

S. 6356--D

A. 8556--D

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

January 21, 2014

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

53 (a) providing transportation for those children attending public and
54 nonpublic schools in grades kindergarten through six who remain at the
55 same school for which they are enrolled for regularly scheduled academic
56 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.

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

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

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

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

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

25 6-C. TEACHER EXCELLENCE FUND. A. WITHIN THE AMOUNT APPROPRIATED FOR
26 SUCH PURPOSE, SUBJECT TO A REQUEST FOR PROPOSALS DEVELOPED BY THE
27 COMMISSIONER AND APPROVED BY THE DIRECTOR OF THE BUDGET, THE COMMISSION-
28 ER SHALL AWARD TEACHER EXCELLENCE FUND GRANTS PURSUANT TO THIS SUBDIVI-
29 SION TO ELIGIBLE SCHOOL DISTRICTS, BEGINNING IN THE TWO THOUSAND FOUR-
30 TEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR, TO PROVIDE TEACHER EXCELLENCE
31 FUND PERFORMANCE AWARDS TO HIGHLY EFFECTIVE TEACHERS.

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

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

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

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

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

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

8 B. FOR THE PURPOSE OF THIS SUBDIVISION:

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

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

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

28 6. Notwithstanding any other law, rule or regulation to the contrary,
29 the board of education of a city school district with a population of
30 one hundred twenty-five thousand or more inhabitants shall be permitted
31 to establish maximum class sizes for special classes for certain
32 students with disabilities in accordance with the provisions of this
33 subdivision. For the purpose of obtaining relief from any adverse fiscal
34 impact from under-utilization of special education resources due to low
35 student attendance in special education classes at the middle and
36 secondary level as determined by the commissioner, such boards of educa-
37 tion shall, during the school years nineteen hundred ninety-five--nine-
38 ty-six through June thirtieth, two thousand [fourteen] FIFTEEN of the
39 two thousand [thirteen] FOURTEEN--two thousand [fourteen] FIFTEEN school
40 year, be authorized to increase class sizes in special classes contain-
41 ing students with disabilities whose age ranges are equivalent to those
42 of students in middle and secondary schools as defined by the commis-
43 sioner for purposes of this section by up to but not to exceed one and
44 two tenths times the applicable maximum class size specified in regu-
45 lations of the commissioner rounded up to the nearest whole number,
46 provided that in a city school district having a population of one
47 million or more, classes that have a maximum class size of fifteen may
48 be increased by no more than one student and provided that the projected
49 average class size shall not exceed the maximum specified in the appli-
50 cable regulation, provided that such authorization shall terminate on
51 June thirtieth, two thousand. Such authorization shall be granted upon
52 filing of a notice by such a board of education with the commissioner
53 stating the board's intention to increase such class sizes and a certif-
54 ication that the board will conduct a study of attendance problems at
55 the secondary level and will implement a corrective action plan to
56 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

1 schools, except as otherwise specifically provided in this article. A
2 charter school shall be exempt from all other state and local laws,
3 rules, regulations or policies governing public or private schools,
4 boards of education [and], school districts AND POLITICAL SUBDIVISIONS,
5 including those relating to school personnel and students, except as
6 specifically provided in the school's charter or in this article. Noth-
7 ing in this subdivision shall affect the requirements of compulsory
8 education of minors established by part one of article sixty-five of
9 this chapter.

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

20 S 11. Subparagraph (i) of paragraph a of subdivision 10 of section
21 4410 of the education law, as amended by chapter 82 of the laws of 1995,
22 is amended to read as follows:

23 (i) (A) Commencing with the nineteen hundred ninety--ninety-one school
24 year, the commissioner shall annually determine the tuition rate for
25 approved services or programs provided to preschool children pursuant to
26 this section. Such rates for providers of such services and programs
27 shall be determined in conformance with a methodology established pursu-
28 ant to subdivision four of section forty-four hundred five of this arti-
29 cle after consultation with and a review of an annual report prepared by
30 the advisory committee established pursuant to paragraph a of subdivi-
31 sion twelve of this section and shall be subject to the approval of the
32 director of the budget. Notwithstanding any other provision of law, rule
33 or regulation to the contrary, tuition rates established for the nine-
34 teen hundred ninety-five--ninety-six school year shall exclude the two
35 percent cost of living adjustment authorized in rates established for
36 the nineteen hundred ninety-four--ninety-five school year.

37 (B) COMMENCING WITH THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN
38 SCHOOL YEAR, SUCH SPECIAL EDUCATION ITINERANT SERVICES SHALL BE PROVIDED
39 BY APPROVED PROGRAMS, AND SUCH APPROVED PROGRAMS SHALL BE REIMBURSED FOR
40 SUCH SERVICES BASED ON THE ACTUAL ATTENDANCE OF PRESCHOOL CHILDREN
41 RECEIVING SUCH SERVICES.

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

45 (t) Procedures to be followed in the case of the closure or dissol-
46 ution of the charter school, including provisions for the transfer of
47 students and student records to the school district in which the charter
48 school is located and for the disposition of the school's assets to the
49 school district in which the charter school is located or another char-
50 ter school located within the school district. NOTWITHSTANDING ANY OTHER
51 PROVISION OF LAW OR OF A CHARTER TO THE CONTRARY, SUCH PROCEDURES SHALL
52 ENSURE THAT UPON DISSOLUTION OF A CHARTER SCHOOL, ANY FUNDS REMAINING IN
53 THE POSSESSION OF THE CHARTER SCHOOL THAT CAN BE ATTRIBUTED TO PUBLIC
54 FUNDING, AFTER ALL OF ITS DEBTS AND OBLIGATIONS HAVE BEEN PAID, SHALL BE
55 PAID OVER TO EACH SCHOOL DISTRICT HAVING RESIDENT CHILDREN SERVED BY THE
56 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 sions 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

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

8 S 20. Section 5 of chapter 101 of the laws of 2003, amending the
9 education law relating to implementation of the No Child Left Behind Act
10 of 2001, as amended by section 34 of part A of chapter 57 of the laws of
11 2013, is amended to read as follows:

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

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

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

25 S 20-b. Subdivision a of section 5 of chapter 121 of the laws of 1996,
26 relating to authorizing the Roosevelt union free school district to
27 finance deficits by the issuance of serial bonds, as amended by section
28 23-b of part A of chapter 57 of the laws of 2013, is amended to read as
29 follows:

30 a. Notwithstanding any other provisions of law, upon application to
31 the commissioner of education submitted not sooner than April first and
32 not later than June thirtieth of the applicable school year, the Roose-
33 velt union free school district shall be eligible to receive an appor-
34 tionment pursuant to this chapter for salary expenses, including related
35 benefits, incurred between April first and June thirtieth of such school
36 year. Such apportionment shall not exceed: for the 1996-97 school year
37 through the [2013-14] 2014-15 school year, four million dollars
38 (\$4,000,000); for the [2014-15] 2015-16 school year, three million
39 dollars (\$3,000,000); for the [2015-16] 2016-17 school year, two million
40 dollars (\$2,000,000); for the [2016-17] 2017-18 school year, one million
41 dollars (\$1,000,000); and for the [2017-18] 2018-19 school year, zero
42 dollars. Such annual application shall be made after the board of
43 education has adopted a resolution to do so with the approval of the
44 commissioner of education.

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

48 Notwithstanding any provision of law to the contrary, for aid payable
49 in the two thousand eight--two thousand nine school year, the grant to
50 each eligible school district for universal prekindergarten aid shall be
51 computed pursuant to this subdivision, and for the two thousand nine--
52 two thousand ten and two thousand ten--two thousand eleven school years,
53 each school district shall be eligible for a maximum grant equal to the
54 amount computed for such school district for the base year in the elec-
55 tronic data file produced by the commissioner in support of the two
56 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

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

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

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

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

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

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

32 3. Section eleven of this act shall take effect April 1, 2014 and
33 shall first apply to the provision of services and programs pursuant to
34 section 4410 of the education law in the 2014-2015 school year, provided
35 that the provisions of subparagraph (iv) of paragraph a of subdivision
36 10 of section 4410 of the education law, as added by such section of
37 this act, shall expire and be deemed repealed June 30, 2019.

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

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

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

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

51

PART B

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

1 SMART SCHOOLS BOND ACT OF 2014

2 Section 1. Short title.

3 2. Creation of a state debt.

4 3. Bonds of the state.

5 4. Use of moneys received.

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

8 S 2. Creation of a state debt. The creation of a state debt in an
9 amount not exceeding in the aggregate two billion dollars
10 (\$2,000,000,000) is hereby authorized to provide moneys for the single
11 purpose of improving learning and opportunity for public and nonpublic
12 school students of the state by funding capital projects to: acquire
13 learning technology equipment or facilities including, but not limited
14 to, interactive whiteboards, computer servers, and desktop, laptop and
15 tablet computers; install high-speed broadband or wireless internet
16 connectivity for schools and communities; construct, enhance, and
17 modernize educational facilities to accommodate pre-kindergarten
18 programs and provide instructional space to replace transportable class-
19 room units; and install high-tech security features in school buildings
20 and on school campuses. The legislature may, by appropriate legislation
21 and subject to such conditions as it may impose, make available out of
22 the proceeds of the sale of bonds authorized in this act, moneys
23 disbursed or to be disbursed for the cost of approved capital projects
24 undertaken by, or on behalf of, school districts for such purposes.

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

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

53 S 2. This act shall take effect immediately, provided that the
54 provisions of section one of this act shall not take effect unless and
55 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

1 (II) THE TYPE OF SERVICES PROVIDED; AND

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

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

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

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

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

20 4. (A) THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL SUBMIT AN
21 ANNUAL REPORT TO THE SPEAKER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT OF
22 THE SENATE AND THE CHAIRPERSONS OF THE SENATE AND ASSEMBLY CHILDREN AND
23 FAMILIES COMMITTEES STARTING NO LATER THAN SEPTEMBER FIRST, TWO THOUSAND
24 FIFTEEN. SUCH REPORT SHALL INCLUDE DATA AND INFORMATION REQUIRED BY
25 SUBDIVISION TWO OF THIS SECTION FOR THE PRECEDING YEAR, TO THE EXTENT
26 THAT SUCH INFORMATION IS AVAILABLE, AND ANY OTHER INFORMATION THE OFFICE
27 OF CHILDREN AND FAMILY SERVICES DEEMS APPROPRIATE. THE OFFICE OF CHIL-
28 DREN AND FAMILY SERVICES SHALL INDICATE THE EXTENT TO WHICH THE INFORMA-
29 TION COLLECTED REFLECTS THE TOTAL POPULATION DESCRIBED IN SUBDIVISION
30 TWO OF THIS SECTION, AND IDENTIFY ANY IMPEDIMENTS TO COLLECTING SUCH
31 INFORMATION.

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

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

39 PART U

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

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

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

52 (a) For students first receiving aid after nineteen hundred ninety-
53 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

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

8 S 2. This act shall take effect immediately.

9

PART X

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

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

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

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

40 S 3. This act shall take effect immediately.

41

PART Y

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

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

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

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

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

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

32 PART Z

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

35 S 215-D. STATE UNIVERSITY OF NEW YORK REPORT ON ECONOMIC DEVELOPMENT
 36 ACTIVITIES. THE CHANCELLOR OF THE STATE UNIVERSITY OF NEW YORK SHALL
 37 REPORT TO THE GOVERNOR AND TO THE LEGISLATURE, ON OR BEFORE JANUARY
 38 FIRST, TWO THOUSAND FIFTEEN, ON ECONOMIC DEVELOPMENT ACTIVITIES UNDER-
 39 TAKEN BY THE STATE UNIVERSITY OF NEW YORK. SUCH REPORT SHALL INCLUDE,
 40 BUT NOT BE LIMITED TO, EXPENDITURES OF CAPITAL FUNDS FOR ECONOMIC DEVEL-
 41 OPMENT ACTIVITIES RECEIVED FROM THE EMPIRE STATE DEVELOPMENT CORPO-
 42 RATION, SUNY 2020 CHALLENGE GRANT PROJECTS, CAPITAL EXPENDITURES FROM
 43 OTHER SOURCES, AND ACTIVITIES FOR THE PURPOSE OF SECURING START-UP NY
 44 APPROVAL.

45 S 2. This act shall take effect immediately.

46 PART AA

47 Section 1. This act enacts into law major components of legislation.
 48 Each component is wholly contained within a Subpart identified as
 49 Subparts A through L. The effective date for each particular provision
 50 contained within such Subpart is set forth in the last section of such
 51 Subpart. Any provision in any section contained within a Subpart,
 52 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 BLE 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;

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

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

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

11 (4) MAINTAIN REASONABLE ADMINISTRATIVE, TECHNICAL AND PHYSICAL SAFE-
12 GUARDS TO PROTECT THE SECURITY, CONFIDENTIALITY AND INTEGRITY OF
13 PERSONALLY IDENTIFIABLE STUDENT INFORMATION IN ITS CUSTODY;

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

19 6. BREACH AND UNAUTHORIZED RELEASE OF PERSONALLY IDENTIFIABLE INFORMA-
20 TION. A. EACH THIRD PARTY CONTRACTOR THAT RECEIVES STUDENT DATA OR
21 TEACHER OR PRINCIPAL DATA PURSUANT TO A CONTRACT OR OTHER WRITTEN AGREE-
22 MENT WITH AN EDUCATIONAL AGENCY SHALL BE REQUIRED TO NOTIFY SUCH EDUCA-
23 TIONAL AGENCY OF ANY BREACH OF SECURITY RESULTING IN AN UNAUTHORIZED
24 RELEASE OF SUCH DATA BY THE THIRD PARTY CONTRACTOR OR ITS ASSIGNEES IN
25 VIOLATION OF APPLICABLE STATE OR FEDERAL LAW, THE PARENTS BILL OF RIGHTS
26 FOR STUDENT DATA PRIVACY AND SECURITY, THE DATA PRIVACY AND SECURITY
27 POLICIES OF THE EDUCATIONAL AGENCY AND/OR BINDING CONTRACTUAL OBLI-
28 GATIONS RELATING TO DATA PRIVACY AND SECURITY, IN THE MOST EXPEDIENT WAY
29 POSSIBLE AND WITHOUT UNREASONABLE DELAY. THE EDUCATIONAL AGENCY SHALL,
30 UPON NOTIFICATION BY THE THIRD PARTY CONTRACTOR, BE REQUIRED TO REPORT
31 TO THE CHIEF PRIVACY OFFICER ANY SUCH BREACH OF SECURITY AND UNAUTHOR-
32 IZED RELEASE OF SUCH DATA. THE CHIEF PRIVACY OFFICER SHALL, UPON BELIEF
33 THAT SUCH BREACH AND UNAUTHORIZED RELEASE CONSTITUTES CRIMINAL CONDUCT,
34 REPORT SUCH BREACH AND UNAUTHORIZED RELEASE TO LAW ENFORCEMENT IN THE
35 MOST EXPEDIENT WAY POSSIBLE AND WITHOUT UNREASONABLE DELAY.

36 B. IN THE CASE OF AN UNAUTHORIZED RELEASE OF STUDENT DATA, THE EDUCA-
37 TIONAL AGENCY SHALL NOTIFY THE PARENT OR ELIGIBLE STUDENT OF THE UNAU-
38 THORIZED RELEASE OF STUDENT DATA THAT INCLUDES PERSONALLY IDENTIFIABLE
39 INFORMATION FROM THE STUDENT RECORDS OF SUCH STUDENT IN THE MOST EXPEDI-
40 ENT WAY POSSIBLE AND WITHOUT UNREASONABLE DELAY. IN THE CASE OF AN UNAU-
41 THORIZED RELEASE OF TEACHER OR PRINCIPAL DATA, THE EDUCATIONAL AGENCY
42 SHALL NOTIFY EACH AFFECTED TEACHER OR PRINCIPAL OF THE UNAUTHORIZED
43 RELEASE OF DATA THAT INCLUDES PERSONALLY IDENTIFIABLE INFORMATION FROM
44 THE TEACHER OR PRINCIPAL'S ANNUAL PROFESSIONAL PERFORMANCE REVIEW IN THE
45 MOST EXPEDIENT WAY POSSIBLE AND WITHOUT UNREASONABLE DELAY.

46 C. IN THE CASE OF NOTIFICATION TO A PARENT, ELIGIBLE STUDENT, TEACHER
47 OR PRINCIPAL UNDER PARAGRAPH B OF THIS SUBDIVISION DUE TO THE UNAUTHOR-
48 IZED RELEASE OF STUDENT DATA BY A THIRD-PARTY CONTRACTOR OR ITS ASSIG-
49 NEE, THE THIRD-PARTY CONTRACTOR SHALL PROMPTLY REIMBURSE THE EDUCATIONAL
50 AGENCY FOR THE FULL COST OF SUCH NOTIFICATION.

51 D. EACH VIOLATION OF A THIRD PARTY CONTRACTOR PURSUANT TO PARAGRAPH A
52 OF THIS SUBDIVISION SHALL BE PUNISHABLE BY A CIVIL PENALTY OF THE GREAT-
53 ER OF FIVE THOUSAND DOLLARS OR UP TO TEN DOLLARS PER STUDENT, TEACHER,
54 AND PRINCIPAL WHOSE DATA WAS RELEASED, PROVIDED THAT THE LATTER AMOUNT
55 SHALL NOT EXCEED THE MAXIMUM PENALTY UNDER PARAGRAPH (A) OF SUBDIVISION
56 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

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

9 (D) SCHOOL DISTRICTS SHALL BE ELIGIBLE FOR AN ANNUAL APPORTIONMENT
10 EQUAL TO THE AMOUNT OF THE SUPPLEMENTAL BASIC TUITION PAID TO THE CHAR-
11 TER SCHOOL IN THE BASE YEAR FOR THE EXPENSES INCURRED IN THE TWO THOU-
12 SAND FOURTEEN--TWO THOUSAND FIFTEEN, TWO THOUSAND FIFTEEN--TWO THOUSAND
13 SIXTEEN, AND TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEARS.

14 S 4. Paragraph (a) of subdivision 1 of section 2856 of the education
15 law, as amended by section 6 of part A of chapter 57 of the laws of
16 2013, is amended and a new paragraph (c) is added to read as follows:

17 (a) The enrollment of students attending charter schools shall be
18 included in the enrollment, attendance and, if applicable, count of
19 students with disabilities of the school district in which the pupil
20 resides. The charter school shall report all such data to the school
21 districts of residence in a timely manner. Each school district shall
22 report such enrollment, attendance and count of students with disabili-
23 ties to the department. The school district of residence shall pay
24 directly to the charter school for each student enrolled in the charter
25 school who resides in the school district the charter school basic
26 tuition which shall be:

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

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

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

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

55 FOR THE PURPOSES OF THIS SUBDIVISION, THE "SUPPLEMENTAL BASIC TUITION"
56 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

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

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

10 (5) FOR A NEW CHARTER SCHOOL WHOSE CHARTER IS GRANTED OR FOR AN EXIST-
11 ING CHARTER SCHOOL WHOSE EXPANSION OF GRADE LEVEL, PURSUANT TO THIS
12 ARTICLE, IS APPROVED BY THEIR CHARTER ENTITY BEFORE OCTOBER FIRST, TWO
13 THOUSAND SIXTEEN, IF THE APPEAL RESULTS IN A DETERMINATION IN FAVOR OF
14 THE CHARTER SCHOOL, THE CITY SCHOOL DISTRICT SHALL PAY THE CHARTER
15 SCHOOL AN AMOUNT ATTRIBUTABLE TO THE GRADE LEVEL EXPANSION OR THE FORMA-
16 TION OF THE NEW CHARTER SCHOOL THAT IS EQUAL TO THE LESSER OF:

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

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

28 (6) FOR A NEW CHARTER SCHOOL WHOSE CHARTER IS GRANTED OR FOR AN EXIST-
29 ING CHARTER SCHOOL WHOSE EXPANSION OF GRADE LEVEL, PURSUANT TO THIS
30 ARTICLE, IS APPROVED BY THEIR CHARTER ENTITY ON OR AFTER OCTOBER FIRST,
31 TWO THOUSAND SIXTEEN, IF THE APPEAL RESULTS IN A DETERMINATION IN FAVOR
32 OF THE CHARTER SCHOOL, THE CITY SCHOOL DISTRICT SHALL PAY THE CHARTER
33 SCHOOL AN AMOUNT ATTRIBUTABLE TO THE GRADE LEVEL EXPANSION OR THE FORMA-
34 TION OF THE NEW CHARTER SCHOOL THAT IS EQUAL TO THE MAXIMUM COST ALLOW-
35 ANCE ESTABLISHED BY THE COMMISSIONER FOR LEASES AIDABLE UNDER SUBDIVI-
36 SION SIX OF SECTION THIRTY-SIX HUNDRED TWO OF THIS CHAPTER.

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

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

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

9 6-G. CHARTER SCHOOLS FACILITIES AID. A. THE CITY SCHOOL DISTRICT OF
 10 THE CITY OF NEW YORK, UPON DOCUMENTING THAT IT HAS INCURRED TOTAL AGGRE-
 11 GATE EXPENSES OF FORTY MILLION DOLLARS OR MORE PURSUANT TO SUBPARAGRAPHS
 12 FIVE AND SIX OF PARAGRAPH (E) OF SUBDIVISION THREE OF SECTION
 13 TWENTY-EIGHT HUNDRED FIFTY-THREE OF THIS CHAPTER, SHALL BE ELIGIBLE FOR
 14 AN APPORTIONMENT PURSUANT TO THIS SUBDIVISION FOR ITS ANNUAL APPROVED
 15 EXPENDITURES FOR THE LEASE OF SPACE FOR CHARTER SCHOOLS INCURRED IN THE
 16 BASE YEAR IN ACCORDANCE WITH PARAGRAPH (E) OF SUBDIVISION THREE OF
 17 SECTION TWENTY-EIGHT HUNDRED FIFTY-THREE OF THIS CHAPTER.

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

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

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

29 (2) SIX-TENTHS.

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

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

43 S 7. This act shall take effect immediately; provided that the amend-
 44 ments to subdivision 1 of section 2856 of the education law made by
 45 section three of this act shall be subject to the expiration and rever-
 46 sion of such subdivision pursuant to subdivision d of section 27 of
 47 chapter 378 of the laws of 2007, as amended, when upon such date the
 48 provisions of section four of this act shall take effect; and provided
 49 further that section six of this act shall take effect July 1, 2014.

50 PART CC

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

53 S 3602-EE. STATEWIDE UNIVERSAL FULL-DAY PRE-KINDERGARTEN PROGRAM. 1.
 54 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.