

S. 6356

A. 8556

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

January 21, 2014

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

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

AN ACT to amend the education law, in relation to contracts for excellence, calculation of the gap elimination restoration amount, apportionment of school aid, teachers of tomorrow teacher recruitment and retention program, school district reorganizations and real property tax rates, transportation after 4 p.m., to establish a teacher excellence fund, duties and waivers of school districts with children with handicapping conditions, to authorize the commissioner of education to establish regional tuition rates for approved special education itinerant services, to authorize reimbursement for approved special education itinerant services based on actual attendance, to authorize New York city to establish local tuition rates for approved special education itinerant services; to amend chapter 756 of the laws of 1992 relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to apportionment and reimbursement; and in relation to extending the expiration of certain provisions; to amend chapter 169 of the laws of 1994 relating to certain provisions related to the 1994-95 state operations, aid to localities, capital projects and debt service budgets; 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 the education law, in relation to the definition of "school district basic contribution"; 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

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

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Act of 2001, in relation to extending the expiration of certain provisions of such chapters; to provide special apportionment for school bus driver training; to provide special apportionment for salary expenses; to provide special apportionment for public pension accruals; to provide special apportionment for salary expenses; in relation to suballocation of certain education department accruals; in relation to the support of public libraries; and providing for the repeal of certain provisions upon expiration thereof (Part A); authorizing the creation of a state debt in the amount of two billion dollars, in relation to creating the smart schools bond act of 2014 for the purposes of funding capital projects to provide learning technology equipment or facilities, enhanced internet connectivity for schools and communities, and educational facilities to accommodate pre-kindergarten programs; and providing for the submission to the people of a proposition or question therefor to be voted upon at the general election to be held in November, 2014 (Part B); to amend the education law and the state finance law, in relation to the implementation of the smart schools bond act of 2014 (Part C); to amend the education law, in relation to the nurse practitioners modernization act (Part D); to amend the education law and the executive law, in relation to harassment, bullying and discrimination in schools (Part E); to amend the executive law, in relation to unlawful discriminatory practices by educational institutions (Part F); to amend the education law, in relation to creating the science, technology, engineering and mathematics incentive program (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 New York state higher education matching grant program for independent colleges and the effectiveness thereof (Part H); 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 I); to amend the social services law, in relation to public assistance restrictions (Part J); to utilize reserves in the project pool insurance account of the mortgage insurance fund for various housing purposes (Part K); and to amend the education law, in relation to educational programs in juvenile justice programs operated by the office of children and family services (Subpart A); and to amend the social services law, in relation to a deadline for the close to home initiative (Subpart B) (Part L)

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 2014-2015
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through L. The effective date for each particular
5 provision contained within such Part is set forth in the last section of
6 such Part. Any provision in any section contained within a Part, includ-
7 ing the effective date of the Part, which makes a reference to a section
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

1 Part in which it is found. Section three of this act sets forth the
2 general effective date of this act.

3 PART A

4 Section 1. Paragraph e of subdivision 1 of section 211-d of the educa-
5 tion law, as amended by section 2 of part A of chapter 57 of the laws of
6 2013, is amended to read as follows:

7 e. Notwithstanding paragraphs a and b of this subdivision, a school
8 district that submitted a contract for excellence for the two thousand
9 eight--two thousand nine school year shall submit a contract for excel-
10 lence for the two thousand nine--two thousand ten school year in
11 conformity with the requirements of subparagraph (vi) of paragraph a of
12 subdivision two of this section unless all schools in the district are
13 identified as in good standing and provided further that, a school
14 district that submitted a contract for excellence for the two thousand
15 nine--two thousand ten school year, unless all schools in the district
16 are identified as in good standing, shall submit a contract for excel-
17 lence for the two thousand eleven--two thousand twelve school year which
18 shall, notwithstanding the requirements of subparagraph (vi) of para-
19 graph a of subdivision two of this section, provide for the expenditure
20 of an amount which shall be not less than the product of the amount
21 approved by the commissioner in the contract for excellence for the two
22 thousand nine--two thousand ten school year, multiplied by the
23 district's gap elimination adjustment percentage and provided further
24 that, a school district that submitted a contract for excellence for the
25 two thousand eleven--two thousand twelve school year, unless all schools
26 in the district are identified as in good standing, shall submit a
27 contract for excellence for the two thousand twelve--two thousand thir-
28 teen school year which shall, notwithstanding the requirements of
29 subparagraph (vi) of paragraph a of subdivision two of this section,
30 provide for the expenditure of an amount which shall be not less than
31 the amount approved by the commissioner in the contract for excellence
32 for the two thousand eleven--two thousand twelve school year and
33 provided further that, a school district that submitted a contract for
34 excellence for the two thousand twelve--two thousand thirteen school
35 year, unless all schools in the district are identified as in good
36 standing, shall submit a contract for excellence for the two thousand
37 thirteen--two thousand fourteen school year which shall, notwithstanding
38 the requirements of subparagraph (vi) of paragraph a of subdivision two
39 of this section, provide for the expenditure of an amount which shall be
40 not less than the amount approved by the commissioner in the contract
41 for excellence for the two thousand twelve--two thousand thirteen school
42 year AND PROVIDED FURTHER THAT, A SCHOOL DISTRICT THAT SUBMITTED A
43 CONTRACT FOR EXCELLENCE FOR THE TWO THOUSAND THIRTEEN--TWO THOUSAND
44 FOURTEEN SCHOOL YEAR, UNLESS ALL SCHOOLS IN THE DISTRICT ARE IDENTIFIED
45 AS IN GOOD STANDING, SHALL SUBMIT A CONTRACT FOR EXCELLENCE FOR THE TWO
46 THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR WHICH SHALL,
47 NOTWITHSTANDING THE REQUIREMENTS OF SUBPARAGRAPH (VI) OF PARAGRAPH A OF
48 SUBDIVISION TWO OF THIS SECTION, PROVIDE FOR THE EXPENDITURE OF AN
49 AMOUNT WHICH SHALL BE NOT LESS THAN THE AMOUNT APPROVED BY THE COMMIS-
50 SIONER IN THE CONTRACT FOR EXCELLENCE FOR THE TWO THOUSAND THIRTEEN--TWO
51 THOUSAND FOURTEEN SCHOOL YEAR. For purposes of this paragraph, the "gap
52 elimination adjustment percentage" shall be calculated as the sum of one
53 minus the quotient of the sum of the school district's net gap elimi-
54 nation adjustment for two thousand ten--two thousand eleven computed

1 pursuant to chapter fifty-three of the laws of two thousand ten, making
2 appropriations for the support of government, plus the school district's
3 gap elimination adjustment for two thousand eleven--two thousand twelve
4 as computed pursuant to chapter fifty-three of the laws of two thousand
5 eleven, making appropriations for the support of the local assistance
6 budget, including support for general support for public schools,
7 divided by the total aid for adjustment computed pursuant to chapter
8 fifty-three of the laws of two thousand eleven, making appropriations
9 for the local assistance budget, including support for general support
10 for public schools. Provided, further, that such amount shall be
11 expended to support and maintain allowable programs and activities
12 approved in the two thousand nine--two thousand ten school year or to
13 support new or expanded allowable programs and activities in the current
14 year.

15 S 2. Paragraph (f) of subdivision 17 of section 3602 of the education
16 law, as added by section 12 of part A of chapter 57 of the laws of 2013,
17 is amended and a new paragraph (g) is added to read as follows:

18 (f) The gap elimination adjustment restoration amount for the two
19 thousand fourteen--two thousand fifteen school year [and thereafter
20 shall equal the product of the gap elimination percentage for such
21 district and the gap elimination adjustment restoration allocation
22 established pursuant to subdivision eighteen of this section.] FOR A
23 SCHOOL DISTRICT SHALL BE COMPUTED BASED ON DATA ON FILE WITH THE COMMIS-
24 SIONER AND IN THE DATABASE USED BY THE COMMISSIONER TO PRODUCE AN
25 UPDATED ELECTRONIC DATA FILE IN SUPPORT OF THE EXECUTIVE BUDGET REQUEST
26 SUBMITTED FOR THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN STATE
27 FISCAL YEAR AND SHALL EQUAL THE GREATER OF:

28 (I) THE PRODUCT OF TWO AND FIVE-TENTHS PERCENT (0.025) MULTIPLIED BY
29 THE GAP ELIMINATION ADJUSTMENT FOR THE BASE YEAR OR;

30 (II) THE POSITIVE DIFFERENCE OF (A) THE PRODUCT OF TWENTY-TWO PERCENT
31 (0.22) MULTIPLIED BY THE ABSOLUTE VALUE OF THE AMOUNT SET FORTH FOR SUCH
32 SCHOOL DISTRICT AS "GAP ELIMINATION ADJUSTMENT" UNDER THE HEADING
33 "2011-12 ESTIMATED AIDS" IN THE SCHOOL AID COMPUTER LISTING PRODUCED BY
34 THE COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET REQUEST SUBMITTED
35 FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE STATE FISCAL YEAR AND
36 ENTITLED "BT111-2" MINUS (B) THE POSITIVE DIFFERENCE OF THE ABSOLUTE
37 VALUE OF THE AMOUNT SET FORTH FOR SUCH SCHOOL DISTRICT AS "GAP ELIMI-
38 NATION ADJUSTMENT" UNDER THE HEADING "2011-12 ESTIMATED AIDS" IN THE
39 SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF
40 THE EXECUTIVE BUDGET REQUEST SUBMITTED FOR THE TWO THOUSAND ELEVEN--TWO
41 THOUSAND TWELVE STATE FISCAL YEAR AND ENTITLED "BT111-2" MINUS THE GAP
42 ELIMINATION ADJUSTMENT FOR THE BASE YEAR OR;

43 (III) THE SUM OF (A) THE GREATER OF:

44 (A) THE PRODUCT OF (1) THE PRODUCT OF TWO HUNDRED AND SEVENTY-TWO
45 DOLLARS (\$272.00) MULTIPLIED BY THE EXTRAORDINARY NEEDS PERCENT COMPUTED
46 TO TWO DECIMAL PLACES WITHOUT ROUNDING MULTIPLIED BY (2) THE PRODUCT OF
47 THE STATE SHARING RATIO COMPUTED PURSUANT TO PARAGRAPH G OF SUBDIVISION
48 THREE OF THIS SECTION MULTIPLIED BY (3) THE REGIONAL COST INDEX PURSUANT
49 TO SUBDIVISION FOUR OF THIS SECTION MULTIPLIED BY (4) THE BASE YEAR
50 PUBLIC SCHOOL DISTRICT ENROLLMENT AS COMPUTED PURSUANT TO SUBPARAGRAPH
51 TWO OF PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION, OR;

52 (B) THE PRODUCT OF THREE HUNDRED SIXTY-THREE DOLLARS AND FIFTY CENTS
53 (\$363.50) MULTIPLIED BY (1) THE POSITIVE DIFFERENCE, IF ANY, OF ONE
54 MINUS THE PRODUCT OF ONE AND THIRTY-SEVEN ONE-HUNDREDTHS (1.37) MULTI-
55 PLIED BY THE COMBINED WEALTH RATIO COMPUTED PURSUANT TO SUBPARAGRAPH ONE
56 OF PARAGRAPH C OF SUBDIVISION THREE OF THIS SECTION BUT NOT GREATER THAN

1 NINE-TENTHS (0.9) MULTIPLIED BY (2) THE BASE YEAR PUBLIC SCHOOL DISTRICT
2 ENROLLMENT AS COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF
3 SUBDIVISION ONE OF THIS SECTION, OR

4 (C) THE PRODUCT, COMPUTED TO THE NEAREST WHOLE NUMBER WITHOUT ROUND-
5 ING, OF: (1) THE PRODUCT OF THE QUOTIENT OF THE TAX EFFORT RATIO AS
6 DEFINED IN SUBDIVISION SIXTEEN OF THIS SECTION DIVIDED BY THREE AND ONE
7 HUNDRED SEVENTY-SIX THOUSANDTHS PERCENT (0.03176) MULTIPLIED BY THE
8 POSITIVE DIFFERENCE, IF ANY, OF ONE MINUS THE ALTERNATE PUPIL WEALTH
9 RATIO COMPUTED PURSUANT TO PARAGRAPH B OF SUBDIVISION THREE OF THIS
10 SECTION BUT NOT GREATER THAN NINE-TENTHS (0.9) COMPUTED TO THREE DECI-
11 MALS WITHOUT ROUNDING, MULTIPLIED BY (2) TWO HUNDRED FIFTY-THREE DOLLARS
12 AND FIFTY CENTS (\$253.50) WITH THE RESULT COMPUTED TO TWO DECIMALS WITH-
13 OUT ROUNDING MULTIPLIED BY (3) THE BASE YEAR PUBLIC SCHOOL DISTRICT
14 ENROLLMENT AS COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF
15 SUBDIVISION ONE OF THIS SECTION; AND

16 (B) THE PRODUCT OF (A) THE POSITIVE DIFFERENCE, IF ANY, OF THE BASE
17 YEAR PUBLIC SCHOOL DISTRICT ENROLLMENT AS COMPUTED PURSUANT TO SUBPARA-
18 GRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION MINUS THE
19 PUBLIC SCHOOL DISTRICT ENROLLMENT FOR THE YEAR FIVE YEARS PRIOR TO THE
20 BASE YEAR, AS COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF
21 SUBDIVISION ONE OF THIS SECTION MULTIPLIED BY (B) ONE THOUSAND EIGHT
22 HUNDRED FIFTEEN DOLLARS (\$1,815) MULTIPLIED BY (C) THE STATE SHARING
23 RATIO COMPUTED PURSUANT TO PARAGRAPH G OF SUBDIVISION THREE OF THIS
24 SECTION;

25 (IV) PROVIDED FURTHER, NOTWITHSTANDING ANY PROVISION OF THIS PARAGRAPH
26 TO THE CONTRARY, THAT A DISTRICT'S GAP ELIMINATION ADJUSTMENT RESTORA-
27 TION FOR THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR
28 SHALL NOT EXCEED THE PRODUCT OF FORTY-FIVE PERCENT (0.45) AND THE GAP
29 ELIMINATION ADJUSTMENT FOR THE BASE YEAR FOR THE DISTRICT.

30 (G) THE GAP ELIMINATION ADJUSTMENT RESTORATION AMOUNT FOR THE TWO
31 THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR AND THEREAFTER SHALL
32 EQUAL THE PRODUCT OF THE GAP ELIMINATION PERCENTAGE FOR SUCH DISTRICT
33 AND THE GAP ELIMINATION ADJUSTMENT RESTORATION ALLOCATION ESTABLISHED
34 PURSUANT TO SUBDIVISION EIGHTEEN OF THIS SECTION.

35 S 3. Paragraph a of subdivision 5 of section 3604 of the education
36 law, as amended by chapter 161 of the laws of 2005, is amended to read
37 as follows:

38 a. State aid adjustments. All errors or omissions in the apportionment
39 shall be corrected by the commissioner. Whenever a school district has
40 been apportioned less money than that to which it is entitled, the
41 commissioner may allot to such district the balance to which it is enti-
42 tled. Whenever a school district has been apportioned more money than
43 that to which it is entitled, the commissioner may, by an order, direct
44 such moneys to be paid back to the state to be credited to the general
45 fund local assistance account for state aid to the schools, or may
46 deduct such amount from the next apportionment to be made to said
47 district, provided, however, that, upon notification of excess payments
48 of aid for which a recovery must be made by the state through deduction
49 of future aid payments, a school district may request that such excess
50 payments be recovered by deducting such excess payments from the
51 payments due to such school district and payable in the month of June in
52 (i) the school year in which such notification was received and (ii) the
53 two succeeding school years, provided further that there shall be no
54 interest penalty assessed against such district or collected by the
55 state. Such request shall be made to the commissioner in such form as
56 the commissioner shall prescribe, and shall be based on documentation

1 that the total amount to be recovered is in excess of one percent of the
2 district's total general fund expenditures for the preceding school
3 year. The amount to be deducted in the first year shall be the greater
4 of (i) the sum of the amount of such excess payments that is recognized
5 as a liability due to other governments by the district for the preced-
6 ing school year and the positive remainder of the district's unreserved
7 fund balance at the close of the preceding school year less the product
8 of the district's total general fund expenditures for the preceding
9 school year multiplied by five percent, or (ii) one-third of such excess
10 payments. The amount to be recovered in the second year shall equal the
11 lesser of the remaining amount of such excess payments to be recovered
12 or one-third of such excess payments, and the remaining amount of such
13 excess payments shall be recovered in the third year. Provided further
14 that, notwithstanding any other provisions of this subdivision, any
15 pending payment of moneys due to such district as a prior year adjust-
16 ment payable pursuant to paragraph c of this subdivision for aid claims
17 that had been previously paid as current year aid payments in excess of
18 the amount to which the district is entitled and for which recovery of
19 excess payments is to be made pursuant to this paragraph, shall be
20 reduced at the time of actual payment by any remaining unrecovered
21 balance of such excess payments, and the remaining scheduled deductions
22 of such excess payments pursuant to this paragraph shall be reduced by
23 the commissioner to reflect the amount so recovered. The commissioner
24 shall certify no payment to a school district based on a claim submitted
25 later than three years after the close of the school year in which such
26 payment was first to be made. For claims for which payment is first to
27 be made in the nineteen hundred ninety-six--ninety-seven school year,
28 the commissioner shall certify no payment to a school district based on
29 a claim submitted later than two years after the close of such school
30 year. For claims for which payment is first to be made [in the nineteen
31 hundred ninety-seven--ninety-eight] PRIOR TO THE TWO THOUSAND THIRTEEN-
32 -TWO THOUSAND FOURTEEN school year [and thereafter], the commissioner
33 shall certify no payment to a school district based on a claim submitted
34 later than one year after the close of such school year. FURTHER
35 PROVIDED THAT FOR ANY APPORTIONMENTS PROVIDED PURSUANT TO SECTIONS SEVEN
36 HUNDRED ONE, SEVEN HUNDRED ELEVEN, SEVEN HUNDRED FIFTY-ONE, SEVEN
37 HUNDRED FIFTY-THREE, NINETEEN HUNDRED FIFTY, THIRTY-SIX HUNDRED TWO,
38 THIRTY-SIX HUNDRED TWO-B, THIRTY-SIX HUNDRED TWO-C, THIRTY-SIX HUNDRED
39 TWO-E, THIRTY-SIX HUNDRED TWELVE AND FORTY-FOUR HUNDRED FIVE OF THIS
40 CHAPTER FOR THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN AND PRIOR
41 SCHOOL YEARS, THE COMMISSIONER SHALL CERTIFY NO PAYMENT TO A SCHOOL
42 DISTRICT, OTHER THAN PAYMENTS PURSUANT TO SUBDIVISIONS SIX-A, ELEVEN,
43 THIRTEEN AND FIFTEEN OF SECTION THIRTY-SIX HUNDRED TWO OF THIS PART, IN
44 EXCESS OF THE PAYMENT COMPUTED BASED ON AN ELECTRONIC DATA FILE USED TO
45 PRODUCE THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN
46 SUPPORT OF THE EXECUTIVE BUDGET REQUEST SUBMITTED FOR THE TWO THOUSAND
47 FOURTEEN--TWO THOUSAND FIFTEEN STATE FISCAL YEAR AND ENTITLED "BT141-5",
48 AND FURTHER PROVIDED THAT FOR ANY APPORTIONMENTS PROVIDED PURSUANT TO
49 SECTIONS SEVEN HUNDRED ONE, SEVEN HUNDRED ELEVEN, SEVEN HUNDRED
50 FIFTY-ONE, SEVEN HUNDRED FIFTY-THREE, NINETEEN HUNDRED FIFTY, THIRTY-SIX
51 HUNDRED TWO, THIRTY-SIX HUNDRED TWO-B, THIRTY-SIX HUNDRED TWO-C, THIR-
52 TY-SIX HUNDRED TWO-E, THIRTY-SIX HUNDRED TWELVE AND FORTY-FOUR HUNDRED
53 FIVE OF THIS CHAPTER FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN
54 SCHOOL YEAR AND THEREAFTER, THE COMMISSIONER SHALL CERTIFY NO PAYMENT TO
55 A SCHOOL DISTRICT, OTHER THAN PAYMENTS PURSUANT TO SUBDIVISIONS SIX-A,
56 ELEVEN, THIRTEEN AND FIFTEEN OF SECTION THIRTY-SIX HUNDRED TWO OF THIS

1 PART, IN EXCESS OF THE PAYMENT COMPUTED BASED ON AN ELECTRONIC DATA FILE
2 USED TO PRODUCE THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMIS-
3 SIONER IN SUPPORT OF THE EXECUTIVE BUDGET REQUEST SUBMITTED FOR THE
4 STATE FISCAL YEAR IN WHICH THE SCHOOL YEAR COMMENCES. Provided, however,
5 no payments shall be barred or reduced where such payment is required as
6 a result of a final audit of the state. It is further provided that,
7 until June thirtieth, nineteen hundred ninety-six, the commissioner may
8 grant a waiver from the provisions of this section for any school
9 district if it is in the best educational interests of the district
10 pursuant to guidelines developed by the commissioner and approved by the
11 director of the budget.

12 S 4. The opening paragraph of section 3609-a of the education law, as
13 amended by section 14 of part A of chapter 57 of the laws of 2013, is
14 amended to read as follows:

15 For aid payable in the two thousand seven--two thousand eight school
16 year [and thereafter] THROUGH THE TWO THOUSAND THIRTEEN--TWO THOUSAND
17 FOURTEEN SCHOOL YEAR, "moneys apportioned" shall mean the lesser of (i)
18 the sum of one hundred percent of the respective amount set forth for
19 each school district as payable pursuant to this section in the school
20 aid computer listing for the current year produced by the commissioner
21 in support of the budget which includes the appropriation for the gener-
22 al support for public schools for the prescribed payments and individ-
23 ualized payments due prior to April first for the current year plus the
24 apportionment payable during the current school year pursuant to subdi-
25 vision six-a and subdivision fifteen of section thirty-six hundred two
26 of this part minus any reductions to current year aids pursuant to
27 subdivision seven of section thirty-six hundred four of this part or any
28 deduction from apportionment payable pursuant to this chapter for
29 collection of a school district basic contribution as defined in subdi-
30 vision eight of section forty-four hundred one of this chapter, less any
31 grants provided pursuant to subparagraph two-a of paragraph b of subdi-
32 vision four of section ninety-two-c of the state finance law, less any
33 grants provided pursuant to subdivision twelve of section thirty-six
34 hundred forty-one of this article, or (ii) the apportionment calculated
35 by the commissioner based on data on file at the time the payment is
36 processed; provided however, that for the purposes of any payments made
37 pursuant to this section prior to the first business day of June of the
38 current year, moneys apportioned shall not include any aids payable
39 pursuant to subdivisions six and fourteen, if applicable, of section
40 thirty-six hundred two of this part as current year aid for debt service
41 on bond anticipation notes and/or bonds first issued in the current year
42 or any aids payable for full-day kindergarten for the current year
43 pursuant to subdivision nine of section thirty-six hundred two of this
44 part. The definitions of "base year" and "current year" as set forth in
45 subdivision one of section thirty-six hundred two of this part shall
46 apply to this section. For aid payable in the two thousand thirteen--two
47 thousand fourteen school year, reference to such "school aid computer
48 listing for the current year" shall mean the printouts entitled
49 "SA131-4". FOR AID PAYABLE IN THE TWO THOUSAND FOURTEEN--TWO THOUSAND
50 FIFTEEN SCHOOL YEAR AND THEREAFTER, "MONEYS APPORTIONED" SHALL MEAN THE
51 LESSER OF: (I) THE SUM OF ONE HUNDRED PERCENT OF THE RESPECTIVE AMOUNT
52 SET FORTH FOR EACH SCHOOL DISTRICT AS PAYABLE PURSUANT TO THIS SECTION
53 IN THE SCHOOL AID COMPUTER LISTING FOR THE CURRENT YEAR PRODUCED BY THE
54 COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET REQUEST WHICH INCLUDES
55 THE APPROPRIATION FOR THE GENERAL SUPPORT FOR PUBLIC SCHOOLS FOR THE
56 PRESCRIBED PAYMENTS AND INDIVIDUALIZED PAYMENTS DUE PRIOR TO APRIL FIRST

1 FOR THE CURRENT YEAR PLUS THE APPORTIONMENT PAYABLE DURING THE CURRENT
2 SCHOOL YEAR PURSUANT TO SUBDIVISIONS SIX-A AND FIFTEEN OF SECTION THIR-
3 TY-SIX HUNDRED TWO OF THIS PART MINUS ANY REDUCTIONS TO CURRENT YEAR
4 AIDS PURSUANT TO SUBDIVISION SEVEN OF SECTION THIRTY-SIX HUNDRED FOUR OF
5 THIS PART OR ANY DEDUCTION FROM APPORTIONMENT PAYABLE PURSUANT TO THIS
6 CHAPTER FOR COLLECTION OF A SCHOOL DISTRICT BASIC CONTRIBUTION AS
7 DEFINED IN SUBDIVISION EIGHT OF SECTION FORTY-FOUR HUNDRED ONE OF THIS
8 CHAPTER, LESS ANY GRANTS PROVIDED PURSUANT TO SUBPARAGRAPH TWO-A OF
9 PARAGRAPH B OF SUBDIVISION FOUR OF SECTION NINETY-TWO-C OF THE STATE
10 FINANCE LAW, LESS ANY GRANTS PROVIDED PURSUANT TO SUBDIVISION TWELVE OF
11 SECTION THIRTY-SIX HUNDRED FORTY-ONE OF THIS ARTICLE; OR (II) THE APPOR-
12 TIONMENT CALCULATED BY THE COMMISSIONER BASED ON DATA ON FILE AT THE
13 TIME THE PAYMENT IS PROCESSED; PROVIDED HOWEVER, THAT FOR THE PURPOSES
14 OF ANY PAYMENTS MADE PURSUANT TO THIS SECTION PRIOR TO THE FIRST BUSI-
15 NESS DAY OF JUNE OF THE CURRENT YEAR, MONEYS APPORTIONED SHALL NOT
16 INCLUDE ANY AIDS PAYABLE PURSUANT TO SUBDIVISIONS SIX AND FOURTEEN, IF
17 APPLICABLE, OF SECTION THIRTY-SIX HUNDRED TWO OF THIS PART AS CURRENT
18 YEAR AID FOR DEBT SERVICE ON BOND ANTICIPATION NOTES AND/OR BONDS FIRST
19 ISSUED IN THE CURRENT YEAR OR ANY AIDS PAYABLE FOR FULL-DAY KINDERGARTEN
20 FOR THE CURRENT YEAR PURSUANT TO SUBDIVISION NINE OF SECTION THIRTY-SIX
21 HUNDRED TWO OF THIS PART. THE DEFINITIONS OF "BASE YEAR" AND "CURRENT
22 YEAR" AS SET FORTH IN SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED TWO
23 OF THIS PART SHALL APPLY TO THIS SECTION.

24 S 5. Paragraph b of subdivision 2 of section 3612 of the education
25 law, as amended by section 15 of part A of chapter 57 of the laws of
26 2013, is amended to read as follows:

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

46 S 6. The education law is amended by adding a new section 3613 to read
47 as follows:

48 S 3613. SCHOOL DISTRICT REORGANIZATIONS AND REAL PROPERTY TAX RATES.
49 1. WHEN TWO OR MORE SCHOOL DISTRICTS PROPOSE TO REORGANIZE PURSUANT TO
50 SECTIONS FIFTEEN HUNDRED ELEVEN THROUGH FIFTEEN HUNDRED THIRTEEN,
51 FIFTEEN HUNDRED TWENTY-FOUR, FIFTEEN HUNDRED TWENTY-SIX, SEVENTEEN
52 HUNDRED FIVE, OR EIGHTEEN HUNDRED ONE THROUGH EIGHTEEN HUNDRED THREE OF
53 THIS CHAPTER, AND UNDER THE LAW THAT WOULD OTHERWISE BE APPLICABLE, THE
54 REORGANIZATION WOULD HAVE AN IMPACT UPON THE SCHOOL TAX RATES WITHIN THE
55 AREAS SERVED BY THE SCHOOL DISTRICTS THAT EXISTED PRIOR TO THE REORGAN-
56 IZATION, NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE

1 BOARDS OF EDUCATION OR TRUSTEES OF ALL THE SCHOOL DISTRICTS PARTICIPAT-
2 ING IN THE PROPOSED REORGANIZATION MAY OPT TO HAVE THAT IMPACT DEFERRED
3 FOR A ONE-YEAR PERIOD AND/OR PHASED-IN OVER A PERIOD AS MAY BE DETER-
4 MINED BY THE BOARDS OF EDUCATION OR TRUSTEES OF ALL PARTICIPATING SCHOOL
5 DISTRICTS IN THE MANNER PRESCRIBED BY THIS SECTION BUT WHICH SHALL NOT
6 EXCEED A TEN-YEAR PERIOD. TO EXERCISE SUCH OPTION, THE BOARDS OF EDUCA-
7 TION OR TRUSTEES OF ALL PARTICIPATING SCHOOL DISTRICTS, AFTER CONDUCTING
8 A PUBLIC HEARING, MAY ADOPT A RESOLUTION AT LEAST FORTY-FIVE DAYS PRIOR
9 TO THE SPECIAL DISTRICT MEETING AT WHICH THE REORGANIZATION VOTE WILL BE
10 HELD, TO DEFER AND/OR PHASE-IN THE IMPACT AS PROVIDED HEREIN. IF THE
11 BOARD OF EDUCATION OR TRUSTEES OF ANY PARTICIPATING SCHOOL DISTRICT DOES
12 NOT APPROVE SUCH A RESOLUTION OPTING FOR A COMMON PHASE-IN PERIOD, THE
13 PROVISIONS OF THIS SECTION SHALL NOT APPLY.

14 2. DURING THE ONE-YEAR DEFERRAL PERIOD, THE TAX RATE FOR EACH PORTION
15 OF THE SCHOOL DISTRICT SHALL BE CALCULATED IN THE FOLLOWING MANNER:

16 (A) DETERMINE THE ASSESSED VALUE TAX RATE THAT APPLIED FOR THE SCHOOL
17 YEAR IMMEDIATELY PRECEDING THE SCHOOL YEAR IN WHICH THE REORGANIZATION
18 TOOK EFFECT.

19 (B) MULTIPLY THAT ASSESSED VALUE TAX RATE BY THE STATE EQUALIZATION
20 RATE APPLICABLE TO THE PORTION FOR THE SCHOOL YEAR IMMEDIATELY PRECEDING
21 THE SCHOOL YEAR IN WHICH THE REORGANIZATION TOOK EFFECT.

22 (C) DIVIDE THE PRODUCT SO DETERMINED BY THE STATE EQUALIZATION RATE
23 APPLICABLE TO THE PORTION FOR THE FIRST SCHOOL YEAR OF THE REORGANIZED
24 SCHOOL DISTRICT. THE QUOTIENT IS THE ASSESSED VALUE TAX RATE FOR THE
25 PORTION FOR THAT SCHOOL YEAR. PROVIDED, THAT IF THE SUM OF THE REAL
26 PROPERTY TAX LEVIES IN ALL OF THE PORTIONS IN THE SCHOOL DISTRICT, USING
27 THE ASSESSED VALUE TAX RATES COMPUTED PURSUANT TO THIS SUBDIVISION,
28 WOULD YIELD A REAL PROPERTY TAX LEVY THAT IS ABOVE OR BELOW THE TOTAL
29 REAL PROPERTY TAX LEVY SPECIFIED IN THE SCHOOL DISTRICT BUDGET FOR THE
30 CURRENT SCHOOL YEAR, THE ASSESSED VALUE TAX RATES SHALL ALL BE DECREASED
31 OR INCREASED PROPORTIONATELY SO AS TO YIELD THE SPECIFIED REAL PROPERTY
32 TAX LEVY AMOUNT.

33 3. DURING EACH YEAR OF A PHASE-IN PERIOD, WHOSE DURATION UP TO TEN
34 YEARS SHALL HAVE BEEN DETERMINED BY THE BOARDS OF EDUCATION OR TRUSTEES
35 OF THE CONSTITUENT SCHOOL DISTRICTS, THE TAX RATE FOR EACH PORTION OF
36 THE REORGANIZED SCHOOL DISTRICT SHALL BE CALCULATED IN THE FOLLOWING
37 MANNER:

38 (A) DETERMINE THE ASSESSED VALUE TAX RATE THAT APPLIED FOR THE SCHOOL
39 YEAR IMMEDIATELY PRECEDING THE SCHOOL YEAR IN WHICH THE REORGANIZATION
40 TOOK EFFECT.

41 (B) MULTIPLY THAT ASSESSED VALUE TAX RATE BY THE STATE EQUALIZATION
42 RATE APPLICABLE TO THE PORTION FOR THE SCHOOL YEAR IMMEDIATELY PRECEDING
43 THE SCHOOL YEAR IN WHICH THE REORGANIZATION TOOK EFFECT. THE RESULT IS
44 THE BASE FULL VALUE TAX RATE OF THE PORTION.

45 (C) DETERMINE THE ASSESSED VALUE TAX RATE THAT WOULD HAVE APPLIED IN
46 THE PORTION BUT FOR THE PROVISIONS OF THIS SECTION.

47 (D) MULTIPLY THAT ASSESSED VALUE TAX RATE BY THE STATE EQUALIZATION
48 RATE THAT WOULD HAVE APPLIED FOR THE CURRENT SCHOOL YEAR BUT FOR THE
49 PROVISIONS OF THIS SECTION. THE RESULT IS THE TARGET FULL VALUE TAX RATE
50 FOR THE PORTION.

51 (E) DETERMINE THE DIFFERENCE BETWEEN THE TARGET FULL VALUE TAX RATE
52 AND THE BASE FULL VALUE TAX RATE FOR THE PORTION.

53 (F) DIVIDE THE DIFFERENCE SO DETERMINED BY THE TOTAL NUMBER OF YEARS
54 IN THE PHASE-IN PERIOD APPLICABLE TO THE SCHOOL DISTRICT.

1 (G) MULTIPLY THE QUOTIENT SO DETERMINED BY THE NUMBER OF YEARS FROM
2 THE BEGINNING OF THE PHASE-IN PERIOD UP TO AND INCLUDING THE YEAR FOR
3 WHICH THE TAX RATE IS BEING DETERMINED.

4 (H) ADD THE PRODUCT SO DETERMINED TO THE BASE FULL VALUE TAX RATE.

5 (I) DIVIDE THE SUM SO DETERMINED BY THE APPLICABLE EQUALIZATION RATE.
6 THE QUOTIENT IS THE ASSESSED VALUE TAX RATE FOR THE PORTION FOR THE
7 CURRENT SCHOOL YEAR. PROVIDED, THAT IF THE SUM OF THE REAL PROPERTY TAX
8 LEVIES IN ALL OF THE PORTIONS IN THE SCHOOL DISTRICT, USING THE ASSESSED
9 VALUE TAX RATES COMPUTED PURSUANT TO THIS SUBDIVISION, WOULD YIELD A
10 REAL PROPERTY TAX LEVY THAT IS ABOVE OR BELOW THE TOTAL REAL PROPERTY
11 TAX LEVY SPECIFIED IN THE SCHOOL DISTRICT BUDGET FOR THE CURRENT SCHOOL
12 YEAR, THE ASSESSED VALUE TAX RATES SHALL ALL BE DECREASED OR INCREASED
13 PROPORTIONATELY SO AS TO YIELD THE SPECIFIED REAL PROPERTY TAX LEVY
14 AMOUNT.

15 4. AS USED HEREIN THE TERM "PORTION" MEANS THAT PART OF AN ASSESSING
16 UNIT LOCATED WITHIN A SCHOOL DISTRICT.

17 S 7. Section 3627 of the education law, as added by section 23 of part
18 A of chapter 57 of the laws of 2013, is amended to read as follows:

19 S 3627. Transportation after 4pm. 1. Notwithstanding any other
20 provisions of this section to the contrary, for the two thousand thir-
21 teen--two thousand fourteen AND TWO THOUSAND FOURTEEN--TWO THOUSAND
22 FIFTEEN school [year] YEARS, a city school district located in a city
23 having a population of one million or more providing transportation
24 pursuant to this chapter shall be responsible for:

25 (a) providing transportation for those children attending public and
26 nonpublic schools in grades kindergarten through six who remain at the
27 same school for which they are enrolled for regularly scheduled academic
28 classes from half-past nine o'clock in the morning or earlier until four
29 o'clock in the afternoon or later, on weekdays, and reside at least one
30 mile from their school of attendance for grades three through six, and
31 at least one-half mile from their school of attendance for grades
32 kindergarten through two or

33 (b) reimbursing the cost incurred by licensed transportation carriers
34 pursuant to contracts with such school district for providing transpor-
35 tation for those children attending public and nonpublic schools in
36 grades kindergarten through six who remain at the same school for which
37 they are enrolled for regularly scheduled academic classes from half-
38 past nine o'clock in the morning or earlier until four o'clock in the
39 afternoon or later, on weekdays, and reside at least one mile from their
40 school of attendance for grades three through six, and at least one-half
41 mile from their school of attendance for grades kindergarten through
42 two.

43 2. Nothing herein shall prohibit the school district from reimbursing
44 for costs incurred for contracts between the school district and any
45 entity providing or contracting for such transportation service.

46 3. A district shall not be deemed to have satisfied its obligation
47 under this section by providing public service transportation.

48 4. Notwithstanding any other provision of law to the contrary, any
49 expenditures for transportation provided pursuant to this section in the
50 two thousand thirteen--two thousand fourteen AND TWO THOUSAND FOURTEEN-
51 -TWO THOUSAND FIFTEEN school [year] YEARS and otherwise eligible for
52 transportation aid pursuant to subdivision seven of section thirty-six
53 hundred two of this article shall be considered approved transportation
54 expenses eligible for transportation aid, provided further that such aid
55 shall be limited to five million six hundred thousand dollars. And
56 provided further that such expenditures eligible for aid under this

1 section shall supplement not supplant local expenditures for such trans-
2 portation in the two thousand twelve--two thousand thirteen school year.

3 5. Notwithstanding any other provision of this section to the contra-
4 ry, in no event shall such city school district, in order to comply with
5 the requirements of this section, be required to incur any costs in
6 excess of the amount eligible for transportation aid pursuant to subdivi-
7 sion four of this section. In the event such amount is insufficient,
8 the city school district of New York shall provide transportation
9 services within such amount on an equitable basis, until such apportion-
10 ment is exhausted.

11 6. The chancellor of such school district, in consultation with the
12 commissioner, shall prescribe the most cost effective system for imple-
13 menting the requirements of this section, taking into consideration: (a)
14 the costs associated with paragraphs (a) and (b) of subdivision one of
15 this section, and (b) policies that attempt to maximize student safety
16 for the student to be transported, which for purposes of this section
17 shall include whether the pick up or drop off site of the transportation
18 is:

19 (i) not further than 600 feet from the student's residence; and/or
20 (ii) at the same locations for any family that have children at the
21 same residence who attend two or more different schools.

22 7. (a) In the event the chancellor has not satisfied a district's
23 obligation under this section, a parent or guardian or any represen-
24 tative authorized by such parent or guardian of a child eligible to
25 receive transportation under this section may request the commissioner
26 to arrange for the provision of the transportation to so satisfy the
27 requirements of this section.

28 (b) If within sixty days of receiving a request from such a parent or
29 guardian or any representative authorized by such parent or guardian,
30 the commissioner determines that the chancellor has not satisfied a
31 district's obligation under this section, then the commissioner shall
32 immediately direct the chancellor to contract with a licensed transpor-
33 tation carrier to provide the transportation required pursuant to this
34 section.

35 (c) In the event the chancellor is directed by the commissioner to
36 contract with a licensed transportation carrier to provide the transpor-
37 tation required pursuant to this section, the chancellor shall provide
38 the commissioner with a copy of such proposed contract, before it
39 becomes effective, and the commissioner shall have the power to approve,
40 disapprove or require amendments to such contract before it shall become
41 effective.

42 (d) A district, determined by the commissioner to not be in compliance
43 with the requirements of this section, shall be responsible for the cost
44 of any transportation contract awarded by the chancellor.

45 8. The parent or guardian, or any representative authorized by such
46 parent or guardian, may submit a written request for transportation
47 under this section, in the same manner and upon the same dates as are
48 required for a request for transportation pursuant to subdivision two of
49 section thirty-six hundred thirty-five of this article.

50 S 8. Section 3641 of the education law is amended by adding a new
51 subdivision 6-c to read as follows:

52 6-C. TEACHER EXCELLENCE FUND. A. WITHIN THE AMOUNT APPROPRIATED FOR
53 SUCH PURPOSE, SUBJECT TO A REQUEST FOR PROPOSALS DEVELOPED BY THE
54 COMMISSIONER AND APPROVED BY THE DIRECTOR OF THE BUDGET, THE COMMISSION-
55 ER SHALL AWARD TEACHER EXCELLENCE FUND GRANTS PURSUANT TO THIS SUBDIVI-
56 SION TO ELIGIBLE SCHOOL DISTRICTS, BEGINNING IN THE TWO THOUSAND FOUR-

TEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR, TO PROVIDE TEACHER EXCELLENCE FUND PERFORMANCE AWARDS TO HIGHLY EFFECTIVE TEACHERS.

(1) TEACHER EXCELLENCE FUND PERFORMANCE AWARDS SHALL BE ALLOCATED IN AN ANNUAL AMOUNT OF UP TO TWENTY THOUSAND DOLLARS TO ELIGIBLE TEACHERS RATED AS "HIGHLY EFFECTIVE" BASED ON THE MOST RECENT ANNUAL PROFESSIONAL PERFORMANCE REVIEW, IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION THREE THOUSAND TWELVE-C OF THIS CHAPTER AND REGULATIONS OF THE COMMISSIONER.

(2) ON AN ANNUAL BASIS, ELIGIBLE SCHOOL DISTRICTS MAY SUBMIT AN APPLICATION TO THE COMMISSIONER, IN A FORM AND MANNER PRESCRIBED BY THE COMMISSIONER, TO REQUEST FUNDING PURSUANT TO THIS SUBDIVISION.

(3) THE COMMISSIONER SHALL MAKE AVAILABLE SUCH APPLICATION ON OR BEFORE MAY FIFTEENTH OF THE PRECEDING SCHOOL YEAR AND THE COMMISSIONER SHALL ISSUE PRELIMINARY TEACHER EXCELLENCE FUND GRANT AWARDS ON OR BEFORE OCTOBER FIFTEENTH OF THE SCHOOL YEAR IN WHICH THE ELIGIBLE TEACHER SHALL RECEIVE A TEACHER EXCELLENCE FUND PERFORMANCE AWARD.

(4) APPLICATIONS SUBMITTED BY ELIGIBLE SCHOOL DISTRICTS SHALL INCLUDE INFORMATION REQUIRED BY THE COMMISSIONER INCLUDING, BUT NOT LIMITED TO, THE EXTENT TO WHICH THE SCHOOL DISTRICT'S PLAN IS INTENDED TO RECOGNIZE AND REWARD HIGHLY-EFFECTIVE TEACHERS: (I) IN SCHOOL BUILDINGS WITH THE GREATEST ACADEMIC NEED; (II) IN DIFFICULT-TO-STAFF SUBJECT OR CERTIFICATION AREAS AND/OR GRADE LEVELS; AND (III) AT CRITICAL POINTS IN A TEACHER'S CAREER IN ORDER TO ENCOURAGE HIGHLY EFFECTIVE TEACHERS TO REMAIN IN THE CLASSROOM.

(5) THE COMMISSIONER SHALL PRIORITIZE APPLICATIONS SUBMITTED BY ELIGIBLE SCHOOL DISTRICTS BASED ON FACTORS INCLUDING, BUT NOT LIMITED TO, THE FACTORS DESCRIBED IN SUBPARAGRAPH FOUR OF THIS PARAGRAPH AND THE QUALITY OF THE PROPOSAL.

(6) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE TEACHER EXCELLENCE FUND PERFORMANCE AWARDS PROVIDED BY THIS SUBDIVISION SHALL BE IN ADDITION TO, AND SHALL NOT BE CONSIDERED PART OF, A TEACHER'S BASIC ANNUAL SALARY, AND SHALL NOT BE INCLUDED AS COMPENSATION FOR RETIREMENT PURPOSES. TEACHER EXCELLENCE FUND PERFORMANCE AWARDS SHALL SUPPLEMENT AND SHALL NOT SUPPLANT COMPENSATION FROM SOURCES EXCLUSIVE OF THIS SUBDIVISION AGREED TO AS PART OF A COLLECTIVE BARGAINING AGREEMENT.

B. FOR THE PURPOSE OF THIS SUBDIVISION:

(1) THE TERM "ELIGIBLE SCHOOL DISTRICT" SHALL MEAN A COMMON, UNION FREE, CENTRAL, CENTRAL HIGH SCHOOL, CITY, OR SPECIAL ACT SCHOOL DISTRICT THAT HAS ENTERED INTO AN AGREEMENT WITH THE COLLECTIVE BARGAINING REPRESENTATIVES OF CERTIFIED TEACHERS CONSISTENT WITH THE PROVISIONS OF THE APPLICATION SUBMITTED BY THE SCHOOL DISTRICT PURSUANT TO PARAGRAPH A OF THIS SUBDIVISION.

(2) THE TERM "ELIGIBLE TEACHER" SHALL MEAN A TEACHER WHO (I) HOLDS AN INITIAL, PROVISIONAL, TRANSITIONAL, PERMANENT OR PROFESSIONAL STATE TEACHING CERTIFICATE APPROPRIATE TO THE TEACHING POSITIONS, INCLUDING THE SUBJECT AREA IF APPLICABLE, IN WHICH HE OR SHE IS EMPLOYED; (II) IS A CLASSROOM TEACHER SUBJECT TO THE ANNUAL PROFESSIONAL PERFORMANCE REVIEW REQUIREMENTS OF SECTION THREE THOUSAND TWELVE-C OF THIS CHAPTER; AND (III) IS RATED "HIGHLY EFFECTIVE" BASED ON HIS OR HER MOST RECENT ANNUAL PROFESSIONAL PERFORMANCE REVIEW, IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION THREE THOUSAND TWELVE-C OF THIS CHAPTER AND REGULATIONS OF THE COMMISSIONER.

S 9. Subdivision 6 of section 4402 of the education law, as amended by section 21 of part A of chapter 57 of the laws of 2013, is amended to read as follows:

6. Notwithstanding any other law, rule or regulation to the contrary, the board of education of a city school district with a population of

1 one hundred twenty-five thousand or more inhabitants shall be permitted
2 to establish maximum class sizes for special classes for certain
3 students with disabilities in accordance with the provisions of this
4 subdivision. For the purpose of obtaining relief from any adverse fiscal
5 impact from under-utilization of special education resources due to low
6 student attendance in special education classes at the middle and
7 secondary level as determined by the commissioner, such boards of educa-
8 tion shall, during the school years nineteen hundred ninety-five--nine-
9 ty-six through June thirtieth, two thousand [fourteen] FIFTEEN of the
10 two thousand [thirteen] FOURTEEN--two thousand [fourteen] FIFTEEN school
11 year, be authorized to increase class sizes in special classes contain-
12 ing students with disabilities whose age ranges are equivalent to those
13 of students in middle and secondary schools as defined by the commis-
14 sioner for purposes of this section by up to but not to exceed one and
15 two tenths times the applicable maximum class size specified in regu-
16 lations of the commissioner rounded up to the nearest whole number,
17 provided that in a city school district having a population of one
18 million or more, classes that have a maximum class size of fifteen may
19 be increased by no more than one student and provided that the projected
20 average class size shall not exceed the maximum specified in the appli-
21 cable regulation, provided that such authorization shall terminate on
22 June thirtieth, two thousand. Such authorization shall be granted upon
23 filing of a notice by such a board of education with the commissioner
24 stating the board's intention to increase such class sizes and a certif-
25 ication that the board will conduct a study of attendance problems at
26 the secondary level and will implement a corrective action plan to
27 increase the rate of attendance of students in such classes to at least
28 the rate for students attending regular education classes in secondary
29 schools of the district. Such corrective action plan shall be submitted
30 for approval by the commissioner by a date during the school year in
31 which such board increases class sizes as provided pursuant to this
32 subdivision to be prescribed by the commissioner. Upon at least thirty
33 days notice to the board of education, after conclusion of the school
34 year in which such board increases class sizes as provided pursuant to
35 this subdivision, the commissioner shall be authorized to terminate such
36 authorization upon a finding that the board has failed to develop or
37 implement an approved corrective action plan.

38 S 10. The education law is amended by adding a new section 4403-a to
39 read as follows:

40 S 4403-A. WAIVERS FROM CERTAIN DUTIES. 1. A LOCAL SCHOOL DISTRICT,
41 APPROVED PRIVATE SCHOOL OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES MAY
42 SUBMIT AN APPLICATION FOR A WAIVER FROM ANY REQUIREMENT IMPOSED ON SUCH
43 DISTRICT, SCHOOL OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES PURSUANT
44 TO SECTION FORTY-FOUR HUNDRED TWO OR SECTION FORTY-FOUR HUNDRED THREE OF
45 THIS ARTICLE, AND REGULATIONS PROMULGATED THEREUNDER, FOR A SPECIFIC
46 SCHOOL YEAR. SUCH APPLICATION MUST BE SUBMITTED AT LEAST SIXTY DAYS IN
47 ADVANCE OF THE PROPOSED DATE ON WHICH THE WAIVER WOULD BE EFFECTIVE AND
48 SHALL BE IN A FORM PRESCRIBED BY THE COMMISSIONER.

49 2. BEFORE SUBMITTING AN APPLICATION FOR A WAIVER, THE LOCAL SCHOOL
50 DISTRICT, APPROVED PRIVATE SCHOOL OR BOARD OF COOPERATIVE EDUCATIONAL
51 SERVICES SHALL PROVIDE NOTICE OF THE PROPOSED WAIVER TO THE PARENTS OR
52 PERSONS IN PARENTAL RELATIONSHIP TO THE STUDENTS THAT WOULD BE IMPACTED
53 BY THE WAIVER IF GRANTED. SUCH NOTICE SHALL BE IN A FORM AND MANNER THAT
54 WILL ENSURE THAT SUCH PARENTS AND PERSONS IN PARENTAL RELATIONSHIP WILL
55 BE AWARE OF ALL RELEVANT CHANGES THAT WOULD OCCUR UNDER THE WAIVER, AND
56 SHALL INCLUDE INFORMATION ON THE FORM, MANNER AND DATE BY WHICH PARENTS

MAY SUBMIT WRITTEN COMMENTS ON THE PROPOSED WAIVER. THE LOCAL SCHOOL DISTRICT, APPROVED PRIVATE SCHOOL, OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES SHALL PROVIDE AT LEAST SIXTY DAYS FOR SUCH PARENTS AND PERSONS IN PARENTAL RELATIONSHIP TO SUBMIT WRITTEN COMMENTS, AND SHALL INCLUDE IN THE WAIVER APPLICATION SUBMITTED TO THE COMMISSIONER PURSUANT TO SUBDIVISION ONE OF THIS SECTION ANY WRITTEN COMMENTS RECEIVED FROM SUCH PARENTS OR PERSONS IN PARENTAL RELATION TO SUCH STUDENTS.

3. THE COMMISSIONER MAY GRANT A WAIVER FROM ANY REQUIREMENT IMPOSED ON A LOCAL SCHOOL DISTRICT, APPROVED PRIVATE SCHOOL OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES PURSUANT TO SECTION FORTY-FOUR HUNDRED TWO OR SECTION FORTY-FOUR HUNDRED THREE OF THIS ARTICLE, UPON A FINDING THAT SUCH WAIVER WILL ENABLE A LOCAL SCHOOL DISTRICT, APPROVED PRIVATE SCHOOL OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES TO IMPLEMENT AN INNOVATIVE SPECIAL EDUCATION PROGRAM THAT IS CONSISTENT WITH APPLICABLE FEDERAL REQUIREMENTS, AND WILL ENHANCE STUDENT ACHIEVEMENT AND/OR OPPORTUNITIES FOR PLACEMENT IN REGULAR CLASSES AND PROGRAMS. IN MAKING SUCH DETERMINATION, THE COMMISSIONER SHALL CONSIDER ANY COMMENTS RECEIVED BY THE LOCAL SCHOOL DISTRICT, APPROVED PRIVATE SCHOOL OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES FROM PARENTS OR PERSONS IN PARENTAL RELATION TO THE STUDENTS THAT WOULD BE DIRECTLY AFFECTED BY THE WAIVER IF GRANTED.

4. ANY LOCAL SCHOOL DISTRICT, APPROVED PRIVATE SCHOOL OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES GRANTED A WAIVER SHALL SUBMIT AN ANNUAL REPORT TO THE COMMISSIONER REGARDING THE OPERATION AND EVALUATION OF THE PROGRAM NO LATER THAN THIRTY DAYS AFTER THE END OF EACH SCHOOL YEAR FOR WHICH A WAIVER IS GRANTED.

S 11. Subparagraph (i) of paragraph a of subdivision 10 of section 4410 of the education law, as amended by chapter 82 of the laws of 1995, is amended and a new subparagraph (iv) is added to read as follows:

(i) (A) Commencing with the nineteen hundred ninety--ninety-one school year, the commissioner shall annually determine the tuition rate for approved services or programs provided to preschool children pursuant to this section. Such rates for providers of such services and programs shall be determined in conformance with a methodology established pursuant to subdivision four of section forty-four hundred five of this article after consultation with and a review of an annual report prepared by the advisory committee established pursuant to paragraph a of subdivision twelve of this section and shall be subject to the approval of the director of the budget. Notwithstanding any other provision of law, rule or regulation to the contrary, tuition rates established for the nineteen hundred ninety-five--ninety-six school year shall exclude the two percent cost of living adjustment authorized in rates established for the nineteen hundred ninety-four--ninety-five school year.

(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION TO THE CONTRARY, FOR THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR AND THEREAFTER, THE COMMISSIONER, SUBJECT TO THE APPROVAL OF THE DIRECTOR OF THE BUDGET, SHALL ESTABLISH REGIONAL TUITION RATES FOR SPECIAL EDUCATION ITINERANT SERVICES BASED ON APPROVED ACTUAL COSTS IN ACCORDANCE WITH A METHODOLOGY ESTABLISHED PURSUANT TO SUBDIVISION FOUR OF SECTION FORTY-FOUR HUNDRED FIVE OF THIS ARTICLE. SUCH SPECIAL EDUCATION ITINERANT SERVICES SHALL BE PROVIDED BY APPROVED PROGRAMS, AND SUCH APPROVED PROGRAMS SHALL BE REIMBURSED FOR SUCH SERVICES BASED ON THE ACTUAL ATTENDANCE OF PRESCHOOL CHILDREN RECEIVING SUCH SERVICES.

(IV) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION TO THE CONTRARY, FOR THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR AND THEREAFTER, THE CITY OF NEW YORK SHALL BE AUTHORIZED TO ESTABLISH LOCAL TUITION RATES FOR APPROVED SPECIAL EDUCATION ITINERANT

1 SERVICES PROVIDED WITHIN THE CITY OF NEW YORK THROUGH A COMPETITIVE
2 REQUEST FOR PROPOSALS PROCESS, PROVIDED THAT SUCH LOCAL TUITION RATES
3 SHALL NOT EXCEED THE TUITION RATES DETERMINED BY THE COMMISSIONER AND
4 APPROVED BY THE DIRECTOR OF THE BUDGET PURSUANT TO SUBPARAGRAPHS (I)
5 THROUGH (III) OF THIS PARAGRAPH, AND SECTION FORTY-FOUR HUNDRED FIVE OF
6 THIS ARTICLE. THE LOCAL TUITION RATES SO ESTABLISHED SHALL BE USED IN
7 THE CONTRACTS WITH PROVIDERS PROVIDING SPECIAL EDUCATION ITINERANT
8 SERVICES WITHIN THE CITY OF NEW YORK. NOTWITHSTANDING ANY OTHER
9 PROVISION OF THIS ARTICLE TO THE CONTRARY, THE CITY OF NEW YORK SHALL BE
10 RESPONSIBLE FOR ARRANGING FOR AND SELECTING THE APPROVED SPECIAL EDUCA-
11 TION ITINERANT PROGRAM PROVIDER THROUGH THE COMPETITIVE REQUEST FOR
12 PROPOSAL PROCESS TO DELIVER THE SERVICES CONSISTENT WITH THE INDIVIDUAL-
13 IZED EDUCATION PROGRAM OF THE PRESCHOOL CHILD. PROVIDED, HOWEVER, THAT
14 THE COMPETITIVE REQUEST FOR PROPOSAL PROCESS AUTHORIZED BY THIS SUBPARA-
15 GRAPH SHALL NOT APPLY TO PRESCHOOL CHILDREN WITH DISABILITIES WHO
16 RECEIVED PROGRAMS OR SERVICES PURSUANT TO THIS SECTION IN THE TWO THOU-
17 SAND THIRTEEN--TWO THOUSAND FOURTEEN SCHOOL YEAR. THE CITY OF NEW YORK
18 SHALL BE REQUIRED TO PROVIDE DATA RELATING TO ITS LOCAL TUITION RATES TO
19 THE DEPARTMENT IN THE FORM AND MANNER PRESCRIBED BY THE COMMISSIONER.

20 S 12. Subdivision b of section 2 of chapter 756 of the laws of 1992,
21 relating to funding a program for work force education conducted by the
22 consortium for worker education in New York city, as amended by section
23 27 of part A of chapter 57 of the laws of 2013, is amended to read as
24 follows:

25 b. Reimbursement for programs approved in accordance with subdivision
26 a of this section [for the 2010--2011 school year shall not exceed 62.6
27 percent of the lesser of such approvable costs per contact hour or
28 twelve dollars and five cents per contact hour, reimbursement] for the
29 2011--2012 school year shall not exceed 62.9 percent of the lesser of
30 such approvable costs per contact hour or twelve dollars and fifteen
31 cents per contact hour, reimbursement for the 2012--2013 school year
32 shall not exceed 63.3 percent of the lesser of such approvable costs per
33 contact hour or twelve dollars and thirty-five cents per contact hour,
34 [and] reimbursement for the 2013--2014 school year shall not exceed 62.3
35 percent of the lesser of such approvable costs per contact hour or
36 twelve dollars and sixty-five cents per contact hour, AND REIMBURSEMENT
37 FOR THE 2014--2015 SCHOOL YEAR SHALL NOT EXCEED 61.6 PERCENT OF THE
38 LESSER OF SUCH APPROVABLE COSTS PER CONTACT HOUR OR EIGHT DOLLARS AND
39 THREE CENTS PER CONTACT HOUR where a contact hour represents sixty
40 minutes of instruction services provided to an eligible adult. Notwith-
41 standing any other provision of law to the contrary, [for the 2010--2011
42 school year such contact hours shall not exceed one million five hundred
43 twenty-five thousand one hundred ninety-eight (1,525,198) hours; where-
44 as] for the 2011--2012 school year such contact hours shall not exceed
45 one million seven hundred one thousand five hundred seventy (1,701,570)
46 hours; whereas for the 2012--2013 school year such contact hours shall
47 not exceed one million six hundred sixty-four thousand five hundred
48 thirty-two (1,664,532) hours; whereas for the 2013--2014 school year
49 such contact hours shall not exceed one million six hundred forty-nine
50 thousand seven hundred forty-six (1,649,746) hours; WHEREAS FOR THE
51 2014--2015 SCHOOL YEAR SUCH CONTACT HOURS SHALL NOT EXCEED ONE MILLION
52 FOUR HUNDRED THIRTY-TWO THOUSAND ONE HUNDRED TWENTY-NINE (1,432,129)
53 HOURS. Notwithstanding any other provision of law to the contrary, the
54 apportionment calculated for the city school district of the city of New
55 York pursuant to subdivision 11 of section 3602 of the education law
56 shall be computed as if such contact hours provided by the consortium

1 for worker education, not to exceed the contact hours set forth herein,
2 were eligible for aid in accordance with the provisions of such subdivi-
3 sion 11 of section 3602 of the education law.

4 S 13. Section 4 of chapter 756 of the laws of 1992, relating to fund-
5 ing a program for work force education conducted by the consortium for
6 worker education in New York city, is amended by adding a new subdivi-
7 sion s to read as follows:

8 S. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY AFTER THE
9 COMPLETION OF PAYMENTS FOR THE 2014--2015 SCHOOL YEAR. NOTWITHSTANDING
10 ANY INCONSISTENT PROVISIONS OF LAW, THE COMMISSIONER OF EDUCATION SHALL
11 WITHHOLD A PORTION OF EMPLOYMENT PREPARATION EDUCATION AID DUE TO THE
12 CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK TO SUPPORT A PORTION OF THE
13 COSTS OF THE WORK FORCE EDUCATION PROGRAM. SUCH MONEYS SHALL BE CREDITED
14 TO THE ELEMENTARY AND SECONDARY EDUCATION FUND-LOCAL ASSISTANCE ACCOUNT
15 AND SHALL NOT EXCEED ELEVEN MILLION FIVE HUNDRED THOUSAND DOLLARS
16 (\$11,500,000).

17 S 14. Section 6 of chapter 756 of the laws of 1992, relating to fund-
18 ing a program for work force education conducted by the consortium for
19 worker education in New York city, as amended by section 29 of part A of
20 chapter 57 of the laws of 2013, is amended to read as follows:

21 S 6. This act shall take effect July 1, 1992, and shall be deemed
22 repealed on June 30, [2014] 2015.

23 S 15. Subdivision 1 of section 167 of chapter 169 of the laws of 1994,
24 relating to certain provisions related to the 1994-95 state operations,
25 aid to localities, capital projects and debt service budgets, as amended
26 by section 30 of part A of chapter 57 of the laws of 2013, is amended to
27 read as follows:

28 1. Sections one through seventy of this act shall be deemed to have
29 been in full force and effect as of April 1, 1994 provided, however,
30 that sections one, two, twenty-four, twenty-five and twenty-seven
31 through seventy of this act shall expire and be deemed repealed on March
32 31, 2000; provided, however, that section twenty of this act shall apply
33 only to hearings commenced prior to September 1, 1994, and provided
34 further that section twenty-six of this act shall expire and be deemed
35 repealed on March 31, 1997; and provided further that sections four
36 through fourteen, sixteen, and eighteen, nineteen and twenty-one through
37 twenty-one-a of this act shall expire and be deemed repealed on March
38 31, 1997; and provided further that sections three, fifteen, seventeen,
39 twenty, twenty-two and twenty-three of this act shall expire and be
40 deemed repealed on March 31, [2015] 2016.

41 S 16. Subdivisions 22 and 24 of section 140 of chapter 82 of the laws
42 of 1995, amending the education law and certain other laws relating to
43 state aid to school districts and the appropriation of funds for the
44 support of government, as amended by section 31 of part A of chapter 57
45 of the laws of 2013, are amended to read as follows:

46 (22) sections one hundred twelve, one hundred thirteen, one hundred
47 fourteen, one hundred fifteen and one hundred sixteen of this act shall
48 take effect on July 1, 1995; provided, however, that section one hundred
49 thirteen of this act shall remain in full force and effect until July 1,
50 [2014] 2015 at which time it shall be deemed repealed;

51 (24) sections one hundred eighteen through one hundred thirty of this
52 act shall be deemed to have been in full force and effect on and after
53 July 1, 1995; provided further, however, that the amendments made pursu-
54 ant to section one hundred [nineteen] TWENTY-FOUR of this act shall be
55 deemed to be repealed on and after July 1, [2014] 2015;

1 S 17. Subdivision 8 of section 4401 of the education law, as amended
2 by section 25-a of part A of chapter 57 of the laws of 2013, is amended
3 to read as follows:

4 8. "School district basic contribution" shall mean an amount equal to
5 the total school district local property and non-property tax levy for
6 the base year divided by the base year public school district enrollment
7 of resident pupils of the school district as defined in paragraph n of
8 subdivision one of section thirty-six hundred two of this chapter,
9 except that for the two thousand thirteen--two thousand fourteen AND TWO
10 THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN school [year] YEARS, for school
11 districts other than central high school districts and their components,
12 such tax levy for the base year shall be divided by the year prior to
13 the base year pupil count as determined by the commissioner pursuant to
14 paragraph f of subdivision two of section thirty-six hundred two of this
15 chapter for any school district in which such year prior to the base
16 year pupil count exceeds one hundred fifty percent of such base year
17 public school district enrollment of resident pupils.

18 S 18. Section 12 of chapter 147 of the laws of 2001, amending the
19 education law relating to conditional appointment of school district,
20 charter school or BOCES employees, as amended by section 32 of part A of
21 chapter 57 of the laws of 2013, is amended to read as follows:

22 S 12. This act shall take effect on the same date as chapter 180 of
23 the laws of 2000 takes effect, and shall expire July 1, [2014] 2015 when
24 upon such date the provisions of this act shall be deemed repealed.

25 S 19. Section 4 of chapter 425 of the laws of 2002, amending the
26 education law relating to the provisions of supplemental educational
27 services, attendance at a safe public school and the suspension of
28 pupils who bring a firearm to or possess a firearm at a school, as
29 amended by section 33 of part A of chapter 57 of the laws of 2013, is
30 amended to read as follows:

31 S 4. This act shall take effect July 1, 2002 and shall expire and be
32 deemed repealed June 30, [2014] 2015.

33 S 20. Section 5 of chapter 101 of the laws of 2003, amending the
34 education law relating to implementation of the No Child Left Behind Act
35 of 2001, as amended by section 34 of part A of chapter 57 of the laws of
36 2013, is amended to read as follows:

37 S 5. This act shall take effect immediately; provided that sections
38 one, two and three of this act shall expire and be deemed repealed on
39 June 30, [2014] 2015.

40 S 21. The opening paragraph of subdivision 10 of section 3602-e of the
41 education law, as amended by section 10-a of part A of chapter 57 of the
42 laws of 2012, is amended to read as follows:

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

1 thousand nine--two thousand ten and two thousand ten--two thousand elev-
2 en school years, such school district shall be eligible for a maximum
3 grant equal to the amount computed pursuant to paragraph a of subdivi-
4 sion nine of this section in the two thousand eight--two thousand nine
5 school year, and for the two thousand eleven--two thousand twelve school
6 year each school district shall be eligible for a maximum grant equal to
7 the amount set forth for such school district as "UNIVERSAL PREKINDER-
8 GARTEN" under the heading "2011-12 ESTIMATED AIDS" in the school aid
9 computer listing produced by the commissioner in support of the enacted
10 budget for the 2011-12 school year and entitled "SA111-2", and for two
11 thousand twelve--two thousand thirteen [and], two thousand thirteen--two
12 thousand fourteen AND TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN school
13 years each school district shall be eligible for a maximum grant equal
14 to the greater of (i) the amount set forth for such school district as
15 "UNIVERSAL PREKINDERGARTEN" under the heading "2010-11 BASE YEAR AIDS"
16 in the school aid computer listing produced by the commissioner in
17 support of the enacted budget for the 2011-12 school year and entitled
18 "SA111-2", or (ii) the amount set forth for such school district as
19 "UNIVERSAL PREKINDERGARTEN" under the heading "2010-11 BASE YEAR AIDS"
20 in the school aid computer listing produced by the commissioner on May
21 fifteenth, two thousand eleven pursuant to paragraph b of subdivision
22 twenty-one of section three hundred five of this chapter, and provided
23 further that the maximum grant shall not exceed the total actual grant
24 expenditures incurred by the school district in the current school year
25 as approved by the commissioner.

26 S 22. School bus driver training. In addition to apportionments other-
27 wise provided by section 3602 of the education law, for aid payable in
28 the 2014--2015 school year, the commissioner of education shall allocate
29 school bus driver training grants to school districts and boards of
30 cooperative educational services pursuant to sections 3650-a, 3650-b and
31 3650-c of the education law, or for contracts directly with not-for-pro-
32 fit educational organizations for the purposes of this section. Such
33 payments shall not exceed four hundred thousand dollars (\$400,000) per
34 school year.

35 S 23. Special apportionment for salary expenses. a. Notwithstanding
36 any other provision of law, upon application to the commissioner of
37 education, not sooner than the first day of the second full business
38 week of June, 2015 and not later than the last day of the third full
39 business week of June, 2015, a school district eligible for an appor-
40 tionment pursuant to section 3602 of the education law shall be eligible
41 to receive an apportionment pursuant to this section, for the school
42 year ending June 30, 2015, for salary expenses incurred between April 1
43 and June 30, 2015 and such apportionment shall not exceed the sum of (i)
44 the deficit reduction assessment of 1990--1991 as determined by the
45 commissioner of education, pursuant to paragraph f of subdivision 1 of
46 section 3602 of the education law, as in effect through June 30, 1993,
47 plus (ii) 186 percent of such amount for a city school district in a
48 city with a population in excess of 1,000,000 inhabitants, plus (iii)
49 209 percent of such amount for a city school district in a city with a
50 population of more than 195,000 inhabitants and less than 219,000 inhab-
51 itants according to the latest federal census, plus (iv) the net gap
52 elimination adjustment for 2010--2011, as determined by the commissioner
53 of education pursuant to chapter 53 of the laws of 2010, plus (v) the
54 gap elimination adjustment for 2011--2012 as determined by the commis-
55 sioner of education pursuant to subdivision 17 of section 3602 of the
56 education law, and provided further that such apportionment shall not

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

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

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

37 S 24. Special apportionment for public pension accruals. a. Notwith-
38 standing any other provision of law, upon application to the commission-
39 er of education, not later than June 30, 2015, a school district eligi-
40 ble for an apportionment pursuant to section 3602 of the education law
41 shall be eligible to receive an apportionment pursuant to this section,
42 for the school year ending June 30, 2015 and such apportionment shall
43 not exceed the additional accruals required to be made by school
44 districts in the 2004--2005 and 2005--2006 school years associated with
45 changes for such public pension liabilities. The amount of such addi-
46 tional accrual shall be certified to the commissioner of education by
47 the president of the board of education or the trustees or, in the case
48 of a city school district in a city with a population in excess of
49 125,000 inhabitants, the mayor of such city. Such application shall be
50 made by a school district, after the board of education or trustees have
51 adopted a resolution to do so and in the case of a city school district
52 in a city with a population in excess of 125,000 inhabitants, with the
53 approval of the mayor of such city.

54 b. The claim for an apportionment to be paid to a school district
55 pursuant to subdivision a of this section shall be submitted to the
56 commissioner of education on a form prescribed for such purpose, and

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

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

29 S 25. a. Notwithstanding any other law, rule or regulation to the
30 contrary, any moneys appropriated to the state education department may
31 be suballocated to other state departments or agencies, as needed, to
32 accomplish the intent of the specific appropriations contained therein.

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

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

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

49 S 26. Notwithstanding the provision of any law, rule, or regulation to
50 the contrary, the city school district of the city of Rochester, upon
51 the consent of the board of cooperative educational services of the
52 supervisory district serving its geographic region may purchase from
53 such board for the 2014--2015 school year, as a non-component school
54 district, services required by article 19 of the education law.

55 S 27. The amounts specified in this section shall be a set aside from
56 the state funds which each such district is receiving from the total

1 foundation aid: for the purpose of the development, maintenance or
2 expansion of magnet schools or magnet school programs for the 2014--2015
3 school year. To the city school district of the city of New York there
4 shall be paid forty-eight million one hundred seventy-five thousand
5 dollars (\$48,175,000) including five hundred thousand dollars (\$500,000)
6 for the Andrew Jackson High School; to the Buffalo city school district,
7 twenty-one million twenty-five thousand dollars (\$21,025,000); to the
8 Rochester city school district, fifteen million dollars (\$15,000,000);
9 to the Syracuse city school district, thirteen million dollars
10 (\$13,000,000); to the Yonkers city school district, forty-nine million
11 five hundred thousand dollars (\$49,500,000); to the Newburgh city school
12 district, four million six hundred forty-five thousand dollars
13 (\$4,645,000); to the Poughkeepsie city school district, two million four
14 hundred seventy-five thousand dollars (\$2,475,000); to the Mount Vernon
15 city school district, two million dollars (\$2,000,000); to the New
16 Rochelle city school district, one million four hundred ten thousand
17 dollars (\$1,410,000); to the Schenectady city school district, one
18 million eight hundred thousand dollars (\$1,800,000); to the Port Chester
19 city school district, one million one hundred fifty thousand dollars
20 (\$1,150,000); to the White Plains city school district, nine hundred
21 thousand dollars (\$900,000); to the Niagara Falls city school district,
22 six hundred thousand dollars (\$600,000); to the Albany city school
23 district, three million five hundred fifty thousand dollars
24 (\$3,550,000); to the Utica city school district, two million dollars
25 (\$2,000,000); to the Beacon city school district, five hundred sixty-six
26 thousand dollars (\$566,000); to the Middletown city school district,
27 four hundred thousand dollars (\$400,000); to the Freeport union free
28 school district, four hundred thousand dollars (\$400,000); to the Green-
29 burgh central school district, three hundred thousand dollars
30 (\$300,000); to the Amsterdam city school district, eight hundred thou-
31 sand dollars (\$800,000); to the Peekskill city school district, two
32 hundred thousand dollars (\$200,000); and to the Hudson city school
33 district, four hundred thousand dollars (\$400,000). Notwithstanding the
34 provisions of this section, a school district receiving a grant pursuant
35 to this section may use such grant funds for: (i) any instructional or
36 instructional support costs associated with the operation of a magnet
37 school; or (ii) any instructional or instructional support costs associ-
38 ated with implementation of an alternative approach to reduction of
39 racial isolation and/or enhancement of the instructional program and
40 raising of standards in elementary and secondary schools of school
41 districts having substantial concentrations of minority students. The
42 commissioner of education shall not be authorized to withhold magnet
43 grant funds from a school district that used such funds in accordance
44 with this paragraph, notwithstanding any inconsistency with a request
45 for proposals issued by such commissioner. For the purpose of attendance
46 improvement and dropout prevention for the 2014--2015 school year, for
47 any city school district in a city having a population of more than one
48 million, the setaside for attendance improvement and dropout prevention
49 shall equal the amount set aside in the base year. For the 2014--2015
50 school year, it is further provided that any city school district in a
51 city having a population of more than one million shall allocate at
52 least one-third of any increase from base year levels in funds set aside
53 pursuant to the requirements of this subdivision to community-based
54 organizations. Any increase required pursuant to this subdivision to
55 community-based organizations must be in addition to allocations
56 provided to community-based organizations in the base year. For the

1 purpose of teacher support for the 2014--2015 school year: to the city
2 school district of the city of New York, sixty-two million seven hundred
3 seven thousand dollars (\$62,707,000); to the Buffalo city school
4 district, one million seven hundred forty-one thousand dollars
5 (\$1,741,000); to the Rochester city school district, one million seven-
6 ty-six thousand dollars (\$1,076,000); to the Yonkers city school
7 district, one million one hundred forty-seven thousand dollars
8 (\$1,147,000); and to the Syracuse city school district, eight hundred
9 nine thousand dollars (\$809,000). All funds made available to a school
10 district pursuant to this section shall be distributed among teachers
11 including prekindergarten teachers and teachers of adult vocational and
12 academic subjects in accordance with this section and shall be in addi-
13 tion to salaries heretofore or hereafter negotiated or made available;
14 provided, however, that all funds distributed pursuant to this section
15 for the current year shall be deemed to incorporate all funds distrib-
16 uted pursuant to former subdivision 27 of section 3602 of the education
17 law for prior years. In school districts where the teachers are repres-
18 ented by certified or recognized employee organizations, all salary
19 increases funded pursuant to this section shall be determined by sepa-
20 rate collective negotiations conducted pursuant to the provisions and
21 procedures of article 14 of the civil service law, notwithstanding the
22 existence of a negotiated agreement between a school district and a
23 certified or recognized employee organization.

24 S 28. Support of public libraries. The moneys appropriated for the
25 support of public libraries by a chapter of the laws of 2014 enacting
26 the aid to localities budget shall be apportioned for the 2014--2015
27 state fiscal year in accordance with the provisions of sections 271,
28 272, 273, 282, 284, and 285 of the education law as amended by the
29 provisions of this chapter and the provisions of this section, provided
30 that library construction aid pursuant to section 273-a of the education
31 law shall not be payable from the appropriations for the support of
32 public libraries and provided further that no library, library system or
33 program, as defined by the commissioner of education, shall receive less
34 total system or program aid than it received for the year 2001--2002
35 except as a result of a reduction adjustment necessary to conform to the
36 appropriations for support of public libraries.

37 Notwithstanding any other provision of law to the contrary the moneys
38 appropriated for the support of public libraries for the year 2014--2015
39 by a chapter of the laws of 2014 enacting the education, labor and fami-
40 ly assistance budget shall fulfill the state's obligation to provide
41 such aid and, pursuant to a plan developed by the commissioner of educa-
42 tion and approved by the director of the budget, the aid payable to
43 libraries and library systems pursuant to such appropriations shall be
44 reduced proportionately to assure that the total amount of aid payable
45 does not exceed the total appropriations for such purpose.

46 S 29. Severability. The provisions of this act shall be severable, and
47 if the application of any clause, sentence, paragraph, subdivision,
48 section or part of this act to any person or circumstance shall be
49 adjudged by any court of competent jurisdiction to be invalid, such
50 judgment shall not necessarily affect, impair or invalidate the applica-
51 tion of any such clause, sentence, paragraph, subdivision, section, part
52 of this act or remainder thereof, as the case may be, to any other
53 person or circumstance, but shall be confined in its operation to the
54 clause, sentence, paragraph, subdivision, section or part thereof
55 directly involved in the controversy in which such judgment shall have
56 been rendered.

1 S 30. This act shall take effect immediately, and shall be deemed to
2 have been in full force and effect on and after April 1, 2014, provided,
3 however, that:

4 1. Sections one, two, three, four, five, seven, nine, twelve, thir-
5 teen, seventeen, twenty-two, twenty-six and twenty-seven of this act
6 shall take effect July 1, 2014.

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

10 3. Section eleven of this act shall take effect April 1, 2014 and
11 shall first apply to the provision of services and programs pursuant to
12 section 4410 of the education law in the 2014-2015 school year, provided
13 that the provisions of subparagraph (iv) of paragraph a of subdivision
14 10 of section 4410 of the education law, as added by such section of
15 this act, shall expire and be deemed repealed June 30, 2019.

16 4. The amendments to chapter 756 of the laws of 1992, relating to
17 funding a program for work force education conducted by a consortium for
18 worker education in New York city, made by sections twelve and thirteen
19 of this act shall not affect the repeal of such chapter and shall be
20 deemed repealed therewith.

21 5. Section sixteen of this act shall take effect immediately and shall
22 be deemed to have been in full force and effect on and after the effec-
23 tive date of section 140 of chapter 82 of the laws of 1995.

24 6. Section twenty-five of this act shall expire and be deemed repealed
25 June 30, 2015.

26 PART B

27 Section 1. The smart schools bond act of 2014 is enacted to read as
28 follows:

29 SMART SCHOOLS BOND ACT OF 2014

30 Section 1. Short title.

31 2. Creation of a state debt.

32 3. Bonds of the state.

33 4. Use of moneys received.

34 Section 1. Short title. This act shall be known and may be cited as the
35 "smart schools bond act of 2014".

36 S 2. Creation of a state debt. The creation of a state debt in an
37 amount not exceeding in the aggregate two billion dollars
38 (\$2,000,000,000) is hereby authorized to provide moneys for the single
39 purpose of improving learning and opportunity for public school students
40 of the state by funding capital projects to: acquire learning technology
41 equipment or facilities including, but not limited to, interactive
42 whiteboards, computer servers, and desktop, laptop and tablet computers;
43 install high-speed broadband or wireless internet connectivity for
44 schools and communities; and construct, enhance, and modernize educa-
45 tional facilities to accommodate pre-kindergarten programs. The legisla-
46 ture may, by appropriate legislation and subject to such conditions as
47 it may impose, make available out of the proceeds of the sale of bonds
48 authorized in this act, moneys disbursed or to be disbursed for the cost
49 of approved capital projects undertaken by, or on behalf of, school
50 districts for such purposes.

51 S 3. Bonds of the state. The state comptroller is hereby authorized
52 and empowered to issue and sell bonds of the state up to the aggregate

1 amount of two billion dollars (\$2,000,000,000) for the purposes of this
2 act, subject to the provisions of article five of the state finance law.
3 The aggregate principal amount of such bonds shall not exceed two
4 billion dollars (\$2,000,000,000) excluding bonds issued to refund or
5 otherwise repay bonds heretofore issued for such purpose; provided,
6 however, that upon any such refunding or repayment, the total aggregate
7 principal amount of outstanding bonds may be greater than two billion
8 dollars (\$2,000,000,000) only if the present value of the aggregate debt
9 service of the refunding or repayment bonds to be issued shall not
10 exceed the present value of the aggregate debt service of the bonds to
11 be refunded or repaid. The method for calculating present value shall be
12 determined by law.

13 S 4. Use of moneys received. The moneys received by the state from the
14 sale of bonds sold pursuant to this act shall be expended pursuant to
15 appropriations for capital projects related to design, planning, site
16 acquisition, demolition, construction, reconstruction, rehabilitation,
17 or acquisition and/or installation of equipment for the following types
18 of projects: capital projects related to educational technology equip-
19 ment or facilities including but not limited to interactive whiteboards;
20 computer servers; desktop and laptop computers, and tablets; high-speed
21 broadband or wireless internet connectivity for schools and communities;
22 and capital projects to construct, enhance or modernize educational
23 facilities to accommodate pre-kindergarten programs.

24 S 2. This act shall take effect immediately, provided that the
25 provisions of section one of this act shall not take effect unless and
26 until this act shall have been submitted to the people at the general
27 election to be held in November 2014 and shall have been approved by a
28 majority of all votes cast for and against it at such election. Upon
29 approval by the people, section one of this act shall take effect imme-
30 diately. The ballots to be furnished for the use of voters upon
31 submission of this act shall be in the form prescribed by the election
32 law and the proposition or question to be submitted shall be printed
33 thereon in substantially the following form, namely "The SMART SCHOOLS
34 BOND ACT OF 2014, as set forth in section one of part B of chapter (here
35 insert the chapter number) of the laws of 2014, authorizes the sale of
36 state bonds of up to two billion dollars (\$2,000,000,000) to provide
37 access to classroom technology and high-speed internet connectivity to
38 equalize opportunities for children to learn and to add classroom space
39 to expand high-quality pre-kindergarten programs. Shall the SMART
40 SCHOOLS BOND ACT OF 2014 be approved?".

41 PART C

42 Section 1. This act shall be known and may be cited as the "smart
43 schools implementation act of 2014".

44 S 2. Section 3641 of the education law is amended by adding a new
45 subdivision 16 to read as follows:

46 16. IMPLEMENTATION OF THE SMART SCHOOLS BOND ACT OF 2014. A. DEFINI-
47 TIONS. THE FOLLOWING TERMS, WHENEVER USED OR REFERRED TO IN THIS
48 SUBDIVISION, UNLESS THE CONTEXT INDICATES OTHERWISE, SHALL HAVE THE
49 FOLLOWING MEANINGS:

50 (1) "BONDS" SHALL MEAN GENERAL OBLIGATION BONDS ISSUED PURSUANT TO THE
51 "SMART SCHOOLS BOND ACT OF 2014" IN ACCORDANCE WITH ARTICLE VII OF THE
52 NEW YORK STATE CONSTITUTION AND ARTICLE FIVE OF THE STATE FINANCE LAW.

(2) "SMART SCHOOLS REVIEW BOARD" SHALL MEAN A BODY COMPRISED OF THE CHANCELLOR OF THE STATE UNIVERSITY OF NEW YORK, THE DIRECTOR OF THE BUDGET, AND THE COMMISSIONER, OR THEIR RESPECTIVE DESIGNEES.

(3) "SMART SCHOOLS INVESTMENT PLAN" SHALL MEAN A DOCUMENT PREPARED BY A SCHOOL DISTRICT SETTING FORTH THE SMART SCHOOLS PROJECT OR PROJECTS TO BE UNDERTAKEN WITH SUCH DISTRICT'S SMART SCHOOLS ALLOCATION.

(4) "SMART SCHOOLS PROJECT" SHALL MEAN A CAPITAL PROJECT AS SET FORTH AND DEFINED IN SUBPARAGRAPHS FIVE, SIX, OR SEVEN OF THIS PARAGRAPH.

(5) "PRE-KINDERGARTEN PROJECT" SHALL MEAN A CAPITAL PROJECT WHICH, AS A PRIMARY PURPOSE, EXPANDS THE AVAILABILITY OF ADEQUATE AND APPROPRIATE INSTRUCTIONAL SPACE FOR PRE-KINDERGARTEN.

(6) "COMMUNITY CONNECTIVITY PROJECT" SHALL MEAN A CAPITAL PROJECT WHICH, AS A PRIMARY PURPOSE, EXPANDS HIGH-SPEED BROADBAND OR WIRELESS INTERNET CONNECTIVITY IN THE LOCAL COMMUNITY, INCLUDING SCHOOL BUILDINGS AND CAMPUSES, FOR ENHANCED EDUCATIONAL OPPORTUNITY IN THE STATE.

(7) "CLASSROOM TECHNOLOGY PROJECT" SHALL MEAN A CAPITAL PROJECT TO EXPAND HIGH-SPEED BROADBAND OR WIRELESS INTERNET CONNECTIVITY SOLELY FOR SCHOOL BUILDINGS AND CAMPUSES, OR TO ACQUIRE LEARNING TECHNOLOGY HARDWARE FOR SCHOOLS, CLASSROOMS, AND STUDENT USE, INCLUDING BUT NOT LIMITED TO WHITEBOARDS, COMPUTER SERVERS, DESKTOP COMPUTERS, LAPTOP COMPUTERS, AND TABLET COMPUTERS.

(8) "SELECTED SCHOOL AID" SHALL MEAN THE SUM OF THE AMOUNTS SET FORTH AS "FOUNDATION AID", "FULL DAY K CONVERSION", "BOCES", "SPECIAL SERVICES", "HIGH COST EXCESS COST", "PRIVATE EXCESS COST", "HARDWARE & TECHNOLOGY", "SOFTWARE, LIBRARY, TEXTBOOK", "TRANSPORTATION INCL SUMMER", "OPERATING REORG INCENTIVE", "CHARTER SCHOOL TRANSITIONAL", "ACADEMIC ENHANCEMENT", "HIGH TAX AID", AND "SUPPLEMENTAL PUB EXCESS COST" UNDER THE HEADING "2013-14 BASE YEAR AIDS" IN THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET PROPOSAL FOR THE TWO THOUSAND FOURTEEN-FIFTEEN SCHOOL YEAR.

(9) "SMART SCHOOLS ALLOCATION" SHALL MEAN, FOR EACH SCHOOL DISTRICT, THE PRODUCT OF (I) TWO BILLION DOLLARS (\$2,000,000,000) MULTIPLIED BY (II) THE QUOTIENT OF SUCH SCHOOL DISTRICT'S SELECTED SCHOOL AID DIVIDED BY THE TOTAL SELECTED SCHOOL AID TO ALL SCHOOL DISTRICTS.

B. SMART SCHOOLS INVESTMENT PLANS. (1) THE SMART SCHOOLS REVIEW BOARD SHALL ISSUE GUIDELINES SETTING FORTH REQUIRED COMPONENTS AND ELIGIBILITY CRITERIA FOR SMART SCHOOLS INVESTMENT PLANS TO BE SUBMITTED BY SCHOOL DISTRICTS. SUCH GUIDELINES SHALL INCLUDE BUT NOT BE LIMITED TO: (I) A TIMELINE FOR SCHOOL DISTRICT SUBMISSION OF SMART SCHOOLS INVESTMENT PLANS; (II) ANY REQUIREMENTS FOR THE USE OF AVAILABLE STATE PROCUREMENT OPTIONS WHERE APPLICABLE; AND (III) ANY LIMITATIONS ON THE AMOUNT OF A DISTRICT'S SMART SCHOOLS ALLOCATION THAT MAY BE USED FOR ASSETS WITH A SHORT PROBABLE LIFE.

(2) NO SCHOOL DISTRICT SHALL BE ENTITLED TO A SMART SCHOOLS GRANT UNTIL SUCH DISTRICT SHALL HAVE SUBMITTED A SMART SCHOOLS INVESTMENT PLAN TO THE SMART SCHOOLS REVIEW BOARD AND RECEIVED SUCH BOARD'S APPROVAL OF SUCH INVESTMENT PLAN. IN DEVELOPING SUCH INVESTMENT PLAN, SCHOOL DISTRICTS SHALL CONSULT WITH PARENTS, TEACHERS, STUDENTS, COMMUNITY MEMBERS AND OTHER STAKEHOLDERS.

(3) THE SMART SCHOOLS REVIEW BOARD SHALL REVIEW ALL SMART SCHOOLS INVESTMENT PLANS FOR COMPLIANCE WITH ALL ELIGIBILITY CRITERIA AND OTHER REQUIREMENTS SET FORTH IN THE GUIDELINES. THE SMART SCHOOLS REVIEW BOARD MAY APPROVE OR REJECT SUCH PLANS, OR MAY RETURN SUCH PLANS TO THE SCHOOL DISTRICT FOR MODIFICATIONS. UPON APPROVAL, THE SMART SCHOOLS PROJECT OR PROJECTS DESCRIBED IN THE INVESTMENT PLAN SHALL BE ELIGIBLE FOR SMART SCHOOLS GRANTS. A SMART SCHOOLS PROJECT INCLUDED IN A SCHOOL DISTRICT'S

SMART SCHOOLS INVESTMENT PLAN SHALL NOT REQUIRE SEPARATE APPROVAL OF THE COMMISSIONER UNLESS IT IS PART OF A SCHOOL CONSTRUCTION PROJECT REQUIRED TO BE SUBMITTED FOR APPROVAL OF THE COMMISSIONER PURSUANT TO SECTION FOUR HUNDRED EIGHT OF THIS CHAPTER AND/OR SUBDIVISION SIX OF SECTION THIRTY-SIX HUNDRED TWO OF THIS ARTICLE. ANY DEPARTMENT, AGENCY OR PUBLIC AUTHORITY SHALL PROVIDE THE SMART SCHOOLS REVIEW BOARD WITH ANY INFORMATION IT REQUIRES TO FULFILL ITS DUTIES PURSUANT TO THIS SUBDIVISION.

(4) ANY AMENDMENTS OR SUPPLEMENTS TO A SMART SCHOOL INVESTMENT PLAN MUST BE SUBMITTED TO THE SMART SCHOOLS REVIEW BOARD FOR APPROVAL, AND SHALL NOT TAKE EFFECT UNTIL SUCH APPROVAL IS GRANTED.

C. EXPENDITURE OF MONEY. (1) SMART SCHOOLS GRANTS. EACH SCHOOL DISTRICT WHICH HAS AN APPROVED SMART SCHOOLS INVESTMENT PLAN INCLUDING A SMART SCHOOLS PROJECT OR PROJECTS SHALL BE ENTITLED TO A GRANT OR GRANTS FOR THE SMART SCHOOLS PROJECT OR PROJECTS INCLUDED THEREIN IN AN AMOUNT, WHETHER IN THE AGGREGATE OR OTHERWISE, NOT TO EXCEED THE SMART SCHOOLS ALLOCATION CALCULATED FOR SUCH SCHOOL DISTRICT. THE AMOUNT OF SUCH ALLOCATION NOT EXPENDED, DISBURSED OR ENCUMBERED FOR ANY SCHOOL YEAR SHALL BE CARRIED OVER FOR EXPENDITURE AND DISBURSEMENT TO THE NEXT SUCCEEDING SCHOOL YEAR. EXPENDITURES FROM THE SMART SCHOOLS ALLOCATION SHALL NOT BE ELIGIBLE FOR AID UNDER ANY OTHER PROVISION OF THIS CHAPTER.

(2) THE AMOUNTS DETERMINED PURSUANT TO THIS SUBDIVISION TO BE PAID TO SCHOOL DISTRICTS SHALL BE CERTIFIED BY THE COMMISSIONER IN ACCORDANCE WITH THIS SUBDIVISION. IF, UPON THE OPTION OF A SCHOOL DISTRICT, A SMART SCHOOLS INVESTMENT PLAN DIRECTS THAT AN AMOUNT BE TRANSFERRED OR SUBALLOCATED TO A DEPARTMENT, AGENCY, OR PUBLIC AUTHORITY TO BE SPENT ON BEHALF OF THE SCHOOL DISTRICT, SUCH AMOUNTS SHALL BE TRANSFERRED OR SUBALLOCATED, CONSISTENT WITH SUCH PLAN, UPON THE APPROVAL OF THE DIRECTOR OF THE BUDGET. THE AMOUNTS OF MONEY SO CERTIFIED OR MADE AVAILABLE SHALL BE PAID BY THE COMPTROLLER IN ACCORDANCE WITH APPROPRIATIONS THEREFOR, PROVIDED, HOWEVER, THAT THE PAYMENT SCHEDULE SET FORTH IN SUBDIVISION ONE OF THIS SECTION SHALL NOT APPLY TO SUCH PAYMENTS. SUCH PAYMENT SHALL FULFILL ANY OBLIGATION OF THE STATE OR THE COMMISSIONER TO APPORTION FUNDS PURSUANT TO THIS SUBDIVISION, AND WHENEVER A SCHOOL DISTRICT HAS BEEN APPORTIONED MORE MONEY PURSUANT TO THIS SUBDIVISION THAN THAT TO WHICH IT IS ENTITLED, THE COMMISSIONER MAY DEDUCT SUCH AMOUNT FROM THE NEXT APPORTIONMENT TO BE MADE TO SUCH SCHOOL DISTRICT.

D. CONSISTENCY WITH FEDERAL TAX LAW. ALL ACTIONS TAKEN PURSUANT TO THIS SUBDIVISION SHALL BE REVIEWED FOR CONSISTENCY WITH PROVISIONS OF THE FEDERAL INTERNAL REVENUE CODE AND REGULATIONS THEREUNDER, IN ACCORDANCE WITH PROCEDURES ESTABLISHED IN CONNECTION WITH THE ISSUANCE OF ANY TAX EXEMPT BONDS PURSUANT TO THIS SUBDIVISION, TO PRESERVE THE TAX EXEMPT STATUS OF SUCH BONDS.

E. COMPLIANCE WITH OTHER LAW. EVERY RECIPIENT OF FUNDS TO BE MADE AVAILABLE PURSUANT TO THIS SUBDIVISION SHALL COMPLY WITH ALL APPLICABLE STATE, FEDERAL AND LOCAL LAWS.

S 3. The state finance law is amended by adding a new section 97-0000 to read as follows:

S 97-0000. SMART SCHOOLS BOND FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSIONER OF TAXATION AND FINANCE A SPECIAL FUND TO BE KNOWN AS THE "SMART SCHOOLS BOND FUND".

2. THE STATE COMPTROLLER SHALL DEPOSIT INTO THE SMART SCHOOLS BOND FUND ALL MONEYS RECEIVED BY THE STATE FROM THE SALE OF BONDS AND/OR NOTES FOR USES ELIGIBLE PURSUANT TO SECTION FOUR OF THE SMART SCHOOLS BOND ACT OF 2014.

3. MONEYS IN THE SMART SCHOOLS BOND FUND, FOLLOWING APPROPRIATION BY THE LEGISLATURE AND ALLOCATION BY THE DIRECTOR OF THE BUDGET, SHALL BE AVAILABLE ONLY FOR REIMBURSEMENT OF EXPENDITURES MADE FROM APPROPRIATIONS FROM THE CAPITAL PROJECTS FUND FOR THE PURPOSE OF THE SMART SCHOOLS BOND FUND, AS SET FORTH IN THE SMART SCHOOLS BOND ACT OF 2014.

4. NO MONEYS RECEIVED BY THE STATE FROM THE SALE OF BONDS AND/OR NOTES SOLD PURSUANT TO THE SMART SCHOOLS BOND ACT OF 2014 SHALL BE EXPENDED FOR ANY PROJECT UNTIL FUNDS THEREFOR HAVE BEEN ALLOCATED PURSUANT TO THE PROVISIONS OF THIS SECTION AND COPIES OF THE APPROPRIATE CERTIFICATES OF APPROVAL FILED WITH THE CHAIR OF THE SENATE FINANCE COMMITTEE, THE CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE AND THE STATE COMPTROLLER.

S 4. Section 61 of the state finance law is amended by adding a new subdivision 31 to read as follows:

SMART SCHOOLS PROJECTS

31. THIRTY YEARS. FOR THE PAYMENT OF SMART SCHOOLS PROJECTS, INCLUDING BUT NOT LIMITED TO PRE-KINDERGARTEN PROJECTS, COMMUNITY CONNECTIVITY PROJECTS, AND CLASSROOM TECHNOLOGY PROJECTS, ALL AS DEFINED IN SUBDIVISION SIXTEEN OF SECTION THIRTY-SIX HUNDRED FORTY-ONE OF THE EDUCATION LAW AND UNDERTAKEN PURSUANT TO A CHAPTER OF THE LAWS OF TWO THOUSAND FOURTEEN, ENACTING AND CONSTITUTING THE SMART SCHOOLS BOND ACT OF 2014. THIRTY YEARS FOR PRE-KINDERGARTEN PROJECTS, TWENTY YEARS FOR COMMUNITY CONNECTIVITY PROJECTS, AND EIGHT YEARS FOR CLASSROOM TECHNOLOGY PROJECTS. NOTWITHSTANDING THE FOREGOING, FOR THE PURPOSES OF CALCULATING ANNUAL DEBT SERVICE, THE STATE COMPTROLLER SHALL APPLY A WEIGHTED AVERAGE PERIOD OF PROBABLE LIFE OF SUCH SMART SCHOOLS PROJECTS, INCLUDING WITH ANY OTHER WORKS OR PURPOSES TO BE FINANCED WITH STATE DEBT. WEIGHTED AVERAGE PERIOD OF PROBABLE LIFE SHALL BE DETERMINED BY COMPUTING THE SUM OF THE PRODUCTS DERIVED FROM MULTIPLYING THE DOLLAR VALUE OF THE PORTION OF THE DEBT CONTRACTED FOR EACH WORK OR PURPOSE (OR CLASS OF WORKS OR PURPOSES) BY THE PROBABLE LIFE OF SUCH WORK OR PURPOSE (OR CLASS OF WORKS OR PURPOSES) AND DIVIDING THE RESULTING SUM BY THE DOLLAR VALUE OF THE ENTIRE DEBT AFTER TAKING INTO CONSIDERATION ANY ORIGINAL ISSUE PREMIUM OR DISCOUNT.

S 5. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

S 6. This act shall take effect only in the event that section 1 of part B of a chapter of the laws of 2014, enacting the "smart schools bond act of 2014," is submitted to the people at the general election to be held in November 2014 and is approved by a majority of all votes cast for and against it at such election. Upon such approval, this act shall take effect immediately. Effective immediately, the addition, amendment, and/or repeal of any rule or regulation necessary for the implementation of the foregoing sections of this act are authorized and directed to be made and completed on or before such effective date.

PART D

Section 1. Short title. This act shall be known and may be cited as the "nurse practitioners modernization act".

S 2. Subdivision 3 of section 6902 of the education law, as added by chapter 257 of the laws of 1988, is amended to read as follows:

1 3. (a) (I) The practice of registered professional nursing by a nurse
2 practitioner, certified under section six thousand nine hundred ten of
3 this article, may include the diagnosis of illness and physical condi-
4 tions and the performance of therapeutic and corrective measures within
5 a specialty area of practice, in collaboration with a licensed physician
6 qualified to collaborate in the specialty involved, provided such
7 services are performed in accordance with a written practice agreement
8 and written practice protocols EXCEPT AS PERMITTED BY PARAGRAPH (B) OF
9 THIS SUBDIVISION. The written practice agreement shall include explicit
10 provisions for the resolution of any disagreement between the collab-
11 orating physician and the nurse practitioner regarding a matter of diag-
12 nosis or treatment that is within the scope of practice of both. To the
13 extent the practice agreement does not so provide, then the collaborat-
14 ing physician's diagnosis or treatment shall prevail.

15 [(b)] (II) IN THE EVENT THAT (A) AN EXISTING WRITTEN PRACTICE AGREE-
16 MENT WITH A COLLABORATING PHYSICIAN TERMINATES AS A RESULT OF: THE
17 COLLABORATING PHYSICIAN MOVING, RETIRING, NO LONGER NEEDING THE SERVICES
18 OF THE NURSE PRACTITIONER, NO LONGER BEING QUALIFIED TO PRACTICE; OR THE
19 WRITTEN PRACTICE AGREEMENT TERMINATING DUE TO NO FAULT ON THE PART OF
20 THE NURSE PRACTITIONER; AND (B) THE NURSE PRACTITIONER DEMONSTRATES THAT
21 HE OR SHE HAS MADE A GOOD FAITH EFFORT TO ENTER INTO A NEW WRITTEN PRAC-
22 TICE AGREEMENT WITH A COLLABORATING PHYSICIAN AND HAS BEEN UNABLE TO DO
23 SO, THEN UPON APPROVAL BY THE DEPARTMENT, SUCH NURSE PRACTITIONER MAY
24 CONTINUE TO PRACTICE PURSUANT TO THIS PARAGRAPH WITHIN A SPECIALTY AREA
25 OF PRACTICE FOR A PERIOD OF UP TO SIX MONTHS, IN COLLABORATION WITH A
26 NURSE PRACTITIONER WHO HAS BEEN CERTIFIED UNDER SECTION SIX THOUSAND
27 NINE HUNDRED TEN OF THIS ARTICLE, WHO HAS BEEN PRACTICING FOR MORE THAN
28 THREE THOUSAND SIX HUNDRED HOURS AND WHO IS QUALIFIED TO COLLABORATE IN
29 THE SPECIALTY INVOLVED, PROVIDED THAT SERVICES ARE PERFORMED IN ACCORD-
30 ANCE WITH A WRITTEN PRACTICE AGREEMENT AND WRITTEN PRACTICE PROTOCOLS;
31 SUCH SIX MONTH TIME PERIOD FOR COLLABORATION BETWEEN NURSE PRACTITIONERS
32 MAY BE EXTENDED FOR A PERIOD OF TIME NOT TO EXCEED AN ADDITIONAL SIX
33 MONTHS UPON A SHOWING OF GOOD CAUSE SUBJECT TO THE APPROVAL OF THE
34 DEPARTMENT.

35 (III) Prescriptions for drugs, devices and immunizing agents may be
36 issued by a nurse practitioner, under this [subdivision] PARAGRAPH and
37 section six thousand nine hundred ten of this article, in accordance
38 with the practice agreement and practice protocols EXCEPT AS PERMITTED
39 BY PARAGRAPH (B) OF THIS SUBDIVISION. The nurse practitioner shall
40 obtain a certificate from the department upon successfully completing a
41 program including an appropriate pharmacology component, or its equiv-
42 alent, as established by the commissioner's regulations, prior to
43 prescribing under this [subdivision] PARAGRAPH. The certificate issued
44 under section six thousand nine hundred ten of this article shall state
45 whether the nurse practitioner has successfully completed such a program
46 or equivalent and is authorized to prescribe under this [subdivision]
47 PARAGRAPH.

48 [(c)] (IV) Each practice agreement shall provide for patient records
49 review by the collaborating physician OR, WHERE APPLICABLE, THE COLLAB-
50 ORATING NURSE PRACTITIONER, in a timely fashion but in no event less
51 often than every three months. The names of the nurse practitioner and
52 the collaborating physician OR, WHERE APPLICABLE, THE COLLABORATING
53 NURSE PRACTITIONER shall be clearly posted in the practice setting of
54 the nurse practitioner.

55 [(d)] (V) The practice protocol shall reflect current accepted medical
56 and nursing practice, OR FOR COLLABORATIONS WITH ANOTHER NURSE PRACTI-

1 TIONER PURSUANT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE CURRENT
2 ACCEPTED NURSING PRACTICE. The protocols shall be filed with the
3 department within ninety days of the commencement of the practice and
4 may be updated periodically. The commissioner shall make regulations
5 establishing the procedure for the review of protocols and the disposi-
6 tion of any issues arising from such review.

7 [(e)] (VI) No physician OR, WHERE APPLICABLE, NURSE PRACTITIONER,
8 shall enter into practice agreements with more than four nurse practi-
9 tioners who are not located on the same physical premises as the collabor-
10 ating physician OR COLLABORATING NURSE PRACTITIONER.

11 [(f)] (B) NOTWITHSTANDING SUBPARAGRAPH (I) OF PARAGRAPH (A) OF THIS
12 SUBDIVISION, A NURSE PRACTITIONER, CERTIFIED UNDER SECTION SIXTY-NINE
13 HUNDRED TEN OF THIS ARTICLE AND PRACTICING FOR MORE THAN THREE THOUSAND
14 SIX HUNDRED HOURS MAY COMPLY WITH THIS PARAGRAPH IN LIEU OF COMPLYING
15 WITH THE REQUIREMENTS OF PARAGRAPH (A) OF THIS SUBDIVISION RELATING TO
16 COLLABORATION WITH A PHYSICIAN, A WRITTEN PRACTICE AGREEMENT AND WRITTEN
17 PRACTICE PROTOCOLS. A NURSE PRACTITIONER COMPLYING WITH THIS PARAGRAPH
18 SHALL HAVE COLLABORATIVE RELATIONSHIPS WITH ONE OR MORE LICENSED PHYSI-
19 CIANS QUALIFIED TO COLLABORATE IN THE SPECIALTY INVOLVED OR A HOSPITAL,
20 LICENSED UNDER ARTICLE TWENTY-EIGHT OF THE PUBLIC HEALTH LAW, THAT
21 PROVIDES SERVICES THROUGH LICENSED PHYSICIANS QUALIFIED TO COLLABORATE
22 IN THE SPECIALTY INVOLVED AND HAVING PRIVILEGES AT SUCH INSTITUTION. THE
23 NURSE PRACTITIONER SHALL DOCUMENT SUCH COLLABORATIVE RELATIONSHIPS IN A
24 MANNER REQUIRED BY THE DEPARTMENT, WHICH IDENTIFIES THE NAME AND MEDICAL
25 LICENSE NUMBER OF EACH PHYSICIAN OR HOSPITAL, AS APPLICABLE, WITH WHOM
26 THE NURSE PRACTITIONER IS COLLABORATING, AND THE NURSE PRACTITIONER
27 ATTESTS THAT THE PHYSICIAN OR HOSPITAL IS AWARE OF AND HAS AGREED TO
28 MAINTAIN A COLLABORATIVE RELATIONSHIP WITH THE NURSE PRACTITIONER.

29 (C) Nothing in this subdivision shall be deemed to limit or diminish
30 the practice of the profession of nursing as a registered professional
31 nurse under this article or any other law, rule, regulation or certifi-
32 cation, nor to deny any registered professional nurse the right to do
33 any act or engage in any practice authorized by this article or any
34 other law, rule, regulation or certification.

35 [(g)] (D) The provisions of this subdivision shall not apply to any
36 activity authorized, pursuant to statute, rule or regulation, to be
37 performed by a registered professional nurse in a hospital as defined in
38 article twenty-eight of the public health law.

39 (E) IN CONJUNCTION WITH AND AS A CONDITION OF EACH TRIENNIAL REGISTRA-
40 TION, THE DEPARTMENT SHALL COLLECT AND A NURSE PRACTITIONER SHALL
41 PROVIDE SUCH INFORMATION AND DOCUMENTATION REQUIRED BY THE DEPARTMENT,
42 IN CONSULTATION WITH THE DEPARTMENT OF HEALTH, AS NECESSARY TO ENABLE
43 THE DEPARTMENT OF HEALTH TO EVALUATE ACCESS TO NEEDED SERVICES IN THIS
44 STATE, INCLUDING BUT NOT LIMITED TO THE LOCATION AND TYPE OF SETTING
45 WHEREIN THE NURSE PRACTITIONER PRACTICES; IF THE NURSE PRACTITIONER HAS
46 PRACTICED FOR FEWER THAN THREE THOUSAND SIX HUNDRED HOURS AND IS PRAC-
47 TICING PURSUANT TO A WRITTEN PRACTICE AGREEMENT WITH A PHYSICIAN; IF THE
48 NURSE PRACTITIONER PRACTICES PURSUANT TO A WRITTEN PRACTICE AGREEMENT
49 WITH A NURSE PRACTITIONER FOR SIX MONTHS AND IF THE WRITTEN PRACTICE
50 AGREEMENT HAS BEEN EXTENDED FOR AN ADDITIONAL SIX MONTHS UPON A SHOWING
51 OF GOOD CAUSE SUBJECT TO THE APPROVAL OF THE DEPARTMENT; IF THE NURSE
52 PRACTITIONER PRACTICES PURSUANT TO COLLABORATIVE RELATIONSHIPS WITH A
53 PHYSICIAN OR HOSPITAL; AND OTHER INFORMATION THE DEPARTMENT, IN CONSUL-
54 TATION WITH THE DEPARTMENT OF HEALTH, DEEMS RELEVANT.

55 S 3. This act shall take effect on the first of January after it shall
56 have become a law; provided, however, that effective immediately, the

1 addition, amendment and/or repeal of any rule or regulation necessary
2 for the implementation of this act on its effective date is authorized
3 and directed to be made and completed on or before such effective date.

4 PART E

5 Section 1. Section 11 of the education law is amended by adding a new
6 subdivision 9 to read as follows:

7 9. "PATTERN OF HARASSMENT, BULLYING OR DISCRIMINATION" SHALL MEAN
8 MULTIPLE INCIDENTS OF HARASSMENT, BULLYING OR DISCRIMINATION INVOLVING
9 ONE OR MORE KNOWN OR UNKNOWN PERPETRATORS AGAINST A PARTICULAR CLASS OR
10 CLASSES OF PERSONS BASED ON THEIR ACTUAL OR PERCEIVED RACE, COLOR,
11 WEIGHT, NATIONAL ORIGIN, ETHNIC GROUP, RELIGION, RELIGIOUS PRACTICE,
12 DISABILITY, SEXUAL ORIENTATION, GENDER OR SEX.

13 S 2. Paragraph d of subdivision 1 of section 13 of the education law,
14 as added by chapter 102 of the laws of 2012, is amended to read as
15 follows:

16 d. require the principal, superintendent or the principal's or super-
17 intendent's designee to lead or supervise the thorough investigation of
18 all reports of harassment, bullying and discrimination, and to ensure
19 that such investigation is completed promptly after receipt of any writ-
20 ten reports made under this section. IF THE PRINCIPAL OR SUPERINTENDENT
21 DESIGNATES AN INDIVIDUAL TO LEAD AND SUPERVISE SUCH INVESTIGATION AND
22 THE INVESTIGATION REVEALS VERIFIED HARASSMENT, BULLYING OR DISCRIMI-
23 NATION, THE PRINCIPAL'S OR SUPERINTENDENT'S DESIGNEE SHALL PROMPTLY
24 FORWARD ANY DETERMINATIONS OF VERIFIED HARASSMENT, BULLYING OR DISCRIMI-
25 NATION DIRECTLY TO THE PRINCIPAL OR SUPERINTENDENT, OR BOTH, AS DETER-
26 MINED BY THE SCHOOL DISTRICT;

27 S 3. Paragraphs e, f, g, h, i, j, k and l of subdivision 1 of section
28 13 of the education law are relettered paragraphs g, h, i, j, k, l, m
29 and n and two new paragraphs e and f are added to read as follows:

30 E. REQUIRE, AS PART OF THE INVESTIGATION UNDERTAKEN PURSUANT TO PARA-
31 GRAPH D OF THIS SUBDIVISION, THE PRINCIPAL, SUPERINTENDENT OR THE PRIN-
32 CIPAL'S OR SUPERINTENDENT'S DESIGNEE TO ALSO INVESTIGATE AND DETERMINE
33 IF EACH VERIFIED INCIDENT IS PART OF A PATTERN OF HARASSMENT, BULLYING
34 OR DISCRIMINATION. IF THE PRINCIPAL OR SUPERINTENDENT DESIGNATES AN
35 INDIVIDUAL TO LEAD AND SUPERVISE SUCH INVESTIGATION, THE PRINCIPAL'S OR
36 SUPERINTENDENT'S DESIGNEE SHALL PROMPTLY FORWARD ANY SUCH DETERMI-
37 NATIONS, WHETHER OR NOT THEY FIND A PATTERN OF HARASSMENT, BULLYING OR
38 DISCRIMINATION, DIRECTLY TO THE PRINCIPAL OR SUPERINTENDENT, OR BOTH, AS
39 DETERMINED BY THE SCHOOL DISTRICT; SUCH OFFICIAL OR OFFICIALS, IN TURN,
40 SHALL PROMPTLY UNDERTAKE AN INDEPENDENT REVIEW OF EACH DETERMINATION TO
41 DETERMINE IF THE VERIFIED INCIDENT IS PART OF SUCH A PATTERN OF HARASS-
42 MENT, BULLYING OR DISCRIMINATION;

43 F. REQUIRE THE PRINCIPAL OR SUPERINTENDENT TO PROMPTLY REPORT TO THE
44 COMMISSIONER, THE DIVISION OF HUMAN RIGHTS AND THE DIVISION OF STATE
45 POLICE, (I) ANY INVESTIGATION WHERE A DETERMINATION IS MADE BY EITHER
46 THE PRINCIPAL, SUPERINTENDENT OR THE PRINCIPAL'S OR SUPERINTENDENT'S
47 DESIGNEE THAT A VERIFIED INCIDENT OF HARASSMENT, BULLYING OR DISCRIMI-
48 NATION IS PART OF A PATTERN OF HARASSMENT, BULLYING OR DISCRIMINATION
49 AND (II) ANY PATTERN OF HARASSMENT, BULLYING OR DISCRIMINATION OF WHICH
50 THEY OTHERWISE BECOME AWARE. SCHOOL DISTRICTS SHALL ENSURE THAT THEY
51 HAVE ADEQUATE POLICIES AND PROCEDURES IN PLACE TO ENSURE THAT THESE
52 PATTERNS ARE REPORTED PROMPTLY;

53 S 4. Section 14 of the education law is amended by adding two new
54 subdivisions 6 and 7 to read as follows:

6. WHEN THE COMMISSIONER RECEIVES A REPORT FROM A PRINCIPAL OR SUPERINTENDENT OF A PATTERN OF HARASSMENT, BULLYING OR DISCRIMINATION, THE COMMISSIONER SHALL DEVELOP, AND THE SCHOOL DISTRICT SHALL IMPLEMENT, INTERVENTION PROTOCOLS REASONABLY CALCULATED TO END THE HARASSMENT, BULLYING OR DISCRIMINATION, ELIMINATE ANY HOSTILE ENVIRONMENT, CREATE A MORE POSITIVE SCHOOL CULTURE AND CLIMATE, PREVENT RECURRENCE OF THE BEHAVIOR, AND ENSURE THE SAFETY OF THE STUDENT OR STUDENTS AGAINST WHOM SUCH HARASSMENT, BULLYING OR DISCRIMINATION WAS DIRECTED. THE DEPARTMENT SHALL EVALUATE THE DISTRICT'S IMPLEMENTATION OF SUCH PROTOCOLS WITHIN SIX MONTHS AFTER SUCH PROTOCOLS ARE RECEIVED BY THE DISTRICT.

7. IF THE COMMISSIONER RECEIVES OR ACQUIRES SUBSTANTIAL EVIDENCE FROM ANY SOURCE THAT A SCHOOL PRINCIPAL OR SUPERINTENDENT HAS FAILED TO FULFILL HIS OR HER DUTIES UNDER THIS ARTICLE OR HAS FAILED TO REPORT A PATTERN OF HARASSMENT, BULLYING OR DISCRIMINATION AS DEFINED IN SECTION ELEVEN OF THIS ARTICLE, OF WHICH THE PRINCIPAL OR SUPERINTENDENT KNEW OR SHOULD HAVE KNOWN, THE COMMISSIONER SHALL INITIATE A REMOVAL PROCEEDING PURSUANT TO SUBDIVISION ONE OF SECTION THREE HUNDRED SIX OF THIS TITLE. FOR THE PURPOSES OF THIS SUBDIVISION ONLY, A PRINCIPAL SHALL BE DEEMED A SCHOOL OFFICER.

S 5. Section 297 of the executive law is amended by adding a new subdivision 11 to read as follows:

11. THE DIVISION SHALL PROMPTLY REPORT TO THE COMMISSIONER OF EDUCATION INFORMATION REGARDING ANY COMPLAINTS OF DISCRIMINATION AGAINST STUDENTS IN A PUBLIC SCHOOL, BROUGHT PURSUANT TO SUBDIVISION FOUR OF SECTION TWO HUNDRED NINETY-SIX OF THIS ARTICLE, WHERE A DETERMINATION OF PROBABLE CAUSE HAS BEEN ISSUED BY THE DIVISION. SUCH INFORMATION MAY BE USED BY THE COMMISSIONER OF EDUCATION TO DETERMINE WHETHER A SCHOOL PRINCIPAL OR SUPERINTENDENT HAS FAILED TO REPORT A PATTERN OF HARASSMENT, BULLYING OR DISCRIMINATION IN VIOLATION OF ARTICLE TWO OF THE EDUCATION LAW.

S 6. This act shall take effect on the ninetieth day after it shall have become a law, provided that authority of the commissioner of education and the division of human rights to promulgate any regulations necessary to implement this act shall take effect immediately.

PART F

Section 1. Section 292 of the executive law is amended by adding a new subdivision 35 to read as follows:

35. THE TERM "EDUCATIONAL INSTITUTION", WHEN USED IN THIS ARTICLE, SHALL MEAN:

(A) ANY EDUCATION CORPORATION OR ASSOCIATION WHICH HOLDS ITSELF OUT TO THE PUBLIC TO BE NON-SECTARIAN AND EXEMPT FROM TAXATION PURSUANT TO THE PROVISIONS OF ARTICLE FOUR OF THE REAL PROPERTY TAX LAW; OR

(B) ANY PUBLIC SCHOOL, INCLUDING ANY SCHOOL DISTRICT, BOARD OF COOPERATIVE EDUCATIONAL SERVICES, PUBLIC COLLEGE, OR PUBLIC UNIVERSITY.

S 2. Subdivision 4 of section 296 of the executive law, as amended by chapter 106 of the laws of 2003, is amended to read as follows:

4. It shall be an unlawful discriminatory practice for an [education corporation or association which holds itself out to the public to be non-sectarian and exempt from taxation pursuant to the provisions of article four of the real property tax law] EDUCATIONAL INSTITUTION to deny the use of its facilities to any person otherwise qualified, or to permit the harassment of any student or applicant, by reason of his race, color, religion, disability, national origin, sexual orientation, military status, sex, age or marital status, except that any such insti-

tution which establishes or maintains a policy of educating persons of one sex exclusively may admit students of only one sex.

S 3. This act shall take effect immediately.

PART G

Section 1. The education law is amended by adding a new section 669-e to read as follows:

S 669-E. NEW YORK STATE SCIENCE, TECHNOLOGY, ENGINEERING AND MATHEMATICS INCENTIVE PROGRAM. 1. UNDERGRADUATE STUDENTS WHO ARE MATRICULATED IN AN APPROVED UNDERGRADUATE PROGRAM LEADING TO A CAREER IN SCIENCE, TECHNOLOGY, ENGINEERING OR MATHEMATICS AT A NEW YORK STATE PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL BE ELIGIBLE FOR AN AWARD UNDER THIS SECTION, PROVIDED THE APPLICANT: (A) GRADUATES FROM A HIGH SCHOOL LOCATED IN NEW YORK STATE DURING OR AFTER THE TWO THOUSAND THIRTEEN--FOURTEEN SCHOOL YEAR; AND (B) GRADUATES WITHIN THE TOP TEN PERCENT OF HIS OR HER HIGH SCHOOL CLASS; AND (C) ENROLLS IN FULL-TIME STUDY EACH ACADEMIC YEAR BEGINNING IN THE FALL TERM AFTER HIS OR HER HIGH SCHOOL GRADUATION IN AN APPROVED UNDERGRADUATE PROGRAM IN SCIENCE, TECHNOLOGY, ENGINEERING OR MATHEMATICS, AS DEFINED BY THE CORPORATION, AT A NEW YORK STATE PUBLIC INSTITUTION OF HIGHER EDUCATION; AND (D) SIGNS A CONTRACT WITH THE CORPORATION AGREEING THAT HIS OR HER AWARD WILL BE CONVERTED TO A STUDENT LOAN IN THE EVENT THE STUDENT FAILS TO COMPLY WITH THE TERMS OF THIS PROGRAM AS SET FORTH IN SUBDIVISION FOUR OF THIS SECTION; AND (E) COMPLIES WITH THE APPLICABLE PROVISIONS OF THIS ARTICLE AND ALL REQUIREMENTS PROMULGATED BY THE CORPORATION FOR THE ADMINISTRATION OF THE PROGRAM.

2. AWARDS SHALL BE GRANTED BEGINNING WITH THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN ACADEMIC YEAR AND THEREAFTER TO APPLICANTS THAT THE CORPORATION HAS DETERMINED ARE ELIGIBLE TO RECEIVE SUCH AWARDS. THE CORPORATION SHALL GRANT SUCH AWARDS IN AN AMOUNT EQUAL TO THE AMOUNT OF UNDERGRADUATE TUITION FOR RESIDENTS OF NEW YORK STATE CHARGED BY THE STATE UNIVERSITY OF NEW YORK OR ACTUAL TUITION CHARGED, WHICHEVER IS LESS; PROVIDED, HOWEVER, (I) A STUDENT WHO RECEIVES EDUCATIONAL GRANTS AND/OR SCHOLARSHIPS THAT COVER THE STUDENT'S FULL COST OF ATTENDANCE SHALL NOT BE ELIGIBLE FOR AN AWARD UNDER THIS PROGRAM; (II) FOR A STUDENT WHO RECEIVES EDUCATIONAL GRANTS AND/OR SCHOLARSHIPS THAT COVER LESS THAN THE STUDENT'S FULL COST OF ATTENDANCE, SUCH GRANTS AND/OR SCHOLARSHIPS SHALL NOT BE DEEMED DUPLICATIVE OF THIS PROGRAM AND MAY BE HELD CONCURRENTLY WITH AN AWARD UNDER THIS PROGRAM, PROVIDED THAT THE COMBINED BENEFITS DO NOT EXCEED THE STUDENT'S FULL COST OF ATTENDANCE; AND (III) AN AWARD UNDER THIS PROGRAM SHALL BE APPLIED TO TUITION AFTER THE APPLICATION OF ALL OTHER EDUCATIONAL GRANTS AND SCHOLARSHIPS LIMITED TO TUITION AND SHALL BE REDUCED IN AN AMOUNT EQUAL TO SUCH EDUCATIONAL GRANTS AND/OR SCHOLARSHIPS. UPON NOTIFICATION OF AN AWARD UNDER THIS PROGRAM, THE INSTITUTION SHALL DEFER THE AMOUNT OF TUITION EQUAL TO THE AWARD. NO AWARD SHALL BE FINAL UNTIL THE RECIPIENT'S SUCCESSFUL COMPLETION OF A TERM HAS BEEN CERTIFIED BY THE INSTITUTION.

3. AN ELIGIBLE RECIPIENT SHALL NOT RECEIVE AN AWARD FOR MORE THAN FOUR ACADEMIC YEARS OF FULL-TIME UNDERGRADUATE STUDY OR FIVE ACADEMIC YEARS IF THE PROGRAM OF STUDY NORMALLY REQUIRES FIVE YEARS, EXCLUDING ANY ALLOWABLE INTERRUPTION OF STUDY.

4. THE CORPORATION SHALL CONVERT TO A STUDENT LOAN THE FULL AMOUNT OF THE AWARD GIVEN PURSUANT TO THIS SECTION, PLUS INTEREST, ACCORDING TO A SCHEDULE TO BE DETERMINED BY THE CORPORATION IF: (A) A RECIPIENT FAILS TO COMPLETE AN APPROVED UNDERGRADUATE PROGRAM IN SCIENCE, TECHNOLOGY,

1 ENGINEERING OR MATHEMATICS OR CHANGES MAJORS TO A PROGRAM OF UNDERGRADU-
2 ATE STUDY OTHER THAN IN SCIENCE, TECHNOLOGY, ENGINEERING OR MATHEMATICS;
3 OR (B) UPON COMPLETION OF SUCH UNDERGRADUATE DEGREE PROGRAM A RECIPIENT
4 FAILS TO EITHER (I) COMPLETE FIVE YEARS OF EMPLOYMENT IN THE SCIENCE,
5 TECHNOLOGY, ENGINEERING OR MATHEMATICS FIELD WITH A PUBLIC OR PRIVATE
6 ENTITY LOCATED WITHIN NEW YORK STATE, OR (II) MAINTAIN RESIDENCY IN NEW
7 YORK STATE FOR SUCH PERIOD OF EMPLOYMENT; OR (C) A RECIPIENT FAILS TO
8 RESPOND TO REQUESTS BY THE CORPORATION FOR THE STATUS OF HIS OR HER
9 ACADEMIC OR PROFESSIONAL PROGRESS. THE TERMS AND CONDITIONS OF THIS
10 SUBDIVISION SHALL BE DEFERRED FOR INDIVIDUALS WHO GRADUATE WITH A DEGREE
11 IN AN APPROVED UNDERGRADUATE PROGRAM IN SCIENCE, TECHNOLOGY, ENGINEERING
12 OR MATHEMATICS AND CONTINUE THEIR EDUCATION ON AT LEAST A HALF-TIME
13 BASIS IN A GRADUATE OR HIGHER DEGREE PROGRAM OR OTHER PROFESSIONAL
14 LICENSURE DEGREE PROGRAM UNTIL THEY ARE CONFERRED A DEGREE, AND SHALL
15 ALSO BE DEFERRED FOR ANY INTERRUPTION IN UNDERGRADUATE STUDY OR EMPLOY-
16 MENT AS ESTABLISHED BY THE RULES AND REGULATIONS OF THE CORPORATION.
17 THE TERMS AND CONDITIONS OF THIS SUBDIVISION MAY ALSO BE DEFERRED FOR A
18 GRACE PERIOD, TO BE ESTABLISHED BY THE CORPORATION, FOLLOWING THE
19 COMPLETION OF AN APPROVED UNDERGRADUATE PROGRAM IN SCIENCE, TECHNOLOGY,
20 ENGINEERING OR MATHEMATICS. ANY OBLIGATION TO COMPLY WITH SUCH
21 PROVISIONS AS OUTLINED IN THIS SECTION SHALL BE CANCELLED UPON THE DEATH
22 OF THE RECIPIENT. NOTWITHSTANDING ANY PROVISIONS OF THIS SUBDIVISION TO
23 THE CONTRARY, THE CORPORATION IS AUTHORIZED TO PROMULGATE RULES AND
24 REGULATIONS TO PROVIDE FOR THE WAIVER OR SUSPENSION OF ANY FINANCIAL
25 OBLIGATION WHICH WOULD INVOLVE EXTREME HARDSHIP.

26 5. THE CORPORATION IS AUTHORIZED TO PROMULGATE RULES AND REGULATIONS,
27 AND MAY PROMULGATE EMERGENCY REGULATIONS, NECESSARY FOR THE IMPLEMENTA-
28 TION OF THE PROVISIONS OF THIS SECTION, INCLUDING, BUT NOT LIMITED TO,
29 THE RATE OF INTEREST CHARGED FOR REPAYMENT OF THE STUDENT LOAN.

30 S 2. This act shall take effect immediately and shall be deemed to
31 have been in full force and effect on and after April 1, 2014.

32 PART H

33 Section 1. Paragraph (a) of subdivision 1 of section 1 of part U of
34 chapter 57 of the laws of 2005 amending the labor law and other laws
35 implementing the state fiscal plan for the 2005-2006 state fiscal year,
36 relating to the New York state higher education capital matching grant
37 program for independent colleges, as amended by section 1 of part C of
38 chapter 57 of the laws of 2013, is amended to read as follows:

39 (a) The New York state higher education capital matching grant board
40 is hereby created to have and exercise the powers, duties and preroga-
41 tives provided by the provisions of this section and any other provision
42 of law. The board shall remain in existence during the period of the New
43 York state higher education capital matching grant program from the
44 effective date of this section through March 31, [2014] 2017, or the
45 date on which the last of the funds available for grants under this
46 section shall have been disbursed, whichever is earlier; provided,
47 however, that the termination of the existence of the board shall not
48 affect the power and authority of the dormitory authority to perform its
49 obligations with respect to any bonds, notes, or other indebtedness
50 issued or incurred pursuant to authority granted in this section.

51 S 2. Paragraph (h) of subdivision 4 of section 1 of part U of chapter
52 57 of the laws of 2005 amending the labor law and other laws implement-
53 ing the state fiscal plan for the 2005-2006 state fiscal year, relating
54 to the New York state higher education capital matching grant program

1 for independent colleges, as amended by section 2 of part C of chapter
2 57 of the laws of 2013, is amended to read as follows:

3 (h) In the event that any colleges do not apply for higher education
4 capital matching grants by March 31, 2009, or in the event they apply
5 for and are awarded, but do not use the full amount of such grants, the
6 unused funds associated with such grants shall thereafter be awarded to
7 colleges on a competitive basis, according to the priorities set forth
8 below. Notwithstanding subdivision five of this section, any college
9 shall be eligible to apply for such unused funds in response to a
10 request for proposals for a higher education capital matching grant
11 pursuant to this paragraph. In such cases, the following priorities
12 shall apply: first, priority shall be given to otherwise eligible
13 colleges that either were, or would have been, deemed ineligible for the
14 program prior to March 31, 2009, due to missed deadlines, insufficient
15 matching funds, lack of accreditation or other disqualifying reasons;
16 and second, after the board has acted upon all such first-priority
17 applications for unused funds, if any such funds remain, those funds
18 shall be available for distribution to eligible colleges. The dormitory
19 authority shall develop a request for proposals and application process,
20 in consultation with the board, for higher education capital matching
21 grants awarded pursuant to this paragraph, and shall develop criteria,
22 subject to review by the board, for the awarding of such grants. Such
23 criteria shall include, but not be limited to the matching criteria
24 contained in paragraph (c) of this subdivision, and the application
25 criteria set forth in paragraph (e) of this subdivision. The dormitory
26 authority shall require all applications in response to the request for
27 proposals to be submitted by September 1, [2013] 2014, and the board
28 shall act on each application for such matching grants by November 1,
29 [2013] 2014.

30 S 3. Subclause (A) of clause (ii) of paragraph (j) of subdivision 4 of
31 section 1 of part U of chapter 57 of the laws of 2005 amending the labor
32 law and other laws implementing the state fiscal plan for the 2005-2006
33 state fiscal year, relating to the New York state higher education capi-
34 tal matching grant program for independent colleges, as amended by
35 section 3 of part C of chapter 57 of the laws of 2013, is amended to
36 read as follows:

37 (A) Notwithstanding the provision of any general or special law to the
38 contrary, and subject to the provisions of chapter 59 of the laws of
39 2000 and to the making of annual appropriations therefor by the legisla-
40 ture, in order to assist the dormitory authority in providing such high-
41 er education capital matching grants, the director of the budget is
42 authorized in any state fiscal year commencing April 1, 2005 or any
43 state fiscal year thereafter for a period ending on March 31, [2015,]
44 2017, to enter into one or more service contracts, none of which shall
45 exceed 30 years in duration, with the dormitory authority, upon such
46 terms as the director of the budget and the dormitory authority agree.

47 S 4. Paragraph (b) of subdivision 7 of section 1 of part U of chapter
48 57 of the laws of 2005 amending the labor law and other laws implement-
49 ing the state fiscal plan for the 2005-2006 state fiscal year, relating
50 to the New York state higher education matching capital grant program
51 for independent colleges, as amended by section 4 of part C of chapter
52 57 of the laws of 2013, is amended to read as follows:

53 (b) Any eligible institution receiving a grant pursuant to this arti-
54 cle shall report to the dormitory authority no later than June 1, [2014]
55 2018, on the use of funding received and its programmatic and economic
56 impact. The dormitory authority shall submit a report no later than

November 1, [2014] 2018 to [the board,] the governor, the director of the budget, the temporary president of the senate, and the speaker of the assembly on the aggregate impact of the higher education matching capital grant program. Such report shall provide information on the progress and economic impact of such project.

S 5. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2014.

PART I

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 E of chapter 57 of the laws of 2013, are amended to read as follows:

(a) in the case of each individual receiving family care, an amount equal to at least [\$137.00] \$139.00 for each month beginning on or after January first, two thousand [thirteen] FOURTEEN.

(b) in the case of each individual receiving residential care, an amount equal to at least [\$158.00] \$160.00 for each month beginning on or after January first, two thousand [thirteen] FOURTEEN.

(c) in the case of each individual receiving enhanced residential care, an amount equal to at least [\$187.00] \$190.00 for each month beginning on or after January first, two thousand [thirteen] FOURTEEN.

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

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

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

S 2. Paragraphs (a), (b), (c), (d), (e) and (f) of subdivision 2 of section 209 of the social services law, as amended by section 2 of part E of chapter 57 of the laws of 2013, are amended to read as follows:

(a) On and after January first, two thousand [thirteen] FOURTEEN, for an eligible individual living alone, [\$797.00] \$808.00; and for an eligible couple living alone, [\$1170.00] \$1186.00.

(b) On and after January first, two thousand [thirteen] FOURTEEN, for an eligible individual living with others with or without in-kind income, [\$733.00] \$744.00; and for an eligible couple living with others with or without in-kind income, [\$1112.00] \$1128.00.

(c) On and after January first, two thousand [thirteen] FOURTEEN, (i) for an eligible individual receiving family care, [\$976.48] \$987.48 if he or she is receiving such care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible couple receiving family care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland, two times the amount set forth in subparagraph (i) of this paragraph; or (iii) for an eligible individual receiving such care in any other county in the state, [\$938.48] \$949.48; and (iv) for an eligible couple receiving such care in any other county in the state, two times the amount set forth in subparagraph (iii) of this paragraph.

1 (d) On and after January first, two thousand [thirteen] FOURTEEN, (i)
2 for an eligible individual receiving residential care, [\$1145.00]
3 \$1156.00 if he or she is receiving such care in the city of New York or
4 the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an
5 eligible couple receiving residential care in the city of New York or
6 the county of Nassau, Suffolk, Westchester or Rockland, two times the
7 amount set forth in subparagraph (i) of this paragraph; or (iii) for an
8 eligible individual receiving such care in any other county in the
9 state, [\$1115.00] \$1126.00; and (iv) for an eligible couple receiving
10 such care in any other county in the state, two times the amount set
11 forth in subparagraph (iii) of this paragraph.

12 (e) (i) On and after January first, two thousand [thirteen] FOURTEEN,
13 for an eligible individual receiving enhanced residential care,
14 [\$1404.00] \$1415.00; and (ii) for an eligible couple receiving enhanced
15 residential care, two times the amount set forth in subparagraph (i) of
16 this paragraph.

17 (f) The amounts set forth in paragraphs (a) through (e) of this subdi-
18 vision shall be increased to reflect any increases in federal supple-
19 mental security income benefits for individuals or couples which become
20 effective on or after January first, two thousand [fourteen] FIFTEEN but
21 prior to June thirtieth, two thousand [fourteen] FIFTEEN.

22 S 3. This act shall take effect December 31, 2014.

23

PART J

24 Section 1. The opening paragraph of section 21-a of the social
25 services law, as added by section 144-a of part B of chapter 436 of the
26 laws of 1997, is amended to read as follows:

27 Any electronic benefit transfer system shall be implemented by the
28 department on a statewide basis and shall be administered pursuant to
29 the provisions of this section. FOR PURPOSES OF SUCH ELECTRONIC BENEFIT
30 TRANSFER SYSTEM, THE TERM "ELECTRONIC BENEFIT TRANSFER" INCLUDES THE USE
31 OF A CREDIT OR DEBIT CARD SERVICE, AUTOMATED TELLER MACHINE,
32 POINT-OF-SALE TERMINAL, OR ACCESS TO AN ONLINE SYSTEM FOR THE WITHDRAWAL
33 OF FUNDS OR THE PROCESSING OF A PAYMENT FOR MERCHANDISE OR A SERVICE.

34 S 2. The social services law is amended by adding a new section 145-d
35 to read as follows:

36 S 145-D. SANCTIONS AND PENALTIES FOR THE UNAUTHORIZED USE OF PUBLIC
37 ASSISTANCE. 1. IT SHALL BE AN UNAUTHORIZED USE OF PUBLIC ASSISTANCE FOR
38 ANY RECIPIENT THEREOF TO ACCESS PUBLIC ASSISTANCE BY MEANS OF AN ELEC-
39 TRONIC BENEFIT TRANSFER IN: (I) ANY ESTABLISHMENT THAT IS LICENSED TO
40 SELL LIQUOR AND/OR WINE AT RETAIL FOR OFF-PREMISES CONSUMPTION; (II) ANY
41 ESTABLISHMENT THAT IS LICENSED TO SELL BEER AT WHOLESALE AND ALSO
42 AUTHORIZED TO SELL BEER AT RETAIL FOR OFF-PREMISES CONSUMPTION; (III)
43 ANY CASINO, GAMBLING CASINO OR GAMING ESTABLISHMENT, EXCEPT AS PROVIDED
44 FOR IN SUBDIVISION TWO OF SECTION ONE HUNDRED FIFTY-ONE OF THIS TITLE;
45 OR (IV) ANY ESTABLISHMENT THAT PROVIDES ADULT-ORIENTED ENTERTAINMENT IN
46 WHICH PERFORMERS DISROBE OR PERFORM IN AN UNCLOTHED STATE FOR ENTER-
47 TAINMENT. FOR PURPOSES OF THIS SECTION, "GAMING ESTABLISHMENT" SHALL
48 MEAN ANY VIDEO LOTTERY FACILITY, OFF-TRACK BETTING BRANCH OFFICE, SIMUL-
49 CAST FACILITY, LICENSED COMMERCIAL CHARITABLE GAMING FACILITY, OR ANY
50 PARI-MUTUEL RACE TRACK AREA AT WHICH WAGERS MAY BE ACCEPTED BUT SHALL
51 NOT INCLUDE ANY AREA THAT DOES NOT ACCEPT WAGERS AND IS NOT OPEN TO THE
52 PUBLIC OR TO UNAUTHORIZED PERSONNEL, SUCH AS NON-WAGERING AREAS OF THE
53 BACKSTRETCH.

1 2. ANY PERSON WHO, INDIVIDUALLY OR AS A MEMBER OF A FAMILY, IS FOUND
2 BY A FEDERAL, STATE, LOCAL, CRIMINAL, CIVIL OR OTHER COURT OR PURSUANT
3 TO AN ADMINISTRATIVE HEARING HELD IN ACCORDANCE WITH THE REGULATIONS OF
4 THE DEPARTMENT, ON THE BASIS OF A PLEA OF GUILTY OR NOLO CONTENDERE OR
5 OTHERWISE, TO HAVE ACCESSED PUBLIC ASSISTANCE BY MEANS OF AN ELECTRONIC
6 BENEFIT TRANSFER IN AN UNAUTHORIZED LOCATION AS SET FORTH IN SUBDIVISION
7 ONE OF THIS SECTION, SHALL NOT HAVE HIS OR HER NEEDS TAKEN INTO ACCOUNT
8 IN DETERMINING HIS OR HER NEED OR THAT OF HIS OR HER FAMILY PURSUANT TO
9 SECTION ONE HUNDRED THIRTY-ONE-A OF THIS TITLE: (I) FOR A PERIOD OF ONE
10 MONTH FOR THE FIRST OFFENSE; (II) FOR A PERIOD OF TWO MONTHS FOR THE
11 SECOND OFFENSE; (III) FOR A PERIOD OF THREE MONTHS FOR THE THIRD
12 OFFENSE; AND (IV) FOR A PERIOD OF SIX MONTHS FOR ANY SUBSEQUENT OFFENSE.
13 THESE SANCTIONS SHALL BE IN ADDITION TO AND NOT IN SUBSTITUTION OF ANY
14 OTHER SANCTIONS OR PENALTIES THAT MAY BE PROVIDED FOR BY LAW WITH
15 RESPECT TO THE UNAUTHORIZED USE INVOLVED, EXCEPT THAT THE SOCIAL
16 SERVICES OFFICIAL OR COURT OFFICIAL ASSESSING SANCTIONS OR PENALTIES
17 AGAINST A RECIPIENT FOR AN UNAUTHORIZED USE AS DESCRIBED IN SUBDIVISION
18 ONE OF THIS SECTION MAY CONSIDER WHETHER TO IMPOSE SUCH OTHER SANCTIONS
19 OR PENALTIES BASED UPON THE EXISTENCE OF THE SANCTIONS DESCRIBED IN THIS
20 SUBDIVISION.

21 S 3. Section 151 of the social services law, as added by chapter 570
22 of the laws of 1951, is amended to read as follows:

23 S 151. [Penalty] PENALTIES for cashing public assistance checks OR
24 ACCEPTING ELECTRONIC BENEFIT TRANSFERS FROM PUBLIC ASSISTANCE
25 RECIPIENTS. [No] 1. UNAUTHORIZED TRANSACTIONS. EXCEPT AS OTHERWISE
26 PROVIDED IN SUBDIVISION TWO OF THIS SECTION, NO person, firm, ESTABLISH-
27 MENT, ENTITY, or corporation (A) licensed under the [provision]
28 PROVISIONS of the alcoholic beverage control law to sell liquor AND/OR
29 WINE at retail FOR OFF-PREMISES CONSUMPTION; (B) LICENSED TO SELL BEER
30 AT WHOLESALE AND ALSO AUTHORIZED TO SELL BEER AT RETAIL FOR OFF-PREMISES
31 CONSUMPTION; (C) LICENSED OR AUTHORIZED TO CONDUCT PARI-MUTUEL WAGERING
32 ACTIVITY UNDER THE RACING, PARI-MUTUEL WAGERING AND BREEDING LAW; (D)
33 LICENSED TO PARTICIPATE IN CHARITABLE GAMING UNDER ARTICLE FOURTEEN-H OF
34 THE GENERAL MUNICIPAL LAW; (E) LICENSED TO PARTICIPATE IN THE OPERATION
35 OF A VIDEO LOTTERY FACILITY UNDER SECTION ONE THOUSAND SIX HUNDRED
36 SEVENTEEN-A OF THE TAX LAW; (F) LICENSED TO OPERATE A GAMING FACILITY
37 UNDER SECTION ONE THOUSAND THREE HUNDRED ELEVEN OF THE RACING, PARI-MU-
38 TUEL WAGERING AND BREEDING LAW; OR (G) PROVIDING ADULT-ORIENTED ENTER-
39 TAINMENT IN WHICH PERFORMERS DISROBE OR PERFORM IN AN UNCLOTHED STATE
40 FOR ENTERTAINMENT, OR MAKING AVAILABLE THE VENUE IN WHICH PERFORMERS
41 DISROBE OR PERFORM IN AN UNCLOTHED STATE FOR ENTERTAINMENT, shall cash
42 or accept[, for any purpose whatsoever,] FOR UNAUTHORIZED TRANSACTIONS
43 AS SET FORTH IN SUBDIVISION ONE OF SECTION ONE HUNDRED FORTY-FIVE-D OF
44 THIS ARTICLE, any public assistance check OR ELECTRONIC BENEFIT TRANSFER
45 DEVICE issued by a public welfare official or department, OR AGENT THER-
46 EOF, as and for public assistance.

47 2. AUTHORIZED TRANSACTIONS. (A) A GROCERY STORE THAT SELLS GROCERIES
48 INCLUDING STAPLE FOODS AND THAT ALSO OFFERS, OR IS LOCATED WITHIN THE
49 SAME BUILDING OR COMPLEX AS, A CASINO, GAMBLING CASINO, OR GAMING ESTAB-
50 LISHMENT; AND ANY AREA OF A PARI-MUTUEL RACE TRACK THAT DOES NOT ACCEPT
51 WAGERS AND IS NOT OPEN TO THE PUBLIC OR TO UNAUTHORIZED PERSONNEL, SUCH
52 AS NON-WAGERING AREAS OF THE BACKSTRETCH, MAY ACCEPT ANY PUBLIC ASSIST-
53 ANCE CHECK OR ELECTRONIC BENEFIT TRANSFER ISSUED BY A PUBLIC WELFARE
54 OFFICIAL OR DEPARTMENT, OR AGENT THEREOF. FOR PURPOSES OF THIS PARA-
55 GRAPH, "GAMING ESTABLISHMENT" SHALL MEAN ANY VIDEO LOTTERY FACILITY,

1 OFF-TRACK BETTING BRANCH OFFICE, SIMULCAST FACILITY, LICENSED COMMERCIAL
2 CHARITABLE GAMING FACILITY, OR ANY PARI-MUTUEL RACE TRACK.

3 (B) ANY ESTABLISHMENT THAT OFFERS GAMBLING INCIDENTAL TO THE PRINCIPAL
4 PURPOSE OF THE BUSINESS AT SUCH LOCATION MAY ACCEPT ANY PUBLIC ASSIST-
5 ANCE CHECK OR ELECTRONIC BENEFIT TRANSFER DEVICE ISSUED BY A PUBLIC
6 WELFARE OFFICIAL OR DEPARTMENT, OR AGENT THEREOF.

7 3. PENALTIES. (A) A violation of the provisions OF SUBDIVISION ONE of
8 this section [for the first offense shall be punishable by a fine not to
9 exceed fifty dollars. A second offense] TAKING PLACE AT THE LICENSED
10 PREMISES BY A PERSON, CORPORATION OR ENTITY LICENSED UNDER THE ALCOHOLIC
11 BEVERAGE CONTROL LAW: (I) TO SELL LIQUOR AND/OR WINE AT RETAIL FOR OFF-
12 PREMISES CONSUMPTION; (II) TO SELL BEER AT WHOLESALE AND ALSO AUTHORIZED
13 TO SELL BEER AT RETAIL FOR OFF-PREMISES CONSUMPTION; OR (III) TO SELL
14 LIQUOR, WINE AND/OR BEER FOR ON-PREMISES CONSUMPTION AT AN ESTABLISHMENT
15 WHERE ENTERTAINERS APPEAR UNCLOTHED AS PERMITTED BY THE RULES OF THE
16 STATE LIQUOR AUTHORITY, shall constitute [sufficient] cause, FOR THE
17 PURPOSES OF SECTION ONE HUNDRED EIGHTEEN OF THE ALCOHOLIC BEVERAGE
18 CONTROL LAW, for the revocation, cancellation or suspension of such
19 license [issued pursuant to the alcoholic beverage control law].

20 (B) A VIOLATION OF THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION
21 BY ANY PERSON, CORPORATION OR ENTITY LICENSED TO OPERATE A GAMING FACIL-
22 ITY UNDER SECTION ONE THOUSAND THREE HUNDRED ELEVEN OF THE RACING,
23 PARI-MUTUEL WAGERING AND BREEDING LAW; LICENSED UNDER SECTION ONE THOU-
24 SAND SIX HUNDRED SEVENTEEN-A OF THE TAX LAW TO PARTICIPATE IN THE OPERA-
25 TION OF A VIDEO LOTTERY FACILITY; LICENSED OR AUTHORIZED TO CONDUCT
26 PARI-MUTUEL WAGERING UNDER THE RACING, PARI-MUTUEL WAGERING AND BREEDING
27 LAW; OR LICENSED TO PARTICIPATE IN CHARITABLE GAMING UNDER ARTICLE FOUR-
28 TEEN-H OF THE GENERAL MUNICIPAL LAW, SHALL SUBJECT SUCH PERSON, CORPO-
29 RATION OR ENTITY TO DISCIPLINARY ACTION PURSUANT TO SECTION ONE HUNDRED
30 FOUR OF THE RACING, PARI-MUTUEL WAGERING AND BREEDING LAW AND SECTION
31 ONE THOUSAND SIX HUNDRED SEVEN OF THE TAX LAW, WHICH MAY INCLUDE REVOC-
32 ATION, CANCELLATION OR SUSPENSION OF SUCH LICENSE OR AUTHORIZATION.

33 (C) A VIOLATION OF THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION
34 BY ANY PERSON, FIRM, ESTABLISHMENT, ENTITY OR CORPORATION PROVIDING
35 ADULT-ORIENTED ENTERTAINMENT IN WHICH PERFORMERS DISROBE OR PERFORM IN
36 AN UNCLOTHED STATE FOR ENTERTAINMENT, OR MAKING AVAILABLE THE VENUE IN
37 WHICH PERFORMERS DISROBE OR PERFORM IN AN UNCLOTHED STATE FOR ENTER-
38 TAINMENT, SHALL BE A VIOLATION, AS DEFINED IN SUBDIVISION THREE OF
39 SECTION 10.00 OF THE PENAL LAW, SUBJECT TO A FINE OF NOT MORE THAN ONE
40 HUNDRED DOLLARS, A SECOND SUCH VIOLATION SHALL BE A VIOLATION SUBJECT TO
41 A FINE OF NOT MORE THAN FIVE HUNDRED DOLLARS, AND A THIRD SUCH VIOLATION
42 SHALL BE CLASS B MISDEMEANOR SUBJECT TO A FINE OF NOT MORE THAN ONE
43 THOUSAND DOLLARS.

44 S 4. This act shall take effect on the sixtieth day after it shall
45 have become a law; provided, however, the New York state office of
46 temporary and disability assistance, the New York state liquor authori-
47 ty, and the New York state gaming commission shall be authorized to
48 promulgate regulations on an emergency basis and immediately take such
49 other actions as necessary to implement the provisions of this act.

50

PART K

51 Section 1. Notwithstanding any other provision of law, the housing
52 trust fund corporation (the corporation) may provide, for purposes of
53 the rural rental assistance program, a sum not to exceed twenty million
54 four hundred thousand dollars for the fiscal year ending March 31, 2015.

1 Notwithstanding any other provision of law, and provided that the
2 reserves in the project pool insurance account of the mortgage insurance
3 fund created pursuant to section 2429-b of the public authorities law
4 are sufficient to attain and maintain the credit rating (as determined
5 by the agency) required to accomplish the purposes of such account, the
6 board of directors of the state of New York mortgage agency shall
7 authorize the transfer from the project pool insurance account of the
8 mortgage insurance fund to the housing trust fund corporation (the
9 corporation), for the purposes of reimbursing any costs associated with
10 rural rental assistance program contracts authorized by this section, a
11 total sum not to exceed twenty million four hundred thousand dollars as
12 soon as practicable but no later than June 30, 2014. Notwithstanding any
13 other provision of law, all current and existing rural rental assistance
14 program contracts may be assigned to the corporation to administer as
15 soon as practicable. Notwithstanding any other provision of law, such
16 funds may be used by the corporation in support of contracts scheduled
17 to expire in 2014-15 for as many as 10 additional years; in support of
18 contracts for new eligible projects for a period not to exceed 5 years;
19 and in support of contracts which reach their 25 year maximum in and/or
20 prior to 2014-15 for an additional one year period.

21 S 2. Notwithstanding any other provision of law, the housing finance
22 agency may provide, for costs associated with the rehabilitation of
23 Mitchell Lama housing projects, a sum not to exceed thirty-two million
24 dollars for the fiscal year ending March 31, 2015. Notwithstanding any
25 other provision of law, and provided that the reserves in the project
26 pool insurance account of the mortgage insurance fund created pursuant
27 to section 2429-b of the public authorities law are sufficient to attain
28 and maintain the credit rating (as determined by the agency) required to
29 accomplish the purposes of such account, the board of directors of the
30 state of New York mortgage agency shall authorize the transfer from the
31 project pool insurance account of the mortgage insurance fund to the
32 housing finance agency, for the purposes of reimbursing any costs asso-
33 ciated with Mitchell Lama housing projects authorized by this section, a
34 total sum not to exceed thirty-two million dollars as soon as practica-
35 ble but no later than March 31, 2015.

36 S 3. Notwithstanding any other provision of law, the housing trust
37 fund corporation (the corporation) may provide, for purposes of the
38 neighborhood preservation program, a sum not to exceed eight million
39 four hundred seventy-nine thousand dollars for the fiscal year ending
40 March 31, 2015. Notwithstanding any other provision of law, and provided
41 that the reserves in the project pool insurance account of the mortgage
42 insurance fund created pursuant to section 2429-b of the public authori-
43 ties law are sufficient to attain and maintain the credit rating (as
44 determined by the agency) required to accomplish the purposes of such
45 account, the board of directors of the state of New York mortgage agency
46 shall authorize the transfer from the project pool insurance account of
47 the mortgage insurance fund to the housing trust fund corporation (the
48 corporation), for the purposes of reimbursing any costs associated with
49 neighborhood preservation program contracts authorized by this section,
50 a total sum not to exceed eight million four hundred seventy-nine thou-
51 sand dollars as soon as practicable but no later than June 30, 2014.

52 S 4. Notwithstanding any other provision of law, the housing trust
53 fund corporation (the corporation) may provide, for purposes of the
54 rural preservation program, a sum not to exceed three million five
55 hundred thirty-nine thousand dollars for the fiscal year ending March
56 31, 2015. Notwithstanding any other provision of law, and provided that

1 the reserves in the project pool insurance account of the mortgage
2 insurance fund created pursuant to section 2429-b of the public authori-
3 ties law are sufficient to attain and maintain the credit rating (as
4 determined by the agency) required to accomplish the purposes of such
5 account, the board of directors of the state of New York mortgage agency
6 shall authorize the transfer from the project pool insurance account of
7 the mortgage insurance fund to the housing trust fund corporation (the
8 corporation), for the purposes of reimbursing any costs associated with
9 rural preservation program contracts authorized by this section, a total
10 sum not to exceed three million five hundred thirty-nine thousand
11 dollars as soon as practicable but no later than June 30, 2014.

12 S 5. Notwithstanding any other provision of law, the housing trust
13 fund corporation (the corporation) may provide, for purposes of the
14 rural and urban community investment fund program created pursuant to
15 article XXVII of the private housing finance law, a sum not to exceed
16 six million seven hundred fifty thousand dollars for the fiscal year
17 ending March 31, 2015. Notwithstanding any other provision of law, and
18 provided that the reserves in the project pool insurance account of the
19 mortgage insurance fund created pursuant to section 2429-b of the public
20 authorities law are sufficient to attain and maintain the credit rating
21 (as determined by the agency) required to accomplish the purposes of
22 such account, the board of directors of the state of New York mortgage
23 agency shall authorize the transfer from the project pool insurance
24 account of the mortgage insurance fund to the housing trust fund corpo-
25 ration (the corporation), for the purposes of reimbursing any costs
26 associated with rural and urban community investment fund program
27 contracts authorized by this section, a total sum not to exceed six
28 million seven hundred fifty thousand dollars as soon as practicable but
29 not later than March 31, 2015.

30 S 6. Notwithstanding any other provision of law, the housing trust
31 fund corporation (the corporation) may provide, for the purposes of
32 carrying out the provisions of the low income housing trust fund program
33 created pursuant to article XVIII of the private housing finance law, a
34 sum not to exceed two million five hundred thousand dollars for the
35 fiscal year ending March 31, 2015. Notwithstanding any other provision
36 of law, and provided that reserves in the project pool insurance account
37 of the mortgage insurance fund created pursuant to section 2429-b of the
38 public authorities law are sufficient to attain and maintain the credit
39 rating (as determined by the agency) required to accomplish the purposes
40 of such account, the board of directors of the state of New York mort-
41 gage agency shall authorize the transfer from the project pool insurance
42 account of the mortgage insurance fund to the housing trust fund corpo-
43 ration (the corporation), for the purposes of carrying out the
44 provisions of the low income housing trust fund program created pursuant
45 to article XVIII of the private housing finance law authorized by this
46 section, a total sum not to exceed two million five hundred thousand
47 dollars as soon as practicable but no later than March 31, 2015.

48 S 7. Notwithstanding any other provision of law, the housing trust
49 fund corporation (the corporation) may provide, for purposes of the
50 homes for working families program for deposit in the housing trust fund
51 created pursuant to section 59-a of the private housing finance law and
52 subject to the provisions of article XVIII of the private housing
53 finance law, a sum not to exceed one million seven hundred fifty thou-
54 sand dollars for the fiscal year ending March 31, 2015. Notwithstanding
55 any other provision of law, and provided that the reserves in the
56 project pool insurance account of the mortgage insurance fund created

1 pursuant to section 2429-b of the public authorities law are sufficient
2 to attain and maintain the credit rating (as determined by the agency)
3 required to accomplish the purposes of such account, the board of direc-
4 tors of the state of New York mortgage agency shall authorize the trans-
5 fer from the project pool insurance account of the mortgage insurance
6 fund to the housing trust fund corporation (the corporation), for the
7 purposes of reimbursing any costs associated with homes for working
8 families program contracts authorized by this section, a total sum not
9 to exceed one million seven hundred fifty thousand dollars as soon as
10 practicable but no later than March 31, 2015.

11 S 8. This act shall take effect immediately.

12 PART L

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

24 SUBPART A

25 Section 1. Subparagraph 8 of paragraph h of subdivision 4 of section
26 1950 of the education law, as added by section 1 of part K of chapter 57
27 of the laws of 2012, is amended to read as follows:

28 (8) To enter into contracts with the commissioner of the office of
29 children and family services pursuant to subdivision six-a of section
30 thirty-two hundred two of this chapter to provide to such office, for
31 the benefit of youth in its custody, any special education programs AND
32 ANY OTHER PROGRAMS and related services provided by the board of cooper-
33 ative educational services to component school districts. Any such
34 proposed contract shall be subject to the review and approval of the
35 commissioner to determine that it is an approved cooperative educational
36 service. Services provided pursuant to such contracts shall be provided
37 at cost, and the board of cooperative educational services shall not be
38 authorized to charge any costs incurred in providing such services to
39 its component school districts.

40 S 2. Subdivision 6-a of section 3202 of the education law, as amended
41 by section 2 of part K of chapter 57 of the laws of 2012, is amended to
42 read as follows:

43 6-a. Notwithstanding subdivision six of this section or any other law
44 to the contrary, the commissioner of the office of children and family
45 services shall be responsible for the secular education of youth under
46 the jurisdiction of the office and may contract for such education with
47 the trustees or board of education of the school district wherein a
48 facility for the residential care of such youth is located or with the
49 board of cooperative educational services at which any such school
50 district is a component district [for special education programs and
51 related services]. A youth attending a local public school while in
52 residence at such facility shall be deemed a resident of the school

1 district where his parent or guardian resides at the commencement of
2 each school year for the purpose of determining which school district
3 shall be responsible for the youth's tuition pursuant to section five
4 hundred four of the executive law.

5 S 3. This act shall take effect immediately; provided that the amend-
6 ments to subparagraph 8 of paragraph h of subdivision 4 of section 1950
7 of the education law made by section one of this act shall not affect
8 the expiration and repeal of such subparagraph and shall expire and be
9 deemed repealed therewith pursuant to section 4 of part K of chapter 57
10 of the laws of 2012, and provided further, that the amendments to subdi-
11 vision 6-a of section 3202 of the education law made by section two of
12 this act shall be subject to the expiration and reversion of such subdi-
13 vision pursuant to section 4 of part K of chapter 57 of the laws of
14 2012.

15 SUBPART B

16 Section 1. Paragraph (a) of subdivision 7 of section 404 of the social
17 services law, as added by section 1 of subpart A of part G of chapter 57
18 of the laws of 2012, is amended to read as follows:

19 (a) Notwithstanding the provisions of paragraph (c) of subdivision
20 fifteen of section five hundred one of the executive law, or any other
21 law to the contrary, if the office of children and family services
22 approves a social services district's plan for a juvenile justice
23 services close to home initiative to implement services for juvenile
24 delinquents placed in non-secure or limited secure settings, such office
25 shall be authorized, for up to a year after the effective date of the
26 first of any such approved plan for a district to implement services for
27 each setting level, but in no event later than [September first, two
28 thousand fourteen] APRIL THIRTIETH, TWO THOUSAND FIFTEEN: (1) to close
29 any of its facilities in the corresponding setting levels covered by the
30 approved plan and to make significant associated service reductions and
31 public employee staffing reductions and transfer operations for those
32 setting levels to a private or not-for-profit entity, as determined by
33 the commissioner of the office of children and family services solely to
34 reflect the decrease in the number of juvenile delinquents placed with
35 such office from such social services district; (2) to reduce costs to
36 the state and other social services districts resulting from such
37 decrease; and (3) to adjust services to provide regionally-based care to
38 juvenile delinquents from other parts of the state needing services in
39 those levels of residential services. At least sixty days prior to
40 taking any such action, the commissioner of the office shall provide
41 notice of such action to the speaker of the assembly and the temporary
42 president of the senate and shall post such notice upon its public
43 website. Such notice may be provided at any time on or after the date
44 the office approves a plan authorizing a social services district to
45 implement programs for juvenile delinquents placed in the applicable
46 setting level. Such commissioner shall be authorized to conduct any and
47 all preparatory actions which may be required to effectuate such
48 closures or significant service or staffing reductions and transfer of
49 operations during such sixty day period. In assessing which of such
50 facilities to close, or at which to implement any significant service
51 reductions, public employee staffing reductions and/or transfer of oper-
52 ations to a private or not-for-profit entity, the commissioner shall
53 consider the following factors: (1) ability to provide a safe, humane
54 and therapeutic environment for placed youth; (2) ability to meet the

1 educational, mental health, substance abuse and behavioral health treat-
2 ment needs of placed youth; (3) community networks and partnerships that
3 promote the social, mental, economic and behavioral development of
4 placed youth; (4) future capacity requirements for the effective opera-
5 tion of youth facilities; (5) the physical characteristics, conditions
6 and costs of operation of the facility; and (6) the location of the
7 facility in regards to costs and ease of transportation of placed youth
8 and their families.

9 S 2. This act shall take effect immediately; provided that the amend-
10 ments to paragraph (a) of subdivision 7 of section 404 of the social
11 services law made by section one of this act shall not affect the repeal
12 of such section and shall be deemed repealed therewith pursuant to
13 section 11 of subpart A of part G of chapter 57 of the laws of 2012.

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

23 S 3. This act shall take effect immediately, provided, however, that
24 the applicable effective date of Subparts A and B of this act shall be
25 as specifically set forth in the last section of such Subparts.

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

35 S 3. This act shall take effect immediately provided, however, that
36 the applicable effective date of Parts A through L of this act shall be
37 as specifically set forth in the last section of such Parts.