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

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I N S E N A T E

June 18, 2012

Introduced by Sens. FLANAGAN, MARTINS, LITTLE, HANNON, SALAND, RANZENHOFER -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the education law, in relation to establishing Earth day; to amend the education law, in relation to removing references to subcommittees on special education; 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 relating to committee on preschool special education membership; to amend the education law, in relation to the additional parent member of committees on special education; to amend the education law, in relation to authorizing access to students' individualized education program electronically; to amend the education law, in relation to discontinuance of an internal audit function in school districts with enrollment of less than one thousand students; to amend the general municipal law, in relation to school districts or board of cooperative educational services option to purchase goods and services; to repeal paragraph d of subdivision 4 of section 3641 of the education law relating to submission of a triennial report on the status of asbestos containing building materials in schools; 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 (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; to amend the general municipal law and the education law, in relation to requiring the state to fund certain programs mandated for municipal corporations and school districts; and to amend the education law, in relation to the effect of mandates on school districts; to amend the criminal procedure law and the general municipal law, in relation to the period of validity of certificates attesting to the satisfactory completion of an approved police basic training program; and to amend the social

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

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services law, in relation to the training of persons assigned to be supervisors by a child protective service

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

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

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

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

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

S 2. Section 3035 of the education law is amended by adding a new subdivision 3-b to read as follows:

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

S 3. Paragraph d of subdivision 4 of section 3641 of the education law is REPEALED.

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

1-b. A political subdivision or any district therein shall have the option of purchasing information technology and telecommunications hardware, software and professional services through cooperative purchasing permissible pursuant to federal general services administration informa-

tion technology schedule seventy or any successor schedule. A political subdivision or any district therein that purchases through general services administration schedule seventy, information technology and consolidated schedule contracts shall comply with federal schedule ordering procedures as provided in federal acquisition regulation 8.405-1 or 8.405-2 or successor regulations, whichever is applicable. Adherence to such procedures shall constitute compliance with the competitive bidding requirements under this section. IN ADDITION, A SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES SHALL HAVE THE OPTION OF PURCHASING OTHER GOODS OR SERVICES THROUGH COOPERATIVE PURCHASING PERMISSIBLE PURSUANT TO A GENERAL SERVICES ADMINISTRATION CONTRACT. A SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES THAT PURCHASES OTHER SERVICES THROUGH GENERAL SERVICE ADMINISTRATION CONTRACTS SHALL COMPLY WITH THE APPLICABLE FEDERAL SCHEDULE ORDERING PROCEDURES AS PROVIDED IN THE FEDERAL ACQUISITION REGULATIONS AS APPLICABLE.

S 5. Subdivision 17 of section 1950 of the education law is REPEALED.

S 6. 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 7. Subdivision 8 of section 3604 of the education law, as amended by section 46 of part H of chapter 83 of the laws of 2002, is amended to read as follows:

8. No school shall be in session on a Saturday or a legal holiday, except general election day, Washington's birthday and Lincoln's birthday, and except that driver education classes may be conducted on a Saturday. A deficiency not exceeding [three] FOUR days during any school year caused by teachers' attendance upon conferences held by superintendents of schools of city school districts or other school districts employing superintendents of schools shall be excused by the commissioner, NOTWITHSTANDING ANY PROVISION OF LAW, RULE OR REGULATION TO THE CONTRARY, A SCHOOL DISTRICT MAY ELECT TO SCHEDULE SUCH CONFERENCE DAYS IN THE LAST TWO WEEKS OF AUGUST AND SUCH DAYS SHALL BE COUNTED TOWARDS THE REQUIRED ONE HUNDRED EIGHTY DAYS OF SESSION, provided however, [notwithstanding any other provision of law, that during the nineteen hundred ninety-two--ninety-three through the two thousand two--two thousand three school years and thereafter, the] THAT SUCH SCHEDULING SHALL NOT ALTER THE OBLIGATION OF THE SCHOOL DISTRICT TO PROVIDE TRANSPORTATION TO STUDENTS IN NON-PUBLIC ELEMENTARY AND SECONDARY SCHOOLS OR CHARTER SCHOOLS. THE commissioner shall excuse a deficiency not exceeding four days during such school year caused by teachers' attendance upon conferences held by such superintendents, provided that at least two such conference days during such school year shall be dedicated to staff attendance upon conferences providing staff development relating to implementation of the new high learning standards and assessments, as adopted by the board of regents. Notwithstanding any other provision of law, rule or regulation to the contrary, school districts may elect to use one or more of such allowable conference days in units of not less

than one hour each to provide staff development activities relating to implementation of the new high learning standards and assessments. A district making such election may provide such staff development during the regularly scheduled daily session and apply such units to satisfy a deficiency in the length of one or more daily sessions of instruction for pupils as specified in regulations of the commissioner. The commissioner shall assure that such conference days include appropriate school violence prevention and intervention training, and may require that up to one such conference day be dedicated for such purpose.

S 8. Clause (d-2) of subparagraph 3 of paragraph b of subdivision 1 of section 4402 of the education law is REPEALED.

S 9. Paragraph a of subdivision 2 of section 4402 of the education law, as amended by chapter 243 of the laws of 1989, is amended to read as follows:

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

S 10. Paragraphs (a) and (c) of subdivision 9-a of section 4410 of the education law, paragraph (a) as amended by chapter 581 of the laws of

2011 and paragraph (c) as added by chapter 82 of the laws of 1995, are amended to read as follows:

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

Such application shall include, but not be limited to, a description of the multi-disciplinary evaluation services proposed to be provided and a demonstration that all agency employees and staff who provide such evaluation services shall have appropriate licensure and/or certification and that the individual who shall have direct supervision responsibilities over such staff shall have an appropriate level of experience in providing evaluation or services to preschool or kindergarten-aged children with disabilities. To be eligible for approval as an evaluator under this subdivision on and after July first, two thousand eleven, a group of appropriately licensed or certified professionals shall be formed as a limited liability company or professional services corporation established pursuant to article fifteen of the business corporation law, article twelve or thirteen of the limited liability company law or article eight-B of the partnership law. The approval of any groups of licensed or certified professionals that are in existence on July first, two thousand eleven and would not be eligible for approval thereafter shall terminate on July first, two thousand thirteen.

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

S 11. Subclause (viii) of clause (a) of subparagraph 1 of paragraph b of subdivision 1 of section 4402 of the education law, as amended by chapter 194 of the laws of 2004, is amended to read as follows:

(viii) IF REQUESTED BY THE PARENT OR PERSON IN PARENTAL RELATIONSHIP TO THE STUDENT, an additional parent, residing in the school district or a neighboring school district, of a student with a disability, of a student who has been declassified and is no longer eligible for an individualized education program (IEP), or a parent of a disabled child who has graduated, for a period of five years beyond the student's declassification or graduation, provided such parent shall not be employed by or under contract with the school district[, and provided further that such additional parent shall not be a required member if the parents request that such additional parent member not participate]. DISTRICTS SHALL PROVIDE PARENTS AND PERSONS IN PARENTAL RELATIONSHIP TO THE STUDENT NOTICE OF THE RIGHT TO REQUEST THE PARTICIPATION OF AN ADDITIONAL PARENT;

S 12. Paragraph a of subdivision 7 of section 4402 of the education law, as added by chapter 408 of the laws of 2002, is amended to read as follows:

a. The board of education or trustees of each school district and the board of trustees of each charter school shall adopt a policy to ensure

that each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for the implementation of a student's individualized education program shall be given a copy of such student's individualized education program prior to the implementation of such program OR SHALL BE ABLE TO ACCESS SUCH STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM ELECTRONICALLY; PROVIDED, HOWEVER, IF THE POLICY PROVIDES THAT THE STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM IS TO BE ACCESSED ELECTRONICALLY, THEN SUCH POLICY SHALL ALSO ENSURE THAT THE INDIVIDUALS RESPONSIBLE FOR THE IMPLEMENTATION OF A STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM SHALL BE NOTIFIED AND TRAINED ON HOW TO ACCESS SUCH INDIVIDUALIZED EDUCATION PROGRAMS ELECTRONICALLY.

S 13. Subdivision 2 of section 2116-b of the education law, as added by chapter 263 of the laws of 2005, is amended to read as follows:

2. School districts of less than eight teachers, school districts with actual general fund expenditures totaling less than five million dollars in the previous school year, or school districts with actual enrollment of less than [three hundred] ONE THOUSAND students in the previous school year shall be exempt from this requirement. Any school district claiming such exemption shall annually certify to the commissioner that such school district meets the requirements set forth in this subdivision. ANY SCHOOL DISTRICT WITH ACTUAL ENROLLMENT OF LESS THAN ONE THOUSAND STUDENTS IN THE PREVIOUS SCHOOL YEAR THAT HAS ESTABLISHED AN INTERNAL AUDIT FUNCTION MAY DISCONTINUE SUCH FUNCTION, UPON NOTICE TO THE STATE COMPTROLLER AND THE COMMISSIONER.

S 14. The general municipal law is amended by adding a new section 25 to read as follows:

S 25. FUNDING OF MANDATES. 1. DEFINITIONS. AS USED IN THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS UNLESS THE CONTEXT SHALL OTHERWISE REQUIRE:

(A) "MANDATE" MEANS:

(I) ANY STATE LAW, RULE, OR REGULATION WHICH CREATES A NEW PROGRAM OR REQUIRES A HIGHER LEVEL OF SERVICE FOR AN EXISTING PROGRAM WHICH A MUNICIPAL CORPORATION IS REQUIRED TO PROVIDE; OR

(II) ANY GENERAL LAW WHICH GRANTS A NEW PROPERTY TAX EXEMPTION OR INCREASES AN EXISTING PROPERTY TAX EXEMPTION WHICH THE MUNICIPAL CORPORATION IS REQUIRED TO PROVIDE.

(B) "UNFUNDED MANDATE" SHALL MEAN:

(I) ANY STATE LAW, RULE, OR REGULATION WHICH CREATES A NEW PROGRAM OR REQUIRES A HIGHER LEVEL OF SERVICE FOR AN EXISTING PROGRAM WHICH A MUNICIPAL CORPORATION IS REQUIRED TO PROVIDE AND WHICH RESULTS IN A NET ADDITIONAL COST TO THE MUNICIPAL CORPORATION;

(II) ANY ALTERATION IN FUNDING PROVIDED TO A MUNICIPAL CORPORATION FOR THE PURPOSE OF DEFRAYING THE COSTS OF A PROGRAM WHICH IT IS REQUIRED TO PROVIDE, THEREBY RESULTING IN A NET ADDITIONAL COST TO THE MUNICIPAL CORPORATION; OR

(III) ANY GENERAL LAW WHICH GRANTS A NEW PROPERTY TAX EXEMPTION OR INCREASES AN EXISTING PROPERTY TAX EXEMPTION WHICH THE MUNICIPAL CORPORATION IS REQUIRED TO PROVIDE, THEREBY RESULTING IN A NET ADDITIONAL COST TO THE MUNICIPAL CORPORATION.

(C) "NET ADDITIONAL COST" MEANS THE COST OR COSTS INCURRED OR ANTICIPATED TO BE INCURRED WITHIN A ONE YEAR PERIOD BY A LOCAL GOVERNMENT IN PERFORMING OR ADMINISTERING A MANDATE AFTER SUBTRACTING THEREFROM ANY REVENUES RECEIVED OR RECEIVABLE BY THE LOCAL GOVERNMENT ON ACCOUNT OF THE MANDATED PROGRAM OR SERVICE, INCLUDING BUT NOT LIMITED TO:

(I) FEES CHARGED TO THE RECIPIENTS OF THE MANDATED PROGRAM OR SERVICE;

(II) STATE OR FEDERAL AID PAID SPECIFICALLY OR CATEGORICALLY IN CONNECTION WITH THE PROGRAM OR SERVICE; AND

(III) AN OFFSETTING SAVINGS RESULTING FROM THE DIMINUTION OR ELIMINATION OF ANY OTHER PROGRAM OR SERVICE DIRECTLY ATTRIBUTABLE TO THE PERFORMANCE OR ADMINISTRATION OF THE MANDATED PROGRAM.

2. FUNDING OF MUNICIPAL CORPORATION MANDATES. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO UNFUNDED MANDATE SHALL BE ENACTED WHICH CREATES AN ANNUAL NET ADDITIONAL COST TO ANY MUNICIPAL CORPORATION.

3. EXEMPTIONS TO THE FUNDING OF MUNICIPAL CORPORATION MANDATES REQUIREMENT. (A) THE STATE SHALL NOT BE REQUIRED TO FUND ANY NEW OR EXPANDED PROGRAMS IF:

(I) THE MANDATE IS REQUIRED BY A COURT ORDER OR JUDGMENT;

(II) THE MANDATE IS PROVIDED AT THE OPTION OF THE LOCAL GOVERNMENT UNDER A LAW, REGULATION, RULE, OR ORDER THAT IS PERMISSIVE RATHER THAN MANDATORY;

(III) THE MANDATE RESULTS FROM THE PASSAGE OF A HOME RULE MESSAGE WHEREBY A LOCAL GOVERNMENT REQUESTS AUTHORITY TO IMPLEMENT THE PROGRAM OR SERVICE SPECIFIED IN THE STATUTE, AND THE STATUTE IMPOSES COSTS ONLY UPON THAT LOCAL GOVERNMENT WHICH REQUESTS THE AUTHORITY TO IMPOSE THE PROGRAM OR SERVICE;

(IV) THE MANDATE IS REQUIRED BY, OR ARISES FROM, AN EXECUTIVE ORDER OF THE GOVERNOR EXERCISING HIS OR HER EMERGENCY POWERS; OR

(V) THE MANDATE IS REQUIRED BY STATUTE OR EXECUTIVE ORDER THAT IMPLEMENTS A FEDERAL LAW OR REGULATION AND RESULTS FROM COSTS MANDATED BY THE FEDERAL GOVERNMENT TO BE BORNE AT THE LOCAL LEVEL, UNLESS THE STATUTE OR EXECUTIVE ORDER RESULTS IN COSTS WHICH EXCEED THE COSTS MANDATED BY THE FEDERAL GOVERNMENT.

(B) EACH ACT ESTABLISHING A MANDATE SHALL PROVIDE THAT THE EFFECTIVE DATE OF ANY SUCH MANDATE IMPOSED ON MUNICIPAL CORPORATIONS SHALL BE CONSISTENT WITH THE NEEDS OF THE STATE AND MUNICIPAL CORPORATIONS TO PLAN IMPLEMENTATION THEREOF AND CONSISTENT WITH THE AVAILABILITY OF REQUIRED FUNDS.

S 15. The education law is amended by adding a new section 1527-a to read as follows:

S 1527-A. FUNDING OF MANDATES IMPOSED ON SCHOOL DISTRICTS. 1. DEFINITIONS. AS USED IN THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS UNLESS THE CONTEXT SHALL OTHERWISE REQUIRE:

(A) "MANDATE" MEANS:

(I) ANY STATE LAW, RULE, OR REGULATION WHICH CREATES A NEW PROGRAM OR REQUIRES A HIGHER LEVEL OF SERVICE FOR AN EXISTING PROGRAM WHICH A SCHOOL DISTRICT ORGANIZED EITHER BY SPECIAL LAWS OR PURSUANT TO THE PROVISIONS OF A GENERAL LAW, IS REQUIRED TO PROVIDE; OR

(II) ANY GENERAL LAW WHICH GRANTS A NEW PROPERTY TAX EXEMPTION OR INCREASES AN EXISTING PROPERTY TAX EXEMPTION WHICH ANY SUCH SCHOOL DISTRICT IS REQUIRED TO PROVIDE.

(B) "UNFUNDED MANDATE" SHALL MEAN:

(I) ANY STATE LAW, RULE, OR REGULATION WHICH CREATES A NEW PROGRAM OR REQUIRES A HIGHER LEVEL OF SERVICE FOR AN EXISTING PROGRAM WHICH ANY SUCH SCHOOL DISTRICT IS REQUIRED TO PROVIDE AND WHICH RESULTS IN A NET ADDITIONAL COST TO SUCH SCHOOL DISTRICT;

(II) ANY ALTERATION IN FUNDING PROVIDED TO ANY SUCH SCHOOL DISTRICT FOR THE PURPOSE OF DEFRAYING THE COSTS OF A PROGRAM WHICH IT IS REQUIRED TO PROVIDE, THEREBY RESULTING IN A NET ADDITIONAL COST TO SUCH SCHOOL DISTRICT; OR

(III) ANY GENERAL LAW WHICH GRANTS A NEW PROPERTY TAX EXEMPTION OR INCREASES AN EXISTING PROPERTY TAX EXEMPTION WHICH ANY SUCH SCHOOL

DISTRICT IS REQUIRED TO PROVIDE, THEREBY RESULTING IN A NET ADDITIONAL COST TO SUCH SCHOOL DISTRICT.

(C) "NET ADDITIONAL COST" MEANS THE COST OR COSTS INCURRED OR ANTICIPATED TO BE INCURRED WITHIN A ONE YEAR PERIOD BY A SCHOOL DISTRICT IN PERFORMING OR ADMINISTERING A MANDATE AFTER SUBTRACTING THEREFROM ANY REVENUES RECEIVED OR RECEIVABLE BY THE SCHOOL DISTRICT ON ACCOUNT OF THE MANDATED PROGRAM OR SERVICE, INCLUDING BUT NOT LIMITED TO:

(I) FEES CHARGED TO THE RECIPIENTS OF THE MANDATED PROGRAM OR SERVICE;

(II) STATE OR FEDERAL AID PAID SPECIFICALLY OR CATEGORICALLY IN CONNECTION WITH THE PROGRAM OR SERVICE; AND

(III) AN OFFSETTING SAVINGS RESULTING FROM THE DIMINUTION OR ELIMINATION OF ANY OTHER PROGRAM OR SERVICE DIRECTLY ATTRIBUTABLE TO THE PERFORMANCE OR ADMINISTRATION OF THE MANDATED PROGRAM.

2. FUNDING OF SCHOOL DISTRICT MANDATES. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO UNFUNDED MANDATE SHALL BE ENACTED WHICH CREATES AN ANNUAL NET ADDITIONAL COST TO ANY SCHOOL DISTRICT.

3. EXEMPTIONS TO THE FUNDING OF SCHOOL DISTRICT MANDATES REQUIREMENT. (A) THE STATE SHALL NOT BE REQUIRED TO FUND ANY NEW OR EXPANDED PROGRAMS FOR SCHOOL DISTRICTS IF:

(I) THE MANDATE IS REQUIRED BY A COURT ORDER OR JUDGMENT;

(II) THE MANDATE IS PROVIDED AT THE OPTION OF THE SCHOOL DISTRICT UNDER A LAW, REGULATION, RULE, OR ORDER THAT IS PERMISSIVE RATHER THAN MANDATORY;

(III) THE MANDATE RESULTS FROM THE PASSAGE OF A HOME RULE MESSAGE WHEREBY A SCHOOL DISTRICT REQUESTS AUTHORITY TO IMPLEMENT THE PROGRAM OR SERVICE SPECIFIED IN THE STATUTE, AND THE STATUTE IMPOSES COSTS ONLY UPON THAT SCHOOL DISTRICT WHICH REQUESTS THE AUTHORITY TO IMPOSE THE PROGRAM OR SERVICE;

(IV) THE MANDATE IS REQUIRED BY, OR ARISES FROM, AN EXECUTIVE ORDER OF THE GOVERNOR EXERCISING HIS OR HER EMERGENCY POWERS; OR

(V) THE MANDATE IS REQUIRED BY STATUTE OR EXECUTIVE ORDER THAT IMPLEMENTS A FEDERAL LAW OR REGULATION AND RESULTS FROM COSTS MANDATED BY THE FEDERAL GOVERNMENT TO BE BORNE AT THE LOCAL LEVEL, UNLESS THE STATUTE OR EXECUTIVE ORDER RESULTS IN COSTS WHICH EXCEED THE COSTS MANDATED BY THE FEDERAL GOVERNMENT.

(B) EACH ACT ESTABLISHING A MANDATE SHALL PROVIDE THAT THE EFFECTIVE DATE OF ANY SUCH MANDATE IMPOSED ON SCHOOL DISTRICTS SHALL BE CONSISTENT WITH THE NEEDS OF THE STATE AND SCHOOL DISTRICTS TO PLAN IMPLEMENTATION THEREOF, AND ALSO CONSISTENT WITH THE AVAILABILITY OF REQUIRED FUNDS.

S 16. The education law is amended by adding a new section 308-a to read as follows:

S 308-A. SPECIAL PROVISIONS; MANDATES. 1. AS USED IN THIS SECTION, "MANDATE" MEANS (A) ANY STATE LAW, RULE OR REGULATION WHICH CREATES A NEW PROGRAM OR REQUIRES A HIGHER LEVEL OF SERVICE FOR AN EXISTING PROGRAM WHICH A SCHOOL DISTRICT, ORGANIZED EITHER BY SPECIAL LAWS OR PURSUANT TO THE PROVISIONS OF A GENERAL LAW, IS REQUIRED TO PROVIDE, OR

(B) ANY GENERAL LAW WHICH GRANTS A NEW PROPERTY TAX EXEMPTION OR INCREASES AN EXISTING PROPERTY TAX EXEMPTION WHICH ANY SUCH SCHOOL DISTRICT IS REQUIRED TO PROVIDE.

2. IN THE EVENT THAT A MANDATE WHICH IMPOSES A COST UPON A SCHOOL DISTRICT IS CREATED AFTER THE ADOPTION OF A SCHOOL BUDGET, SUCH MANDATE SHALL NOT BE IMPLEMENTED UNTIL THE FOLLOWING YEAR FOR WHICH SUCH SCHOOL BUDGET WAS ADOPTED.

3. NOTWITHSTANDING SUBDIVISION TWO OF THIS SECTION, SUCH A MANDATE CAN BE IMPOSED IF:

(A) THE MANDATE IS PROVIDED AT THE OPTION OF THE SCHOOL DISTRICT UNDER A LAW, REGULATION, RULE OR ORDER THAT IS PERMISSIVE RATHER THAN MANDATORY;

(B) THE MANDATE IS REQUIRED BY, OR ARISES FROM, AN EXECUTIVE ORDER OF THE GOVERNOR EXERCISING HIS OR HER EMERGENCY POWERS; OR

(C) THE MANDATE IS REQUIRED BY STATUTE OR EXECUTIVE ORDER THAT IMPLEMENTS A FEDERAL LAW OR REGULATION AND RESULTS FROM COSTS MANDATED BY THE FEDERAL GOVERNMENT TO BE BORNE AT THE LOCAL LEVEL, UNLESS THE STATUTE OR EXECUTIVE ORDER IMPOSES COSTS WHICH EXCEED THE COSTS MANDATED BY THE FEDERAL GOVERNMENT.

S 17. Subdivision 6 of section 2.30 of the criminal procedure law, as amended by chapter 491 of the laws of 2010, is amended to read as follows:

6. A certificate attesting to satisfactory completion of the training requirements imposed under this section awarded to any peace officer by the [executive director] CHAIRMAN of the municipal police training council pursuant to this section shall remain valid:

(a) during the holder's continuous service as a peace officer; and

(b) for [two] FIVE years after the date of the commencement of an interruption in such service where the holder had, immediately prior to such interruption, served as a peace officer [for less than two consecutive years; or

(c) for four years after the date of the commencement of an interruption in such service where the holder had, immediately prior to such interruption, served as a peace officer for two consecutive years or longer].

As used in this subdivision, the term "interruption" shall mean a period of separation from employment as a peace officer by reason of such officer's leave of absence, resignation or removal, other than removal for cause.

S 18. Subdivisions 1 and 1-a of section 209-q of the general municipal law, subdivision 1 as amended by chapter 735 of the laws of 1988, paragraphs (b) and (c) of subdivision 1 as amended by chapter 551 of the laws of 2001 and subdivision 1-a as added by chapter 671 of the laws of 1967, are amended to read as follows:

1. (a) Notwithstanding the provisions of any general, special or local law or charter to the contrary, no person shall[, after July first, nineteen hundred sixty,] receive an original appointment on a permanent basis as a police officer of any county, city, town, village or police district unless such person has previously been awarded a certificate by the [executive director] CHAIRMAN of the municipal police training council created under article thirty-five of the executive law, attesting to his OR HER satisfactory completion of an approved municipal police basic training program; and every person who is appointed [on a temporary basis or for a probationary term or on other than a permanent basis] as a police officer [of any county, city, town, village or police district] shall forfeit his OR HER position as such unless he OR SHE previously has satisfactorily completed, or within the time prescribed by regulations promulgated by the governor pursuant to section eight hundred forty-two of the executive law, satisfactorily completes[, a] AN APPROVED municipal police basic training program [for temporary or probationary police officers] and is awarded a certificate by such [director] CHAIRMAN attesting thereto.

(b) A certificate attesting to satisfactory completion of an approved municipal police basic training program awarded by the [executive direc-

tor] CHAIRMAN of the municipal police training council pursuant to this subdivision shall remain valid:

(i) during the holder's continuous service as a police officer [or peace officer who has an equivalency certificate for police officer training or an approved course for state university of New York public safety officers issued in accordance with subdivision three of section eight hundred forty-one of the executive law]; and

(ii) for [two] FIVE years after the date of the commencement of an interruption in such service where the holder had, immediately prior to such interruption, served as a police officer [or peace officer who has an equivalency certificate for police officer training or an approved course for state university of New York public safety officers issued in accordance with subdivision three of section eight hundred forty-one of the executive law, for less than two consecutive years]; or

(iii) [for four years after the date of the commencement of an interruption in such service where the holder had, immediately prior to such interruption, served as a police officer or peace officer who has an equivalency certificate for police officer training or an approved course for state university of New York public safety officers issued in accordance with subdivision three of section eight hundred forty-one of the executive law, for two consecutive years or longer; or

(iv)] where the holder, whose interruption in continuous service as a police officer does not exceed ten years, has satisfactorily completed an approved police officer refresher course [or where a peace officer, who seeks an equivalency certificate for police officer training or an approved course for state university of New York public safety officers issued in accordance with subdivision three of section eight hundred forty-one of the executive law, has satisfactorily completed relevant police officer training courses,] as prescribed by the municipal police training council.

(c) As used in this subdivision, the term "interruption" shall mean a period of separation from employment as a police officer [or peace officer who has an equivalency certificate for police officer training or an approved course for state university of New York public safety officers issued in accordance with subdivision three of section eight hundred forty-one of the executive law,] by reason of such officer's leave of absence, resignation or removal, other than removal for cause.

1-a. Notwithstanding the provisions of any general, special or local law or charter, the promotion of any police officer to a first-line supervisory position [on or after July first, nineteen hundred sixty-seven,] shall not become permanent unless such police officer has previously been awarded a certificate by the [executive director] CHAIRMAN of the municipal police training council created under article [nineteen-f] THIRTY-FIVE of the executive law, attesting to his OR HER satisfactory completion of an approved course in police supervision as prescribed by the municipal police training council. Any police officer who is promoted on any basis to a first-line supervisory position [on or after July first, nineteen hundred sixty-seven] shall forfeit such promotion unless he OR SHE previously has satisfactorily completed, or within the time prescribed by regulations promulgated by the governor pursuant to section [four hundred eighty-four] EIGHT HUNDRED FORTY-TWO of the executive law satisfactorily completes, the prescribed course in police supervision and is awarded a certificate by such [director] CHAIRMAN attesting thereto.

S 19. Subdivision 1 of section 103 of the general municipal law, as amended by section 1 of chapter 2 of the laws of 2012, is amended to read as follows:

1. Except as otherwise expressly provided by an act of the legislature or by a local law adopted prior to September first, nineteen hundred fifty-three, all contracts for public work involving an expenditure of more than [thirty-five] ONE HUNDRED thousand dollars and all purchase contracts involving an expenditure of more than [twenty] FIFTY thousand dollars, shall be awarded by the appropriate officer, board or agency of a political subdivision or of any district therein including but not limited to a soil conservation district to the lowest responsible bidder furnishing the required security after advertisement for sealed bids in the manner provided by this section, provided, however, that purchase contracts (including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to article eight of the labor law) may be awarded on the basis of best value, as defined in section one hundred sixty-three of the state finance law, to a responsive and responsible bidder or offerer in the manner provided by this section except that in a political subdivision other than a city with a population of one million inhabitants or more or any district, board or agency with jurisdiction exclusively therein the use of best value for awarding a purchase contract or purchase contracts must be authorized by local law or, in the case of a district corporation, school district or board of cooperative educational services, by rule, regulation or resolution adopted at a public meeting. In any case where a responsible bidder's or responsible offerer's gross price is reducible by an allowance for the value of used machinery, equipment, apparatus or tools to be traded in by a political subdivision, the gross price shall be reduced by the amount of such allowance, for the purpose of determining the best value. In cases where two or more responsible bidders furnishing the required security submit identical bids as to price, such officer, board or agency may award the contract to any of such bidders. Such officer, board or agency may, in his or her or its discretion, reject all bids or offers and readvertise for new bids or offers in the manner provided by this section. In determining whether a purchase is an expenditure within the discretionary threshold amounts established by this subdivision, the officer, board or agency of a political subdivision or of any district therein shall consider the reasonably expected aggregate amount of all purchases of the same commodities, services or technology to be made within the twelve-month period commencing on the date of purchase. Purchases of commodities, services or technology shall not be artificially divided for the purpose of satisfying the discretionary buying thresholds established by this subdivision. A change to or a renewal of a discretionary purchase shall not be permitted if the change or renewal would bring the reasonably expected aggregate amount of all purchases of the same commodities, services or technology from the same provider within the twelve-month period commencing on the date of the first purchase to an amount greater than the discretionary buying threshold amount. For purposes of this section, "sealed bids" and "sealed offers", as that term applies to purchase contracts, (including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to article eight of the labor law) shall include bids and offers submitted in an electronic format including submission of the statement of non-collusion required by section one hundred three-d of this article, provided that the

governing board of the political subdivision or district, by resolution, has authorized the receipt of bids and offers in such format. Submission in electronic format may, for technology contracts only, be required as the sole method for the submission of bids and offers. Bids and offers submitted in an electronic format shall be transmitted by bidders and offerers to the receiving device designated by the political subdivision or district. Any method used to receive electronic bids and offers shall comply with article three of the state technology law, and any rules and regulations promulgated and guidelines developed thereunder and, at a minimum, must (a) document the time and date of receipt of each bid and offer received electronically; (b) authenticate the identity of the sender; (c) ensure the security of the information transmitted; and (d) ensure the confidentiality of the bid or offer until the time and date established for the opening of bids or offers. The timely submission of an electronic bid or offer in compliance with instructions provided for such submission in the advertisement for bids or offers and/or the specifications shall be the responsibility solely of each bidder or offerer or prospective bidder or offerer. No political subdivision or district therein shall incur any liability from delays of or interruptions in the receiving device designated for the submission and receipt of electronic bids and offers.

S 20. Subdivision 1 of section 103 of the general municipal law, as amended by section 2 of chapter 2 of the laws of 2012, is amended to read as follows:

1. Except as otherwise expressly provided by an act of the legislature or by a local law adopted prior to September first, nineteen hundred fifty-three, all contracts for public work involving an expenditure of more than [thirty-five] ONE HUNDRED thousand dollars and all purchase contracts involving an expenditure of more than [twenty] FIFTY thousand dollars, shall be awarded by the appropriate officer, board or agency of a political subdivision or of any district therein including but not limited to a soil conservation district to the lowest responsible bidder furnishing the required security after advertisement for sealed bids in the manner provided by this section, provided, however, that purchase contracts (including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to article eight of the labor law) may be awarded on the basis of best value, as defined in section one hundred sixty-three of the state finance law, to a responsive and responsible bidder or offerer in the manner provided by this section except that in a political subdivision other than a city with a population of one million inhabitants or more or any district, board or agency with jurisdiction exclusively therein the use of best value of awarding a purchase contract or purchase contracts must be authorized by local law or, in the case of a district corporation, school district or board of cooperative educational services, by rule, regulation or resolution adopted at a public meeting. In determining whether a purchase is an expenditure within the discretionary threshold amounts established by this subdivision, the officer, board or agency of a political subdivision or of any district therein shall consider the reasonably expected aggregate amount of all purchases of the same commodities, services or technology to be made within the twelve-month period commencing on the date of purchase. Purchases of commodities, services or technology shall not be artificially divided for the purpose of satisfying the discretionary buying thresholds established by this subdivision. A change to or a renewal of a discretionary purchase shall not be permitted if the change or renewal

would bring the reasonably expected aggregate amount of all purchases of the same commodities, services or technology from the same provider within the twelve-month period commencing on the date of the first purchase to an amount greater than the discretionary buying threshold amount. In any case where a responsible bidder's or responsible offerer's gross price is reducible by an allowance for the value of used machinery, equipment, apparatus or tools to be traded in by a political subdivision, the gross price shall be reduced by the amount of such allowance, for the purpose of determining the low bid or best value. In cases where two or more responsible bidders furnishing the required security submit identical bids as to price, such officer, board or agency may award the contract to any of such bidders. Such officer, board or agency may, in his, her or its discretion, reject all bids or offers and readvertise for new bids or offers in the manner provided by this section.

S 21. Paragraph (c) of subdivision 5 of section 421 of the social services law, as added by chapter 525 of the laws of 2006, is amended to read as follows:

(c) require all persons assigned to be a supervisor by a child protective service on or after April first, nineteen hundred eighty-six, shall have satisfactorily completed, within the first three months of employment as a supervisor or within three months of the effective date of this paragraph, whichever shall occur first, a course in the fundamentals of child protection developed by the office of children and family services. Such training course shall, among other things, strengthen and expand current training procedures for child protective service supervisors; provide the skills, knowledge and standards to practice effective case planning and case management; provide comprehensive assessment tools needed in critical decision making; require participation in the existing common core training required by child protective service caseworkers ONLY WHEN SUCH SUPERVISOR HAS NEVER HAD SUCH TRAINING OR MORE THAN FIVE YEARS HAVE ELAPSED SINCE SUCH TRAINING; strengthen recognition and response to safety and risk indicators; improve skills to promote consistent implementation of training and practice; provide the necessary tools and assistance to build the ability to coach and monitor child protective service caseworkers and model effective investigation practice; increase cultural competency and sensitivity; and establish an annual in service training program specifically focused on child protective service supervisors.

S 22. This act shall take effect July 1, 2012; provided that in the event this act shall become a law after such date, it shall take effect immediately and shall be deemed to have been in full force and effect on and after July 1, 2012; and provided further that:

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

(b) sections fourteen through sixteen of this act shall be deemed to have been in full force and effect on and after April 1, 2012 and shall apply to any general or special law imposing mandates on municipal corporations or school districts enacted on or after such effective date;

(c) the commissioner of education shall adopt any regulations needed to implement the provisions of sections sixteen through twenty-one of this act on or before July 1, 2013; and

(d) provided further that the amendments to subdivision 1 of section 103 of the general municipal law, made by section nineteen of this act,

shall be subject to the expiration and reversion of such subdivision pursuant to subdivision (a) of section 41 of part X of chapter 62 of the laws of 2003, as amended, when upon such date the provisions of section twenty of this act shall take effect.