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

S. 6356--D A. 8556--D

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

January 21, 2014

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

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

AN ACT to amend the education law, in relation to contracts for excellence, calculation of the gap elimination restoration amount, total foundation aid, apportionment of school aid, teachers of tomorrow teacher recruitment and retention program, school district reorganizations and real property tax rates, transportation after 4 p.m., to establish a teacher excellence fund, relates to charter schools, subjecting charter schools to financial audits by the comptroller of the city of New York for such charter schools located in such city and by the state comptroller for charter schools located outside of the city of New York, closure or dissolution of charter schools, to authorize the commissioner of education to establish regional tuition rates for approved special education itinerant services, to authorize reimbursement for approved special education itinerant services based on actual attendance, to authorize New York city to establish local tuition rates for approved special education itinerant services; to amend chapter 756 of the laws of 1992 relating to funding a program for work force education conducted by the consortium for worker educa-

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

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tion in New York city, in relation to apportionment and reimbursement; and in relation to extending the expiration of certain provisions; to amend chapter 169 of the laws of 1994 relating to certain provisions related to the 1994-95 state operations, aid to localities, capital projects and debt service budgets; to amend chapter 698 of the laws of 1996 amending the education law relating to transportation contracts, in relation to making such provisions permanent; to amend chapter 82 of the laws of 1995, amending the education law and certain other laws relating to state aid to school districts and the appropriation of funds for the support of government; to amend the education law, in relation to educational opportunities for students with disabilities; to amend the education law, in relation to the definition of "school district basic contribution"; to amend chapter 147 of the laws of 2001 amending the education law relating to conditional appointment of school district, charter school or BOCES employees; to amend chapter 425 of the laws of 2002 amending the education law relating to the provision of supplemental educational services, attendance at a safe public school and the suspension of pupils who bring a firearm to or possess a firearm at a school; in relation to the Valley Stream school district; to amend chapter 101 of the laws of 2003 amending the education law relating to implementation of the No Child Left Behind Act of 2001, in relation to extending the expiration of certain provisions of such chapters; to amend the education law, in relation to the submission of an expenditure plan by the Roosevelt Union free school district; to amend chapter 121 of the laws of 1996, relating to authorizing the Roosevelt Union free school district to finance deficits by the issuance of serial bonds, in relation to certain apportionments; to amend chapter 97 of the laws of 2011 amending the education law relating to census reporting, in relation to the effectiveness thereof; to provide special apportionment for school bus driver training; to amend chapter 57 of the laws of 2004, relating to the support of education, in relation to the effectiveness thereof; to provide special apportionment for salary expenses; to provide special apportionment for public pension accruals; to provide special apportionment for salary expenses; in relation to suballocation of certain education department accruals; in relation to the support of public libraries; to repeal certain provisions of the education law relating thereto; and providing for the repeal of certain provisions upon expiration thereof (Part A); authorizing the creation of a state debt in the amount of two billion dollars, in relation to creating the smart schools bond act of 2014 for the purposes of funding capital projects to provide learning technology equipment or facilities, enhanced internet connectivity for schools and communities, and educational facilities to accommodate pre-kindergarten programs; and providing for the submission to the people of a proposition or question therefor to be voted upon at the general election to be held in November, 2014 (Part B); to amend the education law and the state finance law, in relation to the implementation of the smart schools bond act of 2014 (Part C); to amend the education law, in relation to enacting the "nurse practitioners modernization act"; and providing for the repeal of such provisions upon expiration thereof (Part D); intentionally omitted (Part E); intentionally omitted (Part F); to amend the education law, in relation to creating the science, technology, engineering and mathematics incentive program (Part G); to amend chapter 57 of the laws of 2005 amending the labor law and other laws implementing the state fiscal plan for the 2005-2006 state fiscal year, relating to the

New York state higher education capital matching grant program for independent colleges, in relation to the New York state higher education matching grant program for independent colleges and the effectiveness thereof (Part H); intentionally omitted (Part I); intentionally omitted (Part J); to utilize reserves in the project pool insurance account of the mortgage insurance fund for various housing purposes (Part K); intentionally omitted (Part L); intentionally omitted (Part M); intentionally omitted (Part N); intentionally omitted (Part O); intentionally omitted (Part P); to amend the social services law, in relation to notice of inspection reports (Part Q); to amend the social services law, in relation to income eligibility for the block grant for child care (Part R); to amend the social services law, in relation to the powers of social services officials to receive and dispose of a deed, mortgage, or lien (Part S); to amend the social services law, in relation to reporting on post adoption services (Part T); to amend the education law, in relation to tuition assistance program awards starting in 2014-15 (Part U); to amend the education law, in relation to the granting of student loan forgiveness awards for the purpose of increasing the number of social workers serving in critical human service areas (Part V); to amend the education law, in relation to community colleges and state aided four year colleges and non-resident and out of state students (Part W); to amend the education law, in relation to student financial aid awards and tuition assistance program awards (Part X); to amend the education law, in relation to establishing the New York state young farmers loan forgiveness incentive program (Part Y); to amend the education law, in relation to requiring the chancellor of the state university of New York to report to the governor and the legislature on economic development activities (Part Z); to amend the education law, in relation to prohibiting the administration of traditional standardized tests in pre-kindergarten programs and in grades kindergarten through second grade (Subpart A); to amend the education law, in relation to providing that standardized test scores shall not be included on a student's permanent record; and providing for the repeal of such provisions upon expiration thereof (Subpart B); to amend the education law, in relation to providing that no school shall make promotion or placement decisions based solely or primarily on standardized test scores (Subpart C); to amend the education law, in relation to standardized tests requirements for students with disabilities and English language learners (Subpart D); to amend the education law, in relation to the amount of time spent on standardized testing and test prep (Subpart E); in relation to transparency in testing (Subpart F); to amend the education law, in relation to reducing the number of standardized tests (Subpart G); in relation to assessment information for teachers and the public (Subpart H); to amend the education law, in relation to assistance to parents and families in understanding common core learning standards (Subpart I); to amend the education law, in relation to additional professional development support for educators (Subpart J); in relation to prohibiting the release of student information to certain entities (Subpart K); and to amend the education law, in relation to protecting student privacy and ensuring data security (Subpart L)(Part AA); to amend the education law, in relation to financing of charter schools (Part BB); and to amend the education law, in relation to universal full-day pre-kindergarten (Part CC)

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

Section 1. This act enacts into law major components of legislation which are necessary to implement the state fiscal plan for the 2014-2015 state fiscal year. Each component is wholly contained within a Part identified as Parts A through CC. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section three of this act sets forth the general effective date of this act.

PART A

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

e. Notwithstanding paragraphs a and b of this subdivision, a school district that submitted a contract for excellence for the two thousand eight--two thousand nine school year shall submit a contract for excellence for the two thousand nine--two thousand ten school year in conformity with the requirements of subparagraph (vi) of paragraph a of subdivision two of this section unless all schools in the district are identified as in good standing and provided further that, a school district that submitted a contract for excellence for the two thousand nine--two thousand ten school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand eleven--two thousand twelve school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the product of the amount approved by the commissioner in the contract for excellence for the two thousand nine--two thousand ten school year, multiplied by the district's gap elimination adjustment percentage and provided further that, a school district that submitted a contract for excellence for the two thousand eleven--two thousand twelve school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand twelve--two thousand thirteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand eleven--two thousand twelve school year and provided further that, a school district that submitted a contract for excellence for the two thousand twelve--two thousand thirteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand thirteen--two thousand fourteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand twelve--two thousand thirteen school year AND PROVIDED FURTHER THAT, A SCHOOL DISTRICT THAT SUBMITTED A

CONTRACT FOR EXCELLENCE FOR THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN SCHOOL YEAR, UNLESS ALL SCHOOLS IN THE DISTRICT ARE IDENTIFIED AS IN GOOD STANDING, SHALL SUBMIT A CONTRACT FOR EXCELLENCE FOR THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR WHICH SHALL, NOTWITHSTANDING THE REQUIREMENTS OF SUBPARAGRAPH (VI) OF PARAGRAPH A OF SUBDIVISION TWO OF THIS SECTION, PROVIDE FOR THE EXPENDITURE OF AN AMOUNT WHICH SHALL BE NOT LESS THAN THE AMOUNT APPROVED BY THE COMMISSIONER IN THE CONTRACT FOR EXCELLENCE FOR THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN SCHOOL YEAR. For purposes of this paragraph, the "gap elimination adjustment percentage" shall be calculated as the sum of one minus the quotient of the sum of the school district's net gap elimination adjustment for two thousand ten--two thousand eleven computed pursuant to chapter fifty-three of the laws of two thousand ten, making appropriations for the support of government, plus the school district's gap elimination adjustment for two thousand eleven--two thousand twelve as computed pursuant to chapter fifty-three of the laws of two thousand eleven, making appropriations for the support of the local assistance budget, including support for general support for public schools, divided by the total aid for adjustment computed pursuant to chapter fifty-three of the laws of two thousand eleven, making appropriations for the local assistance budget, including support for general support for public schools. Provided, further, that such amount shall be expended to support and maintain allowable programs and activities approved in the two thousand nine--two thousand ten school year or to support new or expanded allowable programs and activities in the current year.

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

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

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

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

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

(IV) THE SUM OF:

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

(B) FOR A SCHOOL DISTRICT WITH (1) A THREE-YEAR AVERAGE FREE AND REDUCED PRICE LUNCH PERCENT GREATER THAN SIXTY-FIVE PERCENT (0.65) AND (2) BASE YEAR PUBLIC SCHOOL DISTRICT ENROLLMENT AS COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION GREATER THAN THIRTY-FIVE HUNDRED (3,500) AND FOR WHICH (3) THE QUOTIENT OF (A) THE POSITIVE DIFFERENCE, IF ANY, OF THE ABSOLUTE VALUE OF THE AMOUNT SET FORTH FOR SUCH SCHOOL DISTRICT AS "GAP ELIMINATION ADJUSTMENT" UNDER THE HEADING "2011-12 ESTIMATED AIDS" IN THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET REQUEST SUBMITTED FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE STATE FISCAL YEAR AND ENTITLED "BT111-2" MINUS THE POSITIVE DIFFERENCE OF THE ABSOLUTE VALUE OF THE AMOUNT SET FORTH FOR SUCH SCHOOL DISTRICT AS "GAP ELIMINATION ADJUSTMENT" UNDER THE HEADING "2014-15 ESTIMATED AIDS" IN THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET REQUEST SUBMITTED FOR THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN STATE FISCAL YEAR AND ENTITLED "BT141-5" DIVIDED BY (B) THE ABSOLUTE VALUE OF THE AMOUNT SET FORTH FOR SUCH SCHOOL DISTRICT AS "GAP ELIMINATION ADJUSTMENT" UNDER THE HEADING "2011-12 ESTIMATED AIDS" IN THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT TO THE EXECUTIVE BUDGET REQUEST SUBMITTED FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE STATE FISCAL YEAR AND ENTITLED "BT111-2" IS LESS THAN SIXTY PERCENT (0.60), THE PRODUCT OF ONE HUNDRED AND FORTY-THREE DOLLARS ($143.00) MULTIPLIED BY THE BASE YEAR PUBLIC SCHOOL DISTRICT ENROLLMENT AS COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION; AND

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

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

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

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

(F) FOR SCHOOL DISTRICTS FOR WHICH THE QUOTIENT OF NON PUBLIC SCHOOL DISTRICT ENROLLMENT DIVIDED BY THE SUM OF THE NON PUBLIC SCHOOL DISTRICT ENROLLMENT AND THE BASE YEAR PUBLIC SCHOOL DISTRICT ENROLLMENT AS COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION IS GREATER THAN TWENTY-FIVE HUNDREDTHS (0.25), THE PRODUCT OF (1) THE QUOTIENT OF NON PUBLIC SCHOOL DISTRICT ENROLLMENT DIVIDED BY THE SUM OF THE NON PUBLIC SCHOOL DISTRICT ENROLLMENT AND THE BASE YEAR PUBLIC SCHOOL DISTRICT ENROLLMENT AS COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION MULTIPLIED BY (2) THE EXTRAORDINARY NEEDS PERCENT AS COMPUTED PURSUANT TO PARAGRAPH W OF SUBDIVISION ONE OF THIS SECTION MULTIPLIED BY (3) THE BASE YEAR PUBLIC SCHOOL DISTRICT ENROLLMENT AS COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION MULTIPLIED BY (4) THREE HUNDRED AND FIFTY DOLLARS ($350.00); AND

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

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

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

OF TWENTY-FIVE DOLLARS ($25.00) MULTIPLIED BY THE BASE YEAR PUBLIC SCHOOL DISTRICT ENROLLMENT AS COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION AND FOR SCHOOL DISTRICTS FOR WHICH THE QUOTIENT, COMPUTED TO TWO DECIMALS WITHOUT ROUNDING, OF THE PUBLIC SCHOOL ENROLLMENT OF THE SCHOOL DISTRICT ON THE DATE ENROLLMENT WAS COUNTED IN ACCORDANCE WITH THIS SUBDIVISION FOR THE BASE YEAR DIVIDED BY THE SQUARE MILES OF THE DISTRICT, AS DETERMINED BY THE COMMISSIONER IS LESS THAN TWO HUNDRED AND FIFTY (250), THE PRODUCT OF SIXTEEN DOLLARS ($16.00) MULTIPLIED BY THE BASE YEAR PUBLIC SCHOOL DISTRICT ENROLLMENT AS COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION; AND

(J) FOR A DISTRICT FOR WHICH (1) THE QUOTIENT, COMPUTED TO TWO DECIMALS WITHOUT ROUNDING, OF THE PUBLIC SCHOOL ENROLLMENT OF THE SCHOOL DISTRICT ON THE DATE ENROLLMENT WAS COUNTED IN ACCORDANCE WITH THIS SUBDIVISION FOR THE BASE YEAR DIVIDED BY THE SQUARE MILES OF THE DISTRICT, AS DETERMINED BY THE COMMISSIONER IS GREATER THAN EIGHT HUNDRED (800) AND (2) THE TAX EFFORT RATIO, AS DEFINED IN SUBDIVISION SIXTEEN OF THIS SECTION IS GREATER THAN FOUR AND (3) THE BASE YEAR PUBLIC SCHOOL DISTRICT ENROLLMENT AS COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION IS GREATER THAN THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN PUBLIC SCHOOL DISTRICT ENROLLMENT AS COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION, THE PRODUCT OF TWO HUNDRED AND FIFTY DOLLARS ($250.00) MULTIPLIED BY THE BASE YEAR PUBLIC SCHOOL DISTRICT ENROLLMENT AS COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION, PROVIDED THAT SUCH AMOUNT SHALL NOT EXCEED ONE MILLION DOLLARS ($1,000,000); AND

(K) FOR SCHOOL DISTRICTS THAT WERE: (1) DESIGNATED AS LOW OR AVERAGE NEED PURSUANT TO CLAUSE (C) OF SUBPARAGRAPH TWO OF PARAGRAPH C OF SUBDIVISION SIX OF THIS SECTION FOR THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE ENACTED BUDGET FOR THE TWO THOUSAND SEVEN--TWO THOUSAND EIGHT SCHOOL YEAR AND ENTITLED "SA0708", OR IN THE CASE OF A REORGANIZED DISTRICT THAT HAD A PREDECESSOR DISTRICT THAT WAS SO DESIGNATED AND (2) DESIGNATED AS HIGH NEED PURSUANT TO THE REGULATIONS OF THE COMMISSIONER IN THE MOST RECENTLY AVAILABLE STUDY INCLUDED IN THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE ENACTED BUDGET FOR THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN STATE FISCAL YEAR AND ENTITLED "SA131-4" KNOWN AS THE 2008 NEED RESOURCE CAPACITY CATEGORY CODE, THE PRODUCT OF (A) THE POSITIVE DIFFERENCE, IF ANY, OF THE ABSOLUTE VALUE OF THE AMOUNT SET FORTH FOR SUCH SCHOOL DISTRICT AS "GAP ELIMINATION ADJUSTMENT" UNDER THE HEADING "2011-12 ESTIMATED AIDS" IN THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET REQUEST SUBMITTED FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE STATE FISCAL YEAR AND ENTITLED "BT111-2" MINUS THE PRODUCT OF SIX AND EIGHT TENTHS PERCENT (0.068) MULTIPLIED BY THE TOTAL GENERAL FUND EXPENDITURES OF SUCH DISTRICT FOR THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN SCHOOL YEAR, MULTIPLIED BY (B) FIFTY-FIVE HUNDREDTHS (0.55); AND

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

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

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

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

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

4. Total foundation aid. In addition to any other apportionment pursuant to this chapter, a school district, other than a special act school district as defined in subdivision eight of section four thousand one of this chapter, shall be eligible for total foundation aid equal to the product of total aidable foundation pupil units multiplied by the district's selected foundation aid, which shall be the greater of five hundred dollars ($500) or foundation formula aid, provided, however that for the two thousand seven--two thousand eight through two thousand eight--two thousand nine school years, no school district shall receive total foundation aid in excess of the sum of the total foundation aid base for aid payable in the two thousand seven--two thousand eight school year computed pursuant to subparagraph (i) of paragraph j of subdivision one of this section, plus the phase-in foundation increase computed pursuant to paragraph b of this subdivision, and provided further that for the two thousand twelve--two thousand thirteen school year, no school district shall receive total foundation aid in excess of the sum of the total foundation aid base for aid payable in the two thousand eleven--two thousand twelve school year computed pursuant to paragraph j of subdivision one of this section, plus the phase-in foundation increase computed pursuant to paragraph b of this subdivision, and provided further that for the two thousand thirteen--two thousand fourteen school year and thereafter, no school district shall receive total foundation aid in excess of the sum of the total foundation aid base computed pursuant to paragraph j of subdivision one of this section, plus the phase-in foundation increase computed pursuant to paragraph b of this subdivision and provided further that total foundation aid shall not be less than the product of the total foundation aid base computed pursuant to paragraph j of subdivision one of this section and the due-minimum percent which shall be, for the two thousand twelve--two thousand thirteen school year, one hundred and six-tenths percent (1.006) and for the two thousand thirteen--two thousand fourteen school year for city school districts of those cities having populations in excess of one hundred twenty-five thousand and less than one million inhabitants one hundred and one and one hundred and seventy-six thousandths percent (1.01176), and for all other districts one hundred and three-tenths percent (1.003), AND FOR THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR ONE HUNDRED AND EIGHTY-FIVE HUNDREDTHS PERCENT (1.0085), subject to allocation pursuant to the provisions of subdivision eighteen of this section and any provisions of a chapter of the laws of New York as described therein, nor more than the product of such total foundation aid base and one hundred fifteen percent, and provided further that for the two thousand nine--two thousand ten through two thousand eleven--two thousand twelve school years, each

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

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

(1) The foundation amount shall reflect the average per pupil cost of general education instruction in successful school districts, as determined by a statistical analysis of the costs of special education and general education in successful school districts, provided that the foundation amount shall be adjusted annually to reflect the percentage increase in the consumer price index as computed pursuant to section two thousand twenty-two of this chapter, provided that for the two thousand eight--two thousand nine school year, for the purpose of such adjustment, the percentage increase in the consumer price index shall be deemed to be two and nine-tenths percent (0.029), and provided further that the foundation amount for the two thousand seven--two thousand eight school year shall be five thousand two hundred fifty-eight dollars, and provided further that for the two thousand seven--two thousand eight through two thousand fifteen--two thousand sixteen school years, the foundation amount shall be further adjusted by the phase-in foundation percent established pursuant to paragraph b of this subdivision.

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

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

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

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

(B) the positive difference, if any, of one minus the state sharing ratio for total foundation aid. The local tax factor shall be established by May first of each year by determining the product, computed to four decimal places without rounding, of ninety percent multiplied by the quotient of the sum of the statewide average tax rate as computed by the commissioner for the current year in accordance with the provisions of paragraph e of subdivision one of section thirty-six hundred nine-e of this part plus the statewide average tax rate computed by the commissioner for the base year in accordance with such provisions plus the statewide average tax rate computed by the commissioner for the year prior to the base year in accordance with such provisions, divided by three, provided however that for the two thousand seven--two thousand eight school year, such local tax factor shall be sixteen thousandths (0.016), and provided further that for the two thousand eight--two thousand nine school year, such local tax factor shall be one hundred fifty-four ten thousandths (0.0154). The income wealth index shall be calculated pursuant to paragraph d of subdivision three of this section, provided, however, that for the purposes of computing the expected minimum local contribution the income wealth index shall not be less than sixty-five percent (0.65) and shall not be more than two hundred percent (2.0) and provided however that such income wealth index shall not be more than ninety-five percent (0.95) for the two thousand eight--two thousand nine school year, and provided further that such income wealth index shall not be less than zero for the two thousand thirteen--two thousand fourteen school year. The selected actual valuation shall be calculated pursuant to paragraph c of subdivision one of this section. Total wealth foundation pupil units shall be calculated pursuant to paragraph h of subdivision two of this section.

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

(2) The phase-in foundation percent shall equal one hundred thirteen and fourteen one hundredths percent (1.1314) for the two thousand eleven--two thousand twelve school year, one hundred ten and thirty-eight hundredths percent (1.1038) for the two thousand twelve--two thousand thirteen school year, one hundred seven and sixty-eight hundredths percent (1.0768) for the two thousand thirteen--two thousand fourteen school year, one hundred five and six hundredths percent (1.0506) for the two thousand fourteen--two thousand fifteen school year, and one hundred two and five tenths percent (1.0250) for the two thousand fifteen--two thousand sixteen school year.

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

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

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

c. Public excess cost aid setaside. Each school district shall set aside from its total foundation aid computed for the current year pursuant to this subdivision an amount equal to the product of: (i) the difference between the amount the school district was eligible to receive in the two thousand six--two thousand seven school year pursuant to or in lieu of paragraph six of subdivision nineteen of this section as such paragraph existed on June thirtieth, two thousand seven, minus the amount such district was eligible to receive pursuant to or in lieu of paragraph five of subdivision nineteen of this section as such paragraph existed on June thirtieth, two thousand seven, in such school year, and (ii) the sum of one and the percentage increase in the consumer price index for the current year over such consumer price index for the two thousand six--two thousand seven school year, as computed pursuant to section two thousand twenty-two of this chapter. Notwithstanding any other provision of law to the contrary, the public excess cost aid setaside shall be paid pursuant to section thirty-six hundred nine-b of this part.

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

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

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

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

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

(c) At the end of each ten year segment of an assumed amortization established pursuant to subparagraphs two, three and four of this paragraph, or in the [two thousand fourteen -- two thousand fifteen] TWO THOUSAND FIFTEEN -- TWO THOUSAND SIXTEEN school year in the case of assumed amortizations whose ten year segment ends prior to such school year, the commissioner shall revise the remaining scheduled semiannual payments of the outstanding principal and interest of such assumed amortization, other than the outstanding principal and interest of refunding bonds where the district can demonstrate to the commissioner that it is precluded by state or federal law, rule or regulation from refinancing such outstanding principal and interest, based on the interest rates applicable for the current year if the difference of the interest rate upon which the existing assumed amortization is based minus such interest rate applicable for the current year is equal to or greater than one quarter of one-one hundredth. Provided however, in the case of assumed amortization whose ten year segment ended prior to the [two thousand fourteen -- two thousand fifteen] TWO THOUSAND FIFTEEN -- TWO THOUSAND SIXTEEN school year the next ten year segment shall be deemed to commence with the [two thousand fourteen -- two thousand fifteen] TWO THOUSAND FIFTEEN -- TWO THOUSAND SIXTEEN school year. The department shall notify school districts of projects subject to the provisions of this clause by no later than December first next preceding the school year in which the assumed amortization is scheduled to be revised pursuant to this clause.

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

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

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

S 3613. SCHOOL DISTRICT REORGANIZATIONS AND REAL PROPERTY TAX RATES. 1. WHEN TWO OR MORE SCHOOL DISTRICTS PROPOSE TO REORGANIZE PURSUANT TO SECTIONS FIFTEEN HUNDRED ELEVEN THROUGH FIFTEEN HUNDRED THIRTEEN, FIFTEEN HUNDRED TWENTY-FOUR, FIFTEEN HUNDRED TWENTY-SIX, SEVENTEEN HUNDRED FIVE, OR EIGHTEEN HUNDRED ONE THROUGH EIGHTEEN HUNDRED THREE OF THIS CHAPTER, AND UNDER THE LAW THAT WOULD OTHERWISE BE APPLICABLE, THE REORGANIZATION WOULD HAVE AN IMPACT UPON THE SCHOOL TAX RATES WITHIN THE AREAS SERVED BY THE SCHOOL DISTRICTS THAT EXISTED PRIOR TO THE REORGANIZATION, NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE BOARDS OF EDUCATION OR TRUSTEES OF ALL THE SCHOOL DISTRICTS PARTICIPATING IN THE PROPOSED REORGANIZATION MAY OPT TO HAVE THAT IMPACT DEFERRED FOR A ONE-YEAR PERIOD AND/OR PHASED-IN OVER A PERIOD AS MAY BE DETERMINED BY THE BOARDS OF EDUCATION OR TRUSTEES OF ALL PARTICIPATING SCHOOL DISTRICTS IN THE MANNER PRESCRIBED BY THIS SECTION BUT WHICH SHALL NOT EXCEED A TEN-YEAR PERIOD. TO EXERCISE SUCH OPTION, THE BOARDS OF EDUCATION OR TRUSTEES OF ALL PARTICIPATING SCHOOL DISTRICTS, AFTER CONDUCTING A PUBLIC HEARING, MAY ADOPT A RESOLUTION AT LEAST FORTY-FIVE DAYS PRIOR TO THE SPECIAL DISTRICT MEETING AT WHICH THE REORGANIZATION VOTE WILL BE HELD, TO DEFER AND/OR PHASE-IN THE IMPACT AS PROVIDED HEREIN. IF THE BOARD OF EDUCATION OR TRUSTEES OF ANY PARTICIPATING SCHOOL DISTRICT DOES NOT APPROVE SUCH A RESOLUTION OPTING FOR A COMMON PHASE-IN PERIOD, THE PROVISIONS OF THIS SECTION SHALL NOT APPLY.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. Notwithstanding any other provision of this section to the contrary, in no event shall such city school district, in order to comply with the requirements of this section, be required to incur any costs in excess of the amount eligible for transportation aid pursuant to subdivision four of this section. In the event such amount is insufficient, the city school district of New York shall provide transportation services within such amount on an equitable basis, until such apportionment is exhausted.

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

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

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

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

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

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

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

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

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

6-C. TEACHER EXCELLENCE FUND. A. WITHIN THE AMOUNT APPROPRIATED FOR SUCH PURPOSE, SUBJECT TO A REQUEST FOR PROPOSALS DEVELOPED BY THE COMMISSIONER AND APPROVED BY THE DIRECTOR OF THE BUDGET, THE COMMISSIONER SHALL AWARD TEACHER EXCELLENCE FUND GRANTS PURSUANT TO THIS SUBDIVISION TO ELIGIBLE SCHOOL DISTRICTS, BEGINNING IN THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR, TO PROVIDE TEACHER EXCELLENCE FUND PERFORMANCE AWARDS TO HIGHLY EFFECTIVE TEACHERS.

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

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

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

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

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

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

B. FOR THE PURPOSE OF THIS SUBDIVISION:

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

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

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

6. Notwithstanding any other law, rule or regulation to the contrary, the board of education of a city school district with a population of one hundred twenty-five thousand or more inhabitants shall be permitted to establish maximum class sizes for special classes for certain students with disabilities in accordance with the provisions of this subdivision. For the purpose of obtaining relief from any adverse fiscal impact from under-utilization of special education resources due to low student attendance in special education classes at the middle and secondary level as determined by the commissioner, such boards of education shall, during the school years nineteen hundred ninety-five--ninety-six through June thirtieth, two thousand [fourteen] FIFTEEN of the two thousand [thirteen] FOURTEEN--two thousand [fourteen] FIFTEEN school year, be authorized to increase class sizes in special classes containing students with disabilities whose age ranges are equivalent to those of students in middle and secondary schools as defined by the commissioner for purposes of this section by up to but not to exceed one and two tenths times the applicable maximum class size specified in regulations of the commissioner rounded up to the nearest whole number, provided that in a city school district having a population of one million or more, classes that have a maximum class size of fifteen may be increased by no more than one student and provided that the projected average class size shall not exceed the maximum specified in the applicable regulation, provided that such authorization shall terminate on June thirtieth, two thousand. Such authorization shall be granted upon filing of a notice by such a board of education with the commissioner stating the board's intention to increase such class sizes and a certification that the board will conduct a study of attendance problems at the secondary level and will implement a corrective action plan to increase the rate of attendance of students in such classes to at least

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

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

S 10. Legislative findings and determinations. The legislature finds that charter schools are public schools and, like school districts, part of the public school system that discharges the state's constitutional duty to provide for the maintenance and support of a system of free common schools. The legislature further finds that charter schools operate primarily with public moneys derived from the federal government, the state and local school districts. Therefore, the legislature determines that the manner in which charter schools conduct their financial operations implicates the fiscal concerns of the state.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

b. Reimbursement for programs approved in accordance with subdivision a of this section [for the 2010--2011 school year shall not exceed 62.6 percent of the lesser of such approvable costs per contact hour or twelve dollars and five cents per contact hour, reimbursement] for the 2011--2012 school year shall not exceed 62.9 percent of the lesser of such approvable costs per contact hour or twelve dollars and fifteen cents per contact hour, reimbursement for the 2012--2013 school year shall not exceed 63.3 percent of the lesser of such approvable costs per contact hour or twelve dollars and thirty-five cents per contact hour, [and] reimbursement for the 2013--2014 school year shall not exceed 62.3 percent of the lesser of such approvable costs per contact hour or twelve dollars and sixty-five cents per contact hour, AND REIMBURSEMENT FOR THE 2014--2015 SCHOOL YEAR SHALL NOT EXCEED 61.6 PERCENT OF THE LESSER OF SUCH APPROVABLE COSTS PER CONTACT HOUR OR EIGHT DOLLARS PER CONTACT HOUR where a contact hour represents sixty minutes of instruction services provided to an eligible adult. Notwithstanding any other provision of law to the contrary, [for the 2010--2011 school year such contact hours shall not exceed one million five hundred twenty-five thousand one hundred ninety-eight (1,525,198) hours; whereas] for the 2011--2012 school year such contact hours shall not exceed one million seven hundred one thousand five hundred seventy (1,701,570) hours; whereas for the 2012--2013 school year such contact hours shall not exceed one million six hundred sixty-four thousand five hundred thirty-two (1,664,532) hours; whereas for the 2013--2014 school year such contact hours shall not exceed one million six hundred forty-nine thousand seven hundred forty-six (1,649,746) hours; WHEREAS FOR THE 2014--2015 SCHOOL YEAR SUCH CONTACT HOURS SHALL NOT EXCEED ONE MILLION SIX HUNDRED TWENTY-FIVE THOUSAND (1,625,000) HOURS. Notwithstanding any other provision of law to the contrary, the apportionment calculated for the city school district of the city of New York pursuant to subdivision 11 of section 3602 of the education law shall be computed as if such contact hours provided by the consortium for worker education, not to exceed the contact hours set forth herein, were eligible for aid in accordance with the provisions of such subdivision 11 of section 3602 of the education law.

S 13. Section 4 of chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, is amended by adding a new subdivision s to read as follows:

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

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

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

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

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

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

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

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

S 15. Subdivision 1 of section 167 of 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, as amended by section 30 of part A of chapter 57 of the laws of 2013, is amended to read as follows:

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

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

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

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

S 16. Subdivisions 22 and 24 of section 140 of 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, as amended by section 31 of part A of chapter 57 of the laws of 2013, are amended to read as follows:

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

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

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

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

each eligible [child] STUDENT, and with prior approval by the commissioner if required; provided that [(i) a student with a handicapping condition who is first eligible to attend public school in the nineteen hundred eighty-seven--eighty-eight school year shall not be eligible to receive services pursuant to this paragraph during the months of July and August nineteen hundred eighty-seven and (ii) a student with a handicapping condition who is first eligible to attend public school in the nineteen hundred eighty-eight--eighty-nine school year shall not be eligible to receive services pursuant to this paragraph during the months of July and August nineteen hundred eighty-eight and (iii) a student with a handicapping condition who is eligible for services during the months of July and August nineteen hundred eighty-nine pursuant to the provisions of subdivision six of section forty-four hundred ten of this article shall not be eligible to receive services pursuant to this paragraph during such months and (iv)] a student with a [handicapping condition] DISABILITY who is eligible for services, including services during the months of July and August, pursuant to section forty-four hundred ten of this article shall not be eligible to receive services pursuant to this paragraph during the months of July and August.

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

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

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

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

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

S 19. Section 4 of chapter 425 of the laws of 2002, amending the education law relating to the provisions 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, as amended by section 33 of part A of chapter 57 of the laws of 2013, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

budget, provided, however, that in the case of a district implementing programs for the first time or implementing expansion programs in the two thousand eight--two thousand nine school year where such programs operate for a minimum of ninety days in any one school year as provided in section 151-1.4 of the regulations of the commissioner, for the two thousand nine--two thousand ten and two thousand ten--two thousand eleven school years, such school district shall be eligible for a maximum grant equal to the amount computed pursuant to paragraph a of subdivision nine of this section in the two thousand eight--two thousand nine school year, and for the two thousand eleven--two thousand twelve school year each school district shall be eligible for a maximum grant equal to the amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN" under the heading "2011-12 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the enacted budget for the 2011-12 school year and entitled "SA111-2", and for two thousand twelve--two thousand thirteen [and], two thousand thirteen--two thousand fourteen AND TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN school years each school district shall be eligible for a maximum grant equal to the greater of (i) the amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN" under the heading "2010-11 BASE YEAR AIDS" in the school aid computer listing produced by the commissioner in support of the enacted budget for the 2011-12 school year and entitled "SA111-2", or (ii) the amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN" under the heading "2010-11 BASE YEAR AIDS" in the school aid computer listing produced by the commissioner on May fifteenth, two thousand eleven pursuant to paragraph b of subdivision twenty-one of section three hundred five of this chapter, and provided further that the maximum grant shall not exceed the total actual grant expenditures incurred by the school district in the current school year as approved by the commissioner.

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

S 26. This act shall take effect immediately provided, however, that the provisions of section three of this act shall expire June 30, [2014] 2019 when upon such date the provisions of such section shall be deemed repealed; provided, further that the provisions of sections eight, eleven, twelve, thirteen and twenty of this act shall expire July 1, 2014 when upon such date the provisions of such sections shall be deemed repealed.

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

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

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

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

education, not sooner than the first day of the second full business week of June, 2015 and not later than the last day of the third full business week of June, 2015, a school district eligible for an apportionment pursuant to section 3602 of the education law shall be eligible to receive an apportionment pursuant to this section, for the school year ending June 30, 2015, for salary expenses incurred between April 1 and June 30, 2015 and such apportionment shall not exceed the sum of (i) the deficit reduction assessment of 1990--1991 as determined by the commissioner of education, pursuant to paragraph f of subdivision 1 of section 3602 of the education law, as in effect through June 30, 1993, plus (ii) 186 percent of such amount for a city school district in a city with a population in excess of 1,000,000 inhabitants, plus (iii) 209 percent of such amount for a city school district in a city with a population of more than 195,000 inhabitants and less than 219,000 inhabitants according to the latest federal census, plus (iv) the net gap elimination adjustment for 2010--2011, as determined by the commissioner of education pursuant to chapter 53 of the laws of 2010, plus (v) the gap elimination adjustment for 2011--2012 as determined by the commissioner of education pursuant to subdivision 17 of section 3602 of the education law, and provided further that such apportionment shall not exceed such salary expenses. Such application shall be made by a school district, after the board of education or trustees have adopted a resolution to do so and in the case of a city school district in a city with a population in excess of 125,000 inhabitants, with the approval of the mayor of such city.

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

c. Notwithstanding the provisions of section 3609-a of the education law, an amount equal to the amount paid to a school district pursuant to subdivisions a and b of this section shall first be deducted from the following payments due the school district during the school year following the year in which application was made pursuant to subparagraphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of section 3609-a of the education law in the following order: the lottery apportionment payable pursuant to subparagraph (2) of such paragraph followed by the fixed fall payments payable pursuant to subparagraph (4) of such paragraph and then followed by the district's payments to the teachers' retirement system pursuant to subparagraph (1) of such paragraph, and any remainder to be deducted from the individualized payments due the district pursuant to paragraph b of such subdivision shall be deducted on a chronological basis starting with the earliest payment due the district.

S 24. Special apportionment for public pension accruals. a. Notwithstanding any other provision of law, upon application to the commissioner of education, not later than June 30, 2015, a school district eligible for an apportionment pursuant to section 3602 of the education law shall be eligible to receive an apportionment pursuant to this section, for the school year ending June 30, 2015 and such apportionment shall not exceed the additional accruals required to be made by school districts in the 2004--2005 and 2005--2006 school years associated with changes for such public pension liabilities. The amount of such additional accrual shall be certified to the commissioner of education by the president of the board of education or the trustees or, in the case of a city school district in a city with a population in excess of 125,000 inhabitants, the mayor of such city. Such application shall be made by a school district, after the board of education or trustees have adopted a resolution to do so and in the case of a city school district in a city with a population in excess of 125,000 inhabitants, with the approval of the mayor of such city.

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

c. Notwithstanding the provisions of section 3609-a of the education law, an amount equal to the amount paid to a school district pursuant to subdivisions a and b of this section shall first be deducted from the following payments due the school district during the school year following the year in which application was made pursuant to subparagraphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of section 3609-a of the education law in the following order: the lottery apportionment payable pursuant to subparagraph (2) of such paragraph followed by the fixed fall payments payable pursuant to subparagraph (4) of such paragraph and then followed by the district's payments to the teachers' retirement system pursuant to subparagraph (1) of such paragraph, and any reminder to be deducted from the individualized payments due the district pursuant to paragraph b of such subdivision shall be deducted on a chronological basis starting with the earliest payment due the district.

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

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

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

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

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

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

S 27. The amounts specified in this section shall be a set aside from the state funds which each such district is receiving from the total foundation aid: for the purpose of the development, maintenance or expansion of magnet schools or magnet school programs for the 2014--2015 school year. To the city school district of the city of New York there shall be paid forty-eight million one hundred seventy-five thousand dollars ($48,175,000) including five hundred thousand dollars ($500,000) for the Andrew Jackson High School; to the Buffalo city school district, twenty-one million twenty-five thousand dollars ($21,025,000); to the Rochester city school district, fifteen million dollars ($15,000,000); to the Syracuse city school district, thirteen million dollars ($13,000,000); to the Yonkers city school district, forty-nine million five hundred thousand dollars ($49,500,000); to the Newburgh city school district, four million six hundred forty-five thousand dollars ($4,645,000); to the Poughkeepsie city school district, two million four hundred seventy-five thousand dollars ($2,475,000); to the Mount Vernon city school district, two million dollars ($2,000,000); to the New Rochelle city school district, one million four hundred ten thousand dollars ($1,410,000); to the Schenectady city school district, one million eight hundred thousand dollars ($1,800,000); to the Port Chester city school district, one million one hundred fifty thousand dollars ($1,150,000); to the White Plains city school district, nine hundred thousand dollars ($900,000); to the Niagara Falls city school district, six hundred thousand dollars ($600,000); to the Albany city school district, three million five hundred fifty thousand dollars ($3,550,000); to the Utica city school district, two million dollars ($2,000,000); to the Beacon city school district, five hundred sixty-six thousand dollars ($566,000); to the Middletown city school district, four hundred thousand dollars ($400,000); to the Freeport union free school district, four hundred thousand dollars ($400,000); to the Greenburgh central school district, three hundred thousand dollars ($300,000); to the Amsterdam city school district, eight hundred thousand dollars ($800,000); to the Peekskill city school district, two hundred thousand dollars ($200,000); and to the Hudson city school district, four hundred thousand dollars ($400,000). Notwithstanding the provisions of this section, a school district receiving a grant pursuant to this section may use such grant funds for: (i) any instructional or

instructional support costs associated with the operation of a magnet school; or (ii) any instructional or instructional support costs associated with implementation of an alternative approach to reduction of racial isolation and/or enhancement of the instructional program and raising of standards in elementary and secondary schools of school districts having substantial concentrations of minority students. The commissioner of education shall not be authorized to withhold magnet grant funds from a school district that used such funds in accordance with this paragraph, notwithstanding any inconsistency with a request for proposals issued by such commissioner. For the purpose of attendance improvement and dropout prevention for the 2014--2015 school year, for any city school district in a city having a population of more than one million, the setaside for attendance improvement and dropout prevention shall equal the amount set aside in the base year. For the 2014--2015 school year, it is further provided that any city school district in a city having a population of more than one million shall allocate at least one-third of any increase from base year levels in funds set aside pursuant to the requirements of this subdivision to community-based organizations. Any increase required pursuant to this subdivision to community-based organizations must be in addition to allocations provided to community-based organizations in the base year. For the purpose of teacher support for the 2014--2015 school year: to the city school district of the city of New York, sixty-two million seven hundred seven thousand dollars ($62,707,000); to the Buffalo city school district, one million seven hundred forty-one thousand dollars ($1,741,000); to the Rochester city school district, one million seventy-six thousand dollars ($1,076,000); to the Yonkers city school district, one million one hundred forty-seven thousand dollars ($1,147,000); and to the Syracuse city school district, eight hundred nine thousand dollars ($809,000). All funds made available to a school district pursuant to this section shall be distributed among teachers including prekindergarten teachers and teachers of adult vocational and academic subjects in accordance with this section and shall be in addition to salaries heretofore or hereafter negotiated or made available; provided, however, that all funds distributed pursuant to this section for the current year shall be deemed to incorporate all funds distributed pursuant to former subdivision 27 of section 3602 of the education law for prior years. In school districts where the teachers are represented by certified or recognized employee organizations, all salary increases funded pursuant to this section shall be determined by separate collective negotiations conducted pursuant to the provisions and procedures of article 14 of the civil service law, notwithstanding the existence of a negotiated agreement between a school district and a certified or recognized employee organization.

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

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

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

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

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

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

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

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

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

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

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

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

PART B

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

SMART SCHOOLS BOND ACT OF 2014

Section 1. Short title.
2. Creation of a state debt.
3. Bonds of the state.
4. Use of moneys received.

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

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

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

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

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

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

PART C

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

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

16. IMPLEMENTATION OF THE SMART SCHOOLS BOND ACT OF 2014. A. DEFINITIONS. THE FOLLOWING TERMS, WHENEVER USED OR REFERRED TO IN THIS SUBDIVISION, UNLESS THE CONTEXT INDICATES OTHERWISE, SHALL HAVE THE FOLLOWING MEANINGS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. NO SCHOOL DISTRICT SHALL BE REQUIRED TO LOAN SMART SCHOOLS CLASSROOM TECHNOLOGY IN EXCESS OF THE SMART SCHOOLS CLASSROOM TECHNOLOGY ACQUIRED BY SUCH DISTRICT PURSUANT TO SUBDIVISION SIXTEEN OF SECTION THIRTY-SIX HUNDRED FORTY-ONE OF THIS CHAPTER. SUCH SMART SCHOOLS CLASSROOM TECHNOLOGY SHALL BE LOANED ON AN EQUITABLE BASIS TO CHILDREN ATTENDING NONPUBLIC SCHOOLS IN THE DISTRICT IN THE CURRENT YEAR, PROVIDED THAT NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO REQUIRE A SCHOOL DISTRICT TO LOAN TO CHILDREN ATTENDING NONPUBLIC SCHOOLS, PURSUANT TO THIS SECTION, CLASSROOM TECHNOLOGY PURCHASED WITH LOCAL OR FEDERAL FUNDS OR WITH STATE FUNDS OTHER THAN FUNDS APPORTIONED PURSUANT TO SUBDIVISION SIXTEEN OF SECTION THREE HUNDRED SIXTY-FOUR OF THIS CHAPTER, AND PROVIDED FURTHER THAT NO SCHOOL DISTRICT MAY LOAN SMART SCHOOLS CLASSROOM TECHNOLOGY IN AN AGGREGATE AMOUNT GREATER THAN TWO HUNDRED FIFTY DOLLARS MULTIPLIED BY THE NONPUBLIC SCHOOL ENROLLMENT IN THE BASE YEAR, AT TIME OF ENACTMENT, AS DEFINED IN SUBPARAGRAPH THREE OF PARAGRAPH N OF SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS CHAPTER. THE PAYMENT OF TUITION UNDER ARTICLE EIGHTY-NINE OF THIS CHAPTER IS DEEMED TO BE AN EQUITABLE LOAN TO CHILDREN FOR WHOM SUCH TUITION IS PAID, AND THE PROVISIONS OF THIS SECTION SHALL NOT APPLY.

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

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

SMART SCHOOLS PROJECTS

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

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

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

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

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

PART D

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

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

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

extent the practice agreement does not so provide, then the collaborating physician's diagnosis or treatment shall prevail.

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

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

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

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

[(f)] (B) NOTWITHSTANDING SUBPARAGRAPH (I) OF PARAGRAPH (A) OF THIS SUBDIVISION, A NURSE PRACTITIONER, CERTIFIED UNDER SECTION SIXTY-NINE HUNDRED TEN OF THIS ARTICLE AND PRACTICING FOR MORE THAN THREE THOUSAND SIX HUNDRED HOURS MAY COMPLY WITH THIS PARAGRAPH IN LIEU OF COMPLYING WITH THE REQUIREMENTS OF PARAGRAPH (A) OF THIS SUBDIVISION RELATING TO COLLABORATION WITH A PHYSICIAN, A WRITTEN PRACTICE AGREEMENT AND WRITTEN PRACTICE PROTOCOLS. A NURSE PRACTITIONER COMPLYING WITH THIS PARAGRAPH SHALL HAVE COLLABORATIVE RELATIONSHIPS WITH ONE OR MORE LICENSED PHYSICIANS QUALIFIED TO COLLABORATE IN THE SPECIALTY INVOLVED OR A HOSPITAL, LICENSED UNDER ARTICLE TWENTY-EIGHT OF THE PUBLIC HEALTH LAW, THAT PROVIDES SERVICES THROUGH LICENSED PHYSICIANS QUALIFIED TO COLLABORATE IN THE SPECIALTY INVOLVED AND HAVING PRIVILEGES AT SUCH INSTITUTION. AS EVIDENCE THAT THE NURSE PRACTITIONER MAINTAINS COLLABORATIVE RELATIONSHIPS, THE NURSE PRACTITIONER SHALL COMPLETE AND MAINTAIN A FORM, CREATED BY THE DEPARTMENT, TO WHICH THE NURSE PRACTITIONER SHALL ATTEST, THAT DESCRIBES SUCH COLLABORATIVE RELATIONSHIPS. FOR PURPOSES OF THIS PARAGRAPH, "COLLABORATIVE RELATIONSHIPS" SHALL MEAN THAT THE NURSE PRACTITIONER SHALL COMMUNICATE, WHETHER IN PERSON, BY TELEPHONE OR THROUGH WRITTEN (INCLUDING ELECTRONIC) MEANS, WITH A LICENSED PHYSICIAN QUALIFIED TO COLLABORATE IN THE SPECIALTY INVOLVED OR, IN THE CASE OF A HOSPITAL, COMMUNICATE WITH A LICENSED PHYSICIAN QUALIFIED TO COLLABORATE IN THE SPECIALTY INVOLVED AND HAVING PRIVILEGES AT SUCH HOSPITAL, FOR THE PURPOSES OF EXCHANGING INFORMATION, AS NEEDED, IN ORDER TO PROVIDE COMPREHENSIVE PATIENT CARE AND TO MAKE REFERRALS AS NECESSARY. SUCH FORM SHALL ALSO REFLECT THE NURSE PRACTITIONER'S ACKNOWLEDGEMENT THAT IF REASONABLE EFFORTS TO RESOLVE ANY DISPUTE THAT MAY ARISE WITH THE COLLABORATING PHYSICIAN OR, IN THE CASE OF A COLLABORATION WITH A HOSPI-

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

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

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

(E) (I) IN CONJUNCTION WITH AND AS A CONDITION OF EACH TRIENNIAL REGISTRATION, THE DEPARTMENT SHALL COLLECT AND A NURSE PRACTITIONER SHALL PROVIDE SUCH INFORMATION AND DOCUMENTATION REQUIRED BY THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF HEALTH, AS NECESSARY TO ENABLE THE DEPARTMENT OF HEALTH TO EVALUATE ACCESS TO NEEDED SERVICES IN THIS STATE, INCLUDING BUT NOT LIMITED TO THE LOCATION AND TYPE OF SETTING WHEREIN THE NURSE PRACTITIONER PRACTICES; IF THE NURSE PRACTITIONER HAS PRACTICED FOR FEWER THAN THREE THOUSAND SIX HUNDRED HOURS AND IS PRACTICING PURSUANT TO A WRITTEN PRACTICE AGREEMENT WITH A PHYSICIAN; IF THE NURSE PRACTITIONER PRACTICES PURSUANT TO COLLABORATIVE RELATIONSHIPS WITH A PHYSICIAN OR HOSPITAL; AND OTHER INFORMATION THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF HEALTH, DEEMS RELEVANT. THE DEPARTMENT OF HEALTH, IN CONSULTATION WITH THE DEPARTMENT, WILL MAKE SUCH DATA AVAILABLE IN AGGREGATE, DE-IDENTIFIED FORM ON A PUBLICLY ACCESSIBLE WEBSITE.

(II) THE COMMISSIONER, IN CONSULTATION WITH THE COMMISSIONER OF HEALTH, SHALL ISSUE A REPORT ON THE IMPLEMENTATION OF THE PROVISIONS OF THIS SECTION, ALONG WITH INFORMATION THAT INCLUDES, BUT IS NOT LIMITED TO: THE NUMBER OF NURSE PRACTITIONERS PRACTICING FOR FEWER THAN THREE THOUSAND SIX HUNDRED HOURS THAT PRACTICE PURSUANT TO A WRITTEN PRACTICE AGREEMENT WITH A PHYSICIAN; THE NUMBER OF NURSE PRACTITIONERS THAT PRACTICE PURSUANT TO COLLABORATIVE RELATIONSHIPS WITH PHYSICIANS OR WITH HOSPITALS; AND OTHER INFORMATION THE DEPARTMENT DEEMS RELEVANT, INCLUDING BUT NOT LIMITED TO, ANY RECOMMENDATIONS FOR THE CONTINUATION OF OR AMENDMENTS TO THE PROVISIONS OF THIS SECTION RELATING TO WRITTEN PRACTICE AGREEMENTS OR COLLABORATIVE RELATIONSHIPS. THE COMMISSIONER SHALL SUBMIT THIS REPORT TO THE GOVERNOR, THE SPEAKER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT OF THE SENATE, AND THE CHAIRS OF THE ASSEMBLY AND SENATE HIGHER EDUCATION COMMITTEES BY SEPTEMBER FIRST, TWO THOUSAND EIGHTEEN.

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

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

PART E

Intentionally Omitted

PART F

Intentionally Omitted

PART G

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

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

2. AWARDS SHALL BE GRANTED BEGINNING WITH THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN ACADEMIC YEAR AND THEREAFTER TO APPLICANTS THAT THE CORPORATION HAS DETERMINED ARE ELIGIBLE TO RECEIVE SUCH AWARDS. THE CORPORATION SHALL GRANT SUCH AWARDS IN AN AMOUNT EQUAL TO THE AMOUNT OF UNDERGRADUATE TUITION FOR RESIDENTS OF NEW YORK STATE CHARGED BY THE STATE UNIVERSITY OF NEW YORK OR ACTUAL TUITION CHARGED, WHICHEVER IS LESS; PROVIDED, HOWEVER, (I) A STUDENT WHO RECEIVES EDUCATIONAL GRANTS AND/OR SCHOLARSHIPS THAT COVER THE STUDENT'S FULL COST OF ATTENDANCE SHALL NOT BE ELIGIBLE FOR AN AWARD UNDER THIS PROGRAM; (II) FOR A STUDENT WHO RECEIVES EDUCATIONAL GRANTS AND/OR SCHOLARSHIPS THAT COVER LESS THAN THE STUDENT'S FULL COST OF ATTENDANCE, SUCH GRANTS AND/OR SCHOLARSHIPS SHALL NOT BE DEEMED DUPLICATIVE OF THIS PROGRAM AND MAY BE HELD CONCURRENTLY WITH AN AWARD UNDER THIS PROGRAM, PROVIDED THAT THE COMBINED BENEFITS DO NOT EXCEED THE STUDENT'S FULL COST OF ATTENDANCE; AND (III) AN AWARD UNDER THIS PROGRAM SHALL BE APPLIED TO TUITION AFTER THE APPLICATION OF ALL OTHER EDUCATIONAL GRANTS AND SCHOLARSHIPS LIMITED TO TUITION AND SHALL BE REDUCED IN AN AMOUNT EQUAL TO SUCH EDUCATIONAL GRANTS AND/OR SCHOLARSHIPS. UPON NOTIFICATION OF AN AWARD UNDER THIS PROGRAM, THE INSTITUTION SHALL DEFER THE AMOUNT OF TUITION

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

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

4. THE CORPORATION SHALL CONVERT TO A STUDENT LOAN THE FULL AMOUNT OF THE AWARD GIVEN PURSUANT TO THIS SECTION, PLUS INTEREST, ACCORDING TO A SCHEDULE TO BE DETERMINED BY THE CORPORATION IF: (A) A RECIPIENT FAILS TO COMPLETE AN APPROVED UNDERGRADUATE PROGRAM IN SCIENCE, TECHNOLOGY, ENGINEERING OR MATHEMATICS OR CHANGES MAJORS TO A PROGRAM OF UNDERGRADUATE STUDY OTHER THAN IN SCIENCE, TECHNOLOGY, ENGINEERING OR MATHEMATICS; OR (B) UPON COMPLETION OF SUCH UNDERGRADUATE DEGREE PROGRAM A RECIPIENT FAILS TO EITHER (I) COMPLETE FIVE YEARS OF CONTINUOUS FULL TIME EMPLOYMENT IN THE SCIENCE, TECHNOLOGY, ENGINEERING OR MATHEMATICS FIELD WITH A PUBLIC OR PRIVATE ENTITY LOCATED WITHIN NEW YORK STATE, OR (II) MAINTAIN RESIDENCY IN NEW YORK STATE FOR SUCH PERIOD OF EMPLOYMENT; OR (C) A RECIPIENT FAILS TO RESPOND TO REQUESTS BY THE CORPORATION FOR THE STATUS OF HIS OR HER ACADEMIC OR PROFESSIONAL PROGRESS. THE TERMS AND CONDITIONS OF THIS SUBDIVISION SHALL BE DEFERRED FOR INDIVIDUALS WHO GRADUATE WITH A DEGREE IN AN APPROVED UNDERGRADUATE PROGRAM IN SCIENCE, TECHNOLOGY, ENGINEERING OR MATHEMATICS AND ENROLL ON AT LEAST A HALF-TIME BASIS IN A GRADUATE OR HIGHER DEGREE PROGRAM OR OTHER PROFESSIONAL LICENSURE DEGREE PROGRAM UNTIL THEY ARE CONFERRED A DEGREE, AND SHALL ALSO BE DEFERRED FOR ANY INTERRUPTION IN UNDERGRADUATE STUDY OR EMPLOYMENT AS ESTABLISHED BY THE RULES AND REGULATIONS OF THE CORPORATION. THE TERMS AND CONDITIONS OF THIS SUBDIVISION MAY ALSO BE DEFERRED FOR A GRACE PERIOD, TO BE ESTABLISHED BY THE CORPORATION, FOLLOWING THE COMPLETION OF AN APPROVED UNDERGRADUATE PROGRAM IN SCIENCE, TECHNOLOGY, ENGINEERING OR MATHEMATICS A GRADUATE OR HIGHER DEGREE PROGRAM OR OTHER PROFESSIONAL LICENSURE DEGREE PROGRAM. ANY OBLIGATION TO COMPLY WITH SUCH PROVISIONS AS OUTLINED IN THIS SECTION SHALL BE CANCELLED UPON THE DEATH OF THE RECIPIENT. NOTWITHSTANDING ANY PROVISIONS OF THIS SUBDIVISION TO THE CONTRARY, THE CORPORATION IS AUTHORIZED TO PROMULGATE RULES AND REGULATIONS TO PROVIDE FOR THE WAIVER OR SUSPENSION OF ANY FINANCIAL OBLIGATION WHICH WOULD INVOLVE EXTREME HARDSHIP.

5. THE CORPORATION IS AUTHORIZED TO PROMULGATE RULES AND REGULATIONS, AND MAY PROMULGATE EMERGENCY REGULATIONS, NECESSARY FOR THE IMPLEMENTATION OF THE PROVISIONS OF THIS SECTION, INCLUDING, BUT NOT LIMITED TO, THE RATE OF INTEREST CHARGED FOR REPAYMENT OF THE STUDENT LOAN.

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

PART H

Section 1. Paragraph (a) of subdivision 1 of section 1 of part U of 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, as amended by section 1 of part C of chapter 57 of the laws of 2013, is amended to read as follows:

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

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

S 2. Paragraph (h) of subdivision 4 of section 1 of part U of 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, as amended by section 2 of part C of chapter 57 of the laws of 2013, is amended to read as follows:

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

S 3. Subclause (A) of clause (ii) of paragraph (j) of subdivision 4 of section 1 of part U of 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, as amended by section 3 of part C of chapter 57 of the laws of 2013, is amended to read as follows:

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

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

S 4. Paragraph (b) of subdivision 7 of section 1 of part U of 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 matching capital grant program for independent colleges, as amended by section 4 of part C of chapter 57 of the laws of 2013, is amended to read as follows:

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

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

PART I
Intentionally Omitted

PART J
Intentionally Omitted

PART K

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

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

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

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

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

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

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

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

S 7. Notwithstanding any other provision of law, the housing trust fund corporation (the corporation) may provide, for purposes of the homes for working families program for deposit in the housing trust fund created pursuant to section 59-a of the private housing finance law and subject to the provisions of article XVIII of the private housing finance law, a sum not to exceed one million seven hundred fifty thousand dollars for the fiscal year ending March 31, 2015. Notwithstanding any other provision of law, and provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the agency) required to accomplish the purposes of such account, the board of directors of the state of New York mortgage agency shall authorize the transfer from the project pool insurance account of the mortgage insurance fund to the housing trust fund corporation (the corporation), for the purposes of reimbursing any costs associated with homes for working families program contracts authorized by this section, a total sum not to exceed one million seven hundred fifty thousand dollars as soon as practicable but no later than March 31, 2015.

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

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

S 9. This act shall take effect immediately.

PART L

Intentionally Omitted

PART M

Intentionally Omitted

PART N

Intentionally Omitted

PART O

Intentionally Omitted

PART P

Intentionally Omitted

PART Q

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

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

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law. Provided, however, that effective immediately any rules and regulations necessary to implement the provisions of this act on its effective date are authorized to be completed on or before such date.

PART R

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

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

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

PART S

Section 1. Section 106 of the social services law, as amended by chapter 200 of the laws of 1946, the section heading as amended, subparagraph 5 of paragraph (a) of subdivision 2 as renumbered and paragraphs (e) and (f) of subdivision 2 as added by chapter 1080 of the laws of 1974, subdivision 1 and paragraph (a) of subdivision 2 as amended by chapter 764 of the laws of 1972, paragraph (b) of subdivision 2 as amended by chapter 150 of the laws of 1955, paragraph (c) of subdivision 2 as amended by chapter 310 of the laws of 1962, paragraph (d) of subdivision 2 as added by chapter 43 of the laws of 1952, subdivision 3 as amended by chapter 271 of the laws of 1948 and subdivision 4 as added by chapter 340 of the laws of 2003, is amended to read as follows:

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

2. A SOCIAL SERVICES OFFICIAL MAY NOT ASSERT ANY CLAIM UNDER ANY PROVISION OF THIS SECTION TO RECOVER PAYMENTS MADE AS PART OF SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP), CHILD CARE SERVICES, EMERGENCY ASSISTANCE TO ADULTS OR THE HOME ENERGY ASSISTANCE PROGRAM (HEAP).

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

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

RECIPIENT, IT HAS FIRST RECEIVED A SIGNED ACKNOWLEDGMENT FROM THE APPLICANT OR RECIPIENT ACKNOWLEDGING THAT:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PART T

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

S 372-H. REPORTING ON POST ADOPTION SERVICES. 1. THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL PLACE INFORMATION ON ITS WEBSITE REGARDING POST ADOPTION SERVICES FUNDED BY THE OFFICE. THE OFFICE SHALL WORK WITH SOCIAL SERVICES DISTRICTS TO PLACE INFORMATION, TO THE EXTENT THAT IT IS AVAILABLE, ON EACH SOCIAL SERVICES DISTRICT WEBSITE REGARDING POST ADOPTION SERVICES FUNDED BY THE SOCIAL SERVICES DISTRICT.

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

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

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

(II) THE TYPE OF SERVICES PROVIDED; AND

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

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

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

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

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

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

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

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

PART U

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

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

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

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

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

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

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

S 4. This act shall take effect immediately.

PART V

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

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

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

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

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

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

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

PART W

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

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

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

S 2. This act shall take effect immediately.

PART X

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

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

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

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

S 3. This act shall take effect immediately.

PART Y

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

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

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

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

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

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

PART Z

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

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

S 2. This act shall take effect immediately.

PART AA

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

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

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

SUBPART A

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

15. The commissioner shall also provide for a system for evaluation and assessment of the prekindergarten programs which have been implemented to determine the short and long-term success, outcomes and effects of the programs based on relevant and measurable performance standards. THE COMMISSIONER SHALL PROHIBIT THE ADMINISTRATION OF TRADITIONAL STANDARDIZED TESTS, AS DEFINED IN REGULATIONS ISSUED BY THE COMMISSIONER, IN PREKINDERGARTEN PROGRAMS; PROVIDED, HOWEVER, THAT NOTHING HEREIN SHALL PROHIBIT ASSESSMENTS IN WHICH STUDENTS PERFORM REAL-WORLD TASKS THAT DEMONSTRATE APPLICATION OF KNOWLEDGE AND SKILLS OR ASSESSMENTS THAT ARE OTHERWISE REQUIRED TO BE ADMINISTERED BY FEDERAL LAW.

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

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

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

SUBPART B

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

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

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

46. THE COMMISSIONER SHALL PROVIDE THAT ANY TEST RESULTS ON A STATE ADMINISTERED STANDARDIZED ENGLISH LANGUAGE ARTS OR MATHEMATICS ASSESSMENT FOR GRADES THREE THROUGH EIGHT SENT TO PARENTS OR PERSONS IN PARENTAL RELATION TO A STUDENT INCLUDE A CLEAR AND CONSPICUOUS NOTICE THAT SUCH RESULTS WILL NOT BE INCLUDED ON THE STUDENT'S OFFICIAL TRANSCRIPT OR IN THE STUDENT'S PERMANENT RECORD AND ARE BEING PROVIDED TO THE STUDENT AND PARENTS FOR DIAGNOSTIC PURPOSES.

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

SUBPART C

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

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

S 2. This act shall take effect immediately.

SUBPART D

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

48. THE COMMISSIONER SHALL ISSUE REGULATIONS:

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

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

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

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

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

SUBPART E

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

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

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

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

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

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

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

SUBPART F

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

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

S 2. This act shall take effect immediately.

SUBPART G

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

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

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

S 2. This act shall take effect immediately.

SUBPART H

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

S 2. This act shall take effect immediately.

SUBPART I

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

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

S 2. This act shall take effect immediately.

SUBPART J

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

51. THE COMMISSIONER SHALL, IN ORDER TO ASSIST SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE EDUCATIONAL SERVICES IN DEVELOPING COMMON CORE TRAINING PROGRAMS FOR TEACHERS AND PRINCIPALS, DEVELOP PROFESSIONAL DEVELOPMENT TOOLS, RESOURCES AND MATERIALS THAT SCHOOL DISTRICTS, BOARDS OF COOPERATIVE EDUCATIONAL SERVICES, TEACHERS AND PRINCIPALS MAY UTILIZE. THE COMMISSIONER MAY COLLABORATE WITH THE STATE UNIVERSITY OF NEW YORK, THE CITY UNIVERSITY OF NEW YORK, AND INDEPENDENT COLLEGES AND UNIVERSITIES TO OFFER EFFECTIVE, DATA-INFORMED PROFESSIONAL DEVELOPMENT AND COACHING TO MEET THE NEEDS OF IMPLEMENTING THE COMMON CORE LEARNING STANDARDS. SUCH PROFESSIONAL DEVELOPMENT AND COACHING SHALL INCLUDE NECESSARY MATERIALS, AGE APPROPRIATE INSTRUCTION AND RESOURCES THAT PROVIDE BEST PRACTICES FOR THE EFFECTIVE IMPLEMENTATION OF THE COMMON CORE LEARNING STANDARDS. SUCH SUPPORT SHALL BE AVAILABLE FOR THE PURPOSE OF PROVIDING PROFESSIONAL DEVELOPMENT FOR TEACHERS AND PRINCIPALS, AS WELL AS PREPARATION PROGRAMS FOR PARTICIPATING SCHOOL DISTRICTS, BOARDS OF COOPERATIVE EDUCATIONAL SERVICES, CHARTER SCHOOLS AND COMMUNITIES AT LARGE, AND MAY INCLUDE RECOMMENDATIONS FOR HOW TEACHERS AND PRINCIPALS CAN COLLABORATE ON STRATEGIES, INCLUDING BUT NOT LIMITED TO STUDY GROUPS AND COACHING, TO IMPROVE CLASSROOM PRACTICES. THE COMMISSIONER SHALL ALSO IDENTIFY REGIONAL EXAMPLES OF SCHOOL DISTRICTS THAT HAVE SUCCESSFULLY IMPLEMENTED THE COMMON CORE LEARNING STANDARDS, WHERE SUCH EXAMPLES EXIST, AND SHALL INVITE SUCH DISTRICTS TO SERVE ON A VOLUNTARY BASIS AS MODELS THAT PRINCIPALS, TEACHERS AND OTHER SCHOOL PROFESSIONALS WITHIN THE REGION MAY VISIT AND OBSERVE. IN ADDITION, THE COMMISSIONER SHALL INCLUDE OPPORTUNITIES FOR TEACHERS AND OTHER CONTENT-AREA EXPERTS TO PROVIDE FEEDBACK AND RECOMMENDATIONS FOR THE CONTINUOUS IMPROVEMENT AND DEVELOPMENT OF VOLUNTARY COMMON CORE CURRICULUM MODULES OFFERED BY THE DEPARTMENT.

S 2. This act shall take effect immediately.

SUBPART K

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

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

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

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

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

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

D. "DATA DASHBOARD" SHALL MEAN AN ELECTRONIC DATA SYSTEM OR HOSTED SOFTWARE APPLICATION OR APPLICATIONS THAT IS DESIGNED TO UTILIZE DATA AND INFORMATION COLLECTED, STORED, ORGANIZED OR AGGREGATED BY A SLISP AND THAT IS DESIGNED TO PROVIDE, THROUGH A CONTRACT BETWEEN A NEW YORK SCHOOL DISTRICT AND A DATA DASHBOARD OPERATOR, END USERS SUCH AS EDUCATORS, STUDENTS AND THEIR FAMILIES WITH ACCESS TO CUSTOMIZED STUDENT INFORMATION WITH THE GOAL OF SUPPORTING INSTRUCTION AND STUDENT LEARNING.

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

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

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

2. AN EDUCATIONAL AGENCY MAY OPT OUT OF PROVIDING PERSONALLY IDENTIFIABLE INFORMATION TO A SLISP OR DATA DASHBOARD OPERATOR FOR THE PURPOSE OF CREATING DATA DASHBOARDS. AN EDUCATIONAL AGENCY MAY AT ANY TIME REQUEST THAT ANY PERSONALLY IDENTIFIABLE INFORMATION ASSOCIATED WITH SUCH AGENCY NOT BE SHARED OR PROVIDED TO A SLISP OR DATA DASHBOARD OPERATOR. SUCH REQUEST SHALL BE MADE TO THE DEPARTMENT AND UPON RECEIPT OF SUCH REQUEST, THE DEPARTMENT SHALL TAKE ALL ACTIONS NECESSARY TO PREVENT AND PROHIBIT THE SHARING OR PROVIDING OF SUCH INFORMATION TO ANY SLISP OR DATA DASHBOARD OPERATOR AND THAT UPON RECEIPT OF SUCH REQUEST, THE DEPARTMENT SHALL TAKE ACTIONS TO IMMEDIATELY ENSURE THAT ANY PERSONALLY IDENTIFIABLE INFORMATION PROVIDED TO ANY SLISP OR DATA DASHBOARD OPERATOR IS DELETED FROM SUCH SLISP OR OPERATOR AND DESTROYED IN A SECURE MANNER.

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

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

S 3. This act shall take effect immediately.

SUBPART L

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) ASSISTING THE COMMISSIONER IN HANDLING INSTANCES OF DATA BREACHES AS WELL AS ASSISTING THE COMMISSIONER IN DUE PROCESS PROCEEDINGS REGARDING ANY ALLEGED BREACHES OF STUDENT DATA OR TEACHER OR PRINCIPAL DATA;

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

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

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

(6) MAKING RECOMMENDATIONS AS NEEDED REGARDING PRIVACY AND THE SECURITY OF STUDENT DATA ON BEHALF OF THE DEPARTMENT TO THE GOVERNOR, THE SPEAKER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT OF THE SENATE, AND THE CHAIRS OF THE SENATE AND ASSEMBLY EDUCATION COMMITTEES; AND

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

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

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

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

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

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

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

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

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

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

(3) STATE AND FEDERAL LAWS PROTECT THE CONFIDENTIALITY OF PERSONALLY IDENTIFIABLE INFORMATION, AND SAFEGUARDS ASSOCIATED WITH INDUSTRY STANDARDS AND BEST PRACTICES, INCLUDING BUT NOT LIMITED TO, ENCRYPTION, FIREWALLS, AND PASSWORD PROTECTION, MUST BE IN PLACE WHEN DATA IS STORED OR TRANSFERRED;

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

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

C. THE PARENTS BILL OF RIGHTS FOR DATA PRIVACY AND SECURITY SHALL INCLUDE SUPPLEMENTAL INFORMATION FOR EACH CONTRACT AN EDUCATIONAL AGENCY ENTERS INTO WITH A THIRD PARTY CONTRACTOR WHERE THE THIRD PARTY CONTRACTOR RECEIVES STUDENT DATA OR TEACHER OR PRINCIPAL DATA. SUCH SUPPLEMENTAL INFORMATION SHALL BE DEVELOPED BY THE EDUCATIONAL AGENCY AND SHALL INCLUDE:

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

(2) HOW THE THIRD PARTY CONTRACTOR WILL ENSURE THAT THE SUBCONTRACTORS, PERSONS OR ENTITIES THAT THE THIRD PARTY CONTRACTOR WILL SHARE THE STUDENT DATA OR TEACHER OR PRINCIPAL DATA WITH, IF ANY, WILL ABIDE BY DATA PROTECTION AND SECURITY REQUIREMENTS;

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

(4) IF AND HOW A PARENT, STUDENT, ELIGIBLE STUDENT, TEACHER OR PRINCIPAL MAY CHALLENGE THE ACCURACY OF THE STUDENT DATA OR TEACHER OR PRINCIPAL DATA THAT IS COLLECTED; AND

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

D. THE CHIEF PRIVACY OFFICER, WITH INPUT FROM PARENTS AND OTHER EDUCATION AND EXPERT STAKEHOLDERS, SHALL DEVELOP ADDITIONAL ELEMENTS OF THE PARENTS BILL OF RIGHTS FOR DATA PRIVACY AND SECURITY. THE COMMISSIONER

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

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

B. THE CHIEF PRIVACY OFFICER SHALL DEVELOP, REGULARLY UPDATE AND MAKE PUBLICLY AVAILABLE ON THE DEPARTMENT'S WEBSITE AND THROUGH SUCH ADDITIONAL METHODS AS MAY FACILITATE ACCESSIBILITY AN INVENTORY AND UNDERSTANDABLE DESCRIPTION OF THE STUDENT, TEACHER AND PRINCIPAL DATA ELEMENTS COLLECTED WITH AN EXPLANATION AND/OR LEGAL OR REGULATORY AUTHORITY OUTLINING THE REASONS SUCH DATA ELEMENTS ARE COLLECTED AND THE INTENDED USES AND DISCLOSURE OF THE DATA.

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

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

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

(1) JUVENILE DELINQUENCY RECORDS;

(2) CRIMINAL RECORDS;

(3) MEDICAL AND HEALTH RECORDS; AND

(4) STUDENT BIOMETRIC INFORMATION.

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

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

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

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

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

5. DATA SECURITY AND PRIVACY STANDARDS. A. THE COMMISSIONER, IN CONSULTATION WITH THE CHIEF PRIVACY OFFICER, SHALL PROMULGATE REGULATIONS ESTABLISHING STANDARDS FOR EDUCATIONAL AGENCY DATA SECURITY AND PRIVACY POLICIES AND SHALL DEVELOP ONE OR MORE MODEL POLICIES FOR USE BY EDUCATIONAL AGENCIES. THE COMMISSIONER SHALL SEEK THE INPUT OF EXPERTS, INCLUDING THOSE FROM SECURITY, CYBER-SECURITY AND FIELDS IN ADDITION TO EDUCATION THAT HAVE EXPERIENCE WITH PERSONAL DATA PROTECTION, IN DEVELOPING SUCH STANDARDS AND POLICIES.

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

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

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

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

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

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

E. EACH EDUCATIONAL AGENCY THAT ENTERS INTO A CONTRACT OR OTHER WRITTEN AGREEMENT WITH A THIRD PARTY CONTRACTOR UNDER WHICH THE THIRD PARTY CONTRACTOR WILL RECEIVE STUDENT DATA OR TEACHER OR PRINCIPAL DATA SHALL ENSURE THAT SUCH CONTRACT OR AGREEMENT INCLUDES A DATA SECURITY AND PRIVACY PLAN THAT OUTLINES HOW ALL STATE, FEDERAL, AND LOCAL DATA SECURITY AND PRIVACY CONTRACT REQUIREMENTS WILL BE IMPLEMENTED OVER THE LIFE OF THE CONTRACT, CONSISTENT WITH THE EDUCATIONAL AGENCY'S POLICY ON DATA SECURITY AND PRIVACY. SUCH PLAN SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO, A SIGNED COPY OF THE PARENTS BILL OF RIGHTS FOR DATA PRIVACY AND SECURITY, AND A REQUIREMENT THAT ANY OFFICERS OR EMPLOYEES OF THE THIRD PARTY CONTRACTOR AND ITS ASSIGNEES WHO HAVE ACCESS TO STUDENT DATA OR TEACHER OR PRINCIPAL DATA HAVE RECEIVED OR WILL RECEIVE TRAINING ON THE FEDERAL AND STATE LAW GOVERNING CONFIDENTIALITY OF SUCH DATA PRIOR TO RECEIVING ACCESS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7. IMPLEMENTATION AND ENFORCEMENT. A. THE COMMISSIONER, IN CONSULTATION WITH THE CHIEF PRIVACY OFFICER, SHALL PROMULGATE REGULATIONS ESTABLISHING PROCEDURES TO IMPLEMENT THE PROVISIONS OF THIS SECTION, INCLUDING BUT NOT LIMITED TO PROCEDURES FOR THE SUBMISSION OF COMPLAINTS FROM PARENTS AND/OR PERSONS IN PARENTAL RELATION TO STUDENTS, CLASSROOM TEACHERS OR BUILDING PRINCIPALS, OR OTHER STAFF OF AN EDUCATIONAL AGENCY, MAKING ALLEGATIONS OF IMPROPER DISCLOSURE OF STUDENT DATA AND/OR TEACHER OR PRINCIPAL DATA BY A THIRD PARTY CONTRACTOR OR ITS OFFICERS, EMPLOYEES OR ASSIGNEES THAT MAY BE SUBJECT TO THE SANCTIONS SET FORTH IN SUBDIVISION SIX OF THIS SECTION. UPON RECEIPT OF A COMPLAINT OR OTHER INFORMATION INDICATING THAT SUCH AN IMPROPER DISCLOSURE BY A THIRD PARTY CONTRACTOR MAY HAVE OCCURRED, THE CHIEF PRIVACY OFFICER SHALL BE AUTHORIZED TO INVESTIGATE, VISIT, EXAMINE AND INSPECT THE THIRD PARTY CONTRACTOR'S FACILITIES AND RECORDS AND OBTAIN DOCUMENTATION FROM, OR REQUIRE

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

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

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

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

S 2. This act shall take effect immediately.

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

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

PART BB

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

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

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

shall any such decision or approval that has not been altered, revised, amended, overturned or withdrawn by the board of education or the chancellor as of the effective date of this act fail to be implemented without the consent of the charter school approved for co-location in a public school building unless such charter school is no longer authorized pursuant to article 56 of the education law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) SIX-TENTHS.

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

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

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

PART CC

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

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

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

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

(A) CURRICULUM;

(B) LEARNING ENVIRONMENT, MATERIALS AND SUPPLIES;

(C) FAMILY ENGAGEMENT;

(D) STAFFING PATTERNS;

(E) TEACHER EDUCATION AND EXPERIENCE;

(F) FACILITY QUALITY;

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

(H) PARTNERSHIPS WITH NON-PROFIT, COMMUNITY AND EDUCATIONAL INSTITUTIONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12. NOTWITHSTANDING PARAGRAPH (A) OF SUBDIVISION ONE OF SECTION TWENTY-EIGHT HUNDRED FIFTY-FOUR OF THIS CHAPTER AND PARAGRAPH (C) OF SUBDIVISION TWO OF SECTION TWENTY-EIGHT HUNDRED FIFTY-FOUR OF THIS CHAPTER, CHARTER SCHOOLS SHALL BE ELIGIBLE TO PARTICIPATE IN UNIVERSAL FULL-DAY PRE-KINDERGARTEN PROGRAMS UNDER THIS SECTION, PROVIDED THAT ALL SUCH MONITORING, PROGRAMMATIC REVIEW AND OPERATIONAL REQUIREMENTS UNDER THIS SECTION SHALL BE THE RESPONSIBILITY OF THE CHARTER ENTITY AND SHALL BE CONSISTENT WITH THE REQUIREMENTS UNDER ARTICLE FIFTY-SIX OF THIS CHAPTER. THE PROVISIONS OF PARAGRAPH (B) OF SUBDIVISION TWO OF SECTION TWENTY-EIGHT HUNDRED FIFTY-FOUR OF THIS CHAPTER SHALL APPLY TO THE ADMISSION OF PRE-KINDERGARTEN STUDENTS, EXCEPT PARENTS OF PRE-KINDERGARTEN CHILDREN MAY SUBMIT APPLICATIONS FOR THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR BY A DATE TO BE DETERMINED BY THE CHARTER SCHOOL UPON SELECTION TO PARTICIPATE IN THE UNIVERSAL FULL-DAY PRE-KINDERGARTEN PROGRAM. THE LIMITATIONS ON THE EMPLOYMENT OF UNCERTIFIED TEACHERS UNDER PARAGRAPH (A-1) OF SUBDIVISION THREE OF SECTION TWENTY-EIGHT HUNDRED FIFTY-FOUR OF THIS CHAPTER SHALL APPLY TO ALL TEACHERS FROM PRE-KINDERGARTEN THROUGH GRADE TWELVE.

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

14. (A) THE AWARD PER PUPIL FOR AN ELIGIBLE ENTITY PURSUANT TO SUBDIVISION THREE OF THIS SECTION SHALL EQUAL: (I) FOR EACH NEW FULL-DAY PRE-KINDERGARTEN PLACEMENT THE LESSER OF THE FULL-DAY PRE-KINDERGARTEN PER PUPIL AMOUNT OR THE TOTAL APPROVED EXPENDITURES PER PUPIL AND (II) FOR EACH EXISTING HALF-DAY PRE-KINDERGARTEN PLACEMENT CONVERTED INTO A FULL-DAY PRE-KINDERGARTEN PLACEMENT THE LESSER OF (A) THE POSITIVE DIFFERENCE OF THE FULL-DAY PRE-KINDERGARTEN PER PUPIL AMOUNT MINUS THE DISTRICT'S SELECTED AID PER PRE-KINDERGARTEN PUPIL PURSUANT TO SUBPARAGRAPH (I) OF PARAGRAPH B OF SUBDIVISION TEN OF SECTION THIRTY-SIX HUNDRED TWO-E OF THIS PART OR (B) THE POSITIVE DIFFERENCE OF THE TOTAL APPROVED EXPENDITURES PER PUPIL MINUS THE DISTRICT'S SELECTED AID PER PRE-KINDERGARTEN PUPIL PURSUANT TO SUBPARAGRAPH (I) OF PARAGRAPH B OF SUBDIVISION TEN OF SECTION THIRTY-SIX HUNDRED TWO-E OF THIS PART. EACH PARTICIPATING ELIGIBLE ENTITY PURSUANT TO SUBDIVISION THREE OF THIS SECTION SHALL PROVIDE ITS EXPENSES UNDER THIS PROVISION IN A FORMAT PRESCRIBED BY THE COMMISSIONER.

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

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

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

15. DEFINITIONS. FOR THE PURPOSE OF THIS SECTION, THE FOLLOWING DEFINITIONS SHALL APPLY:

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

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

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

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

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

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

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

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

(VIII) NORTH COUNTRY REGION: INCLUDES CLINTON, ESSEX, FRANKLIN, HAMILTON, JEFFERSON, LEWIS AND ST. LAWRENCE COUNTIES.

(IX) SOUTHERN TIER REGION: INCLUDES BROOME, CHEMUNG, CHENANGO, DELAWARE, SCHUYLER, STEUBEN, TIOGA AND TOMPKINS COUNTIES.

(X) WESTERN NEW YORK REGION: INCLUDES ALLEGANY, CATTARAUGUS, CHAUTAUQUA, ERIE AND NIAGARA COUNTIES.

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

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

S 2. This act shall take effect immediately.

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

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