

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

S. 6257--E

A. 9057--D

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

January 17, 2012

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

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

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

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

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

provisions upon expiration thereof (Subpart B) (Part G); to amend chapter 57 of the laws of 2005 amending the labor law and other laws implementing the state fiscal plan for the 2005-2006 state fiscal year, relating to the New York state higher education capital matching grant program for independent colleges, in relation to the effectiveness thereof (Part H); to amend the education law, in relation to provision of services, technical assistance and program activities to state agencies by Cornell university (Part I); intentionally omitted (Part J); to amend the education law, in relation to authorizing the board of cooperative educational services to enter into contracts with the commissioner of children and family services to provide certain services; and providing for the repeal of such provisions upon expiration thereof (Part K); to repeal section 527-1 of the executive law, relating to annual reports of the youth center facility program (Part L); to amend the executive law, in relation to the creation of a validated risk assessment instrument (Part M); directing the board of trustees of SUNY and CUNY to conduct a study on student remediation and strategies and programs to promote transition to college readiness (Part N); to amend the education law, in relation to the SUNY Challenge Grant Program (Part O); to amend the education law, in relation to non-resident tuition of students of the university centers of the State University of New York (Part P); to amend the education law, in relation to community college charges for non-residence students (Part Q); to amend the vehicle and traffic law, in relation to the demonstration program authorized within Nassau and Suffolk counties (Part R); to authorize payments of aid and incentives for municipalities (Part S); to amend the public lands law, in relation to state aid on certain state leased or state-owned land (Part T); to amend the general municipal law, in relation to the municipal redevelopment law authorizing tax increment bonds payable from and secured by real property taxes levied by a school district within a project area (Part U); to amend the public health law and the education law, in relation to prescription forms and labels, interpretation services and patients with limited English proficiency (Part V); and to amend the executive law, in relation to providing for the establishment of a state veteran's cemetery (Part W)

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

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 W. 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, including
7 the effective date of the Part, which makes a reference to a section
8 "of this act", when used in connection with that particular component,
9 shall be deemed to mean and refer to the corresponding section of the
10 Part in which it is found. Section three of this act sets forth the
11 general effective date of this act.

1 Section 1. Notwithstanding any inconsistent provision of law, no
2 school district shall be eligible for an apportionment of general
3 support for public schools from the funds appropriated for the 2012-13
4 school year in excess of the amount apportioned to such district for the
5 same time period during the base year unless such school district has
6 submitted documentation that has been approved by the commissioner of
7 education by January 17, 2013 demonstrating that it has fully imple-
8 mented new standards and procedures for conducting annual professional
9 performance reviews of classroom teachers and building principals to
10 determine teacher and principal effectiveness including but not limited
11 to providing for (i) state assessments and other comparable measures
12 which shall comprise twenty or twenty-five percent of the evaluation;
13 (ii) locally selected measures of the student achievement subcomponent
14 which shall comprise twenty or fifteen percent of the evaluation; (iii)
15 subjective measures of effectiveness that have been approved by the
16 commissioner with the majority of such points based on multiple observa-
17 tions by an administrator or principal with at least one unannounced
18 observation which shall comprise 60 percent of the evaluation; and (iv)
19 a scoring rubric which ensures that it is possible to receive any one of
20 four ratings limited to highly effective, effective, developing and
21 ineffective; provided however that if any such payments in excess of the
22 amount apportioned to such district for the same time period during the
23 base year were made, and the school district has not submitted documen-
24 tation that it has fully implemented new standards and procedures as set
25 forth above that has been approved by the commissioner of education by
26 January 17, 2013, the total amount of such payments shall be deducted by
27 the commissioner from future payments to the school district; provided
28 further that, for the 2012-13 school year if such deduction is greater
29 than the sum of the amounts available for such deductions, the remainder
30 of the deduction shall be withheld from payments scheduled to be made to
31 the school district pursuant to section 3609-a of the education law for
32 the 2013-14 school year; provided further that notwithstanding any
33 inconsistent provision of law to the contrary such documentation shall
34 include a plan adopted by the governing board of the school district for
35 conducting annual professional performance reviews of classroom teachers
36 and building principals that has been approved by the commissioner, and
37 in order to be approvable such plan shall conform with the requirements
38 for conducting annual professional performance reviews of classroom
39 teachers and building principals, including but not limited to (i) state
40 assessments and other comparable measures which shall comprise twenty or
41 twenty-five percent of the evaluation; (ii) locally selected measures of
42 the student achievement subcomponent which shall comprise twenty or
43 fifteen percent of the evaluation; (iii) subjective measures of effec-
44 tiveness that have been approved by the commissioner with the majority
45 of such points based on multiple observations by an administrator or
46 principal with at least one unannounced observation which shall comprise
47 60 percent of the evaluation; and (iv) a scoring rubric which ensures
48 that it is possible to receive any one of four ratings limited to highly
49 effective, effective, developing and ineffective; consistent with and
50 conforms to a chapter of the laws of 2012 amending the education law
51 relating to annual professional performance review of classroom teachers
52 and building principals and the teacher evaluation appeal process in the
53 city of New York, as proposed in legislative bill numbers S.6732 and
54 A.9554, and provided further that for a school district in a city with a
55 population of one million or more, notwithstanding any inconsistent
56 provision of law, no such school district shall be eligible for an

1 apportionment of general support for public schools from the funds
2 appropriated for the 2012-13 school year in excess of the amount appro-
3 priated to such district for the same time period during the base year
4 unless such school district has submitted documentation that has been
5 approved by the commissioner by January 17, 2013 demonstrating that it
6 has adopted an expeditious appeals process pertaining to the annual
7 professional performance review of classroom teachers and building prin-
8 cipals that is consistent with and conforms to a chapter of the laws of
9 2012 amending the education law relating to annual professional perform-
10 ance review of classroom teachers and building principals and the teach-
11 er evaluation appeal process in the city of New York, as proposed in
12 legislative bill numbers S.6732 and A.9554, and if any such payments in
13 excess of the amount apportioned to such district for the same time
14 period during the base year were made, and the school district has not
15 submitted documentation that has been approved by the commissioner by
16 January 17, 2013 that it has adopted an expeditious appeals process
17 pertaining to the annual professional performance review of classroom
18 teachers and building principals that is consistent with and conforms to
19 a chapter of the laws of 2012 amending the education law relating to
20 annual professional performance review of classroom teachers and build-
21 ing principals and the teacher evaluation appeal process in the city of
22 New York, as proposed in legislative bill numbers S.6732 and A.9554, the
23 total amount of such payments shall be deducted by the commissioner from
24 future payments to the school district; and provided further that, for
25 the 2012-13 school year if such deduction is greater than the sum of the
26 amounts available for such deductions, the remainder of the deduction
27 shall be withheld from payments scheduled to be made to the school
28 district pursuant to section 3609-a of the education law for the 2013-14
29 school year.

30 S 2. Paragraph e of subdivision 1 of section 211-d of the education
31 law, as amended by section 1 of part A of chapter 58 of the laws of
32 2011, is amended to read as follows:

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

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

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

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

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

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

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

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

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

54 S 4. Intentionally omitted.

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

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

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

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

23 c. The gap elimination adjustment for the two thousand twelve--two
24 thousand thirteen school year and thereafter shall be equal to the gap
25 elimination adjustment for the base year, plus, in any year in which the
26 preliminary growth amount exceeds the allowable growth amount, the prod-
27 uct of the gap elimination adjustment percentage for such district and
28 the positive difference, if any, between the preliminary growth amount
29 less the allowable growth amount, as computed pursuant to subdivision
30 one of this section, and less the [product of the gap elimination
31 adjustment percentage for such district and the] gap elimination adjust-
32 ment restoration amount, if any, allocated pursuant to [subdivision
33 eighteen of] this section.

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

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

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

1 SCHOOL YEAR DIVIDED BY TOTAL GENERAL FUND EXPENDITURES IN THE BASE YEAR,
2 THE PRODUCT OF (1) THE PRODUCT OF THE GEA/TGFE RATIO MULTIPLIED BY NINE-
3 TY DOLLARS, COMPUTED TO TWO DECIMAL PLACES WITHOUT ROUNDING, MULTIPLIED
4 BY (2) THE STATE SHARING RATIO COMPUTED PURSUANT TO PARAGRAPH G OF
5 SUBDIVISION THREE OF THIS SECTION MULTIPLIED BY (3) THE PUBLIC SCHOOL
6 DISTRICT ENROLLMENT FOR THE BASE YEAR, CALCULATED PURSUANT TO SUBPARA-
7 GRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION; OR
8 (C) THE PRODUCT OF TWO AND NINE HUNDRED FIFTY-SIX ONE-THOUSANDTHS OF A
9 PERCENT (0.02956) MULTIPLIED BY THE GAP ELIMINATION ADJUSTMENT FOR THE
10 TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR; OR
11 (D) THE PRODUCT OF (1) THE POSITIVE DIFFERENCE, IF ANY, OF ONE AND
12 THIRTY-SEVEN ONE-HUNDREDTHS (1.37) MINUS THE PRODUCT OF THE COMBINED
13 WEALTH RATIO COMPUTED PURSUANT TO SUBPARAGRAPH ONE OF PARAGRAPH C OF
14 SUBDIVISION THREE OF THIS SECTION MULTIPLIED BY ONE AND ONE-HALF (1.5),
15 BUT NOT MORE THAN ONE, MULTIPLIED BY (2) THE PUBLIC SCHOOL DISTRICT
16 ENROLLMENT FOR THE BASE YEAR, CALCULATED PURSUANT TO SUBPARAGRAPH TWO OF
17 PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION, MULTIPLIED BY (3) FOUR
18 HUNDRED SEVENTY-THREE DOLLARS AND SEVENTY CENTS; OR
19 (E) FOR ANY DISTRICT WITH A TAX EFFORT RATIO COMPUTED PURSUANT TO
20 SUBPARAGRAPH THREE OF PARAGRAPH A OF SUBDIVISION SIXTEEN OF THIS SECTION
21 THAT IS GREATER THAN FOUR AND FOUR-TENTHS (4.4) AND A COMBINED WEALTH
22 RATIO COMPUTED PURSUANT TO SUBPARAGRAPH ONE OF PARAGRAPH C OF SUBDIVI-
23 SION THREE OF THIS SECTION THAT IS LESS THAN ONE AND ONE-HALF (1.5), THE
24 PRODUCT OF (1) THE STATE SHARING RATIO COMPUTED PURSUANT TO PARAGRAPH G
25 OF SUBDIVISION THREE OF THIS SECTION MULTIPLIED BY (2) THE PUBLIC SCHOOL
26 DISTRICT ENROLLMENT FOR THE BASE YEAR, CALCULATED PURSUANT TO SUBPARA-
27 GRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION, MULTIPLIED
28 BY (3) THREE HUNDRED NINE DOLLARS AND THIRTY CENTS;
29 BUT SHALL BE NO GREATER THAN THE PRODUCT OF TWENTY-FIVE PERCENT AND THE
30 GAP ELIMINATION ADJUSTMENT FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND
31 TWELVE SCHOOL YEAR FOR THE DISTRICT, AND (II) THE LIMITED ENGLISH PROFI-
32 CIENCY RESTORATION WHICH SHALL BE APPORTIONED TO CITY SCHOOL DISTRICTS
33 OF CITIES WITH A POPULATION IN EXCESS OF ONE HUNDRED TWENTY-FIVE THOU-
34 SAND AND LESS THAN ONE MILLION. FOR ANY SUCH CITY SCHOOL DISTRICT WITH A
35 LIMITED ENGLISH PROFICIENCY RATIO GREATER THAN OR EQUAL TO FOUR PERCENT
36 AND LESS THAN FIVE PERCENT, THE LIMITED ENGLISH PROFICIENCY RESTORATION
37 SHALL EQUAL THE PRODUCT OF THE LIMITED ENGLISH PROFICIENCY RESTORATION
38 BASE MULTIPLIED BY SEVEN TENTHS. FOR ANY SUCH CITY SCHOOL DISTRICT WITH
39 A LIMITED ENGLISH PROFICIENCY RATIO GREATER THAN OR EQUAL TO FIVE
40 PERCENT, THE LIMITED ENGLISH PROFICIENCY RESTORATION SHALL EQUAL THE
41 PRODUCT OF THE LIMITED ENGLISH PROFICIENCY RESTORATION BASE MULTIPLIED
42 BY TWO AND TWO TENTHS. FOR ANY SUCH CITY SCHOOL DISTRICT WITH A LIMITED
43 ENGLISH PROFICIENCY RATIO LESS THAN FOUR PERCENT, THE LIMITED ENGLISH
44 PROFICIENCY RESTORATION SHALL EQUAL THE PRODUCT OF THE LIMITED ENGLISH
45 PROFICIENCY RESTORATION BASE MULTIPLIED BY ONE AND SEVENTY-FIVE
46 HUNDREDTHS.
47 (A) FOR THE PURPOSES OF COMPUTATIONS PURSUANT TO THIS SUBPARAGRAPH (1)
48 "LIMITED ENGLISH PROFICIENCY RATIO" SHALL MEAN THE QUOTIENT OF (A) THE
49 PRODUCT OF THE LIMITED ENGLISH PROFICIENCY COUNT COMPUTED PURSUANT TO
50 PARAGRAPH O OF SUBDIVISION ONE OF THIS SECTION MULTIPLIED BY FIFTY
51 PERCENT, DIVIDED BY (B) PUBLIC SCHOOL DISTRICT ENROLLMENT FOR THE BASE
52 YEAR COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF SUBDIVISION
53 ONE OF THIS SECTION;
54 (2) "LIMITED ENGLISH PROFICIENCY RESTORATION BASE" SHALL MEAN THE
55 PRODUCT OF THE AMOUNT SET FORTH FOR SUCH SCHOOL DISTRICT AS "TOTAL"
56 UNDER THE HEADING "2011-12 BASE YEAR AIDS" IN THE SCHOOL AID COMPUTER

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

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

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

13 In addition to any other apportionment pursuant to this chapter, a
14 school district, other than a special act school district as defined in
15 subdivision eight of section four thousand one of this chapter, shall be
16 eligible for total foundation aid equal to the product of total aidable
17 foundation pupil units multiplied by the district's selected foundation
18 aid, which shall be the greater of five hundred dollars (\$500) or foun-
19 dation formula aid, provided, however that for the two thousand seven--
20 two thousand eight through two thousand eight--two thousand nine school
21 years, no school district shall receive total foundation aid in excess
22 of the sum of the total foundation aid base for aid payable in the two
23 thousand seven--two thousand eight school year computed pursuant to
24 subparagraph (i) of paragraph j of subdivision one of this section, plus
25 the phase-in foundation increase computed pursuant to paragraph b of
26 this subdivision, and provided further that for the two thousand twelve-
27 -two thousand thirteen school year and thereafter, no school district
28 shall receive total foundation aid in excess of the sum of the total
29 foundation aid base for aid payable in the [two thousand twelve--two
30 thousand thirteen] TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE school year
31 computed pursuant to paragraph j of subdivision one of this section,
32 plus the phase-in foundation increase computed pursuant to paragraph b
33 of this subdivision, and provided further that total foundation aid
34 shall not be less than the product of the total foundation aid base
35 computed pursuant to paragraph j of subdivision one of this section and
36 one hundred [three] AND SIX-TENTHS percent (1.006) subject to allocation
37 pursuant to the provisions of subdivision eighteen of this section and
38 any provisions of a chapter of the laws of New York as described there-
39 in, nor more than the product of such total foundation aid base and one
40 hundred fifteen percent, and provided further that for the two thousand
41 nine--two thousand ten through two thousand eleven--two thousand twelve
42 school years, each school district shall receive total foundation aid in
43 an amount equal to the amount apportioned to such school district for
44 the two thousand eight--two thousand nine school year pursuant to this
45 subdivision. Total aidable foundation pupil units shall be calculated
46 pursuant to paragraph g of subdivision two of this section. For the
47 purposes of calculating aid pursuant to this subdivision, aid for the
48 city school district of the city of New York shall be calculated on a
49 citywide basis.

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

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

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

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

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

S 8. Intentionally omitted.

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

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

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

15 S 10. Paragraph b of subdivision 2 of section 3612 of the education
16 law, as amended by section 46 of part A of chapter 58 of the laws of
17 2011, is amended to read as follows:

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

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

40 Notwithstanding any provision of law to the contrary, for aid payable
41 in the two thousand eight--two thousand nine school year, the grant to
42 each eligible school district for universal prekindergarten aid shall be
43 computed pursuant to this subdivision, and for the two thousand nine--
44 two thousand ten and two thousand ten--two thousand eleven school years,
45 each school district shall be eligible for a maximum grant equal to the
46 amount computed for such school district for the base year in the elec-
47 tronic data file produced by the commissioner in support of the two
48 thousand nine--two thousand ten education, labor and family assistance
49 budget, provided, however, that in the case of a district implementing
50 programs for the first time or implementing expansion programs in the
51 two thousand eight--two thousand nine school year where such programs
52 operate for a minimum of ninety days in any one school year as provided
53 in section 151-1.4 of the regulations of the commissioner, for the two
54 thousand nine--two thousand ten and two thousand ten--two thousand elev-
55 en school years, such school district shall be eligible for a maximum
56 grant equal to the amount computed pursuant to paragraph a of subdivi-

1 sion nine of this section in the two thousand eight--two thousand nine
2 school year, and for the two thousand eleven--two thousand twelve [and
3 two thousand twelve--two thousand thirteen school years] SCHOOL YEAR
4 each school district shall be eligible for a maximum grant equal to the
5 amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN"
6 under the heading "2011-12 ESTIMATED AIDS" in the school aid computer
7 listing produced by the commissioner in support of the enacted budget
8 for the 2011-12 school year and entitled "SA111-2", AND FOR TWO THOUSAND
9 TWELVE--TWO THOUSAND THIRTEEN AND TWO THOUSAND THIRTEEN--TWO THOUSAND
10 FOURTEEN SCHOOL YEARS EACH SCHOOL DISTRICT SHALL BE ELIGIBLE FOR A MAXI-
11 MUM GRANT EQUAL TO THE GREATER OF (I) THE AMOUNT SET FORTH FOR SUCH
12 SCHOOL DISTRICT AS "UNIVERSAL PREKINDERGARTEN" UNDER THE HEADING "2010-
13 11 BASE YEAR AIDS" IN THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE
14 COMMISSIONER IN SUPPORT OF THE ENACTED BUDGET FOR THE 2011-12 SCHOOL
15 YEAR AND ENTITLED "SA111-2", OR (II) THE AMOUNT SET FORTH FOR SUCH
16 SCHOOL DISTRICT AS "UNIVERSAL PREKINDERGARTEN" UNDER THE HEADING "2010-
17 11 BASE YEAR AIDS" IN THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE
18 COMMISSIONER ON MAY FIFTEENTH, TWO THOUSAND ELEVEN PURSUANT TO PARAGRAPH
19 B OF SUBDIVISION TWENTY-ONE OF SECTION THREE HUNDRED FIVE OF THIS CHAP-
20 TER, and provided further that the maximum grant shall not exceed the
21 total actual grant expenditures incurred by the school district in the
22 current school year as approved by the commissioner.

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

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

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

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

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

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

4 S 11. Intentionally omitted.

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

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

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

21 D. A SCHOOL DISTRICT THAT SUBMITS DOCUMENTATION THAT HAS BEEN APPROVED
22 BY THE COMMISSIONER BY SEPTEMBER FIRST, TWO THOUSAND TWELVE DEMONSTRAT-
23 ING THAT IT HAS FULLY IMPLEMENTED NEW STANDARDS AND PROCEDURES FOR
24 CONDUCTING ANNUAL PROFESSIONAL PERFORMANCE REVIEWS OF CLASSROOM TEACHERS
25 AND BUILDING PRINCIPALS TO DETERMINE TEACHER AND PRINCIPAL EFFECTIVE-
26 NESS, SHALL RECEIVE BONUS POINTS IN THE SCORING OF ITS GRANT APPLICA-
27 TION.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

55 [2.] 4. The state shall reimburse the school district of which any
56 such child is resident at the time of admission or readmission to any of

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

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

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

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

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

39 C. The costs of board and lodging shall be a charge upon the state and
40 the directors of the institution shall receive an appropriation for each
41 pupil so provided for, in quarterly payments, to be paid by the commis-
42 sioner of taxation and finance, on the warrant of the comptroller, to
43 the treasurer of said institution; provided, however, that an estimated
44 one-half of each such quarterly payment shall be due on the first day of
45 each quarter, the estimate to be based on the affidavit of the chief
46 executive officer of the institution stating the number of pupils for
47 whom board and lodging was so provided by the institution during the
48 preceding quarter and during the comparable quarter of the preceding
49 year, and the remaining part of each such quarterly payment shall be due
50 thereafter on the first day of the quarter next ensuing, upon the pres-
51 entation by the treasurer of the institution of a bill showing the actu-
52 al time and number of pupils attending the institution who received
53 board and lodging, which bill shall be signed by the chief executive
54 officer of the institution, and verified by his oath.

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

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

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

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

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

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

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

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

3 S 3627. TRANSPORTATION AFTER 5PM. 1. NOTWITHSTANDING ANY OTHER PROVI-
4 SIONS OF THIS SECTION TO THE CONTRARY, FOR THE TWO THOUSAND TWELVE--TWO
5 THOUSAND THIRTEEN SCHOOL YEAR, A CITY SCHOOL DISTRICT LOCATED IN A CITY
6 HAVING A POPULATION OF ONE MILLION OR MORE PROVIDING TRANSPORTATION
7 PURSUANT TO THIS CHAPTER SHALL BE RESPONSIBLE FOR (I) PROVIDING TRANS-
8 PORTATION AFTER FIVE O'CLOCK IN THE AFTERNOON FOR THOSE CHILDREN ATTEND-
9 ING PUBLIC AND NONPUBLIC SCHOOLS IN GRADES KINDERGARTEN THROUGH SIX WHO
10 REMAIN AT THE SAME SCHOOL FOR WHICH THEY ARE ENROLLED FOR REGULARLY
11 SCHEDULED ACADEMIC CLASSES FROM HALF-PAST NINE O'CLOCK IN THE MORNING OR
12 EARLIER UNTIL FIVE O'CLOCK IN THE AFTERNOON OR LATER, ON WEEKDAYS, AND
13 RESIDE AT LEAST ONE MILE FROM THEIR SCHOOL OF ATTENDANCE FOR GRADES
14 THREE THROUGH SIX, AND AT LEAST ONE-HALF MILE FROM THEIR SCHOOL OF
15 ATTENDANCE FOR GRADES KINDERGARTEN THROUGH TWO OR (II) REIMBURSING THE
16 COST INCURRED BY LICENSED TRANSPORTATION CARRIERS PURSUANT TO CONTRACTS
17 WITH SUCH SCHOOL DISTRICT FOR PROVIDING TRANSPORTATION FOR THOSE CHIL-
18 DREN ATTENDING PUBLIC AND NONPUBLIC SCHOOLS IN GRADES KINDERGARTEN
19 THROUGH SIX WHO REMAIN AT THE SAME SCHOOL FOR WHICH THEY ARE ENROLLED
20 FOR REGULARLY SCHEDULED ACADEMIC CLASSES FROM HALF-PAST NINE O'CLOCK IN
21 THE MORNING OR EARLIER UNTIL FIVE O'CLOCK IN THE AFTERNOON OR LATER, ON
22 WEEKDAYS, AND RESIDE AT LEAST ONE MILE FROM THEIR SCHOOL OF ATTENDANCE
23 FOR GRADES THREE THROUGH SIX, AND AT LEAST ONE-HALF MILE FROM THEIR
24 SCHOOL OF ATTENDANCE FOR GRADES KINDERGARTEN THROUGH TWO. NOTHING HERE-
25 IN SHALL PROHIBIT THE SCHOOL DISTRICT FROM REIMBURSING FOR COSTS
26 INCURRED FOR SUCH CONTRACTS BETWEEN THE SCHOOL DISTRICT AND ANY ENTITY
27 PROVIDING OR CONTRACTING FOR SUCH TRANSPORTATION SERVICE. A DISTRICT
28 DOES NOT SATISFY ITS OBLIGATION UNDER THIS SECTION BY PROVIDING PUBLIC
29 SERVICE TRANSPORTATION.

30 2. THE EXPENDITURE OF THE APPROPRIATION PROVIDED FOR THE PURPOSE HERE-
31 IN SHALL NOT BE CONSIDERED ELIGIBLE FOR TRANSPORTATION AID.

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

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

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

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

1 ments of such aid relating thereto, the actions or omissions of all
2 officers, employees or agents of an eligible school district relating to
3 or in connection with transportation contracts for the 2004-05 school
4 year through the 2011-12 school year and for contracts and contract
5 extensions entered into prior to the 2004-05 school year for which
6 expenses were incurred in the 2004-05 school year or thereafter, and,
7 where a district can demonstrate to the satisfaction of the commissioner
8 that such actions or omissions involve only inadvertent and minor cler-
9 ical or technical errors, all acts incidental thereto are hereby legal-
10 ized, validated, ratified and confirmed, notwithstanding any failure to
11 comply with the filing provisions of the education law, the general
12 municipal law or any other law, rule or regulation other than those
13 filing provisions defined in paragraph a of subdivision 5 of section
14 3604 of the education law, in relation to any omission, error, defect,
15 irregularity or illegality in such proceeding had and taken.

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

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

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

44 1. Sections one through seventy of this act shall be deemed to have
45 been in full force and effect as of April 1, 1994 provided, however,
46 that sections one, two, twenty-four, twenty-five and twenty-seven
47 through seventy of this act shall expire and be deemed repealed on March
48 31, 2000; provided, however, that section twenty of this act shall apply
49 only to hearings commenced prior to September 1, 1994, and provided
50 further that section twenty-six of this act shall expire and be deemed
51 repealed on March 31, 1997; and provided further that sections four
52 through fourteen, sixteen, and eighteen, nineteen and twenty-one through
53 twenty-one-a of this act shall expire and be deemed repealed on March
54 31, 1997; and provided further that sections three, fifteen, seventeen,
55 twenty, twenty-two and twenty-three of this act shall expire and be
56 deemed repealed on March 31, [2013] 2014.

1 S 17-a. Subdivision 6-a of section 140 of chapter 82 of the laws of
2 1995, amending the education law and certain other laws relating to
3 state aid to school districts and the appropriation of funds for the
4 support of government, as amended by section 51 of part B of chapter 57
5 of the laws of 2007, is amended to read as follows:

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

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

13 (22) sections one hundred twelve, one hundred thirteen, one hundred
14 fourteen, one hundred fifteen and one hundred sixteen of this act shall
15 take effect on July 1, 1995; provided, however, that section one hundred
16 thirteen of this act shall remain in full force and effect until July 1,
17 [2012] 2013 at which time it shall be deemed repealed;

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

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

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

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

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

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

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

43 S 22. Section 5 of chapter 101 of the laws of 2003, amending the
44 education law relating to implementation of the No Child Left Behind Act
45 of 2001, as amended by section 74 of part A of chapter 58 of the laws of
46 2011, is amended to read as follows:

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

50 S 22-a. Subparagraph 5 of paragraph g of subdivision 2 of section
51 3012-c of the education law, as amended by a chapter of the laws of 2012
52 amending the education law relating to annual professional performance
53 review of classroom teachers and building principals and the teacher
54 evaluation appeal process in the city of New York, as proposed in legis-
55 lative bill numbers S. 6732 and A. 9554, is REPEALED.

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

3 15. ANNUAL PROFESSIONAL PERFORMANCE REVIEWS TRANSITION GRANTS. A. FOR
4 THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR AND/OR THE TWO
5 THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR PROVIDED, IF A SCHOOL
6 DISTRICT HAS SUBMITTED A PLAN PURSUANT TO PARAGRAPH K OF SUBDIVISION TWO
7 OF SECTION THREE THOUSAND TWELVE-C OF THIS CHAPTER BEFORE JUNE THIRTI-
8 ETH, TWO THOUSAND TWELVE AND THE COMMISSIONER FINDS THAT SUCH PLAN DOES
9 NOT MEET THE REQUIREMENTS OF SECTION THREE THOUSAND TWELVE-C OF THIS
10 CHAPTER UNDER PARAGRAPH K OF SUBDIVISION TWO OF SECTION THREE THOUSAND
11 TWELVE-C OF THIS CHAPTER, AND THAT THE COST OF IMPLEMENTING THE LOCAL-
12 LY-DEVELOPED COMPONENTS OF AN APPROVED PLAN PURSUANT TO PARAGRAPH K OF
13 SUBDIVISION TWO OF SECTION THREE THOUSAND TWELVE-C OF THIS CHAPTER ARE
14 MORE COSTLY THAN THE PLAN THAT IS ORIGINALLY SUBMITTED, THE COMMISSIONER
15 IS AUTHORIZED TO AWARD ANNUAL PROFESSIONAL PERFORMANCE REVIEWS TRANSI-
16 TION GRANTS TO ELIGIBLE SCHOOL DISTRICTS PURSUANT TO THIS SUBDIVISION.

17 B. PRIOR TO THE SUBMISSION OF THE PLAN FOR APPROVAL UNDER PARAGRAPH K
18 OF SUBDIVISION TWO OF SECTION THREE THOUSAND TWELVE-C OF THIS CHAPTER A
19 SCHOOL DISTRICT MAY SUBMIT FOR REVIEW TO THE COMMISSIONER PRIOR TO JUNE
20 THIRTIETH, TWO THOUSAND TWELVE LOCALLY DEVELOPED COMPONENTS TO MEET THE
21 REQUIREMENTS OF SECTION THREE THOUSAND TWELVE-C OF THIS CHAPTER FOR THE
22 TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR AND/OR THE TWO
23 THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR. A SCHOOL DISTRICT
24 SHALL HAVE THE AUTHORITY TO SUBMIT LOCALLY DEVELOPED COMPONENTS TO THE
25 COMMISSIONER ONLY IF SUCCESSFULLY DETERMINED THROUGH COLLECTIVE BARGAIN-
26 ING. THE COMMISSIONER SHALL HAVE THE DISCRETION AND AUTHORITY TO REVIEW
27 SUCH LOCALLY DEVELOPED COMPONENTS AND IN SUCH CASES IF THE COMMISSIONER
28 DETERMINES THAT CHANGES TO THE SUBMITTED LOCALLY DEVELOPED COMPONENTS
29 ARE NECESSARY TO MEET THE REQUIREMENTS OF SECTION THREE THOUSAND
30 TWELVE-C OF THIS CHAPTER AND FURTHER THE COMMISSIONER DETERMINES SUCH
31 CHANGES ARE MORE COSTLY THAN THE LOCALLY DEVELOPED COMPONENTS ORIGINALLY
32 SUBMITTED UNDER THIS PARAGRAPH, THE COMMISSIONER IS AUTHORIZED TO AWARD
33 ANNUAL PROFESSIONAL PERFORMANCE REVIEWS TRANSITION GRANTS TO ELIGIBLE
34 SCHOOL DISTRICTS PURSUANT TO THIS SUBDIVISION UPON FINAL APPROVAL OF THE
35 PLAN UNDER PARAGRAPH K OF SUBDIVISION TWO OF SECTION THREE THOUSAND
36 TWELVE-C OF THIS CHAPTER.

37 C. THE SCHOOL DISTRICT MAY PROVIDE A SCHEDULE OF SUCH ADDITIONAL
38 EXPENSES, IF ANY, ON A FORM PRESCRIBED BY THE COMMISSIONER, THAT WERE
39 NECESSARILY INCURRED BY THE SCHOOL DISTRICT IN ORDER TO IMPLEMENT THE
40 SPECIFIC REQUIREMENTS OF THE COMMISSIONER CONTAINED IN THE APPROVED
41 PLAN. THE COMMISSIONER SHALL HAVE THE DISCRETION AND AUTHORITY TO
42 APPROVE OR DISAPPROVE SUCH EXPENSES FROM SUCH SCHEDULE FOR GRANTS UNDER
43 THIS SUBDIVISION. THE COMMISSIONER MAY REQUIRE SUPPORTING DOCUMENTATION
44 FROM THE SCHOOL DISTRICT IN ORDER TO DETERMINE WHETHER OR NOT SUCH ADDI-
45 TIONAL EXPENSES WERE VALID, REASONABLE, AND ESSENTIAL TO IMPLEMENTING
46 THE SPECIFIC REQUIREMENTS OF THE COMMISSIONER AND TO DETERMINE WHETHER
47 OR NOT SUCH CLAIM, OR ANY PART OF SUCH CLAIM, BE APPROVED. THE COMMIS-
48 SIONER MAY ALSO CONSIDER THE MANNER IN WHICH THE COMPONENTS OF THE PLAN
49 WERE DEVELOPED AND IF SUCH REQUIREMENTS WERE NOT MET AS A RESULT OF A
50 LACK OF GOOD FAITH.

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

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

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

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

13 S 24. School bus driver training. In addition to apportionments other-
14 wise provided by section 3602 of the education law, for aid payable in
15 the 2012--13 school year, the commissioner of education shall allocate
16 school bus driver training grants to school districts and boards of
17 cooperative education services pursuant to sections 3650-a, 3650-b and
18 3650-c of the education law, or for contracts directly with not-for-pro-
19 fit educational organizations for the purposes of this section. Such
20 payments shall not exceed four hundred thousand dollars (\$400,000) per
21 school year.

22 S 25. Support of public libraries. The moneys appropriated for the
23 support of public libraries by the chapter of the laws of 2012 enacting
24 the aid to localities budget shall be apportioned for the 2012--13 state
25 fiscal year in accordance with the provisions of sections 271, 272, 273,
26 282, 284, and 285 of the education law as amended by the provisions of
27 this act, provided that library construction aid pursuant to section
28 273-a of the education law shall not be payable from the appropriations
29 for the support of public libraries and provided further that no
30 library, library system or program, as defined by the commissioner of
31 education, shall receive less total system or program aid than it
32 received for the year 2001--2002 except as a result of a reduction
33 adjustment necessary to conform to the appropriations for support of
34 public libraries.

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

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

1 city with a population in excess of 1,000,000 inhabitants, plus (iii)
2 209 percent of such amount for a city school district in a city with a
3 population of more than 195,000 inhabitants and less than 219,000 inhab-
4 itants according to the latest federal census plus (iv) the net gap
5 elimination adjustment for 2010--2011, as determined by the commissioner
6 of education pursuant to chapter 53 of the laws of 2010, plus (v) the
7 gap elimination adjustment for 2011--12 as determined by the commission-
8 er of education pursuant to subdivision 17 of section 3602 of the educa-
9 tion law, and provided further that such apportionment shall not exceed
10 such salary expenses. Such application shall be made by a school
11 district, after the board of education or trustees have adopted a resol-
12 ution to do so and in the case of a city school district in a city with
13 a population in excess of 125,000 inhabitants, with the approval of the
14 mayor of such city.

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

31 c. Notwithstanding the provisions of section 3609-a of the education
32 law, an amount equal to the amount paid to a school district pursuant to
33 subdivisions a and b of this section shall first be deducted from the
34 following payments due the school district during the school year
35 following the year in which application was made pursuant to subpara-
36 graphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of
37 section 3609-a of the education law in the following order: the lottery
38 apportionment payable pursuant to subparagraph (2) of such paragraph
39 followed by the fixed fall payments payable pursuant to subparagraph (4)
40 of such paragraph and then followed by the district's payments to the
41 teachers' retirement system pursuant to subparagraph (1) of such para-
42 graph, and any remainder to be deducted from the individualized payments
43 due the district pursuant to paragraph b of such subdivision shall be
44 deducted on a chronological basis starting with the earliest payment due
45 the district.

46 S. 27. Special apportionment for public pension accruals. a. Notwith-
47 standing any other provision of law, upon application to the commission-
48 er of education, not later than June 30, 2013, a school district eligi-
49 ble for an apportionment pursuant to section 3602 of the education law
50 shall be eligible to receive an apportionment pursuant to this section,
51 for the school year ending June 30, 2013 and such apportionment shall
52 not exceed the additional accruals required to be made by school
53 districts in the 2004--05 and 2005--06 school years associated with
54 changes for such public pension liabilities. The amount of such addi-
55 tional accrual shall be certified to the commissioner of education by
56 the president of the board of education or the trustees or, in the case

1 of a city school district in a city with a population in excess of
2 125,000 inhabitants, the mayor of such city. Such application shall be
3 made by a school district, after the board of education or trustees have
4 adopted a resolution to do so and in the case of a city school district
5 in a city with a population in excess of 125,000 inhabitants, with the
6 approval of the mayor of such city.

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

23 c. Notwithstanding the provisions of section 3609-a of the education
24 law, an amount equal to the amount paid to a school district pursuant to
25 subdivisions a and b of this section shall first be deducted from the
26 following payments due the school district during the school year
27 following the year in which application was made pursuant to subpara-
28 graphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of
29 section 3609-a of the education law in the following order: the lottery
30 apportionment payable pursuant to subparagraph (2) of such paragraph
31 followed by the fixed fall payments payable pursuant to subparagraph (4)
32 of such paragraph and then followed by the district's payments to the
33 teachers' retirement system pursuant to subparagraph (1) of such para-
34 graph, and any remainder to be deducted from the individualized payments
35 due the district pursuant to paragraph b of such subdivision shall be
36 deducted on a chronological basis starting with the earliest payment due
37 the district.

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

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

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

51 (2) SUBMIT A FIVE-YEAR FISCAL STABILIZATION PLAN IN A MANNER
52 PRESCRIBED BY THE COMMISSIONER, AND ALIGNED WITH THE FIVE-YEAR EDUCA-
53 TIONAL PLAN FOR APPROVAL BY THE COMMISSIONER OR HIS DESIGNEE BY SEPTEM-
54 BER FIRST OF EACH YEAR.

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

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

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

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

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

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

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

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

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

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

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

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

1 a. for the purpose of the development, maintenance or expansion of
2 magnet schools or magnet school programs for the 2012--2013 school year.
3 To the city school district of the city of New York there shall be paid
4 forty-eight million one hundred seventy-five thousand dollars
5 (\$48,175,000) including five hundred thousand dollars (\$500,000) for the
6 Andrew Jackson High School; to the Buffalo city school district, twenty-one million twenty-five thousand dollars (\$21,025,000); to the
7 Rochester city school district, fifteen million dollars (\$15,000,000);
8 to the Syracuse city school district, thirteen million dollars
9 (\$13,000,000); to the Yonkers city school district, forty-nine million
10 five hundred thousand dollars (\$49,500,000); to the Newburgh city school
11 district, four million six hundred forty-five thousand dollars
12 (\$4,645,000); to the Poughkeepsie city school district, two million four
13 hundred seventy-five thousand dollars (\$2,475,000); to the Mount Vernon
14 city school district, two million dollars (\$2,000,000); to the New
15 Rochelle city school district, one million four hundred ten thousand
16 dollars (\$1,410,000); to the Schenectady city school district, one
17 million eight hundred thousand dollars (\$1,800,000); to the Port Chester
18 city school district, one million one hundred fifty thousand dollars
19 (\$1,150,000); to the White Plains city school district, nine hundred
20 thousand dollars (\$900,000); to the Niagara Falls city school district,
21 six hundred thousand dollars (\$600,000); to the Albany city school
22 district, three million five hundred fifty thousand dollars
23 (\$3,550,000); to the Utica city school district, two million dollars
24 (\$2,000,000); to the Beacon city school district, five hundred sixty-six
25 thousand dollars (\$566,000); to the Middletown city school district,
26 four hundred thousand dollars (\$400,000); to the Freeport union free
27 school district, four hundred thousand dollars (\$400,000); to the Green-
28 burgh central school district, three hundred thousand dollars
29 (\$300,000); to the Amsterdam city school district, eight hundred thou-
30 sand dollars (\$800,000); to the Peekskill city school district, two
31 hundred thousand dollars (\$200,000); and to the Hudson city school
32 district, four hundred thousand dollars (\$400,000).
33

34 b. notwithstanding the provisions of subdivision a of this section, a
35 school district receiving a grant pursuant to this section may use such
36 grant funds for: (i) any instructional or instructional support costs
37 associated with the operation of a magnet school; or (ii) any instruc-
38 tional or instructional support costs associated with implementation of
39 an alternative approach to reduction of racial isolation and/or enhance-
40 ment of the instructional program and raising of standards in elementary
41 and secondary schools of school districts having substantial concen-
42 trations of minority students. The commissioner of education shall not
43 be authorized to withhold magnet grant funds from a school district that
44 used such funds in accordance with this paragraph, notwithstanding any
45 inconsistency with a request for proposals issued by such commissioner.
46

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

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

3 d. for the purpose of teacher support for the 2012--2013 school year:
4 to the city school district of the city of New York, sixty-two million
5 seven hundred seven thousand dollars (\$62,707,000); to the Buffalo city
6 school district, one million seven hundred forty-one thousand dollars
7 (\$1,741,000); to the Rochester city school district, one million seven-
8 ty-six thousand dollars (\$1,076,000); to the Yonkers city school
9 district, one million one hundred forty-seven thousand dollars
10 (\$1,147,000); and to the Syracuse city school district, eight hundred
11 nine thousand dollars (\$809,000). All funds made available to a school
12 district pursuant to this subdivision shall be distributed among teach-
13 ers including prekindergarten teachers and teachers of adult vocational
14 and academic subjects in accordance with this subdivision and shall be
15 in addition to salaries heretofore or hereafter negotiated or made
16 available; provided, however, that all funds distributed pursuant to
17 this section for the current year shall be deemed to incorporate all
18 funds distributed pursuant to former subdivision 27 of section 3602 of
19 the education law for prior years. In school districts where the teach-
20 ers are represented by certified or recognized employee organizations,
21 all salary increases funded pursuant to this section shall be determined
22 by separate collective negotiations conducted pursuant to the provisions
23 and procedures of article 14 of the civil service law, notwithstanding
24 the existence of a negotiated agreement between a school district and a
25 certified or recognized employee organization.

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

29 10. Notwithstanding any provision of law to the contrary, the govern-
30 ing board of a school district may, during the two thousand [eleven]
31 TWELVE--two thousand [twelve] THIRTEEN school year, authorize a with-
32 drawal from this fund in an amount not to exceed the lesser of: (a) the
33 dollar value of excess funding in the fund as determined by the comp-
34 troller pursuant to section thirty-three of this chapter or (b) the
35 amount of the school district's REMAINING gap elimination adjustment as
36 calculated by the commissioner of education pursuant to subdivision
37 seventeen of section thirty-six hundred two of the education law. Funds
38 withdrawn pursuant to this subdivision may only be used for the purpose
39 of maintaining educational programming during the two thousand [eleven]
40 TWELVE--two thousand [twelve] THIRTEEN school year which otherwise would
41 have been reduced as a result of such gap elimination adjustment.
42 Governing boards which make such a withdrawal shall submit, in a form
43 prescribed by the commissioner of education, relevant information about
44 the withdrawal, which shall include but not be limited to, the amount of
45 such withdrawal, the date of withdrawal, and the use of such withdrawn
46 funds.

47 S 31. a. Notwithstanding any other provision of law to the contrary,
48 the actions or omissions of any school district which failed to submit a
49 final building project cost report by June 30 of the school year follow-
50 ing June 30 of the school year in which the certificate of substantial
51 completion of the project is issued by the architect or engineer, or six
52 months after issuance of such certificate, whichever is later, are here-
53 by ratified and validated, provided that such building project was
54 eligible for aid in a year for which the commissioner is required to
55 prepare an estimate of apportionments due and owing pursuant to para-
56 graph c of subdivision 21 of section 305 of the education law, provided

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

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

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

25 S 31-a. Clause (b) of subparagraph 3 of paragraph e of subdivision 6
26 of section 3602 of the education law, as amended by section 4 of subpart
27 F of part C of chapter 97 of the laws of 2011, is amended to read as
28 follows:

29 (b) Such assumed amortization for a project approved by the commis-
30 sioner on or after the later of the first day of December, two thousand
31 one or thirty days after the date upon which this subdivision shall have
32 become a law and prior to the first day of July, two thousand eleven or
33 for any debt service related to projects approved by the commissioner
34 prior to such date where a bond, capital note or bond anticipation note
35 is first issued on or after the first day of December, two thousand one
36 to fund such projects, shall commence: (i) eighteen months after such
37 approval or (ii) on the date of receipt by the commissioner of a certif-
38 ication by the district that a general construction contract has been
39 awarded for such project by the district, whichever is later, and such
40 assumed amortization for a project approved by the commissioner on or
41 after the first day of July, two thousand eleven shall commence: (iii)
42 eighteen months after such approval or (iv) on the date of receipt by
43 the commissioner of both the final certificate of substantial completion
44 of the project issued by the architect or engineer and the final cost
45 report for such project, whichever is later or (v) upon the EFFECTIVE
46 date of A WAIVER BASED ON a finding by the commissioner, PURSUANT TO A
47 PROCESS SET FORTH BY THE COMMISSIONER, that the [certificate of substan-
48 tial completion of the project has been issued by the architect or engi-
49 neer, but the] district is unable to SUBMIT A FINAL CERTIFICATE OF
50 SUBSTANTIAL COMPLETION FOR THE PROJECT AND/OR complete the final cost
51 report because of circumstances beyond the control of the district. Such
52 assumed amortization shall provide for equal semiannual payments of
53 principal and interest based on an interest rate established pursuant to
54 subparagraph five of this paragraph for such purpose for the school year
55 during which such certification is received. The first installment of
56 obligations issued by the school district in support of such projects

1 may mature not later than the dates established pursuant to sections
2 21.00 and 22.10 of the local finance law.

3 S 32. Severability. The provisions of this act shall be severable, and
4 if the application of any clause, sentence, paragraph, subdivision,
5 section or part of this act to any person or circumstance shall be
6 adjudged by any court of competent jurisdiction to be invalid, such
7 judgment shall not necessarily affect, impair or invalidate the applica-
8 tion of any such clause, sentence, paragraph, subdivision, section, part
9 of this act or remainder thereof, as the case may be, to any other
10 person or circumstance, but shall be confined in its operation to the
11 clause, sentence, paragraph, subdivision, section or part thereof
12 directly involved in the controversy in which such judgment shall have
13 been rendered.

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

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

19 2. Sections six, seven, nine, ten, ten-a, twelve, thirteen, fourteen,
20 sixteen-a twenty-four and thirty of this act shall take effect July 1,
21 2012;

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

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

28 5. The amendments to subdivision 6 of section 4402 of the education
29 law made by section twelve of this act shall not affect the repeal of
30 such subdivision and shall be deemed repealed therewith;

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

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

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

44 PART A-1
45 Intentionally Omitted

46 PART A-2
47 Intentionally Omitted

48 PART B

49 Section 1. Section 3020-a of the education law, as amended by chapter
50 691 of the laws of 1994, paragraph (b) of subdivision 2 as separately
51 amended by chapters 296 and 325 of the laws of 2008, paragraph (c) of
52 subdivision 2 and paragraph a of subdivision 3 as amended and subpara-

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

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

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

32 [(b)] B. The employee may be suspended pending a hearing on the charg-
33 es and the final determination thereof. The suspension shall be with
34 pay, except the employee may be suspended without pay if the employee
35 has entered a guilty plea to or has been convicted of a felony crime
36 concerning the criminal sale or possession of a controlled substance, a
37 precursor of a controlled substance, or drug paraphernalia as defined in
38 article two hundred twenty or two hundred twenty-one of the penal law;
39 or a felony crime involving the physical abuse of a minor or student.
40 The employee shall be terminated without a hearing, as provided for in
41 this section, upon conviction of a sex offense, as defined in subpara-
42 graph two of paragraph b of subdivision seven-a of section three hundred
43 five of this chapter. To the extent this section applies to an employee
44 acting as a school administrator or supervisor, as defined in subpara-
45 graph three of paragraph b of subdivision seven-b of section three
46 hundred five of this chapter, such employee shall be terminated without
47 a hearing, as provided for in this section, upon conviction of a felony
48 offense defined in subparagraph two of paragraph b of subdivision
49 seven-b of section three hundred five of this chapter.

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

1 ly upon a teacher's or principal's pattern of ineffective teaching or
2 performance as defined in section three thousand twelve-c of this arti-
3 cle. All other charges shall be heard by a single hearing officer.
4 [(d)] D. The unexcused failure of the employee to notify the clerk or
5 secretary of his or her desire for a hearing within ten days of the
6 receipt of charges shall be deemed a waiver of the right to a hearing.
7 Where an employee requests a hearing in the manner provided for by this
8 section, the clerk or secretary of the board shall, within three working
9 days of receipt of the employee's notice or request for a hearing, noti-
10 fy the commissioner [of education] of the need for a hearing. If the
11 employee waives his or her right to a hearing the employing board shall
12 proceed, within fifteen days, by a vote of a majority of all members of
13 such board, to determine the case and fix the penalty, if any, to be
14 imposed in accordance with subdivision four of this section.

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

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

39 (A) Notwithstanding any other provision of law, FOR HEARINGS COMMENCED
40 BY THE FILING OF CHARGES PRIOR TO APRIL FIRST, TWO THOUSAND TWELVE, the
41 hearing officer shall be compensated by the department with the custom-
42 ary fee paid for service as an arbitrator under the auspices of the
43 association for each day of actual service plus necessary travel and
44 other reasonable expenses incurred in the performance of his or her
45 duties. All other expenses of the disciplinary proceedings COMMENCED BY
46 THE FILING OF CHARGES PRIOR TO APRIL FIRST, TWO THOUSAND TWELVE shall be
47 paid in accordance with rules promulgated by the commissioner [of educa-
48 tion]. CLAIMS FOR SUCH COMPENSATION FOR DAYS OF ACTUAL SERVICE AND
49 REIMBURSEMENT FOR NECESSARY TRAVEL AND OTHER EXPENSES FOR HEARINGS
50 COMMENCED BY THE FILING OF CHARGES PRIOR TO APRIL FIRST, TWO THOUSAND
51 TWELVE SHALL BE PAID FROM AN APPROPRIATION FOR SUCH PURPOSE IN THE ORDER
52 IN WHICH THEY HAVE BEEN APPROVED BY THE COMMISSIONER FOR PAYMENT,
53 PROVIDED PAYMENT SHALL FIRST BE MADE FOR ANY OTHER HEARING COSTS PAYABLE
54 BY THE COMMISSIONER, INCLUDING THE COSTS OF TRANSCRIBING THE RECORD, AND
55 PROVIDED FURTHER THAT NO SUCH CLAIM SHALL BE SET ASIDE FOR INSUFFICIENCY
56 OF FUNDS TO MAKE A COMPLETE PAYMENT, BUT SHALL BE ELIGIBLE FOR A PARTIAL

1 PAYMENT IN ONE YEAR AND SHALL RETAIN ITS PRIORITY DATE STATUS FOR APPRO-
2 PRIATIONS DESIGNATED FOR SUCH PURPOSE IN FUTURE YEARS.

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

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

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

34 (iv) In those cases in which the employee elects to have the charges
35 heard by a hearing panel, the hearing panel shall consist of the hearing
36 officer, selected in accordance with this subdivision, and two addi-
37 tional persons, one selected by the employee and one selected by the
38 employing board, from a list maintained for such purpose by the commis-
39 sioner [of education]. The list shall be composed of professional
40 personnel with administrative or supervisory responsibility, profes-
41 sional personnel without administrative or supervisory responsibility,
42 chief school administrators, members of employing boards and others
43 selected from lists of nominees submitted to the commissioner by state-
44 wide organizations representing teachers, school administrators and
45 supervisors and the employing boards. Hearing panel members other than
46 the hearing officer shall be compensated by the department [of educa-
47 tion] at the rate of one hundred dollars for each day of actual service
48 plus necessary travel and subsistence expenses. The hearing officer
49 shall be compensated as set forth in this subdivision. The hearing offi-
50 cer shall be the [chairman] CHAIRPERSON of the hearing panel.

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

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

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

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

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

30 (i-a)(A) Where charges of incompetence are brought based solely upon a
31 pattern of ineffective teaching or performance of a classroom teacher or
32 principal, as defined in section three thousand twelve-c of this arti-
33 cle, the hearing shall be conducted before and by a single hearing offi-
34 cer in an expedited hearing, which shall commence within seven days
35 after the pre-hearing conference and shall be completed within sixty
36 days after the pre-hearing conference. The hearing officer shall estab-
37 lish a hearing schedule at the pre-hearing conference to ensure that the
38 expedited hearing is completed within the required timeframes and to
39 ensure an equitable distribution of days between the employing board and
40 the charged employee. Notwithstanding any other law, rule or regulation
41 to the contrary, no adjournments may be granted that would extend the
42 hearing beyond such sixty days, except as authorized in this subpara-
43 graph. A hearing officer, upon request, may grant a limited and time
44 specific adjournment that would extend the hearing beyond such sixty
45 days if the hearing officer determines that the delay is attributable to
46 a circumstance or occurrence substantially beyond the control of the
47 requesting party and an injustice would result if the adjournment were
48 not granted.

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

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

6 (C) The commissioner shall annually inform all hearing officers who
7 have heard cases pursuant to this section during the preceding year that
8 the time periods prescribed in this subparagraph for conducting expe-
9 dited hearings are to be strictly followed. A record of continued fail-
10 ure to commence and complete expedited hearings within the time periods
11 prescribed in this subparagraph shall be considered grounds for the
12 commissioner to exclude such individual from the list of potential hear-
13 ing officers sent to the employing board and the employee for such expe-
14 dited hearings.

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

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

24 (A) issue subpoenas;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37

PART C

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

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

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

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

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

1 (1) the amounts specified in paragraphs (a), (b) and (c) of this
2 subdivision; and
3 (2) the amount in subparagraph one of this paragraph, multiplied by
4 the percentage of any federal supplemental security income cost of
5 living adjustment which becomes effective on or after January first, two
6 thousand [twelve] THIRTEEN, but prior to June thirtieth, two thousand
7 [twelve] THIRTEEN, rounded to the nearest whole dollar.

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

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

14 (b) On and after January first, two thousand [eleven] TWELVE, for an
15 eligible individual living with others with or without in-kind income,
16 [\$697.00] \$721.00; and for an eligible couple living with others with or
17 without in-kind income, [\$1057.00] \$1094.00.

18 (c) On and after January first, two thousand [eleven] TWELVE, (i) for
19 an eligible individual receiving family care, [\$940.48] \$964.48 if he or
20 she is receiving such care in the city of New York or the county of
21 Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible
22 couple receiving family care in the city of New York or the county of
23 Nassau, Suffolk, Westchester or Rockland, two times the amount set forth
24 in subparagraph (i) of this paragraph; or (iii) for an eligible individ-
25 ual receiving such care in any other county in the state, [\$902.48]
26 \$926.48; and (iv) for an eligible couple receiving such care in any
27 other county in the state, two times the amount set forth in subpara-
28 graph (iii) of this paragraph.

29 (d) On and after January first, two thousand [eleven] TWELVE, (i) for
30 an eligible individual receiving residential care, [\$1109.00] \$1133.00
31 if he or she is receiving such care in the city of New York or the coun-
32 ty of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible
33 couple receiving residential care in the city of New York or the county
34 of Nassau, Suffolk, Westchester or Rockland, two times the amount set
35 forth in subparagraph (i) of this paragraph; or (iii) for an eligible
36 individual receiving such care in any other county in the state,
37 [\$1079.00] \$1103.00; and (iv) for an eligible couple receiving such care
38 in any other county in the state, two times the amount set forth in
39 subparagraph (iii) of this paragraph.

40 (e) (i) On and after January first, two thousand [eleven] TWELVE, for
41 an eligible individual receiving enhanced residential care, [\$1368.00]
42 \$1392.00; and (ii) for an eligible couple receiving enhanced residential
43 care, two times the amount set forth in subparagraph (i) of this para-
44 graph.

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

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

PART D

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

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

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

Number of Persons in Household

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

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

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

NUMBER OF PERSONS IN HOUSEHOLD

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

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

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

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

Number of Persons in Household

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

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

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

NUMBER OF PERSONS IN HOUSEHOLD

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

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

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

1

PART E

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

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

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

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

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

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

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

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

48 (i) is over sixty-five years of age, or is blind or disabled; and
49 (ii) does not have countable income in an amount equal to or greater
50 than the standard of need established in subdivision two of this
51 section; and

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

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

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

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

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

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

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

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

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

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

S 7. This act shall take effect immediately.

PART F

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

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

1 however, that nothing in this act shall authorize the office of children
2 and family services to deny state reimbursement to a social services
3 district for violations of the provisions of section 153-d of the social
4 services law for services provided from January 1, 1994 through March
5 31, 2002; provided that section nineteen of this act shall take effect
6 September 13, 2002 AND SHALL EXPIRE AND BE DEEMED REPEALED JUNE 30,
7 2012; and, provided further, however, that notwithstanding any law to
8 the contrary, the office of children and family services shall have the
9 authority to promulgate, on an emergency basis, any rules and regu-
10 lations necessary to implement the requirements established pursuant to
11 this act; provided further, however, that the regulations to be devel-
12 oped pursuant to section one of this act shall not be adopted by emer-
13 gency rule; and provided further that the provisions of sections nine
14 THROUGH EIGHTEEN AND TWENTY through twenty-seven of this act shall
15 expire and be deemed repealed on June 30, [2012] 2017.
16 S 2. This act shall take effect immediately and shall be deemed to
17 have been in full force and effect on and after April 1, 2012.

18

PART G

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

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

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

45 (b) provide accountability of the system and organizations within the
46 system, ensuring that both internal and external mechanisms for over-
47 sight of the system are maintained;

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

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

1 (e) be based on evidence-informed practices, ensuring that programs
2 and services provided are shown to have worked in improving outcomes for
3 youth, maintaining public safety and reducing unnecessary confinement
4 and recidivism and unwarranted racial/ethnic disparities; and
5 (f) provide effective reintegration services, ensuring that youth
6 remain connected to appropriate educational services and positive behav-
7 ioral supports and/or treatment modalities upon transitioning home from
8 placement.

9

SUBPART A

10 Section 1. The social services law is amended by adding a new section
11 404 to read as follows:

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

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

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

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

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

51 (D) THE PROPOSED EFFECTIVE DATE OF THE PLAN AND DOCUMENTATION OF THE
52 DISTRICT'S READINESS TO BEGIN ACCEPTING AND APPROPRIATELY SERVING JUE-
53 NILE DELINQUENTS UNDER THE PLAN;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 RECEIVING THE PLAN, EITHER APPROVE OR DISAPPROVE THE PLAN OR REQUEST
2 AMENDMENTS TO THE PLAN. IF ANY AMENDMENTS ARE REQUESTED TO THE PLAN, THE
3 OFFICE SHALL APPROVE OR DISAPPROVE THE PLAN WITHIN FIFTEEN DAYS OF ITS
4 RESUBMISSION WITH THE REQUESTED AMENDMENTS. FOR ANY PLAN THAT COVERS
5 JUVENILE DELINQUENTS PLACED IN LIMITED SECURE SETTINGS, THE OFFICE
6 SHALL, WITHIN SIXTY DAYS OF RECEIVING THE PLAN, EITHER APPROVE OR DISAP-
7 PROVE THE PLAN OR REQUEST AMENDMENTS TO THE PLAN. IF ANY AMENDMENTS ARE
8 REQUESTED TO THE PLAN, THE OFFICE SHALL APPROVE OR DISAPPROVE THE PLAN
9 WITHIN FIFTEEN DAYS OF ITS RESUBMISSION WITH THE REQUESTED AMENDMENTS.
10 IN NO EVENT SHALL THE OFFICE APPROVE SUCH A PLAN FOR LIMITED SECURE
11 SETTINGS PRIOR TO APRIL FIRST, TWO THOUSAND THIRTEEN.

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

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

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

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

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

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

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

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

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

31 (III) THE REIMBURSEMENT AMOUNTS SET FORTH IN SUBPARAGRAPH (I) OF THIS
32 PARAGRAPH SHALL BE INCREASED IF EITHER THE POPULATION OF ALLEGED JUVENILE
33 DELINQUENTS WHO RECEIVE A PROBATION INTAKE OR THE TOTAL POPULATION
34 OF ADJUDICATED JUVENILE DELINQUENTS PLACED ON PROBATION COMBINED WITH
35 THE POPULATION OF ADJUDICATED JUVENILE DELINQUENTS PLACED OUT OF THEIR
36 HOMES IN A SETTING OTHER THAN A SECURE FACILITY PURSUANT TO SECTION
37 352.2 OF THE FAMILY COURT ACT, INCREASES BY AT LEAST TEN PERCENT OVER
38 THE RESPECTIVE POPULATION IN THE ANNUAL BASELINE YEAR. THE BASELINE YEAR
39 SHALL BE THE PERIOD FROM JULY FIRST, TWO THOUSAND TEN THROUGH JUNE THIR-
40 TIETH, TWO THOUSAND ELEVEN OR THE MOST RECENT TWELVE MONTH PERIOD FOR
41 WHICH THERE IS COMPLETE DATA, WHICHEVER IS LATER. IN EACH SUCCESSIVE
42 YEAR, THE POPULATION OF THE PREVIOUS JULY FIRST THROUGH JUNE THIRTIETH
43 PERIOD SHALL BE COMPARED TO THE BASELINE YEAR FOR DETERMINING ANY
44 ADJUSTMENTS TO A STATE FISCAL YEAR APPROPRIATION. WHEN EITHER POPU-
45 LATION INCREASES BY TEN PERCENT OR MORE, THE REIMBURSEMENT WILL BE
46 ADJUSTED BY A PERCENTAGE EQUAL TO THE LARGER OF THE PERCENTAGE INCREASE
47 IN EITHER THE NUMBER OF PROBATION INTAKES FOR ALLEGED JUVENILE DELIN-
48 QUENTS OR THE TOTAL POPULATION OF ADJUDICATED JUVENILE DELINQUENTS
49 PLACED ON PROBATION COMBINED WITH THE POPULATION OF ADJUDICATED JUVENILE
50 DELINQUENTS PLACED OUT OF THEIR HOMES IN A SETTING OTHER THAN A SECURE
51 FACILITY PURSUANT TO SECTION 352.2 OF THE FAMILY COURT ACT.

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

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

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

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

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

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

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

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

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

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

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

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

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

19 10. IF THE SOCIAL SERVICES DISTRICT RECEIVES THE NECESSARY APPROVAL TO
20 IMPLEMENT A CLOSE TO HOME INITIATIVE, THE DISTRICT SHALL IMPLEMENT THE
21 INITIATIVE IN ACCORDANCE WITH ALL APPLICABLE FEDERAL AND STATE LAWS AND
22 REGULATIONS. IF THE SOCIAL SERVICES DISTRICT RECEIVES THE NECESSARY
23 APPROVAL OF A PLAN FOR JUVENILE DELINQUENTS PLACED IN LIMITED SECURE
24 SETTINGS, THE OFFICE SHALL PROMULGATE REGULATIONS GOVERNING THE OPERA-
25 TION OF SUCH LIMITED SECURE FACILITIES. IF SUCH REGULATIONS ARE NOT
26 ADOPTED PRIOR TO THE DATE THAT AN AUTHORIZED AGENCY APPLIES FOR A
27 LICENSE TO OPERATE SUCH A FACILITY, THE FACILITY SHALL BE SUBJECT TO THE
28 EXISTING REGULATIONS OF THE OFFICE THAT WOULD APPLY TO THE OPERATION OF
29 A FOSTER CARE FACILITY OF THE SAME SIZE; PROVIDED, HOWEVER, THAT THE
30 OFFICE SHALL BE AUTHORIZED TO GRANT AN EXCEPTION TO THE AUTHORIZED AGEN-
31 CY, UNTIL SUCH LIMITED SECURE REGULATIONS ARE ADOPTED, TO ANY SUCH
32 EXISTING REGULATION THAT THE OFFICE DETERMINES WOULD IMPEDE THE ABILITY
33 OF THE AUTHORIZED AGENCY TO PROVIDE THE RESTRICTIVE SETTING AND PROGRAMS
34 NECESSARY TO SERVE YOUTH WHO NEED PLACEMENT IN A LIMITED SECURE SETTING
35 IN ACCORDANCE WITH THE APPROVED PLAN. ANY LIMITED SECURE FACILITY THAT
36 IS GRANTED SUCH A WAIVER SHALL COMPLY WITH ANY ALTERNATE REQUIREMENTS
37 THE OFFICE MAY CONSIDER NECESSARY FOR THE PROTECTION OF THE HEALTH OR
38 SAFETY OF THE JUVENILE DELINQUENTS IN THE FACILITY OR THE SURROUNDING
39 COMMUNITY. THE OFFICE SHALL TAKE ALL REASONABLE STEPS AVAILABLE TO
40 FINALIZE THE ADOPTION OF REGULATIONS GOVERNING THE OPERATION OF SUCH
41 LIMITED SECURE FACILITIES NO LATER THAN SIX MONTHS AFTER IT ISSUES THE
42 FIRST LICENSE FOR A PROGRAM TO PROVIDE SERVICES TO JUVENILE DELINQUENTS
43 PLACED IN LIMITED SECURE SETTINGS BUT IN NO EVENT SHALL SUCH REGULATIONS
44 BE ADOPTED ON AN EMERGENCY BASIS.

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

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

1 OFFICE OF CHILDREN AND FAMILY SERVICES WITH SPECIFIC INFORMATION AS
2 REQUIRED BY THE OFFICE, IN THE FORMAT AND AT SUCH TIMES AS REQUIRED BY
3 SUCH OFFICE, ON THE YOUTH PARTICIPATING IN THE INITIATIVE AND THE
4 PROGRAMS SERVING SUCH YOUTH. SUCH INFORMATION SHALL BE PROVIDED TO THE
5 OFFICE OF CHILDREN AND FAMILY SERVICES ON A MONTHLY BASIS FOR THE FIRST
6 TWELVE MONTHS IMMEDIATELY FOLLOWING THE IMPLEMENTATION OF THE PROGRAMS
7 FOR EACH LEVEL OF CARE AND SHALL BE PROVIDED TO SUCH OFFICE ON A QUAR-
8 TERLY BASIS THEREAFTER.

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

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

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

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

20 (D) DEMOGRAPHIC INFORMATION ABOUT JUVENILE DELINQUENTS IN CARE;

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

23 (F) NUMBER AND NATURE OF INCIDENT REPORTS;

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

25 (H) AVERAGE LENGTH OF STAY;

26 (I) NUMBER OF CONDITIONALLY RELEASED JUVENILE DELINQUENTS;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (F) TO AUTHORIZE AN EMPLOYEE DESIGNATED BY THE SOCIAL SERVICES
35 DISTRICT, WITHOUT A WARRANT, TO APPREHEND A RUNAWAY OR CONDITIONALLY
36 RELEASED JUVENILE DELINQUENT UNDER THE JURISDICTION OF THE DISTRICT WHO
37 HAS RUN AWAY FROM A FACILITY RUN BY THE DISTRICT OR AN AUTHORIZED AGEN-
38 CY; OR IS CONDITIONALLY RELEASED AND HAS VIOLATED A CONDITION OF RELEASE
39 THEREFROM, OR IF THERE IS A CHANGE IN CIRCUMSTANCES AND THE 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; IN
42 ANY COUNTY IN THIS STATE WHOSE RETURN HAS BEEN ORDERED BY THE DISTRICT
43 PURSUANT TO THE REGULATIONS OF THE OFFICE, AND RETURN SAID JUVENILE
44 DELINQUENT TO ANY APPROPRIATE SOCIAL SERVICES DISTRICT, DETENTION FACIL-
45 ITY, AUTHORIZED AGENCY OR PROGRAM;

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

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

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

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

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

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

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

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

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

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

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

55 2-A. (A) IN A SOCIAL SERVICES DISTRICT OPERATING AN APPROVED JUVENILE
56 JUSTICE SERVICES CLOSE TO HOME INITIATIVE PURSUANT TO SECTION FOUR

1 HUNDRED FOUR OF THE SOCIAL SERVICES LAW, THE LOCAL PROBATION DEPARTMENT
2 SHALL DEVELOP AND SUBMIT TO THE OFFICE OF CHILDREN AND FAMILY SERVICES
3 FOR PRIOR APPROVAL A VALIDATED PRE-DISPOSITIONAL RISK ASSESSMENT INSTRU-
4 MENT AND ANY RISK ASSESSMENT PROCESS. THE OFFICE SHALL SHARE A COPY OF
5 ANY SUCH INSTRUMENT AND PROCESS WITH THE OFFICE OF PROBATION AND CORREC-
6 TIONAL ALTERNATIVES AND ANY EXPERT CONSULTING WITH THE OFFICE PURSUANT
7 TO THIS SECTION. SUCH DEPARTMENT SHALL PERIODICALLY REVALIDATE ANY
8 APPROVED PRE-DISPOSITIONAL RISK ASSESSMENT INSTRUMENT. THE DEPARTMENT
9 SHALL CONSPICUOUSLY POST INFORMATION ABOUT THE INSTRUMENT ON ITS
10 WEBSITE, INCLUDING BUT NOT LIMITED TO, THE NAME OF THE INSTRUMENT; THE
11 NAME AND CONTACT INFORMATION OF THE PERSON, INSTITUTION OR COMPANY THAT
12 DEVELOPED SUCH INSTRUMENT; WHAT THE INSTRUMENT IS INTENDED TO MEASURE;
13 THE TYPES OF FACTORS AND INFORMATION THE INSTRUMENT TAKES INTO CONSIDER-
14 ATION; THE PROCESS BY WHICH THE INSTRUMENT IS USED IN BOTH THE PRE-DIS-
15 POSITION INVESTIGATION AND DISPOSITIONAL PHASE OF A HEARING; THE PURPOSE
16 FOR THE INSTRUMENT AND HOW THE INSTRUMENT INFORMS THE RECOMMENDATION IN
17 THE PRE-DISPOSITIONAL INVESTIGATION REPORT; LINKS TO INDEPENDENT
18 RESEARCH AND STUDIES ABOUT THE INSTRUMENT AS WELL AS ITS OWN VALIDATION
19 ANALYSIS RELATING TO THE INSTRUMENT, WHEN AVAILABLE; THE MOST RECENT
20 DATE THE INSTRUMENT WAS VALIDATED AND THE DATE THE NEXT RE-VALIDATION
21 PROCESS IS ANTICIPATED TO BEGIN. THE DEPARTMENT SHALL CONFER WITH APPRO-
22 PRIATE STAKEHOLDERS, INCLUDING BUT NOT LIMITED TO, ATTORNEYS FOR CHIL-
23 DREN, PRESENTMENT AGENCIES AND THE FAMILY COURT, PRIOR TO REVISING ANY
24 VALIDATED PRE-DISPOSITIONAL RISK ASSESSMENT INSTRUMENT OR PROCESS. SUCH
25 DEPARTMENT SHALL PROVIDE ANY APPROVED PRE-DISPOSITIONAL RISK ASSESSMENT
26 INSTRUMENT AND PROCESS TO THE TEMPORARY PRESIDENT OF THE SENATE AND THE
27 SPEAKER OF THE ASSEMBLY. ANY REVISED PRE-DISPOSITIONAL RISK ASSESSMENT
28 INSTRUMENT SHALL BE SUBJECT TO PERIODIC EMPIRICAL VALIDATION AND TO THE
29 APPROVAL OF THE OFFICE OF CHILDREN AND FAMILY SERVICES. THE OFFICE OF
30 CHILDREN AND FAMILY SERVICES SHALL CONSULT WITH INDIVIDUALS WITH PROFES-
31 SIONAL RESEARCH EXPERIENCE AND EXPERTISE IN CRIMINAL JUSTICE; SOCIAL
32 WORK; JUVENILE JUSTICE; AND APPLIED MATHEMATICS, PSYCHOMETRICS AND/OR
33 STATISTICS TO ASSIST THE OFFICE IN DETERMINING THE METHODS IT WILL USE
34 TO: APPROVE THE DEPARTMENT'S VALIDATED AND REVALIDATED PRE-DISPOSITIONAL
35 RISK ASSESSMENT INSTRUMENT AND PROCESS; AND ANALYZE THE EFFECTIVENESS OF
36 THE USE OF SUCH INSTRUMENT AND PROCESS IN ACCOMPLISHING THEIR INTENDED
37 GOALS; AND ANALYZE, TO THE GREATEST EXTENT POSSIBLE, ANY DISPARATE
38 IMPACT ON DISPOSITIONAL OUTCOMES FOR JUVENILES BASED ON RACE, SEX,
39 NATIONAL ORIGIN, ECONOMIC STATUS, AND ANY OTHER CONSTITUTIONALLY
40 PROTECTED CLASS, REGARDING THE USE OF SUCH INSTRUMENT. THE OFFICE SHALL
41 CONSULT WITH SUCH INDIVIDUALS REGARDING WHETHER IT IS APPROPRIATE TO
42 ATTEMPT TO ANALYZE WHETHER THERE IS ANY SUCH DISPARATE IMPACT BASED ON
43 SEXUAL ORIENTATION AND, IF SO, THE BEST METHODS TO CONDUCT SUCH ANALY-
44 SIS. THE OFFICE SHALL TAKE INTO CONSIDERATION ANY RECOMMENDATIONS GIVEN
45 BY SUCH INDIVIDUALS INVOLVING IMPROVEMENTS THAT COULD BE MADE TO SUCH
46 INSTRUMENT AND PROCESS. THE DEPARTMENT SHALL PROVIDE TRAINING ON THE
47 APPROVED INSTRUMENT AND ANY APPROVED PROCESS TO THE APPLICABLE FAMILY
48 COURTS, PRESENTMENT AGENCY, AND COURT APPOINTED ATTORNEYS FOR RESPOND-
49 ENTS.

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

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

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

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

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

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

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

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, UPON THE EFFECTIVE DATE OF A
6 RISK ASSESSMENT INSTRUMENT AND ANY RISK ASSESSMENT PROCESS THAT HAVE
7 BEEN APPROVED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES PURSUANT TO
8 SUBDIVISION TWO-A OF SECTION 351.1 OF THIS PART, THE COURT SHALL GIVE
9 DUE CONSIDERATION TO THE RESULTS OF THE VALIDATED RISK ASSESSMENT AND
10 ANY SUCH PROCESS PROVIDED TO THE COURT PURSUANT TO SUCH SUBDIVISION WHEN
11 DETERMINING THE APPROPRIATE DISPOSITION FOR THE RESPONDENT.

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

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

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

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

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

27 2-A. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW TO THE CONTRA-
28 RY, AND PURSUANT TO SUBDIVISION TWO OF THIS SECTION IN A DISTRICT OPER-
29 ATING AN APPROVED JUVENILE JUSTICE SERVICES CLOSE TO HOME INITIATIVE
30 PURSUANT TO SECTION FOUR HUNDRED FOUR OF THE SOCIAL SERVICES LAW:

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

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

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

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

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

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

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

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

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

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

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

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

5 S 6. Subdivisions 4 and 5 of section 353.5 of the family court act, as
6 added by chapter 920 of the laws of 1982, subparagraph (i) of paragraph
7 (a) of subdivision 4 and subparagraph (i) of paragraph (a) of subdivi-
8 sion 5 as amended by chapter 419 of the laws of 1987, subparagraph (iv)
9 of paragraph (a) of subdivision 4 and subparagraph (iv) of paragraph (a)
10 of subdivision 5 as amended by chapter 687 of the laws of 1993, para-
11 graphs (b) and (d) of subdivision 4 and paragraph (d) of subdivision 5
12 as amended by chapter 398 of the laws of 1983, are amended to read as
13 follows:

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

16 (a) the order shall provide that:

17 (i) the respondent shall be placed with the [division for youth]
18 OFFICE OF CHILDREN AND FAMILY SERVICES for an initial period of five
19 years. If the respondent has been in detention pending disposition, the
20 initial period of placement ordered under this section shall be credited
21 with and diminished by the amount of time spent by the respondent in
22 detention prior to the commencement of the placement unless the court
23 finds that all or part of such credit would not serve the needs and best
24 interests of the respondent or the need for protection of the community.
25 (ii) the respondent shall initially be confined in a secure facility
26 for a period set by the order, to be not less than twelve nor more than
27 eighteen months provided, however, where the order of the court is made
28 in compliance with subdivision five OF THIS SECTION, the respondent
29 shall initially be confined in a secure facility for eighteen 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 of twelve months; PROVIDED, HOWEVER, THAT IF THE RESPONDENT HAS
33 BEEN PLACED FROM A FAMILY COURT IN A SOCIAL SERVICES DISTRICT OPERATING
34 AN APPROVED JUVENILE JUSTICE SERVICES CLOSE TO HOME INITIATIVE PURSUANT
35 TO SECTION FOUR HUNDRED FOUR OF THE SOCIAL SERVICES LAW, ONCE THE TIME
36 FRAMES IN SUBPARAGRAPH (II) OF THIS PARAGRAPH ARE MET:

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

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

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

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

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

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

32 (c) During the placement or any extension thereof:

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

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

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

50 (iv) unless otherwise specified in the order, the [division] OFFICE OF
51 CHILDREN AND FAMILY SERVICES OR, IF APPLICABLE, A SOCIAL SERVICES
52 DISTRICT OPERATING AN APPROVED JUVENILE JUSTICE SERVICES CLOSE TO HOME
53 INITIATIVE PURSUANT TO SECTION FOUR HUNDRED FOUR OF THE SOCIAL SERVICES
54 LAW shall report in writing to the court not less than once every six
55 months during the placement on the status, adjustment and progress of
56 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 on a 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 5. When the order is for a restrictive placement in the case of a
14 youth found to have committed a designated felony act, other than a
15 designated class A felony act,

16 (a) the order shall provide that:

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

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

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

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

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

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

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

3 (iv) the respondent may not be released from a secure facility or
4 transferred to a facility other than a secure facility during the period
5 provided by the court pursuant to [clause] SUBPARAGRAPH (ii) OF THIS
6 PARAGRAPH, nor may the respondent be released from a residential facility
7 during the period provided by the court pursuant to [clause] SUBPARA-
8 GRAPH (iii) OF THIS PARAGRAPH. No home visits shall be permitted during
9 the period of secure confinement set by the court order or one year,
10 whichever is less, except for emergency visits for medical treatment or
11 severe illness or death in the family. All home visits must be accompa-
12 nied home visits: (A) while a youth is confined in a secure facility,
13 whether such confinement is pursuant to a court order or otherwise; (B)
14 while a youth is confined in a residential facility other than a secure
15 facility within six months after confinement in a secure facility; and
16 (C) while a youth is confined in a residential facility other than a
17 secure facility in excess of six months after confinement in a secure
18 facility unless two accompanied home visits have already occurred. An
19 "accompanied home visit" shall mean a home visit during which the youth
20 shall be accompanied at all times while outside the secure or residen-
21 tial facility by appropriate personnel of the [division for youth desig-
22 nated pursuant to regulations of the director of the division] OFFICE OF
23 CHILDREN AND FAMILY SERVICES OR, IF APPLICABLE, A SOCIAL SERVICES
24 DISTRICT OPERATING AN APPROVED JUVENILE JUSTICE CLOSE TO HOME INITIATIVE
25 PURSUANT TO SECTION FOUR HUNDRED FOUR OF THE SOCIAL SERVICES LAW.

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

32 (c) During the placement or any extension thereof:

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

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

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

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

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

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

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

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

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

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

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

26 (A)(I) FOR A SOCIAL SERVICES DISTRICT THAT ONLY HAS AN APPROVED PLAN
27 TO IMPLEMENT PROGRAMS FOR JUVENILE DELINQUENTS PLACED IN NON-SECURE
28 SETTINGS AS PART OF AN APPROVED JUVENILE JUSTICE SERVICES CLOSE TO HOME
29 INITIATIVE PURSUANT TO SECTION FOUR HUNDRED FOUR OF THE SOCIAL SERVICES
30 LAW, BEGINNING ON THE EFFECTIVE DATE OF THAT PLAN, IF THE DISTRICT
31 DETERMINES THAT PLACEMENT IN A LIMITED SECURE FACILITY IS APPROPRIATE
32 AND CONSISTENT WITH THE NEED FOR PROTECTION OF THE COMMUNITY AND THE
33 NEEDS AND BEST INTERESTS OF THE RESPONDENT PLACED INTO ITS CARE, THE
34 SOCIAL SERVICES DISTRICT SHALL FILE A PETITION TO TRANSFER THE CUSTODY
35 OF THE RESPONDENT TO THE OFFICE OF CHILDREN AND FAMILY SERVICES, AND
36 SHALL PROVIDE A COPY OF SUCH PETITION TO SUCH OFFICE, THE RESPONDENT,
37 THE ATTORNEY FOR THE RESPONDENT AND THE RESPONDENT'S PARENT OR LEGAL
38 GUARDIAN. THE COURT SHALL RENDER A DECISION WHETHER THE JUVENILE DELIN-
39 QUENT SHOULD BE TRANSFERRED TO THE OFFICE WITHIN SEVENTY-TWO HOURS,
40 EXCLUDING WEEKENDS AND PUBLIC HOLIDAYS. THE FAMILY COURT SHALL, AFTER
41 ALLOWING THE OFFICE OF CHILDREN AND FAMILY SERVICES AND THE ATTORNEY FOR
42 THE RESPONDENT, AFTER NOTICE HAVING BEEN GIVEN, AN OPPORTUNITY TO BE
43 HEARD, GRANT SUCH A PETITION ONLY IF THE COURT DETERMINES, AND STATES IN
44 ITS WRITTEN ORDER, THE REASONS WHY A LIMITED SECURE PLACEMENT IS NECES-
45 SARY AND CONSISTENT WITH THE NEEDS AND BEST INTERESTS OF THE RESPONDENT
46 AND THE NEED FOR 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 OR IN NON-SE-
49 CURE AND IN LIMITED SECURE SETTINGS AS PART OF AN APPROVED JUVENILE
50 JUSTICE SERVICES CLOSE TO HOME INITIATIVE PURSUANT TO SECTION FOUR
51 HUNDRED FOUR OF THE SOCIAL SERVICES LAW, BEGINNING ON THE EFFECTIVE DATE
52 OF THE PLAN, IF THE DISTRICT DETERMINES THAT A SECURE LEVEL OF PLACEMENT
53 IS APPROPRIATE AND CONSISTENT WITH THE NEED FOR PROTECTION OF THE COMMU-
54 NITY AND THE NEEDS AND BEST INTERESTS OF THE RESPONDENT PLACED INTO ITS
55 CARE, THE SOCIAL SERVICES DISTRICT SHALL FILE A PETITION TO TRANSFER THE
56 CUSTODY OF THE RESPONDENT TO THE OFFICE OF CHILDREN AND FAMILY SERVICES,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30

SUBPART B

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

33 3-A. AS TO DELINQUENT CHILDREN:

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

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

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

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

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

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

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

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

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

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

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

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

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

1 MENT INSTRUMENT SHALL BE SUBJECT TO PERIODIC EMPIRICAL VALIDATION. THE
2 OFFICE OF CHILDREN AND FAMILY SERVICES SHALL CONSULT WITH INDIVIDUALS
3 WITH PROFESSIONAL RESEARCH EXPERIENCE AND EXPERTISE IN CRIMINAL JUSTICE;
4 SOCIAL WORK; JUVENILE JUSTICE; AND APPLIED MATHEMATICS, PSYCHOMETRICS
5 AND/OR STATISTICS TO ASSIST THE OFFICE IN DETERMINING THE METHOD IT WILL
6 USE TO: DEVELOP, VALIDATE AND REVALIDATE SUCH PRE-DISPOSITIONAL RISK
7 ASSESSMENT INSTRUMENT; DEVELOP THE RISK ASSESSMENT PROCESS; AND ANALYZE
8 THE EFFECTIVENESS OF THE USE OF SUCH PRE-DISPOSITIONAL RISK ASSESSMENT
9 INSTRUMENT AND PROCESS IN ACCOMPLISHING THEIR INTENDED GOALS; AND
10 ANALYZE, TO THE GREATEST EXTENT POSSIBLE, ANY DISPARATE IMPACT ON DISPO-
11 SITIONAL OUTCOMES FOR JUVENILES BASED ON RACE, SEX, NATIONAL ORIGIN,
12 ECONOMIC STATUS, AND ANY OTHER CONSTITUTIONALLY PROTECTED CLASS, REGARD-
13 ING THE USE OF SUCH INSTRUMENT. THE OFFICE SHALL CONSULT WITH SUCH INDIV-
14 IDUALS REGARDING WHETHER IT IS APPROPRIATE TO ATTEMPT TO ANALYZE WHETH-
15 ER THERE IS ANY SUCH DISPARATE IMPACT BASED ON SEXUAL ORIENTATION AND,
16 IF SO, THE BEST METHODS TO CONDUCT SUCH ANALYSIS. THE OFFICE SHALL TAKE
17 INTO CONSIDERATION ANY RECOMMENDATIONS GIVEN BY SUCH INDIVIDUALS INVOLV-
18 ING IMPROVEMENTS THAT COULD BE MADE TO SUCH INSTRUMENT AND PROCESS. THE
19 OFFICE ALSO SHALL CONSULT WITH LOCAL PROBATION DEPARTMENTS IN THE DEVEL-
20 OPMENT OF THE VALIDATED PRE-DISPOSITIONAL RISK ASSESSMENT INSTRUMENT AND
21 THE REVALIDATION OF SUCH INSTRUMENT. THE OFFICE OF CHILDREN AND FAMILY
22 SERVICES SHALL PROVIDE TRAINING ON THE INSTRUMENT AND ANY PROCESS TO THE
23 FAMILY COURTS, LOCAL PROBATION DEPARTMENTS, PRESENTMENT AGENCIES AND
24 COURT APPOINTED ATTORNEYS FOR RESPONDENTS. THE OFFICE MAY DETERMINE THAT
25 A PRE-DISPOSITIONAL RISK ASSESSMENT INSTRUMENT AND ANY PROCESS IN USE
26 PURSUANT TO SUBDIVISION TWO-A OF SECTION 351.1 OF THIS PART MAY CONTINUE
27 TO BE USED PURSUANT TO SUCH SUBDIVISION INSTEAD OF REQUIRING THE USE OF
28 ANY INSTRUMENT OR PROCESS DEVELOPED PURSUANT TO THIS SUBDIVISION.

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

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

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

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

1 PROCESS IN THE TIME AND MANNER REQUIRED BY THE OFFICE. THE OFFICE MAY
2 REQUIRE THAT SUCH DATA BE SUBMITTED TO THE OFFICE ELECTRONICALLY. THE
3 OFFICE SHALL NOT COMMINGLE ANY SUCH INFORMATION WITH ANY CRIMINAL HISTO-
4 RY DATABASE. THE OFFICE SHALL SHARE SUCH INFORMATION WITH THE OFFICE OF
5 CHILDREN AND FAMILY SERVICES. THE OFFICE OF CHILDREN AND FAMILY
6 SERVICES SHALL USE AND SHARE SUCH INFORMATION ONLY FOR THE PURPOSES OF
7 THIS SECTION AND IN ACCORDANCE WITH THIS SECTION. SUCH INFORMATION SHALL
8 BE SHARED AND RECEIVED IN A MANNER THAT PROTECTS THE CONFIDENTIALITY OF
9 SUCH INFORMATION. THE SHARING, USE, DISCLOSURE AND REDISCLOSURE OF SUCH
10 INFORMATION TO ANY PERSON, OFFICE, OR OTHER ENTITY NOT SPECIFICALLY
11 AUTHORIZED TO RECEIVE IT PURSUANT TO THIS SECTION OR ANY OTHER LAW IS
12 PROHIBITED.

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

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

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

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

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

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

44 (B) IF A DETERMINATION IS MADE TO PLACE A YOUTH IN A HIGHER LEVEL OF
45 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

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

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

1 Where the respondent is placed with the commissioner of the local
2 social services district, the court may (I) IN A SOCIAL SERVICES
3 DISTRICT OPERATING AN APPROVED JUVENILE JUSTICE SERVICES CLOSE TO HOME
4 INITIATIVE PURSUANT TO SECTION FOUR HUNDRED FOUR OF THE SOCIAL SERVICES
5 LAW, DIRECT THE COMMISSIONER TO PROVIDE SERVICES NECESSARY TO MEET THE
6 NEEDS OF THE RESPONDENT, PROVIDED THAT SUCH SERVICES ARE AUTHORIZED OR
7 REQUIRED TO BE MADE AVAILABLE PURSUANT TO THE APPROVED PLAN TO IMPLEMENT
8 A JUVENILE JUSTICE CLOSE TO HOME INITIATIVE THEN IN EFFECT AND THE
9 COMMISSIONER SHALL NOTIFY THE COURT AND THE ATTORNEY FOR THE RESPONDENT
10 OF THE AUTHORIZED AGENCY THAT SUCH RESPONDENT WAS PLACED IN; OR (II) IN
11 A SOCIAL SERVICES DISTRICT THAT IS NOT OPERATING AN APPROVED JUVENILE
12 JUSTICE SERVICES CLOSE TO HOME INITIATIVE PURSUANT TO SECTION FOUR
13 HUNDRED FOUR OF THE SOCIAL SERVICES LAW, direct the commissioner to
14 place him or her with an authorized agency or class of authorized agen-
15 cies, [including, if]; AND IF the court finds that the respondent PLACED
16 WITH A SOCIAL SERVICES DISTRICT PURSUANT TO THIS SUBDIVISION is a sexu-
17 ally exploited child as defined in subdivision one of section four
18 hundred forty-seven-a of the social services law, THE COURT MAY PLACE
19 SUCH RESPONDENT IN an available long-term safe house. Unless the dispo-
20 sitional order provides otherwise, the court so directing shall include
21 one of the following alternatives to apply in the event that the commis-
22 sioner is unable to so place the respondent:

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

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

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

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

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

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

1 for the implementation of this act on its effective date is authorized
2 and directed to be made and completed on or before such effective date.
3 S 3. Severability clause. If any clause, sentence, paragraph, subdivi-
4 sion, section or part of this act shall be adjudged by any court of
5 competent jurisdiction to be invalid, such judgment shall not affect,
6 impair, or invalidate the remainder thereof, but shall be confined in
7 its operation to the clause, sentence, paragraph, subdivision, section
8 or part thereof directly involved in the controversy in which such judg-
9 ment shall have been rendered. It is hereby declared to be the intent of
10 the legislature that this act would have been enacted even if such
11 invalid provisions had not been included herein.
12 S 4. This act shall take effect immediately; provided, however, that
13 the applicable effective date of subparts A and B of this act shall be
14 as specifically set forth in the last section of such subparts.

15

PART H

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

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

34 S 2. Paragraph (h) of subdivision 4 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 2 of part M of chapter 59 of the
39 laws of 2010, is amended to read as follows:

40 (h) If a college did not apply for a potential grant by March 31,
41 2009, funds associated with such potential grant shall be awarded, on a
42 competitive basis, to other colleges, according to the priorities set
43 forth below. Colleges shall be eligible to apply for unutilized grants.
44 In such cases, the following priorities shall apply: first, priority
45 shall be given to otherwise eligible colleges that either were, or would
46 have been, deemed ineligible for the program prior to March 31, 2009,
47 due to missed deadlines, insufficient matching funds, lack of accredi-
48 tation or other disqualifying reasons; and second, after the board has
49 acted upon all such first-priority applications for unused funds, if any
50 such funds remain, those funds shall be available for distribution to
51 eligible colleges that are located within the same Regents of the State
52 of New York region for which such funds were originally allocated. The
53 dormitory authority shall develop a request for proposals and applica-
54 tion process, in consultation with the board, for such grants and shall

1 develop criteria, subject to review by the board, for the awarding of
2 such grants. Such criteria shall incorporate the matching criteria
3 contained in paragraph (c) of this subdivision, and the application
4 criteria set forth in paragraph (e) of this subdivision. The dormitory
5 authority shall require all applications in response to the request for
6 proposals to be submitted by September 1, [2010] 2012, and the board
7 shall act on each application for such matching grants by November 1,
8 [2010] 2012.

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

16 (A) Notwithstanding the provision of any general or special law to the
17 contrary, and subject to the provisions of chapter 59 of the laws of
18 2000 and to the making of annual appropriations therefor by the legisla-
19 ture, in order to assist the dormitory authority in providing such high-
20 er education capital matching grants, the director of the budget is
21 authorized in any state fiscal year commencing April 1, 2005 or any
22 state fiscal year thereafter for a period ending on March 31, [2012]
23 2014, to enter into one or more service contracts, none of which shall
24 exceed 30 years in duration, with the dormitory authority, upon such
25 terms as the director of the budget and the dormitory authority agree.

26 S 4. Paragraph (b) of subdivision 7 of section 1 of part U of chapter
27 57 of the laws of 2005 amending the labor law and other laws implement-
28 ing the state fiscal plan for the 2005-2006 state fiscal year, relating
29 to the New York state higher education matching grant program for inde-
30 pendent colleges, as amended by section 3 of part I of chapter 60 of the
31 laws of 2011, is amended to read as follows:

32 (b) Any eligible institution receiving a grant pursuant to this arti-
33 cle shall report to the dormitory authority no later than June 1, [2012]
34 2013, on the use of funding received and its programmatic and economic
35 impact. The dormitory authority shall submit a report no later than
36 November 1, [2012] 2013 to the board, the governor, the director of the
37 budget, the temporary president of the senate, and the speaker of the
38 assembly on the aggregate impact of the higher education capital match-
39 ing grant program. Such report shall provide information on the progress
40 and economic impact of such project.

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

43 PART I

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

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

1 2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, AND
2 SUBJECT TO THE REVIEW AND APPROVAL OF THE STATE COMPTROLLER, THE STATE
3 MAY ENTER INTO AN AGREEMENT WITH THE UNIVERSITY PRESCRIBING THE GENERAL
4 TERMS AND CONDITIONS FOR PROVIDING SERVICES OR TECHNICAL ASSISTANCE
5 PURSUANT TO ARTICLE ELEVEN OF THE STATE FINANCE LAW OR PROGRAM ACTIV-
6 ITIES PURSUANT TO ARTICLE ELEVEN-B OF THE STATE FINANCE LAW. SUBJECT TO
7 SUCH TERMS AND CONDITIONS, STATE AGENCIES MAY ENTER INTO AGREEMENTS WITH
8 SAID UNIVERSITY FOR THE PROVISION OF SUCH SERVICES, ASSISTANCE OR ACTIV-
9 ITIES RELATED TO THE UNIVERSITY'S LAND GRANT MISSION, WHICH AGREEMENTS
10 SHALL NOT BE SUBJECT TO THE REQUIREMENTS OF THE STATE FINANCE LAW.
11 S 2. This act shall take effect immediately.

12 PART J
13 Intentionally Omitted

14 PART K

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

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

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

31 6-a. Notwithstanding subdivision six of this section OR ANY OTHER LAW
32 TO THE CONTRARY, the [director of the division for youth] COMMISSIONER
33 OF THE OFFICE OF CHILDREN AND FAMILY SERVICES shall be responsible for
34 the secular education of youth under the jurisdiction of the [division]
35 OFFICE and may contract for such education with the trustees or board of
36 education of the school district wherein a facility for the residential
37 care of [division for] SUCH youth is located OR WITH THE BOARD OF COOP-
38 ERATIVE EDUCATIONAL SERVICES AT WHICH ANY SUCH SCHOOL DISTRICT IS A
39 COMPONENT DISTRICT FOR SPECIAL EDUCATION PROGRAMS AND RELATED SERVICES.
40 A youth attending a local public school while in residence at such
41 facility shall be deemed a resident of the school district where his
42 parent or guardian resides at the commencement of each school year for
43 the purpose of determining which school district shall be responsible
44 for the youth's tuition pursuant to section five hundred four of the
45 executive law.

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

1 S 4. This act shall take effect July 1, 2012 and shall expire June 30,
2 2015 when upon such date the provisions of this act shall be deemed
3 repealed.

4 PART L

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

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

10 PART M

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

14 (a) Notwithstanding any provision of law to the contrary, eligible
15 expenditures by a municipality during a particular program year for the
16 care, maintenance and supervision in foster care programs certified by
17 the office of children and family services, certified or approved family
18 boarding homes, and non-secure detention facilities certified by the
19 office for those youth alleged to be persons in need of supervision or
20 adjudicated persons in need of supervision held pending transfer to a
21 facility upon placement; and in secure and non-secure detention facili-
22 ties certified by the office in accordance with section five hundred
23 three of this article for those youth alleged to be juvenile delin-
24 quents; adjudicated juvenile delinquents held pending transfer to a
25 facility upon placement, and juvenile delinquents held at the request of
26 the office of children and family services pending extension of place-
27 ment hearings or release revocation hearings or while awaiting disposi-
28 tion of such hearings; and youth alleged to be or convicted as juvenile
29 offenders shall be subject to state reimbursement for up to fifty
30 percent of the municipality's expenditures, exclusive of any federal
31 funds made available for such purposes, not to exceed the municipality's
32 distribution from funds that have been appropriated specifically there-
33 for for that program year. Municipalities shall implement the use of
34 detention risk assessment instruments in a manner prescribed by the
35 office so as to inform detention decisions. Notwithstanding any other
36 provision of state law to the contrary, data necessary for completion of
37 a detention risk assessment instrument may be shared [between] AMONG law
38 enforcement, probation, courts, detention administrators, detention
39 providers, and the attorney for the child upon retention or appointment;
40 solely for the purpose of accurate completion of such risk assessment
41 instrument, and a copy of the completed detention risk assessment
42 instrument shall be made available to the applicable detention provider,
43 THE ATTORNEY FOR THE CHILD and the court.

44 (d) (I) NOTWITHSTANDING ANY PROVISION OF LAW OR REGULATION TO THE
45 CONTRARY, ANY INFORMATION OR DATA NECESSARY FOR THE DEVELOPMENT, VALI-
46 DATION OR REVALIDATION OF THE DETENTION RISK ASSESSMENT INSTRUMENT SHALL
47 BE SHARED AMONG LOCAL PROBATION DEPARTMENTS, THE OFFICE OF PROBATION AND
48 CORRECTIONAL ALTERNATIVES AND, WHERE AUTHORIZED BY THE DIVISION OF CRIM-
49 INAL JUSTICE SERVICES, THE ENTITY UNDER CONTRACT WITH THE DIVISION TO
50 PROVIDE INFORMATION TECHNOLOGY SERVICES RELATED TO YOUTH ASSESSMENT AND
51 SCREENING, THE OFFICE OF CHILDREN AND FAMILY SERVICES, AND ANY ENTITY
52 UNDER CONTRACT WITH THE OFFICE OF CHILDREN AND FAMILY SERVICES TO

1 PROVIDE SERVICES RELATING TO THE DEVELOPMENT, VALIDATION OR REVALIDATION
2 OF THE DETENTION RISK ASSESSMENT INSTRUMENT. ANY SUCH INFORMATION AND
3 DATA SHALL NOT BE COMMINGLED WITH ANY CRIMINAL HISTORY DATABASE. ANY
4 INFORMATION AND DATA USED AND SHARED PURSUANT TO THIS SECTION SHALL ONLY
5 BE USED AND SHARED FOR THE PURPOSES OF THIS SECTION AND IN ACCORDANCE
6 WITH THIS SECTION. SUCH INFORMATION SHALL BE SHARED AND RECEIVED IN A
7 MANNER THAT PROTECTS THE CONFIDENTIALITY OF SUCH INFORMATION. THE SHAR-
8 ING, USE, DISCLOSURE AND REDISCLOSURE OF SUCH INFORMATION TO ANY PERSON,
9 OFFICE, OR OTHER ENTITY NOT SPECIFICALLY AUTHORIZED TO RECEIVE IT PURSU-
10 ANT TO THIS SECTION OR ANY OTHER LAW IS PROHIBITED.

11 (II) THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL CONSULT WITH
12 INDIVIDUALS WITH PROFESSIONAL RESEARCH EXPERIENCE AND EXPERTISE IN CRIM-
13 INAL JUSTICE; SOCIAL WORK; JUVENILE JUSTICE; AND APPLIED MATHEMATICS,
14 PSYCHOMETRICS AND/OR STATISTICS TO ASSIST THE OFFICE IN DETERMINING THE
15 METHOD IT WILL USE TO: DEVELOP, VALIDATE AND REVALIDATE SUCH DETENTION
16 RISK ASSESSMENT INSTRUMENT; AND ANALYZE THE EFFECTIVENESS OF THE USE OF
17 SUCH DETENTION RISK ASSESSMENT INSTRUMENT IN ACCOMPLISHING ITS INTENDED
18 GOALS; AND ANALYZE, TO THE GREATEST EXTENT POSSIBLE ANY DISPARATE IMPACT
19 ON DETENTION OUTCOMES FOR JUVENILES BASED ON RACE, SEX, NATIONAL ORIGIN,
20 ECONOMIC STATUS AND ANY OTHER CONSTITUTIONALLY PROTECTED CLASS, REGARD-
21 ING THE USE OF SUCH INSTRUMENT. THE OFFICE SHALL CONSULT WITH SUCH INDI-
22 VIDUALS REGARDING WHETHER IT IS APPROPRIATE TO ATTEMPT TO ANALYZE WHETH-
23 ER THERE IS ANY SUCH DISPARATE IMPACT BASED ON SEXUAL ORIENTATION AND,
24 IF SO, THE BEST METHODS TO CONDUCT SUCH ANALYSIS. THE OFFICE SHALL TAKE
25 INTO CONSIDERATION ANY RECOMMENDATIONS GIVEN BY SUCH INDIVIDUALS INVOLV-
26 ING IMPROVEMENTS THAT COULD BE MADE TO SUCH INSTRUMENT AND PROCESS.

27 (III) Data collected for the purposes of completing the detention risk
28 assessment instrument from any source other than an officially docu-
29 mented record shall be confirmed as soon as practicable. Should any data
30 originally utilized in completing the risk assessment instrument be
31 found to conflict with the officially documented record, the risk
32 assessment instrument shall be completed with the officially documented
33 data and any corresponding revision to the risk categorization shall be
34 made. The office shall periodically revalidate any approved risk assess-
35 ment instrument. The office shall conspicuously post any approved
36 detention risk assessment instrument on its website and shall confer
37 with appropriate stakeholders, including but not limited to, attorneys
38 for children, presentment agencies, probation, and the family court,
39 prior to revising any validated risk assessment instrument. Any such
40 revised risk assessment instrument shall be subject to periodic empir-
41 ical validation.

42 S 2. This act shall take effect immediately.

43

PART N

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

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

3 S 2. This act shall take effect immediately.

4 PART O

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

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

12 S 2. This act shall take effect immediately.

13 PART P

14 Section 1. Clause (ii) of subparagraph 4 of paragraph h of subdivision
15 2 of section 355 of the education law, as amended by chapter 260 of the
16 laws of 2011, is amended to read as follows:

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

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

39 PART Q

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

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

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

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

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

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

11 D. RECOMMENDATIONS FOR POTENTIAL MODIFICATION TO THE LAWS, REGU-
12 LATIONS, AND POLICIES REGARDING COMMUNITY COLLEGE CHARGES FOR NON-RESI-
13 DENT STUDENTS THAT WOULD RESULT IN IMPROVEMENTS RELATED TO EQUITY AND
14 EFFICIENCY AND THE FISCAL IMPACTS OF IMPLEMENTING SUCH MODIFICATIONS TO
15 STUDENTS, COUNTIES AND THE STATE.

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

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

22 3. THE CITY UNIVERSITY BOARD OF TRUSTEES SHALL WORK IN CONJUNCTION
23 WITH THE STATE UNIVERSITY BOARD OF TRUSTEES FOR THE PURPOSES OF EXAMIN-
24 ING THE LAWS, REGULATIONS, AND POLICIES REGARDING COMMUNITY COLLEGE
25 CHARGES FOR NON-RESIDENT STUDENTS AND SUBMITTING A REPORT TO THE LEGIS-
26 LATURE PURSUANT TO SUBDIVISION ELEVEN OF SECTION SIXTY-THREE HUNDRED
27 FIVE OF THIS TITLE.

28 S 3. This act shall take effect immediately.

29

PART R

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

33 1. Notwithstanding any other provision of law, the county of Nassau is
34 hereby authorized and empowered to adopt and amend a local law or ordi-
35 nance establishing a demonstration program imposing monetary liability
36 on the owner of a vehicle for failure of an operator thereof to comply
37 with traffic-control indications in such county in accordance with the
38 provisions of this section. Such demonstration program shall empower
39 such county to install and operate traffic-control signal photo viola-
40 tion-monitoring devices at no more than [fifty] ONE HUNDRED inter-
41 sections within and under the jurisdiction of such county at any one
42 time.

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

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

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

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

7 PART S

8 Section 1. Notwithstanding any other provision of law to the contrary,
9 for the state fiscal year beginning April 1, 2013, and in each state
10 fiscal year thereafter, a payment of aid and incentives for munici-
11 palities in the amount listed below, otherwise due and payable on or
12 before September 25, October 15, December 15 or March 15, as applicable,
13 less the amount of aid annually accrued by each city pursuant to chapter
14 405 of the laws of 1999, shall be paid on or before May 31 in such state
15 fiscal year for the city of Olean, and on or before June 30 in such
16 state fiscal year for all other cities, upon written request by the
17 chief elected official of such city to the director of the budget,
18 provided such request is made no later than May 31, 2012 for the city of
19 Olean and no later than June 30, 2012 for all other cities. Such written
20 request shall include an attestation that the net payment amount being
21 requested is necessary to close a budget gap for the ensuing 2012-13
22 city fiscal year, and acknowledgment that any such payment acceleration
23 provides a one-time increase in aid for the 2012-13 city fiscal year
24 only.

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

27	For the city of Amsterdam	2,100,000
28	For the city of Auburn	3,400,000
29	For the city of Buffalo	30,000,000
30	For the city of Corning	900,000
31	For the city of Lackawanna.....	3,600,000
32	For the city of Long Beach.....	1,400,000
33	For the city of Olean	1,900,000
34	For the city of Rensselaer.....	400,000
35	For the city of Rochester	28,000,000
36	For the city of Syracuse	30,000,000
37	For the city of Watertown	3,100,000
38	For the city of White Plains.....	2,200,000
39	For the city of Yonkers	11,900,000

40 S 2. This act shall take effect immediately.

41 PART T

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

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

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

State Fiscal Year

Amount

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

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

PART U

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

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

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

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

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

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

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

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

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

21 (l) shall provide a limitation on the amount of bonds which may be
22 issued pursuant to section nine hundred [sixty-o] SEVENTY-0 of this
23 article for the purpose of carrying out or administering the redevelop-
24 ment plan;

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

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

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

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

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

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

13 S 5. Section 970-g of the general municipal law, as added by chapter
14 916 of the laws of 1984 and such section as renumbered by chapter 686 of
15 the laws of 1986, is amended to read as follows:

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

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

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

38 S 6. Section 970-m of the general municipal law, as added by chapter
39 916 of the laws of 1984 and as renumbered by chapter 686 of the laws of
40 1986, is amended to read as follows:

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

54 S 7. Paragraphs (iii), (iv) and (v) of subdivision (a) of section
55 970-n of the general municipal law, as added by chapter 916 of the laws

1 of 1984 and such section as renumbered by chapter 686 of the laws of
2 1986, are amended to read as follows:

3 (iii) If two or more municipalities jointly exercise the powers grant-
4 ed under this subdivision and a redevelopment plan as adopted provides
5 for the allocation of real property tax revenues pursuant to section
6 nine hundred [sixty-o] SEVENTY-0 of this article the real property taxes
7 of each municipality shall be allocated pursuant to such section.

8 (iv) If two or more municipalities jointly exercise the powers granted
9 under this subdivision and the redevelopment plan as adopted provides
10 for the issuance of indebtedness pursuant to section nine hundred
11 [sixty-o] SEVENTY-0 of this article, such indebtedness shall either be
12 issued jointly by the municipalities and the resolution authorizing the
13 issuance of such indebtedness must be approved by the legislative body
14 of each municipality acting separately or shall be issued by resolution
15 of the [the] designated agent on behalf of the municipality it repres-
16 ents and, by resolution of its legislative body, each municipality shall
17 irrevocably pledge the revenues allocated pursuant to section nine
18 hundred [sixty-p] SEVENTY-P of this article to the repayment of such
19 indebtedness and any interest thereon.

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

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

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

1 (iii) Unless otherwise provided by this subdivision or by the special
2 act of the legislature establishing a municipal redevelopment authority
3 or empowering an existing public corporation to carry out the purposes
4 and provisions of this article, such authority or public corporation
5 shall have the powers, duties and responsibilities granted a municipi-
6 pality and its legislative body pursuant to sections nine hundred
7 [sixty-d] SEVENTY-D through nine hundred [sixty-m] SEVENTY-M of this
8 article, as well as the authority to receive the taxes of each municipi-
9 pality AND SCHOOL DISTRICT allocated and paid pursuant to section nine
10 hundred [sixty-p] SEVENTY-P of this article. Such authority or public
11 corporation shall have the power to designate survey areas and select
12 project areas as provided by sections nine hundred [sixty-d] SEVENTY-D
13 and nine hundred [sixty-e] SEVENTY-E of this article. Such authority or
14 public corporation shall obtain the report and recommendation of the
15 planning agency of each municipality OR SCHOOL DISTRICT on the redevel-
16 opment plan and its conformity to the master plan of each municipality
17 AND SCHOOL DISTRICT before presenting the redevelopment plan to the
18 legislative body of each municipality OR SCHOOL DISTRICT. In order for
19 a preliminary plan to be adopted or for a redevelopment plan to be
20 adopted or amended approval must be obtained by resolution of the legis-
21 lative body of each municipality AND THE BOARD OF EDUCATION OF EACH
22 SCHOOL DISTRICT acting separately.

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

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

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

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

1 ALLOCATED TAXES PURSUANT TO SECTION NINE HUNDRED SEVENTY-P OF THIS ARTI-
2 CLE.

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

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

9 (i) acquisition of land;

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

12 (iii) installation, construction or reconstruction of streets, walk-
13 ways, docks, drainage, parking facilities, flood control facilities,
14 water and sewer systems and other public utilities, parks and play-
15 grounds;

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

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

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

31 S 11. Section 970-p of the general municipal law, as added by chapter
32 916 of the laws of 1984 and as renumbered by chapter 686 of the laws of
33 1986, is amended to read as follows:

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

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

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

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

15 (iii) whenever the total amount of real property taxes allocated
16 pursuant to paragraph (ii) of this subdivision exceeds the amounts allo-
17 cated and paid for interest and principal and necessary reserves, and
18 for amounts to be paid in lieu of taxes, the amount of taxes in excess
19 of such amounts shall be paid into the funds of the respective munici-
20 palities AND SCHOOL DISTRICTS as taxes on all other real property are
21 paid;

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

25 (b) Whenever real property in any redevelopment project has been rede-
26 veloped and thereafter is leased by the municipality to any person or
27 persons or whenever the agency leases real property in any redevelopment
28 project to any person or persons for redevelopment, the property shall
29 be assessed and taxed in the same manner as privately owned real proper-
30 ty and the lease or contract shall provide that the lessee shall pay
31 real property taxes upon the assessed value of the entire real property
32 and not merely the assessed value of his or her leasehold interest.

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

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

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

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

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

S 12. This act shall take effect immediately.

PART V

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

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

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

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

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

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

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

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

19 (C) "TRANSLATION" SHALL MEAN THE CONVERSION OF A WRITTEN TEXT FROM ONE
20 LANGUAGE INTO AN EQUIVALENT WRITTEN TEXT IN ANOTHER LANGUAGE BY AN INDI-
21 VIDUAL COMPETENT TO DO SO AND UTILIZING ALL NECESSARY PHARMACEUTICAL AND
22 HEALTH-RELATED TERMINOLOGY. SUCH TRANSLATION MAY OCCUR, WHERE APPROPRI-
23 ATE, IN A SEPARATE DOCUMENT PROVIDED TO AN LEP INDIVIDUAL THAT ACCOMPA-
24 NIES HIS OR HER MEDICATION.

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

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

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

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

49 (B) EVERY COVERED PHARMACY SHALL PROVIDE FREE, COMPETENT ORAL INTER-
50 PRETATION SERVICES AND TRANSLATION SERVICES OF PRESCRIPTION MEDICATION
51 LABELS, WARNING LABELS AND OTHER WRITTEN MATERIAL TO EACH LEP INDIVIDUAL
52 FILLING A PRESCRIPTION AT SUCH COVERED PHARMACY, UNLESS THE LEP INDIVID-
53 UAL IS OFFERED AND REFUSES SUCH SERVICES OR THE MEDICATION LABEL, WARN-
54 ING LABELS AND OTHER WRITTEN MATERIALS HAVE ALREADY BEEN TRANSLATED INTO
55 THE LANGUAGE SPOKEN BY THE LEP INDIVIDUAL.

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

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

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

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

(B) WHICH LANGUAGES SHALL BE CONSIDERED;

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (C) FONT TYPES AND SIZES;

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

14 (E) THE NEEDS OF SPECIAL POPULATIONS.

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

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

30 S 6. This act shall take effect one year after it shall have become a
31 law. Effective immediately, the commissioner of health, the commission-
32 er of education and the state board of pharmacy are immediately author-
33 ized and directed to take actions necessary to implement this act when
34 it takes effect.

35 PART W

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

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

48 (A) THE STATE DIRECTOR SHALL PROMULGATE RULES AND REGULATIONS GOVERN-
49 ING THE SUBMISSION OF REQUESTS AND PROPOSALS BY A POLITICAL SUBDIVISION
50 OF THE STATE DESIRING TO ESTABLISH, OPERATE AND MAINTAIN A STATE VETER-
51 AN'S CEMETERY.

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

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

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

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

26 (E) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (B) OF THIS SUBDIVI-
27 SION, THE STATE SHALL BE RESPONSIBLE TO THE GOVERNMENT OF THE UNITED
28 STATES FOR ANY COSTS ASSOCIATED WITH THE ESTABLISHMENT, OPERATION AND
29 MAINTENANCE OF STATE VETERAN'S CEMETERIES AND FOR MEETING ANY APPLICABLE
30 FEDERAL STANDARDS AND REQUIREMENTS FOR THE PERPETUAL OPERATION AND MAIN-
31 TENANCE OF SUCH CEMETERIES.

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

34 12-A. PURSUANT TO THE AUTHORIZATION CONTAINED WITHIN THE PROVISIONS OF
35 SUBDIVISION TWELVE OF THIS SECTION, ON OR BEFORE DECEMBER THIRTY-FIRST,
36 TWO THOUSAND TWELVE, THE STATE OF NEW YORK SHALL APPLY PURSUANT TO THE
37 U.S. DEPARTMENT OF VETERANS AFFAIRS AID TO STATES FOR ESTABLISHMENT,
38 EXPANSION AND IMPROVEMENT OF VETERAN'S CEMETERIES FOR THE FUNDS AND
39 APPROVAL TO ACQUIRE LAND FOR AND ESTABLISH, OPERATE AND MAINTAIN IN
40 PUTNAM COUNTY A VETERAN'S CEMETERY. SUCH APPLICATION SHALL BE BASED UPON
41 AN AGREEMENT TO BE ENTERED INTO PRIOR TO SUCH APPLICATION BETWEEN THE
42 STATE AND THE COUNTY OF PUTNAM WHICH SPECIFIES THE POTENTIAL SITE
43 LOCATION OF SUCH A VETERAN'S CEMETERY WITHIN THE COUNTY OF PUTNAM, AND
44 WHICH AGREEMENT FURTHER PROVIDES THAT THE COUNTY OF PUTNAM PROMISES TO
45 DIRECTLY PROVIDE, OR REIMBURSE THE STATE FOR, ANY AND ALL APPROPRIATE
46 NON-FEDERALLY REIMBURSED COSTS, PROVIDED THAT NO SUCH APPLICATION SHALL
47 BE MADE IF THE STATE DOES NOT ENTER INTO SUCH AGREEMENT WITH THE COUNTY
48 OF PUTNAM.

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

55 S 2. Severability clause. If any clause, sentence, paragraph, subdivi-
56 sion, 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 W of this act shall be
10 as specifically set forth in the last section of such Parts.