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I N   S E N A T E

March 9, 2012

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

AN ACT to amend the education law, in relation to establishing Earth day; to amend the education law, in relation to mandate relief for school districts and certain other educational entities; to amend the education law, in relation to removing references to subcommittees on special education; to amend the education law, in relation to the provision of special education programs and services to students parentally placed in non-public schools through dual enrollment in the public schools; to amend the education law, in relation to eliminating the requirement that the commissioner of education make appointments to the state-supported schools; to amend the education law, in relation to the committee on special education membership requirements; to amend the education law, in relation to eliminating the requirement for written parental consent prior to initial placement of a student with a disability in a July/August program; to amend the education law, in relation to transportation of students with disabilities parentally placed in a private school; to amend the education law, in relation to establishing that all school districts are approved evaluators of preschool students suspected of having a disability; to amend the education law, in relation to the statute of limitations for special education due process hearings; to amend the education law relating to committee on preschool special education membership; to amend the education law, in relation to the selection of a preschool evaluator; to amend the education law, in relation to referrals to state adult service agencies for certain students with disabilities who have reached the age of 18; to amend the general municipal law, in relation to school districts or board of cooperative educational services option to purchase goods and services; to amend the general municipal law, in relation to authorizing award of contracts for goods or services on the basis of better value; to amend the environmental conservation law, in relation to state smart growth public infrastructure criteria; to amend the vehicle and traffic law, in relation to school omnibus signs complying with federal motor vehicle safety standards; to repeal paragraph d of subdivision 4 of section 3641 of the education law relating to special apportionments

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

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to school districts; to repeal subdivision 15 of section 353 of the executive law relating to the duties of the director of the division of veterans' affairs; to repeal subdivision 17 of section 1950 of the education law relating to board of cooperative educational services special education space plans; to repeal clause (h) of subparagraph 3 of paragraph b of subdivision 1 of section 4402 of the education law relating to reports on certain children of Vietnam veterans; to repeal clause (d) of subparagraph 1 of paragraph b of subdivision 1 of section 4402 of the education law relating to subcommittees on special education; to repeal clause (d-2) of subparagraph 3 of paragraph b of subdivision 1 of section 4402 of the education law relating to the requirement that boards of education develop plans and policies for appropriate declassification of students with disabilities; and to repeal subdivision 18 of section 4403 of the education law relating to commissioner approval of certain early intervention programs

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

1 Section 1. Section 810 of the education law, as amended by chapter 616  
2 of the laws of 1969 and subdivision 1 as amended by chapter 96 of the  
3 laws of 1978, is amended to read as follows:

4 S 810. [Conservation] EARTH day. [1. The last Friday in April each  
5 year is hereby made and declared to be known as Conservation day, and  
6 observed in accordance with the provisions of this chapter, except that  
7 for the year nineteen hundred seventy-eight, Conservation day shall be  
8 May third.

9 2. It shall be the duty of the authorities of every public school in  
10 this state to assemble the pupils in their charge on that day in the  
11 school building, or elsewhere, as they may deem proper, and to provide  
12 for and conduct (1) such exercises as shall tend to encourage the plant-  
13 ing, protection and preservation of trees and shrubs, and an acquaint-  
14 ance with the best methods to be adopted to accomplish such results, and  
15 (2) such lectures, pictures or tours, as shall tend to increase the  
16 interest and knowledge of such pupils in the fish and wild life, soil  
17 and water of the state.

18 3. The commissioner of education may prescribe from time to time a  
19 course of exercises and instruction in the subjects hereinbefore  
20 mentioned, which shall be adopted and observed by the public school  
21 authorities on Conservation day. Upon receipt of copies of such course  
22 sufficient in number to supply all the schools under their supervision,  
23 the school authorities aforesaid shall promptly provide each of the  
24 schools under their charge with a copy, and cause it to be observed]  
25 ANNUALLY, IT SHALL BE THE DUTY OF THE AUTHORITIES OF EVERY PUBLIC SCHOOL  
26 IN THIS STATE TO OBSERVE EARTH DAY AS THEY MAY DEEM PROPER AND TO  
27 ENCOURAGE INSTRUCTION ON THE EARTH'S NATURAL ENVIRONMENT AS APPROPRIATE.

28 S 2. Subdivision 4 of section 1950 of the education law is amended by  
29 adding a new paragraph oo to read as follows:

30 oo. AT THE REQUEST OF ONE OR MORE SCHOOL DISTRICTS, CONTRACT FOR THE  
31 PROCUREMENT OF TELECOMMUNICATIONS EQUIPMENT ON BEHALF OF SUCH SCHOOL  
32 DISTRICTS, SUBJECT TO THE REQUIREMENTS OF SECTION ONE HUNDRED THREE AND  
33 SECTION ONE HUNDRED FOUR-B OF THE GENERAL MUNICIPAL LAW, PROVIDED THAT  
34 THE COSTS OF SUCH CONTRACTS SHALL BE ELIGIBLE FOR AID PURSUANT TO SUBDI-  
35 VISION FIVE OF THIS SECTION IF APPROVED BY THE COMMISSIONER AS AN AIDA-

1 BLE SHARED SERVICE UPON REQUEST OF TWO OR MORE COMPONENT SCHOOL  
2 DISTRICTS.

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

5 3-B. UPON REQUEST FROM A PROSPECTIVE EMPLOYEE WHO HAS BEEN CLEARED BY  
6 THE COMMISSIONER OF MOTOR VEHICLES PURSUANT TO SECTION FIVE HUNDRED  
7 NINE-CC OR SECTION TWELVE HUNDRED TWENTY-NINE-D OF THE VEHICLE AND TRAF-  
8 FIC LAW, THE DEPARTMENT OF MOTOR VEHICLES SHALL BE AUTHORIZED TO FORWARD  
9 A COPY OF SUCH INDIVIDUAL'S CRIMINAL HISTORY RECORD AND SUCH INDIVID-  
10 UAL'S FINGERPRINTS TO THE COMMISSIONER FOR PURPOSES OF CONDUCTING A  
11 CRIMINAL HISTORY RECORD CHECK PURSUANT TO THIS SECTION. FURTHERMORE,  
12 UPON NOTIFICATION THAT SUCH PROSPECTIVE EMPLOYEE HAS BEEN CLEARED FOR  
13 EMPLOYMENT BY THE COMMISSIONER PURSUANT TO THIS SECTION, THE DIVISION OF  
14 CRIMINAL JUSTICE SERVICES SHALL HAVE THE AUTHORITY TO PROVIDE SUBSEQUENT  
15 CRIMINAL HISTORY NOTIFICATIONS DIRECTLY TO THE COMMISSIONER.

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

18 S 5. Paragraph a of subdivision 14 of section 305 of the education  
19 law, as amended by section 1 of chapter 273 of the laws of 1999, is  
20 amended to read as follows:

21 a. All contracts for the transportation of school children, all  
22 contracts to maintain school buses owned or leased by a school district  
23 that are used for the transportation of school children, all contracts  
24 for mobile instructional units, and all contracts to provide, maintain  
25 and operate cafeteria or restaurant service by a private food service  
26 management company shall be subject to the approval of the commissioner,  
27 who may disapprove a proposed contract if, in his opinion, the best  
28 interests of the district will be promoted thereby. Except as provided  
29 in paragraph e of this subdivision, all such contracts involving an  
30 annual expenditure in excess of the amount specified for purchase  
31 contracts in the bidding requirements of the general municipal law shall  
32 be awarded to the lowest responsible bidder, which responsibility shall  
33 be determined by the board of education or the trustee of a district,  
34 with power hereby vested in the commissioner to reject any or all bids  
35 if, in his opinion, the best interests of the district will be promoted  
36 thereby and, upon such rejection of all bids, the commissioner shall  
37 order the board of education or trustee of the district to seek, obtain  
38 and consider new proposals. All proposals for such transportation, main-  
39 tenance, mobile instructional units, or cafeteria and restaurant service  
40 shall be in such form as the commissioner may prescribe. Advertisement  
41 for bids shall be published in a newspaper or newspapers designated by  
42 the board of education or trustee of the district having general circu-  
43 lation within the district for such purpose OR IN THE STATE'S PROCURE-  
44 MENT OPPORTUNITIES NEWSLETTER IN ACCORDANCE WITH ARTICLE FOUR-C OF THE  
45 ECONOMIC DEVELOPMENT LAW. Such advertisement shall contain a statement  
46 of the time when and place where all bids received pursuant to such  
47 advertisement will be publicly opened and read either by the school  
48 authorities or by a person or persons designated by them. All bids  
49 received shall be publicly opened and read at the time and place so  
50 specified. At least five days shall elapse between the first publication  
51 of such advertisement and the date so specified for the opening and  
52 reading of bids. The requirement for competitive bidding shall not apply  
53 to an award of a contract for the transportation of pupils or a contract  
54 for mobile instructional units OR THE PROVISION, MAINTENANCE AND OPERA-  
55 TION OF CAFETERIA OR RESTAURANT SERVICE, if such award is based on an  
56 evaluation of proposals in response to a request for proposals pursuant

1 to paragraph e of this subdivision. The requirement for competitive  
2 bidding shall not apply to annual, biennial, or triennial extensions of  
3 a contract nor shall the requirement for competitive bidding apply to  
4 quadrennial or quinquennial year extensions of a contract involving  
5 transportation of pupils, maintenance of school buses or mobile instruc-  
6 tional units secured either through competitive bidding or through eval-  
7 uation of proposals in response to a request for proposals pursuant to  
8 paragraph e of this subdivision, when such extensions (1) are made by  
9 the board of education or the trustee of a district, under rules and  
10 regulations prescribed by the commissioner, and, (2) do not extend the  
11 original contract period beyond five years from the date cafeteria and  
12 restaurant service commenced thereunder and in the case of contracts for  
13 the transportation of pupils, for the maintenance of school buses or for  
14 mobile instructional units, that such contracts may be extended, except  
15 that power is hereby vested in the commissioner, in addition to his  
16 existing statutory authority to approve or disapprove transportation or  
17 maintenance contracts, (i) to reject any extension of a contract beyond  
18 the initial term thereof if he finds that amount to be paid by the  
19 district to the contractor in any year of such proposed extension fails  
20 to reflect any decrease in the regional consumer price index for the  
21 N.Y., N.Y.-Northeastern, N.J. area, based upon the index for all urban  
22 consumers (CPI-U) during the preceding twelve month period; and (ii) to  
23 reject any extension of a contract after ten years from the date trans-  
24 portation or maintenance service commenced thereunder, or mobile  
25 instructional units were first provided, if in his opinion, the best  
26 interests of the district will be promoted thereby. Upon such rejection  
27 of any proposed extension, the commissioner may order the board of  
28 education or trustee of the district to seek, obtain and consider bids  
29 pursuant to the provisions of this section. The board of education or  
30 the trustee of a school district electing to extend a contract as  
31 provided herein, may, in its discretion, increase the amount to be paid  
32 in each year of the contract extension by an amount not to exceed the  
33 regional consumer price index increase for the N.Y., N.Y.-Northeastern,  
34 N.J. area, based upon the index for all urban consumers (CPI-U), during  
35 the preceding twelve month period, provided it has been satisfactorily  
36 established by the contractor that there has been at least an equivalent  
37 increase in the amount of his cost of operation, during the period of  
38 the contract.

39 S 5-a. Paragraph a of subdivision 14 of section 305 of the education  
40 law, as amended by section 2 of chapter 273 of the laws of 1999, is  
41 amended to read as follows:

42 a. All contracts for the transportation of school children, all  
43 contracts to maintain school buses owned or leased by a school district  
44 that are used for the transportation of school children, all contracts  
45 for mobile instructional units, and all contracts to provide, maintain  
46 and operate cafeteria or restaurant service by a private food service  
47 management company shall be subject to the approval of the commissioner,  
48 who may disapprove a proposed contract if, in his opinion, the best  
49 interests of the district will be promoted thereby. All such contracts  
50 involving an annual expenditure in excess of the amount specified for  
51 purchase contracts in the bidding requirements of the general municipal  
52 law shall be awarded to the lowest responsible bidder, which responsi-  
53 bility shall be determined by the board of education or the trustee of a  
54 district, with power hereby vested in the commissioner to reject any or  
55 all bids if, in his opinion, the best interests of the district will be  
56 promoted thereby and, upon such rejection of all bids, the commissioner

1 shall order the board of education or trustee of the district to seek,  
2 obtain and consider new proposals. All proposals for such transporta-  
3 tion, maintenance, mobile instructional units, or cafeteria and restau-  
4 rant service shall be in such form as the commissioner may prescribe.  
5 Advertisement for bids shall be published in a newspaper or newspapers  
6 designated by the board of education or trustee of the district having  
7 general circulation within the district for such purpose OR IN THE  
8 STATE'S PROCUREMENT OPPORTUNITIES NEWSLETTER IN ACCORDANCE WITH ARTICLE  
9 FOUR-C OF THE ECONOMIC DEVELOPMENT LAW. Such advertisement shall  
10 contain a statement of the time when and place where all bids received  
11 pursuant to such advertisement will be publicly opened and read either  
12 by the school authorities or by a person or persons designated by them.  
13 All bids received shall be publicly opened and read at the time and  
14 place so specified. At least five days shall elapse between the first  
15 publication of such advertisement and the date so specified for the  
16 opening and reading of bids. The requirement for competitive bidding  
17 shall not apply to annual, biennial, or triennial extensions of a  
18 contract nor shall the requirement for competitive bidding apply to  
19 quadrennial or quinquennial year extensions of a contract involving  
20 transportation of pupils, maintenance of school buses or mobile instruc-  
21 tional units OR THE PROVISION, MAINTENANCE AND OPERATION OF CAFETERIA OR  
22 RESTAURANT SERVICE secured through competitive bidding when such exten-  
23 sions (1) are made by the board of education or the trustee of a  
24 district, under rules and regulations prescribed by the commissioner,  
25 and, (2) do not extend the original contract period beyond five years  
26 from the date cafeteria and restaurant service commenced thereunder and  
27 in the case of contracts for the transportation of pupils, for the main-  
28 tenance of school buses or for mobile instructional units, that such  
29 contracts may be extended, except that power is hereby vested in the  
30 commissioner, in addition to his existing statutory authority to approve  
31 or disapprove transportation or maintenance contracts, (i) to reject any  
32 extension of a contract beyond the initial term thereof if he finds that  
33 amount to be paid by the district to the contractor in any year of such  
34 proposed extension fails to reflect any decrease in the regional consum-  
35 er price index for the N.Y., N.Y.-Northeastern, N.J. area, based upon  
36 the index for all urban consumers (CPI-U) during the preceding twelve  
37 month period; and (ii) to reject any extension of a contract after ten  
38 years from the date transportation or maintenance service commenced  
39 thereunder, or mobile instructional units were first provided, if in his  
40 opinion, the best interests of the district will be promoted thereby.  
41 Upon such rejection of any proposed extension, the commissioner may  
42 order the board of education or trustee of the district to seek, obtain  
43 and consider bids pursuant to the provisions of this section. The board  
44 of education or the trustee of a school district electing to extend a  
45 contract as provided herein, may, in its discretion, increase the amount  
46 to be paid in each year of the contract extension by an amount not to  
47 exceed the regional consumer price index increase for the N.Y.,  
48 N.Y.-Northeastern, N.J. area, based upon the index for all urban consum-  
49 ers (CPI-U), during the preceding twelve month period, provided it has  
50 been satisfactorily established by the contractor that there has been at  
51 least an equivalent increase in the amount of his cost of operation,  
52 during the period of the contract.

53 S 6. Paragraph e of subdivision 14 of section 305 of the education  
54 law, as amended by chapter 464 of the laws of 1997, is amended to read  
55 as follows:

1 e. Notwithstanding the provisions of any general, special or local law  
2 or charter, a board of education or a trustee of a district, pursuant to  
3 rules and regulations promulgated by the commissioner, may award a  
4 contract for the transportation of pupils or a contract for mobile  
5 instructional units OR FOR THE PROVISION, MAINTENANCE AND OPERATION OF  
6 CAFETERIA OR RESTAURANT SERVICE BY A PRIVATE FOOD SERVICE MANAGEMENT  
7 COMPANY involving an annual expenditure in excess of the amount speci-  
8 fied for purchase contracts in the bidding requirements of the general  
9 municipal law in compliance with the provisions of paragraph a of this  
10 subdivision or subsequent to an evaluation of proposals submitted in  
11 response to a request for proposals prepared by or for the board of  
12 education or trustee of a district. A CONTRACT AWARDED THROUGH A REQUEST  
13 FOR PROPOSALS SHALL BE AWARDED BASED ON BEST VALUE IN ACCORDANCE WITH  
14 SUBDIVISION ONE-C OF SECTION ONE HUNDRED THREE OF THE GENERAL MUNICIPAL  
15 LAW. The commissioner, in addition to his existing statutory authority  
16 to approve or disapprove transportation contracts, may reject any award  
17 of a transportation contract or a contract for mobile instructional  
18 units that is based on an evaluation of proposals submitted in response  
19 to a request for proposals if he finds that (1) the contractor is not  
20 the most responsive to the request for proposals, or (2) that the best  
21 interests of the district will be promoted thereby.

22 S 7. Subdivision 14 of section 305 of the education law is amended by  
23 adding a new paragraph g to read as follows:

24 G. NOTWITHSTANDING THE PROVISIONS OF THIS SUBDIVISION, SECTION ONE  
25 HUNDRED THREE OF THE GENERAL MUNICIPAL LAW, OR ANY OTHER PROVISION OF  
26 LAW TO THE CONTRARY, THE BOARD OF EDUCATION SHALL BE AUTHORIZED TO ENTER  
27 INTO A PIGGYBACK CONTRACT WITH ANOTHER SCHOOL DISTRICT THAT TRANSPORTS  
28 STUDENTS PURSUANT TO A CONTRACT WITH A PRIVATE TRANSPORTATION CONTRAC-  
29 TOR, PROVIDED THAT THE BOARD FINDS THAT THE CONTRACT COST IS APPROPRIATE  
30 AND ENTRY INTO A PIGGYBACK CONTRACT WILL RESULT IN A COST SAVINGS TO THE  
31 SCHOOL DISTRICT. FOR PURPOSES OF THIS PARAGRAPH, A "PIGGYBACK CONTRACT"  
32 MEANS A CONTRACT FOR THE TRANSPORTATION OF STUDENTS THAT: (I) PROVIDES  
33 TRANSPORTATION TO A LOCATION OUTSIDE THE STUDENTS' SCHOOL DISTRICT OF  
34 RESIDENCE TO WHICH ANOTHER SCHOOL DISTRICT IS ALREADY PROVIDING TRANS-  
35 PORTATION TO ITS OWN STUDENTS THROUGH AN EXISTING CONTRACT WITH A  
36 PRIVATE TRANSPORTATION CONTRACTOR, OTHER THAN A COOPERATIVELY BID  
37 CONTRACT; (II) IS ENTERED INTO BY THE PRIVATE TRANSPORTATION CONTRACTOR  
38 AND EACH SCHOOL DISTRICT INVOLVED; AND (III) PROVIDES FOR TRANSPORTATION  
39 IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF SUCH EXISTING TRANSPORTA-  
40 TION CONTRACT.

41 S 8. Subdivision 1-b of section 103 of the general municipal law, as  
42 added by section 4 of subpart A of part C of chapter 97 of the laws of  
43 2011, is amended read as follows:

44 1-b. A political subdivision or any district therein shall have the  
45 option of purchasing information technology and telecommunications hard-  
46 ware, software and professional services through cooperative purchasing  
47 permissible pursuant to federal general services administration informa-  
48 tion technology schedule seventy or any successor schedule. A political  
49 subdivision or any district therein that purchases through general  
50 services administration schedule seventy, information technology and  
51 consolidated schedule contracts shall comply with federal schedule  
52 ordering procedures as provided in federal acquisition regulation  
53 8.405-1 or 8.405-2 or successor regulations, whichever is applicable.  
54 Adherence to such procedures shall constitute compliance with the  
55 competitive bidding requirements under this section. IN ADDITION, A  
56 SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES SHALL HAVE

1 THE OPTION OF PURCHASING OTHER GOODS OR SERVICES THROUGH COOPERATIVE  
2 PURCHASING PERMISSIBLE PURSUANT TO A GENERAL SERVICES ADMINISTRATION  
3 CONTRACT. A SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES  
4 THAT PURCHASES OTHER SERVICES THROUGH GENERAL SERVICE ADMINISTRATION  
5 CONTRACTS SHALL COMPLY WITH THE APPLICABLE FEDERAL SCHEDULE ORDERING  
6 PROCEDURES AS PROVIDED IN THE FEDERAL ACQUISITION REGULATIONS AS APPLI-  
7 CABLE.

8 S 9. Section 103 of the general municipal law is amended by adding a  
9 new subdivision 1-c to read as follows:

10 1-C. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION TO THE  
11 CONTRARY, THE TRUSTEES OR BOARD OF EDUCATION OF A SCHOOL DISTRICT OR A  
12 BOARD OF COOPERATIVE EDUCATIONAL SERVICES MAY DETERMINE THAT IT IS IN  
13 THE BEST INTEREST OF THE SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCA-  
14 TIONAL SERVICES TO ADOPT A POLICY AUTHORIZING THE AWARD OF CONTRACTS FOR  
15 SERVICES ON THE BASIS OF BEST VALUE AS DEFINED IN SECTION ONE HUNDRED  
16 SIXTY-THREE OF THE STATE FINANCE LAW TO RESPONSIVE AND RESPONSIBLE  
17 OFFERS. SUCH A CONTRACT FOR SERVICES MAY BE AWARDED ON THE BASIS OF BEST  
18 VALUE PROVIDED THAT THE CONTRACTING PROCESS AND AWARD SHALL COMPLY WITH  
19 THE GUIDELINES ESTABLISHED UNDER SECTION ONE HUNDRED SIXTY-THREE OF THE  
20 STATE FINANCE LAW BY THE STATE PROCUREMENT COUNCIL. ANY PROCUREMENT  
21 MADE UNDER THIS SUBDIVISION SHALL BE APPROVED BY THE TRUSTEES OR BOARD  
22 OF EDUCATION OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES, AS APPLICA-  
23 BLE. THE PROVISIONS OF THIS SUBDIVISION SHALL APPLY TO CONTRACTS  
24 SUBJECT TO THE PROVISIONS OF SUBDIVISION FOURTEEN OF SECTION THREE  
25 HUNDRED FIVE OF THE EDUCATION LAW, TO THE EXTENT PROVIDED IN SUCH SUBDI-  
26 VISION FOURTEEN OF SECTION THREE HUNDRED FIVE OF THE EDUCATION LAW.

27 S 10. Subdivision 2 of section 103 of the general municipal law, as  
28 amended by section 4 of chapter 608 of the laws of 2011, is amended to  
29 read as follows:

30 2. Advertisement for bids and offers shall be published in the offi-  
31 cial newspaper or newspapers, if any, or otherwise in a newspaper or  
32 newspapers designated for such purpose OR IN THE STATE'S PROCUREMENT  
33 OPPORTUNITIES NEWSLETTER IN ACCORDANCE WITH ARTICLE FOUR-C OF THE  
34 ECONOMIC DEVELOPMENT LAW. Such advertisement shall contain a statement  
35 of the time when and place where all bids received pursuant to such  
36 notice will be publicly opened and read and where the identity of all  
37 offerers will be publicly disclosed, and the designation of the receiv-  
38 ing device if the political subdivision or district has authorized the  
39 receipt of bids and offers in an electronic format. Such board or agency  
40 may by resolution designate any officer or employee to open the bids and  
41 offers at the time and place specified in the notice. Such designee  
42 shall make a record of such bids and offers in such form and detail as  
43 the board or agency shall prescribe and present the same at the next  
44 regular or special meeting of such board or agency. All bids received  
45 shall be publicly opened and read at the time and place so specified and  
46 the identity of all offerers shall be publicly disclosed at the time and  
47 place so specified. At least five days shall elapse between the first  
48 publication of such advertisement and the date so specified for the  
49 opening and reading of bids and offers.

50 S 10-a. Subdivision 2 of section 103 of the general municipal law, as  
51 amended by section 5 of chapter 608 of the laws of 2011, is amended to  
52 read as follows:

53 2. Advertisement for bids and offers shall be published in the offi-  
54 cial newspaper or newspapers, if any, or otherwise in a newspaper or  
55 newspapers designated for such purpose OR IN THE STATE'S PROCUREMENT  
56 OPPORTUNITIES NEWSLETTER IN ACCORDANCE WITH ARTICLE FOUR-C OF THE

1 ECONOMIC DEVELOPMENT LAW. Such advertisement shall contain a statement  
2 of the time when and place where all bids received pursuant to such  
3 notice will be publicly opened and read and where the identity of all  
4 offerers will be publicly disclosed. Such board or agency may by resol-  
5 ution designate any officer or employee to open the bids and offers at  
6 the time and place specified in the notice. Such designee shall make a  
7 record of such bids and offers in such form and detail as the board or  
8 agency shall prescribe and present the same at the next regular or  
9 special meeting of such board or agency. All bids received shall be  
10 publicly opened and read at the time and place so specified and the  
11 identity of all offerers shall be publicly disclosed at the time and  
12 place so specified. At least five days shall elapse between the first  
13 publication of such advertisement and the date so specified for the  
14 opening and reading of bids and offers.

15 S 11. Subdivision 1 of section 6-0107 of the environmental conserva-  
16 tion law, as added by chapter 433 of the laws of 2010, is amended to  
17 read as follows:

18 1. In addition to meeting other criteria and requirements of law  
19 governing approval, development, financing and state aid for the  
20 construction of new or expanded public infrastructure or the recon-  
21 struction thereof, no state infrastructure agency shall approve, under-  
22 take, support or finance a public infrastructure project, including  
23 providing grants, awards, loans or assistance programs, unless, to the  
24 extent practicable, it is consistent with the relevant criteria speci-  
25 fied in subdivision two of this section. NOTWITHSTANDING THE PROVISIONS  
26 OF THIS SUBDIVISION OR ANY OTHER PROVISION OF THIS ARTICLE TO THE  
27 CONTRARY, PROJECTS FOR THE RECONSTRUCTION, RENOVATION, REPAIR OR  
28 IMPROVEMENT OF EXISTING PUBLIC SCHOOL FACILITIES OR EXISTING LIBRARY  
29 FACILITIES, AND PROJECTS FOR THE CONSTRUCTION OF NEW OR EXPANDED PUBLIC  
30 SCHOOL OR LIBRARY FACILITIES IN CITIES HAVING A POPULATION OF ONE  
31 HUNDRED TWENTY-FIVE THOUSAND INHABITANTS OR MORE, SHALL NOT BE DEEMED  
32 PUBLIC INFRASTRUCTURE PROJECTS SUBJECT TO THE REQUIREMENTS OF THIS ARTI-  
33 CLE.

34 S 12. Subparagraph 1 of paragraph (b) and paragraphs (c) and (d) of  
35 subdivision 20 of section 375 of the vehicle and traffic law, subpara-  
36 graph 1 of paragraph (b) as amended by chapter 242 of the laws of 1992,  
37 paragraph (c) as amended by chapter 96 of the laws of 1973 and paragraph  
38 (d) as amended by chapter 567 of the laws of 1985, are amended to read  
39 as follows:

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

front and one of which shall face the rear thereof. Each such sign shall be visible and readable from a point at least two hundred feet distant.

(c) [In the event such vehicle is operated on a public highway during the period between one-half hour after sunset and one-half hour before sunrise, the signs required by paragraph (b) of this subdivision shall be illuminated as to be visible from a point at least five hundred feet distant.

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

S 13. Subdivision 15 of section 353 of the executive law is REPEALED.

S 14. The commissioner of education, in consultation with the office of the state comptroller, shall conduct a study of the feasibility and desirability of authorizing school districts and boards of cooperative educational services to enter national credit card contracts as a cost-saving measure, with appropriate safeguards. The commissioner shall submit a report to the board of regents, the governor and the legislature by no later than January fifteenth, two thousand thirteen, with recommendations on whether and under what conditions such credit card contracts should be authorized and identifying any legislative or regulatory changes that would be needed to authorize such credit card contracts.

S 15. Subdivision 17 of section 1950 of the education law is REPEALED.

S 16. Section 2215 of the education law is amended by adding a new subdivision 17 to read as follows:

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

S 17. Subparagraph 2 of paragraph (b) of subdivision 4 of section 2590-b of the education law, as amended by chapter 345 of the laws of 2009, is amended to read as follows:

(2) advise and comment on the process of establishing committees [and/or subcommittees] on special education in community school districts pursuant to section forty-four hundred two of this chapter;

S 18. Paragraph (a) of subdivision 4 of section 2853 of the education law, as amended by chapter 378 of the laws of 2007, is amended to read as follows:

(a) For purposes of sections seven hundred one, seven hundred eleven, seven hundred fifty-one and nine hundred twelve of this chapter, a charter school shall be deemed a nonpublic school in the school district within which the charter school is located. Special education programs

1 and services shall be provided to students with a disability attending a  
2 charter school in accordance with the individualized education program  
3 recommended by the committee [or subcommittee] on special education of  
4 the student's school district of residence. The charter school may  
5 arrange to have such services provided by such school district of resi-  
6 dence or by the charter school directly or by contract with another  
7 provider. Where the charter school arranges to have the school district  
8 of residence provide such special education programs or services, such  
9 school district shall provide services in the same manner as it serves  
10 students with disabilities in other public schools in the school  
11 district, including the provision of supplementary and related services  
12 on site to the same extent to which it has a policy or practice of  
13 providing such services on the site of such other public schools.

14 S 18-a. Paragraph (a) of subdivision 4 of section 2853 of the educa-  
15 tion law, as added by chapter 4 of the laws of 1998, is amended to read  
16 as follows:

17 (a) For purposes of sections seven hundred one, seven hundred eleven,  
18 seven hundred fifty-one and nine hundred twelve of this chapter, a char-  
19 ter school shall be deemed a nonpublic school in the school district  
20 within which the charter school is located. Special education programs  
21 and services shall be provided to students with a disability attending a  
22 charter school in accordance with the individualized education program  
23 recommended by the committee [or subcommittee] on special education of  
24 the student's school district of residence. The charter school may  
25 arrange to have such services provided by such school district of resi-  
26 dence or by the charter school directly or by contract with another  
27 provider.

28 S 19. Paragraph a of subdivision 1 and paragraph a and subparagraph 1  
29 of paragraph b of subdivision 2 of section 3602-c of the education law,  
30 paragraph a of subdivision 1 as amended by chapter 474 of the laws of  
31 2004, paragraph a and subparagraph 1 of paragraph b of subdivision 2 as  
32 amended by chapter 378 of the laws of 2007, are amended and a new para-  
33 graph e is added to subdivision 2 to read as follows:

34 a. "Services" shall mean instruction in the areas of gifted pupils,  
35 career education and education for students with disabilities, and coun-  
36 seling, psychological and social work services related to such instruc-  
37 tion provided during the regular school year for pupils enrolled in a  
38 nonpublic school located in a school district, INCLUDING SPECIAL EDUCA-  
39 TION PROGRAMS AND RELATED SERVICES AS DEFINED IN SUBDIVISION TWO OF  
40 SECTION FORTY-FOUR HUNDRED ONE OF THIS CHAPTER OTHER THAN AN APPROVED  
41 PRIVATE RESIDENTIAL OR NON-RESIDENTIAL SCHOOL FOR THE EDUCATION OF  
42 STUDENTS WITH DISABILITIES, provided that such instruction is given to  
43 pupils enrolled in the public schools of such district. SUCH TERM SHALL  
44 ALSO INCLUDE EDUCATION FOR STUDENTS WITH DISABILITIES ENROLLED IN SUCH A  
45 NONPUBLIC SCHOOL WHICH IS PROVIDED IN JULY AND AUGUST IN ACCORDANCE WITH  
46 PARAGRAPH E OF SUBDIVISION TWO OF THIS SECTION.

47 a. Boards of education of all school districts of the state shall  
48 furnish services to students who are residents of this state and who  
49 attend nonpublic schools located in such school districts, upon the  
50 written request of the parent or person in parental relation of any such  
51 student. Such a request for career education or services to gifted  
52 students shall be filed with the board of education of the school  
53 district in which the parent or person in parental relation of the  
54 student resides on or before the first day of June preceding the school  
55 year for which the request is made. In the case of education for  
56 students with disabilities, such a request shall be filed with the trus-

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

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

E. A NONPUBLIC SCHOOL STUDENT WHOSE DISABILITY IS SEVERE ENOUGH TO EXHIBIT THE NEED FOR A STRUCTURED LEARNING ENVIRONMENT OF TWELVE MONTHS DURATION TO MAINTAIN DEVELOPMENTAL LEVELS SHALL BE ELIGIBLE TO RECEIVE SPECIAL EDUCATION PROGRAMS AND SERVICES IN JULY AND AUGUST IN ACCORDANCE WITH THE INDIVIDUALIZED EDUCATION SERVICE PROGRAM DEVELOPED BY THE

1 COMMITTEE ON SPECIAL EDUCATION OF THE SCHOOL DISTRICT OF LOCATION AND  
2 THE PROVISIONS OF SECTION FORTY-FOUR HUNDRED EIGHT OF THIS CHAPTER.  
3 PROVIDED, HOWEVER, THAT DURING A JULY/AUGUST SPECIAL EDUCATION PROGRAM,  
4 A NONPUBLIC SCHOOL STUDENT SHALL NOT BE ENTITLED PURSUANT TO THIS  
5 SECTION TO PLACEMENT IN A SPECIAL CLASS OR INTEGRATED CO-TEACHING  
6 SERVICES, AS SUCH TERMS ARE DEFINED IN THE REGULATIONS OF THE COMMIS-  
7 SIONER. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE  
8 SCHOOL DISTRICT OF LOCATION SHALL BE ELIGIBLE FOR STATE AID FOR SUCH  
9 SERVICES EXCLUSIVELY PURSUANT TO SECTION FORTY-FOUR HUNDRED EIGHT OF  
10 THIS CHAPTER.

11 S 20. Subdivision 7 of section 3602-c of the education law, as amended  
12 by chapter 378 of the laws of 2007, is amended to read as follows:

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

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

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

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

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

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

8 S 21. Subdivision 8 of section 3604 of the education law, as amended  
9 by section 46 of part H of chapter 83 of the laws of 2002, is amended to  
10 read as follows:

11 8. No school shall be in session on a Saturday or a legal holiday,  
12 except general election day, Washington's birthday and Lincoln's birth-  
13 day, and except that driver education classes may be conducted on a  
14 Saturday. A deficiency not exceeding [three] FOUR days during any school  
15 year caused by teachers' attendance upon conferences held by superinten-  
16 dents of schools of city school districts or other school districts  
17 employing superintendents of schools shall be excused by the commission-  
18 er, NOTWITHSTANDING ANY PROVISION OF LAW, RULE OR REGULATION TO THE  
19 CONTRARY, A SCHOOL DISTRICT MAY ELECT TO SCHEDULE SUCH CONFERENCE DAYS  
20 IN THE LAST TWO WEEKS OF AUGUST AND SUCH DAYS SHALL BE COUNTED TOWARDS  
21 THE REQUIRED ONE HUNDRED EIGHTY DAYS OF SESSION, provided however,  
22 [notwithstanding any other provision of law, that during the nineteen  
23 hundred ninety-two--ninety-three through the two thousand two--two thou-  
24 sand three school years and thereafter, the] THAT SUCH SCHEDULING SHALL  
25 NOT ALTER THE OBLIGATION OF THE SCHOOL DISTRICT TO PROVIDE TRANSPORTA-  
26 TION TO STUDENTS IN NON-PUBLIC ELEMENTARY AND SECONDARY SCHOOLS OR CHAR-  
27 TER SCHOOLS. THE commissioner shall excuse a deficiency not exceeding  
28 four days during such school year caused by teachers' attendance upon  
29 conferences held by such superintendents, provided that at least two  
30 such conference days during such school year shall be dedicated to staff  
31 attendance upon conferences providing staff development relating to  
32 implementation of the new high learning standards and assessments, as  
33 adopted by the board of regents. Notwithstanding any other provision of  
34 law, rule or regulation to the contrary, school districts may elect to  
35 use one or more of such allowable conference days in units of not less  
36 than one hour each to provide staff development activities relating to  
37 implementation of the new high learning standards and assessments. A  
38 district making such election may provide such staff development during  
39 the regularly scheduled daily session and apply such units to satisfy a  
40 deficiency in the length of one or more daily sessions of instruction  
41 for pupils as specified in regulations of the commissioner. The commis-  
42 sioner shall assure that such conference days include appropriate school  
43 violence prevention and intervention training, and may require that up  
44 to one such conference day be dedicated for such purpose.

45 S 22. Paragraph e of subdivision 2 of section 4002 of the education  
46 law, as added by chapter 563 of the laws of 1980, is amended to read as  
47 follows:

48 e. Appointment by the commissioner to a state [or state-supported]  
49 school in accordance with article [eighty-five,] eighty-seven or eight-  
50 y-eight of this chapter OR ENROLLMENT IN A STATE-SUPPORTED SCHOOL IN  
51 ACCORDANCE WITH ARTICLE EIGHTY-FIVE OF THIS CHAPTER.

52 S 23. Subdivision 2 of section 4201 of the education law is amended to  
53 read as follows:

54 2. It shall be the duty of the commissioner:

55 a. To inquire into the organization of the several schools and the  
56 methods of instruction employed therein.

1 b. To prescribe courses of study and methods of instruction that will  
2 meet the requirements of the state for the education of [state] pupils  
3 ATTENDING SUCH SCHOOLS.

4 c. [To make appointments of pupils to the several schools, to transfer  
5 such pupils from one school to another as circumstances may require; to  
6 cancel appointments for sufficient reason.

7 d.] To ascertain by a comparison with other similar institutions  
8 whether any improvements in instruction and discipline can be made; and  
9 for that purpose to appoint from time to time, suitable persons to visit  
10 the schools.

11 [e] D. To suggest to the directors of such institutions and to the  
12 legislature such improvements as he shall judge expedient.

13 [f] E. To make an annual report to the legislature on all of the  
14 matters enumerated in this subdivision and particularly as to the condi-  
15 tion of the schools, the improvement of the pupils, and their treatment  
16 in respect to board and lodging.

17 S 24. Section 4203 of the education law is amended to read as follows:

18 S 4203. Persons eligible for [appointment] ENROLLMENT as pupils to  
19 institutions for instruction of the deaf. All deaf children resident in  
20 this state, of the age of three years and upwards and of suitable capac-  
21 ity, and who shall have been resident in this state for one year imme-  
22 diately preceding the application, or, if an orphan, whose nearest  
23 friend shall have been resident in this state for one year immediately  
24 preceding the application, shall be eligible [to appointment] FOR  
25 ENROLLMENT as [state] pupils in one of the institutions for the instruc-  
26 tion of the deaf of this state, authorized by law to receive such  
27 pupils; provided, however, the foregoing requirement as to length of  
28 residence in this state may be waived in the discretion of the commis-  
29 sioner [of education]. PLACEMENT IN SUCH INSTITUTIONS SHALL BE RECOM-  
30 MENDED BY THE COMMITTEE ON SPECIAL EDUCATION, OR COMMITTEE ON PRESCHOOL  
31 SPECIAL EDUCATION WHERE APPLICABLE, OF THE SCHOOL DISTRICT RESPONSIBLE  
32 FOR EDUCATING SUCH PUPIL, AND SUCH RECOMMENDATION MAY INCLUDE THE  
33 PROVISION OF SPECIAL EDUCATION PROGRAMS AND SERVICES IN JULY OR AUGUST  
34 IN ACCORDANCE WITH THE PROVISIONS OF PARAGRAPH A OF SUBDIVISION TWO OF  
35 SECTION FORTY-FOUR HUNDRED TWO OF THIS CHAPTER.

36 S 25. Subdivision 3 of section 4204 of the education law, as amended  
37 by section 51 of part A of chapter 58 of the laws of 2011, is amended to  
38 read as follows:

39 3. The regular term of instruction of any such deaf pupil shall be  
40 twelve years, or until the pupil shall have attained the age of eighteen  
41 years before the expiration of twelve years from the beginning of such  
42 term. The [commissioner] COMMITTEE ON SPECIAL EDUCATION may, in [his]  
43 ITS discretion, [extend] RECOMMEND AN EXTENSION OF the term of any pupil  
44 until his OR HER twenty-first birthday for the purpose of pursuing or  
45 completing academic or vocational courses of study. Such pupils must be  
46 recommended by the trustees of the institution in which they are in  
47 attendance before THE COMMITTEE RECOMMENDS THAT such extension of time  
48 [is granted] BE MADE.

49 S 26. Section 4206 of the education law, as amended by chapter 53 of  
50 the laws of 1990, is amended to read as follows:

51 S 4206. Persons eligible for [appointment] ENROLLMENT as pupils [to]  
52 IN institutions for instruction of the blind. 1. All blind persons of  
53 suitable age and capacity and who shall have been residents in this  
54 state for one year immediately preceding the application or, if a minor,  
55 whose parent or parents, or, if an orphan, whose nearest friend, shall  
56 have been a resident in this state for one year immediately preceding

1 the application, shall be eligible for [appointment] ENROLLMENT as  
2 [state] pupils to the New York Institute for Special Education in the  
3 city of New York or the Lavelle School for the Blind in the city of New  
4 York.

5 2. Blind babies and children of the age of fifteen years and under and  
6 possessing the other qualifications prescribed in this article and  
7 requiring kindergarten training or other special care and instruction,  
8 shall be eligible for [appointment] ENROLLMENT as [state] pupils [by the  
9 commissioner of education at his discretion] in any incorporated insti-  
10 tution furnishing approved care, training and instruction for blind  
11 babies and children, and any such child may be transferred to the New  
12 York Institute for Special Education in the city of New York or the  
13 Lavelle School for the Blind in the city of New York, to which he or she  
14 would otherwise be eligible for [appointment] ENROLLMENT, upon arriving  
15 at suitable age[, in the discretion of the commissioner of education].

16 3. [All such appointments shall be made by the commissioner of educa-  
17 tion.] The requirement of this section as to length of residence in this  
18 state may be waived in the discretion of the commissioner [of educa-  
19 tion].

20 4. PLACEMENT IN SUCH INSTITUTIONS SHALL BE RECOMMENDED BY THE COMMIT-  
21 TEE ON SPECIAL EDUCATION, OR COMMITTEE ON PRESCHOOL SPECIAL EDUCATION  
22 WHERE APPLICABLE, OF THE SCHOOL DISTRICT RESPONSIBLE FOR EDUCATING SUCH  
23 PUPIL, AND SUCH RECOMMENDATION MAY INCLUDE THE PROVISION OF SPECIAL  
24 EDUCATION PROGRAMS AND SERVICES IN JULY OR AUGUST IN ACCORDANCE WITH THE  
25 PROVISIONS OF PARAGRAPH A OF SUBDIVISION TWO OF SECTION FORTY-FOUR  
26 HUNDRED TWO OF THIS CHAPTER.

27 S 27. Subdivisions 3 and 4 of section 4207 of the education law, as  
28 amended by section 54 of part A of chapter 58 of the laws of 2011, are  
29 amended to read as follows:

30 3. The regular term of instruction of any such blind pupil in the New  
31 York Institute for Special Education shall be eight years. The [commis-  
32 sioner] COMMITTEE ON SPECIAL EDUCATION OF THE SCHOOL DISTRICT RESPONSI-  
33 BLE FOR THE EDUCATION OF THE PUPIL, WITH THE CONSENT OF THE TRUSTEES OF  
34 THE NEW YORK INSTITUTE FOR SPECIAL EDUCATION, may in [his] ITS  
35 discretion [extend] RECOMMEND EXTENSION OF the term of any pupil for a  
36 period not exceeding three years. It shall also be lawful for the  
37 [commissioner] COMMITTEE to continue such pupils [as state pupils] for  
38 an additional period of three years for the purpose of pursuing or  
39 completing a course of high school study; such pupils must be recom-  
40 mended by the trustees of the New York Institute for Special Education  
41 before such extension is [granted] RECOMMENDED BY THE COMMITTEE.

42 4. The term of appointment for blind babies and children of the age of  
43 fifteen years and under received into any institution in accordance with  
44 this article shall be at the discretion of the [commissioner] COMMITTEE  
45 ON SPECIAL EDUCATION OR PRESCHOOL COMMITTEE ON SPECIAL EDUCATION OF THE  
46 SCHOOL DISTRICT RESPONSIBLE FOR THE EDUCATION OF THE STUDENT AND THE  
47 TRUSTEES OF THE NEW YORK INSTITUTE FOR SPECIAL EDUCATION.

48 S 28. Section 4213 of the education law, as added by chapter 496 of  
49 the laws of 1986, is amended to read as follows:

50 S 4213. Other persons eligible for [appointment] ENROLLMENT. In  
51 accordance with the provisions of the charter of the New York Institute  
52 for Special Education, and amendments thereto, as issued by the board of  
53 regents, children with [handicapping conditions] DISABILITIES, other  
54 than [handicapping conditions] DISABILITIES which would establish eligi-  
55 bility for [appointment] ENROLLMENT to the schools enumerated in this  
56 article, shall be eligible for [appointment] ENROLLMENT to the New York

1 Institute for Special Education as [state] pupils. The provisions of  
2 this article shall apply but not necessarily be limited to the [appoint-  
3 ment] ENROLLMENT, education, maintenance and support of such pupils.  
4 Such pupils eligible for [appointment] ENROLLMENT, pursuant to this  
5 section, shall be persons over five and under twenty-one years of age  
6 who have not received a high school diploma.

7 S 29. Paragraph d of subdivision 2 of section 4401 of the education  
8 law, as amended by chapter 53 of the laws of 1990, is amended to read as  
9 follows:

10 d. Appointment by the commissioner to a state school in accordance  
11 with article eighty-seven or eighty-eight of this chapter or ENROLLMENT  
12 IN a state-supported school in accordance with article eighty-five of  
13 this chapter.

14 S 30. Subparagraph 2 of paragraph b of subdivision 1 of section 4402  
15 of the education law, as amended by chapter 352 of the laws of 2005, is  
16 amended to read as follows:

17 (2) Such committees [or subcommittees] shall review at least annually,  
18 the status of each student with a disability and each student thought to  
19 be disabled who is identified pursuant to paragraph a of this subdivi-  
20 sion. Such review shall consider the educational progress and achieve-  
21 ment of the student with a disability and the student's ability to  
22 participate in instructional programs in regular education.

23 S 30-a. Subparagraph 2 of paragraph b of subdivision 1 of section 4402  
24 of the education law, as amended by chapter 82 of the laws of 1995, is  
25 amended to read as follows:

26 (2) Such committees [or subcommittees] shall identify, review and  
27 evaluate at least annually, the status of each child with a handicapping  
28 condition and each child thought to be handicapped who resides within  
29 the school district. Such review shall consider the educational progress  
30 and achievement of the child with a handicapping condition and the  
31 child's ability to participate in instructional programs in regular  
32 education.

33 S 31. Subparagraph 2 of paragraph b of subdivision 2 of section 4402  
34 of the education law, as amended by chapter 391 of the laws of 1989, is  
35 amended to read as follows:

36 (2) The board shall select the most reasonable and appropriate special  
37 service or program for such children from those programs specified in  
38 paragraphs a, b, c, d, e, f, g, h, i, k, l and m of subdivision two of  
39 section forty-four hundred one of this article upon receipt of the  
40 recommendation of the committee on special education. All contracts with  
41 schools pursuant to the provisions of paragraphs d, e, f, g, h, l and m  
42 of subdivision two of section forty-four hundred one of this article  
43 shall be subject to the approval of the commissioner. All contracts  
44 under paragraph c of subdivision two of section forty-four hundred one  
45 shall be made in accordance with the provisions of subdivision four of  
46 section nineteen hundred fifty of this chapter. No child shall be placed  
47 in a residential school nor shall a board recommend placement in a resi-  
48 dential facility specified in paragraph j of subdivision two of section  
49 forty-four hundred one unless there is no appropriate nonresidential  
50 school available consistent with the needs of the child. The board  
51 shall provide written notice of its determination to the parent or legal  
52 guardian of such child. If the determination of the board of education  
53 is not consistent with the recommendations of the committee on special  
54 education, such notice shall include the statement of the reasons for  
55 such determination which shall identify the factors considered by the  
56 committee on special education in its evaluation.

1 S 32. The opening paragraph of subparagraph 3 and subparagraph 3-a of  
2 paragraph b of subdivision 1 of section 4402 of the education law, the  
3 opening paragraph of subparagraph 3 as amended by chapter 53 of the laws  
4 of 1991 and subparagraph 3-a as added by chapter 630 of the laws of  
5 2008, are amended to read as follows:

6 The committee [or when applicable the subcommittee] shall:

7 (3-a) The members of the committee [or subcommittee] may compile a  
8 list of appropriate and/or helpful services that may be available  
9 outside of the school setting to provide the parents or person in  
10 parental relation of a child with a disability with such information.  
11 Such list shall clearly state that these services are in addition to  
12 services supplied by the school district and will not be paid for by the  
13 school district. Any member of a committee [or subcommittee] or his or  
14 her respective school district who, acting reasonably and in good faith,  
15 provides such information shall not be liable for such action.

16 S 33. Clause h of subparagraph 3 of paragraph b of subdivision 1 of  
17 section 4402 of the education law is REPEALED.

18 S 34. Subdivisions 8 and 9 of section 4403 of the education law, as  
19 amended by chapter 273 of the laws of 1986, are amended to read as  
20 follows:

21 8. To develop and distribute a handbook for parents of handicapped  
22 children and the members of committees [and subcommittees] on special  
23 education, which handbook shall explain, in layman terms, the financial  
24 and educational obligations of the state, the county or city, the home  
25 school district, the committee on special education, and the parent or  
26 legal guardian of a handicapped child, the special services or programs  
27 available pursuant to this article, and the legal procedures available  
28 to an aggrieved parent or legal guardian of a handicapped child.

29 9. To make provision by regulation of the commissioner to assure the  
30 confidentiality of any personally identifiable data, information, and  
31 records collected or maintained by the state department of education or  
32 any school district, including a committee [or subcommittee] on special  
33 education, and the officers, employees or members thereof, pursuant to  
34 or in furtherance of the purposes of this article, and shall establish  
35 procedures upon which any such personally identifiable data, informa-  
36 tion, or records may be disclosed.

37 S 35. Subdivision 17 of section 4403 of the education law, as amended  
38 by chapter 53 of the laws of 1987, is amended to read as follows:

39 17. Commencing with the nineteen hundred eighty-seven--eighty-eight  
40 school year, to provide for instruction during the months of July and  
41 August of students with [handicapping conditions] DISABILITIES who have  
42 received state appointments pursuant to article [eighty-five,] eighty-  
43 seven or eighty-eight of this chapter, and whose [handicapping condi-  
44 tions, in the judgment of the commissioner,] DISABILITIES are severe  
45 enough to exhibit the need for a structured learning environment of  
46 twelve months duration to maintain developmental levels, by making such  
47 appointments for twelve months; provided that the initial term of  
48 appointment of a student with a [handicapping condition] DISABILITY who  
49 is the minimum age eligible for such a state appointment shall not  
50 commence during the months of July or August.

51 S 36. The opening paragraph and clauses (a), (b) and (c) of subpara-  
52 graph 1 of paragraph b of subdivision 1 of section 4402 of the education  
53 law, the opening paragraph, clauses (a) and (c) as amended by chapter  
54 311 of the laws of 1999, subclause (viii) of clause (a) as amended by  
55 chapter 194 of the laws of 2004 and clause (b) as amended by chapter 378  
56 of the laws of 2007, are amended to read as follows:

1 The board of education or trustees of each school district shall  
2 establish committees [and/or subcommittees] on special education as  
3 necessary to ensure timely evaluation and placement of pupils. The board  
4 of education of the city school district of the city of New York, shall  
5 establish at least one committee on special education in each of its  
6 community school districts, provided that appointments to the community  
7 school district committees shall be made upon the approval of the commu-  
8 nity school board except that the board of education of the city school  
9 district of the city of New York, may establish one committee to serve  
10 more than one community school district, in which case, appointments  
11 thereto shall be made upon the joint approval of the affected community  
12 school boards; provided, however, that prior to such consolidation, the  
13 board shall consider the relative caseload of the committee on special  
14 education in each affected community school district, including but not  
15 limited to the following factors: the number of students evaluated by  
16 such committee; the number of referrals to special education in such  
17 community school district; the ability to comply with mandated paperwork  
18 and timelines; and other issues which the board deems pertinent.

19 (a) Such committees shall be composed of at least the following  
20 members: (i) the parents or persons in parental relationship to the  
21 student; (ii) one regular education teacher of the student whenever the  
22 student is or may be participating in the regular education environment;  
23 (iii) one special education teacher of the student, or, if appropriate,  
24 a special education provider of the student; (iv) a school psychologist  
25 WHERE THE PURPOSE OF THE MEETING IS TO DETERMINE A STUDENT'S INITIAL  
26 ELIGIBILITY FOR SPECIAL EDUCATION; (v) a representative of such school  
27 district who is qualified to provide or administer or supervise special  
28 education and is knowledgeable about the general curriculum and the  
29 availability of resources of the school district; (vi) an individual who  
30 can interpret the instructional implications of evaluation results;  
31 (vii) [a school physician; (viii) an additional parent, residing in the  
32 school district or a neighboring school district, of a student with a  
33 disability, of a student who has been declassified and is no longer  
34 eligible for an individualized education program (IEP), or a parent of a  
35 disabled child who has graduated, for a period of five years beyond the  
36 student's declassification or graduation, provided such parent shall not  
37 be employed by or under contract with the school district, and provided  
38 further that such additional parent shall not be a required member if  
39 the parents request that such additional parent member not participate;  
40 (ix)] such other persons having knowledge or special expertise regarding  
41 the student as the school district or the parents or persons in parental  
42 relationship to the student shall designate, to the extent required  
43 under federal law; and [(x)] (VIII) if appropriate, the student.

44 (b) In determining the composition of such committee pursuant to  
45 clause (a) of this subparagraph, a school district may determine that a  
46 member appointed pursuant to one of subclause (ii), (iii), (iv), (v) or  
47 [(ix)] (VII) of clause (a) of this subparagraph also fulfills the  
48 requirement of subclause (vi) of clause (a) of this subparagraph of a  
49 member who is an individual who can interpret the instructional impli-  
50 cations of evaluation results where such individuals are determined by  
51 the school district to have the knowledge and expertise to do so and/or  
52 that a member appointed pursuant to subclause (iii) or (iv) of clause  
53 (a) of this subparagraph also fulfills the requirement of subclause (v)  
54 of clause (a) of this subparagraph of a member who is a representative  
55 of the school district. The regular education teacher of the student  
56 shall participate in the development, review and revision of the indi-

1 individualized education program for the student, to the extent required  
2 under federal law. [The school physician need not be in attendance at  
3 any meeting of the committee on special education unless specifically  
4 requested in writing, at least seventy-two hours prior to such meeting  
5 by the parents or other person in parental relation to the student in  
6 question, the student, or a member of the committee on special educa-  
7 tion. The parents or persons in parental relation of the student in  
8 question shall receive proper written notice of their right to have the  
9 school physician attend the meetings of the committee on special educa-  
10 tion upon referral of said student to the committee on special education  
11 or whenever such committee plans to modify or change the identification,  
12 evaluation or educational placement of the student and their right to  
13 request that an additional parent member not participate at any meeting  
14 of the committee regarding the student.] The committee shall invite the  
15 appropriate professionals most familiar with a student's disability or  
16 disabilities to attend any meeting concerning the educational program  
17 for such student. Except as otherwise provided in this clause or clause  
18 (b-1) or (b-2) of this subparagraph, all members of such committee shall  
19 attend meetings of the committee on special education.

20 Members of such committee shall serve at the pleasure of such board  
21 and members who are neither employees of nor under contract with such  
22 district shall serve without compensation except that such members shall  
23 be entitled to a per diem to defray expenses incurred in such service,  
24 provided, however, that any expense incurred shall be deemed an aidable  
25 operating expense for purposes of state aid.

26 (c) Districts not having available personnel may share the services of  
27 a local committee on special education with another school district or  
28 contract with a board of cooperative educational services for such  
29 personnel pursuant to regulations of the commissioner. [A district  
30 having a subcommittee on special education may share the services of a  
31 local committee on special education with another school district,  
32 provided that a representative of such school district who is qualified  
33 to provide or administer or supervise special education and is know-  
34 ledgeable about the general curriculum and the availability of resources  
35 of the school district shall be a member of such committee when it  
36 convenes on behalf of a student who is a resident of such district.]

37 S 36-a. Clause (b) of subparagraph 1 of paragraph b of subdivision 1  
38 of section 4402 of the education law, as amended by chapter 311 of the  
39 laws of 1999, is amended to read as follows:

40 (b) In determining the composition of such committee pursuant to  
41 clause (a) of this subparagraph, a school district may determine that a  
42 member appointed pursuant to one of subclause (ii), (iii), (iv), (v) or  
43 [(ix)] (VII) of clause (a) of this subparagraph also fulfills the  
44 requirement of subclause (vi) of clause (a) of this subparagraph of a  
45 member who is an individual who can interpret the instructional impli-  
46 cations of evaluation results where such individuals are determined by  
47 the school district to have the knowledge and expertise to do so and/or  
48 that a member appointed pursuant to subclause (iii) or (iv) of clause  
49 (a) of this subparagraph also fulfills the requirement of subclause (v)  
50 of clause (a) of this subparagraph of a member who is a representative  
51 of the school district. The regular education teacher of the student  
52 shall participate in the development, review and revision of the indi-  
53 vidualized education program for the student, to the extent required  
54 under federal law. [The school physician need not be in attendance at  
55 any meeting of the committee on special education unless specifically  
56 requested in writing, at least seventy-two hours prior to such meeting

1 by the parents or other person in parental relationship to the student  
2 in question, the student, or a member of the committee on special educa-  
3 tion. The parents or persons in parental relationship of the student in  
4 question shall receive proper written notice of their right to have the  
5 school physician attend the meetings of the committee on special educa-  
6 tion upon referral of said student to the committee on special education  
7 or whenever such committee plans to modify or change the identification,  
8 evaluation or educational placement of the student and their right to  
9 request that an additional parent member not participate at any meeting  
10 of the committee regarding the student. The committee shall invite the  
11 appropriate professionals most familiar with a student's disability or  
12 disabilities to attend any meeting concerning the educational program  
13 for such student. Members of such committee shall serve at the pleasure  
14 of such board and members who are neither employees of nor under  
15 contract with such district shall serve without compensation except that  
16 such members shall be entitled to a per diem to defray expenses incurred  
17 in such service, provided, however, that any expense incurred shall be  
18 deemed an aidable operating expense for purposes of state aid.]

19 S 37. Clause (d) of subparagraph 1 of paragraph b of subdivision 1 of  
20 section 4402 of the education law is REPEALED.

21 S 38. Clause (d-2) of subparagraph 3 of paragraph b of subdivision 1  
22 of section 4402 of the education law is REPEALED.

23 S 39. Subparagraphs 5 and 7 of paragraph b of subdivision 1 of section  
24 4402 of the education law, subparagraph 5 as amended by chapter 256 of  
25 the laws of 1988 and subparagraph 7 as amended by chapter 194 of the  
26 laws of 1991, are amended to read as follows:

27 (5) The committee on special education or, in the case of a state  
28 operated school, the multidisciplinary team shall [provide written  
29 notice that a child who is placed in those residential programs speci-  
30 fied in paragraphs d, g, h and l of subdivision two of section forty-  
31 four hundred one of this article is not entitled to receive tuition free  
32 educational services after the age of twenty-one, the receipt of a high  
33 school diploma or the time described in subdivision five of this  
34 section. Such written notice shall be provided to the child and to the  
35 parents or legal guardian of such child when such child attains the age  
36 of eighteen or, if such child is over the age of eighteen when placed in  
37 such a residential program, at the time of placement. Upon the first  
38 annual review after the age of fifteen of a child who is receiving non-  
39 residential special services or programs as specified in paragraph a, b,  
40 c, d, e, f, i, j, l or m of subdivision two of section forty-four  
41 hundred one of this article, or is receiving special services or  
42 programs in a day program at the human resources school; is receiving  
43 such special services or programs one hundred per centum of the school  
44 day; is receiving individualized attention or intervention because of  
45 intensive management needs or a severe handicap; and, as determined by  
46 the committee on special education or multidisciplinary team pursuant to  
47 regulations promulgated by the commissioner, may need adult services  
48 from the office of mental health, office of mental retardation and  
49 developmental disabilities, the state department of social services, a  
50 social services district, or the state education department, the commit-  
51 tee or multidisciplinary team shall provide to such child's parent or  
52 guardian, and if such child is eighteen years of age or older, to the  
53 child, written notice that such child is not entitled to receive tuition  
54 free educational services after the receipt of a high school diploma,  
55 the age of twenty-one or the time described in subdivision five of this  
56 section] NOT LATER THAN THE ANNUAL REVIEW PRIOR TO THE EIGHTEENTH BIRTH-

1 DAY OF A STUDENT WITH A DISABILITY WHO IS PLACED IN A RESIDENTIAL  
2 PROGRAM BY THE COMMITTEE OR MULTIDISCIPLINARY TEAM, OR A STUDENT WITH A  
3 DISABILITY WHO IS PLACED IN A DAY PROGRAM BUT THE COMMITTEE OR MULTIDIS-  
4 CIPLINARY TEAM HAS DETERMINED THAT THE STUDENT IS LIKELY TO REQUIRE  
5 ADULT RESIDENTIAL SERVICES, WITH THE CONSENT OF THE PARENTS, NOTIFY AND  
6 INVITE A REPRESENTATIVE OF THE OFFICE OF MENTAL HEALTH, OFFICE FOR  
7 PEOPLE WITH DEVELOPMENTAL DISABILITIES, OR THE STATE EDUCATION DEPART-  
8 MENT, AS APPROPRIATE, TO PARTICIPATE IN THE COMMITTEE ON SPECIAL EDUCA-  
9 TION MEETING FOR THE DEVELOPMENT OF A RECOMMENDATION FOR ADULT SERVICES  
10 PURSUANT TO SECTIONS 7.37 OR 13.37 OF THE MENTAL HYGIENE LAW, SECTION  
11 THREE HUNDRED NINETY-EIGHT-C OF THE SOCIAL SERVICES LAW OR SECTION  
12 FORTY-FOUR HUNDRED THREE OF THIS ARTICLE. THE COMMITTEE OR MULTIDISCI-  
13 PLINARY TEAM SHALL GIVE THE PARENT OR GUARDIAN OF THE CHILD, THE OPPOR-  
14 TUNITY TO CONSENT IN WRITING TO THE RELEASE OF RELEVANT INFORMATION TO  
15 SUCH OTHER PUBLIC AGENCY OR AGENCIES, UPON REQUEST OF SUCH AGENCY OR  
16 AGENCIES, FOR PURPOSES OF DETERMINING APPROPRIATENESS OF AN ADULT  
17 PROGRAM FOR SUCH STUDENT.

18 (a) [Written notice given pursuant to this subparagraph shall describe  
19 in detail the opportunity to consent to have the child's name and other  
20 relevant information forwarded in a report to the commissioner of mental  
21 health, commissioner of mental retardation and developmental disabili-  
22 ties, commissioner of social services, or commissioner of education, or  
23 their designees, for the purpose of determining whether such child will  
24 likely need adult services and, if so, recommending possible adult  
25 services.] For the purposes of this subparagraph "relevant information"  
26 shall be defined as that information in the possession of and used by  
27 the committee or the multidisciplinary team to ascertain the physical,  
28 mental, emotional and cultural-educational factors which contribute to  
29 the [child's handicapping condition] STUDENT'S DISABILITY, including but  
30 not limited to: (i) results of physical and psychological examinations  
31 performed by private and school district physicians and psychologists;  
32 (ii) relevant information presented by the parent, guardian and teacher;  
33 (iii) school data which bear on the [child's] STUDENT'S progress includ-  
34 ing the [child's] STUDENT'S most recent individualized education  
35 program; (iv) results of the most recent examinations and evaluations  
36 performed pursuant to clause (d) of subparagraph three of this para-  
37 graph; and (v) results of other suitable evaluations and examinations  
38 possessed by the committee or multidisciplinary team. Nothing in this  
39 subparagraph shall be construed to require any committee or multidisci-  
40 plinary team to perform any examination or evaluation not otherwise  
41 required by law.

42 (b) Upon consent obtained pursuant to clause [(c)] (A) of this subpar-  
43 agraph, the committee or multidisciplinary team shall forward the  
44 [child's] STUDENT'S name and other relevant information in a report to  
45 the [commissioner of mental health, commissioner of mental retardation  
46 and developmental disabilities, commissioner of social services, or  
47 commissioner of education, or their designees, for the development of a  
48 recommendation for adult services pursuant to section 7.37 or 13.37 of  
49 the mental hygiene law, section three hundred ninety-eight-c of the  
50 social services law or subdivision ten of section forty-four hundred  
51 three of this article. The] APPROPRIATE PUBLIC AGENCY AS DETERMINED BY  
52 THE committee or multidisciplinary team [shall determine which commis-  
53 sioner shall receive the report by considering], BASED UPON the [child's  
54 handicapping condition] STUDENT'S DISABILITY and physical, mental,  
55 emotional and social needs. The committee shall forward additional and  
56 updated relevant information to the [commissioner of mental health,

1 commissioner of mental retardation and developmental disabilities,  
2 commissioner of social services, or commissioner of education, or their  
3 designees,] APPROPRIATE PUBLIC AGENCY upon the request for such informa-  
4 tion by such [commissioner or designee] AGENCY, WITH THE CONSENT OF THE  
5 PARENTS OR THE STUDENT, IF SUCH STUDENT IS EIGHTEEN YEARS OF AGE OR  
6 OLDER.

7 (c) [Upon receipt of the notice by the child pursuant to this subpara-  
8 graph, the child, if eighteen years of age or older, shall be given the  
9 opportunity to consent or withhold consent to the release of the rele-  
10 vant information. Such opportunity shall be given within twenty days of  
11 the receipt of the notice. An appropriate member of the staff of the  
12 educational facility shall be available to assist the child, if neces-  
13 sary, to understand the contents of the notice and the need for his or  
14 her consent for the release of the relevant information. A form,  
15 prescribed by the commissioner, shall be presented to the child for  
16 response, which shall clearly set forth the options of giving consent or  
17 withholding consent. In the event that the child exercises neither  
18 option, and the designated member of the staff of the educational facil-  
19 ity has reason to believe that the child may not be able to understand  
20 the purpose of the form, or in the event that the child is less than  
21 eighteen years of age, the committee on special education or the multi-  
22 disciplinary team shall give the parent or guardian of the child the  
23 opportunity to consent in writing to the release of the relevant infor-  
24 mation. Nothing in this clause shall be construed to be a determination  
25 of the child's mental capacity.

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

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

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

53 [(7)] (6) The committee on special education shall provide a copy of  
54 the handbook for parents of children with [handicapping conditions]  
55 DISABILITIES established under subdivision eight of section four thou-  
56 sand four hundred three of this article or a locally approved [hand-

1 icapped] booklet FOR PARENTS OF CHILDREN WITH DISABILITIES to the  
2 parents or person in parental relationship to a child as soon as practi-  
3 cable after such child has been referred for evaluation to the committee  
4 on special education.

5 S 40. Paragraph a of subdivision 2 of section 4402 of the education  
6 law, as amended by chapter 243 of the laws of 1989, is amended to read  
7 as follows

8 a. The board of education or trustees of each school district shall be  
9 required to furnish suitable educational opportunities for [children  
10 with handicapping conditions] STUDENTS WITH DISABILITIES by one of the  
11 special services or programs listed in subdivision two of section  
12 forty-four hundred one. The need of the individual child shall determine  
13 which of such services shall be rendered. Each district shall provide to  
14 the maximum extent appropriate such services in a manner which enables  
15 [children with handicapping conditions] STUDENTS WITH DISABILITIES to  
16 participate in regular education services when appropriate. Such  
17 services or programs shall be furnished between the months of September  
18 and June of each year, except that for the nineteen hundred eighty-sev-  
19 en--eighty-eight school year and thereafter, with respect to the  
20 students whose [handicapping conditions] DISABILITIES are severe enough  
21 to exhibit the need for a structured learning environment of twelve  
22 months duration to maintain developmental levels, the board of education  
23 or trustees of each school district upon the recommendation of the  
24 committee on special education [and, in the first instance, the consent  
25 of the parent] shall also provide, either directly or by contract, for  
26 the provision of special services and programs as defined in section  
27 forty-four hundred one of this article during the months of July and  
28 August as contained in the individualized education program for each  
29 eligible [child] STUDENT, and with prior approval by the commissioner if  
30 required; provided that [(i) a student with a handicapping condition who  
31 is first eligible to attend public school in the nineteen hundred eight-  
32 y-seven--eighty-eight school year shall not be eligible to receive  
33 services pursuant to this paragraph during the months of July and August  
34 nineteen hundred eighty-seven and (ii) a student with a handicapping  
35 condition who is first eligible to attend public school in the nineteen  
36 hundred eighty-eight--eighty-nine school year shall not be eligible to  
37 receive services pursuant to this paragraph during the months of July  
38 and August nineteen hundred eighty-eight and (iii) a student with a  
39 handicapping condition who is eligible for services during the months of  
40 July and August nineteen hundred eighty-nine pursuant to the provisions  
41 of subdivision six of section forty-four hundred ten of this article  
42 shall not be eligible to receive services pursuant to this paragraph  
43 during such months and (iv)] a student with a [handicapping condition]  
44 DISABILITY who is eligible for services, including services during the  
45 months of July and August, pursuant to section forty-four hundred ten of  
46 this article shall not be eligible to receive services pursuant to this  
47 paragraph during the months of July and August.

48 S 41. Paragraph d of subdivision 4 of section 4402 of the education  
49 law, as amended by chapter 646 of the laws of 1992, is amended to read  
50 as follows

51 d. Notwithstanding any other provision of law, such board shall  
52 provide suitable transportation up to a distance of fifty miles to and  
53 from a nonpublic school which a [child] STUDENT with a [handicapping  
54 condition] DISABILITY attends if such [child] STUDENT has been so iden-  
55 tified by the local committee on special education and such [child]  
56 STUDENT attends such school for the purpose of receiving services or

1 programs FROM SUCH NONPUBLIC SCHOOL THAT ARE similar to special [educa-  
2 tional programs] EDUCATION PROGRAMS AND SERVICES recommended for such  
3 [child] STUDENT by the local committee on special education. NOTWITH-  
4 STANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, A NONPUBLIC STUDENT  
5 RECEIVING TRANSPORTATION PURSUANT TO THIS PARAGRAPH SHALL NOT BE ENTI-  
6 TLED TO SPECIAL EDUCATION PROGRAMS AND SERVICES FROM THE SCHOOL DISTRICT  
7 OF LOCATION PURSUANT TO SECTION THIRTY-SIX HUNDRED TWO-C OF THIS CHAP-  
8 TER. AS A CONDITION OF ELIGIBILITY FOR SUCH TRANSPORTATION, THE PARENT  
9 OR PERSON IN PARENTAL RELATION TO THE STUDENT SHALL CONSENT TO THE  
10 PROVISION OF NOTICE BY THE SCHOOL DISTRICT OF RESIDENCE TO THE CHAIR-  
11 PERSON OF THE COMMITTEE ON SPECIAL EDUCATION OF THE SCHOOL DISTRICT IN  
12 WHICH THE NONPUBLIC SCHOOL IS LOCATED IDENTIFYING SUCH STUDENT, BY NAME,  
13 ADDRESS AND SCHOOL OF ATTENDANCE, AS A STUDENT RECEIVING TRANSPORTATION  
14 PURSUANT TO THIS PARAGRAPH. THE SCHOOL DISTRICT OF RESIDENCE SHALL  
15 PROVIDE SUCH NOTICE NO LATER THAN THIRTY DAYS AFTER COMMENCING SUCH  
16 TRANSPORTATION.

17 S 42. Subdivision 18 of section 4403 of the education law is REPEALED.

18 S 43. Paragraph a of subdivision 1 of section 4404 of the education  
19 law, as amended by chapter 430 of the laws of 2006, is amended to read  
20 as follows:

21 a. If the parent or person in parental relation of a student, the  
22 board of education or trustees of a school district or a state agency  
23 responsible for providing education to students with disabilities  
24 presents a complaint with respect to any matter relating to the iden-  
25 tification, evaluation or educational placement of the student or the  
26 provision of a free appropriate public education to the student or a  
27 manifestation determination or other matter relating to placement upon  
28 discipline of a student with a disability that may be the subject of an  
29 impartial hearing pursuant to subsection (k) of section fourteen hundred  
30 fifteen of title twenty of the United States code and the implementing  
31 federal regulations, and the party presenting the complaint or their  
32 attorney provides a due process complaint notice in accordance with  
33 federal law and regulations and such complaint sets forth an alleged  
34 violation that occurred not more than [two years] ONE YEAR before the  
35 date the parent or public agency knew or should have known about the  
36 alleged action that forms the basis for the complaint, OR IN THE CASE OF  
37 A COMPLAINT SEEKING TUITION REIMBURSEMENT FOR THE UNILATERAL PARENTAL  
38 PLACEMENT OF A STUDENT IN A PRIVATE SCHOOL, SUCH TUITION CLAIM IS  
39 PRESENTED NOT MORE THAN ONE HUNDRED EIGHTY DAYS FROM THE PLACEMENT BY  
40 THE PARENT OR PERSON IN PARENTAL RELATION IN THE PRIVATE SCHOOL,  
41 PROVIDED THAT THE STUDENT SHALL BE DEEMED PLACED FOR SUCH PURPOSE ON THE  
42 FIRST DAY THE STUDENT IS ENROLLED IN AND IS LIABLE FOR TUITION IN THE  
43 PRIVATE SCHOOL, the board or agency shall appoint an impartial hearing  
44 officer to review the due process complaint notice when challenged and,  
45 if the matter is not resolved in a resolution session that has been  
46 convened as required by federal law, to preside over an impartial due  
47 process hearing and make a determination within such period of time as  
48 the commissioner by regulation shall determine, provided that the board  
49 of education or trustees shall offer the parent or person in parental  
50 relation the option of mediation pursuant to section forty-four hundred  
51 four-a of this article as an alternative to an impartial hearing. Where  
52 the parent or person in parental relation or a school district or public  
53 agency presents a complaint, the school district or public agency  
54 responsible for appointing the impartial hearing officer shall provide  
55 the parent or person in parental relation with a procedural safeguards  
56 notice as required pursuant to subsection (d) of section fourteen

1 hundred fifteen of title twenty of the United States code and the imple-  
2 menting federal regulations. Notwithstanding any provision of this  
3 subdivision to the contrary, the time limitation on presenting a  
4 complaint shall not apply to a parent or person in parental relation to  
5 the student if the parent or person in parental relation was prevented  
6 from requesting the impartial hearing due to specific misrepresentations  
7 by the school district or other public agency that it had resolved the  
8 problem forming the basis of the complaint or due to the school  
9 district's or other public agency's withholding of information from the  
10 parent or person in parental relation that was required under federal  
11 law to be provided. Nothing in this subdivision shall be construed to  
12 authorize the board of education or trustees to bring an impartial hear-  
13 ing to override the refusal of a parent or person in parental relation  
14 to consent where a local educational agency is prohibited by federal law  
15 from initiating such a hearing.

16 S 44. Subparagraph 1 of paragraph a of subdivision 3 of section 4410  
17 of the education law, as amended by chapter 378 of the laws of 2007, is  
18 amended to read as follows:

19 (1) Such board shall ensure that such committee is composed of at  
20 least the following members: (i) the parents of the preschool child;  
21 (ii) a regular education teacher of such child, whenever the child is or  
22 may be participating in a regular education environment; (iii) a special  
23 education teacher of the child or, if appropriate, a special education  
24 provider of the child; (iv) an appropriate professional employed by the  
25 school district who is qualified to provide, or supervise the provision  
26 of, special education, who is knowledgeable about the general curriculum  
27 of the school district and the availability of preschool special educa-  
28 tion programs and services and other resources in the school district  
29 and the municipality, and who shall serve as chairperson of the commit-  
30 tee; (v) [an additional parent of a child with a disability who resides  
31 in the school district or a neighboring school district and whose child  
32 is enrolled in a preschool or elementary level education program,  
33 provided that such parent shall not be employed by or under contract  
34 with the school district or municipality, and provided further that such  
35 additional parent shall not be a required member if the parents request  
36 that such additional parent member not participate; (vi)] an individual  
37 who can interpret the instructional implications of evaluation results,  
38 provided that such individual may be the member appointed pursuant to  
39 clause (ii), (iii), (iv) or [(vii)] (VI) of this subparagraph where such  
40 individuals are determined by the school district to have the knowledge  
41 and expertise to do so; [(vii)] OR (VI) such other persons having know-  
42 ledge or expertise regarding the child as the board or the parents shall  
43 designate, to the extent required under federal law; and for a child in  
44 transition from programs and services provided pursuant to applicable  
45 federal laws relating to early intervention services, at the request of  
46 the parent or person in parental relation to the child, the appropriate  
47 professional designated by the agency that has been charged with the  
48 responsibility for the preschool child pursuant to said applicable  
49 federal laws. In addition, the chief executive officer of the munici-  
50 pality of the preschool child's residence shall appoint an appropriately  
51 certified or licensed professional to the committee. Attendance of the  
52 appointee of the municipality shall not be required for a quorum.

53 S 44-a. Subparagraph 1 of paragraph a of subdivision 3 of section 4410  
54 of the education law, as amended by chapter 311 of the laws of 1999, is  
55 amended to read as follows:

1 (1) Such board shall ensure that such committee is composed of at  
2 least the following members: (i) the parents of the preschool child;  
3 (ii) a regular education teacher of such child, whenever the child is or  
4 may be participating in a regular education environment; (iii) a special  
5 education teacher of the child or, if appropriate, a special education  
6 provider of the child; (iv) an appropriate professional employed by the  
7 school district who is qualified to provide, or supervise the provision  
8 of, special education, who is knowledgeable about the general curriculum  
9 of the school district and the availability of preschool special educa-  
10 tion programs and services and other resources in the school district  
11 and the municipality, and who shall serve as chairperson of the commit-  
12 tee; (v) [an additional parent of a child with a disability who resides  
13 in the school district or a neighboring school district and whose child  
14 is enrolled in a preschool or elementary level education program,  
15 provided that such parent shall not be employed by or under contract  
16 with the school district or municipality, and provided further that such  
17 additional parent shall not be a required member if the parents request  
18 that such additional parent member not participate; (vi)] an individual  
19 who can interpret the instructional implications of evaluation results,  
20 provided that such individual may be the member appointed pursuant to  
21 clause (ii), (iii), (iv) or [(vii)] (VI) of this subparagraph where such  
22 individuals are determined by the school district to have the knowledge  
23 and expertise to do so; [(vii)] OR (VI) such other persons having know-  
24 ledge or expertise regarding the child as the board or the parents shall  
25 designate, to the extent required under federal law; and for a child in  
26 transition from programs and services provided pursuant to applicable  
27 federal laws relating to early intervention services, the appropriate  
28 professional designated by the agency that has been charged with the  
29 responsibility for the preschool child pursuant to said applicable  
30 federal laws. In addition, the chief executive officer of the munici-  
31 pality of the preschool child's residence shall appoint an appropriately  
32 certified or licensed professional to the committee. Attendance of the  
33 appointee of the municipality shall not be required for a quorum.

34 S 45. Paragraph b of subdivision 4 of section 4410 of the education  
35 law, as added by chapter 243 of the laws of 1989, is amended to read as  
36 follows:

37 b. Each board shall, within time limits established by the commission-  
38 er, be responsible for providing the parent of a preschool child  
39 suspected of having a [handicapping condition] DISABILITY with a list of  
40 approved evaluators in the geographic area. The [parent may select the  
41 evaluator from such list] SCHOOL DISTRICT SHALL, AFTER PROVIDING THE  
42 PARENT WITH A LIST OF APPROVED PRESCHOOL EVALUATORS AND OBTAINING PARENT  
43 CONSENT TO EVALUATE, ARRANGE FOR AN EVALUATION BY THE SERVICE PROVIDER  
44 SELECTED BY THE DISTRICT WHO CAN PROVIDE THE EVALUATION OF THE STUDENT  
45 WITHIN THE TIMELINE REQUIRED BY THE DEPARTMENT. IN SELECTING THE EVALU-  
46 ATOR, THE DISTRICT SHALL CONSIDER THE PARENT'S EXPRESSED PREFERENCE, IF  
47 ANY, FOR THE EVALUATOR. Each board shall provide for dissemination of  
48 the list and other information to parents at appropriate sites including  
49 but not limited to pre-kindergarten, day care, head start programs and  
50 early childhood direction centers, pursuant to regulations of the  
51 commissioner.

52 S 46. Paragraphs (a) and (c) of subdivision 9-a of section 4410 of the  
53 education law, paragraph (a) as amended by chapter 581 of the laws of  
54 2011 and paragraph (c) as added by chapter 82 of the laws of 1995, are  
55 amended to read as follows:

1 (a) A [school district or a] group of appropriately licensed and/or  
2 certified professionals associated with a public or private agency may  
3 apply to the commissioner for approval as an evaluator on a form  
4 prescribed by the commissioner. The commissioner shall approve evalu-  
5 ators pursuant to this subdivision consistent with the approval process  
6 for the multi-disciplinary evaluation component of programs approved  
7 pursuant to subdivision nine of this section consistent with regulations  
8 adopted pursuant to such subdivision. ALL SCHOOL DISTRICTS ARE DEEMED  
9 APPROVED EVALUATORS OF PRESCHOOL STUDENTS SUSPECTED OF HAVING A DISABIL-  
10 ITY WITHOUT THE NEED TO SUBMIT AN APPLICATION TO THE COMMISSIONER.

11 Such application shall include, but not be limited to, a description  
12 of the multi-disciplinary evaluation services proposed to be provided  
13 and a demonstration that all agency employees and staff who provide such  
14 evaluation services shall have appropriate licensure and/or certifi-  
15 cation and that the individual who shall have direct supervision  
16 responsibilities over such staff shall have an appropriate level of  
17 experience in providing evaluation or services to preschool or kinder-  
18 garten-aged children with disabilities. To be eligible for approval as  
19 an evaluator under this subdivision on and after July first, two thou-  
20 sand eleven, a group of appropriately licensed or certified profes-  
21 sionals shall be formed as a limited liability company or professional  
22 services corporation established pursuant to article fifteen of the  
23 business corporation law, article twelve or thirteen of the limited  
24 liability company law or article eight-B of the partnership law. The  
25 approval of any groups of licensed or certified professionals that are  
26 in existence on July first, two thousand eleven and would not be eligi-  
27 ble for approval thereafter shall terminate on July first, two thousand  
28 thirteen.

29 (c) The commissioner shall establish a billing and reimbursement  
30 system for services provided by SCHOOL DISTRICTS AND evaluators approved  
31 pursuant to the provisions of this subdivision consistent with billing  
32 and reimbursement for evaluation services provided by evaluators  
33 approved pursuant to the provisions of subdivision nine of this section.

34 S 47. Paragraph c of subdivision 1 of section 4410-b of the education  
35 law, as added by chapter 6 of the laws of 2000, is amended to read as  
36 follows:

37 c. "IEP team" means a committee on special education, [a subcommittee  
38 on special education,] OR a committee on preschool special education [or  
39 a subcommittee on preschool special education].

40 S 48. This act shall take effect July 1, 2012, provided that in the  
41 event this act shall become a law after such date, it shall take effect  
42 immediately and shall be deemed to have been in full force and effect on  
43 and after July 1, 2012 and provided further, that nothing in section  
44 twelve of this act shall be construed to require the retrofitting of  
45 school buses purchased prior to the effective date of this act, and  
46 provided further that:

47 (a) the amendments to paragraph a of subdivision 14 of section 305 of  
48 the education law made by section five of this act shall be subject to  
49 the expiration and reversion of such paragraph pursuant to chapter 698  
50 of the laws of 1996, as amended, when upon such date the provisions of  
51 section five-a of this act shall take effect;

52 (b) the amendments to paragraph e of subdivision 14 of section 305 of  
53 the education law made by section six of this act shall not affect the  
54 repeal of such paragraph and shall be deemed repealed therewith;

1 (c) the amendments to subdivision 1-b of the general municipal law  
2 made by section eight of this act shall not affect the repeal of such  
3 subdivision and shall be deemed repealed therewith;

4 (d) the amendments to subdivision 2 of section 103 of the general  
5 municipal law made by section ten of this act shall be subject to the  
6 expiration and reversion of such subdivision pursuant to section 41 of  
7 part X of chapter 62 of the laws of 2003, as amended, when upon such  
8 date the provisions of section ten-a of this act shall take effect;

9 (e) the amendments to subparagraph (2) of paragraph (b) of subdivision  
10 4 of section 2590-b of the education law made by section seventeen of  
11 this act shall not affect the repeal of such subdivision and shall be  
12 deemed repealed therewith;

13 (f) the amendments to paragraph (a) of subdivision 4 of section 2853  
14 of the education law made by section eighteen of this act shall be  
15 subject to the expiration and reversion of such paragraph pursuant to  
16 chapter 378 of the laws of 2007, as amended, when upon such date the  
17 provisions of section eighteen-a of this act shall take effect;

18 (g) the amendments to subdivision 2 of section 3602-c of the education  
19 law made by section nineteen of this act shall not affect the expiration  
20 of such subdivision and shall be deemed to expire therewith;

21 (h) the amendments to subdivision 7 of section 3602-c of the education  
22 law made by section twenty of this act shall not affect the repeal of  
23 such subdivision and shall be deemed repealed therewith;

24 (i) the amendments to subparagraph (2) of paragraph b of subdivision 1  
25 of section 4402 of the education law made by section thirty of this act  
26 shall be subject to the expiration and reversion of such subparagraph  
27 pursuant to chapter 352 of the laws of 2005, as amended, when upon such  
28 date the provisions of section thirty-a of this act shall take effect;

29 (j) the amendments to clause (b) of subparagraph (1) of paragraph b of  
30 subdivision 1 of section 4402 of the education law made by section thir-  
31 ty-six of this act shall be subject to the expiration and reversion of  
32 such clause pursuant to chapter 378 of the laws of 2007, as amended,  
33 when upon such date the provisions of section thirty-six-a of this act  
34 shall take effect;

35 (k) the amendments to paragraph a of subdivision 1 of section 4404 of  
36 the education law made by section forty-three of this act shall not  
37 affect the expiration and reversion of such subdivision and shall be  
38 deemed to expire therewith; and

39 (l) the amendments to subparagraph (1) of paragraph a of subdivision 3  
40 of section 4410 of the education law made by section forty-four of this  
41 act shall be subject to the expiration and reversion of such subpara-  
42 graph pursuant to chapter 378 of the laws of 2007, as amended, when upon  
43 such date the provisions of section forty-four-a of this act shall take  
44 effect.