALS; AND ANALYZE, TO THE GREATEST EXTENT POSSIBLE, ANY DISPARATE IMPACT ON DISPOSITIONAL OUTCOMES FOR JUVENILES BASED ON RACE, SEX, NATIONAL ORIGIN, ECONOMIC STATUS, AND ANY OTHER CONSTITUTIONALLY PROTECTED CLASS, REGARDING THE USE OF SUCH INSTRUMENT. THE OFFICE SHALL CONSULT WITH SUCH INDIVIDUALS REGARDING WHETHER IT IS APPROPRIATE TO ATTEMPT TO ANALYZE WHETHER THERE IS ANY SUCH DISPARATE IMPACT BASED ON SEXUAL ORIENTATION AND, IF SO, THE BEST METHODS TO CONDUCT SUCH ANALYSIS. THE OFFICE SHALL TAKE INTO CONSIDERATION ANY RECOMMENDATIONS GIVEN BY SUCH INDIVIDUALS INVOLVING IMPROVEMENTS THAT COULD BE MADE TO SUCH INSTRUMENT AND PROCESS. THE OFFICE ALSO SHALL CONSULT WITH LOCAL PROBATION DEPARTMENTS IN THE DEVELOPMENT OF THE VALIDATED PRE-DISPOSITIONAL RISK ASSESSMENT INSTRUMENT AND THE REVALIDATION OF SUCH INSTRUMENT. THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL PROVIDE TRAINING ON THE INSTRUMENT AND ANY PROCESS TO THE FAMILY COURTS, LOCAL PROBATION DEPARTMENTS, PRESENTMENT AGENCIES AND COURT APPOINTED ATTORNEYS FOR RESPONDENTS. THE OFFICE MAY DETERMINE THAT A PRE-DISPOSITIONAL RISK ASSESSMENT INSTRUMENT AND ANY PROCESS IN USE PURSUANT TO SUBDIVISION TWO-A OF SECTION 351.1 OF THIS PART MAY CONTINUE TO BE USED PURSUANT TO SUCH SUBDIVISION INSTEAD OF REQUIRING THE USE OF ANY INSTRUMENT OR PROCESS DEVELOPED PURSUANT TO THIS SUBDIVISION.

(A) ONCE AN INITIAL VALIDATED RISK ASSESSMENT INSTRUMENT AND RISK ASSESSMENT PROCESS HAVE BEEN DEVELOPED, THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL PROVIDE THE SUPERVISING FAMILY COURT JUDGES AND LOCAL PROBATION DEPARTMENTS WITH COPIES OF THE VALIDATED RISK ASSESSMENT INSTRUMENT AND PROCESS AND NOTIFY THEM OF THE EFFECTIVE DATE OF THE INSTRUMENT AND PROCESS, WHICH SHALL BE AT LEAST SIX MONTHS AFTER SUCH NOTIFICATION.

(B) COMMENCING ON THE EFFECTIVE DATE OF A VALIDATED RISK ASSESSMENT INSTRUMENT AND ANY RISK ASSESSMENT PROCESS AND THEREAFTER, EACH PROBATION INVESTIGATION ORDERED UNDER SUBDIVISION TWO OF THIS SECTION SHALL INCLUDE THE RESULTS OF THE VALIDATED RISK ASSESSMENT OF THE RESPONDENT AND PROCESS, IF ANY; AND A RESPONDENT SHALL NOT BE PLACED IN ACCORDANCE WITH SECTION 353.3 OR 353.5 OF THIS PART UNLESS THE COURT HAS RECEIVED AND GIVEN DUE CONSIDERATION TO THE RESULTS OF SUCH VALIDATED RISK ASSESSMENT AND ANY PROCESS AND MADE THE FINDINGS REQUIRED PURSUANT TO PARAGRAPH (G) OF SUBDIVISION TWO OF SECTION 352.2 OF THIS PART.

(C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, DATA NECESSARY FOR COMPLETION OF A PRE-DISPOSITIONAL RISK ASSESSMENT INSTRUMENT MAY BE SHARED AMONG LAW ENFORCEMENT, PROBATION, COURTS, DETENTION ADMINISTRATIONS, DETENTION PROVIDERS, PRESENTMENT AGENCIES AND THE ATTORNEY FOR THE CHILD UPON RETENTION OR APPOINTMENT SOLELY FOR THE PURPOSE OF ACCURATE COMPLETION OF SUCH RISK ASSESSMENT INSTRUMENT, AND A COPY OF THE COMPLETED PRE-DISPOSITIONAL RISK ASSESSMENT INSTRUMENT SHALL BE MADE AVAILABLE TO THE ATTORNEY FOR THE RESPONDENT AND APPLICABLE COURT.

(D) LOCAL PROBATION DEPARTMENTS SHALL PROVIDE THE OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES WITH INFORMATION REGARDING USE OF THE PRE-DISPOSITIONAL RISK ASSESSMENT INSTRUMENT AND ANY RISK ASSESSMENT

PROCESS IN THE TIME AND MANNER REQUIRED BY THE OFFICE. THE OFFICE MAY REQUIRE THAT SUCH DATA BE SUBMITTED TO THE OFFICE ELECTRONICALLY. THE OFFICE SHALL NOT COMMINGLE ANY SUCH INFORMATION WITH ANY CRIMINAL HISTORY DATABASE. THE OFFICE SHALL SHARE SUCH INFORMATION WITH THE OFFICE OF CHILDREN AND FAMILY SERVICES. THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL USE AND SHARE SUCH INFORMATION ONLY FOR THE PURPOSES OF THIS SECTION AND IN ACCORDANCE WITH THIS SECTION. SUCH INFORMATION SHALL BE SHARED AND RECEIVED IN A MANNER THAT PROTECTS THE CONFIDENTIALITY OF SUCH INFORMATION. THE SHARING, USE, DISCLOSURE AND REDISCLOSURE OF SUCH INFORMATION TO ANY PERSON, OFFICE, OR OTHER ENTITY NOT SPECIFICALLY AUTHORIZED TO RECEIVE IT PURSUANT TO THIS SECTION OR ANY OTHER LAW IS PROHIBITED.

(E) LAW ENFORCEMENT AND THE FAMILY COURTS SHALL PROVIDE THE OFFICE OF CHILDREN AND FAMILY SERVICES WITH SUCH INFORMATION, IN THE TIME AND MANNER REQUIRED BY THE OFFICE, AS IS NECESSARY FOR THE OFFICE TO DEVELOP, VALIDATE AND REVALIDATE ANY SUCH PRE-DISPOSITIONAL RISK ASSESSMENT INSTRUMENT AND PROCESS AND TO ANALYZE ANY DISPARATE IMPACT ON DISPOSITIONAL OUTCOMES FOR JUVENILES IN ACCORDANCE WITH THIS SECTION. THE OFFICE SHALL USE AND SHARE SUCH INFORMATION ONLY FOR THE PURPOSES OF THIS SECTION AND SHARE IT IN ACCORDANCE WITH THIS SECTION. SUCH INFORMATION SHALL BE SHARED AND RECEIVED IN A MANNER THAT PROTECTS THE CONFIDENTIALITY OF SUCH INFORMATION. THE SHARING, USE, DISCLOSURE AND REDISCLOSURE OF SUCH INFORMATION TO ANY PERSON, OFFICE, OR OTHER ENTITY NOT SPECIFICALLY AUTHORIZED TO RECEIVE IT PURSUANT TO THIS SECTION OR ANY OTHER LAW IS PROHIBITED.

(F) THE OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES SHALL PROMULGATE REGULATIONS, IN CONSULTATION WITH THE OFFICE OF CHILDREN AND FAMILY SERVICES, REGARDING THE ROLE OF LOCAL PROBATION DEPARTMENTS IN THE COMPLETION AND USE OF THE PRE-DISPOSITIONAL RISK ASSESSMENT INSTRUMENT AND IN THE RISK ASSESSMENT PROCESS.

S 3. Subdivision 2 of section 352.2 of the family court act is amended by adding a new paragraph (g) to read as follows:

(G)(I) ONCE A VALIDATED RISK ASSESSMENT INSTRUMENT AND ANY RISK ASSESSMENT PROCESS IS A REQUIRED PART OF EACH PROBATION INVESTIGATION ORDERED UNDER SUBDIVISION TWO OF SECTION 351.1 OF THIS PART AND PROVIDED TO THE COURT IN ACCORDANCE WITH SUBDIVISION TWO-B OF SUCH SECTION, THE COURT SHALL GIVE DUE CONSIDERATION TO THE RESULTS OF SUCH VALIDATED RISK ASSESSMENT AND ANY SUCH PROCESS WHEN DETERMINING THE APPROPRIATE DISPOSITION FOR THE RESPONDENT.

(II) ANY ORDER OF THE COURT DIRECTING THE PLACEMENT OF A RESPONDENT INTO A RESIDENTIAL PROGRAM SHALL STATE:

(A) THE LEVEL OF RISK THE YOUTH WAS ASSESSED PURSUANT TO THE VALIDATED RISK ASSESSMENT INSTRUMENT; AND

(B) IF A DETERMINATION IS MADE TO PLACE A YOUTH IN A HIGHER LEVEL OF PLACEMENT THAN APPEARS WARRANTED BASED ON SUCH RISK ASSESSMENT INSTRUMENT AND ANY RISK ASSESSMENT PROCESS, THE PARTICULAR REASONS WHY SUCH PLACEMENT WAS DETERMINED TO BE NECESSARY FOR THE PROTECTION OF THE COMMUNITY AND TO BE CONSISTENT WITH THE NEEDS AND BEST INTERESTS OF THE RESPONDENT; AND

(C) THAT A LESS RESTRICTIVE ALTERNATIVE THAT WOULD BE CONSISTENT WITH THE NEEDS AND BEST INTERESTS OF THE RESPONDENT AND THE NEED FOR PROTECTION OF THE COMMUNITY IS NOT AVAILABLE.

S 4. The opening paragraph of subdivision 2 of section 353.3 of the family court act, as amended by section 6 of part G of chapter 58 of the laws of 2010, is amended to read as follows:

Where the respondent is placed with the commissioner of the local social services district, the court may (I) IN A SOCIAL SERVICES DISTRICT OPERATING AN APPROVED JUVENILE JUSTICE SERVICES CLOSE TO HOME INITIATIVE PURSUANT TO SECTION FOUR HUNDRED FOUR OF THE SOCIAL SERVICES LAW, DIRECT THE COMMISSIONER TO PROVIDE SERVICES NECESSARY TO MEET THE NEEDS OF THE RESPONDENT, PROVIDED THAT SUCH SERVICES ARE AUTHORIZED OR REQUIRED TO BE MADE AVAILABLE PURSUANT TO THE APPROVED PLAN TO IMPLEMENT A JUVENILE JUSTICE CLOSE TO HOME INITIATIVE THEN IN EFFECT AND THE COMMISSIONER SHALL NOTIFY THE COURT AND THE ATTORNEY FOR THE RESPONDENT OF THE AUTHORIZED AGENCY THAT SUCH RESPONDENT WAS PLACED IN; OR (II) IN A SOCIAL SERVICES DISTRICT THAT IS NOT OPERATING AN APPROVED JUVENILE JUSTICE SERVICES CLOSE TO HOME INITIATIVE PURSUANT TO SECTION FOUR HUNDRED FOUR OF THE SOCIAL SERVICES LAW, direct the commissioner to place him or her with an authorized agency or class of authorized agencies, [including, if]; AND IF the court finds that the respondent PLACED WITH A SOCIAL SERVICES DISTRICT PURSUANT TO THIS SUBDIVISION is a sexually exploited child as defined in subdivision one of section four hundred forty-seven-a of the social services law, THE COURT MAY PLACE SUCH RESPONDENT IN an available long-term safe house. Unless the dispositional order provides otherwise, the court so directing shall include one of the following alternatives to apply in the event that the commissioner is unable to so place the respondent:

S 5. Subdivisions 1 and 2 of section 355.4 of the family court act, as added by chapter 479 of the laws of 1992, are amended to read as follows:

1. At the conclusion of the dispositional hearing pursuant to this article, where the respondent is to be placed with the [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES OR A SOCIAL SERVICES DISTRICT, the court shall inquire as to whether the parents or legal guardian of the youth, if present, will consent for the [division] OFFICE OR THE DISTRICT to provide routine medical, dental and mental health services and treatment.

2. Notwithstanding subdivision one of this section, where the court places a youth with the [division] OFFICE OF CHILDREN AND FAMILY SERVICES OR A SOCIAL SERVICES DISTRICT pursuant to this article and no medical consent has been obtained prior to an order of disposition, the placement order shall be deemed to grant consent for the [division for youth] OFFICE OR THE DISTRICT to provide for routine medical, dental and mental health services and treatment to such youth so placed.

S 6. Paragraph (a) of subdivision 3 of section 510-a of the executive law, as amended by chapter 465 of the laws of 1992, is amended to read as follows:

(a) If, in the opinion of the [division] OFFICE OF CHILDREN AND FAMILY SERVICES, there is no suitable parent, relative or guardian to whom a youth can be conditionally released, and suitable care cannot otherwise be secured, the division may conditionally release such youth to the care of an authorized agency established pursuant to section three hundred seventy-one of the social services law or any other suitable person; PROVIDED THAT WHERE SUCH SUITABLE PERSON HAS NO LEGAL RELATIONSHIP WITH THE JUVENILE, THE OFFICE SHALL ADVISE SUCH PERSON OF THE PROCEDURES FOR OBTAINING CUSTODY OR GUARDIANSHIP OF THE JUVENILE.

S 7. This act shall take effect April 1, 2012 and shall expire on March 31, 2018 when upon such date the provisions of this act shall be deemed repealed; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary

for the implementation of this act on its effective date is authorized and directed to be made and completed on or before such effective date.

S 3. 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 4. 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.

PART H

Section 1. Paragraph (a) of subdivision 1 of section 1 of part U of chapter 57 of the laws of 2005 amending the labor law and other laws implementing the state fiscal plan for the 2005-2006 state fiscal year, relating to the New York state higher education capital matching grant program for independent colleges, as amended by section 1 of part I of chapter 60 of the laws of 2011, is amended to read as follows:

(a) The New York state higher education capital matching grant 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. The board shall remain in existence during the period of the New York state higher education capital matching grant program from the effective date of this section through March 31, [2012] 2013, or the date on which the last of the funds available for grants under this section shall have been disbursed, whichever is earlier; provided, however, that the termination of the existence of the board shall not affect the power and authority of the dormitory authority to perform its obligations with respect to any bonds, notes, or other indebtedness issued or incurred pursuant to authority granted in this section.

S 2. Paragraph (h) of subdivision 4 of section 1 of part U of chapter 57 of the laws of 2005 amending the labor law and other laws implementing the state fiscal plan for the 2005-2006 state fiscal year, relating to the New York state higher education matching grant program for independent colleges, as amended by section 2 of part M of chapter 59 of the laws of 2010, is amended to read as follows:

(h) If a college did not apply for a potential grant by March 31, 2009, funds associated with such potential grant shall be awarded, on a competitive basis, to other colleges, according to the priorities set forth below. Colleges shall be eligible to apply for unutilized grants. In such cases, the following priorities shall apply: first, priority shall be given to otherwise eligible colleges that either were, or would have been, deemed ineligible for the program prior to March 31, 2009, due to missed deadlines, insufficient matching funds, lack of accreditation or other disqualifying reasons; and second, after the board has acted upon all such first-priority applications for unused funds, if any such funds remain, those funds shall be available for distribution to eligible colleges that are located within the same Regents of the State of New York region for which such funds were originally allocated. The dormitory authority shall develop a request for proposals and application process, in consultation with the board, for such grants and shall

develop criteria, subject to review by the board, for the awarding of such grants. Such criteria shall incorporate the matching criteria contained in paragraph (c) of this subdivision, and the application criteria set forth in paragraph (e) of this subdivision. The dormitory authority shall require all applications in response to the request for proposals to be submitted by September 1, [2010] 2012, and the board shall act on each application for such matching grants by November 1, [2010] 2012.

S 3. Subclause (A) of clause (ii) of paragraph (j) of subdivision 4 of section 1 of part U of chapter 57 of the laws of 2005 amending the labor law and other laws implementing the state fiscal plan for the 2005-2006 state fiscal year, relating to the New York state higher education matching grant program for independent colleges, as amended by section 2 of part I of chapter 60 of the laws of 2011, is amended to read as follows:

(A) Notwithstanding the provision of any general or special law to the contrary, and subject to the provisions of chapter 59 of the laws of 2000 and to the making of annual appropriations therefor by the legislature, in order to assist the dormitory authority in providing such higher education capital matching grants, the director of the budget is authorized in any state fiscal year commencing April 1, 2005 or any state fiscal year thereafter for a period ending on March 31, [2012] 2014, to enter into one or more service contracts, none of which shall exceed 30 years in duration, with the dormitory authority, upon such terms as the director of the budget and the dormitory authority agree.

S 4. Paragraph (b) of subdivision 7 of section 1 of part U of chapter 57 of the laws of 2005 amending the labor law and other laws implementing the state fiscal plan for the 2005-2006 state fiscal year, relating to the New York state higher education matching grant program for independent colleges, as amended by section 3 of part I of chapter 60 of the laws of 2011, is amended to read as follows:

(b) Any eligible institution receiving a grant pursuant to this article shall report to the dormitory authority no later than June 1, [2012] 2013, on the use of funding received and its programmatic and economic impact. The dormitory authority shall submit a report no later than November 1, [2012] 2013 to the board, the governor, the director of the budget, the temporary president of the senate, and the speaker of the assembly on the aggregate impact of the higher education capital matching grant program. Such report shall provide information on the progress and economic impact of such project.

S 5. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2012.

PART I

Section 1. Section 5704 of the education law is amended to read as follows:

S 5704. Trustees shall make reports; university subject to visitation of regents; SERVICES FOR STATE AGENCIES. 1. The trustees of said university shall make all the reports and perform such other acts as may be necessary to conform to the act of congress, entitled "An act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July second, eighteen hundred sixty-two. The said university shall be subject to visitation of the regents of the university.

2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, AND SUBJECT TO THE REVIEW AND APPROVAL OF THE STATE COMPTROLLER, THE STATE MAY ENTER INTO AN AGREEMENT WITH THE UNIVERSITY PRESCRIBING THE GENERAL TERMS AND CONDITIONS FOR PROVIDING SERVICES OR TECHNICAL ASSISTANCE PURSUANT TO ARTICLE ELEVEN OF THE STATE FINANCE LAW OR PROGRAM ACTIVITIES PURSUANT TO ARTICLE ELEVEN-B OF THE STATE FINANCE LAW. SUBJECT TO SUCH TERMS AND CONDITIONS, STATE AGENCIES MAY ENTER INTO AGREEMENTS WITH SAID UNIVERSITY FOR THE PROVISION OF SUCH SERVICES, ASSISTANCE OR ACTIVITIES RELATED TO THE UNIVERSITY'S LAND GRANT MISSION, WHICH AGREEMENTS SHALL NOT BE SUBJECT TO THE REQUIREMENTS OF THE STATE FINANCE LAW.

S 2. This act shall take effect immediately.

PART J

Intentionally Omitted

PART K

Section 1. Paragraph h of subdivision 4 of section 1950 of the education law is amended by adding a new subparagraph 8 to read as follows:

(8) TO ENTER INTO CONTRACTS WITH THE COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY SERVICES PURSUANT TO SUBDIVISION SIX-A OF SECTION THIRTY-TWO HUNDRED TWO OF THIS CHAPTER TO PROVIDE TO SUCH OFFICE, FOR THE BENEFIT OF YOUTH IN ITS CUSTODY, ANY SPECIAL EDUCATION PROGRAMS AND RELATED SERVICES PROVIDED BY THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES TO COMPONENT SCHOOL DISTRICTS. ANY SUCH PROPOSED CONTRACT SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE COMMISSIONER TO DETERMINE THAT IT IS AN APPROVED COOPERATIVE EDUCATIONAL SERVICE. SERVICES PROVIDED PURSUANT TO SUCH CONTRACTS SHALL BE PROVIDED AT COST, AND THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES SHALL NOT BE AUTHORIZED TO CHARGE ANY COSTS INCURRED IN PROVIDING SUCH SERVICES TO ITS COMPONENT SCHOOL DISTRICTS.

S 2. Subdivision 6-a of section 3202 of the education law, as amended by chapter 465 of the laws of 1992, is amended to read as follows:

6-a. Notwithstanding subdivision six of this section OR ANY OTHER LAW TO THE CONTRARY, the [director of the division for youth] COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY SERVICES shall be responsible for the secular education of youth under the jurisdiction of the [division] OFFICE and may contract for such education with the trustees or board of education of the school district wherein a facility for the residential care of [division for] SUCH youth is located OR WITH THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES AT WHICH ANY SUCH SCHOOL DISTRICT IS A COMPONENT DISTRICT FOR SPECIAL EDUCATION PROGRAMS AND RELATED SERVICES. A youth attending a local public school while in residence at such facility shall be deemed a resident of the school district where his parent or guardian resides at the commencement of each school year for the purpose of determining which school district shall be responsible for the youth's tuition pursuant to section five hundred four of the executive law.

S 3. The office of children and family services, in consultation with the department of education, shall prepare and submit to the governor, the temporary president of the senate and the speaker of the assembly a report by December 1, 2015, that shall analyze the cost effectiveness and programmatic impact of delivering special education programs and related services through boards of cooperative educational services in juvenile justice facilities operated by the office.

S 4. This act shall take effect July 1, 2012 and shall expire June 30, 2015 when upon such date the provisions of this act shall be deemed repealed.

PART L

Section 1. Section 527-l of the executive law is REPEALED.

S 2. This act shall take effect April 1, 2012; 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 April 1, 2012.

PART M

Section 1. Paragraphs (a) and (d) of subdivision 2 of section 530 of the executive law, as added by section 4 of subpart B of part Q of chapter 58 of the laws of 2011, are amended to read as follows:

(a) Notwithstanding any provision of law to the contrary, eligible expenditures by a municipality during a particular program year for the care, maintenance and supervision in foster care programs certified by the office of children and family services, certified or approved family boarding homes, and non-secure detention facilities certified by the office for those youth alleged to be persons in need of supervision or adjudicated persons in need of supervision held pending transfer to a facility upon placement; and in secure and non-secure detention facilities certified by the office in accordance with section five hundred three of this article for those youth alleged to be juvenile delinquents; adjudicated juvenile delinquents held pending transfer to a facility upon placement, and juvenile delinquents held at the request of the office of children and family services pending extension of placement hearings or release revocation hearings or while awaiting disposition of such hearings; and youth alleged to be or convicted as juvenile offenders shall be subject to state reimbursement for up to fifty percent of the municipality's expenditures, exclusive of any federal funds made available for such purposes, not to exceed the municipality's distribution from funds that have been appropriated specifically therefor for that program year. Municipalities shall implement the use of detention risk assessment instruments in a manner prescribed by the office so as to inform detention decisions. Notwithstanding any other provision of state law to the contrary, data necessary for completion of a detention risk assessment instrument may be shared [between] AMONG law enforcement, probation, courts, detention administrators, detention providers, and the attorney for the child upon retention or appointment; solely for the purpose of accurate completion of such risk assessment instrument, and a copy of the completed detention risk assessment instrument shall be made available to the applicable detention provider, THE ATTORNEY FOR THE CHILD and the court.

(d) (I) NOTWITHSTANDING ANY PROVISION OF LAW OR REGULATION TO THE CONTRARY, ANY INFORMATION OR DATA NECESSARY FOR THE DEVELOPMENT, VALIDATION OR REVALIDATION OF THE DETENTION RISK ASSESSMENT INSTRUMENT SHALL BE SHARED AMONG LOCAL PROBATION DEPARTMENTS, THE OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES AND, WHERE AUTHORIZED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES, THE ENTITY UNDER CONTRACT WITH THE DIVISION TO PROVIDE INFORMATION TECHNOLOGY SERVICES RELATED TO YOUTH ASSESSMENT AND SCREENING, THE OFFICE OF CHILDREN AND FAMILY SERVICES, AND ANY ENTITY UNDER CONTRACT WITH THE OFFICE OF CHILDREN AND FAMILY SERVICES TO

PROVIDE SERVICES RELATING TO THE DEVELOPMENT, VALIDATION OR REVALIDATION OF THE DETENTION RISK ASSESSMENT INSTRUMENT. ANY SUCH INFORMATION AND DATA SHALL NOT BE COMMINGLED WITH ANY CRIMINAL HISTORY DATABASE. ANY INFORMATION AND DATA USED AND SHARED PURSUANT TO THIS SECTION SHALL ONLY BE USED AND SHARED FOR THE PURPOSES OF THIS SECTION AND IN ACCORDANCE WITH THIS SECTION. SUCH INFORMATION SHALL BE SHARED AND RECEIVED IN A MANNER THAT PROTECTS THE CONFIDENTIALITY OF SUCH INFORMATION. THE SHARING, USE, DISCLOSURE AND REDISCLOSURE OF SUCH INFORMATION TO ANY PERSON, OFFICE, OR OTHER ENTITY NOT SPECIFICALLY AUTHORIZED TO RECEIVE IT PURSUANT TO THIS SECTION OR ANY OTHER LAW IS PROHIBITED.

(II) THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL CONSULT WITH INDIVIDUALS WITH PROFESSIONAL RESEARCH EXPERIENCE AND EXPERTISE IN CRIMINAL JUSTICE; SOCIAL WORK; JUVENILE JUSTICE; AND APPLIED MATHEMATICS, PSYCHOMETRICS AND/OR STATISTICS TO ASSIST THE OFFICE IN DETERMINING THE METHOD IT WILL USE TO: DEVELOP, VALIDATE AND REVALIDATE SUCH DETENTION RISK ASSESSMENT INSTRUMENT; AND ANALYZE THE EFFECTIVENESS OF THE USE OF SUCH DETENTION RISK ASSESSMENT INSTRUMENT IN ACCOMPLISHING ITS INTENDED GOALS; AND ANALYZE, TO THE GREATEST EXTENT POSSIBLE ANY DISPARATE IMPACT ON DETENTION OUTCOMES FOR JUVENILES BASED ON RACE, SEX, NATIONAL ORIGIN, ECONOMIC STATUS AND ANY OTHER CONSTITUTIONALLY PROTECTED CLASS, REGARDING THE USE OF SUCH INSTRUMENT. THE OFFICE SHALL CONSULT WITH SUCH INDIVIDUALS REGARDING WHETHER IT IS APPROPRIATE TO ATTEMPT TO ANALYZE WHETHER THERE IS ANY SUCH DISPARATE IMPACT BASED ON SEXUAL ORIENTATION AND, IF SO, THE BEST METHODS TO CONDUCT SUCH ANALYSIS. THE OFFICE SHALL TAKE INTO CONSIDERATION ANY RECOMMENDATIONS GIVEN BY SUCH INDIVIDUALS INVOLVING IMPROVEMENTS THAT COULD BE MADE TO SUCH INSTRUMENT AND PROCESS.

(III) Data collected for the purposes of completing the detention risk assessment instrument from any source other than an officially documented record shall be confirmed as soon as practicable. Should any data originally utilized in completing the risk assessment instrument be found to conflict with the officially documented record, the risk assessment instrument shall be completed with the officially documented data and any corresponding revision to the risk categorization shall be made. The office shall periodically revalidate any approved risk assessment instrument. The office shall conspicuously post any approved detention risk assessment instrument on its website and shall confer with appropriate stakeholders, including but not limited to, attorneys for children, presentment agencies, probation, and the family court, prior to revising any validated risk assessment instrument. Any such revised risk assessment instrument shall be subject to periodic empirical validation.

S 2. This act shall take effect immediately.

PART N

Section 1. The state university board of trustees and the city university board of trustees shall jointly conduct a study regarding student remediation which shall consider a variety of factors including, but not limited to, strategies and programs recognized to be effective in addressing the needs of remedial students and promoting successful transition to college readiness, efforts to support a student's transfer from colleges that offer associate degrees to colleges that offer baccalaureate degrees, and methods for improving post-secondary completion rates. The study shall be submitted to the chairs of the senate and assembly higher education committees and the chair of the senate finance

committee and the chair of the assembly ways and means committee no later than November 1, 2012.

S 2. This act shall take effect immediately.

PART O

Section 1. Section 350 of the education law is amended by adding a new subdivision 9 to read as follows:

9. "SUNY CHALLENGE GRANT PROGRAM" SHALL MEAN A LONG-TERM ECONOMIC AND ACADEMIC PLAN SUBMITTED BY A COLLEGE, UNIVERSITY OR COMMUNITY COLLEGE AS DEFINED BY THIS SECTION, EXCLUDING UNIVERSITY CENTERS AS DEFINED BY THIS SECTION, SUBJECT TO THE APPROVAL BY THE GOVERNOR AND THE CHANCELLOR OF THE STATE UNIVERSITY OF NEW YORK.

S 2. This act shall take effect immediately.

PART P

Section 1. Clause (ii) of subparagraph 4 of paragraph h of subdivision 2 of section 355 of the education law, as amended by chapter 260 of the laws of 2011, is amended to read as follows:

(ii) On or before November thirtieth, two thousand eleven, the trustees shall approve and submit to the chairs of the assembly ways and means committee and the senate finance committee and to the director of the budget a master tuition plan setting forth the tuition rates that the trustees propose for resident undergraduate students for the five year period commencing with the two thousand eleven--two thousand twelve academic year and ending in the two thousand fifteen-two thousand sixteen academic year, and shall submit any proposed amendments to such plan by November thirtieth of each subsequent year thereafter through November thirtieth, two thousand fifteen, and provided further, that with the approval of the board of trustees, each university center may increase non-resident undergraduate tuition rates each year by not more than ten percent over the tuition rates of the prior academic year[, subject to the approval of a NY-SUNY 2020 proposal by] FOR A FIVE YEAR PERIOD COMMENCING WITH THE SEMESTER FOLLOWING THE SEMESTER IN WHICH the governor and the chancellor of the state university of New York APPROVE THE NY-SUNY 2020 PROPOSAL FOR SUCH UNIVERSITY CENTER.

S 2. This act shall take effect immediately; provided, however, that the amendments made to clause (ii) of subparagraph 4 of paragraph h of subdivision two of section 355 of the education law made by section one of this act shall not affect the expiration of such subparagraph and shall be deemed to expire therewith.

PART Q

Section 1. Section 6305 of the education law is amended by adding a new subdivision 11 to read as follows:

11. THE STATE UNIVERSITY BOARD OF TRUSTEES, IN CONJUNCTION WITH THE CITY UNIVERSITY BOARD OF TRUSTEES, IS DIRECTED TO EXAMINE THE LAWS, REGULATIONS, AND POLICIES REGARDING COMMUNITY COLLEGE CHARGES FOR NON-RESIDENT STUDENTS. THIS EXAMINATION SHALL REVIEW THE IMPACTS OF THE CURRENT LAW MECHANISMS FOR COVERING THE LOCAL SPONSOR'S SHARE OF COMMUNITY COLLEGE OPERATING COSTS ATTRIBUTABLE TO NON-RESIDENT STUDENTS, INCLUDING THE IMPACTS OF CHARGING A NON-RESIDENT STUDENT OR CHARGING THE COUNTY WHERE THE STUDENT RESIDES A PER STUDENT ALLOCABLE PORTION OF THE

LOCAL SPONSOR'S SHARE OF OPERATING COSTS, AND SHALL ALSO SPECIFICALLY INCLUDE EXAMINATION OF THE FOLLOWING:

A. THE METHODOLOGY FOR DETERMINING THE AMOUNT THAT MAY BE CHARGED BY A COMMUNITY COLLEGE FOR EACH NON-RESIDENT STUDENT'S ALLOCABLE PORTION OF THE LOCAL SPONSOR'S SHARE OF OPERATING COSTS;

B. THE PROCESS FOR NOTIFYING A COUNTY OF THE APPROVED ANNUAL OPERATING AND COMMUNITY COLLEGE CHARGE-BACK RATES AND THE TIMELINE FOR A COUNTY TO PAY THE CHARGE-BACK RATE TO THE COMMUNITY COLLEGE;

C. POLICIES REGARDING CHARGE-BACK RATES PAID BY CITY AND TOWNS IN THE COUNTY; AND

D. RECOMMENDATIONS FOR POTENTIAL MODIFICATION TO THE LAWS, REGULATIONS, AND POLICIES REGARDING COMMUNITY COLLEGE CHARGES FOR NON-RESIDENT STUDENTS THAT WOULD RESULT IN IMPROVEMENTS RELATED TO EQUITY AND EFFICIENCY AND THE FISCAL IMPACTS OF IMPLEMENTING SUCH MODIFICATIONS TO STUDENTS, COUNTIES AND THE STATE.

THE BOARDS SHALL SUBMIT A JOINT REPORT OF THEIR FINDINGS TO THE CHAIRS OF THE SENATE AND ASSEMBLY HIGHER EDUCATION COMMITTEES AND THE CHAIR OF THE SENATE FINANCE COMMITTEE AND THE CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE NO LATER THAN SEPTEMBER FIRST, TWO THOUSAND TWELVE.

S 2. Section 6222 of the education law is amended by adding a new subdivision 3 to read as follows:

3. THE CITY UNIVERSITY BOARD OF TRUSTEES SHALL WORK IN CONJUNCTION WITH THE STATE UNIVERSITY BOARD OF TRUSTEES FOR THE PURPOSES OF EXAMINING THE LAWS, REGULATIONS, AND POLICIES REGARDING COMMUNITY COLLEGE CHARGES FOR NON-RESIDENT STUDENTS AND SUBMITTING A REPORT TO THE LEGISLATURE PURSUANT TO SUBDIVISION ELEVEN OF SECTION SIXTY-THREE HUNDRED FIVE OF THIS TITLE.

S 3. This act shall take effect immediately.

PART R

Section 1. Paragraph 1 of subdivision (a) of section 1111-b of the vehicle and traffic law, as added by chapter 19 of the laws of 2009, is amended to read as follows:

1. Notwithstanding any other provision of law, the county of Nassau is hereby authorized and empowered to adopt and amend a local law or ordinance establishing a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with traffic-control indications in such county in accordance with the provisions of this section. Such demonstration program shall empower such county to install and operate traffic-control signal photo violation-monitoring devices at no more than [fifty] ONE HUNDRED intersections within and under the jurisdiction of such county at any one time.

S 2. Paragraph 1 of subdivision (a) of section 1111-b of the vehicle and traffic law, as added by chapter 23 of the laws of 2009, is amended to read as follows:

1. Notwithstanding any other provision of law, the county of Suffolk is hereby authorized and empowered to adopt and amend a local law or ordinance establishing a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with traffic-control indications in such county in accordance with the provisions of this section. Such demonstration program shall empower such county to install and operate traffic-control signal photo violation-monitoring devices at no more than [fifty] ONE HUNDRED inter-

sections within and under the jurisdiction of such county at any one time.

S 3. This act shall take effect immediately; provided, however, that the amendments to section 1111-b of the vehicle and traffic law made by sections one and two of this act shall not affect the repeal of such sections and shall be deemed repealed therewith.

PART S

Section 1. Notwithstanding any other provision of law to the contrary, for the state fiscal year beginning April 1, 2013, and in each state fiscal year thereafter, a payment of aid and incentives for municipalities in the amount listed below, otherwise due and payable on or before September 25, October 15, December 15 or March 15, as applicable, less the amount of aid annually accrued by each city pursuant to chapter 405 of the laws of 1999, shall be paid on or before May 31 in such state fiscal year for the city of Olean, and on or before June 30 in such state fiscal year for all other cities, upon written request by the chief elected official of such city to the director of the budget, provided such request is made no later than May 31, 2012 for the city of Olean and no later than June 30, 2012 for all other cities. Such written request shall include an attestation that the net payment amount being requested is necessary to close a budget gap for the ensuing 2012-13 city fiscal year, and acknowledgment that any such payment acceleration provides a one-time increase in aid for the 2012-13 city fiscal year only.

Maximum payment amounts, subject to the aforementioned criteria, are as follows:

For the city of Amsterdam	2,100,000
For the city of Auburn	3,400,000
For the city of Buffalo	30,000,000
For the city of Corning	900,000
For the city of Lackawanna	3,600,000
For the city of Long Beach	1,400,000
For the city of Olean	1,900,000
For the city of Rensselaer	400,000
For the city of Rochester	28,000,000
For the city of Syracuse	30,000,000
For the city of Watertown	3,100,000
For the city of White Plains	2,200,000
For the city of Yonkers	11,900,000

S 2. This act shall take effect immediately.

PART T

Section 1. Paragraph 1 of subdivision 2-a of section 19-a of the public lands law, as amended by section 1 of part K-1 of chapter 109 of the laws of 2006, is amended to read as follows:

(1) Notwithstanding any provision of this section to the contrary, in addition to state aid otherwise payable pursuant to this section, there shall be payable to any city located in a county in which there has been constructed a state office building project in accordance with the provisions of chapter one hundred fifty-two of the laws of nineteen

hundred sixty-four, as amended, and pursuant to an agreement entitled the "South Mall contract" dated May eleventh, nineteen hundred sixty-five, state aid in accordance with the following schedule:

State Fiscal Year	Amount
2000-2001	$4,500,000
2001-2002	$4,500,000
2002-2003	$4,500,000
2003-2004	$9,850,000
2004-2005	$16,850,000
2005-2006	$22,850,000
2006-2007	$22,850,000
2007-2008	$22,850,000
2008-2009	$22,850,000
2009-2010	$22,850,000
2010-2011	$22,850,000
2011-2012	$15,000,000
2012-2013	[$15,000,000] $22,850,000
2013-2014	$15,000,000
2014-2015	$15,000,000
2015-2016	$15,000,000
2016-2017	$15,000,000
2017-2018	$15,000,000
2018-2019	$15,000,000
2019-2020	$15,000,000
2020-2021	$15,000,000
2021-2022	$15,000,000
2022-2023	$15,000,000
2023-2024	$15,000,000
2024-2025	$15,000,000
2025-2026	$15,000,000
2026-2027	$15,000,000
2027-2028	$15,000,000
2028-2029	$15,000,000
2029-2030	$15,000,000
2030-2031	$15,000,000
2031-2032	$15,000,000
2032-2033	[$15,000,000] $7,150,000

S 2. This act shall take effect April 1, 2012.

PART U

Section 1. The first undesignated paragraph of section 970-b of the general municipal law, as added by chapter 916 of the laws of 1984 and such section as renumbered by chapter 686 of the laws of 1986, is amended and a new fourth undesignated paragraph is added to read as follows:

It is hereby found and declared that there exists in many communities blighted areas which threaten the economic and social well-being of the people of the state. Blighted areas are characterized by one or more of the conditions set forth in subdivision (a) of section nine hundred [sixty-c] SEVENTY-C of this article.

IT IS FURTHER FOUND AND DECLARED THAT SOUND DEVELOPMENT AND REDEVELOPMENT OF BLIGHTED AREAS INCREASES PUBLIC SCHOOL ENROLLMENT BY PROVIDING

AFFORDABLE HOUSING AND EMPLOYMENT OPPORTUNITIES AND THE NEED FOR EXPANDED PUBLIC EDUCATION FACILITIES AND SERVICES.

S 2. Subdivisions (b) and (f) of section 970-c of the general municipal law, as added by chapter 916 of the laws of 1984 and such section as renumbered by chapter 686 of the laws of 1986, are amended and a new subdivision (i) is added to read as follows:

(b) "Legislative body" means the governing body of a municipality empowered to adopt and amend local laws and ordinances[; provided, however, that in the case of the city of New York, the legislative body shall, for the purposes of this article be the board of estimate].

(f) "Planning agency" means the planning board or commission of [the] A municipality OR THE PLANNING BOARD OR COMMITTEE OF A SCHOOL DISTRICT IF ONE EXISTS.

(I) "SCHOOL DISTRICT" MEANS ANY SCHOOL DISTRICT, A CITY SCHOOL DISTRICT OR A SCHOOL DISTRICT IN A CITY, AS THOSE TERMS ARE DEFINED IN SECTION 2.00 OF THE LOCAL FINANCE LAW.

S 3. Subdivisions (l) and (n) of section 970-f of the general municipal law, as added by chapter 916 of the laws of 1984 and such section as renumbered by chapter 686 of the laws of 1986, are amended and a new subdivision (o) is added to read as follows:

(l) shall provide a limitation on the amount of bonds which may be issued pursuant to section nine hundred [sixty-o] SEVENTY-O of this article for the purpose of carrying out or administering the redevelopment plan;

(n) shall provide a plan for the relocation of families and persons to be temporarily or permanently displaced from housing facilities in the project area, which plan shall include the provision required by section nine hundred [sixty-j] SEVENTY-J OF THIS ARTICLE that no person or family of low and moderate income shall be displaced unless and until there is suitable housing available and ready for occupancy by such displaced person or family at rents comparable to those paid at the time of their displacement[.];

(O) SHALL ALSO PROVIDE FOR THE REVIEW OF SUCH PRELIMINARY PLANS BY THE BOARD OF EDUCATION OF ANY SCHOOL DISTRICT IN THE PROJECT AREA FOR WHICH THE MUNICIPALITY SEEKS TO INCORPORATE THE REAL PROPERTY TAXES LEVIED BY SUCH SCHOOL DISTRICT PURSUANT TO SECTION NINE HUNDRED SEVENTY-P OF THIS ARTICLE.

S 4. Subdivisions (b) and (c) of section 970-h of the general municipal law, as added by chapter 916 of the laws of 1984 and such section as renumbered by chapter 686 of the laws of 1986, are amended to read as follows:

(b) Notice of the hearing shall be posted in at least four prominent places within the project area for a period of three weeks prior to such hearing and shall be published not less than once a week for three successive weeks prior to the hearing in a newspaper of general circulation in the municipality involved. The notice of hearing shall include a legal description of the boundaries of the PROJECT area [or areas] designated in the proposed redevelopment plan [and], a general statement of the scope and objectives of the plan, AND A STATEMENT WHETHER THE PROPOSED METHOD OF FINANCING THE REDEVELOPMENT PLAN REQUIRES THE CONSENT OF ONE OR MORE SCHOOL DISTRICTS TO AN ALLOCATION OF TAXES AS PRESCRIBED IN SECTION NINE HUNDRED SEVENTY-P OF THIS ARTICLE. A copy of the notices shall be mailed to the last known owner of each parcel of land in the area designated in the redevelopment plan. A copy of the notice shall also be mailed to the legislative body of each of the taxing jurisdic-

tions which levies taxes upon any real property in the project area designated in the proposed redevelopment plan.

(c) Any and all persons who have any objections to the proposed redevelopment plan or who deny the existence of blight as defined by subdivision (a) of section nine hundred [sixty-c] SEVENTY-C of this article, in the proposed project area, or the legality or appropriateness of any of the prior proceedings, may appear before the legislative body at such public hearing and show cause why the proposed plan should not be adopted. At any time not later than the hour set for hearing objections to the proposed redevelopment plan, any person may file in writing with the clerk of the legislative body a statement of such person's objections to the proposed plan.

S 5. Section 970-g of the general municipal law, as added by chapter 916 of the laws of 1984 and such section as renumbered by chapter 686 of the laws of 1986, is amended to read as follows:

S 970-g. Plan review. Before any redevelopment plan is adopted by the legislative body, it shall [submit]:

(A) [submit] SUBMIT SUCH plan to the planning agency for its review and recommendations. Such review shall consider the conformity of such redevelopment plan with any master plan which has been adopted by the planning agency and approved by the legislative body. The planning agency may recommend for or against the approval of the redevelopment plan. Within thirty days after a redevelopment plan is submitted to it for consideration, the planning agency shall make and file its review and recommendations with the legislative body. If the planning agency does not report upon the redevelopment plan within thirty days after its submission, the legislative body may thereafter approve the plan without the review and recommendations of the planning agency;

(B) SUBMIT SUCH PLAN TO THE BOARDS OF EDUCATION OF THE SCHOOL DISTRICTS IMPACTED BY THE REDEVELOPMENT PLAN FOR REVIEW AND APPROVAL OF ANY TAX ALLOCATION PURSUANT TO SECTION NINE HUNDRED SEVENTY-P OF THIS ARTICLE IN RELATION TO BONDS ISSUED UNDER SECTION NINE HUNDRED SEVENTY-O OF THIS ARTICLE. TO BE SUBJECT TO SUCH REDEVELOPMENT PLAN AND ALLOCATION OF TAXES PURSUANT TO SECTION NINE HUNDRED SEVENTY-P OF THIS ARTICLE, THE BOARD OF EDUCATION OF AN IMPACTED SCHOOL DISTRICT SHALL ADOPT A RESOLUTION APPROVING SUCH PLAN AND ALLOCATION AND TRANSMIT SUCH RESOLUTION TO THE LEGISLATIVE BODY.

S 6. Section 970-m of the general municipal law, as added by chapter 916 of the laws of 1984 and as renumbered by chapter 686 of the laws of 1986, is amended to read as follows:

S 970-m. Amendment of redevelopment plan. If at any time after the adoption of a redevelopment plan for a project area by the legislative body, it becomes necessary or desirable to amend or modify such plan, the legislative body may by resolution amend such plan. Such amendments may include a change in the boundaries of the project area to add land to or, prior to the issuance of indebtedness pursuant to section nine hundred [sixty-o] SEVENTY-O as provided by such redevelopment plan, exclude land from the project area. An amendment or modification of the plan shall be approved pursuant to subdivisions (a) through (g) of section nine hundred [sixty-h] SEVENTY-H of this article. Upon adoption of the amended plan by the legislative body the legislative body shall transmit the amended plan as provided by subdivision (h) of such section.

S 7. Paragraphs (iii), (iv) and (v) of subdivision (a) of section 970-n of the general municipal law, as added by chapter 916 of the laws

of 1984 and such section as renumbered by chapter 686 of the laws of 1986, are amended to read as follows:

(iii) If two or more municipalities jointly exercise the powers granted under this subdivision and a redevelopment plan as adopted provides for the allocation of real property tax revenues pursuant to section nine hundred [sixty-o] SEVENTY-O of this article the real property taxes of each municipality shall be allocated pursuant to such section.

(iv) If two or more municipalities jointly exercise the powers granted under this subdivision and the redevelopment plan as adopted provides for the issuance of indebtedness pursuant to section nine hundred [sixty-o] SEVENTY-O of this article, such indebtedness shall either be issued jointly by the municipalities and the resolution authorizing the issuance of such indebtedness must be approved by the legislative body of each municipality acting separately or shall be issued by resolution of the [the] designated agent on behalf of the municipality it represents and, by resolution of its legislative body, each municipality shall irrevocably pledge the revenues allocated pursuant to section nine hundred [sixty-p] SEVENTY-P of this article to the repayment of such indebtedness and any interest thereon.

(v) The joint exercise of powers authorized by this subdivision shall be permitted only for the purpose of redevelopment of an area located wholly within each municipality AND WITHIN ONE OR MORE SCHOOL DISTRICTS.

S 8. Paragraphs (ii) and (iii) and subparagraph 1 of paragraph (v) of subdivision (b) of section 970-n of the general municipal law, as added by chapter 916 of the laws of 1984 and such section as renumbered by chapter 686 of the laws of 1986, are amended to read as follows:

(ii) A municipal redevelopment authority shall be a corporate governmental agency constituting a public benefit corporation. Except as otherwise provided by special act of the legislature, an authority shall consist of not less than five nor more than nine members. Membership shall be apportioned among the municipalities AND PARTICIPATING SCHOOL DISTRICTS, and the manner of selection of a chairman determined by an [intermunicipal] agreement approved by local law by each such municipality, AND BY RESOLUTION OF THE BOARD OF EDUCATION OF EACH SCHOOL DISTRICT. Members shall serve at the pleasure of the appointing authority, and each member shall continue to hold office until his successor is appointed and has qualified. The governing body OF EACH MUNICIPALITY AND SCHOOL DISTRICT shall file with the secretary of state a certificate of appointment or reappointment of any member appointed or reappointed by it. Members shall receive no compensation for their services but shall be entitled to reimbursement of the necessary expenses, including traveling expenses, incurred in the discharge of their duties. No action shall be taken by an authority except pursuant to the favorable vote of a majority of the members then in office. Any one or more of the members of an authority may be an official or an employee of such municipality. In the event that an official or an employee of such municipality shall be appointed as a member of the agency, acceptance or retention of such appointment shall not be deemed a forfeiture of his municipal office or employment, or incompatible therewith or affect his tenure or compensation in any way. The term of office of a member of an authority who is an official or an employee of such municipality when appointed as a member thereof by special act of the legislature creating the authority shall terminate at the expiration of the term of his municipal office. Upon THE creation of an authority, from time to time the governing body of a municipality OR A SCHOOL DISTRICT, may, by resolution, appropriate sums of money to defray the expenses of the authority.

(iii) Unless otherwise provided by this subdivision or by the special act of the legislature establishing a municipal redevelopment authority or empowering an existing public corporation to carry out the purposes and provisions of this article, such authority or public corporation shall have the powers, duties and responsibilities granted a municipality and its legislative body pursuant to sections nine hundred [sixty-d] SEVENTY-D through nine hundred [sixty-m] SEVENTY-M of this article, as well as the authority to receive the taxes of each municipality AND SCHOOL DISTRICT allocated and paid pursuant to section nine hundred [sixty-p] SEVENTY-P of this article. Such authority or public corporation shall have the power to designate survey areas and select project areas as provided by sections nine hundred [sixty-d] SEVENTY-D and nine hundred [sixty-e] SEVENTY-E of this article. Such authority or public corporation shall obtain the report and recommendation of the planning agency of each municipality OR SCHOOL DISTRICT on the redevelopment plan and its conformity to the master plan of each municipality AND SCHOOL DISTRICT before presenting the redevelopment plan to the legislative body of each municipality OR SCHOOL DISTRICT. In order for a preliminary plan to be adopted or for a redevelopment plan to be adopted or amended approval must be obtained by resolution of the legislative body of each municipality AND THE BOARD OF EDUCATION OF EACH SCHOOL DISTRICT acting separately.

(1) An authority or public corporation shall have the powers and duties granted municipalities pursuant to section nine hundred [sixty-o] SEVENTY-O of this article to issue tax increment bonds and tax increment bond anticipation notes. Such bonds and notes shall be bonds and notes of the authority or public corporation and neither the state nor any municipality shall be liable on such bonds and notes and such bonds and notes shall not be a debt of the state or of any municipality.

S 9. Subdivisions (a), (b), (g) and (i) of section 970-o of the general municipal law, as added by chapter 916 of the laws of 1984 and such section as renumbered by chapter 686 of the laws of 1986, are amended to read as follows:

(a) For the purpose of carrying out or administering a redevelopment plan adopted by the legislative body, a municipality is hereby authorized, without limiting its authority under other provisions of law, to issue by resolution of its legislative body tax increment bonds or tax increment bond anticipation notes of the municipality which are payable from and secured by real property taxes, in whole or in part, allocated to and paid pursuant to the provisions of section nine hundred [sixty-p] SEVENTY-P of this article. The pledge of such real property taxes allocated and paid shall constitute a first lien on the revenues derived therefrom and tax increment bonds or tax increment bond anticipation notes, the repayment of which is secured by such revenues shall not be subordinate to any other indebtedness of the municipality with respect to the pledge of such revenues. The municipality shall have the power to issue renewal notes, to issue bonds to pay notes and whenever it deems refunding expedient, to refund any bonds by the issuance of new bonds, whether the bonds to be refunded have or have not matured, and to issue bonds partly to refund bonds then outstanding and partly for any other purposes.

(b) In contracting indebtedness pursuant to subdivision (a) of this section a municipality shall not pledge its faith and credit or the faith and credit of the state to the payment of THE principal thereof and the interest thereon. INDEBTEDNESS CONTRACTED PURSUANT TO THIS SUBDIVISION SHALL NOT BE INDEBTEDNESS OF ANY SCHOOL DISTRICT THAT HAS

ALLOCATED TAXES PURSUANT TO SECTION NINE HUNDRED SEVENTY-P OF THIS ARTICLE.

(g) The amount of any indebtedness contracted under this section shall be excluded in ascertaining the power of the municipality to contract indebtedness within the provisions of the state constitution or the local finance law relating thereto.

(i) The municipality may [only] contract indebtedness pursuant to this section for the following objects [and] OR purposes:

(i) acquisition of land;

(ii) demolition and removal of buildings, structures and improvements and site preparation;

(iii) installation, construction or reconstruction of streets, walkways, docks, drainage, parking facilities, flood control facilities, water and sewer systems and other public utilities, parks and playgrounds;

(iv) other public improvements or services integral to the redevelopment plan authorized by or for which a period of probable usefulness has been established by section 11.00 of the local finance law. [Such objects] OBJECTS and purposes REFERRED TO IN THIS SUBDIVISION shall be deemed to have the period of probable usefulness as provided for such objects and purposes by such section.

S 10. Paragraph (i) of subdivision (d) of section 970-o of the general municipal law, as added by chapter 916 of the laws of 1984 and such section as renumbered by chapter 686 of the laws of 1986, is amended to read as follows:

(i) pledging all or a part of the taxes allocated pursuant to section nine hundred [sixty-p] SEVENTY-P of this article or the proceeds from the sale of property acquired with the proceeds of such notes or bonds to secure the payment of such notes or bonds or of any issue thereof, subject to such agreements with bondholders or noteholders as may exist;

S 11. Section 970-p of the general municipal law, as added by chapter 916 of the laws of 1984 and as renumbered by chapter 686 of the laws of 1986, is amended to read as follows:

S 970-p. Allocation of taxes. (a) Any redevelopment plan may contain a provision that real property taxes levied upon taxable real property in the project area each year by or for the benefit of the municipality or municipalities AND SCHOOL DISTRICTS after the effective date of the resolution approving the redevelopment plan, shall be divided as follows:

(i) that portion of the real property taxes not in excess of the amount which would be produced by applying the rate upon which the tax is levied each year by or for each municipality AND SCHOOL DISTRICT to the total sum of the assessed value of the taxable real property in the project area as shown upon the assessment roll used in connection with the taxation of such property by such municipality AND SCHOOL DISTRICT, last adopted prior to the effective date of the resolution approving such plan, shall be allocated to and when collected shall be paid into the funds of the respective municipalities AND SCHOOL DISTRICTS as real property taxes collected by or for said municipalities AND SCHOOL DISTRICTS adopting the redevelopment plan;

(ii) that portion of the real property taxes levied each year in excess of the portion allocated and paid pursuant to paragraph (i) of this subdivision shall be allocated to and when collected shall be paid into the fund or funds established for such purposes to pay the principal and interest on indebtedness incurred by such municipality pursuant to section nine hundred [sixty-o] SEVENTY-O of this article or, if the

redevelopment plan so provides, the amount allocated and paid in excess of interest and principal and necessary reserves may be expended for amounts of money to be paid in lieu of taxes. Unless and until the total assessed valuation of the taxable property in a project area exceeds the total assessed value of the taxable real property in such project area as shown by the last assessment roll referred to in paragraph (i) of this subdivision, all of the real property taxes levied and collected upon the taxable real property in such project area shall be paid into the funds of the respective municipalities AND SCHOOL DISTRICTS. When such indebtedness, if any and interest thereon, have been paid, all moneys thereafter received from real property taxes upon the taxable real property in such project area shall be paid into the funds of the respective municipalities AND SCHOOL DISTRICTS as real property taxes on all other real property are paid;

(iii) whenever the total amount of real property taxes allocated pursuant to paragraph (ii) of this subdivision exceeds the amounts allocated and paid for interest and principal and necessary reserves, and for amounts to be paid in lieu of taxes, the amount of taxes in excess of such amounts shall be paid into the funds of the respective municipalities AND SCHOOL DISTRICTS as taxes on all other real property are paid;

(iv) the allocation of taxes authorized by this section shall apply to taxable years beginning after the effective date of the resolution approving the redevelopment plan.

(b) Whenever real property in any redevelopment project has been redeveloped and thereafter is leased by the municipality to any person or persons or whenever the agency leases real property in any redevelopment project to any person or persons for redevelopment, the property shall be assessed and taxed in the same manner as privately owned real property and the lease or contract shall provide that the lessee shall pay real property taxes upon the assessed value of the entire real property and not merely the assessed value of his or her leasehold interest.

(c) In any municipality OR SCHOOL DISTRICT subject to the allocation of revenues pursuant to this section the assessed value of taxable real property located in a project area shall be included on the taxable portion of the assessment roll, provided, however, that notwithstanding any provision of law to the contrary, the assessed value determined in accordance with paragraph (ii) of subdivision (a) of this section shall not be included in the taxable value of real property when determining the tax rate for such municipality OR SCHOOL DISTRICT.

(d) The rate of tax resulting from the levy of real property taxes shall be applied to the assessed value of any real property subject to the allocation provisions of this section as determined pursuant to subdivision (a) of this section, however, the amount of tax levied as a result of the application of the tax rate to the increase in assessed value determined in accordance with paragraph (ii) of subdivision (a) of this section shall not be paid into the fund of the municipality OR THE SCHOOL DISTRICT as real property taxes but shall be allocated pursuant to that paragraph.

(e) The official or officials responsible for the preparation of the assessment roll or rolls specified in subdivision (a) of this section shall provide to the municipality or municipalities AND SCHOOL DISTRICTS, in addition to the assessment roll or rolls, such information as is deemed necessary by the legislative bodies of the municipality or municipalities AND SCHOOL DISTRICTS to effectuate the purpose of this section.

(f) The allocation of real property taxes authorized by this section shall be permitted only with respect to municipalities AND SCHOOL DISTRICTS which have adopted a redevelopment plan providing for such allocation pursuant to section nine hundred [sixty-h] SEVENTY-H or section nine hundred [sixty-n] SEVENTY-N of this article and such allocation shall not apply to special ad valorem levies and special assessments as defined by subdivisions fourteen and fifteen of section one hundred two of the real property tax law.

(g) If, after adoption of a redevelopment plan, the official or officials responsible for the preparation of the assessment roll or rolls specified in subdivision (a) of this section undertake to revalue real property for real property tax purposes by altering the standard of assessment utilized to establish the value of real property for assessment purposes, the assessment of real property within a project area as provided by paragraph (i) of subdivision (a) of this section shall be adjusted in such manner as if such new standard of assessment had been utilized in the preparation of the assessment roll last adopted prior to adoption of the redevelopment plan.

S 12. This act shall take effect immediately.

PART V

Section 1. The opening paragraph of section 21 of the public health law is designated subdivision 1 and a new subdivision 2 is added to read as follows:

2. THE COMMISSIONER, IN CONSULTATION WITH THE COMMISSIONER OF EDUCATION, SHALL PROMULGATE REGULATIONS REQUIRING THAT PRESCRIPTION FORMS AND ELECTRONIC PRESCRIPTIONS INCLUDE: (A) A SECTION WHEREIN PRESCRIBERS MAY INDICATE WHETHER AN INDIVIDUAL IS LIMITED ENGLISH PROFICIENT, AS DEFINED IN SECTION SIXTY-EIGHT HUNDRED TWENTY-NINE OF THE EDUCATION LAW; AND (B) IF THE PATIENT IS LIMITED ENGLISH PROFICIENT, A LINE WHERE THE PRESCRIBER MAY SPECIFY THE PREFERRED LANGUAGE INDICATED BY THE PATIENT. FAILURE TO INCLUDE SUCH INDICATION ON THE PART OF THE PRESCRIBER SHALL NOT INVALIDATE THE PRESCRIPTION.

S 2. Subdivision 1 of section 6810 of the education law, as amended by chapter 905 of the laws of 1985, is amended to read as follows:

1. No drug for which a prescription is required by the provisions of the Federal Food, Drug and Cosmetic Act or by the commissioner of health shall be distributed or dispensed to any person except upon a prescription written by a person legally authorized to issue such prescription. Such drug shall be compounded or dispensed by a licensed pharmacist, and no such drug shall be dispensed without affixing to the immediate container in which the drug is sold or dispensed a label bearing the name and address of the owner of the establishment in which it was dispensed, the date compounded, the number of the prescription under which it is recorded in the pharmacist's prescription files, the name of the prescriber, the name and address of the patient, and the directions for the use of the drug by the patient as given upon the prescription. ALL LABELS SHALL CONFORM TO SUCH RULES AND REGULATIONS AS PROMULGATED BY THE COMMISSIONER PURSUANT TO SECTION SIXTY-EIGHT HUNDRED TWENTY-NINE OF THIS ARTICLE. The prescribing and dispensing of a drug which is a controlled substance shall be subject to additional requirements provided in article thirty-three of the public health law. The words "drug" and "prescription required drug" within the meaning of this article shall not be construed to include soft or hard contact lenses, eyeglasses, or any other device for the aid or correction of vision.

Nothing in this subdivision shall prevent a pharmacy from furnishing a drug to another pharmacy which does not have such drug in stock for the purpose of filling a prescription.

S 3. The education law is amended by adding a new section 6829 to read as follows:

S 6829. INTERPRETATION AND TRANSLATION REQUIREMENTS FOR PRESCRIPTION DRUGS AND STANDARDIZED MEDICATION LABELING. 1. FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS: (A) "COVERED PHARMACY" MEANS ANY PHARMACY THAT IS PART OF A GROUP OF EIGHT OR MORE PHARMACIES, LOCATED WITHIN NEW YORK STATE AND OWNED BY THE SAME CORPORATE ENTITY. FOR PURPOSES OF THIS SECTION, "CORPORATE ENTITY" SHALL INCLUDE RELATED SUBSIDIARIES, AFFILIATES, SUCCESSORS, OR ASSIGNEES DOING BUSINESS AS OR OPERATING UNDER A COMMON NAME OR TRADING SYMBOL.

(B) "LIMITED ENGLISH PROFICIENT INDIVIDUAL" OR "LEP INDIVIDUAL" MEANS AN INDIVIDUAL WHO IDENTIFIES AS BEING, OR IS EVIDENTLY, UNABLE TO SPEAK, READ OR WRITE ENGLISH AT A LEVEL THAT PERMITS SUCH INDIVIDUAL TO UNDERSTAND HEALTH-RELATED AND PHARMACEUTICAL INFORMATION COMMUNICATED IN ENGLISH.

(C) "TRANSLATION" SHALL MEAN THE CONVERSION OF A WRITTEN TEXT FROM ONE LANGUAGE INTO AN EQUIVALENT WRITTEN TEXT IN ANOTHER LANGUAGE BY AN INDIVIDUAL COMPETENT TO DO SO AND UTILIZING ALL NECESSARY PHARMACEUTICAL AND HEALTH-RELATED TERMINOLOGY. SUCH TRANSLATION MAY OCCUR, WHERE APPROPRIATE, IN A SEPARATE DOCUMENT PROVIDED TO AN LEP INDIVIDUAL THAT ACCOMPANIES HIS OR HER MEDICATION.

(D) "COMPETENT ORAL INTERPRETATION" MEANS ORAL COMMUNICATION IN WHICH A PERSON ACTING AS AN INTERPRETER COMPREHENDS A MESSAGE AND RE-EXPRESSES THAT MESSAGE ACCURATELY IN ANOTHER LANGUAGE, UTILIZING ALL NECESSARY PHARMACEUTICAL AND HEALTH-RELATED TERMINOLOGY, SO AS TO ENABLE AN LEP INDIVIDUAL TO RECEIVE ALL NECESSARY INFORMATION IN THE LEP INDIVIDUAL'S PREFERRED PHARMACY PRIMARY LANGUAGE.

(E) "PHARMACY PRIMARY LANGUAGES" SHALL MEAN THOSE LANGUAGES SPOKEN BY ONE PERCENT OR MORE OF THE POPULATION, AS DETERMINED BY THE U.S. CENSUS, FOR EACH REGION, AS ESTABLISHED BY REGULATIONS PROMULGATED PURSUANT TO THIS SECTION, PROVIDED, HOWEVER, THAT THE REGULATIONS SHALL NOT REQUIRE TRANSLATION OR COMPETENT ORAL INTERPRETATION OF MORE THAN SEVEN LANGUAGES IN ANY REGION.

(F) "MAIL ORDER PHARMACY" SHALL MEAN A PHARMACY THAT DISPENSES MOST OF ITS PRESCRIPTIONS THROUGH THE UNITED STATES POSTAL SERVICE OR OTHER DELIVERY SYSTEM.

2. (A) EVERY COVERED PHARMACY SHALL PROVIDE FREE, COMPETENT ORAL INTERPRETATION SERVICES AND TRANSLATION SERVICES TO EACH LEP INDIVIDUAL REQUESTING SUCH SERVICES OR FILLING A PRESCRIPTION THAT INDICATES THAT THE INDIVIDUAL IS LIMITED ENGLISH PROFICIENT AT SUCH COVERED PHARMACY IN THE LEP INDIVIDUAL'S PREFERRED PHARMACY PRIMARY LANGUAGE FOR THE PURPOSES OF COUNSELING SUCH INDIVIDUAL ABOUT HIS OR HER PRESCRIPTION MEDICATIONS OR WHEN SOLICITING INFORMATION NECESSARY TO MAINTAIN A PATIENT MEDICATION PROFILE, UNLESS THE LEP INDIVIDUAL IS OFFERED AND REFUSES SUCH SERVICES.

(B) EVERY COVERED PHARMACY SHALL PROVIDE FREE, COMPETENT ORAL INTERPRETATION SERVICES AND TRANSLATION SERVICES OF PRESCRIPTION MEDICATION LABELS, WARNING LABELS AND OTHER WRITTEN MATERIAL TO EACH LEP INDIVIDUAL FILLING A PRESCRIPTION AT SUCH COVERED PHARMACY, UNLESS THE LEP INDIVIDUAL IS OFFERED AND REFUSES SUCH SERVICES OR THE MEDICATION LABEL, WARNING LABELS AND OTHER WRITTEN MATERIALS HAVE ALREADY BEEN TRANSLATED INTO THE LANGUAGE SPOKEN BY THE LEP INDIVIDUAL.

(C) THE SERVICES REQUIRED BY THIS SECTION MAY BE PROVIDED BY A STAFF MEMBER OF THE PHARMACY OR A THIRD-PARTY CONTRACTOR. SUCH SERVICES MUST BE PROVIDED ON AN IMMEDIATE BASIS BUT NEED NOT BE PROVIDED IN-PERSON OR FACE-TO-FACE IN ORDER TO MEET THE REQUIREMENTS OF THIS SECTION.

3. EVERY COVERED PHARMACY SHALL CONSPICUOUSLY POST, AT OR ADJACENT TO EACH COUNTER OVER WHICH PRESCRIPTION DRUGS ARE SOLD, A NOTIFICATION OF THE RIGHT TO FREE, COMPETENT ORAL INTERPRETATION SERVICES AND TRANSLATION SERVICES FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS AS PROVIDED FOR IN SUBDIVISION TWO OF THIS SECTION. SUCH NOTIFICATIONS SHALL BE PROVIDED IN THE PHARMACY PRIMARY LANGUAGES. THE SIZE, STYLE AND PLACEMENT OF SUCH NOTICE SHALL BE DETERMINED IN ACCORDANCE WITH RULES PROMULGATED PURSUANT TO THIS SECTION.

4. THE COMMISSIONER, IN CONSULTATION WITH THE COMMISSIONER OF HEALTH, SHALL PROMULGATE REGULATIONS REQUIRING THAT MAIL ORDER PHARMACIES CONDUCTING BUSINESS IN THE STATE PROVIDE FREE, COMPETENT ORAL INTERPRETATION SERVICES AND TRANSLATION SERVICES TO PERSONS FILLING A PRESCRIPTION THROUGH SUCH MAIL ORDER PHARMACIES WHOM ARE IDENTIFIED AS LEP INDIVIDUALS. SUCH REGULATIONS SHALL TAKE EFFECT ONE YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION; PROVIDED, HOWEVER, THAT THEY SHALL BE PROMULGATED PURSUANT TO THE REQUIREMENTS OF THE STATE ADMINISTRATIVE PROCEDURE ACT, ADDRESS THE CONCERNS OF AFFECTED STAKEHOLDERS, AND REFLECT THE FINDINGS OF A THOROUGH ANALYSIS OF ISSUES INCLUDING:

(A) HOW PERSONS SHALL BE IDENTIFIED AS AN LEP INDIVIDUAL, IN LIGHT OF THE MANNER BY WHICH PRESCRIPTIONS ARE CURRENTLY RECEIVED BY SUCH MAIL ORDER PHARMACIES;

(B) WHICH LANGUAGES SHALL BE CONSIDERED;

(C) THE MANNER AND CIRCUMSTANCES IN WHICH COMPETENT ORAL INTERPRETATION SERVICES AND TRANSLATION SERVICES SHALL BE PROVIDED;

(D) THE INFORMATION FOR WHICH COMPETENT ORAL INTERPRETATION SERVICES AND TRANSLATION SERVICES SHALL BE PROVIDED;

(E) ANTICIPATED UTILIZATION, AVAILABLE RESOURCES, AND COST CONSIDERATIONS; AND

(F) STANDARDS FOR MONITORING COMPLIANCE WITH REGULATIONS AND ENSURING THE DELIVERY OF QUALITY COMPETENT ORAL INTERPRETATION SERVICES AND TRANSLATION SERVICES.

THE COMMISSIONER, IN CONSULTATION WITH THE COMMISSIONER OF HEALTH, SHALL PROVIDE A REPORT ON IMPLEMENTATION, UTILIZATION, UNANTICIPATED PROBLEMS, AND CORRECTIVE ACTIONS UNDERTAKEN AND PLANNED TO THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY NO LATER THAN TWO YEARS AFTER THE EFFECTIVE DATE OF THIS SECTION.

5. COVERED PHARMACIES SHALL NOT BE LIABLE FOR INJURIES RESULTING FROM THE ACTIONS OF THIRD-PARTY CONTRACTORS TAKEN PURSUANT TO AND WITHIN THE SCOPE OF THE CONTRACT WITH THE COVERED PHARMACY AS LONG AS THE COVERED PHARMACY ENTERED INTO SUCH CONTRACT REASONABLY AND IN GOOD FAITH TO COMPLY WITH THIS SECTION, AND WAS NOT NEGLIGENT WITH REGARD TO THE ALLEGED MISCONDUCT OF THE THIRD-PARTY CONTRACTOR.

6. THE REGULATIONS PROMULGATED PURSUANT TO THIS SECTION SHALL ESTABLISH A PROCESS BY WHICH COVERED PHARMACIES MAY APPLY AND RECEIVE A WAIVER FROM COMPLIANCE WITH SUBDIVISIONS TWO AND THREE OF THIS SECTION UPON A SHOWING THAT IMPLEMENTATION WOULD BE UNNECESSARILY BURDENSOME WHEN COMPARED TO THE NEED FOR SUCH SERVICES.

7. THE COMMISSIONER SHALL PROMULGATE REGULATIONS IN CONSULTATION WITH THE COMMISSIONER OF HEALTH TO EFFECTUATE THE REQUIREMENTS OF THIS SECTION.

S 4. The education law is amended by adding a new section 6830 to read as follows:

S 6830. STANDARDIZED PATIENT-CENTERED DATA ELEMENTS. 1. THE COMMISSIONER SHALL DEVELOP RULES AND REGULATIONS REQUIRING STANDARDIZED PATIENT-CENTERED DATA ELEMENTS CONSISTENT WITH EXISTING TECHNOLOGY AND EQUIPMENT TO BE USED ON ALL PRESCRIPTION MEDICINE DISPENSED TO PATIENTS IN THIS STATE.

2. WHEN DEVELOPING THE REQUIREMENTS FOR PATIENT-CENTERED DATA ELEMENTS ON PRESCRIPTION DRUG LABELS, THE COMMISSIONER SHALL CONSIDER:

(A) MEDICAL LITERACY RESEARCH THAT IDENTIFIES FACTORS THAT IMPROVE UNDERSTANDABILITY OF LABELS AND PROMOTES INCREASED COMPLIANCE WITH A DRUG'S INTENDED USE;

(B) FACTORS THAT IMPROVE THE CLARITY OF DIRECTIONS FOR USE;

(C) FONT TYPES AND SIZES;

(D) INCLUSION OF ONLY PATIENT-CENTERED INFORMATION; AND

(E) THE NEEDS OF SPECIAL POPULATIONS.

TO ENSURE PUBLIC INPUT, THE COMMISSIONER SHALL SOLICIT INPUT FROM THE STATE BOARD OF PHARMACY AND THE STATE BOARD OF MEDICINE, CONSUMER GROUPS, ADVOCATES FOR SPECIAL POPULATIONS, PHARMACISTS, PHYSICIANS, OTHER HEALTH CARE PROFESSIONALS AUTHORIZED TO PRESCRIBE, AND OTHER INTERESTED PARTIES.

S 5. The regulations adopted pursuant to this act shall preempt any contrary local law or ordinance; provided, however, that cities with a population of 100,000 or more may retain or promulgate such local laws or ordinances imposing additional or stricter requirements relating to interpretation services or translation services in pharmacies. This act, and regulations adopted pursuant to this act, shall not diminish or impair any requirement that any pharmacy or pharmacist provide any language assistance, interpretation, or translation under any applicable federal or state law, local law or ordinance (unless preempted by this section), consent decree or judicial settlement, judgment or order.

S 6. This act shall take effect one year after it shall have become a law. Effective immediately, the commissioner of health, the commissioner of education and the state board of pharmacy are immediately authorized and directed to take actions necessary to implement this act when it takes effect.

PART W

Section 1. Subdivision 12 of section 353 of the executive law, as added by chapter 613 of the laws of 1984, is amended to read as follows:

12. To [make application to the government of the United States or any political subdivision, agency or instrumentality thereof,] APPLY TO THE U.S. DEPARTMENT OF VETERANS AFFAIRS AID TO STATE FOR ESTABLISHMENT, EXPANSION AND IMPROVEMENT OF VETERAN'S CEMETERIES, for funds for the purpose of acquiring lands for, establishing, operating and maintaining veteran's cemeteries in this state; to enter into contracts with any political subdivision[, agency or instrumentality] of the state for the establishment, operation and maintenance of veteran's cemeteries in this state; and to evaluate, monitor and otherwise oversee the operation of veteran's cemeteries [provided, however,].

(A) THE STATE DIRECTOR SHALL PROMULGATE RULES AND REGULATIONS GOVERNING THE SUBMISSION OF REQUESTS AND PROPOSALS BY A POLITICAL SUBDIVISION OF THE STATE DESIRING TO ESTABLISH, OPERATE AND MAINTAIN A STATE VETERAN'S CEMETERY.

(B) THE STATE MAY ENTER INTO A CONTRACT WITH ANY POLITICAL SUBDIVISION OF THE STATE FOR THE ESTABLISHMENT, OPERATION AND MAINTENANCE OF A STATE VETERAN'S CEMETERY IN THE STATE. ANY SUCH CONTRACT SHALL PROVIDE: that

all costs of such establishment, operation and maintenance, TO THE EXTENT SUCH COSTS ARE NOT PAID OR REIMBURSED BY THE GOVERNMENT OF THE UNITED STATES, shall be borne by the political subdivision[, agency or instrumentality with which the division has contracted] AND THAT THE POLITICAL SUBDIVISION WILL MEET ANY APPLICABLE FEDERAL STANDARDS AND REQUIREMENTS FOR THE PERPETUAL OPERATION AND MAINTENANCE OF SUCH STATE VETERAN'S CEMETERY.

(C) THE STATE SHALL ACQUIRE REAL PROPERTY AS NECESSARY AND APPROPRIATE FOR THE ESTABLISHMENT OF A STATE VETERAN'S CEMETERY. ALL LANDS UPON WHICH SUCH CEMETERY IS ESTABLISHED SHALL BE OWNED BY THE STATE AND SHALL BE USED SOLELY FOR STATE VETERAN'S CEMETERY PURPOSES. BY CONTRACT, THE POLITICAL SUBDIVISION SHALL BE REQUIRED TO ASSIST THE DIVISION IN CHOOSING A SITE FOR SUCH STATE VETERAN'S CEMETERY. ANY COSTS ASSOCIATED WITH THE ACQUISITION OF REAL PROPERTY ON WHICH SUCH CEMETERY WILL BE SITED SHALL BE DEEMED TO BE A COST OF THE ESTABLISHMENT OF THE CEMETERY FOR PURPOSES OF THIS SECTION.

(D) IN THE EVENT THAT THE POLITICAL SUBDIVISION FAILS TO PERFORM ITS OBLIGATIONS UNDER THE CONTRACT, THE STATE DIRECTOR SHALL CERTIFY TO THE COMPTROLLER ANY UNPAID AMOUNTS OR ANY AMOUNTS NECESSARY FOR THE STATE TO ASSUME THE OBLIGATIONS WHICH THE POLITICAL SUBDIVISION FAILED TO PERFORM, AND THE COMPTROLLER SHALL, TO THE EXTENT NOT OTHERWISE PROHIBITED BY LAW, WITHHOLD SUCH AMOUNT FROM ANY STATE AID OR OTHER AMOUNT PAYABLE TO SUCH POLITICAL SUBDIVISION. TO THE EXTENT THAT SUFFICIENT FUNDS ARE NOT AVAILABLE FOR SUCH WITHHOLDING, THE STATE MAY PURSUE ANY AND ALL AVAILABLE LEGAL REMEDIES TO ENFORCE THE TERMS OF THE CONTRACT.

(E) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (B) OF THIS SUBDIVISION, THE STATE SHALL BE RESPONSIBLE TO THE GOVERNMENT OF THE UNITED STATES FOR ANY COSTS ASSOCIATED WITH THE ESTABLISHMENT, OPERATION AND MAINTENANCE OF STATE VETERAN'S CEMETERIES AND FOR MEETING ANY APPLICABLE FEDERAL STANDARDS AND REQUIREMENTS FOR THE PERPETUAL OPERATION AND MAINTENANCE OF SUCH CEMETERIES.

S 2. Section 353 of the executive law is amended by adding a new subdivision 12-a to read as follows:

12-A. PURSUANT TO THE AUTHORIZATION CONTAINED WITHIN THE PROVISIONS OF SUBDIVISION TWELVE OF THIS SECTION, ON OR BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND TWELVE, THE STATE OF NEW YORK SHALL APPLY PURSUANT TO THE U.S. DEPARTMENT OF VETERANS AFFAIRS AID TO STATES FOR ESTABLISHMENT, EXPANSION AND IMPROVEMENT OF VETERAN'S CEMETERIES FOR THE FUNDS AND APPROVAL TO ACQUIRE LAND FOR AND ESTABLISH, OPERATE AND MAINTAIN IN PUTNAM COUNTY A VETERAN'S CEMETERY. SUCH APPLICATION SHALL BE BASED UPON AN AGREEMENT TO BE ENTERED INTO PRIOR TO SUCH APPLICATION BETWEEN THE STATE AND THE COUNTY OF PUTNAM WHICH SPECIFIES THE POTENTIAL SITE LOCATION OF SUCH A VETERAN'S CEMETERY WITHIN THE COUNTY OF PUTNAM, AND WHICH AGREEMENT FURTHER PROVIDES THAT THE COUNTY OF PUTNAM PROMISES TO DIRECTLY PROVIDE, OR REIMBURSE THE STATE FOR, ANY AND ALL APPROPRIATE NON-FEDERALLY REIMBURSED COSTS, PROVIDED THAT NO SUCH APPLICATION SHALL BE MADE IF THE STATE DOES NOT ENTER INTO SUCH AGREEMENT WITH THE COUNTY OF PUTNAM.

S 3. This act shall take effect immediately; provided, however, that the division of veterans' affairs may process any request by a political subdivision for the establishment, operation and maintenance under consideration by such division on such effective date prior to the promulgation of rules and regulations pursuant to subdivision 12 of section 353 of the executive law, as amended by section one of this act.

S 2. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of

competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

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