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

S. 2808 A. 4008

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

February 1, 2011

IN SENATE -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

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

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

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

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Act of 2001, chapter 57 of the laws of 2008 amending the education law relating to the universal pre-kindergarten program, in relation to school aid and extending the expiration of certain provisions of such chapters; to amend chapter 665 of the laws of 1963, relating to the human resources school, in relation to changing such name to the Henry Viscardi school; to amend the public authorities law, in relation to approved non-profit schools for the deaf and blind or other students with disabilities, in relation to school bus driver training; in relation to the support of public libraries; to provide special apportionment for salary expenses; to provide special apportionment for public pension expenses; in relation to suballocation of certain education department accruals; in relation to purchases by the city school district of Rochester; to repeal section 23 of chapter 169 of the laws of 1994, relating to certain provisions related to the 1994-95 state operations, aid to localities, capital projects and debt service budgets, in relation to the effectiveness thereof; to repeal certain provisions of the education law, in relation to instruction of the deaf and blind; and providing for the repeal of section 86 of this act on March 31, 2012 when upon such date the provisions of such section shall be deemed repealed (Part A); to amend the education law, in relation to the school district management efficiency awards program and school district performance improvement awards grant (Part B); to repeal article 9 of the arts and cultural affairs law relating to the New York state theatre institute corporation and section 97-u of state finance law relating to the New York state theatre institute corporation fund, and to establish procedures for the transfer and ownership of rights and real property currently held by the entity formerly referred to as the New York state theatre institute (Part C); to amend the education law, the public authorities law and the public buildings law, in relation to capital facilities in support of the state university and community colleges; and providing for the repeal of certain provisions upon expiration thereof (Subpart A); to amend the education law and the state finance law, in relation to procurement in support of the state and city universities; and providing for the repeal of such provisions upon expiration thereof (Subpart B); to amend the education law, in relation to state university health care facilities; and providing for the repeal of such provisions upon expiration thereof (Subpart C); and to enact certain reporting requirements; and providing for the repeal of such provisions upon expiration thereof (Subpart D) (Part D); to amend the education law, in relation to tuition assistance program award determinations (Part E); to amend the education law, in relation to income as a determinate of tuition assistance awards (Part F); to amend the education law, in relation to restrictions on eligibility to receive awards and loans; and to repeal certain provisions of such law relating thereto (Part G); to amend the education law, in relation to tuition assistance program awards (Part H); to amend the education law, in relation to good academic standing requirements (Part I); to amend the education law, in relation to tuition assistance program awards for graduate school students; and to repeal certain provisions of such law relating thereto (Part J); to amend chapter 31 of the laws of 1985, amending the education law relating to regents scholarships in certain professions, in relation to the physician loan forgiveness program (Part K); to amend chapter 57 of the laws of 2005 amending the education law relating to the New York state nursing faculty loan forgiveness incentive program and the New York state nursing faculty scholarship program, in

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

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

1 Section 1. This act enacts into law major components of legislation
2 which are necessary to implement the state fiscal plan for the 2011-2012
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through W. The effective date for each particular

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

PART A

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

e. Notwithstanding paragraphs a and b of this subdivision, a school district that submitted a contract for excellence for the two thousand eight--two thousand nine school year shall submit a contract for excellence for the two thousand nine--two thousand ten school year in conformity with the requirements of subparagraph (vi) of paragraph a of subdivision two of this section unless all schools in the district are identified as in good standing AND PROVIDED FURTHER THAT, A SCHOOL DISTRICT THAT SUBMITTED A CONTRACT FOR EXCELLENCE FOR THE TWO THOUSAND NINE--TWO THOUSAND TEN SCHOOL YEAR, UNLESS ALL SCHOOLS IN THE DISTRICT ARE IDENTIFIED AS IN GOOD STANDING, SHALL SUBMIT A CONTRACT FOR EXCELLENCE FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR WHICH SHALL, NOTWITHSTANDING THE REQUIREMENTS OF SUBPARAGRAPH (VI) OF PARAGRAPH A OF SUBDIVISION TWO OF THIS SECTION, PROVIDE FOR THE EXPENDITURE OF AN AMOUNT WHICH SHALL BE NOT LESS THAN THE PRODUCT OF THE AMOUNT APPROVED BY THE COMMISSIONER IN THE CONTRACT FOR EXCELLENCE FOR THE TWO THOUSAND NINE--TWO THOUSAND TEN SCHOOL YEAR, MULTIPLIED BY THE DISTRICT'S GAP ELIMINATION ADJUSTMENT PERCENTAGE. FOR PURPOSES OF THIS PARAGRAPH, THE "GAP ELIMINATION ADJUSTMENT PERCENTAGE" SHALL BE CALCULATED AS THE SUM OF ONE MINUS THE QUOTIENT OF THE SCHOOL DISTRICT'S GAP ELIMINATION ADJUSTMENT FOR TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE AS COMPUTED PURSUANT TO A CHAPTER OF THE LAWS OF TWO THOUSAND ELEVEN ENACTED TO MAKE APPROPRIATIONS FOR THE SUPPORT OF THE LOCAL ASSISTANCE BUDGET, INCLUDING SUPPORT FOR GENERAL SUPPORT FOR PUBLIC SCHOOLS, DIVIDED BY THE TOTAL AID FOR ADJUSTMENT COMPUTED PURSUANT TO A CHAPTER OF THE LAWS OF TWO THOUSAND ELEVEN ENACTED TO MAKE APPROPRIATIONS FOR THE LOCAL ASSISTANCE BUDGET, INCLUDING SUPPORT FOR GENERAL SUPPORT FOR PUBLIC SCHOOLS. PROVIDED, FURTHER, THAT SUCH AMOUNT SHALL BE EXPENDED TO SUPPORT AND MAINTAIN ALLOWABLE PROGRAMS AND ACTIVITIES APPROVED IN THE TWO THOUSAND NINE--TWO THOUSAND TEN SCHOOL YEAR OR TO SUPPORT NEW OR EXPANDED ALLOWABLE PROGRAMS AND ACTIVITIES IN THE CURRENT YEAR.

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

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

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

(B) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION TO THE CONTRARY, A SCHOOL DISTRICT THAT SUBMITTED A CONTRACT FOR EXCELLENCE FOR THE TWO THOUSAND NINE--TWO THOUSAND TEN SCHOOL YEAR AND IS REQUIRED TO SUBMIT A CONTRACT FOR EXCELLENCE FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR BUT DID NOT FULLY EXPEND ALL OF ITS TWO THOUSAND NINE--TWO THOUSAND TEN FOUNDATION AID SUBJECT TO THE CONTRACT FOR EXCELLENCE RESTRICTIONS DURING THE TWO THOUSAND NINE--TWO THOUSAND TEN SCHOOL YEAR MAY RE-ALLOCATE AND EXPEND SUCH UNEXPENDED FUNDS DURING THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR FOR ALLOWABLE CONTRACT FOR EXCELLENCE PROGRAMS AND ACTIVITIES AS DEFINED IN SUBDIVISION THREE OF THIS SECTION IN A MANNER PRESCRIBED BY THE COMMISSIONER. FOR PURPOSES OF DETERMINING MAINTENANCE OF EFFORT PURSUANT TO SUBPARAGRAPH (VI) OF THIS PARAGRAPH FOR THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN SCHOOL YEAR, FUNDS EXPENDED PURSUANT TO THIS SUBPARAGRAPH SHALL BE INCLUDED IN THE TOTAL BUDGETED AMOUNT APPROVED BY THE COMMISSIONER IN THE DISTRICT'S CONTRACT FOR EXCELLENCE FOR THE TWO THOUSAND NINE--TWO THOUSAND TEN SCHOOL YEAR; PROVIDED THAT SUCH AMOUNT SHALL NOT BE COUNTED MORE THAN ONCE IN DETERMINING MAINTENANCE OF EFFORT FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR OR THEREAFTER.

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

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

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

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

LY thirty-nine thousand dollars and an amount equal to ten and ninety-four hundredths percent of the amount of state aid received for the current year under paragraph a of subdivision four of this section [for the two thousand nine--two thousand ten state fiscal year]; and

c. Each school library system established pursuant to section two hundred eighty-two of this part and operating under a plan approved by the commissioner is entitled to receive ANNUALLY thirty-nine thousand dollars and an amount equal to ten and ninety-four hundredths percent of the amount of state aid received for the current year by such system under paragraphs a, b, c, d, e and f of subdivision one of section two hundred eighty-four of this part [for the two thousand nine--two thousand ten state fiscal year].

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

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

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

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

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

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

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

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

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

provide educational and residential facilities for such [state-supported] schools.

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

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

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

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

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

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

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

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

(vi) All payments of money from the school capital facilities financing reserve fund shall be made on the audit and warrant of the state comptroller.

9. All state officials are authorized and required to take whatever actions are necessary to carry out the provisions of this section and any leases, subleases or other agreements entered into pursuant to this section, including making the required payments to the dormitory authority.

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

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

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

THE BENEFIT OF SUCH SCHOOL PRIOR TO THE EFFECTIVE DATE OF THIS SUBDIVISION.

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

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

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

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

S 7. Intentionally omitted.

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

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

S 9. Intentionally omitted.

S 10. Intentionally omitted.

S 11. Intentionally omitted.

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

i. In addition to the authority granted in paragraph e of this subdivision, the board of education shall be authorized to lease a motor vehicle or vehicles to be used for the transportation of the children of the district from sources other than a school district, board of cooperative educational services or county vocational education and extension board under the conditions specified in this paragraph. No such agreement for the lease of a motor vehicle or vehicles shall be for a term of more than one school year, provided that when THE BOARD OF EDUCATION CAN DEMONSTRATE TO THE SATISFACTION OF THE COMMISSIONER THAT THE COST OF A LEASE, IF EXTENDED OVER THE EXPECTED LIFESPAN OF A SCHOOL BUS, WOULD BE LOWER THAN THE COST OF PURCHASING A SCHOOL BUS, AND THE LEASE IS authorized by a vote of the qualified voters of the district, such lease may have a term of up to five years. Where the board of education enters a lease of a motor vehicle or vehicles pursuant to this paragraph for a term of one school year or less, such board shall not be authorized to enter into another lease of the same or an equivalent replacement vehicle or vehicles, as determined by the commissioner, without obtaining approval of the voters.

S 13. Intentionally omitted.

S 14. Intentionally omitted.

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

(2) Certain services prohibited. (I) Commencing with the nineteen hundred ninety-seven--ninety-eight school year, the commissioner shall not be authorized to approve as an aidable shared service pursuant to this subdivision any cooperative maintenance services or municipal services, including but not limited to, lawn mowing services and heating, ventilation or air conditioning repair or maintenance or trash collection, or any other municipal services as defined by the commissioner. On and after the effective date of this paragraph, the commissioner shall not approve, as an aidable shared service, any new cooperative maintenance or municipal services for the nineteen hundred ninety-six--ninety-seven school year, provided that the commissioner may approve the continuation of such services for one year if provided in the nineteen hundred ninety-five--ninety-six school year.

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

(A) COLLECTIVE NEGOTIATIONS AND LABOR RELATIONS;

(B) PERSONNEL SERVICES - RECRUITING;

(C) EMPLOYEE ASSISTANCE PROGRAMS;

(D) BUSINESS OFFICE SERVICES, INCLUDING BUT NOT LIMITED TO COMPETITIVE BIDDING COORDINATION, PAYROLL, MICROFILMING, TEXTBOOK COORDINATOR, BUSINESS MANAGER, BUSINESS OFFICE SUPPORT, MEDICAID REIMBURSEMENT, TELECOMMUNICATIONS, TELEPHONE INTERCONNECTS, INSURANCE MANAGEMENT COORDINATION AND EMPLOYEE BENEFIT AND HEALTHCARE BENEFIT COORDINATION;

(E) PLANNING SERVICES AND MANAGEMENT;

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

(G) SCHOOL FOOD SERVICES AND FOOD MANAGEMENT;

(H) EXTRACURRICULAR ACTIVITIES AND INTER-SCHOLASTIC SPORTS COORDINATION;

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

(J) ENERGY MANAGEMENT;

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

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

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

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

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

g. Any payment required by a board of cooperative educational services to the dormitory authority or any payment required by a board of cooperative educational services to acquire or construct a school facility of the board of cooperative educational services, and any payments for rental of facilities by a board of cooperative educational services shall, for the purposes of apportionment of public moneys to the board of cooperative educational services by the state of New York, be deemed to be an administrative or capital expense, as designated by the commissioner, but the entire amount of such payment shall be utilized in making such apportionment and the limitation of ten percent of the total expenses contained in this subdivision shall not be applicable. Any expense designated by the commissioner as a capital expense shall be included in the capital budget of the board of cooperative educational services and, except as otherwise provided in this paragraph, shall be aided in the same manner as an administrative expense. Any such payment shall not be considered part of the total expenses of the board for purposes of determining the administrative and clerical expenses not to exceed ten percent otherwise eligible for aid under this subdivision, and such payments shall be considered for the purpose of apportionment during the current school year such payment is made. The apportionment for such payments shall be determined by multiplying the amount of such payment allocated to each component school district in the board of cooperative educational services by the BOARD OF COOPERATIVE EDUCATIONAL SERVICES BUILDING aid ratio, and shall be not more than ninety percent converted to decimals, WHERE, FOR APPORTIONMENTS COMPUTED PRIOR TO JULY FIRST, TWO THOUSAND TWELVE, THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES BUILDING AID RATIO SHALL BE THE AID RATIO of each such component computed pursuant to subdivision three of section thirty-six hundred two and used to apportion aid to that district in that current school year, AND FOR APPORTIONMENTS COMPUTED ON OR AFTER JULY FIRST, TWO THOUSAND TWELVE SHALL BE THE SHARING RATIO FOR COOPERATIVE EDUCATIONAL SERVICES AID COMPUTED PURSUANT TO PARAGRAPH A OF THIS SUBDIVISION; provided, however, the apportionment for the construction, acquisition, reconstruction, rehabilitation, or improvement of board of cooperative educational services facilities, including payments to the dormitory authority and payments under any lease agreement, shall be based upon the cost of the board of cooperative educational services school facilities but not to exceed the cost allowance set forth in subdivision six of section thirty-six hundred two of [the education law] THIS CHAPTER and payments for rental facilities shall be subject to the approval of the commissioner.

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

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

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

S 18. Intentionally omitted.

S 19. Intentionally omitted.

S 20. Intentionally omitted.

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

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

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

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

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

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

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

(I) FOR SCHOOL YEARS PRIOR TO THE TWO THOUSAND NINE--TWO THOUSAND TEN SCHOOL YEAR AND FOR SCHOOL YEARS FOLLOWING THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR, an amount equal to one hundred percent of the amount calculated pursuant to paragraph f of subdivision one of section [thirty six] THIRTY-SIX hundred two of this chapter for the school district for the year prior to the base year increased by the

percentage change in the state total approved operating expense calculated pursuant to [subdivision eleven] PARAGRAPH T OF SUBDIVISION ONE of section [thirty six] THIRTY-SIX hundred two of this chapter from two years prior to the base year to the base year; [provided, however, that]

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

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

(B) The school district shall also pay directly to the charter school any federal or state aid attributable to a student with a disability attending charter school in proportion to the level of services for such student with a disability that the charter school provides directly or indirectly. Notwithstanding anything in this section to the contrary, amounts payable pursuant to this subdivision may be reduced pursuant to an agreement between the school and the charter entity set forth in the charter. Payments made pursuant to this subdivision shall be made by the school district in six substantially equal installments each year beginning on the first business day of July and every two months thereafter. Amounts payable under this subdivision shall be determined by the commissioner. Amounts payable to a charter school in its first year of operation shall be based on the projections of initial-year enrollment set forth in the charter. Such projections shall be reconciled with the actual enrollment at the end of the school's first year of operation, and any necessary adjustments shall be made to payments during the school's second year of operation.

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

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

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

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

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

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

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

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

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

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

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

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

THIRTEEN--two thousand [thirteen] FOURTEEN THROUGH TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN school years, no school district shall receive total foundation aid in excess of the sum of the total foundation aid base for aid payable in the two thousand seven--two thousand eight school year computed pursuant to subparagraph (i) of paragraph j of subdivision one of this section, plus the phase-in foundation increase computed pursuant to paragraph b of this subdivision, and provided further that total foundation aid shall not be less than the product of the total foundation aid base computed pursuant to paragraph j of subdivision one of this section and one hundred three percent, nor more than the product of such total foundation aid base and one hundred fifteen percent, and provided further that for the two thousand nine--two thousand ten [and two thousand ten--two thousand eleven] THROUGH TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN school years, each school district shall receive total foundation aid in an amount equal to the amount apportioned to such school district for the two thousand eight--two thousand nine school year pursuant to this subdivision. Total aidable foundation pupil units shall be calculated pursuant to paragraph g of subdivision two of this section. For the purposes of calculating aid pursuant to this subdivision, aid for the city school district of the city of New York shall be calculated on a citywide basis.

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

(1) The foundation amount shall reflect the average per pupil cost of general education instruction in successful school districts, as determined by a statistical analysis of the costs of special education and general education in successful school districts, provided that the foundation amount shall be adjusted annually to reflect the percentage increase in the consumer price index as computed pursuant to section two thousand twenty-two of this chapter, provided that for the two thousand eight--two thousand nine school year, for the purpose of such adjustment, the percentage increase in the consumer price index shall be deemed to be two and nine-tenths percent (0.029), and provided further that the foundation amount for the two thousand seven--two thousand eight school year shall be five thousand two hundred fifty-eight dollars, and provided further that for the two thousand seven--two thousand eight through [two thousand twelve--two thousand thirteen] TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN school years, [such] THE foundation amount shall be further adjusted by the phase-in foundation percent established pursuant to paragraph b of this subdivision.

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

Labor Force Region	Index
Capital District	1.124
Southern Tier	1.045
Western New York	1.091
Hudson Valley	1.314
Long Island/NYC	1.425
Finger Lakes	1.141

Central New York	1.103
Mohawk Valley	1.000
North Country	1.000

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

(4) The expected minimum local contribution shall equal the lesser of (i) the product of (A) the quotient arrived at when the selected actual valuation is divided by total wealth foundation pupil units, multiplied by (B) the product of the local tax factor, multiplied by the income wealth index, or (ii) the product of (A) the product of the foundation amount, the regional cost index, and the pupil need index, multiplied by (B) the positive difference, if any, of one minus the state sharing ratio for total foundation aid. The local tax factor shall be established by May first of each year by determining the product, computed to four decimal places without rounding, of ninety percent multiplied by the quotient of the sum of the statewide average tax rate as computed by the commissioner for the current year in accordance with the provisions of paragraph e of subdivision one of section thirty-six hundred nine-e of this part plus the statewide average tax rate computed by the commissioner for the base year in accordance with such provisions plus the statewide average tax rate computed by the commissioner for the year prior to the base year in accordance with such provisions, divided by three, provided however that for the two thousand seven--two thousand eight school year, such local tax factor shall be sixteen thousandths (0.016), and provided further that for the two thousand eight--two thousand nine school year, such local tax factor shall be one hundred fifty-four ten thousandths (0.0154). The income wealth index shall be calculated pursuant to paragraph d of subdivision three of this section, provided, however, that for the purposes of computing the expected minimum local contribution the income wealth index shall not be less than sixty-five percent (0.65) and shall not be more than two hundred percent (2.0) and provided however that such income wealth index shall not be more than ninety-five percent (0.95) for the two thousand eight--two thousand nine school year. The selected actual valuation shall be calculated pursuant to paragraph c of subdivision one of this section. Total wealth foundation pupil units shall be calculated pursuant to paragraph h of subdivision two of this section.

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

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

factor shall equal twenty percent (0.20), and the phase-in due-minimum percent shall equal twelve and fifty-five hundredths percent (0.1255);

for the two thousand eight--two thousand nine school year, the phase-in foundation percent shall equal one hundred five and twenty-six hundredths percent (1.0526), the phase-in foundation increase factor shall equal thirty-seven and one-half percent (0.375), and the phase-in due-minimum percent shall equal twelve and fifty-five hundredths percent (0.1255);

for the two thousand nine--two thousand ten school year, the phase-in foundation percent shall equal one hundred two and five tenths percent (1.025), the phase-in foundation increase factor shall equal thirty-seven and one-half percent (0.375), and the phase-in due-minimum percent shall equal twelve and fifty-five hundredths percent (0.1255);

for the two thousand ten--two thousand eleven school year, the phase-in foundation percent shall equal one hundred seven and sixty-eight hundredths percent (1.0768), the phase-in foundation increase factor shall equal thirty-seven and one-half percent (0.375), and the phase-in due-minimum percent shall equal twelve and fifty-five hundredths percent (0.1255);

for the two thousand eleven--two thousand twelve school year, the phase-in foundation percent shall equal [one hundred five and six hundredths percent (1.0506)] ONE HUNDRED THIRTEEN AND FOURTEEN ONE HUNDREDTHS PERCENT (1.1314), the phase-in foundation increase factor shall equal [fifty-three and one-tenth percent (0.531)] THIRTY-SEVEN AND ONE-HALF PERCENT (0.375), and the phase-in due-minimum percent shall equal [twelve and fifty-five hundredths percent (0.1255)] NINETEEN AND FORTY-ONE HUNDREDTHS PERCENT (0.1941); and

for the two thousand twelve--two thousand thirteen school year, the phase-in foundation percent shall equal [one hundred two and five hundredths percent (1.0250)] ONE HUNDRED TEN AND THIRTY-EIGHT HUNDREDTHS PERCENT (1.1038), the phase-in foundation increase factor shall equal [seventy-five percent (0.75)] THIRTY-SEVEN AND ONE-HALF PERCENT (0.375), and the phase-in due-minimum percent shall equal [twelve and fifty-five hundredths percent (0.1255)] NINETEEN AND FORTY-ONE HUNDREDTHS PERCENT (0.1941); AND

FOR THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN SCHOOL YEAR, THE PHASE-IN FOUNDATION PERCENT SHALL EQUAL ONE HUNDRED SEVEN AND SIXTY-EIGHT HUNDREDTHS PERCENT (1.0768), THE PHASE-IN FOUNDATION INCREASE FACTOR SHALL EQUAL FORTY-FIVE AND ONE-HALF PERCENT (0.455), AND THE PHASE-IN DUE-MINIMUM PERCENT SHALL EQUAL NINETEEN AND FORTY-ONE HUNDREDTHS PERCENT (0.1941);

FOR THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR, THE PHASE-IN FOUNDATION PERCENT SHALL EQUAL ONE HUNDRED FIVE AND SIX HUNDREDTHS PERCENT (1.0506), THE PHASE-IN FOUNDATION INCREASE FACTOR SHALL EQUAL SIXTY-ONE AND ONE-HALF PERCENT (0.615), AND THE PHASE-IN DUE-MINIMUM PERCENT SHALL EQUAL NINETEEN AND FORTY-ONE HUNDREDTHS PERCENT (0.1941); AND

FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR, THE PHASE-IN FOUNDATION PERCENT SHALL EQUAL ONE HUNDRED TWO AND FIVE TENTHS PERCENT (1.0250), THE PHASE-IN FOUNDATION INCREASE FACTOR SHALL EQUAL EIGHTY PERCENT (0.800), AND THE PHASE-IN DUE-MINIMUM PERCENT SHALL EQUAL NINETEEN AND FORTY-ONE HUNDREDTHS PERCENT (0.1941).

b-1. Notwithstanding any other provision of law to the contrary, for the two thousand seven--two thousand eight through [two thousand thirteen--two thousand fourteen] TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN school years, the additional amount payable to each school district

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

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

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

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

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

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

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

(I) debt service for refunding bond issues eligible for an apportionment pursuant to paragraph g of this subdivision and

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

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

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

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

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

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

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

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

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

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

chase agreement entered pursuant to section four hundred three-b, subdivision eight of section twenty-five hundred three or subdivision six of section twenty-five hundred fifty-four of this chapter, approved expenditures for the lease or other annual payments shall not include the costs of heat, electricity, water or other utilities or the costs of operation or maintenance of the leased facility. An apportionment shall be available pursuant to this subdivision for construction, reconstruction, rehabilitation or improvement in a building, or portion thereof, being leased by a school district only if the lease is for a term of at least ten years subsequent to the date of the general construction contract for such construction, reconstruction, rehabilitation or improvement. Each school district shall prepare a five year capital facilities plan, pursuant to regulations developed by the commissioner for such purpose, provided that in the case of a city school district in a city having a population of one million inhabitants or more, such facilities plan shall comply with the provisions of section twenty-five hundred ninety-p of this chapter and this subdivision. Such plan shall include, but not be limited to, a building inventory, and estimated expense of facility needs, for new construction, additions, alterations, reconstruction, major repairs, energy consumption and maintenance by school building, as appropriate. Such five year plan shall include a priority ranking of projects and shall be amended if necessary to reflect subsequent on-site evaluations of facilities conducted by state supported contractors.

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

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

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

(2) Where a school district has expenditures for site purchase, grading or improvement of the site, original furnishings, equipment, machinery or apparatus, or professional fees, or other incidental costs, the cost allowances for new construction and the purchase of existing structures may be increased by the actual expenditures for such purposes but by not more than:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WITHIN EACH TIER CATEGORY, PROJECTS SHALL BE RANKED FIRST BY THE DISTRICT'S NEED RESOURCE INDEX, THEN BY THE ADJUSTED AGE OF THE BUILDING. PROJECTS SHALL BE SELECTED FOR INCLUSION IN THE COMPETITIVE CONSTRUCTION FUND IN RANK ORDER, FIRST FROM FIRST TIER PROJECTS, THEN FROM SECOND TIER PROJECTS, THEN FROM THIRD TIER PROJECTS, THEN FROM FOURTH TIER PROJECTS, THEN FROM FIFTH TIER PROJECTS, THEN FROM SIXTH TIER PROJECTS. SUCH DETERMINATION SHALL BE MADE PURSUANT TO REGULATIONS OF THE COMMISSIONER ON A QUARTERLY BASIS, ON THE FIRST BUSINESS DAY FOLLOWING FEBRUARY FIFTEENTH, THE FIRST BUSINESS DAY FOLLOWING MAY FIFTEENTH, THE FIRST BUSINESS DAY FOLLOWING AUGUST FIFTEENTH AND THE FIRST BUSINESS DAY FOLLOWING NOVEMBER FIFTEENTH. ANY SCHOOL DISTRICT NOT IN A CITY HAVING A POPULATION OF ONE MILLION OR MORE SHALL BE ELIGIBLE TO RECEIVE A MAXIMUM OF TWENTY PERCENT OF THE FUNDS AVAILABLE PURSUANT TO THIS PARAGRAPH. ANY CITY SCHOOL DISTRICT IN A CITY HAVING A POPULATION OF ONE MILLION OR MORE SHALL BE ELIGIBLE TO RECEIVE A MAXIMUM OF FIFTY PERCENT OF THE FUNDS AVAILABLE PURSUANT TO THIS PARAGRAPH PROVIDED, HOWEVER, THAT IN THE EVENT THAT ANY SUCH CITY HAS NOT MADE APPLICATION FOR AND BEEN AWARDED SUCH FUNDS AS OF APRIL FIRST, THEY SHALL BE MADE AVAILABLE FOR OTHER PROJECTS ELIGIBLE FOR FUNDING PURSUANT TO THIS CLAUSE.

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

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

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

(2) Additional apportionment for certain school building projects. (i) Eligibility. All school building projects (a) approved by the voters of the school district or (b) approved by the board of education of a city school district in a city with more than one hundred twenty-five thousand inhabitants, and/or the chancellor in a city school district in a city having a population of one million or more or (c) in the case of a construction emergency project, approved by the board of education of any school district or by the chancellor in a city school district in a city having a population of one million or more, for projects approved on or after July first, nineteen hundred ninety-eight, shall be eligible for an additional apportionment pursuant to this subparagraph to the extent that expenditures for such projects are otherwise aidable pursuant to this subdivision, provided that where such projects are leases, such projects would only be aidable pursuant to this subdivision following the approval of the voters of the school district if entered into pursuant to section four hundred three-b of the education law, and provided that for all such projects so approved on or after July first, two thousand, expenditures directly related to swimming pools shall not be eligible for such additional apportionment, and further provided that for the purposes of this subdivision a construction emergency project shall mean a school construction project approved on or after July first, two thousand, to remediate emergency situations which arise in public school buildings and threaten the health and/or safety of building occupants, as a result of the unanticipated discovery of asbestos or other hazardous substances during construction work on a school or significant damage caused by a fire, snow storm, ice storm, excessive rain, high wind, flood or similar catastrophic event which results in the necessity for immediate repair.

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

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

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

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

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

board of education of a city school district in a city with more than one hundred twenty-five thousand inhabitants, and/or the chancellor in a city school district in a city having a population of one million or more and for which the alternate pupil wealth ratio is less than eighty-five hundredths in such school year, and for all such school building projects approved by the voters of the school district or by the board of education of a city school district in a city with more than one hundred twenty-five thousand inhabitants, and/or the chancellor in a city school district in a city having a population of one million or more, on or after July first, two thousand five and on or before June thirtieth, two thousand eight, for any school district for which the pupil wealth ratio was greater than two and five-tenths in the two thousand--two thousand one school year and for which the alternate pupil wealth ratio was less than eighty-five hundredths in the two thousand--two thousand one school year, the additional building aid ratio; provided that, school districts who are eligible for aid under paragraph f of subdivision fourteen of this section may compute aid under the provisions of this subdivision using the difference of the highest of the aid ratios so computed for the reorganized district or the highest of the aid ratios so computed for any of the individual school districts which existed prior to the date of the reorganized school district less one-tenth.

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

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

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

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

YORK CITY TRANSITIONAL FINANCE AUTHORITY for school purposes [(or by the New York city transitional finance authority for school purposes, if no such capital debt is incurred by the city of New York)] during the base year and of the estimated average interest rate applied to all capital debt to be incurred by the city of New York AND THE NEW YORK CITY TRANSITIONAL FINANCE AUTHORITY for school purposes [(or by the New York city transitional finance authority for school purposes, if no such capital debt is incurred by the city of New York)] during the current year. Upon approval by the commissioner such actual average interest rate shall be established as the interest rate applicable to the base year for the purposes of this subparagraph and subparagraph two of this paragraph, and such estimated average interest rate shall be tentatively established as the interest rate applicable to the current year, except that all apportionments of aid payable during the current year based on such estimated average interest rate shall be recalculated in the following year and adjusted as appropriate based on the appropriate actual average interest rate then established by the commissioner.

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

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

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

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

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

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

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

(1) For the purposes of this apportionment, approved transportation operating expense shall be the actual expenditure incurred by a school district and approved by the commissioner, LESS ANY DEDUCTIONS REQUIRED BY SUBPARAGRAPH THREE OF THIS PARAGRAPH: (i) for those items of transportation operating expense allowable under subdivision one of section thirty-six hundred twenty-three-a of this article for regular aidable transportation of pupils as such terms are defined in sections thirty-six hundred twenty-one and thirty-six hundred twenty-two-a of this article, and (ii) for those items of transportation operating expense allowable under subdivision one of section thirty-six hundred twenty-three-a of this article for the transportation required or authorized pursuant to article eighty-nine of this chapter, and (iii) for providing monitors on school buses for students with disabilities, and (iv) for transportation operating expenses allowable under section thirty-six hundred twenty-three-a of this article for the transportation of homeless children authorized by paragraph c of subdivision four of section thirty-two hundred nine of this chapter, provided that the total approved cost of such transportation shall not exceed the amount of the total cost of the most cost-effective mode of transportation.

(3) (I) COMMENCING WITH AID PAYABLE IN THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN SCHOOL YEAR, TO RECEIVE AID ON ITS TOTAL ACTUAL TRANSPORTATION OPERATING EXPENSE APPROVED BY THE COMMISSIONER FOR THE BASE YEAR, A SCHOOL DISTRICT SHALL DEMONSTRATE TO THE SATISFACTION OF THE COMMISSIONER THAT IT: (I) HAS IMPLEMENTED A MAJORITY OF THE COST-EFFECTIVE TRANSPORTATION MANAGEMENT BEST PRACTICES PRESCRIBED IN THE REGULATIONS OF THE COMMISSIONER THAT ARE APPLICABLE TO THE DISTRICT, OR (II) HAS ENTERED INTO A COST-EFFECTIVE SHARED TRANSPORTATION ARRANGEMENT WITH ANOTHER LOCAL GOVERNMENT ENTITY.

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

(A) MAINTENANCE OF A REASONABLE UTILIZATION RATIO FOR BUSES;

(B) USE OF MULTIPLE YEAR CONTRACTS FOR PRIVATE VENDOR CONTRACTS;

(C) NO BUS PURCHASES MADE AT HIGHER THAN STATE CONTRACT PRICE IN THE BASE YEAR;

(D) EARLY ADVERTISEMENT FOR NEW CONTRACTS;

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

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

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

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

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

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

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

(D) FOR AID PAYABLE IN THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR, BY TEN PERCENT.

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

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

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

(3) FOR A SCHOOL BUS WITH A SEATING CAPACITY OF TEN OR MORE PASSENGERS, INCLUDING THE DRIVER, WHICH IS PURCHASED ON OR AFTER THE EFFECTIVE DATE OF THIS SUBPARAGRAPH AS A REPLACEMENT FOR AN EXISTING SCHOOL BUS, THE EXPENSE OF SUCH PURCHASE SHALL NOT BE AN ALLOWABLE COST UNLESS THE SCHOOL BUS BEING REPLACED IS AT LEAST TEN YEARS OLD AND HAS A MILEAGE IN EXCESS OF ONE HUNDRED TWENTY THOUSAND MILES, OR A WAIVER IS GRANTED BY THE COMMISSIONER PURSUANT TO THIS PARAGRAPH. FOR A SCHOOL BUS WITH A SEATING CAPACITY OF LESS THAN TEN PASSENGERS, INCLUDING THE DRIVER, WHICH IS PURCHASED ON OR AFTER THE EFFECTIVE DATE OF THIS SUBPARAGRAPH AS A REPLACEMENT FOR AN EXISTING SCHOOL BUS, THE EXPENSE OF SUCH PURCHASE SHALL NOT BE AN ALLOWABLE COST UNLESS THE SCHOOL BUS BEING REPLACED IS AT LEAST TEN YEARS OLD AND HAS A MILEAGE IN EXCESS OF ONE HUNDRED TWENTY THOUSAND MILES, OR A WAIVER IS GRANTED BY THE COMMISSIONER PURSUANT TO THIS SUBPARAGRAPH. THE COMMISSIONER MAY GRANT SUCH WAIVER WHERE THE SCHOOL DISTRICT DEMONSTRATES TO THE SATISFACTION OF THE

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

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

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

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

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

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

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

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

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

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

Notwithstanding any provision of law to the contrary, for aid payable in the two thousand eight--two thousand nine school year, the grant to each eligible school district for universal prekindergarten aid shall be computed pursuant to this subdivision, and for the two thousand nine--two thousand ten and two thousand ten--two thousand eleven school years, each school district shall be eligible for a maximum grant equal to the amount computed for such school district for the base year in the electronic data file produced by the commissioner in support of the two thousand nine--two thousand ten education, labor and family assistance budget, provided, however, that in the case of a district implementing programs for the first time or implementing expansion programs in the two thousand eight--two thousand nine school year where such programs operate for a minimum of ninety days in any one school year as provided in section 151-1.4 of the regulations of the commissioner, FOR THE TWO THOUSAND NINE--TWO THOUSAND TEN AND TWO THOUSAND TEN--TWO THOUSAND ELEVEN SCHOOL YEARS, such school district shall be eligible for a maximum grant equal to the amount computed pursuant to paragraph a of subdivision nine of this section in the two thousand eight--two thousand nine school year, AND FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE AND TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEARS EACH SCHOOL DISTRICT SHALL BE ELIGIBLE FOR A MAXIMUM GRANT EQUAL TO THE AMOUNT SET FORTH FOR SUCH SCHOOL DISTRICT AS "UNIVERSAL PRE-KINDERGARTEN" UNDER THE HEADING "2011-12 ESTIMATED AIDS" IN THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET REQUEST FOR THE 2011-12 SCHOOL YEAR AND ENTITLED "BT111-2", and provided further that the maximum grant shall not exceed the total actual grant expenditures incurred by the school district in the current school year as approved by the commissioner.

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

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

payments due to such school district and payable in the month of June in (i) the school year in which such notification was received and (ii) the two succeeding school years, provided further that there shall be no interest penalty assessed against such district or collected by the state. Such request shall be made to the commissioner in such form as the commissioner shall prescribe, and shall be based on documentation that the total amount to be recovered is in excess of one percent of the district's total general fund expenditures for the preceding school year. The amount to be deducted in the first year shall be the greater of (i) the sum of the amount of such excess payments that is recognized as a liability due to other governments by the district for the preceding school year and the positive remainder of the district's unreserved fund balance at the close of the preceding school year less the product of the district's total general fund expenditures for the preceding school year multiplied by five percent, or (ii) one-third of such excess payments. The amount to be recovered in the second year shall equal the lesser of the remaining amount of such excess payments to be recovered or one-third of such excess payments, and the remaining amount of such excess payments shall be recovered in the third year. Provided further that, notwithstanding any other provisions of this subdivision, any pending payment of moneys due to such district as a prior year adjustment payable pursuant to paragraph c of this subdivision for aid claims that had been previously paid as current year aid payments in excess of the amount to which the district is entitled and for which recovery of excess payments is to be made pursuant to this paragraph, shall be reduced at the time of actual payment by any remaining unrecovered balance of such excess payments, and the remaining scheduled deductions of such excess payments pursuant to this paragraph shall be reduced by the commissioner to reflect the amount so recovered. [The commissioner shall certify no payment to a school district based on a claim submitted later than three years after the close of the school year in which such payment was first to be made. For claims for which payment is first to be made in the nineteen hundred ninety-six--ninety-seven school year, the commissioner shall certify no payment to a school district based on a claim submitted later than two years after the close of such school year.] For claims for which payment is first to be made [in the nineteen hundred ninety-seven--ninety-eight] PRIOR TO THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN school year [and thereafter], the commissioner shall certify no payment to a school district based on a claim submitted later than one year after the close of such school year. FOR CLAIMS FOR WHICH PAYMENT IS FIRST TO BE MADE IN THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN SCHOOL YEAR, THE COMMISSIONER SHALL CERTIFY NO PAYMENT TO A SCHOOL DISTRICT IN EXCESS OF THE PAYMENT COMPUTED BASED ON AN ELECTRONIC DATA FILE USED TO PRODUCE THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET REQUEST FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR AND ENTITLED "BT111-2". FOR CLAIMS FOR WHICH PAYMENT IS FIRST TO BE MADE IN THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR AND THEREAFTER, THE COMMISSIONER SHALL CERTIFY NO PAYMENT TO A SCHOOL DISTRICT, OTHER THAN PAYMENTS PURSUANT TO SUBDIVISIONS SIX-A, ELEVEN, THIRTEEN AND FIFTEEN OF SECTION THIRTY-SIX HUNDRED TWO OF THIS PART, IN EXCESS OF THE PAYMENT COMPUTED BASED ON AN ELECTRONIC DATA FILE USED TO PRODUCE THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET REQUEST, AND SHALL CERTIFY NO PAYMENT TO A SCHOOL DISTRICT BASED ON A CLAIM SUBMITTED LATER THAN THE DATE UPON WHICH AN ELECTRONIC DATA FILE WAS CREATED FOR THE PURPOSES OF COMPUTING THE JUNE AMOUNT PURSUANT TO

SUBPARAGRAPH TWO OF PARAGRAPH B OF SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED NINE-A OF THIS PART. Provided, however, no payments shall be barred or reduced where such payment is required as a result of a final audit of the state. [It is further provided that, until June thirtieth, nineteen hundred ninety-six, the commissioner may grant a waiver from the provisions of this section for any school district if it is in the best educational interests of the district pursuant to guidelines developed by the commissioner and approved by the director of the budget.]

b. Claims resulting from court orders or judgments. [Any] FOR CLAIMS FOR WHICH PAYMENT IS FIRST TO BE MADE PRIOR TO THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN SCHOOL YEAR, ANY payment which would be due as the result of a court order or judgment shall not be barred, provided that, commencing January first, nineteen hundred ninety-six, such court order or judgment and any other data required shall be filed with the comptroller within one year from the date of the court order or judgment, and provided further that the commissioner shall certify no payment to a school district for a specific school year that is based on a claim that results from a court order or judgement so filed with the comptroller unless the total value of such claim, as determined by the commissioner, is greater than one percent of the school district's total revenues from state sources as previously recorded in the general fund and reported to the comptroller in the annual financial report of the school district for such school year.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

E. GAP ELIMINATION ADJUSTMENT FOR TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE. (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE COMMISSIONER SHALL REDUCE PAYMENTS DUE TO EACH DISTRICT FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR PURSUANT TO THIS SECTION BY AN AMOUNT EQUAL TO THE GAP ELIMINATION ADJUSTMENT COMPUTED FOR SUCH DISTRICT, AND SUCH AMOUNT SHALL BE DEDUCTED FROM MONEYS APPORTIONED FOR THE PURPOSES OF PAYMENTS MADE PURSUANT TO THIS SECTION AND IF THE REDUCTION IS GREATER THAN THE SUM OF THE AMOUNTS AVAILABLE FOR SUCH DEDUCTIONS, THE REMAINDER OF THE REDUCTION SHALL BE WITHHELD FROM PAYMENTS SCHEDULED TO BE MADE TO THE DISTRICT PURSUANT TO THIS SECTION FOR THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR, AND PROVIDED FURTHER THAT AN AMOUNT EQUAL TO THE AMOUNT OF SUCH DEDUCTION SHALL BE DEEMED TO HAVE BEEN PAID TO THE DISTRICT PURSUANT TO THIS SECTION FOR THE SCHOOL YEAR IN WHICH SUCH DEDUCTION IS MADE. THE COMMISSIONER SHALL COMPUTE SUCH GAP ELIMINATION ADJUSTMENT AND SHALL PROVIDE A SCHEDULE OF SUCH REDUCTION IN PAYMENTS TO THE STATE COMPTROLLER, THE DIRECTOR OF THE BUDGET, THE CHAIR OF THE SENATE FINANCE COMMITTEE AND THE CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE.

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

(I) THE PERCENTAGE REDUCTION SHALL BE THE SUM OF (A) THE PRODUCT OF THE TOTAL AID FOR ADJUSTMENT, MULTIPLIED BY SIX AND FOUR-TENTHS PERCENT (0.064), AND (B) THE PRODUCT OF FOUR THOUSAND FOUR HUNDRED DOLLARS ($4,400) MULTIPLIED BY THE REDUCTION FACTOR, MULTIPLIED BY THE PUBLIC SCHOOL DISTRICT ENROLLMENT FOR THE BASE YEAR COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE OF SUCH SECTION THIRTY-SIX HUNDRED TWO OF THIS PART, PROVIDED, HOWEVER, THAT SUCH PERCENTAGE REDUCTION SHALL NOT BE LESS THAN THE PRODUCT OF ELEVEN PERCENT (0.11) MULTIPLIED BY SUCH TOTAL AID FOR ADJUSTMENT, AND NOT MORE THAN THE PRODUCT OF TWENTY-THREE PERCENT (0.23) MULTIPLIED BY SUCH TOTAL AID FOR ADJUSTMENT.

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

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

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

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

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

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

(II) "THREE-YEAR AVERAGE FREE AND REDUCED PRICE LUNCH PERCENT" SHALL MEAN THE QUOTIENT OF (A) THE SUM OF THE NUMBER OF PUPILS IN KINDERGARTEN THROUGH GRADE SIX ATTENDING THE PUBLIC SCHOOLS OF THE DISTRICT WHO HAVE APPLICATIONS ON FILE OR WHO ARE LISTED ON A DIRECT CERTIFICATION LETTER CONFIRMING THEIR ELIGIBILITY FOR PARTICIPATION IN THE STATE AND FEDERALLY FUNDED FREE AND REDUCED PRICE LUNCH PROGRAM ON THE DATE ENROLLMENT WAS COUNTED IN ACCORDANCE WITH THIS SUBDIVISION FOR THE YEAR PRIOR TO THE BASE YEAR, PLUS SUCH NUMBER OF ELIGIBLE APPLICANTS FOR THE FREE AND REDUCED PRICE LUNCH PROGRAM COMPUTED FOR THE YEAR TWO YEARS PRIOR TO THE BASE YEAR, PLUS SUCH NUMBER OF ELIGIBLE APPLICANTS FOR THE FREE AND REDUCED PRICE LUNCH PROGRAM COMPUTED FOR THE YEAR THREE YEARS PRIOR TO THE BASE YEAR, DIVIDED BY (B) THE SUM OF THE NUMBER OF PUPILS IN KINDERGARTEN THROUGH GRADE SIX ON A REGULAR ENROLLMENT REGISTER OF A PUBLIC SCHOOL DISTRICT ON THE DATE ENROLLMENT WAS COUNTED IN ACCORDANCE WITH THIS SUBDIVISION FOR THE YEAR PRIOR TO THE BASE YEAR, PLUS SUCH NUMBER OF PUPILS IN KINDERGARTEN THROUGH GRADE SIX ON A REGULAR ENROLLMENT REGISTER OF A PUBLIC SCHOOL DISTRICT COMPUTED FOR THE YEAR TWO YEARS PRIOR TO THE BASE YEAR, PLUS SUCH NUMBER OF PUPILS IN KINDERGARTEN THROUGH GRADE SIX ON A REGULAR ENROLLMENT REGISTER OF A PUBLIC SCHOOL DISTRICT COMPUTED FOR THE YEAR THREE YEARS PRIOR TO THE BASE YEAR; AND

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

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

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

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

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

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

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

(X) "TGFE PERCENTAGE" SHALL MEAN, (A) IN THE CASE OF A DISTRICT DETERMINED TO BE A HIGH NEED SCHOOL DISTRICT PURSUANT TO CLAUSE (C) OF SUBPARAGRAPH TWO OF PARAGRAPH C OF SUBDIVISION SIX OF SECTION THIRTY-SIX HUNDRED TWO OF THIS PART FOR THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE ENACTED BUDGET FOR THE TWO THOUSAND SEVEN--TWO THOUSAND EIGHT SCHOOL YEAR AND ENTITLED "SA0708", FOR A SCHOOL DISTRICT WHICH HAS A THREE-YEAR AVERAGE FREE AND REDUCED PRICE LUNCH PERCENT GREATER THAN SEVENTY-FIVE PERCENT (0.75) AND WHICH HAS AN ADMINISTRATIVE EFFICIENCY RATIO LESS THAN ONE AND FIFTY-FIVE ONE HUNDREDTHS PERCENT (0.0155), FOUR AND SEVEN TENTHS PERCENT (0.047) AND FOR ALL OTHER SUCH SCHOOL DISTRICTS, SIX AND NINE TENTHS PERCENT (0.069), OR (B) IN THE CASE OF ALL OTHER SCHOOL DISTRICTS, ELEVEN PERCENT (0.11).

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

a. Any moneys to be apportioned by the commissioner to school districts during the school year pursuant to this section for services provided on or before June thirtieth, two thousand nine THAT WERE REIMBURSED BY THE STATE ON OR BEFORE APRIL FIRST, TWO THOUSAND ELEVEN shall, in the first instance, be designated as the state share of moneys due a school district pursuant to title XIX of the social security act, on account of school supportive health services provided to students with disabilities in special education programs pursuant to article eighty-nine of this chapter and to those pupils who are qualified handicapped persons as defined in the federal rehabilitation act of nineteen hundred seventy-three, as amended. Some or all of such state share may be assigned on behalf of school districts to the department of health, as provided herein; any remaining state share moneys shall be paid to school districts on the same schedule as the federal share of such title XIX payments and shall be based on the monthly report of the commissioner of health to the commissioner; and any remaining moneys to be apportioned to a school district pursuant to this section shall be paid in accordance with the provisions of subdivision two of this section. The amount to be assigned to the department of health, as determined by the commissioner of health, for any school district shall not exceed the federal share of any moneys due such school district pursuant to title XIX. Moneys designated as state share moneys shall be paid to such school districts based on the submission and approval of claims related to such school supportive health services, in the manner provided by law.

a-1. Any moneys to be apportioned by the commissioner to school districts during the school year pursuant to this section for services provided during the two thousand nine--two thousand ten school year and thereafter, OR FOR SERVICES PROVIDED IN A PRIOR SCHOOL YEAR THAT WERE NOT REIMBURSED BY THE STATE ON OR BEFORE APRIL FIRST, TWO THOUSAND ELEVEN, shall, in the first instance, be designated as the state share of moneys due a school district pursuant to title XIX of the social security act, on account of school supportive health services provided to students with disabilities in special education programs pursuant to article eighty-nine of this chapter and to those pupils who are qualified handicapped persons as defined in the federal rehabilitation act of nineteen hundred seventy-three, as amended. Such state share shall be assigned on behalf of school districts to the department of health, as provided herein; the amount designated as such nonfederal share shall be transferred by the commissioner to the department of health based on the monthly report of the commissioner of health to the commissioner; and any remaining moneys to be apportioned to a school district pursuant to this section shall be paid in accordance with the provisions of subdivision two of this section. The amount to be assigned to the department of health, as determined by the commissioner of health, for any school district shall not exceed the federal share of any moneys due such school district pursuant to title XIX. Moneys designated as state share moneys shall be paid to such school districts by the department of health based on the submission and approval of claims related to such school supportive health services, in the manner provided by law.

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

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

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

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

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

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

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

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

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

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

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

C. THE COMMISSIONER MAY PROMULGATE REGULATIONS, INCLUDING ON AN EMERGENCY BASIS, AS NECESSARY TO IMPLEMENT THIS SECTION.

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

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

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

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

a. The New York school for the deaf;

b. The Lexington school for the deaf;

c. St. Mary's school for the deaf in the city of Buffalo;

D. THE HENRY VISCARDI SCHOOL;

e. St. Joseph's school for the deaf in the city of New York;

f. Rochester school for the deaf in the city of Rochester;

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

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

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

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

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

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

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

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

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

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

e. To suggest to the directors of such institutions and to the legislature such improvements as he shall judge expedient.

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

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

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

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

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

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

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

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

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

1. Each deaf pupil so received into any of the institutions aforesaid shall be provided with board, lodging and tuition; and the directors of the institution shall receive an appropriation for each pupil so provided for, in quarterly payments, to be paid by the commissioner of taxation and finance, on the warrant of the comptroller, to the treasurer of said institution; provided, however, that an estimated one-half of each such quarterly payment shall be due on the first day of each quarter, the estimate to be based on the affidavit of the chief executive officer of the institution stating the number of pupils for whom board, lodging and tuition was so provided by the institution during the preceding quarter and during the comparable quarter of the preceding year, and the remaining part of each such quarterly payment shall be due thereafter on the first day of the quarter next ensuing, upon the presentation by the treasurer of the institution of a bill showing the actual time and number of pupils attending the institution, which bill shall be signed by the chief executive officer of the institution, and verified by his oath. THE PROVISIONS OF THIS SUBDIVISION SHALL APPLY TO

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

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

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

(2) Each deaf pupil so received into any of the approved institutions or facilities aforesaid shall be provided with tuition; and the directors of the institution or facility shall receive an appropriation for each pupil so provided for, in quarterly payments, to be paid by the commissioner of taxation and finance on the warrant of the comptroller, to the treasurer of said institution or facility, on his OR HER presenting a bill showing the actual time and number of pupils in attendance, which bill shall be signed by the chief executive officer of the institution, and verified under his OR HER oath.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

S 61. Intentionally omitted.

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

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

d. "Public or private agency" shall mean an approved preschool special education program, or [a state-supported] AN APPROVED PRIVATE school [operating pursuant to article eighty-five] LISTED IN SUBDIVISION ONE OF SECTION FORTY-TWO HUNDRED ONE of this chapter THAT PROVIDES A DEAF-INFANT PROGRAM, or an approved private non-residential or residential school that provides special services or programs pursuant to subdivision two of section forty-four hundred one of this article. Such term shall not include an individual providing related services only to preschool students with disabilities pursuant to section forty-four hundred ten of this article. Such term shall include a board of cooperative educational services only to the extent it is an approved preschool special education program, and only for those students provided special education programs or services pursuant to section forty-four hundred ten of this article.

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

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

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

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

Base Grant x (1 + aid ratio)

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

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

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

b. Reimbursement for programs approved in accordance with subdivision a of this section [for the 2006-07 school year shall not exceed 64.7 percent of the lesser of such approvable costs per contact hour or nine dollars and twenty-five cents per contact hour where a contact hour represents sixty minutes of instruction services provided to an eligible adult, reimbursement for the 2007-08 school year shall not exceed 63.3 percent of the lesser of such approvable costs per contact hour or nine dollars and ninety cents per contact hour where a contact hour represents sixty minutes of instruction services provided to an eligible adult], reimbursement for the 2008-09 school year shall not exceed 62.8 percent of the lesser of such approvable costs per contact hour or ten dollars and sixty-five cents per contact hour [where a contact hour represents sixty minutes of instruction services provided to an eligible adult and], reimbursement for the 2009-10 school year shall not exceed 64.1 percent of the lesser of such approvable costs per contact hour or eleven dollars and [fifty] FORTY cents per contact hour [where a contact hour represents sixty minutes of instruction services provided to an eligible adult], REIMBURSEMENT FOR THE 2010-11 SCHOOL YEAR SHALL NOT EXCEED 62.6 PERCENT OF THE LESSER OF SUCH APPROVABLE COSTS PER CONTACT HOUR OR TWELVE DOLLARS AND FIVE CENTS PER CONTACT HOUR AND REIMBURSEMENT FOR THE 2011-12 SCHOOL YEAR SHALL NOT EXCEED 62.9 PERCENT OF THE LESSER OF SUCH APPROVABLE COSTS PER CONTACT HOUR OR TWELVE DOLLARS AND TWENTY-NINE CENTS PER CONTACT HOUR, WHERE A CONTACT HOUR REPRESENTS SIXTY MINUTES OF INSTRUCTION SERVICES PROVIDED TO AN ELIGIBLE ADULT. Notwithstanding any other provision of law to the contrary, [for the 2006-07 school year such contact hours shall not exceed one million nine hundred twenty-three thousand seventy-six (1,923,076) hours; whereas for the 2007-08 school year such contact hours shall not exceed one million eight hundred thirty-seven thousand sixty (1,837,060) hours; whereas] for the 2008-09 school year such contact hours shall not exceed one million nine hundred forty-six thousand one hundred seven (1,946,107) hours; whereas for the 2009-10 school year such contact hours shall not exceed one million seven hundred [sixty-three] EIGHTY thousand [nine hundred seven (1,763,907)] EIGHT HUNDRED TWENTY-ONE (1,780,821) hours; WHEREAS FOR THE 2010-11 SCHOOL YEAR SUCH CONTACT HOURS SHALL NOT EXCEED ONE MILLION FIVE HUNDRED TWENTY-FIVE THOUSAND ONE HUNDRED NINETY-EIGHT (1,525,198) HOURS; WHEREAS FOR THE 2011-12 SCHOOL YEAR SUCH CONTACT HOURS SHALL NOT EXCEED ONE MILLION FOUR HUNDRED NINETY-THREE THOUSAND FIVE HUNDRED SIX (1,493,506) HOURS.

Notwithstanding any other provision of law to the contrary, the apportionment calculated for the city school district of the city of New York pursuant to subdivision 11 of section 3602 of the education law shall be computed as if such contact hours provided by the consortium for worker education, not to exceed the contact hours set forth herein, were eligible for aid in accordance with the provisions of such subdivision 11 of section 3602 of the education law.

S 66. Section 4 of chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for

worker education in New York city, is amended by adding a new subdivision p to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

F. ON OR BEFORE NOVEMBER FIFTEENTH OF EACH YEAR, THE DORMITORY AUTHORITY SHALL SUBMIT, AND THEREAFTER MAY RESUBMIT, TO THE DIRECTOR OF THE BUDGET, THE STATE COMPTROLLER, THE CHAIRMAN OF THE SENATE FINANCE COMMITTEE AND THE CHAIRMAN OF THE ASSEMBLY WAYS AND MEANS COMMITTEE A REPORT SETTING FORTH THE AMOUNTS, IF ANY, OF ALL ANNUAL RENTALS ESTIMATED TO BECOME DUE IN THE SUCCEEDING STATE FISCAL YEAR TO THE DORMITORY AUTHORITY FROM THE PRIVATE NON-PROFIT SCHOOL PURSUANT TO ANY LEASES, SUBLEASES OR OTHER AGREEMENTS BETWEEN THE DORMITORY AUTHORITY AND SUCH PRIVATE NON-PROFIT SCHOOL TO PROVIDE EDUCATIONAL FACILITIES FOR SUCH PRIVATE NON-PROFIT SCHOOL. THE STATE COMPTROLLER SHALL PAY OVER TO THE DORMITORY AUTHORITY PURSUANT TO APPROPRIATIONS THEREFOR SOLELY FROM MONEYS AVAILABLE IN THE PRIVATE NON-PROFIT SCHOOL CAPITAL FACILITIES FINANCING RESERVE FUND THE AMOUNT SET FORTH IN SUCH REPORT AT THE TIMES AND IN THE AMOUNTS SET FORTH IN THE CERTIFICATE FILED WITH THE COMPTROLLER BY THE DORMITORY AUTHORITY PURSUANT TO CLAUSE (IV) OF SUBPARAGRAPH TWO OF PARAGRAPH G OF THIS SUBDIVISION.

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

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

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

RESPECT TO EDUCATIONAL FACILITIES, SUBJECT TO THE APPROVAL OF THE DIRECTOR OF THE BUDGET, AND AFTER CONSULTATION WITH THE DORMITORY AUTHORITY.

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

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

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

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

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

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

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

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

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

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

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

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

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

S 84. Special apportionment for salary expenses. a. 1. Notwithstanding any other provision of law, upon application to the commissioner of education, not sooner than the first day of the second full business week of June, 2011 and not later than the last day of the third full business week of June, 2011, a school district eligible for an apportionment pursuant to section 3602 of the education law shall be eligible to receive an apportionment pursuant to this section, for the school year ending June 30, 2011, for salary expenses incurred between April 1 and June 30, 2011.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

a. for the purpose of the development, maintenance or expansion of magnet schools or magnet school programs for the two thousand eleven--two thousand twelve school year. To the city school district of the city of New York there shall be paid forty-eight million one hundred seventy-five thousand dollars ($48,175,000) including five hundred thousand dollars ($500,000) for the Andrew Jackson High School; to the Buffalo city school district, twenty-one million twenty-five thousand dollars ($21,025,000); to the Rochester city school district, fifteen million dollars ($15,000,000); to the Syracuse city school district, thirteen million dollars ($13,000,000); to the Yonkers city school district, forty-nine million five hundred thousand dollars, ($49,500,000); to the Newburgh city school district, four million six hundred forty-five thousand dollars ($4,645,000); to the Poughkeepsie city school district, two million four hundred seventy-five thousand dollars ($2,475,000); to the Mount Vernon city school district, two million dollars ($2,000,000); to the New Rochelle city school district, one million four hundred ten thousand dollars ($1,410,000); to the Schenectady city school district, one million eight hundred thousand dollars ($1,800,000); to the Port Chester city school district, one million one hundred fifty thousand

dollars ($1,150,000); to the White Plains city school district, nine hundred thousand dollars ($900,000); to the Niagara Falls city school district, six hundred thousand dollars ($600,000); to the Albany city school district, three million five hundred fifty thousand dollars ($3,550,000); to the Utica city school district, two million dollars ($2,000,000); to the Beacon city school district, five hundred sixty-six thousand dollars ($566,000); to the Middletown city school district, four hundred thousand dollars ($400,000); to the Freeport union free school district, four hundred thousand dollars ($400,000); to the Greenburgh central school district, three hundred thousand dollars ($300,000); to the Amsterdam city school district, eight hundred thousand dollars ($800,000); to the Peekskill city school district, two hundred thousand dollars ($200,000); and to the Hudson city school district, four hundred thousand dollars ($400,000).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10. section seventy of this act shall take effect immediately and shall be deemed to have been in full force and effect on and after January 1, 2011;

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

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

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

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

15. the amendments to subdivision 1 of section 2856 of the education law made by section twenty-one of this act shall be subject to the expiration and reversion of such subdivision pursuant to subdivision d of section 27 of chapter 378 of the laws of 2007, as amended, when upon such date the provisions of section twenty-two of this act shall take effect;

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

17. notwithstanding the provisions of article 5 of the general construction law, the provisions of subdivision b of section 2, section 4 of chapter 756 of the laws of 1992 relating to funding a program for work force education conducted by the consortium for worker education in New York city, as amended by sections sixty-five and sixty-six of this act are hereby revived and shall continue in full force and effect as such provisions existed on June 30, 2010;

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

19. the amendments to section 12 of chapter 147 of the laws of 2001 amending the education law relating to conditional appointment of school district, charter school or BOCES employees made by section seventy-two of this act shall not affect the expiration of such section and shall be deemed to expire therewith;

20. notwithstanding the provisions of article 5 of the general construction law, the provisions of section 4 of chapter 425 of the laws of 2002 amending the education law relating to the provision of supplemental educational services, attendance at a safe public school and the suspension of pupils who bring a firearm at a school, as amended by section seventy-three of this act are hereby revived and shall continue in full force and effect as such provisions existed on June 30, 2010;

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

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

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

PART B

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

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

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

(2) THE COMMISSIONER SHALL BE AUTHORIZED, CONSISTENT WITH THE PLAN REQUIRED BY THIS PARAGRAPH, TO PROMULGATE RULES AND REGULATIONS NECESSARY FOR THE IMPLEMENTATION OF THIS SUBDIVISION.

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

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

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

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

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

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

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

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

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

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

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

B. THE COMMISSIONER SHALL:

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

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

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

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

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

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

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

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

D. FOR PURPOSES OF THIS SUBDIVISION:

(1) "CATEGORY OF DISTRICT" MEANS:

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

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

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

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

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

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

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

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

S 3. This act shall take effect immediately.

PART C

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

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

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

S 4. This act shall take effect immediately.

PART D

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

SUBPART A

Section 1. Paragraph a of subdivision 2 of section 355 of the education law, as amended by chapter 552 of the laws of 1985, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

VOTE, OR IF THERE IS A VOTE TO TABLE THE APPLICATION, THEN WITHIN THREE DAYS OF THE INITIAL MEETING, THE CHAIRPERSON OF THE BOARD SHALL CONVENE A SUBSEQUENT MEETING WITH AT LEAST SEVEN DAYS ADVANCE NOTICE TO ALL MEMBERS OF THE BOARD, AND WITHIN THIRTY-FIVE DAYS OF THE RECEIPT OF THE APPLICATION FOR THE PURPOSE OF RECORDING A VOTE TO APPROVE, DENY, OR TABLE THE APPLICATION. IF ANY VOTE IS MADE TO DENY THE APPLICATION, THE APPLICATION IS DENIED UNLESS THERE IS A VOTE TO TABLE THE APPLICATION. IF AT THE SUBSEQUENT MEETING, ANY VOTING MEMBER OR THEIR DESIGNEE DOES NOT PARTICIPATE TO RECORD A VOTE, OR IF THERE IS A VOTE TO TABLE THE APPLICATION, THEN WITHIN THREE DAYS OF THE SUBSEQUENT MEETING, THE CHAIRPERSON OF THE BOARD SHALL CONVENE A FINAL MEETING WITH AT LEAST SEVEN DAYS ADVANCE NOTICE TO ALL MEMBERS OF THE BOARD, AND WITHIN FORTY-FIVE DAYS OF THE RECEIPT OF THE APPLICATION FOR THE PURPOSE OF RECORDING A VOTE TO APPROVE OR DENY THE APPLICATION. IF ANY VOTE IS MADE TO DENY THE APPLICATION, THE APPLICATION IS DENIED. IF ANY VOTING MEMBER OR THEIR DESIGNEE DOES NOT PARTICIPATE IN THE FINAL MEETING, OR IF ANY VOTING MEMBER DOES NOT CAST A VOTE TO APPROVE OR DENY THE APPLICATION, THEN THE VOTE OF SUCH MEMBER SHALL BE RECORDED AS A VOTE TO APPROVE THE APPLICATION.

(D) IN THE EVENT THAT THE CHAIRPERSON OF THE BOARD DOES NOT CONVENE A MEETING REQUIRED PURSUANT TO PARAGRAPH (C) OF THIS SUBDIVISION, EITHER OF THE OTHER VOTING MEMBERS OF THE BOARD SHALL HAVE THE AUTHORITY TO CONVENE SUCH MEETING WITHIN THE SAME PARAMETERS AND WITH THE SAME CRITERIA REQUIRED BY SUCH PARAGRAPH, EXCEPT THAT ANY SUCH MEETING SHALL BE CONVENED WITHIN TWO DAYS OF THE EXPIRATION OF THE THREE DAY TIME ALLOTMENT PROVIDED TO THE CHAIRPERSON. IN ADDITION, NOTHING IN THIS SECTION SHALL PREVENT THE CHAIRPERSON FROM CONVENING ADDITIONAL MEETINGS NOT SPECIFICALLY REQUIRED PURSUANT TO PARAGRAPH (C) OF THIS SUBDIVISION, PROVIDED THAT ANY SUCH MEETING SHALL ALLOW AT LEAST SEVEN DAYS ADVANCE NOTICE TO ALL MEMBERS OF THE BOARD.

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

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

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

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

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

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

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

(C) WITHIN THREE DAYS OF RECEIPT OF AN APPLICATION BY THE BOARD, THE CHAIRPERSON OF THE BOARD SHALL CONVENE AN INITIAL MEETING TO TAKE PLACE WITH AT LEAST SEVEN DAYS ADVANCE NOTICE TO ALL MEMBERS OF THE BOARD, AND WITHIN TWENTY-ONE DAYS OF THE RECEIPT OF THE APPLICATION FOR THE PURPOSE OF RECORDING A VOTE TO APPROVE, DENY, OR TABLE THE APPLICATION. IF ANY VOTE IS MADE TO DENY THE APPLICATION, THE APPLICATION IS DENIED UNLESS THERE IS A VOTE TO TABLE THE APPLICATION. IF AT THE INITIAL MEETING, ANY VOTING MEMBER OR THEIR DESIGNEE DOES NOT PARTICIPATE TO RECORD A VOTE, OR IF THERE IS A VOTE TO TABLE THE APPLICATION, THEN WITHIN THREE DAYS OF THE INITIAL MEETING, THE CHAIRPERSON OF THE BOARD SHALL CONVENE A SUBSEQUENT MEETING WITH AT LEAST SEVEN DAYS ADVANCE NOTICE TO ALL MEMBERS OF THE BOARD, AND WITHIN THIRTY-FIVE DAYS OF THE RECEIPT OF THE APPLICATION FOR THE PURPOSE OF RECORDING A VOTE TO APPROVE, DENY, OR TABLE THE APPLICATION. IF ANY VOTE IS MADE TO DENY THE APPLICATION, THE APPLICATION IS DENIED UNLESS THERE IS A VOTE TO TABLE THE APPLICATION. IF AT THE SUBSEQUENT MEETING, ANY VOTING MEMBER OR THEIR DESIGNEE DOES NOT PARTICIPATE TO RECORD A VOTE, OR IF THERE IS A VOTE TO TABLE THE APPLICATION, THEN WITHIN THREE DAYS OF THE SUBSEQUENT MEETING, THE CHAIRPERSON OF THE BOARD SHALL CONVENE A FINAL MEETING WITH AT LEAST SEVEN DAYS ADVANCE NOTICE TO ALL MEMBERS OF THE BOARD, AND WITHIN FORTY-FIVE DAYS OF THE RECEIPT OF THE APPLICATION FOR THE PURPOSE OF RECORDING A VOTE TO APPROVE OR DENY THE APPLICATION. IF ANY VOTE IS MADE TO DENY THE APPLICATION, THE APPLICATION IS DENIED. IF ANY VOTING MEMBER OR THEIR DESIGNEE DOES NOT PARTICIPATE IN THE FINAL MEETING, OR IF ANY VOTING MEMBER DOES NOT CAST A VOTE TO APPROVE OR DENY THE APPLICATION, THEN THE VOTE OF SUCH MEMBER SHALL BE RECORDED AS A VOTE TO APPROVE THE APPLICATION.

(D) IN THE EVENT THAT THE CHAIRPERSON OF THE BOARD DOES NOT CONVENE A MEETING REQUIRED PURSUANT TO PARAGRAPH (C) OF THIS SUBDIVISION, EITHER OF THE OTHER VOTING MEMBERS OF THE BOARD SHALL HAVE THE AUTHORITY TO CONVENE SUCH MEETING WITHIN THE SAME PARAMETERS AND WITH THE SAME CRITERIA REQUIRED BY SUCH PARAGRAPH, EXCEPT THAT ANY SUCH MEETING SHALL BE CONVENED WITHIN TWO DAYS OF THE EXPIRATION OF THE THREE DAY TIME ALLOTMENT PROVIDED TO THE CHAIRPERSON. IN ADDITION, NOTHING IN THIS SECTION SHALL PREVENT THE CHAIRPERSON FROM CONVENING ADDITIONAL MEETINGS NOT SPECIFICALLY REQUIRED PURSUANT TO PARAGRAPH (C) OF THIS SUBDIVISION, PROVIDED THAT ANY SUCH MEETING SHALL ALLOW AT LEAST SEVEN DAYS ADVANCE NOTICE TO ALL MEMBERS OF THE BOARD.

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

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

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

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

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

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

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

Y. TO LEASE OR MAKE AVAILABLE TO ANY OTHER PUBLIC OR PRIVATE FOR-PROFIT OR NON-PROFIT ENTITY, INCLUDING, BUT NOT LIMITED TO, A LOCAL DEVELOPMENT CORPORATION ORGANIZED UNDER SECTION FOURTEEN HUNDRED ELEVEN OF THE NOT-FOR-PROFIT CORPORATION LAW OR AN INDUSTRIAL DEVELOPMENT AGENCY ORGANIZED UNDER ARTICLE EIGHTEEN-A OF THE GENERAL MUNICIPAL LAW, A PORTION OF THE GROUNDS OR REAL PROPERTY OCCUPIED BY A STATE OPERATED INSTITUTION OR STATUTORY OR CONTRACT COLLEGE FOR THE CONSTRUCTION, ACQUISITION, RECONSTRUCTION, REHABILITATION OR IMPROVEMENT OF ACADEMIC BUILDINGS, DORMITORIES OR OTHER FACILITIES THEREON AND FOR THE PURPOSE OF FACILITATING SUCH CONSTRUCTION, ACQUISITION, RECONSTRUCTION, REHABILITATION OR IMPROVEMENT, TO ENTER INTO LEASES AND AGREEMENTS FOR THE USE OF ANY SUCH ACADEMIC BUILDING, DORMITORY OR OTHER FACILITY; PROVIDED, HOWEVER, THAT NOTHING HEREIN CONTAINED SHALL AFFECT THE PROVISIONS OF ANY LEASE OR AGREEMENT HERETOFORE EXECUTED BY THE STATE UNIVERSITY WITH THE DORMITORY AUTHORITY. THE STATE UNIVERSITY TRUSTEES MAY ALSO ENTER INTO AGREEMENTS WITH ANY OTHER PUBLIC OR PRIVATE FOR-PROFIT OR NON-PROFIT ENTITY, INCLUDING, BUT NOT LIMITED TO A LOCAL DEVELOPMENT CORPORATION ORGANIZED UNDER SECTION FOURTEEN HUNDRED ELEVEN OF THE NOT-FOR-PROFIT CORPORATION LAW OR AN INDUSTRIAL DEVELOPMENT AGENCY ORGANIZED UNDER ARTICLE EIGHTEEN-A OF THE GENERAL MUNICIPAL LAW, TO FURNISH HEAT FROM A CENTRAL HEATING PLANT TO ANY ACADEMIC BUILDING, DORMITORY OR OTHER FACILITY ERECTED BY THEM OR WITH MONEYS SUPPLIED BY THEM.

Z. IN CONNECTION WITH PUBLIC-PRIVATE PARTNERSHIPS IN SUPPORT OF THE CORPORATE PURPOSES OF THE STATE UNIVERSITY, TO PARTICIPATE IN JOINT AND COOPERATIVE ARRANGEMENTS WITH PUBLIC, NOT-FOR-PROFIT AND BUSINESS ENTITIES AS PARTNERS, JOINT VENTURERS, MEMBERS OF NOT-FOR-PROFIT CORPORATIONS, MEMBERS OF LIMITED LIABILITY COMPANIES AND SHAREHOLDERS OF BUSINESS CORPORATIONS. THE STATE UNIVERSITY'S PARTICIPATION SHALL BE SUBJECT TO GUIDELINES OF THE STATE UNIVERSITY WITH RESPECT TO CONFLICTS OF INTEREST AND TO ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW AND THE APPLICABLE PROVISIONS OF AGREEMENTS BETWEEN THE STATE AND EMPLOYEE ORGANIZATIONS PURSUANT TO SUCH ARTICLE FOURTEEN. NOTWITHSTANDING ANY INCONSISTENT PROVISION IN SECTION EIGHT OF THE COURT OF CLAIMS ACT, THE STATE UNIVERSITY MAY INCLUDE IN A CONTRACT RELATING TO SUCH PARTICIPATION, OTHER THAN A CONTRACT WITH STATE EMPLOYEES RELATING TO TERMS

AND CONDITIONS OF THEIR EMPLOYMENT, A PROVISION THAT SOME OR ALL DISPUTES ARISING UNDER OR RELATED TO SUCH CONTRACT SHALL BE RESOLVED BY BINDING ARBITRATION IN ACCORDANCE WITH THE RULES OF A NATIONALLY-RECOGNIZED ARBITRATION ASSOCIATION. NOTHING CONTAINED IN THE PUBLIC OFFICERS LAW OR IN ANY OTHER LAW, RULE OR REGULATION SHALL BE CONSTRUED OR APPLIED TO PROHIBIT STATE UNIVERSITY OFFICERS AND EMPLOYEES FROM ENGAGING IN ACTIVITIES FOR WHICH NO COMPENSATION IS PAID AS DESIGNEES OF THE STATE UNIVERSITY IN CONNECTION WITH SUCH JOINT AND COOPERATIVE ARRANGEMENTS, INCLUDING SERVING AS DESIGNEES OF THE STATE UNIVERSITY AS DIRECTORS ON BOARDS OR OTHER GOVERNING BODIES OF CORPORATIONS OR OTHER ENTITIES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ANY ENTITY WHICH IS ORGANIZED BY OFFICERS, EMPLOYEES, ALUMNI OR STUDENTS OF THE STATE UNIVERSITY OF NEW YORK TO SUPPORT THE STATE UNIVERSITY AND WHICH IS QUALIFIED AS AN ORGANIZATION UNDER THE UNITED STATES INTERNAL REVENUE CODE AS EXEMPT FROM INCOME TAX, OTHER THAN THE RESEARCH FOUNDATION OF STATE UNIVERSITY OF NEW YORK AND ANY ENTITY WHICH IS ORGANIZED EXCLUSIVELY BY STUDENTS OF THE STATE UNIVERSITY, FOR THE FINANCING, REFINANCING, ACQUISITION, DESIGN, CONSTRUCTION, RECONSTRUCTION, REHABILITATION, IMPROVEMENT, FURNISHING AND EQUIPPING OF ANY HOUSING UNIT FOR THE USE OF STUDENTS, FACULTY, STAFF AND THEIR FAMILIES OR ANY ACADEMIC BUILDING, ADMINISTRATION BUILDING, LIBRARY, LABORATORY, CLASSROOM, HEALTH FACILITY OR OTHER FACILITY, BUILDING OR STRUCTURE ESSENTIAL, NECESSARY OR USEFUL IN FURTHERING THE ACADEMIC, CULTURAL, HEALTH OR RESEARCH PROGRAMS OF THE STATE UNIVERSITY OF NEW YORK, INCLUDING ALL NECESSARY AND USUAL ATTENDANT AND RELATED FACILITIES AND EQUIPMENT.

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

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

A LOCALLY SPONSORED COMMUNITY COLLEGE, FOR THE ACQUISITION, DESIGN, CONSTRUCTION, RECONSTRUCTION, REHABILITATION AND IMPROVEMENT OF A HOUSING UNIT, INCLUDING ALL NECESSARY AND ATTENDANT AND RELATED FACILITIES AND EQUIPMENT, FOR THE USE OF STUDENTS, MARRIED STUDENTS, FACULTY, STAFF AND THE FAMILIES THEREOF AT SUCH LOCALLY SPONSORED COMMUNITY COLLEGE.

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

ANY ENTITY WHICH IS ORGANIZED BY OFFICERS, EMPLOYEES, ALUMNI OR STUDENTS OF THE STATE UNIVERSITY OF NEW YORK TO SUPPORT THE STATE UNIVERSITY AND WHICH IS QUALIFIED AS AN ORGANIZATION UNDER THE UNITED STATES INTERNAL REVENUE CODE AS EXEMPT FROM INCOME TAX, OTHER THAN THE RESEARCH FOUNDATION OF STATE UNIVERSITY OF NEW YORK AND ANY ENTITY WHICH IS ORGANIZED EXCLUSIVELY BY STUDENTS OF THE STATE UNIVERSITY, FOR THE FINANCING, REFINANCING, ACQUISITION, DESIGN, CONSTRUCTION, RECONSTRUCTION, REHABILITATION, IMPROVEMENT, FURNISHING AND EQUIPPING OF ANY HOUSING UNIT FOR THE USE OF STUDENTS, FACULTY, STAFF AND THEIR FAMILIES OR ANY ACADEMIC BUILDING, ADMINISTRATION BUILDING, LIBRARY, LABORATORY, CLASSROOM, HEALTH FACILITY OR ANY OTHER BUILDING, FACILITY OR STRUCTURE ESSENTIAL, NECESSARY OR USEFUL IN FURTHERING THE ACADEMIC, CULTURAL, HEALTH OR RESEARCH PROGRAMS FOR THE STATE UNIVERSITY OF NEW YORK, INCLUDING ALL NECESSARY AND USUAL ATTENDANT AND RELATED FACILITIES AND EQUIPMENT; PROVIDED HOWEVER THAT ANY PROJECT PROPOSED TO BE UNDERTAKEN PURSUANT TO THIS PARAGRAPH SHALL FIRST BE APPROVED BY THE STATE UNIVERSITY OF NEW YORK; PROVIDED FURTHER AND NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THAT ANY SUCH NOT-FOR-PROFIT ENTITY, THE STATE UNIVERSITY OF NEW YORK AND THE STATE UNIVERSITY CONSTRUCTION FUND ARE HEREBY AUTHORIZED TO TAKE SUCH ACTIONS AND TO ENTER INTO SUCH AGREEMENTS WITH THE DORMITORY AUTHORITY AS ARE NECESSARY TO: (I) UNDERTAKE THE FINANCING, REFINANCING, ACQUISITION, DESIGN, CONSTRUCTION, RECONSTRUCTION, REHABILITATION, IMPROVEMENT, FURNISHING AND EQUIPPING OF ANY PROJECT AS PROVIDED IN THIS PARAGRAPH, INCLUDING, BUT NOT LIMITED TO, PROVIDING FOR THE CONVEYANCE OF STATE-OWNED PROPERTY UNDER THE JURISDICTION OF THE STATE UNIVERSITY TO THE NOT-FOR-PROFIT ENTITY; OR (II) GRANT THE AUTHORITY A LIEN ON ANY REVENUES OR PROPERTY OR ANY MONEYS TO BE RECEIVED BY THE NOT-FOR-PROFIT ENTITY TO THE EXTENT THAT SUCH REVENUES, PROPERTY OR MONEYS ARE PLEDGED BY THE ENTITY TO THE DORMITORY AUTHORITY TO SECURE THE PAYMENT OF ALL AMOUNTS OWED TO THE AUTHORITY ON ACCOUNT OF ANY PROJECT UNDERTAKEN PURSUANT TO THIS PARAGRAPH; PROVIDED FURTHER, THAT ALL WORK PERFORMED ON A PROJECT WHERE ALL OR ANY PORTION THEREOF INVOLVES A LEASE OR AGREEMENT FOR CONSTRUCTION, DEMOLITION, RECONSTRUCTION, EXCAVATION, REHABILITATION, REPAIR, RENOVATION, ALTERATION OR IMPROVEMENT SHALL BE DEEMED PUBLIC WORK AND SHALL BE SUBJECT TO AND PERFORMED IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE EIGHT OF THE LABOR LAW TO THE SAME EXTENT AND IN THE SAME MANNER AS A CONTRACT OF THE STATE AND THE CONTRACTORS PERFORMING SUCH WORK SHALL ALSO BE DEEMED A STATE AGENCY FOR THE PURPOSE OF ARTICLE FIFTEEN-A OF THE EXECUTIVE LAW AND SUBJECT TO THE PROVISIONS OF SUCH ARTICLE, AND SHALL BE SUBJECT TO A COMPETITIVE PROCESS. COMPLIANCE WITH ALL THE PROVISIONS OF ARTICLE EIGHT OF THE LABOR LAW SHALL BE REQUIRED OF ANY LESSEE, SUBLESSEE, CONTRACTOR, OR SUBCONTRACTOR ON THE PROJECT. ALL STATE AND LOCAL OFFI-

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

ANY ENTITY WHICH IS ORGANIZED BY OFFICERS, EMPLOYEES, ALUMNI OR STUDENTS OF A LOCALLY SPONSORED COMMUNITY COLLEGE, INCLUDING A LOCALLY SPONSORED COMMUNITY COLLEGE ESTABLISHED AND OPERATED BY A COMMUNITY COLLEGE REGION AS SET FORTH IN SECTION SIXTY-THREE HUNDRED ONE OF THE EDUCATION LAW, TO SUPPORT THE LOCALLY SPONSORED COMMUNITY COLLEGE AND WHICH IS QUALIFIED AS AN ORGANIZATION UNDER THE UNITED STATES INTERNAL REVENUE CODE AS EXEMPT FROM INCOME TAX, OTHER THAN ANY ENTITY WHICH IS ORGANIZED EXCLUSIVELY BY STUDENTS OF THE LOCALLY SPONSORED COMMUNITY COLLEGE, FOR THE FINANCING, REFINANCING, ACQUISITION, DESIGN, CONSTRUCTION, RECONSTRUCTION, REHABILITATION, IMPROVEMENT, FURNISHING AND EQUIPPING OF ANY HOUSING UNIT FOR THE USE OF STUDENTS, FACULTY, STAFF AND THEIR FAMILIES OR ANY ACADEMIC BUILDING, ADMINISTRATION BUILDING, LIBRARY, LABORATORY, CLASSROOM, HEALTH FACILITY OR ANY OTHER BUILDING, FACILITY OR STRUCTURE ESSENTIAL, NECESSARY OR USEFUL IN FURTHERING THE ACADEMIC, CULTURAL, HEALTH OR RESEARCH PROGRAMS FOR THE LOCALLY SPONSORED COMMUNITY COLLEGE, INCLUDING ALL NECESSARY AND USUAL ATTENDANT AND RELATED FACILITIES AND EQUIPMENT; PROVIDED HOWEVER THAT ANY PROJECT PROPOSED TO BE UNDERTAKEN PURSUANT TO THIS PARAGRAPH SHALL FIRST BE APPROVED BY THE BOARD OF TRUSTEES OF THE LOCALLY SPONSORED COMMUNITY COLLEGE; PROVIDED FURTHER AND NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THAT ANY SUCH NOT-FOR-PROFIT ENTITY, THE LOCALLY SPONSORED COMMUNITY COLLEGE AND THE LOCAL SPONSOR ARE HEREBY AUTHORIZED TO TAKE SUCH ACTIONS AND TO ENTER INTO SUCH AGREEMENTS WITH THE DORMITORY AUTHORITY AS ARE NECESSARY TO: (I) UNDERTAKE THE FINANCING, REFINANCING, ACQUISITION, DESIGN, CONSTRUCTION, RECONSTRUCTION, REHABILITATION, IMPROVEMENT, FURNISHING AND EQUIPPING OF ANY PROJECT AS PROVIDED IN THIS PARAGRAPH, INCLUDING, BUT NOT LIMITED TO, PROVIDING FOR THE CONVEYANCE OF PROPERTY HELD IN TRUST BY THE LOCAL SPONSOR FOR THE USES AND PURPOSES OF THE LOCALLY SPONSORED COMMUNITY COLLEGE TO THE NOT-FOR-PROFIT ENTITY; OR (II) GRANT THE AUTHORITY A LIEN ON ANY REVENUES OR PROPERTY OR ANY MONEYS TO BE RECEIVED BY THE NOT-FOR-PROFIT ENTITY TO THE EXTENT THAT SUCH REVENUES, PROPERTY OR MONEYS ARE PLEDGED BY THE ENTITY TO THE DORMITORY AUTHORITY TO SECURE THE PAYMENT OF ALL AMOUNTS OWED TO THE AUTHORITY ON ACCOUNT OF ANY PROJECT UNDERTAKEN PURSUANT TO THIS PARAGRAPH; PROVIDED FURTHER, ALL WORK PERFORMED ON A PROJECT WHERE ALL OR ANY PORTION THEREOF INVOLVES A LEASE OR AGREEMENT FOR CONSTRUCTION, DEMOLITION, RECONSTRUCTION, EXCAVATION, REHABILITATION, REPAIR, RENOVATION, ALTERATION OR IMPROVEMENT SHALL BE DEEMED PUBLIC WORK AND SHALL BE SUBJECT TO AND PERFORMED IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE EIGHT OF THE LABOR LAW TO THE SAME EXTENT AND IN THE SAME MANNER AS A CONTRACT OF THE STATE AND THE CONTRACTORS PERFORMING SUCH WORK SHALL ALSO BE DEEMED A STATE AGENCY FOR THE PURPOSE OF ARTICLE FIFTEEN-A OF THE EXECUTIVE LAW AND SUBJECT TO THE PROVISIONS OF SUCH ARTICLE, AND SHALL BE SUBJECT TO A COMPETITIVE PROCESS. COMPLIANCE WITH ALL THE PROVISIONS OF ARTICLE EIGHT OF THE LABOR LAW SHALL BE REQUIRED OF ANY LESSEE, SUBLESSEE, CONTRACTOR, OR SUBCONTRACTOR ON THE PROJECT. ALL STATE AND LOCAL OFFICERS ARE HEREBY AUTHORIZED TO PAY ALL SUCH FUNDS SO ASSIGNED AND PLEDGED TO THE DORMITORY AUTHORITY OR, UPON THE DIRECTION

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

A LOCALLY SPONSORED COMMUNITY COLLEGE, FOR THE ACQUISITION, DESIGN, CONSTRUCTION, RECONSTRUCTION, REHABILITATION AND IMPROVEMENT OF A HOUSING UNIT, INCLUDING ALL NECESSARY AND ATTENDANT AND RELATED FACILITIES AND EQUIPMENT, FOR THE USE OF STUDENTS, MARRIED STUDENTS, FACULTY, STAFF AND THE FAMILIES THEREOF AT SUCH LOCALLY SPONSORED COMMUNITY COLLEGE.

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

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

B. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, A COMMUNITY COLLEGE IS AUTHORIZED TO TAKE SUCH ACTIONS AND TO ENTER INTO SUCH AGREEMENTS WITH THE DORMITORY AUTHORITY AS ARE NECESSARY TO: (I) UNDERTAKE THE FINANCING, REFINANCING, ACQUISITION, DESIGN, CONSTRUCTION, RECONSTRUCTION, REHABILITATION, IMPROVEMENT, FURNISHING AND EQUIPPING OF A COMMUNITY COLLEGE DORMITORY, INCLUDING, BUT NOT LIMITED TO, PROVIDING FOR THE LEASING OR OTHERWISE MAKING AVAILABLE TO THE DORMITORY AUTHORITY REAL PROPERTY HELD BY THE LOCAL SPONSOR IN TRUST FOR THE USES AND PURPOSES OF THE COMMUNITY COLLEGE; OR (II) GRANT THE DORMITORY AUTHORITY A LIEN ON ANY REVENUES OR PROPERTY OR ANY MONEYS TO BE RECEIVED BY THE COMMUNITY COLLEGE DERIVED FROM THE OPERATIONS OF THE PROJECT BEING FINANCED TO THE EXTENT THAT SUCH REVENUES, PROPERTY OR MONEYS ARE PLEDGED BY THE COMMUNITY COLLEGE TO THE DORMITORY AUTHORITY TO SECURE THE PAYMENT OF ALL AMOUNTS OWED TO THE AUTHORITY ON ACCOUNT OF ANY COMMUNITY COLLEGE DORMITORY UNDERTAKEN PURSUANT TO THIS SUBDIVISION; PROVIDED, FURTHER, THAT ANY SUCH AGREEMENTS MAY PROVIDE THAT THE OBLIGATION OF THE COMMUNITY COLLEGE TO MAKE RENTAL OR OTHER PAYMENTS TO THE DORMITORY AUTHORITY SHALL CONSTITUTE A GENERAL OBLIGATION OF THE COMMUNITY COLLEGE PAYABLE FROM ALL MONIES LEGALLY AVAILABLE TO THE COMMUNITY COLLEGE (INCLUDING AMOUNTS PROVIDED FOR OPERATING AID BY THE LOCAL SPONSOR OR SPONSORS TO THE COMMUNITY COLLEGE PURSUANT TO SUBDIVISION ONE OF THIS SECTION OR AMOUNTS PROVIDED FOR OPERATING AID BY THE STATE TO THE COMMUNITY COLLEGE); AND PROVIDED FURTHER, THAT ALL WORK PERFORMED ON A COMMUNITY COLLEGE DORMITORY UNDERTAKEN PURSUANT TO THIS SUBDIVISION WHERE ALL OR ANY PORTION THEREOF INVOLVES A LEASE OR AGREEMENT FOR CONSTRUCTION, DEMOLITION, RECONSTRUCTION, EXCAVATION, REHABILITATION, REPAIR, RENOVATION, ALTERATION OR IMPROVEMENT SHALL BE DEEMED PUBLIC WORK AND SHALL BE SUBJECT TO AND PERFORMED IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE EIGHT OF THE LABOR LAW TO THE SAME EXTENT AND IN THE SAME MANNER AS A CONTRACT OF THE STATE AND THE CONTRACTORS PERFORMING SUCH WORK SHALL ALSO BE DEEMED A STATE AGENCY FOR THE PURPOSE OF ARTICLE FIFTEEN-A OF THE EXECUTIVE LAW AND SUBJECT TO THE PROVISIONS OF SUCH ARTICLE, AND SHALL BE SUBJECT TO A COMPETITIVE PROCESS. COMPLIANCE WITH ALL THE PROVISIONS OF ARTICLE EIGHT OF THE LABOR LAW SHALL BE REQUIRED OF ANY LESSEE, SUBLESSEE, CONTRACTOR, OR SUBCONTRACTOR ON THE

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

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

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

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

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

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

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

BY THE STATE COMPTROLLER PURSUANT TO THIS PARAGRAPH SHALL BE PAID TO THE DORMITORY AUTHORITY AS SOON AS PRACTICABLE AFTER RECEIPT OF THE CERTIFICATE OF THE DORMITORY AUTHORITY AND NOTICE TO THE DIRECTOR OF THE BUDGET IS GIVEN, WHETHER OR NOT THE MONEYS FROM WHICH SUCH PAYMENT IS TO BE MADE ARE THEN DUE AND PAYABLE TO THE LOCALLY SPONSORED COMMUNITY COLLEGE. THE AMOUNT OF STATE APPROPRIATIONS PAYABLE TO THE LOCALLY SPONSORED COMMUNITY COLLEGE FROM WHICH THE STATE COMPTROLLER HAS MADE A PAYMENT PURSUANT TO THIS PARAGRAPH SHALL BE REDUCED BY THE AMOUNT SO PAID TO THE DORMITORY AUTHORITY, NOTWITHSTANDING THE AMOUNT APPROPRIATED AND APPORTIONED BY THE STATE TO THE LOCALLY SPONSORED COMMUNITY COLLEGE, AND THE STATE SHALL NOT BE OBLIGATED TO MAKE AND THE LOCALLY SPONSORED COMMUNITY COLLEGE SHALL NOT BE ENTITLED TO RECEIVE ANY ADDITIONAL APPORTIONMENT OR PAYMENT OF STATE MONEYS. NOTHING CONTAINED IN THIS SUBDIVISION SHALL BE CONSTRUED TO CREATE AN OBLIGATION UPON THE STATE TO APPROPRIATE MONEYS FOR OR ON ACCOUNT OF THE OPERATING COSTS OF THE LOCALLY SPONSORED COMMUNITY COLLEGE, TO PRECLUDE THE STATE FROM REDUCING THE AMOUNT OF MONEYS APPROPRIATED OR LEVEL OF SUPPORT PROVIDED FOR THE OPERATING COSTS OF THE LOCALLY SPONSORED COMMUNITY COLLEGE FROM THE AMOUNT APPROPRIATED OR LEVEL OF SUPPORT PROVIDED IN ANY PRIOR FISCAL YEAR, OR TO PRECLUDE THE STATE FROM ALTERING OR MODIFYING THE MANNER IN WHICH IT PROVIDES FOR THE OPERATING COSTS OF THE LOCALLY SPONSORED COMMUNITY COLLEGE.

D. THE PROVISIONS OF THIS SUBDIVISION SHALL BE IN ADDITION TO ANY AUTHORIZATION CONTAINED IN THIS TITLE GOVERNING THE PROVISION OF FACILITIES BY THE DORMITORY AUTHORITY FOR THE LOCAL SPONSOR OF A LOCALLY SPONSORED COMMUNITY COLLEGE, AND ALL PROVISIONS OF THIS TITLE NOT INCONSISTENT WITH THE PROVISIONS OF THIS SUBDIVISION SHALL BE APPLICABLE WITH RESPECT TO ANY BONDS OF THE AUTHORITY ISSUED TO OBTAIN FUNDS FOR ANY PURPOSE AUTHORIZED UNDER THIS SUBDIVISION FOR THE BENEFIT OF A LOCALLY SPONSORED COMMUNITY COLLEGE AND WITH RESPECT TO THE POWERS OF THE DORMITORY AUTHORITY.

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

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

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

SUBPART B

Section 1. Subdivisions 5 and 6 of section 355 of the education law, subdivision 5 as added by chapter 552 of the laws of 1985, paragraph a of subdivision 5 as amended by chapter 682 of the laws of 2007, paragraph c of subdivision 5 as added by chapter 103 of the laws of 1989, paragraph d of subdivision 5 as added by chapter 537 of the laws of 1997 and subdivision 6 as amended by chapter 554 of the laws of 1985, are amended to read as follows:

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

a. (i) purchase materials, equipment and supplies, including computer equipment and motor vehicles[, where the amount for a single purchase does not exceed twenty thousand dollars], (ii) execute contracts for services and construction, CONSTRUCTION-RELATED contracts [to an amount not exceeding twenty thousand dollars] AND CONTRACTS FOR COMPUTER TECHNOLOGY AND LEASES, LICENSES, PERMITS AND CONTRACTS FOR THE PURCHASE OR SALE OF REAL PROPERTY, and (iii) contract for printing [to an amount not exceeding five thousand dollars], without prior approval by any other state officer or agency, but subject to rules and regulations of the state comptroller not otherwise inconsistent with the provisions of this section and in accordance with [the rules and regulations] GUIDELINES promulgated by the state university board of trustees after consultation with the state comptroller. [In addition, the trustees, after consultation with the commissioner of general services, are authorized to annually negotiate with the state comptroller increases in the aforementioned dollar limits and the exemption of any articles, categories of articles or commodities from these limits. Rules and regulations]. THE GUIDELINES promulgated by the state university board of trustees shall, to the extent practicable, require that competitive proposals be solicited for purchases, and shall include requirements that purchases and contracts authorized under this section be at the lowest available price, including consideration of prices available through other state agencies, consistent with quality requirements, and as will best promote the public interest. Such purchases may be made directly from any contractor pursuant to any contract for commodities let by the office of general services or any other state agency;

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

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

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

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

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

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

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

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

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

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

(1) THE STATE UNIVERSITY'S PROCUREMENT GUIDELINES;

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

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

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

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

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

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

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

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

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

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

this section and in accordance with the [rules and regulations] GUIDELINES promulgated by the city university board of trustees after consultation with the state comptroller. [In addition, the trustees are authorized to annually negotiate with the state comptroller increases in the aforementioned dollar limits and the exemption of any articles, categories of articles or commodities from these limits. Rules and regulations] THE GUIDELINES promulgated by the city university board of trustees shall, to the extent practicable, require that competitive proposals be solicited for purchases, and shall include requirements that purchases and contracts authorized under this section be at the lowest possible price.

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

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

1. THE CITY UNIVERSITY'S PROCUREMENT GUIDELINES;

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

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

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

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

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

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

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

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

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

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

2. (a) Before any contract made for or by any state agency, department, board, officer, commission, or institution, except the office of

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

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

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

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

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

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

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

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

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

SUBPART C

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

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

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

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

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

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

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

purchase of goods and services for state university health care facilities WITHOUT PRIOR APPROVAL BY ANY OTHER STATE OFFICER OR AGENCY:

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

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

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

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

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

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

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

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

SUBPART D

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

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

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

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

PART E

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

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

(D) FOR UNDERGRADUATE STUDENTS ENROLLED IN A PROGRAM OF STUDY AT A PUBLIC OR NON-PUBLIC DEGREE-GRANTING INSTITUTION THAT DOES NOT OFFER A PROGRAM OF STUDY THAT LEADS TO A BACCALAUREATE DEGREE, OR AT A REGISTERED NOT-FOR-PROFIT BUSINESS SCHOOL QUALIFIED FOR TAX EXEMPTION UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE FOR FEDERAL INCOME TAX PURPOSES THAT DOES NOT OFFER A PROGRAM OF STUDY THAT LEADS TO A BACCALAUREATE DEGREE, FOUR THOUSAND DOLLARS. PROVIDED, HOWEVER, THAT THIS SUBITEM SHALL NOT APPLY TO STUDENTS ENROLLED IN A PROGRAM OF STUDY LEADING TO A CERTIFICATE OR DEGREE IN NURSING.

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

PART F

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

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

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

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

PART G

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

B. A STUDENT WHO IS IN DEFAULT ON A STUDENT LOAN MADE UNDER ANY STATUTORY NEW YORK STATE OR FEDERAL EDUCATION LOAN PROGRAM SHALL BE INELIGIBLE TO RECEIVE ANY AWARD OR LOAN PURSUANT TO THIS ARTICLE UNTIL THE STUDENT CURES THE DEFAULT STATUS PURSUANT TO APPLICABLE LAW AND REGULATION.

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

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

PART H

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

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

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

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

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

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

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

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

(b) For students first receiving aid in nineteen hundred ninety-two--nineteen hundred ninety-three and nineteen hundred ninety-three--nineteen hundred ninety-four, two thousand five hundred seventy-five dollars, or

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

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

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

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

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

AMOUNT OF INCOME	SCHEDULE OF REDUCTION OF BASE AMOUNT
(1) LESS THAN SEVEN THOUSAND DOLLARS	NONE
(2) SEVEN THOUSAND DOLLARS OR MORE, BUT LESS THAN ELEVEN THOUSAND DOLLARS	SEVEN PER CENTUM OF EXCESS OVER SEVEN THOUSAND DOLLARS
(3) ELEVEN THOUSAND DOLLARS OR MORE, BUT LESS THAN EIGHTEEN THOUSAND DOLLARS	TWO HUNDRED EIGHTY DOLLARS PLUS TEN PER CENTUM OF EXCESS OVER ELEVEN THOUSAND DOLLARS
(4) EIGHTEEN THOUSAND DOLLARS OR MORE, BUT NOT MORE THAN FORTY THOUSAND DOLLARS	NINE HUNDRED EIGHTY DOLLARS PLUS TWELVE PER CENTUM OF EXCESS OVER EIGHTEEN

THOUSAND DOLLARS

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

PART I

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

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

Before Being Certified for This Payment	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th
A Student Must Have Accrued at Least This Many Credits	0	3	9	21	33	45	60	75	90	105
With At Least This Grade Point Average	0	1.1	1.2	1.3	2.0	2.0	2.0	2.0	2.0	2.0

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

Before Being Certified for This Payment	1	2	3	4	5	6
A Student Must Have Accrued at Least This Many Credits	0	3	9	18	30	45
With at Least This Grade Point Average	0	.5	.75	1.3	2.0	2.0

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

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

Before Being Certified for This Payment	1	2	3	4	5	6	7	8
A Student Must Have Accrued at Least This Many Credits	0	2	4	9	17	25	33	40
With At Least This Grade Point Average	0	1.1	1.1	1.2	1.2	1.3	2.0	2.0

and,

Before Being Certified for This Payment	9	10	11	12	13	14	15
A Student Must Have Accrued at Least This Many Credits	50	60	70	80	90	100	110
With At Least This Grade Point Average	2.0	2.0	2.0	2.0	2.0	2.0	2.0

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

Before Being Certified for This Payment	1	2	3	4	5	6	7	8	9
A Student Must Have Accrued at Least This Many Credits	0	2	4	9	15	21	30	37	45
With At Least	0	.5	.5	.75	.75	1.3	2.0	2.0	2.0

This Grade
Point Average

S 2. Paragraph c of subdivision 6 of section 665 of the education law is amended by adding four new subparagraphs (v), (vi), (vii) and (viii) to read as follows:

(V) FOR STUDENTS FIRST RECEIVING AID IN TWO THOUSAND TEN--TWO THOUSAND ELEVEN AND THEREAFTER, WHO DO NOT MEET THE DEFINITION OF REMEDIAL STUDENT AS DEFINED IN PARAGRAPH D OF THIS SUBDIVISION, AND ARE ENROLLED IN A FOUR-YEAR OR FIVE-YEAR UNDERGRADUATE PROGRAM WHOSE TERMS ARE ORGANIZED IN SEMESTERS:

BEFORE BEING CERTIFIED FOR THIS PAYMENT	1ST	2ND	3RD	4TH	5TH	6TH	7TH	8TH	9TH	10TH
A STUDENT MUST HAVE ACCRUED AT LEAST THIS MANY CREDITS	0	6	15	27	39	51	66	81	96	111
WITH AT LEAST THIS GRADE POINT AVERAGE	0	1.5	1.8	1.8	2.0	2.0	2.0	2.0	2.0	2.0

(VI) FOR STUDENTS FIRST RECEIVING AID IN TWO THOUSAND TEN--TWO THOUSAND ELEVEN AND THEREAFTER, WHO DO NOT MEET THE DEFINITION OF REMEDIAL STUDENT AS DEFINED IN PARAGRAPH D OF THIS SUBDIVISION, AND ARE ENROLLED IN A TWO-YEAR UNDERGRADUATE PROGRAM WHOSE TERMS ARE ORGANIZED IN SEMESTERS:

BEFORE BEING CERTIFIED FOR THIS PAYMENT	1ST	2ND	3RD	4TH	5TH	6TH
A STUDENT MUST HAVE ACCRUED AT LEAST THIS MANY CREDITS	0	6	15	27	39	51
WITH AT LEAST THIS GRADE POINT AVERAGE	0	1.3	1.5	1.8	2.0	2.0

(VII) FOR STUDENTS FIRST RECEIVING AID IN TWO THOUSAND TEN--TWO THOUSAND ELEVEN AND THEREAFTER, WHO DO NOT MEET THE DEFINITION OF REMEDIAL STUDENT AS DEFINED IN PARAGRAPH D OF THIS SUBDIVISION, AND ARE ENROLLED IN A FOUR-YEAR OR FIVE-YEAR UNDERGRADUATE PROGRAM WHOSE TERMS ARE ORGANIZED ON A TRIMESTER BASIS:

BEFORE BEING CERTIFIED	1ST	2ND	3RD	4TH	5TH	6TH	7TH	8TH

FOR THIS PAYMENT								
A STUDENT MUST HAVE ACCRUED AT LEAST THIS MANY CREDITS	0	4	8	14	22	30	38	46
WITH AT LEAST THIS GRADE POINT AVERAGE AND,	0	1.1	1.5	1.5	1.8	2.0	2.0	2.0

BEFORE BEING CERTIFIED FOR THIS PAYMENT	9TH	10TH	11TH	12TH	13TH	14TH	15TH
A STUDENT MUST HAVE ACCRUED AT LEAST THIS MANY CREDITS	56	66	76	86	96	106	116
WITH AT LEAST THIS GRADE POINT AVERAGE	2.0	2.0	2.0	2.0	2.0	2.0	2.0

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

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

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

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

COLLEGE OFFICIAL AND APPROVED BY THE COMMISSIONER, AND WHO IS ENROLLED IN UP TO NINE SEMESTER HOURS OF NON-CREDIT REMEDIAL COURSES, AS APPROVED BY THE COMMISSIONER, IN THEIR FIRST TERM OF STUDY, AND UP TO SIX SEMESTER HOURS OF NON-CREDIT REMEDIAL COURSES, AS APPROVED BY THE COMMISSIONER, IN EACH TERM THEREAFTER; OR (B) WHO IS ENROLLED IN THE HIGHER EDUCATION OPPORTUNITY PROGRAM (HEOP), THE EDUCATION OPPORTUNITY PROGRAM (EOP), THE SEARCH FOR EDUCATION, ELEVATION AND KNOWLEDGE (SEEK) PROGRAM, OR THE COLLEGE DISCOVERY PROGRAM.

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

PART J

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

2. Duration. No undergraduate shall be eligible for more than four academic years of study, or five academic years if the program of study normally requires five years. Students enrolled in a program of remedial study, approved by the commissioner in an institution of higher education and intended to culminate in a degree in undergraduate study shall, for purposes of this section, be considered as enrolled in a program of study normally requiring five years. An undergraduate student enrolled in an eligible two year program of study approved by the commissioner shall be eligible for no more than three academic years of study. [No graduate student shall be eligible for more than four academic years of study provided, however, that no graduate student shall be eligible for more than one degree program at the master's, first professional or doctorate level. No student shall be eligible for a total of more than the equivalent of eight years of combined undergraduate and graduate study.] Any semester, quarter, or term of attendance during which a student receives any award under this article, after the effective date of the former scholar incentive program and prior to academic year nineteen hundred eighty-nine--nineteen hundred ninety, shall be counted toward the maximum term of eligibility for tuition assistance under this section, except that any semester, quarter or term of attendance during which a student received an award pursuant to section six hundred sixty-six of this [article] SUBPART shall be counted as one-half of a semester, quarter or term, as the case may be, toward the maximum term of eligibility under this section. Any semester, quarter or term of attendance during which a student received an award pursuant to section six hundred sixty-seven-a of this [article] SUBPART shall not be counted toward the maximum term of eligibility under this section.

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

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

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

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

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

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

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

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

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

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

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

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

PART K

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

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

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

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

PART L

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

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

S 2. This act shall take effect immediately.

PART M

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

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

S 2. This act shall take effect immediately.

PART N

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

S 7. This act shall take effect immediately.

PART O

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

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

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

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

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

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

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

PART P

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

S 409-B. PRIMARY PREVENTION INCENTIVE PROGRAM. 1. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY AND SUBJECT TO AVAILABLE APPROPRIATION, ELIGIBLE EXPENDITURES BY A MUNICIPALITY FOR PRIMARY PREVENTION INCENTIVE PROGRAMS AND SERVICES SHALL BE SUBJECT TO STATE REIMBURSEMENT FOR UP TO SIXTY-TWO PERCENT OF THE MUNICIPALITY'S EXPENDITURES, EXCLUSIVE OF ANY FEDERAL FUNDS MADE AVAILABLE FOR SUCH PURPOSES, NOT TO EXCEED THE MUNICIPALITY'S DISTRIBUTION UNDER THE PRIMARY PREVENTION INCENTIVE PROGRAM. THE STATE FUNDS APPROPRIATED FOR THE PRIMARY PREVENTION INCENTIVE PROGRAM SHALL BE DISTRIBUTED TO ELIGIBLE MUNICIPALITIES BY THE OFFICE OF CHILDREN AND FAMILY SERVICES BASED ON A PLAN DEVELOPED BY THE OFFICE AND SUBJECT TO THE APPROVAL OF THE DIRECTOR OF THE BUDGET. THE OFFICE IS AUTHORIZED, IN ITS DISCRETION, TO MAKE ADVANCES TO A MUNICIPALITY IN ANTICIPATION OF SUCH STATE REIMBURSEMENT. ANY CLAIMS SUBMITTED BY A MUNICIPALITY FOR REIMBURSEMENT FOR A PARTICULAR PROGRAM YEAR FOR WHICH THE MUNICIPALITY DOES NOT RECEIVE STATE REIMBURSEMENT DURING THAT PROGRAM YEAR MAY NOT BE CLAIMED AGAINST ANY DISTRIBUTION AMOUNT FOR THE NEXT PROGRAM YEAR. THE OFFICE MAY REQUIRE THAT SUCH CLAIMS BE SUBMITTED TO THE OFFICE ELECTRONICALLY IN THE MANNER AND FORMAT REQUIRED BY THE OFFICE.

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

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

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

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

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

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

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

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

4. "[Approved] CERTIFIED runaway program" shall mean [any non-residential program approved by the office of children and family services after submission by the county youth bureau, as part of its comprehensive plan, or] any residential facility which is operated by an authorized agency as defined in subdivision ten of section three hundred seventy-one of the social services law, and [approved] CERTIFIED by the office of children and family services [after submission by the county youth bureau as part of its comprehensive plan], established and operated to provide services to runaway and homeless youth in accordance with the regulations of the office of temporary and disability assistance and the office of children and family services. Such programs may

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

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

7. "Safe house" shall mean a residential program for sexually exploited children as defined in subdivision one of section four hundred forty-seven-a of the social services law. [An approved] A CERTIFIED runaway program may operate a short-term safe house, as defined in subdivision two of section four hundred forty-seven-a of the social services law, for sexually exploited children. A transitional independent living support program may operate a long-term safe house for sexually exploited children.

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

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

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

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

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

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

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

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

(a) visit, inspect and make periodic reports on the operation and adequacy of [approved] CERTIFIED runaway programs and transitional independent living support programs;

(c) maintain a register of [approved] CERTIFIED runaway programs, transitional independent living support programs and runaway and homeless youth service coordinators;

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

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

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

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

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

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

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

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

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

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

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

PART Q

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

SUBPART A

Section 1. Paragraph (c) of subdivision 15 of section 501 of the executive law is REPEALED and subdivision (d) is relettered subdivision (c).

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

SUBPART B

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

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

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

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

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

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

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

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

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

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

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

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

2. AS USED IN THIS SECTION, THE TERM "MUNICIPALITY" SHALL MEAN A COUNTY, OR A CITY HAVING A POPULATION OF ONE MILLION OR MORE, AND "SUPERVISION AND TREATMENT SERVICES FOR JUVENILES" SHALL MEAN COMMUNITY-BASED SERVICES OR PROGRAMS DESIGNED TO SAFELY MAINTAIN YOUTH IN THE COMMUNITY PENDING A FAMILY COURT DISPOSITION AND SERVICES OR PROGRAMS PROVIDED TO YOUTH ADJUDICATED AS JUVENILE DELINQUENTS TO PREVENT RESIDENTIAL PLACEMENT OF SUCH YOUTH OR A RETURN TO PLACEMENT WHERE SUCH YOUTH HAVE BEEN RELEASED TO THE COMMUNITY FROM RESIDENTIAL PLACEMENT. SUPERVISION AND TREATMENT SERVICES FOR JUVENILES MAY INCLUDE BUT ARE NOT LIMITED TO SERVICES OR PROGRAMS THAT:

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

(B) PROVIDE TEMPORARY RESPITE CARE;

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

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

(E) REDUCE ARREST RATES OR RECIDIVISM.

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

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

(II) WHERE THE USE OF DETENTION OR RESIDENTIAL PLACEMENT IN THE MUNICIPALITY SHOWS A SIGNIFICANT RACIAL OR ETHNIC DISPROPORTIONALITY, A DESCRIPTION OF HOW THE SERVICES PROPOSED FOR FUNDING WILL ADDRESS SUCH DISPROPORTIONALITY;

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

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

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

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

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

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

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

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

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

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

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

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

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

subdivision 2-a as added and paragraph (a) of subdivision 4 as amended by chapter 419 of the laws of 1987, the closing paragraph of subdivision 2-a as amended by chapter 465 of the laws of 1992, and paragraph (c) of subdivision 4 as added by chapter 169 of the laws of 1994, are amended to read as follows:

1. Definitions. As used in this section, the [terms "local charge" and "state charge" shall have the meaning ascribed to them in the social services law] TERM "MUNICIPALITY" SHALL MEAN A COUNTY, OR A CITY HAVING A POPULATION OF ONE MILLION OR MORE.

2. Expenditures made by [social services districts] MUNICIPALITIES in providing care, maintenance and supervision to youth in detention facilities [designated pursuant to sections seven hundred twenty-four and 305.2 of the family court act and certified by the division for youth,] shall be subject to reimbursement by the state [upon approval by the division in accordance with its regulations], as follows:

[(1) the full amount expended by the district for care, maintenance and supervision of state charges;

(2) fifty percent of the amount expended for the care, maintenance and supervision of local charges where counties conform with requirements of subdivision B of section two hundred eighteen-a of the county law.

2-a. Expenditures made by the city of New York in providing care, maintenance and supervision to youth detained pursuant to article seven of the family court act in foster care facilities approved by the state department of social services shall be subject to reimbursement by the state upon the approval of the division, as follows:

(1) the full per diem rate set by the state department of social services for such programs for the care, maintenance and supervision of state charges;

(2) fifty percent of the per diem rate set by the state department of social services for such programs for the care, maintenance and supervision of local charges. Notwithstanding the provisions of this subdivision, section three hundred ninety-eight-a of the social services law shall not apply to facilities certified by the division pursuant to section five hundred three of this chapter.] (A) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, ELIGIBLE EXPENDITURES BY A MUNICIPALITY FOR THE CARE MAINTENANCE AND SUPERVISION IN SECURE AND NON-SECURE DETENTION FACILITIES CERTIFIED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES IN ACCORDANCE WITH SECTION FIVE HUNDRED THREE OF THIS ARTICLE PROVIDED DURING A PARTICULAR PROGRAM YEAR FOR THOSE YOUTH ALLEGED TO BE JUVENILE DELINQUENTS; ADJUDICATED JUVENILE DELINQUENTS HELD PENDING TRANSFER TO A FACILITY UPON PLACEMENT, AND JUVENILE DELINQUENTS HELD AT THE REQUEST OF THE OFFICE OF CHILDREN AND FAMILY SERVICES PENDING EXTENSION OF PLACEMENT HEARINGS OR RELEASE REVOCATION HEARINGS OR WHILE AWAITING DISPOSITION OF SUCH HEARINGS; AND YOUTH ALLEGED TO BE OR CONVICTED AS JUVENILE OFFENDERS SHALL BE SUBJECT TO STATE REIMBURSEMENT FOR UP TO FIFTY PERCENT OF THE MUNICIPALITY'S EXPENDITURES, EXCLUSIVE OF ANY FEDERAL FUNDS MADE AVAILABLE FOR SUCH PURPOSES, NOT TO EXCEED THE MUNICIPALITY'S DISTRIBUTION FROM FUNDS THAT HAVE BEEN APPROPRIATED SPECIFICALLY THEREFOR FOR THAT PROGRAM YEAR; PROVIDED, FURTHER, HOWEVER, THAT COMMENCING JANUARY FIRST, TWO THOUSAND TWELVE, REIMBURSEMENT FROM A MUNICIPALITY'S DISTRIBUTION FOR YOUTH ALLEGED TO BE JUVENILE DELINQUENTS SHALL ONLY BE AVAILABLE FOR THOSE YOUTH WHO HAVE BEEN ASSESSED PURSUANT TO A DETENTION RISK ASSESSMENT INSTRUMENT APPROVED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES AS HIGH RISK FOR: NOT APPEARING IN COURT ON THE RETURN DATE; OR, BEFORE SUCH RETURN DATE, FOR COMMITTING AN ACT WHICH IF COMMITTED BY AN ADULT WOULD CONSTITUTE A CRIME. MUNICIPALITIES

SHALL IMPLEMENT THE USE OF DETENTION RISK ASSESSMENT INSTRUMENTS IN A MANNER PRESCRIBED BY THE OFFICE SO AS TO INFORM DETENTION DECISIONS. NOTWITHSTANDING ANY OTHER PROVISION OF STATE LAW TO THE CONTRARY, DATA NECESSARY FOR COMPLETION OF A DETENTION RISK ASSESSMENT INSTRUMENT AND CLAIMING REIMBURSEMENT FOR DETENTION SHALL BE SHARED BETWEEN LAW ENFORCEMENT, PROBATION, COURTS, DETENTION ADMINISTRATORS, AND DETENTION PROVIDERS, AND A COPY OF THE COMPLETED DETENTION RISK ASSESSMENT INSTRUMENT SHALL BE MADE AVAILABLE TO THE APPLICABLE DETENTION PROVIDER.

(B) THE STATE FUNDS APPROPRIATED FOR JUVENILE DETENTION SERVICES SHALL BE DISTRIBUTED TO ELIGIBLE MUNICIPALITIES BY THE OFFICE OF CHILDREN AND FAMILY SERVICES BASED ON A PLAN DEVELOPED BY THE OFFICE WHICH MAY CONSIDER HISTORICAL INFORMATION REGARDING THE NUMBER OF YOUTH REMANDED TO DETENTION, THE MUNICIPALITY'S REDUCTION IN THE USE OF DETENTION, THE MUNICIPALITY'S YOUTH POPULATION, AND OTHER FACTORS AS DETERMINED BY THE OFFICE. SUCH PLAN DEVELOPED BY THE OFFICE SHALL BE SUBJECT TO THE APPROVAL OF THE DIRECTOR OF THE BUDGET. THE OFFICE IS AUTHORIZED, IN ITS DISCRETION, TO MAKE ADVANCE DISTRIBUTIONS TO A MUNICIPALITY IN ANTICIPATION OF STATE REIMBURSEMENT.

(C) A MUNICIPALITY MAY ALSO USE THE FUNDS DISTRIBUTED TO IT FOR JUVENILE DETENTION SERVICES UNDER THIS SECTION FOR A PARTICULAR PROGRAM YEAR FOR FIFTY PERCENT STATE REIMBURSEMENT FOR SUPERVISION AND TREATMENT SERVICES FOR JUVENILES PROGRAMS PROVIDED DURING AN APPLICABLE PROGRAM YEAR TO AT-RISK, ALLEGED OR ADJUDICATED JUVENILE DELINQUENTS IN COMMUNITY-BASED NON-RESIDENTIAL SETTINGS THAT HAVE NOT OTHERWISE BEEN SUBJECT TO STATE REIMBURSEMENT UNDER SECTION FIVE HUNDRED TWENTY-NINE-B OF THIS TITLE. ANY CLAIMS SUBMITTED BY A MUNICIPALITY FOR REIMBURSEMENT FOR DETENTION SERVICES OR SUPERVISION AND TREATMENT SERVICES FOR JUVENILES PROVIDED DURING A PARTICULAR PROGRAM YEAR FOR WHICH THE MUNICIPALITY DOES NOT RECEIVE STATE REIMBURSEMENT FROM THE MUNICIPALITY'S DISTRIBUTION OF DETENTION SERVICES FUNDS FOR THAT PROGRAM YEAR MAY NOT BE CLAIMED AGAINST THE MUNICIPALITY'S DISTRIBUTION OF FUNDS AVAILABLE UNDER THIS SECTION FOR THE NEXT APPLICABLE PROGRAM YEAR. THE OFFICE MAY REQUIRE THAT SUCH CLAIMS BE SUBMITTED TO THE OFFICE ELECTRONICALLY AT SUCH TIMES AND IN THE MANNER AND FORMAT REQUIRED BY THE OFFICE.

3. Wherever detention services are not provided directly or indirectly by a [social services district] MUNICIPALITY, the [district] MUNICIPALITY shall act as the intermediary between the [division] OFFICE OF CHILDREN AND FAMILY SERVICES and the agency lawfully providing such services, for the purpose of claiming and receiving reimbursement, furnishing financial information and obtaining approval for reserved accommodations pursuant to this section.

4. (a) The [social services districts] MUNICIPALITY must notify the [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES of state aid received under other state aid formulas by each detention facility[, and, in the city of New York, by each foster care facility which is providing care, maintenance and supervision] for which the [district] MUNICIPALITY is seeking reimbursement pursuant to this section, including but not limited to, aid for education, probation and mental health services.

(b) In computing reimbursement to the [social services districts] MUNICIPALITY pursuant to this section, the [division] OFFICE shall insure that the aggregate of state aid under all state aid formulas shall not exceed fifty percent of the cost of care, maintenance and supervision provided TO detainees ELIGIBLE FOR STATE REIMBURSEMENT UNDER SUBDIVISION TWO OF THIS SECTION, exclusive of federal aid for such

purposes NOT TO EXCEED THE AMOUNT OF THE MUNICIPALITY'S DISTRIBUTION UNDER THE JUVENILE DETENTION SERVICES PROGRAM.

(c) Reimbursement for administrative related expenditures as defined by the [director of the division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES, for secure and nonsecure detention services shall not exceed seventeen percent of the total approved expenditures for facilities of twenty-five beds or more and shall not exceed twenty-one percent of the total approved expenditures for facilities with less than twenty-five beds.

S 5. Subparagraphs 1, 2 and 4 of paragraph (a) and paragraph (b) of subdivision 5 of section 530 of the executive law, as amended by chapter 920 of the laws of 1982, subparagraph 4 of paragraph (a) as added by chapter 419 of the laws of 1987, are amended to read as follows:

(1) temporary care, maintenance and supervision provided alleged juvenile delinquents [and persons in need of supervision] in detention facilities certified pursuant to [sections seven hundred twenty-four and] SECTION 305.2 of the family court act by the [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES, pending adjudication of alleged delinquency [or alleged need of supervision] by the family court, or pending transfer to institutions to which committed or placed by such court or while awaiting disposition by such court after adjudication or held pursuant to a securing order of a criminal court if the person named therein as principal is under sixteen; or,

(2) temporary care, maintenance and supervision provided juvenile delinquents [and persons in need of supervision] in approved detention facilities at the request of the [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES pending release revocation hearings or while awaiting disposition after such hearings; or

[(4) temporary care, maintenance and supervision provided youth detained in the city of New York in foster care facilities pursuant to article seven of the family court act.]

(b) Payments made for reserved accommodations, whether or not in full time use, approved by the [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES and certified pursuant to [sections seven hundred twenty-four and] SECTION 305.2 of the family court act, in order to assure that adequate accommodations will be available for the immediate reception and proper care therein of youth for which detention costs are reimbursable pursuant to paragraph (a) of this subdivision, shall be reimbursed as expenditures for care, maintenance and supervision [of local charges] under the provisions of this section, provided the [division] OFFICE shall have given its prior approval for reserving such accommodations.

S 6. Subdivisions 7 and 8 of section 530 of the executive law are REPEALED and subdivision 9, as added by section 2 of part C of chapter 83 of the laws of 2002, is renumbered subdivision 7 and amended to read as follows:

7. The agency administering detention for each county and the city of New York shall submit to the office of children and family services, AT SUCH TIMES AND in such form and manner AND CONTAINING SUCH INFORMATION as required by the office of children and family services, [a quarterly] AN ANNUAL report on youth remanded pursuant to article three [or seven] of the family court act who are detained [for forty-five days or more in any twelve month period] DURING EACH CALENDAR YEAR INCLUDING, COMMENCING JANUARY FIRST, TWO THOUSAND TWELVE, THE RISK LEVEL OF EACH DETAINED YOUTH AS ASSESSED BY A DETENTION RISK ASSESSMENT INSTRUMENT APPROVED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES. THE OFFICE MAY REQUIRE THAT

SUCH DATA ON DETENTION USE BE SUBMITTED TO THE OFFICE ELECTRONICALLY. Such report shall include, but not be limited to[:], the reason for the court's determination in accordance with section 320.5 [or seven hundred thirty-nine] of the family court act to detain the youth; the offense or offenses with which the youth is charged; and all other reasons why the youth remains detained. [Detention agencies shall submit each quarterly report to the office within thirty days of the end of the quarter and the office shall submit a compilation of all of the separate reports for the quarter to the governor and the legislature within forty-five days of the end of the quarter. The first quarterly report shall cover the last quarter of two thousand two.]

S 7. Subdivision (c) of section 531 of the executive law, as added by chapter 43 of the laws of 1978, is amended to read as follows:

(c) expenditures made by each [such social services district] MUNICIPALITY for the care, maintenance and supervision of youths in secure and non-secure detention for which reimbursement is approved pursuant to section five hundred thirty of this [chapter, or for which reimbursement is due to the state pursuant to subdivision seven of such section] TITLE, including the numbers of such youths in each category of detention facility and the per diem rates charged.

S 8. Paragraphs (iv) and (v) of subdivision (a) of section 213 of the family court act, as amended by chapter 920 of the laws of 1982, are amended to read as follows:

(iv) the number of children released and the number detained under [sections seven hundred twenty-eight and] SECTION 307.4;

(v) the number of alleged juvenile delinquents released and the number detained under section 320.5 [and the number of alleged persons in need of supervision released and detained under section seven hundred thirty-nine,] and the duration of the detention [in both groups];

S 9. Paragraph (b) of subdivision 3 of section 320.5 of the family court act, as added by section 1 of part DD of chapter 57 of the laws of 2008, is amended to read as follows:

(b) Any finding directing detention pursuant to paragraph (a) of this subdivision made by the court shall state the facts, THE LEVEL OF RISK THE YOUTH WAS ASSESSED PURSUANT TO A DETENTION RISK ASSESSMENT INSTRUMENT APPROVED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES, and THE reasons for such finding INCLUDING, IF A DETERMINATION IS MADE TO PLACE A YOUTH IN DETENTION WHO WAS ASSESSED AT A LOW OR MEDIUM RISK ON SUCH A RISK ASSESSMENT INSTRUMENT, THE PARTICULAR REASONS WHY DETENTION WAS DETERMINED TO BE NECESSARY.

S 10. Subdivisions (b), (c) and (d) of section 712 and sections 720, 727, 728, 729, 739, 747 and 748 of the family court act are REPEALED.

S 11. Subdivision (a) and paragraphs (iii) and (iv) of subdivision (b) of section 735 of the family court act, as added by section 7 of part E of chapter 57 of the laws of 2005, are amended to read as follows:

(a) Each county and any city having a population of one million or more shall offer diversion services as defined in section seven hundred twelve of this article to youth who are at risk of being the subject of a person in need of supervision petition. Such services shall be designed to provide an immediate response to families in crisis, to identify and utilize appropriate [alternatives to detention and] SERVICES AND PROGRAMS to divert youth from being the subject of a petition in family court. Each county and such city shall designate either the local social services district or the probation department as lead agency for the purposes of providing diversion services.

(iii) assess whether the youth would benefit from residential respite services[; and

(iv) determine whether alternatives to detention are appropriate to avoid remand of the youth to detention].

S 12. Paragraph (a) of subdivision 2 of section 754 of the family court act, as amended by chapter 7 of the laws of 1999, is amended to read as follows:

(a) The order shall state the court's reasons for the particular disposition. If the court places the child in accordance with section seven hundred fifty-six of this part, the court in its order shall determine: (i) whether continuation in the child's home would be contrary to the best interest of the child and where appropriate, that reasonable efforts were made prior to the date of the dispositional hearing held pursuant to this article to prevent or eliminate the need for removal of the child from his or her home and, if the child was removed from his or her home prior to the date of such hearing, that such removal was in the child's best interest and, where appropriate, reasonable efforts were made to make it possible for the child to return safely home. If the court determines that reasonable efforts to prevent or eliminate the need for removal of the child from the home were not made but that the lack of such efforts was appropriate under the circumstances, the court order shall include such a finding; and (ii) in the case of a child who has attained the age of sixteen, the services needed, if any, to assist the child to make the transition from foster care to independent living. [Nothing in this subdivision shall be construed to modify the standards for directing detention set forth in section seven hundred thirty-nine of this article.]

S 13. Subdivision (c) of section 756 of the family court act is REPEALED and subdivision (b), as amended by chapter 7 of the laws of 1999, is amended to read as follows:

(b) Placements under this section may be for an initial period of twelve months. The court may extend a placement pursuant to section seven hundred fifty-six-a. In its discretion, the court may recommend restitution or require services for public good pursuant to section seven hundred fifty-eight-a in conjunction with an order of placement. For the purposes of calculating the initial period of placement, such placement shall be deemed to have commenced sixty days after the date the child was removed from his or her home in accordance with the provisions of this article. [If the respondent has been in detention pending disposition, the initial period of placement ordered under this section shall be credited with and diminished by the amount of time spent by the respondent in detention prior to the commencement of the placement unless the court finds that all or part of such credit would not serve the best interests of the respondent.]

S 14. Section 774 of the family court act is amended to read as follows:

S 774. Action on petition for transfer. On receiving a petition under section seven hundred seventy-three, the court may proceed under sections seven hundred thirty-seven, OR seven hundred thirty-eight [or seven hundred thirty-nine] with respect to the issuance of a summons or warrant [and sections seven hundred twenty-seven and seven hundred twenty-nine govern questions of detention and failure to comply with a promise to appear]. Due notice of the petition and a copy of the petition shall also be served personally or by mail upon the office of the locality chargeable for the support of the person involved and upon the person involved and his parents and other persons.

S 15. Subdivision 12 of section 153 of the social services law is REPEALED.

S 16. Subdivision 12 of section 398 of the social services law, as added by chapter 419 of the laws of 1987, is amended to read as follows:

12. A social services official shall be permitted to place persons adjudicated in need of supervision or delinquent[, and in cities having a population of one million or more alleged persons to be in need of supervision and persons adjudicated in need of supervision in detention pending transfer to a placement,] in the same foster care facilities as are providing care to destitute, neglected, abused or abandoned children. Such foster care facilities shall not provide care to a youth in the care of a social services official as a convicted juvenile offender.

S 17. The section heading, opening paragraph and paragraph 2 of subdivision A and subdivisions B and C of section 218-a of the county law, the section heading as amended by chapter 880 of the laws of 1976, the opening paragraph of subdivision A as amended by chapter 465 of the laws of 1992, paragraph 2 of subdivision A as amended by chapter 555 of the laws of 1978, subdivision B as amended by chapter 419 of the laws of 1987 and subdivision C as added by section 12 of part E of chapter 57 of the laws of 2005, are amended to read as follows:

County detention facilities for [juvenile delinquents and persons in need of supervision] JUVENILES.

To assure that suitable and conveniently accessible accommodations and proper and adequate detention in secure and non-secure detention facilities, as defined in section five hundred two of the executive law and the regulations of the [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES, will be available when required for the temporary care, maintenance and security of alleged and convicted juvenile offenders, AND alleged and adjudicated juvenile delinquents [and alleged and adjudicated persons in need of supervision]. Such regulations shall not require any county to provide temporary care in a secure detention facility for residents of any other county except upon a space available basis. The county executive, if there be one, otherwise the board of supervisors shall designate the agency of county government responsible for the administration of the county juvenile detention program and shall so advise the [New York state division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES, and may make provisions therefor as follows:

2. Authorize a contract between its county and one or more other counties, which is or are operating a conveniently accessible detention facility certified by the [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES and in compliance with regulations of the [division for youth] OFFICE, providing for the reception, temporary accommodation and care in such facility of alleged or adjudicated juvenile delinquents [and persons in need of supervision] held for or at the direction of its family court, for and in consideration of the payments to be made therefor, on a per capita basis, pursuant to the terms of such contract.

B. Notwithstanding any other provision of law, each board of supervisors shall provide or assure the availability of conveniently accessible and adequate non-secure detention facilities, certified by the [state division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES, as resources for the family court in the county pursuant to [articles seven and] ARTICLE three of the family court act, to be operated in compliance with the regulations of the [division for youth] OFFICE for the temporary care and maintenance of alleged and adjudicated juvenile delinquents [and persons in need of supervision] held for or at the direction of a family court.

C. Each county shall offer diversion services to children who are at risk of being the subject of a petition under article seven of the family court act. Such services shall be designed to provide an immediate response to families in crisis and to identify and utilize appropriate [alternatives to juvenile detention] SERVICES.

S 18. This act shall take effect July 1, 2011; provided, however, a person held in a detention facility or, in the city of New York, remanded to a foster care facility, pursuant to articles 3 or 7 of the family court act prior to the effective date of this act shall be governed by the provisions of law in effect at the time that such person was detained or remanded; and provided, further, however, section nine of this act shall take effect January 1, 2012.

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

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

PART R

Section 1. Paragraph (f) of subdivision 1 of section 424-a of the social services law, as amended by chapter 441 of the laws of 1993, is amended to read as follows:

(f) The [department] OFFICE OF CHILDREN AND FAMILY SERVICES shall charge a fee of [five] SIXTY dollars when[, pursuant to regulations of the department,] it conducts a search of its records within the statewide central register for child abuse or maltreatment in accordance with this section or regulations of the [department] OFFICE to determine whether an applicant for employment [as specified in paragraph (b) of this subdivision] is the subject of an indicated child abuse or maltreatment report[, except that fees shall not be charged for requests for screenings related to applications for] INCLUDING AN APPLICANT TO BE A child day care [providers or for employment with child day care providers including requests] PROVIDER AND A REQUEST made pursuant to subdivision six of this section. Such fees shall be deposited in [an] A SPECIAL REVENUE - OTHER account and shall be made available to the [department] OFFICE for costs incurred in the implementation of this section. [Procedures for payment of such fees shall be established by the regulations of the department.]

S 2. This act shall take effect immediately and shall apply to any request for a search of the records of the statewide central register of child abuse or maltreatment that is received by the office of children and family services on or after April 1, 2011.

PART S

Section 1. Paragraphs (a), (b), (c) and (d) of subdivision 1 of section 131-o of the social services law, as amended by section 1 of

part I of chapter 58 of the laws of 2010, are amended to read as follows:

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

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

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

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

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

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

S 2. Paragraphs (a), (b), (c), (d), (e) and (f) of subdivision 2 of section 209 of the social services law, as amended by section 2 of part I of chapter 58 of the laws of 2010, are amended to read as follows:

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

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

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

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

(e) (i) On and after January first, two thousand [ten] ELEVEN, for an eligible individual receiving enhanced residential care, $1368.00; and

(ii) for an eligible couple receiving enhanced residential care, two times the amount set forth in subparagraph (i) of this paragraph.

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

S 3. This act shall take effect December 31, 2011.

PART T

Section 1. Subdivision 1 of section 341 of the social services law, as amended by section 1 of part D of chapter 61 of the laws of 2006, is amended to read as follows:

1. (a) Consistent with federal law and regulations and this title, if a participant has failed or refused to comply with the requirements of this title, the social services district shall issue a notice in plain language indicating that such failure or refusal has taken place, THE EFFECT OF SUCH NONCOMPLIANCE ON THE PARTICIPANT'S PUBLIC ASSISTANCE BENEFITS, and of the right of such participant to conciliation to resolve the reasons for such failure or refusal to avoid a pro-rata reduction OR DISCONTINUANCE in public assistance benefits for a period of time set forth in section three hundred forty-two of this title. The notice shall indicate the specific instance or instances of willful refusal or failure to comply without good cause with the requirements of this title and the necessary actions that must be taken to avoid a pro-rata reduction OR DISCONTINUANCE in public assistance benefits. The notice shall indicate that the participant has [seven] TEN days to request conciliation with the district regarding such failure or refusal [in the case of a safety net participant and ten days in the case of a family assistance participant]. PROVIDED, HOWEVER, THAT FOR A MEMBER OF A HOUSEHOLD WITH DEPENDENT CHILDREN WHO DOES NOT REQUEST A CONCILIATION CONFERENCE WITHIN THE TEN DAY PERIOD, THE LOCAL SOCIAL SERVICES DISTRICT SHALL MAKE AN ADDITIONAL EFFORT TO CONTACT THE HOUSEHOLD, INCLUDING A REASONABLE ATTEMPT FOR TELEPHONE CONTACT, TO OFFER CONCILIATION AND TO INDICATE THAT THE PARTICIPANT HAS TEN DAYS TO REQUEST CONCILIATION. The notice shall also include an explanation in plain language of what would constitute good cause for non-compliance and examples of acceptable forms of evidence that may warrant an exemption from work activities, including evidence of domestic violence, and physical or mental health limitations that may be provided at the conciliation conference to demonstrate such good cause for failure to comply with the requirements of this title. SUCH NOTICE SHALL ALSO INCLUDE INFORMATION TO EXPLAIN THE BENEFITS OF COMPLIANCE, INCLUDING THE AVAILABILITY OF GUARANTEED CHILD CARE BENEFITS. If the participant does not contact the district within the specified number of days, the district shall issue ten days notice of intent to discontinue or reduce assistance, pursuant to regulations of the department. Such notice shall also include a statement of the participant's right to a fair hearing relating to such discontinuance or reduction. If such participant contacts the district within [seven days in the case of a safety net participant or within ten days in the case of a family assistance participant] THE SPECIFIED NUMBER OF DAYS, it will be the responsibility of the participant to give reasons for such failure or refusal.

(b) Unless the district determines as a result of such conciliation process that such failure or refusal was willful and was without good

cause, no further action shall be taken. If the district determines that such failure or refusal was willful and without good cause, the district shall notify such participant in writing, in plain language and in a manner distinct from any previous notice, by issuing ten days notice of its intent to discontinue or reduce assistance. Such notice shall include the reasons for such determination, the specific instance or instances of willful refusal or failure to comply without good cause with the requirements of this title, the necessary actions that must be taken to avoid a pro-rata reduction OR DISCONTINUANCE in public assistance benefits, and the right to a fair hearing relating to such discontinuance or reduction. Unless extended by mutual agreement of the participant and the district, conciliation shall terminate and a determination shall be made within [fourteen] THIRTY days of the date a request for conciliation is made [in the case of a safety net participant or within thirty days of the conciliation notice in the case of a family assistance participant].

S 2. Subdivision 5 of section 341 of the social services law is REPEALED and subdivision 6 is renumbered subdivision 5.

S 3. Subdivisions 2 and 3 of section 342 of the social services law, as added by section 148 of part B of chapter 436 of the laws of 1997, are amended to read as follows:

2. [In] NOTWITHSTANDING SUBDIVISION EIGHT OF SECTION ONE HUNDRED FIFTY-THREE OF THIS ARTICLE, IN the case of an applicant for or recipient of public assistance [who is a parent or caretaker of a dependent child], the public assistance benefits otherwise available to the household of which such individual is a member shall be [reduced pro-rata]:

(a) REDUCED PRO-RATA for the first instance of failure to comply without good cause with the requirement of this article until the individual is willing to comply;

(b) TERMINATED AND CASE CLOSED for the second instance of failure to comply without good cause with the requirements of this article[, for a period of three months and thereafter] until the individual is willing to comply;

(c) TERMINATED AND CASE CLOSED for the third and all subsequent instances of failure to comply without good cause with the requirements of this article, for a period of six months [and thereafter] OR until the individual is willing to comply, WHICHEVER PERIOD IS LONGER.

3. [In the case of an individual who is a member of a household without dependent children applying for or in receipt of safety net assistance the public assistance benefits otherwise available to the household of which such individual is a member shall be reduced pro-rata:

(a) for the first such failure or refusal, until the failure or refusal ceases or ninety days, which ever period of time is longer;

(b) for the second such failure or refusal, until the failure ceases or for one hundred fifty days, whichever period of time is longer; and

(c) for the third and all subsequent such failures or refusals, until the failure ceases or one hundred eighty days, whichever period of time is longer.] WITH RESPECT TO THE SANCTIONS SET FORTH IN SUBDIVISION TWO OF THIS SECTION, IF THE INDIVIDUAL COMPLIES WITH THE REQUIREMENT OF THIS ARTICLE WITHIN THE SIX-MONTH MINIMUM SANCTION DURATIONS SET FORTH IN PARAGRAPH (C) OF SUBDIVISION TWO OF THIS SECTION THE HOUSEHOLD SHALL RECEIVE A PRO-RATA REDUCED GRANT FOR THE REMAINING MINIMUM PERIOD. CONTINUED COMPLIANCE AFTER THE MINIMUM DURATION SHALL RESTORE THE GRANT TO THE FULL AMOUNT.

S 4. The office of temporary and disability assistance, in consultation with the office of children and family services, shall submit a

report to the chairperson of the senate finance committee, the chairperson of the assembly ways and means committee, and the director of the division of budget on the implementation of the full family sanction policy. Such report shall include the number of sanctioned cases that had their case closed due to the new sanction policy, the monthly benefit of those sanctioned cases that had their cases closed and the number of sanctioned cases involving case closure that subsequently were reopened upon demonstrated willingness to comply with work requirements. Such report shall also determine if there were child welfare referrals made since October, 1, 2011 that were a function of the new sanction policy. This report shall be submitted by December 31, 2012.

S 5. This act shall take effect October 1, 2011 and shall expire on September 30, 2013, when upon such date the provisions of this act shall be deemed repealed.

PART U

Section 1. Paragraph (a-2) of subdivision 2 of section 131-a of the social services law, as added by section 1 of part Y of chapter 57 of the laws of 2009, is amended to read as follows:

(a-2) For the period beginning July first, two thousand ten and ending June thirtieth, two thousand [eleven] TWELVE, the following schedule shall be the standard of monthly need for determining eligibility for all categories of assistance in and by all social services districts:

Number of Persons in Household					
One	Two	Three	Four	Five	Six
$141	$225	$300	$386	$477	$551

For each additional person in the household there shall be added an additional amount of seventy-five dollars monthly.

S 2. Paragraph (a-3) of subdivision 2 of section 131-a of the social services law, as added by section 1 of part Y of chapter 57 of the laws of 2009, is amended to read as follows:

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

Number of Persons in Household					
One	Two	Three	Four	Five	Six
$158	$252	$335	$432	$533	$616

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

S 3. Paragraph (a-2) of subdivision 3 of section 131-a of the social services law, as added by section 2 of part Y of chapter 57 of the laws of 2009, is amended to read as follows:

(a-2) For the period beginning July first, two thousand ten and ending June thirtieth, two thousand [eleven] TWELVE, persons and families determined to be eligible by the application of the standard of need prescribed by the provisions of subdivision two of this section, less any available income or resources which are not required to be disregarded by other provisions of this chapter, shall receive maximum monthly grants and allowances in all social services districts, in accordance with the following schedule, for public assistance:

Number of Persons in Household					
One	Two	Three	Four	Five	Six
$141	$225	$300	$386	$477	$551

For each additional person in the household there shall be added an additional amount of seventy-five dollars monthly.

S 4. Paragraph (a-3) of subdivision 3 of section 131-a of the social services law, as added by section 2 of part Y of chapter 57 of the laws of 2009, is amended to read as follows:

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

Number of Persons in Household					
One	Two	Three	Four	Five	Six
$158	$252	$335	$432	$533	$616

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

S 5. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2011.

PART V

Section 1. Article 16 and article 17 of the private housing finance law are REPEALED.

S 2. The private housing finance law is amended by adding a new article 27 to read as follows:

ARTICLE XXVII
NEIGHBORHOOD AND RURAL PRESERVATION PROGRAM

SECTION 1230. PURPOSE.
1231. DEFINITIONS.
1232. PROGRAM CONTRACTS.
1233. RULES AND REGULATIONS.
1234. RELATIONSHIP TO OTHER LAWS.

S 1230. PURPOSE. THERE CONTINUE TO EXIST IN ALL AREAS OF THE STATE SIGNIFICANT UNMET HOUSING NEEDS OF PERSONS AND FAMILIES OF LOW INCOME, NUMEROUS HOUSING UNITS WHICH ARE DETERIORATING OR IN NEED OF REHABILITATION OR IMPROVEMENT, AND RELATED FACTORS DEMONSTRATING A NEED FOR ATTENTION TO HOUSING PRESERVATION AND COMMUNITY REVITALIZATION. IT IS THE PURPOSE OF THIS ARTICLE TO ESTABLISH A NEIGHBORHOOD AND RURAL PRESERVATION PROGRAM WITHIN THE DIVISION OF HOUSING AND COMMUNITY RENEWAL.

S 1231. DEFINITIONS. AS USED IN THIS ARTICLE:

1. "COMMISSIONER" SHALL MEAN THE COMMISSIONER OF THE STATE DIVISION OF HOUSING AND COMMUNITY RENEWAL.

2. "DIVISION" SHALL MEAN THE STATE DIVISION OF HOUSING AND COMMUNITY RENEWAL.

3. "NEIGHBORHOOD OR RURAL PRESERVATION CORPORATIONS" SHALL MEAN CORPORATIONS ORGANIZED UNDER THE PROVISIONS OF THE NOT-FOR-PROFIT CORPORATION LAW THAT HAVE BEEN ENGAGED PRIMARILY IN HOUSING PRESERVATION AND COMMUNITY RENEWAL ACTIVITIES AS DEFINED IN SUBDIVISION SIX OF THIS SECTION.

4. "ELIGIBLE APPLICANT" SHALL MEAN ANY NEIGHBORHOOD OR RURAL PRESERVATION CORPORATION OR COMBINATION OF CORPORATIONS IN EXISTENCE FOR A PERIOD OF ONE OR MORE YEARS PRIOR TO APPLICATION.

5. "REGION" SHALL MEAN ANY NEIGHBORHOOD OR RURAL AREA WITHIN THE STATE SUCH AS A COUNTY, CITY, TOWN, VILLAGE, POSTAL ZONE, OR CENSUS TRACT OR ANY SPECIFIED PART OR COMBINATION THEREOF OR AS OTHERWISE APPROVED BY

THE COMMISSIONER, WITHIN WHICH HOUSING PRESERVATION AND COMMUNITY RENEWAL ACTIVITIES FUNDED IN PART PURSUANT TO THIS ARTICLE ARE TO BE CARRIED OUT.

6. "HOUSING PRESERVATION AND COMMUNITY RENEWAL ACTIVITIES" INCLUDE: (A) THE NEW CONSTRUCTION OR THE ACQUISITION, MAINTENANCE, PRESERVATION, REPAIR, REHABILITATION OR OTHER IMPROVEMENT OF VACANT OR OCCUPIED HOUSING ACCOMMODATIONS; DEMOLITION OR SEALING OF VACANT STRUCTURES WHERE NECESSARY OR APPROPRIATE; DISPOSITION OF HOUSING ACCOMMODATIONS TO PRESENT OR POTENTIAL OCCUPANTS OR CO-OPERATIVE ORGANIZATIONS; TRAINING OR OTHER FORMS OF ASSISTANCE TO OCCUPANTS OF HOUSING ACCOMMODATIONS; AND MANAGEMENT OF HOUSING ACCOMMODATIONS AS AGENT FOR THE OWNERS, RECEIVERS, ADMINISTRATORS OR MUNICIPALITIES; AND (B) ACTIVITIES, SIMILAR TO THOSE SPECIFIED IN PARAGRAPH (A) OF THIS SUBDIVISION, AIMED AT ACCOMPLISHING SIMILAR PURPOSES AND MEETING SIMILAR NEEDS WITH RESPECT TO RETAIL AND SERVICE ESTABLISHMENTS WITHIN A REGION WHEN CARRIED OUT IN CONNECTION WITH AND INCIDENTAL TO A PROGRAM OF HOUSING RELATED ACTIVITIES.

7. "PERSONS OF LOW INCOME" SHALL MEAN INDIVIDUALS AND FAMILIES WHOSE ANNUAL INCOMES DO NOT EXCEED NINETY PER CENT OF THE MEDIAN ANNUAL INCOME FOR ALL RESIDENTS OF THE REGION WITHIN WHICH THEY RESIDE OR A LARGER AREA ENCOMPASSING SUCH REGION FOR WHICH MEDIAN ANNUAL INCOME CAN BE DETERMINED.

S 1232. PROGRAM CONTRACTS. 1. IN ORDER TO BE ELIGIBLE TO RECEIVE FUNDS PURSUANT TO THIS ARTICLE, AN ELIGIBLE APPLICANT SHALL SUBMIT A PROPOSAL BASED ON CRITERIA AS DETERMINED BY THE COMMISSIONER.

2. WITHIN THE LIMIT OF FUNDS AVAILABLE IN THE NEIGHBORHOOD AND RURAL PRESERVATION APPROPRIATION, THE DIVISION MAY ENTER INTO CONTRACTS WITH CORPORATIONS TO PROVIDE HOUSING PRESERVATION AND COMMUNITY RENEWAL ACTIVITIES.

3. IN DETERMINING WHETHER TO ENTER INTO A CONTRACT WITH A NEIGHBORHOOD OR RURAL PRESERVATION CORPORATION OR CORPORATIONS PURSUANT TO THIS ARTICLE, THE COMMISSIONER SHALL DETERMINE THAT THE DEMOGRAPHIC AND OTHER RELEVANT DATA PERTAINING TO A REGION AS SPECIFIED IN THE CONTRACT INDICATE THAT SUCH REGION CONTAINS SIGNIFICANT UNMET HOUSING NEEDS OF PERSONS OF LOW INCOME, THAT THE HOUSING STOCK OF SUCH REGION, BECAUSE OF ITS AGE, DETERIORATION, OR OTHER FACTORS, REQUIRES IMPROVEMENT IN ORDER TO PRESERVE THE COMMUNITIES WITHIN THE REGION AND THAT THE CORPORATION PROPOSES TO ASSIST SUCH REGION THROUGH ACTIVE INTERVENTION TO EFFECT THE REGION'S PRESERVATION, STABILIZATION OR IMPROVEMENT.

4. EACH CONTRACT ENTERED INTO PURSUANT TO THIS ARTICLE SHALL PROVIDE FOR PAYMENT TO THE NEIGHBORHOOD OR RURAL PRESERVATION CORPORATION OR CORPORATIONS FOR THE HOUSING PRESERVATION AND COMMUNITY RENEWAL ACTIVITIES TO BE PERFORMED. PAYMENTS SHALL BE BASED ON PERFORMANCE CRITERIA ESTABLISHED BY THE COMMISSIONER.

5. PAYMENT PURSUANT TO THIS ARTICLE SHALL BE RESTRICTED TO SUMS REQUIRED FOR THE PAYMENT OF SALARIES AND WAGES TO EMPLOYEES OF SUCH CORPORATIONS WHO ARE ENGAGED IN RENDERING HOUSING PRESERVATION AND COMMUNITY RENEWAL ACTIVITIES, FEES TO CONSULTANTS AND PROFESSIONALS RETAINED BY THEM FOR PLANNING AND PERFORMING SUCH ACTIVITIES AND OTHER COSTS AND EXPENSES DIRECTLY RELATED TO SUCH EMPLOYEES, CONSULTANTS AND PROFESSIONALS. SUCH FUNDS MAY BE USED FOR PLANNING ANY HOUSING PRESERVATION AND COMMUNITY RENEWAL ACTIVITY AND FOR RENOVATING, REPAIRING, FURNISHING, EQUIPPING AND OPERATING AN OFFICE FACILITY TO BE USED IN CONNECTION WITH THE CONDUCT OF HOUSING PRESERVATION AND COMMUNITY RENEWAL ACTIVITIES BY THE CORPORATION.

6. CONTRACTS ENTERED INTO PURSUANT TO THIS SECTION SHALL BE FOR A PERIOD OF NO MORE THAN ONE YEAR, BUT MAY BE RENEWED OR EXTENDED FROM

YEAR TO YEAR AT THE DISCRETION OF THE COMMISSIONER, AND SHALL PROVIDE FOR PAYMENT BY THE DIVISION OF NO MORE THAN FIVE HUNDRED THOUSAND DOLLARS PER YEAR.

S 1233. RULES AND REGULATIONS. THE COMMISSIONER MAY ISSUE RULES AND REGULATIONS OR OPERATIONAL BULLETINS FOR THE APPLICATION AND AWARDING OF FUNDS UNDER THIS ARTICLE.

S 1234. RELATIONSHIP TO OTHER LAWS. NOTHING IN THIS ARTICLE SHALL BE DEEMED TO DENY OR LIMIT THE RIGHT OF ANY CORPORATION TO SEEK OR RECEIVE ASSISTANCE UNDER, OR OTHERWISE PARTICIPATE IN, ANY OTHER PROGRAM PURSUANT TO THIS CHAPTER, OR ANY OTHER GOVERNMENTAL PROGRAM RELATING TO HOUSING OR COMMUNITY RENEWAL. NOTHING IN THIS ARTICLE SHALL BE DEEMED TO DENY OR LIMIT THE RIGHT OF ANY CORPORATION TO CARRY OUT ANY PROGRAM OR SERVICE THROUGH A SUBSIDIARY CORPORATION OR OTHER INSTRUMENTALITY.

S 3. Notwithstanding any provision of law to the contrary, any reference, in any provision of law, to article 16 or article 17 of the private housing finance law, sections 901 through 909 of the private housing finance law, or sections 1001 through 1010 of the private housing finance law shall be deemed to refer to article 27 of the private housing finance law.

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

PART W

Section 1. Section 39 of part P2 of chapter 62 of the laws of 2003 amending the state finance law and other laws relating to authorizing and directing the state comptroller to loan money to certain funds and accounts, as amended by section 1 of part Z of chapter 57 of the laws of 2009, is amended to read as follows:

S 39. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2003; provided, however, that sections one, three, four, six, seven through fifteen, and seventeen of this act shall expire March 31, 2004, when upon such date the provisions of such sections shall be deemed repealed; [and sections thirty and thirty-one of this act shall expire December 31, 2011] and the amendments made to section 69-c of the state finance law by section thirty-two of this act shall not affect the expiration and repeal of such section and shall be deemed to be expired therewith.

S 2. This act shall take effect immediately.

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

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