

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

S. 6356--B

A. 8556--B

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

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

AN ACT to amend the education law, in relation to contracts for excellence, calculation of the gap elimination restoration amount, apportionment of school aid, teachers of tomorrow teacher recruitment and retention program, school district reorganizations and real property tax rates, transportation after 4 p.m., to establish a teacher excellence fund, duties and waivers of school districts with children with handicapping conditions, to authorize the commissioner of education to establish regional tuition rates for approved special education itinerant services, to authorize reimbursement for approved special education itinerant services based on actual attendance, to authorize New York city to establish local tuition rates for approved special education itinerant services; to amend chapter 756 of the laws of 1992 relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to apportionment and reimbursement; and in relation to extending the expiration of certain provisions; to amend chapter 169 of the laws of 1994 relating to certain provisions related to the 1994-95 state operations, aid to localities, capital projects and debt service budgets; to amend chapter 82 of the laws of 1995, amending the education law and certain other laws relating to state aid to school districts and the appropriation of funds for the support of government; to amend the education law, in relation to the definition of "school district basic contribution"; to amend chapter 147 of the laws of 2001 amending the education law relating to conditional appointment of school district,

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

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charter school or BOCES employees; to amend chapter 425 of the laws of 2002 amending the education law relating to the provision of supplemental educational services, attendance at a safe public school and the suspension of pupils who bring a firearm to or possess a firearm at a school; to amend chapter 101 of the laws of 2003 amending the education law relating to implementation of the No Child Left Behind Act of 2001, in relation to extending the expiration of certain provisions of such chapters; to provide special apportionment for school bus driver training; to provide special apportionment for salary expenses; to provide special apportionment for public pension accruals; to provide special apportionment for salary expenses; in relation to suballocation of certain education department accruals; in relation to the support of public libraries; and providing for the repeal of certain provisions upon expiration thereof (Part A); authorizing the creation of a state debt in the amount of two billion dollars, in relation to creating the smart schools bond act of 2014 for the purposes of funding capital projects to provide learning technology equipment or facilities, enhanced internet connectivity for schools and communities, and educational facilities to accommodate pre-kindergarten programs; and providing for the submission to the people of a proposition or question therefor to be voted upon at the general election to be held in November, 2014 (Part B); to amend the education law and the state finance law, in relation to the implementation of the smart schools bond act of 2014 (Part C); to amend the education law, in relation to the nurse practitioners modernization act (Part D); to amend the education law and the executive law, in relation to harassment, bullying and discrimination in schools (Part E); to amend the executive law, in relation to unlawful discriminatory practices by educational institutions (Part F); to amend the education law, in relation to creating the science, technology, engineering and mathematics incentive program (Part G); to amend chapter 57 of the laws of 2005 amending the labor law and other laws implementing the state fiscal plan for the 2005-2006 state fiscal year, relating to the New York state higher education capital matching grant program for independent colleges, in relation to the New York state higher education matching grant program for independent colleges and the effectiveness thereof (Part H); to amend the social services law, in relation to increasing the standards of monthly need for aged, blind and disabled persons living in the community (Part I); to amend the social services law, in relation to public assistance restrictions (Part J); to utilize reserves in the project pool insurance account of the mortgage insurance fund for various housing purposes (Part K); to amend the education law, in relation to educational programs in juvenile justice programs operated by the office of children and family services (Subpart A); and to amend the social services law, in relation to a deadline for the close to home initiative (Subpart B) (Part L); and to amend the social services law, in relation to providing a rent cap for people living with HIV/AIDS in social services districts with a population over five million (Part M)

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

1 Section 1. This act enacts into law major components of legislation
2 which are necessary to implement the state fiscal plan for the 2014-2015

1 state fiscal year. Each component is wholly contained within a Part
2 identified as Parts A through M. The effective date for each particular
3 provision contained within such Part is set forth in the last section of
4 such Part. Any provision in any section contained within a Part, includ-
5 ing the effective date of the Part, which makes a reference to a section
6 "of this act", when used in connection with that particular component,
7 shall be deemed to mean and refer to the corresponding section of the
8 Part in which it is found. Section three of this act sets forth the
9 general effective date of this act.

10 PART A

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

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

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

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

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

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

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

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

51 (A) THE PRODUCT OF (1) THE PRODUCT OF TWO HUNDRED AND SEVENTY-TWO
52 DOLLARS (\$272.00) MULTIPLIED BY THE EXTRAORDINARY NEEDS PERCENT COMPUTED
53 TO TWO DECIMAL PLACES WITHOUT ROUNDING MULTIPLIED BY (2) THE PRODUCT OF
54 THE STATE SHARING RATIO COMPUTED PURSUANT TO PARAGRAPH G OF SUBDIVISION
55 THREE OF THIS SECTION MULTIPLIED BY (3) THE REGIONAL COST INDEX PURSUANT
56 TO SUBDIVISION FOUR OF THIS SECTION MULTIPLIED BY (4) THE BASE YEAR

1 PUBLIC SCHOOL DISTRICT ENROLLMENT AS COMPUTED PURSUANT TO SUBPARAGRAPH
2 TWO OF PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION, OR;

3 (B) THE PRODUCT OF THREE HUNDRED SIXTY-THREE DOLLARS AND FIFTY CENTS
4 (\$363.50) MULTIPLIED BY (1) THE POSITIVE DIFFERENCE, IF ANY, OF ONE
5 MINUS THE PRODUCT OF ONE AND THIRTY-SEVEN ONE-HUNDREDTHS (1.37) MULTI-
6 PLIED BY THE COMBINED WEALTH RATIO COMPUTED PURSUANT TO SUBPARAGRAPH ONE
7 OF PARAGRAPH C OF SUBDIVISION THREE OF THIS SECTION BUT NOT GREATER THAN
8 NINE-TENTHS (0.9) MULTIPLIED BY (2) THE BASE YEAR PUBLIC SCHOOL DISTRICT
9 ENROLLMENT AS COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF
10 SUBDIVISION ONE OF THIS SECTION, OR

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

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

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

37 (G) THE GAP ELIMINATION ADJUSTMENT RESTORATION AMOUNT FOR THE TWO
38 THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR AND THEREAFTER SHALL
39 EQUAL THE PRODUCT OF THE GAP ELIMINATION PERCENTAGE FOR SUCH DISTRICT
40 AND THE GAP ELIMINATION ADJUSTMENT RESTORATION ALLOCATION ESTABLISHED
41 PURSUANT TO SUBDIVISION EIGHTEEN OF THIS SECTION.

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

45 a. State aid adjustments. All errors or omissions in the apportionment
46 shall be corrected by the commissioner. Whenever a school district has
47 been apportioned less money than that to which it is entitled, the
48 commissioner may allot to such district the balance to which it is enti-
49 tled. Whenever a school district has been apportioned more money than
50 that to which it is entitled, the commissioner may, by an order, direct
51 such moneys to be paid back to the state to be credited to the general
52 fund local assistance account for state aid to the schools, or may
53 deduct such amount from the next apportionment to be made to said
54 district, provided, however, that, upon notification of excess payments
55 of aid for which a recovery must be made by the state through deduction
56 of future aid payments, a school district may request that such excess

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

1 FIFTY-ONE, SEVEN HUNDRED FIFTY-THREE, NINETEEN HUNDRED FIFTY, THIRTY-SIX
2 HUNDRED TWO, THIRTY-SIX HUNDRED TWO-B, THIRTY-SIX HUNDRED TWO-C, THIR-
3 TY-SIX HUNDRED TWO-E, THIRTY-SIX HUNDRED TWELVE AND FORTY-FOUR HUNDRED
4 FIVE OF THIS CHAPTER FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN
5 SCHOOL YEAR AND THEREAFTER, THE COMMISSIONER SHALL CERTIFY NO PAYMENT TO
6 A SCHOOL DISTRICT, OTHER THAN PAYMENTS PURSUANT TO SUBDIVISIONS SIX-A,
7 ELEVEN, THIRTEEN AND FIFTEEN OF SECTION THIRTY-SIX HUNDRED TWO OF THIS
8 PART, IN EXCESS OF THE PAYMENT COMPUTED BASED ON AN ELECTRONIC DATA FILE
9 USED TO PRODUCE THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMIS-
10 SIONER IN SUPPORT OF THE EXECUTIVE BUDGET REQUEST SUBMITTED FOR THE
11 STATE FISCAL YEAR IN WHICH THE SCHOOL YEAR COMMENCES. Provided, however,
12 no payments shall be barred or reduced where such payment is required as
13 a result of a final audit of the state. It is further provided that,
14 until June thirtieth, nineteen hundred ninety-six, the commissioner may
15 grant a waiver from the provisions of this section for any school
16 district if it is in the best educational interests of the district
17 pursuant to guidelines developed by the commissioner and approved by the
18 director of the budget.

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

22 For aid payable in the two thousand seven--two thousand eight school
23 year [and thereafter] THROUGH THE TWO THOUSAND THIRTEEN--TWO THOUSAND
24 FOURTEEN SCHOOL YEAR, "moneys apportioned" shall mean the lesser of (i)
25 the sum of one hundred percent of the respective amount set forth for
26 each school district as payable pursuant to this section in the school
27 aid computer listing for the current year produced by the commissioner
28 in support of the budget which includes the appropriation for the gener-
29 al support for public schools for the prescribed payments and individ-
30 ualized payments due prior to April first for the current year plus the
31 apportionment payable during the current school year pursuant to subdi-
32 vision six-a and subdivision fifteen of section thirty-six hundred two
33 of this part minus any reductions to current year aids pursuant to
34 subdivision seven of section thirty-six hundred four of this part or any
35 deduction from apportionment payable pursuant to this chapter for
36 collection of a school district basic contribution as defined in subdi-
37 vision eight of section forty-four hundred one of this chapter, less any
38 grants provided pursuant to subparagraph two-a of paragraph b of subdi-
39 vision four of section ninety-two-c of the state finance law, less any
40 grants provided pursuant to subdivision twelve of section thirty-six
41 hundred forty-one of this article, or (ii) the apportionment calculated
42 by the commissioner based on data on file at the time the payment is
43 processed; provided however, that for the purposes of any payments made
44 pursuant to this section prior to the first business day of June of the
45 current year, moneys apportioned shall not include any aids payable
46 pursuant to subdivisions six and fourteen, if applicable, of section
47 thirty-six hundred two of this part as current year aid for debt service
48 on bond anticipation notes and/or bonds first issued in the current year
49 or any aids payable for full-day kindergarten for the current year
50 pursuant to subdivision nine of section thirty-six hundred two of this
51 part. The definitions of "base year" and "current year" as set forth in
52 subdivision one of section thirty-six hundred two of this part shall
53 apply to this section. For aid payable in the two thousand thirteen--two
54 thousand fourteen school year, reference to such "school aid computer
55 listing for the current year" shall mean the printouts entitled
56 "SA131-4". FOR AID PAYABLE IN THE TWO THOUSAND FOURTEEN--TWO THOUSAND

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

31 S 5. Paragraph b of subdivision 2 of section 3612 of the education
32 law, as amended by section 15 of part A of chapter 57 of the laws of
33 2013, is amended to read as follows:

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

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

55 S 3613. SCHOOL DISTRICT REORGANIZATIONS AND REAL PROPERTY TAX RATES.
56 1. WHEN TWO OR MORE SCHOOL DISTRICTS PROPOSE TO REORGANIZE PURSUANT TO

1 SECTIONS FIFTEEN HUNDRED ELEVEN THROUGH FIFTEEN HUNDRED THIRTEEN,
2 FIFTEEN HUNDRED TWENTY-FOUR, FIFTEEN HUNDRED TWENTY-SIX, SEVENTEEN
3 HUNDRED FIVE, OR EIGHTEEN HUNDRED ONE THROUGH EIGHTEEN HUNDRED THREE OF
4 THIS CHAPTER, AND UNDER THE LAW THAT WOULD OTHERWISE BE APPLICABLE, THE
5 REORGANIZATION WOULD HAVE AN IMPACT UPON THE SCHOOL TAX RATES WITHIN THE
6 AREAS SERVED BY THE SCHOOL DISTRICTS THAT EXISTED PRIOR TO THE REORGAN-
7 IZATION, NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE
8 BOARDS OF EDUCATION OR TRUSTEES OF ALL THE SCHOOL DISTRICTS PARTICIPAT-
9 ING IN THE PROPOSED REORGANIZATION MAY OPT TO HAVE THAT IMPACT DEFERRED
10 FOR A ONE-YEAR PERIOD AND/OR PHASED-IN OVER A PERIOD AS MAY BE DETER-
11 MINED BY THE BOARDS OF EDUCATION OR TRUSTEES OF ALL PARTICIPATING SCHOOL
12 DISTRICTS IN THE MANNER PRESCRIBED BY THIS SECTION BUT WHICH SHALL NOT
13 EXCEED A TEN-YEAR PERIOD. TO EXERCISE SUCH OPTION, THE BOARDS OF EDUCA-
14 TION OR TRUSTEES OF ALL PARTICIPATING SCHOOL DISTRICTS, AFTER CONDUCTING
15 A PUBLIC HEARING, MAY ADOPT A RESOLUTION AT LEAST FORTY-FIVE DAYS PRIOR
16 TO THE SPECIAL DISTRICT MEETING AT WHICH THE REORGANIZATION VOTE WILL BE
17 HELD, TO DEFER AND/OR PHASE-IN THE IMPACT AS PROVIDED HEREIN. IF THE
18 BOARD OF EDUCATION OR TRUSTEES OF ANY PARTICIPATING SCHOOL DISTRICT DOES
19 NOT APPROVE SUCH A RESOLUTION OPTING FOR A COMMON PHASE-IN PERIOD, THE
20 PROVISIONS OF THIS SECTION SHALL NOT APPLY.

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

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

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

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

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

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

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

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

54 (D) MULTIPLY THAT ASSESSED VALUE TAX RATE BY THE STATE EQUALIZATION
55 RATE THAT WOULD HAVE APPLIED FOR THE CURRENT SCHOOL YEAR BUT FOR THE

1 PROVISIONS OF THIS SECTION. THE RESULT IS THE TARGET FULL VALUE TAX RATE
2 FOR THE PORTION.

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

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

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

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

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

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

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

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

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

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

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

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

54 4. Notwithstanding any other provision of law to the contrary, any
55 expenditures for transportation provided pursuant to this section in the
56 two thousand thirteen--two thousand fourteen AND TWO THOUSAND FOURTEEN-

1 -TWO THOUSAND FIFTEEN school [year] YEARS and otherwise eligible for
2 transportation aid pursuant to subdivision seven of section thirty-six
3 hundred two of this article shall be considered approved transportation
4 expenses eligible for transportation aid, provided further that such aid
5 shall be limited to five million six hundred thousand dollars. And
6 provided further that such expenditures eligible for aid under this
7 section shall supplement not supplant local expenditures for such trans-
8 portation in the two thousand twelve--two thousand thirteen school year.

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

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

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

28 7. (a) In the event the chancellor has not satisfied a district's
29 obligation under this section, a parent or guardian or any represen-
30 tative authorized by such parent or guardian of a child eligible to
31 receive transportation under this section may request the commissioner
32 to arrange for the provision of the transportation to so satisfy the
33 requirements of this section.

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

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

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

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

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

3 6-C. TEACHER EXCELLENCE FUND. A. WITHIN THE AMOUNT APPROPRIATED FOR
4 SUCH PURPOSE, SUBJECT TO A REQUEST FOR PROPOSALS DEVELOPED BY THE
5 COMMISSIONER AND APPROVED BY THE DIRECTOR OF THE BUDGET, THE COMMISSION-
6 ER SHALL AWARD TEACHER EXCELLENCE FUND GRANTS PURSUANT TO THIS SUBDIVI-
7 SION TO ELIGIBLE SCHOOL DISTRICTS, BEGINNING IN THE TWO THOUSAND FOUR-
8 TEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR, TO PROVIDE TEACHER EXCELLENCE
9 FUND PERFORMANCE AWARDS TO HIGHLY EFFECTIVE TEACHERS.

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

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

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

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

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

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

42 B. FOR THE PURPOSE OF THIS SUBDIVISION:

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

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

1 MENTS OF SECTION THREE THOUSAND TWELVE-C OF THIS CHAPTER AND REGULATIONS
2 OF THE COMMISSIONER.

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

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

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

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

1 2. BEFORE SUBMITTING AN APPLICATION FOR A WAIVER, THE LOCAL SCHOOL
2 DISTRICT, APPROVED PRIVATE SCHOOL OR BOARD OF COOPERATIVE EDUCATIONAL
3 SERVICES SHALL PROVIDE NOTICE OF THE PROPOSED WAIVER TO THE PARENTS OR
4 PERSONS IN PARENTAL RELATIONSHIP TO THE STUDENTS THAT WOULD BE IMPACTED
5 BY THE WAIVER IF GRANTED. SUCH NOTICE SHALL BE IN A FORM AND MANNER THAT
6 WILL ENSURE THAT SUCH PARENTS AND PERSONS IN PARENTAL RELATIONSHIP WILL
7 BE AWARE OF ALL RELEVANT CHANGES THAT WOULD OCCUR UNDER THE WAIVER, AND
8 SHALL INCLUDE INFORMATION ON THE FORM, MANNER AND DATE BY WHICH PARENTS
9 MAY SUBMIT WRITTEN COMMENTS ON THE PROPOSED WAIVER. THE LOCAL SCHOOL
10 DISTRICT, APPROVED PRIVATE SCHOOL, OR BOARD OF COOPERATIVE EDUCATIONAL
11 SERVICES SHALL PROVIDE AT LEAST SIXTY DAYS FOR SUCH PARENTS AND PERSONS
12 IN PARENTAL RELATIONSHIP TO SUBMIT WRITTEN COMMENTS, AND SHALL INCLUDE
13 IN THE WAIVER APPLICATION SUBMITTED TO THE COMMISSIONER PURSUANT TO
14 SUBDIVISION ONE OF THIS SECTION ANY WRITTEN COMMENTS RECEIVED FROM SUCH
15 PARENTS OR PERSONS IN PARENTAL RELATION TO SUCH STUDENTS.

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

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

34 S 11. Subparagraph (i) of paragraph a of subdivision 10 of section
35 4410 of the education law, as amended by chapter 82 of the laws of 1995,
36 is amended and a new subparagraph (iv) is added to read as follows:

37 (i) (A) Commencing with the nineteen hundred ninety--ninety-one school
38 year, the commissioner shall annually determine the tuition rate for
39 approved services or programs provided to preschool children pursuant to
40 this section. Such rates for providers of such services and programs
41 shall be determined in conformance with a methodology established pursu-
42 ant to subdivision four of section forty-four hundred five of this arti-
43 cle after consultation with and a review of an annual report prepared by
44 the advisory committee established pursuant to paragraph a of subdivi-
45 sion twelve of this section and shall be subject to the approval of the
46 director of the budget. Notwithstanding any other provision of law, rule
47 or regulation to the contrary, tuition rates established for the nine-
48 teen hundred ninety-five--ninety-six school year shall exclude the two
49 percent cost of living adjustment authorized in rates established for
50 the nineteen hundred ninety-four--ninety-five school year.

51 (B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION TO
52 THE CONTRARY, FOR THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL
53 YEAR AND THEREAFTER, THE COMMISSIONER, SUBJECT TO THE APPROVAL OF THE
54 DIRECTOR OF THE BUDGET, SHALL ESTABLISH REGIONAL TUITION RATES FOR
55 SPECIAL EDUCATION ITINERANT SERVICES BASED ON APPROVED ACTUAL COSTS IN
56 ACCORDANCE WITH A METHODOLOGY ESTABLISHED PURSUANT TO SUBDIVISION FOUR

1 OF SECTION FORTY-FOUR HUNDRED FIVE OF THIS ARTICLE. SUCH SPECIAL EDUCA-
2 TION ITINERANT SERVICES SHALL BE PROVIDED BY APPROVED PROGRAMS, AND SUCH
3 APPROVED PROGRAMS SHALL BE REIMBURSED FOR SUCH SERVICES BASED ON THE
4 ACTUAL ATTENDANCE OF PRESCHOOL CHILDREN RECEIVING SUCH SERVICES.

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

28 S 12. Subdivision b of section 2 of chapter 756 of the laws of 1992,
29 relating to funding a program for work force education conducted by the
30 consortium for worker education in New York city, as amended by section
31 27 of part A of chapter 57 of the laws of 2013, is amended to read as
32 follows:

33 b. Reimbursement for programs approved in accordance with subdivision
34 a of this section [for the 2010--2011 school year shall not exceed 62.6
35 percent of the lesser of such approvable costs per contact hour or
36 twelve dollars and five cents per contact hour, reimbursement] for the
37 2011--2012 school year shall not exceed 62.9 percent of the lesser of
38 such approvable costs per contact hour or twelve dollars and fifteen
39 cents per contact hour, reimbursement for the 2012--2013 school year
40 shall not exceed 63.3 percent of the lesser of such approvable costs per
41 contact hour or twelve dollars and thirty-five cents per contact hour,
42 [and] reimbursement for the 2013--2014 school year shall not exceed 62.3
43 percent of the lesser of such approvable costs per contact hour or
44 twelve dollars and sixty-five cents per contact hour, AND REIMBURSEMENT
45 FOR THE 2014--2015 SCHOOL YEAR SHALL NOT EXCEED 61.6 PERCENT OF THE
46 LESSER OF SUCH APPROVABLE COSTS PER CONTACT HOUR OR EIGHT DOLLARS AND
47 THREE CENTS PER CONTACT HOUR where a contact hour represents sixty
48 minutes of instruction services provided to an eligible adult. Notwith-
49 standing any other provision of law to the contrary, [for the 2010--2011
50 school year such contact hours shall not exceed one million five hundred
51 twenty-five thousand one hundred ninety-eight (1,525,198) hours; where-
52 as] for the 2011--2012 school year such contact hours shall not exceed
53 one million seven hundred one thousand five hundred seventy (1,701,570)
54 hours; whereas for the 2012--2013 school year such contact hours shall
55 not exceed one million six hundred sixty-four thousand five hundred
56 thirty-two (1,664,532) hours; whereas for the 2013--2014 school year

1 such contact hours shall not exceed one million six hundred forty-nine
2 thousand seven hundred forty-six (1,649,746) hours; WHEREAS FOR THE
3 2014--2015 SCHOOL YEAR SUCH CONTACT HOURS SHALL NOT EXCEED ONE MILLION
4 FOUR HUNDRED THIRTY-TWO THOUSAND ONE HUNDRED TWENTY-NINE (1,432,129)
5 HOURS. Notwithstanding any other provision of law to the contrary, the
6 apportionment calculated for the city school district of the city of New
7 York pursuant to subdivision 11 of section 3602 of the education law
8 shall be computed as if such contact hours provided by the consortium
9 for worker education, not to exceed the contact hours set forth herein,
10 were eligible for aid in accordance with the provisions of such subdivi-
11 sion 11 of section 3602 of the education law.

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

16 S. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY AFTER THE
17 COMPLETION OF PAYMENTS FOR THE 2014--2015 SCHOOL YEAR. NOTWITHSTANDING
18 ANY INCONSISTENT PROVISIONS OF LAW, THE COMMISSIONER OF EDUCATION SHALL
19 WITHHOLD A PORTION OF EMPLOYMENT PREPARATION EDUCATION AID DUE TO THE
20 CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK TO SUPPORT A PORTION OF THE
21 COSTS OF THE WORK FORCE EDUCATION PROGRAM. SUCH MONEYS SHALL BE CREDITED
22 TO THE ELEMENTARY AND SECONDARY EDUCATION FUND-LOCAL ASSISTANCE ACCOUNT
23 AND SHALL NOT EXCEED ELEVEN MILLION FIVE HUNDRED THOUSAND DOLLARS
24 (\$11,500,000).

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

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

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

36 1. Sections one through seventy of this act shall be deemed to have
37 been in full force and effect as of April 1, 1994 provided, however,
38 that sections one, two, twenty-four, twenty-five and twenty-seven
39 through seventy of this act shall expire and be deemed repealed on March
40 31, 2000; provided, however, that section twenty of this act shall apply
41 only to hearings commenced prior to September 1, 1994, and provided
42 further that section twenty-six of this act shall expire and be deemed
43 repealed on March 31, 1997; and provided further that sections four
44 through fourteen, sixteen, and eighteen, nineteen and twenty-one through
45 twenty-one-a of this act shall expire and be deemed repealed on March
46 31, 1997; and provided further that sections three, fifteen, seventeen,
47 twenty, twenty-two and twenty-three of this act shall expire and be
48 deemed repealed on March 31, [2015] 2016.

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

54 (22) sections one hundred twelve, one hundred thirteen, one hundred
55 fourteen, one hundred fifteen and one hundred sixteen of this act shall
56 take effect on July 1, 1995; provided, however, that section one hundred

1 thirteen of this act shall remain in full force and effect until July 1,
2 [2014] 2015 at which time it shall be deemed repealed;

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

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

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

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

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

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

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

40 S 20. Section 5 of chapter 101 of the laws of 2003, amending the
41 education law relating to implementation of the No Child Left Behind Act
42 of 2001, as amended by section 34 of part A of chapter 57 of the laws of
43 2013, is amended to read as follows:

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

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

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

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

33 S 22. School bus driver training. In addition to apportionments other-
34 wise provided by section 3602 of the education law, for aid payable in
35 the 2014--2015 school year, the commissioner of education shall allocate
36 school bus driver training grants to school districts and boards of
37 cooperative educational services pursuant to sections 3650-a, 3650-b and
38 3650-c of the education law, or for contracts directly with not-for-pro-
39 fit educational organizations for the purposes of this section. Such
40 payments shall not exceed four hundred thousand dollars (\$400,000) per
41 school year.

42 S 23. Special apportionment for salary expenses. a. Notwithstanding
43 any other provision of law, upon application to the commissioner of
44 education, not sooner than the first day of the second full business
45 week of June, 2015 and not later than the last day of the third full
46 business week of June, 2015, a school district eligible for an appor-
47 tionment pursuant to section 3602 of the education law shall be eligible
48 to receive an apportionment pursuant to this section, for the school
49 year ending June 30, 2015, for salary expenses incurred between April 1
50 and June 30, 2015 and such apportionment shall not exceed the sum of (i)
51 the deficit reduction assessment of 1990--1991 as determined by the
52 commissioner of education, pursuant to paragraph f of subdivision 1 of
53 section 3602 of the education law, as in effect through June 30, 1993,
54 plus (ii) 186 percent of such amount for a city school district in a
55 city with a population in excess of 1,000,000 inhabitants, plus (iii)
56 209 percent of such amount for a city school district in a city with a

1 population of more than 195,000 inhabitants and less than 219,000 inhab-
2 itants according to the latest federal census, plus (iv) the net gap
3 elimination adjustment for 2010--2011, as determined by the commissioner
4 of education pursuant to chapter 53 of the laws of 2010, plus (v) the
5 gap elimination adjustment for 2011--2012 as determined by the commis-
6 sioner of education pursuant to subdivision 17 of section 3602 of the
7 education law, and provided further that such apportionment shall not
8 exceed such salary expenses. Such application shall be made by a school
9 district, after the board of education or trustees have adopted a resol-
10 ution to do so and in the case of a city school district in a city with
11 a population in excess of 125,000 inhabitants, with the approval of the
12 mayor of such city.

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

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

44 S 24. Special apportionment for public pension accruals. a. Notwith-
45 standing any other provision of law, upon application to the commission-
46 er of education, not later than June 30, 2015, a school district eligi-
47 ble for an apportionment pursuant to section 3602 of the education law
48 shall be eligible to receive an apportionment pursuant to this section,
49 for the school year ending June 30, 2015 and such apportionment shall
50 not exceed the additional accruals required to be made by school
51 districts in the 2004--2005 and 2005--2006 school years associated with
52 changes for such public pension liabilities. The amount of such addi-
53 tional accrual shall be certified to the commissioner of education by
54 the president of the board of education or the trustees or, in the case
55 of a city school district in a city with a population in excess of
56 125,000 inhabitants, the mayor of such city. Such application shall be

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

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

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

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

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

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

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

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

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

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

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

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

54 S 29. Severability. The provisions of this act shall be severable, and
55 if the application of any clause, sentence, paragraph, subdivision,
56 section or part of this act to any person or circumstance shall be

1 adjudged by any court of competent jurisdiction to be invalid, such
2 judgment shall not necessarily affect, impair or invalidate the applica-
3 tion of any such clause, sentence, paragraph, subdivision, section, part
4 of this act or remainder thereof, as the case may be, to any other
5 person or circumstance, but shall be confined in its operation to the
6 clause, sentence, paragraph, subdivision, section or part thereof
7 directly involved in the controversy in which such judgment shall have
8 been rendered.

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

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

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

18 3. Section eleven of this act shall take effect April 1, 2014 and
19 shall first apply to the provision of services and programs pursuant to
20 section 4410 of the education law in the 2014-2015 school year, provided
21 that the provisions of subparagraph (iv) of paragraph a of subdivision
22 10 of section 4410 of the education law, as added by such section of
23 this act, shall expire and be deemed repealed June 30, 2019.

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

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

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

34

PART B

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

37

SMART SCHOOLS BOND ACT OF 2014

38 Section 1. Short title.

39 2. Creation of a state debt.

40 3. Bonds of the state.

41 4. Use of moneys received.

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

44 S 2. Creation of a state debt. The creation of a state debt in an
45 amount not exceeding in the aggregate two billion dollars
46 (\$2,000,000,000) is hereby authorized to provide moneys for the single
47 purpose of improving learning and opportunity for public school students
48 of the state by funding capital projects to: acquire learning technology
49 equipment or facilities including, but not limited to, interactive
50 whiteboards, computer servers, and desktop, laptop and tablet computers;
51 install high-speed broadband or wireless internet connectivity for
52 schools and communities; and construct, enhance, and modernize educa-

1 tional facilities to accommodate pre-kindergarten programs. The legisla-
2 ture may, by appropriate legislation and subject to such conditions as
3 it may impose, make available out of the proceeds of the sale of bonds
4 authorized in this act, moneys disbursed or to be disbursed for the cost
5 of approved capital projects undertaken by, or on behalf of, school
6 districts for such purposes.

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

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

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

49 PART C

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (3) THE SMART SCHOOLS REVIEW BOARD SHALL REVIEW ALL SMART SCHOOLS
2 INVESTMENT PLANS FOR COMPLIANCE WITH ALL ELIGIBILITY CRITERIA AND OTHER
3 REQUIREMENTS SET FORTH IN THE GUIDELINES. THE SMART SCHOOLS REVIEW BOARD
4 MAY APPROVE OR REJECT SUCH PLANS, OR MAY RETURN SUCH PLANS TO THE SCHOOL
5 DISTRICT FOR MODIFICATIONS. UPON APPROVAL, THE SMART SCHOOLS PROJECT OR
6 PROJECTS DESCRIBED IN THE INVESTMENT PLAN SHALL BE ELIGIBLE FOR SMART
7 SCHOOLS GRANTS. A SMART SCHOOLS PROJECT INCLUDED IN A SCHOOL DISTRICT'S
8 SMART SCHOOLS INVESTMENT PLAN SHALL NOT REQUIRE SEPARATE APPROVAL OF THE
9 COMMISSIONER UNLESS IT IS PART OF A SCHOOL CONSTRUCTION PROJECT REQUIRED
10 TO BE SUBMITTED FOR APPROVAL OF THE COMMISSIONER PURSUANT TO SECTION
11 FOUR HUNDRED EIGHT OF THIS CHAPTER AND/OR SUBDIVISION SIX OF SECTION
12 THIRTY-SIX HUNDRED TWO OF THIS ARTICLE. ANY DEPARTMENT, AGENCY OR PUBLIC
13 AUTHORITY SHALL PROVIDE THE SMART SCHOOLS REVIEW BOARD WITH ANY INFORMA-
14 TION IT REQUIRES TO FULFILL ITS DUTIES PURSUANT TO THIS SUBDIVISION.

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

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

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

44 D. CONSISTENCY WITH FEDERAL TAX LAW. ALL ACTIONS TAKEN PURSUANT TO
45 THIS SUBDIVISION SHALL BE REVIEWED FOR CONSISTENCY WITH PROVISIONS OF
46 THE FEDERAL INTERNAL REVENUE CODE AND REGULATIONS THEREUNDER, IN ACCORD-
47 ANCE WITH PROCEDURES ESTABLISHED IN CONNECTION WITH THE ISSUANCE OF ANY
48 TAX EXEMPT BONDS PURSUANT TO THIS SUBDIVISION, TO PRESERVE THE TAX
49 EXEMPT STATUS OF SUCH BONDS.

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

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

55 S 97-0000. SMART SCHOOLS BOND FUND. 1. THERE IS HEREBY ESTABLISHED IN
56 THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSIONER OF TAXA-

1 TION AND FINANCE A SPECIAL FUND TO BE KNOWN AS THE "SMART SCHOOLS BOND
2 FUND".

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

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

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

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

20 SMART SCHOOLS PROJECTS

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

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

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

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

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

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

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

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

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

1 NURSE PRACTITIONER shall be clearly posted in the practice setting of
2 the nurse practitioner.

3 [(d)] (V) The practice protocol shall reflect current accepted medical
4 and nursing practice, OR FOR COLLABORATIONS WITH ANOTHER NURSE PRACTI-
5 TIONER PURSUANT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE CURRENT
6 ACCEPTED NURSING PRACTICE. The protocols shall be filed with the
7 department within ninety days of the commencement of the practice and
8 may be updated periodically. The commissioner shall make regulations
9 establishing the procedure for the review of protocols and the disposi-
10 tion of any issues arising from such review.

11 [(e)] (VI) No physician OR, WHERE APPLICABLE, NURSE PRACTITIONER,
12 shall enter into practice agreements with more than four nurse practi-
13 tioners who are not located on the same physical premises as the collab-
14 orating physician OR COLLABORATING NURSE PRACTITIONER.

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

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

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

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

1 PHYSICIAN OR HOSPITAL; AND OTHER INFORMATION THE DEPARTMENT, IN CONSUL-
2 TATION WITH THE DEPARTMENT OF HEALTH, DEEMS RELEVANT.

3 S 3. This act shall take effect on the first of January after it shall
4 have become a law; provided, however, that effective immediately, the
5 addition, amendment and/or repeal of any rule or regulation necessary
6 for the implementation of this act on its effective date is authorized
7 and directed to be made and completed on or before such effective date.

8 PART E

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

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

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

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

31 S 3. Paragraphs e, f, g, h, i, j, k and l of subdivision 1 of section
32 13 of the education law are relettered paragraphs g, h, i, j, k, l, m
33 and n and two new paragraphs e and f are added to read as follows:

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

47 F. REQUIRE THE PRINCIPAL OR SUPERINTENDENT TO PROMPTLY REPORT TO THE
48 COMMISSIONER, THE DIVISION OF HUMAN RIGHTS AND THE DIVISION OF STATE
49 POLICE, (I) ANY INVESTIGATION WHERE A DETERMINATION IS MADE BY EITHER
50 THE PRINCIPAL, SUPERINTENDENT OR THE PRINCIPAL'S OR SUPERINTENDENT'S
51 DESIGNEE THAT A VERIFIED INCIDENT OF HARASSMENT, BULLYING OR DISCRIMI-
52 NATION IS PART OF A PATTERN OF HARASSMENT, BULLYING OR DISCRIMINATION
53 AND (II) ANY PATTERN OF HARASSMENT, BULLYING OR DISCRIMINATION OF WHICH
54 THEY OTHERWISE BECOME AWARE. SCHOOL DISTRICTS SHALL ENSURE THAT THEY

1 HAVE ADEQUATE POLICIES AND PROCEDURES IN PLACE TO ENSURE THAT THESE
2 PATTERNS ARE REPORTED PROMPTLY;

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

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

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

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

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

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

39

PART F

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

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

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

47 (B) ANY PUBLIC SCHOOL, INCLUDING ANY SCHOOL DISTRICT, BOARD OF COOPER-
48 ATIVE EDUCATIONAL SERVICES, PUBLIC COLLEGE, OR PUBLIC UNIVERSITY.

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

51 4. It shall be an unlawful discriminatory practice for an [education
52 corporation or association which holds itself out to the public to be
53 non-sectarian and exempt from taxation pursuant to the provisions of
54 article four of the real property tax law] EDUCATIONAL INSTITUTION to

1 deny the use of its facilities to any person otherwise qualified, or to
2 permit the harassment of any student or applicant, by reason of his
3 race, color, religion, disability, national origin, sexual orientation,
4 military status, sex, age or marital status, except that any such insti-
5 tution which establishes or maintains a policy of educating persons of
6 one sex exclusively may admit students of only one sex.

7 S 3. This act shall take effect immediately.

8

PART G

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

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

30 2. AWARDS SHALL BE GRANTED BEGINNING WITH THE TWO THOUSAND
31 FOURTEEN--TWO THOUSAND FIFTEEN ACADEMIC YEAR AND THEREAFTER TO APPLI-
32 CANTS THAT THE CORPORATION HAS DETERMINED ARE ELIGIBLE TO RECEIVE SUCH
33 AWARDS. THE CORPORATION SHALL GRANT SUCH AWARDS IN AN AMOUNT EQUAL TO
34 THE AMOUNT OF UNDERGRADUATE TUITION FOR RESIDENTS OF NEW YORK STATE
35 CHARGED BY THE STATE UNIVERSITY OF NEW YORK OR ACTUAL TUITION CHARGED,
36 WHICHEVER IS LESS; PROVIDED, HOWEVER, (I) A STUDENT WHO RECEIVES EDUCA-
37 TIONAL GRANTS AND/OR SCHOLARSHIPS THAT COVER THE STUDENT'S FULL COST OF
38 ATTENDANCE SHALL NOT BE ELIGIBLE FOR AN AWARD UNDER THIS PROGRAM; (II)
39 FOR A STUDENT WHO RECEIVES EDUCATIONAL GRANTS AND/OR SCHOLARSHIPS THAT
40 COVER LESS THAN THE STUDENT'S FULL COST OF ATTENDANCE, SUCH GRANTS
41 AND/OR SCHOLARSHIPS SHALL NOT BE DEEMED DUPLICATIVE OF THIS PROGRAM AND
42 MAY BE HELD CONCURRENTLY WITH AN AWARD UNDER THIS PROGRAM, PROVIDED THAT
43 THE COMBINED BENEFITS DO NOT EXCEED THE STUDENT'S FULL COST OF ATTEND-
44 ANCE; AND (III) AN AWARD UNDER THIS PROGRAM SHALL BE APPLIED TO TUITION
45 AFTER THE APPLICATION OF ALL OTHER EDUCATIONAL GRANTS AND SCHOLARSHIPS
46 LIMITED TO TUITION AND SHALL BE REDUCED IN AN AMOUNT EQUAL TO SUCH
47 EDUCATIONAL GRANTS AND/OR SCHOLARSHIPS. UPON NOTIFICATION OF AN AWARD
48 UNDER THIS PROGRAM, THE INSTITUTION SHALL DEFER THE AMOUNT OF TUITION
49 EQUAL TO THE AWARD. NO AWARD SHALL BE FINAL UNTIL THE RECIPIENT'S
50 SUCCESSFUL COMPLETION OF A TERM HAS BEEN CERTIFIED BY THE INSTITUTION.

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

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

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

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

36

PART H

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

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

1 S 2. Paragraph (h) of subdivision 4 of section 1 of part U of chapter
2 57 of the laws of 2005 amending the labor law and other laws implement-
3 ing the state fiscal plan for the 2005-2006 state fiscal year, relating
4 to the New York state higher education capital matching grant program
5 for independent colleges, as amended by section 2 of part C of chapter
6 57 of the laws of 2013, is amended to read as follows:

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

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

41 (A) Notwithstanding the provision of any general or special law to the
42 contrary, and subject to the provisions of chapter 59 of the laws of
43 2000 and to the making of annual appropriations therefor by the legisla-
44 ture, in order to assist the dormitory authority in providing such high-
45 er education capital matching grants, the director of the budget is
46 authorized in any state fiscal year commencing April 1, 2005 or any
47 state fiscal year thereafter for a period ending on March 31, [2015,]
48 2017, to enter into one or more service contracts, none of which shall
49 exceed 30 years in duration, with the dormitory authority, upon such
50 terms as the director of the budget and the dormitory authority agree.

51 S 4. Paragraph (b) of subdivision 7 of section 1 of part U of chapter
52 57 of the laws of 2005 amending the labor law and other laws implement-
53 ing the state fiscal plan for the 2005-2006 state fiscal year, relating
54 to the New York state higher education matching capital grant program
55 for independent colleges, as amended by section 4 of part C of chapter
56 57 of the laws of 2013, is amended to read as follows:

1 (b) Any eligible institution receiving a grant pursuant to this arti-
2 cle shall report to the dormitory authority no later than June 1, [2014]
3 2018, on the use of funding received and its programmatic and economic
4 impact. The dormitory authority shall submit a report no later than
5 November 1, [2014] 2018 to [the board,] the governor, the director of
6 the budget, the temporary president of the senate, and the speaker of
7 the assembly on the aggregate impact of the higher education matching
8 capital grant program. Such report shall provide information on the
9 progress and economic impact of such project.
10 S 5. This act shall take effect immediately and shall be deemed to
11 have been in full force and effect on and after April 1, 2014.

12

PART I

13 Section 1. Paragraphs (a), (b), (c) and (d) of subdivision 1 of
14 section 131-o of the social services law, as amended by section 1 of
15 part E of chapter 57 of the laws of 2013, are amended to read as
16 follows:

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

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

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

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

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

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

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

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

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

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

1 \$949.48; and (iv) for an eligible couple receiving such care in any
2 other county in the state, two times the amount set forth in subpara-
3 graph (iii) of this paragraph.

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

15 (e) (i) On and after January first, two thousand [thirteen] FOURTEEN,
16 for an eligible individual receiving enhanced residential care,
17 [\$1404.00] \$1415.00; and (ii) for an eligible couple receiving enhanced
18 residential care, two times the amount set forth in subparagraph (i) of
19 this paragraph.

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

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

26

PART J

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

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

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

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

1 PUBLIC OR TO UNAUTHORIZED PERSONNEL, SUCH AS NON-WAGERING AREAS OF THE
2 BACKSTRETCH.

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

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

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

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

1 GRAPH, "GAMING ESTABLISHMENT" SHALL MEAN ANY VIDEO LOTTERY FACILITY,
2 OFF-TRACK BETTING BRANCH OFFICE, SIMULCAST FACILITY, LICENSED COMMERCIAL
3 CHARITABLE GAMING FACILITY, OR ANY PARI-MUTUEL RACE TRACK.

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

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

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

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

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

51

PART K

52 Section 1. Notwithstanding any other provision of law, the housing
53 trust fund corporation (the corporation) may provide, for purposes of
54 the rural rental assistance program, a sum not to exceed twenty million

1 four hundred thousand dollars for the fiscal year ending March 31, 2015.
2 Notwithstanding any other provision of law, and provided that the
3 reserves in the project pool insurance account of the mortgage insurance
4 fund created pursuant to section 2429-b of the public authorities law
5 are sufficient to attain and maintain the credit rating (as determined
6 by the agency) required to accomplish the purposes of such account, the
7 board of directors of the state of New York mortgage agency shall
8 authorize the transfer from the project pool insurance account of the
9 mortgage insurance fund to the housing trust fund corporation (the
10 corporation), for the purposes of reimbursing any costs associated with
11 rural rental assistance program contracts authorized by this section, a
12 total sum not to exceed twenty million four hundred thousand dollars as
13 soon as practicable but no later than June 30, 2014. Notwithstanding any
14 other provision of law, all current and existing rural rental assistance
15 program contracts may be assigned to the corporation to administer as
16 soon as practicable. Notwithstanding any other provision of law, such
17 funds may be used by the corporation in support of contracts scheduled
18 to expire in 2014-15 for as many as 10 additional years; in support of
19 contracts for new eligible projects for a period not to exceed 5 years;
20 and in support of contracts which reach their 25 year maximum in and/or
21 prior to 2014-15 for an additional one year period.

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

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

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

1 31, 2015. Notwithstanding any other provision of law, and provided that
2 the reserves in the project pool insurance account of the mortgage
3 insurance fund created pursuant to section 2429-b of the public authori-
4 ties law are sufficient to attain and maintain the credit rating (as
5 determined by the agency) required to accomplish the purposes of such
6 account, the board of directors of the state of New York mortgage agency
7 shall authorize the transfer from the project pool insurance account of
8 the mortgage insurance fund to the housing trust fund corporation (the
9 corporation), for the purposes of reimbursing any costs associated with
10 rural preservation program contracts authorized by this section, a total
11 sum not to exceed three million five hundred thirty-nine thousand
12 dollars as soon as practicable but no later than June 30, 2014.

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

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

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

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

12 S 8. This act shall take effect immediately.

13

PART L

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

25

SUBPART A

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

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

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

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

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

6 S 3. This act shall take effect immediately; provided that the amend-
7 ments to subparagraph 8 of paragraph h of subdivision 4 of section 1950
8 of the education law made by section one of this act shall not affect
9 the expiration and repeal of such subparagraph and shall expire and be
10 deemed repealed therewith pursuant to section 4 of part K of chapter 57
11 of the laws of 2012, and provided further, that the amendments to subdi-
12 vision 6-a of section 3202 of the education law made by section two of
13 this act shall be subject to the expiration and reversion of such subdi-
14 vision pursuant to section 4 of part K of chapter 57 of the laws of
15 2012.

16 SUBPART B

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

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

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

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

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

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

27 PART M

28 Section 1. Section 131-a of the social services law is amended by
29 adding a new subdivision 14 to read as follows:

30 14. IN DETERMINING THE NEED FOR AID PROVIDED PURSUANT TO PUBLIC
31 ASSISTANCE PROGRAMS, EACH PERSON LIVING WITH CLINICAL/SYMPTOMATIC HIV
32 ILLNESS OR AIDS IN SOCIAL SERVICES DISTRICTS WITH A POPULATION OVER FIVE
33 MILLION WHO IS RECEIVING SERVICES THROUGH SUCH DISTRICT'S ADMINISTRATIVE
34 UNIT PROVIDING HIV/AIDS SERVICES, PUBLIC ASSISTANCE AND EARNED AND/OR
35 UNEARNED INCOME, SHALL NOT BE REQUIRED TO PAY MORE THAN THIRTY PERCENT
36 OF HIS OR HER MONTHLY EARNED AND/OR UNEARNED INCOME TOWARD THE COST OF
37 RENT THAT SUCH PERSON HAS A DIRECT OBLIGATION TO PAY; THIS PROVISION
38 SHALL NOT APPLY TO ROOM AND BOARD ARRANGEMENTS.

39 S 2. This act shall take effect immediately; provided that no funds
40 shall be expended pursuant to this act until a plan submitted by a
41 district has been approved by the office of temporary and disability
42 assistance and the director of the budget.

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

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