

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

S. 6257--A

A. 9057--A

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

January 17, 2012

IN SENATE -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT in relation to school district eligibility for an increase in apportionment of school aid and implementation of new standards for conducting annual professional performance reviews to determine teacher and principal effectiveness; to amend the education law, in relation to contracts for excellence, apportionment of school aid, apportionment of school aid and of current year approved expenditures for debt service, calculation of the gap elimination restoration amount, apportionment for transportation, maximum class size; 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; and in relation to extending the expiration of certain provisions; to amend chapter 169 of the laws of 1994 relating to certain provisions related to the 1994-95 state operations, aid to localities, capital projects and debt service budgets, 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 698 of the laws of 1996 amending the education law relating to transportation contracts, 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 Act of 2001, to amend chapter 57 of the laws of 2008 amending the

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

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education law relating to the universal pre-kindergarten program, in relation to extending the expiration of certain provisions of such chapters; in relation to school bus driver training; in relation to the support of public libraries; to provide special apportionment for salary expenses; to provide special apportionment for public pension expenses; in relation to suballocation of certain education department accruals; in relation to purchases by the city school district of Rochester; relating to submission of school construction final cost reports; and providing for the repeal of certain provisions upon expiration thereof (Part A); to amend the education law, in relation to tenured teacher disciplinary hearings (Part B); to amend the social services law, in relation to increasing the standards of monthly need for aged, blind and disabled persons living in the community (Part C); to amend the social services law, in relation to the standards of monthly need for persons in receipt of public assistance (Part D); to amend the social services law, in relation to authorizing the office of temporary and disability assistance to administer the program of supplemental security income additional state payments; and to repeal certain provisions of such law relating thereto (Part E); to amend chapter 83 of the laws of 2002 amending the executive law and other laws relating to funding for children and family services, in relation to the effectiveness thereof; and to amend the social services law, in relation to reauthorizing child welfare financing to continue current funding structure (Part F); to amend the social services law and the family court act, in relation to establishing a juvenile justice services close to home initiative and providing for the repeal of such provisions upon expiration thereof (Subpart A); and to amend the social services law and the family court act, in relation to juvenile delinquents (Subpart B) (Part G); to amend chapter 57 of the laws of 2005 amending the labor law and other laws implementing the state fiscal plan for the 2005-2006 state fiscal year, relating to the New York state higher education capital matching grant program for independent colleges, in relation to the effectiveness thereof (Part H); to amend the education law, in relation to provision of services, technical assistance and program activities to state agencies by Cornell university (Part I); to amend the education law, in relation to special education programs for preschool children with a disability (Part J); to amend the education law, in relation to authorizing the board of cooperative educational services to enter into contracts with the commissioner of children and family services to provide certain services (Part K); to repeal section 527-1 of the executive law, relating to annual reports of the youth center facility program (Part L); and to amend the executive law, in relation to the creation of a validated risk assessment instrument (Part M)

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 2012-2013
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through M. The effective date for each particular
5 provision contained within such Part is set forth in the last section of
6 such Part. Any provision in any section contained within a Part, includ-
7 ing the effective date of the Part, which makes a reference to a section

1 "of this act", when used in connection with that particular component,
2 shall be deemed to mean and refer to the corresponding section of the
3 Part in which it is found. Section three of this act sets forth the
4 general effective date of this act.

5 PART A

6 Section 1. Notwithstanding any inconsistent provision of law, no
7 school district shall be eligible for an apportionment of general
8 support for public schools from the funds appropriated for the 2012-13
9 school year and thereafter in excess of the amount apportioned to such
10 district for the same time period during the base year unless such
11 school district has submitted documentation that has been approved by
12 the commissioner of education by January 17, 2013 demonstrating that it
13 has fully implemented new standards and procedures for conducting annual
14 professional performance reviews of classroom teachers and building
15 principals to determine teacher and principal effectiveness; provided
16 however that if any such payments in excess of the amount apportioned to
17 such district for the same time period during the base year were made,
18 and the school district has not submitted documentation that it has
19 fully implemented new standards and procedures as set forth above by
20 January 17, 2013, the total amount of such payments shall be deducted by
21 the commissioner from future payments to the school district; and
22 provided further that, for the 2012-13 school year if such deduction is
23 greater than the sum of the amounts available for such deductions, the
24 remainder of the deduction shall be withheld from payments scheduled to
25 be made to the school district pursuant to section 3609-a of the educa-
26 tion law for the 2013-14 school year.

27 S 2. Paragraph e of subdivision 1 of section 211-d of the education
28 law, as amended by section 1 of part A of chapter 58 of the laws of
29 2011, is amended to read as follows:

30 e. Notwithstanding paragraphs a and b of this subdivision, a school
31 district that submitted a contract for excellence for the two thousand
32 eight--two thousand nine school year shall submit a contract for excel-
33 lence for the two thousand nine--two thousand ten school year in
34 conformity with the requirements of subparagraph (vi) of paragraph a of
35 subdivision two of this section unless all schools in the district are
36 identified as in good standing and provided further that, a school
37 district that submitted a contract for excellence for the two thousand
38 nine--two thousand ten school year, unless all schools in the district
39 are identified as in good standing, shall submit a contract for excel-
40 lence for the two thousand eleven--two thousand twelve school year which
41 shall, notwithstanding the requirements of subparagraph (vi) of para-
42 graph a of subdivision two of this section, provide for the expenditure
43 of an amount which shall be not less than the product of the amount
44 approved by the commissioner in the contract for excellence for the two
45 thousand nine--two thousand ten school year, multiplied by the
46 district's gap elimination adjustment percentage AND PROVIDED FURTHER
47 THAT, A SCHOOL DISTRICT THAT SUBMITTED A CONTRACT FOR EXCELLENCE FOR THE
48 TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR, UNLESS ALL SCHOOLS
49 IN THE DISTRICT ARE IDENTIFIED AS IN GOOD STANDING, SHALL SUBMIT A
50 CONTRACT FOR EXCELLENCE FOR THE TWO THOUSAND TWELVE--TWO THOUSAND THIR-
51 TEEN SCHOOL YEAR WHICH SHALL, NOTWITHSTANDING THE REQUIREMENTS OF
52 SUBPARAGRAPH (VI) OF PARAGRAPH A OF SUBDIVISION TWO OF THIS SECTION,
53 PROVIDE FOR THE EXPENDITURE OF AN AMOUNT WHICH SHALL BE NOT LESS THAN
54 THE AMOUNT APPROVED BY THE COMMISSIONER IN THE CONTRACT FOR EXCELLENCE

1 FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR. For
2 purposes of this paragraph, the "gap elimination adjustment percentage"
3 shall be calculated as the sum of one minus the quotient of the sum of
4 the school district's net gap elimination adjustment for two thousand
5 ten--two thousand eleven computed pursuant to chapter fifty-three of the
6 laws of two thousand ten, making appropriations for the support of
7 government, plus the school district's gap elimination adjustment for
8 two thousand eleven--two thousand twelve as computed pursuant to [a]
9 chapter FIFTY-THREE of the laws of two thousand eleven, making appropri-
10 ations for the support of the local assistance budget, including support
11 for general support for public schools, divided by the total aid for
12 adjustment computed pursuant to [a] chapter FIFTY-THREE of the laws of
13 two thousand eleven, making appropriations for the local assistance
14 budget, including support for general support for public schools.
15 Provided, further, that such amount shall be expended to support and
16 maintain allowable programs and activities approved in the two thousand
17 nine--two thousand ten school year or to support new or expanded allow-
18 able programs and activities in the current year.

19 S 3. Subdivision 1 of section 1104 of the education law, as amended by
20 chapter 53 of the laws of 1990, is amended to read as follows:

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

32 S 4. Section 1104 of the education law is amended by adding a new
33 subdivision 3 to read as follows:

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

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

49 dd. "Allowable growth amount" shall mean the product of the positive
50 difference of the personal income growth index minus one, multiplied by
51 the statewide total of the SUM OF (1) THE apportionments, including the
52 gap elimination adjustment, due and owing during the base year, commenc-
53 ing with the base year computed for the two thousand twelve--two thou-
54 sand thirteen school year, to school districts and boards of cooperative
55 educational services from the general support for public schools as
56 computed based on an electronic data file used to produce the school aid

1 computer listing produced by the commissioner in support of the enacted
2 budget for the base year PLUS (2) THE COMPETITIVE AWARDS AMOUNT FOR THE
3 BASE YEAR.

4 ee. "Competitive awards amount" shall mean, for two thousand twelve--
5 two thousand thirteen state fiscal year, fifty million dollars, and for
6 two thousand thirteen--two thousand fourteen and thereafter, [the prod-
7 uct of the personal income growth index multiplied by the base year
8 competitive awards amount] ONE HUNDRED MILLION DOLLARS.

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

12 c. The gap elimination adjustment for the two thousand twelve--two
13 thousand thirteen school year and thereafter shall be equal to the gap
14 elimination adjustment for the base year, plus, in any year in which the
15 preliminary growth amount exceeds the allowable growth amount, the prod-
16 uct of the gap elimination adjustment percentage for such district and
17 the positive difference, if any, between the preliminary growth amount
18 less the allowable growth amount, as computed pursuant to subdivision
19 one of this section, and less the [product of the gap elimination
20 adjustment percentage for such district and the] gap elimination adjust-
21 ment restoration amount, if any, allocated pursuant to [subdivision
22 eighteen of] this section.

23 D. (I) THE GAP ELIMINATION RESTORATION AMOUNT FOR THE TWO THOUSAND
24 TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR FOR A SCHOOL DISTRICT SHALL
25 EQUAL THE GREATER OF:

26 (A) THE PRODUCT OF (1) THE PRODUCT OF THE EXTRAORDINARY NEEDS INDEX
27 MULTIPLIED BY TWO HUNDRED FOURTEEN DOLLARS AND FIFTY CENTS, COMPUTED TO
28 TWO DECIMAL PLACES WITHOUT ROUNDING, MULTIPLIED BY (2) THE STATE SHARING
29 RATIO COMPUTED PURSUANT TO PARAGRAPH G OF SUBDIVISION THREE OF THIS
30 SECTION MULTIPLIED BY (3) THE PUBLIC SCHOOL DISTRICT ENROLLMENT FOR THE
31 BASE YEAR, CALCULATED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF
32 SUBDIVISION ONE OF THIS SECTION, WHERE THE EXTRAORDINARY NEEDS INDEX
33 SHALL BE THE QUOTIENT OF THE EXTRAORDINARY NEEDS PERCENT FOR THE
34 DISTRICT COMPUTED PURSUANT TO PARAGRAPH W OF SUBDIVISION ONE OF THIS
35 SECTION DIVIDED BY THE STATEWIDE AVERAGE EXTRAORDINARY NEEDS PERCENT; OR

36 (B) FOR ANY DISTRICT WITH A GEA/TGFE RATIO GREATER THAN ONE, WHERE THE
37 GEA/TGFE RATIO SHALL BE THE QUOTIENT OF (1) THE GAP ELIMINATION ADJUST-
38 MENT FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR FOR
39 THE DISTRICT DIVIDED BY THE TOTAL GENERAL FUND EXPENDITURES OF SUCH
40 DISTRICT IN THE BASE YEAR, DIVIDED BY (2) THE STATEWIDE TOTAL GAP ELIMI-
41 NATION ADJUSTMENT FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE
42 SCHOOL YEAR DIVIDED BY TOTAL GENERAL FUND EXPENDITURES IN THE BASE YEAR,
43 THE PRODUCT OF (A) THE PRODUCT OF THE GEA/TGFE RATIO MULTIPLIED BY NINE-
44 TY DOLLARS, COMPUTED TO TWO DECIMAL PLACES WITHOUT ROUNDING, MULTIPLIED
45 BY (B) THE STATE SHARING RATIO COMPUTED PURSUANT TO PARAGRAPH G OF
46 SUBDIVISION THREE OF THIS SECTION MULTIPLIED BY (C) THE PUBLIC SCHOOL
47 DISTRICT ENROLLMENT FOR THE BASE YEAR, CALCULATED PURSUANT TO SUBPARA-
48 GRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION; OR

49 (C) ONE PERCENT OF THE GAP ELIMINATION ADJUSTMENT FOR THE TWO THOUSAND
50 ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR,

51 BUT SHALL BE NO GREATER THAN THE PRODUCT OF TWENTY-FIVE PERCENT AND
52 THE GAP ELIMINATION ADJUSTMENT FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND
53 TWELVE SCHOOL YEAR FOR THE DISTRICT.

54 (II) THE GAP ELIMINATION RESTORATION AMOUNT FOR THE TWO THOUSAND THIR-
55 TEEN--TWO THOUSAND FOURTEEN SCHOOL YEAR AND THEREAFTER SHALL EQUAL THE
56 PRODUCT OF THE GAP ELIMINATION PERCENTAGE FOR SUCH DISTRICT AND THE GAP

1 ELIMINATION ADJUSTMENT RESTORATION ALLOCATION ESTABLISHED PURSUANT TO
2 SUBDIVISION EIGHTEEN OF THIS SECTION.

3 S 7. Paragraph c of subdivision 7 of section 3602 of the education
4 law, as amended by section 1 of part A-4 of chapter 58 of the laws of
5 2006, is amended to read as follows:

6 c. For the purposes of computing this apportionment for the two thou-
7 sand five--two thousand six school year and thereafter, approved trans-
8 portation capital, debt service, and lease expense shall be the amount
9 computed based upon an assumed amortization determined pursuant to para-
10 graph e of this subdivision for an expenditure incurred by a school
11 district and approved by the commissioner for those items of transporta-
12 tion capital, debt service and lease expense allowable under subdivision
13 two of section thirty-six hundred twenty-three-a of this article for:
14 (i) the regular aidable transportation of pupils, as such terms are
15 defined in sections thirty-six hundred twenty-one and thirty-six hundred
16 twenty-two-a of this article, (ii) the transportation of children with
17 disabilities pursuant to article eighty-nine of this chapter, and (iii)
18 the transportation of homeless children pursuant to paragraph c of
19 subdivision four of section thirty-two hundred nine of this chapter,
20 provided that the total approved cost of such transportation shall not
21 exceed the amount of the total cost of the most cost-effective mode of
22 transportation. Approvable expenses for the purchase of school buses ON
23 OR BEFORE JUNE THIRTIETH, TWO THOUSAND TWELVE shall be limited to the
24 actual purchase price, or the expense as if the bus were purchased under
25 state contract, whichever is less. If the commissioner determines that
26 no comparable bus was available under state contract at the time of
27 purchase, the approvable expenses shall be the actual purchase price or
28 the state wide median price of such bus in the most recent base year in
29 which such median price was established with an allowable year to year
30 CPI increase as defined in subdivision fourteen of section three hundred
31 five of this chapter; whichever is less. Such median shall be computed
32 by the commissioner for the purposes of this subdivision. APPROVABLE
33 EXPENSES FOR THE PURCHASE OF VEHICLES FOR TRANSPORTING STUDENTS AND FOR
34 EQUIPMENT DEEMED A PROPER SCHOOL DISTRICT EXPENSE PURSUANT TO PARAGRAPH
35 C OF SUBDIVISION TWO OF SECTION THIRTY-SIX HUNDRED TWENTY-THREE-A OF
36 THIS ARTICLE, AFTER JUNE THIRTIETH, TWO THOUSAND TWELVE, SHALL BE LIMIT-
37 ED TO THE ACTUAL PURCHASE PRICE OF ANY VEHICLE FOR TRANSPORTING STUDENTS
38 AND/OR EQUIPMENT PURCHASED UNDER SUCH CENTRALIZED STATE CONTRACT,
39 PROVIDED, HOWEVER THAT IF THE COMMISSIONER DETERMINES THAT THE DISTRICT
40 IS UNABLE TO PROVIDE APPROPRIATE TRANSPORTATION WITH THE VEHICLE FOR
41 TRANSPORTING STUDENTS AND/OR EQUIPMENT AVAILABLE UNDER SUCH CENTRALIZED
42 STATE CONTRACT, THE APPROVABLE EXPENSES SHALL BE THE ACTUAL PURCHASE
43 PRICE OR THE STATEWIDE MEDIAN PRICE OF SUCH VEHICLE FOR TRANSPORTING
44 STUDENTS IN THE MOST RECENT BASE YEAR IN WHICH SUCH MEDIAN PRICE WAS
45 ESTABLISHED WITH AN ALLOWABLE YEAR TO YEAR CPI INCREASE AS DEFINED IN
46 SUBDIVISION FOURTEEN OF SECTION THREE HUNDRED FIVE OF THIS CHAPTER;
47 WHICHEVER IS LESS.

48 S 8. Paragraphs a and b of subdivision 5 of section 3604 of the educa-
49 tion law, paragraph a as amended by chapter 161 of the laws of 2005 and
50 paragraph b as amended by section 59 of part A of chapter 436 of the
51 laws of 1997, are amended to read as follows:

52 a. State aid adjustments. All errors or omissions in the apportionment
53 shall be corrected by the commissioner. Whenever a school district has
54 been apportioned less money than that to which it is entitled, the
55 commissioner may allot to such district the balance to which it is enti-
56 tled. Whenever a school district has been apportioned more money than

1 that to which it is entitled, the commissioner may, by an order, direct
2 such moneys to be paid back to the state to be credited to the general
3 fund local assistance account for state aid to the schools, or may
4 deduct such amount from the next apportionment to be made to said
5 district, provided, however, that, upon notification of excess payments
6 of aid for which a recovery must be made by the state through deduction
7 of future aid payments, a school district may request that such excess
8 payments be recovered by deducting such excess payments from the
9 payments due to such school district and payable in the month of June in
10 (i) the school year in which such notification was received and (ii) the
11 two succeeding school years, provided further that there shall be no
12 interest penalty assessed against such district or collected by the
13 state. Such request shall be made to the commissioner in such form as
14 the commissioner shall prescribe, and shall be based on documentation
15 that the total amount to be recovered is in excess of one percent of the
16 district's total general fund expenditures for the preceding school
17 year. The amount to be deducted in the first year shall be the greater
18 of (i) the sum of the amount of such excess payments that is recognized
19 as a liability due to other governments by the district for the preced-
20 ing school year and the positive remainder of the district's unreserved
21 fund balance at the close of the preceding school year less the product
22 of the district's total general fund expenditures for the preceding
23 school year multiplied by five percent, or (ii) one-third of such excess
24 payments. The amount to be recovered in the second year shall equal the
25 lesser of the remaining amount of such excess payments to be recovered
26 or one-third of such excess payments, and the remaining amount of such
27 excess payments shall be recovered in the third year. Provided further
28 that, notwithstanding any other provisions of this subdivision, any
29 pending payment of moneys due to such district as a prior year adjust-
30 ment payable pursuant to paragraph c of this subdivision for aid claims
31 that had been previously paid as current year aid payments in excess of
32 the amount to which the district is entitled and for which recovery of
33 excess payments is to be made pursuant to this paragraph, shall be
34 reduced at the time of actual payment by any remaining unrecovered
35 balance of such excess payments, and the remaining scheduled deductions
36 of such excess payments pursuant to this paragraph shall be reduced by
37 the commissioner to reflect the amount so recovered. [The commissioner
38 shall certify no payment to a school district based on a claim submitted
39 later than three years after the close of the school year in which such
40 payment was first to be made. For claims for which payment is first to
41 be made in the nineteen hundred ninety-six--ninety-seven school year,
42 the commissioner shall certify no payment to a school district based on
43 a claim submitted later than two years after the close of such school
44 year.] For claims for which payment is first to be made [in the nineteen
45 hundred ninety-seven--ninety-eight] PRIOR TO THE TWO THOUSAND
46 ELEVEN--TWO THOUSAND TWELVE school year [and thereafter], the commis-
47 sioner shall certify no payment to a school district based on a claim
48 submitted later than one year after the close of such school year.
49 Provided, however, no payments shall be barred or reduced where such
50 payment is required as a result of a final audit of the state. [It is
51 further provided that, until June thirtieth, nineteen hundred ninety-
52 six, the commissioner may grant a waiver from the provisions of this
53 section for any school district if it is in the best educational inter-
54 ests of the district pursuant to guidelines developed by the commission-
55 er and approved by the director of the budget.] FURTHER PROVIDED THAT
56 FOR ANY APPORTIONMENTS PROVIDED PURSUANT TO SECTIONS SEVEN HUNDRED ONE,

1 SEVEN HUNDRED ELEVEN, SEVEN HUNDRED FIFTY-ONE, SEVEN HUNDRED
2 FIFTY-THREE, THIRTY-SIX HUNDRED TWO, THIRTY-SIX HUNDRED TWO-B,
3 THIRTY-SIX HUNDRED TWO-C, THIRTY-SIX HUNDRED TWO-E, THIRTY-SIX HUNDRED
4 TWELVE, AND FORTY-FOUR HUNDRED FIVE OF THIS CHAPTER FOR THE TWO THOUSAND
5 TWELVE--TWO THOUSAND THIRTEEN AND PRIOR SCHOOL YEARS, THE COMMISSIONER
6 SHALL CERTIFY NO PAYMENT TO A SCHOOL DISTRICT, OTHER THAN PAYMENTS
7 PURSUANT TO SUBDIVISIONS SIX-A, ELEVEN, THIRTEEN AND FIFTEEN OF SECTION
8 THIRTY-SIX HUNDRED TWO OF THIS PART, IN EXCESS OF THE PAYMENT COMPUTED
9 BASED ON AN ELECTRONIC DATA FILE USED TO PRODUCE THE SCHOOL AID COMPUTER
10 LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET
11 REQUEST SUBMITTED FOR THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN
12 STATE FISCAL YEAR AND ENTITLED "BT121-3", AND FURTHER PROVIDED THAT FOR
13 ANY APPORTIONMENTS PROVIDED PURSUANT TO SECTIONS SEVEN HUNDRED ONE,
14 SEVEN HUNDRED ELEVEN, SEVEN HUNDRED FIFTY-ONE, SEVEN HUNDRED
15 FIFTY-THREE, THIRTY-SIX HUNDRED TWO, THIRTY-SIX HUNDRED TWO-B,
16 THIRTY-SIX HUNDRED TWO-C, THIRTY-SIX HUNDRED TWO-E, THIRTY-SIX HUNDRED
17 TWELVE, AND FORTY-FOUR HUNDRED FIVE OF THIS CHAPTER FOR THE TWO THOUSAND
18 THIRTEEN--TWO THOUSAND FOURTEEN SCHOOL YEAR AND THEREAFTER, THE COMMIS-
19 SIONER SHALL CERTIFY NO PAYMENT TO A SCHOOL DISTRICT, OTHER THAN
20 PAYMENTS PURSUANT TO SUBDIVISIONS SIX-A, ELEVEN, THIRTEEN AND FIFTEEN OF
21 SECTION THIRTY-SIX HUNDRED TWO OF THIS PART, IN EXCESS OF THE PAYMENT
22 COMPUTED BASED ON AN ELECTRONIC DATA FILE USED TO PRODUCE THE SCHOOL AID
23 COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE EXECU-
24 TIVE BUDGET REQUEST SUBMITTED FOR THE STATE FISCAL YEAR IN WHICH THE
25 SCHOOL YEAR COMMENCES.

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

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

44 For aid payable in the two thousand seven--two thousand eight school
45 year [and thereafter] THROUGH THE TWO THOUSAND ELEVEN--TWO THOUSAND
46 TWELVE SCHOOL YEAR, "moneys apportioned" shall mean the lesser of (i)
47 the sum of one hundred percent of the respective amount set forth for
48 each school district as payable pursuant to this section in the school
49 aid computer listing for the current year produced by the commissioner
50 in support of the budget which includes the appropriation for the gener-
51 al support for public schools for the prescribed payments and individ-
52 ualized payments due prior to April first for the current year plus the
53 apportionment payable during the current school year pursuant to subdi-
54 vision six-a and subdivision fifteen of section thirty-six hundred two
55 of this part minus any reductions to current year aids pursuant to
56 subdivision seven of section thirty-six hundred four of this part or any

1 deduction from apportionment payable pursuant to this chapter for
2 collection of a school district basic contribution as defined in subdi-
3 vision eight of section forty-four hundred one of this chapter, less any
4 grants provided pursuant to subparagraph two-a of paragraph b of subdi-
5 vision four of section ninety-two-c of the state finance law, less any
6 grants provided pursuant to subdivision twelve of section thirty-six
7 hundred forty-one of this article, or (ii) the apportionment calculated
8 by the commissioner based on data on file at the time the payment is
9 processed; provided however, that for the purposes of any payments made
10 pursuant to this section prior to the first business day of June of the
11 current year, moneys apportioned shall not include any aids payable
12 pursuant to subdivisions six and fourteen, if applicable, of section
13 thirty-six hundred two of this part as current year aid for debt service
14 on bond anticipation notes and/or bonds first issued in the current year
15 or any aids payable for full-day kindergarten for the current year
16 pursuant to subdivision nine of section thirty-six hundred two of this
17 part. The definitions of "base year" and "current year" as set forth in
18 subdivision one of section thirty-six hundred two of this part shall
19 apply to this section. For aid payable in the two thousand eleven--two
20 thousand twelve school year, reference to such "school aid computer
21 listing for the current year" shall mean the printouts entitled
22 "SA111-2". FOR AID PAYABLE IN THE TWO THOUSAND TWELVE--TWO THOUSAND
23 THIRTEEN SCHOOL YEAR AND THEREAFTER, "MONEYS APPORTIONED" SHALL MEAN THE
24 LESSER OF: (I) THE SUM OF ONE HUNDRED PERCENT OF THE RESPECTIVE AMOUNT
25 SET FORTH FOR EACH SCHOOL DISTRICT AS PAYABLE PURSUANT TO THIS SECTION
26 IN THE SCHOOL AID COMPUTER LISTING FOR THE CURRENT YEAR PRODUCED BY THE
27 COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET REQUEST WHICH INCLUDES
28 THE APPROPRIATION FOR THE GENERAL SUPPORT FOR PUBLIC SCHOOLS FOR THE
29 PRESCRIBED PAYMENTS AND INDIVIDUALIZED PAYMENTS DUE PRIOR TO APRIL FIRST
30 FOR THE CURRENT YEAR PLUS THE APPORTIONMENT PAYABLE DURING THE CURRENT
31 SCHOOL YEAR PURSUANT TO SUBDIVISIONS SIX-A AND FIFTEEN OF SECTION THIR-
32 TY-SIX HUNDRED TWO OF THIS PART MINUS ANY REDUCTIONS TO CURRENT YEAR
33 AIDS PURSUANT TO SUBDIVISION SEVEN OF SECTION THIRTY-SIX HUNDRED FOUR OF
34 THIS PART OR ANY DEDUCTION FROM THE APPORTIONMENT PAYABLE PURSUANT TO
35 THIS CHAPTER FOR COLLECTION OF A SCHOOL DISTRICT BASIC CONTRIBUTION AS
36 DEFINED IN SUBDIVISION EIGHT OF SECTION FORTY-FOUR HUNDRED ONE OF THIS
37 CHAPTER, LESS ANY GRANTS PROVIDED PURSUANT TO SUBPARAGRAPH TWO-A OF
38 PARAGRAPH B OF SUBDIVISION FOUR OF SECTION NINETY-TWO-C OF THE STATE
39 FINANCE LAW, LESS ANY GRANTS PROVIDED PURSUANT TO SUBDIVISION TWELVE OF
40 SECTION THIRTY-SIX HUNDRED FORTY-ONE OF THIS ARTICLE; OR (II) THE APPOR-
41 TIONMENT CALCULATED BY THE COMMISSIONER BASED ON DATA ON FILE AT THE
42 TIME THE PAYMENT IS PROCESSED; PROVIDED HOWEVER, THAT FOR THE PURPOSES
43 OF ANY PAYMENTS MADE PURSUANT TO THIS SECTION PRIOR TO THE FIRST BUSI-
44 NESS DAY OF JUNE OF THE CURRENT YEAR, MONEYS APPORTIONED SHALL NOT
45 INCLUDE ANY AIDS PAYABLE PURSUANT TO SUBDIVISIONS SIX AND FOURTEEN, IF
46 APPLICABLE, OF SECTION THIRTY-SIX HUNDRED TWO OF THIS PART AS CURRENT
47 YEAR AID FOR DEBT SERVICE ON BOND ANTICIPATION NOTES AND/OR BONDS FIRST
48 ISSUED IN THE CURRENT YEAR OR ANY AIDS PAYABLE FOR FULL-DAY KINDERGARTEN
49 FOR THE CURRENT YEAR PURSUANT TO SUBDIVISION NINE OF SECTION THIRTY-SIX
50 HUNDRED TWO OF THIS PART. THE DEFINITIONS OF "BASE YEAR" AND "CURRENT
51 YEAR" AS SET FORTH IN SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED TWO
52 OF THIS PART SHALL APPLY TO THIS SECTION.

53 S 10. Paragraph b of subdivision 2 of section 3612 of the education
54 law, as amended by section 46 of part A of chapter 58 of the laws of
55 2011, is amended to read as follows:

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

20 S 11. Paragraph c of subdivision 2 of section 3623-a of the education
21 law, as amended by chapter 453 of the laws of 2005, is amended to read
22 as follows:

23 c. The purchase of equipment deemed a proper school district expense,
24 PROVIDED, HOWEVER THAT SUCH PURCHASE SHALL BE SUBJECT TO THE APPROVAL OF
25 THE COMMISSIONER AFTER JUNE THIRTIETH, TWO THOUSAND TWELVE, including:
26 (i) the purchase of two-way radios to be used on old and new school
27 buses, (ii) the purchase of stop-arms, to be used on old and new school
28 buses, (iii) the purchase and installation of seat safety belts on
29 school buses in accordance with the provisions of section thirty-six
30 hundred thirty-five-a of this article, (iv) the purchase of school bus
31 back up beepers, (v) the purchase of school bus front crossing arms,
32 (vi) the purchase of school bus safety sensor devices, (vii) the
33 purchase and installation of exterior reflective marking on school
34 buses, (viii) the purchase of automatic engine fire extinguishing
35 systems for school buses used to transport students who use wheelchairs
36 or other assistive mobility devices, and (ix) the purchase of other
37 equipment as prescribed in the regulations of the commissioner; and

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

41 6. Notwithstanding any other law, rule or regulation to the contrary,
42 the board of education of a city school district with a population of
43 one hundred twenty-five thousand or more inhabitants shall be permitted
44 to establish maximum class sizes for special classes for certain
45 students with disabilities in accordance with the provisions of this
46 subdivision. For the purpose of obtaining relief from any adverse fiscal
47 impact from under-utilization of special education resources due to low
48 student attendance in special education classes at the middle and
49 secondary level as determined by the commissioner, such boards of educa-
50 tion shall, during the school years nineteen hundred ninety-five--nine-
51 ty-six through June thirtieth, two thousand [twelve] THIRTEEN of the
52 [two thousand eleven--two thousand twelve] TWO THOUSAND TWELVE--TWO
53 THOUSAND THIRTEEN school year, be authorized to increase class sizes in
54 special classes containing students with disabilities whose age ranges
55 are equivalent to those of students in middle and secondary schools as
56 defined by the commissioner for purposes of this section by up to but

1 not to exceed one and two tenths times the applicable maximum class size
2 specified in regulations of the commissioner rounded up to the nearest
3 whole number, provided that in a city school district having a popu-
4 lation of one million or more, classes that have a maximum class size of
5 fifteen may be increased by no more than one student and provided that
6 the projected average class size shall not exceed the maximum specified
7 in the applicable regulation, provided that such authorization shall
8 terminate on June thirtieth, two thousand. Such authorization shall be
9 granted upon filing of a notice by such a board of education with the
10 commissioner stating the board's intention to increase such class sizes
11 and a certification that the board will conduct a study of attendance
12 problems at the secondary level and will implement a corrective action
13 plan to increase the rate of attendance of students in such classes to
14 at least the rate for students attending regular education classes in
15 secondary schools of the district. Such corrective action plan shall be
16 submitted for approval by the commissioner by a date during the school
17 year in which such board increases class sizes as provided pursuant to
18 this subdivision to be prescribed by the commissioner. Upon at least
19 thirty days notice to the board of education, after conclusion of the
20 school year in which such board increases class sizes as provided pursu-
21 ant to this subdivision, the commissioner shall be authorized to termi-
22 nate such authorization upon a finding that the board has failed to
23 develop or implement an approved corrective action plan.

24 S 13. Subdivision b of section 2 of chapter 756 of the laws of 1992,
25 relating to funding a program for work force education conducted by the
26 consortium for worker education in New York city, as amended by section
27 65 of part A of chapter 58 of the laws of 2011, is amended to read as
28 follows:

29 b. Reimbursement for programs approved in accordance with subdivision
30 a of this section [for the 2008-09 school year shall not exceed 62.8
31 percent of the lesser of such approvable costs per contact hour or ten
32 dollars and sixty-five cents per contact hour, reimbursement] for the
33 2009-10 school year shall not exceed 64.1 percent of the lesser of such
34 approvable costs per contact hour or eleven dollars and fifty cents per
35 contact hour, reimbursement for the 2010--2011 school year shall not
36 exceed 62.6 percent of the lesser of such approvable costs per contact
37 hour or twelve dollars and five cents per contact hour [and], reimburse-
38 ment for the 2011--2012 school year shall not exceed 62.9 percent of the
39 lesser of such approvable costs per contact hour or twelve dollars and
40 fifteen cents per contact hour, AND REIMBURSEMENT FOR THE 2012--2013
41 SCHOOL YEAR SHALL NOT EXCEED 63.2 PERCENT OF THE LESSER OF SUCH APPROVA-
42 BLE COSTS PER CONTACT HOUR OR TWELVE DOLLARS AND FORTY CENTS PER CONTACT
43 HOUR, where a contact hour represents sixty minutes of instruction
44 services provided to an eligible adult. Notwithstanding any other
45 provision of law to the contrary, [for the 2008-09 school year such
46 contact hours shall not exceed one million nine hundred forty-six thou-
47 sand one hundred seven (1,946,107) hours; whereas] for the 2009-10
48 school year such contact hours shall not exceed one million seven
49 hundred sixty-three thousand nine hundred seven (1,763,907) hours; wher-
50 eas for the 2010--2011 school year such contact hours shall not exceed
51 one million five hundred twenty-five thousand one hundred ninety-eight
52 (1,525,198) hours; whereas for the 2011--2012 school year such contact
53 hours shall not exceed one million seven hundred one thousand five
54 hundred seventy (1,701,570) hours; WHEREAS FOR THE 2012--2013 SCHOOL
55 YEAR SUCH CONTACT HOURS SHALL NOT EXCEED ONE MILLION FOUR HUNDRED
56 SIXTY-EIGHT THOUSAND SEVEN HUNDRED TEN (1,468,710) HOURS. Notwithstand-

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

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

Q. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY AFTER THE COMPLETION OF PAYMENTS FOR THE 2012--2013 SCHOOL YEAR. NOTWITHSTANDING ANY INCONSISTENT PROVISIONS OF LAW, THE COMMISSIONER OF EDUCATION SHALL WITHHOLD A PORTION OF EMPLOYMENT PREPARATION EDUCATION AID DUE TO THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK TO SUPPORT A PORTION OF THE COSTS OF THE WORK FORCE EDUCATION PROGRAM. SUCH MONEYS SHALL BE CREDITED TO THE ELEMENTARY AND SECONDARY EDUCATION FUND-LOCAL ASSISTANCE ACCOUNT AND SHALL NOT EXCEED ELEVEN MILLION FIVE HUNDRED THOUSAND DOLLARS (\$11,500,000).

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

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

S 16. Subdivision 1 of section 167 of chapter 169 of the laws of 1994, relating to certain provisions related to the 1994-95 state operations, aid to localities, capital projects and debt service budgets, as amended by section 68 of part A of chapter 58 of the laws of 2011, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

S 22. Section 5 of chapter 101 of the laws of 2003, amending the education law relating to implementation of the No Child Left Behind Act of 2001, as amended by section 74 of part A of chapter 58 of the laws of 2011, is amended to read as follows:

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

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

4. section 23 of this act shall take effect July 1, 2008 and shall expire and be deemed repealed June 30, [2012] 2013;

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

S 25. Support of public libraries. The moneys appropriated for the support of public libraries by the chapter of the laws of 2012 enacting the aid to localities budget shall be apportioned for the 2012--13 state fiscal year in accordance with the provisions of sections 271, 272, 273,

282, 284, and 285 of the education law as amended by the provisions of this act, provided that library construction aid pursuant to section 273-a of the education law shall not be payable from the appropriations for the support of public libraries and provided further that no library, library system or program, as defined by the commissioner of education, shall receive less total system or program aid than it received for the year 2001--2002 except as a result of a reduction adjustment necessary to conform to the appropriations for support of public libraries.

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

S 26. Special apportionment for salary expenses. a. Notwithstanding any other provision of law, upon application to the commissioner of education, not sooner than the first day of the second full business week of June, 2013 and not later than the last day of the third full business week of June, 2013, a school district eligible for an apportionment pursuant to section 3602 of the education law shall be eligible to receive an apportionment pursuant to this section, for the school year ending June 30, 2013, for salary expenses incurred between April 1 and June 30, 2013 and such apportionment shall not exceed the sum of (i) the deficit reduction assessment of 1990--91 as determined by the commissioner of education, pursuant to paragraph f of subdivision 1 of section 3602 of the education law, as in effect through June 30, 1993, plus (ii) 186 percent of such amount for a city school district in a city with a population in excess of 1,000,000 inhabitants, plus (iii) 209 percent of such amount for a city school district in a city with a population of more than 195,000 inhabitants and less than 219,000 inhabitants according to the latest federal census plus (iv) the net gap elimination adjustment for 2010--2011, as determined by the commissioner of education pursuant to chapter 53 of the laws of 2010, plus (v) the gap elimination adjustment for 2011--12 as determined by the commissioner of education pursuant to subdivision 17 of section 3602 of the education law, and provided further that such apportionment shall not exceed such salary expenses. Such application shall be made by a school district, after the board of education or trustees have adopted a resolution to do so and in the case of a city school district in a city with a population in excess of 125,000 inhabitants, with the approval of the mayor of such city.

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

1 general fund to the extent that the amount paid to a school district
2 pursuant to this section exceeds the amount, if any, due such school
3 district pursuant to subparagraph (2) of paragraph a of subdivision 1 of
4 section 3609-a of the education law in the school year following the
5 year in which application was made.

6 c. Notwithstanding the provisions of section 3609-a of the education
7 law, an amount equal to the amount paid to a school district pursuant to
8 subdivisions a and b of this section shall first be deducted from the
9 following payments due the school district during the school year
10 following the year in which application was made pursuant to subpara-
11 graphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of
12 section 3609-a of the education law in the following order: the lottery
13 apportionment payable pursuant to subparagraph (2) of such paragraph
14 followed by the fixed fall payments payable pursuant to subparagraph (4)
15 of such paragraph and then followed by the district's payments to the
16 teachers' retirement system pursuant to subparagraph (1) of such para-
17 graph, and any remainder to be deducted from the individualized payments
18 due the district pursuant to paragraph b of such subdivision shall be
19 deducted on a chronological basis starting with the earliest payment due
20 the district.

21 S 27. Special apportionment for public pension accruals. a. Notwith-
22 standing any other provision of law, upon application to the commission-
23 er of education, not later than June 30, 2013, a school district eligi-
24 ble for an apportionment pursuant to section 3602 of the education law
25 shall be eligible to receive an apportionment pursuant to this section,
26 for the school year ending June 30, 2013 and such apportionment shall
27 not exceed the additional accruals required to be made by school
28 districts in the 2004--05 and 2005--06 school years associated with
29 changes for such public pension liabilities. The amount of such addi-
30 tional accrual shall be certified to the commissioner of education by
31 the president of the board of education or the trustees or, in the case
32 of a city school district in a city with a population in excess of
33 125,000 inhabitants, the mayor of such city. Such application shall be
34 made by a school district, after the board of education or trustees have
35 adopted a resolution to do so and in the case of a city school district
36 in a city with a population in excess of 125,000 inhabitants, with the
37 approval of the mayor of such city.

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

54 c. Notwithstanding the provisions of section 3609-a of the education
55 law, an amount equal to the amount paid to a school district pursuant to
56 subdivisions a and b of this section shall first be deducted from the

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

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

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

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

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

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

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

42 a. for the purpose of the development, maintenance or expansion of
43 magnet schools or magnet school programs for the 2012--2013 school year.
44 To the city school district of the city of New York there shall be paid
45 forty-eight million one hundred seventy-five thousand dollars
46 (\$48,175,000) including five hundred thousand dollars (\$500,000) for the
47 Andrew Jackson High School; to the Buffalo city school district, twen-
48 ty-one million twenty-five thousand dollars (\$21,025,000); to the
49 Rochester city school district, fifteen million dollars (\$15,000,000);
50 to the Syracuse city school district, thirteen million dollars
51 (\$13,000,000); to the Yonkers city school district, forty-nine million
52 five hundred thousand dollars (\$49,500,000); to the Newburgh city school
53 district, four million six hundred forty-five thousand dollars
54 (\$4,645,000); to the Poughkeepsie city school district, two million four
55 hundred seventy-five thousand dollars (\$2,475,000); to the Mount Vernon
56 city school district, two million dollars (\$2,000,000); to the New

1 Rochelle city school district, one million four hundred ten thousand
2 dollars (\$1,410,000); to the Schenectady city school district, one
3 million eight hundred thousand dollars (\$1,800,000); to the Port Chester
4 city school district, one million one hundred fifty thousand dollars
5 (\$1,150,000); to the White Plains city school district, nine hundred
6 thousand dollars (\$900,000); to the Niagara Falls city school district,
7 six hundred thousand dollars (\$600,000); to the Albany city school
8 district, three million five hundred fifty thousand dollars
9 (\$3,550,000); to the Utica city school district, two million dollars
10 (\$2,000,000); to the Beacon city school district, five hundred sixty-six
11 thousand dollars (\$566,000); to the Middletown city school district,
12 four hundred thousand dollars (\$400,000); to the Freeport union free
13 school district, four hundred thousand dollars (\$400,000); to the Green-
14 burgh central school district, three hundred thousand dollars
15 (\$300,000); to the Amsterdam city school district, eight hundred thou-
16 sand dollars (\$800,000); to the Peekskill city school district, two
17 hundred thousand dollars (\$200,000); and to the Hudson city school
18 district, four hundred thousand dollars (\$400,000).

19 b. notwithstanding the provisions of subdivision a of this section, a
20 school district receiving a grant pursuant to this section may use such
21 grant funds for: (i) any instructional or instructional support costs
22 associated with the operation of a magnet school; or (ii) any instruc-
23 tional or instructional support costs associated with implementation of
24 an alternative approach to reduction of racial isolation and/or enhance-
25 ment of the instructional program and raising of standards in elementary
26 and secondary schools of school districts having substantial concen-
27 trations of minority students. The commissioner of education shall not
28 be authorized to withhold magnet grant funds from a school district that
29 used such funds in accordance with this paragraph, notwithstanding any
30 inconsistency with a request for proposals issued by such commissioner.

31 c. for the purpose of attendance improvement and dropout prevention
32 for the 2012--2013 school year, for any city school district in a city
33 having a population of more than one million, the setaside for attend-
34 ance improvement and dropout prevention shall equal the amount set aside
35 in the year prior to the base year. For the 2012--2013 school year, it
36 is further provided that any city school district in a city having a
37 population of more than one million shall allocate at least one-third of
38 any increase from base year levels in funds set aside pursuant to the
39 requirements of this subdivision to community-based organizations. Any
40 increase required pursuant to this subdivision to community-based organ-
41 izations must be in addition to allocations provided to community-based
42 organizations in the base year.

43 d. for the purpose of teacher support for the 2012--2013 school year:
44 to the city school district of the city of New York, sixty-two million
45 seven hundred seven thousand dollars (\$62,707,000); to the Buffalo city
46 school district, one million seven hundred forty-one thousand dollars
47 (\$1,741,000); to the Rochester city school district, one million seven-
48 ty-six thousand dollars (\$1,076,000); to the Yonkers city school
49 district, one million one hundred forty-seven thousand dollars
50 (\$1,147,000); and to the Syracuse city school district, eight hundred
51 nine thousand dollars (\$809,000). All funds made available to a school
52 district pursuant to this subdivision shall be distributed among teach-
53 ers including prekindergarten teachers and teachers of adult vocational
54 and academic subjects in accordance with this subdivision and shall be
55 in addition to salaries heretofore or hereafter negotiated or made
56 available; provided, however, that all funds distributed pursuant to

1 this section for the current year shall be deemed to incorporate all
2 funds distributed pursuant to former subdivision 27 of section 3602 of
3 the education law for prior years. In school districts where the teach-
4 ers are represented by certified or recognized employee organizations,
5 all salary increases funded pursuant to this section shall be determined
6 by separate collective negotiations conducted pursuant to the provisions
7 and procedures of article 14 of the civil service law, notwithstanding
8 the existence of a negotiated agreement between a school district and a
9 certified or recognized employee organization.

10 S 31. a. Notwithstanding any other provision of law to the contrary,
11 the actions or omissions of any school district which failed to submit a
12 final building project cost report by June 30 of the school year follow-
13 ing June 30 of the school year in which the certificate of substantial
14 completion of the project is issued by the architect or engineer, or six
15 months after issuance of such certificate, whichever is later, are here-
16 by ratified and validated, provided that such building project was
17 eligible for aid in a year for which the commissioner is required to
18 prepare an estimate of apportionments due and owing pursuant to para-
19 graph c of subdivision 21 of section 305 of the education law, provided
20 further that such school district submits a final cost report on or
21 before December 31, 2012 and such report is approved by the commissioner
22 of education, and provided further that any amount due and payable for
23 school years prior to the 2013-14 school year as a result of this act
24 shall be paid pursuant to the provisions of paragraph c of subdivision 5
25 of section 3604 of the education law.

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

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

44 S 32. Severability. The provisions of this act shall be severable, and
45 if the application of any clause, sentence, paragraph, subdivision,
46 section or part of this act to any person or circumstance shall be
47 adjudged by any court of competent jurisdiction to be invalid, such
48 judgment shall not necessarily affect, impair or invalidate the applica-
49 tion of any such clause, sentence, paragraph, subdivision, section, part
50 of this act or remainder thereof, as the case may be, to any other
51 person or circumstance, but shall be confined in its operation to the
52 clause, sentence, paragraph, subdivision, section or part thereof
53 directly involved in the controversy in which such judgment shall have
54 been rendered.

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

4 1. Section three of this act shall be deemed to have been in full
5 force and effect on and after July 1, 2006;

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

8 3. The amendments to subdivision 6 of section 4402 of the education
9 law made by section twelve of this act shall not affect the repeal of
10 such subdivision and shall be deemed repealed therewith;

11 4. The amendments to chapter 756 of the laws of 1992, relating to
12 funding a program for work force education conducted by a consortium for
13 worker education in New York city, made by sections thirteen and four-
14 teen of this act shall not affect the repeal of such chapter and shall
15 be deemed repealed therewith; and

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

18 PART B

19 Section 1. Section 3020-a of the education law, as amended by chapter
20 691 of the laws of 1994, paragraph (b) of subdivision 2 as separately
21 amended by chapters 296 and 325 of the laws of 2008, paragraph (c) of
22 subdivision 2 and paragraph a of subdivision 3 as amended and subpara-
23 graph (i-a) of paragraph c of subdivision 3 as added by chapter 103 of
24 the laws of 2010, is amended to read as follows:

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

40 2. [(a)] Disposition of charges. A. Upon receipt of the charges, the
41 clerk or secretary of the school district or employing board shall imme-
42 diately notify said board thereof. Within five days after receipt of
43 charges, the employing board, in executive session, shall determine, by
44 a vote of a majority of all the members of such board, whether probable
45 cause exists to bring a disciplinary proceeding against an employee
46 pursuant to this section. If such determination is affirmative, a writ-
47 ten statement specifying (I) the charges in detail, (II) the maximum
48 penalty which will be imposed by the board if the employee does not
49 request a hearing or that will be sought by the board if the employee is
50 found guilty of the charges after a hearing, (III) THE RESPONSIBILITY OF
51 THE EMPLOYEE OR THE EMPLOYEE'S COLLECTIVE BARGAINING UNIT, AS APPLICA-
52 BLE, TO PAY A SHARE OF HEARING COSTS UNDER THE CIRCUMSTANCES SET FORTH
53 IN PARAGRAPHS B AND C OF SUBDIVISION THREE OF THIS SECTION, and [outlin-
54 ing] (IV) the employee's rights under this section, shall be immediately

1 forwarded to the accused employee by certified or registered mail,
2 return receipt requested or by personal delivery to the employee.

3 [(b)] B. The employee may be suspended pending a hearing on the charg-
4 es and the final determination thereof. The suspension shall be with
5 pay, except the employee may be suspended without pay if the employee
6 has entered a guilty plea to or has been convicted of a felony crime
7 concerning the criminal sale or possession of a controlled substance, a
8 precursor of a controlled substance, or drug paraphernalia as defined in
9 article two hundred twenty or two hundred twenty-one of the penal law;
10 or a felony crime involving the physical abuse of a minor or student.
11 The employee shall be terminated without a hearing, as provided for in
12 this section, upon conviction of a sex offense, as defined in subpara-
13 graph two of paragraph b of subdivision seven-a of section three hundred
14 five of this chapter. To the extent this section applies to an employee
15 acting as a school administrator or supervisor, as defined in subpara-
16 graph three of paragraph b of subdivision seven-b of section three
17 hundred five of this chapter, such employee shall be terminated without
18 a hearing, as provided for in this section, upon conviction of a felony
19 offense defined in subparagraph two of paragraph b of subdivision
20 seven-b of section three hundred five of this chapter.

21 [(c)] C. Within ten days of receipt of the statement of charges, the
22 employee shall notify the clerk or secretary of the employing board in
23 writing whether he or she desires a hearing on the charges and when the
24 charges concern pedagogical incompetence or issues involving pedagogical
25 judgment, his or her choice of either a single hearing officer or a
26 three member panel, provided that a three member panel shall not be
27 available where the charges concern pedagogical incompetence based sole-
28 ly upon a teacher's or principal's pattern of ineffective teaching or
29 performance as defined in section three thousand twelve-c of this arti-
30 cle. All other charges shall be heard by a single hearing officer.

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

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

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

11 (A) Notwithstanding any other provision of law, FOR HEARINGS COMMENCED
12 BY THE FILING OF CHARGES PRIOR TO APRIL FIRST, TWO THOUSAND TWELVE, the
13 hearing officer shall be compensated by the department with the custom-
14 ary fee paid for service as an arbitrator under the auspices of the
15 association for each day of actual service plus necessary travel and
16 other reasonable expenses incurred in the performance of his or her
17 duties. All other expenses of the disciplinary proceedings COMMENCED BY
18 THE FILING OF CHARGES PRIOR TO APRIL FIRST, TWO THOUSAND TWELVE shall be
19 paid in accordance with rules promulgated by the commissioner [of educa-
20 tion]. CLAIMS FOR SUCH COMPENSATION FOR DAYS OF ACTUAL SERVICE AND
21 REIMBURSEMENT FOR NECESSARY TRAVEL AND OTHER EXPENSES FOR HEARINGS
22 COMMENCED BY THE FILING OF CHARGES PRIOR TO APRIL FIRST, TWO THOUSAND
23 TWELVE SHALL BE PAID FROM AN APPROPRIATION FOR SUCH PURPOSE IN THE ORDER
24 IN WHICH THEY HAVE BEEN APPROVED BY THE COMMISSIONER FOR PAYMENT,
25 PROVIDED PAYMENT SHALL FIRST BE MADE FOR ANY OTHER HEARING COSTS PAYABLE
26 BY THE COMMISSIONER, INCLUDING THE COSTS OF TRANSCRIBING THE RECORD, AND
27 PROVIDED FURTHER THAT NO SUCH CLAIM SHALL BE SET ASIDE FOR INSUFFICIENCY
28 OF FUNDS TO MAKE A COMPLETE PAYMENT, BUT SHALL BE ELIGIBLE FOR A PARTIAL
29 PAYMENT IN ONE YEAR AND SHALL RETAIN ITS PRIORITY DATE STATUS FOR APPRO-
30 PRIATIONS DESIGNATED FOR SUCH PURPOSE IN FUTURE YEARS.

31 (B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION TO
32 THE CONTRARY, FOR HEARINGS COMMENCED BY THE FILING OF CHARGES ON OR
33 AFTER APRIL FIRST, TWO THOUSAND TWELVE, THE HEARING OFFICER SHALL BE
34 COMPENSATED FOR HIS OR HER ACTUAL HOURS OF SERVICE RENDERED IN THE
35 PERFORMANCE OF HIS OR HER DUTIES AS A HEARING OFFICER, PLUS ANY NECES-
36 SARY TRAVEL OR OTHER EXPENSES INCURRED IN THE PERFORMANCE OF SUCH DUTIES
37 IN ACCORDANCE WITH THE PROVISIONS OF THIS CLAUSE AND CLAUSE (C) OF THIS
38 SUBPARAGRAPH. THE COMMISSIONER SHALL ESTABLISH MAXIMUM RATES FOR THE
39 COMPENSATION OF HEARING OFFICERS AND LIMITATIONS ON THE NUMBER OF STUDY
40 HOURS THAT MAY BE CLAIMED.

41 (C) THE COSTS OF COMPENSATING HEARING OFFICERS FOR ACTUAL HOURS OF
42 SERVICE, PLUS ANY NECESSARY TRAVEL AND OTHER EXPENSES INCURRED IN THE
43 PERFORMANCE OF SUCH DUTIES IN ACCORDANCE WITH CLAUSE (B) OF THIS SUBPAR-
44 AGRAPH AND THE REGULATIONS OF THE COMMISSIONER SHALL BE DIVIDED EQUALLY
45 BETWEEN THE EMPLOYING BOARD AND THE EMPLOYEE'S BARGAINING AGENT OR THE
46 EMPLOYEE IF NOT REPRESENTED BY A BARGAINING UNIT. UPON VERIFICATION AND
47 APPROVAL BY THE EMPLOYING BOARD AND THE EMPLOYEE OR THE EMPLOYEE'S
48 BARGAINING AGENT FOLLOWING COMPLETION OF THE HEARING, CLAIMS FOR PAYMENT
49 FOR SUCH SERVICES SHALL BE SUBMITTED TO THE RESPONSIBLE PARTIES.

50 (ii) Not later than ten days after the date the commissioner mails to
51 the employing board and the employee the list of potential hearing offi-
52 cers and biographies provided to the commissioner by the association,
53 the employing board and the employee, individually or through their
54 agents or representatives, shall by mutual agreement select a hearing
55 officer from said list to conduct the hearing and shall notify the
56 commissioner of their selection.

1 (iii) If the employing board and the employee fail to agree on an
2 arbitrator to serve as a hearing officer from said list and so notify
3 the commissioner within ten days after receiving the list from the
4 commissioner, the commissioner shall request the association to appoint
5 a hearing officer from said list.

6 (iv) In those cases in which the employee elects to have the charges
7 heard by a hearing panel, the hearing panel shall consist of the hearing
8 officer, selected in accordance with this subdivision, and two addi-
9 tional persons, one selected by the employee and one selected by the
10 employing board, from a list maintained for such purpose by the commis-
11 sioner [of education]. The list shall be composed of professional
12 personnel with administrative or supervisory responsibility, profes-
13 sional personnel without administrative or supervisory responsibility,
14 chief school administrators, members of employing boards and others
15 selected from lists of nominees submitted to the commissioner by state-
16 wide organizations representing teachers, school administrators and
17 supervisors and the employing boards. Hearing panel members other than
18 the hearing officer shall be compensated [by the department of educa-
19 tion] at the rate of one hundred dollars for each day of actual service
20 [plus] AND SHALL BE REIMBURSED FOR necessary travel and subsistence
21 expenses IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF CLAUSE (A) OR
22 CLAUSE (C) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH. The hearing officer
23 shall be compensated as set forth in this subdivision. The hearing offi-
24 cer shall be the [chairman] CHAIRPERSON of the hearing panel.

25 c. Hearing procedures. (i) (A) The commissioner [of education] shall
26 have the power to establish necessary rules and procedures for the
27 conduct of hearings under this section WHICH, FOR HEARINGS OTHER THAN
28 EXPEDITED HEARINGS PURSUANT TO SUBPARAGRAPH (I-A) OF THIS PARAGRAPH,
29 SHALL INCLUDE SPECIFIC TIMELINE REQUIREMENTS FOR CONDUCTING A HEARING
30 AND FOR RENDERING A FINAL DECISION.

31 (B) THE DEPARTMENT SHALL BE AUTHORIZED TO MONITOR AND INVESTIGATE A
32 HEARING OFFICER'S COMPLIANCE WITH SUCH TIMELINES, AS SET FORTH IN THE
33 REGULATIONS OF THE COMMISSIONER. THE COMMISSIONER SHALL ANNUALLY INFORM
34 ALL HEARING OFFICERS WHO HAVE HEARD CASES PURSUANT TO THIS SECTION
35 DURING THE PRECEDING YEAR THAT THE TIME PERIODS PRESCRIBED IN THE REGU-
36 LATIONS OF THE COMMISSIONER FOR CONDUCTING SUCH HEARINGS ARE TO BE
37 STRICTLY FOLLOWED. A RECORD OF CONTINUED FAILURE TO COMMENCE AND
38 COMPLETE HEARINGS WITHIN THE TIME PERIODS PRESCRIBED IN THE REGULATIONS
39 AUTHORIZED BY THIS SUBPARAGRAPH SHALL BE CONSIDERED GROUNDS FOR THE
40 COMMISSIONER TO EXCLUDE SUCH INDIVIDUAL FROM THE LIST OF POTENTIAL HEAR-
41 ING OFFICERS SENT TO THE EMPLOYING BOARD AND THE EMPLOYEE FOR SUCH HEAR-
42 INGS.

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

54 [A] (D) FOR HEARINGS COMMENCED BY THE FILING OF CHARGES PRIOR TO APRIL
55 FIRST, TWO THOUSAND TWELVE, A competent stenographer, designated by the
56 commissioner [of education] and compensated by the [state education]

1 department, shall keep and transcribe a record of the proceedings at
2 each such hearing. A copy of the transcript of the hearings shall, upon
3 request, be furnished without charge to the employee and the board of
4 education involved.

5 (E) HEARINGS COMMENCED BY THE FILING OF CHARGES ON OR AFTER APRIL
6 FIRST, TWO THOUSAND TWELVE, SHALL NOT BE RECORDED BY A STENOGRAPHER OR
7 ANY OTHER RECORDING MECHANISM UNLESS BOTH PARTIES AGREE PRIOR TO THE
8 COMMENCEMENT OF THE DISCIPLINARY HEARING. THE PARTY REQUESTING A TRAN-
9 SCRIPT OR RECORDING AT A DISCIPLINARY HEARING MAY PROVIDE FOR ONE AT ITS
10 OWN EXPENSE AND SHALL PROVIDE A COPY TO THE ARBITRATOR AND THE OTHER
11 PARTY UNLESS BOTH PARTIES AGREE TO SHARE THE COST OF SUCH TRANSCRIPT OR
12 RECORDING. THE USE OF A TRANSCRIPT CANNOT DELAY THE HEARING AND SHALL
13 NOT EXTEND THE DATE THE HEARING IS CLOSED.

14 (i-a)(A) Where charges of incompetence are brought based solely upon a
15 pattern of ineffective teaching or performance of a classroom teacher or
16 principal, as defined in section three thousand twelve-c of this arti-
17 cle, the hearing shall be conducted before and by a single hearing offi-
18 cer in an expedited hearing, which shall commence within seven days
19 after the pre-hearing conference and shall be completed within sixty
20 days after the pre-hearing conference. The hearing officer shall estab-
21 lish a hearing schedule at the pre-hearing conference to ensure that the
22 expedited hearing is completed within the required timeframes and to
23 ensure an equitable distribution of days between the employing board and
24 the charged employee. Notwithstanding any other law, rule or regulation
25 to the contrary, no adjournments may be granted that would extend the
26 hearing beyond such sixty days, except as authorized in this subpara-
27 graph. A hearing officer, upon request, may grant a limited and time
28 specific adjournment that would extend the hearing beyond such sixty
29 days if the hearing officer determines that the delay is attributable to
30 a circumstance or occurrence substantially beyond the control of the
31 requesting party and an injustice would result if the adjournment were
32 not granted.

33 (B) Such charges shall allege that the employing board has developed
34 and substantially implemented a teacher or principal improvement plan in
35 accordance with subdivision four of section three thousand twelve-c of
36 this article for the employee following the first evaluation in which
37 the employee was rated ineffective, and the immediately preceding evalu-
38 ation if the employee was rated developing. Notwithstanding any other
39 provision of law to the contrary, a pattern of ineffective teaching or
40 performance as defined in section three thousand twelve-c of this arti-
41 cle shall constitute very significant evidence of incompetence for
42 purposes of this section. Nothing in this subparagraph shall be
43 construed to limit the defenses which the employee may place before the
44 hearing officer in challenging the allegation of a pattern of ineffec-
45 tive teaching or performance.

46 (C) The commissioner shall annually inform all hearing officers who
47 have heard cases pursuant to this section during the preceding year that
48 the time periods prescribed in this subparagraph for conducting expe-
49 dited hearings are to be strictly followed. A record of continued fail-
50 ure to commence and complete expedited hearings within the time periods
51 prescribed in this subparagraph shall be considered grounds for the
52 commissioner to exclude such individual from the list of potential hear-
53 ing officers sent to the employing board and the employee for such expe-
54 dited hearings.

55 (ii) The hearing officer selected to conduct a hearing under this
56 section shall, within ten to fifteen days of agreeing to serve [as such]

1 IN SUCH POSITION, hold a pre-hearing conference which shall be held in
2 the school district or county seat of the county, or any county, wherein
3 the employing school board is located. The pre-hearing conference shall
4 be limited in length to one day except that the hearing officer, in his
5 or her discretion, may allow one additional day for good cause shown.

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

8 (A) issue subpoenas;

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

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

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

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

36 (vi) During the pre-hearing conference, the hearing officer shall
37 determine the reasonable amount of time necessary for a final hearing on
38 the charge or charges and shall schedule the location, time(s) and
39 date(s) for the final hearing. The final hearing shall be held in the
40 local school district or county seat of the county, or any county, wher-
41 ein the said employing school board is located. In the event that the
42 hearing officer determines that the nature of the case requires the
43 final hearing to last more than one day, the days that are scheduled for
44 the final hearing shall be consecutive. The day or days scheduled for
45 the final hearing shall not be postponed except upon the request of a
46 party and then only for good cause shown as determined by the hearing
47 officer. In all cases, the final hearing shall be completed no later
48 than sixty days after the pre-hearing conference unless the hearing
49 officer determines that extraordinary circumstances warrant a limited
50 extension.

51 D. LIMITATION ON CLAIMS. NOTWITHSTANDING ANY OTHER PROVISION OF LAW,
52 RULE OR REGULATION TO THE CONTRARY, NO PAYMENTS SHALL BE MADE BY THE
53 DEPARTMENT PURSUANT TO THIS SUBDIVISION ON OR AFTER APRIL FIRST, TWO
54 THOUSAND TWELVE FOR: (I) COMPENSATION OF A HEARING OFFICER OR HEARING
55 PANEL MEMBER, (II) REIMBURSEMENT OF SUCH HEARING OFFICERS OR PANEL
56 MEMBERS FOR NECESSARY TRAVEL OR OTHER EXPENSES INCURRED BY THEM, OR

(III) FOR OTHER HEARING EXPENSES ON A CLAIM SUBMITTED LATER THAN ONE YEAR AFTER THE FINAL DISPOSITION OF THE HEARING BY ANY MEANS, INCLUDING SETTLEMENT, OR WITHIN NINETY DAYS AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH, WHICHEVER IS LATER; PROVIDED THAT NO PAYMENT SHALL BE BARRED OR REDUCED WHERE SUCH PAYMENT IS REQUIRED AS A RESULT OF A COURT ORDER OR JUDGMENT OR A FINAL AUDIT.

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

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

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

1 able costs, including but not limited to reasonable attorneys' fees, the
2 employee incurred in defending the charges.

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

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

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

17 PART C

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

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

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

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

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

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

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

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

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

48 (b) On and after January first, two thousand [eleven] TWELVE, for an
49 eligible individual living with others with or without in-kind income,
50 [\$697.00] \$721.00; and for an eligible couple living with others with or
51 without in-kind income, [\$1057.00] \$1094.00.

52 (c) On and after January first, two thousand [eleven] TWELVE, (i) for
53 an eligible individual receiving family care, [\$940.48] \$964.48 if he or
54 she is receiving such care in the city of New York or the county of

Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible couple receiving family care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland, two times the amount set forth in subparagraph (i) of this paragraph; or (iii) for an eligible individual receiving such care in any other county in the state, [\$902.48] \$926.48; and (iv) for an eligible couple receiving such care in any other county in the state, two times the amount set forth in subparagraph (iii) of this paragraph.

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

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

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

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

PART D

Section 1. Paragraph (a-3) of subdivision 2 of section 131-a of the social services law, as amended by section 2 of part U of chapter 58 of the laws of 2011, is amended and a new paragraph (a-4) is added to read as follows:

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

Number of Persons in Household

One	Two	Three	Four	Five	Six
[\$158]	[\$252]	[\$335]	[\$432]	[\$533]	[\$616]
\$150	\$239	\$317	\$409	\$505	\$583

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

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

NUMBER OF PERSONS IN HOUSEHOLD

ONE	TWO	THREE	FOUR	FIVE	SIX
\$158	\$252	\$336	\$433	\$534	\$617

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

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

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

Number of Persons in Household

One	Two	Three	Four	Five	Six
[\$158]	[\$252]	[\$335]	[\$432]	[\$533]	[\$616]
\$150	\$239	\$317	\$409	\$505	\$583

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

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

NUMBER OF PERSONS IN HOUSEHOLD

ONE	TWO	THREE	FOUR	FIVE	SIX
\$158	\$252	\$336	\$433	\$534	\$617

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

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

PART E

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

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

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

2. "Additional state payments" shall mean payments made to aged, blind and disabled persons who are receiving, or who would but for their income be eligible to receive, federal supplemental security income benefits, whether made by [social services districts] THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE in accordance with the provisions of this title and with title sixteen of the federal social security act, or by the [secretary] COMMISSIONER of the [federal department of health,

1 education and welfare] UNITED STATES SOCIAL SECURITY ADMINISTRATION,
2 pursuant to and in accordance with the provisions of this title, title
3 sixteen of the federal social security act, and provisions of any agree-
4 ment entered into between the state and such [secretary] COMMISSIONER by
5 which the [secretary] COMMISSIONER agrees to administer such additional
6 state payments on behalf of the state. SUCH PAYMENTS ARE EQUAL TO THE
7 STANDARD OF NEED, LESS THE GREATER OF THE FEDERAL BENEFIT RATE OR COUNT-
8 ABLE INCOME. FOR PURPOSES OF THIS TITLE, THE "FEDERAL BENEFIT RATE"
9 SHALL MEAN THE MAXIMUM PAYMENT OF SUPPLEMENTAL SECURITY INCOME PAYABLE
10 TO A PERSON OR COUPLE WITH NO COUNTABLE INCOME.

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

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

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

22 (a) NOTWITHSTANDING ANY LAW TO THE CONTRARY, NO PERSON SHALL BE ELIGI-
23 BLE FOR ANY PAYMENT PURSUANT TO THIS TITLE WHO IS INELIGIBLE FOR SUPPLE-
24 MENTAL SECURITY INCOME FOR ANY REASON OTHER THAN HAVING COUNTABLE INCOME
25 EXCEEDING THE FEDERAL BENEFIT RATE FOR SUCH PROGRAM. An individual shall
26 be eligible to receive additional state payments if he OR SHE HAS
27 APPLIED FOR SUPPLEMENTAL SECURITY INCOME BENEFITS, HAS RECEIVED A DETER-
28 MINATION WITH RESPECT TO SUCH APPLICATION AND:

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

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

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

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

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

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

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

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

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

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

1 S 6. Subparagraph 2 of paragraph (a) of subdivision 1 of section 366
2 of the social services law, as added by chapter 1080 of the laws of
3 1974, is amended to read as follows:

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

22 S 7. This act shall take effect immediately.

23 PART F

24 Section 1. Section 28 of part C of chapter 83 of the laws of 2002,
25 amending the executive law and other laws relating to funding for chil-
26 dren and family services, as amended by section 1 of part Q of chapter
27 57 of the laws of 2009, is amended to read as follows:

28 S 28. This act shall take effect immediately; provided that sections
29 nine through eighteen and twenty through twenty-seven of this act shall
30 be deemed to have been in full force and effect on and after April 1,
31 2002; provided, however, that section fifteen of this act shall apply to
32 claims that are otherwise reimbursable by the state on or after April 1,
33 2002 except as provided in subdivision 9 of section 153-k of the social
34 services law as added by section fifteen of this act; provided further
35 however, that nothing in this act shall authorize the office of children
36 and family services to deny state reimbursement to a social services
37 district for violations of the provisions of section 153-d of the social
38 services law for services provided from January 1, 1994 through March
39 31, 2002; provided that section nineteen of this act shall take effect
40 September 13, 2002 AND SHALL EXPIRE AND BE DEEMED REPEALED JUNE 30,
41 2012; and, provided further, however, that notwithstanding any law to
42 the contrary, the office of children and family services shall have the
43 authority to promulgate, on an emergency basis, any rules and regu-
44 lations necessary to implement the requirements established pursuant to
45 this act; provided further, however, that the regulations to be devel-
46 oped pursuant to section one of this act shall not be adopted by emer-
47 gency rule; and provided further that the provisions of sections nine
48 THROUGH EIGHTEEN AND TWENTY through twenty-seven of this act shall
49 expire and be deemed repealed on June 30, [2012] 2017.

50 S 2. Paragraph (a) of subdivision 1 of section 153-k of the social
51 services law, as added by section 15 of part C of chapter 83 of the laws
52 of 2002, is amended to read as follows:

53 (a) Expenditures made by social services districts for child protec-
54 tive services, preventive services provided, as applicable, to eligible

1 children and families of children who are in and out of foster care
2 placement, independent living services, aftercare services, and adoption
3 administration and services other than adoption subsidies provided
4 pursuant to article six of this chapter and the regulations of the
5 department of family assistance shall, if approved by the office of
6 children and family services, be subject to [sixty-five] SIXTY-TWO
7 percent state reimbursement exclusive of any federal funds made avail-
8 able for such purposes, in accordance with the directives of the depart-
9 ment of family assistance and subject to the approval of the director of
10 the budget.

11 S 3. Paragraph (a) of subdivision 2 of section 153-k of the social
12 services law, as added by section 15 of part C of chapter 83 of the laws
13 of 2002, is amended to read as follows:

14 (a) Notwithstanding the provisions of this chapter or of any other law
15 to the contrary, eligible expenditures by a social services district for
16 foster care services AND KINSHIP GUARDIANSHIP ASSISTANCE shall be
17 subject to reimbursement with state funds only to the extent of annual
18 appropriations to the state foster care block grant. Such foster care
19 services shall include expenditures for the provision and administration
20 of: care, maintenance, supervision and tuition; supervision of foster
21 children placed in federally funded job corps programs; and care, main-
22 tenance, supervision and tuition for adjudicated juvenile delinquents
23 and persons in need of supervision placed in residential programs oper-
24 ated by authorized agencies and in out-of-state residential programs.
25 SUCH KINSHIP GUARDIANSHIP ASSISTANCE SHALL INCLUDE EXPENDITURES FOR THE
26 PROVISION AND ADMINISTRATION OF KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS
27 AND NON-RECURRING GUARDIANSHIP EXPENSES MADE PURSUANT TO TITLE TEN OF
28 ARTICLE SIX OF THIS CHAPTER. Social services districts must develop and
29 implement children and family services delivery systems that are
30 designed to reduce the need for and the length of foster care placements
31 and must document their efforts in the multi-year consolidated services
32 plan and the annual implementation reports submitted pursuant to section
33 thirty-four-a of this chapter.

34 S 4. Subdivision 1 of section 456 of the social services law, as
35 amended by chapter 601 of the laws of 1994, is amended to read as
36 follows:

37 1. Payments made by social services officials pursuant to the
38 provisions of this title shall, if approved by the department, be
39 subject to reimbursement by the state, in accordance with the regu-
40 lations of the department as follows: there shall be paid to each
41 social services district (a) the amount of federal funds, if any, prop-
42 erly received or to be received on account of such payments; and (b)
43 except as set forth below, [seventy-five] SIXTY-TWO per centum of such
44 payments after first deducting therefrom any federal funds properly
45 received or to be received on account thereof; provided, however, that
46 when payments under section four hundred fifty-three of this title are
47 made to a person or persons residing in a social services district whose
48 board rate exceeds that of the district making such payments, that
49 portion of the payments which exceeds the board rate of the district
50 making the payments shall be subject to reimbursement by the state in
51 the amount of one hundred per centum thereof, (c) one hundred per centum
52 of such payments after first deducting therefrom any federal funds prop-
53 erly to be received on account of such payments, for children placed out
54 for adoption by a voluntary authorized agency or for children being
55 adopted after being placed out for adoption by a voluntary authorized
56 agency in accordance with the provisions of this title, or (d) one

1 hundred per centum of such payments after first deducting therefrom any
2 federal funds properly to be received on account of such payments, for
3 children placed out for adoption or being adopted after being placed out
4 for adoption by an Indian tribe as referenced in subdivision seven of
5 section four hundred fifty-one of this title.

6 S 5. This act shall take effect immediately and shall be deemed to
7 have been in full force and effect on and after April 1, 2012; provided,
8 however, that the amendments to paragraph (a) of subdivision 1 and para-
9 graph (a) of subdivision 2 of section 153-k of the social services law
10 made by sections two and three of this act shall not affect the repeal
11 of such section and shall be deemed repealed therewith.

12 PART G

13 Section 1. This part enacts into law major components of legislation
14 which are necessary for establishing a juvenile justice services close
15 to home initiative. Each component is wholly contained within a subpart
16 identified as subparts A through B. The effective date for each partic-
17 ular provision contained within such subpart is set forth in the last
18 section of such subpart. Any provision in any section contained within a
19 subpart, including the effective date of the subpart, which makes refer-
20 ence to a section "of this act", when used in connection with that
21 particular component, shall be deemed to mean and refer to the corre-
22 sponding section of the subpart in which it is found. Section four of
23 this part sets forth the general effective date of this act.

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

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

39 b) provide accountability of the system and organizations within the
40 system, ensuring that both internal and external mechanisms for over-
41 sight of the system are maintained;

42 c) be data-driven, ensuring that objective instruments are employed at
43 all key decision making stages and that system actors readily and trans-
44 parently share information to inform ongoing changes in policy and prac-
45 tice;

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

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

52 f) provide effective reintegration services, ensuring that youth
53 remain connected to appropriate educational services and positive behav-

1 ioral supports and/or treatment modalities upon transitioning home from
2 placement.

3 SUBPART A

4 Section 1. The social services law is amended by adding a new section
5 404 to read as follows:

6 S 404. JUVENILE JUSTICE SERVICES CLOSE TO HOME INITIATIVE. 1. A
7 SOCIAL SERVICES DISTRICT IN A CITY WITH A POPULATION IN EXCESS OF ONE
8 MILLION MAY IMPLEMENT A CLOSE TO HOME INITIATIVE TO PROVIDE JUVENILE
9 JUSTICE SERVICES TO ALL ADJUDICATED JUVENILE DELINQUENTS DETERMINED BY A
10 FAMILY COURT IN SUCH DISTRICT AS NEEDING PLACEMENT OTHER THAN IN A
11 SECURE FACILITY AND TO ENTER INTO CONTRACTS WITH ANY AUTHORIZED AGENCY,
12 AS DEFINED BY SECTION THREE HUNDRED SEVENTY-ONE OF THIS CHAPTER, TO
13 OPERATE AND MAINTAIN NON-SECURE AND LIMITED SECURE FACILITIES.

14 2. A SOCIAL SERVICES DISTRICT SHALL OBTAIN PRIOR APPROVAL FROM THE
15 OFFICE OF CHILDREN AND FAMILY SERVICES AND THE STATE DIVISION OF BUDGET
16 OF ITS PLAN FOR ESTABLISHING AND IMPLEMENTING SUCH AN INITIATIVE IN
17 ACCORDANCE WITH GUIDELINES ESTABLISHED AND IN THE FORMAT, AND INCLUDING
18 THE INFORMATION REQUIRED, BY SUCH OFFICE. SUCH DISTRICT MAY SUBMIT SEPA-
19 RATE PLANS FOR HOW THE DISTRICT WILL IMPLEMENT INITIATIVES FOR JUVENILE
20 DELINQUENTS PLACED IN NON-SECURE SETTINGS AND IN LIMITED SECURE
21 SETTINGS. ANY SUCH PLAN SHALL SPECIFY, IN DETAIL, AS APPLICABLE:

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

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

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

40 (D) THE PROPOSED EFFECTIVE DATE OF THE PLAN AND DOCUMENTATION OF THE
41 DISTRICT'S READINESS TO BEGIN ACCEPTING AND APPROPRIATELY SERVING JUVE-
42 NILE DELINQUENTS UNDER THE PLAN;

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

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

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

50 (H) HOW THE DISTRICT WILL ENSURE THAT ALL STAFF WORKING DIRECTLY WITH
51 YOUTH SERVED UNDER THE INITIATIVE HAVE RECEIVED NECESSARY AND APPROPRI-
52 ATE TRAINING;

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

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

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

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

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

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

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

20 (P) HOW THE DISTRICT WILL ENGAGE IN PERMANENCY AND DISCHARGE PLANNING
21 FOR JUVENILE DELINQUENTS PLACED IN ITS CUSTODY;

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

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

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

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

42 3. PRIOR TO SUBMITTING ANY PLAN PURSUANT TO SUBDIVISION TWO OF THIS
43 SECTION, THE SOCIAL SERVICES DISTRICT SHALL CONDUCT AT LEAST ONE PUBLIC
44 HEARING ON THE PROPOSED PLAN. ANY SUCH PUBLIC HEARINGS SHALL ONLY BE
45 HELD AFTER THIRTY DAYS NOTICE HAS BEEN PROVIDED IN A NEWSPAPER OF GENER-
46 AL CIRCULATION WITHIN THE JURISDICTION FOR WHICH THE SOCIAL SERVICES
47 DISTRICT IS LOCATED. THE NOTICE SHALL SPECIFY THE TIMES OF THE PUBLIC
48 HEARING AND PROVIDE INFORMATION ON HOW WRITTEN COMMENT ON THE PLAN MAY
49 BE SUBMITTED TO THE DISTRICT FOR CONSIDERATION. ADDITIONALLY, FOR A
50 PERIOD OF AT LEAST THIRTY DAYS PRIOR TO A HEARING, THE DISTRICT SHALL
51 POST ON ITS WEBSITE A NOTICE OF THE HEARING, A COPY OF THE PROPOSED
52 PLAN, AND INFORMATION ON HOW WRITTEN COMMENTS ON THE PLAN MAY BE SUBMIT-
53 TED TO THE DISTRICT FOR CONSIDERATION.

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

1 (A) A SUMMARY AND ANALYSIS OF THE ISSUES RAISED AND SIGNIFICANT ALTER-
2 NATIVES SUGGESTED;

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

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

7 5. THE OFFICE OF CHILDREN AND FAMILY SERVICES AND THE STATE DIVISION
8 OF BUDGET, IN CONSULTATION WITH THE OFFICE OF MENTAL HEALTH, SHALL BE
9 AUTHORIZED TO REQUEST AMENDMENTS TO ANY PLAN PRIOR TO APPROVAL. FOR ANY
10 PLAN THAT ONLY COVERS JUVENILE DELINQUENTS PLACED IN NON-SECURE
11 SETTINGS, THE OFFICE AND THE DIVISION SHALL, WITHIN THIRTY DAYS OF
12 RECEIVING THE PLAN, EITHER APPROVE OR DISAPPROVE THE PLAN OR REQUEST
13 AMENDMENTS TO THE PLAN. IF ANY AMENDMENTS ARE REQUESTED TO THE PLAN, THE
14 OFFICE AND THE DIVISION SHALL APPROVE OR DISAPPROVE THE PLAN WITHIN
15 FIFTEEN DAYS OF ITS RESUBMISSION WITH THE REQUESTED AMENDMENTS. FOR ANY
16 PLAN THAT COVERS JUVENILE DELINQUENTS PLACED IN LIMITED SECURE SETTINGS,
17 THE OFFICE AND THE DIVISION SHALL, WITHIN SIXTY DAYS OF RECEIVING THE
18 PLAN, EITHER APPROVE OR DISAPPROVE THE PLAN OR REQUEST AMENDMENTS TO THE
19 PLAN. IF ANY AMENDMENTS ARE REQUESTED TO THE PLAN, THE OFFICE AND THE
20 DIVISION SHALL APPROVE OR DISAPPROVE THE PLAN WITHIN FIFTEEN DAYS OF ITS
21 RESUBMISSION WITH THE REQUESTED AMENDMENTS.

22 6. (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, IF
23 THE OFFICE OF CHILDREN AND FAMILY SERVICES APPROVES A SOCIAL SERVICES
24 DISTRICT'S PLAN TO IMPLEMENT A JUVENILE JUSTICE SERVICES CLOSE TO HOME
25 INITIATIVE FOR JUVENILE DELINQUENTS PLACED IN NON-SECURE SETTINGS, SUCH
26 OFFICE SHALL WORK WITH SUCH DISTRICT TO IDENTIFY THOSE JUVENILE DELIN-
27 QUENTS IN THE OFFICE'S CUSTODY RESIDING IN NON-SECURE PLACEMENTS AND
28 THOSE CONDITIONALLY RELEASED FROM A FACILITY WHO WERE PLACED BY A FAMILY
29 COURT WITHIN THE JURISDICTION OF SAID SOCIAL SERVICES DISTRICT. THE
30 OFFICE SHALL EVALUATE THE PLACEMENT LENGTH AND THE NEEDS OF SUCH JUVE-
31 NILE DELINQUENTS AND, WHERE APPROPRIATE, FILE A PETITION PURSUANT TO
32 SECTION 355.1 OF THE FAMILY COURT ACT TO TRANSFER CUSTODY OF SUCH YOUTH
33 TO SAID SOCIAL SERVICES DISTRICT ON THE EFFECTIVE DATE OF THE PLAN, OR
34 AS SOON AS APPROPRIATE THEREAFTER, BUT IN NO EVENT LATER THAN NINETY
35 DAYS AFTER SUCH EFFECTIVE DATE; PROVIDED, HOWEVER, IF THE OFFICE DETER-
36 MINES, ON A CASE-BY-CASE BASIS, FOR REASONS DOCUMENTED IN WRITING
37 SUBMITTED TO THE SOCIAL SERVICES DISTRICT, THAT A TRANSFER WITHIN NINETY
38 DAYS OF THE EFFECTIVE DATE OF THE PLAN WOULD BE DETRIMENTAL TO THE
39 EMOTIONAL, MENTAL OR PHYSICAL HEALTH OF A YOUTH, OR WOULD SERIOUSLY
40 INTERFERE WITH THE YOUTH'S INTERSTATE TRANSFER OR IMMINENT DISCHARGE,
41 THE OFFICE SHALL PROVIDE AN ESTIMATED TIME BY WHICH THE OFFICE EXPECTS
42 TO BE ABLE TO PETITION FOR THE TRANSFER OF SUCH YOUTH OR TO RELEASE SUCH
43 YOUTH FROM ITS CARE, AND SHALL NOTIFY THE DISTRICT OF ANY DELAY OF THAT
44 EXPECTED DATE AND THE REASONS FOR SUCH A DELAY.

45 (B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, IF THE
46 OFFICE APPROVES A SOCIAL SERVICES DISTRICT'S PLAN TO IMPLEMENT A JUVE-
47 NILE JUSTICE SERVICES CLOSE TO HOME INITIATIVE FOR JUVENILE DELINQUENTS
48 PLACED IN LIMITED-SECURE SETTINGS, SUCH OFFICE SHALL WORK WITH SUCH
49 DISTRICT TO IDENTIFY JUVENILE DELINQUENTS IN THE OFFICE'S CUSTODY RESID-
50 ING IN LIMITED SECURE PLACEMENTS WHO WERE PLACED BY A FAMILY COURT IN
51 THE SOCIAL SERVICES DISTRICT. THE OFFICE OF CHILDREN AND FAMILY SERVICES
52 SHALL EVALUATE THE PLACEMENT LENGTH AND NEEDS OF SUCH JUVENILE DELIN-
53 QUENTS AND, WHERE APPROPRIATE, FILE A PETITION PURSUANT TO SECTION 355.1
54 OF THE FAMILY COURT ACT TO TRANSFER CUSTODY OF SUCH YOUTH TO SAID SOCIAL
55 SERVICES DISTRICT ON THE EFFECTIVE DATE OF THE PLAN OR AS SOON AS APPRO-
56 PRIATE THEREAFTER, BUT IN NO EVENT LATER THAN NINETY DAYS AFTER SUCH

1 EFFECTIVE DATE; PROVIDED, HOWEVER, IF THE OFFICE DETERMINES, ON A CASE-
2 BY-CASE BASIS, FOR REASONS DOCUMENTED IN WRITING SUBMITTED TO THE SOCIAL
3 SERVICES DISTRICT, THAT A TRANSFER WITHIN NINETY DAYS OF THE EFFECTIVE
4 DATE OF THE PLAN WOULD BE DETRIMENTAL TO THE EMOTIONAL, MENTAL OR PHYS-
5 ICAL HEALTH OF A YOUTH, OR WOULD SERIOUSLY INTERFERE WITH THE YOUTH'S
6 INTERSTATE TRANSFER OR IMMINENT DISCHARGE, THE OFFICE SHALL PROVIDE AN
7 ESTIMATED TIME BY WHICH THE OFFICE EXPECTS TO BE ABLE TO PETITION FOR
8 THE TRANSFER OF SUCH YOUTH OR TO RELEASE SUCH YOUTH FROM ITS CARE, AND
9 SHALL NOTIFY THE DISTRICT OF ANY DELAY OF THAT EXPECTED DATE AND THE
10 REASONS FOR SUCH A DELAY.

11 7. (A) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (C) OF SUBDIVISION
12 FIFTEEN OF SECTION FIVE HUNDRED ONE OF THE EXECUTIVE LAW, OR ANY OTHER
13 LAW TO THE CONTRARY, IF THE OFFICE OF CHILDREN AND FAMILY SERVICES
14 APPROVES A SOCIAL SERVICES DISTRICT'S PLAN FOR A JUVENILE JUSTICE
15 SERVICES CLOSE TO HOME INITIATIVE TO IMPLEMENT SERVICES FOR JUVENILE
16 DELINQUENTS PLACED IN NON-SECURE OR LIMITED SECURE SETTINGS, SUCH OFFICE
17 SHALL BE AUTHORIZED, FOR UP TO A YEAR AFTER THE EFFECTIVE DATE OF ANY
18 SUCH PLAN: (1) TO CLOSE ANY OF ITS FACILITIES IN THE CORRESPONDING
19 SETTING LEVELS COVERED BY THE APPROVED PLAN AND TO MAKE SIGNIFICANT
20 ASSOCIATED SERVICE REDUCTIONS AND PUBLIC EMPLOYEE STAFFING REDUCTIONS
21 AND TRANSFER OPERATIONS FOR THOSE SETTING LEVELS TO A PRIVATE OR
22 NOT-FOR-PROFIT ENTITY, AS DETERMINED BY THE COMMISSIONER OF THE OFFICE
23 OF CHILDREN AND FAMILY SERVICES TO BE NECESSARY TO REFLECT THE DECREASE
24 IN THE NUMBER OF JUVENILE DELINQUENTS PLACED WITH SUCH OFFICE FROM SUCH
25 SOCIAL SERVICES DISTRICT; (2) TO REDUCE COSTS TO THE STATE AND OTHER
26 SOCIAL SERVICES DISTRICTS RESULTING FROM SUCH DECREASE; AND (3) TO
27 ADJUST SERVICES TO PROVIDE REGIONALLY-BASED CARE TO JUVENILE DELINQUENTS
28 FROM OTHER PARTS OF THE STATE NEEDING SERVICES IN THOSE LEVELS OF RESI-
29 DENTIAL SERVICES. AT LEAST SIXTY DAYS PRIOR TO TAKING ANY SUCH ACTION,
30 THE COMMISSIONER OF THE OFFICE SHALL PROVIDE NOTICE OF SUCH ACTION TO
31 THE SPEAKER OF THE ASSEMBLY AND THE TEMPORARY PRESIDENT OF THE SENATE
32 AND SHALL POST SUCH NOTICE UPON ITS PUBLIC WEBSITE. SUCH NOTICE MAY BE
33 PROVIDED AT ANY TIME ON OR AFTER THE DATE THE OFFICE APPROVES A PLAN
34 AUTHORIZING A SOCIAL SERVICES DISTRICT TO IMPLEMENT PROGRAMS FOR JUVE-
35 NILE DELINQUENTS PLACED IN THE APPLICABLE SETTING LEVEL. SUCH COMMIS-
36 SIONER SHALL BE AUTHORIZED TO CONDUCT ANY AND ALL PREPARATORY ACTIONS
37 WHICH MAY BE REQUIRED TO EFFECTUATE SUCH CLOSURES OR SIGNIFICANT SERVICE
38 OR STAFFING REDUCTIONS AND TRANSFER OF OPERATIONS DURING SUCH SIXTY DAY
39 PERIOD.

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

46 8. (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY,
47 ELIGIBLE EXPENDITURES DURING THE APPLICABLE TIME PERIODS MADE BY A
48 SOCIAL SERVICES DISTRICT FOR AN APPROVED JUVENILE JUSTICE SERVICES CLOSE
49 TO HOME INITIATIVE SHALL, IF APPROVED BY THE DEPARTMENT OF FAMILY
50 ASSISTANCE, BE SUBJECT TO REIMBURSEMENT WITH STATE FUNDS ONLY UP TO THE
51 EXTENT OF AN ANNUAL APPROPRIATION MADE SPECIFICALLY THEREFOR, AFTER
52 FIRST DEDUCTING THEREFROM ANY FEDERAL FUNDS PROPERLY RECEIVED OR TO BE
53 RECEIVED ON ACCOUNT THEREOF; PROVIDED, HOWEVER, THAT WHEN SUCH FUNDS
54 HAVE BEEN EXHAUSTED, A SOCIAL SERVICES DISTRICT MAY RECEIVE STATE
55 REIMBURSEMENT FROM OTHER AVAILABLE STATE APPROPRIATIONS FOR THAT STATE
56 FISCAL YEAR FOR ELIGIBLE EXPENDITURES FOR SERVICES THAT OTHERWISE WOULD

1 BE REIMBURSABLE UNDER SUCH FUNDING STREAMS. ANY CLAIMS SUBMITTED BY A
2 SOCIAL SERVICES DISTRICT FOR REIMBURSEMENT FOR A PARTICULAR STATE FISCAL
3 YEAR FOR WHICH THE SOCIAL SERVICES DISTRICT DOES NOT RECEIVE STATE
4 REIMBURSEMENT FROM THE ANNUAL APPROPRIATION FOR THE APPROVED CLOSE TO
5 HOME INITIATIVE MAY NOT BE CLAIMED AGAINST THAT DISTRICT'S APPROPRIATION
6 FOR THE INITIATIVE FOR THE NEXT OR ANY SUBSEQUENT STATE FISCAL YEAR.

7 (I) STATE FUNDING FOR REIMBURSEMENT SHALL BE, SUBJECT TO APPROPRI-
8 ATION, IN THE FOLLOWING AMOUNTS: FOR STATE FISCAL YEAR 2013-14,
9 \$35,200,000 ADJUSTED BY ANY CHANGES IN SUCH AMOUNT REQUIRED BY SUBPARA-
10 GRAPHS (II) AND (III) OF THIS PARAGRAPH; FOR STATE FISCAL YEAR 2014-15,
11 \$41,400,000 ADJUSTED TO INCLUDE THE AMOUNT OF ANY CHANGES MADE TO THE
12 STATE FISCAL YEAR 2013-14 APPROPRIATION UNDER SUBPARAGRAPHS (II) AND
13 (III) OF THIS PARAGRAPH PLUS ANY ADDITIONAL CHANGES REQUIRED BY SUCH
14 SUBPARAGRAPHS; AND, SUCH REIMBURSEMENT SHALL BE, SUBJECT TO APPROPRI-
15 ATION, FOR ALL SUBSEQUENT STATE FISCAL YEARS IN THE AMOUNT OF THE PRIOR
16 YEAR'S ACTUAL APPROPRIATION ADJUSTED BY ANY CHANGES REQUIRED BY SUBPARA-
17 GRAPHS (II) AND (III) OF THIS PARAGRAPH.

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

25 (III) THE REIMBURSEMENT AMOUNTS SET FORTH IN SUBPARAGRAPH (I) OF THIS
26 PARAGRAPH SHALL BE INCREASED IF EITHER THE POPULATION OF ALLEGED JUVE-
27 NILE DELINQUENTS WHO RECEIVE A PROBATION INTAKE OR THE NUMBER OF YOUTH
28 WITH A DISPOSITION FROM THE FAMILY COURT WHO ARE DETERMINED TO BE HIGH
29 RISK, AS DEFINED IN CLAUSE (A) OF THIS SUBPARAGRAPH, INCREASES BY AT
30 LEAST TEN PERCENT OVER THE RESPECTIVE POPULATION IN THE ANNUAL BASELINE
31 YEAR. THE BASELINE YEAR SHALL BE THE PERIOD FROM JULY FIRST, TWO THOU-
32 SAND TEN THROUGH JUNE THIRTIETH, TWO THOUSAND ELEVEN OR THE MOST RECENT
33 TWELVE MONTH PERIOD FOR WHICH THERE IS COMPLETE DATA, WHICHEVER IS
34 LATER. IN EACH SUCCESSIVE YEAR, THE POPULATION OF THE PREVIOUS JULY
35 FIRST THROUGH JUNE THIRTIETH PERIOD SHALL BE COMPARED TO THE BASELINE
36 YEAR FOR DETERMINING ANY ADJUSTMENTS TO A STATE FISCAL YEAR APPROPRI-
37 ATION. WHEN EITHER POPULATION INCREASES BY TEN PERCENT OR MORE, THE
38 REIMBURSEMENT WILL BE ADJUSTED BY A PERCENTAGE EQUAL TO THE LARGER OF
39 THE PERCENTAGE INCREASE IN EITHER THE NUMBER OF PROBATION INTAKES FOR
40 ALLEGED JUVENILE DELINQUENTS OR THE NUMBER OF HIGH RISK YOUTH.

41 (A) FOR THE PURPOSES OF THIS SUBPARAGRAPH, HIGH RISK YOUTH SHALL MEAN
42 YOUTH WHO ARE CATEGORIZED BY THE NEW YORK CITY DEPARTMENT OF PROBATION
43 STRUCTURED DECISION MAKING GRID (OR ANY SUCCESSOR RISK ASSESSMENT TOOL
44 APPROVED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES IN CONSULTATION
45 WITH THE DIVISION OF CRIMINAL JUSTICE SERVICES) AS EITHER AT HIGH RISK
46 FOR RE-ARREST IN CASES WHERE THE MOST SERIOUS CURRENT ARREST CHARGE IS A
47 CLASS I OR II OR AT MEDIUM RISK FOR RE-ARREST IN CASES WHERE THE MOST
48 SERIOUS CURRENT ARREST CHARGE IS A CLASS I.

49 (B) THE SOCIAL SERVICES DISTRICT AND/OR THE NEW YORK CITY DEPARTMENT
50 OF PROBATION SHALL PROVIDE AN ANNUAL REPORT INCLUDING THE DATA REQUIRED
51 TO CALCULATE THE POPULATION ADJUSTMENT TO THE NEW YORK CITY OFFICE OF
52 MANAGEMENT AND BUDGET, THE DIVISION OF CRIMINAL JUSTICE SERVICES AND THE
53 STATE DIVISION OF THE BUDGET NO LATER THAN THE FIRST DAY OF SEPTEMBER
54 FOLLOWING THE CLOSE OF THE PREVIOUS JULY FIRST THROUGH JUNE THIRTIETH
55 PERIOD.

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

4 (C) A SOCIAL SERVICES DISTRICT SHALL CONDUCT ELIGIBILITY DETERMI-
5 NATIONS FOR FEDERAL AND STATE FUNDING AND SUBMIT CLAIMS FOR REIMBURSE-
6 MENT IN SUCH FORM AND MANNER AND AT SUCH TIMES AND FOR SUCH PERIODS AS
7 THE DEPARTMENT OF FAMILY ASSISTANCE SHALL DETERMINE.

8 (D) NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW OR REGULATION OF
9 THE DEPARTMENT OF FAMILY ASSISTANCE, STATE REIMBURSEMENT SHALL NOT BE
10 MADE FOR ANY EXPENDITURE MADE FOR THE DUPLICATION OF ANY GRANT OR ALLOW-
11 ANCE FOR ANY PERIOD.

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

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

20 (G) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE STATE SHALL NOT BE
21 RESPONSIBLE FOR REIMBURSING A SOCIAL SERVICES DISTRICT AND A DISTRICT
22 SHALL NOT SEEK STATE REIMBURSEMENT FOR ANY PORTION OF ANY STATE DISAL-
23 LOWANCE OR SANCTION TAKEN AGAINST THE SOCIAL SERVICES DISTRICT, OR ANY
24 FEDERAL DISALLOWANCE ATTRIBUTABLE TO FINAL FEDERAL AGENCY DECISIONS OR
25 TO SETTLEMENTS MADE, WHEN SUCH DISALLOWANCE OR SANCTION RESULTS FROM THE
26 FAILURE OF THE SOCIAL SERVICES DISTRICT TO COMPLY WITH FEDERAL OR STATE
27 REQUIREMENTS, INCLUDING, BUT NOT LIMITED TO, FAILURE TO DOCUMENT ELIGI-
28 BILITY FOR THE FEDERAL OR STATE FUNDS IN THE CASE RECORD. TO THE EXTENT
29 THAT THE SOCIAL SERVICES DISTRICT HAS SUFFICIENT CLAIMS OTHER THAN THOSE
30 THAT ARE SUBJECT TO DISALLOWANCE OR SANCTION TO DRAW DOWN THE FULL ANNU-
31 AL APPROPRIATION, SUCH DISALLOWANCE OR SANCTION SHALL NOT RESULT IN A
32 REDUCTION IN PAYMENT OF STATE FUNDS TO THE DISTRICT UNLESS THE DISTRICT
33 REQUESTS THAT THE DEPARTMENT USE A PORTION OF THE APPROPRIATION TOWARD
34 MEETING THE DISTRICT'S RESPONSIBILITY TO REPAY THE FEDERAL GOVERNMENT
35 FOR THE DISALLOWANCE OR SANCTION AND ANY RELATED INTEREST PAYMENTS.

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

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

54 9. UPON APPROVAL OF A SOCIAL SERVICES DISTRICT'S PLAN, THE OFFICE OF
55 CHILDREN AND FAMILY SERVICES SHALL NOTIFY THE SUPERVISING FAMILY COURT

1 JUDGE RESPONSIBLE FOR THE FAMILY COURTS SERVING SUCH DISTRICT OF THE
2 EFFECTIVE DATE AND PLACEMENT SETTINGS COVERED BY THE PLAN.

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

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

17 10. IF THE SOCIAL SERVICES DISTRICT RECEIVES THE NECESSARY APPROVAL TO
18 IMPLEMENT A CLOSE TO HOME INITIATIVE, THE DISTRICT SHALL IMPLEMENT THE
19 INITIATIVE IN ACCORDANCE WITH ALL APPLICABLE FEDERAL AND STATE LAWS AND
20 REGULATIONS. IF THE SOCIAL SERVICES DISTRICT RECEIVES THE NECESSARY
21 APPROVAL OF A PLAN FOR JUVENILE DELINQUENTS PLACED IN LIMITED SECURE
22 SETTINGS, THE OFFICE SHALL PROMULGATE REGULATIONS GOVERNING THE OPERA-
23 TION OF SUCH LIMITED SECURE FACILITIES. IF SUCH REGULATIONS ARE NOT
24 ADOPTED PRIOR TO THE DATE THAT AN AUTHORIZED AGENCY APPLIES FOR A
25 LICENSE TO OPERATE SUCH A FACILITY, THE FACILITY SHALL BE SUBJECT TO THE
26 EXISTING REGULATIONS OF THE OFFICE THAT WOULD APPLY TO THE OPERATION OF
27 A FOSTER CARE FACILITY OF THE SAME SIZE; PROVIDED, HOWEVER, THAT THE
28 OFFICE SHALL BE AUTHORIZED TO GRANT AN EXCEPTION TO THE AUTHORIZED AGEN-
29 CY, UNTIL SUCH LIMITED SECURE REGULATIONS ARE ADOPTED, TO ANY SUCH
30 EXISTING REGULATION THAT THE OFFICE DETERMINES WOULD IMPEDE THE ABILITY
31 OF THE AUTHORIZED AGENCY TO PROVIDE THE RESTRICTIVE SETTING AND PROGRAMS
32 NECESSARY TO SERVE YOUTH WHO NEED PLACEMENT IN A LIMITED SECURE SETTING
33 IN ACCORDANCE WITH THE APPROVED PLAN. ANY LIMITED SECURE FACILITY THAT
34 IS GRANTED SUCH A WAIVER SHALL COMPLY WITH ANY ALTERNATE REQUIREMENTS
35 THE OFFICE MAY CONSIDER NECESSARY FOR THE PROTECTION OF THE HEALTH OR
36 SAFETY OF THE JUVENILE DELINQUENTS IN THE FACILITY OR THE SURROUNDING
37 COMMUNITY.

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

46 (B) THE SOCIAL SERVICES DISTRICT SHALL PROVIDE EACH JUVENILE DELIN-
47 QUENT WITH AN APPROPRIATE LEVEL OF SERVICES DESIGNED TO MEET HIS OR HER
48 INDIVIDUAL NEEDS AND TO ENHANCE PUBLIC SAFETY AND SHALL PROVIDE THE
49 OFFICE OF CHILDREN AND FAMILY SERVICES WITH SPECIFIC INFORMATION AS
50 REQUIRED BY THE OFFICE, IN THE FORMAT AND AT SUCH TIMES AS REQUIRED BY
51 SUCH OFFICE, ON THE YOUTH PARTICIPATING IN THE INITIATIVE AND THE
52 PROGRAMS SERVING SUCH YOUTH. SUCH INFORMATION SHALL BE PROVIDED TO THE
53 OFFICE OF CHILDREN AND FAMILY SERVICES ON A MONTHLY BASIS FOR THE FIRST
54 TWELVE MONTHS IMMEDIATELY FOLLOWING THE IMPLEMENTATION OF THE PROGRAMS
55 FOR EACH LEVEL OF CARE AND SHALL BE PROVIDED TO SUCH OFFICE ON A QUAR-
56 TERLY BASIS THEREAFTER.

1 11. THE SOCIAL SERVICES DISTRICT SHALL SUBMIT A REPORT TO THE OFFICE
2 OF CHILDREN AND FAMILY SERVICES ANNUALLY, IN THE FORMAT REQUIRED BY SUCH
3 OFFICE, DETAILING OVERALL INITIATIVE PERFORMANCE.

4 12. IF THE OFFICE OF CHILDREN AND FAMILY SERVICES DETERMINES THAT THE
5 SOCIAL SERVICES DISTRICT IS FAILING TO ADEQUATELY PROVIDE FOR THE JUVE-
6 NILE DELINQUENTS PLACED UNDER AN APPROVED PLAN, SUCH OFFICE MAY REQUIRE
7 THE SOCIAL SERVICES DISTRICT TO SUBMIT A CORRECTIVE ACTION PLAN, FOR
8 SUCH OFFICE'S APPROVAL, DEMONSTRATING HOW IT WILL RECTIFY THE INADEQUA-
9 CIES. IF THE OFFICE DETERMINES THAT THE SOCIAL SERVICES DISTRICT IS
10 FAILING TO MAKE SUFFICIENT PROGRESS TOWARDS IMPLEMENTING THE CORRECTIVE
11 ACTION PLAN IN THE TIME AND MANNER APPROVED BY THE OFFICE, THE OFFICE
12 SHALL PROVIDE THE DISTRICT WRITTEN NOTICE OF SUCH DETERMINATION AND THE
13 BASIS THEREFOR, AND MANDATE THAT THE DISTRICT TAKE ALL NECESSARY ACTIONS
14 TO IMPLEMENT THE PLAN. IF A DISTRICT HAS FAILED WITHIN A REASONABLE TIME
15 THEREAFTER TO MAKE PROGRESS IMPLEMENTING ANY REGULATION, OR ANY OTHER
16 PORTION OF SUCH PLAN THAT IS INTENDED TO PREVENT IMMINENT DANGER TO THE
17 HEALTH, SAFETY OR WELFARE OF THE YOUTH BEING SERVED UNDER THE PLAN, THE
18 OFFICE MAY WITHHOLD OR SET ASIDE A PORTION OF THE FUNDING DUE UNDER
19 SUBDIVISION EIGHT OF THIS SECTION UNTIL THE DISTRICT DEMONSTRATES THAT
20 SUFFICIENT PROGRESS IS BEING MADE; OR TERMINATE THE DISTRICT'S AUTHORITY
21 TO OPERATE ALL OR A PORTION OF THE JUVENILE JUSTICE SERVICES CLOSE TO
22 HOME INITIATIVE, TAKE ALL NECESSARY STEPS TO ASSUME CUSTODY FOR, AND
23 PROVIDE SERVICES TO, THE APPLICABLE JUVENILE DELINQUENTS BEING SERVED
24 UNDER THE INITIATIVE, AND DISCONTINUE FUNDS PROVIDED TO THE DISTRICT FOR
25 SUCH SERVICES. THE OFFICE SHALL NOT WITHHOLD, SET ASIDE OR DISCONTINUE
26 STATE AID TO A DISTRICT UNTIL WRITTEN NOTICE IS GIVEN TO THE COMMISSION-
27 ER OF THE DISTRICT, AND IN THE EVENT FUNDING IS WITHHELD, SET ASIDE OR
28 DISCONTINUED, THE DISTRICT MAY APPEAL TO THE OFFICE, WHICH SHALL HOLD A
29 FAIR HEARING THEREON IN ACCORDANCE WITH THE PROVISIONS OF SECTION TWEN-
30 TY-TWO OF THIS CHAPTER RELATING TO FAIR HEARINGS. THE DISTRICT MAY
31 INSTITUTE A PROCEEDING FOR A REVIEW OF THE DETERMINATION OF THE OFFICE
32 FOLLOWING THE FAIR HEARING PURSUANT TO ARTICLE SEVENTY-EIGHT OF THE
33 CIVIL PRACTICE LAW AND RULES. ANY FUNDS WITHHELD, SET ASIDE OR DISCON-
34 TINUED PURSUANT TO THIS PROVISION SHALL BE APPLIED TO ADDRESS THE PROB-
35 LEM WHICH WAS THE BASIS FOR SUCH SANCTION. IF THE OFFICE TERMINATES A
36 DISTRICT'S AUTHORITY TO OPERATE ANY PORTION OF A JUVENILE JUSTICE
37 SERVICES CLOSE TO HOME INITIATIVE IN ACCORDANCE WITH THIS SUBDIVISION,
38 THE OFFICE SHALL NOTIFY THE SUPERVISING FAMILY COURT JUDGE RESPONSIBLE
39 FOR THE FAMILY COURTS SERVING SUCH DISTRICT OF SUCH TERMINATION AND THE
40 EFFECTIVE DATE OF SUCH TERMINATION.

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

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

50 (B) TO DETERMINE THE PARTICULAR FACILITY OR PROGRAM IN WHICH A JUVE-
51 NILE DELINQUENT PLACED WITH THE DISTRICT SHALL BE CARED FOR, BASED UPON
52 AN EVALUATION OF SUCH JUVENILE DELINQUENT;

53 (C) TO TRANSFER A JUVENILE DELINQUENT FROM ONE FACILITY TO ANY OTHER
54 FACILITY, WHEN THE INTERESTS OF SUCH JUVENILE DELINQUENT REQUIRES SUCH
55 ACTION; PROVIDED THAT, IF THE DISTRICT HAS AN APPROVED PLAN TO IMPLEMENT
56 SERVICES FOR JUVENILE DELINQUENTS PLACED IN LIMITED SECURE SETTINGS, A

1 JUVENILE DELINQUENT TRANSFERRED TO A NON-SECURE FACILITY FROM A LIMITED
2 SECURE FACILITY MAY BE RETURNED TO A LIMITED SECURE FACILITY UPON A
3 DETERMINATION BY THE DISTRICT THAT, FOR ANY REASON, CARE AND TREATMENT
4 AT THE NON-SECURE FACILITY IS NO LONGER SUITABLE;

5 (D) TO ISSUE A WARRANT FOR THE APPREHENSION AND RETURN OF ANY RUNAWAY
6 OR CONDITIONALLY RELEASED JUVENILE DELINQUENT PLACED WITH THE DISTRICT,
7 IN ACCORDANCE WITH THE REGULATIONS OF THE OFFICE OF CHILDREN AND FAMILY
8 SERVICES; PROVIDED FURTHER THAT:

9 (I) A SOCIAL SERVICES OFFICIAL, PURSUANT TO THE REGULATIONS OF THE
10 OFFICE OF CHILDREN AND FAMILY SERVICES, SHALL ISSUE A WARRANT DIRECTED
11 GENERALLY TO ANY PEACE OFFICER, ACTING PURSUANT TO SUCH OFFICER'S
12 SPECIAL DUTIES, OR POLICE OFFICER IN THE STATE FOR THE APPREHENSION AND
13 RETURN OF ANY RUNAWAY OR CONDITIONALLY RELEASED JUVENILE DELINQUENT
14 UNDER THE JURISDICTION OF THE DISTRICT AND SUCH WARRANT SHALL BE
15 EXECUTED BY ANY PEACE OFFICER, ACTING PURSUANT TO SUCH OFFICER'S SPECIAL
16 DUTIES, OR POLICE OFFICER TO WHOM IT MAY BE DELIVERED; THE SOCIAL
17 SERVICES DISTRICT ALSO SHALL PROVIDE RELEVANT LAW ENFORCEMENT AGENCIES
18 WITHIN FORTY-EIGHT HOURS WITH ANY PHOTOGRAPHS OF ANY RUNAWAY OR CONDI-
19 TIONALLY RELEASED JUVENILE DELINQUENT FOR WHOM A WARRANT IS ISSUED,
20 TOGETHER WITH ANY PERTINENT INFORMATION RELATIVE TO SUCH JUVENILE DELIN-
21 QUENT; SUCH PHOTOGRAPHS SHALL REMAIN THE PROPERTY OF THE SOCIAL SERVICES
22 DISTRICT AND SHALL BE KEPT CONFIDENTIAL FOR USE SOLELY IN THE APPREHEN-
23 SION OF SUCH JUVENILE DELINQUENT AND SHALL BE RETURNED PROMPTLY TO THE
24 DISTRICT UPON APPREHENSION OF SUCH JUVENILE DELINQUENT, OR UPON THE
25 DEMAND OF THE DISTRICT;

26 (II) A SOCIAL SERVICES OFFICIAL SHALL GIVE IMMEDIATE WRITTEN NOTICE TO
27 THE FAMILY COURT WHEN ANY JUVENILE DELINQUENT PLACED WITH THE SOCIAL
28 SERVICES DISTRICT BY ORDER OF SAID FAMILY COURT, IS ABSENT FROM SUCH
29 PLACEMENT WITHOUT CONSENT;

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

33 (E) (I) TO CAUSE A JUVENILE DELINQUENT UNDER THE JURISDICTION OF THE
34 SOCIAL SERVICES DISTRICT WHO RUNS AWAY FROM A FACILITY, TO BE APPRE-
35 HENDED AND RETURNED TO THE SOCIAL SERVICES DISTRICT OR AUTHORIZED AGEN-
36 CY;

37 (II) IF A JUVENILE DELINQUENT UNDER THE JURISDICTION OF THE SOCIAL
38 SERVICES DISTRICT VIOLATES ANY CONDITION OF RELEASE THEREFROM, OR IF
39 THERE IS A CHANGE OF CIRCUMSTANCES, AND THE SOCIAL SERVICES DISTRICT
40 DETERMINES THAT IT WOULD BE CONSISTENT WITH THE NEEDS AND BEST INTERESTS
41 OF SAID JUVENILE DELINQUENT AND THE NEED TO PROTECT THE COMMUNITY, OR
42 THAT THERE IS A SUBSTANTIAL LIKELIHOOD SAID JUVENILE DELINQUENT WILL
43 COMMIT AN ACT THAT WOULD BE A CRIME OR CONSTITUTE A CRIME IF HE OR SHE
44 WERE AN ADULT, TO CAUSE SAID JUVENILE DELINQUENT TO BE APPREHENDED AND
45 RETURNED TO THE DISTRICT OR AUTHORIZED AGENCY PURSUANT TO THE REGU-
46 LATIONS OF THE OFFICE OF CHILDREN AND FAMILY SERVICES;

47 (III) TO AUTHORIZE AN EMPLOYEE DESIGNATED BY THE SOCIAL SERVICES
48 DISTRICT, WITHOUT A WARRANT, TO APPREHEND A RUNAWAY OR CONDITIONALLY
49 RELEASED JUVENILE DELINQUENT IN ANY COUNTY IN THIS STATE WHOSE RETURN
50 HAS BEEN ORDERED BY THE SOCIAL SERVICES DISTRICT, AND RETURN SAID JUE-
51 NILE DELINQUENT TO ANY APPROPRIATE SOCIAL SERVICES DISTRICT, DETENTION
52 FACILITY, AUTHORIZED AGENCY OR PROGRAM;

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

1 (G) UPON THE PLACEMENT OF ANY JUVENILE DELINQUENT EIGHTEEN YEARS OF
2 AGE OR OLDER, OR UPON THE EIGHTEENTH BIRTHDAY OF ANY YOUTH PLACED IN THE
3 CUSTODY OF THE SOCIAL SERVICES DISTRICT FOR AN ADJUDICATION OF JUVENILE
4 DELINQUENCY FOR HAVING COMMITTED AN ACT WHICH IF COMMITTED BY AN ADULT
5 WOULD CONSTITUTE A FELONY, AND STILL IN THE CUSTODY OF THE SOCIAL
6 SERVICES DISTRICT, TO NOTIFY THE DIVISION OF CRIMINAL JUSTICE SERVICES
7 OF SUCH PLACEMENT OR BIRTHDAY. PROVIDED, HOWEVER, IN THE CASE OF A
8 YOUTH ELEVEN OR TWELVE YEARS OF AGE AT THE TIME THE ACT OR ACTS WERE
9 COMMITTED, THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL NOT BE
10 PROVIDED WITH THE YOUTH'S NAME, UNLESS THE ACTS COMMITTED BY SUCH YOUTH
11 WOULD CONSTITUTE A CLASS A OR B FELONY. UPON THE SUBSEQUENT DISCHARGE IT
12 SHALL BE THE DUTY OF THE SOCIAL SERVICES DISTRICT TO NOTIFY THE DIVISION
13 OF CRIMINAL JUSTICE SERVICES OF THAT FACT AND THE DATE OF DISCHARGE. FOR
14 THE PURPOSES OF THIS PARAGRAPH, A YOUTH'S AGE SHALL BE DETERMINED TO BE
15 THE AGE STATED IN THE PLACEMENT ORDER;

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

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

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

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

40 16. THE SOCIAL SERVICES DISTRICT SHALL BE PERMITTED TO INTERVENE
41 PURSUANT TO PARAGRAPH ONE OF SUBDIVISION (A) OF SECTION ONE THOUSAND
42 TWELVE OF THE CIVIL PRACTICE LAW AND RULES IN ANY ACTION INVOLVING AN
43 APPEAL FROM A DECISION OF ANY COURT OF THIS STATE THAT RELATES TO
44 PROGRAMS, CONDITIONS OR SERVICES PROVIDED BY SUCH DISTRICT OR ANY
45 AUTHORIZED AGENCY WITH WHICH THE DISTRICT HAS PLACED A JUVENILE DELIN-
46 QUENT PURSUANT TO THIS SECTION. WRITTEN NOTICE SHALL BE GIVEN TO THE
47 CORPORATION COUNSEL OF THE CITY OF NEW YORK OR COUNTY ATTORNEY BY THE
48 PARTY TAKING THE APPEAL.

49 17. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE SOCIAL
50 SERVICES DISTRICT MAY DELAY ACCEPTANCE OF A JUVENILE DELINQUENT IN
51 DETENTION WHO IS PLACED IN THE DISTRICT'S CUSTODY IN ACCORDANCE WITH THE
52 REGULATIONS OF THE OFFICE OF CHILDREN AND FAMILY SERVICES.

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

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

3 2-A. (A) IN A SOCIAL SERVICES DISTRICT OPERATING AN APPROVED JUVENILE
4 JUSTICE SERVICES CLOSE TO HOME INITIATIVE PURSUANT TO SECTION FOUR
5 HUNDRED FOUR OF THE SOCIAL SERVICES LAW, THE LOCAL PROBATION DEPARTMENT
6 SHALL DEVELOP AND SUBMIT TO THE OFFICE OF CHILDREN AND FAMILY SERVICES
7 FOR PRIOR APPROVAL A VALIDATED PRE-DISPOSITIONAL RISK ASSESSMENT INSTRU-
8 MENT AND ANY RISK ASSESSMENT PROCESS. SUCH DEPARTMENT SHALL PERIOD-
9 ICALLY REVALIDATE ANY APPROVED PRE-DISPOSITIONAL RISK ASSESSMENT INSTRU-
10 MENT. THE DEPARTMENT SHALL CONSPICUOUSLY POST ANY APPROVED
11 PRE-DISPOSITIONAL RISK ASSESSMENT INSTRUMENT AND PROCESS ON ITS WEBSITE
12 AND SHALL CONFER WITH APPROPRIATE STAKEHOLDERS, INCLUDING BUT NOT LIMIT-
13 ED TO, ATTORNEYS FOR CHILDREN, PRESENTMENT AGENCIES AND THE FAMILY
14 COURT, PRIOR TO REVISING ANY VALIDATED PRE-DISPOSITIONAL RISK ASSESSMENT
15 INSTRUMENT OR PROCESS. ANY REVISED PRE-DISPOSITIONAL RISK ASSESSMENT
16 INSTRUMENT SHALL BE SUBJECT TO PERIODIC EMPIRICAL VALIDATION AND TO THE
17 APPROVAL OF THE OFFICE OF CHILDREN AND FAMILY SERVICES. THE DEPARTMENT
18 SHALL PROVIDE TRAINING ON THE APPROVED INSTRUMENT AND ANY APPROVED PROC-
19 ESS TO THE APPLICABLE FAMILY COURTS, PRESENTMENT AGENCY, AND COURT
20 APPOINTED ATTORNEYS FOR RESPONDENTS.

21 (B) ONCE AN INITIAL VALIDATED RISK ASSESSMENT INSTRUMENT AND ANY RISK
22 ASSESSMENT PROCESS HAVE BEEN APPROVED BY THE OFFICE OF CHILDREN AND
23 FAMILY SERVICES IN CONSULTATION WITH THE DIVISION OF CRIMINAL JUSTICE
24 SERVICES, THE LOCAL PROBATION DEPARTMENT SHALL PROVIDE THE APPLICABLE
25 SUPERVISING FAMILY COURT JUDGE WITH A COPY OF THE VALIDATED RISK ASSESS-
26 MENT INSTRUMENT AND ANY SUCH PROCESS ALONG WITH THE LETTER FROM THE
27 OFFICE OF CHILDREN AND FAMILY SERVICES APPROVING THE INSTRUMENT AND
28 PROCESS, IF APPLICABLE, AND INDICATING THE DATE THE INSTRUMENT AND ANY
29 SUCH PROCESS SHALL BE EFFECTIVE, PROVIDED THAT SUCH EFFECTIVE DATE SHALL
30 BE AT LEAST THIRTY DAYS AFTER SUCH NOTIFICATION.

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

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

49 (E) THE LOCAL PROBATION DEPARTMENT SHALL PROVIDE THE DIVISION OF CRIM-
50 INAL JUSTICE SERVICES WITH INFORMATION REGARDING THE USE OF THE PRE-DIS-
51 POSITIONAL RISK ASSESSMENT INSTRUMENT AND ANY RISK ASSESSMENT PROCESS IN
52 THE TIME AND MANNER REQUIRED BY THE DIVISION OF CRIMINAL JUSTICE
53 SERVICES. THE DIVISION MAY REQUIRE THAT SUCH DATA BE SUBMITTED TO THE
54 DIVISION ELECTRONICALLY. THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL
55 SHARE SUCH INFORMATION WITH THE OFFICE OF CHILDREN AND FAMILY SERVICES.

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

3 (F)(1) IN A SOCIAL SERVICES DISTRICT OPERATING AN APPROVED JUVENILE
4 JUSTICE SERVICES CLOSE TO HOME INITIATIVE PURSUANT TO SECTION FOUR
5 HUNDRED FOUR OF THE SOCIAL SERVICES LAW, ONCE THE SUPERVISING FAMILY
6 COURT JUDGE RECEIVES NOTICE THAT A RISK ASSESSMENT INSTRUMENT AND ANY
7 RISK ASSESSMENT PROCESS HAVE BEEN APPROVED BY THE OFFICE OF CHILDREN AND
8 FAMILY SERVICES PURSUANT TO SUBDIVISION TWO-A OF SECTION 351.1 OF THIS
9 PART, THE COURT SHALL GIVE DUE CONSIDERATION TO THE RESULTS OF THE VALI-
10 DATED RISK ASSESSMENT AND ANY SUCH PROCESS PROVIDED TO THE COURT PURSU-
11 ANT TO SUCH SUBDIVISION WHEN DETERMINING THE APPROPRIATE DISPOSITION FOR
12 THE RESPONDENT.

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

15 (I) THE LEVEL OF RISK THE YOUTH WAS ASSESSED AT PURSUANT TO THE VALI-
16 DATED RISK ASSESSMENT INSTRUMENT; AND

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

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

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

28 2-A. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW TO THE CONTRA-
29 RY, IN A DISTRICT OPERATING AN APPROVED JUVENILE JUSTICE SERVICES CLOSE
30 TO HOME INITIATIVE PURSUANT TO SECTION FOUR HUNDRED FOUR OF THE SOCIAL
31 SERVICES LAW:

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

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

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

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

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

45 (A) A NON-SECURE LEVEL OF CARE;

46 (B) A LIMITED SECURE LEVEL OF CARE; OR

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

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

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

54 9. If the court places a respondent with the office of children and
55 family services, OR IN A LIMITED SECURE LEVEL OF CARE IN A SOCIAL
56 SERVICES DISTRICT WITH AN APPROVED PLAN TO IMPLEMENT A JUVENILE JUSTICE

SERVICES CLOSE TO HOME INITIATIVE UNDER SECTION FOUR HUNDRED FOUR OF THE SOCIAL SERVICES LAW, pursuant to this section after finding that such [child] RESPONDENT committed a felony, the court may, in its discretion, further order that such respondent shall be confined in a residential facility for a minimum period set by the order, not to exceed six months.

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

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

(a) the order shall provide that:

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

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

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

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

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

(C) IF THE RESPONDENT IS PLACED WITH THE LOCAL COMMISSIONER OF SOCIAL SERVICES IN ACCORDANCE WITH CLAUSE (A) OR (B) OF THIS SUBPARAGRAPH, THE REMAINDER OF THE PROVISIONS OF THIS SECTION SHALL CONTINUE TO APPLY TO THE RESPONDENT'S PLACEMENT.

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

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

(c) During the placement or any extension thereof:

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

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

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

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

1 months during the placement on the status, adjustment and progress of
2 the respondent.

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

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

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

18 (a) the order shall provide that:

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

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

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

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

47 (B) BEGINNING ON THE EFFECTIVE DATE OF SUCH A SOCIAL SERVICES
48 DISTRICT'S PLAN TO IMPLEMENT PROGRAMS FOR YOUTH PLACED IN LIMITED SECURE
49 SETTINGS, IF THE OFFICE OF CHILDREN AND FAMILY SERVICES CONCLUDES, BASED
50 ON THE NEEDS AND BEST INTERESTS OF THE RESPONDENT AND THE NEED FOR
51 PROTECTION FOR THE COMMUNITY, THAT A NON-SECURE OR LIMITED SECURE LEVEL
52 OF CARE IS APPROPRIATE FOR THE RESPONDENT, SUCH OFFICE SHALL FILE A
53 PETITION PURSUANT TO PARAGRAPH (B) OR (C) OF SUBDIVISION TWO OF SECTION
54 355.1 OF THIS PART TO HAVE THE RESPONDENT PLACED WITH THE APPLICABLE
55 LOCAL COMMISSIONER OF SOCIAL SERVICES.

(C) IF THE RESPONDENT IS PLACED WITH A LOCAL COMMISSIONER OF SOCIAL SERVICES IN ACCORDANCE WITH CLAUSE (A) OR (B) OF THIS SUBPARAGRAPH, THE REMAINDER OF THE PROVISIONS OF THIS SECTION SHALL CONTINUE TO APPLY TO THE RESPONDENT'S PLACEMENT.

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

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

(c) During the placement or any extension thereof:

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

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

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

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

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

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

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

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

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

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

28 (A)(I) FOR A SOCIAL SERVICES DISTRICT THAT ONLY HAS AN APPROVED PLAN
29 TO IMPLEMENT PROGRAMS FOR JUVENILE DELINQUENTS PLACED IN NON-SECURE
30 SETTINGS AS PART OF AN APPROVED JUVENILE JUSTICE SERVICES CLOSE TO HOME
31 INITIATIVE PURSUANT TO SECTION FOUR HUNDRED FOUR OF THE SOCIAL SERVICES
32 LAW, BEGINNING ON THE EFFECTIVE DATE OF THAT PLAN, IF THE DISTRICT
33 DETERMINES THAT A HIGHER LEVEL OF PLACEMENT IS APPROPRIATE AND CONSIST-
34 ENT WITH THE NEED FOR PROTECTION OF THE COMMUNITY AND THE NEEDS AND BEST
35 INTERESTS OF THE RESPONDENT PLACED INTO ITS CARE, THE SOCIAL SERVICES
36 DISTRICT SHALL FILE A PETITION TO TRANSFER THE CUSTODY OF THE RESPONDENT
37 TO THE OFFICE OF CHILDREN AND FAMILY SERVICES, AND SHALL PROVIDE A COPY
38 OF SUCH PETITION TO SUCH OFFICE. THE COURT SHALL RENDER A DECISION
39 WHETHER THE JUVENILE DELINQUENT SHOULD BE TRANSFERRED TO THE OFFICE
40 WITHIN SEVENTY-TWO HOURS, EXCLUDING WEEKENDS AND PUBLIC HOLIDAYS. THE
41 FAMILY COURT SHALL, AFTER ALLOWING THE OFFICE OF CHILDREN AND FAMILY
42 SERVICES AN OPPORTUNITY TO BE HEARD, GRANT SUCH A PETITION ONLY IF THE
43 COURT DETERMINES, AND STATES IN ITS WRITTEN ORDER, THE REASONS WHY A
44 LIMITED SECURE OR SECURE LEVEL OF PLACEMENT IS NECESSARY AND CONSISTENT
45 WITH THE NEEDS AND BEST INTERESTS OF THE RESPONDENT AND THE NEED FOR
46 PROTECTION OF THE COMMUNITY.

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

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

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

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

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

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

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

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

(C) BEGINNING NINETY-ONE DAYS AFTER THE EFFECTIVE DATE A SOCIAL SERVICES DISTRICT'S PLAN TO IMPLEMENT PROGRAMS FOR JUVENILE JUSTICE SERVICES CLOSE TO HOME INITIATIVE PURSUANT TO SECTION FOUR HUNDRED FOUR

1 OF THE SOCIAL SERVICES LAW, IF THE OFFICE OF CHILDREN AND FAMILY
2 SERVICES FILES A PETITION TO TRANSFER TO SUCH DISTRICT A RESPONDENT
3 PLACED IN THE OFFICE'S CARE PURSUANT TO EITHER SECTION 353.3 OR 353.5 OF
4 THIS PART FROM A FAMILY COURT IN SUCH A SOCIAL SERVICES DISTRICT, THE
5 OFFICE SHALL PROVIDE A COPY OF THE PETITION TO THE SOCIAL SERVICES
6 DISTRICT AND THE PRESENTMENT AGENCY.

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

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

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

27 1. For the purposes of this section the term "non-secure facility"
28 means a facility operated by an authorized agency in accordance with an
29 operating certificate issued pursuant to the social services law or a
30 facility[, not including a secure or limited secure facility,] with a
31 capacity of twenty-five beds or less operated by the office of children
32 and family services in accordance with section five hundred four of the
33 executive law. THE TERM SHALL NOT INCLUDE A LIMITED SECURE OR A SECURE
34 FACILITY OPERATED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES OR A
35 LIMITED SECURE FACILITY WITHIN A SOCIAL SERVICES DISTRICT OPERATING AN
36 APPROVED JUVENILE JUSTICE SERVICES CLOSE TO HOME INITIATIVE PURSUANT TO
37 SECTION FOUR HUNDRED FOUR OF THE SOCIAL SERVICES LAW.

38 S 10. Notwithstanding any other provision of law to the contrary, the
39 state shall be authorized to lease to the city of New York, for a dollar
40 a year, any real property utilized for the care, maintenance and super-
41 vision of adjudicated juvenile delinquents for use by a social services
42 district pursuant to an approved plan for a juvenile justice services
43 close to home initiative for the purpose of carrying out any powers,
44 functions or duties described in section four hundred four of the social
45 services law, or any other provision of this act. The city of New York
46 shall be responsible for the all costs associated with operating and
47 maintaining such real property other than any debt services costs for
48 such property that were in existence when the lease was executed. Appli-
49 cable state officials shall be authorized to make announced and unan-
50 nounced inspections of the property to determine whether it is being
51 maintained in an appropriate manner. The city of New York shall be
52 responsible for making any repairs to such leased property necessary to
53 maintain the property in at least as good as condition as it was when
54 the property was first leased to the city, allowing for normal wear and
55 tear, and shall return the property to the state, when the lease ends or
56 is terminated, in the same or better condition than the property was in

1 at the time the lease was first executed, aside from normal wear and
2 tear. The city of New York shall obtain prior approval from the state
3 for any major renovations to any such leased property. The leasing to
4 the social services district or the subleasing, design, construction,
5 reconstruction, improvement, rehabilitation, maintaining, furnishing,
6 repairing, equipping or use of any such facility by the social services
7 district for the care, maintenance and supervision of adjudicated juve-
8 nile delinquents shall not be subject to the provisions of any general,
9 special or local law, city charter, administrative code, ordinance or
10 resolution governing uniform land use review procedures, any other land
11 use planning review and approvals, historic preservation procedures,
12 architectural reviews, franchise approvals and other state or local
13 review and approval procedures governing the use of land and the
14 improvements thereon within the city.

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

27

SUBPART B

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

30 3-A. AS TO DELINQUENT CHILDREN:

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

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

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

51 (4) THE SOCIAL SERVICES DISTRICT, PURSUANT TO THE REGULATIONS OF THE
52 OFFICE OF CHILDREN AND FAMILY SERVICES, MAY CAUSE A JUVENILE DELINQUENT
53 TO BE RETURNED TO A FACILITY OPERATED AND MAINTAINED BY THE DISTRICT, OR
54 AN AUTHORIZED AGENCY UNDER CONTRACT WITH THE DISTRICT, AT ANY TIME WITH-

1 IN THE PERIOD OF PLACEMENT, WHERE THERE IS A VIOLATION OF THE CONDITIONS
2 OF RELEASE OR A CHANGE OF CIRCUMSTANCES.

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

5 (I) IF, IN THE OPINION OF THE SOCIAL SERVICES DISTRICT, THERE IS NO
6 SUITABLE PARENT, RELATIVE OR GUARDIAN TO WHOM A JUVENILE DELINQUENT CAN
7 BE CONDITIONALLY RELEASED, AND SUITABLE CARE CANNOT OTHERWISE BE
8 SECURED, THE DISTRICT MAY CONDITIONALLY RELEASE SUCH JUVENILE DELINQUENT
9 TO THE CARE OF ANY OTHER SUITABLE PERSON.

10 (II) IF A CONDITIONALLY RELEASED JUVENILE DELINQUENT IS SUBJECT TO
11 ARTICLE SIXTY-FIVE OF THE EDUCATION LAW OR ELECTS TO PARTICIPATE IN AN
12 EDUCATIONAL PROGRAM LEADING TO A HIGH SCHOOL DIPLOMA, HE OR SHE SHALL BE
13 ENROLLED IN A SCHOOL OR EDUCATIONAL PROGRAM LEADING TO A HIGH SCHOOL
14 DIPLOMA FOLLOWING RELEASE, OR, IF SUCH RELEASE OCCURS DURING THE SUMMER
15 RECESS, UPON THE COMMENCEMENT OF THE NEXT SCHOOL TERM. IF A CONDI-
16 TIONALLY RELEASED JUVENILE DELINQUENT IS NOT SUBJECT TO ARTICLE
17 SIXTY-FIVE OF THE EDUCATION LAW, AND DOES NOT ELECT TO PARTICIPATE IN AN
18 EDUCATIONAL PROGRAM LEADING TO A HIGH SCHOOL DIPLOMA, STEPS SHALL BE
19 TAKEN, TO THE EXTENT POSSIBLE, TO FACILITATE HIS OR HER GAINFUL EMPLOY-
20 MENT OR ENROLLMENT IN A VOCATIONAL PROGRAM FOLLOWING RELEASE.

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

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

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

32 (C) IN ADDITION TO THE OTHER REQUIREMENTS OF THIS SECTION, NO JUVENILE
33 DELINQUENT PLACED WITH A SOCIAL SERVICES DISTRICT OPERATING AN APPROVED
34 JUVENILE JUSTICE SERVICES CLOSE TO HOME INITIATIVE PURSUANT TO SECTION
35 FOUR HUNDRED FOUR OF THIS CHAPTER PURSUANT TO A RESTRICTIVE PLACEMENT
36 UNDER THE FAMILY COURT ACT SHALL BE RELEASED EXCEPT PURSUANT TO SECTION
37 353.5 OF THE FAMILY COURT ACT.

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

40 2-B. THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL DEVELOP A VALI-
41 DATED PRE-DISPOSITIONAL RISK ASSESSMENT INSTRUMENT AND ANY RISK ASSESS-
42 MENT PROCESS FOR JUVENILE DELINQUENTS. THE DIVISION SHALL PERIODICALLY
43 REVALIDATE ANY APPROVED PRE-DISPOSITIONAL RISK ASSESSMENT INSTRUMENT.
44 THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL CONSPICUOUSLY POST ANY
45 APPROVED PRE-DISPOSITIONAL RISK ASSESSMENT INSTRUMENT AND ANY RISK
46 ASSESSMENT PROCESS ON ITS WEBSITE AND SHALL CONFER WITH APPROPRIATE
47 STAKEHOLDERS, INCLUDING BUT NOT LIMITED TO, ATTORNEYS FOR CHILDREN,
48 PRESENTMENT AGENCIES, PROBATION AND THE FAMILY COURT, PRIOR TO REVISING
49 ANY VALIDATED PRE-DISPOSITIONAL RISK ASSESSMENT INSTRUMENT OR PROCESS.
50 ANY SUCH REVISED PRE-DISPOSITIONAL RISK ASSESSMENT INSTRUMENT SHALL BE
51 SUBJECT TO PERIODIC EMPIRICAL VALIDATION. THE DIVISION OF CRIMINAL
52 JUSTICE SERVICES SHALL PROVIDE TRAINING ON THE INSTRUMENT AND ANY PROC-
53 ESS TO THE FAMILY COURTS, LOCAL PROBATION DEPARTMENTS, PRESENTMENT AGEN-
54 CIES AND COURT APPOINTED ATTORNEYS FOR RESPONDENTS. THE DIVISION MAY
55 DETERMINE THAT A PRE-DISPOSITIONAL RISK ASSESSMENT INSTRUMENT AND ANY
56 PROCESS IN USE PURSUANT TO SUBDIVISION TWO-A OF SECTION 351.1 OF THIS

PART MAY CONTINUE TO BE USED PURSUANT TO SUCH SUBDIVISION INSTEAD OF REQUIRING THE USE OF ANY INSTRUMENT OR PROCESS DEVELOPED PURSUANT TO THIS SUBDIVISION.

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

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

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

(D) LOCAL PROBATION DEPARTMENTS SHALL PROVIDE THE DIVISION OF CRIMINAL JUSTICE SERVICES WITH INFORMATION REGARDING USE OF THE PRE-DISPOSITIONAL RISK ASSESSMENT INSTRUMENT AND ANY RISK ASSESSMENT PROCESS IN THE TIME AND MANNER REQUIRED BY THE DIVISION. THE DIVISION MAY REQUIRE THAT SUCH DATA BE SUBMITTED TO THE DIVISION ELECTRONICALLY. THE DIVISION SHALL SHARE SUCH INFORMATION WITH THE OFFICE OF CHILDREN AND FAMILY SERVICES.

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

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

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

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

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

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

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

4 Where the respondent is placed with the commissioner of the local
5 social services district[, the court may direct the commissioner to
6 place him or her with an authorized agency or class of authorized agen-
7 cies, including, if] AND the court finds that the respondent is a sexu-
8 ally exploited child as defined in subdivision one of section four
9 hundred forty-seven-a of the social services law[,] AND PLACES SUCH
10 RESPONDENT IN an available long-term safe house. Unless the disposi-
11 tional order provides otherwise, the court so directing shall include
12 one of the following alternatives to apply in the event that the commis-
13 sioner is unable to so place the respondent:

14 S 5. The opening paragraph of subdivision 3 of section 353.3 of the
15 family court act, as amended by section 6 of part G of chapter 58 of the
16 laws of 2010, is amended to read as follows:

17 Where the respondent is placed with the office of children and family
18 services, the court shall, unless [it directs the office to place him or
19 her with an authorized agency or class of authorized agencies, including
20 if] the court finds that the respondent is a sexually exploited child as
21 defined in subdivision one of section four hundred forty-seven-a of the
22 social services law[,] AND PLACES SUCH RESPONDENT IN an available long-
23 term safe house pursuant to subdivision four of this section, authorize
24 the office to do one of the following:

25 S 6. Subdivision 4 of section 353.3 of the family court act, as
26 amended by section 6 of part G of chapter 58 of the laws of 2010, is
27 amended to read as follows:

28 4. Where the respondent is placed with the office of children and
29 family services, AND IF THE COURT FINDS THAT THE RESPONDENT IS A SEXUAL-
30 LY EXPLOITED CHILD AS DEFINED IN SUBDIVISION ONE OF SECTION FOUR HUNDRED
31 FORTY-SEVEN-A OF THE SOCIAL SERVICES LAW, the court may direct the
32 office to place the respondent [with an authorized agency or class of
33 authorized agencies, including, if the court finds that the respondent
34 is a sexually exploited child as defined in subdivision one of section
35 four hundred forty-seven-a of the social services law,] IN an available
36 long-term safe house, and in the event the office is unable to so place
37 the respondent [or, discontinues the placement with the authorized agen-
38 cy], the respondent shall be deemed to have been placed with the office
39 pursuant to paragraph (b) or (c) of subdivision three of this section.
40 [In such cases, the office shall notify the court, presentment agency,
41 respondent's attorney and parent or other person responsible for the
42 respondent's care, of the reason for discontinuing the placement with
43 the authorized agency and the level and location of the youth's place-
44 ment.]

45 S 7. Subdivisions 1 and 2 of section 355.4 of the family court act, as
46 added by chapter 479 of the laws of 1992, are amended to read as
47 follows:

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

55 2. Notwithstanding subdivision one of this section, where the court
56 places a youth with the [division] OFFICE OF CHILDREN AND FAMILY

SERVICES OR A SOCIAL SERVICES DISTRICT pursuant to this article and no medical consent has been obtained prior to an order of disposition, the placement order shall be deemed to grant consent for the [division for youth] OFFICE OR THE DISTRICT to provide for routine medical, dental and mental health services and treatment to such youth so placed.

S 8. This act shall take effect April 1, 2012; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.

S 3. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

S 4. This act shall take effect immediately; provided, however, that the applicable effective date of subparts A and B of this act shall be as specifically set forth in the last section of such subparts.

PART H

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

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

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

(h) If a college did not apply for a potential grant by March 31, 2009, funds associated with such potential grant shall be awarded, on a competitive basis, to other colleges, according to the priorities set forth below. Colleges shall be eligible to apply for unutilized grants. In such cases, the following priorities shall apply: first, priority shall be given to otherwise eligible colleges that either were, or would have been, deemed ineligible for the program prior to March 31, 2009,

1 due to missed deadlines, insufficient matching funds, lack of accredi-
2 tation or other disqualifying reasons; and second, after the board has
3 acted upon all such first-priority applications for unused funds, if any
4 such funds remain, those funds shall be available for distribution to
5 eligible colleges that are located within the same Regents of the State
6 of New York region for which such funds were originally allocated. The
7 dormitory authority shall develop a request for proposals and applica-
8 tion process, in consultation with the board, for such grants and shall
9 develop criteria, subject to review by the board, for the awarding of
10 such grants. Such criteria shall incorporate the matching criteria
11 contained in paragraph (c) of this subdivision, and the application
12 criteria set forth in paragraph (e) of this subdivision. The dormitory
13 authority shall require all applications in response to the request for
14 proposals to be submitted by September 1, [2010] 2012, and the board
15 shall act on each application for such matching grants by November 1,
16 [2010] 2012.

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

24 (A) Notwithstanding the provision of any general or special law to the
25 contrary, and subject to the provisions of chapter 59 of the laws of
26 2000 and to the making of annual appropriations therefor by the legisla-
27 ture, in order to assist the dormitory authority in providing such high-
28 er education capital matching grants, the director of the budget is
29 authorized in any state fiscal year commencing April 1, 2005 or any
30 state fiscal year thereafter for a period ending on March 31, [2012]
31 2014, to enter into one or more service contracts, none of which shall
32 exceed 30 years in duration, with the dormitory authority, upon such
33 terms as the director of the budget and the dormitory authority agree.

34 S 4. Paragraph (b) of subdivision 7 of section 1 of part U of chapter
35 57 of the laws of 2005 amending the labor law and other laws implement-
36 ing the state fiscal plan for the 2005-2006 state fiscal year, relating
37 to the New York state higher education matching grant program for inde-
38 pendent colleges, as amended by section 3 of part I of chapter 60 of the
39 laws of 2011, is amended to read as follows:

40 (b) Any eligible institution receiving a grant pursuant to this arti-
41 cle shall report to the dormitory authority no later than June 1, [2012]
42 2013, on the use of funding received and its programmatic and economic
43 impact. The dormitory authority shall submit a report no later than
44 November 1, [2012] 2013 to the board, the governor, the director of the
45 budget, the temporary president of the senate, and the speaker of the
46 assembly on the aggregate impact of the higher education capital match-
47 ing grant program. Such report shall provide information on the progress
48 and economic impact of such project.

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

51

PART I

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

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

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

19 S 2. This act shall take effect immediately.

20 PART J

21 Section 1. Subdivision 4 of section 4410 of the education law, as
22 added by chapter 243 of the laws of 1989, paragraph a as amended by
23 chapter 705 of the laws of 1992, paragraph c as amended by chapter 474
24 of the laws of 1996 and paragraphs d and e as amended by chapter 520 of
25 the laws of 1993, is amended to read as follows:

26 4. Evaluations. a. The board shall identify each preschool child
27 suspected of having a [handicapping condition] DISABILITY who resides
28 within the district and, upon referral to the committee shall, with the
29 consent of the parent, provide for an evaluation related to the
30 suspected disability of the child. The board shall make such identifica-
31 tion in accordance with regulations of the commissioner.

32 b. Each board shall, within time limits established by the commission-
33 er, be responsible for providing the parent of a preschool child
34 suspected of having a [handicapping condition] DISABILITY with a list of
35 approved evaluators in the geographic area. The parent may select the
36 evaluator from such list. PROVIDED HOWEVER THAT, FOR THE TWO THOUSAND
37 TWELVE -- TWO THOUSAND THIRTEEN SCHOOL YEAR AND THEREAFTER, A
38 LESS-THAN-ARM'S-LENGTH RELATIONSHIP SHALL NOT EXIST BETWEEN THE EVALU-
39 ATOR SELECTED BY THE PARENT FROM SUCH LIST AND THE PROVIDER RECOMMENDED
40 BY THE BOARD TO DELIVER SERVICES TO THE PRESCHOOL CHILD WITH A DISABILI-
41 TY, UNLESS APPROVAL OF THE COMMISSIONER IS OBTAINED OR FOR THE TWO THOU-
42 SAND TWELVE -- TWO THOUSAND THIRTEEN SCHOOL YEAR THE PRESCHOOL CHILD WAS
43 ENROLLED IN SUCH PROGRAM IN THE PRIOR YEAR. PROVIDED FURTHER THAT,
44 UNLESS AUTHORIZED BY THE COMMISSIONER UPON A FINDING THAT THE BOARD HAS
45 DEMONSTRATED THAT THE PROGRAM OFFERED BY THE PROVIDER IS THE ONLY APPRO-
46 PRIATE PROGRAM AVAILABLE TO PROVIDE THE PROGRAMS AND SERVICES RECOM-
47 MENDED IN THE CHILD'S INDIVIDUALIZED EDUCATION PROGRAM, THE EVALUATOR
48 SELECTED BY THE PARENT FROM SUCH LIST AND THE PROVIDER RECOMMENDED BY
49 THE BOARD TO DELIVER SERVICES TO SUCH PRESCHOOL CHILD WITH A DISABILITY
50 SHALL NOT BE THE SAME ENTITY. Each board shall provide for dissemination
51 of the list and other information to parents at appropriate sites
52 including but not limited to pre-kindergarten, day care, head start
53 programs and early childhood direction centers, pursuant to regulations
54 of the commissioner.

1 c. The documentation of the evaluation shall include all assessment
2 reports and a summary report of the findings of the evaluation on a form
3 prescribed by the commissioner including a detailed statement of the
4 preschool child's individual needs. The summary report shall not make
5 reference to any specific provider of special services or programs. In
6 addition, with the consent of the parents, approved evaluators THAT
7 CONDUCT AN EVALUATION PURSUANT TO THIS SUBDIVISION and committees shall
8 be provided with the most recent evaluation report for a child in tran-
9 sition from programs and services provided pursuant to title [two-a]
10 TWO-A of article twenty-five of the public health law. Nothing shall
11 prohibit an approved evaluator THAT CONDUCTS AN EVALUATION PURSUANT TO
12 THIS SUBDIVISION or the committee from reviewing other assessments or
13 evaluations to determine if such assessments or evaluations fulfill the
14 requirements of the regulations of the commissioner. Notwithstanding any
15 inconsistent provisions of this section, the committee, in its
16 discretion, may obtain an evaluation of the child from another approved
17 evaluator prior to making any recommendation that would place a child in
18 the approved program that conducted the initial evaluation of the child.

19 d. The approved evaluator shall, following completion of the evalu-
20 ation, transmit the documentation of the evaluation to all members of
21 the committee and to a person designated by the municipality in which
22 the preschool child resides. Each municipality shall notify the
23 [approved evaluators in the geographic area] COMMITTEE of the person so
24 designated. The summary report of the evaluation shall be transmitted in
25 English and when necessary, also in the dominant language or other mode
26 of communication of the parent; the documentation of the evaluation
27 shall be transmitted in English and, upon the request of the parent,
28 also in the dominant language or other mode of communication of the
29 parent, unless not clearly feasible to do so pursuant to regulations
30 promulgated by the commissioner. Costs of translating the summary report
31 and documentation of the evaluation shall be separately reimbursed. If,
32 based on the evaluation, the committee finds that a child has a [handi-
33 capping condition] DISABILITY, the committee shall use the documentation
34 of the evaluation to develop an individualized education program for the
35 preschool child. Nothing herein shall prohibit an approved evaluator
36 from at any time providing the parent with a copy of the documentation
37 of the evaluation provided to the committee.

38 e. Prior to the committee meeting at which eligibility will be deter-
39 mined, the committee shall provide the parent with a copy of the summary
40 report of the findings of the evaluation, and shall provide the parent
41 with written notice of the opportunity to address the committee in
42 person or in writing. Upon timely request of the parent, the committee
43 shall, prior to meeting, provide a copy of all written documentation to
44 be considered by the committee; provided, however, that such material
45 shall be provided to the parent at any time upon request.

46 f. If the parent disagrees with the evaluation, the parent may obtain
47 an additional evaluation at public expense to the extent authorized by
48 federal law or regulation.

49 S 2. Subparagraph (i) of paragraph b of subdivision 5 of section 4410
50 of the education law, as amended by chapter 474 of the laws of 1996, is
51 amended to read as follows:

52 (i) If the committee determines that the child has a disability, the
53 committee shall recommend approved appropriate services or special
54 programs and the frequency, duration and intensity of such services,
55 including but not limited to the appropriateness of single services or
56 half-day programs based on the individual needs of the preschool child.

1 The committee shall first consider the appropriateness of providing: (i)
2 related services only; (ii) special education itinerant services only;
3 (iii) related services in combination with special education itinerant
4 services; (iv) a half-day program, as defined in the regulations of the
5 commissioner; (v) a full day program; in meeting the child's needs. If
6 the committee determines that the child demonstrates the need for a
7 single related service, such service shall be provided as a related
8 service only or, where appropriate, as a special education itinerant
9 service. Prior to recommending the provision of special education
10 services in a setting which includes only preschool children with disa-
11 bilities, the committee shall first consider providing special education
12 services in a setting which includes age-appropriate peers without disa-
13 bilities. Provision of special education services in a setting with no
14 regular contact with such age-appropriate peers shall be considered only
15 when the nature or severity of the child's disability is such that
16 education in a less restrictive environment with the use of supplementa-
17 ry aids and services cannot be achieved satisfactorily. IN ADDITION,
18 PRIOR TO RECOMMENDING PLACEMENT OF A PRESCHOOL CHILD IN AN APPROVED
19 PROGRAM, THE COMMITTEE SHALL DETERMINE WHETHER SUCH PLACEMENT IS AS
20 CLOSE AS POSSIBLE TO THE CHILD'S HOME AND, IN MAKING SUCH DETERMINATION,
21 SHALL CONSIDER WHETHER ANOTHER APPROPRIATE APPROVED PROGRAM LOCATED
22 CLOSER TO THE CHILD'S HOME IS AVAILABLE. The committee's recommendation
23 shall include a statement of the reasons why less restrictive placements
24 were not recommended, INCLUDING, WHERE THE COMMITTEE RECOMMENDS PLACE-
25 MENT IN AN APPROVED PROGRAM THAT IS MORE DISTANT FROM THE CHILD'S HOME
26 THAN ANOTHER APPROVED PROGRAM OFFERING COMPARABLE SERVICES APPROPRIATE
27 TO THE NEEDS OF THE PRESCHOOL CHILD, AN EXPLANATION OF WHY THE MORE
28 DISTANT PROGRAM WAS RECOMMENDED. The committee may recommend placement
29 in a program that uses psychotropic drugs only if the program has a
30 written policy pertaining to such use and the parent is given a copy of
31 such written policy at the time such recommendation is made.

32 S 3. Paragraph b of subdivision 11 of section 4410 of the education
33 law, as amended by chapter 170 of the laws of 1994, subparagraph (ii) as
34 amended by section 54 of part C of chapter 57 of the laws of 2004,
35 subparagraph (iii) as amended by chapter 205 of the laws of 2009, clause
36 (b) of subparagraph (iii) as amended by section 63 of part A of chapter
37 58 of the laws of 2011, subparagraphs (iv) and (v) as added by chapter
38 474 of the laws of 1996 and subparagraph (vi) as added by section 1 of
39 part Q1 of chapter 109 of the laws of 2006, is amended to read as
40 follows:

41 b. (i) Commencing with the reimbursement of municipalities for
42 services provided pursuant to this section on or after July first, nine-
43 teen hundred ninety-three, AND EXCEPT AS OTHERWISE PROVIDED IN THIS
44 SUBPARAGRAPH, the state shall reimburse fifty-nine and [one half]
45 ONE-HALF percent of the approved costs paid by a municipality for the
46 purposes of this section. Commencing with the reimbursement of munici-
47 palities [for services provided pursuant to this section on or after
48 July first, nineteen hundred ninety-four, the state shall reimburse
49 sixty-nine and one-half percent of the approved costs paid by a munici-
50 pality for the purposes of this section. The state shall reimburse fifty
51 percent of the approved costs paid by a municipality for the purposes of
52 this section for services provided prior to July first, nineteen hundred
53 ninety-three] OTHER THAN THE CITY OF NEW YORK FOR SERVICES PROVIDED
54 PURSUANT TO THIS SECTION ON OR AFTER JULY FIRST, TWO THOUSAND TWELVE,
55 THE STATE SHALL ALSO REIMBURSE SIXTY-SIX AND SIX-TENTHS PERCENT OF THE
56 EXCESS LOCAL SHARE AMOUNT. Such state reimbursement to the municipality

1 shall BE NET OF ANY DEDUCTIONS PURSUANT TO SUBPARAGRAPH (IV) OF THIS
2 PARAGRAPH AND SHALL not be paid prior to April first of the school year
3 in which such approved costs are paid by the municipality.

4 (ii) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE
5 COMMISSIONER, SUBJECT TO THE APPROVAL OF THE DIRECTOR OF THE BUDGET,
6 SHALL COMPUTE AND ESTABLISH A LOCAL SHARE BASE AMOUNT FOR CLAIMS BY
7 MUNICIPALITIES OTHER THAN THE CITY OF NEW YORK OF THE APPROVED COSTS
8 SUBJECT TO STATE REIMBURSEMENT FOR SERVICES PROVIDED PURSUANT TO THIS
9 SECTION IN EACH SCHOOL YEAR STARTING WITH THE TWO THOUSAND TWELVE--TWO
10 THOUSAND THIRTEEN SCHOOL YEAR. FOR PURPOSES OF THIS PARAGRAPH, THE
11 "LOCAL SHARE BASE AMOUNT" MEANS THE PRODUCT OF (A) FORTY AND ONE-HALF
12 PERCENT AND (B) THE APPROVED COSTS INCURRED PURSUANT TO THIS SECTION AND
13 SECTION FORTY-FOUR HUNDRED TEN-A OF THIS ARTICLE IN THE TWO THOUSAND
14 ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR ATTRIBUTABLE TO EACH SUCH MUNI-
15 CIPALITY, AND THE "LOCAL SHARE AMOUNT" MEANS THE PRODUCT OF (A) FORTY
16 AND ONE-HALF PERCENT AND (B) THE APPROVED COSTS INCURRED PURSUANT TO
17 THIS SECTION AND SECTION FORTY-FOUR HUNDRED TEN-A OF THIS ARTICLE IN THE
18 CURRENT SCHOOL YEAR ATTRIBUTABLE TO EACH MUNICIPALITY, AND THE "EXCESS
19 LOCAL SHARE AMOUNT" MEANS THE POSITIVE DIFFERENCE BETWEEN THE LOCAL
20 SHARE AMOUNT LESS THE LOCAL SHARE BASE AMOUNT. THE COMMISSIONER SHALL
21 ALSO COMPUTE THE "SCHOOL DISTRICT SHARE" FOR EACH SCHOOL DISTRICT OF
22 RESIDENCE OF PRESCHOOL CHILDREN WHO RESIDE WITHIN THE MUNICIPALITY, AND
23 FOR EACH PRESCHOOL CHILD WHO IS HOMELESS OR A FOSTER CARE CHILD LIVES
24 AND FOR WHOM THE MUNICIPALITY IS THE MUNICIPALITY OF RESIDENCE AS
25 DEFINED IN SECTION FORTY-FOUR HUNDRED TEN-A OF THIS ARTICLE. THE "SCHOOL
26 DISTRICT SHARE" MEANS THE PRODUCT OF: (A) THIRTY-THREE AND THREE-TENTHS
27 PERCENT AND (B) THE EXCESS LOCAL SHARE AMOUNT ATTRIBUTABLE TO THE SCHOOL
28 DISTRICT. THE SCHOOL DISTRICT SHARE SHALL BE A CHARGE UPON THE SCHOOL
29 DISTRICT. THE COMMISSIONER SHALL DEDUCT AN AMOUNT EQUAL TO SUCH UNPAID
30 OBLIGATION FROM ANY PAYMENTS WHICH BECOME DUE TO SUCH SCHOOL DISTRICT
31 PURSUANT TO SUBDIVISION THREE OF SECTION FORTY-FOUR HUNDRED EIGHT OF
32 THIS CHAPTER. WHERE SUCH SCHOOL DISTRICT IS NOT ELIGIBLE FOR PAYMENTS
33 PURSUANT TO SUCH SECTION FORTY-FOUR HUNDRED EIGHT OR THE AMOUNT OF SUCH
34 UNPAID OBLIGATIONS EXCEEDS THE AMOUNT DUE TO SUCH SCHOOL DISTRICT PURSU-
35 ANT TO SUCH SECTION FORTY-FOUR HUNDRED EIGHT IN THE CURRENT SCHOOL YEAR,
36 THE COMMISSIONER SHALL DEDUCT AN AMOUNT EQUAL TO SUCH UNPAID OBLIGATION
37 FROM ANY GENERAL AID FOR PUBLIC SCHOOLS PAYMENTS WHICH BECOME DUE TO
38 SUCH SCHOOL DISTRICT PURSUANT TO SECTION THIRTY-SIX HUNDRED NINE-A OF
39 THIS CHAPTER, EXCLUDING PAYMENTS PURSUANT TO CLAUSE (III) OF SUBPARA-
40 GRAPH THREE OF PARAGRAPH B OF SUBDIVISION ONE OF SUCH SECTION THIRTY-SIX
41 HUNDRED NINE-A. WHERE SUCH SCHOOL DISTRICT IS NOT ELIGIBLE FOR PAYMENTS
42 PURSUANT TO SUCH SECTION THIRTY-SIX HUNDRED NINE-A, OR THE AMOUNT OF
43 SUCH UNPAID OBLIGATIONS EXCEEDS THE AMOUNT DUE TO SUCH SCHOOL DISTRICT
44 PURSUANT TO SUCH SECTION THIRTY-SIX HUNDRED NINE-A IN THE CURRENT SCHOOL
45 YEAR, THE COMMISSIONER SHALL BILL AND RECOVER FROM SUCH SCHOOL DISTRICT
46 ANY EXCESS UNPAID OBLIGATION AND THE AMOUNT RECOVERED FROM SUCH SCHOOL
47 DISTRICT SHALL BE CREDITED TO THE APPROPRIATION FOR PURPOSES OF THIS
48 SECTION IN THE LOCAL ASSISTANCE ACCOUNT OF THE DEPARTMENT. PROVIDED
49 HOWEVER, THAT NO SUCH DEDUCTION OR RECOVERY SHALL BE MADE PRIOR TO JULY
50 FIRST, TWO THOUSAND THIRTEEN AND THE AMOUNT SO DEDUCTED FROM PAYMENTS
51 PURSUANT TO SECTIONS FORTY-FOUR HUNDRED EIGHT OR THIRTY-SIX HUNDRED
52 NINE-A SHALL BE TRANSFERRED TO THE APPROPRIATION MADE FOR PURPOSES OF
53 THIS SECTION FROM THE SUMMER SCHOOL SPECIAL EDUCATION APPROPRIATION OR
54 THE GENERAL SUPPORT FROM PUBLIC SCHOOLS APPROPRIATION.

55 (III) In accordance with a schedule adopted by the commissioner, each
56 municipality which has been notified by a board of its obligation to

1 contract for the provision of approved special services or programs for
2 a preschool child shall be provided with a listing of all such children
3 by the commissioner. Such list shall include approved services and costs
4 as prescribed by the commissioner for each such child for whom the muni-
5 cipality shall certify, on such list, the amount expended for such
6 purposes and the date of expenditure. Upon the receipt of such certified
7 statement, the commissioner shall examine the same, and if such expendi-
8 tures were made as required by this section, the commissioner shall
9 approve it and transmit it to the comptroller for audit. The comptroller
10 shall thereupon issue his warrant, in the amount specified in such
11 approved statement for the payment thereof out of moneys appropriated
12 therefor, to the municipal treasurer or chief fiscal officer as the case
13 may be.

14 [(iii)] (IV) (a) Notwithstanding the provisions of this paragraph, any
15 monies due municipalities pursuant to this paragraph for services
16 provided during the two thousand eight--two thousand nine and prior
17 school years shall be reduced by an amount equal to the product of the
18 percentage of the approved costs reimbursed by the state pursuant to
19 subparagraph (i) of this paragraph and any federal participation, pursu-
20 ant to title XIX of the social security act, in special education
21 programs provided pursuant to this section. The commissioner shall
22 deduct such amount, as certified by the commissioner of health as the
23 authorized fiscal agent of the state education department. Such
24 deductions shall be made in accordance with a plan developed by the
25 commissioner and approved by the director of the budget. To the extent
26 that such deductions exceed moneys owed to the municipality pursuant to
27 this paragraph, such excess shall be deducted from any other payments
28 due the municipality.

29 (b) Any moneys due municipalities pursuant to this paragraph for
30 services provided during the two thousand nine--two thousand ten school
31 year and thereafter, or for services provided in a prior school year
32 that were not reimbursed by the state on or before April first, two
33 thousand eleven, shall, in the first instance, be designated as the
34 state share of moneys due a municipality pursuant to title XIX of the
35 social security act, on account of school supportive health services
36 provided to preschool students with disabilities pursuant to this
37 section. Such state share shall be assigned on behalf of municipalities
38 to the department of health, as provided herein; the amount designated
39 as such nonfederal share shall be transferred by the commissioner to the
40 department of health based on the monthly report of the commissioner of
41 health to the commissioner; and any remaining moneys to be apportioned
42 to a municipality pursuant to this section shall be paid in accordance
43 with this section. The amount to be assigned to the department of
44 health, as determined by the commissioner of health, for any munici-
45 pality shall not exceed the federal share of any moneys due such munici-
46 pality pursuant to title XIX of the social security act. Moneys desig-
47 nated as state share moneys shall be paid to such municipality by the
48 department of health based on the submission and approval of claims
49 related to such school supportive health services, in the manner
50 provided by law.

51 [(iv)] (V) Notwithstanding any other provision of law to the contrary,
52 no payments shall be made by the commissioner pursuant to this section
53 on or after July first, nineteen hundred ninety-six based on a claim for
54 services provided during school years nineteen hundred eighty-nine--ni-
55 nety, nineteen hundred ninety--ninety-one, nineteen hundred ninety-one-
56 ninety-two, nineteen hundred ninety-two--ninety-three, nineteen hundred

1 ninety-three--ninety-four, and nineteen hundred ninety-four--ninety-five
2 which is submitted later than two years after the end of the nineteen
3 hundred ninety-five--ninety-six school year; provided, however, that no
4 payment shall be barred or reduced where such payment is required as a
5 result of a court order or judgment or a final audit, and provided
6 further that the commissioner may grant a waiver to a municipality
7 excusing the late filing of such a claim upon a finding that the delay
8 was caused by a party other than the municipality or a board to which
9 the municipality delegated authority pursuant to paragraph f of subdivi-
10 sion five or subdivision eight of this section.

11 [(v)] (VI) Notwithstanding any other provision of law to the contrary,
12 no payments shall be made by the commissioner pursuant to this section
13 on or after July first, nineteen hundred ninety-six based on a claim for
14 services provided in the nineteen hundred ninety-five--ninety-six school
15 year or thereafter which is submitted later than three years after the
16 end of the school year in which services were rendered, provided, howev-
17 er, that no payment shall be barred or reduced where such payment is
18 required as a result of a court order or judgment or a final audit, and
19 provided further that the commissioner may grant a waiver to a munici-
20 pality excusing the late filing of such a claim upon a finding that the
21 delay was caused by a party other than the municipality or a board to
22 which the municipality delegates authority pursuant to paragraph f of
23 subdivision five or subdivision eight of this section.

24 [(vi)] (VII) Notwithstanding any other provision of law to the contra-
25 ry, beginning with state reimbursement otherwise payable in the two
26 thousand six--two thousand seven state fiscal year and in each year
27 thereafter, payments pursuant to this section, subject to county agree-
28 ment and in the amounts specified in such agreement, shall be paid no
29 later than June thirtieth of the state fiscal year next following the
30 state fiscal year in which such reimbursement was otherwise eligible for
31 payment and in which the liability to the county for such state
32 reimbursement accrued, provided that such payments in a subsequent state
33 fiscal year shall be recognized by the state and the applicable county
34 as satisfying the state reimbursement obligation for the prior state
35 fiscal year. Any unspent amount associated with such county agreements
36 shall not be available for payments to other counties or municipalities.

37 S 4. This act shall take effect July 1, 2012.

38

PART K

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

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

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

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

S 3. This act shall take effect immediately.

PART L

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

S 2. This act shall take effect April 1, 2012; provided, however, if this act shall become a law after such date it shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2012.

PART M

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

(d) (I) NOTWITHSTANDING ANY PROVISION OF LAW OR REGULATION TO THE CONTRARY, ANY INFORMATION OR DATA NECESSARY FOR THE DEVELOPMENT, COMPLETION, VALIDATION OR REVALIDATION OF THE DETENTION RISK ASSESSMENT INSTRUMENT SHALL BE SHARED BETWEEN LOCAL PROBATION DEPARTMENTS, THE DIVISION OF CRIMINAL JUSTICE SERVICES AND, WHERE AUTHORIZED BY THE DIVISION, ANY ENTITY UNDER CONTRACT WITH THE DIVISION TO PROVIDE INFORMATION TECHNOLOGY SERVICES, THE OFFICE, AND ANY ENTITY UNDER CONTRACT WITH THE OFFICE TO PROVIDE SERVICES RELATING TO THE DEVELOPMENT, COMPLETION, VALIDATION OR REVALIDATION OF THE DETENTION RISK ASSESSMENT INSTRUMENT.

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

S 2. This act shall take effect immediately.

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

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

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