

S T A T E   O F   N E W   Y O R K

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S. 6356--D

A. 8556--D

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

January 21, 2014

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

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

AN ACT to amend the education law, in relation to contracts for excellence, calculation of the gap elimination restoration amount, total foundation aid, 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, relates to charter schools, subjecting charter schools to financial audits by the comptroller of the city of New York for such charter schools located in such city and by the state comptroller for charter schools located outside of the city of New York, closure or dissolution of charter schools, 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 educa-

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

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tion 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 698 of the laws of 1996 amending the education law relating to transportation contracts, in relation to making such provisions permanent; 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 educational opportunities for students with disabilities; 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; in relation to the Valley Stream school district; to amend chapter 101 of the laws of 2003 amending the education law relating to implementation of the No Child Left Behind Act of 2001, in relation to extending the expiration of certain provisions of such chapters; to amend the education law, in relation to the submission of an expenditure plan by the Roosevelt Union free school district; to amend chapter 121 of the laws of 1996, relating to authorizing the Roosevelt Union free school district to finance deficits by the issuance of serial bonds, in relation to certain apportionments; to amend chapter 97 of the laws of 2011 amending the education law relating to census reporting, in relation to the effectiveness thereof; to provide special apportionment for school bus driver training; to amend chapter 57 of the laws of 2004, relating to the support of education, in relation to the effectiveness thereof; 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; to repeal certain provisions of the education law relating thereto; 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 enacting the "nurse practitioners modernization act"; and providing for the repeal of such provisions upon expiration thereof (Part D); intentionally omitted (Part E); intentionally omitted (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); intentionally omitted (Part I); intentionally omitted (Part J); to utilize reserves in the project pool insurance account of the mortgage insurance fund for various housing purposes (Part K); intentionally omitted (Part L); intentionally omitted (Part M); intentionally omitted (Part N); intentionally omitted (Part O); intentionally omitted (Part P); to amend the social services law, in relation to notice of inspection reports (Part Q); to amend the social services law, in relation to income eligibility for the block grant for child care (Part R); to amend the social services law, in relation to the powers of social services officials to receive and dispose of a deed, mortgage, or lien (Part S); to amend the social services law, in relation to reporting on post adoption services (Part T); to amend the education law, in relation to tuition assistance program awards starting in 2014-15 (Part U); to amend the education law, in relation to the granting of student loan forgiveness awards for the purpose of increasing the number of social workers serving in critical human service areas (Part V); to amend the education law, in relation to community colleges and state aided four year colleges and non-resident and out of state students (Part W); to amend the education law, in relation to student financial aid awards and tuition assistance program awards (Part X); to amend the education law, in relation to establishing the New York state young farmers loan forgiveness incentive program (Part Y); to amend the education law, in relation to requiring the chancellor of the state university of New York to report to the governor and the legislature on economic development activities (Part Z); to amend the education law, in relation to prohibiting the administration of traditional standardized tests in pre-kindergarten programs and in grades kindergarten through second grade (Subpart A); to amend the education law, in relation to providing that standardized test scores shall not be included on a student's permanent record; and providing for the repeal of such provisions upon expiration thereof (Subpart B); to amend the education law, in relation to providing that no school shall make promotion or placement decisions based solely or primarily on standardized test scores (Subpart C); to amend the education law, in relation to standardized tests requirements for students with disabilities and English language learners (Subpart D); to amend the education law, in relation to the amount of time spent on standardized testing and test prep (Subpart E); in relation to transparency in testing (Subpart F); to amend the education law, in relation to reducing the number of standardized tests (Subpart G); in relation to assessment information for teachers and the public (Subpart H); to amend the education law, in relation to assistance to parents and families in understanding common core learning standards (Subpart I); to amend the education law, in relation to additional professional development support for educators (Subpart J); in relation to prohibiting the release of student information to certain entities (Subpart K); and to amend the education law, in relation to protecting student privacy and ensuring data security (Subpart L)(Part AA); to amend the education law, in relation to financing of charter schools (Part BB); and to amend the education law, in relation to universal full-day pre-kindergarten (Part CC)

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 CC. 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  
10 Part in which it is found. Section three of this act sets forth the  
11 general effective date of this act.

12 PART A

13 Section 1. Paragraph e of subdivision 1 of section 211-d of the educa-  
14 tion law, as amended by section 2 of part A of chapter 57 of the laws of  
15 2013, is amended to read as follows:

16 e. Notwithstanding paragraphs a and b of this subdivision, a school  
17 district that submitted a contract for excellence for the two thousand  
18 eight--two thousand nine school year shall submit a contract for excel-  
19 lence for the two thousand nine--two thousand ten school year in  
20 conformity with the requirements of subparagraph (vi) of paragraph a of  
21 subdivision two of this section unless all schools in the district are  
22 identified as in good standing and provided further that, a school  
23 district that submitted a contract for excellence for the two thousand  
24 nine--two thousand ten school year, unless all schools in the district  
25 are identified as in good standing, shall submit a contract for excel-  
26 lence for the two thousand eleven--two thousand twelve school year which  
27 shall, notwithstanding the requirements of subparagraph (vi) of para-  
28 graph a of subdivision two of this section, provide for the expenditure  
29 of an amount which shall be not less than the product of the amount  
30 approved by the commissioner in the contract for excellence for the two  
31 thousand nine--two thousand ten school year, multiplied by the  
32 district's gap elimination adjustment percentage and provided further  
33 that, a school district that submitted a contract for excellence for the  
34 two thousand eleven--two thousand twelve school year, unless all schools  
35 in the district are identified as in good standing, shall submit a  
36 contract for excellence for the two thousand twelve--two thousand thir-  
37 teen school year which shall, notwithstanding the requirements of  
38 subparagraph (vi) of paragraph a of subdivision two of this section,  
39 provide for the expenditure of an amount which shall be not less than  
40 the amount approved by the commissioner in the contract for excellence  
41 for the two thousand eleven--two thousand twelve school year and  
42 provided further that, a school district that submitted a contract for  
43 excellence for the two thousand twelve--two thousand thirteen school  
44 year, unless all schools in the district are identified as in good  
45 standing, shall submit a contract for excellence for the two thousand  
46 thirteen--two thousand fourteen school year which shall, notwithstanding  
47 the requirements of subparagraph (vi) of paragraph a of subdivision two  
48 of this section, provide for the expenditure of an amount which shall be  
49 not less than the amount approved by the commissioner in the contract  
50 for excellence for the two thousand twelve--two thousand thirteen school  
51 year AND PROVIDED FURTHER THAT, A SCHOOL DISTRICT THAT SUBMITTED A

1 CONTRACT FOR EXCELLENCE FOR THE TWO THOUSAND THIRTEEN--TWO THOUSAND  
2 FOURTEEN SCHOOL YEAR, UNLESS ALL SCHOOLS IN THE DISTRICT ARE IDENTIFIED  
3 AS IN GOOD STANDING, SHALL SUBMIT A CONTRACT FOR EXCELLENCE FOR THE TWO  
4 THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR WHICH SHALL,  
5 NOTWITHSTANDING THE REQUIREMENTS OF SUBPARAGRAPH (VI) OF PARAGRAPH A OF  
6 SUBDIVISION TWO OF THIS SECTION, PROVIDE FOR THE EXPENDITURE OF AN  
7 AMOUNT WHICH SHALL BE NOT LESS THAN THE AMOUNT APPROVED BY THE COMMIS-  
8 SIONER IN THE CONTRACT FOR EXCELLENCE FOR THE TWO THOUSAND THIRTEEN--TWO  
9 THOUSAND FOURTEEN SCHOOL YEAR. For purposes of this paragraph, the "gap  
10 elimination adjustment percentage" shall be calculated as the sum of one  
11 minus the quotient of the sum of the school district's net gap elimi-  
12 nation adjustment for two thousand ten--two thousand eleven computed  
13 pursuant to chapter fifty-three of the laws of two thousand ten, making  
14 appropriations for the support of government, plus the school district's  
15 gap elimination adjustment for two thousand eleven--two thousand twelve  
16 as computed pursuant to chapter fifty-three of the laws of two thousand  
17 eleven, making appropriations for the support of the local assistance  
18 budget, including support for general support for public schools,  
19 divided by the total aid for adjustment computed pursuant to chapter  
20 fifty-three of the laws of two thousand eleven, making appropriations  
21 for the local assistance budget, including support for general support  
22 for public schools. Provided, further, that such amount shall be  
23 expended to support and maintain allowable programs and activities  
24 approved in the two thousand nine--two thousand ten school year or to  
25 support new or expanded allowable programs and activities in the current  
26 year.

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

30 (f) The gap elimination adjustment restoration amount for the two  
31 thousand fourteen--two thousand fifteen school year [and thereafter  
32 shall equal the product of the gap elimination percentage for such  
33 district and the gap elimination adjustment restoration allocation  
34 established pursuant to subdivision eighteen of this section.] FOR A  
35 SCHOOL DISTRICT SHALL BE COMPUTED BASED ON DATA ON FILE WITH THE COMMIS-  
36 SIONER AND IN THE DATABASE USED BY THE COMMISSIONER TO PRODUCE AN  
37 UPDATED ELECTRONIC DATA FILE IN SUPPORT OF THE ENACTED BUDGET FOR THE  
38 TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN STATE FISCAL YEAR AND ENTI-  
39 TLED "SA141-5" AND SHALL EQUAL THE GREATER OF:

40 (I) THE PRODUCT OF FOURTEEN AND THIRTEEN HUNDREDTHS PERCENT (0.1413)  
41 MULTIPLIED BY THE GAP ELIMINATION ADJUSTMENT FOR THE BASE YEAR OR;

42 (II) THE POSITIVE DIFFERENCE OF (A) THE PRODUCT OF TWENTY-NINE PERCENT  
43 (0.29) MULTIPLIED BY THE ABSOLUTE VALUE OF THE AMOUNT SET FORTH FOR SUCH  
44 SCHOOL DISTRICT AS "GAP ELIMINATION ADJUSTMENT" UNDER THE HEADING  
45 "2011-12 ESTIMATED AIDS" IN THE SCHOOL AID COMPUTER LISTING PRODUCED BY  
46 THE COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET REQUEST SUBMITTED  
47 FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE STATE FISCAL YEAR AND  
48 ENTITLED "BT111-2" MINUS (B) THE POSITIVE DIFFERENCE OF THE ABSOLUTE  
49 VALUE OF THE AMOUNT SET FORTH FOR SUCH SCHOOL DISTRICT AS "GAP ELIMI-  
50 NATION ADJUSTMENT" UNDER THE HEADING "2011-12 ESTIMATED AIDS" IN THE  
51 SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF  
52 THE EXECUTIVE BUDGET REQUEST SUBMITTED FOR THE TWO THOUSAND ELEVEN--TWO  
53 THOUSAND TWELVE STATE FISCAL YEAR AND ENTITLED "BT111-2" MINUS THE GAP  
54 ELIMINATION ADJUSTMENT FOR THE BASE YEAR OR;

55 (III) SEVENTY THOUSAND DOLLARS (\$70,000) OR;

56 (IV) THE SUM OF:

1 (A) THE PRODUCT OF THE FRPL RESTORATION AMOUNT MULTIPLIED BY THE BASE  
2 YEAR PUBLIC SCHOOL DISTRICT ENROLLMENT AS COMPUTED PURSUANT TO SUBPARA-  
3 GRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION MULTIPLIED  
4 BY THE THREE-YEAR AVERAGE FREE AND REDUCED PRICE LUNCH PERCENT, PROVIDED  
5 FURTHER, FOR THE PURPOSES OF THIS PARAGRAPH THE FRPL RESTORATION AMOUNT  
6 SHALL EQUAL (1) FOR A CITY SCHOOL DISTRICT OF A CITY HAVING A POPULATION  
7 IN EXCESS OF ONE HUNDRED TWENTY-FIVE THOUSAND AND LESS THAN ONE MILLION,  
8 FIVE DOLLARS (\$5.00) OR (2) FOR A CITY SCHOOL DISTRICT OF A CITY HAVING  
9 A POPULATION IN EXCESS OF ONE MILLION, ONE HUNDRED FOUR DOLLARS AND  
10 FORTY CENTS (\$104.40) OR (3) FOR ALL OTHER SCHOOL DISTRICTS FORTY-THREE  
11 DOLLARS (\$43.00); AND

12 (B) FOR A SCHOOL DISTRICT WITH (1) A THREE-YEAR AVERAGE FREE AND  
13 REDUCED PRICE LUNCH PERCENT GREATER THAN SIXTY-FIVE PERCENT (0.65) AND  
14 (2) BASE YEAR PUBLIC SCHOOL DISTRICT ENROLLMENT AS COMPUTED PURSUANT TO  
15 SUBPARAGRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION  
16 GREATER THAN THIRTY-FIVE HUNDRED (3,500) AND FOR WHICH (3) THE QUOTIENT  
17 OF (A) THE POSITIVE DIFFERENCE, IF ANY, OF THE ABSOLUTE VALUE OF THE  
18 AMOUNT SET FORTH FOR SUCH SCHOOL DISTRICT AS "GAP ELIMINATION ADJUST-  
19 MENT" UNDER THE HEADING "2011-12 ESTIMATED AIDS" IN THE SCHOOL AID  
20 COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE EXECU-  
21 TIVE BUDGET REQUEST SUBMITTED FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND  
22 TWELVE STATE FISCAL YEAR AND ENTITLED "BT111-2" MINUS THE POSITIVE  
23 DIFFERENCE OF THE ABSOLUTE VALUE OF THE AMOUNT SET FORTH FOR SUCH SCHOOL  
24 DISTRICT AS "GAP ELIMINATION ADJUSTMENT" UNDER THE HEADING "2014-15  
25 ESTIMATED AIDS" IN THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE  
26 COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET REQUEST SUBMITTED FOR  
27 THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN STATE FISCAL YEAR AND  
28 ENTITLED "BT141-5" DIVIDED BY (B) THE ABSOLUTE VALUE OF THE AMOUNT SET  
29 FORTH FOR SUCH SCHOOL DISTRICT AS "GAP ELIMINATION ADJUSTMENT" UNDER THE  
30 HEADING "2011-12 ESTIMATED AIDS" IN THE SCHOOL AID COMPUTER LISTING  
31 PRODUCED BY THE COMMISSIONER IN SUPPORT TO THE EXECUTIVE BUDGET REQUEST  
32 SUBMITTED FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE STATE FISCAL  
33 YEAR AND ENTITLED "BT111-2" IS LESS THAN SIXTY PERCENT (0.60), THE PROD-  
34 UCT OF ONE HUNDRED AND FORTY-THREE DOLLARS (\$143.00) MULTIPLIED BY THE  
35 BASE YEAR PUBLIC SCHOOL DISTRICT ENROLLMENT AS COMPUTED PURSUANT TO  
36 SUBPARAGRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION; AND

37 (C) FOR A SCHOOL DISTRICT OTHER THAN A CITY SCHOOL DISTRICT OF A CITY  
38 HAVING A POPULATION IN EXCESS OF ONE MILLION FOR WHICH THE QUOTIENT OF  
39 (A) THE POSITIVE DIFFERENCE, IF ANY, OF THE LIMITED ENGLISH PROFICIENT  
40 COUNT FOR THE BASE YEAR MINUS THE LIMITED ENGLISH PROFICIENT COUNT FOR  
41 THE TWO THOUSAND EIGHT--TWO THOUSAND NINE SCHOOL YEAR DIVIDED BY (B) THE  
42 LIMITED ENGLISH PROFICIENT COUNT FOR THE TWO THOUSAND EIGHT--TWO THOU-  
43 SAND NINE SCHOOL YEAR IS GREATER THAN FIVE PERCENT (0.05), THE PRODUCT  
44 OF ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500) MULTIPLIED BY THE POSITIVE  
45 DIFFERENCE, IF ANY OF THE LIMITED ENGLISH PROFICIENT COUNT FOR THE BASE  
46 YEAR MINUS THE LIMITED ENGLISH PROFICIENT COUNT FOR THE TWO THOUSAND  
47 EIGHT--TWO THOUSAND NINE SCHOOL YEAR MULTIPLIED BY SUCH DISTRICTS  
48 EXTRAORDINARY NEEDS PERCENT AS COMPUTED PURSUANT TO PARAGRAPH W OF  
49 SUBDIVISION ONE OF THIS SECTION; AND

50 (D) FOR A SCHOOL DISTRICT FOR WHICH THE QUOTIENT OF THE NUMBER OF  
51 PERSONS AGED FIVE TO SEVENTEEN WITHIN THE SCHOOL DISTRICT, BASED ON THE  
52 MOST RECENT DECENNIAL CENSUS AS TABULATED BY THE NATIONAL CENTER ON  
53 EDUCATION STATISTICS, WHO WERE ENROLLED IN PUBLIC SCHOOLS AND WHOSE  
54 FAMILIES HAD INCOMES BELOW THE POVERTY LEVEL, DIVIDED BY THE TOTAL  
55 NUMBER OF PERSON AGED FIVE TO SEVENTEEN WITHIN THE SCHOOL DISTRICT,  
56 BASED ON SUCH DECENNIAL CENSUS, WHO WERE ENROLLED IN PUBLIC SCHOOLS,

1 COMPUTED TO FOUR DECIMALS WITHOUT ROUNDING IS GREATER THAN EIGHTEEN  
2 PERCENT (0.18), THE PRODUCT OF FOUR HUNDRED AND NINETY-FIVE DOLLARS  
3 (\$495) MULTIPLIED BY THE POSITIVE DIFFERENCE, IF ANY OF THE BASE YEAR  
4 PUBLIC SCHOOL DISTRICT ENROLLMENT AS COMPUTED PURSUANT TO SUBPARAGRAPH  
5 TWO OF PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION MINUS THE TWO  
6 THOUSAND TEN--TWO THOUSAND ELEVEN PUBLIC SCHOOL DISTRICT ENROLLMENT, AS  
7 COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE  
8 OF THIS SECTION; AND

9 (E) FOR A SCHOOL DISTRICT FOR WHICH (1) THE QUOTIENT OF THE TWO THOU-  
10 SAND THIRTEEN--TWO THOUSAND FOURTEEN GAP ELIMINATION ADJUSTMENT DIVIDED  
11 BY THE TOTAL GENERAL FUND EXPENDITURES FOR SUCH DISTRICT FOR THE BASE  
12 YEAR EXCEEDS FIVE PERCENT (0.05), THE PRODUCT OF NINETY DOLLARS (\$90.00)  
13 MULTIPLIED BY THE BASE YEAR PUBLIC SCHOOL DISTRICT ENROLLMENT, AS  
14 COMPUTED PURSUANT TO PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION; AND

15 (F) FOR SCHOOL DISTRICTS FOR WHICH THE QUOTIENT OF NON PUBLIC SCHOOL  
16 DISTRICT ENROLLMENT DIVIDED BY THE SUM OF THE NON PUBLIC SCHOOL DISTRICT  
17 ENROLLMENT AND THE BASE YEAR PUBLIC SCHOOL DISTRICT ENROLLMENT AS  
18 COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE  
19 OF THIS SECTION IS GREATER THAN TWENTY-FIVE HUNDREDTHS (0.25), THE PROD-  
20 UCT OF (1) THE QUOTIENT OF NON PUBLIC SCHOOL DISTRICT ENROLLMENT DIVIDED  
21 BY THE SUM OF THE NON PUBLIC SCHOOL DISTRICT ENROLLMENT AND THE BASE  
22 YEAR PUBLIC SCHOOL DISTRICT ENROLLMENT AS COMPUTED PURSUANT TO SUBPARA-  
23 GRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION MULTIPLIED  
24 BY (2) THE EXTRAORDINARY NEEDS PERCENT AS COMPUTED PURSUANT TO PARAGRAPH  
25 W OF SUBDIVISION ONE OF THIS SECTION MULTIPLIED BY (3) THE BASE YEAR  
26 PUBLIC SCHOOL DISTRICT ENROLLMENT AS COMPUTED PURSUANT TO SUBPARAGRAPH  
27 TWO OF PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION MULTIPLIED BY (4)  
28 THREE HUNDRED AND FIFTY DOLLARS (\$350.00); AND

29 (G) FOR SCHOOL DISTRICTS THAT: (1) WERE DESIGNATED AS AVERAGE NEED  
30 PURSUANT TO CLAUSE (C) OF SUBPARAGRAPH TWO OF PARAGRAPH C OF SUBDIVISION  
31 SIX OF THIS SECTION FOR THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE  
32 COMMISSIONER IN SUPPORT OF THE ENACTED BUDGET FOR THE TWO THOUSAND  
33 SEVEN--TWO THOUSAND EIGHT SCHOOL YEAR AND ENTITLED "SA0708" AND (2) A  
34 COMBINED WEALTH RATIO COMPUTED PURSUANT TO SUBPARAGRAPH ONE OF PARAGRAPH  
35 C OF SUBDIVISION THREE OF THIS SECTION OF LESS THAN ONE (1.0) OR FOR A  
36 SCHOOL DISTRICT DESIGNATED AS HIGH NEED URBAN-SUBURBAN PURSUANT TO  
37 CLAUSE (C) OF SUBPARAGRAPH TWO OF PARAGRAPH C OF SUBDIVISION SIX OF THIS  
38 SECTION FOR THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER  
39 IN SUPPORT OF THE ENACTED BUDGET FOR THE TWO THOUSAND SEVEN--TWO THOU-  
40 SAND EIGHT SCHOOL YEAR AND ENTITLED "SA0708", THE PRODUCT OF FIFTY-ONE  
41 DOLLARS (\$51.00) MULTIPLIED BY THE BASE YEAR PUBLIC SCHOOL DISTRICT  
42 ENROLLMENT AS COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF  
43 SUBDIVISION ONE OF THIS SECTION; AND

44 (H) FOR A SCHOOL DISTRICT DESIGNATED AS RURAL HIGH NEED PURSUANT TO  
45 CLAUSE (C) OF SUBPARAGRAPH TWO OF PARAGRAPH C OF SUBDIVISION SIX OF THIS  
46 SECTION FOR THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER  
47 IN SUPPORT OF THE ENACTED BUDGET FOR THE TWO THOUSAND SEVEN--TWO THOU-  
48 SAND EIGHT SCHOOL YEAR AND ENTITLED "SA0708", THE PRODUCT OF TWO HUNDRED  
49 DOLLARS (\$200.00) MULTIPLIED BY THE BASE YEAR PUBLIC SCHOOL DISTRICT  
50 ENROLLMENT AS COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF  
51 SUBDIVISION ONE OF THIS SECTION; AND

52 (I) FOR SCHOOL DISTRICTS THAT WERE DESIGNATED AS SMALL CITY SCHOOL  
53 DISTRICTS OR CENTRAL SCHOOL DISTRICTS WHOSE BOUNDARIES INCLUDE A PORTION  
54 OF A SMALL CITY FOR THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE  
55 COMMISSIONER IN SUPPORT OF THE ENACTED BUDGET FOR THE TWO THOUSAND FOUR-  
56 TEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR AND ENTITLED "SA1415" THE PRODUCT

1 OF TWENTY-FIVE DOLLARS (\$25.00) MULTIPLIED BY THE BASE YEAR PUBLIC  
2 SCHOOL DISTRICT ENROLLMENT AS COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF  
3 PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION AND FOR SCHOOL DISTRICTS  
4 FOR WHICH THE QUOTIENT, COMPUTED TO TWO DECIMALS WITHOUT ROUNDING, OF  
5 THE PUBLIC SCHOOL ENROLLMENT OF THE SCHOOL DISTRICT ON THE DATE ENROLL-  
6 MENT WAS COUNTED IN ACCORDANCE WITH THIS SUBDIVISION FOR THE BASE YEAR  
7 DIVIDED BY THE SQUARE MILES OF THE DISTRICT, AS DETERMINED BY THE  
8 COMMISSIONER IS LESS THAN TWO HUNDRED AND FIFTY (250), THE PRODUCT OF  
9 SIXTEEN DOLLARS (\$16.00) MULTIPLIED BY THE BASE YEAR PUBLIC SCHOOL  
10 DISTRICT ENROLLMENT AS COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF PARA-  
11 GRAPH N OF SUBDIVISION ONE OF THIS SECTION; AND

12 (J) FOR A DISTRICT FOR WHICH (1) THE QUOTIENT, COMPUTED TO TWO DECI-  
13 MALS WITHOUT ROUNDING, OF THE PUBLIC SCHOOL ENROLLMENT OF THE SCHOOL  
14 DISTRICT ON THE DATE ENROLLMENT WAS COUNTED IN ACCORDANCE WITH THIS  
15 SUBDIVISION FOR THE BASE YEAR DIVIDED BY THE SQUARE MILES OF THE  
16 DISTRICT, AS DETERMINED BY THE COMMISSIONER IS GREATER THAN EIGHT  
17 HUNDRED (800) AND (2) THE TAX EFFORT RATIO, AS DEFINED IN SUBDIVISION  
18 SIXTEEN OF THIS SECTION IS GREATER THAN FOUR AND (3) THE BASE YEAR  
19 PUBLIC SCHOOL DISTRICT ENROLLMENT AS COMPUTED PURSUANT TO SUBPARAGRAPH  
20 TWO OF PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION IS GREATER THAN  
21 THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN PUBLIC SCHOOL DISTRICT ENROLL-  
22 MENT AS COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF SUBDIVI-  
23 SION ONE OF THIS SECTION, THE PRODUCT OF TWO HUNDRED AND FIFTY DOLLARS  
24 (\$250.00) MULTIPLIED BY THE BASE YEAR PUBLIC SCHOOL DISTRICT ENROLLMENT  
25 AS COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF SUBDIVISION  
26 ONE OF THIS SECTION, PROVIDED THAT SUCH AMOUNT SHALL NOT EXCEED ONE  
27 MILLION DOLLARS (\$1,000,000); AND

28 (K) FOR SCHOOL DISTRICTS THAT WERE: (1) DESIGNATED AS LOW OR AVERAGE  
29 NEED PURSUANT TO CLAUSE (C) OF SUBPARAGRAPH TWO OF PARAGRAPH C OF SUBDI-  
30 VISION SIX OF THIS SECTION FOR THE SCHOOL AID COMPUTER LISTING PRODUCED  
31 BY THE COMMISSIONER IN SUPPORT OF THE ENACTED BUDGET FOR THE TWO THOU-  
32 SAND SEVEN--TWO THOUSAND EIGHT SCHOOL YEAR AND ENTITLED "SA0708", OR IN  
33 THE CASE OF A REORGANIZED DISTRICT THAT HAD A PREDECESSOR DISTRICT THAT  
34 WAS SO DESIGNATED AND (2) DESIGNATED AS HIGH NEED PURSUANT TO THE REGU-  
35 LATIONS OF THE COMMISSIONER IN THE MOST RECENTLY AVAILABLE STUDY  
36 INCLUDED IN THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER  
37 IN SUPPORT OF THE ENACTED BUDGET FOR THE TWO THOUSAND THIRTEEN--TWO  
38 THOUSAND FOURTEEN STATE FISCAL YEAR AND ENTITLED "SA131-4" KNOWN AS THE  
39 2008 NEED RESOURCE CAPACITY CATEGORY CODE, THE PRODUCT OF (A) THE POSI-  
40 TIVE DIFFERENCE, IF ANY, OF THE ABSOLUTE VALUE OF THE AMOUNT SET FORTH  
41 FOR SUCH SCHOOL DISTRICT AS "GAP ELIMINATION ADJUSTMENT" UNDER THE HEAD-  
42 ING "2011-12 ESTIMATED AIDS" IN THE SCHOOL AID COMPUTER LISTING PRODUCED  
43 BY THE COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET REQUEST SUBMITTED  
44 FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE STATE FISCAL YEAR AND  
45 ENTITLED "BT111-2" MINUS THE PRODUCT OF SIX AND EIGHT TENTHS PERCENT  
46 (0.068) MULTIPLIED BY THE TOTAL GENERAL FUND EXPENDITURES OF SUCH  
47 DISTRICT FOR THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN SCHOOL YEAR,  
48 MULTIPLIED BY (B) FIFTY-FIVE HUNDREDTHS (0.55); AND

49 (L) THE AMOUNT SET FORTH FOR SUCH SCHOOL DISTRICT AS "GEA RESTORATION"  
50 UNDER THE HEADING "2014-15 ESTIMATED AIDS" IN THE SCHOOL AID COMPUTER  
51 LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET  
52 REQUEST SUBMITTED FOR THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN  
53 STATE FISCAL YEAR AND ENTITLED "BT141-5".

54 PROVIDED FURTHER, NOTWITHSTANDING ANY PROVISION OF THIS PARAGRAPH TO  
55 THE CONTRARY, THAT A DISTRICT'S GAP ELIMINATION ADJUSTMENT RESTORATION  
56 FOR THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR SHALL



1 NOT EXCEED THE PRODUCT OF SEVENTY PERCENT (0.70) AND THE GAP ELIMINATION  
2 ADJUSTMENT FOR THE BASE YEAR FOR THE DISTRICT.

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

8 S 3. Subdivision 4 of section 3602 of the education law, as amended by  
9 section 26 of part A of chapter 58 of the laws of 2011, the opening  
10 paragraph, paragraphs a and b as amended by section 8-a of part A of  
11 chapter 57 of the laws of 2013, paragraph b-1 as amended by section 10  
12 of part A of chapter 97 of the laws of 2011, is amended to read as  
13 follows:

14 4. Total foundation aid. In addition to any other apportionment  
15 pursuant to this chapter, a school district, other than a special act  
16 school district as defined in subdivision eight of section four thousand  
17 one of this chapter, shall be eligible for total foundation aid equal to  
18 the product of total aidable foundation pupil units multiplied by the  
19 district's selected foundation aid, which shall be the greater of five  
20 hundred dollars (\$500) or foundation formula aid, provided, however that  
21 for the two thousand seven--two thousand eight through two thousand  
22 eight--two thousand nine school years, no school district shall receive  
23 total foundation aid in excess of the sum of the total foundation aid  
24 base for aid payable in the two thousand seven--two thousand eight  
25 school year computed pursuant to subparagraph (i) of paragraph j of  
26 subdivision one of this section, plus the phase-in foundation increase  
27 computed pursuant to paragraph b of this subdivision, and provided  
28 further that for the two thousand twelve--two thousand thirteen school  
29 year, no school district shall receive total foundation aid in excess of  
30 the sum of the total foundation aid base for aid payable in the two  
31 thousand eleven--two thousand twelve school year computed pursuant to  
32 paragraph j of subdivision one of this section, plus the phase-in foun-  
33 dation increase computed pursuant to paragraph b of this subdivision,  
34 and provided further that for the two thousand thirteen--two thousand  
35 fourteen school year and thereafter, no school district shall receive  
36 total foundation aid in excess of the sum of the total foundation aid  
37 base computed pursuant to paragraph j of subdivision one of this  
38 section, plus the phase-in foundation increase computed pursuant to  
39 paragraph b of this subdivision and provided further that total founda-  
40 tion aid shall not be less than the product of the total foundation aid  
41 base computed pursuant to paragraph j of subdivision one of this section  
42 and the due-minimum percent which shall be, for the two thousand twelve-  
43 -two thousand thirteen school year, one hundred and six-tenths percent  
44 (1.006) and for the two thousand thirteen--two thousand fourteen school  
45 year for city school districts of those cities having populations in  
46 excess of one hundred twenty-five thousand and less than one million  
47 inhabitants one hundred and one and one hundred and seventy-six thou-  
48 sandths percent (1.01176), and for all other districts one hundred and  
49 three-tenths percent (1.003), AND FOR THE TWO THOUSAND FOURTEEN--TWO  
50 THOUSAND FIFTEEN SCHOOL YEAR ONE HUNDRED AND EIGHTY-FIVE HUNDREDTHS  
51 PERCENT (1.0085), subject to allocation pursuant to the provisions of  
52 subdivision eighteen of this section and any provisions of a chapter of  
53 the laws of New York as described therein, nor more than the product of  
54 such total foundation aid base and one hundred fifteen percent, and  
55 provided further that for the two thousand nine--two thousand ten  
56 through two thousand eleven--two thousand twelve school years, each

1 school district shall receive total foundation aid in an amount equal to  
2 the amount apportioned to such school district for the two thousand  
3 eight--two thousand nine school year pursuant to this subdivision. Total  
4 aidable foundation pupil units shall be calculated pursuant to paragraph  
5 g of subdivision two of this section. For the purposes of calculating  
6 aid pursuant to this subdivision, aid for the city school district of  
7 the city of New York shall be calculated on a citywide basis.

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

13 (1) The foundation amount shall reflect the average per pupil cost of  
14 general education instruction in successful school districts, as deter-  
15 mined by a statistical analysis of the costs of special education and  
16 general education in successful school districts, provided that the  
17 foundation amount shall be adjusted annually to reflect the percentage  
18 increase in the consumer price index as computed pursuant to section two  
19 thousand twenty-two of this chapter, provided that for the two thousand  
20 eight--two thousand nine school year, for the purpose of such adjust-  
21 ment, the percentage increase in the consumer price index shall be  
22 deemed to be two and nine-tenths percent (0.029), and provided further  
23 that the foundation amount for the two thousand seven--two thousand  
24 eight school year shall be five thousand two hundred fifty-eight  
25 dollars, and provided further that for the two thousand seven--two thou-  
26 sand eight through two thousand fifteen--two thousand sixteen school  
27 years, the foundation amount shall be further adjusted by the phase-in  
28 foundation percent established pursuant to paragraph b of this subdivi-  
29 sion.

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

| Labor Force Region | Index |
|--------------------|-------|
| Capital District   | 1.124 |
| Southern Tier      | 1.045 |
| Western New York   | 1.091 |
| Hudson Valley      | 1.314 |
| Long Island/NYC    | 1.425 |
| Finger Lakes       | 1.141 |
| Central New York   | 1.103 |
| Mohawk Valley      | 1.000 |
| North Country      | 1.000 |

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

51 (4) The expected minimum local contribution shall equal the lesser of  
52 (i) the product of (A) the quotient arrived at when the selected actual  
53 valuation is divided by total wealth foundation pupil units, multiplied  
54 by (B) the product of the local tax factor, multiplied by the income  
55 wealth index, or (ii) the product of (A) the product of the foundation  
56 amount, the regional cost index, and the pupil need index, multiplied by

1 (B) the positive difference, if any, of one minus the state sharing  
2 ratio for total foundation aid. The local tax factor shall be estab-  
3 lished by May first of each year by determining the product, computed to  
4 four decimal places without rounding, of ninety percent multiplied by  
5 the quotient of the sum of the statewide average tax rate as computed by  
6 the commissioner for the current year in accordance with the provisions  
7 of paragraph e of subdivision one of section thirty-six hundred nine-e  
8 of this part plus the statewide average tax rate computed by the commis-  
9 sioner for the base year in accordance with such provisions plus the  
10 statewide average tax rate computed by the commissioner for the year  
11 prior to the base year in accordance with such provisions, divided by  
12 three, provided however that for the two thousand seven--two thousand  
13 eight school year, such local tax factor shall be sixteen thousandths  
14 (0.016), and provided further that for the two thousand eight--two thou-  
15 sand nine school year, such local tax factor shall be one hundred  
16 fifty-four ten thousandths (0.0154). The income wealth index shall be  
17 calculated pursuant to paragraph d of subdivision three of this section,  
18 provided, however, that for the purposes of computing the expected mini-  
19 mum local contribution the income wealth index shall not be less than  
20 sixty-five percent (0.65) and shall not be more than two hundred percent  
21 (2.0) and provided however that such income wealth index shall not be  
22 more than ninety-five percent (0.95) for the two thousand eight--two  
23 thousand nine school year, and provided further that such income wealth  
24 index shall not be less than zero for the two thousand thirteen--two  
25 thousand fourteen school year. The selected actual valuation shall be  
26 calculated pursuant to paragraph c of subdivision one of this section.  
27 Total wealth foundation pupil units shall be calculated pursuant to  
28 paragraph h of subdivision two of this section.

29 b. Phase-in foundation increase. (1) The phase-in foundation increase  
30 shall equal the product of the phase-in foundation increase factor  
31 multiplied by the positive difference, if any, of (i) the product of the  
32 total aidable foundation pupil units multiplied by the district's  
33 selected foundation aid less (ii) the total foundation aid base [for aid  
34 payable in the two thousand eleven--two thousand twelve school year]  
35 computed pursuant to paragraph j of subdivision one of this section.

36 (2) The phase-in foundation percent shall equal one hundred thirteen  
37 and fourteen one hundredths percent (1.1314) for the two thousand  
38 eleven--two thousand twelve school year, one hundred ten and thirty-  
39 eight hundredths percent (1.1038) for the two thousand twelve--two thou-  
40 sand thirteen school year, one hundred seven and sixty-eight hundredths  
41 percent (1.0768) for the two thousand thirteen--two thousand fourteen  
42 school year, one hundred five and six hundredths percent (1.0506) for  
43 the two thousand fourteen--two thousand fifteen school year, and one  
44 hundred two and five tenths percent (1.0250) for the two thousand  
45 fifteen--two thousand sixteen school year.

46 For the two thousand eleven--two thousand twelve school year, the  
47 phase-in foundation increase factor shall equal thirty-seven and one-  
48 half percent (0.375) and the phase-in due minimum percent shall equal  
49 nineteen and forty-one hundredths percent (0.1941), for the two thousand  
50 twelve--two thousand thirteen school year the phase-in foundation  
51 increase factor shall equal one and seven-tenths percent (0.017), for  
52 the two thousand thirteen--two thousand fourteen school year the phase-  
53 in foundation increase factor shall equal (1) for a city school district  
54 in a city having a population of one million or more, five and twenty-  
55 three hundredths percent (0.0523) or (2) for all other school districts  
56 zero percent, [and] for the two thousand fourteen--two thousand fifteen

1 school year THE PHASE-IN FOUNDATION INCREASE FACTOR SHALL EQUAL (1) FOR  
2 A CITY SCHOOL DISTRICT OF A CITY HAVING A POPULATION OF ONE MILLION OR  
3 MORE, FOUR AND THIRTY-TWO HUNDREDTHS PERCENT (0.0432) OR (2) FOR A  
4 SCHOOL DISTRICT OTHER THAN A CITY SCHOOL DISTRICT HAVING A POPULATION OF  
5 ONE MILLION OR MORE FOR WHICH (A) THE QUOTIENT OF THE POSITIVE DIFFER-  
6 ENCE OF THE FOUNDATION FORMULA AID MINUS THE FOUNDATION AID BASE  
7 COMPUTED PURSUANT TO PARAGRAPH J OF SUBDIVISION ONE OF THIS SECTION  
8 DIVIDED BY THE FOUNDATION FORMULA AID IS GREATER THAN TWENTY-TWO PERCENT  
9 (0.22) AND (B) A COMBINED WEALTH RATIO LESS THAN THIRTY-FIVE HUNDREDTHS  
10 (0.35), SEVEN PERCENT (0.07) OR (3) FOR ALL OTHER SCHOOL DISTRICTS, FOUR  
11 AND THIRTY-ONE HUNDREDTHS PERCENT (0.0431), AND FOR THE TWO THOUSAND  
12 FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR and thereafter the commission-  
13 er shall annually determine the phase-in foundation increase factor  
14 subject to allocation pursuant to the provisions of subdivision eighteen  
15 of this section and any provisions of a chapter of the laws of New York  
16 as described therein.

17 b-1. Notwithstanding any other provision of law to the contrary, for  
18 the two thousand seven--two thousand eight school year and thereafter,  
19 the additional amount payable to each school district pursuant to this  
20 subdivision in the current year as total foundation aid, after deducting  
21 the total foundation aid base, shall be deemed a state grant in aid  
22 identified by the commissioner for general use for purposes of section  
23 seventeen hundred eighteen of this chapter.

24 c. Public excess cost aid setaside. Each school district shall set  
25 aside from its total foundation aid computed for the current year pursu-  
26 ant to this subdivision an amount equal to the product of: (i) the  
27 difference between the amount the school district was eligible to  
28 receive in the two thousand six--two thousand seven school year pursuant  
29 to or in lieu of paragraph six of subdivision nineteen of this section  
30 as such paragraph existed on June thirtieth, two thousand seven, minus  
31 the amount such district was eligible to receive pursuant to or in lieu  
32 of paragraph five of subdivision nineteen of this section as such para-  
33 graph existed on June thirtieth, two thousand seven, in such school  
34 year, and (ii) the sum of one and the percentage increase in the consum-  
35 er price index for the current year over such consumer price index for  
36 the two thousand six--two thousand seven school year, as computed pursu-  
37 ant to section two thousand twenty-two of this chapter. Notwithstanding  
38 any other provision of law to the contrary, the public excess cost aid  
39 setaside shall be paid pursuant to section thirty-six hundred nine-b of  
40 this part.

41 D. FOR THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR A  
42 CITY SCHOOL DISTRICT OF A CITY HAVING A POPULATION OF ONE MILLION OR  
43 MORE MAY USE AMOUNTS APPORTIONED PURSUANT TO THIS SUBDIVISION FOR AFTER-  
44 SCHOOL PROGRAMS.

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

48 For aid payable in the two thousand seven--two thousand eight school  
49 year [and thereafter] THROUGH THE TWO THOUSAND THIRTEEN--TWO THOUSAND  
50 FOURTEEN SCHOOL YEAR, "moneys apportioned" shall mean the lesser of (i)  
51 the sum of one hundred percent of the respective amount set forth for  
52 each school district as payable pursuant to this section in the school  
53 aid computer listing for the current year produced by the commissioner  
54 in support of the budget which includes the appropriation for the gener-  
55 al support for public schools for the prescribed payments and individ-  
56 ualized payments due prior to April first for the current year plus the

1 apportionment payable during the current school year pursuant to subdi-  
2 vision six-a and subdivision fifteen of section thirty-six hundred two  
3 of this part minus any reductions to current year aids pursuant to  
4 subdivision seven of section thirty-six hundred four of this part or any  
5 deduction from apportionment payable pursuant to this chapter for  
6 collection of a school district basic contribution as defined in subdi-  
7 vision eight of section forty-four hundred one of this chapter, less any  
8 grants provided pursuant to subparagraph two-a of paragraph b of subdi-  
9 vision four of section ninety-two-c of the state finance law, less any  
10 grants provided pursuant to subdivision twelve of section thirty-six  
11 hundred forty-one of this article, or (ii) the apportionment calculated  
12 by the commissioner based on data on file at the time the payment is  
13 processed; provided however, that for the purposes of any payments made  
14 pursuant to this section prior to the first business day of June of the  
15 current year, moneys apportioned shall not include any aids payable  
16 pursuant to subdivisions six and fourteen, if applicable, of section  
17 thirty-six hundred two of this part as current year aid for debt service  
18 on bond anticipation notes and/or bonds first issued in the current year  
19 or any aids payable for full-day kindergarten for the current year  
20 pursuant to subdivision nine of section thirty-six hundred two of this  
21 part. The definitions of "base year" and "current year" as set forth in  
22 subdivision one of section thirty-six hundred two of this part shall  
23 apply to this section. For aid payable in the [two thousand thirteen--  
24 two thousand fourteen] TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN  
25 school year, reference to such "school aid computer listing for the  
26 current year" shall mean the printouts entitled ["SA131-4"] "SA141-5".

27 S 4-a. Clause (c) of subparagraph 5 of paragraph e of subdivision 6 of  
28 section 3602 of the education law, as amended by section 13-a of part A  
29 of chapter 57 of the laws of 2013, is amended to read as follows:

30 (c) At the end of each ten year segment of an assumed amortization  
31 established pursuant to subparagraphs two, three and four of this para-  
32 graph, or in the [two thousand fourteen -- two thousand fifteen] TWO  
33 THOUSAND FIFTEEN -- TWO THOUSAND SIXTEEN school year in the case of  
34 assumed amortizations whose ten year segment ends prior to such school  
35 year, the commissioner shall revise the remaining scheduled semiannual  
36 payments of the outstanding principal and interest of such assumed amor-  
37 tization, other than the outstanding principal and interest of refunding  
38 bonds where the district can demonstrate to the commissioner that it is  
39 precluded by state or federal law, rule or regulation from refinancing  
40 such outstanding principal and interest, based on the interest rates  
41 applicable for the current year if the difference of the interest rate  
42 upon which the existing assumed amortization is based minus such inter-  
43 est rate applicable for the current year is equal to or greater than one  
44 quarter of one-one hundredth. Provided however, in the case of assumed  
45 amortization whose ten year segment ended prior to the [two thousand  
46 fourteen -- two thousand fifteen] TWO THOUSAND FIFTEEN -- TWO THOUSAND  
47 SIXTEEN school year the next ten year segment shall be deemed to  
48 commence with the [two thousand fourteen -- two thousand fifteen] TWO  
49 THOUSAND FIFTEEN -- TWO THOUSAND SIXTEEN school year. The department  
50 shall notify school districts of projects subject to the provisions of  
51 this clause by no later than December first next preceding the school  
52 year in which the assumed amortization is scheduled to be revised pursu-  
53 ant to this clause.

54 S 5. Paragraph b of subdivision 2 of section 3612 of the education  
55 law, as amended by section 15 of part A of chapter 57 of the laws of  
56 2013, is amended to read as follows:

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

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

22 S 3613. SCHOOL DISTRICT REORGANIZATIONS AND REAL PROPERTY TAX RATES.  
23 1. WHEN TWO OR MORE SCHOOL DISTRICTS PROPOSE TO REORGANIZE PURSUANT TO  
24 SECTIONS FIFTEEN HUNDRED ELEVEN THROUGH FIFTEEN HUNDRED THIRTEEN,  
25 FIFTEEN HUNDRED TWENTY-FOUR, FIFTEEN HUNDRED TWENTY-SIX, SEVENTEEN  
26 HUNDRED FIVE, OR EIGHTEEN HUNDRED ONE THROUGH EIGHTEEN HUNDRED THREE OF  
27 THIS CHAPTER, AND UNDER THE LAW THAT WOULD OTHERWISE BE APPLICABLE, THE  
28 REORGANIZATION WOULD HAVE AN IMPACT UPON THE SCHOOL TAX RATES WITHIN THE  
29 AREAS SERVED BY THE SCHOOL DISTRICTS THAT EXISTED PRIOR TO THE REORGAN-  
30 IZATION, NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE  
31 BOARDS OF EDUCATION OR TRUSTEES OF ALL THE SCHOOL DISTRICTS PARTICIPAT-  
32 ING IN THE PROPOSED REORGANIZATION MAY OPT TO HAVE THAT IMPACT DEFERRED  
33 FOR A ONE-YEAR PERIOD AND/OR PHASED-IN OVER A PERIOD AS MAY BE DETER-  
34 MINED BY THE BOARDS OF EDUCATION OR TRUSTEES OF ALL PARTICIPATING SCHOOL  
35 DISTRICTS IN THE MANNER PRESCRIBED BY THIS SECTION BUT WHICH SHALL NOT  
36 EXCEED A TEN-YEAR PERIOD. TO EXERCISE SUCH OPTION, THE BOARDS OF EDUCA-  
37 TION OR TRUSTEES OF ALL PARTICIPATING SCHOOL DISTRICTS, AFTER CONDUCTING  
38 A PUBLIC HEARING, MAY ADOPT A RESOLUTION AT LEAST FORTY-FIVE DAYS PRIOR  
39 TO THE SPECIAL DISTRICT MEETING AT WHICH THE REORGANIZATION VOTE WILL BE  
40 HELD, TO DEFER AND/OR PHASE-IN THE IMPACT AS PROVIDED HEREIN. IF THE  
41 BOARD OF EDUCATION OR TRUSTEES OF ANY PARTICIPATING SCHOOL DISTRICT DOES  
42 NOT APPROVE SUCH A RESOLUTION OPTING FOR A COMMON PHASE-IN PERIOD, THE  
43 PROVISIONS OF THIS SECTION SHALL NOT APPLY.

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

46 (A) DETERMINE THE ASSESSED VALUE TAX RATE THAT APPLIED FOR THE SCHOOL  
47 YEAR IMMEDIATELY PRECEDING THE SCHOOL YEAR IN WHICH THE REORGANIZATION  
48 TOOK EFFECT.

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

52 (C) DIVIDE THE PRODUCT SO DETERMINED BY THE STATE EQUALIZATION RATE  
53 APPLICABLE TO THE PORTION FOR THE FIRST SCHOOL YEAR OF THE REORGANIZED  
54 SCHOOL DISTRICT. THE QUOTIENT IS THE ASSESSED VALUE TAX RATE FOR THE  
55 PORTION FOR THAT SCHOOL YEAR. PROVIDED, THAT IF THE SUM OF THE REAL  
56 PROPERTY TAX LEVIES IN ALL OF THE PORTIONS IN THE SCHOOL DISTRICT, USING

THE ASSESSED VALUE TAX RATES COMPUTED PURSUANT TO THIS SUBDIVISION, WOULD YIELD A REAL PROPERTY TAX LEVY THAT IS ABOVE OR BELOW THE TOTAL REAL PROPERTY TAX LEVY SPECIFIED IN THE SCHOOL DISTRICT BUDGET FOR THE CURRENT SCHOOL YEAR, THE ASSESSED VALUE TAX RATES SHALL ALL BE DECREASED OR INCREASED PROPORTIONATELY SO AS TO YIELD THE SPECIFIED REAL PROPERTY TAX LEVY AMOUNT.

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

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

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

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

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

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

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

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

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

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

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

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

S 3627. Transportation after 4pm. 1. Notwithstanding any other provisions of this section to the contrary, for the two thousand thirteen--two thousand fourteen AND TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN school year AND THEREAFTER, a city school district located in a city having a population of one million or more providing transportation pursuant to this chapter shall be responsible for:

(a) providing transportation for those children attending public and nonpublic schools in grades kindergarten through six who remain at the same school for which they are enrolled for regularly scheduled academic classes from half-past nine o'clock in the morning or earlier until four

1 o'clock in the afternoon or later, on weekdays, and reside at least one  
2 mile from their school of attendance for grades three through six, and  
3 at least one-half mile from their school of attendance for grades  
4 kindergarten through two or

5 (b) reimbursing the cost incurred by licensed transportation carriers  
6 pursuant to contracts with such school district for providing transpor-  
7 tation for those children attending public and nonpublic schools in  
8 grades kindergarten through six who remain at the same school for which  
9 they are enrolled for regularly scheduled academic classes from half-  
10 past nine o'clock in the morning or earlier until four o'clock in the  
11 afternoon or later, on weekdays, and reside at least one mile from their  
12 school of attendance for grades three through six, and at least one-half  
13 mile from their school of attendance for grades kindergarten through  
14 two.

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

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

20 4. Notwithstanding any other provision of law to the contrary, any  
21 expenditures for transportation provided pursuant to this section in the  
22 two thousand thirteen--two thousand fourteen AND TWO THOUSAND FOURTEEN-  
23 -TWO THOUSAND FIFTEEN school year AND THEREAFTER and otherwise eligible  
24 for transportation aid pursuant to subdivision seven of section thirty-  
25 six hundred two of this article shall be considered approved transporta-  
26 tion expenses eligible for transportation aid, provided further that  
27 such aid shall be limited to [five million six hundred] EIGHT MILLION  
28 ONE HUNDRED thousand dollars. And provided further that such expendi-  
29 tures eligible for aid under this section shall supplement not supplant  
30 local expenditures for such transportation in the two thousand twelve--  
31 two thousand thirteen school year.

32 5. Notwithstanding any other provision of this section to the contra-  
33 ry, in no event shall such city school district, in order to comply with  
34 the requirements of this section, be required to incur any costs in  
35 excess of the amount eligible for transportation aid pursuant to subdivi-  
36 sion four of this section. In the event such amount is insufficient,  
37 the city school district of New York shall provide transportation  
38 services within such amount on an equitable basis, until such apportion-  
39 ment is exhausted.

40 6. The chancellor of such school district, in consultation with the  
41 commissioner, shall prescribe the most cost effective system for imple-  
42 menting the requirements of this section, taking into consideration: (a)  
43 the costs associated with paragraphs (a) and (b) of subdivision one of  
44 this section, and (b) policies that attempt to maximize student safety  
45 for the student to be transported, which for purposes of this section  
46 shall include whether the pick up or drop off site of the transportation  
47 is:

48 (i) not further than 600 feet from the student's residence; and/or

49 (ii) at the same locations for any family that have children at the  
50 same residence who attend two or more different schools.

51 7. (a) In the event the chancellor has not satisfied a district's  
52 obligation under this section, a parent or guardian or any represen-  
53 tative authorized by such parent or guardian of a child eligible to  
54 receive transportation under this section may request the commissioner  
55 to arrange for the provision of the transportation to so satisfy the  
56 requirements of this section.



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

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

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

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

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

6-C. TEACHER EXCELLENCE FUND. A. WITHIN THE AMOUNT APPROPRIATED FOR SUCH PURPOSE, SUBJECT TO A REQUEST FOR PROPOSALS DEVELOPED BY THE COMMISSIONER AND APPROVED BY THE DIRECTOR OF THE BUDGET, THE COMMISSIONER SHALL AWARD TEACHER EXCELLENCE FUND GRANTS PURSUANT TO THIS SUBDIVISION TO ELIGIBLE SCHOOL DISTRICTS, BEGINNING IN THE TWO THOUSAND FOURTEEN--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 one hundred twenty-five thousand or more inhabitants shall be permitted to establish maximum class sizes for special classes for certain students with disabilities in accordance with the provisions of this subdivision. For the purpose of obtaining relief from any adverse fiscal impact from under-utilization of special education resources due to low student attendance in special education classes at the middle and secondary level as determined by the commissioner, such boards of education shall, during the school years nineteen hundred ninety-five--ninety-six through June thirtieth, two thousand [fourteen] FIFTEEN of the two thousand [thirteen] FOURTEEN--two thousand [fourteen] FIFTEEN school year, be authorized to increase class sizes in special classes containing students with disabilities whose age ranges are equivalent to those of students in middle and secondary schools as defined by the commissioner for purposes of this section by up to but not to exceed one and two tenths times the applicable maximum class size specified in regulations of the commissioner rounded up to the nearest whole number, provided that in a city school district having a population of one million or more, classes that have a maximum class size of fifteen may be increased by no more than one student and provided that the projected average class size shall not exceed the maximum specified in the applicable regulation, provided that such authorization shall terminate on June thirtieth, two thousand. Such authorization shall be granted upon filing of a notice by such a board of education with the commissioner stating the board's intention to increase such class sizes and a certification that the board will conduct a study of attendance problems at the secondary level and will implement a corrective action plan to increase the rate of attendance of students in such classes to at least

1 the rate for students attending regular education classes in secondary  
2 schools of the district. Such corrective action plan shall be submitted  
3 for approval by the commissioner by a date during the school year in  
4 which such board increases class sizes as provided pursuant to this  
5 subdivision to be prescribed by the commissioner. Upon at least thirty  
6 days notice to the board of education, after conclusion of the school  
7 year in which such board increases class sizes as provided pursuant to  
8 this subdivision, the commissioner shall be authorized to terminate such  
9 authorization upon a finding that the board has failed to develop or  
10 implement an approved corrective action plan.

11 S 9-a. Notwithstanding any provision of the law to the contrary, for a  
12 school district with a penalty arising from the late filing of a final  
13 cost report pursuant to section 31 of part A of chapter 57 of the laws  
14 of 2012 where such penalty exceeds \$6,000,000 and also exceeds 5 percent  
15 of such district's total general fund expenditures for the 2011-12  
16 school year, the commissioner of education shall recover such penalty in  
17 five equal annual installments beginning the later of June, 2016 or June  
18 of the school year in which such district is notified of the penalty.  
19 Provided further that such district may elect to make an initial payment  
20 no later than thirty days in advance of the first annual installment  
21 which shall reduce the amount of each annual installment.

22 S 10. Legislative findings and determinations. The legislature finds  
23 that charter schools are public schools and, like school districts, part  
24 of the public school system that discharges the state's constitutional  
25 duty to provide for the maintenance and support of a system of free  
26 common schools. The legislature further finds that charter schools oper-  
27 ate primarily with public moneys derived from the federal government,  
28 the state and local school districts. Therefore, the legislature deter-  
29 mines that the manner in which charter schools conduct their financial  
30 operations implicates the fiscal concerns of the state.

31 Moreover, the legislature finds that as the chief fiscal officer of  
32 New York city, the city comptroller has a duty to manage the fiscal  
33 affairs of such city and that a fundamental constitutional duty of the  
34 state comptroller is to superintend the fiscal concerns of the state.  
35 The legislature further finds that audits of charter schools' financial  
36 operations are not only necessary to protect New York city's and the  
37 rest of the state's fiscal concerns, but are uniquely within the comp-  
38 trollers' expertise as the city's and state's chief fiscal officer.  
39 Therefore, the legislature determines that the state has a compelling  
40 interest in having the city and state comptrollers audit the financial  
41 operations of charter schools throughout the state.

42 S 10-a. Paragraph (c) of subdivision 1 of section 2853 of the educa-  
43 tion law, as added by chapter 4 of the laws of 1998, is amended to read  
44 as follows:

45 (c) A charter school shall be deemed an independent and autonomous  
46 public school, except as otherwise provided in this article, AND A POLI-  
47 TICAL SUBDIVISION HAVING BOUNDARIES COTERMINOUS WITH THE SCHOOL DISTRICT  
48 OR COMMUNITY SCHOOL DISTRICT IN WHICH THE CHARTER SCHOOL IS LOCATED. The  
49 charter entity and the board of regents shall be deemed to be the public  
50 agents authorized to supervise and oversee the charter school.

51 S 10-b. Paragraphs (b) and (c) of subdivision 1 of section 2854 of the  
52 education law, paragraph (b) as added by chapter 4 of the laws of 1998,  
53 paragraph (c) as amended by chapter 101 of the laws of 2010, are amended  
54 to read as follows:

55 (b) A charter school shall meet the same health and safety, civil  
56 rights, and student assessment requirements applicable to other public

schools, except as otherwise specifically provided in this article. A charter school shall be exempt from all other state and local laws, rules, regulations or policies governing public or private schools, boards of education [and], school districts AND POLITICAL SUBDIVISIONS, including those relating to school personnel and students, except as specifically provided in the school's charter or in this article. Nothing in this subdivision shall affect the requirements of compulsory education of minors established by part one of article sixty-five of this chapter.

(c) A charter school shall be subject to the financial audits, the audit procedures, and the audit requirements set forth in the charter, and shall be subject to audits of the COMPTROLLER OF THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK FOR CHARTER SCHOOLS LOCATED IN NEW YORK CITY, AND TO THE AUDITS OF THE comptroller of the state of New York FOR CHARTER SCHOOLS LOCATED IN THE REST OF THE STATE, at his or her discretion, WITH RESPECT TO THE SCHOOL'S FINANCIAL OPERATIONS. Such procedures and standards shall be consistent with generally accepted accounting and audit standards. Independent fiscal audits shall be required at least once annually.

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 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) COMMENCING WITH THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR, 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.

S 11-a. Paragraph (t) of subdivision 2 of section 2851 of the education law, as added by chapter 4 of the laws of 1998, is amended to read as follows:

(t) Procedures to be followed in the case of the closure or dissolution of the charter school, including provisions for the transfer of students and student records to the school district in which the charter school is located and for the disposition of the school's assets to the school district in which the charter school is located or another charter school located within the school district. NOTWITHSTANDING ANY OTHER PROVISION OF LAW OR OF A CHARTER TO THE CONTRARY, SUCH PROCEDURES SHALL ENSURE THAT UPON DISSOLUTION OF A CHARTER SCHOOL, ANY FUNDS REMAINING IN THE POSSESSION OF THE CHARTER SCHOOL THAT CAN BE ATTRIBUTED TO PUBLIC FUNDING, AFTER ALL OF ITS DEBTS AND OBLIGATIONS HAVE BEEN PAID, SHALL BE PAID OVER TO EACH SCHOOL DISTRICT HAVING RESIDENT CHILDREN SERVED BY THE CHARTER SCHOOL IN THE SCHOOL YEAR IN WHICH THE CHARTER WAS DISSOLVED OR

1 THE LAST YEAR IN WHICH STUDENTS WERE ENROLLED IN THE CHARTER SCHOOL, IN  
2 THE SAME PROPORTION AS THE NUMBER OF STUDENTS PLACED BY EACH SCHOOL  
3 DISTRICT AND SERVED BY THE CHARTER SCHOOL IN THE LAST SCHOOL YEAR IN  
4 WHICH CHILDREN WERE SERVED BY THE CHARTER SCHOOL, BEARS TO THE TOTAL  
5 NUMBER OF STUDENTS SERVED BY THE CHARTER SCHOOL IN SUCH SCHOOL YEAR.  
6 PROVIDED, HOWEVER, THAT NOTHING IN THIS SUBDIVISION SHALL BE CONSTRUED  
7 TO REQUIRE A CHARTER SCHOOL TO PAY TO SUCH DISTRICTS ANY REMAINING FUNDS  
8 THAT CAN BE ATTRIBUTED TO GIFTS, DONATIONS, GRANTS OR OTHER AUTHORIZED  
9 CHARITABLE CONTRIBUTIONS.

10 S 12. Subdivision b of section 2 of chapter 756 of the laws of 1992,  
11 relating to funding a program for work force education conducted by the  
12 consortium for worker education in New York city, as amended by section  
13 27 of part A of chapter 57 of the laws of 2013, is amended to read as  
14 follows:

15 b. Reimbursement for programs approved in accordance with subdivision  
16 a of this section [for the 2010--2011 school year shall not exceed 62.6  
17 percent of the lesser of such approvable costs per contact hour or  
18 twelve dollars and five cents per contact hour, reimbursement] for the  
19 2011--2012 school year shall not exceed 62.9 percent of the lesser of  
20 such approvable costs per contact hour or twelve dollars and fifteen  
21 cents per contact hour, reimbursement for the 2012--2013 school year  
22 shall not exceed 63.3 percent of the lesser of such approvable costs per  
23 contact hour or twelve dollars and thirty-five cents per contact hour,  
24 [and] reimbursement for the 2013--2014 school year shall not exceed 62.3  
25 percent of the lesser of such approvable costs per contact hour or  
26 twelve dollars and sixty-five cents per contact hour, AND REIMBURSEMENT  
27 FOR THE 2014--2015 SCHOOL YEAR SHALL NOT EXCEED 61.6 PERCENT OF THE  
28 LESSER OF SUCH APPROVABLE COSTS PER CONTACT HOUR OR EIGHT DOLLARS PER  
29 CONTACT HOUR where a contact hour represents sixty minutes of instruc-  
30 tion services provided to an eligible adult. Notwithstanding any other  
31 provision of law to the contrary, [for the 2010--2011 school year such  
32 contact hours shall not exceed one million five hundred twenty-five  
33 thousand one hundred ninety-eight (1,525,198) hours; whereas] for the  
34 2011--2012 school year such contact hours shall not exceed one million  
35 seven hundred one thousand five hundred seventy (1,701,570) hours; wher-  
36 eas for the 2012--2013 school year such contact hours shall not exceed  
37 one million six hundred sixty-four thousand five hundred thirty-two  
38 (1,664,532) hours; whereas for the 2013--2014 school year such contact  
39 hours shall not exceed one million six hundred forty-nine thousand seven  
40 hundred forty-six (1,649,746) hours; WHEREAS FOR THE 2014--2015 SCHOOL  
41 YEAR SUCH CONTACT HOURS SHALL NOT EXCEED ONE MILLION SIX HUNDRED TWEN-  
42 TY-FIVE THOUSAND (1,625,000) HOURS. Notwithstanding any other provision  
43 of law to the contrary, the apportionment calculated for the city school  
44 district of the city of New York pursuant to subdivision 11 of section  
45 3602 of the education law shall be computed as if such contact hours  
46 provided by the consortium for worker education, not to exceed the  
47 contact hours set forth herein, were eligible for aid in accordance with  
48 the provisions of such subdivision 11 of section 3602 of the education  
49 law.

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

54 S. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY AFTER THE  
55 COMPLETION OF PAYMENTS FOR THE 2014--2015 SCHOOL YEAR. NOTWITHSTANDING  
56 ANY INCONSISTENT PROVISIONS OF LAW, THE COMMISSIONER OF EDUCATION SHALL

1 WITHHOLD A PORTION OF EMPLOYMENT PREPARATION EDUCATION AID DUE TO THE  
2 CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK TO SUPPORT A PORTION OF THE  
3 COSTS OF THE WORK FORCE EDUCATION PROGRAM. SUCH MONEYS SHALL BE CREDITED  
4 TO THE ELEMENTARY AND SECONDARY EDUCATION FUND-LOCAL ASSISTANCE ACCOUNT  
5 AND SHALL NOT EXCEED THIRTEEN MILLION DOLLARS (\$13,000,000).

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

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

12 S 14-a. Paragraph a-1 of subdivision 11 of section 3602 of the educa-  
13 tion law, as amended by section 25 of part A of chapter 57 of the laws  
14 of 2013, is amended to read as follows:

15 a-1. Notwithstanding the provisions of paragraph a of this subdivi-  
16 sion, for aid payable in the school years two thousand--two thousand one  
17 through two thousand nine--two thousand ten, and two thousand eleven--  
18 two thousand twelve through two thousand [thirteen] FOURTEEN--two thou-  
19 sand [fourteen] FIFTEEN, the commissioner may set aside an amount not to  
20 exceed two million five hundred thousand dollars from the funds appro-  
21 priated for purposes of this subdivision for the purpose of serving  
22 persons twenty-one years of age or older who have not been enrolled in  
23 any school for the preceding school year, including persons who have  
24 received a high school diploma or high school equivalency diploma but  
25 fail to demonstrate basic educational competencies as defined in regu-  
26 lation by the commissioner, when measured by accepted standardized  
27 tests, and who shall be eligible to attend employment preparation educa-  
28 tion programs operated pursuant to this subdivision.

29 S 14-b. Subdivision 10 of section 6-p of the general municipal law, as  
30 amended by section 32-a of part A of chapter 57 of the laws of 2013, is  
31 amended to read as follows:

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

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

55 1. Sections one through seventy of this act shall be deemed to have  
56 been in full force and effect as of April 1, 1994 provided, however,

1 that sections one, two, twenty-four, twenty-five and twenty-seven  
2 through seventy of this act shall expire and be deemed repealed on March  
3 31, 2000; provided, however, that section twenty of this act shall apply  
4 only to hearings commenced prior to September 1, 1994, and provided  
5 further that section twenty-six of this act shall expire and be deemed  
6 repealed on March 31, 1997; and provided further that sections four  
7 through fourteen, sixteen, and eighteen, nineteen and twenty-one through  
8 twenty-one-a of this act shall expire and be deemed repealed on March  
9 31, 1997; and provided further that sections three, fifteen, seventeen,  
10 twenty, twenty-two and twenty-three of this act shall expire and be  
11 deemed repealed on March 31, [2015] 2016.

12 S 15-a. Section 4 of chapter 698 of the laws of 1996 amending the  
13 education law relating to transportation contracts, as amended by  
14 section 19 of part A of chapter 57 of the laws of 2012, is amended to  
15 read as follows:

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

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

23 (22) sections one hundred twelve, one hundred thirteen, one hundred  
24 fourteen, one hundred fifteen and one hundred sixteen of this act shall  
25 take effect on July 1, 1995; provided, however, that section one hundred  
26 thirteen of this act shall remain in full force and effect until July 1,  
27 [2014] 2015 at which time it shall be deemed repealed;

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

33 S 16-a. Paragraph a of subdivision 2 of section 4402 of the education  
34 law, as amended by chapter 243 of the laws of 1989, is amended to read  
35 as follows:

36 a. The board of education or trustees of each school district shall be  
37 required to furnish suitable educational opportunities for [children  
38 with handicapping conditions] STUDENTS WITH DISABILITIES by one of the  
39 special services or programs listed in subdivision two of section  
40 forty-four hundred one OF THIS ARTICLE. The need of the individual child  
41 shall determine which of such services shall be rendered. Each district  
42 shall provide to the maximum extent appropriate such services in a  
43 manner which enables [children with handicapping conditions] STUDENTS  
44 WITH DISABILITIES to participate in regular education services when  
45 appropriate. Such services or programs shall be furnished between the  
46 months of September and June of each year, except that for the nineteen  
47 hundred eighty-seven--eighty-eight school year and thereafter, with  
48 respect to the students whose [handicapping conditions] DISABILITIES are  
49 severe enough to exhibit the need for a structured learning environment  
50 of twelve months duration to maintain developmental levels, the board of  
51 education or trustees of each school district upon the recommendation of  
52 the committee on special education [and, in the first instance, the  
53 consent of the parent] shall also provide, either directly or by  
54 contract, for the provision of special services and programs as defined  
55 in section forty-four hundred one of this article during the months of  
56 July and August as contained in the individualized education program for

1 each eligible [child] STUDENT, and with prior approval by the commis-  
2 sioner if required; provided that [(i) a student with a handicapping  
3 condition who is first eligible to attend public school in the nineteen  
4 hundred eighty-seven--eighty-eight school year shall not be eligible to  
5 receive services pursuant to this paragraph during the months of July  
6 and August nineteen hundred eighty-seven and (ii) a student with a  
7 handicapping condition who is first eligible to attend public school in  
8 the nineteen hundred eighty-eight--eighty-nine school year shall not be  
9 eligible to receive services pursuant to this paragraph during the  
10 months of July and August nineteen hundred eighty-eight and (iii) a  
11 student with a handicapping condition who is eligible for services  
12 during the months of July and August nineteen hundred eighty-nine pursu-  
13 ant to the provisions of subdivision six of section forty-four hundred  
14 ten of this article shall not be eligible to receive services pursuant  
15 to this paragraph during such months and (iv)] a student with a [handi-  
16 capping condition] DISABILITY who is eligible for services, including  
17 services during the months of July and August, pursuant to section  
18 forty-four hundred ten of this article shall not be eligible to receive  
19 services pursuant to this paragraph during the months of July and  
20 August.

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

24 8. "School district basic contribution" shall mean an amount equal to  
25 the total school district local property and non-property tax levy for  
26 the base year divided by the base year public school district enrollment  
27 of resident pupils of the school district as defined in paragraph n of  
28 subdivision one of section thirty-six hundred two of this chapter,  
29 except that for the two thousand thirteen--two thousand fourteen AND TWO  
30 THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN school year AND THEREAFTER, for  
31 school districts other than central high school districts and their  
32 components, such tax levy for the base year shall be divided by the year  
33 prior to the base year pupil count as determined by the commissioner  
34 pursuant to paragraph f of subdivision two of section thirty-six hundred  
35 two of this chapter for any school district in which such year prior to  
36 the base year pupil count exceeds one hundred fifty percent of such base  
37 year public school district enrollment of resident pupils.

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

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

45 S 18-a. Paragraph d of subdivision 4 of section 3641 of the education  
46 law is REPEALED.

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

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

55 S 19-a. Notwithstanding any other provision of law, rule or regu-  
56 lation to the contrary, for the 2014--2015 school year, the governing



board of the Valley Stream School District 24 by resolution may authorize the withdrawal of an amount, not to exceed one million dollars, of the surplus monies from the retirement contribution reserve fund of such school district. Such resolution shall state that this amount is in excess of retirement liabilities. The funds withdrawn pursuant to this subdivision may only be used for the purpose of maintaining educational programming during the 2014-2015 school year.

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

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

S 20-a. Subdivision 11 of section 3641 of the education law is amended by adding a new paragraph b-1 to read as follows:

B-1. FOR THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR, SIX MILLION DOLLARS SHALL BE PAID PURSUANT TO PARAGRAPH B OF THIS SUBDIVISION AND THE REMAINING SIX MILLION DOLLARS SHALL BE PAID AFTER THE SUBMISSION OF AN EXPENDITURE PLAN BY THE SUPERINTENDENT OF THE ROOSEVELT UNION FREE SCHOOL DISTRICT TO THE SPEAKER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT OF THE SENATE AND THE MEMBERS OF THE LEGISLATURE REPRESENTING SUCH SCHOOL DISTRICT. SUCH PLAN SHALL FOCUS ON IMPROVING ACADEMIC PERFORMANCE.

S 20-b. Subdivision a of section 5 of chapter 121 of the laws of 1996, relating to authorizing the Roosevelt union free school district to finance deficits by the issuance of serial bonds, as amended by section 23-b of part A of chapter 57 of the laws of 2013, is amended to read as follows:

a. Notwithstanding any other provisions of law, upon application to the commissioner of education submitted not sooner than April first and not later than June thirtieth of the applicable school year, the Roosevelt union free school district shall be eligible to receive an apportionment pursuant to this chapter for salary expenses, including related benefits, incurred between April first and June thirtieth of such school year. Such apportionment shall not exceed: for the 1996-97 school year through the [2013-14] 2014-15 school year, four million dollars (\$4,000,000); for the [2014-15] 2015-16 school year, three million dollars (\$3,000,000); for the [2015-16] 2016-17 school year, two million dollars (\$2,000,000); for the [2016-17] 2017-18 school year, one million dollars (\$1,000,000); and for the [2017-18] 2018-19 school year, zero dollars. Such annual application shall be made after the board of education has adopted a resolution to do so with the approval of the commissioner of education.

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

Notwithstanding any provision of law to the contrary, for aid payable in the two thousand eight--two thousand nine school year, the grant to each eligible school district for universal prekindergarten aid shall be computed pursuant to this subdivision, and for the two thousand nine--two thousand ten and two thousand ten--two thousand eleven school years, each school district shall be eligible for a maximum grant equal to the amount computed for such school district for the base year in the electronic data file produced by the commissioner in support of the two thousand nine--two thousand ten education, labor and family assistance

1 budget, provided, however, that in the case of a district implementing  
2 programs for the first time or implementing expansion programs in the  
3 two thousand eight--two thousand nine school year where such programs  
4 operate for a minimum of ninety days in any one school year as provided  
5 in section 151-1.4 of the regulations of the commissioner, for the two  
6 thousand nine--two thousand ten and two thousand ten--two thousand elev-  
7 en school years, such school district shall be eligible for a maximum  
8 grant equal to the amount computed pursuant to paragraph a of subdivi-  
9 sion nine of this section in the two thousand eight--two thousand nine  
10 school year, and for the two thousand eleven--two thousand twelve school  
11 year each school district shall be eligible for a maximum grant equal to  
12 the amount set forth for such school district as "UNIVERSAL PREKINDER-  
13 GARTEN" under the heading "2011-12 ESTIMATED AIDS" in the school aid  
14 computer listing produced by the commissioner in support of the enacted  
15 budget for the 2011-12 school year and entitled "SA111-2", and for two  
16 thousand twelve--two thousand thirteen [and], two thousand thirteen--two  
17 thousand fourteen AND TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN school  
18 years each school district shall be eligible for a maximum grant equal  
19 to the greater of (i) the amount set forth for such school district as  
20 "UNIVERSAL PREKINDERGARTEN" under the heading "2010-11 BASE YEAR AIDS"  
21 in the school aid computer listing produced by the commissioner in  
22 support of the enacted budget for the 2011-12 school year and entitled  
23 "SA111-2", or (ii) the amount set forth for such school district as  
24 "UNIVERSAL PREKINDERGARTEN" under the heading "2010-11 BASE YEAR AIDS"  
25 in the school aid computer listing produced by the commissioner on May  
26 fifteenth, two thousand eleven pursuant to paragraph b of subdivision  
27 twenty-one of section three hundred five of this chapter, and provided  
28 further that the maximum grant shall not exceed the total actual grant  
29 expenditures incurred by the school district in the current school year  
30 as approved by the commissioner.

31 S 21-a. Section 26 of subpart F of part C of chapter 97 of the laws of  
32 2011 amending the education law relating to census reporting, is amended  
33 to read as follows:

34 S 26. This act shall take effect immediately provided, however, that  
35 the provisions of section three of this act shall expire June 30, [2014]  
36 2019 when upon such date the provisions of such section shall be deemed  
37 repealed; provided, further that the provisions of sections eight, elev-  
38 en, twelve, thirteen and twenty of this act shall expire July 1, 2014  
39 when upon such date the provisions of such sections shall be deemed  
40 repealed.

41 S 22. School bus driver training. In addition to apportionments other-  
42 wise provided by section 3602 of the education law, for aid payable in  
43 the 2014--2015 school year, the commissioner of education shall allocate  
44 school bus driver training grants to school districts and boards of  
45 cooperative educational services pursuant to sections 3650-a, 3650-b and  
46 3650-c of the education law, or for contracts directly with not-for-pro-  
47 fit educational organizations for the purposes of this section. Such  
48 payments shall not exceed four hundred thousand dollars (\$400,000) per  
49 school year.

50 S 22-a. Subdivision 11 of section 94 of part C of chapter 57 of the  
51 laws of 2004, relating to support of education, as amended by chapter  
52 160 of the laws of 2011, is amended to read as follows:

53 11. section seventy-one of this act shall expire and be deemed  
54 repealed June 30, [2014] 2017;

55 S 23. Special apportionment for salary expenses. a. Notwithstanding  
56 any other provision of law, upon application to the commissioner of

1 education, not sooner than the first day of the second full business  
2 week of June, 2015 and not later than the last day of the third full  
3 business week of June, 2015, a school district eligible for an appor-  
4 tionment pursuant to section 3602 of the education law shall be eligible  
5 to receive an apportionment pursuant to this section, for the school  
6 year ending June 30, 2015, for salary expenses incurred between April 1  
7 and June 30, 2015 and such apportionment shall not exceed the sum of (i)  
8 the deficit reduction assessment of 1990--1991 as determined by the  
9 commissioner of education, pursuant to paragraph f of subdivision 1 of  
10 section 3602 of the education law, as in effect through June 30, 1993,  
11 plus (ii) 186 percent of such amount for a city school district in a  
12 city with a population in excess of 1,000,000 inhabitants, plus (iii)  
13 209 percent of such amount for a city school district in a city with a  
14 population of more than 195,000 inhabitants and less than 219,000 inhab-  
15 itants according to the latest federal census, plus (iv) the net gap  
16 elimination adjustment for 2010--2011, as determined by the commissioner  
17 of education pursuant to chapter 53 of the laws of 2010, plus (v) the  
18 gap elimination adjustment for 2011--2012 as determined by the commis-  
19 sioner of education pursuant to subdivision 17 of section 3602 of the  
20 education law, and provided further that such apportionment shall not  
21 exceed such salary expenses. Such application shall be made by a school  
22 district, after the board of education or trustees have adopted a resol-  
23 ution to do so and in the case of a city school district in a city with  
24 a population in excess of 125,000 inhabitants, with the approval of the  
25 mayor of such city.

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

42 c. Notwithstanding the provisions of section 3609-a of the education  
43 law, an amount equal to the amount paid to a school district pursuant to  
44 subdivisions a and b of this section shall first be deducted from the  
45 following payments due the school district during the school year  
46 following the year in which application was made pursuant to subpara-  
47 graphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of  
48 section 3609-a of the education law in the following order: the lottery  
49 apportionment payable pursuant to subparagraph (2) of such paragraph  
50 followed by the fixed fall payments payable pursuant to subparagraph (4)  
51 of such paragraph and then followed by the district's payments to the  
52 teachers' retirement system pursuant to subparagraph (1) of such para-  
53 graph, and any remainder to be deducted from the individualized payments  
54 due the district pursuant to paragraph b of such subdivision shall be  
55 deducted on a chronological basis starting with the earliest payment due  
56 the district.

1 S 24. Special apportionment for public pension accruals. a. Notwith-  
2 standing any other provision of law, upon application to the commission-  
3 er of education, not later than June 30, 2015, a school district eligi-  
4 ble for an apportionment pursuant to section 3602 of the education law  
5 shall be eligible to receive an apportionment pursuant to this section,  
6 for the school year ending June 30, 2015 and such apportionment shall  
7 not exceed the additional accruals required to be made by school  
8 districts in the 2004--2005 and 2005--2006 school years associated with  
9 changes for such public pension liabilities. The amount of such addi-  
10 tional accrual shall be certified to the commissioner of education by  
11 the president of the board of education or the trustees or, in the case  
12 of a city school district in a city with a population in excess of  
13 125,000 inhabitants, the mayor of such city. Such application shall be  
14 made by a school district, after the board of education or trustees have  
15 adopted a resolution to do so and in the case of a city school district  
16 in a city with a population in excess of 125,000 inhabitants, with the  
17 approval of the mayor of such city.

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

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

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

53 b. Notwithstanding any other law, rule or regulation to the contrary,  
54 moneys appropriated to the state education department from the general  
55 fund/aid to localities, local assistance account-001, shall be for

1 payment of financial assistance, as scheduled, net of disallowances,  
2 refunds, reimbursement and credits.

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

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

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

20 S 27. The amounts specified in this section shall be a set aside from  
21 the state funds which each such district is receiving from the total  
22 foundation aid: for the purpose of the development, maintenance or  
23 expansion of magnet schools or magnet school programs for the 2014--2015  
24 school year. To the city school district of the city of New York there  
25 shall be paid forty-eight million one hundred seventy-five thousand  
26 dollars (\$48,175,000) including five hundred thousand dollars (\$500,000)  
27 for the Andrew Jackson High School; to the Buffalo city school district,  
28 twenty-one million twenty-five thousand dollars (\$21,025,000); to the  
29 Rochester city school district, fifteen million dollars (\$15,000,000);  
30 to the Syracuse city school district, thirteen million dollars  
31 (\$13,000,000); to the Yonkers city school district, forty-nine million  
32 five hundred thousand dollars (\$49,500,000); to the Newburgh city school  
33 district, four million six hundred forty-five thousand dollars  
34 (\$4,645,000); to the Poughkeepsie city school district, two million four  
35 hundred seventy-five thousand dollars (\$2,475,000); to the Mount Vernon  
36 city school district, two million dollars (\$2,000,000); to the New  
37 Rochelle city school district, one million four hundred ten thousand  
38 dollars (\$1,410,000); to the Schenectady city school district, one  
39 million eight hundred thousand dollars (\$1,800,000); to the Port Chester  
40 city school district, one million one hundred fifty thousand dollars  
41 (\$1,150,000); to the White Plains city school district, nine hundred  
42 thousand dollars (\$900,000); to the Niagara Falls city school district,  
43 six hundred thousand dollars (\$600,000); to the Albany city school  
44 district, three million five hundred fifty thousand dollars  
45 (\$3,550,000); to the Utica city school district, two million dollars  
46 (\$2,000,000); to the Beacon city school district, five hundred sixty-six  
47 thousand dollars (\$566,000); to the Middletown city school district,  
48 four hundred thousand dollars (\$400,000); to the Freeport union free  
49 school district, four hundred thousand dollars (\$400,000); to the Green-  
50 burgh central school district, three hundred thousand dollars  
51 (\$300,000); to the Amsterdam city school district, eight hundred thou-  
52 sand dollars (\$800,000); to the Peekskill city school district, two  
53 hundred thousand dollars (\$200,000); and to the Hudson city school  
54 district, four hundred thousand dollars (\$400,000). Notwithstanding the  
55 provisions of this section, a school district receiving a grant pursuant  
56 to this section may use such grant funds for: (i) any instructional or

1 instructional support costs associated with the operation of a magnet  
2 school; or (ii) any instructional or instructional support costs associ-  
3 ated with implementation of an alternative approach to reduction of  
4 racial isolation and/or enhancement of the instructional program and  
5 raising of standards in elementary and secondary schools of school  
6 districts having substantial concentrations of minority students. The  
7 commissioner of education shall not be authorized to withhold magnet  
8 grant funds from a school district that used such funds in accordance  
9 with this paragraph, notwithstanding any inconsistency with a request  
10 for proposals issued by such commissioner. For the purpose of attendance  
11 improvement and dropout prevention for the 2014--2015 school year, for  
12 any city school district in a city having a population of more than one  
13 million, the setaside for attendance improvement and dropout prevention  
14 shall equal the amount set aside in the base year. For the 2014--2015  
15 school year, it is further provided that any city school district in a  
16 city having a population of more than one million shall allocate at  
17 least one-third of any increase from base year levels in funds set aside  
18 pursuant to the requirements of this subdivision to community-based  
19 organizations. Any increase required pursuant to this subdivision to  
20 community-based organizations must be in addition to allocations  
21 provided to community-based organizations in the base year. For the  
22 purpose of teacher support for the 2014--2015 school year: to the city  
23 school district of the city of New York, sixty-two million seven hundred  
24 seven thousand dollars (\$62,707,000); to the Buffalo city school  
25 district, one million seven hundred forty-one thousand dollars  
26 (\$1,741,000); to the Rochester city school district, one million seven-  
27 ty-six thousand dollars (\$1,076,000); to the Yonkers city school  
28 district, one million one hundred forty-seven thousand dollars  
29 (\$1,147,000); and to the Syracuse city school district, eight hundred  
30 nine thousand dollars (\$809,000). All funds made available to a school  
31 district pursuant to this section shall be distributed among teachers  
32 including prekindergarten teachers and teachers of adult vocational and  
33 academic subjects in accordance with this section and shall be in addi-  
34 tion to salaries heretofore or hereafter negotiated or made available;  
35 provided, however, that all funds distributed pursuant to this section  
36 for the current year shall be deemed to incorporate all funds distrib-  
37 uted pursuant to former subdivision 27 of section 3602 of the education  
38 law for prior years. In school districts where the teachers are repres-  
39 ented by certified or recognized employee organizations, all salary  
40 increases funded pursuant to this section shall be determined by sepa-  
41 rate collective negotiations conducted pursuant to the provisions and  
42 procedures of article 14 of the civil service law, notwithstanding the  
43 existence of a negotiated agreement between a school district and a  
44 certified or recognized employee organization.

45 S 28. Support of public libraries. The moneys appropriated for the  
46 support of public libraries by a chapter of the laws of 2014 enacting  
47 the aid to localities budget shall be apportioned for the 2014--2015  
48 state fiscal year in accordance with the provisions of sections 271,  
49 272, 273, 282, 284, and 285 of the education law as amended by the  
50 provisions of this chapter and the provisions of this section, provided  
51 that library construction aid pursuant to section 273-a of the education  
52 law shall not be payable from the appropriations for the support of  
53 public libraries and provided further that no library, library system or  
54 program, as defined by the commissioner of education, shall receive less  
55 total system or program aid than it received for the year 2001--2002

except as a result of a reduction adjustment necessary to conform to the appropriations for support of public libraries.

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

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

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

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

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

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

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

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

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

7. The amendments to paragraph b-1 of subdivision 4 of section 3602 of the education law made by section three of this act shall not affect the expiration of such paragraph and shall be deemed to expire therewith.

## PART B

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

## SMART SCHOOLS BOND ACT OF 2014

Section 1. Short title.

2. Creation of a state debt.

3. Bonds of the state.

4. Use of moneys received.

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

S 2. Creation of a state debt. The creation of a state debt in an amount not exceeding in the aggregate two billion dollars (\$2,000,000,000) is hereby authorized to provide moneys for the single purpose of improving learning and opportunity for public and nonpublic school students of the state by funding capital projects to: acquire learning technology equipment or facilities including, but not limited to, interactive whiteboards, computer servers, and desktop, laptop and tablet computers; install high-speed broadband or wireless internet connectivity for schools and communities; construct, enhance, and modernize educational facilities to accommodate pre-kindergarten programs and provide instructional space to replace transportable classroom units; and install high-tech security features in school buildings and on school campuses. The legislature may, by appropriate legislation and subject to such conditions as it may impose, make available out of the proceeds of the sale of bonds authorized in this act, moneys disbursed or to be disbursed for the cost of approved capital projects undertaken by, or on behalf of, school districts for such purposes.

S 3. Bonds of the state. The state comptroller is hereby authorized and empowered to issue and sell bonds of the state up to the aggregate amount of two billion dollars (\$2,000,000,000) for the purposes of this act, subject to the provisions of article five of the state finance law. The aggregate principal amount of such bonds shall not exceed two billion dollars (\$2,000,000,000) excluding bonds issued to refund or otherwise repay bonds heretofore issued for such purpose; provided, however, that upon any such refunding or repayment, the total aggregate principal amount of outstanding bonds may be greater than two billion dollars (\$2,000,000,000) only if the present value of the aggregate debt service of the refunding or repayment bonds to be issued shall not exceed the present value of the aggregate debt service of the bonds to be refunded or repaid. The method for calculating present value shall be determined by law.

S 4. Use of moneys received. The moneys received by the state from the sale of bonds sold pursuant to this act shall be expended pursuant to appropriations for capital projects related to design, planning, site acquisition, demolition, construction, reconstruction, rehabilitation, or acquisition and/or installation of equipment for the following types of projects: capital projects related to educational technology equipment or facilities including but not limited to interactive whiteboards; computer servers; desktop and laptop computers, and tablets; high-speed broadband or wireless internet connectivity for schools and communities; capital projects to construct, enhance or modernize educational facilities to accommodate pre-kindergarten programs and provide instructional space to replace transportable classroom units; and capital projects to install high-tech security features in school buildings and on school campuses.

S 2. This act shall take effect immediately, provided that the provisions of section one of this act shall not take effect unless and until this act shall have been submitted to the people at the general



1 election to be held in November 2014 and shall have been approved by a  
2 majority of all votes cast for and against it at such election. Upon  
3 approval by the people, section one of this act shall take effect imme-  
4 diately. The ballots to be furnished for the use of voters upon  
5 submission of this act shall be in the form prescribed by the election  
6 law and the proposition or question to be submitted shall be printed  
7 thereon in substantially the following form, namely "The SMART SCHOOLS  
8 BOND ACT OF 2014, as set forth in section one of part B of chapter (here  
9 insert the chapter number) of the laws of 2014, authorizes the sale of  
10 state bonds of up to two billion dollars (\$2,000,000,000) to provide  
11 access to classroom technology and high-speed internet connectivity to  
12 equalize opportunities for children to learn, to add classroom space to  
13 expand high-quality pre-kindergarten programs, to replace classroom  
14 trailers with permanent instructional space, and to install high-tech  
15 smart security features in schools. Shall the SMART SCHOOLS BOND ACT OF  
16 2014 be approved?".

17

## PART C

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

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

22 16. IMPLEMENTATION OF THE SMART SCHOOLS BOND ACT OF 2014. A. DEFI-  
23 NITIONS. THE FOLLOWING TERMS, WHENEVER USED OR REFERRED TO IN THIS  
24 SUBDIVISION, UNLESS THE CONTEXT INDICATES OTHERWISE, SHALL HAVE THE  
25 FOLLOWING MEANINGS:

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

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

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

35 (4) "SMART SCHOOLS PROJECT" SHALL MEAN A CAPITAL PROJECT AS SET FORTH  
36 AND DEFINED IN SUBPARAGRAPHS FIVE, SIX, SEVEN OR EIGHT OF THIS PARA-  
37 GRAPH.

38 (5) "PRE-KINDERGARTEN OR TRANSPORTABLE CLASSROOM UNIT (TCU) REPLACE-  
39 MENT PROJECT" SHALL MEAN A CAPITAL PROJECT WHICH, AS A PRIMARY PURPOSE,  
40 EXPANDS THE AVAILABILITY OF ADEQUATE AND APPROPRIATE INSTRUCTIONAL SPACE  
41 FOR PRE-KINDERGARTEN OR PROVIDES FOR THE EXPANSION OR CONSTRUCTION OF  
42 ADEQUATE AND APPROPRIATE INSTRUCTIONAL SPACE TO REPLACE TCUS.

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

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

53 (8) "SCHOOL SAFETY AND SECURITY TECHNOLOGY PROJECT" SHALL MEAN A CAPI-  
54 TAL PROJECT TO INSTALL HIGH-TECH SECURITY FEATURES IN SCHOOL BUILDINGS

1 AND ON SCHOOL CAMPUSES, INCLUDING BUT NOT LIMITED TO VIDEO SURVEILLANCE,  
2 EMERGENCY NOTIFICATION SYSTEMS AND PHYSICAL ACCESS CONTROLS, FOR  
3 ENHANCED EDUCATIONAL OPPORTUNITY IN THE STATE.

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

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

17 B. SMART SCHOOLS INVESTMENT PLANS. (1) THE SMART SCHOOLS REVIEW BOARD  
18 SHALL ISSUE GUIDELINES SETTING FORTH REQUIRED COMPONENTS AND ELIGIBILITY  
19 CRITERIA FOR SMART SCHOOLS INVESTMENT PLANS TO BE SUBMITTED BY SCHOOL  
20 DISTRICTS. SUCH GUIDELINES SHALL INCLUDE BUT NOT BE LIMITED TO: (I) A  
21 TIMELINE FOR SCHOOL DISTRICT SUBMISSION OF SMART SCHOOLS INVESTMENT  
22 PLANS; (II) ANY REQUIREMENTS FOR THE USE OF AVAILABLE STATE PROCUREMENT  
23 OPTIONS WHERE APPLICABLE; (III) ANY LIMITATIONS ON THE AMOUNT OF A  
24 DISTRICT'S SMART SCHOOLS ALLOCATION THAT MAY BE USED FOR ASSETS WITH A  
25 SHORT PROBABLE LIFE; AND (IV) THE LOAN OF SMART SCHOOLS CLASSROOM TECH-  
26 NOLOGY PURSUANT TO SECTION SEVEN HUNDRED FIFTY-FIVE OF THIS CHAPTER.

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

33 (3) THE SMART SCHOOLS REVIEW BOARD SHALL REVIEW ALL SMART SCHOOLS  
34 INVESTMENT PLANS FOR COMPLIANCE WITH ALL ELIGIBILITY CRITERIA AND OTHER  
35 REQUIREMENTS SET FORTH IN THE GUIDELINES. THE SMART SCHOOLS REVIEW BOARD  
36 MAY APPROVE OR REJECT SUCH PLANS, OR MAY RETURN SUCH PLANS TO THE SCHOOL  
37 DISTRICT FOR MODIFICATIONS. UPON APPROVAL, THE SMART SCHOOLS PROJECT OR  
38 PROJECTS DESCRIBED IN THE INVESTMENT PLAN SHALL BE ELIGIBLE FOR SMART  
39 SCHOOLS GRANTS. A SMART SCHOOLS PROJECT INCLUDED IN A SCHOOL DISTRICT'S  
40 SMART SCHOOLS INVESTMENT PLAN SHALL NOT REQUIRE SEPARATE APPROVAL OF THE  
41 COMMISSIONER UNLESS IT IS PART OF A SCHOOL CONSTRUCTION PROJECT REQUIRED  
42 TO BE SUBMITTED FOR APPROVAL OF THE COMMISSIONER PURSUANT TO SECTION  
43 FOUR HUNDRED EIGHT OF THIS CHAPTER AND/OR SUBDIVISION SIX OF SECTION  
44 THIRTY-SIX HUNDRED TWO OF THIS ARTICLE. ANY DEPARTMENT, AGENCY OR PUBLIC  
45 AUTHORITY SHALL PROVIDE THE SMART SCHOOLS REVIEW BOARD WITH ANY INFORMA-  
46 TION IT REQUIRES TO FULFILL ITS DUTIES PURSUANT TO THIS SUBDIVISION.

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

50 C. EXPENDITURE OF MONEY. (1) SMART SCHOOLS GRANTS. EACH SCHOOL  
51 DISTRICT WHICH HAS AN APPROVED SMART SCHOOLS INVESTMENT PLAN INCLUDING A  
52 SMART SCHOOLS PROJECT OR PROJECTS SHALL BE ENTITLED TO A GRANT OR GRANTS  
53 FOR THE SMART SCHOOLS PROJECT OR PROJECTS INCLUDED THEREIN IN AN AMOUNT,  
54 WHETHER IN THE AGGREGATE OR OTHERWISE, NOT TO EXCEED THE SMART SCHOOLS  
55 ALLOCATION CALCULATED FOR SUCH SCHOOL DISTRICT. THE AMOUNT OF SUCH ALLO-  
56 CATION NOT EXPENDED, DISBURSED OR ENCUMBERED FOR ANY SCHOOL YEAR SHALL

1 BE CARRIED OVER FOR EXPENDITURE AND DISBURSEMENT TO THE NEXT SUCCEEDING  
2 SCHOOL YEAR. EXPENDITURES FROM THE SMART SCHOOLS ALLOCATION SHALL NOT BE  
3 ELIGIBLE FOR AID UNDER ANY OTHER PROVISION OF THIS CHAPTER.

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

20 D. CONSISTENCY WITH FEDERAL TAX LAW. ALL ACTIONS TAKEN PURSUANT TO  
21 THIS SUBDIVISION SHALL BE REVIEWED FOR CONSISTENCY WITH PROVISIONS OF  
22 THE FEDERAL INTERNAL REVENUE CODE AND REGULATIONS THEREUNDER, IN ACCORD-  
23 ANCE WITH PROCEDURES ESTABLISHED IN CONNECTION WITH THE ISSUANCE OF ANY  
24 TAX EXEMPT BONDS PURSUANT TO THIS SUBDIVISION, TO PRESERVE THE TAX  
25 EXEMPT STATUS OF SUCH BONDS.

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

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

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

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

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

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

50 S 4. The education law is amended by adding a new section 755 to read  
51 as follows:

52 S 755. LOAN OF SMART SCHOOLS CLASSROOM TECHNOLOGY. 1. IN THE SEVERAL  
53 CITIES AND SCHOOL DISTRICTS OF THE STATE, SCHOOL AUTHORITIES, AS DEFINED  
54 IN SUBDIVISION TWELVE OF SECTION TWO OF THIS CHAPTER, SHALL HAVE THE  
55 POWER AND DUTY, TO THE EXTENT PROVIDED IN THIS SECTION, TO LOAN, UPON  
56 REQUEST OF AN INDIVIDUAL OR A GROUP OF INDIVIDUAL PUPILS, TO ALL PUPILS

1 LEGALLY ATTENDING NONPUBLIC ELEMENTARY OR SECONDARY SCHOOLS LOCATED IN  
2 THE SCHOOL DISTRICT, SMART SCHOOLS CLASSROOM TECHNOLOGY ACQUIRED PURSU-  
3 ANT TO SUBDIVISION SIXTEEN OF SECTION THIRTY-SIX HUNDRED FORTY-ONE OF  
4 THIS CHAPTER WHICH IS DESIGNATED FOR USE IN ANY PUBLIC ELEMENTARY OR  
5 SECONDARY SCHOOLS OF THE STATE OR IS APPROVED BY ANY SCHOOL AUTHORITIES.  
6 SUCH SMART SCHOOLS CLASSROOM TECHNOLOGY MADE AVAILABLE TO NONPUBLIC  
7 STUDENTS SHALL BE LIMITED TO THAT ALLOWABLE UNDER BOTH PARAGRAPH SEVEN  
8 OF SUBDIVISION SIXTEEN OF SECTION THIRTY-SIX HUNDRED FORTY-ONE OF THIS  
9 CHAPTER AND SECTION SEVEN HUNDRED FIFTY-FOUR OF THIS ARTICLE. SUCH SMART  
10 SCHOOLS CLASSROOM TECHNOLOGY IS TO BE LOANED FREE TO SUCH CHILDREN,  
11 COMMENCING WITH THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL  
12 YEAR, SUBJECT TO SUCH RULES AND REGULATIONS AS ARE OR MAY BE PRESCRIBED  
13 BY THE BOARD OF REGENTS AND SUCH SCHOOL AUTHORITIES.

14 2. NO SCHOOL DISTRICT SHALL BE REQUIRED TO LOAN SMART SCHOOLS CLASS-  
15 ROOM TECHNOLOGY IN EXCESS OF THE SMART SCHOOLS CLASSROOM TECHNOLOGY  
16 ACQUIRED BY SUCH DISTRICT PURSUANT TO SUBDIVISION SIXTEEN OF SECTION  
17 THIRTY-SIX HUNDRED FORTY-ONE OF THIS CHAPTER. SUCH SMART SCHOOLS CLASS-  
18 ROOM TECHNOLOGY SHALL BE LOANED ON AN EQUITABLE BASIS TO CHILDREN  
19 ATTENDING NONPUBLIC SCHOOLS IN THE DISTRICT IN THE CURRENT YEAR,  
20 PROVIDED THAT NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO REQUIRE A  
21 SCHOOL DISTRICT TO LOAN TO CHILDREN ATTENDING NONPUBLIC SCHOOLS, PURSU-  
22 ANT TO THIS SECTION, CLASSROOM TECHNOLOGY PURCHASED WITH LOCAL OR FEDER-  
23 AL FUNDS OR WITH STATE FUNDS OTHER THAN FUNDS APPORTIONED PURSUANT TO  
24 SUBDIVISION SIXTEEN OF SECTION THREE HUNDRED SIXTY-FOUR OF THIS CHAPTER,  
25 AND PROVIDED FURTHER THAT NO SCHOOL DISTRICT MAY LOAN SMART SCHOOLS  
26 CLASSROOM TECHNOLOGY IN AN AGGREGATE AMOUNT GREATER THAN TWO HUNDRED  
27 FIFTY DOLLARS MULTIPLIED BY THE NONPUBLIC SCHOOL ENROLLMENT IN THE BASE  
28 YEAR, AT TIME OF ENACTMENT, AS DEFINED IN SUBPARAGRAPH THREE OF PARA-  
29 GRAPH N OF SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS  
30 CHAPTER. THE PAYMENT OF TUITION UNDER ARTICLE EIGHTY-NINE OF THIS CHAP-  
31 TER IS DEEMED TO BE AN EQUITABLE LOAN TO CHILDREN FOR WHOM SUCH TUITION  
32 IS PAID, AND THE PROVISIONS OF THIS SECTION SHALL NOT APPLY.

33 3. SCHOOL AUTHORITIES SHALL ADOPT REGULATIONS SPECIFYING THE DATE BY  
34 WHICH REQUESTS FOR THE PURCHASE AND LOAN OF SMART SCHOOLS CLASSROOM  
35 TECHNOLOGY MUST BE RECEIVED BY THE DISTRICT. NOTICE OF SUCH DATE SHALL  
36 BE GIVEN TO ALL NON-PUBLIC SCHOOLS IN THE SCHOOL DISTRICT. FOR THE TWO  
37 THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR, SUCH DATE SHALL NOT  
38 BE EARLIER THAN THE FIRST DAY OF JANUARY OF SUCH SCHOOL YEAR, AND FOR  
39 THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR AND THEREAFT-  
40 ER, SUCH DATE SHALL NOT BE EARLIER THAN THE FIRST DAY OF JUNE OF THE  
41 SCHOOL YEAR PRIOR TO THAT FOR WHICH SUCH SMART SCHOOLS CLASSROOM TECH-  
42 NOLOGY IS BEING REQUESTED, PROVIDED, HOWEVER, THAT A PARENT OR GUARDIAN  
43 OF A CHILD NOT ATTENDING A PARTICULAR NON-PUBLIC SCHOOL PRIOR TO JANUARY  
44 FIRST OR JUNE FIRST OF THE SCHOOL YEAR, AS APPLICABLE, MAY SUBMIT A  
45 WRITTEN REQUEST FOR SMART SCHOOLS CLASSROOM TECHNOLOGY WITHIN THIRTY  
46 DAYS AFTER SUCH CHILD IS ENROLLED IN SUCH NON-PUBLIC SCHOOL. IN NO  
47 EVENT, HOWEVER, SHALL A REQUEST MADE LATER THAN THE TIMES OTHERWISE  
48 PROVIDED PURSUANT TO THIS SUBDIVISION BE DENIED WHERE A REASONABLE  
49 EXPLANATION IS GIVEN FOR THE DELAY IN MAKING THE REQUEST.

50 S 5. Section 61 of the state finance law is amended by adding a new  
51 subdivision 31 to read as follows:

52 SMART SCHOOLS PROJECTS

53 31. THIRTY YEARS. FOR THE PAYMENT OF SMART SCHOOLS PROJECTS, INCLUDING  
54 BUT NOT LIMITED TO PRE-KINDERGARTEN OR TRANSPORTABLE CLASSROOM UNIT  
55 REPLACEMENT PROJECTS, COMMUNITY CONNECTIVITY PROJECTS, AND CLASSROOM  
56 TECHNOLOGY PROJECTS, ALL AS DEFINED IN SUBDIVISION SIXTEEN OF SECTION

1 THIRTY-SIX HUNDRED FORTY-ONE OF THE EDUCATION LAW AND UNDERTAKEN PURSU-  
2 ANT TO A CHAPTER OF THE LAWS OF TWO THOUSAND FOURTEEN, ENACTING AND  
3 CONSTITUTING THE SMART SCHOOLS BOND ACT OF 2014. THIRTY YEARS FOR  
4 PRE-KINDERGARTEN PROJECTS OR TRANSPORTABLE CLASSROOM UNIT REPLACEMENT  
5 PROJECTS, TWENTY YEARS FOR COMMUNITY CONNECTIVITY PROJECTS, AND EIGHT  
6 YEARS FOR CLASSROOM TECHNOLOGY PROJECTS OR SCHOOL SAFETY AND SECURITY  
7 TECHNOLOGY PROJECTS. NOTWITHSTANDING THE FOREGOING, FOR THE PURPOSES OF  
8 CALCULATING ANNUAL DEBT SERVICE, THE STATE COMPTROLLER SHALL APPLY A  
9 WEIGHTED AVERAGE PERIOD OF PROBABLE LIFE OF SUCH SMART SCHOOLS PROJECTS,  
10 INCLUDING WITH ANY OTHER WORKS OR PURPOSES TO BE FINANCED WITH STATE  
11 DEBT. WEIGHTED AVERAGE PERIOD OF PROBABLE LIFE SHALL BE DETERMINED BY  
12 COMPUTING THE SUM OF THE PRODUCTS DERIVED FROM MULTIPLYING THE DOLLAR  
13 VALUE OF THE PORTION OF THE DEBT CONTRACTED FOR EACH WORK OR PURPOSE (OR  
14 CLASS OF WORKS OR PURPOSES) BY THE PROBABLE LIFE OF SUCH WORK OR PURPOSE  
15 (OR CLASS OF WORKS OR PURPOSES) AND DIVIDING THE RESULTING SUM BY THE  
16 DOLLAR VALUE OF THE ENTIRE DEBT AFTER TAKING INTO CONSIDERATION ANY  
17 ORIGINAL ISSUE PREMIUM OR DISCOUNT.

18 S 6. If otherwise applicable, all work performed on a project author-  
19 ized by this act shall be subject to article eight of the labor law and  
20 shall be subject to the enforcement of prevailing wage requirements by  
21 the department of labor.

22 S 7. If any clause, sentence, paragraph, section or part of this act  
23 shall be adjudged by any court of competent jurisdiction to be invalid,  
24 such judgment shall not affect, impair or invalidate the remainder ther-  
25 eof, but shall be confined in its operation to the clause, sentence,  
26 paragraph, section or part thereof directly involved in the controversy  
27 in which such judgment shall have been rendered.

28 S 8. This act shall take effect only in the event that section 1 of  
29 part B of a chapter of the laws of 2014, enacting the "smart schools  
30 bond act of 2014," is submitted to the people at the general election to  
31 be held in November 2014 and is approved by a majority of all votes cast  
32 for and against it at such election. Upon such approval, this act shall  
33 take effect immediately. Effective immediately, the addition, amendment,  
34 and/or repeal of any rule or regulation necessary for the implementation  
35 of the foregoing sections of this act are authorized and directed to be  
36 made and completed on or before such effective date.

37

## PART D

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

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

42 3. (a) (I) The practice of registered professional nursing by a nurse  
43 practitioner, certified under section six thousand nine hundred ten of  
44 this article, may include the diagnosis of illness and physical condi-  
45 tions and the performance of therapeutic and corrective measures within  
46 a specialty area of practice, in collaboration with a licensed physician  
47 qualified to collaborate in the specialty involved, provided such  
48 services are performed in accordance with a written practice agreement  
49 and written practice protocols EXCEPT AS PERMITTED BY PARAGRAPH (B) OF  
50 THIS SUBDIVISION. The written practice agreement shall include explicit  
51 provisions for the resolution of any disagreement between the collab-  
52 orating physician and the nurse practitioner regarding a matter of diag-  
53 nosis or treatment that is within the scope of practice of both. To the

1 extent the practice agreement does not so provide, then the collaborat-  
2 ing physician's diagnosis or treatment shall prevail.

3 [(b)] (II) Prescriptions for drugs, devices and immunizing agents may  
4 be issued by a nurse practitioner, under this [subdivision] PARAGRAPH  
5 and section six thousand nine hundred ten of this article, in accordance  
6 with the practice agreement and practice protocols EXCEPT AS PERMITTED  
7 BY PARAGRAPH (B) OF THIS SUBDIVISION. The nurse practitioner shall  
8 obtain a certificate from the department upon successfully completing a  
9 program including an appropriate pharmacology component, or its equiv-  
10 alent, as established by the commissioner's regulations, prior to  
11 prescribing under this [subdivision] PARAGRAPH. The certificate issued  
12 under section six thousand nine hundred ten of this article shall state  
13 whether the nurse practitioner has successfully completed such a program  
14 or equivalent and is authorized to prescribe under this [subdivision]  
15 PARAGRAPH.

16 [(c)] (III) Each practice agreement shall provide for patient records  
17 review by the collaborating physician in a timely fashion but in no  
18 event less often than every three months. The names of the nurse practi-  
19 tioner and the collaborating physician shall be clearly posted in the  
20 practice setting of the nurse practitioner.

21 [(d)] (IV) The practice protocol shall reflect current accepted  
22 medical and nursing practice. The protocols shall be filed with the  
23 department within ninety days of the commencement of the practice and  
24 may be updated periodically. The commissioner shall make regulations  
25 establishing the procedure for the review of protocols and the disposi-  
26 tion of any issues arising from such review.

27 [(e)] (V) No physician shall enter into practice agreements with more  
28 than four nurse practitioners who are not located on the same physical  
29 premises as the collaborating physician.

30 [(f)] (B) NOTWITHSTANDING SUBPARAGRAPH (I) OF PARAGRAPH (A) OF THIS  
31 SUBDIVISION, A NURSE PRACTITIONER, CERTIFIED UNDER SECTION SIXTY-NINE  
32 HUNDRED TEN OF THIS ARTICLE AND PRACTICING FOR MORE THAN THREE THOUSAND  
33 SIX HUNDRED HOURS MAY COMPLY WITH THIS PARAGRAPH IN LIEU OF COMPLYING  
34 WITH THE REQUIREMENTS OF PARAGRAPH (A) OF THIS SUBDIVISION RELATING TO  
35 COLLABORATION WITH A PHYSICIAN, A WRITTEN PRACTICE AGREEMENT AND WRITTEN  
36 PRACTICE PROTOCOLS. A NURSE PRACTITIONER COMPLYING WITH THIS PARAGRAPH  
37 SHALL HAVE COLLABORATIVE RELATIONSHIPS WITH ONE OR MORE LICENSED PHYSI-  
38 CIANS QUALIFIED TO COLLABORATE IN THE SPECIALTY INVOLVED OR A HOSPITAL,  
39 LICENSED UNDER ARTICLE TWENTY-EIGHT OF THE PUBLIC HEALTH LAW, THAT  
40 PROVIDES SERVICES THROUGH LICENSED PHYSICIANS QUALIFIED TO COLLABORATE  
41 IN THE SPECIALTY INVOLVED AND HAVING PRIVILEGES AT SUCH INSTITUTION. AS  
42 EVIDENCE THAT THE NURSE PRACTITIONER MAINTAINS COLLABORATIVE RELATION-  
43 SHIPS, THE NURSE PRACTITIONER SHALL COMPLETE AND MAINTAIN A FORM,  
44 CREATED BY THE DEPARTMENT, TO WHICH THE NURSE PRACTITIONER SHALL ATTEST,  
45 THAT DESCRIBES SUCH COLLABORATIVE RELATIONSHIPS. FOR PURPOSES OF THIS  
46 PARAGRAPH, "COLLABORATIVE RELATIONSHIPS" SHALL MEAN THAT THE NURSE PRAC-  
47 TITIONER SHALL COMMUNICATE, WHETHER IN PERSON, BY TELEPHONE OR THROUGH  
48 WRITTEN (INCLUDING ELECTRONIC) MEANS, WITH A LICENSED PHYSICIAN QUALI-  
49 FIED TO COLLABORATE IN THE SPECIALTY INVOLVED OR, IN THE CASE OF A  
50 HOSPITAL, COMMUNICATE WITH A LICENSED PHYSICIAN QUALIFIED TO COLLABORATE  
51 IN THE SPECIALTY INVOLVED AND HAVING PRIVILEGES AT SUCH HOSPITAL, FOR  
52 THE PURPOSES OF EXCHANGING INFORMATION, AS NEEDED, IN ORDER TO PROVIDE  
53 COMPREHENSIVE PATIENT CARE AND TO MAKE REFERRALS AS NECESSARY. SUCH FORM  
54 SHALL ALSO REFLECT THE NURSE PRACTITIONER'S ACKNOWLEDGEMENT THAT IF  
55 REASONABLE EFFORTS TO RESOLVE ANY DISPUTE THAT MAY ARISE WITH THE  
56 COLLABORATING PHYSICIAN OR, IN THE CASE OF A COLLABORATION WITH A HOSPI-

1 TAL, WITH A LICENSED PHYSICIAN QUALIFIED TO COLLABORATE IN THE SPECIALTY  
2 INVOLVED AND HAVING PRIVILEGES AT SUCH HOSPITAL, ABOUT A PATIENT'S CARE  
3 ARE NOT SUCCESSFUL, THE RECOMMENDATION OF THE PHYSICIAN SHALL PREVAIL.  
4 SUCH FORM SHALL BE UPDATED AS NEEDED AND MAY BE SUBJECT TO REVIEW BY THE  
5 DEPARTMENT. THE NURSE PRACTITIONER SHALL MAINTAIN DOCUMENTATION THAT  
6 SUPPORTS SUCH COLLABORATIVE RELATIONSHIPS. FAILURE TO COMPLY WITH THE  
7 REQUIREMENTS FOUND IN THIS PARAGRAPH BY A NURSE PRACTITIONER WHO IS NOT  
8 COMPLYING WITH SUCH PROVISIONS OF PARAGRAPH (A) OF THIS SUBDIVISION,  
9 SHALL BE SUBJECT TO PROFESSIONAL MISCONDUCT PROVISIONS AS SET FORTH IN  
10 ARTICLE ONE HUNDRED THIRTY OF THIS TITLE.

11 (C) Nothing in this subdivision shall be deemed to limit or diminish  
12 the practice of the profession of nursing as a registered professional  
13 nurse under this article or any other law, rule, regulation or certif-  
14 ication, nor to deny any registered professional nurse the right to do  
15 any act or engage in any practice authorized by this article or any  
16 other law, rule, regulation or certification.

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

21 (E) (I) IN CONJUNCTION WITH AND AS A CONDITION OF EACH TRIENNIAL  
22 REGISTRATION, THE DEPARTMENT SHALL COLLECT AND A NURSE PRACTITIONER  
23 SHALL PROVIDE SUCH INFORMATION AND DOCUMENTATION REQUIRED BY THE DEPART-  
24 MENT, IN CONSULTATION WITH THE DEPARTMENT OF HEALTH, AS NECESSARY TO  
25 ENABLE THE DEPARTMENT OF HEALTH TO EVALUATE ACCESS TO NEEDED SERVICES IN  
26 THIS STATE, INCLUDING BUT NOT LIMITED TO THE LOCATION AND TYPE OF  
27 SETTING WHEREIN THE NURSE PRACTITIONER PRACTICES; IF THE NURSE PRACTI-  
28 TIONER HAS PRACTICED FOR FEWER THAN THREE THOUSAND SIX HUNDRED HOURS AND  
29 IS PRACTICING PURSUANT TO A WRITTEN PRACTICE AGREEMENT WITH A PHYSICIAN;  
30 IF THE NURSE PRACTITIONER PRACTICES PURSUANT TO COLLABORATIVE RELATION-  
31 SHIPS WITH A PHYSICIAN OR HOSPITAL; AND OTHER INFORMATION THE DEPART-  
32 MENT, IN CONSULTATION WITH THE DEPARTMENT OF HEALTH, DEEMS RELEVANT.  
33 THE DEPARTMENT OF HEALTH, IN CONSULTATION WITH THE DEPARTMENT, WILL MAKE  
34 SUCH DATA AVAILABLE IN AGGREGATE, DE-IDENTIFIED FORM ON A PUBLICLY  
35 ACCESSIBLE WEBSITE.

36 (II) THE COMMISSIONER, IN CONSULTATION WITH THE COMMISSIONER OF  
37 HEALTH, SHALL ISSUE A REPORT ON THE IMPLEMENTATION OF THE PROVISIONS OF  
38 THIS SECTION, ALONG WITH INFORMATION THAT INCLUDES, BUT IS NOT LIMITED  
39 TO: THE NUMBER OF NURSE PRACTITIONERS PRACTICING FOR FEWER THAN THREE  
40 THOUSAND SIX HUNDRED HOURS THAT PRACTICE PURSUANT TO A WRITTEN PRACTICE  
41 AGREEMENT WITH A PHYSICIAN; THE NUMBER OF NURSE PRACTITIONERS THAT PRAC-  
42 TICE PURSUANT TO COLLABORATIVE RELATIONSHIPS WITH PHYSICIANS OR WITH  
43 HOSPITALS; AND OTHER INFORMATION THE DEPARTMENT DEEMS RELEVANT, INCLUD-  
44 ING BUT NOT LIMITED TO, ANY RECOMMENDATIONS FOR THE CONTINUATION OF OR  
45 AMENDMENTS TO THE PROVISIONS OF THIS SECTION RELATING TO WRITTEN PRAC-  
46 TICE AGREEMENTS OR COLLABORATIVE RELATIONSHIPS. THE COMMISSIONER SHALL  
47 SUBMIT THIS REPORT TO THE GOVERNOR, THE SPEAKER OF THE ASSEMBLY, THE  
48 TEMPORARY PRESIDENT OF THE SENATE, AND THE CHAIRS OF THE ASSEMBLY AND  
49 SENATE HIGHER EDUCATION COMMITTEES BY SEPTEMBER FIRST, TWO THOUSAND  
50 EIGHTEEN.

51 S 3. This act shall take effect on the first of January after it shall  
52 have become a law and shall expire June 30 of the sixth year after it  
53 shall have become a law, when upon such date the provisions of this act  
54 shall be deemed repealed; provided, however, that effective immediately,  
55 the addition, amendment and/or repeal of any rule or regulation neces-  
56 sary for the implementation of this act on its effective date is author-

1 ized and directed to be made and completed on or before such effective  
2 date.

3 PART E

4 Intentionally Omitted

5 PART F

6 Intentionally Omitted

7 PART G

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

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

29 2. AWARDS SHALL BE GRANTED BEGINNING WITH THE TWO THOUSAND  
30 FOURTEEN--TWO THOUSAND FIFTEEN ACADEMIC YEAR AND THEREAFTER TO APPLI-  
31 CANTS THAT THE CORPORATION HAS DETERMINED ARE ELIGIBLE TO RECEIVE SUCH  
32 AWARDS. THE CORPORATION SHALL GRANT SUCH AWARDS IN AN AMOUNT EQUAL TO  
33 THE AMOUNT OF UNDERGRADUATE TUITION FOR RESIDENTS OF NEW YORK STATE  
34 CHARGED BY THE STATE UNIVERSITY OF NEW YORK OR ACTUAL TUITION CHARGED,  
35 WHICHEVER IS LESS; PROVIDED, HOWEVER, (I) A STUDENT WHO RECEIVES EDUCA-  
36 TIONAL GRANTS AND/OR SCHOLARSHIPS THAT COVER THE STUDENT'S FULL COST OF  
37 ATTENDANCE SHALL NOT BE ELIGIBLE FOR AN AWARD UNDER THIS PROGRAM; (II)  
38 FOR A STUDENT WHO RECEIVES EDUCATIONAL GRANTS AND/OR SCHOLARSHIPS THAT  
39 COVER LESS THAN THE STUDENT'S FULL COST OF ATTENDANCE, SUCH GRANTS  
40 AND/OR SCHOLARSHIPS SHALL NOT BE DEEMED DUPLICATIVE OF THIS PROGRAM AND  
41 MAY BE HELD CONCURRENTLY WITH AN AWARD UNDER THIS PROGRAM, PROVIDED THAT  
42 THE COMBINED BENEFITS DO NOT EXCEED THE STUDENT'S FULL COST OF ATTEND-  
43 ANCE; AND (III) AN AWARD UNDER THIS PROGRAM SHALL BE APPLIED TO TUITION  
44 AFTER THE APPLICATION OF ALL OTHER EDUCATIONAL GRANTS AND SCHOLARSHIPS  
45 LIMITED TO TUITION AND SHALL BE REDUCED IN AN AMOUNT EQUAL TO SUCH  
46 EDUCATIONAL GRANTS AND/OR SCHOLARSHIPS. UPON NOTIFICATION OF AN AWARD  
47 UNDER THIS PROGRAM, THE INSTITUTION SHALL DEFER THE AMOUNT OF TUITION



1 EQUAL TO THE AWARD. NO AWARD SHALL BE FINAL UNTIL THE RECIPIENT'S  
2 SUCCESSFUL COMPLETION OF A TERM HAS BEEN CERTIFIED BY THE INSTITUTION.

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

7 4. THE CORPORATION SHALL CONVERT TO A STUDENT LOAN THE FULL AMOUNT OF  
8 THE AWARD GIVEN PURSUANT TO THIS SECTION, PLUS INTEREST, ACCORDING TO A  
9 SCHEDULE TO BE DETERMINED BY THE CORPORATION IF: (A) A RECIPIENT FAILS  
10 TO COMPLETE AN APPROVED UNDERGRADUATE PROGRAM IN SCIENCE, TECHNOLOGY,  
11 ENGINEERING OR MATHEMATICS OR CHANGES MAJORS TO A PROGRAM OF UNDERGRADU-  
12 ATE STUDY OTHER THAN IN SCIENCE, TECHNOLOGY, ENGINEERING OR MATHEMATICS;  
13 OR (B) UPON COMPLETION OF SUCH UNDERGRADUATE DEGREE PROGRAM A RECIPIENT  
14 FAILS TO EITHER (I) COMPLETE FIVE YEARS OF CONTINUOUS FULL TIME EMPLOY-  
15 MENT IN THE SCIENCE, TECHNOLOGY, ENGINEERING OR MATHEMATICS FIELD WITH A  
16 PUBLIC OR PRIVATE ENTITY LOCATED WITHIN NEW YORK STATE, OR (II) MAINTAIN  
17 RESIDENCY IN NEW YORK STATE FOR SUCH PERIOD OF EMPLOYMENT; OR (C) A  
18 RECIPIENT FAILS TO RESPOND TO REQUESTS BY THE CORPORATION FOR THE STATUS  
19 OF HIS OR HER ACADEMIC OR PROFESSIONAL PROGRESS. THE TERMS AND CONDI-  
20 TIONS OF THIS SUBDIVISION SHALL BE DEFERRED FOR INDIVIDUALS WHO GRADUATE  
21 WITH A DEGREE IN AN APPROVED UNDERGRADUATE PROGRAM IN SCIENCE, TECHNOLO-  
22 GY, ENGINEERING OR MATHEMATICS AND ENROLL ON AT LEAST A HALF-TIME BASIS  
23 IN A GRADUATE OR HIGHER DEGREE PROGRAM OR OTHER PROFESSIONAL LICENSURE  
24 DEGREE PROGRAM UNTIL THEY ARE CONFERRED A DEGREE, AND SHALL ALSO BE  
25 DEFERRED FOR ANY INTERRUPTION IN UNDERGRADUATE STUDY OR EMPLOYMENT AS  
26 ESTABLISHED BY THE RULES AND REGULATIONS OF THE CORPORATION. THE TERMS  
27 AND CONDITIONS OF THIS SUBDIVISION MAY ALSO BE DEFERRED FOR A GRACE  
28 PERIOD, TO BE ESTABLISHED BY THE CORPORATION, FOLLOWING THE COMPLETION  
29 OF AN APPROVED UNDERGRADUATE PROGRAM IN SCIENCE, TECHNOLOGY, ENGINEERING  
30 OR MATHEMATICS A GRADUATE OR HIGHER DEGREE PROGRAM OR OTHER PROFESSIONAL  
31 LICENSURE DEGREE PROGRAM. ANY OBLIGATION TO COMPLY WITH SUCH PROVISIONS  
32 AS OUTLINED IN THIS SECTION SHALL BE CANCELLED UPON THE DEATH OF THE  
33 RECIPIENT. NOTWITHSTANDING ANY PROVISIONS OF THIS SUBDIVISION TO THE  
34 CONTRARY, THE CORPORATION IS AUTHORIZED TO PROMULGATE RULES AND REGU-  
35 LATIONS TO PROVIDE FOR THE WAIVER OR SUSPENSION OF ANY FINANCIAL OBLI-  
36 GATION WHICH WOULD INVOLVE EXTREME HARDSHIP.

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

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

43 PART H

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

50 (a) The New York state higher education capital matching grant board  
51 is hereby created to have and exercise the powers, duties and preroga-  
52 tives provided by the provisions of this section and any other provision  
53 of law. The board shall remain in existence during the period of the New  
54 York state higher education capital matching grant program from the

1 effective date of this section through March 31, [2014] 2017, or the  
2 date on which the last of the funds available for grants under this  
3 section shall have been disbursed, whichever is earlier; provided,  
4 however, that the termination of the existence of the board shall not  
5 affect the power and authority of the dormitory authority to perform its  
6 obligations with respect to any bonds, notes, or other indebtedness  
7 issued or incurred pursuant to authority granted in this section.

8 S 2. Paragraph (h) of subdivision 4 of section 1 of part U of chapter  
9 57 of the laws of 2005 amending the labor law and other laws implement-  
10 ing the state fiscal plan for the 2005-2006 state fiscal year, relating  
11 to the New York state higher education capital matching grant program  
12 for independent colleges, as amended by section 2 of part C of chapter  
13 57 of the laws of 2013, is amended to read as follows:

14 (h) In the event that any colleges do not apply for higher education  
15 capital matching grants by March 31, 2009, or in the event they apply  
16 for and are awarded, but do not use the full amount of such grants, the  
17 unused funds associated with such grants AND ANY ADDITIONAL FUNDS THAT  
18 BECOME AVAILABLE shall thereafter be awarded to colleges on a compet-  
19 itive basis[, according to the priorities set forth below. Notwith-  
20 standing subdivision five of this section, any college shall be eligible  
21 to apply for such unused funds in response to a request for proposals  
22 for a higher education capital matching grant pursuant to this para-  
23 graph. In such cases, the following priorities shall apply: first,  
24 priority shall be given to otherwise eligible colleges that either were,  
25 or would have been, deemed ineligible for the program prior to March 31,  
26 2009, due to missed deadlines, insufficient matching funds, lack of  
27 accreditation or other disqualifying reasons; and second, after the  
28 board has acted upon all such first-priority applications for unused  
29 funds, if any such funds remain, those funds shall be available for  
30 distribution to eligible colleges]. The dormitory authority shall  
31 develop a request for proposals and application process, in consultation  
32 with the board, for higher education capital matching grants awarded  
33 pursuant to this paragraph, and shall develop criteria, subject to  
34 review by the board, for the awarding of such grants. Such criteria  
35 [shall] MAY include, but not be limited to the matching criteria  
36 contained in paragraph (c) of this subdivision, and [the] application  
37 criteria set forth in paragraph (e) of this subdivision. The dormitory  
38 authority shall require all applications in response to the request for  
39 proposals to be submitted by September 1, [2013] 2014, and the board  
40 shall act on each application for such matching grants by November 1,  
41 [2013] 2014.

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

49 (A) Notwithstanding the provision of any general or special law to the  
50 contrary, and subject to the provisions of chapter 59 of the laws of  
51 2000 and to the making of annual appropriations therefor by the legisla-  
52 ture, in order to assist the dormitory authority in providing such high-  
53 er education capital matching grants, the director of the budget is  
54 authorized in any state fiscal year commencing April 1, 2005 or any  
55 state fiscal year thereafter for a period ending on March 31, [2015,]  
56 2017, to enter into one or more service contracts, none of which shall

1 exceed 30 years in duration, with the dormitory authority, upon such  
2 terms as the director of the budget and the dormitory authority agree.

3 S 4. Paragraph (b) of subdivision 7 of section 1 of part U of chapter  
4 57 of the laws of 2005 amending the labor law and other laws implement-  
5 ing the state fiscal plan for the 2005-2006 state fiscal year, relating  
6 to the New York state higher education matching capital grant program  
7 for independent colleges, as amended by section 4 of part C of chapter  
8 57 of the laws of 2013, is amended to read as follows:

9 (b) Any eligible institution receiving a grant pursuant to this arti-  
10 cle shall report to the dormitory authority no later than June 1, [2014]  
11 2018, on the use of funding received and its programmatic and economic  
12 impact. The dormitory authority shall submit a report no later than  
13 November 1, [2014] 2018 to [the board,] the governor, the director of  
14 the budget, the temporary president of the senate, and the speaker of  
15 the assembly on the aggregate impact of the higher education matching  
16 capital grant program. Such report shall provide information on the  
17 progress and economic impact of such project.

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

20 PART I

21 Intentionally Omitted

22 PART J

23 Intentionally Omitted

24 PART K

25 Section 1. Notwithstanding any other provision of law, the housing  
26 trust fund corporation (the corporation) may provide, for purposes of  
27 the rural rental assistance program, a sum not to exceed twenty million  
28 four hundred thousand dollars for the fiscal year ending March 31, 2015.  
29 Notwithstanding any other provision of law, and provided that the  
30 reserves in the project pool insurance account of the mortgage insurance  
31 fund created pursuant to section 2429-b of the public authorities law  
32 are sufficient to attain and maintain the credit rating (as determined  
33 by the agency) required to accomplish the purposes of such account, the  
34 board of directors of the state of New York mortgage agency shall  
35 authorize the transfer from the project pool insurance account of the  
36 mortgage insurance fund to the housing trust fund corporation (the  
37 corporation), for the purposes of reimbursing any costs associated with  
38 rural rental assistance program contracts authorized by this section, a  
39 total sum not to exceed twenty million four hundred thousand dollars as  
40 soon as practicable but no later than June 30, 2014. Notwithstanding any  
41 other provision of law, all current and existing rural rental assistance  
42 program contracts may be assigned to the corporation to administer as  
43 soon as practicable. Notwithstanding any other provision of law, such  
44 funds may be used by the corporation in support of contracts scheduled  
45 to expire in 2014-15 for as many as 10 additional years; in support of  
46 contracts for new eligible projects for a period not to exceed 5 years;  
47 and in support of contracts which reach their 25 year maximum in and/or  
48 prior to 2014-15 for an additional one year period.

49 S 2. Notwithstanding any other provision of law, the housing finance  
50 agency may provide, for costs associated with the rehabilitation of

1 Mitchell Lama housing projects, a sum not to exceed thirty-two million  
2 dollars for the fiscal year ending March 31, 2015. Notwithstanding any  
3 other provision of law, and provided that the reserves in the project  
4 pool insurance account of the mortgage insurance fund created pursuant  
5 to section 2429-b of the public authorities law are sufficient to attain  
6 and maintain the credit rating (as determined by the agency) required to  
7 accomplish the purposes of such account, the board of directors of the  
8 state of New York mortgage agency shall authorize the transfer from the  
9 project pool insurance account of the mortgage insurance fund to the  
10 housing finance agency, for the purposes of reimbursing any costs asso-  
11 ciated with Mitchell Lama housing projects authorized by this section, a  
12 total sum not to exceed thirty-two million dollars as soon as practica-  
13 ble but no later than March 31, 2015.

14 S 3. Notwithstanding any other provision of law, the housing trust  
15 fund corporation (the corporation) may provide, for purposes of the  
16 neighborhood preservation program, a sum not to exceed eight million  
17 four hundred seventy-nine thousand dollars for the fiscal year ending  
18 March 31, 2015. Notwithstanding any other provision of law, and provided  
19 that the reserves in the project pool insurance account of the mortgage  
20 insurance fund created pursuant to section 2429-b of the public authori-  
21 ties law are sufficient to attain and maintain the credit rating (as  
22 determined by the agency) required to accomplish the purposes of such  
23 account, the board of directors of the state of New York mortgage agency  
24 shall authorize the transfer from the project pool insurance account of  
25 the mortgage insurance fund to the housing trust fund corporation (the  
26 corporation), for the purposes of reimbursing any costs associated with  
27 neighborhood preservation program contracts authorized by this section,  
28 a total sum not to exceed eight million four hundred seventy-nine thou-  
29 sand dollars as soon as practicable but no later than June 30, 2014.

30 S 4. Notwithstanding any other provision of law, the housing trust  
31 fund corporation (the corporation) may provide, for purposes of the  
32 rural preservation program, a sum not to exceed three million five  
33 hundred thirty-nine thousand dollars for the fiscal year ending March  
34 31, 2015. Notwithstanding any other provision of law, and provided that  
35 the reserves in the project pool insurance account of the mortgage  
36 insurance fund created pursuant to section 2429-b of the public authori-  
37 ties law are sufficient to attain and maintain the credit rating (as  
38 determined by the agency) required to accomplish the purposes of such  
39 account, the board of directors of the state of New York mortgage agency  
40 shall authorize the transfer from the project pool insurance account of  
41 the mortgage insurance fund to the housing trust fund corporation (the  
42 corporation), for the purposes of reimbursing any costs associated with  
43 rural preservation program contracts authorized by this section, a total  
44 sum not to exceed three million five hundred thirty-nine thousand  
45 dollars as soon as practicable but no later than June 30, 2014.

46 S 5. Notwithstanding any other provision of law, the housing trust  
47 fund corporation (the corporation) may provide, for purposes of the  
48 rural and urban community investment fund program created pursuant to  
49 article XXVII of the private housing finance law, a sum not to exceed  
50 six million seven hundred fifty thousand dollars for the fiscal year  
51 ending March 31, 2015. Notwithstanding any other provision of law, and  
52 provided that the reserves in the project pool insurance account of the  
53 mortgage insurance fund created pursuant to section 2429-b of the public  
54 authorities law are sufficient to attain and maintain the credit rating  
55 (as determined by the agency) required to accomplish the purposes of  
56 such account, the board of directors of the state of New York mortgage

1 agency shall authorize the transfer from the project pool insurance  
2 account of the mortgage insurance fund to the housing trust fund corpo-  
3 ration (the corporation), for the purposes of reimbursing any costs  
4 associated with rural and urban community investment fund program  
5 contracts authorized by this section, a total sum not to exceed six  
6 million seven hundred fifty thousand dollars as soon as practicable but  
7 not later than March 31, 2015.

8 S 6. Notwithstanding any other provision of law, the housing trust  
9 fund corporation (the corporation) may provide, for the purposes of  
10 carrying out the provisions of the low income housing trust fund program  
11 created pursuant to article XVIII of the private housing finance law, a  
12 sum not to exceed two million five hundred thousand dollars for the  
13 fiscal year ending March 31, 2015. Notwithstanding any other provision  
14 of law, and provided that reserves in the project pool insurance account  
15 of the mortgage insurance fund created pursuant to section 2429-b of the  
16 public authorities law are sufficient to attain and maintain the credit  
17 rating (as determined by the agency) required to accomplish the purposes  
18 of such account, the board of directors of the state of New York mort-  
19 gage agency shall authorize the transfer from the project pool insurance  
20 account of the mortgage insurance fund to the housing trust fund corpo-  
21 ration (the corporation), for the purposes of carrying out the  
22 provisions of the low income housing trust fund program created pursuant  
23 to article XVIII of the private housing finance law authorized by this  
24 section, a total sum not to exceed two million five hundred thousand  
25 dollars as soon as practicable but no later than March 31, 2015.

26 S 7. Notwithstanding any other provision of law, the housing trust  
27 fund corporation (the corporation) may provide, for purposes of the  
28 homes for working families program for deposit in the housing trust fund  
29 created pursuant to section 59-a of the private housing finance law and  
30 subject to the provisions of article XVIII of the private housing  
31 finance law, a sum not to exceed one million seven hundred fifty thou-  
32 sand dollars for the fiscal year ending March 31, 2015. Notwithstanding  
33 any other provision of law, and provided that the reserves in the  
34 project pool insurance account of the mortgage insurance fund created  
35 pursuant to section 2429-b of the public authorities law are sufficient  
36 to attain and maintain the credit rating (as determined by the agency)  
37 required to accomplish the purposes of such account, the board of direc-  
38 tors of the state of New York mortgage agency shall authorize the trans-  
39 fer from the project pool insurance account of the mortgage insurance  
40 fund to the housing trust fund corporation (the corporation), for the  
41 purposes of reimbursing any costs associated with homes for working  
42 families program contracts authorized by this section, a total sum not  
43 to exceed one million seven hundred fifty thousand dollars as soon as  
44 practicable but no later than March 31, 2015.

45 S 8. Notwithstanding any other provision of law, the homeless housing  
46 and assistance corporation may provide, for purposes of the New York  
47 state supportive housing program, the solutions to end homelessness  
48 program or the operational support for AIDS housing program, or to qual-  
49 ified grantees under those programs, in accordance with the requirements  
50 of those programs, a sum not to exceed six million dollars for the  
51 fiscal year ending March 31, 2015. The homeless housing and assistance  
52 corporation may enter into an agreement with the office of temporary and  
53 disability assistance to administer such sum in accordance with the  
54 requirements of the programs. Notwithstanding any other provision of  
55 law, and subject to the approval of the director of the budget, the  
56 state of New York mortgage agency (the agency) shall transfer to the

1 homeless housing and assistance corporation, a total sum not to exceed  
2 six million dollars, such transfer to be made from (i) the special  
3 account of the mortgage insurance fund created pursuant to section  
4 2429-b of the public authorities law, in an amount not to exceed the  
5 actual excess balance in the special account of the mortgage insurance  
6 fund, as determined and certified by the agency for the fiscal year  
7 2013-2014 in accordance with section 2429-b of the public authorities  
8 law, if any, and/or (ii) provided that the reserves in the project pool  
9 insurance account of the mortgage insurance fund created pursuant to  
10 section 2429-b of the public authorities law are sufficient to attain  
11 and maintain the credit rating (as determined by the agency) required to  
12 accomplish the purposes of such account, the project pool insurance  
13 account of the mortgage insurance fund, such transfer to be made as soon  
14 as practicable but no later than March 31, 2015.

15 S 9. This act shall take effect immediately.

16 PART L

17 Intentionally Omitted

18 PART M

19 Intentionally Omitted

20 PART N

21 Intentionally Omitted

22 PART O

23 Intentionally Omitted

24 PART P

25 Intentionally Omitted

26 PART Q

27 Section 1. The social services law is amended by adding a new section  
28 390-i to read as follows:

29 S 390-I. NOTICE OF INSPECTION REPORT. IN EVERY CHILD DAY CARE PROGRAM  
30 THAT IS LICENSED OR REGISTERED PURSUANT TO SECTION THREE HUNDRED NINETY  
31 OF THIS TITLE, THE CHILD DAY CARE PROVIDER SHALL POST AND MAINTAIN IN A  
32 PROMINENT PLACE, A NOTICE, TO BE PROVIDED BY THE OFFICE OF CHILDREN AND  
33 FAMILY SERVICES, THAT SHALL STATE THE DATE THE MOST RECENT CHILD CARE  
34 INSPECTION OCCURRED AND PROVIDE INFORMATION FOR PARENTS AND CAREGIVERS  
35 REGARDING HOW TO OBTAIN INFORMATION FROM SUCH OFFICE REGARDING THE  
36 RESULTS OF THE INSPECTION. IF POSSIBLE, THE CHILD DAY CARE PROVIDER  
37 SHALL ALSO POST SUCH INFORMATION ON THE CHILD DAY CARE PROGRAM'S  
38 WEBSITE. SUCH CHILD DAY CARE PROGRAMS SHALL POST AND MAINTAIN, IN A  
39 PROMINENT PLACE, SUCH PROGRAM'S MOST RECENT COMPLIANCE HISTORY AS SHOWN  
40 ON THE OFFICE OF CHILDREN AND FAMILY SERVICES WEBSITE.

1 S 2. This act shall take effect on the first of January next succeed-  
2 ing the date on which it shall have become a law. Provided, however,  
3 that effective immediately any rules and regulations necessary to imple-  
4 ment the provisions of this act on its effective date are authorized to  
5 be completed on or before such date.

6 PART R

7 Section 1. Section 410-w of the social services law is amended by  
8 adding a new subdivision 7 to read as follows:

9 7. FOR PURPOSES OF DETERMINING FINANCIAL ELIGIBILITY UNDER THIS TITLE,  
10 THE EARNED INCOME OF A DEPENDENT CHILD UNDER THE AGE OF EIGHTEEN, WHO IS  
11 NOT LEGALLY RESPONSIBLE FOR THE CHILD OR CHILDREN FOR WHICH CHILD CARE  
12 ASSISTANCE IS SOUGHT, SHALL BE DISREGARDED WHEN DETERMINING THE ELIGI-  
13 BILITY OF A HOUSEHOLD FOR A CHILD CARE SUBSIDY.

14 S 2. This act shall take effect July 1, 2014, provided however, that  
15 notwithstanding any other provision of law to the contrary, local social  
16 services districts shall not be required to implement the provisions of  
17 this act for a family that is in receipt of child care assistance on the  
18 effective date of this act until either the first case action or the  
19 first recertification succeeding such date occurs for such family,  
20 whichever is earlier.

21 PART S

22 Section 1. Section 106 of the social services law, as amended by chap-  
23 ter 200 of the laws of 1946, the section heading as amended, subpara-  
24 graph 5 of paragraph (a) of subdivision 2 as renumbered and paragraphs  
25 (e) and (f) of subdivision 2 as added by chapter 1080 of the laws of  
26 1974, subdivision 1 and paragraph (a) of subdivision 2 as amended by  
27 chapter 764 of the laws of 1972, paragraph (b) of subdivision 2 as  
28 amended by chapter 150 of the laws of 1955, paragraph (c) of subdivision  
29 2 as amended by chapter 310 of the laws of 1962, paragraph (d) of subdi-  
30 vision 2 as added by chapter 43 of the laws of 1952, subdivision 3 as  
31 amended by chapter 271 of the laws of 1948 and subdivision 4 as added by  
32 chapter 340 of the laws of 2003, is amended to read as follows:

33 S 106. Powers of social services official to receive and dispose of a  
34 deed, mortgage, or lien. 1. A social services official responsible, by  
35 or pursuant to any provision of this chapter, for the administration of  
36 assistance or care granted or applied for may accept a deed of real  
37 property and/or a mortgage thereon on behalf of the [public welfare]  
38 SOCIAL SERVICES district for the assistance and care of a person at  
39 public expense but such property shall not be considered as public prop-  
40 erty and shall remain on the tax rolls and such deed or mortgage shall  
41 be subject to redemption as provided in paragraph (a) of subdivision  
42 [two] SIX hereof.

43 2. A SOCIAL SERVICES OFFICIAL MAY NOT ASSERT ANY CLAIM UNDER ANY  
44 PROVISION OF THIS SECTION TO RECOVER PAYMENTS MADE AS PART OF SUPPLE-  
45 MENTAL NUTRITION ASSISTANCE PROGRAM (SNAP), CHILD CARE SERVICES, EMER-  
46 GENCY ASSISTANCE TO ADULTS OR THE HOME ENERGY ASSISTANCE PROGRAM (HEAP).

47 3. A SOCIAL SERVICES OFFICIAL MAY NOT ASSERT ANY CLAIM UNDER ANY  
48 PROVISION OF THIS SECTION TO RECOVER PAYMENTS OF PUBLIC ASSISTANCE IF  
49 SUCH PAYMENTS WERE REIMBURSED BY CHILD SUPPORT COLLECTIONS.

50 4. A SOCIAL SERVICES OFFICIAL MAY NOT ASSERT ANY CLAIM UNDER ANY  
51 PROVISION OF THIS SECTION TO RECOVER PAYMENTS OF PUBLIC ASSISTANCE  
52 UNLESS, BEFORE IT HAS ACCEPTED A DEED OR MORTGAGE FROM AN APPLICANT OR

1 RECIPIENT, IT HAS FIRST RECEIVED A SIGNED ACKNOWLEDGMENT FROM THE APPLI-  
2 CANT OR RECIPIENT ACKNOWLEDGING THAT:

3 (A) BENEFITS PROVIDED AS PART OF SUPPLEMENTAL NUTRITION ASSISTANCE  
4 PROGRAM (SNAP), CHILD CARE SERVICES, EMERGENCY ASSISTANCE TO ADULTS OR  
5 THE HOME ENERGY ASSISTANCE PROGRAM (HEAP) MAY NOT BE INCLUDED AS PART OF  
6 THE RECOVERY TO BE MADE UNDER THE MORTGAGE OR LIEN; AND

7 (B) IF THE APPLICANT OR RECIPIENT DECLINES TO PROVIDE THE LIEN OR  
8 MORTGAGE THE CHILDREN IN THE HOUSEHOLD REMAIN ELIGIBLE FOR PUBLIC  
9 ASSISTANCE.

10 5. (A) UNTIL A DEED, MORTGAGE, OR LIEN, ACCEPTED PRIOR TO OR AFTER THE  
11 EFFECTIVE DATE OF THIS ACT, IS SATISFIED OR OTHERWISE DISPOSED OF, THE  
12 SOCIAL SERVICES DISTRICT SHALL ISSUE AND MAIL TO THE LAST KNOWN ADDRESS  
13 OF THE PERSON GIVING SUCH DEED OR MORTGAGE, OR HIS OR HER ESTATE OR  
14 THOSE ENTITLED THERETO, A BIENNIAL ACCOUNTING OF THE PUBLIC ASSISTANCE  
15 INCURRED AND REPAIRS AND TAXES PAID ON PROPERTY. THE SOCIAL SERVICES  
16 DISTRICT SHALL PROVIDE SUCH ACCOUNTING NO LATER THAN FEBRUARY FIRST, TWO  
17 THOUSAND SIXTEEN AND BIENNIALLY THEREAFTER.

18 (B) SUCH ACCOUNTING SHALL INCLUDE INFORMATION REGARDING THE DEBT OWED  
19 AS OF THE END OF THE DISTRICT'S MOST RECENT FISCAL YEAR INCLUDING, BUT  
20 NOT LIMITED TO:

21 (1) AN ENUMERATION OF ALL PUBLIC ASSISTANCE INCURRED BY THE PERSON  
22 GIVING SUCH DEED OR MORTGAGE OR HIS OR HER HOUSEHOLD TO DATE;

23 (2) THE CURRENT AMOUNT OF RECOVERABLE PUBLIC ASSISTANCE UNDER THE DEED  
24 OR MORTGAGE;

25 (3) THE AMOUNT OF ANY CREDITS AGAINST PUBLIC ASSISTANCE INCLUDING BUT  
26 NOT LIMITED TO:

27 A. THE AMOUNT OF CHILD SUPPORT COLLECTED AND RETAINED BY THE SOCIAL  
28 SERVICES DISTRICT AS REIMBURSEMENT FOR PUBLIC ASSISTANCE;

29 B. RECOVERIES MADE UNDER SECTION ONE HUNDRED FOUR OF THIS TITLE;

30 C. RECOVERIES MADE UNDER SECTION ONE HUNDRED THIRTY-ONE-R OF THIS  
31 CHAPTER.

32 (4) SAID ACCOUNTING SHALL ALSO PROVIDE INFORMATION REGARDING THE  
33 MANNER IN WHICH PAYMENTS MAY BE MADE TO THE SOCIAL SERVICES DISTRICT TO  
34 REDUCE THE AMOUNT OF THE MORTGAGE OR LIEN.

35 (C) IN THE EVENT THAT A BIENNIAL ACCOUNTING IS NOT ISSUED AND MAILED  
36 TO THE LAST KNOWN ADDRESS OF THE PERSON GIVING SUCH DEED OR MORTGAGE OR  
37 HIS OR HER ESTATE OR THOSE ENTITLED THERETO, WITHIN THE TIME PERIOD  
38 REQUIRED IN PARAGRAPH (A) OF THIS SUBDIVISION, NO PUBLIC ASSISTANCE  
39 SHALL BE RECOVERABLE UNDER THIS SECTION FOR THE PREVIOUS TWO FISCAL  
40 YEARS. IN THE EVENT THAT A BIENNIAL ACCOUNTING IS NOT ISSUED AND MAILED  
41 TO THE LAST KNOWN ADDRESS OF THE PERSON GIVING SUCH DEED OR MORTGAGE OR  
42 HIS OR HER ESTATE OR THOSE ENTITLED THERETO, WITHIN THE TIME PERIOD  
43 REQUIRED IN PARAGRAPH (A) OF THIS SUBDIVISION, AND SUCH PERSON HAS  
44 RECEIVED NO RECOVERABLE PUBLIC ASSISTANCE IN THE DISTRICT'S MOST RECENT  
45 FISCAL YEAR, NO PUBLIC ASSISTANCE SHALL BE RECOVERABLE UNDER THIS  
46 SECTION FOR THE MOST RECENT TWO FISCAL YEARS WHERE PUBLIC ASSISTANCE  
47 REMAINS RECOVERABLE.

48 6. (a) (1) Until such property or mortgage is sold, assigned or fore-  
49 closed pursuant to law by the social services official, the person  
50 giving such deed or mortgage, or his estate or those entitled thereto,  
51 may redeem the same by the payment of all expenses incurred for the  
52 support of the person, and for repairs and taxes paid on such property,  
53 provided, however, that a social services official may enter into a  
54 contract for such redemption, subject to the provisions of this para-  
55 graph, and containing such terms and conditions, including provisions  
56 for periodic payments, [with or] without interest, [as the social



1 services official shall deem appropriate,] for an amount less than the  
2 full expenses incurred for the support of the person and for repairs and  
3 taxes paid on such property (hereinafter called a "lesser sum"), which  
4 lesser sum shall in no event be less than the difference between the  
5 appraised value of such property and the total of the then unpaid prin-  
6 cipal balance of any recorded mortgages and the unpaid balance of sums  
7 secured by other liens against such property.

8 (2) In the case of a redemption for a lesser sum, the social services  
9 official shall obtain (i) an appraisal of the current market value of  
10 such property, by an appraiser acceptable to both parties, and (ii) a  
11 statement of the principal balance of any recorded mortgages or other  
12 liens against such property (excluding the debt secured by the deed,  
13 mortgage or lien of the social services official). Any expenses incurred  
14 pursuant to this paragraph shall be audited and allowed in the same  
15 manner as other official expenses.

16 (3) Every redemption contract for any lesser sum shall be approved by  
17 the department upon an application by the social services official  
18 containing the appraisal and statement required by subparagraph two, a  
19 statement by the social services official of his reasons for entering  
20 into the contract for such lesser sum and any other information required  
21 by regulations of the department.

22 (4) So long as the terms of the approved redemption contract are  
23 performed, no public sale of such property shall be held.

24 (5) The redemption for a lesser sum shall reduce the claim of the  
25 social services official against the recipient on the implied contract  
26 under section one hundred four of this chapter or under any other law,  
27 to the extent of all sums paid in redemption.

28 (b) In order to allow a minimum period for redemption, the [public  
29 welfare] SOCIAL SERVICES official shall not sell the property or mort-  
30 gage until after the expiration of one year from the date he received  
31 the deed or mortgage, but if unoccupied property has not been redeemed  
32 within six months from the date of death of the person who conveyed it  
33 to him by deed the [public welfare] SOCIAL SERVICES official may there-  
34 after, and before the expiration of such year, sell the property.

35 (c) Except as otherwise provided in this chapter, upon the death of  
36 the person or his receiving institutional care, if the mortgage has not  
37 been redeemed, sold or assigned, the [public welfare] SOCIAL SERVICES  
38 official may enforce collection of the mortgage debt in the manner  
39 provided for the foreclosure of mortgages by action.

40 (d) Provided the department shall have given its approval in writing,  
41 the [public welfare] SOCIAL SERVICES official may, when in his judgment  
42 it is advisable and in the public interest, release a part of the prop-  
43 erty from the lien of the mortgage to permit, and in consideration of,  
44 the sale of such part by the owner and the application of the proceeds  
45 to reduce said mortgage or to satisfy and discharge or reduce a prior or  
46 superior mortgage.

47 (e) While real property covered by a deed or mortgage is occupied, in  
48 whole or in part, by an aged, blind or disabled person who executed such  
49 deed or mortgage to the social services official for old age assistance,  
50 assistance to the blind or aid to the disabled granted to such person  
51 before January first, nineteen hundred seventy-four, the social services  
52 official shall not sell the property or assign or enforce the mortgage  
53 unless it appears reasonably certain that the sale or other disposition  
54 of the property will not materially adversely affect the welfare of such  
55 person. After the death of such person no claim for assistance granted

1 him shall be enforced against any real property while it is occupied by  
2 the surviving spouse.

3 (f) Except as otherwise provided, upon the death of a person who  
4 executed a lien to the social services official in return for old age  
5 assistance, assistance to the blind or aid to the disabled granted prior  
6 to January first, nineteen hundred seventy-four, or before the death of  
7 such person if it appears reasonably certain that the sale or other  
8 disposition of the property will not materially adversely affect the  
9 welfare of such person, the social services official may enforce such  
10 lien in the manner provided by article three of the lien law. After the  
11 death of such person the lien may not be enforced against real property  
12 while it is occupied by the surviving spouse.

13 [3.] 7. The sale of any parcel of real property or mortgage on real  
14 property by the [public welfare] SOCIAL SERVICES official, under the  
15 provisions of this section, shall be made at a public sale, held at  
16 least two weeks after notice thereof shall have been published in a  
17 newspaper having a general circulation in that section of the county in  
18 which the real property is located. Such notice shall specify the time  
19 and place of such public sale and shall contain a brief description of  
20 the premises to be sold, or upon which the mortgage is a lien, as the  
21 case may be. Unless in the judgment of the [public welfare] SOCIAL  
22 SERVICES official, it shall be in the public interest to reject all  
23 bids, such parcel or mortgage shall be sold to the highest responsible  
24 bidder.

25 [4. Any inconsistent provision of this chapter or of any other law  
26 notwithstanding, a social services official may not assert any claim  
27 under any provision of this chapter to recover payments of public  
28 assistance if such payments were reimbursed by child support  
29 collections.]

30 8. IT IS PERMISSIBLE FOR SOCIAL SERVICES OFFICIALS TO SUBORDINATE A  
31 MORTGAGE TAKEN ON BEHALF OF THE SOCIAL SERVICES DISTRICT PURSUANT TO  
32 THIS SECTION. IN THE EVENT THAT A SOCIAL SERVICES OFFICIAL DETERMINES  
33 TO SUBORDINATE A MORTGAGE, OR LIEN, HE OR SHE SHALL DO SO WITHIN THIRTY  
34 DAYS OF RECEIPT OF WRITTEN NOTICE THAT THE MORTGAGOR IS ATTEMPTING TO  
35 MODIFY THEIR MORTGAGE THAT IS HELD BY A MORTGAGEE WITH SUPERIOR LIEN  
36 RIGHTS AND SUBORDINATION OF THE SOCIAL SERVICES DISTRICT'S MORTGAGE IS  
37 REQUIRED BY SUCH MORTGAGEE IN ORDER FOR IT TO APPROVE OR COMPLETE THE  
38 MODIFICATION.

39 S 2. This act shall take effect on the sixtieth day after it shall  
40 have become a law.

41 PART T

42 Section 1. The social services law is amended by adding a new section  
43 372-h to read as follows:

44 S 372-H. REPORTING ON POST ADOPTION SERVICES. 1. THE OFFICE OF CHIL-  
45 DREN AND FAMILY SERVICES SHALL PLACE INFORMATION ON ITS WEBSITE REGARD-  
46 ING POST ADOPTION SERVICES FUNDED BY THE OFFICE. THE OFFICE SHALL WORK  
47 WITH SOCIAL SERVICES DISTRICTS TO PLACE INFORMATION, TO THE EXTENT THAT  
48 IT IS AVAILABLE, ON EACH SOCIAL SERVICES DISTRICT WEBSITE REGARDING POST  
49 ADOPTION SERVICES FUNDED BY THE SOCIAL SERVICES DISTRICT.

50 2. THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL COLLECT AND  
51 COMPILE, BY SOCIAL SERVICES DISTRICT:

52 (A) THE FOLLOWING INFORMATION ON POST ADOPTION SERVICES FUNDED BY THE  
53 OFFICE:

54 (I) THE NUMBER OF CHILDREN AND FAMILIES SERVED; AND

(II) THE TYPE OF SERVICES PROVIDED; AND

(B) THE NUMBER OF FAMILIES RECEIVING PREVENTIVE SERVICES WHERE POST ADOPTION SERVICES WAS IDENTIFIED AS A NECESSARY AND APPROPRIATE SERVICE AS PART OF THE FAMILY ASSESSMENT SERVICE PLAN HELD PURSUANT TO SECTION FOUR HUNDRED NINE-E OF THIS ARTICLE AND THE STATUS OF SUCH SERVICES.

3. THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL COMPILE, TO THE EXTENT THAT SUCH INFORMATION IS AVAILABLE ELECTRONICALLY THROUGH THE STATE AUTOMATED CHILD WELFARE INFORMATION SYSTEM, THE FOLLOWING NON-IDENTIFYING INFORMATION BY SOCIAL SERVICES DISTRICT:

(A) THE NUMBER OF CHILDREN ENTERING FOSTER CARE THAT HAD PREVIOUSLY BEEN ADOPTED;

(B) THE NUMBER OF FAMILIES RECEIVING PREVENTIVE SERVICES WHERE AT LEAST ONE CHILD IN THE HOUSEHOLD HAD PREVIOUSLY BEEN ADOPTED; AND

(C) FOR THE CHILDREN AND FAMILIES IDENTIFIED IN PARAGRAPHS (A) AND (B) OF THIS SUBDIVISION, THE TYPES OF SERVICES, INCLUDING POST ADOPTION SERVICES, IDENTIFIED AS NECESSARY AND APPROPRIATE FOR THE CHILD OR THE MEMBERS OF THE CHILD'S FAMILY AS PART OF THE FAMILY ASSESSMENT SERVICE PLAN HELD PURSUANT TO SECTION FOUR HUNDRED NINE-E OF THIS ARTICLE AND THE STATUS OF SUCH SERVICES.

4. (A) THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL SUBMIT AN ANNUAL REPORT TO THE SPEAKER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT OF THE SENATE AND THE CHAIRPERSONS OF THE SENATE AND ASSEMBLY CHILDREN AND FAMILIES COMMITTEES STARTING NO LATER THAN SEPTEMBER FIRST, TWO THOUSAND FIFTEEN. SUCH REPORT SHALL INCLUDE DATA AND INFORMATION REQUIRED BY SUBDIVISION TWO OF THIS SECTION FOR THE PRECEDING YEAR, TO THE EXTENT THAT SUCH INFORMATION IS AVAILABLE, AND ANY OTHER INFORMATION THE OFFICE OF CHILDREN AND FAMILY SERVICES DEEMS APPROPRIATE. THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL INDICATE THE EXTENT TO WHICH THE INFORMATION COLLECTED REFLECTS THE TOTAL POPULATION DESCRIBED IN SUBDIVISION TWO OF THIS SECTION, AND IDENTIFY ANY IMPEDIMENTS TO COLLECTING SUCH INFORMATION.

(B) BEGINNING SEPTEMBER FIRST, TWO THOUSAND SEVENTEEN, THE ANNUAL REPORT REQUIRED BY PARAGRAPH (A) OF THIS SUBDIVISION SHALL BE EXPANDED TO INCLUDE DATA AND INFORMATION REQUIRED BY SUBDIVISION THREE OF THIS SECTION FOR THE PRECEDING YEAR, TO THE EXTENT THAT SUCH INFORMATION IS AVAILABLE, AND ANY OTHER INFORMATION THE OFFICE OF CHILDREN AND FAMILY SERVICES DEEMS APPROPRIATE.

S 2. This act shall take effect April 1, 2014.

## PART U

Section 1. Subitem (c) of item 1 of clause (A) of subparagraph (i) of paragraph a of subdivision 3 of section 667 of the education law, as separately amended by section 1 of part E and section 1 of part H of chapter 58 of the laws of 2011, is amended to read as follows:

(c) For students first receiving aid in two thousand--two thousand one and thereafter, five thousand dollars, EXCEPT STARTING IN TWO THOUSAND FOURTEEN-TWO THOUSAND FIFTEEN AND THEREAFTER SUCH STUDENTS SHALL RECEIVE FIVE THOUSAND ONE HUNDRED SIXTY-FIVE DOLLARS; or

S 2. Subitem (a) of item 1 of clause (A) of subparagraph (i) of paragraph a of subdivision 3 of section 667 of the education law, as amended by section 1 of part H of chapter 58 of the laws of 2011, is amended to read as follows:

(a) For students first receiving aid after nineteen hundred ninety-three--nineteen hundred ninety-four and before two thousand--two thou-

1 sand one, four thousand [one] TWO hundred [twenty-five] NINETY dollars;  
2 or

3 S 3. Subitem (b) of item 1 of clause (A) of subparagraph (i) of para-  
4 graph a of subdivision 3 of section 667 of the education law, as amended  
5 by section 1 of part H of chapter 58 of the laws of 2011, is amended to  
6 read as follows:

7 (b) For students first receiving aid in nineteen hundred ninety-three-  
8 -nineteen hundred ninety-four or earlier, three thousand [five] SEVEN  
9 hundred [seventy-five] FORTY dollars; or

10 S 4. This act shall take effect immediately.

11 PART V

12 Section 1. Subdivisions 1 and 3 of section 679-a of the education law,  
13 as added by chapter 161 of the laws of 2005, are amended to read as  
14 follows:

15 1. Purpose. The president shall grant student loan forgiveness awards  
16 for the purpose of increasing the number of social workers serving in  
17 critical human service areas. For the purposes of this section, the term  
18 "critical human service area" shall mean an area in New York state  
19 designated by the corporation, in consultation with a committee  
20 comprised of one representative each from the corporation, the depart-  
21 ment, the department of health, the department of mental hygiene, and  
22 the office of children and family services, provided that such areas  
23 shall include, but not be limited to, areas with a shortage of social  
24 workers in HOME CARE, health, mental health, substance abuse, aging,  
25 HIV/AIDS and child welfare concerns, or communities with multi-lingual  
26 needs.

27 3. Priority. Such awards shall be made annually to applicants in the  
28 following priority:

29 (a) First priority shall be given to applicants who have received  
30 payment of an award pursuant to this section in a prior year and who, IN  
31 THE YEAR PRIOR TO APPLICATION, have provided social work services in (I)  
32 a critical human service area [in the year prior to such application],  
33 OR (II) A PREVIOUSLY DESIGNATED CRITICAL HUMAN SERVICE AREA;

34 (b) Second priority shall be given to applicants who have not received  
35 payment of an award pursuant to this section in a prior year and who  
36 have provided social work services in a critical human service area in  
37 the year prior to such application; and

38 (c) Third priority shall be given to applicants who are economically  
39 disadvantaged as defined by the corporation.

40 S 2. This act shall take effect immediately; provided, however, that  
41 the amendments to subdivisions 1 and 3 of section 679-a of the education  
42 law made by section one of this act shall not affect the repeal of such  
43 section and shall be deemed repealed therewith.

44 PART W

45 Section 1. Subdivision 11 of section 6305 of the education law, as  
46 amended by section 3 of part V of chapter 57 of the laws of 2013, is  
47 amended to read as follows:

48 11. The state university of New York and the city university of New  
49 York shall, pursuant to a STUDY AND plan, develop a [uniform] methodol-  
50 ogy for calculating chargeback rates to ensure equity between the local  
51 sponsor contribution per student and the chargeback rate per student  
52 charged to other counties, and the implementation of such methodology

will be phased in over five years beginning in the two thousand [four-teen--two thousand fifteen] SIXTEEN--TWO THOUSAND SEVENTEEN academic year. [The] A REPORT ON THE plan shall be submitted to the chair of the senate and assembly higher education committees, the chairs of the senate finance committee, the chair of the assembly ways and means committee and the director of the budget no later than [December first, two thousand thirteen] JUNE FIRST, TWO THOUSAND FIFTEEN.

S 2. This act shall take effect immediately.

#### PART X

Section 1. Subdivision 4 of section 663 of the education law, as amended by chapter 62 of the laws of 1977, is amended to read as follows:

4. Relinquishing of parental control. In determining the amount of an award, the president may, in cases of unusual and exceptional family circumstances warranting such action, recognize an existing condition wherein parental control has in effect been relinquished by the parents or others responsible for the applicant, and notwithstanding the provisions of subdivision three of this section, the applicant has in effect been emancipated. PROVIDED, HOWEVER, THAT STUDENTS WHO HAVE QUALIFIED AS AN ORPHAN, FOSTER CHILD, OR WARD OF THE COURT FOR THE PURPOSES OF FEDERAL STUDENT FINANCIAL AID PROGRAMS AUTHORIZED BY TITLE IV OF THE HIGHER EDUCATION ACT OF 1965, AS AMENDED, SHALL NOT BE CONSIDERED EMANCIPATED FOR THE PURPOSES OF DETERMINING AN AWARD PURSUANT TO SECTION SIX HUNDRED SIXTY-SEVEN OF THIS ARTICLE. The criteria used in determining these cases of unusual and exceptional family circumstances shall be established by the president with the approval of the board of trustees and the director of the division of the budget.

S 2. The opening paragraph of item 1 of clause (A) of subparagraph (i) of paragraph a of subdivision 3 of section 667 of the education law, as amended by section 1 of part H of chapter 58 of the laws of 2011, is amended to read as follows:

In the case of students who have not been granted an exclusion of parental income, WHO HAVE QUALIFIED AS AN ORPHAN, FOSTER CHILD, OR WARD OF THE COURT FOR THE PURPOSES OF FEDERAL STUDENT FINANCIAL AID PROGRAMS AUTHORIZED BY TITLE IV OF THE HIGHER EDUCATION ACT OF 1965, AS AMENDED, or had a dependent for income tax purposes during the tax year next preceding the academic year for which application is made, except for those students who have been granted exclusion of parental income who have a spouse but no other dependent:

S 3. This act shall take effect immediately.

#### PART Y

Section 1. The education law is amended by adding a new section 679-f to read as follows:

S 679-F. NEW YORK STATE YOUNG FARMERS LOAN FORGIVENESS INCENTIVE PROGRAM. 1. PURPOSE. THE PRESIDENT SHALL GRANT STUDENT LOAN FORGIVENESS AWARDS FOR THE PURPOSE OF ALLEVIATING THE BURDEN OF STUDENT LOAN DEBT FOR YOUNG FARMERS. SUCH AWARDS SHALL BE MADE ON A COMPETITIVE BASIS, IN ACCORDANCE WITH RULES AND REGULATIONS PROMULGATED BY THE CORPORATION FOR SUCH PURPOSES, TO APPLICANTS WHO MEET THE ELIGIBILITY CRITERIA. SUCH RULES AND REGULATIONS SHALL INCLUDE PROVISIONS FOR THE CONSIDERATION OF APPLICANTS WHO ARE ECONOMICALLY DISADVANTAGED.

2. ELIGIBILITY. TO BE ELIGIBLE FOR AN AWARD PURSUANT TO THIS SECTION, APPLICANTS SHALL: (A) HAVE GRADUATED AND OBTAINED A DEGREE FROM AN APPROVED NEW YORK STATE COLLEGE OR UNIVERSITY; (B) HAVE AN OUTSTANDING STUDENT LOAN DEBT FROM OBTAINING SUCH DEGREE; (C) OPERATE A FARM IN NEW YORK STATE ON A FULL-TIME BASIS; (D) AGREE TO OPERATE SUCH FARM FOR THE DURATION OF NO LESS THAN FIVE YEARS; (E) APPLY FOR THIS PROGRAM WITHIN TWO YEARS OF COLLEGE GRADUATION; AND (F) COMPLY WITH SUBDIVISIONS THREE AND FIVE OF SECTION SIX HUNDRED SIXTY-ONE OF THIS PART.

3. AWARDS. NO GREATER THAN TEN AWARDS SHALL BE GRANTED TO QUALIFIED APPLICANTS IN THE AMOUNT OF UP TO TEN THOUSAND DOLLARS PER YEAR, PER APPLICANT, NOT TO EXCEED A DURATION OF FIVE YEARS AND NOT TO EXCEED THE TOTAL AMOUNT OF SUCH APPLICANT'S STUDENT LOAN DEBT. THE CORPORATION SHALL GRANT SUCH AWARDS WITHIN AMOUNTS APPROPRIATED FOR SUCH PURPOSES AND BASED ON THE AVAILABILITY OF FUNDS. NO ONE APPLICANT SHALL RECEIVE MORE THAN A TOTAL OF FIFTY THOUSAND DOLLARS UPON THE END OF A FIVE YEAR PERIOD.

4. PRIORITY. FIRST PRIORITY SHALL BE GIVEN TO APPLICANTS WHO ARE COMPLETING THE SECOND, THIRD, FOURTH OR FIFTH YEAR OF FULL-TIME FARM OPERATION AND ARE RE-APPLYING TO RECEIVE AN AWARD UNDER THIS PROGRAM. SECOND PRIORITY SHALL BE GIVEN TO AN APPLICANT WHO CAN DEMONSTRATE ECONOMIC NEED BUT DID NOT RECEIVE AN AWARD DURING THE FIRST YEAR OF THIS PROGRAM'S OPERATION. IF LARGER NUMBERS OF APPLICANTS ARE ELIGIBLE PURSUANT TO THIS SUBDIVISION THAN FUNDS AVAILABLE, APPLICANTS SHALL BE CHOSEN PURSUANT TO RULES AND REGULATIONS PROMULGATED BY THE CORPORATION. PROVIDED, HOWEVER, THAT EACH APPLICANT CHOSEN SHALL RECEIVE AN AWARD OF UP TO TEN THOUSAND DOLLARS IN EACH YEAR SUCH APPLICANT IS ACCEPTED INTO THE PROGRAM.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however that any rules or regulations necessary for the timely implementation of this act on its effective date may be promulgated on or before such effective date.

## PART Z

Section 1. The education law is amended by adding a new section 215-d to read as follows:

S 215-D. STATE UNIVERSITY OF NEW YORK REPORT ON ECONOMIC DEVELOPMENT ACTIVITIES. THE CHANCELLOR OF THE STATE UNIVERSITY OF NEW YORK SHALL REPORT TO THE GOVERNOR AND TO THE LEGISLATURE, ON OR BEFORE JANUARY FIRST, TWO THOUSAND FIFTEEN, ON ECONOMIC DEVELOPMENT ACTIVITIES UNDERTAKEN BY THE STATE UNIVERSITY OF NEW YORK. SUCH REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO, EXPENDITURES OF CAPITAL FUNDS FOR ECONOMIC DEVELOPMENT ACTIVITIES RECEIVED FROM THE EMPIRE STATE DEVELOPMENT CORPORATION, SUNY 2020 CHALLENGE GRANT PROJECTS, CAPITAL EXPENDITURES FROM OTHER SOURCES, AND ACTIVITIES FOR THE PURPOSE OF SECURING START-UP NY APPROVAL.

S 2. This act shall take effect immediately.

## PART AA

Section 1. This act enacts into law major components of legislation. Each component is wholly contained within a Subpart identified as Subparts A through L. The effective date for each particular provision contained within such Subpart is set forth in the last section of such Subpart. Any provision in any section contained within a Subpart, including the effective date of the Subpart, which makes references to a

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

5 S 2. This act shall be known and may be cited as the "common core  
6 implementation reform act."

#### 7 SUBPART A

8 Section 1. Subdivision 15 of section 3602-e of the education law, as  
9 amended by section 19 of part B of chapter 57 of the laws of 2007, is  
10 amended to read as follows:

11 15. The commissioner shall also provide for a system for evaluation  
12 and assessment of the prekindergarten programs which have been imple-  
13 mented to determine the short and long-term success, outcomes and  
14 effects of the programs based on relevant and measurable performance  
15 standards. THE COMMISSIONER SHALL PROHIBIT THE ADMINISTRATION OF TRADI-  
16 TIONAL STANDARDIZED TESTS, AS DEFINED IN REGULATIONS ISSUED BY THE  
17 COMMISSIONER, IN PREKINDERGARTEN PROGRAMS; PROVIDED, HOWEVER, THAT NOTH-  
18 ING HEREIN SHALL PROHIBIT ASSESSMENTS IN WHICH STUDENTS PERFORM  
19 REAL-WORLD TASKS THAT DEMONSTRATE APPLICATION OF KNOWLEDGE AND SKILLS OR  
20 ASSESSMENTS THAT ARE OTHERWISE REQUIRED TO BE ADMINISTERED BY FEDERAL  
21 LAW.

22 S 2. Section 305 of the education law is amended by adding a new  
23 subdivision 44 to read as follows:

24 44. THE COMMISSIONER SHALL PROHIBIT THE ADMINISTRATION OF TRADITIONAL  
25 STANDARDIZED TESTS, AS DEFINED IN REGULATIONS ISSUED BY THE COMMISSION-  
26 ER, IN PRE-KINDERGARTEN PROGRAMS AND IN GRADES KINDERGARTEN THROUGH  
27 SECOND GRADE; PROVIDED, HOWEVER, THAT NOTHING HEREIN SHALL PROHIBIT  
28 ASSESSMENTS IN WHICH STUDENTS PERFORM REAL-WORLD TASKS THAT DEMONSTRATE  
29 APPLICATION OF KNOWLEDGE AND SKILLS OR ASSESSMENTS THAT ARE OTHERWISE  
30 REQUIRED TO BE ADMINISTERED BY FEDERAL LAW.

31 S 3. This act shall take effect immediately; provided that the commis-  
32 sioner of education is authorized to promulgate any and all rules and  
33 regulations and take any other measures necessary to implement this act  
34 on its effective date; and provided further that the provisions of this  
35 act shall not apply to any annual professional performance review agree-  
36 ment entered into pursuant to a collective bargaining agreement or by  
37 decision of the commissioner of education prior to the effective date of  
38 this act, which shall remain in effect in accordance with paragraph 1 of  
39 subdivision 2 of section 3012-c of the education law until a subsequent  
40 plan or amendment is agreed to by the parties and approved by the  
41 commissioner of education in accordance with section 3012-c of the  
42 education law.

#### 43 SUBPART B

44 Section 1. Section 305 of the education law is amended by adding two  
45 new subdivisions 45 and 46 to read as follows:

46 45. THE COMMISSIONER SHALL PROVIDE THAT NO SCHOOL DISTRICT OR BOARD OF  
47 COOPERATIVE EDUCATIONAL SERVICES MAY PLACE OR INCLUDE ON A STUDENT'S  
48 OFFICIAL TRANSCRIPT OR MAINTAIN IN A STUDENT'S PERMANENT RECORD ANY  
49 INDIVIDUAL STUDENT SCORE ON A STATE ADMINISTERED STANDARDIZED ENGLISH  
50 LANGUAGE ARTS OR MATHEMATICS ASSESSMENT FOR GRADES THREE THROUGH EIGHT,  
51 PROVIDED THAT NOTHING HEREIN SHALL BE CONSTRUED TO INTERFERE WITH  
52 REQUIRED STATE OR FEDERAL REPORTING OR TO EXCUSE A SCHOOL DISTRICT FROM

1 MAINTAINING OR TRANSFERRING RECORDS OF SUCH TEST SCORES SEPARATELY FROM  
2 A STUDENT'S PERMANENT RECORD, INCLUDING FOR PURPOSES OF REQUIRED STATE  
3 OR FEDERAL REPORTING.

4 46. THE COMMISSIONER SHALL PROVIDE THAT ANY TEST RESULTS ON A STATE  
5 ADMINISTERED STANDARDIZED ENGLISH LANGUAGE ARTS OR MATHEMATICS ASSESS-  
6 MENT FOR GRADES THREE THROUGH EIGHT SENT TO PARENTS OR PERSONS IN  
7 PARENTAL RELATION TO A STUDENT INCLUDE A CLEAR AND CONSPICUOUS NOTICE  
8 THAT SUCH RESULTS WILL NOT BE INCLUDED ON THE STUDENT'S OFFICIAL TRAN-  
9 SCRIPT OR IN THE STUDENT'S PERMANENT RECORD AND ARE BEING PROVIDED TO  
10 THE STUDENT AND PARENTS FOR DIAGNOSTIC PURPOSES.

11 S 2. This act shall take effect immediately and shall expire and be  
12 deemed repealed on December 31, 2018.

13 SUBPART C

14 Section 1. Section 305 of the education law is amended by adding a new  
15 subdivision 47 to read as follows:

16 47. THE COMMISSIONER SHALL PROVIDE THAT NO SCHOOL DISTRICT SHALL MAKE  
17 ANY STUDENT PROMOTION OR PLACEMENT DECISIONS BASED SOLELY OR PRIMARILY  
18 ON STUDENT PERFORMANCE ON THE STATE ADMINISTERED STANDARDIZED ENGLISH  
19 LANGUAGE ARTS AND MATHEMATICS ASSESSMENTS FOR GRADES THREE THROUGH  
20 EIGHT. HOWEVER, A SCHOOL DISTRICT MAY CONSIDER STUDENT PERFORMANCE ON  
21 SUCH STATE ASSESSMENTS PROVIDED THAT THE SCHOOL DISTRICT USES MULTIPLE  
22 MEASURES IN ADDITION TO SUCH ASSESSMENTS AND THAT SUCH ASSESSMENTS DO  
23 NOT CONSTITUTE THE MAJOR FACTOR IN SUCH DETERMINATIONS. IN ADDITION,  
24 THE COMMISSIONER SHALL REQUIRE EVERY SCHOOL DISTRICT TO ANNUALLY NOTIFY  
25 THE PARENTS AND PERSONS IN PARENTAL RELATION TO THE STUDENTS ATTENDING  
26 SUCH DISTRICT OF THE DISTRICT'S GRADE PROMOTION AND PLACEMENT POLICY  
27 ALONG WITH AN EXPLANATION OF HOW SUCH POLICY WAS DEVELOPED. SUCH NOTIFI-  
28 CATION MAY BE PROVIDED ON THE SCHOOL DISTRICT'S WEBSITE, IF ONE EXISTS,  
29 OR AS PART OF AN EXISTING INFORMATIONAL DOCUMENT THAT IS PROVIDED TO  
30 PARENTS AND PERSONS IN PARENTAL RELATION.

31 S 2. This act shall take effect immediately.

32 SUBPART D

33 Section 1. Section 305 of the education law is amended by adding a new  
34 subdivision 48 to read as follows:

35 48. THE COMMISSIONER SHALL ISSUE REGULATIONS:

36 A. ALLOWING STUDENTS WITH DISABILITIES WHO ARE NOT ELIGIBLE FOR THE  
37 NEW YORK STATE ALTERNATE ASSESSMENT AND WHOSE COGNITIVE AND INTELLECTUAL  
38 DISABILITIES PRECLUDE THEIR MEANINGFUL PARTICIPATION IN CHRONOLOGICAL  
39 GRADE LEVEL INSTRUCTION TO BE ASSESSED BASED ON INSTRUCTIONAL LEVEL  
40 RATHER THAN CHRONOLOGICAL AGE;

41 B. ALLOWING ENGLISH LANGUAGE LEARNERS TO BE ASSESSED WITH A STATE-AD-  
42 MINISTERED ASSESSMENT THAT MEASURES THE ENGLISH LANGUAGE DEVELOPMENT OF  
43 SUCH STUDENTS RATHER THAN THE ENGLISH LANGUAGE ARTS EXAM FOR THEIR FIRST  
44 TWO YEARS OF ENROLLMENT; AND

45 C. ENSURING ACCOUNTABILITY FOR THE PERFORMANCE OF SUCH STUDENTS IN  
46 APPROPRIATE WAYS.

47 S 2. This act shall take effect upon and to the extent allowed by a  
48 federal waiver issued by the United States Department of Education;  
49 provided that the commissioner of education shall notify the legislative  
50 bill drafting commission upon the occurrence of the issuance of such  
51 waiver in order that the commission may maintain an accurate and timely  
52 effective data base of the official text of the laws of the state of New



1 York in furtherance of effectuating the provisions of section 44 of the  
2 legislative law and section 70-b of the public officers law.

3 SUBPART E

4 Section 1. Section 305 of the education law is amended by adding a new  
5 subdivision 49 to read as follows:

6 49. THE COMMISSIONER SHALL PROMULGATE SUCH STANDARDS AND REGULATIONS  
7 AS MAY BE NECESSARY TO ENSURE:

8 A. THAT THE AMOUNT OF TIME DEVOTED TO STATE-ADMINISTERED REQUIRED  
9 ASSESSMENTS DEVELOPED BY THE STATE DIRECTLY OR BY CONTRACT FOR EACH  
10 GRADE DOES NOT EXCEED, IN THE AGGREGATE, ONE PERCENT OF THE MINIMUM  
11 REQUIRED ANNUAL INSTRUCTIONAL HOURS FOR SUCH GRADE.

12 B. THAT, FOR EACH SCHOOL DISTRICT, THE AMOUNT OF TIME DEVOTED TO  
13 STANDARDIZED ASSESSMENTS THAT ARE NOT SPECIFICALLY REQUIRED BY STATE OR  
14 FEDERAL LAW FOR EACH GRADE DOES NOT EXCEED, IN THE AGGREGATE, ONE  
15 PERCENT OF THE MINIMUM REQUIRED ANNUAL INSTRUCTIONAL HOURS FOR SUCH  
16 GRADE.

17 C. THAT, FOR EACH SCHOOL DISTRICT, THE AMOUNT OF TIME DEVOTED TO TEST  
18 PREPARATION UNDER STANDARDIZED TESTING CONDITIONS FOR EACH GRADE DOES  
19 NOT EXCEED, IN THE AGGREGATE, TWO PERCENT OF THE MINIMUM REQUIRED ANNUAL  
20 INSTRUCTIONAL HOURS FOR SUCH GRADE.

21 TIME DEVOTED TO TEACHER ADMINISTERED CLASSROOM QUIZZES OR EXAMS, PORT-  
22 FOLIO REVIEWS, OR PERFORMANCE ASSESSMENTS SHALL NOT BE COUNTED TOWARDS  
23 THE LIMITS ESTABLISHED BY THIS SUBDIVISION. IN ADDITION, NOTHING IN THIS  
24 SUBDIVISION SHALL BE CONSTRUED TO SUPERSEDE THE REQUIREMENTS OF A  
25 SECTION OF THE 504 PLAN OF A QUALIFIED STUDENT WITH A DISABILITY OR  
26 FEDERAL LAW RELATING TO ENGLISH LANGUAGE LEARNERS OR THE INDIVIDUALIZED  
27 EDUCATION PROGRAM OF A STUDENT WITH DISABILITIES.

28 S 2. This act shall take effect July 1, 2014, provided that the  
29 provisions of this act shall not apply to any annual professional  
30 performance review agreement entered into pursuant to a collective  
31 bargaining agreement or by decision of the commissioner of education  
32 prior to the effective date of this act, which shall remain in effect in  
33 accordance with paragraph 1 of subdivision 2 of section 3012-c of the  
34 education law until a subsequent plan or amendment is agreed to by the  
35 parties and approved by the commissioner of education in accordance with  
36 section 3012-c of the education law.

37 SUBPART F

38 Section 1. The commissioner of education shall provide guidance and  
39 advice to every school district and board of cooperative educational  
40 services in order to assist school districts and boards of cooperative  
41 educational services to reduce and eliminate traditional standardized  
42 tests that are not required under state or federal law. The commissioner  
43 of education shall prepare, for each school district, a testing trans-  
44 parency report listing all standardized assessments administered to  
45 students within such school district for which the department has  
46 record. The testing transparency report shall list each standardized  
47 test that is administered, by grade and subject, and shall note whether  
48 such assessment is required by federal law, required by state law, or  
49 given at local discretion. The testing transparency report provided to  
50 each school district shall include a user-friendly plain language summa-  
51 ry designed for distribution to parents and the community, both of which  
52 shall be supplemented by each school district to include any standard-

1 ized tests not specified by the department of education. The commission-  
2 er of education shall provide the testing transparency report to each  
3 school district by July 1, 2014. Each school district shall promptly  
4 supplement and post the testing transparency report on the school  
5 district website, if one exists, and shall ensure public discussion of  
6 the results of the testing transparency report, in a manner as the  
7 district sees fit, including the extent to which those standardized  
8 tests not mandated by federal or state law are beneficial to the educa-  
9 tional process or may be eliminated in order to reduce over-testing.

10 S 2. This act shall take effect immediately.

11 SUBPART G

12 Section 1. Subdivision 2 of section 3012-c of the education law is  
13 amended by adding two new paragraphs k-1 and k-2 to read as follows:

14 K-1. IF MATERIAL CHANGES ARE SUBMITTED PURSUANT TO PARAGRAPH K OF THIS  
15 SUBDIVISION FOR AN APPROVED PLAN THAT SOLELY RELATES TO THE ELIMINATION  
16 OF STUDENT ASSESSMENTS THAT ARE NOT REQUIRED BY STATE OR FEDERAL LAW,  
17 THE COMMISSIONER SHALL EXPEDITE HIS OR HER REVIEW OF SUCH MATERIAL  
18 CHANGES AND SOLELY REVIEW THOSE SECTIONS OF THE PLAN THAT RELATE TO THE  
19 ELIMINATED STUDENT ASSESSMENTS TO ENSURE COMPLIANCE WITH THIS SECTION  
20 AND THE REGULATIONS OF THE COMMISSIONER, PROVIDED THAT THE GOVERNING  
21 BODY OF SUCH SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL  
22 SERVICES PROVIDE A WRITTEN EXPLANATION OF THE MATERIAL CHANGES SUBMITTED  
23 FOR APPROVAL, ON A FORM PRESCRIBED BY THE COMMISSIONER, AND CERTIFY THAT  
24 NO OTHER MATERIAL CHANGES HAVE BEEN MADE TO ANY OTHER SECTIONS OF THE  
25 CURRENTLY APPROVED PLAN, AND PROVIDED FURTHER THAT THE COMMISSIONER  
26 SHALL COMPLETE SUCH REVIEW OF MATERIAL CHANGES PROPERLY AND COMPLETELY  
27 SUBMITTED UNDER THIS PARAGRAPH WITHIN TEN BUSINESS DAYS OF SUBMISSION.

28 K-2. THE COMMISSIONER SHALL TAKE ACTIONS TO REDUCE TIME SPENT ON FIELD  
29 TESTS FOR STUDENTS TAKING THE STATE ADMINISTERED STANDARDIZED ENGLISH  
30 LANGUAGE ARTS AND MATHEMATICS ASSESSMENTS FOR GRADES THREE THROUGH EIGHT  
31 TO THE EXTENT FEDERAL FUNDS ARE ALLOWABLE FOR SUCH PURPOSE UNDER THE  
32 STATE STABILIZATION FUND OF THE AMERICAN RECOVERY AND REINVESTMENT ACT  
33 OF 2009 OR ARE OTHERWISE AVAILABLE.

34 S 2. This act shall take effect immediately.

35 SUBPART H

36 Section 1. For state standardized English language arts and mathemat-  
37 ics assessments for grades three through eight administered in the  
38 2013-14 school year and thereafter, the commissioner of education shall  
39 take actions to provide and make available to parents, the public,  
40 classroom teachers and school districts significantly more sample ques-  
41 tions for such tests than were provided in the 2012-13 school year, to  
42 the extent federal funds are allowable for such purpose under the state  
43 stabilization fund of the American Recovery and Reinvestment Act of 2009  
44 or are otherwise available. In addition, the commissioner shall take  
45 actions to ensure that classroom teachers promptly receive information  
46 on the assessment results of their students in a form and manner that  
47 encourages instructional feedback and improvements.

48 S 2. This act shall take effect immediately.

49 SUBPART I

1 Section 1. Section 305 of the education law is amended by adding a new  
2 subdivision 50 to read as follows:

3 50. THE COMMISSIONER SHALL PROVIDE INSTRUCTIONAL TOOLS AND OUTREACH  
4 MATERIALS FOR PARENTS AND FAMILIES TO ASSIST PARENTS AND FAMILIES IN  
5 UNDERSTANDING THE PURPOSES, ELEMENTS AND INSTRUCTIONAL CHANGES RELATING  
6 TO IMPLEMENTATION OF COMMON CORE LEARNING STANDARDS AS WELL AS HOW TO  
7 BEST SUPPORT THEIR CHILD'S EDUCATIONAL PROGRESS AND OUTCOMES. SUCH TOOLS  
8 AND OUTREACH SHALL INCLUDE, BUT NOT BE LIMITED TO, ONLINE RESOURCES WITH  
9 LINGUISTICALLY AND CULTURALLY APPROPRIATE MATERIALS, COMMUNITY OUTREACH,  
10 AND THE DISSEMINATION OF MATERIALS THROUGH SCHOOLS, NON-PROFIT ORGANIZA-  
11 TIONS, LIBRARIES, AND OTHER PARTNERS.

12 S 2. This act shall take effect immediately.

13 SUBPART J

14 Section 1. Section 305 of the education law is amended by adding a new  
15 subdivision 51 to read as follows:

16 51. THE COMMISSIONER SHALL, IN ORDER TO ASSIST SCHOOL DISTRICTS AND  
17 BOARDS OF COOPERATIVE EDUCATIONAL SERVICES IN DEVELOPING COMMON CORE  
18 TRAINING PROGRAMS FOR TEACHERS AND PRINCIPALS, DEVELOP PROFESSIONAL  
19 DEVELOPMENT TOOLS, RESOURCES AND MATERIALS THAT SCHOOL DISTRICTS, BOARDS  
20 OF COOPERATIVE EDUCATIONAL SERVICES, TEACHERS AND PRINCIPALS MAY  
21 UTILIZE. THE COMMISSIONER MAY COLLABORATE WITH THE STATE UNIVERSITY OF  
22 NEW YORK, THE CITY UNIVERSITY OF NEW YORK, AND INDEPENDENT COLLEGES AND  
23 UNIVERSITIES TO OFFER EFFECTIVE, DATA-INFORMED PROFESSIONAL DEVELOPMENT  
24 AND COACHING TO MEET THE NEEDS OF IMPLEMENTING THE COMMON CORE LEARNING  
25 STANDARDS. SUCH PROFESSIONAL DEVELOPMENT AND COACHING SHALL INCLUDE  
26 NECESSARY MATERIALS, AGE APPROPRIATE INSTRUCTION AND RESOURCES THAT  
27 PROVIDE BEST PRACTICES FOR THE EFFECTIVE IMPLEMENTATION OF THE COMMON  
28 CORE LEARNING STANDARDS. SUCH SUPPORT SHALL BE AVAILABLE FOR THE  
29 PURPOSE OF PROVIDING PROFESSIONAL DEVELOPMENT FOR TEACHERS AND PRINCI-  
30 PALS, AS WELL AS PREPARATION PROGRAMS FOR PARTICIPATING SCHOOL  
31 DISTRICTS, BOARDS OF COOPERATIVE EDUCATIONAL SERVICES, CHARTER SCHOOLS  
32 AND COMMUNITIES AT LARGE, AND MAY INCLUDE RECOMMENDATIONS FOR HOW TEACH-  
33 ERS AND PRINCIPALS CAN COLLABORATE ON STRATEGIES, INCLUDING BUT NOT  
34 LIMITED TO STUDY GROUPS AND COACHING, TO IMPROVE CLASSROOM PRACTICES.  
35 THE COMMISSIONER SHALL ALSO IDENTIFY REGIONAL EXAMPLES OF SCHOOL  
36 DISTRICTS THAT HAVE SUCCESSFULLY IMPLEMENTED THE COMMON CORE LEARNING  
37 STANDARDS, WHERE SUCH EXAMPLES EXIST, AND SHALL INVITE SUCH DISTRICTS TO  
38 SERVE ON A VOLUNTARY BASIS AS MODELS THAT PRINCIPALS, TEACHERS AND OTHER  
39 SCHOOL PROFESSIONALS WITHIN THE REGION MAY VISIT AND OBSERVE. IN ADDI-  
40 TION, THE COMMISSIONER SHALL INCLUDE OPPORTUNITIES FOR TEACHERS AND  
41 OTHER CONTENT-AREA EXPERTS TO PROVIDE FEEDBACK AND RECOMMENDATIONS FOR  
42 THE CONTINUOUS IMPROVEMENT AND DEVELOPMENT OF VOLUNTARY COMMON CORE  
43 CURRICULUM MODULES OFFERED BY THE DEPARTMENT.

44 S 2. This act shall take effect immediately.

45 SUBPART K

46 Section 1. The education law is amended by adding a new section 2-c to  
47 read as follows:

48 S 2-C. RELEASE OF STUDENT INFORMATION TO CERTAIN ENTITIES. 1. DEFI-  
49 NITIONS. AS USED IN THIS SECTION THE FOLLOWING TERMS SHALL HAVE THE  
50 FOLLOWING MEANINGS:

51 A. "STUDENT INFORMATION" SHALL MEAN PERSONALLY IDENTIFIABLE INFORMA-  
52 TION AND BIOMETRIC RECORDS AS SUCH TERMS ARE DEFINED IN SECTION 99.3 OF

1 TITLE 34 OF THE CODE OF FEDERAL REGULATIONS IMPLEMENTING THE FAMILY  
2 EDUCATION RIGHTS AND PRIVACY ACT, AS SUCH FEDERAL LAW AND REGULATIONS  
3 ARE FROM TIME TO TIME AMENDED, OR ANY OTHER INDIVIDUAL STUDENT RECORDS  
4 AND SHALL ALSO INCLUDE DE-IDENTIFIABLE INFORMATION WHICH MEANS A  
5 COLLECTION OF DATA OR INFORMATION THAT HAS BEEN ALTERED WITH THE GOAL OF  
6 MAKING THE STUDENT OR STUDENTS ASSOCIATED WITH SUCH DATA OR INFORMATION  
7 PERMANENTLY UNKNOWABLE.

8 B. "PERSONALLY IDENTIFIABLE INFORMATION" SHALL MEAN PERSONALLY IDEN-  
9 TIFIABLE INFORMATION AS DEFINED IN SECTION 99.3 OF TITLE 34 OF THE CODE  
10 OF FEDERAL REGULATIONS IMPLEMENTING THE FAMILY EDUCATION RIGHTS AND  
11 PRIVACY ACT, SECTION 1232-G OF TITLE 20 OF THE UNITED STATES CODE, AS  
12 SUCH FEDERAL LAW AND REGULATIONS ARE FROM TIME TO TIME AMENDED.

13 C. "SHARED LEARNING INFRASTRUCTURE SERVICE PROVIDER" OR "SLISP" SHALL  
14 MEAN ANY ENTITY THAT COLLECTS, STORES, ORGANIZES, OR AGGREGATES STUDENT  
15 INFORMATION AND CONTRACTS WITH OR ENTERS INTO AN AGREEMENT WITH THE  
16 DEPARTMENT FOR THE PURPOSES OF PROVIDING STUDENT INFORMATION TO A DATA  
17 DASHBOARD OPERATOR FOR USE IN A DATA DASHBOARD. PROVIDED THAT THE TERM  
18 SLISP SHALL NOT INCLUDE BOARDS OF COOPERATIVE EDUCATIONAL SERVICES OR  
19 REGIONAL INFORMATION CENTERS OPERATED BY BOARDS OF COOPERATIVE EDUCA-  
20 TIONAL SERVICES OR OTHER PUBLIC ENTITIES.

21 D. "DATA DASHBOARD" SHALL MEAN AN ELECTRONIC DATA SYSTEM OR HOSTED  
22 SOFTWARE APPLICATION OR APPLICATIONS THAT IS DESIGNED TO UTILIZE DATA  
23 AND INFORMATION COLLECTED, STORED, ORGANIZED OR AGGREGATED BY A SLISP  
24 AND THAT IS DESIGNED TO PROVIDE, THROUGH A CONTRACT BETWEEN A NEW YORK  
25 SCHOOL DISTRICT AND A DATA DASHBOARD OPERATOR, END USERS SUCH AS EDUCA-  
26 TORS, STUDENTS AND THEIR FAMILIES WITH ACCESS TO CUSTOMIZED STUDENT  
27 INFORMATION WITH THE GOAL OF SUPPORTING INSTRUCTION AND STUDENT LEARN-  
28 ING.

29 E. "DATA DASHBOARD OPERATOR" SHALL MEAN ANY THIRD PARTY CONTRACTOR  
30 OWNING OR OPERATING A DATA DASHBOARD THAT CONTRACTS OR OTHERWISE ENTERS  
31 INTO AN AGREEMENT TO UTILIZE DATA AND INFORMATION FROM A SLISP.

32 F. "EDUCATIONAL AGENCY" SHALL MEAN ANY PUBLIC SCHOOL DISTRICT, BOARD  
33 OF COOPERATIVE EDUCATIONAL SERVICES, SPECIAL ACT SCHOOL DISTRICT, PUBLIC  
34 SCHOOL KINDERGARTEN PROGRAM, UNIVERSAL PRE-KINDERGARTEN PROGRAMS AUTHOR-  
35 IZED PURSUANT TO SECTION THIRTY-SIX HUNDRED TWO-E OF THIS CHAPTER,  
36 PUBLICLY FUNDED PRE-KINDERGARTEN PROGRAMS, APPROVED PRESCHOOL SPECIAL  
37 EDUCATION PROGRAMS PURSUANT TO SECTION FORTY-FOUR HUNDRED TEN OF THIS  
38 CHAPTER, APPROVED PRIVATE SCHOOL FOR THE EDUCATION OF STUDENTS WITH  
39 DISABILITIES AND A STATE SUPPORTED OR STATE OPERATED SCHOOL SUBJECT TO  
40 THE PROVISIONS OF ARTICLE EIGHTY-FIVE, EIGHTY-SEVEN OR EIGHTY-EIGHT OF  
41 THIS CHAPTER.

42 G. "STUDENT" SHALL MEAN ANY PERSON ATTENDING AN EDUCATIONAL AGENCY  
43 IDENTIFIED IN PARAGRAPH F OF THIS SUBDIVISION.

44 2. AN EDUCATIONAL AGENCY MAY OPT OUT OF PROVIDING PERSONALLY IDENTIFI-  
45 ABLE INFORMATION TO A SLISP OR DATA DASHBOARD OPERATOR FOR THE PURPOSE  
46 OF CREATING DATA DASHBOARDS. AN EDUCATIONAL AGENCY MAY AT ANY TIME  
47 REQUEST THAT ANY PERSONALLY IDENTIFIABLE INFORMATION ASSOCIATED WITH  
48 SUCH AGENCY NOT BE SHARED OR PROVIDED TO A SLISP OR DATA DASHBOARD OPER-  
49 ATOR. SUCH REQUEST SHALL BE MADE TO THE DEPARTMENT AND UPON RECEIPT OF  
50 SUCH REQUEST, THE DEPARTMENT SHALL TAKE ALL ACTIONS NECESSARY TO PREVENT  
51 AND PROHIBIT THE SHARING OR PROVIDING OF SUCH INFORMATION TO ANY SLISP  
52 OR DATA DASHBOARD OPERATOR AND THAT UPON RECEIPT OF SUCH REQUEST, THE  
53 DEPARTMENT SHALL TAKE ACTIONS TO IMMEDIATELY ENSURE THAT ANY PERSONALLY  
54 IDENTIFIABLE INFORMATION PROVIDED TO ANY SLISP OR DATA DASHBOARD OPERA-  
55 TOR IS DELETED FROM SUCH SLISP OR OPERATOR AND DESTROYED IN A SECURE  
56 MANNER.

1 3. THE COMMISSIONER AND THE DEPARTMENT ARE HEREBY PROHIBITED FROM  
2 PROVIDING ANY STUDENT INFORMATION TO A SLISP AND THE COMMISSIONER AND  
3 DEPARTMENT SHALL TAKE ACTIONS TO IMMEDIATELY ENSURE THAT ANY STUDENT  
4 INFORMATION PROVIDED TO ANY SLISP SHALL BE DELETED FROM SUCH SLISP AND  
5 DESTROYED IN A SECURE MANNER.

6 S 2. In order to develop educational data system tools, consistent  
7 with an approved federal grant award, the state education department may  
8 contract with a board of cooperative educational services pursuant to  
9 paragraph b of subdivision 10 of section 163 of the state finance law  
10 for the provision of these educational data system services provided  
11 that nothing in this section shall limit the ability of an educational  
12 agency to opt out as provided for in subdivision 2 of section 2-c of the  
13 education law.

14 S 3. This act shall take effect immediately.

15 SUBPART L

16 Section 1. The education law is amended by adding a new section 2-d to  
17 read as follows:

18 S 2-D. UNAUTHORIZED RELEASE OF PERSONALLY IDENTIFIABLE INFORMATION.  
19 1. DEFINITIONS. AS USED IN THIS SECTION THE FOLLOWING TERMS SHALL HAVE  
20 THE FOLLOWING MEANINGS:

21 A. "BUILDING PRINCIPAL" MEANS A BUILDING PRINCIPAL SUBJECT TO ANNUAL  
22 PERFORMANCE EVALUATION REVIEW UNDER THE PROVISIONS OF SECTION THREE  
23 THOUSAND TWELVE-C OF THIS CHAPTER.

24 B. "CLASSROOM TEACHER" MEANS A TEACHER SUBJECT TO ANNUAL PERFORMANCE  
25 EVALUATION REVIEW UNDER THE PROVISIONS OF SECTION THREE THOUSAND  
26 TWELVE-C OF THIS CHAPTER.

27 C. "EDUCATIONAL AGENCY" MEANS A SCHOOL DISTRICT, BOARD OF COOPERATIVE  
28 EDUCATIONAL SERVICES, SCHOOL, OR THE EDUCATION DEPARTMENT.

29 D. "PERSONALLY IDENTIFIABLE INFORMATION," AS APPLIED TO STUDENT DATA,  
30 MEANS PERSONALLY IDENTIFIABLE INFORMATION AS DEFINED IN SECTION 99.3 OF  
31 TITLE THIRTY-FOUR OF THE CODE OF FEDERAL REGULATIONS IMPLEMENTING THE  
32 FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT, SECTION TWELVE HUNDRED THIR-  
33 TY-TWO-G OF TITLE TWENTY OF THE UNITED STATES CODE, AND, AS APPLIED TO  
34 TEACHER OR PRINCIPAL DATA, MEANS "PERSONALLY IDENTIFYING INFORMATION" AS  
35 SUCH TERM IS USED IN SUBDIVISION TEN OF SECTION THREE THOUSAND TWELVE-C  
36 OF THIS CHAPTER.

37 E. "SCHOOL" MEANS ANY PUBLIC ELEMENTARY OR SECONDARY SCHOOL, UNIVERSAL  
38 PRE-KINDERGARTEN PROGRAM AUTHORIZED PURSUANT TO SECTION THIRTY-SIX  
39 HUNDRED TWO-E OF THIS CHAPTER, AN APPROVED PROVIDER OF PRESCHOOL SPECIAL  
40 EDUCATION, ANY OTHER PUBLICLY FUNDED PRE-KINDERGARTEN PROGRAM, A SCHOOL  
41 SERVING CHILDREN IN A SPECIAL ACT SCHOOL DISTRICT AS DEFINED IN SECTION  
42 FOUR THOUSAND ONE OF THIS CHAPTER, AN APPROVED PRIVATE SCHOOL FOR THE  
43 EDUCATION OF STUDENTS WITH DISABILITIES, A STATE-SUPPORTED SCHOOL  
44 SUBJECT TO THE PROVISIONS OF ARTICLE EIGHTY-FIVE OF THIS CHAPTER, OR A  
45 STATE-OPERATED SCHOOL SUBJECT TO THE PROVISIONS OF ARTICLE EIGHTY-SEVEN  
46 OR EIGHT-EIGHT OF THIS CHAPTER.

47 F. "STUDENT" MEANS ANY PERSON ATTENDING OR SEEKING TO ENROLL IN AN  
48 EDUCATIONAL AGENCY.

49 G. "ELIGIBLE STUDENT" MEANS A STUDENT EIGHTEEN YEARS OR OLDER.

50 H. "PARENT" MEANS A PARENT, LEGAL GUARDIAN, OR PERSON IN PARENTAL  
51 RELATION TO A STUDENT.

52 I. "STUDENT DATA" MEANS PERSONALLY IDENTIFIABLE INFORMATION FROM  
53 STUDENT RECORDS OF AN EDUCATIONAL AGENCY.

1 J. "TEACHER OR PRINCIPAL DATA" MEANS PERSONALLY IDENTIFIABLE INFORMA-  
2 TION FROM THE RECORDS OF AN EDUCATIONAL AGENCY RELATING TO THE ANNUAL  
3 PROFESSIONAL PERFORMANCE REVIEWS OF CLASSROOM TEACHERS OR PRINCIPALS  
4 THAT IS CONFIDENTIAL AND NOT SUBJECT TO RELEASE UNDER THE PROVISIONS OF  
5 SECTION THREE THOUSAND TWELVE-C OF THIS CHAPTER.

6 K. "THIRD PARTY CONTRACTOR" SHALL MEAN ANY PERSON OR ENTITY, OTHER  
7 THAN AN EDUCATIONAL AGENCY, THAT RECEIVES STUDENT DATA OR TEACHER OR  
8 PRINCIPAL DATA FROM AN EDUCATIONAL AGENCY PURSUANT TO A CONTRACT OR  
9 OTHER WRITTEN AGREEMENT FOR PURPOSES OF PROVIDING SERVICES TO SUCH  
10 EDUCATIONAL AGENCY, INCLUDING BUT NOT LIMITED TO DATA MANAGEMENT OR  
11 STORAGE SERVICES, CONDUCTING STUDIES FOR OR ON BEHALF OF SUCH EDUCA-  
12 TIONAL AGENCY, OR AUDIT OR EVALUATION OF PUBLICLY FUNDED PROGRAMS. SUCH  
13 TERM SHALL INCLUDE AN EDUCATIONAL PARTNERSHIP ORGANIZATION THAT RECEIVES  
14 STUDENT AND/OR TEACHER OR PRINCIPAL DATA FROM A SCHOOL DISTRICT TO CARRY  
15 OUT ITS RESPONSIBILITIES PURSUANT TO SECTION TWO HUNDRED ELEVEN-E OF  
16 THIS TITLE AND IS NOT AN EDUCATIONAL AGENCY AS DEFINED IN PARAGRAPH C OF  
17 THIS SUBDIVISION, AND A NOT-FOR-PROFIT CORPORATION OR OTHER NON-PROFIT  
18 ORGANIZATION, OTHER THAN AN EDUCATIONAL AGENCY.

19 2. CHIEF PRIVACY OFFICER. A. THE COMMISSIONER SHALL APPOINT A CHIEF  
20 PRIVACY OFFICER WITHIN THE DEPARTMENT FOR A TERM OF THREE YEARS, WHICH  
21 MAY BE RENEWED FOR THREE-YEAR TERMS THEREAFTER. THE CHIEF PRIVACY OFFI-  
22 CER SHALL BE QUALIFIED BY TRAINING OR EXPERIENCE IN STATE AND FEDERAL  
23 EDUCATION PRIVACY LAWS AND REGULATIONS, CIVIL LIBERTIES, INFORMATION  
24 TECHNOLOGY, AND INFORMATION SECURITY. THE CHIEF PRIVACY OFFICER SHALL  
25 REPORT TO THE COMMISSIONER ON MATTERS AFFECTING PRIVACY AND THE SECURITY  
26 OF STUDENT, TEACHER, AND PRINCIPAL DATA.

27 B. THE FUNCTIONS OF THE CHIEF PRIVACY OFFICER SHALL INCLUDE, BUT NOT  
28 BE LIMITED TO:

29 (1) PROMOTING THE IMPLEMENTATION OF SOUND INFORMATION PRACTICES FOR  
30 PRIVACY AND SECURITY OF STUDENT DATA OR TEACHER OR PRINCIPAL DATA;

31 (2) ASSISTING THE COMMISSIONER IN HANDLING INSTANCES OF DATA BREACHES  
32 AS WELL AS ASSISTING THE COMMISSIONER IN DUE PROCESS PROCEEDINGS REGARD-  
33 ING ANY ALLEGED BREACHES OF STUDENT DATA OR TEACHER OR PRINCIPAL DATA;

34 (3) PROVIDING ASSISTANCE TO EDUCATIONAL AGENCIES WITHIN THE STATE ON  
35 MINIMUM STANDARDS AND BEST PRACTICES ASSOCIATED WITH PRIVACY AND THE  
36 SECURITY OF STUDENT DATA OR TEACHER OR PRINCIPAL DATA;

37 (4) FORMULATING A PROCEDURE WITHIN THE DEPARTMENT WHEREBY PARENTS,  
38 STUDENTS, TEACHERS, SUPERINTENDENTS, SCHOOL BOARD MEMBERS, PRINCIPALS,  
39 AND OTHER PERSONS OR ENTITIES THE CHIEF PRIVACY OFFICER DETERMINES IS  
40 APPROPRIATE, MAY REQUEST INFORMATION PERTAINING TO STUDENT DATA OR  
41 TEACHER OR PRINCIPAL DATA IN A TIMELY AND EFFICIENT MANNER;

42 (5) ASSISTING THE COMMISSIONER IN ESTABLISHING A PROTOCOL FOR THE  
43 SUBMISSION OF COMPLAINTS OF POSSIBLE BREACHES OF STUDENT DATA OR TEACHER  
44 OR PRINCIPAL DATA;

45 (6) MAKING RECOMMENDATIONS AS NEEDED REGARDING PRIVACY AND THE SECURI-  
46 TY OF STUDENT DATA ON BEHALF OF THE DEPARTMENT TO THE GOVERNOR, THE  
47 SPEAKER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT OF THE SENATE, AND THE  
48 CHAIRS OF THE SENATE AND ASSEMBLY EDUCATION COMMITTEES; AND

49 (7) ISSUING AN ANNUAL REPORT ON DATA PRIVACY AND SECURITY ACTIVITIES  
50 AND PROGRESS, THE NUMBER AND DISPOSITION OF REPORTED BREACHES, IF ANY,  
51 AND A SUMMARY OF ANY COMPLAINT SUBMITTED PURSUANT TO SUBPARAGRAPH FIVE  
52 OF THIS PARAGRAPH.

53 C. THE CHIEF PRIVACY OFFICER SHALL HAVE THE POWER TO:

54 (1) ACCESS ALL RECORDS, REPORTS, AUDITS, REVIEWS, DOCUMENTS, PAPERS,  
55 RECOMMENDATIONS, AND OTHER MATERIALS MAINTAINED BY AN EDUCATIONAL AGENCY  
56 THAT RELATE TO STUDENT DATA OR TEACHER OR PRINCIPAL DATA;

1 (2) TO REVIEW AND COMMENT UPON ANY DEPARTMENT PROGRAM, PROPOSAL,  
2 GRANT, OR CONTRACT THAT INVOLVES THE PROCESSING OF STUDENT DATA OR  
3 TEACHER OR PRINCIPAL DATA BEFORE THE COMMISSIONER BEGINS OR AWARDS THE  
4 PROGRAM, PROPOSAL, GRANT, OR CONTRACT; AND

5 (3) ANY OTHER POWERS THAT THE COMMISSIONER SHALL DEEM APPROPRIATE.

6 D. THE CHIEF PRIVACY OFFICER MAY HOLD MORE THAN ONE POSITION WITHIN  
7 THE DEPARTMENT; PROVIDED, HOWEVER, THAT NO ADDITIONAL POSITION MAY  
8 INTERFERE WITH THE DUTIES OF THE CHIEF PRIVACY OFFICER OUTLINED IN THIS  
9 PARAGRAPH.

10 3. PARENTS BILL OF RIGHTS FOR DATA PRIVACY AND SECURITY. A. A PARENTS  
11 BILL OF RIGHTS FOR DATA PRIVACY AND SECURITY SHALL BE PUBLISHED ON THE  
12 WEBSITE OF EACH EDUCATIONAL AGENCY AND SHALL BE INCLUDED WITH EVERY  
13 CONTRACT AN EDUCATIONAL AGENCY ENTERS INTO WITH A THIRD PARTY CONTRACTOR  
14 WHERE THE THIRD PARTY CONTRACTOR RECEIVES STUDENT DATA OR TEACHER OR  
15 PRINCIPAL DATA.

16 B. THE PARENTS BILL OF RIGHTS FOR DATA PRIVACY AND SECURITY SHALL  
17 STATE IN CLEAR AND PLAIN ENGLISH TERMS THAT:

18 (1) A STUDENT'S PERSONALLY IDENTIFIABLE INFORMATION CANNOT BE SOLD OR  
19 RELEASED FOR ANY COMMERCIAL PURPOSES;

20 (2) PARENTS HAVE THE RIGHT TO INSPECT AND REVIEW THE COMPLETE CONTENTS  
21 OF THEIR CHILD'S EDUCATION RECORD;

22 (3) STATE AND FEDERAL LAWS PROTECT THE CONFIDENTIALITY OF PERSONALLY  
23 IDENTIFIABLE INFORMATION, AND SAFEGUARDS ASSOCIATED WITH INDUSTRY STAND-  
24 ARDS AND BEST PRACTICES, INCLUDING BUT NOT LIMITED TO, ENCRYPTION, FIRE-  
25 WALLS, AND PASSWORD PROTECTION, MUST BE IN PLACE WHEN DATA IS STORED OR  
26 TRANSFERRED;

27 (4) A COMPLETE LIST OF ALL STUDENT DATA ELEMENTS COLLECTED BY THE  
28 STATE IS AVAILABLE FOR PUBLIC REVIEW AT (INSERT WEBSITE ADDRESS HERE) OR  
29 BY WRITING TO (INSERT MAILING ADDRESS HERE); AND

30 (5) PARENTS HAVE THE RIGHT TO HAVE COMPLAINTS ABOUT POSSIBLE BREACHES  
31 OF STUDENT DATA ADDRESSED. COMPLAINTS SHOULD BE DIRECTED TO (INSERT  
32 PHONE NUMBER, EMAIL AND MAILING ADDRESS HERE).

33 C. THE PARENTS BILL OF RIGHTS FOR DATA PRIVACY AND SECURITY SHALL  
34 INCLUDE SUPPLEMENTAL INFORMATION FOR EACH CONTRACT AN EDUCATIONAL AGENCY  
35 ENTERS INTO WITH A THIRD PARTY CONTRACTOR WHERE THE THIRD PARTY CONTRAC-  
36 TOR RECEIVES STUDENT DATA OR TEACHER OR PRINCIPAL DATA. SUCH SUPPLE-  
37 MENTAL INFORMATION SHALL BE DEVELOPED BY THE EDUCATIONAL AGENCY AND  
38 SHALL INCLUDE:

39 (1) THE EXCLUSIVE PURPOSES FOR WHICH THE STUDENT DATA OR TEACHER OR  
40 PRINCIPAL DATA WILL BE USED;

41 (2) HOW THE THIRD PARTY CONTRACTOR WILL ENSURE THAT THE SUBCONTRAC-  
42 TORS, PERSONS OR ENTITIES THAT THE THIRD PARTY CONTRACTOR WILL SHARE THE  
43 STUDENT DATA OR TEACHER OR PRINCIPAL DATA WITH, IF ANY, WILL ABIDE BY  
44 DATA PROTECTION AND SECURITY REQUIREMENTS;

45 (3) WHEN THE AGREEMENT EXPIRES AND WHAT HAPPENS TO THE STUDENT DATA OR  
46 TEACHER OR PRINCIPAL DATA UPON EXPIRATION OF THE AGREEMENT;

47 (4) IF AND HOW A PARENT, STUDENT, ELIGIBLE STUDENT, TEACHER OR PRINCI-  
48 PAL MAY CHALLENGE THE ACCURACY OF THE STUDENT DATA OR TEACHER OR PRINCI-  
49 PAL DATA THAT IS COLLECTED; AND

50 (5) WHERE THE STUDENT DATA OR TEACHER OR PRINCIPAL DATA WILL BE STORED  
51 (DESCRIBED IN SUCH A MANNER AS TO PROTECT DATA SECURITY), AND THE SECU-  
52 RITY PROTECTIONS TAKEN TO ENSURE SUCH DATA WILL BE PROTECTED, INCLUDING  
53 WHETHER SUCH DATA WILL BE ENCRYPTED.

54 D. THE CHIEF PRIVACY OFFICER, WITH INPUT FROM PARENTS AND OTHER EDUCA-  
55 TION AND EXPERT STAKEHOLDERS, SHALL DEVELOP ADDITIONAL ELEMENTS OF THE  
56 PARENTS BILL OF RIGHTS FOR DATA PRIVACY AND SECURITY. THE COMMISSIONER

1 SHALL PROMULGATE REGULATIONS FOR A COMMENT PERIOD WHEREBY PARENTS AND  
2 OTHER MEMBERS OF THE PUBLIC MAY SUBMIT COMMENTS AND SUGGESTIONS TO THE  
3 CHIEF PRIVACY OFFICER TO BE CONSIDERED FOR INCLUSION. THE PARENTS BILL  
4 OF RIGHTS FOR DATA PRIVACY AND SECURITY SHALL BE COMPLETED WITHIN ONE  
5 HUNDRED TWENTY DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION.

6 4. DATA COLLECTION TRANSPARENCY AND RESTRICTIONS. A. THE DEPARTMENT  
7 SHALL PROMOTE THE LEAST INTRUSIVE DATA COLLECTION POLICIES PRACTICABLE  
8 THAT ADVANCE THE GOALS OF IMPROVING ACADEMIC ACHIEVEMENT, EMPOWERING  
9 PARENTS WITH INFORMATION AND ADVANCING EFFICIENT AND EFFECTIVE SCHOOL  
10 OPERATIONS WHILE MINIMIZING THE COLLECTION AND TRANSMISSION OF  
11 PERSONALLY IDENTIFIABLE INFORMATION.

12 B. THE CHIEF PRIVACY OFFICER SHALL DEVELOP, REGULARLY UPDATE AND MAKE  
13 PUBLICLY AVAILABLE ON THE DEPARTMENT'S WEBSITE AND THROUGH SUCH ADDI-  
14 TIONAL METHODS AS MAY FACILITATE ACCESSIBILITY AN INVENTORY AND UNDER-  
15 STANDABLE DESCRIPTION OF THE STUDENT, TEACHER AND PRINCIPAL DATA  
16 ELEMENTS COLLECTED WITH AN EXPLANATION AND/OR LEGAL OR REGULATORY  
17 AUTHORITY OUTLINING THE REASONS SUCH DATA ELEMENTS ARE COLLECTED AND THE  
18 INTENDED USES AND DISCLOSURE OF THE DATA.

19 C. EXCEPT AS OTHERWISE SPECIFICALLY AUTHORIZED BY LAW, THE DEPARTMENT  
20 SHALL ONLY COLLECT PERSONALLY IDENTIFIABLE INFORMATION RELATING TO AN  
21 EDUCATIONAL PURPOSE.

22 D. THE DEPARTMENT MAY ONLY REQUIRE DISTRICTS TO SUBMIT PERSONALLY  
23 IDENTIFIABLE INFORMATION, INCLUDING DATA ON DISABILITY STATUS AND  
24 STUDENT SUSPENSIONS, WHERE SUCH RELEASE IS REQUIRED BY LAW OR OTHERWISE  
25 AUTHORIZED UNDER THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT, 20  
26 U.S.C. SECTION 1232G, AND THE PERSONAL PRIVACY PROTECTION LAW.

27 E. EXCEPT AS REQUIRED BY LAW OR IN THE CASE OF EDUCATIONAL ENROLLMENT  
28 DATA, SCHOOL DISTRICTS SHALL NOT REPORT TO THE DEPARTMENT THE FOLLOWING  
29 STUDENT DATA ELEMENTS:

- 30 (1) JUVENILE DELINQUENCY RECORDS;
- 31 (2) CRIMINAL RECORDS;
- 32 (3) MEDICAL AND HEALTH RECORDS; AND
- 33 (4) STUDENT BIOMETRIC INFORMATION.

34 F. PERSONALLY IDENTIFIABLE INFORMATION MAINTAINED BY EDUCATIONAL AGEN-  
35 CIES, INCLUDING DATA PROVIDED TO THIRD-PARTY CONTRACTORS AND THEIR  
36 ASSIGNEES, SHALL NOT BE SOLD OR USED FOR MARKETING PURPOSES.

37 G. PARENTS SHALL HAVE THE RIGHT TO INSPECT AND REVIEW THEIR CHILD'S  
38 EDUCATIONAL RECORD INCLUDING ANY STUDENT DATA STORED OR MAINTAINED BY AN  
39 EDUCATIONAL AGENCY. THE DEPARTMENT SHALL DEVELOP POLICIES FOR SCHOOL  
40 DISTRICTS THAT:

41 (1) PROVIDE FOR ANNUAL NOTIFICATION TO PARENTS OF THEIR RIGHT TO  
42 REQUEST STUDENT DATA;

43 (2) ENSURE SECURITY WHEN PROVIDING STUDENT DATA TO PARENTS, INCLUDING  
44 THAT ONLY AUTHORIZED INDIVIDUALS RECEIVE SUCH DATA; AND

45 (3) SPECIFY A REASONABLE AMOUNT OF TIME IN WHICH SCHOOL DISTRICTS  
46 SHOULD RESPOND TO SUCH REQUESTS.

47 5. DATA SECURITY AND PRIVACY STANDARDS. A. THE COMMISSIONER, IN  
48 CONSULTATION WITH THE CHIEF PRIVACY OFFICER, SHALL PROMULGATE REGU-  
49 LATIONS ESTABLISHING STANDARDS FOR EDUCATIONAL AGENCY DATA SECURITY AND  
50 PRIVACY POLICIES AND SHALL DEVELOP ONE OR MORE MODEL POLICIES FOR USE BY  
51 EDUCATIONAL AGENCIES. THE COMMISSIONER SHALL SEEK THE INPUT OF EXPERTS,  
52 INCLUDING THOSE FROM SECURITY, CYBER-SECURITY AND FIELDS IN ADDITION TO  
53 EDUCATION THAT HAVE EXPERIENCE WITH PERSONAL DATA PROTECTION, IN DEVEL-  
54 OPING SUCH STANDARDS AND POLICIES.

55 B. THE STANDARDS FOR DATA SECURITY AND PRIVACY POLICIES SHALL INCLUDE,  
56 BUT NOT BE LIMITED TO:



1 (1) DATA PRIVACY PROTECTIONS, INCLUDING CRITERIA FOR DETERMINING  
2 WHETHER A PROPOSED USE OF PERSONALLY IDENTIFIABLE INFORMATION WOULD  
3 BENEFIT STUDENTS AND EDUCATIONAL AGENCIES, AND PROCESSES TO ENSURE THAT  
4 PERSONALLY IDENTIFIABLE INFORMATION IS NOT INCLUDED IN PUBLIC REPORTS OR  
5 OTHER PUBLIC DOCUMENTS;

6 (2) DATA SECURITY PROTECTIONS, INCLUDING DATA SYSTEMS MONITORING, DATA  
7 ENCRYPTION, INCIDENT RESPONSE PLANS, LIMITATIONS ON ACCESS TO PERSONALLY  
8 IDENTIFIABLE INFORMATION, SAFEGUARDS TO ENSURE PERSONALLY IDENTIFIABLE  
9 INFORMATION IS NOT ACCESSED BY UNAUTHORIZED PERSONS WHEN TRANSMITTED  
10 OVER COMMUNICATION NETWORKS, AND DESTRUCTION OF PERSONALLY IDENTIFIABLE  
11 INFORMATION WHEN NO LONGER NEEDED; AND

12 (3) APPLICATION OF ALL SUCH RESTRICTIONS, REQUIREMENTS AND SAFEGUARDS  
13 TO THIRD-PARTY CONTRACTORS.

14 C. FOLLOWING PROMULGATION OF REGULATIONS BY THE COMMISSIONER PURSUANT  
15 TO PARAGRAPH A OF THIS SUBDIVISION EACH EDUCATIONAL AGENCY SHALL ENSURE  
16 THAT IT HAS A POLICY ON DATA SECURITY AND PRIVACY IN PLACE THAT IS  
17 CONSISTENT WITH APPLICABLE STATE AND FEDERAL LAWS AND APPLIED TO STUDENT  
18 DATA AND, WHERE APPLICABLE, TO TEACHER OR PRINCIPAL DATA. SUCH POLICY  
19 SHALL BE PUBLISHED ON THE EDUCATIONAL AGENCY'S WEBSITE, IF IT EXISTS,  
20 AND NOTICE OF SUCH POLICY SHALL BE PROVIDED TO ALL OFFICERS AND EMPLOY-  
21 EES OF THE EDUCATIONAL AGENCY.

22 D. AS APPLIED TO STUDENT DATA, SUCH POLICY SHALL PROVIDE ALL  
23 PROTECTIONS AFFORDED TO PARENTS AND PERSONS IN PARENTAL RELATIONSHIPS,  
24 OR STUDENTS WHERE APPLICABLE, REQUIRED UNDER THE FAMILY EDUCATIONAL  
25 RIGHTS AND PRIVACY ACT, 20 U.S.C. SECTION 1232G, WHERE APPLICABLE THE  
26 INDIVIDUALS WITH DISABILITIES EDUCATION ACT, SECTIONS FOURTEEN HUNDRED,  
27 ET SEQ. OF TITLE TWENTY OF THE UNITED STATES CODE, AND THE FEDERAL REGU-  
28 LATIONS IMPLEMENTING SUCH STATUTES. EACH EDUCATIONAL AGENCY SHALL ENSURE  
29 THAT IT HAS IN PLACE PROVISIONS IN ITS CONTRACTS WITH THIRD PARTY  
30 CONTRACTORS OR IN SEPARATE DATA SHARING AND CONFIDENTIALITY AGREEMENTS  
31 THAT REQUIRE THAT CONFIDENTIALITY OF THE SHARED STUDENT DATA OR TEACHER  
32 OR PRINCIPAL DATA BE MAINTAINED IN ACCORDANCE WITH FEDERAL AND STATE LAW  
33 AND THE EDUCATIONAL AGENCY'S POLICY ON DATA SECURITY AND PRIVACY.

34 E. EACH EDUCATIONAL AGENCY THAT ENTERS INTO A CONTRACT OR OTHER WRIT-  
35 TEN AGREEMENT WITH A THIRD PARTY CONTRACTOR UNDER WHICH THE THIRD PARTY  
36 CONTRACTOR WILL RECEIVE STUDENT DATA OR TEACHER OR PRINCIPAL DATA SHALL  
37 ENSURE THAT SUCH CONTRACT OR AGREEMENT INCLUDES A DATA SECURITY AND  
38 PRIVACY PLAN THAT OUTLINES HOW ALL STATE, FEDERAL, AND LOCAL DATA SECU-  
39 RITY AND PRIVACY CONTRACT REQUIREMENTS WILL BE IMPLEMENTED OVER THE LIFE  
40 OF THE CONTRACT, CONSISTENT WITH THE EDUCATIONAL AGENCY'S POLICY ON DATA  
41 SECURITY AND PRIVACY. SUCH PLAN SHALL INCLUDE, BUT SHALL NOT BE LIMITED  
42 TO, A SIGNED COPY OF THE PARENTS BILL OF RIGHTS FOR DATA PRIVACY AND  
43 SECURITY, AND A REQUIREMENT THAT ANY OFFICERS OR EMPLOYEES OF THE THIRD  
44 PARTY CONTRACTOR AND ITS ASSIGNEES WHO HAVE ACCESS TO STUDENT DATA OR  
45 TEACHER OR PRINCIPAL DATA HAVE RECEIVED OR WILL RECEIVE TRAINING ON THE  
46 FEDERAL AND STATE LAW GOVERNING CONFIDENTIALITY OF SUCH DATA PRIOR TO  
47 RECEIVING ACCESS.

48 F. EACH THIRD PARTY CONTRACTOR THAT ENTERS INTO A CONTRACT OR OTHER  
49 WRITTEN AGREEMENT WITH AN EDUCATIONAL AGENCY UNDER WHICH THE THIRD PARTY  
50 CONTRACTOR WILL RECEIVE STUDENT DATA OR TEACHER OR PRINCIPAL DATA SHALL:

51 (1) LIMIT INTERNAL ACCESS TO EDUCATION RECORDS TO THOSE INDIVIDUALS  
52 THAT ARE DETERMINED TO HAVE LEGITIMATE EDUCATIONAL INTERESTS;

53 (2) NOT USE THE EDUCATION RECORDS FOR ANY OTHER PURPOSES THAN THOSE  
54 EXPLICITLY AUTHORIZED IN ITS CONTRACT;

(3) EXCEPT FOR AUTHORIZED REPRESENTATIVES OF THE THIRD PARTY CONTRACTOR TO THE EXTENT THEY ARE CARRYING OUT THE CONTRACT, NOT DISCLOSE ANY PERSONALLY IDENTIFIABLE INFORMATION TO ANY OTHER PARTY:

(I) WITHOUT THE PRIOR WRITTEN CONSENT OF THE PARENT OR ELIGIBLE STUDENT; OR

(II) UNLESS REQUIRED BY STATUTE OR COURT ORDER AND THE PARTY PROVIDES A NOTICE OF THE DISCLOSURE TO THE DEPARTMENT, DISTRICT BOARD OF EDUCATION, OR INSTITUTION THAT PROVIDED THE INFORMATION NO LATER THAN THE TIME THE INFORMATION IS DISCLOSED, UNLESS PROVIDING NOTICE OF THE DISCLOSURE IS EXPRESSLY PROHIBITED BY THE STATUTE OR COURT ORDER;

(4) MAINTAIN REASONABLE ADMINISTRATIVE, TECHNICAL AND PHYSICAL SAFEGUARDS TO PROTECT THE SECURITY, CONFIDENTIALITY AND INTEGRITY OF PERSONALLY IDENTIFIABLE STUDENT INFORMATION IN ITS CUSTODY;

(5) USES ENCRYPTION TECHNOLOGY TO PROTECT DATA WHILE IN MOTION OR IN ITS CUSTODY FROM UNAUTHORIZED DISCLOSURE USING A TECHNOLOGY OR METHODOLOGY SPECIFIED BY THE SECRETARY OF THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES IN GUIDANCE ISSUED UNDER SECTION 13402(H)(2) OF PUBLIC LAW 111-5.

6. BREACH AND UNAUTHORIZED RELEASE OF PERSONALLY IDENTIFIABLE INFORMATION. A. EACH THIRD PARTY CONTRACTOR THAT RECEIVES STUDENT DATA OR TEACHER OR PRINCIPAL DATA PURSUANT TO A CONTRACT OR OTHER WRITTEN AGREEMENT WITH AN EDUCATIONAL AGENCY SHALL BE REQUIRED TO NOTIFY SUCH EDUCATIONAL AGENCY OF ANY BREACH OF SECURITY RESULTING IN AN UNAUTHORIZED RELEASE OF SUCH DATA BY THE THIRD PARTY CONTRACTOR OR ITS ASSIGNEES IN VIOLATION OF APPLICABLE STATE OR FEDERAL LAW, THE PARENTS BILL OF RIGHTS FOR STUDENT DATA PRIVACY AND SECURITY, THE DATA PRIVACY AND SECURITY POLICIES OF THE EDUCATIONAL AGENCY AND/OR BINDING CONTRACTUAL OBLIGATIONS RELATING TO DATA PRIVACY AND SECURITY, IN THE MOST EXPEDIENT WAY POSSIBLE AND WITHOUT UNREASONABLE DELAY. THE EDUCATIONAL AGENCY SHALL, UPON NOTIFICATION BY THE THIRD PARTY CONTRACTOR, BE REQUIRED TO REPORT TO THE CHIEF PRIVACY OFFICER ANY SUCH BREACH OF SECURITY AND UNAUTHORIZED RELEASE OF SUCH DATA. THE CHIEF PRIVACY OFFICER SHALL, UPON BELIEF THAT SUCH BREACH AND UNAUTHORIZED RELEASE CONSTITUTES CRIMINAL CONDUCT, REPORT SUCH BREACH AND UNAUTHORIZED RELEASE TO LAW ENFORCEMENT IN THE MOST EXPEDIENT WAY POSSIBLE AND WITHOUT UNREASONABLE DELAY.

B. IN THE CASE OF AN UNAUTHORIZED RELEASE OF STUDENT DATA, THE EDUCATIONAL AGENCY SHALL NOTIFY THE PARENT OR ELIGIBLE STUDENT OF THE UNAUTHORIZED RELEASE OF STUDENT DATA THAT INCLUDES PERSONALLY IDENTIFIABLE INFORMATION FROM THE STUDENT RECORDS OF SUCH STUDENT IN THE MOST EXPEDIENT WAY POSSIBLE AND WITHOUT UNREASONABLE DELAY. IN THE CASE OF AN UNAUTHORIZED RELEASE OF TEACHER OR PRINCIPAL DATA, THE EDUCATIONAL AGENCY SHALL NOTIFY EACH AFFECTED TEACHER OR PRINCIPAL OF THE UNAUTHORIZED RELEASE OF DATA THAT INCLUDES PERSONALLY IDENTIFIABLE INFORMATION FROM THE TEACHER OR PRINCIPAL'S ANNUAL PROFESSIONAL PERFORMANCE REVIEW IN THE MOST EXPEDIENT WAY POSSIBLE AND WITHOUT UNREASONABLE DELAY.

C. IN THE CASE OF NOTIFICATION TO A PARENT, ELIGIBLE STUDENT, TEACHER OR PRINCIPAL UNDER PARAGRAPH B OF THIS SUBDIVISION DUE TO THE UNAUTHORIZED RELEASE OF STUDENT DATA BY A THIRD-PARTY CONTRACTOR OR ITS ASSIGNEE, THE THIRD-PARTY CONTRACTOR SHALL PROMPTLY REIMBURSE THE EDUCATIONAL AGENCY FOR THE FULL COST OF SUCH NOTIFICATION.

D. EACH VIOLATION OF A THIRD PARTY CONTRACTOR PURSUANT TO PARAGRAPH A OF THIS SUBDIVISION SHALL BE PUNISHABLE BY A CIVIL PENALTY OF THE GREATER OF FIVE THOUSAND DOLLARS OR UP TO TEN DOLLARS PER STUDENT, TEACHER, AND PRINCIPAL WHOSE DATA WAS RELEASED, PROVIDED THAT THE LATTER AMOUNT SHALL NOT EXCEED THE MAXIMUM PENALTY UNDER PARAGRAPH (A) OF SUBDIVISION SIX OF SECTION EIGHT HUNDRED NINETY-NINE-AA OF THE GENERAL BUSINESS LAW.

1 E. IF THE CHIEF PRIVACY OFFICER DETERMINES THAT A THIRD PARTY CONTRAC-  
2 TOR OR ITS ASSIGNEE, IN VIOLATION OF APPLICABLE STATE OR FEDERAL LAW,  
3 THE DATA PRIVACY AND SECURITY POLICIES OF THE EDUCATIONAL AGENCY  
4 PROVIDED BY SUCH EDUCATIONAL AGENCY TO THE THIRD PARTY CONTRACTOR AND/OR  
5 BINDING CONTRACTUAL OBLIGATIONS RELATING TO DATA PRIVACY AND SECURITY,  
6 HAS RELEASED ANY STUDENT DATA OR TEACHER OR PRINCIPAL DATA RECEIVED FROM  
7 AN EDUCATIONAL AGENCY TO ANY PERSON OR ENTITY NOT AUTHORIZED BY LAW TO  
8 RECEIVE SUCH DATA PURSUANT TO A LAWFUL SUBPOENA OR OTHERWISE, THE CHIEF  
9 PRIVACY OFFICER, AFTER AFFORDING THE THIRD PARTY CONTRACTOR WITH NOTICE  
10 AND AN OPPORTUNITY TO BE HEARD, SHALL BE AUTHORIZED TO:

11 (1) ORDER THAT THE THIRD PARTY CONTRACTOR BE PRECLUDED FROM ACCESSING  
12 STUDENT DATA OR TEACHER OR PRINCIPAL DATA, AS APPLICABLE, FROM THE  
13 EDUCATIONAL AGENCY FROM WHICH THE CONTRACTOR OBTAINED THE DATA THAT WAS  
14 IMPROPERLY DISCLOSED FOR A FIXED PERIOD OF UP TO FIVE YEARS; AND/OR

15 (2) ORDER THAT A THIRD PARTY CONTRACTOR OR ASSIGNEE WHO KNOWINGLY OR  
16 RECKLESSLY ALLOWED FOR THE UNAUTHORIZED RELEASE OF STUDENT DATA OR  
17 TEACHER OR PRINCIPAL DATA BE PRECLUDED FROM ACCESSING STUDENT DATA OR  
18 TEACHER OR PRINCIPAL DATA FROM ANY EDUCATIONAL AGENCY IN THE STATE FOR A  
19 FIXED PERIOD OF UP TO FIVE YEARS; AND/OR

20 (3) ORDER THAT A THIRD PARTY CONTRACTOR OR ASSIGNEE WHO KNOWINGLY OR  
21 RECKLESSLY ALLOWED FOR THE UNAUTHORIZED RELEASE OF STUDENT DATA OR  
22 TEACHER OR PRINCIPAL DATA SHALL NOT BE DEEMED A RESPONSIBLE BIDDER OR  
23 OFFERER ON ANY CONTRACT WITH AN EDUCATIONAL AGENCY THAT INVOLVES THE  
24 SHARING OF STUDENT DATA OR TEACHER OR PRINCIPAL DATA, AS APPLICABLE FOR  
25 PURPOSES OF THE PROVISIONS OF SECTION ONE HUNDRED THREE OF THE GENERAL  
26 MUNICIPAL LAW OR PARAGRAPH C OF SUBDIVISION TEN OF SECTION ONE HUNDRED  
27 SIXTY-THREE OF THE STATE FINANCE LAW, AS APPLICABLE, FOR A FIXED PERIOD  
28 OF UP TO FIVE YEARS; AND/OR

29 (4) REQUIRE THE THIRD PARTY CONTRACTOR TO PROVIDE TRAINING AT THE  
30 CONTRACTOR'S EXPENSE ON THE FEDERAL AND STATE LAW GOVERNING CONFIDEN-  
31 TIALITY OF STUDENT DATA AND/OR TEACHER OR PRINCIPAL DATA AND THE  
32 PROVISIONS OF THIS SECTION TO ALL ITS OFFICERS AND EMPLOYEES WITH ACCESS  
33 TO SUCH DATA, PRIOR TO BEING PERMITTED TO RECEIVE SUBSEQUENT ACCESS TO  
34 SUCH DATA FROM THE EDUCATIONAL AGENCY FROM WHICH THE CONTRACTOR OBTAINED  
35 THE DATA THAT WAS IMPROPERLY DISCLOSED OR FROM ANY EDUCATIONAL AGENCY;  
36 AND/OR

37 (5) IF IT IS DETERMINED THAT THE UNAUTHORIZED RELEASE OF STUDENT DATA  
38 OR TEACHER OR PRINCIPAL DATA ON THE PART OF THE THIRD PARTY CONTRACTOR  
39 OR ASSIGNEE WAS INADVERTENT AND DONE WITHOUT INTENT, KNOWLEDGE, RECK-  
40 LESSNESS OR GROSS NEGLIGENCE, THE COMMISSIONER MAY DETERMINE THAT NO  
41 PENALTY BE ISSUED UPON THE THIRD PARTY CONTRACTOR.

42 7. IMPLEMENTATION AND ENFORCEMENT. A. THE COMMISSIONER, IN CONSULTA-  
43 TION WITH THE CHIEF PRIVACY OFFICER, SHALL PROMULGATE REGULATIONS ESTAB-  
44 LISHING PROCEDURES TO IMPLEMENT THE PROVISIONS OF THIS SECTION, INCLUD-  
45 ING BUT NOT LIMITED TO PROCEDURES FOR THE SUBMISSION OF COMPLAINTS FROM  
46 PARENTS AND/OR PERSONS IN PARENTAL RELATION TO STUDENTS, CLASSROOM  
47 TEACHERS OR BUILDING PRINCIPALS, OR OTHER STAFF OF AN EDUCATIONAL AGEN-  
48 CY, MAKING ALLEGATIONS OF IMPROPER DISCLOSURE OF STUDENT DATA AND/OR  
49 TEACHER OR PRINCIPAL DATA BY A THIRD PARTY CONTRACTOR OR ITS OFFICERS,  
50 EMPLOYEES OR ASSIGNEES THAT MAY BE SUBJECT TO THE SANCTIONS SET FORTH IN  
51 SUBDIVISION SIX OF THIS SECTION. UPON RECEIPT OF A COMPLAINT OR OTHER  
52 INFORMATION INDICATING THAT SUCH AN IMPROPER DISCLOSURE BY A THIRD PARTY  
53 CONTRACTOR MAY HAVE OCCURRED, THE CHIEF PRIVACY OFFICER SHALL BE AUTHOR-  
54 IZED TO INVESTIGATE, VISIT, EXAMINE AND INSPECT THE THIRD PARTY CONTRAC-  
55 TOR'S FACILITIES AND RECORDS AND OBTAIN DOCUMENTATION FROM, OR REQUIRE

1 THE TESTIMONY OF, ANY PARTY RELATING TO THE ALLEGED IMPROPER DISCLOSURE  
2 OF STUDENT DATA OR TEACHER OR PRINCIPAL DATA.

3 B. EXCEPT AS PROVIDED UNDER PARAGRAPH D OF SUBDIVISION SIX OF THIS  
4 SECTION, EACH VIOLATION OF ANY PROVISION OF THIS SECTION BY A THIRD  
5 PARTY CONTRACTOR OR ITS ASSIGNEE SHALL BE PUNISHABLE BY A CIVIL PENALTY  
6 OF UP TO ONE THOUSAND DOLLARS; A SECOND VIOLATION BY THE SAME THIRD  
7 PARTY CONTRACTOR INVOLVING THE SAME STUDENT DATA OR TEACHER OR PRINCIPAL  
8 DATA SHALL BE PUNISHABLE BY A CIVIL PENALTY OF UP TO FIVE THOUSAND  
9 DOLLARS; ANY SUBSEQUENT VIOLATION BY THE SAME THIRD PARTY CONTRACTOR  
10 INVOLVING THE SAME STUDENT DATE OR TEACHER OR PRINCIPAL DATA SHALL BE  
11 PUNISHABLE BY A CIVIL PENALTY OF UP TO TEN THOUSAND DOLLARS. EACH  
12 VIOLATION OF THIS SUBDIVISION SHALL BE CONSIDERED A SEPARATE VIOLATION  
13 FOR PURPOSES OF CIVIL PENALTIES AND THE TOTAL PENALTY SHALL NOT EXCEED  
14 THE MAXIMUM PENALTY UNDER PARAGRAPH (A) OF SUBDIVISION SIX OF SECTION  
15 EIGHT HUNDRED NINETY-NINE-AA OF THE GENERAL BUSINESS LAW.

16 C. NOTHING CONTAINED IN THIS SECTION SHALL BE CONSTRUED AS CREATING A  
17 PRIVATE RIGHT OF ACTION AGAINST THE DEPARTMENT OR AN EDUCATIONAL AGENCY.

18 D. NOTHING IN THIS SECTION SHALL LIMIT THE ADMINISTRATIVE USE OF  
19 STUDENT DATA OR TEACHER OR PRINCIPAL DATA BY A PERSON ACTING EXCLUSIVELY  
20 IN THE PERSON'S CAPACITY AS AN EMPLOYEE OF AN EDUCATIONAL AGENCY OR OF  
21 THE STATE OR ANY OF ITS POLITICAL SUBDIVISIONS, ANY COURT OR THE FEDERAL  
22 GOVERNMENT THAT IS OTHERWISE REQUIRED BY LAW.

23 S 2. This act shall take effect immediately.

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

33 S 4. This act shall take effect immediately, provided, however, that  
34 the applicable effective date of Subparts A through L of this act shall  
35 be as specifically set forth in the last section of such Subparts.

36 PART BB

37 Section 1. Paragraph (c) of subdivision 4 of section 2853 of the  
38 education law, as added by chapter 4 of the laws of 1998, is amended to  
39 read as follows:

40 (c) A charter school may contract with [a school district or] the  
41 governing body of a public college or university for the use of a school  
42 building and grounds, the operation and maintenance thereof. Any such  
43 contract shall provide such services or facilities at cost. A SCHOOL  
44 DISTRICT SHALL PERMIT ANY CHARTER SCHOOL GRANTED APPROVAL TO CO-LOCATE,  
45 TO USE SUCH SERVICES AND FACILITIES WITHOUT COST.

46 S 2. Notwithstanding any provision of law to the contrary, any  
47 approval prior to January 1, 2014, pursuant to paragraph (h) of subdivi-  
48 sion 1 of section 2590-g of the education law, of a significant change  
49 in school utilization relating to the co-location of a school authorized  
50 pursuant to article 56 of the education law or to allocate such school  
51 space in a district school building made prior to the implementation of  
52 the requirements of paragraph (h) of subdivision 1 of section 2590-g of  
53 the education law shall not, on or after the effective date of this act,  
54 be altered, revised, amended, revoked, overturned, or withdrawn, nor

1 shall any such decision or approval that has not been altered, revised,  
2 amended, overturned or withdrawn by the board of education or the chan-  
3 cellor as of the effective date of this act fail to be implemented with-  
4 out the consent of the charter school approved for co-location in a  
5 public school building unless such charter school is no longer author-  
6 ized pursuant to article 56 of the education law.

7 S 3. Paragraph (a) of subdivision 1 of section 2856 of the education  
8 law, as amended by section 5 of part A of chapter 57 of the laws of  
9 2013, is amended and a new paragraph (d) is added to read as follows:

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

20 (i) for school years prior to the two thousand nine--two thousand ten  
21 school year and for school years following the [two thousand thirteen--  
22 two thousand fourteen school year] TWO THOUSAND SIXTEEN--TWO THOUSAND  
23 SEVENTEEN SCHOOL YEAR, an amount equal to one hundred percent of the  
24 amount calculated pursuant to paragraph f of subdivision one of section  
25 thirty-six hundred two of this chapter for the school district for the  
26 year prior to the base year increased by the percentage change in the  
27 state total approved operating expense calculated pursuant to paragraph  
28 t of subdivision one of section thirty-six hundred two of this chapter  
29 from two years prior to the base year to the base year;

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

34 (iii) for the two thousand ten--two thousand eleven through two thou-  
35 sand thirteen--two thousand fourteen school years, the charter school  
36 basic tuition shall be the basic tuition computed for the two thousand  
37 ten--two thousand eleven school year pursuant to the provisions of  
38 subparagraph (i) of this paragraph[.];

39 (IV) FOR THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN, TWO THOUSAND  
40 FIFTEEN--TWO THOUSAND SIXTEEN AND TWO THOUSAND SIXTEEN--TWO THOUSAND  
41 SEVENTEEN SCHOOL YEARS, THE CHARTER SCHOOL BASIC TUITION SHALL BE THE  
42 SUM OF THE LESSER OF THE CHARTER SCHOOL BASIC TUITION COMPUTED FOR THE  
43 TWO THOUSAND TEN--TWO THOUSAND ELEVEN SCHOOL YEAR PURSUANT TO THE  
44 PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH OR THE CHARTER SCHOOL  
45 BASIC TUITION COMPUTED FOR THE CURRENT YEAR PURSUANT TO THE PROVISIONS  
46 OF SUBPARAGRAPH (I) OF THIS PARAGRAPH PLUS THE SUPPLEMENTAL BASIC  
47 TUITION.

48 FOR THE PURPOSES OF THIS SUBDIVISION, THE "SUPPLEMENTAL BASIC TUITION"  
49 SHALL BE (A) FOR A SCHOOL DISTRICT FOR WHICH THE CHARTER SCHOOL BASIC  
50 TUITION COMPUTED FOR THE CURRENT YEAR IS GREATER THAN OR EQUAL TO THE  
51 CHARTER SCHOOL BASIC TUITION FOR THE TWO THOUSAND TEN--TWO THOUSAND  
52 ELEVEN SCHOOL YEAR PURSUANT TO THE PROVISIONS OF SUBPARAGRAPH (I) OF  
53 THIS PARAGRAPH, (1) FOR THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN  
54 SCHOOL YEAR TWO HUNDRED AND FIFTY DOLLARS, AND (2) FOR THE TWO THOUSAND  
55 FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR THREE HUNDRED AND FIFTY  
56 DOLLARS, AND (3) FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN

SCHOOL YEAR FIVE HUNDRED DOLLARS, AND (B) FOR A SCHOOL DISTRICT FOR WHICH THE CHARTER SCHOOL BASIC TUITION FOR THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN SCHOOL YEAR IS GREATER THAN THE CHARTER SCHOOL BASIC TUITION FOR THE CURRENT YEAR PURSUANT TO THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE POSITIVE DIFFERENCE OF THE CHARTER SCHOOL BASIC TUITION FOR THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN SCHOOL YEAR MINUS THE CHARTER SCHOOL BASIC TUITION FOR THE CURRENT YEAR PURSUANT TO THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH.

(D) SCHOOL DISTRICTS SHALL BE ELIGIBLE FOR AN ANNUAL APPORTIONMENT EQUAL TO THE AMOUNT OF THE SUPPLEMENTAL BASIC TUITION PAID TO THE CHARTER SCHOOL IN THE BASE YEAR FOR THE EXPENSES INCURRED IN THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN, TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN, AND TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEARS.

S 4. Paragraph (a) of subdivision 1 of section 2856 of the education law, as amended by section 6 of part A of chapter 57 of the laws of 2013, is amended and a new paragraph (c) is added to read as follows:

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

(i) for school years prior to the two thousand nine--two thousand ten school year and for school years following the [two thousand thirteen--two thousand fourteen school year] TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR, an amount equal to one hundred percent of the amount calculated pursuant to paragraph f of subdivision one of section thirty-six hundred two of this chapter for the school district for the year prior to the base year increased by the percentage change in the state total approved operating expense calculated pursuant to paragraph t of subdivision one of section thirty-six hundred two of this chapter from two years prior to the base year to the base year;

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

(iii) for the two thousand ten--two thousand eleven through two thousand thirteen--two thousand fourteen school years, the charter school basic tuition shall be the basic tuition computed for the two thousand ten--two thousand eleven school year pursuant to the provisions of subparagraph (i) of this paragraph[.];

(IV) FOR THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN, TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN AND TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEARS, THE CHARTER SCHOOL BASIC TUITION SHALL BE THE SUM OF THE LESSER OF THE CHARTER SCHOOL BASIC TUITION COMPUTED FOR THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN SCHOOL YEAR PURSUANT TO THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH OR THE CHARTER SCHOOL BASIC TUITION COMPUTED FOR THE CURRENT YEAR PURSUANT TO THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH PLUS THE SUPPLEMENTAL BASIC TUITION.

FOR THE PURPOSES OF THIS SUBDIVISION, THE "SUPPLEMENTAL BASIC TUITION" SHALL BE (A) FOR A SCHOOL DISTRICT FOR WHICH THE CHARTER SCHOOL BASIC

1 TUITION COMPUTED FOR THE CURRENT YEAR IS GREATER THAN OR EQUAL TO THE  
2 CHARTER SCHOOL BASIC TUITION FOR THE TWO THOUSAND TEN--TWO THOUSAND  
3 ELEVEN SCHOOL YEAR PURSUANT TO THE PROVISIONS OF SUBPARAGRAPH (I) OF  
4 THIS PARAGRAPH, (1) FOR THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN  
5 SCHOOL YEAR TWO HUNDRED AND FIFTY DOLLARS, AND (2) FOR THE TWO THOUSAND  
6 FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR THREE HUNDRED AND FIFTY  
7 DOLLARS, AND (3) FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN  
8 SCHOOL YEAR FIVE HUNDRED DOLLARS, AND (B) FOR A SCHOOL DISTRICT FOR  
9 WHICH THE CHARTER SCHOOL BASIC TUITION FOR THE TWO THOUSAND TEN--TWO  
10 THOUSAND ELEVEN SCHOOL YEAR IS GREATER THAN THE CHARTER SCHOOL BASIC  
11 TUITION FOR THE CURRENT YEAR PURSUANT TO THE PROVISIONS OF SUBPARAGRAPH  
12 (I) OF THIS PARAGRAPH, THE POSITIVE DIFFERENCE OF THE CHARTER SCHOOL  
13 BASIC TUITION FOR THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN SCHOOL YEAR  
14 MINUS THE CHARTER SCHOOL BASIC TUITION FOR THE CURRENT YEAR PURSUANT TO  
15 THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH.

16 (C) SCHOOL DISTRICTS SHALL BE ELIGIBLE FOR AN ANNUAL APPORTIONMENT  
17 EQUAL TO THE AMOUNT OF THE SUPPLEMENTAL BASIC TUITION PAID TO THE CHAR-  
18 TER SCHOOL IN THE BASE YEAR FOR THE EXPENSES INCURRED IN THE TWO THOU-  
19 SAND FOURTEEN--TWO THOUSAND FIFTEEN, TWO THOUSAND FIFTEEN--TWO THOUSAND  
20 SIXTEEN, AND TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEARS.

21 S 5. Subdivision 3 of section 2853 of the education law is amended by  
22 adding a new paragraph (e) to read as follows:

23 (E) IN A CITY SCHOOL DISTRICT IN A CITY HAVING A POPULATION OF ONE  
24 MILLION OR MORE INHABITANTS, CHARTER SCHOOLS THAT FIRST COMMENCE  
25 INSTRUCTION OR THAT REQUIRE ADDITIONAL SPACE DUE TO AN EXPANSION OF  
26 GRADE LEVEL, PURSUANT TO THIS ARTICLE, APPROVED BY THEIR CHARTER ENTITY  
27 FOR THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR OR THER-  
28 EAFTER AND REQUEST CO-LOCATION IN A PUBLIC SCHOOL BUILDING SHALL BE  
29 PROVIDED ACCESS TO FACILITIES PURSUANT TO THIS PARAGRAPH FOR SUCH CHAR-  
30 TER SCHOOLS THAT FIRST COMMENCE INSTRUCTION OR THAT REQUIRE ADDITIONAL  
31 SPACE DUE TO AN EXPANSION OF GRADE LEVEL, PURSUANT TO THIS ARTICLE,  
32 APPROVED BY THEIR CHARTER ENTITY FOR THOSE GRADES NEWLY PROVIDED.

33 (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, WITHIN  
34 THE LATER OF (I) FIVE MONTHS AFTER A CHARTER SCHOOL'S WRITTEN REQUEST  
35 FOR CO-LOCATION AND (II) THIRTY DAYS AFTER THE CHARTER SCHOOL'S CHARTER  
36 IS APPROVED BY ITS CHARTER ENTITY, THE CITY SCHOOL DISTRICT SHALL  
37 EITHER: (A) OFFER AT NO COST TO THE CHARTER SCHOOL A CO-LOCATION SITE IN  
38 A PUBLIC SCHOOL BUILDING APPROVED BY THE BOARD OF EDUCATION AS PROVIDED  
39 BY LAW, OR (B) OFFER THE CHARTER SCHOOL SPACE IN A PRIVATELY OWNED OR  
40 OTHER PUBLICLY OWNED FACILITY AT THE EXPENSE OF THE CITY SCHOOL DISTRICT  
41 AND AT NO COST TO THE CHARTER SCHOOL. THE SPACE MUST BE REASONABLE,  
42 APPROPRIATE AND COMPARABLE AND IN THE COMMUNITY SCHOOL DISTRICT TO BE  
43 SERVED BY THE CHARTER SCHOOL AND OTHERWISE IN REASONABLE PROXIMITY.

44 (2) NO LATER THAN THIRTY DAYS AFTER APPROVAL BY THE BOARD OF EDUCATION  
45 OR EXPIRATION OF THE OFFER PERIOD PRESCRIBED IN SUBPARAGRAPH ONE OF THIS  
46 PARAGRAPH, THE CHARTER SCHOOL SHALL EITHER ACCEPT THE CITY SCHOOL  
47 DISTRICT'S OFFER OR APPEAL IN ACCORDANCE WITH SUBPARAGRAPH THREE OF THIS  
48 PARAGRAPH. IF NO APPEAL IS TAKEN, THE CITY'S OFFER OR REFUSAL TO MAKE  
49 AN OFFER SHALL BE FINAL AND NON-REVIEWABLE. THE CHARTER SCHOOL MAY  
50 APPEAL AS EARLY AS ISSUANCE OF AN EDUCATIONAL IMPACT STATEMENT FOR THE  
51 PROPOSED CO-LOCATION.

52 (3) THE CHARTER SCHOOL SHALL HAVE THE OPTION OF APPEALING THE CITY  
53 SCHOOL DISTRICT'S OFFER OR FAILURE TO OFFER A CO-LOCATION SITE THROUGH  
54 BINDING ARBITRATION IN ACCORDANCE WITH SUBPARAGRAPH SEVEN OF THIS PARA-  
55 GRAPH, AN EXPEDITED APPEAL TO THE COMMISSIONER PURSUANT TO SECTION THREE  
56 HUNDRED TEN OF THIS CHAPTER AND THE PROCEDURES PRESCRIBED IN PARAGRAPH

(A-5) OF THIS SUBDIVISION, OR A SPECIAL PROCEEDING PURSUANT TO ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES. IN ANY SUCH APPEAL, THE STANDARD OF REVIEW SHALL BE THE STANDARD PRESCRIBED IN SECTION SEVENTY-EIGHT HUNDRED THREE OF THE CIVIL PRACTICE LAW AND RULES.

(4) IF THE APPEAL RESULTS IN A DETERMINATION IN FAVOR OF THE CITY SCHOOL DISTRICT, THE CITY'S OFFER SHALL BE FINAL AND THE CHARTER SCHOOL MAY EITHER ACCEPT SUCH OFFER AND MOVE INTO THE SPACE OFFERED BY THE CITY SCHOOL DISTRICT AT THE CITY SCHOOL DISTRICT'S EXPENSE, OR LOCATE IN ANOTHER SITE AT THE CHARTER SCHOOL'S EXPENSE.

(5) FOR A NEW CHARTER SCHOOL WHOSE CHARTER IS GRANTED OR FOR AN EXISTING CHARTER SCHOOL WHOSE EXPANSION OF GRADE LEVEL, PURSUANT TO THIS ARTICLE, IS APPROVED BY THEIR CHARTER ENTITY BEFORE OCTOBER FIRST, TWO THOUSAND SIXTEEN, IF THE APPEAL RESULTS IN A DETERMINATION IN FAVOR OF THE CHARTER SCHOOL, THE CITY SCHOOL DISTRICT SHALL PAY THE CHARTER SCHOOL AN AMOUNT ATTRIBUTABLE TO THE GRADE LEVEL EXPANSION OR THE FORMATION OF THE NEW CHARTER SCHOOL THAT IS EQUAL TO THE LESSER OF:

(A) THE ACTUAL RENTAL COST OF AN ALTERNATIVE PRIVATELY OWNED SITE SELECTED BY THE CHARTER SCHOOL OR

(B) TWENTY PERCENT OF THE PRODUCT OF THE CHARTER SCHOOL'S BASIC TUITION FOR THE CURRENT SCHOOL YEAR AND (I) FOR A NEW CHARTER SCHOOL THAT FIRST COMMENCES INSTRUCTION ON OR AFTER JULY FIRST, TWO THOUSAND FOURTEEN, THE CHARTER SCHOOL'S CURRENT YEAR ENROLLMENT; OR (II) FOR A CHARTER SCHOOL WHICH EXPANDS ITS GRADE LEVEL, PURSUANT TO THIS ARTICLE, BEFORE OCTOBER FIRST, TWO THOUSAND SIXTEEN, THE POSITIVE DIFFERENCE OF THE CHARTER SCHOOL'S ENROLLMENT IN THE CURRENT SCHOOL YEAR MINUS THE CHARTER SCHOOL'S ENROLLMENT IN THE SCHOOL YEAR PRIOR TO THE FIRST YEAR OF THE EXPANSION.

(6) FOR A NEW CHARTER SCHOOL WHOSE CHARTER IS GRANTED OR FOR AN EXISTING CHARTER SCHOOL WHOSE EXPANSION OF GRADE LEVEL, PURSUANT TO THIS ARTICLE, IS APPROVED BY THEIR CHARTER ENTITY ON OR AFTER OCTOBER FIRST, TWO THOUSAND SIXTEEN, IF THE APPEAL RESULTS IN A DETERMINATION IN FAVOR OF THE CHARTER SCHOOL, THE CITY SCHOOL DISTRICT SHALL PAY THE CHARTER SCHOOL AN AMOUNT ATTRIBUTABLE TO THE GRADE LEVEL EXPANSION OR THE FORMATION OF THE NEW CHARTER SCHOOL THAT IS EQUAL TO THE MAXIMUM COST ALLOWANCE ESTABLISHED BY THE COMMISSIONER FOR LEASES AIDABLE UNDER SUBDIVISION SIX OF SECTION THIRTY-SIX HUNDRED TWO OF THIS CHAPTER.

(7) AN ARBITRATION IN AN APPEAL PURSUANT TO THIS PARAGRAPH SHALL BE CONDUCTED BY A SINGLE ARBITRATOR SELECTED IN ACCORDANCE WITH THIS SUBPARAGRAPH FROM A LIST OF ARBITRATORS FROM THE AMERICAN ARBITRATION ASSOCIATION'S PANEL OF LABOR ARBITRATORS, WITH RELEVANT BIOGRAPHICAL INFORMATION, SUBMITTED BY SUCH ASSOCIATION TO THE COMMISSIONER PURSUANT TO PARAGRAPH A OF SUBDIVISION THREE OF SECTION THREE THOUSAND TWENTY-A OF THIS CHAPTER. UPON REQUEST BY THE CHARTER SCHOOL, THE COMMISSIONER SHALL FORTHWITH SEND A COPY OF SUCH LIST AND BIOGRAPHICAL INFORMATION SIMULTANEOUSLY TO THE CHARTER SCHOOL AND CITY SCHOOL DISTRICT. THE PARTIES SHALL, BY MUTUAL AGREEMENT, SELECT AN ARBITRATOR FROM THE LIST WITHIN FIFTEEN DAYS FROM RECEIPT OF THE LIST, AND IF THE PARTIES FAIL TO AGREE ON AN ARBITRATOR WITHIN SUCH FIFTEEN DAY PERIOD OR FAIL WITHIN SUCH FIFTEEN DAY PERIOD TO NOTIFY THE COMMISSIONER THAT AN ARBITRATOR HAS BEEN SELECTED, THE COMMISSIONER SHALL APPOINT AN ARBITRATOR FROM THE LIST TO SERVE AS THE ARBITRATOR. THE ARBITRATION SHALL BE CONDUCTED IN ACCORDANCE WITH THE AMERICAN ARBITRATION ASSOCIATION'S RULES FOR LABOR ARBITRATION, EXCEPT THAT THE ARBITRATOR SHALL CONDUCT A PRE-HEARING CONFERENCE WITHIN TEN TO FIFTEEN DAYS OF AGREEING TO SERVE AND THE ARBITRATION SHALL BE COMPLETED AND A DECISION RENDERED WITHIN THE TIME FRAMES PRESCRIBED FOR HEARINGS PURSUANT TO SECTION THREE THOUSAND TWEN-



TY-A OF THIS CHAPTER. THE ARBITRATOR'S FEE SHALL NOT EXCEED THE RATE ESTABLISHED BY THE COMMISSIONER FOR HEARINGS CONDUCTED PURSUANT TO SECTION THREE THOUSAND TWENTY-A OF THIS CHAPTER, AND THE COST OF SUCH FEE, THE ARBITRATOR'S NECESSARY TRAVEL AND OTHER REASONABLE EXPENSES, AND ALL OTHER HEARING EXPENSES SHALL BE BORNE EQUALLY BY THE PARTIES TO THE ARBITRATION.

S 6. Section 3602 of the education law is amended by adding a new subdivision 6-g to read as follows:

6-G. CHARTER SCHOOLS FACILITIES AID. A. THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK, UPON DOCUMENTING THAT IT HAS INCURRED TOTAL AGGREGATE EXPENSES OF FORTY MILLION DOLLARS OR MORE PURSUANT TO SUBPARAGRAPHS FIVE AND SIX OF PARAGRAPH (E) OF SUBDIVISION THREE OF SECTION TWENTY-EIGHT HUNDRED FIFTY-THREE OF THIS CHAPTER, SHALL BE ELIGIBLE FOR AN APPORTIONMENT PURSUANT TO THIS SUBDIVISION FOR ITS ANNUAL APPROVED EXPENDITURES FOR THE LEASE OF SPACE FOR CHARTER SCHOOLS INCURRED IN THE BASE YEAR IN ACCORDANCE WITH PARAGRAPH (E) OF SUBDIVISION THREE OF SECTION TWENTY-EIGHT HUNDRED FIFTY-THREE OF THIS CHAPTER.

B. THE APPORTIONMENT SHALL EQUAL THE PRODUCT OF (1) THE SUM OF:

(A) FOR AID PAYABLE FOR EXPENSES INCURRED PURSUANT TO SUBPARAGRAPH FIVE OF PARAGRAPH (E) OF SUBDIVISION THREE OF SECTION TWENTY-EIGHT HUNDRED FIFTY-THREE OF THIS CHAPTER WHERE THE CHARTER SCHOOL PREVAILS ON APPEAL, THE ANNUAL APPROVED EXPENSES INCURRED BY THE CITY SCHOOL DISTRICT PURSUANT TO SUCH SUBPARAGRAPH FIVE; AND

(B) FOR AID PAYABLE FOR EXPENSES INCURRED PURSUANT TO SUBPARAGRAPH SIX OF PARAGRAPH (E) OF SUBDIVISION THREE OF SECTION TWENTY-EIGHT HUNDRED FIFTY-THREE OF THIS CHAPTER WHERE THE CHARTER SCHOOL PREVAILS ON APPEAL, THE ACTUAL ANNUAL APPROVED RENTAL EXPENSES INCURRED PURSUANT TO SUCH SUBPARAGRAPH SIX MULTIPLIED BY

(2) SIX-TENTHS.

C. FOR PURPOSES OF THIS SUBDIVISION, THE APPROVED EXPENSES ATTRIBUTABLE TO A LEASE BY A CHARTER SCHOOL OF A PRIVATELY OWNED SITE SHALL BE THE LESSER OF THE ACTUAL RENT PAID UNDER THE LEASE OR THE MAXIMUM COST ALLOWANCE ESTABLISHED BY THE COMMISSIONER FOR LEASES AIDABLE UNDER SUBDIVISION SIX OF THIS SECTION.

D. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, AMOUNTS APPORTIONED PURSUANT TO THIS SUBDIVISION SHALL NOT BE INCLUDED IN: (1) THE ALLOWABLE GROWTH AMOUNT COMPUTED PURSUANT TO PARAGRAPH DD OF SUBDIVISION ONE OF THIS SECTION, (2) THE PRELIMINARY GROWTH AMOUNT COMPUTED PURSUANT TO PARAGRAPH FF OF SUBDIVISION ONE OF THIS SECTION, AND (3) THE ALLOCABLE GROWTH AMOUNT COMPUTED PURSUANT TO PARAGRAPH GG OF SUBDIVISION ONE OF THIS SECTION, AND SHALL NOT BE CONSIDERED, AND SHALL NOT BE AVAILABLE FOR INTERCHANGE WITH, GENERAL SUPPORT FOR PUBLIC SCHOOLS.

S 7. This act shall take effect immediately; provided that the amendments to subdivision 1 of section 2856 of the education law made by section three of this act shall be subject to the expiration and reversion of such subdivision pursuant to subdivision d of section 27 of chapter 378 of the laws of 2007, as amended, when upon such date the provisions of section four of this act shall take effect; and provided further that section six of this act shall take effect July 1, 2014.

## PART CC

Section 1. The education law is amended by adding a new section 3602-ee to read as follows:

S 3602-EE. STATEWIDE UNIVERSAL FULL-DAY PRE-KINDERGARTEN PROGRAM. 1. THE PURPOSE OF THE UNIVERSAL FULL-DAY PRE-KINDERGARTEN PROGRAM IS TO

1 INCENTIVIZE AND FUND STATE-OF-THE-ART INNOVATIVE PRE-KINDERGARTEN  
2 PROGRAMS AND TO ENCOURAGE PROGRAM CREATIVITY THROUGH COMPETITION.

3 2. ALL UNIVERSAL FULL-DAY PRE-KINDERGARTEN PROGRAMS SHALL DEMONSTRATE  
4 QUALITY ON THE FOLLOWING ELEMENTS:

5 (A) CURRICULUM;

6 (B) LEARNING ENVIRONMENT, MATERIALS AND SUPPLIES;

7 (C) FAMILY ENGAGEMENT;

8 (D) STAFFING PATTERNS;

9 (E) TEACHER EDUCATION AND EXPERIENCE;

10 (F) FACILITY QUALITY;

11 (G) PHYSICAL WELL-BEING, HEALTH AND NUTRITION; AND

12 (H) PARTNERSHIPS WITH NON-PROFIT, COMMUNITY AND EDUCATIONAL INSTI-  
13 TUTIONS.

14 3. (A) THE UNIVERSAL FULL-DAY PRE-KINDERGARTEN PROGRAM SHALL MAKE  
15 AWARDS TO (I) CONSOLIDATED APPLICATIONS SUBMITTED BY SCHOOL DISTRICTS  
16 WHICH INCLUDE PRE-KINDERGARTEN PROGRAMS OFFERED BY SCHOOLS, NON-PROFIT  
17 ORGANIZATIONS, COMMUNITY-BASED ORGANIZATIONS, CHARTER SCHOOLS, LIBRARIES  
18 AND/OR MUSEUMS, WHICH SHALL DEMONSTRATE GEOGRAPHIC DIVERSITY WITHIN THE  
19 AREA TO BE SERVED AS WELL AS DIVERSITY OF PROVIDERS; AND (II) NON-PROFIT  
20 ORGANIZATIONS, COMMUNITY-BASED ORGANIZATIONS, CHARTER SCHOOLS, LIBRARIES  
21 AND MUSEUMS, WHICH MAY APPLY INDIVIDUALLY TO THE EXTENT ALLOWED UNDER  
22 PARAGRAPH (B) OF THIS SUBDIVISION. ANY CONSOLIDATED APPLICATION MUST  
23 INCLUDE, BUT IS NOT LIMITED TO, THE NAMES OF INDIVIDUAL LOCATIONS AND  
24 PROVIDERS, APPLICABLE LICENSES, FACILITY LEASE INFORMATION, AND INTENDED  
25 STAFFING PLANS AND CERTIFICATIONS.

26 (B) PRIOR TO SUBMISSION OF A CONSOLIDATED APPLICATION, A SCHOOL  
27 DISTRICT SHALL WIDELY SOLICIT NON-PROFIT ORGANIZATIONS, COMMUNITY-BASED  
28 ORGANIZATIONS, CHARTER SCHOOLS, LIBRARIES AND MUSEUMS LOCATED WITHIN THE  
29 SCHOOL DISTRICT TO BE INCLUDED IN ITS APPLICATION. THE SCHOOL DISTRICT  
30 SHALL NOTIFY ANY APPLICANT WHO HAS BEEN DENIED FOR INCLUSION IN THE  
31 CONSOLIDATED APPLICATION NO LATER THAN TWO WEEKS PRIOR TO SUBMISSION OF  
32 SUCH APPLICATION. SUCH ELIGIBLE PROVIDERS DENIED FOR INCLUSION MAY APPLY  
33 INDIVIDUALLY AS PROVIDED IN PARAGRAPH (A) OF THIS SUBDIVISION.

34 (C) THE DEPARTMENT SHALL ESTABLISH TWO APPLICATION PERIODS IN ADVANCE  
35 OF A SCHOOL YEAR.

36 (D) PROVIDERS AWARDED SLOTS UNDER THIS SECTION THAT THEY ACTUALLY  
37 UTILIZED WOULD CONTINUE TO HAVE SUCH SLOTS RENEWED IN SUBSEQUENT YEARS  
38 PROVIDED THE PROGRAM MEETS QUALITY STANDARDS AND ALL APPLICABLE REQUIRE-  
39 MENTS.

40 4. PROGRAMS THAT PROVIDE MORE STIMULATION, ENHANCE CHILD DEVELOPMENT  
41 AND DEMONSTRATE CREATIVE APPROACHES TO IMPROVE EARLY CHILDHOOD EDUCATION  
42 WILL HAVE A COMPETITIVE ADVANTAGE IN THE APPLICATION PROCESS.

43 5. THE DEPARTMENT SHALL DEVELOP A SCORING SYSTEM, WHICH IT SHALL USE  
44 TO EVALUATE WHICH APPLICATIONS SHALL BE FUNDED ON A COMPETITIVE BASIS  
45 BASED ON MERIT AND FACTORS INCLUDING BUT NOT LIMITED TO THE CRITERIA  
46 LISTED ABOVE AND STUDENT AND COMMUNITY NEED. UPON REVIEW OF APPLICA-  
47 TIONS, IF THE PROGRAM IS OVERSUBSCRIBED IN ANY REGION OR REGIONS OF THE  
48 STATE, THE DEPARTMENT SHALL NOTIFY THE DIVISION OF THE BUDGET, WHICH  
49 SHALL DEVELOP A PLAN FOR DISTRIBUTION OF AVAILABLE SLOTS WITHIN ANY  
50 OVERSUBSCRIBED REGION. THE SUBSCRIPTION FOR THE NEW YORK CITY REGION IS  
51 THREE HUNDRED MILLION DOLLARS. THE DEPARTMENT SHALL ALLOCATE FULL-DAY  
52 PRE-KINDERGARTEN CONVERSION SLOTS AND NEW FULL-DAY PRE-KINDERGARTEN  
53 SLOTS BASED ON AVAILABLE FUNDING AND SHALL MAKE PAYMENTS UPON DOCUMENTA-  
54 TION OF ELIGIBLE EXPENDITURES IN THE BASE YEAR, WHICH SHALL BE LIMITED  
55 TO THE ACTUAL NUMBER OF SLOTS OPERATED AND PAID ON A PER-PUPIL BASIS  
56 PURSUANT TO SUBDIVISION FOURTEEN OF THIS SECTION.

1 6. THE DEPARTMENT SHALL DEVELOP A STATEWIDE INSPECTION PROTOCOL, WHICH  
2 SHALL PROVIDE FOR ANNUAL INSPECTIONS OF ALL UNIVERSAL FULL-DAY PRE-KIN-  
3 DERGARTEN PROVIDERS, AND SHALL DEVELOP A QUALITY ASSURANCE PROTOCOL AND  
4 PHYSICAL PLANT REVIEW PROTOCOL FOR SUCH REVIEWS.

5 7. STATEWIDE UNIVERSAL FULL-DAY PRE-KINDERGARTEN SLOTS SHALL ONLY BE  
6 AWARDED TO SUPPORT PROGRAMS THAT PROVIDE INSTRUCTION FOR AT LEAST FIVE  
7 HOURS PER SCHOOL DAY FOR THE FULL SCHOOL YEAR AND THAT OTHERWISE COMPLY  
8 WITH THE RULES AND REQUIREMENTS PURSUANT TO SECTION THIRTY-SIX HUNDRED  
9 TWO-E OF THIS PART EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION.

10 8. ALL TEACHERS IN THE UNIVERSAL FULL-DAY PRE-KINDERGARTEN PROGRAM  
11 SHALL MEET THE SAME TEACHER CERTIFICATION STANDARDS APPLICABLE TO PUBLIC  
12 SCHOOLS. PRE-KINDERGARTEN TEACHERS PROVIDING INSTRUCTION THROUGH THIS  
13 SECTION SHALL POSSESS:

14 (A) A TEACHING LICENSE OR CERTIFICATE VALID FOR SERVICE IN THE EARLY  
15 CHILDHOOD GRADES; OR

16 (B) A TEACHING LICENSE OR CERTIFICATE FOR STUDENTS WITH DISABILITIES  
17 VALID FOR SERVICE IN EARLY CHILDHOOD GRADES; OR

18 (C) FOR ELIGIBLE AGENCIES AS DEFINED IN PARAGRAPH B OF SUBDIVISION ONE  
19 OF SECTION THIRTY-SIX HUNDRED TWO-E OF THIS PART THAT ARE NOT SCHOOLS, A  
20 BACHELOR'S DEGREE IN EARLY CHILDHOOD EDUCATION OR A RELATED FIELD AND A  
21 WRITTEN PLAN TO OBTAIN A CERTIFICATION VALID FOR SERVICE IN THE EARLY  
22 CHILDHOOD GRADES AS FOLLOWS:

23 (I) FOR TEACHERS HIRED ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION  
24 AS THE TEACHER FOR A UNIVERSAL FULL-DAY PRE-KINDERGARTEN CLASSROOM,  
25 WITHIN THREE YEARS AFTER COMMENCING EMPLOYMENT, AT WHICH TIME SUCH  
26 CERTIFICATION SHALL BE REQUIRED FOR EMPLOYMENT; AND

27 (II) FOR TEACHERS HIRED BY SUCH PROVIDER PRIOR TO THE EFFECTIVE DATE  
28 OF THIS SECTION FOR OTHER EARLY CHILDHOOD CARE AND EDUCATION PROGRAMS,  
29 NO LATER THAN JUNE THIRTIETH, TWO THOUSAND SEVENTEEN, AT WHICH TIME SUCH  
30 CERTIFICATION SHALL BE REQUIRED FOR EMPLOYMENT.

31 9. THE PROCESS BY WHICH APPLICANTS SUBMIT PROPOSALS TO COLLABORATE  
32 WITH THE SCHOOL DISTRICT OR INDIVIDUALLY TO THE DEPARTMENT, AND THE  
33 RENEWAL PROCESS FOR SUCH PROVIDERS, SHALL TAKE INTO ACCOUNT ANY RECORD  
34 OF VIOLATIONS OF HEALTH AND SAFETY CODES AND/OR LICENSURE OR REGISTRA-  
35 TION REQUIREMENTS. IN ADDITION, ANY AGENCY THAT IS CITED FOR A VIOLATION  
36 CLASSIFIED AS AN "IMMINENT DANGER" BY THE OFFICE OF CHILDREN AND FAMILY  
37 SERVICES OR AS A "PUBLIC HEALTH HAZARD" BY THE NEW YORK CITY DEPARTMENT  
38 OF HEALTH AND MENTAL HYGIENE WHICH IS NOT IMMEDIATELY CORRECTED AND  
39 WHICH IS NOT OF A LIFE THREATENING OR OF A GRAVE AND SERIOUS NATURE  
40 SHALL BE SUSPENDED FROM THE PROGRAM AND, UPON FINAL DETERMINATION OF  
41 SUCH VIOLATION BY THE REGULATING AGENCY, SUSPENDED OR TERMINATED FROM  
42 PARTICIPATING IN THE PROGRAM UNDER THIS SECTION BASED ON THE SEVERITY OF  
43 THE VIOLATION. PROVIDED FURTHER, THAT ELIGIBLE AGENCIES WITH A RECORD OF  
44 OTHER SERIOUS OR CRITICAL AND/OR REPEATED VIOLATIONS THAT POSE A RISK TO  
45 HEALTH OR SAFETY SHALL, UPON FINAL DETERMINATION OF SUCH VIOLATIONS, BE  
46 SUSPENDED OR TERMINATED FROM PARTICIPATING IN THE PROGRAM UNDER THIS  
47 SECTION, AND THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL ESTABLISH  
48 STATEWIDE STANDARDS FOR DETERMINING SUCH GROUNDS FOR SUCH SUSPENSION OR  
49 TERMINATION BASED ON VIOLATIONS ISSUED BY THE APPLICABLE REGULATORY  
50 AGENCY.

51 10. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, A UNIVERSAL  
52 FULL-DAY PRE-KINDERGARTEN PROVIDER SHALL BE INSPECTED BY THE DEPARTMENT,  
53 THE SCHOOL DISTRICT WITH WHICH IT PARTNERS, IF ANY, AND ITS RESPECTIVE  
54 LICENSING, PERMITTING, REGULATORY, OVERSIGHT, REGISTRATION OR ENROLLING  
55 AGENCY OR ENTITY NO FEWER THAN TWO TIMES PER SCHOOL YEAR, AT LEAST ONE  
56 INSPECTION OF WHICH SHALL BE PERFORMED BY THE ELIGIBLE AGENCY'S RESPEC-

1 TIVE LICENSING, PERMITTING, REGULATORY, OVERSIGHT, REGISTRATION OR  
2 ENROLLING AGENCY, AS APPLICABLE.

3 11. FACILITIES PROVIDING UNIVERSAL FULL-DAY PRE-KINDERGARTEN UNDER  
4 THIS SECTION SHALL MEET ALL APPLICABLE FIRE SAFETY AND BUILDING CODES  
5 AND ANY APPLICABLE FACILITY REQUIREMENTS OF A STATE OR LOCAL LICENSING  
6 OR REGISTERING AGENCY AND AT ALL TIMES SHALL MAINTAIN BUILDING AND  
7 CLASSROOM SPACE IN A MANNER THAT ENSURES AND PROTECTS THE HEALTH AND  
8 SAFETY OF STUDENTS IN ALL PROGRAMS STATEWIDE, NOTWITHSTANDING ANY CHANG-  
9 ES IN SUCH APPLICABLE CODES OR REQUIREMENTS.

10 12. NOTWITHSTANDING PARAGRAPH (A) OF SUBDIVISION ONE OF SECTION TWEN-  
11 TY-EIGHT HUNDRED FIFTY-FOUR OF THIS CHAPTER AND PARAGRAPH (C) OF SUBDI-  
12 VISION TWO OF SECTION TWENTY-EIGHT HUNDRED FIFTY-FOUR OF THIS CHAPTER,  
13 CHARTER SCHOOLS SHALL BE ELIGIBLE TO PARTICIPATE IN UNIVERSAL FULL-DAY  
14 PRE-KINDERGARTEN PROGRAMS UNDER THIS SECTION, PROVIDED THAT ALL SUCH  
15 MONITORING, PROGRAMMATIC REVIEW AND OPERATIONAL REQUIREMENTS UNDER THIS  
16 SECTION SHALL BE THE RESPONSIBILITY OF THE CHARTER ENTITY AND SHALL BE  
17 CONSISTENT WITH THE REQUIREMENTS UNDER ARTICLE FIFTY-SIX OF THIS CHAP-  
18 TER. THE PROVISIONS OF PARAGRAPH (B) OF SUBDIVISION TWO OF SECTION  
19 TWENTY-EIGHT HUNDRED FIFTY-FOUR OF THIS CHAPTER SHALL APPLY TO THE  
20 ADMISSION OF PRE-KINDERGARTEN STUDENTS, EXCEPT PARENTS OF PRE-KINDERGAR-  
21 TEN CHILDREN MAY SUBMIT APPLICATIONS FOR THE TWO THOUSAND FOURTEEN--TWO  
22 THOUSAND FIFTEEN SCHOOL YEAR BY A DATE TO BE DETERMINED BY THE CHARTER  
23 SCHOOL UPON SELECTION TO PARTICIPATE IN THE UNIVERSAL FULL-DAY PRE-KIN-  
24 DERGARTEN PROGRAM. THE LIMITATIONS ON THE EMPLOYMENT OF UNCERTIFIED  
25 TEACHERS UNDER PARAGRAPH (A-1) OF SUBDIVISION THREE OF SECTION  
26 TWENTY-EIGHT HUNDRED FIFTY-FOUR OF THIS CHAPTER SHALL APPLY TO ALL  
27 TEACHERS FROM PRE-KINDERGARTEN THROUGH GRADE TWELVE.

28 13. APPORTIONMENTS UNDER THIS SECTION SHALL ONLY BE USED TO SUPPLEMENT  
29 AND NOT SUPPLANT CURRENT LOCAL EXPENDITURES OF FEDERAL, STATE OR LOCAL  
30 FUNDS ON PRE-KINDERGARTEN PROGRAMS AND THE NUMBER OF SLOTS IN SUCH  
31 PROGRAMS FROM SUCH SOURCES. CURRENT LOCAL EXPENDITURES SHALL INCLUDE ANY  
32 LOCAL EXPENDITURES OF FEDERAL, STATE OR LOCAL FUNDS USED TO SUPPLEMENT  
33 OR EXTEND SERVICES PROVIDED DIRECTLY OR VIA CONTRACT TO ELIGIBLE CHIL-  
34 DREN ENROLLED IN A UNIVERSAL PRE-KINDERGARTEN PROGRAM PURSUANT TO  
35 SECTION THIRTY-SIX HUNDRED TWO-E OF THIS PART.

36 14. (A) THE AWARD PER PUPIL FOR AN ELIGIBLE ENTITY PURSUANT TO SUBDI-  
37 VISION THREE OF THIS SECTION SHALL EQUAL: (I) FOR EACH NEW FULL-DAY  
38 PRE-KINDERGARTEN PLACEMENT THE LESSER OF THE FULL-DAY PRE-KINDERGARTEN  
39 PER PUPIL AMOUNT OR THE TOTAL APPROVED EXPENDITURES PER PUPIL AND (II)  
40 FOR EACH EXISTING HALF-DAY PRE-KINDERGARTEN PLACEMENT CONVERTED INTO A  
41 FULL-DAY PRE-KINDERGARTEN PLACEMENT THE LESSER OF (A) THE POSITIVE  
42 DIFFERENCE OF THE FULL-DAY PRE-KINDERGARTEN PER PUPIL AMOUNT MINUS THE  
43 DISTRICT'S SELECTED AID PER PRE-KINDERGARTEN PUPIL PURSUANT TO SUBPARA-  
44 GRAPH (I) OF PARAGRAPH B OF SUBDIVISION TEN OF SECTION THIRTY-SIX  
45 HUNDRED TWO-E OF THIS PART OR (B) THE POSITIVE DIFFERENCE OF THE TOTAL  
46 APPROVED EXPENDITURES PER PUPIL MINUS THE DISTRICT'S SELECTED AID PER  
47 PRE-KINDERGARTEN PUPIL PURSUANT TO SUBPARAGRAPH (I) OF PARAGRAPH B OF  
48 SUBDIVISION TEN OF SECTION THIRTY-SIX HUNDRED TWO-E OF THIS PART. EACH  
49 PARTICIPATING ELIGIBLE ENTITY PURSUANT TO SUBDIVISION THREE OF THIS  
50 SECTION SHALL PROVIDE ITS EXPENSES UNDER THIS PROVISION IN A FORMAT  
51 PRESCRIBED BY THE COMMISSIONER.

52 (B) FOR THE PURPOSES OF THIS SECTION, "FULL-DAY PRE-KINDERGARTEN PER  
53 PUPIL AMOUNT" SHALL MEAN (I) FOR PUPILS ENROLLED IN PROGRAMS WHERE THE  
54 TEACHER OF RECORD FOR SUCH PUPIL HOLDS A TEACHING CERTIFICATE ISSUED BY  
55 THE COMMISSIONER IN AN APPROPRIATE CERTIFICATE TITLE, TEN THOUSAND  
56 DOLLARS, AND (II) FOR PUPILS ENROLLED IN PROGRAMS WHERE THE TEACHER OF

1 RECORD FOR SUCH PUPIL DOES NOT HOLD A TEACHING CERTIFICATE ISSUED BY THE  
2 COMMISSIONER IN AN APPROPRIATE CERTIFICATE TITLE, SEVEN THOUSAND  
3 DOLLARS.

4 (C) FOR THE PURPOSES OF THIS SECTION, "TEACHER OF RECORD" SHALL MEAN  
5 THE TEACHER WHO IS PRIMARILY AND DIRECTLY RESPONSIBLE FOR A STUDENT'S  
6 LEARNING ACTIVITIES, AS REPORTED TO THE DEPARTMENT IN A MANNER  
7 PRESCRIBED BY THE COMMISSIONER.

8 15. DEFINITIONS. FOR THE PURPOSE OF THIS SECTION, THE FOLLOWING DEFINI-  
9 TIONS SHALL APPLY:

10 (A) "REGIONS OF THE STATE" SHALL MEAN:

11 (I) CAPITAL REGION: INCLUDES ALBANY, COLUMBIA, GREENE, RENSSELAER,  
12 SARATOGA, SCHENECTADY, WARREN, AND WASHINGTON COUNTIES.

13 (II) CENTRAL NEW YORK REGION: INCLUDES CAYUGA, CORTLAND, MADISON,  
14 ONONDAGA AND OSWEGO COUNTIES.

15 (III) FINGER LAKES REGION: INCLUDES GENESEE, LIVINGSTON, MONROE,  
16 ONTARIO, ORLEANS, SENECA, WAYNE, WYOMING AND YATES COUNTIES.

17 (IV) LONG ISLAND REGION: INCLUDES NASSAU AND SUFFOLK COUNTIES.

18 (V) MID-HUDSON REGION: INCLUDES DUTCHESS, ORANGE, PUTNAM, ROCKLAND,  
19 SULLIVAN, ULSTER AND WESTCHESTER COUNTIES.

20 (VI) MOHAWK VALLEY REGION: INCLUDES FULTON, HERKIMER, MONTGOMERY,  
21 ONEIDA, OTSEGO AND SCHOHARIE COUNTIES.

22 (VII) NEW YORK CITY REGION: INCLUDES BRONX, KINGS, NEW YORK, QUEENS  
23 AND RICHMOND COUNTIES.

24 (VIII) NORTH COUNTRY REGION: INCLUDES CLINTON, ESSEX, FRANKLIN, HAMIL-  
25 TON, JEFFERSON, LEWIS AND ST. LAWRENCE COUNTIES.

26 (IX) SOUTHERN TIER REGION: INCLUDES BROOME, CHEMUNG, CHENANGO, DELA-  
27 WARE, SCHUYLER, STEUBEN, TIOGA AND TOMPKINS COUNTIES.

28 (X) WESTERN NEW YORK REGION: INCLUDES ALLEGANY, CATTARAUGUS, CHAUTAU-  
29 QUA, ERIE AND NIAGARA COUNTIES.

30 (B) "COMMUNITY-BASED ORGANIZATION" SHALL MEAN A PROVIDER OF CHILD CARE  
31 AND EARLY EDUCATION, A DAY CARE PROVIDER, EARLY CHILDHOOD PROGRAM OR  
32 CENTER, APPROVED PRESCHOOL SPECIAL EDUCATION PROGRAM, HEAD START OR  
33 OTHER SUCH COMMUNITY-BASED ORGANIZATION.

34 16. THE AUTHORITY OF THE DEPARTMENT TO ADMINISTER THE UNIVERSAL FULL-  
35 DAY PRE-KINDERGARTEN PROGRAM SHALL EXPIRE JUNE THIRTIETH, TWO THOUSAND  
36 SIXTEEN; PROVIDED THAT THE PROGRAM SHALL CONTINUE AND REMAIN IN FULL  
37 EFFECT.

38 S 2. This act shall take effect immediately.

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

48 S 3. This act shall take effect immediately provided, however, that  
49 the applicable effective date of Parts A through CC of this act shall be  
50 as specifically set forth in the last section of such Parts.