

S. 2006--B

A. 3006--B

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

January 21, 2015

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

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

AN ACT to amend the education law, in relation to contracts for excellence, apportionment of school aid, total foundation aid and the gap elimination adjustment restoration, the teachers of tomorrow teacher recruitment and retention program and waivers from certain duties; to amend the state finance law, in relation to moneys appropriated from the commercial gaming revenue fund; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to reimbursements for the 2015-2016 school year; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to withholding a portion of employment preparation education aid and in relation to extending the effectiveness of such chapter; to amend chapter 169 of the laws of 1994 relating to certain provisions related to the 1994-95 state operations, aid to localities, capital projects and debt service budgets; to amend chapter 82 of the laws of 1995, amending the education law and other laws relating to state aid to school districts and the appropriation of funds for the support of government; to amend section 7 of chapter 472 of the laws of 1998 amending the education law relating to the lease of school buses by school districts; 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

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

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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 effectiveness thereof; 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 part A of chapter 57 of the laws of 2013 relating to school district eligibility for an increase in apportionment of school aid and implementation of standards for conducting annual professional performance reviews to determine teacher and principal effectiveness, in relation to funds appropriated in the 2014-15 school year; allocates school bus driver training grants to school districts and boards of cooperative education services; allows for eligible school districts to receive special apportionments for salary expenses; allows for eligible school districts to receive special apportionments for public pension accruals; allows any moneys appropriated to the state education department to be suballocated to other state departments or agencies and/or shall be made available for specific payment of aid; allows the city school district of the city of Rochester to purchase services as a non-component 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; specifies amounts of state funds set aside for each school district for the purpose of the development, maintenance or expansion of magnet schools or magnet school programs; prohibits moneys appropriated for the support of public libraries to be used for library construction; to amend the general municipal law, in relation to authorized withdrawals; and to repeal certain provisions of the education law relating thereto (Part A); intentionally omitted (Part B); to amend the education law, in relation to creating the New York state get on your feet loan forgiveness program (Part C); intentionally omitted (Part D); intentionally omitted (Part E); to amend the banking law, in relation to creating a standard financial aid award letter (Part F); intentionally omitted (Part G); intentionally omitted (Part H); to amend the social services law, in relation to increasing the standards of monthly need for aged, blind and disabled persons living in the community (Part I); to amend the education law, in relation to certain contracts with the office of children and family services; to amend the education law, in relation to the possession of a gun on school grounds by a student; to amend the executive law, in relation to persons in need of supervision or youthful offenders; to amend part K of chapter 57 of the laws of 2012, amending the education law, relating to authorizing the board of cooperative educational services to enter into contracts with the commissioner of children and family services to provide certain services, in relation to making such provisions permanent (Part J); to amend the social services law, in relation to state reimbursement and subsidies for the adoption of children (Part K); to amend the social services law, the surrogate's court procedure act, the family court act, the public health law and the executive law, in relation to implementing provisions required by the federal preventing sex trafficking and strengthening families act (Part L); to utilize reserves in the mortgage insurance fund for various housing purposes (Part M); intentionally omitted (Part N); to amend the labor law, in relation to authorized absences by healthcare professionals who volunteer to fight the Ebola virus disease overseas;

and providing for the repeal of such provisions upon expiration thereof (Part O); to amend the labor law, the workers' compensation law and chapter 784 of the laws of 1951, constituting the New York state defense emergency act, in relation to eliminating certain fees charged by the department of labor; and to repeal certain provisions of the labor law and the workers' compensation law relating thereto (Part P); to amend the education law, in relation to requiring experiential learning as a requirement for graduation (Part Q); to amend part U of chapter 57 of the laws of 2005 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 R); to amend the labor law, in relation to the project notification fee imposed for asbestos removal (Part S); to amend chapter 141 of the laws of 1994, amending the legislative law and the state finance law relating to the operation and administration of the legislature, in relation to extending such provisions (Part T); to amend the state finance law, in relation to the creation of the SUNY DSRIP escrow fund (Part U); to amend the education law, in relation to the tuition assistance program for students with disabilities (Part V); to amend the education law, in relation to the investment of contributions to a family tuition account (Part W); to amend the education law, in relation to the allocation of funds from the foster youth college success initiative (Part X); to amend the education law, in relation to the offering of associate of occupational studies degrees by community colleges (Part Y); to amend the education law, in relation to establishing the New York state achievement and investment in merit scholarship (Part Z); to amend the labor law and the tax law, in relation to a program to provide tax incentives for employers employing at risk youth (Part AA); to amend the environmental conservation law, the tax law and the general municipal law, in relation to eligibility for participation in the brownfield cleanup program, assignment of the brownfield redevelopment tax credits and brownfield opportunity areas; to amend part H of chapter 1 of the laws of 2003, amending the tax law relating to brownfield redevelopment tax credits, remediated brownfield credit for real property taxes for qualified sites and environmental remediation insurance credits, in relation to tax credits for certain sites; to amend the environmental conservation law, in relation to hazardous waste generator fees and taxes; to amend the environmental conservation law and the state finance law, in relation to the environmental restoration program; to amend the environmental conservation law, in relation to limitations on liability; to amend the public authorities law, in relation to certain environmental restoration projects; and to repeal certain provisions of the environmental conservation law and the tax law relating thereto (Part BB); to amend the public officers law, the legislative law, the election law and the retirement and social security law, in relation to reporting and disclosure; and to repeal subdivision 2 of section 5 of the legislative law relating to per diem and travel expenses (Part CC); to amend part A of chapter 399 of the laws of 2011, relating to establishing the public integrity reform act of 2011, in relation to the joint commission on public ethics (Part DD); and to amend the education law, in relation to establishing the New York state masters-in-education teacher incentive scholarship program (Subpart A); to amend the education law, in relation to admission requirements for graduate-level teacher education programs (Subpart B); to amend the educa-

tion law, in relation to institution deregistration and suspension, teacher registration and continuing teacher education requirements (Subpart C); to amend the education law, in relation to the appointment of teachers, principals, administrators, supervisors and all other members of the teaching and supervising staff of school districts (Subpart D); to amend the education law, in relation to annual performance reviews of classroom teachers and building principals (Subpart E); relating to testing reduction reports (Subpart F); to amend the education law, in relation to disciplinary procedures for ineffective teaching or performance by building principal or teacher and to streamlined removal procedures for teachers rated ineffective (Subpart G); and to amend the education law, in relation to takeover and restructuring failing schools (Subpart H) (Part EE)

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

1 Section 1. This act enacts into law major components of legislation
2 which are necessary to implement the state fiscal plan for the 2015-2016
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through EE. The effective date for each particular
5 provision contained within such Part is set forth in the last section of
6 such Part. Any provision in any section contained within a Part, includ-
7 ing the effective date of the Part, which makes a reference to a section
8 "of this act", when used in connection with that particular component,
9 shall be deemed to mean and refer to the corresponding section of the
10 Part in which it is found. Section three of this act sets forth the
11 general effective date of this act.

12 PART A

13 Section 1. Paragraph e of subdivision 1 of section 211-d of the educa-
14 tion law, as amended by section 1 of part A of chapter 56 of the laws of
15 2014, is amended to read as follows:
16 e. Notwithstanding paragraphs a and b of this subdivision, a school
17 district that submitted a contract for excellence for the two thousand
18 eight--two thousand nine school year shall submit a contract for excel-
19 lence for the two thousand nine--two thousand ten school year in
20 conformity with the requirements of subparagraph (vi) of paragraph a of
21 subdivision two of this section unless all schools in the district are
22 identified as in good standing and provided further that, a school
23 district that submitted a contract for excellence for the two thousand
24 nine--two thousand ten school year, unless all schools in the district
25 are identified as in good standing, shall submit a contract for excel-
26 lence for the two thousand eleven--two thousand twelve school year which
27 shall, notwithstanding the requirements of subparagraph (vi) of para-
28 graph a of subdivision two of this section, provide for the expenditure
29 of an amount which shall be not less than the product of the amount
30 approved by the commissioner in the contract for excellence for the two
31 thousand nine--two thousand ten school year, multiplied by the
32 district's gap elimination adjustment percentage and provided further
33 that, a school district that submitted a contract for excellence for the
34 two thousand eleven--two thousand twelve school year, unless all schools
35 in the district are identified as in good standing, shall submit a
36 contract for excellence for the two thousand twelve--two thousand thir-

1 teen school year which shall, notwithstanding the requirements of
2 subparagraph (vi) of paragraph a of subdivision two of this section,
3 provide for the expenditure of an amount which shall be not less than
4 the amount approved by the commissioner in the contract for excellence
5 for the two thousand eleven--two thousand twelve school year and
6 provided further that, a school district that submitted a contract for
7 excellence for the two thousand twelve--two thousand thirteen school
8 year, unless all schools in the district are identified as in good
9 standing, shall submit a contract for excellence for the two thousand
10 thirteen--two thousand fourteen school year which shall, notwithstanding
11 the requirements of subparagraph (vi) of paragraph a of subdivision two
12 of this section, provide for the expenditure of an amount which shall be
13 not less than the amount approved by the commissioner in the contract
14 for excellence for the two thousand twelve--two thousand thirteen school
15 year and provided further that, a school district that submitted a
16 contract for excellence for the two thousand thirteen--two thousand
17 fourteen school year, unless all schools in the district are identified
18 as in good standing, shall submit a contract for excellence for the two
19 thousand fourteen--two thousand fifteen school year which shall,
20 notwithstanding the requirements of subparagraph (vi) of paragraph a of
21 subdivision two of this section, provide for the expenditure of an
22 amount which shall be not less than the amount approved by the commis-
23 sioner in the contract for excellence for the two thousand thirteen--two
24 thousand fourteen school year; AND PROVIDED FURTHER THAT, A SCHOOL
25 DISTRICT THAT SUBMITTED A CONTRACT FOR EXCELLENCE FOR THE TWO THOUSAND
26 FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR, UNLESS ALL SCHOOLS IN THE
27 DISTRICT ARE IDENTIFIED AS IN GOOD STANDING, SHALL SUBMIT A CONTRACT FOR
28 EXCELLENCE FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL
29 YEAR WHICH SHALL, NOTWITHSTANDING THE REQUIREMENTS OF SUBPARAGRAPH (VI)
30 OF PARAGRAPH A OF SUBDIVISION TWO OF THIS SECTION, PROVIDE FOR THE
31 EXPENDITURE OF AN AMOUNT WHICH SHALL BE NOT LESS THAN THE AMOUNT
32 APPROVED BY THE COMMISSIONER IN THE CONTRACT FOR EXCELLENCE FOR THE TWO
33 THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR. For purposes of
34 this paragraph, the "gap elimination adjustment percentage" shall be
35 calculated as the sum of one minus the quotient of the sum of the school
36 district's net gap elimination adjustment for two thousand ten--two
37 thousand eleven computed pursuant to chapter fifty-three of the laws of
38 two thousand ten, making appropriations for the support of government,
39 plus the school district's gap elimination adjustment for two thousand
40 eleven--two thousand twelve as computed pursuant to chapter fifty-three
41 of the laws of two thousand eleven, making appropriations for the
42 support of the local assistance budget, including support for general
43 support for public schools, divided by the total aid for adjustment
44 computed pursuant to chapter fifty-three of the laws of two thousand
45 eleven, making appropriations for the local assistance budget, including
46 support for general support for public schools. Provided, further, that
47 such amount shall be expended to support and maintain allowable programs
48 and activities approved in the two thousand nine--two thousand ten
49 school year or to support new or expanded allowable programs and activ-
50 ities in the current year.

51 S 1-a. Paragraph d of subdivision 2 of section 2-d of the education
52 law is REPEALED.

53 S 2. The closing paragraph of subdivision 5-a of section 3602 of the
54 education law, as amended by section 8 of part A of chapter 57 of the
55 laws of 2013, is amended to read as follows:

1 For the two thousand eight--two thousand nine school year, each school
2 district shall be entitled to an apportionment equal to the product of
3 fifteen percent and the additional apportionment computed pursuant to
4 this subdivision for the two thousand seven--two thousand eight school
5 year. For the two thousand nine--two thousand ten through two thousand
6 [fourteen] FIFTEEN--two thousand [fifteen] SIXTEEN school years, each
7 school district shall be entitled to an apportionment equal to the
8 amount set forth for such school district as "SUPPLEMENTAL PUB EXCESS
9 COST" under the heading "2008-09 BASE YEAR AIDS" in the school aid
10 computer listing produced by the commissioner in support of the budget
11 for the two thousand nine--two thousand ten school year and entitled
12 "SA0910".

13 S 3. Subdivision 12 of section 3602 of the education law, as amended
14 by section 10 of part A of chapter 57 of the laws of 2013, is amended to
15 read as follows:

16 12. Academic enhancement aid. A school district that as of April first
17 of the base year has been continuously identified as a district in need
18 of improvement for at least five years shall, for the two thousand
19 eight--two thousand nine school year, be entitled to an additional
20 apportionment equal to the positive remainder, if any, of (a) the lesser
21 of fifteen million dollars or the product of the total foundation aid
22 base, as defined by paragraph j of subdivision one of this section,
23 multiplied by ten percent (0.10), less (b) the positive remainder of (i)
24 the sum of the total foundation aid apportioned pursuant to subdivision
25 four of this section and the supplemental educational improvement grants
26 apportioned pursuant to subdivision eight of section thirty-six hundred
27 forty-one of this article, less (ii) the total foundation aid base.

28 For the two thousand nine--two thousand ten through two thousand four-
29 teen--two thousand fifteen school years, each school district shall be
30 entitled to an apportionment equal to the amount set forth for such
31 school district as "EDUCATION GRANTS, ACADEMIC EN" under the heading
32 "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by
33 the commissioner in support of the budget for the two thousand nine--two
34 thousand ten school year and entitled "SA0910", and such apportionment
35 shall be deemed to satisfy the state obligation to provide an apportion-
36 ment pursuant to subdivision eight of section thirty-six hundred forty-
37 one of this article.

38 FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN YEAR, EACH SCHOOL
39 DISTRICT SHALL BE ENTITLED TO AN APPORTIONMENT EQUAL TO THE AMOUNT SET
40 FORTH FOR SUCH SCHOOL DISTRICT AS "ACADEMIC ENHANCEMENT" UNDER THE HEAD-
41 ING "2014-15 ESTIMATED AIDS" IN THE SCHOOL AID COMPUTER LISTING PRODUCED
42 BY THE COMMISSIONER IN SUPPORT OF THE BUDGET FOR THE TWO THOUSAND FOUR-
43 TEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR AND ENTITLED "SA141-5", AND SUCH
44 APPORTIONMENT SHALL BE DEEMED TO SATISFY THE STATE OBLIGATION TO PROVIDE
45 AN APPORTIONMENT PURSUANT TO SUBDIVISION EIGHT OF SECTION THIRTY-SIX
46 HUNDRED FORTY-ONE OF THIS ARTICLE.

47 S 4. The opening paragraph of subdivision 16 of section 3602 of the
48 education law, as amended by section 11 of part A of chapter 57 of the
49 laws of 2013, is amended to read as follows:

50 Each school district shall be eligible to receive a high tax aid
51 apportionment in the two thousand eight--two thousand nine school year,
52 which shall equal the greater of (i) the sum of the tier 1 high tax aid
53 apportionment, the tier 2 high tax aid apportionment and the tier 3 high
54 tax aid apportionment or (ii) the product of the apportionment received
55 by the school district pursuant to this subdivision in the two thousand
56 seven--two thousand eight school year, multiplied by the due-minimum

1 factor, which shall equal, for districts with an alternate pupil wealth
2 ratio computed pursuant to paragraph b of subdivision three of this
3 section that is less than two, seventy percent (0.70), and for all other
4 districts, fifty percent (0.50). Each school district shall be eligible
5 to receive a high tax aid apportionment in the two thousand nine--two
6 thousand ten through two thousand twelve--two thousand thirteen school
7 years in the amount set forth for such school district as "HIGH TAX AID"
8 under the heading "2008-09 BASE YEAR AIDS" in the school aid computer
9 listing produced by the commissioner in support of the budget for the
10 two thousand nine--two thousand ten school year and entitled "SA0910".
11 Each school district shall be eligible to receive a high tax aid appor-
12 tionment in the two thousand thirteen--two thousand fourteen [school
13 year and the two thousand fourteen--two thousand fifteen] THROUGH TWO
14 THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN school [year] YEARS equal to the
15 greater of (1) the amount set forth for such school district as "HIGH
16 TAX AID" under the heading "2008-09 BASE YEAR AIDS" in the school aid
17 computer listing produced by the commissioner in support of the budget
18 for the two thousand nine--two thousand ten school year and entitled
19 "SA0910" or (2) the amount set forth for such school district as "HIGH
20 TAX AID" under the heading "2013-14 ESTIMATED AIDS" in the school aid
21 computer listing produced by the commissioner in support of the execu-
22 tive budget for the 2013-14 fiscal year and entitled "BT131-4".

23 S 5. The opening paragraph of subdivision 10 of section 3602-e of the
24 education law, as amended by section 21 of part A of chapter 56 of the
25 laws of 2014, is amended to read as follows:

26 Notwithstanding any provision of law to the contrary, for aid payable
27 in the two thousand eight--two thousand nine school year, the grant to
28 each eligible school district for universal prekindergarten aid shall be
29 computed pursuant to this subdivision, and for the two thousand nine--
30 two thousand ten and two thousand ten--two thousand eleven school years,
31 each school district shall be eligible for a maximum grant equal to the
32 amount computed for such school district for the base year in the elec-
33 tronic data file produced by the commissioner in support of the two
34 thousand nine--two thousand ten education, labor and family assistance
35 budget, provided, however, that in the case of a district implementing
36 programs for the first time or implementing expansion programs in the
37 two thousand eight--two thousand nine school year where such programs
38 operate for a minimum of ninety days in any one school year as provided
39 in section 151-1.4 of the regulations of the commissioner, for the two
40 thousand nine--two thousand ten and two thousand ten--two thousand elev-
41 en school years, such school district shall be eligible for a maximum
42 grant equal to the amount computed pursuant to paragraph a of subdivi-
43 sion nine of this section in the two thousand eight--two thousand nine
44 school year, and for the two thousand eleven--two thousand twelve school
45 year each school district shall be eligible for a maximum grant equal to
46 the amount set forth for such school district as "UNIVERSAL PREKINDER-
47 GARTEN" under the heading "2011-12 ESTIMATED AIDS" in the school aid
48 computer listing produced by the commissioner in support of the enacted
49 budget for the 2011-12 school year and entitled "SA111-2", and for two
50 thousand twelve--two thousand thirteen[, two thousand thirteen--two
51 thousand fourteen and two thousand fourteen--two thousand fifteen]
52 THROUGH TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN school years each
53 school district shall be eligible for a maximum grant equal to the
54 greater of (i) the amount set forth for such school district as
55 "UNIVERSAL PREKINDERGARTEN" under the heading "2010-11 BASE YEAR AIDS"
56 in the school aid computer listing produced by the commissioner in

1 support of the enacted budget for the 2011-12 school year and entitled
2 "SA111-2", or (ii) the amount set forth for such school district as
3 "UNIVERSAL PREKINDERGARTEN" under the heading "2010-11 BASE YEAR AIDS"
4 in the school aid computer listing produced by the commissioner on May
5 fifteenth, two thousand eleven pursuant to paragraph b of subdivision
6 twenty-one of section three hundred five of this chapter, and provided
7 further that the maximum grant shall not exceed the total actual grant
8 expenditures incurred by the school district in the current school year
9 as approved by the commissioner.

10 S 5-a. Subdivision 4 of section 3602 of the education law, as amended
11 by section 3 of part A of chapter 56 of the laws of 2014, is amended to
12 read as follows:

13 4. Total foundation aid. In addition to any other apportionment pursu-
14 ant to this chapter, a school district, other than a special act school
15 district as defined in subdivision eight of section four thousand one of
16 this chapter, shall be eligible for total foundation aid equal to the
17 product of total aidable foundation pupil units multiplied by the
18 district's selected foundation aid, which shall be the greater of five
19 hundred dollars (\$500) or foundation formula aid, provided, however that
20 for the two thousand seven--two thousand eight through two thousand
21 eight--two thousand nine school years, no school district shall receive
22 total foundation aid in excess of the sum of the total foundation aid
23 base for aid payable in the two thousand seven--two thousand eight
24 school year computed pursuant to subparagraph (i) of paragraph j of
25 subdivision one of this section, plus the phase-in foundation increase
26 computed pursuant to paragraph b of this subdivision, and provided
27 further that for the two thousand twelve--two thousand thirteen school
28 year, no school district shall receive total foundation aid in excess of
29 the sum of the total foundation aid base for aid payable in the two
30 thousand eleven--two thousand twelve school year computed pursuant to
31 paragraph j of subdivision one of this section, plus the phase-in foun-
32 dation increase computed pursuant to paragraph b of this subdivision,
33 and provided further that for the two thousand thirteen--two thousand
34 fourteen school year and thereafter, no school district shall receive
35 total foundation aid in excess of the sum of the total foundation aid
36 base computed pursuant to paragraph j of subdivision one of this
37 section, plus the phase-in foundation increase computed pursuant to
38 paragraph b of this subdivision and provided further that total founda-
39 tion aid shall not be less than the product of the total foundation aid
40 base computed pursuant to paragraph j of subdivision one of this section
41 and the due-minimum percent which shall be, for the two thousand twelve-
42 -two thousand thirteen school year, one hundred and six-tenths percent
43 (1.006) and for the two thousand thirteen--two thousand fourteen school
44 year for city school districts of those cities having populations in
45 excess of one hundred twenty-five thousand and less than one million
46 inhabitants one hundred and one and one hundred and seventy-six thou-
47 sandths percent (1.01176), and for all other districts one hundred and
48 three-tenths percent (1.003), and for the two thousand fourteen--two
49 thousand fifteen school year one hundred and eighty-five hundredths
50 percent (1.0085), AND FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN
51 SCHOOL YEAR, ONE HUNDRED THIRTY-SEVEN HUNDREDTHS PERCENT (1.0037),
52 subject to allocation pursuant to the provisions of subdivision eighteen
53 of this section and any provisions of a chapter of the laws of New York
54 as described therein, nor more than the product of such total foundation
55 aid base and one hundred fifteen percent, and provided further that for
56 the two thousand nine--two thousand ten through two thousand eleven--two

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

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

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

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

37	Labor Force Region	Index
38	Capital District	1.124
39	Southern Tier	1.045
40	Western New York	1.091
41	Hudson Valley	1.314
42	Long Island/NYC	1.425
43	Finger Lakes	1.141
44	Central New York	1.103
45	Mohawk Valley	1.000
46	North Country	1.000

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

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

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

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

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

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

1 thousand fourteen--two thousand fifteen school year the phase-in founda-
2 tion increase factor shall equal (1) for a city school district of a
3 city having a population of one million or more, four and thirty-two
4 hundredths percent (0.0432) or (2) for a school district other than a
5 city school district having a population of one million or more for
6 which (A) the quotient of the positive difference of the foundation
7 formula aid minus the foundation aid base computed pursuant to paragraph
8 j of subdivision one of this section divided by the foundation formula
9 aid is greater than twenty-two percent (0.22) and (B) a combined wealth
10 ratio less than thirty-five hundredths (0.35), seven percent (0.07) or
11 (3) for all other school districts, four and thirty-one hundredths
12 percent (0.0431), and for the two thousand fifteen--two thousand sixteen
13 school year THE PHASE-IN FOUNDATION INCREASE FACTOR SHALL EQUAL: (1)
14 FOR A CITY SCHOOL DISTRICT OF A CITY HAVING A POPULATION OF ONE MILLION
15 OR MORE, THIRTEEN AND TWO HUNDRED SEVENTY-FOUR THOUSANDTHS PERCENT
16 (0.13274); OR (2) FOR DISTRICTS WHERE THE QUOTIENT ARRIVED AT WHEN
17 DIVIDING (A) THE PRODUCT OF THE TOTAL AIDABLE FOUNDATION PUPIL UNITS
18 MULTIPLIED BY THE DISTRICT'S SELECTED FOUNDATION AID LESS THE TOTAL
19 FOUNDATION AID BASE COMPUTED PURSUANT TO PARAGRAPH J OF SUBDIVISION ONE
20 OF THIS SECTION DIVIDED BY (B) THE PRODUCT OF THE TOTAL AIDABLE FOUNDA-
21 TION PUPIL UNITS MULTIPLIED BY THE DISTRICT'S SELECTED FOUNDATION AID IS
22 GREATER THAN NINETEEN PERCENT (0.19), AND WHERE THE DISTRICT'S COMBINED
23 WEALTH RATIO IS LESS THAN THIRTY-THREE HUNDREDTHS (0.33), SEVEN AND
24 SEVENTY-FIVE HUNDREDTHS PERCENT (0.0775); OR (3) FOR ANY OTHER DISTRICT
25 DESIGNATED AS HIGH NEED PURSUANT TO CLAUSE (C) OF SUBPARAGRAPH TWO OF
26 PARAGRAPH C OF SUBDIVISION SIX OF THIS SECTION FOR THE SCHOOL AID
27 COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE ENACTED
28 BUDGET FOR THE TWO THOUSAND SEVEN--TWO THOUSAND EIGHT SCHOOL YEAR AND
29 ENTITLED "SA0708", FOUR PERCENT (0.04); OR (4) FOR A CITY SCHOOL
30 DISTRICT IN A CITY HAVING A POPULATION OF ONE HUNDRED TWENTY-FIVE THOU-
31 SAND OR MORE BUT LESS THAN ONE MILLION, FOURTEEN PERCENT (0.14); OR (5)
32 FOR SCHOOL DISTRICTS THAT WERE DESIGNATED AS SMALL CITY SCHOOL DISTRICTS
33 OR CENTRAL SCHOOL DISTRICTS WHOSE BOUNDARIES INCLUDE A PORTION OF A
34 SMALL CITY FOR THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMIS-
35 SIONER IN SUPPORT OF THE ENACTED BUDGET FOR THE TWO THOUSAND
36 FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR AND ENTITLED "SA1415", FOUR
37 AND SEVEN HUNDRED FIFTY- ONE THOUSANDTHS PERCENT (0.04751); OR (6) FOR
38 ALL OTHER DISTRICTS ONE PERCENT (0.01), AND FOR THE TWO THOUSAND
39 SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR and thereafter the commis-
40 sioner shall annually determine the phase-in foundation increase factor
41 subject to allocation pursuant to the provisions of subdivision eighteen
42 of this section and any provisions of a chapter of the laws of New York
43 as described therein.

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

51 c. Public excess cost aid setaside. Each school district shall set
52 aside from its total foundation aid computed for the current year pursu-
53 ant to this subdivision an amount equal to the product of: (i) the
54 difference between the amount the school district was eligible to
55 receive in the two thousand six--two thousand seven school year pursuant
56 to or in lieu of paragraph six of subdivision nineteen of this section

1 as such paragraph existed on June thirtieth, two thousand seven, minus
2 the amount such district was eligible to receive pursuant to or in lieu
3 of paragraph five of subdivision nineteen of this section as such para-
4 graph existed on June thirtieth, two thousand seven, in such school
5 year, and (ii) the sum of one and the percentage increase in the consum-
6 er price index for the current year over such consumer price index for
7 the two thousand six--two thousand seven school year, as computed pursu-
8 ant to section two thousand twenty-two of this chapter. Notwithstanding
9 any other provision of law to the contrary, the public excess cost aid
10 setaside shall be paid pursuant to section thirty-six hundred nine-b of
11 this part.

12 d. For the two thousand fourteen--two thousand fifteen AND TWO THOU-
13 SAND FIFTEEN--TWO THOUSAND SIXTEEN school [year] YEARS a city school
14 district of a city having a population of one million or more may use
15 amounts apportioned pursuant to this subdivision for afterschool
16 programs.

17 S 5-b. Paragraph g of subdivision 17 of section 3602 of the education
18 law, as added by section 2 of part A of chapter 56 of the laws of 2014,
19 is amended and a new paragraph h is added to read as follows:

20 [(g)] G. The gap elimination adjustment restoration amount for the two
21 thousand fifteen--two thousand sixteen school year [and thereafter shall
22 equal the product of the gap elimination percentage for such district
23 and the gap elimination adjustment restoration allocation established
24 pursuant to subdivision eighteen of this section.] FOR A SCHOOL DISTRICT
25 SHALL BE COMPUTED BASED ON DATA ON FILE WITH THE COMMISSIONER AND IN THE
26 DATABASE USED BY THE COMMISSIONER TO PRODUCE AN UPDATED ELECTRONIC DATA
27 FILE IN SUPPORT OF THE ENACTED BUDGET FOR THE TWO THOUSAND FIFTEEN--TWO
28 THOUSAND SIXTEEN STATE FISCAL YEAR AND ENTITLED "SA151-6" AND SHALL
29 EQUAL THE SUM OF TIERS ONE THROUGH FOUR PLUS THE SUM OF MINIMUMS A, B,
30 AND C.

31 (I) "TIER ONE" SHALL EQUAL THE PRODUCT OF THIRTY DOLLARS (\$30.00)
32 MULTIPLIED BY THE EXTRAORDINARY NEEDS COUNT COMPUTED PURSUANT TO PARA-
33 GRAPH S OF SUBDIVISION ONE OF THIS SECTION MULTIPLIED BY THE CONCEN-
34 TRATION FACTOR, WHERE THE CONCENTRATION FACTOR SHALL BE THE SUM OF ONE
35 PLUS THE QUOTIENT ARRIVED AT WHEN DIVIDING (1) THE DIFFERENCE OF THE
36 EXTRAORDINARY NEEDS PERCENT COMPUTED PURSUANT TO PARAGRAPH W OF SUBDIVI-
37 SION ONE OF THIS SECTION LESS FOUR-TENTHS (0.4) DIVIDED BY (2) NINE
38 HUNDRED TWO THOUSANDTHS (0.902), PROVIDED, HOWEVER, THAT SUCH CONCEN-
39 TRATION FACTOR SHALL NOT BE LESS THAN ONE.

40 (II) "TIER TWO" SHALL BE THE PRODUCT, FOR DISTRICTS WITH A CHANGE IN
41 ENROLLMENT OF GREATER THAN TWO PERCENT, OF SIX HUNDRED DOLLARS
42 (\$600.00), AND FOR ALL OTHER DISTRICTS WITH A CHANGE IN ENROLLMENT
43 GREATER THAN ZERO BUT LESS THAN TWO PERCENT, FIVE HUNDRED DOLLARS
44 (\$500.00) MULTIPLIED BY THE CHANGE IN ENROLLMENT, WHERE THE CHANGE IN
45 ENROLLMENT SHALL BE THE POSITIVE DIFFERENCE, IF ANY, OF THE BASE YEAR
46 PUBLIC SCHOOL DISTRICT ENROLLMENT AS COMPUTED PURSUANT TO SUBPARAGRAPH
47 TWO OF PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION FOR THE BASE YEAR
48 LESS PUBLIC SCHOOL DISTRICT ENROLLMENT FOR THE TWO THOUSAND
49 THIRTEEN--TWO THOUSAND FOURTEEN SCHOOL YEAR.

50 (III) "TIER THREE" SHALL BE THE PRODUCT OF TWENTY-TWO DOLLARS AND
51 FIFTY CENTS (\$22.50) MULTIPLIED BY THE FREE AND REDUCED PRICE LUNCH
52 PERCENT COMPUTED PURSUANT TO PARAGRAPH P OF SUBDIVISION ONE OF THIS
53 SECTION MULTIPLIED BY THE BASE YEAR PUBLIC SCHOOL DISTRICT ENROLLMENT AS
54 COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE
55 OF THIS SECTION FOR THE BASE YEAR.

1 (IV) "TIER FOUR" SHALL BE THE PRODUCT OF THREE HUNDRED DOLLARS
2 (\$300.00) MULTIPLIED BY THE LIMITED ENGLISH PROFICIENT COUNT COMPUTED
3 PURSUANT TO PARAGRAPH O OF SUBDIVISION ONE OF THIS SECTION MULTIPLIED BY
4 THE EXTRAORDINARY NEEDS PERCENT COMPUTED PURSUANT TO PARAGRAPH W OF
5 SUBDIVISION ONE OF THIS SECTION MULTIPLIED BY THE SUM OF ONE AND THE LEP
6 GROWTH PERCENT, WHERE THE LEP GROWTH PERCENT SHALL BE THE QUOTIENT
7 ARRIVED AT BY DIVIDING THE POSITIVE DIFFERENCE, IF ANY, OF THE LIMITED
8 ENGLISH PROFICIENT COUNT FOR THE BASE YEAR LESS SUCH COUNT FOR THE YEAR
9 PRIOR TO THE BASE YEAR DIVIDED BY SUCH COUNT FOR THE YEAR PRIOR TO THE
10 BASE YEAR.

11 (V) "MINIMUM A" SHALL BE THE MINIMUM A PERCENT MULTIPLIED BY THE GAP
12 ELIMINATION ADJUSTMENT FOR THE BASE YEAR, WHERE THE MINIMUM A PERCENT
13 SHALL BE THE GREATER OF (1) FOR A CITY SCHOOL DISTRICT OF A CITY HAVING
14 A POPULATION OF ONE MILLION OR MORE TWENTY-NINE AND FORTY-FIVE
15 HUNDREDTHS PERCENT (0.2945), OR (2) FOR A CITY SCHOOL DISTRICT OF A CITY
16 HAVING A POPULATION OF ONE HUNDRED TWENTY-FIVE THOUSAND OR MORE BUT LESS
17 THAN ONE MILLION AND A COMBINED WEALTH RATIO OF LESS THAN FIVE-TENTHS
18 (0.5) EIGHTY PERCENT (0.80), OR (3) FOR ALL OTHER DISTRICTS WITH A
19 COMBINED WEALTH RATIO LESS THAN ONE AND EIGHT-TENTHS (1.8) THIRTY-FIVE
20 AND SIX-TENTHS PERCENT (0.356), OR (4) FOR ALL OTHER DISTRICTS THIRTY
21 PERCENT (0.30).

22 (VI) "MINIMUM B" SHALL BE FOR DISTRICTS DESIGNATED AS AVERAGE NEED
23 PURSUANT TO CLAUSE (C) OF SUBPARAGRAPH TWO OF PARAGRAPH C OF SUBDIVISION
24 SIX OF THIS SECTION FOR THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE
25 COMMISSIONER IN SUPPORT OF THE ENACTED BUDGET FOR THE TWO THOUSAND
26 SEVEN--TWO THOUSAND EIGHT SCHOOL YEAR AND ENTITLED "SA0708" AND WITH A
27 COMBINED WEALTH RATIO OF LESS THAN SEVENTY-EIGHT HUNDREDTHS (0.78),
28 TWENTY-SIX AND FIFTEEN HUNDREDTHS PERCENT (0.2615) MULTIPLIED BY THE GAP
29 ELIMINATION ADJUSTMENT FOR THE BASE YEAR.

30 (VII) "MINIMUM C" SHALL BE FOR DISTRICTS DESIGNATED AS HIGH NEED
31 PURSUANT TO CLAUSE (C) OF SUBPARAGRAPH TWO OF PARAGRAPH C OF SUBDIVISION
32 SIX OF THIS SECTION FOR THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE
33 COMMISSIONER IN SUPPORT OF THE ENACTED BUDGET FOR THE TWO THOUSAND
34 SEVEN--TWO THOUSAND EIGHT SCHOOL YEAR AND ENTITLED "SA0708", OTHER THAN
35 THOSE CITY SCHOOL DISTRICTS OF A CITY HAVING A POPULATION OF ONE HUNDRED
36 TWENTY-FIVE THOUSAND OR MORE, FORTY-THREE PERCENT (0.43) MULTIPLIED BY
37 THE GAP ELIMINATION ADJUSTMENT FOR THE BASE YEAR.

38 (VIII) PROVIDED HOWEVER, THAT NO GEA RESTORATION SHALL BE MORE THAN
39 THE PRODUCT OF NINETY-EIGHT PERCENT (0.98) MULTIPLIED BY THE GAP ELIMI-
40 NATION ADJUSTMENT FOR THE BASE YEAR.

41 H. THE GAP ELIMINATION ADJUSTMENT RESTORATION AMOUNT FOR THE TWO THOU-
42 SAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR AND THEREAFTER SHALL
43 EQUAL THE PRODUCT OF THE GAP ELIMINATION PERCENTAGE FOR SUCH DISTRICT
44 AND THE GAP ELIMINATION ADJUSTMENT RESTORATION ALLOCATION ESTABLISHED
45 PURSUANT TO SUBDIVISION EIGHTEEN OF THIS SECTION.

46 S 6. The opening paragraph of section 3609-a of the education law, as
47 amended by section 4 of part A of chapter 56 of the laws of 2014, is
48 amended to read as follows:

49 For aid payable in the two thousand seven--two thousand eight school
50 year through the [two thousand thirteen--two thousand fourteen] TWO
51 THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN school year, "moneys apportioned"
52 shall mean the lesser of (i) the sum of one hundred percent of the
53 respective amount set forth for each school district as payable pursuant
54 to this section in the school aid computer listing for the current year
55 produced by the commissioner in support of the budget which includes the
56 appropriation for the general support for public schools for the

1 prescribed payments and individualized payments due prior to April first
2 for the current year plus the apportionment payable during the current
3 school year pursuant to subdivision six-a and subdivision fifteen of
4 section thirty-six hundred two of this part minus any reductions to
5 current year aids pursuant to subdivision seven of section thirty-six
6 hundred four of this part or any deduction from apportionment payable
7 pursuant to this chapter for collection of a school district basic
8 contribution as defined in subdivision eight of section forty-four
9 hundred one of this chapter, less any grants provided pursuant to
10 subparagraph two-a of paragraph b of subdivision four of section nine-
11 ty-two-c of the state finance law, LESS ANY GRANTS PROVIDED PURSUANT TO
12 SUBDIVISION SIX OF SECTION NINETY-SEVEN-NNNN OF THE STATE FINANCE LAW,
13 less any grants provided pursuant to subdivision twelve of section thir-
14 ty-six hundred forty-one of this article, or (ii) the apportionment
15 calculated by the commissioner based on data on file at the time the
16 payment is processed; provided however, that for the purposes of any
17 payments made pursuant to this section prior to the first business day
18 of June of the current year, moneys apportioned shall not include any
19 aids payable pursuant to subdivisions six and fourteen, if applicable,
20 of section thirty-six hundred two of this part as current year aid for
21 debt service on bond anticipation notes and/or bonds first issued in the
22 current year or any aids payable for full-day kindergarten for the
23 current year pursuant to subdivision nine of section thirty-six hundred
24 two of this part. The definitions of "base year" and "current year" as
25 set forth in subdivision one of section thirty-six hundred two of this
26 part shall apply to this section. For aid payable in the two thousand
27 fourteen--two thousand fifteen school year, reference to such "school
28 aid computer listing for the current year" shall mean the printouts
29 entitled "SA141-5". FOR AID PAYABLE IN THE TWO THOUSAND FIFTEEN--TWO
30 THOUSAND SIXTEEN SCHOOL YEAR, REFERENCE TO SUCH "SCHOOL AID COMPUTER
31 LISTING FOR THE CURRENT YEAR" SHALL MEAN THE PRINTOUTS ENTITLED
32 "SA151-6".

33 S 7. The education law is amended by adding a new section 3609-h to
34 read as follows:

35 S 3609-H. MONEYS APPORTIONED TO SCHOOL DISTRICTS FOR COMMERCIAL GAMING
36 GRANTS PURSUANT TO SUBDIVISION SIX OF SECTION NINETY-SEVEN-NNNN OF THE
37 STATE FINANCE LAW, WHEN AND HOW PAYABLE COMMENCING JULY FIRST, TWO THOU-
38 SAND FOURTEEN. NOTWITHSTANDING THE PROVISIONS OF SECTION THIRTY-SIX
39 HUNDRED NINE-A OF THIS PART, APPORTIONMENTS PAYABLE PURSUANT TO SUBDIVI-
40 SION SIX OF SECTION NINETY-SEVEN-NNNN OF THE STATE FINANCE LAW SHALL BE
41 PAID PURSUANT TO THIS SECTION. THE DEFINITIONS OF "BASE YEAR" AND
42 "CURRENT YEAR" AS SET FORTH IN SUBDIVISION ONE OF SECTION THIRTY-SIX
43 HUNDRED TWO OF THIS PART SHALL APPLY TO THIS SECTION.

44 1. THE MONEYS APPORTIONED BY THE COMMISSIONER TO SCHOOL DISTRICTS
45 PURSUANT TO SUBDIVISION SIX OF SECTION NINETY-SEVEN-NNNN OF THE STATE
46 FINANCE LAW FOR THE TWO THOUSAND FOURTEEN-TWO THOUSAND FIFTEEN SCHOOL
47 YEAR AND THEREAFTER SHALL BE PAID AS A COMMERCIAL GAMING GRANT, AS
48 COMPUTED PURSUANT TO SUCH SUBDIVISION, AS FOLLOWS:

49 A. FOR THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR,
50 ONE HUNDRED PERCENT OF SUCH GRANT SHALL BE PAID ON THE SAME DATE AS THE
51 PAYMENT COMPUTED PURSUANT TO CLAUSE (V) OF SUBPARAGRAPH THREE OF PARA-
52 GRAPH B OF SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED NINE-A OF THIS
53 ARTICLE.

54 B. FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR AND
55 THEREAFTER, SEVENTY PERCENT OF SUCH GRANT SHALL BE PAID ON THE SAME DATE
56 AS THE PAYMENT COMPUTED PURSUANT TO CLAUSE (II) OF SUBPARAGRAPH THREE OF

1 PARAGRAPH B OF SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED NINE-A OF
2 THIS ARTICLE, AND THIRTY PERCENT OF SUCH GRANT SHALL BE PAID ON THE SAME
3 DATE AS THE PAYMENT COMPUTED PURSUANT TO CLAUSE (V) OF SUBPARAGRAPH
4 THREE OF PARAGRAPH B OF SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED
5 NINE-A OF THIS ARTICLE.

6 2. ANY PAYMENT TO A SCHOOL DISTRICT PURSUANT TO THIS SECTION SHALL BE
7 GENERAL RECEIPTS OF THE DISTRICT AND MAY BE USED FOR ANY LAWFUL PURPOSE
8 OF THE DISTRICT.

9 S 7-a. Clause (c) of subparagraph 5 of paragraph e of subdivision 6 of
10 section 3602 of the education law, as amended by section 4-a of part A
11 of chapter 56 of the laws of 2014, is amended to read as follows:

12 (c) At the end of each ten year segment of an assumed amortization
13 established pursuant to subparagraphs two, three and four of this para-
14 graph, or in the [two thousand fifteen -- two thousand sixteen] TWO
15 THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN school year in the case of
16 assumed amortizations whose ten year segment ends prior to such school
17 year, the commissioner shall revise the remaining scheduled semiannual
18 payments of the outstanding principal and interest of such assumed amor-
19 tization, other than the outstanding principal and interest of refunding
20 bonds where the district can demonstrate to the commissioner that it is
21 precluded by state or federal law, rule or regulation from refinancing
22 such outstanding principal and interest, based on the interest rates
23 applicable for the current year if the difference of the interest rate
24 upon which the existing assumed amortization is based minus such inter-
25 est rate applicable for the current year is equal to or greater than one
26 quarter of one-one hundredth. Provided however, in the case of assumed
27 amortization whose ten year segment ended prior to the [two thousand
28 fifteen -- two thousand sixteen] TWO THOUSAND SIXTEEN--TWO THOUSAND
29 SEVENTEEN school year the next ten year segment shall be deemed to
30 commence with the [two thousand fifteen -- two thousand sixteen] TWO
31 THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN school year. The department
32 shall notify school districts of projects subject to the provisions of
33 this clause by no later than December first next preceding the school
34 year in which the assumed amortization is scheduled to be revised pursu-
35 ant to this clause.

36 S 7-b. Subdivision 4 of section 3627 of the education law, as amended
37 by section 7 of part A of chapter 56 of the laws of 2014, is amended to
38 read as follows:

39 4. Notwithstanding any other provision of law to the contrary, any
40 expenditures for transportation provided pursuant to this section in the
41 two thousand thirteen--two thousand fourteen and two thousand fourteen-
42 -two thousand fifteen school year and thereafter and otherwise eligible
43 for transportation aid pursuant to subdivision seven of section thirty-
44 six hundred two of this article shall be considered approved transporta-
45 tion expenses eligible for transportation aid, provided further that FOR
46 THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN AND TWO THOUSAND FOUR-
47 TEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR such aid shall be limited to
48 eight million one hundred thousand dollars AND FOR THE TWO THOUSAND
49 FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR AND THEREAFTER SUCH AID SHALL
50 BE LIMITED TO TWELVE MILLION SIX HUNDRED THOUSAND DOLLARS. And provided
51 further that such expenditures eligible for aid under this section shall
52 supplement not supplant local expenditures for such transportation in
53 the two thousand twelve--two thousand thirteen school year.

54 S 8. Paragraph b of subdivision 2 of section 3612 of the education
55 law, as amended by section 5 of part A of chapter 56 of the laws of
56 2014, is amended to read as follows:

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

20 S 9. Subdivision 6 of section 4402 of the education law, as amended by
21 section 9 of part A of chapter 56 of the laws of 2014, is amended to
22 read as follows:

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

1 thirty days notice to the board of education, after conclusion of the
2 school year in which such board increases class sizes as provided pursu-
3 ant to this subdivision, the commissioner shall be authorized to termi-
4 nate such authorization upon a finding that the board has failed to
5 develop or implement an approved corrective action plan.

6 S 10. Intentionally omitted.

7 S 11. Subparagraph (i) of paragraph a of subdivision 10 of section
8 4410 of the education law is amended by adding a new clause (C) to read
9 as follows:

10 (C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION TO
11 THE CONTRARY, ON OR BEFORE THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVEN-
12 TEEN SCHOOL YEAR AND THEREAFTER, TO BE PHASED-IN OVER NO MORE THAN FOUR
13 YEARS FROM SUCH STARTING YEAR, THE COMMISSIONER, SUBJECT TO THE APPROVAL
14 OF THE DIRECTOR OF THE BUDGET, SHALL ESTABLISH REGIONAL TUITION RATES
15 FOR SPECIAL EDUCATION ITINERANT SERVICES BASED ON AVERAGE ACTUAL COSTS
16 IN ACCORDANCE WITH A METHODOLOGY ESTABLISHED PURSUANT TO SUBDIVISION
17 FOUR OF SECTION FORTY-FOUR HUNDRED FIVE OF THIS ARTICLE.

18 S 12. Section 97-nnnn of the state finance law is amended by adding a
19 new subdivision 6 to read as follows:

20 6. A. MONEYS APPROPRIATED FROM THE FUND FOR THE TWO THOUSAND FOUR-
21 TEEN--TWO THOUSAND FIFTEEN AND TWO THOUSAND FIFTEEN--TWO THOUSAND
22 SIXTEEN SCHOOL YEARS, FOR THE PURPOSES OF PROVIDING AID PURSUANT TO
23 PARAGRAPH A OF SUBDIVISION THREE OF THIS SECTION SHALL BE APPORTIONED
24 AND PAID BY THE EDUCATION DEPARTMENT ON OR AFTER APRIL FIRST, TWO THOU-
25 SAND FIFTEEN.

26 B. EACH SCHOOL DISTRICT ELIGIBLE TO RECEIVE TOTAL FOUNDATION AID
27 PURSUANT TO SECTION THIRTY-SIX HUNDRED TWO OF THE EDUCATION LAW SHALL
28 RECEIVE A COMMERCIAL GAMING GRANT IN AN AMOUNT EQUAL TO THE PRODUCT OF
29 THE AMOUNT OF THE APPROPRIATION OF SUCH COMMERCIAL GAMING GRANTS FOR THE
30 CURRENT STATE FISCAL YEAR MULTIPLIED BY THE DISTRICT'S COMMERCIAL GAMING
31 RATIO. THE "COMMERCIAL GAMING RATIO" SHALL BE EQUAL TO THE QUOTIENT OF
32 THE MONEYS APPORTIONED FOR SUCH DISTRICT PURSUANT TO SECTION THIRTY-SIX
33 HUNDRED NINE-A OF THE EDUCATION LAW AS SET FORTH IN THE SCHOOL AID
34 COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE ENACTED
35 STATE BUDGET FOR THE CURRENT SCHOOL YEAR, DIVIDED BY THE SUM OF SUCH
36 MONEYS APPORTIONED FOR ALL SCHOOL DISTRICTS AS SET FORTH IN SUCH SCHOOL
37 AID COMPUTER LISTING IN SUPPORT OF THE ENACTED STATE BUDGET FOR THE
38 CURRENT SCHOOL YEAR.

39 MONEYS TO BE APPROPRIATED FROM THE FUND IN ANY STATE FISCAL YEAR,
40 COMMENCING ON AND AFTER APRIL FIRST, TWO THOUSAND FIFTEEN, FOR THE
41 PURPOSES OF PROVIDING AID PURSUANT TO THIS SUBPARAGRAPH SHALL BE APPOR-
42 TIONED AND PAID BY THE EDUCATION DEPARTMENT PURSUANT TO SECTION THIRTY-
43 SIX HUNDRED NINE-H OF THE EDUCATION LAW.

44 S 13. Subdivision b of section 2 of chapter 756 of the laws of 1992,
45 relating to funding a program for work force education conducted by the
46 consortium for worker education in New York city, as amended by section
47 12 of part A of chapter 56 of the laws of 2014, is amended to read as
48 follows:

49 b. Reimbursement for programs approved in accordance with subdivision
50 a of this section [for the 2011--2012 school year shall not exceed 62.9
51 percent of the lesser of such approvable costs per contact hour or
52 twelve dollars and fifteen cents per contact hour, reimbursement] for
53 the 2012--2013 school year shall not exceed 63.3 percent of the lesser
54 of such approvable costs per contact hour or twelve dollars and thirty-
55 five cents per contact hour, reimbursement for the 2013--2014 school
56 year shall not exceed 62.3 percent of the lesser of such approvable

1 costs per contact hour or twelve dollars and sixty-five cents per
2 contact hour, [and] reimbursement for the 2014--2015 school year shall
3 not exceed 61.6 percent of the lesser of such approvable costs per
4 contact hour or [eight] THIRTEEN dollars per contact hour, AND
5 REIMBURSEMENT FOR THE 2015--2016 SCHOOL YEAR SHALL NOT EXCEED 60.7
6 PERCENT OF THE LESSER OF SUCH APPROVABLE COSTS PER CONTACT HOUR OR THIR-
7 TEEN DOLLARS AND FORTY CENTS PER CONTACT HOUR where a contact hour
8 represents sixty minutes of instruction services provided to an eligible
9 adult. Notwithstanding any other provision of law to the contrary, [for
10 the 2011--2012 school year such contact hours shall not exceed one
11 million seven hundred one thousand five hundred seventy (1,701,570)
12 hours; whereas] for the 2012--2013 school year such contact hours shall
13 not exceed one million six hundred sixty-four thousand five hundred
14 thirty-two (1,664,532) hours; whereas for the 2013--2014 school year
15 such contact hours shall not exceed one million six hundred forty-nine
16 thousand seven hundred forty-six (1,649,746) hours; whereas for the
17 2014--2015 school year such contact hours shall not exceed one million
18 six hundred twenty-five thousand (1,625,000) hours; WHEREAS FOR THE
19 2015--2016 SCHOOL YEAR SUCH CONTACT HOURS SHALL NOT EXCEED ONE MILLION
20 FIVE HUNDRED NINETY-NINE THOUSAND FIFTEEN (1,599,015). Notwithstanding
21 any other provision of law to the contrary, the apportionment calculated
22 for the city school district of the city of New York pursuant to subdi-
23 vision 11 of section 3602 of the education law shall be computed as if
24 such contact hours provided by the consortium for worker education, not
25 to exceed the contact hours set forth herein, were eligible for aid in
26 accordance with the provisions of such subdivision 11 of section 3602 of
27 the education law.

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

32 T. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY AFTER THE
33 COMPLETION OF PAYMENTS FOR THE 2015--2016 SCHOOL YEAR. NOTWITHSTANDING
34 ANY INCONSISTENT PROVISIONS OF LAW, THE COMMISSIONER OF EDUCATION SHALL
35 WITHHOLD A PORTION OF EMPLOYMENT PREPARATION EDUCATION AID DUE TO THE
36 CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK TO SUPPORT A PORTION OF THE
37 COSTS OF THE WORK FORCE EDUCATION PROGRAM. SUCH MONEYS SHALL BE CREDITED
38 TO THE ELEMENTARY AND SECONDARY EDUCATION FUND LOCAL ASSISTANCE ACCOUNT
39 AND SHALL NOT EXCEED THIRTEEN MILLION DOLLARS (\$13,000,000).

40 S 15. Section 6 of chapter 756 of the laws of 1992, relating to fund-
41 ing a program for work force education conducted by the consortium for
42 worker education in New York city, as amended by section 14 of part A of
43 chapter 56 of the laws of 2014, is amended to read as follows:

44 S 6. This act shall take effect July 1, 1992, and shall be deemed
45 repealed on June 30, [2015] 2016.

46 S 15-a. Paragraph a-1 of subdivision 11 of section 3602 of the educa-
47 tion law, as amended by section 14-a of part A of chapter 56 of the laws
48 of 2014, is amended to read as follows:

49 a-1. Notwithstanding the provisions of paragraph a of this subdivi-
50 sion, for aid payable in the school years two thousand--two thousand one
51 through two thousand nine--two thousand ten, and two thousand eleven--
52 two thousand twelve through [two thousand fourteen--two thousand
53 fifteen] TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN, the commissioner
54 may set aside an amount not to exceed two million five hundred thousand
55 dollars from the funds appropriated for purposes of this subdivision for
56 the purpose of serving persons twenty-one years of age or older who have

1 not been enrolled in any school for the preceding school year, including
2 persons who have received a high school diploma or high school equiv-
3 alency diploma but fail to demonstrate basic educational competencies as
4 defined in regulation by the commissioner, when measured by accepted
5 standardized tests, and who shall be eligible to attend employment prep-
6 aration education programs operated pursuant to this subdivision.

7 S 16. Subdivision 1 of section 167 of chapter 169 of the laws of 1994,
8 relating to certain provisions related to the 1994-95 state operations,
9 aid to localities, capital projects and debt service budgets, as amended
10 by section 15 of part A of chapter 56 of the laws of 2014, is amended to
11 read as follows:

12 1. Sections one through seventy of this act shall be deemed to have
13 been in full force and effect as of April 1, 1994 provided, however,
14 that sections one, two, twenty-four, twenty-five and twenty-seven
15 through seventy of this act shall expire and be deemed repealed on March
16 31, 2000; provided, however, that section twenty of this act shall apply
17 only to hearings commenced prior to September 1, 1994, and provided
18 further that section twenty-six of this act shall expire and be deemed
19 repealed on March 31, 1997; and provided further that sections four
20 through fourteen, sixteen, and eighteen, nineteen and twenty-one through
21 twenty-one-a of this act shall expire and be deemed repealed on March
22 31, 1997; and provided further that sections three, fifteen, seventeen,
23 twenty, twenty-two and twenty-three of this act shall expire and be
24 deemed repealed on March 31, [2016] 2017.

25 S 17. Subdivisions 22 and 24 of section 140 of chapter 82 of the laws
26 of 1995, amending the education law and other laws relating to state aid
27 to school districts and the appropriation of funds for the support of
28 government, as amended by section 16 of part A of chapter 56 of the laws
29 of 2014, are amended to read as follows:

30 (22) sections one hundred twelve, one hundred thirteen, one hundred
31 fourteen, one hundred fifteen and one hundred sixteen of this act shall
32 take effect on July 1, 1995; provided, however, that section one hundred
33 thirteen of this act shall remain in full force and effect until July 1,
34 [2015] 2016 at which time it shall be deemed repealed;

35 (24) sections one hundred eighteen through one hundred thirty of this
36 act shall be deemed to have been in full force and effect on and after
37 July 1, 1995; provided further, however, that the amendments made pursu-
38 ant to section one hundred twenty-four of this act shall be deemed to be
39 repealed on and after July 1, [2015] 2016;

40 S 18. Section 7 of chapter 472 of the laws of 1998, amending the
41 education law relating to the lease of school buses by school districts,
42 as amended by section 26 of part A of chapter 57 of the laws of 2013, is
43 amended to read as follows:

44 S 7. This act shall take effect September 1, 1998, and shall expire
45 and be deemed repealed September 1, [2015] 2017.

46 S 19. Section 12 of chapter 147 of the laws of 2001, amending the
47 education law relating to conditional appointment of school district,
48 charter school or BOCES employees, as amended by section 18 of part A of
49 chapter 56 of the laws of 2014, is amended to read as follows:

50 S 12. This act shall take effect on the same date as chapter 180 of
51 the laws of 2000 takes effect, and shall expire July 1, [2015] 2016 when
52 upon such date the provisions of this act shall be deemed repealed.

53 S 20. Section 4 of chapter 425 of the laws of 2002, amending the
54 education law relating to the provision of supplemental educational
55 services, attendance at a safe public school and the suspension of
56 pupils who bring a firearm to or possess a firearm at a school, as

1 amended by section 19 of part A of chapter 56 of the laws of 2014, is
2 amended to read as follows:

3 S 4. This act shall take effect July 1, 2002 and shall expire and be
4 deemed repealed June 30, [2015] 2016.

5 S 21. Section 5 of chapter 101 of the laws of 2003, amending the
6 education law relating to implementation of the No Child Left Behind Act
7 of 2001, as amended by section 20 of part A of chapter 56 of the laws of
8 2014, is amended to read as follows:

9 S 5. This act shall take effect immediately; provided that sections
10 one, two and three of this act shall expire and be deemed repealed on
11 June 30, [2015] 2016.

12 S 21-a. Subdivision 2 of section 1 of part A of chapter 57 of the laws
13 of 2013 relating to school district eligibility for an increase in
14 apportionment of school aid and implementation of standards for conduct-
15 ing annual professional performance reviews to determine teacher and
16 principal effectiveness, is amended to read as follows:

17 2. Notwithstanding any inconsistent provision of law, no school
18 district shall be eligible for an apportionment of general support for
19 public schools from the funds appropriated for the 2013-14 school year
20 and [thereafter] 2014-15 SCHOOL YEAR in excess of the amount apportioned
21 to such school district in the base year unless such school district has
22 submitted documentation that has been approved by the commissioner of
23 education by September 1 of the current year, demonstrating that it has
24 fully implemented the standards and procedures for conducting annual
25 professional performance reviews of classroom teachers and building
26 principals in accordance with the requirements of section 3012-c of the
27 education law and the commissioner of education's regulations. Any
28 apportionment withheld pursuant to this section shall not occur prior to
29 April 1 of the current year and shall not have any effect on the base
30 year calculation for use in the subsequent school year.

31 S 22. School bus driver training. In addition to apportionments other-
32 wise provided by section 3602 of the education law, for aid payable in
33 the 2015-2016 school year, the commissioner of education shall allocate
34 school bus driver training grants to school districts and boards of
35 cooperative educational services pursuant to sections 3650-a, 3650-b and
36 3650-c of the education law, or for contracts directly with not-for-pro-
37 fit educational organizations for the purposes of this section. Such
38 payments shall not exceed four hundred thousand dollars (\$400,000) per
39 school year.

40 S 23. Special apportionment for salary expenses. a. Notwithstanding
41 any other provision of law, upon application to the commissioner of
42 education, not sooner than the first day of the second full business
43 week of June 2016 and not later than the last day of the third full
44 business week of June 2016, a school district eligible for an apportion-
45 ment pursuant to section 3602 of the education law shall be eligible to
46 receive an apportionment pursuant to this section, for the school year
47 ending June 30, 2016, for salary expenses incurred between April 1 and
48 June 30, 2015 and such apportionment shall not exceed the sum of (i) the
49 deficit reduction assessment of 1990--1991 as determined by the commis-
50 sioner of education, pursuant to paragraph f of subdivision 1 of section
51 3602 of the education law, as in effect through June 30, 1993, plus (ii)
52 186 percent of such amount for a city school district in a city with a
53 population in excess of 1,000,000 inhabitants, plus (iii) 209 percent of
54 such amount for a city school district in a city with a population of
55 more than 195,000 inhabitants and less than 219,000 inhabitants accord-
56 ing to the latest federal census, plus (iv) the net gap elimination

1 adjustment for 2010--2011, as determined by the commissioner of educa-
2 tion pursuant to chapter 53 of the laws of 2010, plus (v) the gap elimi-
3 nation adjustment for 2011--2012 as determined by the commissioner of
4 education pursuant to subdivision 17 of section 3602 of the education
5 law, and provided further that such apportionment shall not exceed such
6 salary expenses. Such application shall be made by a school district,
7 after the board of education or trustees have adopted a resolution to do
8 so and in the case of a city school district in a city with a population
9 in excess of 125,000 inhabitants, with the approval of the mayor of such
10 city.

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

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

42 S 24. Special apportionment for public pension accruals. a. Notwith-
43 standing any other provision of law, upon application to the commission-
44 er of education, not later than June 30, 2016, a school district eligi-
45 ble for an apportionment pursuant to section 3602 of the education law
46 shall be eligible to receive an apportionment pursuant to this section,
47 for the school year ending June 30, 2016 and such apportionment shall
48 not exceed the additional accruals required to be made by school
49 districts in the 2004--2005 and 2005--2006 school years associated with
50 changes for such public pension liabilities. The amount of such addi-
51 tional accrual shall be certified to the commissioner of education by
52 the president of the board of education or the trustees or, in the case
53 of a city school district in a city with a population in excess of
54 125,000 inhabitants, the mayor of such city. Such application shall be
55 made by a school district, after the board of education or trustees have
56 adopted a resolution to do so and in the case of a city school district

1 in a city with a population in excess of 125,000 inhabitants, with the
2 approval of the mayor of such city.

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

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

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

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

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

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

54 S 25-a. Notwithstanding any provision of law to the contrary, excess
55 state building aid payments in the amount of not more than \$1,989,867
56 made to the Johnson City central school district in various school years

1 shall be recovered in five equal annual installments beginning the later
2 of June of 2015 or June of the school year in which such district is
3 notified of such excess payments. Provided, further, that such district
4 may elect to make an initial payment no later than thirty days in
5 advance of the first annual installment which shall reduce the amount of
6 each annual installment.

7 S 25-b. Notwithstanding any provision of the law to the contrary, for
8 the Amsterdam city school district having a penalty arising from the
9 late filing of a final cost report pursuant to section 31 of part A of
10 chapter 57 of the laws of 2012 in the amount of not more than
11 \$5,337,224, the commissioner of education shall recover such penalty in
12 five equal annual installments beginning the later of June of 2017 or
13 June of the school year in which such district is notified of the penal-
14 ty. Provided further that such district may elect to make an initial
15 payment no later than thirty days in advance of the first annual
16 installment which shall reduce the amount of each annual installment.

17 S 25-c. Notwithstanding any provision of the law to the contrary, for
18 the Tonawanda city school district having a penalty arising from the
19 late filing of a final cost report pursuant to section 31 of part A of
20 chapter 57 of the laws of 2012 in the amount of not more than
21 \$1,455,736, the commissioner of education shall recover such penalty in
22 five equal annual installments beginning the later of June of 2017 or
23 June of the school year in which such district is notified of the penal-
24 ty. Provided, further, that such district may elect to make an initial
25 payment no later than thirty days in advance of the first annual
26 installment which shall reduce the amount of each annual installment.

27 S 25-d. Notwithstanding any provision of law to the contrary, excess
28 state building aid payments in the amount of not more than \$2,249,247
29 made to the East Islip union free school district in various school
30 years shall be recovered in five equal annual installments beginning the
31 later of June of 2017 or June of the school year in which such district
32 is notified of such excess payments. Provided, further, that such
33 district may elect to make an initial payment no later than thirty days
34 in advance of the first annual installment which shall reduce the amount
35 of each annual installment.

36 S 25-e. Notwithstanding any provision of the law to the contrary, for
37 the Mount Morris central school district having a penalty arising from
38 the late filing of a final cost report pursuant to section 31 of part A
39 of chapter 57 of the laws of 2012 in the amount of not more than
40 \$2,457,364, the commissioner of education shall recover such penalty in
41 five equal annual installments beginning the later of June of 2017 or
42 June of the school year in which such district is notified of the penal-
43 ty. Provided, further, that such district may elect to make an initial
44 payment no later than thirty days in advance of the first annual
45 installment which shall reduce the amount of each annual installment.

46 S 26. Notwithstanding the provision of any law, rule, or regulation to
47 the contrary, the city school district of the city of Rochester, upon
48 the consent of the board of cooperative educational services of the
49 supervisory district serving its geographic region may purchase from
50 such board for the 2015--2016 school year, as a non-component school
51 district, services required by article 19 of the education law.

52 S 26-a. Subdivision 10 of section 6-p of the general municipal law, as
53 amended by section 14-b of part A of chapter 56 of the laws of 2014, is
54 amended to read as follows:

55 10. Notwithstanding any provision of law to the contrary, the govern-
56 ing board of a school district may, during the [two thousand fourteen--

1 two thousand fifteen] TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN school
2 year, authorize a withdrawal from this fund in an amount not to exceed
3 the lesser of: (a) the dollar value of excess funding in the fund as
4 determined by the comptroller pursuant to section thirty-three of this
5 chapter or (b) the amount of the school district's remaining gap elimi-
6 nation adjustment as calculated by the commissioner of education pursu-
7 ant to subdivision seventeen of section thirty-six hundred two of the
8 education law. Funds withdrawn pursuant to this subdivision may only be
9 used for the purpose of maintaining educational programming during the
10 [two thousand fourteen--two thousand fifteen] TWO THOUSAND FIFTEEN--TWO
11 THOUSAND SIXTEEN school year which otherwise would have been reduced as
12 a result of such gap elimination adjustment. Governing boards which make
13 such a withdrawal shall submit, in a form prescribed by the commissioner
14 of education, relevant information about the withdrawal, which shall
15 include but not be limited to, the amount of such withdrawal, the date
16 of withdrawal, and the use of such withdrawn funds.

17 S 26-b. Subdivision a of section 5 of chapter 121 of the laws of 1996
18 relating to authorizing the Roosevelt union free school district to
19 finance deficits by the issuance of serial bonds, as amended by section
20 20-b of part A of chapter 56 of the laws of 2014, is amended to read as
21 follows:

22 a. Notwithstanding any other provisions of law, upon application to
23 the commissioner of education submitted not sooner than April first and
24 not later than June thirtieth of the applicable school year, the Roose-
25 velt union free school district shall be eligible to receive an appor-
26 tionment pursuant to this chapter for salary expenses, including related
27 benefits, incurred between April first and June thirtieth of such school
28 year. Such apportionment shall not exceed: for the 1996-97 school year
29 through the [2014-15] 2015-16 school year, four million dollars
30 (\$4,000,000); for the [2015-16] 2016-17 school year, three million
31 dollars (\$3,000,000); for the [2016-17] 2017-18 school year, two million
32 dollars (\$2,000,000); for the [2017-18] 2018-19 school year, one million
33 dollars (\$1,000,000); and for the [2018-19] 2019-20 school year, zero
34 dollars. Such annual application shall be made after the board of
35 education has adopted a resolution to do so with the approval of the
36 commissioner of education.

37 S 27. The amounts specified in this section shall be a set aside from
38 the state funds which each such district is receiving from the total
39 foundation aid: for the purpose of the development, maintenance or
40 expansion of magnet schools or magnet school programs for the 2015--2016
41 school year. To the city school district of the city of New York there
42 shall be paid forty-eight million one hundred seventy-five thousand
43 dollars (\$48,175,000) including five hundred thousand dollars (\$500,000)
44 for the Andrew Jackson High School; to the Buffalo city school district,
45 twenty-one million twenty-five thousand dollars (\$21,025,000); to the
46 Rochester city school district, fifteen million dollars (\$15,000,000);
47 to the Syracuse city school district, thirteen million dollars
48 (\$13,000,000); to the Yonkers city school district, forty-nine million
49 five hundred thousand dollars (\$49,500,000); to the Newburgh city school
50 district, four million six hundred forty-five thousand dollars
51 (\$4,645,000); to the Poughkeepsie city school district, two million four
52 hundred seventy-five thousand dollars (\$2,475,000); to the Mount Vernon
53 city school district, two million dollars (\$2,000,000); to the New
54 Rochelle city school district, one million four hundred ten thousand
55 dollars (\$1,410,000); to the Schenectady city school district, one
56 million eight hundred thousand dollars (\$1,800,000); to the Port Chester

1 city school district, one million one hundred fifty thousand dollars
2 (\$1,150,000); to the White Plains city school district, nine hundred
3 thousand dollars (\$900,000); to the Niagara Falls city school district,
4 six hundred thousand dollars (\$600,000); to the Albany city school
5 district, three million five hundred fifty thousand dollars
6 (\$3,550,000); to the Utica city school district, two million dollars
7 (\$2,000,000); to the Beacon city school district, five hundred sixty-six
8 thousand dollars (\$566,000); to the Middletown city school district,
9 four hundred thousand dollars (\$400,000); to the Freeport union free
10 school district, four hundred thousand dollars (\$400,000); to the Green-
11 burgh central school district, three hundred thousand dollars
12 (\$300,000); to the Amsterdam city school district, eight hundred thou-
13 sand dollars (\$800,000); to the Peekskill city school district, two
14 hundred thousand dollars (\$200,000); and to the Hudson city school
15 district, four hundred thousand dollars (\$400,000). Notwithstanding the
16 provisions of this section, a school district receiving a grant pursuant
17 to this section may use such grant funds for: (i) any instructional or
18 instructional support costs associated with the operation of a magnet
19 school; or (ii) any instructional or instructional support costs associ-
20 ated with implementation of an alternative approach to reduction of
21 racial isolation and/or enhancement of the instructional program and
22 raising of standards in elementary and secondary schools of school
23 districts having substantial concentrations of minority students. The
24 commissioner of education shall not be authorized to withhold magnet
25 grant funds from a school district that used such funds in accordance
26 with this paragraph, notwithstanding any inconsistency with a request
27 for proposals issued by such commissioner. For the purpose of attendance
28 improvement and dropout prevention for the 2015--2016 school year, for
29 any city school district in a city having a population of more than one
30 million, the setaside for attendance improvement and dropout prevention
31 shall equal the amount set aside in the base year. For the 2015--2016
32 school year, it is further provided that any city school district in a
33 city having a population of more than one million shall allocate at
34 least one-third of any increase from base year levels in funds set aside
35 pursuant to the requirements of this subdivision to community-based
36 organizations. Any increase required pursuant to this subdivision to
37 community-based organizations must be in addition to allocations
38 provided to community-based organizations in the base year. For the
39 purpose of teacher support for the 2015--2016 school year: to the city
40 school district of the city of New York, sixty-two million seven hundred
41 seven thousand dollars (\$62,707,000); to the Buffalo city school
42 district, one million seven hundred forty-one thousand dollars
43 (\$1,741,000); to the Rochester city school district, one million seven-
44 ty-six thousand dollars (\$1,076,000); to the Yonkers city school
45 district, one million one hundred forty-seven thousand dollars
46 (\$1,147,000); and to the Syracuse city school district, eight hundred
47 nine thousand dollars (\$809,000). All funds made available to a school
48 district pursuant to this section shall be distributed among teachers
49 including prekindergarten teachers and teachers of adult vocational and
50 academic subjects in accordance with this section and shall be in addi-
51 tion to salaries heretofore or hereafter negotiated or made available;
52 provided, however, that all funds distributed pursuant to this section
53 for the current year shall be deemed to incorporate all funds distrib-
54 uted pursuant to former subdivision 27 of section 3602 of the education
55 law for prior years. In school districts where the teachers are repres-
56 ented by certified or recognized employee organizations, all salary

1 increases funded pursuant to this section shall be determined by sepa-
2 rate collective negotiations conducted pursuant to the provisions and
3 procedures of article 14 of the civil service law, notwithstanding the
4 existence of a negotiated agreement between a school district and a
5 certified or recognized employee organization.

6 S 28. Support of public libraries. The moneys appropriated for the
7 support of public libraries by a chapter of the laws of 2015 enacting
8 the aid to localities budget shall be apportioned for the 2015-2016
9 state fiscal year in accordance with the provisions of sections 271,
10 272, 273, 282, 284, and 285 of the education law as amended by the
11 provisions of this chapter and the provisions of this section, provided
12 that library construction aid pursuant to section 273-a of the educa-
13 tion law shall not be payable from the appropriations for the support of
14 public libraries and provided further that no library, library system or
15 program, as defined by the commissioner of education, shall receive less
16 total system or program aid than it received for the year 2001-2002
17 except as a result of a reduction adjustment necessary to conform to the
18 appropriations for support of public libraries.

19 Notwithstanding any other provision of law to the contrary the moneys
20 appropriated for the support of public libraries for the year 2015-2016
21 by a chapter of the laws of 2015 enacting the education, labor and fami-
22 ly assistance budget shall fulfill the state's obligation to provide
23 such aid and, pursuant to a plan developed by the commissioner of educa-
24 tion and approved by the director of the budget, the aid payable to
25 libraries and library systems pursuant to such appropriations shall be
26 reduced proportionately to assure that the total amount of aid payable
27 does not exceed the total appropriations for such purpose.

28 S 28-a. Subdivision 3 of section 4204-b of the education law, as
29 amended by section 12-b of part A of chapter 57 of the laws of 2012, is
30 amended to read as follows:

31 3. The state comptroller may deduct from any state funds which become
32 due to a school district for each year in which such child was in
33 attendance at such institution or facility an amount equal to the
34 reimbursement required to be made by such school district in accordance
35 with this section, and the amount so deducted shall not be included in
36 the operating expense of such district for the purposes of computing the
37 [apportionment for] APPROVED operating expense [aid] pursuant to PARA-
38 GRAPH T OF subdivision [eleven] ONE of section thirty-six hundred two of
39 this chapter.

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

51 S 30. This act shall take effect immediately, and shall be deemed to
52 have been in full force and effect on and after April 1, 2015, provided,
53 however, that:

54 1. Sections one, eight, nine, fourteen, twenty-two, twenty-six, twen-
55 ty-six-a and twenty-seven of this act shall take effect July 1, 2015.

1 2. Sections seven and twelve of this act shall take effect immediately
2 and shall be deemed to have been in full force and effect on and after
3 April 1, 2014.

4 3. Sections six and thirteen of this act shall take effect immediately
5 and shall be deemed to have been in full force and effect on and after
6 July 1, 2014.

7 4. Section eleven of this act shall take effect July 1, 2015 and
8 shall first apply to reimbursement for services and programs provided
9 pursuant to section 4410 of the education law as provided in such
10 section.

11 5. This act shall take effect immediately; provided, however, that the
12 amendments to paragraph b-1 of subdivision 4 of section 3602 of the
13 education law made by section five-a of this act shall not affect the
14 expiration of such paragraph and shall be deemed to expire therewith.

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

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

23 PART B

24 Intentionally Omitted

25 PART C

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

28 S 679-G. NEW YORK STATE GET ON YOUR FEET LOAN FORGIVENESS PROGRAM. 1.
29 PURPOSE. THE PRESIDENT SHALL GRANT STUDENT LOAN FORGIVENESS AWARDS FOR
30 THE PURPOSE OF ALLEVIATING THE BURDEN OF FEDERAL STUDENT LOAN DEBT FOR
31 RECENT NEW YORK STATE COLLEGE GRADUATES.

32 2. ELIGIBILITY. TO BE ELIGIBLE FOR AN AWARD PURSUANT TO THIS SECTION,
33 AN APPLICANT SHALL: (A) HAVE GRADUATED FROM A HIGH SCHOOL LOCATED IN NEW
34 YORK STATE OR ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR A STATE
35 HIGH SCHOOL EQUIVALENCY DIPLOMA AND RECEIVED SUCH HIGH SCHOOL EQUIVALEN-
36 CY DIPLOMA; (B) HAVE GRADUATED AND OBTAINED AN UNDERGRADUATE DEGREE FROM
37 A COLLEGE OR UNIVERSITY WITH ITS HEADQUARTERS LOCATED IN NEW YORK STATE
38 IN OR AFTER THE TWO THOUSAND FOURTEEN--FIFTEEN ACADEMIC YEAR; (C) APPLY
39 FOR THIS PROGRAM WITHIN TWO YEARS OF OBTAINING SUCH DEGREE; (D) BE A
40 PARTICIPANT IN A FEDERAL INCOME-DRIVEN REPAYMENT PLAN WHOSE PAYMENT
41 AMOUNT IS GENERALLY TEN PERCENT OF DISCRETIONARY INCOME; (E) HAVE INCOME
42 OF LESS THAN FIFTY THOUSAND DOLLARS; (F) COMPLY WITH SUBDIVISIONS THREE
43 AND FIVE OF SECTION SIX HUNDRED SIXTY-ONE OF THIS PART; AND (G) WORK IN
44 NEW YORK STATE, IF EMPLOYED. FOR PURPOSES OF THIS PROGRAM, "INCOME"
45 SHALL BE THE TOTAL ADJUSTED GROSS INCOME OF THE APPLICANT AND THE APPLI-
46 CANT'S SPOUSE, IF APPLICABLE.

47 3. AWARDS. AN APPLICANT WHOSE ANNUAL INCOME IS LESS THAN FIFTY THOU-
48 SAND DOLLARS SHALL BE ELIGIBLE TO RECEIVE AN AWARD EQUAL TO ONE HUNDRED
49 PERCENT OF HIS OR HER MONTHLY FEDERAL INCOME-DRIVEN REPAYMENT PLAN
50 PAYMENTS FOR TWENTY-FOUR MONTHS OF REPAYMENT UNDER THE FEDERAL PROGRAM.
51 PROVIDED, HOWEVER, THAT THE AWARDS GRANTED UNDER THIS SECTION SHALL BE

1 DEFERRED FOR A RECIPIENT WHO HAS BEEN GRANTED A DEFERMENT OR FORBEARANCE
2 UNDER THE FEDERAL INCOME-DRIVEN REPAYMENT PLAN. UPON COMPLETION OF SUCH
3 DEFERMENT OR FORBEARANCE PERIOD, SUCH RECIPIENT SHALL BE ELIGIBLE TO
4 RECEIVE AN AWARD FOR THE REMAINING TIME PERIOD UNDER THIS SUBDIVISION. A
5 RECIPIENT WHO IS NOT A RESIDENT OF NEW YORK STATE AT THE TIME ANY
6 PAYMENT IS MADE UNDER THIS PROGRAM SHALL BE REQUIRED TO REFUND SUCH
7 PAYMENTS TO THE STATE. THE CORPORATION SHALL BE AUTHORIZED TO RECOVER
8 SUCH PAYMENTS IN ACCORDANCE WITH RULES AND REGULATIONS PROMULGATED BY
9 THE CORPORATION. A STUDENT WHO IS DELINQUENT OR IN DEFAULT ON A STUDENT
10 LOAN MADE UNDER ANY STATUTORY NEW YORK STATE OR FEDERAL EDUCATION LOAN
11 PROGRAM OR HAS FAILED TO COMPLY WITH THE TERMS OF A SERVICE CONDITION
12 IMPOSED BY AN AWARD MADE PURSUANT TO THIS ARTICLE OR HAS FAILED TO REPAY
13 AN AWARD SHALL BE INELIGIBLE TO RECEIVE AN AWARD UNDER THIS PROGRAM
14 UNTIL SUCH DELINQUENCY, DEFAULT OR FAILURE IS CURED.

15 4. RULES AND REGULATIONS. THE CORPORATION IS AUTHORIZED TO PROMULGATE
16 RULES AND REGULATIONS, AND MAY PROMULGATE EMERGENCY REGULATIONS NECES-
17 SARY FOR THE IMPLEMENTATION OF THE PROVISIONS OF THIS SECTION.

18 S 2. This act shall take effect immediately and shall be deemed to
19 have been in full force and effect on and after April 1, 2015.

20 PART D

21 Intentionally Omitted

22 PART E

23 Intentionally Omitted

24 PART F

25 Section 1. The banking law is amended by adding a new section 9-w to
26 read as follows:

27 S 9-w. STANDARD FINANCIAL AID AWARD LETTER. THE SUPERINTENDENT OF
28 FINANCIAL SERVICES IN CONSULTATION WITH THE PRESIDENT OF THE HIGHER
29 EDUCATION SERVICES CORPORATION SHALL DEVELOP A STANDARD FINANCIAL AID
30 AWARD LETTER WHICH SHALL CLEARLY DELINEATE (A) THE ESTIMATED COST OF
31 ATTENDANCE, INCLUDING BUT NOT LIMITED TO, THE COST OF TUITION AND FEES,
32 ROOM AND BOARD, BOOKS, AND TRANSPORTATION. SUCH STANDARD LETTER SHALL
33 PROVIDE THE ESTIMATED COST OF ATTENDANCE FOR THE CURRENT ACADEMIC YEAR
34 AS WELL AS ESTIMATES FOR EACH ACADEMIC YEAR THAT THE STUDENT WOULD NEED
35 TO ATTEND TO EARN A DEGREE AT SUCH INSTITUTION WITH A DISCLAIMER THAT
36 THE COST OF ATTENDANCE FOR YEARS OTHER THAN THE CURRENT ACADEMIC YEAR
37 ARE ESTIMATES AND MAY BE SUBJECT TO CHANGE, (B) ALL FINANCIAL AID
38 OFFERED FROM THE FEDERAL GOVERNMENT, THE STATE, AND THE INSTITUTION WITH
39 AN EXPLANATION AS TO WHICH COMPONENTS WILL REQUIRE REPAYMENT, (C) ANY
40 EXPECTED STUDENT AND/OR FAMILY CONTRIBUTION, (D) CAMPUS-SPECIFIC GRADU-
41 ATION, MEDIAN BORROWING, AND LOAN DEFAULT RATES, AND (E) ANY OTHER
42 INFORMATION AS DETERMINED BY THE SUPERINTENDENT IN CONSULTATION WITH THE
43 PRESIDENT. SUCH STANDARD LETTER SHALL INCLUDE A GLOSSARY OF STANDARD
44 TERMS AND DEFINITIONS USED ON SUCH STANDARD LETTER. THE SUPERINTENDENT
45 SHALL PUBLISH AND MAKE AVAILABLE SUCH STANDARD LETTER BY DECEMBER THIR-
46 TY-FIRST, TWO THOUSAND FIFTEEN AND THEREAFTER. EACH COLLEGE, VOCATIONAL
47 INSTITUTION, AND ANY OTHER INSTITUTION THAT OFFERS AN APPROVED PROGRAM
48 AS DEFINED IN SECTION SIX HUNDRED ONE OF THE EDUCATION LAW SHALL UTILIZE

1 THE STANDARD LETTER ISSUED BY THE DEPARTMENT OF FINANCIAL SERVICES IN
2 RESPONDING TO ALL FINANCIAL AID APPLICANTS FOR THE TWO THOUSAND
3 SIXTEEN--TWO THOUSAND SEVENTEEN ACADEMIC YEAR AND THEREAFTER. THE SUPER-
4 INTENDENT SHALL PROMULGATE REGULATIONS IMPLEMENTING THIS SECTION.

5 S 2. This act shall take effect immediately and shall be deemed to
6 have been in full force and effect on and after April 1, 2015.

7 PART G

8 Intentionally Omitted

9 PART H

10 Intentionally Omitted

11 PART I

12 Section 1. Paragraphs (a), (b), (c) and (d) of subdivision 1 of
13 section 131-o of the social services law, as amended by section 1 of
14 part E of chapter 58 of the laws of 2014, are amended to read as
15 follows:

16 (a) in the case of each individual receiving family care, an amount
17 equal to at least [\$139.00] \$141.00 for each month beginning on or after
18 January first, two thousand [fourteen] FIFTEEN.

19 (b) in the case of each individual receiving residential care, an
20 amount equal to at least [\$160.00] \$163.00 for each month beginning on
21 or after January first, two thousand [fourteen] FIFTEEN.

22 (c) in the case of each individual receiving enhanced residential
23 care, an amount equal to at least [\$190.00] \$193.00 for each month
24 beginning on or after January first, two thousand [fourteen] FIFTEEN.

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

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

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

36 S 2. Paragraphs (a), (b), (c), (d), (e) and (f) of subdivision 2 of
37 section 209 of the social services law, as amended by section 2 of part
38 E of chapter 58 of the laws of 2014, are amended to read as follows:

39 (a) On and after January first, two thousand [fourteen] FIFTEEN, for
40 an eligible individual living alone, [\$808.00] \$820.00; and for an
41 eligible couple living alone, [\$1186.00] \$1204.00.

42 (b) On and after January first, two thousand [fourteen] FIFTEEN, for
43 an eligible individual living with others with or without in-kind
44 income, [\$744.00] \$756.00; and for an eligible couple living with others
45 with or without in-kind income, [\$1128.00] \$1146.00.

46 (c) On and after January first, two thousand [fourteen] FIFTEEN, (i)
47 for an eligible individual receiving family care, [\$987.48] \$999.48 if
48 he or she is receiving such care in the city of New York or the county

1 of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible
2 couple receiving family care in the city of New York or the county of
3 Nassau, Suffolk, Westchester or Rockland, two times the amount set forth
4 in subparagraph (i) of this paragraph; or (iii) for an eligible individ-
5 ual receiving such care in any other county in the state, [\$949.48]
6 \$961.48; and (iv) for an eligible couple receiving such care in any
7 other county in the state, two times the amount set forth in subpara-
8 graph (iii) of this paragraph.

9 (d) On and after January first, two thousand [fourteen] FIFTEEN, (i)
10 for an eligible individual receiving residential care, [\$1156.00]
11 \$1168.00 if he or she is receiving such care in the city of New York or
12 the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an
13 eligible couple receiving residential care in the city of New York or
14 the county of Nassau, Suffolk, Westchester or Rockland, two times the
15 amount set forth in subparagraph (i) of this paragraph; or (iii) for an
16 eligible individual receiving such care in any other county in the
17 state, [\$1126.00] \$1138.00; and (iv) for an eligible couple receiving
18 such care in any other county in the state, two times the amount set
19 forth in subparagraph (iii) of this paragraph.

20 (e) (i) On and after January first, two thousand [fourteen] FIFTEEN,
21 for an eligible individual receiving enhanced residential care,
22 [\$1415.00] \$1427.00; and (ii) for an eligible couple receiving enhanced
23 residential care, two times the amount set forth in subparagraph (i) of
24 this paragraph.

25 (f) The amounts set forth in paragraphs (a) through (e) of this subdi-
26 vision shall be increased to reflect any increases in federal supple-
27 mental security income benefits for individuals or couples which become
28 effective on or after January first, two thousand [fifteen] SIXTEEN but
29 prior to June thirtieth, two thousand [fifteen] SIXTEEN.

30 S 3. This act shall take effect December 31, 2015.

31

PART J

32 Section 1. Subparagraph 8 of paragraph h of subdivision 4 of section
33 1950 of the education law, as amended by section 1 of part G of chapter
34 58 of the laws of 2014, is amended to read as follows:

35 (8) To enter into contracts with the commissioner of the office of
36 children and family services pursuant to subdivision six-a of section
37 thirty-two hundred two of this chapter to provide to such office, for
38 the benefit of youth in its custody, any special education programs,
39 related services [and], career and technical education services AND
40 MUSIC, ART AND FOREIGN LANGUAGE PROGRAMS provided by the board of coop-
41 erative educational services to component school districts. Any such
42 proposed contract shall be subject to the review and approval of the
43 commissioner to determine that it is an approved cooperative educational
44 service. Services provided pursuant to such contracts shall be provided
45 at cost, and the board of cooperative educational services shall not be
46 authorized to charge any costs incurred in providing such services to
47 its component school districts.

48 S 2. Subdivision 6-a of section 3202 of the education law, as amended
49 by section 2 of part G of chapter 58 of the laws of 2014, is amended to
50 read as follows:

51 6-a. Notwithstanding subdivision six of this section or any other law
52 to the contrary, the commissioner of the office of children and family
53 services shall be responsible for the secular education of youth under
54 the jurisdiction of the office and may contract for such education with

1 the trustees or board of education of the school district wherein a
2 facility for the residential care of such youth is located or with the
3 board of cooperative educational services at which any such school
4 district is a component district for special education programs, related
5 services and career and technical education services AND MUSIC, ART AND
6 FOREIGN LANGUAGE PROGRAMS IN ACCORDANCE WITH SUBPARAGRAPH EIGHT OF PARA-
7 GRAPH (H) OF SUBDIVISION FOUR OF SECTION NINETEEN HUNDRED FIFTY OF THIS
8 CHAPTER. A youth attending a local public school while in residence at
9 such facility shall be deemed a resident of the school district where
10 his parent or guardian resides at the commencement of each school year
11 for the purpose of determining which school district shall be responsi-
12 ble for the youth's tuition pursuant to section five hundred four of the
13 executive law.

14 S 3. Subdivision 1 of section 505 of the executive law, as amended by
15 chapter 465 of the laws of 1992, is amended to read as follows:

16 1. There shall be a facility director of each [division for youth]
17 OFFICE OF CHILDREN AND FAMILY SERVICES OPERATED facility. Such facility
18 director shall be appointed by the [director] COMMISSIONER of the [divi-
19 sion] OFFICE OF CHILDREN AND FAMILY SERVICES and THE POSITION shall be
20 in the noncompetitive class and designated as confidential as defined by
21 subdivision two-a of section forty-two of the civil service law. The
22 facility director shall have [two years] SUCH experience [in appropriate
23 titles in state government. Such facility director shall have such] AND
24 other qualifications as may be prescribed by the director OF CLASSIFICA-
25 TION AND COMPENSATION WITHIN THE DEPARTMENT OF CIVIL SERVICE IN CONSUL-
26 TATION WITH THE COMMISSIONER of the [division,] OFFICE OF CHILDREN AND
27 FAMILY SERVICES based on differences in duties, levels of responsibil-
28 ity, size and character of the facility, knowledge, skills and abilities
29 required, and other factors affecting the position [and]. SUCH FACILITY
30 DIRECTOR shall serve at the pleasure of the [director] COMMISSIONER of
31 the [division] OFFICE OF CHILDREN AND FAMILY SERVICES.

32 S 4. Section 3 of part K of chapter 57 of the laws of 2012, amending
33 the education law relating to authorizing the board of cooperative
34 educational services to enter into contracts with the commissioner of
35 children and family services to provide certain services, as amended by
36 section 3 of part G of chapter 58 of the laws of 2014, is amended to
37 read as follows:

38 S 3. The office of children and family services, in consultation with
39 the state education department, shall prepare and submit to the gover-
40 nor, the temporary president of the senate and the speaker of the assem-
41 bly a report by December 1, 2015 AND DECEMBER 1, 2017, that shall
42 analyze the cost effectiveness and programmatic impact of delivering
43 special education programs, related services [and], career and technical
44 education services AND MUSIC, ART AND FOREIGN LANGUAGE PROGRAMS through
45 boards of cooperative educational services in juvenile justice facili-
46 ties operated by the office.

47 S 5. Section 4 of part K of chapter 57 of the laws of 2012, amending
48 the education law, relating to authorizing the board of cooperative
49 educational services to enter into contracts with the commissioner of
50 children and family services to provide certain services, is amended to
51 read as follows:

52 S 4. This act shall take effect July 1, 2012 and shall expire June 30,
53 [2015] 2018 when upon such date the provisions of this act shall be
54 deemed repealed.

55 S 6. This act shall take effect immediately; provided, the amendments
56 to subparagraph (8) of paragraph h of subdivision 4 of section 1950 of

1 the education law made by section one of this act shall not affect the
2 repeal of such subparagraph and shall be deemed repealed therewith;
3 provided, however, that the amendments to subdivision 6-a of section
4 3202 of the education law made by section two of this act shall not
5 affect the expiration of such subdivision and shall be deemed to expire
6 therewith; provided, further, that the amendments to section 3 of part K
7 of chapter 57 of the laws of 2012 made by section four of this act shall
8 not affect the repeal of such chapter and shall be deemed repealed ther-
9 ewith.

PART K

11 Section 1. The section heading of section 456 of the social services
12 law, as added by chapter 865 of the laws of 1977, is amended to read as
13 follows:

14 State reimbursement AND PAYMENTS.

15 S 2. Paragraphs (c) and (d) of subdivision 1 of section 456 of the
16 social services law, as amended by chapter 601 of the laws of 1994, are
17 amended to read as follows:

18 [(c) one hundred per centum of such payments after first deducting
19 therefrom any federal funds properly to be received on account of such
20 payments, for children placed out for adoption by a voluntary authorized
21 agency or for children being adopted after being placed out for adoption
22 by a voluntary authorized agency in accordance with the provisions of
23 this title,] or [(d)] (C) one hundred per centum of such payments after
24 first deducting therefrom any federal funds properly to be received on
25 account of such payments, for children placed out for adoption or being
26 adopted after being placed out for adoption by an Indian tribe as refer-
27 enced in subdivision seven of section four hundred fifty-one of this
28 title.

29 S 3. Section 456 of the social services law is amended by adding a new
30 subdivision 3 to read as follows:

31 3. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, FOR A
32 CHILD WHO HAS BEEN PLACED FOR ADOPTION BY A VOLUNTARY AUTHORIZED AGENCY
33 WITH GUARDIANSHIP AND CUSTODY OR CARE AND CUSTODY OF SUCH CHILD, AS
34 REFERENCED IN SUBDIVISION ONE OF SECTION FOUR HUNDRED FIFTY-ONE OF THIS
35 TITLE, PAYMENTS AVAILABLE UNDER SECTION FOUR HUNDRED FIFTY-THREE, FOUR
36 HUNDRED FIFTY-THREE-A OR FOUR HUNDRED FIFTY-FOUR OF THIS TITLE SHALL BE
37 MADE BY THE STATE PURSUANT TO A WRITTEN AGREEMENT BETWEEN AN OFFICIAL OF
38 THE OFFICE OF CHILDREN AND FAMILY SERVICES AND THE PERSONS WHO APPLIED
39 FOR SUCH PAYMENTS PRIOR TO ADOPTION. NOTWITHSTANDING ANY OTHER PROVISION
40 OF LAW TO THE CONTRARY, THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL
41 NOT ENTER INTO WRITTEN AGREEMENTS FOR, OR ISSUE, ANY SUCH PAYMENTS IN
42 INSTANCES WHERE THE PERSON OR PERSONS APPLYING FOR SUCH PAYMENTS RESIDE
43 OUTSIDE OF THE STATE OF NEW YORK AT THE TIME THE APPLICATION FOR SUCH
44 PAYMENTS IS MADE.

45 S 4. This act shall take effect July 1, 2015 and shall only apply to
46 applications for payments under sections 453, 453-a or 454 of the social
47 services law that are made on or after such effective date; provided,
48 however, that effective immediately the commissioner of the office of
49 children and family services is authorized and directed to promulgate
50 such rules and regulations as he or she deems necessary to implement the
51 provisions of this act on or before its effective date.

PART L

1 Section 1. Section 458-a of the social services law is amended by
2 adding three new subdivisions 6, 7 and 8 to read as follows:

3 6. "SUCCESSOR GUARDIAN" SHALL MEAN A PERSON OR PERSONS THAT IS
4 APPROVED BY A LOCAL SOCIAL SERVICES DISTRICT TO RECEIVE PAYMENTS PURSU-
5 ANT TO THIS TITLE IN ACCORDANCE WITH SUBPARAGRAPH (II) OF PARAGRAPH (B)
6 OF SUBDIVISION FIVE OF SECTION FOUR HUNDRED FIFTY-EIGHT-B OF THIS TITLE
7 AND THAT HAS BEEN NAMED IN THE AGREEMENT IN EFFECT BETWEEN THE RELATIVE
8 GUARDIAN AND SOCIAL SERVICES OFFICIAL FOR KINSHIP GUARDIANSHIP ASSIST-
9 ANCE PAYMENTS PURSUANT TO THIS TITLE WHO SHALL PROVIDE CARE AND GUARDI-
10 ANSHIP FOR A CHILD IN THE EVENT OF DEATH OR INCAPACITY OF THE RELATIVE
11 GUARDIAN, AS SET FORTH IN SECTION FOUR HUNDRED FIFTY-EIGHT-B OF THIS
12 TITLE, WHO HAS ASSUMED CARE FOR AND IS THE GUARDIAN OR PERMANENT GUARDI-
13 AN OF SUCH CHILD, PROVIDED THAT SUCH PERSON WAS APPOINTED GUARDIAN OR
14 PERMANENT GUARDIAN OF SUCH CHILD BY THE COURT FOLLOWING, OR DUE TO, THE
15 DEATH OR INCAPACITY OF THE RELATIVE GUARDIAN. ONCE APPROVED IN ACCORD-
16 ANCE WITH SUBPARAGRAPH (II) OF PARAGRAPH (B) OF SECTION FOUR HUNDRED
17 FIFTY-EIGHT-B OF THIS TITLE, A SUCCESSOR GUARDIAN SHALL BE DEEMED TO
18 HAVE THE SAME RIGHTS AND RESPONSIBILITIES AS A RELATIVE GUARDIAN IN
19 RELATION TO ANY PROVISIONS OF THIS TITLE AND ANY AGREEMENT ENTERED INTO
20 UNDER THIS TITLE.

21 7. "PROSPECTIVE SUCCESSOR GUARDIAN" SHALL MEAN A PERSON OR PERSONS
22 WHOM A PROSPECTIVE RELATIVE GUARDIAN OR A RELATIVE GUARDIAN SEEKS TO
23 NAME OR NAMES IN THE ORIGINAL KINSHIP GUARDIANSHIP ASSISTANCE AGREEMENT,
24 OR ANY AMENDMENT THERETO, AS SET FORTH IN SECTION FOUR HUNDRED
25 FIFTY-EIGHT-B OF THIS TITLE, AS THE PERSON OR PERSONS TO PROVIDE CARE
26 AND GUARDIANSHIP FOR A CHILD IN THE EVENT OF THE DEATH OR INCAPACITY OF
27 A RELATIVE GUARDIAN, WHO HAS NOT BEEN APPROVED IN ACCORDANCE WITH
28 SUBPARAGRAPH (II) OF PARAGRAPH (B) OF SUBDIVISION FIVE OF SECTION FOUR
29 HUNDRED FIFTY-EIGHT-B OF THIS TITLE.

30 8. "INCAPACITY" SHALL MEAN A SUBSTANTIAL INABILITY TO CARE FOR A CHILD
31 AS A RESULT OF: (A) A PHYSICALLY DEBILITATING ILLNESS, DISEASE OR INJU-
32 RY; OR (B) A MENTAL IMPAIRMENT THAT RESULTS IN A SUBSTANTIAL INABILITY
33 TO UNDERSTAND THE NATURE AND CONSEQUENCES OF DECISIONS CONCERNING THE
34 CARE OF A CHILD.

35 S 2. Section 458-b of the social services law is amended by adding a
36 new subdivision 1-a to read as follows:

37 1-A. A CHILD SHALL REMAIN ELIGIBLE FOR KINSHIP GUARDIANSHIP ASSISTANCE
38 PAYMENTS UNDER THIS TITLE WHEN A SUCCESSOR GUARDIAN AS DEFINED IN SUBDI-
39 VISION SIX OF SECTION FOUR HUNDRED FIFTY-EIGHT-A OF THIS TITLE ASSUMES
40 CARE AND GUARDIANSHIP OF THE CHILD.

41 S 3. Subdivision 2 of section 458-b of the social services law is
42 amended by adding a new paragraph (d) to read as follows:

43 (D) (I) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY,
44 PRIOR TO THE SOCIAL SERVICES OFFICIAL APPROVING A PROSPECTIVE SUCCESSOR
45 GUARDIAN TO RECEIVE PAYMENTS PURSUANT TO THIS TITLE IN ACCORDANCE WITH
46 SUBPARAGRAPH (II) OF PARAGRAPH (B) OF SUBDIVISION FIVE OF THIS SECTION:

47 (1) THE SOCIAL SERVICES OFFICIAL MUST COMPLETE A NATIONAL AND STATE
48 CRIMINAL HISTORY RECORD CHECK PURSUANT TO SUBDIVISION TWO OF SECTION
49 THREE HUNDRED SEVENTY-EIGHT-A OF THIS ARTICLE FOR THE PROSPECTIVE
50 SUCCESSOR GUARDIAN AND ANY PERSON OVER THE AGE OF EIGHTEEN LIVING IN THE
51 HOME OF THE PROSPECTIVE SUCCESSOR GUARDIAN, IN ACCORDANCE WITH THE
52 PROCEDURES AND STANDARDS SET FORTH IN SUCH SUBDIVISION; AND (2) THE
53 SOCIAL SERVICES OFFICIAL MUST INQUIRE OF THE OFFICE OF CHILDREN AND
54 FAMILY SERVICES, IN ACCORDANCE WITH SECTION FOUR HUNDRED TWENTY-FOUR-A
55 OF THIS ARTICLE, WHETHER EACH PROSPECTIVE SUCCESSOR GUARDIAN AND EACH
56 PERSON OVER THE AGE OF EIGHTEEN LIVING IN THE HOME OF THE PROSPECTIVE

1 SUCCESSOR GUARDIAN HAS BEEN OR IS CURRENTLY THE SUBJECT OF AN INDICATED
2 REPORT OF CHILD ABUSE OR MALTREATMENT ON FILE WITH THE STATEWIDE CENTRAL
3 REGISTER OF CHILD ABUSE AND MALTREATMENT AND, IF THE PROSPECTIVE SUCCESSOR
4 GUARDIAN OR ANY OTHER PERSON OVER THE AGE OF EIGHTEEN RESIDING IN
5 THE HOME OF THE PROSPECTIVE SUCCESSOR GUARDIAN RESIDED IN ANOTHER STATE
6 IN THE FIVE YEARS PRECEDING THE INQUIRY, REQUEST CHILD ABUSE AND
7 MALTREATMENT INFORMATION MAINTAINED BY THE CHILD ABUSE AND MALTREATMENT
8 REGISTRY FROM THE APPLICABLE CHILD WELFARE AGENCY IN EACH SUCH STATE OF
9 PREVIOUS RESIDENCE.

10 (II) IT SHALL BE THE DUTY OF THE PROSPECTIVE SUCCESSOR GUARDIAN TO
11 INFORM THE SOCIAL SERVICES OFFICIAL THAT HAS ENTERED INTO AN AGREEMENT
12 WITH THE RELATIVE GUARDIAN FOR PAYMENTS UNDER THIS TITLE IN WRITING OF
13 THE DEATH OR INCAPACITY OF THE RELATIVE GUARDIAN AND OF THE PROSPECTIVE
14 SUCCESSOR GUARDIAN'S DESIRE TO ENFORCE THE PROVISIONS IN THE AGREEMENT
15 THAT AUTHORIZE PAYMENT TO HIM OR HER IN THE EVENT OF THE DEATH OR INCA-
16 PACITY OF THE RELATIVE GUARDIAN.

17 (III) THE CLEARANCES REQUIRES BY SUBPARAGRAPH (I) OF THIS PARAGRAPH
18 SHALL BE CONDUCTED FOLLOWING RECEIPT BY THE SOCIAL SERVICES OFFICIAL OF
19 THE WRITTEN COMMUNICATION REQUIRED BY SUBPARAGRAPH (II) OF THIS PARA-
20 GRAPH.

21 S 4. Subdivision 4 of section 458-b of the social services law is
22 amended by adding four new paragraphs (e), (f), (g) and (h) to read as
23 follows:

24 (E) THE ORIGINAL KINSHIP GUARDIANSHIP ASSISTANCE AGREEMENT EXECUTED IN
25 ACCORDANCE WITH THIS SECTION AND ANY AMENDMENTS THERETO MAY NAME AN
26 APPROPRIATE PERSON TO ACT AS A SUCCESSOR GUARDIAN FOR THE PURPOSE OF
27 PROVIDING CARE AND GUARDIANSHIP FOR A CHILD IN THE EVENT OF DEATH OR
28 INCAPACITY OF THE RELATIVE GUARDIAN. NOTHING HEREIN SHALL BE DEEMED TO
29 REQUIRE THE RELATIVE GUARDIAN TO NAME A PROSPECTIVE SUCCESSOR GUARDIAN
30 AS A CONDITION FOR THE APPROVAL OF A KINSHIP GUARDIANSHIP ASSISTANCE
31 AGREEMENT.

32 (F) A FULLY EXECUTED AGREEMENT BETWEEN A RELATIVE GUARDIAN AND A
33 SOCIAL SERVICES OFFICIAL MAY BE AMENDED TO ADD OR MODIFY TERMS AND
34 CONDITIONS MUTUALLY AGREEABLE TO THE RELATIVE GUARDIAN AND THE SOCIAL
35 SERVICES OFFICIAL, INCLUDING THE NAMING OF AN APPROPRIATE PERSON TO
36 PROVIDE CARE AND GUARDIANSHIP FOR A CHILD IN THE EVENT OF DEATH OR INCA-
37 PACITY OF THE RELATIVE GUARDIAN.

38 (G) THE SOCIAL SERVICES OFFICIAL SHALL INFORM THE RELATIVE GUARDIAN OF
39 THE RIGHT TO NAME AN APPROPRIATE PERSON TO ACT AS A SUCCESSOR GUARDIAN
40 IN THE ORIGINAL KINSHIP GUARDIANSHIP ASSISTANCE AGREEMENT OR THROUGH AN
41 AMENDMENT TO SUCH AGREEMENT.

42 (H) A FULLY EXECUTED AGREEMENT BETWEEN A RELATIVE GUARDIAN OR A
43 SUCCESSOR GUARDIAN AND A SOCIAL SERVICES OFFICIAL MAY BE TERMINATED IF:

44 (I) IN ACCORDANCE WITH PARAGRAPH (B) OF SUBDIVISION SEVEN OF THIS
45 SECTION, A SOCIAL SERVICES OFFICIAL HAS DETERMINED THAT A RELATIVE GUAR-
46 DIAN OR A SUCCESSOR GUARDIAN IS NO LONGER LEGALLY RESPONSIBLE FOR THE
47 SUPPORT OF THE CHILD; OR

48 (II) FOLLOWING THE DEATH OR PERMANENT INCAPACITY OF A RELATIVE GUARDI-
49 AN, ALL PROSPECTIVE SUCCESSOR GUARDIANS NAMED IN SUCH AGREEMENT WERE NOT
50 APPROVED BY THE SOCIAL SERVICES DISTRICT PURSUANT TO SUBPARAGRAPH (II)
51 OF PARAGRAPH (B) OF SUBDIVISION FIVE OF THIS SECTION.

52 S 5. Subdivision 5 of section 458-b of the social services law, as
53 added by section 4 of part F of chapter 58 of the laws of 2010, is
54 amended to read as follows:

55 5. (A) Once the prospective relative guardian with whom a social
56 services official has entered into an agreement under subdivision four

1 of this section has been issued letters of guardianship for the child
2 and the child has been finally discharged from foster care to such rela-
3 tive, a social services official shall make monthly kinship guardianship
4 assistance payments for the care and maintenance of the child.

5 (B) (I) IN THE EVENT OF DEATH OR INCAPACITY OF A RELATIVE GUARDIAN, A
6 SOCIAL SERVICES DISTRICT SHALL MAKE MONTHLY KINSHIP GUARDIANSHIP ASSIST-
7 ANCE PAYMENTS FOR THE CARE AND MAINTENANCE OF A CHILD TO A SUCCESSOR
8 GUARDIAN THAT HAS BEEN APPROVED PURSUANT TO SUBPARAGRAPH (II) OF THIS
9 PARAGRAPH.

10 (II) FOLLOWING THE DEATH OR INCAPACITY OF THE RELATIVE GUARDIAN, A
11 SOCIAL SERVICES OFFICIAL SHALL APPROVE A PROSPECTIVE SUCCESSOR GUARDIAN
12 THAT IS NAMED IN THE AGREEMENT BETWEEN THE RELATIVE GUARDIAN AND A
13 SOCIAL SERVICES OFFICIAL FOR PAYMENTS UNDER THIS TITLE AND THAT HAS BEEN
14 AWARDED GUARDIANSHIP OR PERMANENT GUARDIANSHIP OF THE CHILD BY THE COURT
15 UNLESS, BASED ON THE RESULTS OF THE CLEARANCES REQUIRED BY PARAGRAPH (D)
16 OF SUBDIVISION TWO OF THIS SECTION, THE SOCIAL SERVICES OFFICIAL HAS
17 DETERMINED THAT APPROVAL OF THE PROSPECTIVE SUCCESSOR GUARDIAN IS NOT
18 AUTHORIZED OR APPROPRIATE. PROVIDED HOWEVER, THAT NO APPROVAL CAN BE
19 ISSUED PURSUANT TO THIS PARAGRAPH UNLESS THE PROSPECTIVE SUCCESSOR GUAR-
20 DIAN HAS BEEN AWARDED GUARDIANSHIP OR PERMANENT GUARDIANSHIP OF THE
21 CHILD BY THE COURT AND THE CLEARANCES REQUIRED BY PARAGRAPH (D) OF
22 SUBDIVISION TWO OF THIS SECTION HAVE BEEN CONDUCTED.

23 (III) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, IF A
24 PROSPECTIVE SUCCESSOR GUARDIAN ASSUMES CARE OF THE CHILD PRIOR TO BEING
25 APPROVED PURSUANT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, PAYMENTS UNDER
26 THIS TITLE SHALL BE MADE ONCE A PROSPECTIVE GUARDIAN IS APPROVED PURSU-
27 ANT TO SUCH SUBPARAGRAPH RETROACTIVELY FROM: (1) IN THE EVENT OF DEATH
28 OF THE RELATIVE GUARDIAN, THE DATE THE SUCCESSOR GUARDIAN ASSUMED CARE
29 OF THE CHILD OR THE DATE OF DEATH OF THE RELATIVE GUARDIAN, WHICHEVER IS
30 LATER; OR (2) IN THE EVENT OF INCAPACITY OF THE RELATIVE GUARDIAN, THE
31 DATE THE SUCCESSOR GUARDIAN ASSUMED CARE OF THE CHILD OR THE DATE OF
32 INCAPACITY OF THE RELATIVE GUARDIAN, WHICHEVER IS LATER.

33 (C) IN THE EVENT THAT A SUCCESSOR GUARDIAN ASSUMED CARE AND WAS
34 AWARDED GUARDIANSHIP OR PERMANENT GUARDIANSHIP OF A CHILD DUE TO THE
35 INCAPACITY OF A RELATIVE GUARDIAN AND THE RELATIVE GUARDIAN IS SUBSE-
36 QUENTLY AWARDED OR RESUMES GUARDIANSHIP OR PERMANENT GUARDIANSHIP OF
37 SUCH CHILD AND ASSUMES CARE OF SUCH CHILD AFTER THE INCAPACITY ENDS, A
38 SOCIAL SERVICES OFFICIAL SHALL MAKE MONTHLY KINSHIP GUARDIANSHIP ASSIST-
39 ANCE PAYMENTS FOR THE CARE AND MAINTENANCE OF THE CHILD TO THE RELATIVE
40 GUARDIAN, IN ACCORDANCE WITH THE TERMS OF THE FULLY EXECUTED WRITTEN
41 AGREEMENT.

42 S 6. Paragraph (b) of subdivision 7 of section 458-b of the social
43 services law, as added by section 4 of part F of chapter 58 of the laws
44 of 2010, is amended to read as follows:

45 (b) (I) Notwithstanding paragraph (a) of this subdivision, AND EXCEPT
46 AS PROVIDED FOR IN PARAGRAPH (B) OF SUBDIVISION FIVE OF THIS SECTION, no
47 kinship guardianship assistance payments may be made pursuant to this
48 title if the social services official determines that the relative guar-
49 dian is no longer legally responsible for the support of the child,
50 including if the status of the legal guardian is terminated or the child
51 is no longer receiving any support from such guardian. In accordance
52 with the regulations of the office, a relative guardian who has been
53 receiving kinship guardianship assistance payments on behalf of a child
54 under this title must keep the social services official informed, on an
55 annual basis, of any circumstances that would make the relative guardian

1 ineligible for such payments or eligible for payments in a different
2 amount.

3 (II) NOTWITHSTANDING PARAGRAPH (A) OF THIS SUBDIVISION, AND EXCEPT AS
4 PROVIDED FOR IN PARAGRAPH (C) OF SUBDIVISION FIVE OF THIS SECTION, NO
5 KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS MAY BE MADE PURSUANT TO THIS
6 TITLE TO A SUCCESSOR GUARDIAN IF THE SOCIAL SERVICES OFFICIAL DETERMINES
7 THAT THE SUCCESSOR GUARDIAN IS NO LONGER LEGALLY RESPONSIBLE FOR THE
8 SUPPORT OF THE CHILD, INCLUDING IF THE STATUS OF THE SUCCESSOR GUARDIAN
9 IS TERMINATED OR THE CHILD IS NO LONGER RECEIVING ANY SUPPORT FROM SUCH
10 GUARDIAN. A SUCCESSOR GUARDIAN WHO HAS BEEN RECEIVING KINSHIP GUARDIAN-
11 SHIP ASSISTANCE PAYMENTS ON BEHALF OF A CHILD UNDER THIS TITLE MUST KEEP
12 THE SOCIAL SERVICES OFFICIAL INFORMED, ON AN ANNUAL BASIS, OF ANY
13 CIRCUMSTANCES THAT WOULD MAKE THE SUCCESSOR GUARDIAN INELIGIBLE FOR SUCH
14 PAYMENTS OR ELIGIBLE FOR PAYMENTS IN A DIFFERENT AMOUNT.

15 S 7. Subdivision 8 of section 458-b of the social services law, as
16 added by section 4 of part F of chapter 58 of the laws of 2010, is
17 amended to read as follows:

18 8. The placement of the child with the relative guardian OR SUCCESSOR
19 GUARDIAN and any kinship guardianship assistance payments made on behalf
20 of the child under this section shall be considered never to have been
21 made when determining the eligibility for adoption subsidy payments
22 under title nine of this article of a child in such legal guardianship
23 arrangement.

24 S 8. Subdivision 2 of section 458-d of the social services law, as
25 added by section 4 of part F of chapter 58 of the laws of 2010, is
26 amended to read as follows:

27 2. In addition, a social services official shall make payments for the
28 cost of care, services and supplies payable under the state's program of
29 medical assistance for needy persons provided to any child for whom
30 kinship guardianship assistance payments are being made under this title
31 who is not eligible for medical assistance under subdivision one of this
32 section and for whom the relative OR SUCCESSOR guardian is unable to
33 obtain appropriate and affordable medical coverage through any other
34 available means, regardless of whether the child otherwise qualifies for
35 medical assistance for needy persons. Payments pursuant to this subdivi-
36 sion shall be made only with respect to the cost of care, services, and
37 supplies which are not otherwise covered or subject to payment or
38 reimbursement by insurance, medical assistance or other sources.
39 Payments made pursuant to this subdivision shall only be made if the
40 relative OR SUCCESSOR guardian applies to obtain such medical coverage
41 for the child from all available sources, unless the social services
42 official determines that the relative guardian has good cause for not
43 applying for such coverage; which shall include that appropriate cover-
44 age is not available or affordable.

45 S 9. Subdivisions 1 and 2 of section 458-f of the social services law,
46 as added by section 4 of part F of chapter 58 of the laws of 2010, are
47 amended to read as follows:

48 1. Any person aggrieved by the decision of a social services official
49 not to make a payment or payments pursuant to this title or to make such
50 payment or payments in an inadequate or inappropriate amount or the
51 failure of a social services official to determine an application under
52 this title within thirty days after filing, OR THE FAILURE OF A SOCIAL
53 SERVICES DISTRICT TO AGREE TO A PROSPECTIVE SUCCESSOR GUARDIAN BEING
54 NAMED IN AN AGREEMENT OR TO APPROVE A PROSPECTIVE SUCCESSOR GUARDIAN
55 PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (B) OF SUBDIVISION FIVE OF
56 SECTION FOUR HUNDRED FIFTY-EIGHT-B OF THIS TITLE, OR THE DECISION OF A

1 SOCIAL SERVICES DISTRICT TO TERMINATE AN AGREEMENT PURSUANT TO PARAGRAPH
2 (H) OF SUBDIVISION FOUR OF SECTION FOUR HUNDRED FIFTY-EIGHT-B OF THIS
3 TITLE, may appeal to the office of children and family services, which
4 shall review the case and give such person an opportunity for a fair
5 hearing thereon and render its decision within thirty days. All deci-
6 sions of the office of children and family services shall be binding
7 upon the social services district involved and shall be complied with by
8 the social services official thereof.

9 2. The only issues which may be raised in a fair hearing under this
10 section are: (a) whether the social services official has improperly
11 denied an application for payments under this title; (b) whether the
12 social services official has improperly discontinued payments under this
13 title; (c) whether the social services official has determined the
14 amount of the payments made or to be made in violation of the provisions
15 of this title or the regulations of the office of children and family
16 services promulgated hereunder; [or] (d) whether the social services
17 official has failed to determine an application under this title within
18 thirty days; (E) WHETHER THE SOCIAL SERVICES OFFICIAL HAS IMPROPERLY
19 DENIED AN APPLICATION TO NAME A PROSPECTIVE SUCCESSOR GUARDIAN IN THE
20 ORIGINAL KINSHIP GUARDIANSHIP ASSISTANCE AGREEMENT FOR PAYMENTS PURSUANT
21 TO THIS TITLE OR ANY AMENDMENTS THERETO; (F) WHETHER A SOCIAL SERVICES
22 OFFICIAL HAS INAPPROPRIATELY FAILED TO APPROVE A PROSPECTIVE SUCCESSOR
23 GUARDIAN; OR (G) WHETHER A SOCIAL SERVICES OFFICIAL HAS INAPPROPRIATELY
24 TERMINATED AN AGREEMENT FOR PAYMENTS UNDER THIS TITLE.

25 S 10. Subdivision 2 of section 378-a of the social services law, as
26 added by chapter 7 of the laws of 1999, paragraphs (a), (f) and (g) as
27 amended by chapter 668 of the laws of 2006, paragraph (e) as amended by
28 chapter 623 of the laws of 2008, paragraphs (h) and (i) as amended by
29 chapter 145 of the laws of 2000 and paragraph (j) as amended by chapter
30 405 of the laws of 2010, is amended to read as follows:

31 2. (a) Notwithstanding any other provision of law to the contrary, and
32 subject to rules and regulations of the division of criminal justice
33 services, an authorized agency, as defined in subdivision ten of section
34 three hundred seventy-one of this [article] TITLE, shall perform a crim-
35 inal history record check with the division of criminal justice services
36 regarding any prospective foster parent or prospective adoptive parent
37 OR, A PROSPECTIVE SUCCESSOR GUARDIAN IN ACCORDANCE WITH PARAGRAPH (D) OF
38 SUBDIVISION TWO OF SECTION FOUR HUNDRED FIFTY-EIGHT-B OF THIS ARTICLE,
39 and any person over the age of eighteen who is currently residing in the
40 home of such prospective foster parent [or], prospective adoptive parent
41 OR PROSPECTIVE SUCCESSOR GUARDIAN. PROVIDED, HOWEVER, THAT FOR PROSPEC-
42 TIVE FOSTER PARENTS AND PROSPECTIVE ADOPTIVE PARENTS AND OTHER PERSONS
43 OVER THE AGE OF EIGHTEEN IN THEIR HOMES, THE CHECKS REQUIRED BY THIS
44 PARAGRAPH SHALL BE CONDUCTED before the foster parent or adoptive parent
45 is finally certified or approved for the placement of a child. Persons
46 who are over the age of eighteen residing in the home of a certified or
47 approved foster parent and who previously did not have a criminal histo-
48 ry record check performed in accordance with this subdivision shall have
49 such a criminal history record check performed when the foster parent
50 applies for renewal of his or her certification or approval as a foster
51 parent. The division of criminal justice services is authorized to
52 submit fingerprints to the federal bureau of investigation for the
53 purpose of a nationwide criminal history record check pursuant to and
54 consistent with public law 92-544 to determine whether such prospective
55 foster parent, prospective adoptive parent, PROSPECTIVE SUCCESSOR GUARD-
56 IAN or person over the age of eighteen currently residing in the home of

1 such prospective parent OR GUARDIAN has a criminal history in any state
2 or federal jurisdiction. The provisions and procedures of this section,
3 including the criminal history record check of persons over the age of
4 eighteen who are currently residing in the home of the foster parent,
5 also shall apply to prospective foster parents certified by the office
6 of children and family services and to family homes certified by any
7 other state agency where such family homes care for foster children in
8 accordance with a memorandum of understanding with the office of chil-
9 dren and family services.

10 (b) Every authorized agency shall obtain a set of the prospective
11 foster parent [or], prospective adoptive [parent's] PARENT OR PROSPEC-
12 TIVE SUCCESSOR GUARDIAN'S fingerprints and those of any person over the
13 age of eighteen who currently resides in the home of such prospective
14 foster parent [or], prospective adoptive parent OR PROSPECTIVE SUCCESSOR
15 GUARDIAN, and such other information as is required by the office of
16 children and family services and the division of criminal justice
17 services. The authorized agency shall provide to the applicant blank
18 fingerprint cards and a description of how the completed fingerprint
19 cards will be used upon submission to the authorized agency. The author-
20 ized agency shall promptly transmit such fingerprint cards to the office
21 of children and family services. The office of children and family
22 services shall promptly submit such fingerprint cards and the processing
23 fee imposed pursuant to subdivision eight-a of section eight hundred
24 thirty-seven of the executive law to the division of criminal justice
25 services for its full search and retain processing. Notwithstanding any
26 other provision of law to the contrary, the processing fee shall be
27 submitted by the office of children and family services and no part
28 thereof shall be charged to the prospective foster parent [or], prospec-
29 tive adoptive parent, PROSPECTIVE SUCCESSOR GUARDIAN or any person over
30 the age of eighteen who currently resides in the home of such prospec-
31 tive foster parent [or], prospective adoptive parent OR PROSPECTIVE
32 SUCCESSOR GUARDIAN who submitted a fingerprint card pursuant to this
33 subdivision.

34 (c) The division of criminal justice services shall promptly provide
35 to the office of children and family services a criminal history record,
36 if any, with respect to the prospective foster parent [or], prospective
37 adoptive parent OR PROSPECTIVE SUCCESSOR GUARDIAN and any other person
38 over the age of eighteen who resides in the home of the prospective
39 foster parent [or] , prospective adoptive parent OR PROSPECTIVE SUCCE-
40 SOR GUARDIAN, or a statement that the individual has no criminal history
41 record.

42 (d) Notwithstanding any other provision of law to the contrary, the
43 office of children and family services, upon receipt of a criminal
44 history record from the division of criminal justice services, may
45 request, and is entitled to receive, information pertaining to any
46 offense contained in such criminal history record from any state or
47 local law enforcement agency or court for the purposes of determining
48 whether any ground relating to such criminal conviction or pending crim-
49 inal charge exists for denying an application.

50 (e) After reviewing any criminal history record information provided
51 by the division of criminal justice services, the office of children and
52 family services shall promptly notify the authorized agency or other
53 state agency that:

54 (1) Notwithstanding any other provision of law to the contrary, an
55 application for certification or approval of a prospective foster parent
56 or prospective adoptive parent shall be denied AND, IN THE EVENT OF

1 DEATH OR INCAPACITY OF A RELATIVE GUARDIAN, AN AGREEMENT TO PROVIDE
2 PAYMENTS TO A PROSPECTIVE SUCCESSOR GUARDIAN PURSUANT TO TITLE TEN OF
3 THIS ARTICLE SHALL NOT BE APPROVED PURSUANT TO SUBPARAGRAPH (II) OF
4 PARAGRAPH (B) OF SUBDIVISION FIVE OF SECTION FOUR HUNDRED FIFTY-EIGHT-B
5 OF THIS ARTICLE, AS APPLICABLE, where a criminal history record of the
6 prospective foster parent [or], prospective adoptive parent OR PROSPEC-
7 TIVE SUCCESSOR GUARDIAN, AS APPLICABLE, reveals a conviction for:

8 (A) a felony conviction at any time involving: (i) child abuse or
9 neglect; (ii) spousal abuse; (iii) a crime against a child, including
10 child pornography; or (iv) a crime involving violence, including rape,
11 sexual assault, or homicide, other than a crime involving physical
12 assault or battery; or

13 (B) a felony conviction within the past five years for physical
14 assault, battery, or a drug-related offense; or

15 (2) Notwithstanding any other provision of law to the contrary, a
16 final determination of an application for certification or approval of a
17 prospective foster parent or prospective adoptive parent AND, IN
18 RELATION TO PROSPECTIVE SUCCESSOR GUARDIANS, APPROVAL PURSUANT TO
19 SUBPARAGRAPH (II) OF PARAGRAPH (B) OF SUBDIVISION FIVE OF SECTION FOUR
20 HUNDRED FIFTY-EIGHT-B OF THIS ARTICLE shall be held in abeyance whenever
21 the criminal history record of the prospective foster parent [or],
22 prospective adoptive parent OR PROSPECTIVE SUCCESSOR GUARDIAN, AS APPLI-
23 CABLE, reveals:

24 (A) a charge for a crime set forth in subparagraph one of this para-
25 graph which has not been finally resolved; or

26 (B) a felony conviction that may be for a crime set forth in subpara-
27 graph one of this paragraph. An authorized agency may proceed with a
28 determination of such application, in a manner consistent with this
29 subdivision, only upon receiving subsequent notification from the office
30 of children and family services regarding the status of such charge or
31 the nature of such conviction; or

32 (3) CONSISTENT WITH THE PROVISIONS OF ARTICLE TWENTY-THREE-A OF THE
33 CORRECTION LAW, an application for certification or approval of a
34 prospective foster parent or prospective adoptive parent may[, consist-
35 ent with the provisions of article twenty-three-A of the correction law,
36 be denied] BE DENIED, AN AGREEMENT TO PROVIDE PAYMENTS TO A PROSPECTIVE
37 SUCCESSOR GUARDIAN PURSUANT TO TITLE TEN OF THIS ARTICLE MAY NOT BE
38 APPROVED PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (B) OF SUBDIVISION
39 FIVE OF SECTION FOUR HUNDRED FIFTY-EIGHT-B OF THIS ARTICLE, AS APPLICA-
40 BLE, where:

41 (A) a criminal history record of the prospective foster parent [or],
42 prospective adoptive parent OR PROSPECTIVE SUCCESSOR GUARDIAN reveals a
43 charge or a conviction of a crime other than one set forth in subpara-
44 graph one of this paragraph; or

45 (B) a criminal history record of any other person over the age of
46 eighteen who resides in the home of the prospective foster parent [or],
47 prospective adoptive parent OR PROSPECTIVE SUCCESSOR GUARDIAN reveals a
48 charge or a conviction of any crime; or

49 (4) Notwithstanding any other provision of law to the contrary, an
50 application for renewal of the certification or approval of a foster
51 parent submitted on or after October first, two thousand eight shall be
52 denied based on the conviction of the foster parent of a crime set forth
53 in subparagraph one of this paragraph where such conviction occurred on
54 or after October first, two thousand eight; or

55 (5) Notwithstanding any other provision of law to the contrary, the
56 certification or approval of a foster parent, or the approval of an

1 adoptive parent who has not completed the adoption process, shall be
2 revoked based on the conviction of the foster parent or the adoptive
3 parent of a crime set forth in subparagraph one of this paragraph; or

4 (6) the prospective foster parent [or], prospective adoptive parent OR
5 PROSPECTIVE SUCCESSOR GUARDIAN and any person over the age of eighteen
6 who is residing in the home of the prospective foster parent [or],
7 prospective adoptive parent OR PROSPECTIVE SUCCESSOR GUARDIAN has no
8 criminal history record.

9 (f) Except as otherwise set forth in this paragraph, any notification
10 by the office of children and family services pursuant to paragraph (e)
11 of this subdivision shall include a summary of the criminal history
12 record provided by the division of criminal justice services, including,
13 but not limited to, the specific crime or crimes for which the prospec-
14 tive foster PARENT or PARENTS, adoptive parent or parents OR PROSPECTIVE
15 SUCCESSOR GUARDIAN OR GUARDIANS or any adults over the age of eighteen
16 living in the home have been charged or convicted, as applicable. When
17 responding to an inquiry from a voluntary authorized agency or other
18 non-public agency with respect to the results of a national criminal
19 history check performed by the federal bureau of investigation, the
20 office of children and family services shall advise the voluntary
21 authorized agency or other non-public agency of the category or catego-
22 ries of crime or crimes and shall not provide the voluntary authorized
23 agency or other non-public agency with the specific crime or crimes
24 absent the written consent of the person for whom the national criminal
25 history check was performed.

26 (g) When an authorized agency has denied an application [pursuant to]
27 OR APPROVAL IN ACCORDANCE WITH THE PROVISIONS OF paragraph (e) of this
28 subdivision, the authorized agency shall provide to the applicant a
29 written statement setting forth the reasons for such denial, including,
30 as authorized by paragraph (f) of this subdivision, the summary of the
31 criminal history record provided to the authorized agency by the office
32 of children and family services. The authorized agency shall also
33 provide a description of the division of criminal justice services'
34 record review process and any remedial processes provided by the office
35 of children and family services to any prospective foster parent [or],
36 prospective adoptive parent OR PROSPECTIVE SUCCESSOR GUARDIAN. If the
37 applicant is disqualified under item (ii) of clause (A) of subparagraph
38 one of paragraph (e) of this subdivision, then the applicant may apply
39 for relief from the mandatory disqualification based on the grounds that
40 the offense was not spousal abuse as that term is defined in paragraph
41 (j) of this subdivision.

42 (h) Where a criminal history record of the certified or approved
43 foster parent, prospective adoptive parent or of any other person over
44 the age of eighteen who resides in the home of the certified or approved
45 foster parent or prospective adoptive parent reveals a charge or
46 conviction of any crime, the authorized agency shall perform a safety
47 assessment of the conditions in the household. Such assessment shall
48 include: whether the subject of the charge or conviction resides in the
49 household; the extent to which such person may have contact with foster
50 children or other children residing in the household; and the status,
51 date and nature of the criminal charge or conviction. The authorized
52 agency shall thereafter take all appropriate steps to protect the health
53 and safety of such child or children, including, when appropriate, the
54 removal of any foster child or children from the home. Where the author-
55 ized agency denies the application or revokes the approval or certifi-
56 cation of the foster parent or the prospective adoptive parent in

1 accordance with the standards set forth in paragraph (e) of this subdi-
2 vision, such authorized agency shall remove any foster child or children
3 from the home of the foster parent or the prospective adoptive parent.

4 (i) Any criminal history record provided by the division of criminal
5 justice services, and any summary of the criminal history record
6 provided by the office of children and family services to an authorized
7 agency pursuant to this subdivision, is confidential and shall not be
8 available for public inspection; provided, however, nothing herein shall
9 prevent an authorized agency, the office of children and family services
10 or other state agency referenced in paragraph (a) of this subdivision
11 from disclosing criminal history information to any administrative or
12 judicial proceeding relating to the denial or revocation of a certifi-
13 cation or approval of a foster parent or an adoptive parent or the
14 removal of the foster child from the home OR THE FAILURE TO APPROVE A
15 PROSPECTIVE SUCCESSOR GUARDIAN PURSUANT TO SUBPARAGRAPH (II) OF PARA-
16 GRAPH (B) OF SUBDIVISION FIVE OF SECTION FOUR HUNDRED FIFTY-EIGHT-B OF
17 THIS ARTICLE OR THE TERMINATION OF AN AGREEMENT FOR PAYMENTS PURSUANT TO
18 TITLE TEN OF THIS ARTICLE THAT IS MADE IN ACCORDANCE WITH PARAGRAPH (H)
19 OF SUBDIVISION FOUR OF SECTION FOUR HUNDRED FIFTY-EIGHT-B OF THIS ARTI-
20 CLE. Where there is a pending court case, the authorized agency which
21 received the criminal history record summary from the office of children
22 and family services, shall provide a copy of such summary to the family
23 court or surrogate's court.

24 (j) For the purposes of this subdivision "spousal abuse" is an offense
25 defined in section 120.05, 120.10, 121.12 or 121.13 of the penal law
26 where the victim of such offense was the defendant's spouse; provided,
27 however, spousal abuse shall not include a crime in which the prospec-
28 tive foster parent [or], prospective adoptive parent OR PROSPECTIVE
29 SUCCESSOR GUARDIAN, who was the defendant, has received notice pursuant
30 to paragraph (g) of this subdivision and the office of children and
31 family services finds after a fair hearing held pursuant to section
32 twenty-two of this chapter, that he or she was the victim of physical,
33 sexual or psychological abuse by the victim of such offense and such
34 abuse was a factor in causing the prospective foster parent [or],
35 prospective adoptive parent OR PROSPECTIVE SUCCESSOR GUARDIAN to commit
36 such offense.

37 (k) The office of children and family services shall inform the divi-
38 sion of criminal justice services when a person is no longer certified
39 or approved as a foster parent or is no longer a prospective adoptive
40 parent so that the division of criminal justice services may terminate
41 its retain processing with regard to such person and any person over the
42 age of eighteen who is residing in the home of the foster parent or
43 prospective adoptive parent. At least once a year, the office of chil-
44 dren and family services will be required to conduct a validation of the
45 records maintained by the division of criminal justice services.

46 (l) The office of children and family services, in consultation with
47 the division of criminal justice services, shall promulgate regulations
48 for the purpose of implementing the provisions of this subdivision
49 relating to the standards for the certification or approval of foster
50 parents or adoptive parents.

51 S 11. Subparagraph (z) of paragraph (A) of subdivision 4 of section
52 422 of the social services law, as amended by chapter 440 of the laws of
53 2011, is amended to read as follows:

54 (z) an entity with appropriate legal authority in another state to
55 license, certify or otherwise approve prospective foster [and] PARENTS,
56 PROSPECTIVE adoptive parents, PROSPECTIVE RELATIVE GUARDIANS OR PROSPEC-

1 TIVE SUCCESSOR GUARDIANS where disclosure of information regarding [the]
2 SUCH prospective foster or PROSPECTIVE adoptive parents OR PROSPECTIVE
3 RELATIVE OR PROSPECTIVE SUCCESSOR GUARDIANS and other persons over the
4 age of eighteen residing in the home of such [prospective parents]
5 PERSONS is required [by paragraph twenty of subdivision (a) of section
6 six hundred seventy-one of title forty-two of the United States code]
7 UNDER TITLE IV-E OF THE FEDERAL SOCIAL SECURITY ACT; and

8 S 12. Paragraph (a) of subdivision 1 of section 424-a of the social
9 services law, as amended by chapter 126 of the laws of 2014, is amended
10 to read as follows:

11 (a) A licensing agency shall inquire of the department and the depart-
12 ment shall, subject to the provisions of paragraph (e) of this subdivi-
13 sion, inform such agency and the subject of the inquiry whether an
14 applicant for a certificate, license or permit, assistants to group
15 family day care providers, the director of a camp subject to the
16 provisions of article thirteen-B of the public health law, A PROSPECTIVE
17 SUCCESSOR GUARDIAN WHEN A CLEARANCE IS CONDUCTED PURSUANT TO PARAGRAPH
18 (D) OF SUBDIVISION TWO OF SECTION FOUR HUNDRED FIFTY-EIGHT-B OF THIS
19 ARTICLE, and any person over the age of eighteen who resides in the home
20 of a person who has applied to become an adoptive parent or a foster
21 parent or to operate a family day care home or group family day care
22 home OR ANY PERSON OVER THE AGE OF EIGHTEEN RESIDING IN THE HOME OF A
23 PROSPECTIVE SUCCESSOR GUARDIAN WHEN A CLEARANCE IS CONDUCTED OF A
24 PROSPECTIVE SUCCESSOR GUARDIAN PURSUANT TO THIS PARAGRAPH, has been or
25 is currently the subject of an indicated child abuse and maltreatment
26 report on file with the statewide central register of child abuse and
27 maltreatment.

28 S 13. Subdivision 2 of section 424-a of the social services law, as
29 amended by chapter 677 of the laws of 1985, paragraph (a) as amended by
30 chapter 126 of the laws of 2014, paragraph (d) as amended by chapter 12
31 of the laws of 1996, and paragraph (e) as amended by chapter 634 of the
32 laws of 1988, is amended to read as follows:

33 2. (a) Upon notification by the office or by a child care resource and
34 referral program in accordance with subdivision six of this section that
35 any person who has applied to a licensing agency for a license, certif-
36 icate or permit or who seeks to become an employee of a provider agency,
37 or to accept a child for adoptive placement or who will be hired as a
38 consultant or used as a volunteer by a provider agency, or that any
39 other person about whom an inquiry is made to the office pursuant to the
40 provisions of this section is the subject of an indicated report, the
41 licensing or provider agency shall determine on the basis of information
42 it has available whether to approve such application or retain the
43 employee or hire the consultant or use the volunteer or permit an
44 employee of another person, corporation, partnership or association to
45 have access to the individuals cared for by the provider agency,
46 provided, however, that if such application is approved, or such employ-
47 ee is retained or consultant hired or volunteer used or person permitted
48 to have access to the children cared for by such agency the licensing or
49 provider agency shall maintain a written record, as part of the applica-
50 tion file or employment record, of the specific reasons why such person
51 was determined to be appropriate to receive a foster care or adoption
52 placement or to provide day care services, to be the director of a camp
53 subject to the provisions of article thirteen-B of the public health
54 law, TO BE APPROVED AS A SUCCESSOR GUARDIAN IN ACCORDANCE WITH SUBPARA-
55 GRAPH (II) OF PARAGRAPH (B) OF SUBDIVISION FIVE OF SECTION FOUR HUNDRED
56 FIFTY-EIGHT-B OF THIS ARTICLE, to be employed, to be retained as an

1 employee, to be hired as a consultant, used as a volunteer or to have
2 access to the individuals cared for by the agency.

3 (b) (i) Upon denial of such application by a licensing or a provider
4 agency or failure to hire the consultant or use the volunteer, or denial
5 of access by a person to the children cared for by the agency, OR FAIL-
6 URE TO APPROVE A SUCCESSOR GUARDIAN IN ACCORDANCE WITH SUBPARAGRAPH (II)
7 OF PARAGRAPH (B) OF SUBDIVISION FIVE OF SECTION FOUR HUNDRED
8 FIFTY-EIGHT-B OF THIS ARTICLE, such agency shall furnish the applicant,
9 prospective consultant, volunteer or person who is denied access to the
10 children cared for by the agency with a written statement setting forth
11 whether its denial, failure to hire or failure to use was based, in
12 whole or in part, on such indicated report, and if so, its reasons for
13 the denial or failure to hire or failure to use.

14 (ii) Upon the termination of employment of an employee of a provider
15 agency, who is the subject of an indicated report of child abuse or
16 maltreatment on file with the statewide central register of child abuse
17 and maltreatment, the agency shall furnish the employee with a written
18 statement setting forth whether such termination was based, in whole or
19 in part, on such indicated report and, if so, the reasons for the termi-
20 nation of employment.

21 (c) If the reasons for such denial or termination or failure to hire a
22 consultant or use a volunteer OR FAILURE TO APPROVE A SUCCESSOR GUARDIAN
23 IN ACCORDANCE WITH SUBPARAGRAPH (II) OF PARAGRAPH (B) OF SUBDIVISION
24 FIVE OF SECTION FOUR HUNDRED FIFTY-EIGHT-B OF THIS ARTICLE include the
25 fact that the person is the subject of an indicated child abuse or
26 maltreatment report, such person may request from the department within
27 ninety days of receipt of notice of such denial, termination, failure to
28 hire a consultant or use a volunteer and shall be granted a hearing in
29 accordance with the procedures set forth in section twenty-two of this
30 chapter relating to fair hearings. All hearings held pursuant to the
31 provisions of this subdivision shall be held within thirty days of a
32 request for the hearing unless the hearing is adjourned for good cause
33 shown. Any subsequent adjournment for good cause shown shall be granted
34 only upon consent of the person who requested the hearing. The hearing
35 decision shall be rendered not later than sixty days after the conclu-
36 sion of the hearing.

37 (d) At any such hearing, the sole question before the department shall
38 be whether the applicant, employee, prospective consultant, volunteer,
39 PROSPECTIVE SUCCESSOR GUARDIAN or person who was denied access to the
40 children cared for by a provider agency has been shown by a fair prepon-
41 derance of the evidence to have committed the act or acts of child abuse
42 or maltreatment giving rise to the indicated report. In such hearing,
43 the burden of proof on the issue of whether an act of child abuse or
44 maltreatment was committed shall be upon the local child protective
45 service or the state agency which investigated the report, as the case
46 may be. The failure to sustain the burden of proof at a hearing held
47 pursuant to this section shall not result in the expungement or unfound-
48 ing of an indicated report but shall be noted on the report maintained
49 by the state central register and shall preclude the department from
50 notifying a party which subsequently makes an inquiry to the department
51 pursuant to this section that the person about whom the inquiry is made
52 is the subject of an indicated report.

53 (e) Upon the failure, at the fair hearing held pursuant to this
54 section, to prove by a fair preponderance of the evidence that the
55 applicant committed the act or acts of child abuse or maltreatment
56 giving rise to the indicated report, the department shall notify the

1 provider or licensing agency which made the inquiry pursuant to this
2 section that it should reconsider any decision to discharge an employee,
3 or to deny the subject's application for employment, or to become an
4 adoptive parent, OR TO BECOME A SUCCESSOR GUARDIAN, or for a certifi-
5 cate, license or permit; or not to hire a consultant, use a volunteer,
6 or allow access to children cared for by the agency.

7 S 14. Subdivision 4 of section 424-a of the social services law, as
8 amended by chapter 126 of the laws of 2014, is amended to read as
9 follows:

10 4. For purposes of this section, the term "licensing agency" shall
11 mean an authorized agency which has received an application to become an
12 adoptive parent or an authorized agency which has received an applica-
13 tion for a certificate or license to receive, board or keep any child
14 pursuant to the provisions of section three hundred seventy-six or three
15 hundred seventy-seven of this article or an authorized agency which has
16 received an application from a relative within the second degree or
17 third degree of consanguinity of the parent of a child or a relative
18 within the second degree or third degree of consanguinity of the step-
19 parent of a child or children, or the child's legal guardian for
20 approval to receive, board or keep such child, OR AN AUTHORIZED AGENCY
21 THAT CONDUCTS A CLEARANCE PURSUANT TO PARAGRAPH (D) OF SUBDIVISION TWO
22 OF SECTION FOUR HUNDRED FIFTY-EIGHT-B OF THIS ARTICLE, or a state or
23 local governmental agency which receives an application to provide child
24 day care services in a child day care center, school-age child care
25 program, family day care home or group family day care home pursuant to
26 the provisions of section three hundred ninety of this article, or the
27 department of health and mental hygiene of the city of New York, when
28 such department receives an application for a certificate of approval to
29 provide child day care services in a child day care center pursuant to
30 the provisions of the health code of the city of New York, or the office
31 of mental health or the office for people with developmental disabili-
32 ties when such office receives an application for an operating certifi-
33 cate pursuant to the provisions of the mental hygiene law to operate a
34 family care home, or a state or local governmental official who receives
35 an application for a permit to operate a camp which is subject to the
36 provisions of article thirteen-B of the public health law or the office
37 of children and family services which has received an application for a
38 certificate to receive, board or keep any child at a foster family home
39 pursuant to articles nineteen-G and nineteen-H of the executive law or
40 any other facility or provider agency, as defined in subdivision four of
41 section four hundred eighty-eight of this chapter, in regard to any
42 licensing or certification function carried out by such facility or
43 agency.

44 S 15. Subdivision 1 of section 1707 of the surrogate's court procedure
45 act, as amended by section 11 of part F of chapter 58 of the laws of
46 2010, is amended to read as follows:

47 1. If the court be satisfied that the interests of the infant will be
48 promoted by the appointment of a guardian or by the issuance of tempo-
49 rary letters of guardianship of his or her person or of his or her prop-
50 erty, or of both, it must make a decree accordingly. If the court deter-
51 mines that appointment of a permanent guardian is in the best interests
52 of the infant or child, the court shall issue a decree appointing such
53 guardian. The same person may be appointed guardian of both the person
54 and the property of the infant or the guardianship of the person and of
55 the property may be committed to different persons. The court may
56 appoint a person other than the parent of the infant or the person nomi-

1 nated by the petitioner. When the court is informed that the infant, a
2 person nominated to be a guardian of such infant, the petitioner, or any
3 individual eighteen years of age or over who resides in the home of the
4 proposed guardian is a subject of or another person named in an indi-
5 cated report, as such terms are defined in section four hundred twelve
6 of the social services law, filed with the statewide register of child
7 abuse and maltreatment pursuant to title six of article six of the
8 social services law or is or has been the subject of or the respondent
9 in or a party to a child protective proceeding commenced under article
10 ten of the family court act which resulted in an order finding that the
11 child is an abused or neglected child the court shall obtain such
12 records regarding such report or proceeding as it deems appropriate and
13 shall give the information contained therein due consideration in its
14 determination. The court shall provide in its order appointing a guardi-
15 an of a child for whom the guardian and a local department of social
16 services have entered into an agreement under title ten of article six
17 of the social services law: (a) IF THE GUARDIAN WOULD MEET THE DEFI-
18 NITION OF RELATIVE GUARDIAN AS SUCH TERM IS DEFINED IN SECTION FOUR
19 HUNDRED FIFTY-EIGHT-A OF THE SOCIAL SERVICES LAW, the compelling reasons
20 that exist for determining that the return home of the child and the
21 adoption of the child are not in the best interests of the child and
22 are, therefore, not appropriate permanency options for the child; and
23 (b) that the local department of social services and the attorney for
24 the child must receive notice of, and be made parties to, any subsequent
25 proceeding to vacate or modify the order of guardianship.

26 S 16. Paragraph (c) of subdivision 7 of section 353.3 of the family
27 court act, as amended by section 6 of part G of chapter 58 of the laws
28 of 2010, is amended to read as follows:

29 (c) Where the respondent is placed pursuant to subdivision two or
30 three of this section, such report shall contain a plan for the release,
31 or conditional release (pursuant to section five hundred ten-a of the
32 executive law), of the respondent to the custody of his or her parent or
33 other person legally responsible, [to independent living] or to another
34 permanency alternative as provided in paragraph (d) of subdivision seven
35 of section 355.5 of this part. If the respondent is subject to article
36 sixty-five of the education law or elects to participate in an educa-
37 tional program leading to a high school diploma, such plan shall
38 include, but not be limited to, the steps that the agency with which the
39 respondent is placed has taken and will be taking to facilitate the
40 enrollment of the respondent in a school or educational program leading
41 to a high school diploma following release, or, if such release occurs
42 during the summer recess, upon the commencement of the next school term.
43 If the respondent is not subject to article sixty-five of the education
44 law and does not elect to participate in an educational program leading
45 to a high school diploma, such plan shall include, but not be limited
46 to, the steps that the agency with which the respondent is placed has
47 taken and will be taking to assist the respondent to become gainfully
48 employed or enrolled in a vocational program following release.

49 S 17. Paragraph (b) of subdivision 7 of section 355.5 of the family
50 court act, as added by chapter 7 of the laws of 1999, is amended to read
51 as follows:

52 (b) in the case of a respondent who has attained the age of [sixteen]
53 FOURTEEN, the services needed, if any, to assist the respondent to make
54 the transition from foster care to independent living;

1 S 18. Paragraph (d) of subdivision 7 of section 355.5 of the family
2 court act, as amended by chapter 181 of the laws of 2000, is amended to
3 read as follows:

4 (d) with regard to the completion of placement ordered by the court
5 pursuant to section 353.3 or 355.3 of this [article] PART: whether and
6 when the respondent: (i) will be returned to the parent; (ii) should be
7 placed for adoption with the local commissioner of social services
8 filing a petition for termination of parental rights; (iii) should be
9 referred for legal guardianship; (iv) should be placed permanently with
10 a fit and willing relative; or (v) should be placed in another planned
11 permanent living arrangement WITH A SIGNIFICANT CONNECTION TO AN ADULT
12 WILLING TO BE A PERMANENCY RESOURCE FOR THE RESPONDENT if THE RESPONDENT
13 IS AGE SIXTEEN OR OLDER AND (A) the office of children and family
14 services or the local commissioner of social services has documented to
15 the court [a]: (1) THE INTENSIVE, ONGOING, AND, AS OF THE DATE OF THE
16 HEARING, UNSUCCESSFUL EFFORTS MADE TO RETURN THE RESPONDENT HOME OR
17 SECURE A PLACEMENT FOR THE RESPONDENT WITH A FIT AND WILLING RELATIVE
18 INCLUDING ADULT SIBLINGS, A LEGAL GUARDIAN, OR AN ADOPTIVE PARENT,
19 INCLUDING THROUGH EFFORTS THAT UTILIZE SEARCH TECHNOLOGY INCLUDING
20 SOCIAL MEDIA TO FIND BIOLOGICAL FAMILY MEMBERS FOR CHILDREN, (2) THE
21 STEPS BEING TAKEN TO ENSURE THAT (I) THE RESPONDENT'S FOSTER FAMILY HOME
22 OR CHILD CARE FACILITY IS FOLLOWING THE REASONABLE AND PRUDENT PARENT
23 STANDARD IN ACCORDANCE WITH GUIDANCE PROVIDED BY THE UNITED STATES
24 DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND (II) THE RESPONDENT HAS
25 REGULAR, ONGOING OPPORTUNITIES TO ENGAGE IN AGE OR DEVELOPMENTALLY
26 APPROPRIATE ACTIVITIES INCLUDING BY CONSULTING WITH THE RESPONDENT IN AN
27 AGE-APPROPRIATE MANNER ABOUT THE OPPORTUNITIES OF THE RESPONDENT TO
28 PARTICIPATE IN ACTIVITIES; AND (B) THE OFFICE OF CHILDREN AND FAMILY
29 SERVICES OR THE LOCAL COMMISSIONER OF SOCIAL SERVICES HAS DOCUMENTED TO
30 THE COURT AND THE COURT HAS DETERMINED THAT THERE ARE compelling
31 [reason] REASONS for determining that it [would] CONTINUES TO not be in
32 the best interest of the respondent to return home, be referred for
33 termination of parental rights and placed for adoption, placed with a
34 fit and willing relative, or placed with a legal guardian; and (C) THE
35 COURT HAS MADE A DETERMINATION EXPLAINING WHY, AS OF THE DATE OF THIS
36 HEARING, ANOTHER PLANNED LIVING ARRANGEMENT WITH A SIGNIFICANT
37 CONNECTION TO AN ADULT WILLING TO BE A PERMANENCY RESOURCE FOR THE
38 RESPONDENT IS THE BEST PERMANENCY PLAN FOR THE RESPONDENT; AND

39 S 19. Subdivision 8 of section 355.5 of the family court act, as added
40 by section 2 of part B of chapter 327 of the laws of 2007, is amended to
41 read as follows:

42 8. At the permanency hearing, the court shall consult with the
43 respondent in an age-appropriate manner regarding the permanency plan
44 for the respondent; PROVIDED, HOWEVER, THAT IF THE RESPONDENT IS AGE
45 SIXTEEN OR OLDER AND THE REQUESTED PERMANENCY PLAN FOR THE RESPONDENT IS
46 PLACEMENT IN ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT WITH A SIGNIF-
47 ICANT CONNECTION TO AN ADULT WILLING TO BE A PERMANENCY RESOURCE FOR THE
48 RESPONDENT, THE COURT MUST ASK THE RESPONDENT ABOUT THE DESIRED PERMAN-
49 ENCY OUTCOME FOR THE RESPONDENT.

50 S 20. Subparagraph (ii) of paragraph (a) of subdivision 2 of section
51 754 of the family court act, as amended by chapter 7 of the laws of
52 1999, is amended to read as follows:

53 (ii) in the case of a child who has attained the age of [sixteen]
54 FOURTEEN, the services needed, if any, to assist the child to make the
55 transition from foster care to independent living. Nothing in this
56 subdivision shall be construed to modify the standards for directing

1 detention set forth in section seven hundred thirty-nine of this arti-
2 cle.

3 S 21. The closing paragraph of paragraph (b) of subdivision 2 of
4 section 754 of the family court act, as added by chapter 7 of the laws
5 of 1999, is amended to read as follows:

6 If the court determines that reasonable efforts are not required
7 because of one of the grounds set forth above, a permanency hearing
8 shall be held within thirty days of the finding of the court that such
9 efforts are not required. At the permanency hearing, the court shall
10 determine the appropriateness of the permanency plan prepared by the
11 social services official which shall include whether and when the child:
12 (A) will be returned to the parent; (B) should be placed for adoption
13 with the social services official filing a petition for termination of
14 parental rights; (C) should be referred for legal guardianship; (D)
15 should be placed permanently with a fit and willing relative; or (E)
16 should be placed in another planned permanent living arrangement WITH A
17 SIGNIFICANT CONNECTION TO AN ADULT WILLING TO BE A PERMANENCY RESOURCE
18 FOR THE CHILD IF THE CHILD IS AGE SIXTEEN OR OLDER AND if the [social
19 services official has documented to the court a compelling reason for
20 determining that it would not be in the best interest of the child to
21 return home, be referred for termination of parental rights and placed
22 for adoption, placed with a fit and willing relative, or placed with a
23 legal guardian] REQUIREMENTS OF SUBPARAGRAPH (E) OF PARAGRAPH (IV) OF
24 SUBDIVISION (D) OF SECTION SEVEN HUNDRED FIFTY-SIX-A OF THIS PART HAVE
25 BEEN MET. The social services official shall thereafter make reasonable
26 efforts to place the child in a timely manner and to complete whatever
27 steps are necessary to finalize the permanent placement of the child as
28 set forth in the permanency plan approved by the court. If reasonable
29 efforts are determined by the court not to be required because of one of
30 the grounds set forth in this paragraph, the social services official
31 may file a petition for termination of parental rights in accordance
32 with section three hundred eighty-four-b of the social services law.

33 S 22. Paragraph (ii) of subdivision (d) of section 756-a of the family
34 court act, as amended by section 4 of part B of chapter 327 of the laws
35 of 2007, is amended to read as follows:

36 (ii) in the case of a child who has attained the age of [sixteen]
37 FOURTEEN, the services needed, if any, to assist the child to make the
38 transition from foster care to independent living;

39 S 23. Paragraphs (iii) and (iv) of subdivision (d) of section 756-a of
40 the family court act, as amended by section 4 of part B of chapter 327
41 of the laws of 2007, are amended to read as follows:

42 (iii) in the case of a child placed outside New York state, whether
43 the out-of-state placement continues to be appropriate and in the best
44 interests of the child; [and]

45 (iv) whether and when the child: (A) will be returned to the parent;
46 (B) should be placed for adoption with the social services official
47 filing a petition for termination of parental rights; (C) should be
48 referred for legal guardianship; (D) should be placed permanently with a
49 fit and willing relative; or (E) should be placed in another planned
50 permanent living arrangement WITH A SIGNIFICANT CONNECTION TO AN ADULT
51 WILLING TO BE A PERMANENCY RESOURCE FOR THE CHILD if THE CHILD IS AGE
52 SIXTEEN OR OLDER AND (1) the social services official has documented to
53 the court [a]: (I) INTENSIVE, ONGOING, AND, AS OF THE DATE OF THE HEAR-
54 ING, UNSUCCESSFUL EFFORTS MADE BY THE SOCIAL SERVICES DISTRICT TO RETURN
55 THE CHILD HOME OR SECURE A PLACEMENT FOR THE CHILD WITH A FIT AND WILL-
56 ING RELATIVE INCLUDING ADULT SIBLINGS, A LEGAL GUARDIAN, OR AN ADOPTIVE

1 PARENT, INCLUDING THROUGH EFFORTS THAT UTILIZE SEARCH TECHNOLOGY INCLUD-
2 ING SOCIAL MEDIA TO FIND BIOLOGICAL FAMILY MEMBERS FOR CHILDREN, (II)
3 THE STEPS THE SOCIAL SERVICES DISTRICT IS TAKING TO ENSURE THAT (A) THE
4 CHILD'S FOSTER FAMILY HOME OR CHILD CARE FACILITY IS FOLLOWING THE
5 REASONABLE AND PRUDENT PARENT STANDARD IN ACCORDANCE WITH GUIDANCE
6 PROVIDED BY THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES,
7 AND (B) THE CHILD HAS REGULAR, ONGOING OPPORTUNITIES TO ENGAGE IN AGE OR
8 DEVELOPMENTALLY APPROPRIATE ACTIVITIES INCLUDING BY CONSULTING WITH THE
9 CHILD IN AN AGE-APPROPRIATE MANNER ABOUT THE OPPORTUNITIES OF THE CHILD
10 TO PARTICIPATE IN ACTIVITIES; AND (2) THE SOCIAL SERVICES DISTRICT HAS
11 DOCUMENTED TO THE COURT AND THE COURT HAS DETERMINED THAT THERE ARE
12 compelling [reason] REASONS for determining that it [would] CONTINUES TO
13 not be in the best interest of the child to return home, be referred for
14 termination of parental rights and placed for adoption, placed with a
15 fit and willing relative, or placed with a legal guardian; and (3) THE
16 COURT HAS MADE A DETERMINATION EXPLAINING WHY, AS OF THE DATE OF THE
17 HEARING, ANOTHER PLANNED LIVING ARRANGEMENT WITH A SIGNIFICANT
18 CONNECTION TO AN ADULT WILLING TO BE A PERMANENCY RESOURCE FOR THE CHILD
19 IS THE BEST PERMANENCY PLAN FOR THE CHILD; AND

20 (V) where the child will not be returned home, consideration of appro-
21 priate in-state and out-of-state placements.

22 S 24. Subdivision (d-1) of section 756-a of the family court act, as
23 added by section 4 of part B of chapter 327 of the laws of 2007, is
24 amended to read as follows:

25 (d-1) At the permanency hearing, the court shall consult with the
26 respondent in an age-appropriate manner regarding the permanency plan;
27 PROVIDED, HOWEVER, THAT IF THE RESPONDENT IS AGE SIXTEEN OR OLDER AND
28 THE REQUESTED PERMANENCY PLAN FOR THE RESPONDENT IS PLACEMENT IN ANOTHER
29 PLANNED PERMANENT LIVING ARRANGEMENT WITH A SIGNIFICANT CONNECTION TO AN
30 ADULT WILLING TO BE A PERMANENCY RESOURCE FOR THE RESPONDENT, THE COURT
31 MUST ASK THE RESPONDENT ABOUT THE DESIRED PERMANENCY OUTCOME FOR THE
32 RESPONDENT.

33 S 25. Paragraph (v) of subdivision (c) of section 1039-b of the family
34 court act, as amended by section 5 of part B of chapter 327 of the laws
35 of 2007, is amended to read as follows:

36 (v) should be placed in another planned permanent living arrangement
37 WITH A SIGNIFICANT CONNECTION TO AN ADULT WILLING TO BE A PERMANENCY
38 RESOURCE FOR THE CHILD IF THE CHILD IS AGE SIXTEEN OR OLDER AND if the
39 [social services official has documented to the court a compelling
40 reason for determining that it would not be in the best interests of the
41 child to return home, be referred for termination of parental rights and
42 placed for adoption, placed with a fit and willing relative, or placed
43 with a legal guardian] REQUIREMENTS OF CLAUSE (E) OF SUBPARAGRAPH (I) OF
44 PARAGRAPH TWO OF SUBDIVISION (D) OF SECTION ONE THOUSAND EIGHTY-NINE OF
45 THIS CHAPTER HAVE BEEN MET. The social services official shall there-
46 after make reasonable efforts to place the child in a timely manner,
47 including consideration of appropriate in-state and out-of-state place-
48 ments, and to complete whatever steps are necessary to finalize the
49 permanent placement of the child as set forth in the permanency plan
50 approved by the court. If reasonable efforts are determined by the court
51 not to be required because of one of the grounds set forth in this para-
52 graph, the social services official may file a petition for termination
53 of parental rights in accordance with section three hundred
54 eighty-four-b of the social services law.

55 S 26. Item (v) of clause 7 of subparagraph (A) of paragraph (i) of
56 subdivision (b) of section 1052 of the family court act, as amended by

1 section 7 of part B of chapter 327 of the laws of 2007, is amended to
2 read as follows:

3 (v) should be placed in another planned permanent living arrangement
4 that includes a significant connection to an adult [who is] willing to
5 be a permanency resource for the child, IF THE CHILD IS AGE SIXTEEN OR
6 OLDER AND if the [social services official has documented to the court a
7 compelling reason for determining that it would not be in the best
8 interest of the child to return home, be referred for termination of
9 parental rights and placed for adoption, placed with a fit and willing
10 relative, or placed with a legal guardian] REQUIREMENTS OF CLAUSE (E) OF
11 SUBPARAGRAPH (I) OF PARAGRAPH TWO OF SUBDIVISION (D) OF SECTION ONE
12 THOUSAND EIGHTY-NINE OF THE CHAPTER HAVE BEEN MET. The social services
13 official shall thereafter make reasonable efforts to place the child in
14 a timely manner, including consideration of appropriate in-state and
15 out-of-state placements, and to complete whatever steps are necessary to
16 finalize the permanent placement of the child as set forth in the
17 permanency plan approved by the court. If reasonable efforts are deter-
18 mined by the court not to be required because of one of the grounds set
19 forth in this paragraph, the social services official may file a peti-
20 tion for termination of parental rights in accordance with section three
21 hundred eighty-four-b of the social services law.

22 S 27. Subparagraph (v) of paragraph 1 of subdivision (c) of section
23 1089 of the family court act, as added by section 27 of part A of chap-
24 ter 3 of the laws of 2005, is amended to read as follows:

25 (v) placement in another planned permanent living arrangement that
26 includes a significant connection to an adult who is willing to be a
27 permanency resource for the child IF THE CHILD IS AGE SIXTEEN OR OLDER,
28 including documentation of: (A) INTENSIVE, ONGOING, AND, AS OF THE DATE
29 OF THE HEARING, UNSUCCESSFUL EFFORTS TO RETURN THE CHILD HOME OR SECURE
30 A PLACEMENT FOR THE CHILD WITH A FIT AND WILLING RELATIVE INCLUDING
31 ADULT SIBLINGS, A LEGAL GUARDIAN, OR AN ADOPTIVE PARENT, INCLUDING
32 THROUGH EFFORTS THAT UTILIZE SEARCH TECHNOLOGY INCLUDING SOCIAL MEDIA TO
33 FIND BIOLOGICAL FAMILY MEMBERS FOR CHILDREN, (B) THE STEPS BEING TAKEN
34 TO ENSURE THAT (I) THE CHILD'S FOSTER FAMILY HOME OR CHILD CARE FACILITY
35 IS FOLLOWING THE REASONABLE AND PRUDENT PARENT STANDARD IN ACCORDANCE
36 WITH THE GUIDANCE PROVIDED BY THE UNITED STATES DEPARTMENT OF HEALTH AND
37 HUMAN SERVICES, AND (II) THE CHILD HAS REGULAR, ONGOING OPPORTUNITIES TO
38 ENGAGE IN AGE OR DEVELOPMENTALLY APPROPRIATE ACTIVITIES INCLUDING BY
39 CONSULTING WITH THE CHILD IN AN AGE-APPROPRIATE MANNER ABOUT THE OPPOR-
40 TUNITIES OF THE CHILD TO PARTICIPATE IN ACTIVITIES, AND (C) the compel-
41 ling [reason] REASONS for determining that it [would] CONTINUES TO not
42 be in the best interests of the child to be returned home, placed for
43 adoption, placed with a legal guardian, or placed with a fit and willing
44 relative;

45 S 28. The opening paragraph of subdivision (d) of section 1089 of the
46 family court act, as amended by chapter 334 of the laws of 2009, is
47 amended to read as follows:

48 Evidence, court findings and order. The provisions of subdivisions (a)
49 and (c) of section one thousand forty-six of this act shall apply to all
50 proceedings under this article. THE PERMANENCY HEARING SHALL INCLUDE AN
51 AGE APPROPRIATE CONSULTATION WITH THE CHILD; PROVIDED, HOWEVER THAT IF
52 THE CHILD IS AGE SIXTEEN OR OLDER AND THE REQUESTED PERMANENCY PLAN FOR
53 THE CHILD IS PLACEMENT IN ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT
54 WITH A SIGNIFICANT CONNECTION TO AN ADULT WILLING TO BE A PERMANENCY
55 RESOURCE FOR THE CHILD, THE COURT MUST ASK THE CHILD ABOUT THE DESIRED
56 PERMANENCY OUTCOME FOR THE CHILD. At the conclusion of each permanency

1 hearing, the court shall, upon the proof adduced, [which shall include
2 age-appropriate consultation with the child who is the subject of the
3 permanency hearing,] and in accordance with the best interests and safe-
4 ty of the child, including whether the child would be at risk of abuse
5 or neglect if returned to the parent or other person legally responsi-
6 ble, determine and issue its findings, and enter an order of disposition
7 in writing:

8 S 29. Clause (E) of subparagraph (i) of paragraph 2 of subdivision (d)
9 of section 1089 of the family court act, as added by section 27 of part
10 A of chapter 3 of the laws of 2005, is amended to read as follows:

11 (E) placement in another planned permanent living arrangement that
12 includes a significant connection to an adult willing to be a permanency
13 resource for the child if the [local social services official has docu-
14 mented to] CHILD IS AGE SIXTEEN OR OLDER AND the court [a] HAS DETER-
15 MINED THAT AS OF THE DATE OF THE PERMANENCY HEARING, ANOTHER PLANNED
16 PERMANENCY LIVING ARRANGEMENT WITH A SIGNIFICANT CONNECTION TO AN ADULT
17 WILLING TO BE A PERMANENCY RESOURCE FOR THE CHILD IS THE BEST PERMANENCY
18 PLAN FOR THE CHILD AND THERE ARE compelling [reason] REASONS for deter-
19 mining that it [would] CONTINUES TO not be in the best interests of the
20 child to return home, be referred for termination of parental rights and
21 placed for adoption, placed with a fit and willing relative, or placed
22 with a legal guardian;

23 S 30. Subdivision 2 of section 4173 of the public health law, as
24 amended by chapter 644 of the laws of 1988, is amended to read as
25 follows:

26 2. A certified copy or certified transcript of a birth record shall be
27 issued only upon order of a court of competent jurisdiction or upon a
28 specific request therefor by the person, if eighteen years of age or
29 more, or by a parent or other lawful representative of the person to
30 whom the record of birth relates INCLUDING AN AUTHORIZED REPRESENTATIVE
31 OF THE OFFICE OF CHILDREN AND FAMILY SERVICES OR A LOCAL SOCIAL SERVICES
32 DISTRICT IF THE PERSON IS IN THE CARE AND CUSTODY OR CUSTODY AND GUARDI-
33 ANSHIP OF SUCH ENTITY.

34 S 31. Paragraph (b) of subdivision 1 of section 4174 of the public
35 health law, as amended by chapter 396 of the laws of 1989, is amended to
36 read as follows:

37 (b) issue certified copies or certified transcripts of birth certifi-
38 cates only (1) upon order of a court of competent jurisdiction, or (2)
39 upon specific request therefor by the person, if eighteen years of age
40 or more, or by a parent or other lawful representative of the person, to
41 whom the record of birth relates INCLUDING AUTHORIZED REPRESENTATIVES OF
42 A LOCAL SOCIAL SERVICES DISTRICT IF THE PERSON IS IN THE CARE AND CUSTO-
43 DY OR CUSTODY AND GUARDIANSHIP OF SUCH DISTRICT, or (3) upon specific
44 request therefor by a department of a state or the federal government of
45 the United States;

46 S 32. Subdivision 4 of section 4174 of the public health law, as
47 amended by section 132 of subpart B of part C of chapter 62 of the laws
48 of 2011, is amended to read as follows:

49 4. No fee shall be charged for a search, certification, certificate,
50 certified copy or certified transcript of a record to be used for school
51 entrance, employment certificate or for purposes of public relief or
52 when required by the veterans administration to be used in determining
53 the eligibility of any person to participate in the benefits made avail-
54 able by the veterans administration or when required by a board of
55 elections for the purposes of determining voter eligibility or when
56 requested by the department of corrections and community supervision or

1 a local correctional facility as defined in subdivision sixteen of
2 section two of the correction law for the purpose of providing a certi-
3 fied copy or certified transcript of birth to an inmate in anticipation
4 of such inmate's release from custody or when requested by the office of
5 children and family services or an authorized agency for the purpose of
6 providing a certified copy or certified transcript of birth to a youth
7 placed in the CARE AND custody OR CUSTODY AND GUARDIANSHIP of the local
8 commissioner of social services or the CARE AND custody OR CUSTODY AND
9 GUARDIANSHIP of the office of children and family services [pursuant to
10 article three of the family court act] in anticipation of such youth's
11 discharge from placement OR FOSTER CARE.

12 S 33. Subdivision 1 of section 837-e of the executive law, as amended
13 by chapter 690 of the laws of 1994, is amended to read as follows:

14 1. There is hereby established through electronic data processing and
15 related procedures, a statewide central register for missing children
16 which shall be compatible with the national crime information center
17 register maintained pursuant to the federal missing children act of
18 nineteen hundred eighty-two[, such missing]. AS USED IN THIS ARTICLE,
19 THE TERM MISSING child [hereinafter defined as] SHALL MEAN any person
20 under the age of eighteen years, OR ANY YOUTH, UNDER THE AGE OF TWENTY-
21 ONE YEARS, THAT THE OFFICE OF CHILDREN AND FAMILY SERVICES OR A LOCAL
22 DEPARTMENT OF SOCIAL SERVICES HAS RESPONSIBILITY FOR PLACEMENT, CARE, OR
23 SUPERVISION, OR WHO IS THE SUBJECT CHILD OF A CHILD PROTECTIVE INVESTI-
24 GATION, OR IS RECEIVING PREVENTIVE SERVICES OR SERVICES UNDER SECTION
25 477 OF THE SOCIAL SECURITY ACT, OR HAS RUN AWAY FROM FOSTER CARE, WHERE
26 SUCH OFFICE OR DEPARTMENT HAS REASONABLE CAUSE TO BELIEVE THAT SUCH
27 YOUTH IS, OR IS AT RISK OF BEING, A SEX TRAFFICKING VICTIM, WHO IS miss-
28 ing from his or her normal and ordinary place of residence and whose
29 whereabouts cannot be determined by a person responsible for the child's
30 care and any child known to have been taken, enticed or concealed from
31 the custody of his or her lawful guardian by a person who has no legal
32 right to do so.

33 S 34. Severability. If any clause, sentence, paragraph, subdivision,
34 section or part contained in any part of this act shall be adjudged by
35 any court of competent jurisdiction to be invalid, such judgment shall
36 not affect, impair, or invalidate the remainder thereof, but shall be
37 confined in its operation to the clause, sentence, paragraph, subdivi-
38 sion, section or part contained in any part thereof directly involved in
39 the controversy in which such judgment shall have been rendered. It is
40 hereby declared to be the intent of the legislature that this act would
41 have been enacted even if such invalid provisions had not been included
42 herein.

43 S 35. This act shall take effect immediately, provided however that
44 sections sixteen through thirty-two of this act shall take effect
45 September 1, 2015 and section thirty-three of this act shall take effect
46 January 1, 2016.

47

PART M

48 Section 1. Notwithstanding any other provision of law, the housing
49 trust fund corporation may provide, for purposes of the rural rental
50 assistance program, a sum not to exceed twenty-one million six hundred
51 forty-two thousand dollars for the fiscal year ending March 31, 2016.
52 Notwithstanding any other provision of law, and subject to the approval
53 of the New York state director of the budget, the board of directors of
54 the state of New York mortgage agency shall authorize the transfer to

1 the housing trust fund corporation, for the purposes of reimbursing any
2 costs associated with rural rental assistance program contracts author-
3 ized by this section, a total sum not to exceed twenty-one million six
4 hundred forty-two thousand dollars, such transfer to be made from (i)
5 the special account of the mortgage insurance fund created pursuant to
6 section 2429-b of the public authorities law, in an amount not to exceed
7 the actual excess balance in the special account of the mortgage insur-
8 ance fund, as determined and certified by the state of New York mortgage
9 agency for the fiscal year 2014-2015 in accordance with section 2429-b
10 of the public authorities law, if any, and/or (ii) provided that the
11 reserves in the project pool insurance account of the mortgage insurance
12 fund created pursuant to section 2429-b of the public authorities law
13 are sufficient to attain and maintain the credit rating (as determined
14 by the state of New York mortgage agency) required to accomplish the
15 purposes of such account, the project pool insurance account of the
16 mortgage insurance fund, such transfer to be made as soon as practicable
17 but no later than June 30, 2015. Notwithstanding any other provision of
18 law, such funds may be used by the corporation in support of contracts
19 scheduled to expire in the fiscal year ending March 31, 2016 for as many
20 as 10 additional years; in support of contracts for new eligible
21 projects for a period not to exceed 5 years; and in support of contracts
22 which reach their 25 year maximum in and/or prior to the fiscal year
23 ending March 31, 2016 for an additional one year period.

24 S 2. Notwithstanding any other provision of law, the housing finance
25 agency may provide, for costs associated with the rehabilitation of
26 Mitchell Lama housing projects, a sum not to exceed forty-two million
27 dollars for the fiscal year ending March 31, 2016. Notwithstanding any
28 other provision of law, and provided that the reserves in the project
29 pool insurance account of the mortgage insurance fund created pursuant
30 to section 2429-b of the public authorities law are sufficient to attain
31 and maintain the credit rating (as determined by the state of New York
32 mortgage agency) required to accomplish the purposes of such account,
33 the board of directors of the state of New York mortgage agency shall
34 authorize the transfer from the project pool insurance account of the
35 mortgage insurance fund to the housing finance agency, for the purposes
36 of reimbursing any costs associated with Mitchell Lama housing projects
37 authorized by this section, a total sum not to exceed forty-two million
38 dollars as soon as practicable but no later than March 31, 2016.

39 S 3. Notwithstanding any other provision of law, the housing trust
40 fund corporation may provide, for purposes of the neighborhood preserva-
41 tion program, a sum not to exceed eight million four hundred seventy-
42 nine thousand dollars for the fiscal year ending March 31, 2016. Within
43 this total amount, one hundred fifty thousand dollars shall be used for
44 the purpose of entering into a contract with the neighborhood preserva-
45 tion coalition to provide technical assistance and services to companies
46 funded pursuant to article XVI of the private housing finance law.
47 Notwithstanding any other provision of law, and subject to the approval
48 of the New York state director of the budget, the board of directors of
49 the state of New York mortgage agency shall authorize the transfer to
50 the housing trust fund corporation, for the purposes of reimbursing any
51 costs associated with neighborhood preservation program contracts
52 authorized by this section, a total sum not to exceed eight million four
53 hundred seventy-nine thousand dollars, such transfer to be made from (i)
54 the special account of the mortgage insurance fund created pursuant to
55 section 2429-b of the public authorities law, in an amount not to exceed
56 the actual excess balance in the special account of the mortgage insur-

1 ance fund, as determined and certified by the state of New York mortgage
2 agency for the fiscal year 2014-2015 in accordance with section 2429-b
3 of the public authorities law, if any, and/or (ii) provided that the
4 reserves in the project pool insurance account of the mortgage insurance
5 fund created pursuant to section 2429-b of the public authorities law
6 are sufficient to attain and maintain the credit rating (as determined
7 by the state of New York mortgage agency) required to accomplish the
8 purposes of such account, the project pool insurance account of the
9 mortgage insurance fund, such transfer to be made as soon as practicable
10 but no later than June 30, 2015.

11 S 4. Notwithstanding any other provision of law, the housing trust
12 fund corporation may provide, for purposes of the rural preservation
13 program, a sum not to exceed three million five hundred thirty-nine
14 thousand dollars for the fiscal year ending March 31, 2016. Within this
15 total amount, one hundred fifty thousand dollars shall be used for the
16 purpose of entering into a contract with the rural housing coalition to
17 provide technical assistance and services to companies funded pursuant
18 to article XVII of the private housing finance law. Notwithstanding any
19 other provision of law, and subject to the approval of the New York
20 state director of the budget, the board of directors of the state of New
21 York mortgage agency shall authorize the transfer to the housing trust
22 fund corporation, for the purposes of reimbursing any costs associated
23 with rural preservation program contracts authorized by this section, a
24 total sum not to exceed three million five hundred thirty-nine thousand
25 dollars, such transfer to be made from (i) the special account of the
26 mortgage insurance fund created pursuant to section 2429-b of the public
27 authorities law, in an amount not to exceed the actual excess balance in
28 the special account of the mortgage insurance fund, as determined and
29 certified by the state of New York mortgage agency for the fiscal year
30 2014-2015 in accordance with section 2429-b of the public authorities
31 law, if any, and/or (ii) provided that the reserves in the project pool
32 insurance account of the mortgage insurance fund created pursuant to
33 section 2429-b of the public authorities law are sufficient to attain
34 and maintain the credit rating (as determined by the state of New York
35 mortgage agency) required to accomplish the purposes of such account,
36 the project pool insurance account of the mortgage insurance fund, such
37 transfer to be made as soon as practicable but no later than June 30,
38 2015.

39 S 5. Notwithstanding any other provision of law, the housing trust
40 fund corporation may provide, for purposes of the rural and urban commu-
41 nity investment fund program created pursuant to article XXVII of the
42 private housing finance law, a sum not to exceed seventeen million
43 dollars for the fiscal year ending March 31, 2016. Notwithstanding any
44 other provision of law, and provided that the reserves in the project
45 pool insurance account of the mortgage insurance fund created pursuant
46 to section 2429-b of the public authorities law are sufficient to attain
47 and maintain the credit rating (as determined by the state of New York
48 mortgage agency) required to accomplish the purposes of such account,
49 the board of directors of the state of New York mortgage agency shall
50 authorize the transfer from the project pool insurance account of the
51 mortgage insurance fund to the housing trust fund corporation, for the
52 purposes of reimbursing any costs associated with rural and urban commu-
53 nity investment fund program contracts authorized by this section, a
54 total sum not to exceed seventeen million dollars as soon as practicable
55 but not later than March 31, 2016.

1 S 6. Notwithstanding any other provision of law, the housing trust
2 fund corporation may provide, for the purposes of carrying out the
3 provisions of the low income housing trust fund program created pursuant
4 to article XVIII of the private housing finance law, a sum not to exceed
5 seven million five hundred thousand dollars for the fiscal year ending
6 March 31, 2016. Notwithstanding any other provision of law, and provided
7 that reserves in the project pool insurance account of the mortgage
8 insurance fund created pursuant to section 2429-b of the public authori-
9 ties law are sufficient to attain and maintain the credit rating (as
10 determined by the state of New York mortgage agency) required to accom-
11 plish the purposes of such account, the board of directors of the state
12 of New York mortgage agency shall authorize the transfer from the
13 project pool insurance account of the mortgage insurance fund to the
14 housing trust fund corporation, for the purposes of carrying out the
15 provisions of the low income housing trust fund program created pursuant
16 to article XVIII of the private housing finance law authorized by this
17 section, a total sum not to exceed seven million five hundred thousand
18 dollars as soon as practicable but no later than March 31, 2016.

19 S 7. Notwithstanding any other provision of law, the housing trust
20 fund corporation may provide, for purposes of the homes for working
21 families program for deposit in the housing trust fund created pursuant
22 to section 59-a of the private housing finance law and subject to the
23 provisions of article XVIII of the private housing finance law, a sum
24 not to exceed eight million five hundred thousand dollars for the fiscal
25 year ending March 31, 2016. Notwithstanding any other provision of law,
26 and provided that the reserves in the project pool insurance account of
27 the mortgage insurance fund created pursuant to section 2429-b of the
28 public authorities law are sufficient to attain and maintain the credit
29 rating (as determined by the state of New York mortgage agency) required
30 to accomplish the purposes of such account, the board of directors of
31 the state of New York mortgage agency shall authorize the transfer from
32 the project pool insurance account of the mortgage insurance fund to the
33 housing trust fund corporation, for the purposes of reimbursing any
34 costs associated with homes for working families program contracts
35 authorized by this section, a total sum not to exceed eight million five
36 hundred thousand dollars as soon as practicable but no later than March
37 31, 2016.

38 S 8. Notwithstanding any other provision of law, the homeless housing
39 and assistance corporation may provide, for purposes of the New York
40 state supportive housing program, the solutions to end homelessness
41 program or the operational support for AIDS housing program, or to qual-
42 ified grantees under those programs, in accordance with the requirements
43 of those programs, a sum not to exceed sixteen million three hundred
44 forty thousand dollars for the fiscal year ending March 31, 2016. The
45 homeless housing and assistance corporation may enter into an agreement
46 with the office of temporary and disability assistance to administer
47 such sum in accordance with the requirements of the programs. Notwith-
48 standing any other provision of law, and subject to the approval of the
49 director of the budget, the board of directors of the state of New York
50 mortgage agency shall authorize the transfer to the homeless housing and
51 assistance corporation, a total sum not to exceed sixteen million three
52 hundred forty thousand dollars, such transfer to be made from (i) the
53 special account of the mortgage insurance fund created pursuant to
54 section 2429-b of the public authorities law, in an amount not to exceed
55 the actual excess balance in the special account of the mortgage insur-
56 ance fund, as determined and certified by the state of New York mortgage

1 agency for the fiscal year 2014-2015 in accordance with section 2429-b
2 of the public authorities law, if any, and/or (ii) provided that the
3 reserves in the project pool insurance account of the mortgage insurance
4 fund created pursuant to section 2429-b of the public authorities law
5 are sufficient to attain and maintain the credit rating (as determined
6 by the state of New York mortgage agency) required to accomplish the
7 purposes of such account, the project pool insurance account of the
8 mortgage insurance fund, such transfer to be made as soon as practicable
9 but no later than March 31, 2016.

10 S 9. This act shall take effect immediately.

11 PART N

12 Intentionally Omitted

13 PART O

14 Section 1. The labor law is amended by adding a new section 202-m to
15 read as follows:

16 S 202-M. HEALTHCARE PROFESSIONALS WHO VOLUNTEER TO FIGHT THE EBOLA
17 VIRUS DISEASE OVERSEAS. 1. FINDINGS AND POLICY OF THE STATE. IT IS HERE-
18 BY FOUND AND DECLARED THAT THE EBOLA VIRUS DISEASE IS A RARE AND POTEN-
19 Tially DEADLY DISEASE CAUSED BY INFECTION WITH ONE OF FOUR EBOLA VIRUS
20 STRAINS KNOWN TO CAUSE DISEASE IN HUMANS, THAT THE WORLD HEALTH ORGAN-
21 IZATION HAS DECLARED THAT THE CURRENT EBOLA VIRUS DISEASE OUTBREAK IN
22 WEST AFRICA CONSTITUTES A PUBLIC HEALTH EMERGENCY OF INTERNATIONAL
23 CONCERN, AND THAT THE CENTERS FOR DISEASE CONTROL AND PREVENTION OF THE
24 UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES HAS REPORTED THAT
25 THE NUMBER OF FUTURE EBOLA VIRUS DISEASE CASES WILL REACH EXTRAORDINARY
26 LEVELS WITHOUT A SCALE-UP OF INTERVENTIONS. IT IS HEREBY DECLARED TO BE
27 THE POLICY OF THE STATE TO WORK WITH ITS INTERNATIONAL PARTNERS TO HELP
28 ERADICATE THE EBOLA VIRUS DISEASE BY SUPPORTING THE DEDICATED NEW YORK
29 STATE HEALTHCARE PROFESSIONALS WHO SEEK TO PROVIDE INVALUABLE HELP TO
30 THIS EFFORT.

31 2. BILL OF RIGHTS. A HEALTHCARE PROFESSIONAL WHO VOLUNTEERS TO FIGHT
32 EBOLA IS PROTECTED BY EXISTING STATE LAWS THAT PROHIBIT DISCRIMINATION
33 ON THE BASIS OF AN ACTUAL OR PERCEIVED DISABILITY. UPON RETURN FROM
34 FIGHTING EBOLA OVERSEAS, A HEALTHCARE PROFESSIONAL WILL BE PROVIDED WITH
35 A BILL OF RIGHTS OUTLINING THESE EXISTING ANTI-DISCRIMINATION LAWS. IN
36 ADDITION TO THESE EXISTING ANTI-DISCRIMINATION LAWS, AND IN ACCORDANCE
37 WITH THE PROVISIONS OF THIS SECTION, HEALTHCARE PROFESSIONALS SHALL HAVE
38 THE RIGHT TO SEEK A LEAVE OF ABSENCE TO VOLUNTEER TO FIGHT EBOLA OVER-
39 SEAS WITHOUT ADVERSE EMPLOYMENT CONSEQUENCES.

40 3. DEFINITIONS. FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS
41 SHALL HAVE THE FOLLOWING MEANINGS:

42 (A) "EMPLOYEE" MEANS ANY INDIVIDUAL HEALTHCARE PROFESSIONAL WHO
43 PERFORMS SERVICES FOR HIRE FOR AN EMPLOYER BUT SHALL NOT INCLUDE AN
44 INDEPENDENT CONTRACTOR.

45 (B) "EMPLOYER" MEANS A PERSON OR ENTITY THAT EMPLOYS A HEALTHCARE
46 PROFESSIONAL AND INCLUDES AN INDIVIDUAL, CORPORATION, LIMITED LIABILITY
47 COMPANY, PARTNERSHIP, ASSOCIATION, NONPROFIT ORGANIZATION, GROUP OF
48 PERSONS, COUNTY, TOWN, CITY, SCHOOL DISTRICT, PUBLIC AUTHORITY, STATE
49 AGENCY, OR OTHER GOVERNMENTAL SUBDIVISION OF ANY KIND.

50 (C) "FIGHT EBOLA" MEANS TO SERVE AS A HEALTHCARE PROFESSIONAL IN A
51 COUNTRY THAT HAS BEEN CLASSIFIED AS HAVING WIDESPREAD TRANSMISSION OF

1 THE EBOLA VIRUS DISEASE BY THE CENTERS FOR DISEASE CONTROL AND
2 PREVENTION OF THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES.

3 (D) "HEALTHCARE PROFESSIONAL" MEANS:

4 (I) A PHYSICIAN LICENSED PURSUANT TO ARTICLE ONE HUNDRED THIRTY-ONE OF
5 THE EDUCATION LAW;

6 (II) A PHYSICIAN ASSISTANT LICENSED PURSUANT TO ARTICLE ONE HUNDRED
7 THIRTY-ONE-B OF THE EDUCATION LAW;

8 (III) A NURSE PRACTITIONER LICENSED PURSUANT TO ARTICLE ONE HUNDRED
9 THIRTY-NINE OF THE EDUCATION LAW;

10 (IV) A REGISTERED PROFESSIONAL NURSE LICENSED PURSUANT TO ARTICLE ONE
11 HUNDRED THIRTY-NINE OF THE EDUCATION LAW; AND

12 (V) OTHER HEALTHCARE PROFESSIONS AS ADDED BY THE COMMISSIONER PURSUANT
13 TO SUBDIVISION THIRTEEN OF THIS SECTION.

14 (E) "LEAVE OF ABSENCE" MEANS TIME AWAY FROM WORK THAT IS EXCUSED. SUCH
15 TIME SHALL BE UNPAID, UNLESS THE EMPLOYEE REQUESTS THAT SUCH TIME, OR A
16 PORTION THEREOF, BE PAID PURSUANT TO A CHARGE AGAINST PAID LEAVE THAT
17 HAS ACCRUED TO SUCH EMPLOYEE.

18 (F) "UNDUE HARDSHIP" MEANS AN ABSENCE REQUIRING SIGNIFICANT EXPENSE OR
19 DIFFICULTY, INCLUDING A SIGNIFICANT INTERFERENCE WITH THE SAFE OR EFFI-
20 CIENT OPERATION OF THE WORKPLACE OR A VIOLATION OF A BONA FIDE SENIORITY
21 SYSTEM. FACTORS TO BE CONSIDERED IN DETERMINING WHETHER AN ABSENCE
22 CONSTITUTES AN UNDUE ECONOMIC HARDSHIP SHALL INCLUDE, BUT NOT BE LIMITED
23 TO THE IDENTIFIABLE COST OF THE ABSENCE, INCLUDING THE COSTS OF LOSS OF
24 PRODUCTIVITY AND OF RETRAINING, HIRING OR TRANSFER OF EMPLOYEES, IN
25 RELATION TO THE SIZE AND OPERATING COSTS OF THE EMPLOYER AND OTHER KNOWN
26 OR REASONABLY FORESEEABLE ABSENCES, THE OVERALL FINANCIAL RESOURCES OF
27 THE EMPLOYER, THE NUMBER OF EMPLOYEES AT THE EMPLOYEE'S FACILITY, THE
28 EMPLOYEE'S ROLE WITHIN THE FACILITY, THE TYPE OF OPERATION OF THE
29 EMPLOYER, INCLUDING THE STRUCTURE AND FUNCTIONS OF THE EMPLOYEE WITHIN
30 IT, THE IMPACT ON THE OPERATION OF THE EMPLOYER, AND THE EMPLOYER'S
31 ABILITY TO HIRE TEMPORARY OR NEW EMPLOYEES WITH THE REQUISITE SKILLS TO
32 ENSURE THE EMPLOYER'S CONTINUED OPERATIONS.

33 (G) "VOLUNTEER" MEANS TO FREELY OFFER SERVICES TO FIGHT EBOLA AND
34 INCLUDES SUCH SERVICES WITHOUT REGARD TO WHETHER THEY ARE COMPENSATED.

35 4. LEAVE OF ABSENCE BY HEALTHCARE PROFESSIONALS WHO VOLUNTEER TO FIGHT
36 EBOLA. AN EMPLOYEE COVERED BY THIS SECTION HAS THE RIGHT TO REQUEST A
37 LEAVE OF ABSENCE TO VOLUNTEER TO FIGHT EBOLA FROM HIS OR HER EMPLOYER AS
38 HEREIN PROVIDED. AN EMPLOYER SHALL GRANT SUCH REQUEST FOR A LEAVE OF
39 ABSENCE TO VOLUNTEER TO FIGHT EBOLA, UNLESS THE EMPLOYEE'S ABSENCE
40 IMPOSES AN UNDUE HARDSHIP ON THE EMPLOYER'S BUSINESS OR OPERATIONS.

41 5. DURATION OF THE LEAVE OF ABSENCE. (A) THE DURATION OF THE LEAVE OF
42 ABSENCE SHALL BE THE FULL TIME PERIOD REQUESTED BY THE EMPLOYEE, WHICH
43 SHALL INCLUDE TRAVEL TIME, SERVICE VOLUNTEERING TO FIGHT EBOLA, AND A
44 REASONABLE PERIOD OF REST AND RECOVERY. IF THE EMPLOYER DETERMINES THAT
45 AN ABSENCE FOR THAT FULL PERIOD OF TIME WOULD CONSTITUTE AN UNDUE HARD-
46 SHIP, THE EMPLOYER AND EMPLOYEE SHALL WORK TOGETHER TO DETERMINE WHETHER
47 THERE IS A SHORTER PERIOD OF TIME THAT WOULD NOT CONSTITUTE AN UNDUE
48 HARDSHIP THAT WOULD STILL ALLOW THE EMPLOYEE TO VOLUNTEER TO FIGHT
49 EBOLA. IF THE EMPLOYER AND EMPLOYEE AGREE ON A SHORTER PERIOD, THAT
50 SHALL BE THE DURATION OF THE LEAVE OF ABSENCE UNDER THIS PARAGRAPH.
51 OTHERWISE, IF THEY ARE UNABLE TO AGREE ON A SHORTER PERIOD, THE LEAVE OF
52 ABSENCE SHALL BE DEEMED DENIED.

53 (B) THE DURATION OF LEAVE OF ABSENCE, AS DETERMINED PURSUANT TO PARA-
54 GRAPH (A) OF THIS SUBDIVISION SHALL BE EXTENDED TO INCLUDE ANY ADDI-
55 TIONAL PERIOD OF TIME THAT THE EMPLOYEE BECOMES SUBJECT TO A MANDATORY

1 QUARANTINE PERIOD IMPOSED AT THE END OF THE EMPLOYEE'S VOLUNTARY SERVICE
2 TO FIGHT EBOLA.

3 6. LEAVE OF ABSENCE REQUEST. AN EMPLOYEE'S REQUEST FOR A LEAVE OF
4 ABSENCE PURSUANT TO THIS SECTION SHALL BE MADE, IN WRITING, TO HIS OR
5 HER EMPLOYER AT LEAST TWENTY-ONE DAYS PRIOR TO THE EMPLOYEE'S PROPOSED
6 START DATE OF SUCH LEAVE OF ABSENCE. THE EMPLOYEE'S REQUEST SHALL, AT A
7 MINIMUM:

8 (A) IDENTIFY THE DURATION OF LEAVE SOUGHT, INCLUDING THE ANTICIPATED
9 START AND END DATES OF THE VOLUNTEER SERVICE, TOGETHER WITH ANY ADDI-
10 TIONAL TIME SOUGHT FOR TRANSPORTATION AND FOR REST PRIOR TO RETURNING TO
11 WORK;

12 (B) IDENTIFY THE SERVICE TO BE VOLUNTEERED, INCLUDING THE COUNTRY AND
13 THE ORGANIZATION WITH WHOM THE EMPLOYEE WILL BE VOLUNTEERING; AND

14 (C) CERTIFY THAT SUCH SERVICE CONSTITUTES VOLUNTEERING TO FIGHT EBOLA,
15 WITHIN THE MEANING OF THIS SECTION.

16 7. NOTARIZATION. UPON THE EMPLOYER'S REQUEST, AN EMPLOYEE WHO HAS BEEN
17 GRANTED A LEAVE OF ABSENCE IN ACCORDANCE WITH THIS SECTION SHALL PROVIDE
18 HIS OR HER EMPLOYER WITH A NOTARIZED STATEMENT FROM THE ORGANIZATION OR
19 ENTITY WITH WHOM THE EMPLOYEE WILL BE VOLUNTEERING. THE STATEMENT SHALL:

20 (A) IDENTIFY THE ANTICIPATED START AND END DATES OF THE VOLUNTEER
21 SERVICE AND THE TERMS OF SERVICE, INCLUDING ANY COMPENSATION AND BENE-
22 FITS TO BE PROVIDED;

23 (B) IDENTIFY THE SERVICE TO BE VOLUNTEERED, INCLUDING THE COUNTRY AND
24 THE ORGANIZATION WITH WHOM THE EMPLOYEE WILL BE VOLUNTEERING; AND

25 (C) CERTIFY THAT SUCH SERVICE CONSTITUTES VOLUNTEERING TO FIGHT EBOLA,
26 WITHIN THE MEANING OF THIS SECTION.

27 8. BENEFITS DURING LEAVE. EMPLOYEES WHO TAKE LEAVE UNDER THIS SECTION
28 SHALL BE RESTORED AT THE COMPLETION OF SUCH LEAVE TO THE SAME OR COMPA-
29 RABLE POSITION WITHOUT LOSS OF SENIORITY, SHALL BE ENTITLED TO PARTIC-
30 IPATE IN INSURANCE OR OTHER BENEFITS OFFERED BY THE EMPLOYER PURSUANT TO
31 ESTABLISHED RULES AND PRACTICES RELATING TO EMPLOYEES ON FURLOUGH OR
32 LEAVE OF ABSENCE IN EFFECT WITH THE EMPLOYER AT THE TIME SUCH EMPLOYEE
33 MADE REQUEST TO TAKE LEAVE OF ABSENCE AS PROVIDED IN THIS SECTION.

34 9. RETALIATION PROHIBITED. AN EMPLOYER SHALL NOT RETALIATE AGAINST AN
35 EMPLOYEE FOR REQUESTING OR OBTAINING A LEAVE OF ABSENCE AS PROVIDED BY
36 THIS SECTION.

37 10. RETENTION OF BENEFITS. THE PROVISIONS OF THIS SECTION SHALL NOT
38 AFFECT OR PREVENT AN EMPLOYER FROM PROVIDING LEAVE IN ADDITION TO LEAVE
39 ALLOWED UNDER ANY OTHER PROVISION OF LAW. THE PROVISIONS OF THIS SECTION
40 SHALL NOT AFFECT AN EMPLOYEE'S RIGHTS WITH RESPECT TO ANY OTHER EMPLOYEE
41 BENEFIT PROVIDED BY LAW, RULE OR REGULATION.

42 11. COLLECTIVE BARGAINING. NOTHING SET FORTH IN THIS SECTION SHALL BE
43 CONSTRUED TO IMPEDE, INFRINGE, OR DIMINISH THE RIGHTS AND BENEFITS THAT
44 ACCRUE TO EMPLOYEES THROUGH BONA FIDE COLLECTIVE BARGAINING AGREEMENTS,
45 OR OTHERWISE DIMINISH THE INTEGRITY OF AN EXISTING COLLECTIVE BARGAINING
46 AGREEMENT.

47 12. REVIEW OF DENIAL OF LEAVE. AN EMPLOYEE WHOSE REQUEST FOR LEAVE
48 UNDER THIS SECTION HAS BEEN DENIED MAY PETITION THE COMMISSIONER FOR
49 REVIEW OF SUCH DENIAL, WHICH REVIEW SHALL BE EXPEDITIOUSLY CONDUCTED.

50 13. RULES AND REGULATIONS. THE COMMISSIONER SHALL PROMULGATE SUCH
51 RULES AND REGULATIONS AS MAY BE NECESSARY FOR THE PURPOSES OF CARRYING
52 OUT THE PROVISIONS OF THIS SECTION.

53 S 2. This act shall take effect on the thirtieth day after it shall
54 have become a law; provided, however, that subdivision four of section
55 202-m of the labor law, as added by section one of this act, shall

1 expire and be deemed repealed December 1, 2016, and provided, further
2 that this act shall expire and be deemed repealed December 1, 2018.

3 PART P

4 Section 1. Subdivision 3 of section 204 of the labor law, as amended
5 by section 2 of part A of chapter 57 of the laws of 2004, is amended to
6 read as follows:

7 3. Fees. A fee of two hundred dollars shall be charged the owner or
8 lessee of each boiler internally inspected and seventy-five dollars for
9 each boiler externally inspected by the commissioner, provided however,
10 that the external inspection of multiple boilers connected to a common
11 header or of separate systems owned or leased by the same party and
12 located in the same building, with a combined input which is 300,000
13 BTU/hour or less, shall be charged a single inspection fee, and further
14 provided that, not more than two hundred seventy-five dollars shall be
15 charged for the inspection of any one boiler for any year; except that
16 [in the case] NO FEE SHALL BE CHARGED FOR INTERNAL OR EXTERNAL
17 INSPECTIONS BY THE COMMISSIONER of an antique steam engine maintained as
18 a hobby and displayed at agricultural fairs and other gatherings[, a fee
19 of twenty-five dollars only shall be charged the owner or lessee thereof
20 for each boiler internally inspected by the commissioner and a fee of
21 twenty-five dollars only shall be charged for each boiler externally
22 inspected by the commissioner, but not more than fifty dollars shall be
23 charged for the inspection of any one such boiler for any year, and
24 except that in the case] OR of a miniature boiler [a fee of fifty
25 dollars only shall be charged for the inspection of any one such boiler
26 for any year. Such fee shall be payable within thirty days after
27 inspection].

28 S 2. Subdivision 1 of section 212-b of the labor law, as amended by
29 section 6 of part A of chapter 57 of the laws of 2004, is amended to
30 read as follows:

31 1. No person shall operate a farm labor camp commissary, or cause or
32 allow the operation of a farm labor camp commissary, without a permit
33 from the commissioner to do so, and unless such permit is in full force
34 and effect. Application for such permit shall be made on a form
35 prescribed by the commissioner [and shall be accompanied by a non-re-
36 fundable fee of forty dollars].

37 S 3. Subdivision 1 of section 74 of chapter 784 of the laws of 1951,
38 constituting the New York state defense emergency act, as amended by
39 section 12 of part A of chapter 57 of the laws of 2004, is amended to
40 read as follows:

41 1. Employers in defense work may make applications for dispensation
42 pursuant to this article in such manner and upon such forms as the
43 commissioner of labor shall prescribe. [Each application shall be
44 accompanied by a non-refundable fee of forty dollars payable to the
45 commissioner.] The commissioner of labor may, after hearing upon due
46 notice, revoke dispensations not necessary to maintain maximum possible
47 production in defense work.

48 S 4. Subdivision 5 of section 161 of the labor law, as amended by
49 section 1 of part A of chapter 57 of the laws of 2004, is amended to
50 read as follows:

51 5. If there shall be practical difficulties or unnecessary hardship in
52 carrying out the provisions of this section or the rules promulgated
53 hereunder, the commissioner may make a variation therefrom if the spirit
54 of the act be observed and substantial justice done. Such variation

1 shall describe the conditions under which it shall be permitted and
2 shall apply to substantially similar conditions. A properly indexed
3 record of variations shall be kept by the department. [Each application
4 for a variation shall be accompanied by a non-refundable fee of forty
5 dollars.]

6 S 5. Paragraph b of subdivision 4 of section 212-a of the labor law,
7 as amended by section 5 of part A of chapter 57 of the laws of 2004, is
8 amended to read as follows:

9 b. The application for such registration shall be made on a form
10 prescribed by the commissioner, shall contain information on wages,
11 working conditions, housing, and on such other matters as the commis-
12 sioner may prescribe [and shall be accompanied by a non-refundable fee
13 of forty dollars]. Copies of the application, or summaries thereof
14 containing the above information, shall be made available by the commis-
15 sioner to the registrant, and the registrant shall give a copy to each
16 worker, preferably at the time of recruitment, but in no event later
17 than the time of arrival in this state. A copy shall also be kept posted
18 at all times in a conspicuous place in any camp in which such workers
19 are housed.

20 S 6. Paragraph b of subdivision 2 of section 212-a of the labor law,
21 as amended by section 4 of part A of chapter 57 of the laws of 2004, is
22 amended to read as follows:

23 b. The application for such certificate of registration shall be made
24 on a form prescribed by the commissioner, shall contain information on
25 wages, working conditions, housing and on such other matters as the
26 commissioner may prescribe [and shall be accompanied by a non-refundable
27 fee of two hundred dollars]. It shall be countersigned by each grower or
28 processor who utilizes the services of such farm labor contractor, as
29 provided in subdivision three of this section. Copies of the applica-
30 tion, or summaries thereof containing the above information, shall be
31 made available by the commissioner to the registrant, and the registrant
32 shall give a copy to each worker, preferably at the time of recruitment,
33 but in no event later than the time of arrival in this state if the
34 worker comes from outside of the state, or the time of commencement of
35 work if the worker does not come from outside of the state. A copy shall
36 also be kept posted at all times in a conspicuous place in any camp in
37 which such workers are housed. Each applicant shall submit his OR HER
38 fingerprints with his OR HER application for a certificate of registra-
39 tion. Such fingerprints shall be submitted to the division of criminal
40 justice services for a state criminal history record check, as defined
41 in subdivision one of section three thousand thirty-five of the educa-
42 tion law, and may be submitted to the federal bureau of investigation
43 for a national criminal history record check.

44 S 7. Subdivision 2 of section 352 of the labor law is REPEALED.

45 S 8. Subdivisions 5 and 6 of section 919 of the labor law, as added by
46 chapter 565 of the laws of 2002, are amended to read as follows:

47 5. A professional employer organization shall be exempt from the
48 registration requirements specified in this section [and from the fees
49 specified in section nine hundred twenty of this article] if such
50 professional employer organization:

51 (a) submits a properly executed request for registration and exemption
52 on a form provided by the department;

53 (b) is domiciled outside this state and is licensed or registered as a
54 professional employer organization in another state that has the same or
55 greater requirements as this article;

1 (c) does not maintain an office in this state or solicit in any manner
2 clients located or domiciled within this state; and

3 (d) does not have more than twenty-five worksite employees in this
4 state.

5 6. The registration and exemption of a professional employer organiza-
6 tion under subdivision five of this section shall be valid for one year.
7 [Each de minimis registrant shall pay to the department upon initial
8 registration, and upon each annual renewal thereafter, a registration
9 fee in the amount of two hundred fifty dollars.]

10 S 9. Section 920 of the labor law is REPEALED.

11 S 10. Subdivision 4 of section 134 of the workers' compensation law,
12 as amended by chapter 6 of the laws of 2007, is amended to read as
13 follows:

14 4. Employers required to participate in the workplace safety and loss
15 prevention program established by this section shall be permitted to
16 utilize the services of either the department of labor, or a private
17 safety and loss consultant which has been certified by the department of
18 labor [and has paid the appropriate certification fee prescribed by
19 rules and regulations promulgated under this section]. Private safety
20 and loss consultants may charge employers a fee for their services[, and
21 where employers elect to have the services provided by the department of
22 labor, they shall pay for such services in accordance with fee schedules
23 established by the department of labor's rules and regulations].

24 S 11. Subdivision 5 of section 134 of the workers' compensation law is
25 REPEALED.

26 S 12. Subdivision 10 of section 134 of the workers' compensation law,
27 as amended by chapter 6 of the laws of 2007 and as further amended by
28 section 104 of part A of chapter 62 of the laws of 2011, is amended to
29 read as follows:

30 10. The commissioner of labor, in consultation with the superintendent
31 of financial services, shall promulgate rules and regulations for the
32 certification of safety and loss management specialists. Such rules and
33 regulations shall include provisions that outline the minimum qualifica-
34 tions for safety and loss management specialists, procedures for certifi-
35 cation, causes for revocation or suspension of certification and appro-
36 priate administrative and judicial review procedures, AND violations and
37 penalties for misuse of certification by certified safety and loss
38 management specialists[, and fees for certificate and certificate
39 renewal].

40 S 13. Subdivision 2 of section 345-a of the labor law, as added by
41 chapter 503 of the laws of 1998, is amended to read as follows:

42 2. For the purposes of this section, the exercise of reasonable care
43 or diligence by a manufacturer or contractor shall be presumed if, prior
44 to the execution of such contract or subcontract, and annually thereaft-
45 er, such manufacturer or contractor receives from the department written
46 assurance of compliance with section three hundred forty-one of this
47 article. [The department may charge a reasonable fee for providing such
48 assurance to a manufacturer or contractor.]

49 S 14. Subdivisions 6 and 7 of section 819 of the labor law are
50 REPEALED and subdivision 5, as amended by chapter 319 of the laws of
51 2004, is amended to read as follows:

52 5. The entity possesses a tag issued by the department with an iden-
53 tification number affixed and identifying each machine[;].

54 S 15. Section 204-a of the labor law is REPEALED.

55 S 16. This act shall take effect immediately.

1

PART Q

2 Section 1. Subdivision 2 of section 355 of the education law is
3 amended by adding a new paragraph f-1 to read as follows:

4 F-1. NOTWITHSTANDING ANY LAW, RULE OR REGULATION TO THE CONTRARY, THE
5 STATE UNIVERSITY OF NEW YORK BOARD OF TRUSTEES SHALL PASS A RESOLUTION
6 BY JUNE FIRST, TWO THOUSAND FIFTEEN, TO DEVELOP A PLAN TO MAKE AVAILABLE
7 TO STUDENTS ENROLLED IN AN ACADEMIC PROGRAM OF THE STATE UNIVERSITY OF
8 NEW YORK BEGINNING IN THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN
9 ACADEMIC YEAR, APPROVED EXPERIENTIAL OR APPLIED LEARNING ACTIVITIES.
10 SUCH EXPERIENTIAL OR APPLIED LEARNING ACTIVITIES MAY INCLUDE COMPLETION
11 OF ACTIVITIES RELATED TO STUDENTS' PROGRAM OF STUDY, INCLUDING, BUT NOT
12 LIMITED TO, SERVICE-LEARNING ACTIVITIES COMPLETED AS PART OF A COURSE,
13 PAID OR UNPAID INTERNSHIPS, FACULTY-SUPERVISED UNDERGRADUATE PROJECTS
14 AND ACTIVITIES LEADING TO PUBLICATION OF RESEARCH IN JOURNALS OR SIMILAR
15 PUBLICATIONS, PRODUCTION OR PERFORMANCE OF CREATIVE WORKS, AND ITERATIVE
16 "CO-OP" PARTNERSHIPS THAT EXPLICITLY LINK THE CURRICULA TO A TEMPORARY,
17 PAID POSITION IN INDUSTRY OR THE PUBLIC SECTOR. SUCH PLAN, TO BE
18 COMPLETED BY JUNE FIRST, TWO THOUSAND SIXTEEN, SHALL BE DEVELOPED IN
19 CONSULTATION WITH UNIVERSITY FACULTY SENATE, THE FACULTY COUNCIL OF
20 COMMUNITY COLLEGES, THE SUNY STUDENT ASSEMBLY, AND OTHER STAKEHOLDERS.
21 SUCH PLAN SHALL DEFINE APPROVED EXPERIENTIAL OR APPLIED LEARNING ACTIV-
22 ITIES, METHODS OF FACULTY OVERSIGHT AND ASSESSMENT, RESPONSIBILITIES OF
23 BUSINESS, CORPORATE, NON-PROFIT OR OTHER ENTITIES HOSTING STUDENTS, AND
24 INCLUDE A REQUIREMENT FOR COLLECTING AND REPORTING DATA ASSOCIATED WITH
25 SUCH EXPERIENTIAL OR APPLIED LEARNING ACTIVITIES. SUCH PLAN SHALL HAVE
26 EACH COLLEGE EXAMINE THE FEASIBILITY OF INCLUDING SUCH EXPERIENTIAL OR
27 APPLIED LEARNING ACTIVITIES AS A DEGREE REQUIREMENT. SUCH COLLEGE SHALL
28 EXAMINE ITS ABILITY TO ADMINISTER AND PROVIDE SUCH OPPORTUNITIES TO
29 STUDENTS; THE LOCAL COMMUNITY'S CAPACITY TO SUPPORT SUCH EXPERIENTIAL OR
30 APPLIED LEARNING ACTIVITIES; THE IMPACT SUCH REQUIREMENT WOULD HAVE ON
31 THE LOCAL WORKFORCE, IF ANY; POTENTIAL FOR SUCH A REQUIREMENT TO ENHANCE
32 LEARNING OUTCOMES FOR STUDENTS; AND WHETHER ADDING SUCH A REQUIREMENT
33 WOULD CAUSE POTENTIAL DELAYS IN GRADUATION FOR STUDENTS.

34 S 2. Section 6206 of the education law is amended by adding a new
35 subdivision 18 to read as follows:

36 18. NOTWITHSTANDING ANY LAW, RULE OR REGULATION TO THE CONTRARY, THE
37 CITY UNIVERSITY OF NEW YORK BOARD OF TRUSTEES SHALL PASS A RESOLUTION BY
38 JUNE FIRST, TWO THOUSAND FIFTEEN, TO DEVELOP A PLAN TO MAKE AVAILABLE TO
39 STUDENTS ENROLLED IN AN ACADEMIC PROGRAM OF THE CITY UNIVERSITY OF NEW
40 YORK BEGINNING IN THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN
41 ACADEMIC YEAR, APPROVED EXPERIENTIAL OR APPLIED LEARNING ACTIVITIES.
42 SUCH EXPERIENTIAL OR APPLIED LEARNING ACTIVITIES MAY INCLUDE COMPLETION
43 OF ACTIVITIES RELATED TO STUDENTS' PROGRAM OF STUDY, INCLUDING, BUT NOT
44 LIMITED TO, SERVICE-LEARNING ACTIVITIES COMPLETED AS PART OF A COURSE,
45 PAID OR UNPAID INTERNSHIPS, FACULTY-SUPERVISED UNDERGRADUATE PROJECTS
46 AND ACTIVITIES LEADING TO PUBLICATION OF RESEARCH IN JOURNALS OR SIMILAR
47 PUBLICATIONS, PRODUCTION OR PERFORMANCE OF CREATIVE WORKS, AND ITERATIVE
48 "CO-OP" PARTNERSHIPS THAT EXPLICITLY LINK THE CURRICULA TO A TEMPORARY,
49 PAID POSITION IN INDUSTRY OR THE PUBLIC SECTOR. SUCH PLAN, TO BE
50 COMPLETED BY JUNE FIRST, TWO THOUSAND SIXTEEN, SHALL BE DEVELOPED IN
51 CONSULTATION WITH UNIVERSITY FACULTY SENATE, THE UNIVERSITY STUDENT
52 SENATE AND OTHER STAKEHOLDERS. SUCH PLAN SHALL DEFINE APPROVED EXPERIEN-
53 TIAL OR APPLIED LEARNING ACTIVITIES, METHODS OF FACULTY OVERSIGHT AND
54 ASSESSMENT, RESPONSIBILITIES OF BUSINESS, CORPORATE, NON-PROFIT OR OTHER
55 ENTITIES HOSTING STUDENTS, AND INCLUDE A REQUIREMENT FOR COLLECTING AND

1 REPORTING DATA ASSOCIATED WITH SUCH EXPERIENTIAL OR APPLIED LEARNING
2 ACTIVITIES. SUCH PLAN SHALL HAVE EACH COLLEGE EXAMINE THE FEASIBILITY OF
3 INCLUDING SUCH EXPERIENTIAL OR APPLIED LEARNING ACTIVITIES AS A DEGREE
4 REQUIREMENT. SUCH COLLEGE SHALL EXAMINE ITS ABILITY TO ADMINISTER AND
5 PROVIDE SUCH OPPORTUNITIES TO STUDENTS; THE LOCAL COMMUNITY'S CAPACITY
6 TO SUPPORT SUCH EXPERIENTIAL OR APPLIED LEARNING ACTIVITIES; THE IMPACT
7 SUCH REQUIREMENT WOULD HAVE ON THE LOCAL WORKFORCE, IF ANY; POTENTIAL
8 FOR SUCH A REQUIREMENT TO ENHANCE LEARNING OUTCOMES FOR STUDENTS; AND
9 WHETHER ADDING SUCH A REQUIREMENT WOULD CAUSE POTENTIAL DELAYS IN GRADU-
10 ATION FOR STUDENTS.

11 S 3. This act shall take effect immediately and shall be deemed to
12 have been in full force and effect on and after April 1, 2015.

13

PART R

14 Section 1. Paragraph (a) of subdivision 1 of section 1 of part U of
15 chapter 57 of the laws of 2005, relating to the New York state higher
16 education capital matching grant program for independent colleges, as
17 amended by section 1 of part H of chapter 56 of the laws of 2014, is
18 amended to read as follows:

19 (a) The New York state higher education capital matching grant board
20 is hereby created to have and exercise the powers, duties and preroga-
21 tives provided by the provisions of this section and any other provision
22 of law. The board shall remain in existence during the period of the New
23 York state higher education capital matching grant program from the
24 effective date of this section through [March 31, 2017, or] the date on
25 which the last of the funds available for grants under this section
26 shall have been disbursed[, whichever is earlier]; provided, however,
27 that the termination of the existence of the board shall not affect the
28 power and authority of the dormitory authority to perform its obli-
29 gations with respect to any bonds, notes, or other indebtedness issued
30 or incurred pursuant to authority granted in this section.

31 S 2. Paragraph (h) of subdivision 4 of section 1 of part U of chapter
32 57 of the laws of 2005, relating to the New York state higher education
33 capital matching grant program for independent colleges, as amended by
34 section 2 of part H of chapter 56 of the laws of 2014, is amended to
35 read as follows:

36 (h) In the event that any colleges do not apply for higher education
37 capital matching grants by March 31, 2009, or in the event they apply
38 for and are awarded, but do not use the full amount of such grants, the
39 unused funds associated with such grants and any additional funds that
40 become available shall thereafter be awarded to colleges on a compet-
41 itive basis. The dormitory authority shall develop a request for
42 proposals and application process, in consultation with the board, for
43 higher education capital matching grants awarded pursuant to this para-
44 graph, and shall develop criteria, subject to review by the board, for
45 the awarding of such grants. Such criteria may include, but not be
46 limited to the matching criteria contained in paragraph (c) of this
47 subdivision, and application criteria set forth in paragraph (e) of this
48 subdivision. [The dormitory authority shall require all applications in
49 response to the request for proposals to be submitted by September 1,
50 2014, and the board shall act on each application for such matching
51 grants by November 1, 2014.]

52 S 3. Subclause (A) of clause (ii) of paragraph (j) of subdivision 4 of
53 section 1 of part U of chapter 57 of the laws of 2005, relating to the
54 New York state higher education capital matching grant program for inde-

1 pendent colleges, as amended by section 3 of part H of chapter 56 of the
2 laws of 2014, is amended to read as follows:

3 (A) Notwithstanding the provision of any general or special law to the
4 contrary, and subject to the provisions of chapter 59 of the laws of
5 2000 and to the making of annual appropriations therefor by the legisla-
6 ture, in order to assist the dormitory authority in providing such high-
7 er education capital matching grants, the director of the budget is
8 authorized in any state fiscal year commencing April 1, 2005 or any
9 state fiscal year thereafter [for a period ending on March 31, 2017], to
10 enter into one or more service contracts, none of which shall exceed 30
11 years in duration, with the dormitory authority, upon such terms as the
12 director of the budget and the dormitory authority agree.

13 S 4. Paragraph (b) of subdivision 7 of section 1 of part U of chapter
14 57 of the laws of 2005, relating to the New York state higher education
15 capital matching grant program for independent colleges, as amended by
16 section 4 of part H of chapter 56 of the laws of 2014, is amended to
17 read as follows:

18 (b) Any eligible institution receiving a grant pursuant to this arti-
19 cle shall report to the dormitory authority [no later than June 1,
20 2018,] on the use of funding received and its programmatic and economic
21 impact NO LATER THAN TWELVE MONTHS AFTER THE COMPLETION OF THE PROJECT.
22 The dormitory authority shall submit a report [no later than November 1,
23 2018] to the governor, the director of the budget, the temporary presi-
24 dent of the senate, and the speaker of the assembly on the aggregate
25 impact of the higher education [matching] capital MATCHING grant program
26 NO LATER THAN EIGHTEEN MONTHS AFTER THE COMPLETION OF THE LAST PROJECT.
27 Such report shall provide information on the progress and economic
28 impact of such [project] PROJECTS.

29 S 5. This act shall take effect immediately and shall be deemed to
30 have been in full force and effect on and after April 1, 2015.

31 PART S

32 Section 1. Section 904 of the labor law is amended by adding two new
33 subdivisions 2-a and 2-b to read as follows:

34 2-A. THE PROJECT NOTIFICATION FEE IMPOSED BY SUBDIVISION TWO OF THIS
35 SECTION SHALL BE WAIVED IF THE PROJECT IS BEING UNDERTAKEN BY OR ON
36 BEHALF OF A CITY, TOWN, VILLAGE, OR COUNTY THAT IS ABATING OR DEMOLISH-
37 ING A BUILDING THAT IS A PUBLIC NUISANCE OR UNSAFE. SUCH WAIVER SHALL
38 APPLY ONLY IF THE CITY, TOWN, VILLAGE OR COUNTY CERTIFIES IN WRITING
39 THAT THE PROJECT COST WILL EXCEED THE RESULTING VALUE OF THE PROPERTY.

40 2-B. THE PROJECT NOTIFICATION FEE IMPOSED BY SUBDIVISION TWO OF THIS
41 SECTION SHALL BE WAIVED IF THE PROJECT IS BEING UNDERTAKEN: (A) PURSUANT
42 TO A PLAN ADOPTED PURSUANT TO ARTICLE FIFTEEN OF THE GENERAL MUNICIPAL
43 LAW; (B) PURSUANT TO A PLAN ADOPTED PURSUANT TO ARTICLE EIGHTEEN-C OF
44 THE GENERAL MUNICIPAL LAW; OR (C) BY OR ON BEHALF OF A LAND BANK OPERAT-
45 ING PURSUANT TO ARTICLE SIXTEEN OF THE NOT-FOR-PROFIT CORPORATION LAW.

46 S 2. This act shall take effect immediately.

47 PART T

48 Section 1. Section 13 of chapter 141 of the laws of 1994, amending the
49 legislative law and the state finance law relating to the operation and
50 administration of the legislature, as amended by section 2 of part K of
51 chapter 55 of the laws of 2014, is amended to read as follows:

1 S 13. This act shall take effect immediately and shall be deemed to
2 have been in full force and effect as of April 1, 1994, provided that,
3 the provisions of section 5-a of the legislative law as amended by
4 sections two and two-a of this act shall take effect on January 1, 1995,
5 and provided further that, the provisions of article 5-A of the legisla-
6 tive law as added by section eight of this act shall expire June 30,
7 [2015] 2016 when upon such date the provisions of such article shall be
8 deemed repealed; and provided further that section twelve of this act
9 shall be deemed to have been in full force and effect on and after April
10 10, 1994.

11 S 2. This act shall take effect immediately, provided, however, if
12 this act shall take effect on or after June 30, 2015 this act shall be
13 deemed to have been in full force and effect on and after June 30, 2015.

14

PART U

15 Section 1. The state finance law is amended by adding a new section
16 99-w to read as follows:

17 S 99-w. SUNY DSRIP ESCROW FUND. 1. NOTWITHSTANDING ANY OTHER PROVISION
18 OF LAW, RULE, REGULATION, OR PRACTICE TO THE CONTRARY, THERE IS HEREBY
19 ESTABLISHED IN THE JOINT CUSTODY OF THE COMPTROLLER AND THE CHANCELLOR
20 OF THE STATE UNIVERSITY OF NEW YORK (SUNY) A TRUST AND AGENCY FUND, TO
21 BE KNOWN AS THE "SUNY DSRIP ESCROW FUND" WHICH SHALL BE AVAILABLE WITH-
22 OUT FISCAL YEAR LIMITATION.

23 2. THE SUNY DSRIP ESCROW FUND SHALL CONSIST OF (I) MONIES TRANSFERRED
24 TO SUNY HOSPITAL FACILITIES, ACTING AS LEAD PROVIDERS UNDER THE DELIVERY
25 SYSTEM REFORM INCENTIVE PAYMENT PROGRAM FROM THE MEDICAID MANAGEMENT
26 INFORMATION SYSTEM (MMIS) STATEWIDE ESCROW FUND (179) TO PROVIDE FUNDS
27 TO SUNY HOSPITAL FACILITIES TO MAKE THOSE PAYMENTS SPECIFIED IN SUBDIVI-
28 SION THREE OF THIS SECTION THAT ARE AUTHORIZED BY NEW YORK STATE'S
29 SECTION 1115 WAIVER PARTNERSHIP PLAN PURSUANT TO SECTION 1115 OF TITLE
30 XI OF THE SOCIAL SECURITY ACT, AND (II) MONIES TRANSFERRED BY SUNY FROM
31 A STATE UNIVERSITY HEALTH CARE ACCOUNT REFERENCED IN SUBDIVISION EIGHT-A
32 OF SECTION THREE HUNDRED FIFTY-FIVE OF THE EDUCATION LAW TO PAY ANY
33 AMOUNT OWED BY A SUNY HOSPITAL TO A PERFORMING PROVIDER SYSTEM FOR WHICH
34 SUCH SUNY HOSPITAL IS THE LEAD PROVIDER RESULTING FROM A SUCCESSFUL
35 PAYMENT DISTRIBUTION CHALLENGE BY SUCH PERFORMING PROVIDER SYSTEM.
36 NOTWITHSTANDING ANY LAW TO THE CONTRARY, SUCH AMOUNTS OWED BY A SUNY
37 HOSPITAL MAY BE TRANSFERRED WITHOUT APPROPRIATION BY SUNY FROM THE
38 HEALTH CARE ACCOUNT REFERENCED IN SUBDIVISION EIGHT-A OF SECTION THREE
39 HUNDRED FIFTY-FIVE OF THE EDUCATION LAW TO THE SUNY DSRIP ESCROW FUND.

40 3. MONIES OF THE SUNY DSRIP ESCROW FUND SHALL BE EXPENDED ONLY FOR
41 SUCH PURPOSES AS AUTHORIZED UNDER THE DELIVERY SYSTEM REFORM INCENTIVE
42 PAYMENT PROGRAM OF NEW YORK STATE'S SECTION 1115 WAIVER PARTNERSHIP PLAN
43 PURSUANT TO SECTION 1115 OF TITLE XI OF THE SOCIAL SECURITY ACT.
44 NOTWITHSTANDING ANY OTHER LAW, RULE, REGULATION OR PRACTICE TO THE
45 CONTRARY, UPON THE REQUEST OF THE CHANCELLOR OF SUNY, OR HER OR HIS
46 DESIGNEE, PAYMENTS FROM THE SUNY DSRIP ESCROW FUND SHALL BE MADE, SOLELY
47 AND EXCLUSIVELY TO CENTRAL NEW YORK CARE COLLABORATIVE, INC. AND SB
48 CLINICAL NETWORK IPA, LLC, OR ANY SUCCESSOR IN INTEREST TO EITHER ENTI-
49 TY, AS NECESSARY TO IMPLEMENT THE DISTRIBUTION OF THE NET AWARD OF
50 HEALTH CARE DELIVERY SYSTEM REFORM INCENTIVE PAYMENTS IN ACCORDANCE WITH
51 THE METHODOLOGY AND DISTRIBUTION PLAN FOR AWARD DISTRIBUTION ADOPTED AND
52 AMENDED FROM TIME TO TIME BY THE PERFORMING PROVIDER SYSTEM FOR WHICH A
53 SUNY HOSPITAL IS THE LEAD PROVIDER.

1 S 2. This act shall take effect immediately and shall be deemed to
2 have been in full force and effect on and after April 1, 2015.

3 PART V

4 Section 1. Subdivision 6 of section 665 of the education law is
5 amended by adding a new paragraph e to read as follows:

6 E. NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH C OF THIS SUBDIVISION,
7 FOR STUDENTS WHO ARE DISABLED AS DEFINED BY THE AMERICANS WITH DISABILI-
8 TIES ACT OF 1990, 42 USC 12101, AND WHO RECEIVE THEIR FIRST STATE AWARD
9 DURING THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN ACADEMIC YEAR AND THERE-
10 EAFTER SHALL MAKE SATISFACTORY PROGRESS TOWARD COMPLETION OF THE
11 PROGRAM'S ACADEMIC REQUIREMENTS AS PROVIDED IN THIS PARAGRAPH. FOR
12 PURPOSES OF THIS SUBDIVISION, "REASONABLE PROGRESS TOWARD THE COMPLETION
13 OF THE PROGRAM" SHALL MEAN A STUDENT MUST COMPLETE, AT A MINIMUM, THE
14 FOLLOWING REQUIREMENTS AT THE TIME OF CERTIFICATION; PROVIDED THAT NOTH-
15 ING SHALL PREVENT A COLLEGE FROM DEVELOPING STRICTER STANDARDS TO MEAS-
16 URE REASONABLE PROGRESS:

17 (I) FOR STUDENTS WHO ARE DISABLED AS DEFINED BY THE AMERICANS WITH
18 DISABILITIES ACT OF 1990, 42 USC 12101, FIRST RECEIVING AID IN TWO THOU-
19 SAND TEN--TWO THOUSAND ELEVEN AND THEREAFTER, AND ENROLLED IN FOUR-YEAR
20 OR FIVE-YEAR UNDERGRADUATE PROGRAMS WHOSE TERMS ARE ORGANIZED IN SEMES-
21 TERS:

22 BEFORE BEING 1ST 2ND 3RD 4TH 5TH 6TH 7TH 8TH 9TH 10TH
23 CERTIFIED
24 FOR THIS
25 PAYMENT

26 A STUDENT MUST 0 3 9 21 33 45 60 75 90 105
27 HAVE ACCRUED
28 AT LEAST THIS
29 MANY CREDITS

30 WITH AT LEAST 0 1.5 1.8 1.8 2.0 2.0 2.0 2.0 2.0 2.0
31 THIS GRADE
32 POINT AVERAGE

33 (II) FOR STUDENTS WHO ARE DISABLED AS DEFINED BY THE AMERICANS WITH
34 DISABILITIES ACT OF 1990, 42 USC 12101, FIRST RECEIVING AID IN TWO THOU-
35 SAND TEN--TWO THOUSAND ELEVEN AND THEREAFTER, AND ENROLLED IN TWO-YEAR
36 UNDERGRADUATE PROGRAMS WHOSE TERMS ARE ORGANIZED IN SEMESTERS:

37 BEFORE BEING 1ST 2ND 3RD 4TH 5TH 6TH 7TH 8TH
38 CERTIFIED
39 FOR THIS
40 PAYMENT

41 A STUDENT 0 3 9 18 30 42 51 60
42 MUST HAVE
43 ACCRUED AT
44 LEAST THIS
45 MANY CREDITS

46 WITH AT LEAST 0 1.3 1.5 1.8 2.0 2.0 2.0 2.0
47 THIS GRADE

1 POINT AVERAGE

2 (III) FOR STUDENTS WHO ARE DISABLED AS DEFINED BY THE AMERICANS WITH
3 DISABILITIES ACT OF 1990, 42 USC 12101, FIRST RECEIVING AID IN TWO THOU-
4 SAND TEN--TWO THOUSAND ELEVEN AND THEREAFTER, AND ENROLLED IN FOUR-YEAR
5 OR FIVE-YEAR UNDERGRADUATE PROGRAMS WHOSE TERMS ARE ORGANIZED ON A
6 TRIMESTER BASIS:

7 BEFORE BEING 1ST 2ND 3RD 4TH 5TH 6TH 7TH 8TH
8 CERTIFIED
9 FOR THIS
10 PAYMENT

11 A STUDENT 0 2 4 9 17 25 33 40
12 MUST HAVE
13 ACCRUED AT
14 LEAST THIS
15 MANY CREDITS

16 WITH AT LEAST 0 1.1 1.5 1.5 1.8 2.0 2.0 2.0
17 THIS GRADE
18 POINT AVERAGE

19 AND,

20 BEFORE BEING 9TH 10TH 11TH 12TH 13TH 14TH 15TH
21 CERTIFIED
22 FOR THIS
23 PAYMENT

24 A STUDENT 50 60 70 80 90 100 110
25 MUST HAVE
26 ACCRUED AT
27 LEAST THIS
28 MANY CREDITS

29 WITH AT LEAST 2.0 2.0 2.0 2.0 2.0 2.0 2.0
30 THIS GRADE
31 POINT AVERAGE

32 (IV) FOR STUDENTS WHO ARE DISABLED AS DEFINED BY THE AMERICANS WITH
33 DISABILITIES ACT OF 1990, 42 USC 12101, FIRST RECEIVING AID IN TWO THOU-
34 SAND TEN--TWO THOUSAND ELEVEN AND THEREAFTER, AND ENROLLED IN TWO-YEAR
35 UNDERGRADUATE PROGRAMS WHOSE TERMS ARE ORGANIZED ON A TRIMESTER BASIS:

36 BEFORE BEING 1ST 2ND 3RD 4TH 5TH 6TH 7TH 8TH
37 CERTIFIED
38 FOR THIS
39 PAYMENT

40 A STUDENT 0 2 4 9 15 21 30 37
41 MUST HAVE
42 ACCRUED AT
43 LEAST THIS
44 MANY CREDITS

1	WITH AT LEAST	0	1.0	1.3	1.5	1.5	1.8	2.0	2.0
2	THIS GRADE								
3	POINT AVERAGE								

4 AND,

5	BEFORE BEING	9TH	10TH	11TH	12TH
6	CERTIFIED				
7	FOR THIS				
8	PAYMENT				

9	A STUDENT	45	50	55	60
10	MUST HAVE				
11	ACCRUED AT				
12	LEAST THIS				
13	MANY CREDITS				

14	WITH AT LEAST	2.0	2.0	2.0	2.0
15	THIS GRADE				
16	POINT AVERAGE				

17 (V) NOTWITHSTANDING ANY OTHER PROVISION OF LAW OR REGULATION TO THE
 18 CONTRARY, UPON EACH CERTIFICATION, PAYMENT ELIGIBILITY SHALL BE DETER-
 19 MINED AND MEASURED PROPORTIONALLY IN EQUIVALENCE WITH FULL TIME STUDY
 20 FOR STUDENTS WHO ARE DISABLED AS DEFINED BY THE AMERICANS WITH DISABILI-
 21 TIES ACT OF 1990, 42 USC 12101.

22 S 2. This act shall take effect immediately.

23 PART W

24 Section 1. Subdivision 8 of section 695-e of the education law, as
 25 amended by chapter 593 of the laws of 2003, is amended to read as
 26 follows:

27 8. No account owner or designated beneficiary of any account shall be
 28 permitted to direct the investment of any contributions to an account or
 29 the earnings thereon MORE THAN TWO TIMES IN ANY CALENDAR YEAR.

30 S 2. This act shall take effect immediately.

31 PART X

32 Section 1. The education law is amended by adding a new section 6456
 33 to read as follows:

34 S 6456. FOSTER YOUTH COLLEGE SUCCESS INITIATIVE. 1. SUBJECT TO AN
 35 APPROPRIATION, THE COMMISSIONER SHALL ALLOCATE THE FUNDS AVAILABLE FOR
 36 THE FOSTER YOUTH COLLEGE SUCCESS INITIATIVE FOR THE PURPOSE OF PROVIDING
 37 SUPPORT SERVICES TO ASSIST YOUTH IN FOSTER CARE TO APPLY FOR, ENROLL IN,
 38 AND SUCCEED IN COLLEGE. SUCH GRANTS SHALL BE AWARDED TO INSTITUTIONS OF
 39 THE STATE UNIVERSITY OF NEW YORK AND INSTITUTIONS OF THE CITY UNIVERSITY
 40 OF NEW YORK, AND THE COMMISSIONER SHALL ENTER INTO CONTRACTS WITH
 41 DEGREE-GRANTING INSTITUTIONS IN NEW YORK THAT ARE CURRENTLY FUNDED BY
 42 THE ARTHUR O. EVE HIGHER EDUCATION OPPORTUNITY PROGRAM PURSUANT TO
 43 SECTION SIXTY-FOUR HUNDRED FIFTY-ONE OF THIS ARTICLE FOR THE PURPOSE OF
 44 PROVIDING ADDITIONAL SERVICES AND EXPENSES TO EXPAND OPPORTUNITIES FOR
 45 FOSTER YOUTH.

46 2. FOR THE PURPOSES OF THIS SECTION, "FOSTER YOUTH" SHALL MEAN
 47 STUDENTS WHO HAVE QUALIFIED AS AN ORPHAN, FOSTER CHILD OR WARD OF THE

1 COURT FOR THE PURPOSES OF FEDERAL STUDENT FINANCIAL AID PROGRAMS AUTHOR-
2 IZED BY TITLE IV OF THE HIGHER EDUCATION ACT OF 1965, AS AMENDED.

3 3. FUNDS APPROPRIATED FOR THE PURPOSES OF THIS INITIATIVE SHALL BE
4 ALLOCATED BY SECTOR AS FOLLOWS: FIFTY-TWO PERCENT FOR INSTITUTIONS IN
5 THE STATE UNIVERSITY OF NEW YORK; THIRTY PERCENT FOR INSTITUTIONS IN THE
6 CITY UNIVERSITY OF NEW YORK; AND EIGHTEEN PERCENT FOR OTHER
7 DEGREE-GRANTING INSTITUTIONS IN NEW YORK WITH CURRENT ARTHUR O. EVE
8 HIGHER EDUCATION OPPORTUNITY PROGRAMS.

9 4. FUNDS FOR ALL PROGRAMS UNDER THIS SECTION SHALL BE AWARDED IN EQUAL
10 AMOUNTS PER FOSTER YOUTH TO EACH INSTITUTION THAT APPLIES FOR FUNDING
11 ALLOCATED TO ITS SECTOR DISTRIBUTION AS PROVIDED IN SUBDIVISION THREE OF
12 THIS SECTION AND HAS AN APPLICATION THAT IS APPROVED BY THE COMMISSION-
13 ER.

14 5. MONEYS MADE AVAILABLE TO INSTITUTIONS UNDER THIS SECTION SHALL BE
15 SPENT FOR THE FOLLOWING PURPOSES:

16 A. TO PROVIDE ADDITIONAL SERVICES AND EXPENSES TO EXPAND OPPORTUNITIES
17 THROUGH EXISTING POSTSECONDARY OPPORTUNITY PROGRAMS AT THE STATE UNIVER-
18 SITY OF NEW YORK, THE CITY UNIVERSITY OF NEW YORK, AND OTHER
19 DEGREE-GRANTING HIGHER EDUCATION INSTITUTIONS FOR FOSTER YOUTH;

20 B. TO PROVIDE ANY NECESSARY SUPPLEMENTAL FINANCIAL AID FOR FOSTER
21 YOUTH, WHICH MAY INCLUDE THE COST OF TUITION AND FEES, BOOKS, TRANSPOR-
22 TATION, AND OTHER EXPENSES AS DETERMINED BY THE COMMISSIONER TO BE
23 NECESSARY FOR SUCH FOSTER YOUTH TO ATTEND COLLEGE;

24 C. SUMMER COLLEGE PREPARATION PROGRAMS TO HELP FOSTER YOUTH TRANSITION
25 TO COLLEGE, PREPARE THEM TO NAVIGATE ON-CAMPUS SYSTEMS, AND PROVIDE
26 PREPARATION IN READING, WRITING, AND MATHEMATICS FOR FOSTER YOUTH WHO
27 NEED IT; OR

28 D. ADVISEMENT, TUTORING, AND ACADEMIC ASSISTANCE FOR FOSTER YOUTH.

29 6. ELIGIBLE INSTITUTIONS SHALL FILE AN APPLICATION FOR APPROVAL BY THE
30 COMMISSIONER NO LATER THAN THE FIRST OF OCTOBER EACH YEAR DEMONSTRATING
31 A NEED FOR SUCH FUNDING, INCLUDING HOW THE FUNDING WOULD BE USED AND HOW
32 MANY FOSTER YOUTH WOULD BE ASSISTED WITH SUCH FUNDING. SUCCESSFUL APPLI-
33 CANTS WILL BE FUNDED AS PROVIDED IN SUBDIVISION FOUR OF THIS SECTION.

34 7. NO FUNDS PURSUANT TO THIS SECTION SHALL BE MADE AVAILABLE TO
35 SUPPORT THE REGULAR ACADEMIC PROGRAMS OF ANY INSTITUTION PARTICIPATING
36 IN THIS PROGRAM, NOR SHALL FUNDS BE PROVIDED FOR PROGRAMS WHICH ARE
37 INCOMPATIBLE WITH THE REGENTS PLAN FOR THE EXPANSION AND DEVELOPMENT OF
38 HIGHER EDUCATION IN THIS STATE.

39 S 2. This act shall take effect on July 1, 2015; provided, however,
40 that effective immediately, the addition, amendment and/or repeal of any
41 rule or regulation necessary for the implementation of this act on its
42 effective date is authorized.

43

PART Y

44 Section 1. Section 6306 of the education law is amended by adding a
45 new subdivision 10 to read as follows:

46 10. THE BOARDS OF TRUSTEES OF THE STATE UNIVERSITY OF NEW YORK COMMU-
47 NITY COLLEGES SHALL CONSULT WITH BOARDS OF COOPERATIVE EDUCATIONAL
48 SERVICES (BOCES) TO IDENTIFY NEW OR EXISTING PROGRAMS OFFERED TO
49 STUDENTS THAT WOULD ALLOW A STUDENT TO PURSUE AN ASSOCIATE OF OCCUPA-
50 TIONAL STUDIES (AOS) DEGREE FROM A COMMUNITY COLLEGE UPON HIGH SCHOOL
51 GRADUATION. ONCE IDENTIFIED, BOCES IN COLLABORATION WITH THE COMMUNITY
52 COLLEGE BOARDS OF TRUSTEES SHALL MAKE SUCH PATH, IDENTIFIED PROGRAMS,
53 AND AOS DEGREE OPTIONS KNOWN TO ENSURE THAT STUDENTS ARE AWARE THAT SUCH
54 OPTIONS EXIST. SUCH NOTIFICATION MAY BEGIN AS EARLY AS THE SEVENTH

1 GRADE. PROVIDED HOWEVER, THAT SUCH BOARDS AND BOCES SHALL NOT TAKE ANY
2 ACTION TO DIRECT OR SUGGEST THAT A STUDENT SHOULD PURSUE A PARTICULAR
3 DEGREE OR PATHWAY.

4 S 2. This act shall take effect August 1, 2015.

5 PART Z

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

8 S 669-G. THE NEW YORK STATE ACHIEVEMENT AND INVESTMENT IN MERIT SCHOL-
9 ARSHIP (NY-AIMS). 1. PURPOSE. THE NEW YORK STATE ACHIEVEMENT AND INVEST-
10 MENT IN MERIT SCHOLARSHIP (NY-AIMS) IS HEREBY ESTABLISHED FOR THE
11 PURPOSE OF GRANTING MERIT BASED SCHOLARSHIP AWARDS TO NEW YORK STATE
12 HIGH SCHOOL GRADUATES WHO ACHIEVE ACADEMIC EXCELLENCE.

13 2. ELIGIBILITY. TO BE ELIGIBLE FOR SUCH AWARDS, AN APPLICANT MUST HAVE
14 GRADUATED FROM A NEW YORK STATE HIGH SCHOOL, ENROLLED IN AN APPROVED
15 UNDERGRADUATE PROGRAM OF STUDY IN A NEW YORK STATE POST-SECONDARY INSTI-
16 TUTION BEGINNING IN THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN
17 ACADEMIC YEAR OR THEREAFTER, AND ACHIEVED AT LEAST TWO OF THE FOLLOWING
18 DURING HIGH SCHOOL:

19 A. GRADUATED WITH A GRADE POINT AVERAGE OF 3.3 OR ABOVE;

20 B. GRADUATED WITH A "WITH HONORS" DISTINCTION ON A NEW YORK STATE
21 REGENTS DIPLOMA OR RECEIVED A SCORE OF 3 OR HIGHER ON TWO OR MORE
22 ADVANCED PLACEMENT EXAMINATIONS; OR

23 C. GRADUATED WITHIN THE TOP FIFTEEN PERCENT OF THEIR HIGH SCHOOL
24 CLASS, PROVIDED THAT ACTUAL CLASS RANK MAY BE TAKEN INTO CONSIDERATION.

25 3. PRIORITY. A. SUCH AWARDS SHALL BE MADE TO ELIGIBLE APPLICANTS IN
26 THE FOLLOWING PRIORITY:

27 (I) FIRST, TO APPLICANTS WHO HAVE RECEIVED PAYMENT OF AN AWARD PURSU-
28 ANT TO THIS SECTION IN A PRIOR YEAR AND REMAIN IN GOOD ACADEMIC STAND-
29 ING; AND

30 (II) SECOND, TO APPLICANTS IN DESCENDING ORDER BASED ON THE UNMET NEED
31 TO REACH THE FULL COST OF ATTENDANCE AS INDICATED ON THE FINANCIAL AID
32 AWARD LETTER.

33 HOWEVER, IN THE PROGRAM'S FIRST YEAR, FIRST PRIORITY SHALL BE IN
34 ACCORDANCE WITH SUBPARAGRAPH (II) OF THIS PARAGRAPH.

35 B. IN THE EVENT THAT THERE ARE MORE APPLICANTS WHO HAVE THE SAME
36 PRIORITY THAN THERE ARE REMAINING SCHOLARSHIPS, THE PRESIDENT SHALL
37 DISTRIBUTE THE REMAINING NUMBER OF SUCH SCHOLARSHIPS BY MEANS OF A
38 LOTTERY OR OTHER FORM OF RANDOM SELECTION.

39 C. IN EACH YEAR, THE AWARDS MADE SHALL BE PROPORTIONATE TO THE TOTAL
40 APPLICATIONS RECEIVED FOR STUDENTS ACCEPTED FOR UNDERGRADUATE STUDY AT
41 PUBLIC AND PRIVATE NOT-FOR-PROFIT DEGREE GRANTING INSTITUTIONS.

42 4. AWARDS. WITHIN AMOUNTS APPROPRIATED THEREFOR, THE PRESIDENT SHALL
43 GRANT AN ANNUAL AWARD TO ELIGIBLE APPLICANTS ON A COMPETITIVE BASIS
44 PURSUANT TO SUBDIVISIONS TWO AND THREE OF THIS SECTION IN THE AMOUNT OF
45 FIVE HUNDRED DOLLARS FOR NOT MORE THAN FOUR ACADEMIC YEARS OF UNDERGRAD-
46 UATE STUDY, OR FIVE ACADEMIC YEARS, IF THE PROGRAM OF STUDY NORMALLY
47 REQUIRES FIVE YEARS AS DEFINED BY THE COMMISSIONER PURSUANT TO ARTICLE
48 THIRTEEN OF THIS CHAPTER. UP TO FIVE THOUSAND AWARDS MAY BE GRANTED TO
49 NEW RECIPIENTS ANNUALLY.

50 5. OFFSET. SUCH AWARDS MAY BE USED TO OFFSET THE APPLICANT'S TOTAL
51 COST OF ATTENDANCE DETERMINED FOR FEDERAL TITLE IV STUDENT FINANCIAL AID
52 PURPOSES.

1 6. RULES. THE CORPORATION IS AUTHORIZED TO PROMULGATE RULES AND REGU-
2 LATIONS, AND MAY PROMULGATE EMERGENCY REGULATIONS, NECESSARY FOR THE
3 IMPLEMENTATION OF THE PROVISIONS OF THIS SECTION.

4 S 2. This act shall take effect immediately, and shall be deemed to
5 have been in full force and effect on and after April 1, 2015.

6 PART AA

7 Section 1. Section 25-a of the labor law, as added by section 1 of
8 part D of chapter 56 of the laws of 2011, subdivision (a) as amended by
9 section 3, subdivision (c) as amended by section 4 and subdivision (f)
10 as amended by section 5 of part U of chapter 59 of the laws of 2014, and
11 subdivision (b) as amended by section 1 and subdivision (d) as amended
12 by section 2 of part DD of chapter 59 of the laws of 2013, is amended to
13 read as follows:

14 S 25-a. Power to administer the [New York] URBAN youth [works] JOBS
15 PROGRAM tax credit [program]. (a) The commissioner is authorized to
16 establish and administer the [New York youth works tax credit] program
17 ESTABLISHED UNDER THIS SECTION to provide tax incentives to employers
18 for employing at risk youth in part-time and full-time positions. There
19 will be five distinct pools of tax incentives. Program one will cover
20 tax incentives allocated for two thousand twelve and two thousand thir-
21 teen. Program two will cover tax incentives allocated in two thousand
22 fourteen [to be used in two thousand fourteen and fifteen]. Program
23 three will cover tax incentives allocated in two thousand fifteen [to be
24 used in two thousand fifteen and sixteen]. Program four will cover tax
25 incentives allocated in two thousand sixteen [to be used in two thousand
26 sixteen and seventeen]. Program five will cover tax incentives allocated
27 in two thousand seventeen [to be used in two thousand seventeen and
28 eighteen]. The commissioner is authorized to allocate up to twenty-five
29 million dollars of tax credits under program one, ten million dollars of
30 tax credits under program two, [ten] AND TWENTY million dollars of tax
31 credits under [program] EACH OF PROGRAMS three, [ten million dollars of
32 tax credits under program] four, [ten million dollars of tax credits
33 under program] AND five.

34 (b) Definitions. (1) The term "qualified employer" means an employer
35 that has been certified by the commissioner to participate in the [New
36 York youth works tax credit] program ESTABLISHED UNDER THIS SECTION and
37 that employs one or more qualified employees.

38 (2) The term "qualified employee" means an individual:

39 (i) who is between the age of sixteen and twenty-four;

40 (ii) who resides in a city with a population of fifty-five thousand or
41 more or a town with a population of four hundred eighty thousand or
42 more;

43 (iii) who is low-income or at-risk, as those terms are defined by the
44 commissioner;

45 (iv) who is unemployed prior to being hired by the qualified employer;
46 and

47 (v) who will be working for the qualified employer in a full-time or
48 part-time position that pays wages that are equivalent to the wages paid
49 for similar jobs, with appropriate adjustments for experience and train-
50 ing, and for which no other employee has been terminated, or where the
51 employer has not otherwise reduced its workforce by involuntary termi-
52 nations with the intention of filling the vacancy by creating a new
53 hire.

1 (c) A qualified employer shall be entitled to a tax credit equal to
2 (1) five hundred dollars per month for up to six months for each quali-
3 fied employee the employer employs in a full-time job or two hundred
4 fifty dollars per month for up to six months for each qualified employee
5 the employer employs in a part-time job of at least twenty hours per
6 week or ten hours per week when the qualified employee is enrolled in
7 high school full-time, (2) one thousand dollars for each qualified
8 employee who is employed for at least an additional six months by the
9 qualified employer in a full-time job or five hundred dollars for each
10 qualified employee who is employed for at least an additional six months
11 by the qualified employer in a part-time job of at least twenty hours
12 per week or ten hours per week when the qualified employee is enrolled
13 in high school full-time, and (3) an additional one thousand dollars for
14 each qualified employee who is employed for at least an additional year
15 after the first year of the employee's employment by the qualified
16 employer in a full-time job or five hundred dollars for each qualified
17 employee who is employed for at least an additional year after the first
18 year of the employee's employment by the qualified employer in a part-
19 time job of at least twenty hours per week or ten hours per week when
20 the qualified employee is enrolled in high school full time. The tax
21 credits shall be claimed by the qualified employer as specified in
22 subdivision [forty-four] THIRTY-SIX of section two hundred [ten] TEN-B
23 and subsection (tt) of section six hundred six of the tax law.

24 (d) To participate in the [New York youth works tax credit] program
25 ESTABLISHED UNDER THIS SECTION, an employer must submit an application
26 (in a form prescribed by the commissioner) to the commissioner after
27 January first, two thousand twelve but no later than November thirtieth,
28 two thousand twelve for program one, after January first, two thousand
29 fourteen but no later than November thirtieth, two thousand fourteen for
30 program two, after January first, two thousand fifteen but no later than
31 November thirtieth, two thousand fifteen for program three, after Janu-
32 ary first, two thousand sixteen but no later than November thirtieth,
33 two thousand sixteen for program four, and after January first, two
34 thousand seventeen but no later than November thirtieth, two thousand
35 seventeen for program five. The qualified employees must start their
36 employment on or after January first, two thousand twelve but no later
37 than December thirty-first, two thousand twelve for program one, on or
38 after January first, two thousand fourteen but no later than December
39 thirty-first, two thousand fourteen for program two, on or after January
40 first, two thousand fifteen but no later than December thirty-first, two
41 thousand fifteen for program three, on or after January first, two thou-
42 sand sixteen but no later than December thirty-first, two thousand
43 sixteen for program four, and on or after January first, two thousand
44 seventeen but no later than December thirty-first, two thousand seven-
45 teen for program five. The commissioner shall establish guidelines and
46 criteria that specify requirements for employers to participate in the
47 program including criteria for certifying qualified employees. Any regu-
48 lations that the commissioner determines are necessary may be adopted on
49 an emergency basis notwithstanding anything to the contrary in section
50 two hundred two of the state administrative procedure act. Such require-
51 ments may include the types of industries that the employers are engaged
52 in. The commissioner may give preference to employers that are engaged
53 in demand occupations or industries, or in regional growth sectors,
54 including those identified by the regional economic development coun-
55 cils, such as clean energy, healthcare, advanced manufacturing and
56 conservation. In addition, the commissioner shall give preference to

1 employers who offer advancement and employee benefit packages to the
2 qualified individuals.

3 (e) If, after reviewing the application submitted by an employer, the
4 commissioner determines that such employer is eligible to participate in
5 the [New York youth works tax credit] program ESTABLISHED UNDER THIS
6 SECTION, the commissioner shall issue the employer a certificate of
7 eligibility that establishes the employer as a qualified employer. The
8 certificate of eligibility shall specify the maximum amount of [New York
9 youth works] tax credit that the employer will be allowed to claim.

10 (f) The commissioner shall annually publish a report. Such report must
11 contain the names and addresses of any employer issued a certificate of
12 eligibility under this section, and the maximum amount of New York youth
13 works tax credit allowed to the employer as specified on such certifi-
14 cate of eligibility.

15 S 2. The subdivision heading and paragraph (a) of subdivision 36 of
16 section 210-B of the tax law, as added by section 17 of part A of chap-
17 ter 59 of the laws of 2014, is amended to read as follows:

18 [New York] URBAN youth [works] JOBS PROGRAM tax credit. (a) A taxpayer
19 that has been certified by the commissioner of labor as a qualified
20 employer pursuant to section twenty-five-a of the labor law shall be
21 allowed a credit against the tax imposed by this article equal to (i)
22 five hundred dollars per month for up to six months for each qualified
23 employee the employer employs in a full-time job or two hundred fifty
24 dollars per month for up to six months for each qualified employee the
25 employer employs in a part-time job of at least twenty hours per week or
26 ten hours per week when the qualified employee is enrolled in high
27 school full-time, (ii) one thousand dollars for each qualified employee
28 who is employed for at least an additional six months by the qualified
29 employer in a full-time job or five hundred dollars for each qualified
30 employee who is employed for at least an additional six months by the
31 qualified employer in a part-time job of at least twenty hours per week
32 or ten hours per week when the qualified employee is enrolled in high
33 school full-time, and (iii) an additional one thousand dollars for each
34 qualified employee who is employed for at least an additional year after
35 the first year of the employee's employment by the qualified employer in
36 a full-time job or five hundred dollars for each qualified employee who
37 is employed for at least an additional year after the first year of the
38 employee's employment by the qualified employer in a part-time job of at
39 least twenty hours per week or ten hours per week when the qualified
40 employee is enrolled in high school full-time. For purposes of this
41 subdivision, the term "qualified employee" shall have the same meaning
42 as set forth in subdivision (b) of section twenty-five-a of the labor
43 law. The portion of the credit described in subparagraph (i) of this
44 paragraph shall be allowed for the taxable year in which the wages are
45 paid to the qualified employee, [and] the portion of the credit
46 described in subparagraph (ii) of this paragraph shall be allowed in the
47 taxable year in which the additional six month period ends, AND THE
48 PORTION OF THE CREDIT DESCRIBED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH
49 SHALL BE ALLOWED IN THE TAXABLE YEAR IN WHICH THE ADDITIONAL YEAR AFTER
50 THE FIRST YEAR OF EMPLOYMENT ENDS.

51 S 3. The subdivision heading and paragraph 1 of subsection (tt) of
52 section 606 of the tax law, the subdivision heading as added by section
53 3 of part D of chapter 56 of the laws of 2011 and paragraph 1 as amended
54 by section 2 of part U of chapter 59 of the laws of 2014, are amended to
55 read as follows:

1 [New York] URBAN youth [works] JOBS PROGRAM tax credit. (1) A taxpay-
 2 er that has been certified by the commissioner of labor as a qualified
 3 employer pursuant to section twenty-five-a of the labor law shall be
 4 allowed a credit against the tax imposed by this article equal to (A)
 5 five hundred dollars per month for up to six months for each qualified
 6 employee the employer employs in a full-time job or two hundred fifty
 7 dollars per month for up to six months for each qualified employee the
 8 employer employs in a part-time job of at least twenty hours per week or
 9 ten hours per week when the qualified employee is enrolled in high
 10 school full-time, and (B) one thousand dollars for each qualified
 11 employee who is employed for at least an additional six months by the
 12 qualified employer in a full-time job or five hundred dollars for each
 13 qualified employee who is employed for at least an additional six months
 14 by the qualified employer in a part-time job of at least twenty hours
 15 per week or ten hours per week when the qualified employee is enrolled
 16 in high school full-time, and (C) an additional one thousand dollars for
 17 each qualified employee who is employed for at least an additional year
 18 after the first year of the employee's employment by the qualified
 19 employer in a full-time job or five hundred dollars for each qualified
 20 employee who is employed for at least an additional year after the first
 21 year of the employee's employment by the qualified employer in a part-
 22 time job of at least twenty hours per week or ten hours per week when
 23 the qualified employee is enrolled in high school full-time. A taxpayer
 24 that is a partner in a partnership, member of a limited liability compa-
 25 ny or shareholder in an S corporation that has been certified by the
 26 commissioner of labor as a qualified employer pursuant to section twen-
 27 ty-five-a of the labor law shall be allowed its pro rata share of the
 28 credit earned by the partnership, limited liability company or S corpo-
 29 ration. For purposes of this subsection, the term "qualified employee"
 30 shall have the same meaning as set forth in subdivision (b) of section
 31 twenty-five-a of the labor law. The portion of the credit described in
 32 subparagraph (A) of this paragraph shall be allowed for the taxable year
 33 in which the wages are paid to the qualified employee, [and] the portion
 34 of the credit described in subparagraph (B) of this paragraph shall be
 35 allowed in the taxable year in which the additional six month period
 36 ends, AND THE PORTION OF THE CREDIT DESCRIBED IN SUBPARAGRAPH (C) OF
 37 THIS PARAGRAPH SHALL BE ALLOWED IN THE TAXABLE YEAR IN WHICH THE ADDI-
 38 TIONAL YEAR AFTER THE FIRST YEAR OF EMPLOYMENT ENDS.

39 S 4. Clause (xxxiii) of subparagraph (B) of paragraph 1 of subsection
 40 (i) of section 606 of the tax law, as amended by section 68 of part A of
 41 chapter 59 of the laws of 2014, is amended to read as follows:

42 (xxxiii) [New York] URBAN youth	Amount of credit under
43 [works] JOBS PROGRAM	subdivision thirty-six
44 tax credit	of section two hundred ten-B

45 S 5. This act shall take effect immediately.

46 PART BB

47 Section 1. Subdivision (b) of section 27-1318 of the environmental
 48 conservation law, as amended by section 2 of part E of chapter 577 of
 49 the laws of 2004, is amended to read as follows:

50 (b) Within [sixty] ONE HUNDRED EIGHTY days of commencement of the
 51 remedial design, the owner of an inactive hazardous waste disposal site,
 52 and/or any person responsible for implementing a remedial program at

1 such site, where institutional or engineering controls are employed
2 pursuant to this title, shall execute an environmental easement pursuant
3 to title thirty-six of article seventy-one of this chapter.

4 S 2. Subdivision 2 of section 27-1405 of the environmental conserva-
5 tion law, as amended by section 2 of part A of chapter 577 of the laws
6 of 2004, is amended and three new subdivisions 29, 30 and 31 are added
7 to read as follows:

8 2. "Brownfield site" or "site" shall mean any real property[, the
9 redevelopment or reuse of which may be complicated by the presence or
10 potential presence of] WHERE a contaminant IS PRESENT AT LEVELS EXCEED-
11 ING THE SOIL CLEANUP OBJECTIVES OR OTHER HEALTH-BASED OR ENVIRONMENTAL
12 STANDARDS, CRITERIA OR GUIDANCE ADOPTED BY THE DEPARTMENT THAT ARE
13 APPLICABLE BASED ON THE REASONABLY ANTICIPATED USE OF THE PROPERTY, IN
14 ACCORDANCE WITH APPLICABLE REGULATIONS. Such term shall not include real
15 property:

16 (a) listed in the registry of inactive hazardous waste disposal sites
17 under section 27-1305 of this article at the time of application to this
18 program and given a classification as described in subparagraph one or
19 two of paragraph b of subdivision two of section 27-1305 of this arti-
20 cle; provided, however [except until July first, two thousand five],
21 real property listed in the registry of inactive hazardous waste
22 disposal sites under subparagraph two of paragraph b of subdivision two
23 of section 27-1305 of this article [prior to the effective date of this
24 article], where such real property is owned by a volunteer OR UNDER
25 CONTRACT TO BE TRANSFERRED TO A VOLUNTEER, shall not be deemed ineligi-
26 ble to participate, PROVIDED THAT, PRIOR TO THE SITE BEING ACCEPTED INTO
27 THE BROWNFIELD CLEANUP PROGRAM, THE DEPARTMENT HAS NOT IDENTIFIED ANY
28 RESPONSIBLE PARTY FOR THAT PROPERTY HAVING THE ABILITY TO PAY FOR THE
29 INVESTIGATION OR CLEANUP OF THE PROPERTY and further provided that the
30 status of any such site as listed in the registry shall not be altered
31 prior to the issuance of a certificate of completion pursuant to section
32 27-1419 of this title. THE DEPARTMENT'S ASSESSMENT OF ELIGIBILITY UNDER
33 THIS PARAGRAPH SHALL NOT CONSTITUTE A FINDING CONCERNING LIABILITY WITH
34 RESPECT TO THE PROPERTY;

35 (b) listed on the national priorities list established under authority
36 of 42 U.S.C. section 9605;

37 (c) subject to an enforcement action under title seven or nine of this
38 article, [except] OR PERMITTED OR REQUIRED TO BE PERMITTED AS a treat-
39 ment, storage or disposal facility [subject to a permit]; provided, that
40 nothing herein contained shall be deemed otherwise to exclude from the
41 scope of the term "brownfield site" a hazardous waste treatment, storage
42 or disposal facility having interim status according to regulations
43 promulgated by the commissioner AND PROVIDED FURTHER THAT REAL PROPERTY
44 OWNED BY A VOLUNTEER OR UNDER CONTRACT TO BE TRANSFERRED TO A VOLUNTEER
45 SHALL NOT BE DEEMED INELIGIBLE TO PARTICIPATE PROVIDED THAT, PRIOR TO
46 THE SITE BEING ACCEPTED INTO THE BROWNFIELD CLEANUP PROGRAM, THE DEPART-
47 MENT HAS NOT IDENTIFIED ANY RESPONSIBLE PARTY FOR THAT PROPERTY HAVING
48 THE ABILITY TO PAY FOR THE INVESTIGATION OR CLEANUP OF THE PROPERTY;

49 (d) subject to an order for cleanup pursuant to article twelve of the
50 navigation law or pursuant to title ten of article seventeen of this
51 chapter except such property shall not be deemed ineligible if it is
52 subject to a stipulation agreement; or

53 (e) subject to any other on-going state or federal environmental
54 enforcement action related to the contamination which is at or emanating
55 from the site subject to the present application.

1 29. "AFFORDABLE HOUSING PROJECT" SHALL BE DEFINED IN REGULATION BY THE
2 DEPARTMENT, AFTER CONSULTATION WITH THE DIVISION OF HOUSING AND COMMUNI-
3 TY RENEWAL, WHICH SHALL AT A MINIMUM, ESTABLISH THE PERCENTAGE OF UNITS
4 IN THE PROJECT THAT MUST BE BELOW A DEFINED PERCENTAGE OF THE AREA MEDI-
5 AN INCOME.

6 30. "UNDERUTILIZED" SHALL BE DEFINED IN REGULATION BY THE DEPARTMENT,
7 AFTER CONSULTATION WITH THE BUSINESS COMMUNITY AND THE CITY OF NEW YORK.
8 SUCH REGULATIONS SHALL BE ADOPTED NO LATER THAN OCTOBER FIRST, TWO THOU-
9 SAND FIFTEEN AND TAKE INTO CONSIDERATION THE EXISTING USE OF A PROPERTY
10 RELATIVE TO ALLOWABLE DEVELOPMENT UNDER ZONING, THE NEED FOR SUBSTANTIAL
11 GOVERNMENT ASSISTANCE TO REDEVELOP AND OTHER RELEVANT FACTORS.

12 31. "UPSIDE DOWN" SHALL MEAN A PROPERTY WHERE THE PROJECTED AND
13 INCURRED COST OF THE INVESTIGATION AND REMEDIATION WHICH IS PROTECTIVE
14 FOR THE ANTICIPATED USE OF THE PROPERTY EQUALS OR EXCEEDS SEVENTY-FIVE
15 PERCENT OF ITS INDEPENDENT APPRAISED VALUE, AS OF THE DATE OF SUBMISSION
16 OF THE APPLICATION FOR PARTICIPATION IN THE BROWNFIELD CLEANUP PROGRAM,
17 DEVELOPED UNDER THE HYPOTHETICAL CONDITION THAT THE PROPERTY IS NOT
18 CONTAMINATED.

19 S 3. Subdivision 1 of section 27-1407 of the environmental conserva-
20 tion law, as amended by section 3 of part A of chapter 577 of the laws
21 of 2004, is amended and a new subdivision 1-a is added to read as
22 follows:

23 1. A person who seeks to participate in this program shall submit a
24 request to the department on a form provided by the department. Such
25 form shall include information to be determined by the department suffi-
26 cient to allow the department to determine eligibility and the current,
27 intended and reasonably anticipated future land use of the site pursuant
28 to section 27-1415 of this title. ANY SUCH PERSON SHALL SUBMIT AN
29 INVESTIGATION REPORT SUFFICIENT TO DEMONSTRATE THAT THE SITE REQUIRES
30 REMEDIATION IN ORDER TO MEET THE REMEDIAL REQUIREMENTS OF THIS TITLE.

31 1-A. IF THE PERSON IS ALSO SEEKING A DETERMINATION THAT THE SITE IS
32 ELIGIBLE FOR THE TANGIBLE PROPERTY CREDIT COMPONENT OF THE BROWNFIELD
33 REDEVELOPMENT TAX CREDIT PURSUANT TO PARAGRAPH THREE OF SUBDIVISION (A)
34 OF SECTION TWENTY-ONE OF THE TAX LAW FOR A SITE LOCATED IN A CITY HAVING
35 A POPULATION OF ONE MILLION OR MORE, SUCH PERSON SHALL SUBMIT INFORMA-
36 TION SUFFICIENT TO DEMONSTRATE THAT: (A) AT LEAST HALF OF THE SITE AREA
37 IS LOCATED IN AN ENVIRONMENTAL ZONE AS DEFINED IN SECTION TWENTY-ONE OF
38 THE TAX LAW; (B) THE PROPERTY IS UPSIDE DOWN OR UNDERUTILIZED; OR (C)
39 THE PROJECT IS AN AFFORDABLE HOUSING PROJECT. AN APPLICANT MAY REQUEST
40 AN ELIGIBILITY DETERMINATION FOR TANGIBLE PROPERTY CREDITS AT ANY TIME
41 FROM APPLICATION UNTIL THE SITE RECEIVES A CERTIFICATE OF COMPLETION
42 PURSUANT TO SECTION 27-1419 OF THIS TITLE EXCEPT FOR SITES SEEKING
43 ELIGIBILITY UNDER THE UNDERUTILIZED CATEGORY.

44 SITES ARE NOT ELIGIBLE FOR TANGIBLE PROPERTY TAX CREDITS IF: (A) THE
45 CONTAMINATION FROM GROUND WATER OR SOIL VAPOR IS SOLELY EMANATING FROM
46 PROPERTY OTHER THAN THE SITE SUBJECT TO THE PRESENT APPLICATION; OR (B)
47 THE DEPARTMENT HAS DETERMINED THAT THE PROPERTY HAS PREVIOUSLY BEEN
48 REMEDIATED PURSUANT TO TITLES NINE, THIRTEEN AND FOURTEEN OF THIS ARTI-
49 CLE, TITLE FIVE OF ARTICLE FIFTY-SIX OF THIS CHAPTER AND ARTICLE TWELVE
50 OF THE NAVIGATION LAW SUCH THAT IT MAY BE DEVELOPED FOR ITS THEN
51 INTENDED USE.

52 S 4. Subdivision 3 of section 27-1407 of the environmental conserva-
53 tion law, as amended by section 3 of part A of chapter 577 of the laws
54 of 2004, is amended to read as follows:

55 3. The department shall notify the person requesting participation in
56 this program within [ten] THIRTY days after receiving such request that

1 such request is either complete or incomplete. In the event the applica-
2 tion is determined to be incomplete the department shall specify in
3 writing the missing necessary information required pursuant to this
4 article to complete the application and shall have ten days after
5 receipt of the missing information to issue a written determination if
6 the application is complete.

7 S 5. Subdivision 6 of section 27-1407 of the environmental conserva-
8 tion law, as added by section 1 of part A of chapter 1 of the laws of
9 2003, is amended to read as follows:

10 6. The department shall use all best efforts to expeditiously notify
11 the applicant within forty-five days after receiving [their request] A
12 COMPLETE APPLICATION for participation that such request is either
13 accepted or rejected, AND, FOR ANY APPLICANT SEEKING TO RECEIVE THE
14 TANGIBLE PROPERTY CREDIT COMPONENT OF THE BROWNFIELD REDEVELOPMENT TAX
15 CREDIT PURSUANT TO PARAGRAPH THREE OF SUBDIVISION (A) OF SECTION TWEN-
16 TY-ONE OF THE TAX LAW, SHALL CONCURRENTLY NOTIFY THE APPLICANT WHETHER
17 THE CRITERIA FOR RECEIVING SUCH COMPONENT AS SET FORTH IN SUBDIVISION
18 ONE OF THIS SECTION HAVE BEEN MET.

19 S 6. Subdivision 9 of section 27-1407 of the environmental conserva-
20 tion law is amended by adding a new paragraph (g) to read as follows:

21 (G) THE PERSON'S PARTICIPATION IN ANY REMEDIAL PROGRAM UNDER THE
22 DEPARTMENT'S OVERSIGHT WAS TERMINATED BY THE DEPARTMENT OR BY A COURT
23 FOR FAILURE TO SUBSTANTIALLY COMPLY WITH AN AGREEMENT OR ORDER.

24 S 7. Subdivision 2 of section 27-1409 of the environmental conserva-
25 tion law, as amended by section 4 of part A of chapter 577 of the laws
26 of 2004, is amended to read as follows:

27 2. One requiring: (A) the [applicant] PARTICIPANT to pay for state
28 costs, INCLUDING THE RECOVERY OF STATE COSTS INCURRED BEFORE THE EFFEC-
29 TIVE DATE OF SUCH AGREEMENT; provided, however, that SUCH COSTS MAY BE
30 BASED ON A REASONABLE FLAT-FEE FOR OVERSIGHT, WHICH SHALL REFLECT THE
31 PROJECTED FUTURE STATE COSTS INCURRED IN NEGOTIATING AND OVERSEEING
32 IMPLEMENTATION OF SUCH AGREEMENT; AND

33 (B) with respect to a brownfield site which the department has deter-
34 mined constitutes a significant threat to the public health or environ-
35 ment the department may include a provision requiring the applicant to
36 provide a technical assistance grant, as described in subdivision four
37 of section 27-1417 of this title and under the conditions described
38 therein, to an eligible party in accordance with procedures established
39 under such program, with the cost of such a grant incurred by a volun-
40 teer serving as an offset against such state costs[. Where the appli-
41 cant is a participant, the department shall include provisions relating
42 to recovery of state costs incurred before the effective date of such
43 agreement];

44 S 8. Section 27-1411 of the environmental conservation law is amended
45 by adding a new subdivision 6 to read as follows:

46 6. AN APPLICANT SHALL INCLUDE WITH EVERY REPORT SUBMITTED TO THE
47 DEPARTMENT A SCHEDULE FOR THE SUBMISSION OF ANY SUBSEQUENT WORK PLAN
48 REQUIRED TO MEET THE REQUIREMENTS OF THIS TITLE.

49 S 9. Paragraphs (b), (c) and (d) of subdivision 7 of section 27-1415
50 of the environmental conservation law are relettered paragraphs (c), (d)
51 and (e) and a new paragraph (b) is added to read as follows:

52 (B) WITHIN ONE HUNDRED EIGHTY DAYS OF COMMENCEMENT OF THE REMEDIAL
53 DESIGN OR AT LEAST THREE MONTHS PRIOR TO THE DATE OF THE ANTICIPATED
54 ISSUANCE OF THE CERTIFICATE OF COMPLETION, THE OWNER OF A BROWNFIELD
55 SITE, AND/OR ANY PERSON RESPONSIBLE FOR IMPLEMENTING A REMEDIAL PROGRAM
56 AT SUCH SITE, WHERE INSTITUTIONAL OR ENGINEERING CONTROLS ARE EMPLOYED

1 PURSUANT TO THIS TITLE, SHALL EXECUTE AN ENVIRONMENTAL EASEMENT PURSUANT
2 TO TITLE THIRTY-SIX OF ARTICLE SEVENTY-ONE OF THIS CHAPTER.

3 S 10. Subdivision 1, paragraph (a) of subdivision 2 and subdivision 3
4 of section 27-1419 of the environmental conservation law, subdivision 1
5 and paragraph (a) of subdivision 2 as added by section 1 of part A of
6 chapter 1 of the laws of 2003, subdivision 3 as amended by chapter 390
7 of the laws of 2008, are amended to read as follows:

8 1. Upon certification by the applicant that the remediation require-
9 ments of this title have been OR WILL BE achieved IN ACCORDANCE WITH THE
10 SCHEDULES PROVIDED IN REPORTS SUBMITTED TO THE DEPARTMENT ON THE REMEDI-
11 AL WORK PLAN for the brownfield site, such applicant shall submit to the
12 department a final engineering report prepared by an individual licensed
13 or otherwise authorized in accordance with article one hundred forty-
14 five of the education law to practice the profession of engineering.

15 (a) a description of the remediation activities completed pursuant to
16 the remedial work plan AND ANY INTERIM REMEDIAL MEASURES for the brown-
17 field site;

18 3. Upon receipt of the final engineering report, the department shall
19 review such report and the data submitted pursuant to the brownfield
20 site cleanup agreement as well as any other relevant information regard-
21 ing the brownfield site. Upon satisfaction of the commissioner that the
22 remediation requirements set forth in this title have been or will be
23 achieved in accordance with the timeframes, if any, established in the
24 remedial work plan, the commissioner shall issue a written certificate
25 of completion[, such]. THE certificate shall include such information as
26 determined by the department of taxation and finance, including but not
27 limited to the brownfield site boundaries included in the final engi-
28 neering report, the date of the brownfield site CLEANUP agreement
29 [pursuant to section 27-1409 of this title], and the applicable percent-
30 ages available AS OF THE DATE OF THE CERTIFICATE OF COMPLETION for that
31 site for purposes of section twenty-one of the tax law[, with such
32 percentages to be determined as follows with respect to such qualified
33 site]. FOR THOSE SITES FOR WHICH THE DEPARTMENT HAS ISSUED A NOTICE TO
34 THE APPLICANT ON OR AFTER JULY FIRST, TWO THOUSAND FIFTEEN OR THE DATE
35 OF PUBLICATION IN THE STATE REGISTER OF PROPOSED REGULATIONS DEFINING
36 "UNDERUTILIZED" AS PROVIDED IN SUBDIVISION THIRTY OF SECTION 27-1405 OF
37 THIS TITLE, WHICHEVER SHALL BE LATER, THAT ITS REQUEST FOR PARTICIPATION
38 HAS BEEN ACCEPTED UNDER SUBDIVISION SIX OF SECTION 27-1407 OF THIS
39 TITLE, THE TANGIBLE PROPERTY CREDIT COMPONENT OF THE BROWNFIELD REDEVEL-
40 OPMENT TAX CREDIT PURSUANT TO PARAGRAPH THREE OF SUBDIVISION (A) OF
41 SECTION TWENTY-ONE OF THE TAX LAW SHALL ONLY BE AVAILABLE TO THE TAXPAY-
42 ER IF THE CRITERIA FOR RECEIVING SUCH TAX COMPONENT HAVE BEEN MET. FOR
43 THOSE SITES for which the department has issued a notice to the taxpayer
44 after June twenty-third, two thousand eight that its request for partic-
45 ipation has been accepted under subdivision six of section 27-1407 of
46 this title[:

47 For the purposes of calculating], THE APPLICABLE PERCENTAGE FOR the
48 site preparation credit component pursuant to paragraph two of subdivi-
49 sion (a) of section twenty-one of the tax law, and the on-site groundwa-
50 ter remediation credit component pursuant to paragraph four of subdivi-
51 sion (a) of section twenty-one of the tax law[, the applicable
52 percentage] shall be based on the level of cleanup achieved pursuant to
53 subdivision four of section 27-1415 of this title and the level of
54 cleanup of soils to contaminant-specific soil cleanup objectives promul-
55 gated pursuant to subdivision six of section 27-1415 of this title, up
56 to a maximum of fifty percent, as follows:

1 (a) soil cleanup for unrestricted use, the protection of groundwater
2 or the protection of ecological resources, the applicable percentage
3 shall be fifty percent;

4 (b) soil cleanup for residential use, the applicable percentage shall
5 be forty percent, except for Track 4 which shall be twenty-eight
6 percent;

7 (c) soil cleanup for commercial use, the applicable percentage shall
8 be thirty-three percent, except for Track 4 which shall be twenty-five
9 percent;

10 (d) soil cleanup for industrial use, the applicable percentage shall
11 be twenty-seven percent, except for Track 4 which shall be twenty-two
12 percent.

13 S 11. Subdivision 5 of section 27-1419 of the environmental conserva-
14 tion law, as amended by section 9 of part A of chapter 577 of the laws
15 of 2004, is amended to read as follows:

16 5. A certificate of completion issued pursuant to this section may be
17 transferred [to the applicant's successors or assigns upon transfer or
18 sale of the brownfield site] BY THE APPLICANT OR SUBSEQUENT HOLDER OF
19 THE CERTIFICATE OF COMPLETION TO A SUCCESSOR TO A REAL PROPERTY INTER-
20 EST, INCLUDING LEGAL TITLE, EQUITABLE TITLE OR LEASEHOLD, IN ALL OR A
21 PART OF THE BROWNFIELD SITE FOR WHICH THE CERTIFICATE OF COMPLETION WAS
22 ISSUED. NOTWITHSTANDING ANY PROVISION OF THIS CHAPTER TO THE CONTRARY, A
23 CERTIFICATE OF COMPLETION SHALL NOT BE TRANSFERRED TO A RESPONSIBLE
24 PARTY. Further, a certificate of completion may be modified or revoked
25 by the commissioner upon a finding that:

26 (a) Either the applicant, or the applicant's successors or assigns,
27 has failed to comply with the terms and conditions of the brownfield
28 site cleanup agreement;

29 (b) The applicant made a misrepresentation of a material fact tending
30 to demonstrate that: (I) it was qualified as a volunteer; OR (II) MET
31 THE CRITERIA SET FORTH IN SUBDIVISION ONE-A OF SECTION 27-1407 OF THIS
32 TITLE FOR THE PURPOSE OF RECEIVING THE TANGIBLE PROPERTY CREDIT COMPO-
33 NENT OF THE BROWNFIELD REDEVELOPMENT TAX CREDIT PURSUANT TO PARAGRAPH
34 THREE OF SUBDIVISION (A) OF SECTION TWENTY-ONE OF THE TAX LAW;

35 (c) Either the applicant, or the applicant's successors or assigns,
36 made a misrepresentation of a material fact tending to demonstrate that
37 the cleanup levels identified in the brownfield site cleanup agreement
38 were reached; or

39 (d) There is good cause for such modification or revocation.

40 S 12. Section 27-1423 of the environmental conservation law is
41 REPEALED.

42 S 13. Section 27-1429 of the environmental conservation law, as
43 amended by section 13 of part A of chapter 577 of the laws of 2004, is
44 amended to read as follows:

45 S 27-1429. Permit waivers.

46 The department, by and through the commissioner, shall be EXEMPT FOR
47 ACTIVITIES CONDUCTED PURSUANT TO SUBDIVISION FIVE OF SECTION 27-1411 OF
48 THIS TITLE AND SHALL BE authorized to exempt a person from the require-
49 ment to obtain any state or local permit or other authorization for any
50 activity needed to implement a program for the investigation and/or
51 remediation of contamination AT OR EMANATING FROM A BROWNFIELD SITE;
52 provided that the activity is conducted in a manner which satisfies all
53 substantive technical requirements applicable to like activity conducted
54 pursuant to a permit.

55 S 14. Subdivision 1 of section 27-1431 of the environmental conserva-
56 tion law is amended by adding a new paragraph c to read as follows:

1 C. TO INSPECT FOR COMPLIANCE WITH THE SITE MANAGEMENT PLAN APPROVED BY
2 THE DEPARTMENT, INCLUDING (I) INSPECTION OF THE PERFORMANCE OF MAINTENANCE,
3 MONITORING AND OPERATIONAL ACTIVITIES REQUIRED AS PART OF THE
4 REMEDIAL PROGRAM FOR THE SITE, (II) INSPECTION FOR THE PURPOSE OF ASCERTAINING
5 CURRENT USES OF THE SITE, AND (III) TAKING SAMPLES IN ACCORDANCE
6 WITH PARAGRAPH (A) OF THIS SUBDIVISION.

7 S 15. Section 27-1435 of the environmental conservation law is
8 REPEALED.

9 S 15-a. The environmental conservation law is amended by adding a new
10 section 27-1437 to read as follows:

11 S 27-1437. BCP-EZ PROGRAM.

12 1. THE DEPARTMENT MAY PROMULGATE REGULATIONS TO IMPLEMENT A PROGRAM
13 PROVIDING FOR THE EXPEDITED INVESTIGATION AND/OR REMEDIATION OF CONTAMINATION
14 AT BROWNFIELD SITES (BCP-EZ PROGRAM), PROVIDED THAT:

15 (A) AT THE TIME OF THE APPLICATION, THE DEPARTMENT HAS DETERMINED THAT
16 THE BROWNFIELD SITE DOES NOT POSE A SIGNIFICANT THREAT PURSUANT TO
17 SECTION 27-1411 OF THIS TITLE;

18 (B) THE APPLICANT HAS WAIVED IN WRITING ANY CLAIM FOR TAX CREDITS
19 PURSUANT TO SECTION TWENTY-ONE OF THE TAX LAW ON A FORM PRESCRIBED BY
20 THE DEPARTMENT; AND

21 (C) THE ACTIVITY IS CONDUCTED IN A MANNER WHICH SATISFIES ALL REQUIREMENTS
22 APPLICABLE TO LIKE ACTIVITY CONDUCTED PURSUANT TO SECTIONS 27-1415
23 AND 27-1417 OF THIS TITLE, EXCEPT AS PROVIDED IN SUBDIVISION TWO OF THIS
24 SECTION AND THE TIME PERIODS SPECIFIED IN PARAGRAPHS (B) AND (C) OF
25 SUBDIVISION THREE OF SECTION 27-1417 OF THIS TITLE.

26 2. FOR ANY SITE ACCEPTED INTO THE BCP-EZ PROGRAM PURSUANT TO THIS
27 SECTION WITH A REMEDIAL WORK PLAN IDENTIFYING A TRACK 4 REMEDIATION, IF
28 A CONTAMINANT IS IDENTIFIED IN SOIL IN EXCESS OF THE REMEDIAL ACTION
29 OBJECTIVES CONTAINED IN AN APPLICABLE GENERIC TABLE DEVELOPED PURSUANT
30 TO SUBDIVISION SIX OF SECTION 27-1415 OF THIS TITLE, THE APPLICANT MAY
31 USE SITE-SPECIFIC DATA TO DEMONSTRATE TO THE DEPARTMENT THAT THE CONCENTRATION
32 OF THE CONTAMINANT IN THE SOILS REFLECTS BACKGROUND CONDITIONS
33 AND, IN THAT CASE, A CONTAMINANT-SPECIFIC ACTION OBJECTIVE FOR SUCH
34 CONTAMINANT EQUAL TO SUCH BACKGROUND CONCENTRATION MAY BE ESTABLISHED
35 PROVIDED THAT SUCH OBJECTIVE IS PROTECTIVE OF THE PUBLIC HEALTH AND THE
36 ENVIRONMENT AND IS DETERMINED IN A MANNER ACCEPTABLE TO THE DEPARTMENT.

37 3. UPON THE DEPARTMENT'S ACCEPTANCE OF THE CERTIFICATION BY THE APPLICANT
38 THAT THE REMEDIATION REQUIREMENTS OF THIS TITLE, PURSUANT TO
39 SECTION 27-1419 OF THIS TITLE, HAVE BEEN ACHIEVED FOR THE BROWNFIELD
40 SITE AND AN ENVIRONMENTAL EASEMENT, IF NECESSARY, HAS BEEN CREATED AND
41 FILED PURSUANT TO TITLE THIRTY-SIX OF ARTICLE SEVENTY-ONE OF THIS CHAPTER,
42 A SITE IN THE BCP-EZ PROGRAM SHALL BE ELIGIBLE TO RECEIVE A CERTIFICATE
43 OF COMPLETION IN ACCORDANCE WITH SECTION 27-1419 OF THIS TITLE;
44 PROVIDED, HOWEVER, THAT SUCH CERTIFICATE OF COMPLETION SHALL NOT ENTITLE
45 THE HOLDER TO ANY TAX CREDITS PROVIDED BY SECTION TWENTY-ONE OF THE TAX
46 LAW.

47 S 16. The opening paragraph of subdivision 10 of section 71-3605 of
48 the environmental conservation law, as added by section 2 of part A of
49 chapter 1 of the laws of 2003, is amended to read as follows:

50 An environmental easement may be enforced in law or equity by its
51 grantor, by the state, or any affected local government as defined in
52 section 71-3603 of this title. Such easement is enforceable against the
53 owner of the burdened property, any lessees, and any person using the
54 land. Enforcement shall not be defeated because of any subsequent
55 adverse possession, laches, estoppel, REVERSION or waiver. No general
56 law of the state which operates to defeat the enforcement of any inter-

1 est in real property shall operate to defeat the enforcement of any
2 environmental easement unless such general law expressly states the
3 intent to defeat the enforcement of such easement or provides for the
4 exercise of the power of eminent domain. It is not a defense in any
5 action to enforce an environmental easement that:

6 S 17. Paragraph 3 of subdivision (a) of section 21 of the tax law, as
7 amended by chapter 390 of the laws of 2008, is amended to read as
8 follows:

9 (3) Tangible property credit component.

10 (I) The tangible property credit component shall be equal to the
11 applicable percentage of the cost or other basis for federal income tax
12 purposes of tangible personal property and other tangible property,
13 including buildings and structural components of buildings, which
14 constitute qualified tangible property AND MAY INCLUDE ANY RELATED PARTY
15 SERVICE FEE PAID; provided[, however,] that in determining the cost or
16 other basis of such property, the taxpayer shall exclude the acquisition
17 cost of any item of property with respect to which a credit under this
18 section was allowable to another taxpayer. A RELATED PARTY SERVICE FEE
19 SHALL BE ALLOWED ONLY IN THE CALCULATION OF THE TANGIBLE PROPERTY CREDIT
20 COMPONENT AND SHALL NOT BE ALLOWED IN THE CALCULATION OF THE SITE PREPA-
21 RATION CREDIT COMPONENT OR THE ON-SITE GROUNDWATER REMEDIATION CREDIT
22 COMPONENT. THE PORTION OF THE TANGIBLE PROPERTY CREDIT COMPONENT WHICH
23 IS ATTRIBUTABLE TO RELATED PARTY SERVICE FEES SHALL BE ALLOWED ONLY AS
24 FOLLOWS: (A) IN THE TAXABLE YEAR IN WHICH THE QUALIFIED TANGIBLE PROPER-
25 TY DESCRIBED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH IS PLACED IN
26 SERVICE, FOR THAT PORTION OF THE RELATED PARTY SERVICE FEES WHICH HAVE
27 BEEN EARNED AND ACTUALLY PAID TO THE RELATED PARTY ON OR BEFORE THE LAST
28 DAY OF SUCH TAXABLE YEAR; AND (B) WITH RESPECT TO ANY OTHER TAXABLE YEAR
29 FOR WHICH THE TANGIBLE PROPERTY CREDIT COMPONENT MAY BE CLAIMED UNDER
30 THIS SUBPARAGRAPH AND IN WHICH THE AMOUNT OF ANY ADDITIONAL RELATED
31 PARTY SERVICE FEES ARE ACTUALLY PAID BY THE TAXPAYER TO THE RELATED
32 PARTY, THE TANGIBLE PROPERTY CREDIT COMPONENT FOR SUCH AMOUNT SHALL BE
33 ALLOWED IN SUCH TAXABLE YEAR. The credit component amount so determined
34 shall be allowed for the taxable year in which such qualified tangible
35 property is FIRST placed in service on a qualified site with respect to
36 which a certificate of completion has been issued to the taxpayer, OR
37 FOR THE TAXABLE YEAR IN WHICH THE CERTIFICATE OF COMPLETION IS ISSUED IF
38 THE QUALIFIED TANGIBLE PROPERTY IS PLACED IN SERVICE PRIOR TO THE ISSU-
39 ANCE OF THE CERTIFICATE OF COMPLETION. THIS CREDIT COMPONENT SHALL ONLY
40 BE ALLOWED for up to [ten taxable years after] ONE HUNDRED TWENTY MONTHS
41 AFTER the date of the issuance of such certificate of completion.

42 (II) The tangible property credit component shall be allowed with
43 respect to property leased to a second party only if such second party
44 is either [(i)] (A) not a party responsible for the disposal of hazard-
45 ous waste or the discharge of petroleum at the site according to appli-
46 cable principles of statutory or common law liability, or [(ii)] (B) a
47 party responsible according to applicable principles of statutory or
48 common law liability if such party's liability arises solely from opera-
49 tion of the site subsequent to the disposal of hazardous waste or the
50 discharge of petroleum, and is so certified by the commissioner of envi-
51 ronmental conservation at the request of the taxpayer, pursuant to
52 section 27-1419 of the environmental conservation law. Notwithstanding
53 any other provision of law to the contrary, in the case of allowance of
54 credit under this section to such a lessor, the commissioner shall have
55 the authority to reveal to such lessor any information, with respect to
56 the issue of qualified use of property by the lessee, which is the basis

1 for the denial in whole or in part, or for the recapture, of the credit
2 claimed by such lessor. For purposes of the tangible property credit
3 component allowed under this section the taxpayer to whom the certifi-
4 cate of completion is issued, as provided for under subdivision five of
5 section 27-1419 of the environmental conservation law, may transfer the
6 benefits and burdens of the certificate of completion, which run with
7 the land and to the applicant's successors or assigns upon transfer or
8 sale of all or any portion of an interest or estate in the qualified
9 site. However, the taxpayer to whom certificate's benefits and burdens
10 are transferred shall not include the cost of acquiring all or any
11 portion of an interest or estate in the site and the amounts included in
12 the cost or other basis for federal income tax purposes of qualified
13 tangible property already claimed by the previous taxpayer pursuant to
14 this section.

15 (III) THE TERM "RELATED PARTY SERVICE FEE" SHALL MEAN ANY FEE OR OTHER
16 MONETARY COMPENSATION EARNED BY A RELATED PARTY AND CALCULATED AS A
17 PERCENTAGE OF PROJECT AND/OR ACQUISITION COSTS, IN CONSIDERATION OF
18 SERVICES RENDERED TO OR FOR THE BENEFIT OF THE TAXPAYER PLACING QUALI-
19 FIED TANGIBLE PROPERTY IN SERVICE IN CONNECTION WITH THE ACQUISITION AND
20 DEVELOPMENT OF SUCH PROPERTY. FOR PURPOSES OF THIS SUBPARAGRAPH,
21 "RELATED PARTY" SHALL HAVE THE SAME MEANING AS RELATED PERSON AS DEFINED
22 IN SUBPARAGRAPH (C) OF PARAGRAPH THREE OF SUBDIVISION (B) OF SECTION
23 FOUR HUNDRED SIXTY-FIVE OF THE INTERNAL REVENUE CODE.

24 (IV) ELIGIBLE COSTS FOR THE TANGIBLE PROPERTY CREDIT COMPONENT ARE
25 LIMITED TO COSTS FOR TANGIBLE PROPERTY THAT HAS A DEPRECIABLE LIFE FOR
26 FEDERAL INCOME TAX PURPOSES OF FIFTEEN YEARS OR MORE, COSTS ASSOCIATED
27 WITH DEMOLITION AND EXCAVATION ON THE SITE AND THE FOUNDATION OF ANY
28 BUILDINGS CONSTRUCTED AS PART OF THE SITE COVER THAT ARE NOT PROPERLY
29 INCLUDED IN THE SITE PREPARATION COMPONENT AND COSTS ASSOCIATED WITH
30 NON-PORTABLE EQUIPMENT, MACHINERY AND ASSOCIATED FIXTURES AND APPURTE-
31 NANCES USED EXCLUSIVELY ON THE SITE, WHETHER OR NOT SUCH PROPERTY HAS A
32 DEPRECIABLE LIFE FOR FEDERAL INCOME TAX PURPOSES OF FIFTEEN YEARS OR
33 MORE.

34 (V) WITH RESPECT TO ANY QUALIFIED SITE FOR WHICH THE DEPARTMENT OF
35 ENVIRONMENTAL CONSERVATION HAS ISSUED A NOTICE TO THE TAXPAYER ON OR
36 AFTER JULY FIRST, TWO THOUSAND FIFTEEN OR THE DATE OF PUBLICATION IN THE
37 STATE REGISTER OF PROPOSED REGULATIONS DEFINING "UNDERUTILIZED" AS
38 PROVIDED IN SUBDIVISION THIRTY OF SECTION 27-1405 OF THE ENVIRONMENTAL
39 CONSERVATION LAW, WHICHEVER SHALL BE LATER, THAT ITS REQUEST FOR PARTIC-
40 IPATION HAS BEEN ACCEPTED UNDER SUBDIVISION SIX OF SECTION 27-1407 OF
41 THE ENVIRONMENTAL CONSERVATION LAW, AND THE SITE IS ELIGIBLE FOR THE
42 TANGIBLE PROPERTY CREDIT COMPONENT BECAUSE IT IS AN AFFORDABLE HOUSING
43 PROJECT PURSUANT TO SUBDIVISION ONE-A OF SECTION 27-1407 OF THE ENVIRON-
44 MENTAL CONSERVATION LAW, THE PORTION OF ELIGIBLE COSTS TO BE INCLUDED IN
45 THE CALCULATION OF THE TANGIBLE PROPERTY CREDIT COMPONENT WILL BE DETER-
46 MINED BY MULTIPLYING THE TOTAL COSTS QUALIFIED FOR THE TANGIBLE PROPERTY
47 CREDIT COMPONENT BY A FRACTION, THE NUMERATOR OF WHICH SHALL BE THE
48 SQUARE FOOTAGE OF SPACE OF THE AFFORDABLE HOUSING UNITS DEDICATED TO
49 RESIDENTIAL OCCUPANCY AND THE DENOMINATOR OF WHICH SHALL BE THE TOTAL
50 SQUARE FOOTAGE OF THE BUILDING.

51 S 18. Subparagraphs (A) and (B) of paragraph 3-a of subdivision (a) of
52 section 21 of the tax law, as added by chapter 390 of the laws of 2008,
53 are amended to read as follows:

54 (A) Notwithstanding any other provision of law to the contrary, the
55 tangible property credit component available for any qualified site
56 pursuant to paragraph three of this subdivision shall not exceed thir-

1 ty-five million dollars or three times the SUM OF THE costs included in
2 the calculation of the site preparation credit component and the on-site
3 groundwater remediation credit component under paragraphs two and four,
4 respectively, of this subdivision, AND THE COSTS THAT WOULD HAVE BEEN
5 INCLUDED IN THE CALCULATION OF SUCH COMPONENTS IF NOT TREATED AS AN
6 EXPENSE AND DEDUCTED PURSUANT TO SECTION ONE HUNDRED NINETY-EIGHT OF THE
7 INTERNAL REVENUE CODE, whichever is less; provided, however, that: (1)
8 in the case of a qualified site to be used primarily for manufacturing
9 activities, the tangible property credit component available for any
10 qualified site pursuant to paragraph three of this subdivision shall not
11 exceed forty-five million dollars or six times the SUM OF THE costs
12 included in the calculation of the site preparation credit component and
13 the on-site groundwater remediation credit component under paragraphs
14 two and four, respectively, of this subdivision, AND THE COSTS THAT
15 WOULD HAVE BEEN INCLUDED IN THE CALCULATION OF SUCH COMPONENTS IF NOT
16 TREATED AS AN EXPENSE AND DEDUCTED PURSUANT TO SECTION ONE HUNDRED NINE-
17 TY-EIGHT OF THE INTERNAL REVENUE CODE, whichever is less; and (2) the
18 provisions of this paragraph shall not apply to any qualified site for
19 which the department of environmental conservation has issued a notice
20 to the taxpayer before June twenty-third, two thousand eight that its
21 request for participation has been accepted under subdivision six of
22 section 27-1407 of the environmental conservation law.

23 (B) For the purposes of this paragraph, the term "manufacturing activ-
24 ities" means the production of goods by manufacturing, processing,
25 assembling, refining, mining, extracting, farming, agriculture, horti-
26 culture, floriculture, viticulture or commercial fishing[, and shall
27 also include the activities of a qualified emerging technology company
28 as defined in paragraph (c) of subdivision one of section thirty-one
29 hundred two-e of the public authorities law regardless of the ten
30 million dollar limitation expressed in subparagraph one of such para-
31 graph]; provided however, that the generation and distribution of elec-
32 tricity, the distribution of natural gas, and the production of steam
33 associated with the generation of electricity, shall not constitute
34 manufacturing activities.

35 S 19. Subparagraph (C) of paragraph 3-a of subdivision (a) of section
36 21 of the tax law, as added by chapter 390 of the laws of 2008, is
37 amended to read as follows:

38 (C) In order to properly administer the [credit] CREDITS set forth in
39 [paragraph three of] this subdivision, the department may disclose
40 information about the calculation and the amounts of the credits claimed
41 under [paragraph three of] this subdivision on a taxpayer's return to
42 the department of environmental conservation and other taxpayers claim-
43 ing tax credits under this section with respect to the same qualifying
44 site.

45 S 20. Subparagraph (D) of paragraph 3-a of subdivision (a) of section
46 21 of the tax law, as added by chapter 390 of the laws of 2008, is
47 amended to read as follows:

48 (D) [If] WITH RESPECT TO ANY QUALIFIED SITE FOR WHICH THE DEPARTMENT
49 OF ENVIRONMENTAL CONSERVATION HAS ISSUED A NOTICE TO THE TAXPAYER BEFORE
50 JULY FIRST, TWO THOUSAND FIFTEEN OR THE DATE OF PUBLICATION IN THE STATE
51 REGISTER OF PROPOSED REGULATIONS DEFINING "UNDERUTILIZED" AS PROVIDED IN
52 SUBDIVISION THIRTY OF SECTION 27-1405 OF THE ENVIRONMENTAL CONSERVATION
53 LAW, WHICHEVER SHALL BE LATER, THAT ITS REQUEST FOR PARTICIPATION HAS
54 BEEN ACCEPTED UNDER SUBDIVISION SIX OF SECTION 27-1407 OF THE ENVIRON-
55 MENTAL CONSERVATION LAW, OR WHERE THE TAXPAYER HAS EITHER BEEN ISSUED OR
56 RECEIVED A CERTIFICATE OF COMPLETION FROM ANOTHER TAXPAYER UNDER SECTION

1 27-1419 OF THE ENVIRONMENTAL CONSERVATION LAW BEFORE JULY FIRST, TWO
2 THOUSAND FIFTEEN OR THE DATE OF PUBLICATION IN THE STATE REGISTER OF
3 PROPOSED REGULATIONS DEFINING "UNDERUTILIZED" AS PROVIDED IN SUBDIVISION
4 THIRTY OF SECTION 27-1405 OF THE ENVIRONMENTAL CONSERVATION LAW, WHICH-
5 EVER SHALL BE LATER, IF the qualifying site is located in a brownfield
6 opportunity area and is developed in conformance with the goals and
7 priorities established for that applicable brownfield opportunity area
8 as designated pursuant to section nine hundred seventy-r of the general
9 municipal law, the applicable percentage of the tangible property credit
10 component will be increased by two percent.

11 S 21. Paragraph 5 of subdivision (a) of section 21 of the tax law, as
12 amended by section 39 of part A of chapter 59 of the laws of 2014, is
13 amended to read as follows:

14 (5) Applicable percentage. (A) For purposes of COMPUTING THE SITE
15 PREPARATION AND ON-SITE GROUNDWATER REMEDIATION CREDIT COMPONENTS PURSU-
16 ANT TO paragraphs two[, three] and four of this subdivision, WITH
17 RESPECT TO SUCH QUALIFIED SITES FOR WHICH THE DEPARTMENT OF ENVIRON-
18 MENTAL CONSERVATION HAS ISSUED A NOTICE TO THE TAXPAYER BEFORE JUNE
19 TWENTY-THIRD, TWO THOUSAND EIGHT THAT ITS REQUEST FOR PARTICIPATION HAS
20 BEEN ACCEPTED UNDER SUBDIVISION SIX OF SECTION 27-1407 OF THE ENVIRON-
21 MENTAL CONSERVATION LAW, OR WHERE THE TAXPAYER HAS EITHER BEEN ISSUED OR
22 RECEIVED A CERTIFICATE OF COMPLETION FROM ANOTHER TAXPAYER UNDER SECTION
23 27-1419 OF THE ENVIRONMENTAL CONSERVATION LAW FOR SUCH A SITE, AND, FOR
24 PURPOSES OF COMPUTING THE TANGIBLE PROPERTY COMPONENT PURSUANT TO PARA-
25 GRAPH THREE OF THIS SUBDIVISION WITH RESPECT TO SUCH QUALIFIED SITES FOR
26 WHICH THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION HAS ISSUED A NOTICE
27 TO THE TAXPAYER BEFORE JULY FIRST, TWO THOUSAND FIFTEEN OR THE DATE OF
28 PUBLICATION IN THE STATE REGISTER OF PROPOSED REGULATIONS DEFINING
29 "UNDERUTILIZED" AS PROVIDED IN SUBDIVISION THIRTY OF SECTION 27-1405 OF
30 THE ENVIRONMENTAL CONSERVATION LAW, WHICHEVER SHALL BE LATER, THAT ITS
31 REQUEST FOR PARTICIPATION HAS BEEN ACCEPTED UNDER SUBDIVISION SIX OF
32 SECTION 27-1407 OF THE ENVIRONMENTAL CONSERVATION LAW, OR WHERE THE
33 TAXPAYER HAS EITHER BEEN ISSUED OR RECEIVED A CERTIFICATE OF COMPLETION
34 FROM ANOTHER TAXPAYER UNDER SECTION 27-1419 OF THE ENVIRONMENTAL CONSER-
35 VATION LAW FOR SUCH A SITE, the applicable percentage shall be twelve
36 percent in the case of credits claimed under article nine, nine-A or
37 thirty-three of this chapter, and ten percent in the case of credits
38 claimed under article twenty-two of this chapter, except that where at
39 least fifty percent of the area of the qualified site relating to the
40 credit provided for in this section is located in an environmental zone
41 as defined in paragraph six of subdivision (b) of this section, the
42 applicable percentage shall be increased by an additional eight percent.
43 Provided, however, as afforded in section 27-1419 of the environmental
44 conservation law, if the certificate of completion indicates that the
45 qualified site has been remediated to Track 1 as that term is described
46 in subdivision four of section 27-1415 of the environmental conservation
47 law, the applicable percentage set forth in the first sentence of this
48 paragraph shall be increased by an additional two percent.

49 (B) WITH RESPECT TO SUCH QUALIFIED SITE FOR WHICH THE DEPARTMENT OF
50 ENVIRONMENTAL CONSERVATION HAS ISSUED A NOTICE TO THE TAXPAYER ON OR
51 AFTER JULY FIRST, TWO THOUSAND FIFTEEN OR THE DATE OF PUBLICATION IN THE
52 STATE REGISTER OF PROPOSED REGULATIONS DEFINING "UNDERUTILIZED" AS
53 PROVIDED IN SUBDIVISION THIRTY OF SECTION 27-1405 OF THE ENVIRONMENTAL
54 CONSERVATION LAW, WHICHEVER SHALL BE LATER, THAT ITS REQUEST FOR PARTIC-
55 IPATION HAS BEEN ACCEPTED UNDER SUBDIVISION SIX OF SECTION 27-1407 OF
56 THE ENVIRONMENTAL CONSERVATION LAW, THE APPLICABLE PERCENTAGE FOR THE

1 TANGIBLE PROPERTY CREDIT COMPONENT OF THE BROWNFIELD REDEVELOPMENT TAX
2 CREDIT PURSUANT TO PARAGRAPH THREE OF SUBDIVISION (A) OF THIS SECTION
3 SHALL BE THE SUM OF TEN PERCENT AND THE FOLLOWING ADDITIONAL PERCENT-
4 AGES, PROVIDED THAT IF THE SUM IS GREATER THAN TWENTY-FOUR PERCENT, THE
5 TOTAL PERCENTAGE OF THE TANGIBLE PROPERTY CREDIT COMPONENT SHALL BE
6 TWENTY-FOUR PERCENT AND IS OTHERWISE SUBJECT TO THE LIMITATIONS SET
7 FORTH IN PARAGRAPHS THREE AND THREE-A OF SUBDIVISION (A) OF THIS
8 SECTION:

- 9 (I) FIVE PERCENT FOR A SITE WITHIN AN ENVIRONMENTAL ZONE;
10 (II) FIVE PERCENT FOR A SITE LOCATED WITHIN A DESIGNATED BROWNFIELD
11 OPPORTUNITY AREA AND IS DEVELOPED IN CONFORMANCE WITH THE GOALS AND
12 PRIORITIES ESTABLISHED FOR THAT APPLICABLE BROWNFIELD OPPORTUNITY AREA;
13 (III) FIVE PERCENT FOR A SITE DEVELOPED AS AFFORDABLE HOUSING, AS
14 DEFINED IN SECTION 27-1405 OF THE ENVIRONMENTAL CONSERVATION LAW;
15 (IV) FIVE PERCENT FOR A SITE TO BE USED PRIMARILY FOR MANUFACTURING
16 ACTIVITIES AS SUCH TERM IS DEFINED IN SUBPARAGRAPH (B) OF PARAGRAPH
17 THREE-A OF THIS SUBDIVISION; AND
18 (V) FIVE PERCENT FOR SITES REMEDIATED TO TRACK 1 AS THAT TERM IS
19 DEFINED IN SUBDIVISION FOUR OF SECTION 27-1415 OF THE ENVIRONMENTAL
20 CONSERVATION LAW.

21 (C) THE TAXPAYER SHALL SUBMIT, IN THE MANNER PRESCRIBED BY THE COMMIS-
22 SIONER, INFORMATION SUFFICIENT TO DEMONSTRATE THAT THE SITE QUALIFIES
23 FOR ANY CREDIT COMPONENTS AVAILABLE UNDER SUBPARAGRAPH (B) OF THIS PARA-
24 GRAPH. IF THE SITE IS RECEIVING THE CREDIT COMPONENT AUTHORIZED PURSUANT
25 TO CLAUSE (II) OF SUBPARAGRAPH (B) OF THIS PARAGRAPH FOR BEING LOCATED
26 WITHIN A DESIGNATED BROWNFIELD OPPORTUNITY AREA, THE TAXPAYER SHALL
27 SUBMIT A CERTIFICATION FROM THE SECRETARY OF STATE THAT THE DEVELOPMENT
28 IS IN CONFORMANCE WITH SUCH BROWNFIELD OPPORTUNITY AREA PLAN PURSUANT TO
29 SECTION NINE HUNDRED SEVENTY-R OF THE GENERAL MUNICIPAL LAW.

30 S 22. Clause (i) of subparagraph (B) of paragraph 3 of subdivision
31 (b) of section 21 of the tax law, as amended by chapter 420 of the laws
32 of 2006, is amended to read as follows:

33 (i) is, or when occupied becomes, part of a dwelling whose primary
34 ownership structure is covered under either article nine-B of the real
35 property law or meets the requirements of section 216 (b)(1) of the
36 Internal Revenue Code OR IS PART OF AN AFFORDABLE HOUSING PROJECT AS
37 DEFINED IN SUBDIVISION TWENTY-NINE OF SECTION 27-1405 OF THE ENVIRON-
38 MENTAL CONSERVATION LAW, WHERE UNITS ARE SOLD AS SINGLE FAMILY HOMES OR
39 MULTIPLE FAMILY DWELLINGS;

40 S 23. Paragraphs 2, 4 and 6 of subdivision (b) of section 21 of the
41 tax law, as amended by section 1 of part H of chapter 577 of the laws of
42 2004 and subparagraph (B) and the closing paragraph of paragraph 6 as
43 amended by section 1 of part G of chapter 62 of the laws of 2006, are
44 amended to read as follows:

45 (2) Site preparation costs. The term "site preparation costs" shall
46 mean all amounts properly chargeable to a capital account, [(i)] which
47 are paid or incurred [in connection with a site's qualification for a
48 certificate of completion, and (ii) all other site preparation costs
49 paid or incurred in connection with preparing a site for the erection of
50 a building or a component of a building, or otherwise to establish a
51 site as usable for its industrial, commercial (including the commercial
52 development of residential housing), recreational or conservation
53 purposes. Site preparation costs shall include, but not be limited to,
54 the costs of excavation, temporary electric wiring, scaffolding, demoli-
55 tion costs, and the costs of fencing and security facilities. Site
56 preparation costs shall not include the cost of acquiring the site and

1 shall not include amounts included in the cost or other basis for feder-
2 al income tax purposes of qualified tangible property, as described in
3 paragraph three of this subdivision] WHICH ARE NECESSARY TO IMPLEMENT A
4 SITE'S INVESTIGATION, REMEDIATION, OR QUALIFICATION FOR A CERTIFICATE OF
5 COMPLETION, AND SHALL INCLUDE COSTS OF: EXCAVATION; DEMOLITION; ACTIV-
6 ITIES UNDERTAKEN UNDER THE OVERSIGHT OF THE DEPARTMENT OF LABOR OR IN
7 ACCORDANCE WITH STANDARDS ESTABLISHED BY THE DEPARTMENT OF HEALTH TO
8 REMEDIATE AND DISPOSE OF REGULATED MATERIALS INCLUDING ASBESTOS, LEAD OR
9 POLYCHLORINATED BIPHENYLS; ENVIRONMENTAL CONSULTING; ENGINEERING; LEGAL
10 COSTS; TRANSPORTATION, DISPOSAL, TREATMENT OR CONTAINMENT OF CONTAM-
11 INATED SOIL; REMEDIATION MEASURES TAKEN TO ADDRESS CONTAMINATED SOIL
12 VAPOR; COVER SYSTEMS CONSISTENT WITH APPLICABLE REGULATIONS; PHYSICAL
13 SUPPORT OF EXCAVATION; DEWATERING AND OTHER WORK TO FACILITATE OR ENABLE
14 REMEDIATION ACTIVITIES; SHEETING, SHORING, AND OTHER ENGINEERING
15 CONTROLS REQUIRED TO PREVENT OFF-SITE MIGRATION OF CONTAMINATION FROM
16 THE QUALIFIED SITE OR MIGRATING ONTO THE QUALIFIED SITE; AND THE COSTS
17 OF FENCING, TEMPORARY ELECTRIC WIRING, SCAFFOLDING, AND SECURITY FACILI-
18 TIES UNTIL SUCH TIME AS THE CERTIFICATE OF COMPLETION HAS BEEN ISSUED.
19 SITE PREPARATION SHALL INCLUDE ALL COSTS PAID OR INCURRED WITHIN SIXTY
20 MONTHS AFTER THE LAST DAY OF THE TAX YEAR IN WHICH THE CERTIFICATE OF
21 COMPLETION IS ISSUED THAT ARE NECESSARY FOR COMPLIANCE WITH THE CERTIF-
22 ICATE OF COMPLETION OR SUBSEQUENT MODIFICATIONS THEREOF, OR THE REMEDIAL
23 PROGRAM DEFINED IN SUCH CERTIFICATE OF COMPLETION INCLUDING BUT NOT
24 LIMITED TO INSTITUTIONAL CONTROLS, ENGINEERING CONTROLS, AN APPROVED
25 SITE MANAGEMENT PLAN, AND AN ENVIRONMENTAL EASEMENT WITH RESPECT TO THE
26 QUALIFIED SITE. SITE PREPARATION COST SHALL NOT INCLUDE THE COSTS OF
27 FOUNDATION SYSTEMS THAT EXCEED THE COVER SYSTEM REQUIREMENTS IN THE
28 REGULATIONS APPLICABLE TO THE QUALIFIED SITE.

29 (4) On-site groundwater remediation costs. The term "on-site groundwa-
30 ter remediation costs" shall mean all amounts properly chargeable to a
31 capital account, [(i)] which are paid or incurred [in connection with a
32 site's qualification for a certificate of completion, and (ii) include
33 costs which are paid or incurred in connection with the remediation of
34 on-site groundwater contamination and incurred to implement a require-
35 ment of the remedial work plan or an interim remedial measure work plan
36 for a qualified site which are imposed pursuant to subdivisions two and
37 three of section 27-1411 of the environmental conservation law] WHICH
38 ARE NECESSARY TO IMPLEMENT A SITE'S GROUNDWATER INVESTIGATION, REMEDI-
39 ATION, OR QUALIFICATION FOR A CERTIFICATE OF COMPLETION NOT ALREADY
40 COVERED UNDER SITE PREPARATION COSTS, AND SHALL INCLUDE COSTS OF: ENVI-
41 RONMENTAL CONSULTING; ENGINEERING; LEGAL COSTS; TRANSPORTATION,
42 DISPOSAL, TREATMENT OR CONTAINMENT OF CONTAMINATED GROUNDWATER; SHEET-
43 ING, SHORING, AND OTHER ENGINEERING CONTROLS REQUIRED TO PREVENT
44 OFF-SITE MIGRATION OF GROUNDWATER CONTAMINATION FROM THE QUALIFIED SITE
45 OR MIGRATING ONTO THE QUALIFIED SITE; AND THE COSTS OF FENCING, TEMPO-
46 RARY ELECTRIC WIRING AND SECURITY FACILITIES UNTIL SUCH TIME AS THE
47 CERTIFICATE OF COMPLETION IS ISSUED. ON-SITE GROUNDWATER REMEDIATION
48 COSTS SHALL INCLUDE ALL COSTS PAID OR INCURRED WITHIN SIXTY MONTHS AFTER
49 THE LAST DAY OF THE TAX YEAR IN WHICH THE CERTIFICATE OF COMPLETION IS
50 ISSUED THAT ARE NECESSARY FOR COMPLIANCE WITH THE CERTIFICATE OF
51 COMPLETION OR SUBSEQUENT MODIFICATIONS THEREOF, OR THE GROUNDWATER REME-
52 DIAL PROGRAM DEFINED IN SUCH CERTIFICATE OF COMPLETION INCLUDING BUT NOT
53 LIMITED TO INSTITUTIONAL CONTROLS, ENGINEERING CONTROLS, AN APPROVED
54 SITE MANAGEMENT PLAN SPECIFIC TO ON-SITE GROUNDWATER REMEDIATION, AND AN
55 ENVIRONMENTAL EASEMENT WITH RESPECT TO THE QUALIFIED SITE.

1 (6) Environmental zones (EN-Zones). An "environmental zone" shall mean
2 an area designated as such by the commissioner of [economic development]
3 LABOR. Such areas [so designated are areas which are] SHALL BE census
4 tracts [and block numbering areas which, as of the two thousand census,]
5 THAT satisfy either of the following criteria:

6 (A) areas that have both:

7 (i) a poverty rate of at least twenty percent [for the year to which
8 the data relate] BASED ON THE MOST RECENT FIVE YEAR AMERICAN COMMUNITY
9 SURVEY; and

10 (ii) an unemployment rate of at least one and one-quarter times the
11 statewide unemployment rate [for the year to which the data relate]
12 BASED ON THE MOST RECENT FIVE YEAR AMERICAN COMMUNITY SURVEY, or;

13 (B) areas that have a poverty rate of at least two times the poverty
14 rate for the county in which the areas are located [for the year to
15 which the data relate provided, however, that a qualified site shall
16 only be deemed to be located in an environmental zone under this subpar-
17 agraph (B) if such site was the subject of a brownfield site cleanup
18 agreement pursuant to section 27-1409 of the environmental conservation
19 law that was entered into prior to September first, two thousand ten]
20 BASED ON THE MOST RECENT FIVE YEAR AMERICAN COMMUNITY SURVEY.

21 Such designation shall be made and a list of all such environmental
22 zones shall be established by the commissioner of [economic development
23 no later than December thirty-first, two thousand four provided, howev-
24 er, that a qualified site shall only be deemed to be located in an envi-
25 ronmental zone under subparagraph (B) of this paragraph if such site was
26 the subject of a brownfield site cleanup agreement pursuant to section
27 27-1409 of the environmental conservation law that was entered into
28 prior to September first, two thousand ten] LABOR BASED ON THE TWO THOU-
29 SAND NINE THROUGH TWO THOUSAND THIRTEEN AMERICAN COMMUNITY SURVEY ESTI-
30 MATE. UPON REQUEST OF THE COMMISSIONER OF ENVIRONMENTAL CONSERVATION,
31 THE COMMISSIONER OF LABOR SHALL UPDATE SUCH DESIGNATION BASED ON THE
32 MOST RECENT AMERICAN COMMUNITY SURVEY, OR ITS SUCCESSOR.

33 THE DETERMINATION OF WHETHER A SITE IS LOCATED IN AN ENVIRONMENTAL
34 ZONE SHALL BE BASED ON THE DATE THE DEPARTMENT OF ENVIRONMENTAL CONSER-
35 VATION ISSUED A NOTICE TO THE TAXPAYER THAT ITS REQUEST FOR PARTIC-
36 IPATION IN THE BROWNFIELD CLEANUP PROGRAM HAS BEEN DEEMED COMPLETE
37 PURSUANT TO SUBDIVISION THREE OF SECTION 27-1407 OF THE ENVIRONMENTAL
38 CONSERVATION LAW.

39 S 24. Section 171-r of the tax law is amended by adding a new subdivi-
40 sion (e) to read as follows:

41 (E) THE COMMISSIONER, IN CONSULTATION WITH THE COMMISSIONER OF ENVI-
42 RONMENTAL CONSERVATION, SHALL PUBLISH BY JANUARY THIRTY-FIRST, TWO THOU-
43 SAND SIXTEEN A SUPPLEMENTAL BROWNFIELD CREDIT REPORT CONTAINING THE
44 INFORMATION REQUIRED BY THIS SECTION ABOUT THE CREDITS CLAIMED FOR THE
45 YEARS TWO THOUSAND FIVE, TWO THOUSAND SIX, AND TWO THOUSAND SEVEN.

46 S 25. Section 171-s of the tax law is REPEALED.

47 S 26. Paragraph b of subdivision 2 of section 970-r of the general
48 municipal law, as added by section 1 of part F of chapter 1 of the laws
49 of 2003, is amended to read as follows:

50 b. Activities eligible to receive such assistance shall include, but
51 are not limited to, the assembly and development of basic information
52 about:

53 (1) the borders of the proposed brownfield opportunity area;

54 (2) the number and size of KNOWN OR SUSPECTED brownfield sites;

55 (3) current and anticipated uses of the properties in the proposed
56 BROWNFIELD OPPORTUNITY area;

1 (4) current and anticipated future conditions of groundwater in the
2 proposed BROWNFIELD OPPORTUNITY area;

3 (5) known data about the environmental conditions of the properties in
4 the proposed BROWNFIELD OPPORTUNITY area;

5 (6) ownership of the properties in the proposed BROWNFIELD OPPORTUNITY
6 area AND WHETHER THE OWNERS ARE PARTICIPATING IN THE BROWNFIELD OPPORTU-
7 NITY AREA PLANNING PROCESS; and

8 (7) preliminary descriptions of possible remediation strategies, reuse
9 opportunities, necessary infrastructure improvements and other public or
10 private measures needed to stimulate investment, promote revitalization,
11 and enhance community health and environmental conditions.

12 S 27. Subparagraphs 2 and 5 of paragraph c of subdivision 2 of section
13 970-r of the general municipal law, as added by section 1 of part F of
14 chapter 1 of the laws of 2003, are amended to read as follows:

15 (2) areas with concentrations of KNOWN OR SUSPECTED brownfield sites;

16 (5) areas with KNOWN OR SUSPECTED brownfield sites presenting strate-
17 gic opportunities to stimulate economic development, community revitali-
18 zation or the siting of public amenities.

19 S 28. Paragraph a of subdivision 3 of section 970-r of the general
20 municipal law, as amended by chapter 390 of the laws of 2008, is amended
21 to read as follows:

22 a. Within the limits of appropriations therefor, the secretary is
23 authorized to provide, on a competitive basis, financial assistance to
24 municipalities, to community based organizations, to community boards,
25 or to municipalities and community based organizations acting in cooper-
26 ation to prepare a nomination for designation of a brownfield opportu-
27 nity area. Such financial assistance shall not exceed ninety percent of
28 the costs of such nomination for any such area. A NOMINATION STUDY MUST
29 INCLUDE SUFFICIENT INFORMATION TO DESIGNATE THE BROWNFIELD OPPORTUNITY
30 AREA. THE CONTENTS OF THE NOMINATION STUDY SHALL BE DEVELOPED BASED ON
31 PRE-NOMINATION STUDY INFORMATION, WHICH SHALL PRINCIPALLY CONSIST OF AN
32 AREA-WIDE STUDY, DOCUMENTING THE HISTORIC BROWNFIELD USES IN THE AREA
33 PROPOSED FOR DESIGNATION.

34 S 29. Subparagraphs 2 and 5 of paragraph e of subdivision 3 and subdivi-
35 sion 4 of section 970-r of the general municipal law, subparagraphs 2
36 and 5 of paragraph e of subdivision 3 as added by section 1 of part F of
37 chapter 1 of the laws of 2003 and subdivision 4 as amended by chapter
38 390 of the laws of 2008, are amended to read as follows:

39 (2) areas with concentrations of KNOWN OR SUSPECTED brownfield sites;

40 (5) areas with KNOWN OR SUSPECTED brownfield sites presenting strate-
41 gic opportunities to stimulate economic development, community revitali-
42 zation or the siting of public amenities.

43 4. Designation of brownfield opportunity area. Upon completion of a
44 nomination for designation of a brownfield opportunity area, it shall be
45 forwarded by the applicant to the secretary, who shall determine whether
46 it is consistent with the provisions of this section. THE SECRETARY MAY
47 REVIEW AND APPROVE A NOMINATION FOR DESIGNATION OF A BROWNFIELD OPPORTU-
48 NITY AREA AT ANY TIME. If the secretary determines that the nomination
49 is consistent with the provisions of this section, the brownfield oppor-
50 tunity area shall be designated. If the secretary determines that the
51 nomination is not consistent with the provisions of this section, the
52 secretary shall make recommendations in writing to the applicant of the
53 manner and nature in which the nomination should be amended.

54 S 30. Paragraph a and subparagraphs 2 and 5 of paragraph e of subdivi-
55 sion 6 of section 970-r of the general municipal law, paragraph a as
56 amended by chapter 386 of the laws of 2007 and subparagraphs 2 and 5 of

1 paragraph e as added by section 1 of part F of chapter 1 of the laws of
2 2003, are amended to read as follows:

3 a. Within the limits of appropriations therefor, [the commissioner, in
4 consultation with] the secretary of state, is authorized to provide, on
5 a competitive basis, financial assistance to municipalities, to communi-
6 ty based organizations, to community boards, or to municipalities and
7 community based organizations acting in cooperation to conduct brown-
8 field site assessments [in a brownfield opportunity area designated
9 pursuant to this section]. Such financial assistance shall not exceed
10 ninety percent of the costs of such brownfield site assessment.

11 (2) areas with concentrations of KNOWN OR SUSPECTED brownfield sites;

12 (5) areas with KNOWN OR SUSPECTED brownfield sites presenting strate-
13 gic opportunities to stimulate economic development, community revitali-
14 zation or the siting of public amenities.

15 S 31. Section 970-r of the general municipal law is amended by adding
16 a new subdivision 10 to read as follows:

17 10. THE SECRETARY SHALL ESTABLISH CRITERIA FOR BROWNFIELD OPPORTUNITY
18 AREA CONFORMANCE DETERMINATIONS FOR PURPOSES OF THE BROWNFIELD REDEVEL-
19 OPMENT TAX CREDIT COMPONENT PURSUANT TO CLAUSE (II) OF SUBPARAGRAPH (B)
20 OF PARAGRAPH (5) OF SUBDIVISION (A) OF SECTION TWENTY-ONE OF THE TAX
21 LAW. IN ESTABLISHING CRITERIA, THE SECRETARY SHALL BE GUIDED BY, BUT NOT
22 LIMITED TO, THE FOLLOWING CONSIDERATIONS: HOW THE PROPOSED USE AND
23 DEVELOPMENT ADVANCES THE DESIGNATED BROWNFIELD OPPORTUNITY AREA PLAN'S
24 VISION STATEMENT, GOALS AND OBJECTIVES FOR REVITALIZATION; HOW THE
25 DENSITY OF DEVELOPMENT AND ASSOCIATED BUILDINGS AND STRUCTURES ADVANCES
26 THE PLAN'S OBJECTIVES, DESIRED REDEVELOPMENT AND PRIORITIES FOR INVEST-
27 MENT; AND HOW THE PROJECT COMPLIES WITH ZONING AND OTHER LOCAL LAWS AND
28 STANDARDS TO GUIDE AND ENSURE APPROPRIATE USE OF THE PROJECT SITE.

29 S 32. Section 31 of part H of chapter 1 of the laws of 2003, amending
30 the tax law relating to brownfield redevelopment tax credits, remediated
31 brownfield credit for real property taxes for qualified sites and envi-
32 ronmental remediation insurance credits, as amended by chapter 474 of
33 the laws of 2012, is amended to read as follows:

34 S 31. The tax credits allowed under section [21,] 22 or 23 of the tax
35 law and the corresponding provisions in articles 9, 9-A, 22[, 32] and 33
36 of the tax law, as added by the provisions of sections one through twen-
37 ty-nine of this act, shall not be applicable [if] TO ANY SITE ACCEPTED
38 INTO THE BROWNFIELD CLEANUP PROGRAM ON AND AFTER JULY 1, 2015 OR THE
39 DATE OF PUBLICATION IN THE STATE REGISTER OF PROPOSED REGULATIONS DEFIN-
40 ING "UNDERUTILIZED" AS PROVIDED IN SUBDIVISION 30 OF SECTION 27-1405 OF
41 THE ENVIRONMENTAL CONSERVATION LAW, WHICHEVER SHALL BE LATER. THE TAX
42 CREDITS ALLOWED UNDER SECTION 21 OF THE TAX LAW AND THE CORRESPONDING
43 PROVISIONS IN ARTICLES 9, 9-A, 22 AND 33 OF THE TAX LAW, AS ADDED BY THE
44 PROVISIONS OF SECTIONS ONE THROUGH TWENTY-NINE OF THIS ACT, SHALL NOT BE
45 APPLICABLE TO ANY SITE ACCEPTED INTO THE BROWNFIELD CLEANUP PROGRAM
46 AFTER DECEMBER 31, 2022, PROVIDED, HOWEVER THAT ANY SITES ACCEPTED ON OR
47 BEFORE DECEMBER 31, 2022 MUST HAVE RECEIVED the [remediation] certif-
48 icate OF COMPLETION required to qualify for any of such credits [is
49 issued after December] ON OR BEFORE MARCH 31, [2015] 2026.

50 S 33. Notwithstanding any other provision of this act, any site for
51 which a brownfield cleanup agreement with the department of environ-
52 mental conservation was entered into (1) prior to June 23, 2008 and
53 which has not received a certificate of completion by December 31, 2017
54 or (2) on or after June 23, 2008 and prior to July 1, 2015 or the date
55 of publication in the state register of proposed regulations defining
56 "underutilized" as provided in subdivision 30 of section 27-1405 of the

1 environmental conservation law, whichever shall be later, and which has
2 not received a certificate of completion by December 31, 2019, shall
3 only be eligible for brownfield redevelopment tax credits available
4 pursuant to section 21 of the tax law as if the site was accepted into
5 the brownfield cleanup program on and after July 1, 2015 or the date of
6 publication in the state register of proposed regulations defining
7 "underutilized" as provided in subdivision 30 of section 27-1405 of the
8 environmental conservation law, whichever shall be later, and shall be
9 subject to the eligibility requirements for the tangible property credit
10 component set forth in subdivision 1-a of section 27-1407 of the envi-
11 ronmental conservation law.

12 S 34. Paragraph c of subdivision 3 of section 27-0923 of the environ-
13 mental conservation law, as amended by section 5 of part I of chapter
14 577 of the laws of 2004, is amended to read as follows:

15 c. For the purpose of this section, generation of hazardous waste
16 shall not include retrieval or creation of hazardous waste which must be
17 disposed of under an order of or agreement with the department pursuant
18 to title thirteen or title fourteen of this article or under a contract
19 with the department pursuant to title five of article fifty-six of this
20 chapter OR UNDER AN ORDER OF OR AGREEMENT WITH THE UNITED STATES ENVI-
21 RONMENTAL PROTECTION AGENCY OR AN ORDER OF A COURT OF COMPETENT JURIS-
22 DICTION, RELATED TO A FACILITY ADDRESSED PURSUANT TO THE COMPREHENSIVE
23 ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT (42 U.S.C. 9601
24 ET SEQ.) OR UNDER A WRITTEN AGREEMENT WITH A MUNICIPALITY WHICH HAS
25 ENTERED INTO A MEMORANDUM OF AGREEMENT WITH THE DEPARTMENT RELATED TO
26 THE REMEDIATION OF BROWNFIELD SITES AS OF AUGUST FIFTH, TWO THOUSAND
27 TEN.

28 S 35. Subparagraphs (i) and (vi) of paragraph d of subdivision 1 of
29 section 72-0402 of the environmental conservation law, as amended by
30 chapter 99 of the laws of 2010, are amended to read as follows:

31 (i) under a contract with the department, or with the department's
32 written approval and in compliance with department regulations, or
33 pursuant to an order of the department, the United States environmental
34 protection agency or a court OF COMPETENT JURISDICTION, related to the
35 cleanup or remediation of a hazardous materials or hazardous waste
36 spill, discharge, or surficial cleanup, pursuant to this chapter; or

37 (vi) under a brownfield site cleanup agreement with the department
38 pursuant to section 27-1409 of this chapter OR UNDER A WRITTEN AGREEMENT
39 WITH A MUNICIPALITY WHICH HAS ENTERED INTO A MEMORANDUM OF AGREEMENT
40 WITH THE DEPARTMENT RELATED TO THE REMEDIATION OF BROWNFIELD SITES AS OF
41 AUGUST FIFTH, TWO THOUSAND TEN; or

42 S 36. Section 56-0501 of the environmental conservation law, as added
43 by chapter 413 of the laws of 1996, is amended to read as follows:

44 S 56-0501. Allocation of moneys.

45 1. Of the moneys received by the state from the sale of bonds pursuant
46 to the Clean Water/Clean Air Bond Act of 1996, two hundred million
47 dollars (\$200,000,000) shall be available for disbursements for environ-
48 mental restoration projects.

49 2. BEGINNING IN STATE FISCAL YEAR TWO THOUSAND FIFTEEN--TWO THOUSAND
50 SIXTEEN, ENVIRONMENTAL RESTORATION PROJECTS MAY BE FUNDED USING THE
51 PROCEEDS OF BONDS ISSUED PURSUANT TO SECTION TWELVE HUNDRED
52 EIGHTY-FIVE-Q OF THE PUBLIC AUTHORITIES LAW PROVIDED THAT FUNDING FOR
53 SUCH PROJECTS SHALL CONFORM TO THE LIMITATIONS PROVIDED IN SUBDIVISION
54 ONE OF SUCH SECTION.

1 S 37. Subdivision 6 of section 56-0502 of the environmental conserva-
2 tion law, as amended by section 2 of part D of chapter 577 of the laws
3 of 2004, is amended to read as follows:

4 6. "State assistance", for purposes of this title, shall mean in the
5 case of a contract authorized by subdivision one of section 56-0503 of
6 this title, payments made to a municipality to reimburse the municipi-
7 pality for the state share of the costs incurred by the municipality to
8 undertake an environmental restoration project OR IN THE CASE OF A WRIT-
9 TEN AGREEMENT AUTHORIZED BY SUBDIVISION THREE OF SECTION 56-0503 OF THIS
10 TITLE, COSTS INCURRED BY THE STATE TO UNDERTAKE AN ENVIRONMENTAL RESTO-
11 RATION PROJECT BUT NOT REIMBURSED BY A MUNICIPALITY.

12 S 38. Paragraph (c) of subdivision 2 of section 56-0503 of the envi-
13 ronmental conservation law, as amended by section 4 of part D of chapter
14 1 of the laws of 2003, is amended and a new subdivision 3 is added to
15 read as follows:

16 (c) A provision that THE MUNICIPALITY SHALL ASSIST IN IDENTIFYING A
17 RESPONSIBLE PARTY BY SEARCHING LOCAL RECORDS, INCLUDING PROPERTY TAX
18 ROLLS, OR DOCUMENT REVIEWS, AND if, in accordance with the required
19 departmental approval of any settlement with a responsible party, any
20 responsible party payments become available to the municipality, before,
21 during or after the completion of an environmental restoration project,
22 which were not included when the state share was calculated pursuant to
23 this section, the state assistance share shall be recalculated, and the
24 municipality shall pay to the state, for deposit into the environmental
25 restoration project account of the hazardous waste remedial fund estab-
26 lished under section ninety-seven-b of the state finance law, the
27 difference between the original state assistance payment and the recal-
28 culated state share. Recalculation of the state share shall be done each
29 time a payment from a responsible party is received by the municipality;

30 3. THE DEPARTMENT MAY UNDERTAKE AN ENVIRONMENTAL RESTORATION PROJECT
31 ON BEHALF OF A MUNICIPALITY UPON REQUEST. IF THE DEPARTMENT UNDERTAKES
32 THE PROJECT ON BEHALF OF THE MUNICIPALITY, THE STATE SHALL ENTER INTO A
33 WRITTEN AGREEMENT WITH THE MUNICIPALITY AND THE AGREEMENT SHALL REQUIRE
34 THE MUNICIPALITY TO PERIODICALLY PROVIDE ITS SHARE TO THE STATE FOR
35 COSTS INCURRED DURING THE PROGRESS OF SUCH PROJECT. THE MUNICIPALITY'S
36 SHARE SHALL BE THE SAME AS WOULD BE REQUIRED UNDER SUBDIVISION ONE OF
37 THIS SECTION. THE AGREEMENT SHALL INCLUDE ALL PROVISIONS SPECIFIED IN
38 SUBDIVISION TWO OF THIS SECTION AS APPROPRIATE.

39 S 39. Subdivision 4 of section 56-0505 of the environmental conserva-
40 tion law, as amended by section 5 of part D of chapter 1 of the laws of
41 2003, is amended to read as follows:

42 4. After completion of such project, the municipality may use the
43 property for public purposes or may dispose of it. If the municipality
44 shall dispose of such property by sale to a responsible party, such
45 party shall pay to such municipality, in addition to such other consid-
46 eration, an amount of money constituting the amount of state assistance
47 provided [to the municipality] under this title plus accrued interest
48 and transaction costs and the municipality shall deposit that money into
49 the environmental restoration project account of the hazardous waste
50 remedial fund established under section ninety-seven-b of the state
51 finance law.

52 S 40. Subdivisions 3 and 4 of section 56-0508 of the environmental
53 conservation law, as added by section 7 of part D of chapter 1 of the
54 laws of 2003, are amended to read as follows:

55 3. such temporary incidents of ownership by such taxing district shall
56 also qualify it as being the owner of such property [for the purposes of

1 obtaining] TO BE ELIGIBLE FOR funding from the state of New York for
2 such environmental restoration investigation project under this article
3 or for such funding from any source pursuant to any other state, feder-
4 al, or local law, but such incidents of ownership shall not be suffi-
5 cient to qualify it as the owner of such property for the purposes of
6 holding it wholly or partially liable for any damages, past, present, or
7 future from any release of any hazardous material, substance, or contam-
8 inant into the air, ground, or water, unless such release was caused by
9 such taxing district.

10 4. within thirty days of the completion of the environmental restora-
11 tion investigation project and the receipt by the taxing jurisdiction of
12 the final report of such investigation, such taxing jurisdiction shall
13 file such report with the court on notice to the court and all other
14 parties of record, and the stay of the foreclosure shall be lifted
15 (unless lifted earlier by a prior court order), and all incidents of
16 temporary ownership of the taxing jurisdiction that was awarded such
17 taxing district, except any right [to receive funding] for the environ-
18 mental restoration investigation project TO BE FUNDED, shall cease to
19 exist, and nothing in this subdivision shall preclude the taxing juris-
20 diction that conducted the environmental restoration investigation
21 project or the taxing jurisdiction that commenced the foreclosure
22 action, if it is a different taxing jurisdiction than the taxing juris-
23 diction which conducted the investigation, from withdrawing the parcel
24 from foreclosure pursuant to section eleven hundred thirty-eight of the
25 real property tax law.

26 S 40-a. The opening paragraph and subparagraph (i) of paragraph (a) of
27 subdivision 1 of section 56-0509 of the environmental conservation law,
28 as amended by section 4 of part D of chapter 577 of the laws of 2004,
29 are amended to read as follows:

30 Notwithstanding any other provision of law and except as provided in
31 subdivision two of this section and in paragraph (h) of subdivision two
32 of section 56-0503 of this title, the following shall not be liable to
33 the state upon any statutory or common law cause of action, or to any
34 person upon any statutory cause of action arising out of the presence of
35 any contamination in or on property at any time before the effective
36 date of a contract entered into pursuant to this title OR WRITTEN AGREE-
37 MENT PURSUANT TO SUBDIVISION THREE OF SECTION 56-0503 OF THIS TITLE:

38 (i) a municipality receiving state assistance under this title to
39 UNDERTAKE, OR UNDER WRITTEN AGREEMENT PURSUANT TO SUBDIVISION THREE OF
40 SECTION 56-0503 OF THIS TITLE FOR THE STATE TO undertake an environ-
41 mental restoration project and complying with the terms and conditions
42 of the contract OR WRITTEN AGREEMENT PURSUANT TO SUBDIVISION THREE OF
43 SECTION 56-0503 OF THIS TITLE providing such assistance; and

44 S 41. Paragraph (f) of subdivision 3 of section 97-b of the state
45 finance law, as amended by section 4 of part I of chapter 1 of the laws
46 of 2003, is amended to read as follows:

47 (f) to undertake such remedial measures as the department of environ-
48 mental conservation may determine necessary due to environmental condi-
49 tions related to the property subject to an agreement to provide state
50 assistance OR CONTRACT under title five of article fifty-six of the
51 environmental conservation law that were unknown to such department at
52 the time of its approval of such agreement OR CONTRACT which indicates
53 that conditions on such property are not sufficiently protective of
54 human health for its reasonably anticipated uses or due to information
55 received, in whole or in part, after such department's approval of such
56 agreement's final engineering report and certification, which indicates

1 that such agreement's remedial activities are not sufficiently protec-
2 tive of human health for such property's reasonably anticipated uses;
3 and, [respecting the monies in the environmental restoration project
4 account in excess of ten million dollars,] shall provide state assist-
5 ance under title five of article fifty-six of the environmental conser-
6 vation law;

7 S 42. Notwithstanding the provisions of subdivision 1-a of section
8 27-1407 of the environmental conservation law, a site which is accepted
9 into the brownfield cleanup program after the effective date of this act
10 and prior to the adoption of regulations defining "underutilized" as
11 provided in subdivision 30 of section 27-1405 of the environmental
12 conservation law may, within ninety days following the adoption of such
13 regulations, request an eligibility determination to receive the tangi-
14 ble property credit component of the brownfield redevelopment credit
15 pursuant to section 21 of the tax law.

16 S 43. Subdivisions 1 and 3 of section 1285-q of the public authorities
17 law, as added by section 6 of part I of chapter 1 of the laws of 2003,
18 are amended to read as follows:

19 1. Subject to chapter fifty-nine of the laws of two thousand, but
20 notwithstanding any other provisions of law to the contrary, in order to
21 assist the corporation in undertaking the administration and the financ-
22 ing of hazardous waste site remediation projects for payment of the
23 state's share of the costs of the remediation of hazardous waste sites,
24 in accordance with title thirteen of article twenty-seven of the envi-
25 ronmental conservation law and section ninety-seven-b of the state
26 finance law, and for payment of state costs associated with the remedi-
27 ation of offsite contamination at significant threat sites as provided
28 in section 27-1411 of the environmental conservation law, AND BEGINNING
29 IN STATE FISCAL YEAR TWO THOUSAND FIFTEEN - TWO THOUSAND SIXTEEN FOR
30 ENVIRONMENTAL RESTORATION PROJECTS PURSUANT TO TITLE FIVE OF ARTICLE
31 FIFTY-SIX OF THE ENVIRONMENTAL CONSERVATION LAW PROVIDED THAT FUNDING
32 FOR SUCH PROJECTS SHALL NOT EXCEED TEN PERCENT OF THE FUNDING APPROPRI-
33 ATED FOR THE PURPOSES OF FINANCING HAZARDOUS WASTE SITE REMEDIATION
34 PROJECTS, PURSUANT TO TITLE THIRTEEN OF ARTICLE TWENTY-SEVEN OF THE
35 ENVIRONMENTAL CONSERVATION LAW IN ANY STATE FISCAL YEAR pursuant to
36 capital appropriations made to the department of environmental conserva-
37 tion, the director of the division of budget and the corporation are
38 each authorized to enter into one or more service contracts, none of
39 which shall exceed twenty years in duration, upon such terms and condi-
40 tions as the director and the corporation may agree, so as to annually
41 provide to the corporation in the aggregate, a sum not to exceed the
42 annual debt service payments and related expenses required for any bonds
43 and notes authorized pursuant to section twelve hundred ninety of this
44 title. Any service contract entered into pursuant to this section shall
45 provide that the obligation of the state to fund or to pay the amounts
46 therein provided for shall not constitute a debt of the state within the
47 meaning of any constitutional or statutory provision and shall be deemed
48 executory only to the extent of moneys available for such purposes,
49 subject to annual appropriation by the legislature. Any such service
50 contract or any payments made or to be made thereunder may be assigned
51 and pledged by the corporation as security for its bonds and notes, as
52 authorized pursuant to section twelve hundred ninety of this title.

53 3. The maximum amount of bonds that may be issued for the purpose of
54 financing hazardous waste site remediation projects AND ENVIRONMENTAL
55 RESTORATION PROJECTS authorized by this section shall not exceed [one]
56 TWO billion two hundred million dollars and shall not exceed one hundred

1 [twenty] million dollars for appropriations enacted for any state fiscal
2 year, provided that the bonds not issued for such appropriations may be
3 issued pursuant to reappropriation in subsequent fiscal years. No bonds
4 shall be issued for the repayment of any new appropriation enacted after
5 March thirty-first, two thousand [thirteen] TWENTY-SIX for hazardous
6 waste site remediation projects authorized by this section. Amounts
7 authorized to be issued by this section shall be exclusive of bonds
8 issued to fund any debt service reserve funds, pay costs of issuance of
9 such bonds, and bonds or notes issued to refund or otherwise repay bonds
10 or notes previously issued. Such bonds and notes of the corporation
11 shall not be a debt of the state, and the state shall not be liable
12 thereon, nor shall they be payable out of any funds other than those
13 appropriated by this state to the corporation for debt service and
14 related expenses pursuant to any service contracts executed pursuant to
15 subdivision one of this section, and such bonds and notes shall contain
16 on the face thereof a statement to such effect.

17 S 44. Severability. If any clause, sentence, paragraph, subdivision,
18 section or part of this act shall be adjudged by any court of competent
19 jurisdiction to be invalid, such judgment shall not affect, impair or
20 invalidate the remainder thereof, but shall be confined in its operation
21 to the clause, sentence, paragraph, subdivision, section or part thereof
22 directly involved in the controversy in which such judgment shall have
23 been rendered. It is hereby declared to be the intent of the legislature
24 that this act would have been enacted even if such invalid provisions
25 had not been included herein.

26 S 45. This act shall take effect July 1, 2015 or on the date of publi-
27 cation in the state register of proposed regulations defining "underuti-
28 lized" as provided in subdivision 30 of section 27-1405 of the environ-
29 mental conservation law, whichever shall be later; provided, however,
30 that:

31 a. the commissioner of environmental conservation shall notify the
32 legislative bill drafting commission of the date of publication in the
33 state register of such proposed regulations in order that the commission
34 may maintain an accurate and timely effective data base of the official
35 text of the laws of the state of New York in furtherance of effecting
36 provisions of section 44 of the legislative law and section 70-b of the
37 public officers law;

38 b. the amendments to section 970-r of the general municipal law made
39 by sections twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty
40 and thirty-one of this act; section 27-0923 of the environmental conser-
41 vation law made by section thirty-four of this act; section 72-0402 of
42 the environmental conservation law made by section thirty-five of this
43 act; section 56-0501 of the environmental conservation law made by
44 section thirty-six of this act; section 56-0502 of the environmental
45 conservation law made by section thirty-seven of this act; section
46 56-0503 of the environmental conservation law made by section thirty-
47 eight of this act; section 56-0505 of the environmental conservation law
48 made by section thirty-nine of this act; section 56-0508 of the environ-
49 mental conservation law made by section forty of this act; section
50 56-0509 of the environmental conservation law as amended by section
51 forty-a of this act; section 97-b of the state finance law made by
52 section forty-one of this act; and section 1285-q of the public authori-
53 ties law made by section forty-three of this act shall take effect imme-
54 diately;

55 c. the department of environmental conservation shall not charge
56 volunteers in the brownfield cleanup program for oversight costs for any

1 sites in the program incurred on or after July 1, 2015 or after the
 2 publication in the state register of proposed regulations defining
 3 "underutilized" as provided in subdivision 30 of section 27-1405 of the
 4 environmental conservation law, whichever shall be later;
 5 d. the amendments made by section two of this act relating to the
 6 definition of brownfield site, and all amendments made by sections
 7 seventeen, eighteen, nineteen, twenty, twenty-one and twenty-three of
 8 this act shall apply only to sites for which the department of environ-
 9 mental conservation has issued a notice to the applicant on or after
 10 July 1, 2015 or after the publication in the state register of proposed
 11 regulations defining "underutilized" as provided in subdivision 30 of
 12 section 27-1405 of the environmental conservation law, whichever shall
 13 be later, that its request for participation has been accepted under
 14 subdivision 6 of section 27-1407 of the environmental conservation law
 15 subject to the provisions of section thirty-three of this act; and
 16 e. the department of labor shall update the environmental zones as
 17 required by section twenty-four of this act within ninety days of this
 18 act becoming law; and
 19 f. the department of environmental conservation shall publish in the
 20 state register proposed regulations defining "affordable housing
 21 project" as provided in subdivision 29 of section 27-1405 of the envi-
 22 ronmental conservation law, on or before June 8, 2015.

23 PART CC

24 Section 1. Subparagraphs (a), (b) and (c) of paragraph 8 and paragraph
 25 13 of subdivision 3 of section 73-a of the public officers law, subpara-
 26 graphs (a), (b) and (c) of paragraph 8 as amended by section 37 of
 27 subpart A of part H of chapter 55 of the laws of 2014 and paragraph 13
 28 as amended by section 5 of part A of chapter 399 of the laws of 2011,
 29 are amended to read as follows:

30 (a) If the reporting individual practices law, is licensed by the
 31 department of state as a real estate broker or agent or practices a
 32 profession licensed by the department of education, or works as a member
 33 or employee of a firm required to register pursuant to section one-e of
 34 the legislative law as a lobbyist, [give a general] DESCRIBE THE
 35 SERVICES RENDERED FOR WHICH COMPENSATION WAS PAID INCLUDING A GENERAL
 36 description of the principal subject areas of matters undertaken by such
 37 individual AND PRINCIPAL DUTIES PERFORMED. SPECIFICALLY STATE WHETHER
 38 THE REPORTING INDIVIDUAL PROVIDES SERVICES DIRECTLY TO CLIENTS. Addi-
 39 tionally, if such an individual practices with a firm or corporation and
 40 is a partner or shareholder of the firm or corporation, give a general
 41 description of principal subject areas of matters undertaken by such
 42 firm or corporation.

43 _____
 44 _____
 45 _____
 46 _____
 47 _____

48 (b) APPLICABLE ONLY TO NEW CLIENTS OR CUSTOMERS FOR WHOM SERVICES ARE
 49 PROVIDED ON OR AFTER JULY FIRST, TWO THOUSAND TWELVE AND BEFORE DECEMBER
 50 THIRTY-FIRST, TWO THOUSAND FIFTEEN, OR FOR NEW MATTERS FOR EXISTING
 51 CLIENTS OR CUSTOMERS WITH RESPECT TO THOSE SERVICES THAT ARE PROVIDED ON

1 OR AFTER JULY FIRST, TWO THOUSAND TWELVE AND BEFORE DECEMBER
2 THIRTY-FIRST, TWO THOUSAND FIFTEEN:

3 If the reporting individual personally provides services to any person
4 or entity, or works as a member or employee of a partnership or corpo-
5 ration that provides such services (referred to hereinafter as a
6 "firm"), then identify each client or customer to whom the reporting
7 individual personally provided services, or who was referred to the firm
8 by the reporting individual, and from whom the reporting individual or
9 his or her firm earned fees in excess of \$10,000 during the reporting
10 period for such services rendered in direct connection with:

11 (i) [A proposed bill or resolution in the senate or assembly during
12 the reporting period;

13 (ii)] A contract in an amount totaling \$50,000 or more from the state
14 or any state agency for services, materials, or property;

15 [(iii)] (II) A grant of \$25,000 or more from the state or any state
16 agency during the reporting period;

17 [(iv)] (III) A grant obtained through a legislative initiative during
18 the reporting period; or

19 [(v)] (IV) A case, proceeding, application or other matter that is not
20 a ministerial matter before a state agency during the reporting period.

21 For purposes of this question, "referred to the firm" shall mean:
22 having intentionally and knowingly taken a specific act or series of
23 acts to intentionally procure for the reporting individual's firm or
24 knowingly solicit or direct to the reporting individual's firm in whole
25 or substantial part, a person or entity that becomes a client of that
26 firm for the purposes of representation for a matter as defined in
27 subparagraphs (i) through [(v)] (IV) of this paragraph, as the result of
28 such procurement, solicitation or direction of the reporting individual.
29 A reporting individual need not disclose activities performed while
30 lawfully acting pursuant to paragraphs (c), (d), (e) and (f) of subdivi-
31 sion seven of section seventy-three of this article.

32 The disclosure requirement in this question shall not require disclo-
33 sure of clients or customers receiving medical or dental services,
34 mental health services, residential real estate brokering services, or
35 insurance brokering services from the reporting individual or his or her
36 firm. The reporting individual need not identify any client to whom he
37 or she or his or her firm provided legal representation with respect to
38 investigation or prosecution by law enforcement authorities, bankruptcy,
39 or domestic relations matters. With respect to clients represented in
40 other matters, where disclosure of a client's identity is likely to
41 cause harm, the reporting individual shall request an exemption from the
42 joint commission pursuant to paragraph (i) of subdivision nine of
43 section ninety-four of the executive law[. Only], PROVIDED, HOWEVER,
44 THAT a reporting individual who first enters public office after July
45 first, two thousand twelve, need not report clients or customers with
46 respect to matters for which the reporting individual or his or her firm
47 was retained prior to entering public office.

48 Client	Nature of Services Provided
49	<hr/>
50	<hr/>
51	<hr/>
52	<hr/>
53	<hr/>

54 (c) APPLICABLE ONLY TO NEW CLIENTS OR CUSTOMERS FOR WHOM SERVICES ARE
55 PROVIDED ON OR AFTER [JANUARY FIRST] DECEMBER THIRTY-FIRST, TWO THOUSAND

1 FIFTEEN, OR FOR NEW MATTERS FOR EXISTING CLIENTS OR CUSTOMERS WITH
2 RESPECT TO THOSE SERVICES THAT ARE PROVIDED ON OR AFTER [JANUARY FIRST]
3 DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN:

4 If the reporting individual receives income of [fifty] TEN thousand
5 dollars or greater from any employment or activity reportable under
6 question 8(a), identify each registered lobbyist who has directly
7 referred to such individual a client who was successfully referred to
8 the reporting individual's business and from whom the reporting individ-
9 ual or firm received a fee for services in excess of [ten] FIVE thousand
10 dollars. Report only [these] THOSE referrals that were made to a report-
11 ing individual by direct communication from a person known to such
12 reporting individual to be a registered lobbyist at the time the refer-
13 ral is made. With respect to each such referral, the reporting individ-
14 ual shall identify THE CLIENT, the registered lobbyist who has made the
15 referral, the category of value of the compensation received and a
16 general description of the type of matter so referred. A reporting indi-
17 vidual need not disclose activities performed while lawfully acting
18 pursuant to paragraphs (c), (d), (e) and (f) of subdivision seven of
19 section seventy-three of this article. The disclosure requirements in
20 this question shall not require [disclosure of clients or customers
21 receiving medical or dental services, mental health services, residen-
22 tial real estate brokering services, or insurance brokering services
23 from the reporting individual or his or her firm. The reporting individ-
24 ual need not identify any client to whom he or she or his or her firm
25 provided legal representation with respect to investigation or prose-
26 cution by law enforcement authorities, bankruptcy, or domestic relations
27 matters. With respect to clients represented in other matters, the
28 reporting individual shall request an exemption from the joint commis-
29 sion, which shall be granted for good cause shown. For the purposes of
30 this question, good cause may be shown by circumstances including, but
31 not limited to, where disclosure of a client's identity would reveal
32 trade secrets or have a negative impact on the client's business inter-
33 ests, would cause embarrassment for the client, could reasonably result
34 in retaliation against the client, or would tend to reveal non-public
35 matters regarding a criminal investigation. Only a] DISCLOSING CLIENTS
36 OR CUSTOMERS RECEIVING MEDICAL, PHARMACEUTICAL OR DENTAL SERVICES,
37 MENTAL HEALTH SERVICES, OR RESIDENTIAL REAL ESTATE BROKERING SERVICES
38 FROM THE REPORTING INDIVIDUAL OR HIS OR HER FIRM OR IF FEDERAL LAW
39 PROHIBITS OR LIMITS DISCLOSURE. THE REPORTING INDIVIDUAL NEED NOT IDEN-
40 TIFY ANY CLIENT TO WHOM HE OR SHE OR HIS OR HER FIRM PROVIDED LEGAL
41 REPRESENTATION WITH RESPECT TO INVESTIGATION OR PROSECUTION BY LAW
42 ENFORCEMENT AUTHORITIES, BANKRUPTCY, FAMILY COURT, ESTATE PLANNING, OR
43 DOMESTIC RELATIONS MATTERS, NOR SHALL THE REPORTING INDIVIDUAL IDENTIFY
44 INDIVIDUALS REPRESENTED PURSUANT TO AN INSURANCE POLICY BUT THE REPORT-
45 ING INDIVIDUAL SHALL IN SUCH CIRCUMSTANCES ONLY REPORT THE ENTITY THAT
46 PROVIDES COMPENSATION TO THE REPORTING INDIVIDUAL; WITH RESPECT TO
47 MATTERS IN WHICH THE CLIENT'S NAME IS REQUIRED BY LAW TO BE KEPT CONFID-
48 ENTIAL (SUCH AS MATTERS GOVERNED BY THE FAMILY COURT ACT) OR IN MATTERS
49 IN WHICH THE REPORTING INDIVIDUAL REPRESENTS OR PROVIDES SERVICES TO
50 MINORS, THE CLIENT'S NAME MAY BE REPLACED WITH INITIALS. TO THE EXTENT
51 THAT THE REPORTING INDIVIDUAL, OR HIS OR HER FIRM, PROVIDED LEGAL REPRE-
52 SENTATION WITH RESPECT TO AN INITIAL PUBLIC OFFERING, AND FEDERAL LAW OR
53 REGULATIONS RESTRICTS THE DISCLOSURE OF INFORMATION RELATING TO SUCH
54 WORK, THE REPORTING INDIVIDUAL SHALL (I) DISCLOSE THE IDENTITY OF THE
55 CLIENT AND THE SERVICES PROVIDED RELATING TO THE INITIAL PUBLIC OFFERING
56 TO THE OFFICE OF COURT ADMINISTRATION, WHO WILL MAINTAIN SUCH INFORMA-

1 TION CONFIDENTIALLY IN A LOCKED BOX; AND (II) INCLUDE IN HIS OR HER
2 RESPONSE A STATEMENT THAT PURSUANT TO THIS PARAGRAPH, A DISCLOSURE TO
3 THE OFFICE OF COURT ADMINISTRATION HAS BEEN MADE. UPON SUCH TIME THAT
4 THE DISCLOSURE OF INFORMATION MAINTAINED IN THE LOCKED BOX IS NO LONGER
5 RESTRICTED BY FEDERAL LAW OR REGULATION, THE REPORTING INDIVIDUAL SHALL
6 DISCLOSE SUCH INFORMATION IN AN AMENDED DISCLOSURE STATEMENT IN RESPONSE
7 TO THE DISCLOSURE REQUIREMENTS OF THIS PARAGRAPH. THE OFFICE OF COURT
8 ADMINISTRATION SHALL DEVELOP AND MAINTAIN A SECURE PORTAL THROUGH WHICH
9 INFORMATION SUBMITTED TO IT PURSUANT TO THIS PARAGRAPH CAN BE SAFELY AND
10 CONFIDENTIALLY STORED. WITH RESPECT TO CLIENTS REPRESENTED IN OTHER
11 MATTERS NOT OTHERWISE EXEMPT, THE REPORTING INDIVIDUAL MAY REQUEST AN
12 EXEMPTION TO PUBLICLY DISCLOSING THE NAME OF THAT CLIENT FROM THE JOINT
13 COMMISSION PURSUANT TO PARAGRAPH (I) OF SUBDIVISION NINE OF SECTION
14 NINETY-FOUR OF THE EXECUTIVE LAW, OR FROM THE OFFICE OF COURT ADMINIS-
15 TRATION. IN SUCH APPLICATION, THE REPORTING INDIVIDUAL SHALL STATE THE
16 FOLLOWING: "MY CLIENT IS NOT CURRENTLY RECEIVING MY SERVICES OR SEEKING
17 MY SERVICES IN CONNECTION WITH:

18 (I) A PROPOSED BILL OR RESOLUTION IN THE SENATE OR ASSEMBLY DURING THE
19 REPORTING PERIOD;

20 (II) A CONTRACT IN AN AMOUNT TOTALING \$10,000 OR MORE FROM THE STATE
21 OR ANY STATE AGENCY FOR SERVICES, MATERIALS, OR PROPERTY;

22 (III) A GRANT OF \$10,000 OR MORE FROM THE STATE OR ANY STATE AGENCY
23 DURING THE REPORTING PERIOD;

24 (IV) A GRANT OBTAINED THROUGH A LEGISLATIVE INITIATIVE DURING THE
25 REPORTING PERIOD; OR

26 (V) A CASE, PROCEEDING, APPLICATION OR OTHER MATTER THAT IS NOT A
27 MINISTERIAL MATTER BEFORE A STATE AGENCY DURING THE REPORTING PERIOD."

28 IN REVIEWING THE REQUEST FOR AN EXEMPTION, THE JOINT COMMISSION OR THE
29 OFFICE OF COURT ADMINISTRATION MAY CONSULT WITH BAR OR OTHER PROFES-
30 SIONAL ASSOCIATIONS AND THE LEGISLATIVE ETHICS COMMISSION FOR INDIVID-
31 UALS SUBJECT TO ITS JURISDICTION AND MAY CONSIDER THE RULES OF PROFES-
32 SIONAL CONDUCT. IN MAKING ITS DETERMINATION, THE JOINT COMMISSION OR THE
33 OFFICE OF COURT ADMINISTRATION SHALL CONDUCT ITS OWN INQUIRY AND SHALL
34 CONSIDER FACTORS INCLUDING, BUT NOT LIMITED TO: (I) THE NATURE AND THE
35 SIZE OF THE CLIENT; (II) WHETHER THE CLIENT HAS ANY BUSINESS BEFORE THE
36 STATE; AND IF SO, HOW SIGNIFICANT THE BUSINESS IS; AND WHETHER THE
37 CLIENT HAS ANY PARTICULARIZED INTEREST IN PENDING LEGISLATION AND IF SO
38 HOW SIGNIFICANT THE INTEREST IS; (III) WHETHER DISCLOSURE MAY REVEAL
39 TRADE SECRETS; (IV) WHETHER DISCLOSURE COULD REASONABLY RESULT IN RETAL-
40 IATION AGAINST THE CLIENT; (V) WHETHER DISCLOSURE MAY CAUSE UNDUE HARM
41 TO THE CLIENT; (VI) WHETHER DISCLOSURE MAY RESULT IN UNDUE HARM TO THE
42 ATTORNEY-CLIENT RELATIONSHIP; AND (VII) WHETHER DISCLOSURE MAY RESULT IN
43 AN UNNECESSARY INVASION OF PRIVACY TO THE CLIENT.

44 THE JOINT COMMISSION OR, AS THE CASE MAY BE, THE OFFICE OF COURT
45 ADMINISTRATION SHALL PROMPTLY MAKE A FINAL DETERMINATION IN RESPONSE TO
46 SUCH REQUEST, WHICH SHALL INCLUDE AN EXPLANATION FOR ITS DETERMINATION.
47 THE OFFICE OF COURT ADMINISTRATION SHALL ISSUE ITS FINAL DETERMINATION
48 WITHIN THREE DAYS OF RECEIVING THE REQUEST. NOTWITHSTANDING ANY OTHER
49 PROVISION OF LAW OR ANY PROFESSIONAL DISCIPLINARY RULE TO THE CONTRARY,
50 THE DISCLOSURE OF THE IDENTITY OF ANY CLIENT OR CUSTOMER IN RESPONSE TO
51 THIS QUESTION SHALL NOT CONSTITUTE PROFESSIONAL MISCONDUCT OR A GROUND
52 FOR DISCIPLINARY ACTION OF ANY KIND, OR FORM THE BASIS FOR ANY CIVIL OR
53 CRIMINAL CAUSE OF ACTION OR PROCEEDING. A reporting individual who first
54 enters public office after [January first] DECEMBER THIRTY-FIRST, two
55 thousand fifteen, need not report clients or customers with respect to

1 matters for which the reporting individual or his or her firm was
2 retained prior to entering public office.

3 Client	Name of Lobbyist	Category of Amount (in 4 Table 1)
5		
6		
7		
8		
9		

10 13. List below the nature and amount of any income in EXCESS of \$1,000
11 from EACH SOURCE for the reporting individual and such individual's
12 spouse for the taxable year last occurring prior to the date of
13 filing. EACH SUCH SOURCE MUST BE DESCRIBED WITH PARTICULARITY.
14 Nature of income includes, but is not limited to, all income (other
15 than that received from the employment listed under Item 2 above)
16 from compensated employment whether public or private, directorships
17 and other fiduciary positions, contractual arrangements, teaching
18 income, partnerships, honorariums, lecture fees, consultant fees,
19 bank and bond interest, dividends, income derived from a trust, real
20 estate rents, and recognized gains from the sale or exchange of real
21 or other property. Income from a business or profession and real
22 estate rents shall be reported with the source identified by the
23 building address in the case of real estate rents and otherwise by
24 the name of the entity and not by the name of the individual custom-
25 ers, clients or tenants, with the aggregate net income before taxes
26 for each building address or entity. The receipt of maintenance
27 received in connection with a matrimonial action, alimony and child
28 support payments shall not be listed.

29 Self/ 30 Spouse	Source	Nature	Category of Amount 31 (In Table I)
32			
33			
34			
35			
36			

37 S 2. Paragraph 8 of subdivision 3 of section 73-a of the public offi-
38 cers law is amended by adding two new subparagraphs (b-1) and (b-2) to
39 read as follows:

40 (B-1) APPLICABLE ONLY TO NEW CLIENTS OR CUSTOMERS FOR WHOM SERVICES
41 ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN, OR
42 FOR NEW MATTERS FOR EXISTING CLIENTS OR CUSTOMERS WITH RESPECT TO THOSE
43 SERVICES THAT ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOU-
44 SAND FIFTEEN (FOR PURPOSES OF THIS QUESTION, "SERVICES" SHALL MEAN
45 CONSULTATION, REPRESENTATION, ADVICE OR OTHER SERVICES):

46 IF THE REPORTING INDIVIDUAL RECEIVES INCOME FROM EMPLOYMENT REPORTABLE
47 IN QUESTION 8(A) AND PERSONALLY PROVIDES SERVICES TO ANY PERSON OR ENTI-
48 TY, OR WORKS AS A MEMBER OR EMPLOYEE OF A PARTNERSHIP OR CORPORATION
49 THAT PROVIDES SUCH SERVICES (REFERRED TO HEREINAFTER AS A "FIRM"), THE
50 REPORTING INDIVIDUAL SHALL IDENTIFY EACH CLIENT OR CUSTOMER TO WHOM THE
51 REPORTING INDIVIDUAL PERSONALLY PROVIDED SERVICES, OR WHO WAS REFERRED
52 TO THE FIRM BY THE REPORTING INDIVIDUAL, AND FROM WHOM THE REPORTING

1 INDIVIDUAL OR HIS OR HER FIRM EARNED FEES IN EXCESS OF \$10,000 DURING
2 THE REPORTING PERIOD IN DIRECT CONNECTION WITH:

3 (I) A CONTRACT IN AN AMOUNT TOTALING \$10,000 OR MORE FROM THE STATE OR
4 ANY STATE AGENCY FOR SERVICES, MATERIALS, OR PROPERTY;

5 (II) A GRANT OF \$10,000 OR MORE FROM THE STATE OR ANY STATE AGENCY
6 DURING THE REPORTING PERIOD;

7 (III) A GRANT OBTAINED THROUGH A LEGISLATIVE INITIATIVE DURING THE
8 REPORTING PERIOD; OR

9 (IV) A CASE, PROCEEDING, APPLICATION OR OTHER MATTER THAT IS NOT A
10 MINISTERIAL MATTER BEFORE A STATE AGENCY DURING THE REPORTING PERIOD.

11 FOR SUCH SERVICES RENDERED BY THE REPORTING INDIVIDUAL DIRECTLY TO
12 EACH SUCH CLIENT, DESCRIBE EACH MATTER THAT WAS THE SUBJECT OF SUCH
13 REPRESENTATION, THE SERVICES ACTUALLY PROVIDED AND THE PAYMENT RECEIVED.
14 FOR PAYMENTS RECEIVED FROM CLIENTS REFERRED TO THE FIRM BY THE REPORTING
15 INDIVIDUAL, IF THE REPORTING INDIVIDUAL DIRECTLY RECEIVED A REFERRAL FEE
16 OR FEES FOR SUCH REFERRAL, IDENTIFY THE CLIENT AND THE PAYMENT SO
17 RECEIVED.

18 FOR PURPOSES OF THIS QUESTION, "REFERRED TO THE FIRM" SHALL MEAN:
19 HAVING INTENTIONALLY AND KNOWINGLY TAKEN A SPECIFIC ACT OR SERIES OF
20 ACTS TO INTENTIONALLY PROCURE FOR THE REPORTING INDIVIDUAL'S FIRM OR
21 HAVING KNOWINGLY SOLICITED OR DIRECTED TO THE REPORTING INDIVIDUAL'S
22 FIRM IN WHOLE OR SUBSTANTIAL PART, A PERSON OR ENTITY THAT BECOMES A
23 CLIENT OF THAT FIRM FOR THE PURPOSES OF REPRESENTATION FOR A MATTER AS
24 DEFINED IN CLAUSES (I) THROUGH (IV) OF THIS SUBPARAGRAPH, AS THE RESULT
25 OF SUCH PROCUREMENT, SOLICITATION OR DIRECTION OF THE REPORTING INDIVID-
26 UAL. A REPORTING INDIVIDUAL NEED NOT DISCLOSE ACTIVITIES PERFORMED WHILE
27 LAWFULLY ACTING IN HIS OR HER CAPACITY AS PROVIDED IN PARAGRAPHS (C),
28 (D), (E) AND (F) OF SUBDIVISION SEVEN OF SECTION SEVENTY-THREE OF THIS
29 ARTICLE.

30	CLIENT	MATTER	NATURE OF SERVICES PROVIDED	CATEGORY
31				OF AMOUNT
32				(IN TABLE I)

33	
34	
35	
36	
37	

38 (B-2) APPLICABLE ONLY TO NEW CLIENTS OR CUSTOMERS FOR WHOM SERVICES
39 ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN, OR
40 FOR NEW MATTERS FOR EXISTING CLIENTS OR CUSTOMERS WITH RESPECT TO THOSE
41 SERVICES THAT ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOU-
42 SAND FIFTEEN (FOR PURPOSES OF THIS QUESTION, "SERVICES" SHALL MEAN
43 CONSULTATION, REPRESENTATION, ADVICE OR OTHER SERVICES):

44 (I) WITH RESPECT TO REPORTING INDIVIDUALS WHO RECEIVE TEN THOUSAND
45 DOLLARS OR MORE FROM EMPLOYMENT OR ACTIVITY REPORTABLE UNDER QUESTION
46 8(A), FOR EACH CLIENT OR CUSTOMER NOT OTHERWISE DISCLOSED OR EXEMPTED IN
47 QUESTION 8 OR 13, DISCLOSE THE NAME OF EACH CLIENT OR CUSTOMER KNOWN TO
48 THE REPORTING INDIVIDUAL TO WHOM THE REPORTING INDIVIDUAL PROVIDED
49 SERVICES: (A) WHO PAID THE REPORTING INDIVIDUAL IN EXCESS OF FIVE THOU-
50 SAND DOLLARS FOR SUCH SERVICES; OR (B) WHO HAD BEEN BILLED WITH THE
51 KNOWLEDGE OF THE REPORTING INDIVIDUAL IN EXCESS OF FIVE THOUSAND DOLLARS
52 BY THE FIRM OR OTHER ENTITY NAMED IN QUESTION 8(A) FOR THE REPORTING
53 INDIVIDUAL'S SERVICES.

54	CLIENT	SERVICES	CATEGORY OF AMOUNT
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1 ACTUALLY PROVIDED (IN TABLE I)

2 FOLLOWING IS AN ILLUSTRATIVE, NON-EXCLUSIVE LIST OF EXAMPLES OF
3 DESCRIPTIONS OF "SERVICES ACTUALLY PROVIDED":

- 4 * REVIEWED DOCUMENTS AND CORRESPONDENCE;
- 5 * REPRESENTED CLIENT (IDENTIFY CLIENT BY NAME) IN LEGAL PROCEEDING;
- 6 * PROVIDED LEGAL ADVICE ON CLIENT MATTER (IDENTIFY CLIENT BY NAME);
- 7 * CONSULTED WITH CLIENT OR CONSULTED WITH LAW PARTNERS/ASSOCIATES/MEMBERS
8 OF FIRM ON CLIENT MATTER (IDENTIFY CLIENT BY NAME);
- 9 * PREPARED CERTIFIED FINANCIAL STATEMENT FOR CLIENT (IDENTIFY CLIENT BY
10 NAME);
- 11 * REFERRED INDIVIDUAL OR ENTITY (IDENTIFY CLIENT BY NAME) FOR
12 REPRESENTATION OR CONSULTATION;
- 13 * COMMERCIAL BROKERING SERVICES (IDENTIFY CUSTOMER BY NAME);
- 14 * PREPARED CERTIFIED ARCHITECTURAL OR ENGINEERING
15 RENDERINGS FOR CLIENT (IDENTIFY CUSTOMER BY NAME);
- 16 * COURT APPOINTED GUARDIAN OR EVALUATOR (IDENTIFY COURT NOT CLIENT).

17 (II) WITH RESPECT TO REPORTING INDIVIDUALS WHO DISCLOSED IN QUESTION
18 8(A) THAT THE REPORTING INDIVIDUAL DID NOT PROVIDE SERVICES TO A CLIENT
19 BUT PROVIDED SERVICES TO A FIRM OR BUSINESS, IDENTIFY THE CATEGORY OF
20 AMOUNT RECEIVED FOR PROVIDING SUCH SERVICES AND DESCRIBE THE SERVICES
21 RENDERED.

22 A REPORTING INDIVIDUAL NEED NOT DISCLOSE ACTIVITIES PERFORMED WHILE
23 LAWFULLY ACTING IN HIS OR HER CAPACITY AS PROVIDED IN PARAGRAPHS (C),
24 (D), (E) AND (F) OF SUBDIVISION SEVEN OF SECTION SEVENTY-THREE OF THIS
25 ARTICLE.

26 THE DISCLOSURE REQUIREMENT IN QUESTIONS (B-1) AND (B-2) SHALL NOT
27 REQUIRE DISCLOSING CLIENTS OR CUSTOMERS RECEIVING MEDICAL, PHARMACEU-
28 TICAL OR DENTAL SERVICES, MENTAL HEALTH SERVICES, OR RESIDENTIAL REAL
29 ESTATE BROKERING SERVICES FROM THE REPORTING INDIVIDUAL OR HIS OR HER
30 FIRM OR IF FEDERAL LAW PROHIBITS OR LIMITS DISCLOSURE. THE REPORTING
31 INDIVIDUAL NEED NOT IDENTIFY ANY CLIENT TO WHOM HE OR SHE OR HIS OR HER
32 FIRM PROVIDED LEGAL REPRESENTATION WITH RESPECT TO INVESTIGATION OR
33 PROSECUTION BY LAW ENFORCEMENT AUTHORITIES, BANKRUPTCY, FAMILY COURT,
34 ESTATE PLANNING, OR DOMESTIC RELATIONS MATTERS, NOR SHALL THE REPORTING
35 INDIVIDUAL IDENTIFY INDIVIDUALS REPRESENTED PURSUANT TO AN INSURANCE
36 POLICY BUT THE REPORTING INDIVIDUAL SHALL IN SUCH CIRCUMSTANCES ONLY
37 REPORT THE ENTITY THAT PROVIDES COMPENSATION TO THE REPORTING INDIVID-
38 UAL; WITH RESPECT TO MATTERS IN WHICH THE CLIENT'S NAME IS REQUIRED BY
39 LAW TO BE KEPT CONFIDENTIAL (SUCH AS MATTERS GOVERNED BY THE FAMILY
40 COURT ACT) OR IN MATTERS IN WHICH THE REPORTING INDIVIDUAL REPRESENTS OR
41 PROVIDES SERVICES TO MINORS, THE CLIENT'S NAME MAY BE REPLACED WITH
42 INITIALS. TO THE EXTENT THAT THE REPORTING INDIVIDUAL, OR HIS OR HER
43 FIRM, PROVIDED LEGAL REPRESENTATION WITH RESPECT TO AN INITIAL PUBLIC
44 OFFERING, AND PROFESSIONAL DISCIPLINARY RULES, FEDERAL LAW OR REGU-
45 LATIONS RESTRICT THE DISCLOSURE OF INFORMATION RELATING TO SUCH WORK,
46 THE REPORTING INDIVIDUAL SHALL (I) DISCLOSE THE IDENTITY OF THE CLIENT
47 AND THE SERVICES PROVIDED RELATING TO THE INITIAL PUBLIC OFFERING TO THE

1 OFFICE OF COURT ADMINISTRATION, WHO WILL MAINTAIN SUCH INFORMATION
2 CONFIDENTIALLY IN A LOCKED BOX; AND (II) INCLUDE IN HIS OR HER RESPONSE
3 TO QUESTIONS (B-1) AND (B-2) THAT PURSUANT TO THIS PARAGRAPH, A DISCLO-
4 SURE TO THE OFFICE OF COURT ADMINISTRATION HAS BEEN MADE. UPON SUCH TIME
5 THAT THE DISCLOSURE OF INFORMATION MAINTAINED IN THE LOCKED BOX IS NO
6 LONGER RESTRICTED BY PROFESSIONAL DISCIPLINARY RULES, FEDERAL LAW OR
7 REGULATION, THE REPORTING INDIVIDUAL SHALL DISCLOSE SUCH INFORMATION IN
8 AN AMENDED DISCLOSURE STATEMENT IN RESPONSE TO THE DISCLOSURE REQUIRE-
9 MENTS IN QUESTIONS (B-1) AND (B-2). THE OFFICE OF COURT ADMINISTRATION
10 SHALL DEVELOP AND MAINTAIN A SECURE PORTAL THROUGH WHICH INFORMATION
11 SUBMITTED TO IT PURSUANT TO THIS PARAGRAPH CAN BE SAFELY AND CONFIDEN-
12 Tially STORED. WITH RESPECT TO CLIENTS REPRESENTED IN OTHER MATTERS NOT
13 OTHERWISE EXEMPT, THE REPORTING INDIVIDUAL MAY REQUEST AN EXEMPTION TO
14 PUBLICLY DISCLOSING THE NAME OF THAT CLIENT FROM THE JOINT COMMISSION
15 PURSUANT TO PARAGRAPH (I) OF SUBDIVISION NINE OF SECTION NINETY-FOUR OF
16 THE EXECUTIVE LAW, OR FROM THE OFFICE OF COURT ADMINISTRATION. IN SUCH
17 APPLICATION, THE REPORTING INDIVIDUAL SHALL STATE THE FOLLOWING: "MY
18 CLIENT IS NOT CURRENTLY RECEIVING MY SERVICES OR SEEKING MY SERVICES IN
19 CONNECTION WITH:

20 (I) A PROPOSED BILL OR RESOLUTION IN THE SENATE OR ASSEMBLY DURING THE
21 REPORTING PERIOD;

22 (II) A CONTRACT IN AN AMOUNT TOTALING \$10,000 OR MORE FROM THE STATE
23 OR ANY STATE AGENCY FOR SERVICES, MATERIALS, OR PROPERTY;

24 (III) A GRANT OF \$10,000 OR MORE FROM THE STATE OR ANY STATE AGENCY
25 DURING THE REPORTING PERIOD;

26 (IV) A GRANT OBTAINED THROUGH A LEGISLATIVE INITIATIVE DURING THE
27 REPORTING PERIOD; OR

28 (V) A CASE, PROCEEDING, APPLICATION OR OTHER MATTER THAT IS NOT A
29 MINISTERIAL MATTER BEFORE A STATE AGENCY DURING THE REPORTING PERIOD."

30 IN REVIEWING THE REQUEST FOR AN EXEMPTION, THE JOINT COMMISSION OR THE
31 OFFICE OF COURT ADMINISTRATION MAY CONSULT WITH BAR OR OTHER PROFES-
32 SIONAL ASSOCIATIONS AND THE LEGISLATIVE ETHICS COMMISSION FOR INDIVID-
33 UALS SUBJECT TO ITS JURISDICTION AND MAY CONSIDER THE RULES OF PROFES-
34 SIONAL CONDUCT. IN MAKING ITS DETERMINATION, THE JOINT COMMISSION OR THE
35 OFFICE OF COURT ADMINISTRATION SHALL CONDUCT ITS OWN INQUIRY AND SHALL
36 CONSIDER FACTORS INCLUDING, BUT NOT LIMITED TO: (I) THE NATURE AND THE
37 SIZE OF THE CLIENT; (II) WHETHER THE CLIENT HAS ANY BUSINESS BEFORE THE
38 STATE; AND IF SO, HOW SIGNIFICANT THE BUSINESS IS; AND WHETHER THE
39 CLIENT HAS ANY PARTICULARIZED INTEREST IN PENDING LEGISLATION AND IF SO
40 HOW SIGNIFICANT THE INTEREST IS; (III) WHETHER DISCLOSURE MAY REVEAL
41 TRADE SECRETS; (IV) WHETHER DISCLOSURE COULD REASONABLY RESULT IN RETAL-
42 IATION AGAINST THE CLIENT; (V) WHETHER DISCLOSURE MAY CAUSE UNDUE HARM
43 TO THE CLIENT; (VI) WHETHER DISCLOSURE MAY RESULT IN UNDUE HARM TO THE
44 ATTORNEY-CLIENT RELATIONSHIP; AND (VII) WHETHER DISCLOSURE MAY RESULT IN
45 AN UNNECESSARY INVASION OF PRIVACY TO THE CLIENT.

46 THE JOINT COMMISSION OR, AS THE CASE MAY BE, THE OFFICE OF COURT
47 ADMINISTRATION SHALL PROMPTLY MAKE A FINAL DETERMINATION IN RESPONSE TO
48 SUCH REQUEST, WHICH SHALL INCLUDE AN EXPLANATION FOR ITS DETERMINATION.
49 THE OFFICE OF COURT ADMINISTRATION SHALL ISSUE ITS FINAL DETERMINATION
50 WITHIN THREE DAYS OF RECEIVING THE REQUEST. NOTWITHSTANDING ANY OTHER
51 PROVISION OF LAW OR ANY PROFESSIONAL DISCIPLINARY RULE TO THE CONTRARY,
52 THE DISCLOSURE OF THE IDENTITY OF ANY CLIENT OR CUSTOMER IN RESPONSE TO
53 THIS QUESTION SHALL NOT CONSTITUTE PROFESSIONAL MISCONDUCT OR A GROUND
54 FOR DISCIPLINARY ACTION OF ANY KIND, OR FORM THE BASIS FOR ANY CIVIL OR
55 CRIMINAL CAUSE OF ACTION OR PROCEEDING. A REPORTING INDIVIDUAL WHO
56 FIRST ENTERS PUBLIC OFFICE AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN,

1 NEED NOT REPORT CLIENTS OR CUSTOMERS WITH RESPECT TO MATTERS FOR WHICH
 2 THE REPORTING INDIVIDUAL OR HIS OR HER FIRM WAS RETAINED PRIOR TO ENTER-
 3 ING PUBLIC OFFICE.

4 CLIENT	SERVICES ACTUALLY PROVIDED	CATEGORY OF AMOUNT
(IN TABLE I)		

6 S 3. Section 73-a of the public officers law is amended by adding a
 7 new subdivision 7 to read as follows:

8 7. WITH RESPECT TO AN APPLICATION TO EITHER THE JOINT COMMISSION OR
 9 THE OFFICE OF COURT ADMINISTRATION FOR AN EXEMPTION TO DISCLOSING THE
 10 NAME OF A CLIENT OR CUSTOMER IN RESPONSE TO QUESTIONS 8 (B-1), 8 (B-2)
 11 AND 8 (C), ALL INFORMATION WHICH IS THE SUBJECT OF OR A PART OF SUCH
 12 APPLICATION SHALL REMAIN CONFIDENTIAL. THE NAME OF THE CLIENT NEED NOT
 13 BE DISCLOSED BY THE REPORTING INDIVIDUAL UNLESS AND UNTIL THE JOINT
 14 COMMISSION OR THE OFFICE OF COURT ADMINISTRATION FORMALLY ADVISES THE
 15 REPORTING INDIVIDUAL THAT HE OR SHE MUST DISCLOSE SUCH NAMES AND THE
 16 REPORTING INDIVIDUAL AGREES TO REPRESENT THE CLIENT. ANY COMMISSIONER OR
 17 PERSON EMPLOYED BY THE JOINT COMMISSION OR ANY PERSON EMPLOYED BY THE
 18 OFFICE OF COURT ADMINISTRATION WHO, INTENTIONALLY AND WITHOUT AUTHORI-
 19 ZATION FROM A COURT OF COMPETENT JURISDICTION RELEASES CONFIDENTIAL
 20 INFORMATION RELATED TO A REQUEST FOR AN EXEMPTION RECEIVED BY THE
 21 COMMISSION OR THE OFFICE OF COURT ADMINISTRATION SHALL BE GUILTY OF A
 22 CLASS A MISDEMEANOR.

23 S 4. Section 73 of the public officers law is amended by adding a new
 24 subdivision 7-a to read as follows:

25 7-A. NO MEMBER OF THE LEGISLATURE, LEGISLATIVE EMPLOYEE, STATEWIDE
 26 ELECTED OFFICIAL, OR STATE OFFICER OR EMPLOYEE SHALL RECEIVE, DIRECTLY
 27 OR INDIRECTLY, OR ENTER INTO ANY AGREEMENT EXPRESS OR IMPLIED, FOR ANY
 28 COMPENSATION, IN WHATEVER FORM, FOR THE RENDERING OF CONSULTING, REPRES-
 29 ENTATIONAL, ADVISORY OR OTHER SERVICES BY HIMSELF OR HERSELF OR ANOTHER
 30 IN CONNECTION WITH ANY PROPOSED OR PENDING BILL OR RESOLUTION IN THE
 31 SENATE OR ASSEMBLY.

32 S 5. Subdivision 18 of section 73 of the public officers law, as
 33 amended by chapter 14 of the laws of 2007, is amended to read as
 34 follows:

35 18. In addition to any penalty contained in any other provision of
 36 law, any person who knowingly and intentionally violates the provisions
 37 of subdivisions two through five, seven, SEVEN-A, eight, twelve or four-
 38 teen through seventeen of this section shall be subject to a civil
 39 penalty in an amount not to exceed forty thousand dollars and the value
 40 of any gift, compensation or benefit received in connection with such
 41 violation. Assessment of a civil penalty hereunder shall be made by the
 42 state oversight body with jurisdiction over such person. A state over-
 43 sight body acting pursuant to its jurisdiction, may, in lieu of a civil
 44 penalty, with respect to a violation of subdivisions two through five,
 45 seven or eight of this section, refer a violation of any such subdivi-
 46 sion to the appropriate prosecutor and upon such conviction such
 47 violation shall be punishable as a class A misdemeanor.

48 S 6. Subdivisions (k) and (t) of section 1-c of the legislative law,
 49 subdivision (k) as amended and subdivision (t) as added by chapter 1 of
 50 the laws of 2005, are amended to read as follows:

1 (k) The term "municipality" shall mean any jurisdictional subdivision
2 of the state, including but not limited to counties, cities, towns,
3 villages, improvement districts and special districts, with a population
4 of more than [fifty] FIVE thousand, and industrial development agencies
5 in jurisdictional subdivisions with a population of more than [fifty]
6 FIVE thousand; and public authorities, and public corporations[, but
7 shall not include school districts].

8 (t) The term "local legislative body" shall mean the board of supervi-
9 sors, board of aldermen, common council, council, commission, town
10 board, board of trustees or other elective governing board or body of a
11 municipality now or hereafter vested by state statute, charter or other
12 law with jurisdiction to initiate and adopt local laws [and], ordinances
13 AND BUDGETS, whether or not such local laws [or], ordinances OR BUDGETS
14 require approval of the elective chief executive officer or other offi-
15 cial or body to become effective.

16 S 7. Subdivision 2 of section 5 of the legislative law is REPEALED and
17 a new subdivision 2 is added to read as follows:

18 2. (A) EACH MEMBER OF THE LEGISLATURE, UPON VERIFICATION OF ATTEND-
19 ANCE, WHICH SHALL BE BY ELECTRONIC VERIFICATION WHEN PRACTICABLE, IN
20 COMPLIANCE WITH THE POLICIES SET FORTH BY THE SPEAKER OF THE ASSEMBLY
21 AND THE TEMPORARY PRESIDENT OF THE SENATE FOR THEIR RESPECTIVE BODIES,
22 SHALL BE ELIGIBLE TO RECEIVE PAYMENT OF ACTUAL AND NECESSARY TRAVEL
23 EXPENSES AND A PER DIEM EQUIVALENT TO THE MOST RECENT FEDERAL PER DIEM
24 RATES PUBLISHED BY THE GENERAL SERVICES ADMINISTRATION AS SET FORTH IN
25 41 CFR (CODE OF FEDERAL REGULATIONS) PART 301, APP. A, FOR THE TIME IN
26 WHICH THE MEMBER WAS IN TRAVEL STATUS IN THE PERFORMANCE OF HIS OR HER
27 DUTIES DURING THE MONTHS IN WHICH THE LEGISLATURE IS SCHEDULED TO BE IN
28 REGULAR SESSION. DURING THE MONTHS WHEN THE LEGISLATURE IS NOT SCHED-
29 ULED TO BE IN REGULAR SESSION, MEMBERS SHALL RECEIVE SUCH ACTUAL AND
30 NECESSARY TRAVEL EXPENSES AND PER DIEMS, IN COMPLIANCE WITH VERIFICATION
31 POLICIES AND IN ACCORD WITH STANDARDS AND LIMITS FOR REIMBURSABLE EVENTS
32 SET FORTH BY THE SPEAKER OF THE ASSEMBLY AND THE TEMPORARY PRESIDENT OF
33 THE SENATE FOR THEIR RESPECTIVE BODIES. THE PER DIEM ALLOWANCES INCLUD-
34 ING PARTIAL PER DIEM ALLOWANCES SHALL BE MADE ON AUDIT AND WARRANT OF
35 THE COMPTROLLER ON VOUCHERS APPROVED BY THE TEMPORARY PRESIDENT OF THE
36 SENATE OR HIS OR HER DESIGNEE AND SPEAKER OF THE ASSEMBLY OR HIS OR HER
37 DESIGNEE FOR THEIR RESPECTIVE HOUSES.

38 (B) EACH HOUSE SHALL MAKE AVAILABLE ON ITS WEBSITE ALL DOCUMENTATION
39 OTHERWISE AVAILABLE TO THE PUBLIC PURSUANT TO SECTION EIGHTY-EIGHT OF
40 THE PUBLIC OFFICERS LAW RELATED TO THE PAYMENT OF TRAVEL EXPENSES AND
41 PER DIEMS.

42 S 8. Subdivision 1 of section 14-107 of the election law, as added by
43 section 4 of subpart C of part H of chapter 55 of the laws of 2014, is
44 amended to read as follows:

45 1. For purposes of this article:

46 (a) "Independent expenditure" means an expenditure made by a person
47 conveyed to five hundred or more members of a general public audience in
48 the form of (i) an audio or video communication via broadcast, cable or
49 satellite, (ii) a written communication via advertisements, pamphlets,
50 circulars, flyers, brochures, letterheads or (iii) other published
51 statements which: (i) irrespective of when such communication is made,
52 contains words such as "vote," "oppose," "support," "elect," "defeat,"
53 or "reject," which call for the election or defeat of the clearly iden-
54 tified candidate, [or] (ii) refers to and advocates for or against a
55 clearly identified candidate or ballot proposal on or after January
56 first of the year of the election in which such candidate is seeking

1 office or such proposal shall appear on the ballot, OR (III) WITHIN
2 SIXTY DAYS BEFORE A GENERAL OR SPECIAL ELECTION FOR THE OFFICE SOUGHT BY
3 THE CANDIDATE OR THIRTY DAYS BEFORE A PRIMARY ELECTION, INCLUDES OR
4 REFERENCES A CLEARLY IDENTIFIED CANDIDATE. An independent expenditure
5 shall not include communications where such candidate, the candidate's
6 political committee or its agents, A PARTY COMMITTEE OR ITS AGENTS, OR A
7 CONSTITUTED COMMITTEE OR ITS AGENTS or a political committee formed to
8 promote the success or defeat of a ballot proposal or its agents, did
9 authorize, request, suggest, foster or cooperate in such communication.

10 (b) Independent expenditures do not include expenditures in connection
11 with:

12 (i) a written news story, commentary, or editorial or a news story,
13 commentary, or editorial distributed through the facilities of any
14 broadcasting station, cable or satellite unless such publication or
15 facilities are owned or controlled by any political party, political
16 committee or candidate; or

17 (ii) a communication that constitutes a candidate debate or forum; or

18 (iii) internal communication by members to other members of a member-
19 ship organization of not more than five hundred members, for the purpose
20 of supporting or opposing a candidate or candidates for elective office,
21 provided such expenditures are not used for the costs of campaign mate-
22 rial or communications used in connection with broadcasting, telecast-
23 ing, newspapers, magazines, or other periodical publication, billboards,
24 or similar types of general public communications; or

25 (iv) INTERNAL COMMUNICATIONS BY MEMBERS TO OTHER MEMBERS OF A MEMBER-
26 SHIP ORGANIZATION OF NOT MORE THAN FIVE HUNDRED MEMBERS OR COMMUNI-
27 CATIONS BY A CORPORATION ORGANIZED FOR CHARITABLE PURPOSES PURSUANT TO
28 S501(C)(3) OF THE INTERNAL REVENUE CODE, WITHIN SIXTY DAYS BEFORE A
29 GENERAL OR SPECIAL ELECTION FOR THE OFFICE SOUGHT BY THE CANDIDATE OR
30 THIRTY DAYS BEFORE A PRIMARY ELECTION, THAT INCLUDES OR REFERENCES A
31 CLEARLY IDENTIFIED CANDIDATE BUT DOES NOT OTHERWISE QUALIFY AS AN INDE-
32 PENDENT EXPENDITURE UNDER THIS SECTION.

33 (v) a communication published on the Internet, unless the communi-
34 cation is a paid advertisement.

35 (c) For purposes of this section, the term "person" shall mean person,
36 group of persons, corporation, unincorporated business entity, labor
37 organization or business, trade or professional association or organiza-
38 tion, or political committee; PROVIDED, HOWEVER, THAT SUCH DEFINITION
39 SHALL NOT INCLUDE ANY PARTY OR CONSTITUTED COMMITTEE, THAT IS REQUIRED
40 TO FILE DISCLOSURE REPORTS UNDER THIS CHAPTER.

41 S 9. Section 14-130 of the election law, as added by chapter 152 of
42 the laws of 1985, is amended to read as follows:

43 S 14-130. Campaign funds for personal use. 1. Contributions received
44 by a candidate or a political committee may be expended for any lawful
45 purpose. Such funds shall not be converted by any person to a personal
46 use which is unrelated to a political campaign or the holding of a
47 public office or party position.

48 2. NO CONTRIBUTION SHALL BE USED TO PAY INTEREST OR ANY OTHER FINANCE
49 CHARGES UPON MONIES LOANED TO THE CAMPAIGN BY SUCH CANDIDATE OR THE
50 SPOUSE OF SUCH CANDIDATE.

51 3. FOR THE PURPOSES OF THIS SECTION, CONTRIBUTIONS "CONVERTED BY ANY
52 PERSON TO A PERSONAL USE" ARE EXPENDITURES THAT ARE EXCLUSIVELY FOR THE
53 PERSONAL BENEFIT OF THE CANDIDATE OR ANY OTHER INDIVIDUAL, NOT IN
54 CONNECTION WITH A POLITICAL CAMPAIGN OR THE HOLDING OF A PUBLIC OFFICE
55 OR PARTY POSITION. "CONVERTED BY ANY PERSON TO A PERSONAL USE", WHEN

1 MEETING THE DEFINITION IN THIS SUBDIVISION, SHALL INCLUDE, BUT NOT BE
2 LIMITED TO, EXPENSES FOR THE FOLLOWING:

3 (I) ANY RESIDENTIAL OR HOUSEHOLD ITEMS, SUPPLIES OR EXPENDITURES,
4 INCLUDING MORTGAGE, RENT OR UTILITY PAYMENTS FOR ANY PART OF ANY
5 PERSONAL RESIDENCE OF A CANDIDATE OR OFFICEHOLDER OR A MEMBER OF THE
6 CANDIDATE'S OR OFFICEHOLDER'S FAMILY THAT ARE NOT INCURRED AS A RESULT
7 OF, OR TO FACILITATE, THE INDIVIDUAL'S CAMPAIGN, OR THE EXECUTION OF HIS
8 OR HER DUTIES OF PUBLIC OFFICE OR PARTY POSITION. IN THE EVENT THAT ANY
9 PROPERTY OR BUILDING IS USED FOR BOTH PERSONAL AND CAMPAIGN USE OR AS
10 PART OF THE EXECUTION OF HIS OR HER DUTIES OF PUBLIC OFFICE OR PARTY
11 POSITION, PERSONAL USE SHALL CONSTITUTE EXPENSES THAT EXCEED THE
12 PRO-RATED AMOUNT FOR SUCH EXPENSES BASED ON FAIR-MARKET VALUE.

13 (II) MORTGAGE, RENT, OR UTILITY PAYMENTS TO A CANDIDATE OR OFFICEHOLD-
14 ER FOR ANY PART OF ANY NON-RESIDENTIAL PROPERTY THAT IS OWNED BY A
15 CANDIDATE OR OFFICEHOLDER OR A MEMBER OF A CANDIDATE'S OR OFFICEHOLDER'S
16 FAMILY AND USED FOR CAMPAIGN PURPOSES, TO THE EXTENT THE PAYMENTS EXCEED
17 THE FAIR MARKET VALUE OF THE PROPERTY'S USAGE FOR CAMPAIGN ACTIVITIES;

18 (III) CLOTHING, OTHER THAN ITEMS THAT ARE USED IN THE CAMPAIGN OR IN
19 THE EXECUTION OF THE DUTIES OF PUBLIC OFFICE OR PARTY POSITION;

20 (IV) TUITION PAYMENTS UNRELATED TO A POLITICAL CAMPAIGN OR THE HOLDING
21 OF A PUBLIC OFFICE OR PARTY POSITION;

22 (V) SALARY PAYMENTS OR OTHER COMPENSATION PROVIDED TO ANY PERSON FOR
23 SERVICES WHERE SUCH SERVICES ARE NOT SOLELY FOR CAMPAIGN PURPOSES OR
24 PROVIDED IN CONNECTION WITH THE EXECUTION OF THE DUTIES OF PUBLIC OFFICE
25 OR PARTY POSITION;

26 (VI) SALARY PAYMENTS OR OTHER COMPENSATION PROVIDED TO A MEMBER OF A
27 CANDIDATE'S FAMILY, UNLESS THE FAMILY MEMBER IS PROVIDING BONA FIDE
28 SERVICES TO THE CAMPAIGN. IF A FAMILY MEMBER PROVIDES BONA FIDE SERVICES
29 TO A CAMPAIGN, ANY SALARY PAYMENTS OR OTHER COMPENSATION IN EXCESS OF
30 THE FAIR MARKET VALUE OF THE SERVICES PROVIDED SHALL BE CONSIDERED
31 PAYMENTS FOR PERSONAL USE;

32 (VII) ADMISSION TO A SPORTING EVENT, CONCERT, THEATER, OR OTHER FORM
33 OF ENTERTAINMENT, UNLESS SUCH EVENT IS PART OF, OR IN CONNECTION WITH, A
34 CAMPAIGN OR IS RELATED TO THE HOLDING OF PUBLIC OFFICE OR PARTY POSI-
35 TION;

36 (VIII) PAYMENT OF ANY FINES OR PENALTIES ASSESSED AGAINST THE CANDI-
37 DATE PURSUANT TO THIS CHAPTER OR IN CONNECTION WITH A CRIMINAL
38 CONVICTION OR BY THE JOINT COMMISSION FOR PUBLIC ETHICS PURSUANT TO
39 SECTION NINETY-FOUR OF THE EXECUTIVE LAW OR SECTIONS SEVENTY-THREE OR
40 SEVENTY-THREE-A OF THE PUBLIC OFFICERS LAW OR THE LEGISLATIVE ETHICS
41 COMMISSION PURSUANT TO SECTION EIGHTY OF THE LEGISLATIVE LAW;

42 (IX) DUES, FEES, OR GRATUITIES AT A COUNTRY CLUB, HEALTH CLUB, RECRE-
43 ATIONAL FACILITY OR OTHER ENTITIES WITH A SIMILAR PURPOSE, UNLESS THEY
44 ARE EXPENSES CONNECTED WITH A SPECIFIC FUNDRAISING EVENT OR ACTIVITY
45 ASSOCIATED WITH A POLITICAL CAMPAIGN OR THE HOLDING OF PUBLIC OFFICE OR
46 PARTY POSITION THAT TAKES PLACE ON THE ORGANIZATION'S PREMISES; AND

47 (X) TRAVEL EXPENSES INCLUDING AUTOMOBILE PURCHASES OR LEASES, UNLESS
48 USED FOR CAMPAIGN PURPOSES OR IN CONNECTION WITH THE EXECUTION OF THE
49 DUTIES OF PUBLIC OFFICE OR PARTY POSITION AND USAGE OF SUCH VEHICLE
50 WHICH IS INCIDENTAL TO SUCH PURPOSES OR THE EXECUTION OF SUCH DUTIES.

51 4. NOTHING IN THIS SECTION SHALL PROHIBIT A CANDIDATE FROM PURCHASING
52 EQUIPMENT OR PROPERTY FROM HIS OR HER PERSONAL FUNDS AND LEASING OR
53 RENTING SUCH EQUIPMENT OR PROPERTY TO A COMMITTEE WORKING DIRECTLY OR
54 INDIRECTLY WITH HIM TO AID OR PARTICIPATE IN HIS OR HER NOMINATION OR
55 ELECTION, INCLUDING AN EXPLORATORY COMMITTEE, PROVIDED THAT THE CANDI-
56 DATE AND HIS OR HER CAMPAIGN TREASURER SIGN A WRITTEN LEASE OR RENTAL

1 AGREEMENT. SUCH AGREEMENT SHALL INCLUDE THE LEASE OR RENTAL PRICE, WHICH
2 SHALL NOT EXCEED THE FAIR LEASE OR RENTAL VALUE OF THE EQUIPMENT. THE
3 CANDIDATE SHALL NOT RECEIVE LEASE OR RENTAL PAYMENTS WHICH, IN THE
4 AGGREGATE, EXCEED THE COST OF PURCHASING THE EQUIPMENT OR PROPERTY.

5 5. NOTHING IN THIS SECTION SHALL PROHIBIT AN ELECTED PUBLIC OFFICE-
6 HOLDER FROM USING CAMPAIGN CONTRIBUTIONS TO FACILITATE, SUPPORT, OR
7 OTHERWISE ASSIST IN THE EXECUTION OR PERFORMANCE OF THE DUTIES OF HIS OR
8 HER PUBLIC OFFICE.

9 6. THE STATE BOARD OF ELECTIONS SHALL ISSUE ADVISORY OPINIONS UPON
10 REQUEST REGARDING EXPENDITURES THAT MAY OR MAY NOT BE CONSIDERED
11 PERSONAL USE OF CONTRIBUTIONS. ANY FORMAL OR INFORMAL ADVISORY OPINIONS
12 ISSUED BY A MAJORITY VOTE OF THE COMMISSIONERS OF THE STATE BOARD OF
13 ELECTIONS SHALL BE BINDING ON THE BOARD, THE CHIEF ENFORCEMENT COUNSEL
14 ESTABLISHED BY SUBDIVISION THREE-A OF SECTION 3-100 OF THIS CHAPTER, AND
15 IN ANY SUBSEQUENT CIVIL OR CRIMINAL ACTION OR PROCEEDING OR ADMINISTRA-
16 TIVE PROCEEDING.

17 S 10. The opening paragraph of paragraph (a) of subdivision 6 of
18 section 156 of the retirement and social security law, as added by
19 section 1 of part C of chapter 399 of the laws of 2011, is amended to
20 read as follows:

21 "Public official" shall mean any of the following individuals [who
22 were not members of any retirement system prior to the effective date of
23 the chapter of the laws of two thousand eleven which added this article
24 but who have become members of a covered retirement system on or after
25 the effective date of the chapter of the laws of two thousand eleven
26 which added this article]:

27 S 11. Subdivisions 1 and 2 of section 157 of the retirement and social
28 security law, as added by section 1 of part C of chapter 399 of the laws
29 of 2011, are amended to read as follows:

30 1. Notwithstanding any other law to the contrary, it shall be a term
31 and condition of membership for every public official [who becomes a
32 member of any retirement system on or after the effective date of the
33 chapter of the laws of two thousand eleven which added this article,]
34 that such public official's rights to a pension in a retirement system
35 that accrue in such retirement system after his or her date of initial
36 membership in the retirement system shall be subject to the provisions
37 of this article.

38 2. In the case of a public official who stands convicted, by plea of
39 nolo contendere or plea of guilty to, or by conviction after trial, of
40 any crime related to public office, AND HAS BEEN SENTENCED, an action
41 may be commenced in supreme court of the county in which such public
42 official was convicted of such felony crime, by the district attorney
43 having jurisdiction over such crime, or by the attorney general if the
44 attorney general brought the criminal charge which resulted in such
45 conviction, for an order to reduce or revoke the pension to which such
46 public official is otherwise entitled for service as a public official.
47 Such complaint shall specify with particularity which category of felony
48 pursuant to subdivision one of section one hundred fifty-six of this
49 article the defendant has committed, and all other facts that are
50 alleged to qualify such crime as a felony crime related to public office
51 subject to pension reduction or revocation pursuant to this article, and
52 the amount of pension reduction or revocation requested. Such action
53 shall be commenced within six months after such [conviction] SENTENCING.

54 S 12. Subdivision 10 of section 157 of the retirement and social secu-
55 rity law, as added by section 1 of part C of chapter 399 of the laws of
56 2011, is amended to read as follows:

1 10. (A) Upon a finding by the court by clear and convincing evidence
2 that the defendant knowingly and intentionally committed a crime related
3 to public office, the court may issue an order to the appropriate
4 retirement system to reduce or revoke the defendant's pension to which
5 he or she is otherwise entitled as such a public official. All orders
6 and findings made by the court pursuant to this section shall be served
7 by the attorney general or the district attorney, as the case may be
8 upon the chief administrator of the defendant's retirement system and
9 the defendant.

10 (B) IF THE COURT ISSUES AN ORDER PURSUANT TO PARAGRAPH (A) OF THIS
11 SUBDIVISION, THE COURT SHALL ORDER PAYMENT OF A PORTION OF SUCH PENSION
12 BENEFIT TO: (1) THE INNOCENT SPOUSE IF SO REQUESTED BY SUCH SPOUSE PAYA-
13 BLE AT THE TIME THE PUBLIC OFFICIAL WOULD HAVE BEEN ELIGIBLE FOR RETIRE-
14 MENT IF SUCH SPOUSE HAS NOT OTHERWISE WAIVED, IN WRITING, HIS OR HER
15 RIGHT TO SUCH BENEFIT; AND (2) INNOCENT MINOR CHILDREN AND OTHER DEPEN-
16 DENTS PURSUANT TO LAW OF THE PUBLIC OFFICIAL IN AN AMOUNT THAT THE COURT
17 FINDS JUST AND PROPER CONSISTENT WITH THE PENSION BENEFITS TO WHICH THE
18 PUBLIC OFFICIAL WOULD BE ENTITLED AND THE PORTION OF THOSE BENEFITS
19 WHICH WOULD BE USED FOR THE SUPPORT OF SUCH MINOR CHILDREN OR DEPENDENTS
20 PURSUANT TO LAW. SUCH PAYMENT TO THE INNOCENT SPOUSE SHALL BE COMPUTED
21 PURSUANT TO PARAGRAPH (C) OF THIS SUBDIVISION, AND PAYMENTS PURSUANT TO
22 SUBPARAGRAPHS ONE AND TWO OF THIS PARAGRAPH SHALL BE ADJUSTED TO REFLECT
23 INTEREST ACCRUED BETWEEN THE TIME OF SUCH CONVICTION AND THE TIME OF
24 SUCH PAYMENT.

25 (C) WHEN DETERMINING THE AMOUNT OF BENEFITS WHICH THE DEFENDANT'S
26 INNOCENT SPOUSE IS ENTITLED TO RECEIVE, THE FACTORS CONTAINED IN PARA-
27 GRAPH D OF SUBDIVISION FIVE OF PART B OF SECTION TWO HUNDRED THIRTY-SIX
28 OF THE DOMESTIC RELATIONS LAW SHALL BE CONSIDERED BY THE COURT. HOWEVER,
29 WHEN DETERMINING SUCH APPORTIONMENT, THE COURT SHALL NOT ANNUL OR MODIFY
30 ANY PRIOR COURT ORDER REGARDING SUCH BENEFITS.

31 S 13. Subdivision 8 of section 157 of the retirement and social secu-
32 rity law, as added by section 1 of part C of chapter 399 of the laws of
33 2011, is amended to read as follows:

34 8. In determining whether the pension shall be reduced or revoked, the
35 supreme court shall consider and make findings of fact and conclusions
36 of law that include, but shall not be limited to, a consideration of the
37 following factors:

38 (a) Whether the defendant stands convicted of such a felony of a crime
39 related to public office, and the specific paragraph or paragraphs of
40 subdivision one of section one hundred fifty-six of this article that
41 have been proven or not proven;

42 (b) The severity of the crime related to public office of which the
43 defendant stands convicted;

44 (c) The amount of monetary loss suffered by such state or municipality
45 as a result of such crime related to public office;

46 (d) The degree of public trust reposed in the public official by
47 virtue of the person's position as a public official;

48 (e) If the crime related to public office was part of a fraudulent
49 scheme against the state or a municipality, the role of the public offi-
50 cial in such fraudulent scheme against such state or a municipality;

51 (f) The defendant's criminal history, if any;

52 (g) The impact of forfeiture, in whole or in part, on defendant's
53 dependents, present or former spouses, or domestic partners;

54 (h) The proportionality of forfeiture of all or part of the pension to
55 the crime committed;

1 (I) THE YEARS OF SERVICE IN PUBLIC OFFICE BY THE DEFENDANT WHERE NO
2 CRIMINAL ACTIVITY HAS BEEN FOUND BY A COURT; and

3 [(i)] (J) Any such other factors as, in the judgment of the supreme
4 court, justice may require.

5 S 14. The office of court administration shall promulgate rules to
6 effectuate the amendments to section 73-a of the public officers law
7 made by sections two and three of this act which require it to establish
8 a "locked box" and establish a mechanism to process and consider claims
9 by individuals required to file financial disclosure statements for
10 exempting the disclosure of clients.

11 S 15. Severability clause. If any clause, sentence, paragraph,
12 section or part of this act shall be adjudged by any court of competent
13 jurisdiction to be invalid, such judgment shall not affect, impair or
14 invalidate the remainder thereof, but shall be confined in its operation
15 to the clause, sentence, paragraph, section or part thereof directly
16 involved in the controversy in which such judgment shall have been
17 rendered.

18 S 16. This act shall take effect immediately; provided, however, the
19 amendments made to subparagraph (c) of paragraph 8 of subdivision 3 of
20 section 73-a of the public officers law by section one of this act shall
21 take effect December 31, 2015; provided, further, that sections ten,
22 eleven, and twelve of this act shall take effect on the first of January
23 next succeeding the date upon which the people shall approve and ratify
24 amendments to section 7 of article V of the constitution by a majority
25 of the electors voting thereon relating to the reduction of pension
26 benefits for public officials convicted of certain felony offenses
27 related to public office and shall only apply to offenses committed on
28 or after such first of January.

29 PART DD

30 Section 1. Section 21 of part A of chapter 399 of the laws of 2011,
31 relating to establishing the public integrity reform act of 2011, is
32 amended to read as follows:

33 S 21. No later than [June 1, 2014] MAY 1, 2015, the governor [and],
34 the [legislative leaders] TEMPORARY PRESIDENT OF THE SENATE AND THE
35 SPEAKER OF THE ASSEMBLY shall jointly appoint a review commission to
36 review and evaluate the activities and performance of the joint commis-
37 sion on public ethics and the legislative ethics commission in imple-
38 menting the provisions of this act. On or before [March] NOVEMBER 1,
39 2015, the review commission shall report to the governor and the legis-
40 lature on its review and evaluation which report shall include any
41 administrative and legislative recommendations on strengthening the
42 administration and enforcement of the ethics law in New York state. The
43 review commission shall be comprised of eight members and the governor
44 [and], the [legislative leaders] TEMPORARY PRESIDENT OF THE SENATE AND
45 THE SPEAKER OF THE ASSEMBLY shall jointly designate a chair from among
46 the members.

47 S 2. This act shall take effect immediately.

48 PART EE

49 Section 1. This act enacts into law components of legislation which
50 are necessary to implement legislation relating to the state fiscal
51 plan. Each component is wholly contained within a Subpart identified as
52 Subparts A through H. The effective date for each particular provision

1 contained within such Subpart is set forth in the last section of such
2 Subpart. Any provision in any section contained within a Subpart,
3 including the effective date of the Subpart, which makes a reference to
4 a section "of this act", when used in connection with that particular
5 component, shall be deemed to mean and refer to the corresponding
6 section of the Subpart in which it is found. Section four of this act
7 sets forth the general effective date of this act.

8 S 2. This act shall be known as the "education transformation act of
9 2015".

10

SUBPART A

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

13 S 669-F. NEW YORK STATE MASTERS-IN-EDUCATION TEACHER INCENTIVE SCHOL-
14 ARSHIP PROGRAM. 1. ELIGIBILITY. STUDENTS WHO ARE MATRICULATED IN AN
15 APPROVED MASTER'S DEGREE IN EDUCATION PROGRAM AT A NEW YORK STATE PUBLIC
16 INSTITUTION OF HIGHER EDUCATION LEADING TO A CAREER AS A TEACHER IN
17 PUBLIC ELEMENTARY OR SECONDARY EDUCATION SHALL BE ELIGIBLE FOR AN AWARD
18 UNDER THIS SECTION, PROVIDED THE APPLICANT: (A) EARNED AN UNDERGRADUATE
19 DEGREE FROM A COLLEGE LOCATED IN NEW YORK STATE; (B) WAS A NEW YORK
20 STATE RESIDENT WHILE EARNING SUCH UNDERGRADUATE DEGREE; (C) ACHIEVED
21 ACADEMIC EXCELLENCE AS AN UNDERGRADUATE STUDENT, AS DEFINED BY THE
22 CORPORATION IN REGULATION; (D) ENROLLS IN FULL-TIME STUDY IN AN APPROVED
23 MASTER'S DEGREE IN EDUCATION PROGRAM AT A NEW YORK STATE PUBLIC INSTITU-
24 TION OF HIGHER EDUCATION LEADING TO A CAREER AS A TEACHER IN PUBLIC
25 ELEMENTARY OR SECONDARY EDUCATION; (E) SIGNS A CONTRACT WITH THE CORPO-
26 RATION AGREEING TO TEACH IN A CLASSROOM SETTING ON A FULL-TIME BASIS FOR
27 FIVE YEARS IN A SCHOOL LOCATED WITHIN NEW YORK STATE PROVIDING PUBLIC
28 ELEMENTARY OR SECONDARY EDUCATION RECOGNIZED BY THE BOARD OF REGENTS OR
29 THE UNIVERSITY OF THE STATE OF NEW YORK, INCLUDING CHARTER SCHOOLS
30 AUTHORIZED PURSUANT TO ARTICLE FIFTY-SIX OF THIS CHAPTER; AND (F)
31 COMPLIES WITH THE APPLICABLE PROVISIONS OF THIS ARTICLE AND ALL REQUIRE-
32 MENTS PROMULGATED BY THE CORPORATION FOR THE ADMINISTRATION OF THE
33 PROGRAM.

34 2. WITHIN AMOUNTS APPROPRIATED THEREFOR, AWARDS SHALL BE GRANTED TO
35 APPLICANTS THAT THE CORPORATION HAS CERTIFIED ARE ELIGIBLE TO RECEIVE
36 SUCH AWARDS. UP TO FIVE HUNDRED AWARDS MAY BE GRANTED TO NEW RECIPIENTS
37 ANNUALLY. SUCH AWARDS SHALL BE GRANTED UPON SUCCESSFUL COMPLETION OF
38 EACH TERM, AS DEFINED BY THE CORPORATION.

39 3. AN AWARD SHALL ENTITLE THE RECIPIENT TO ANNUAL PAYMENTS FOR NOT
40 MORE THAN TWO ACADEMIC YEARS OF FULL-TIME GRADUATE STUDY LEADING TO
41 CERTIFICATION AS AN ELEMENTARY OR SECONDARY CLASSROOM TEACHER.

42 4. THE CORPORATION SHALL GRANT SUCH AWARDS IN AN AMOUNT EQUAL TO THE
43 ANNUAL TUITION CHARGED TO STATE RESIDENT STUDENTS ATTENDING A GRADUATE
44 PROGRAM FULL-TIME AT THE STATE UNIVERSITY OF NEW YORK, OR ACTUAL TUITION
45 CHARGED, WHICHEVER IS LESS; PROVIDED, HOWEVER, (I) A STUDENT WHO
46 RECEIVES EDUCATIONAL GRANTS AND/OR SCHOLARSHIPS THAT COVER THE STUDENT'S
47 FULL COST OF ATTENDANCE SHALL NOT BE ELIGIBLE FOR AN AWARD UNDER THIS
48 PROGRAM; (II) FOR A STUDENT WHO RECEIVES EDUCATIONAL GRANTS AND/OR SCHO-
49 LARSHIPS THAT COVER LESS THAN THE STUDENT'S FULL COST OF ATTENDANCE,
50 SUCH GRANTS AND/OR SCHOLARSHIPS SHALL NOT BE DEEMED DUPLICATIVE OF THIS
51 PROGRAM AND MAY BE HELD CONCURRENTLY WITH AN AWARD UNDER THIS PROGRAM,
52 PROVIDED THAT THE COMBINED BENEFITS DO NOT EXCEED THE STUDENT'S FULL
53 COST OF ATTENDANCE; AND (III) AN AWARD UNDER THIS PROGRAM SHALL BE
54 APPLIED TO TUITION AFTER THE APPLICATION OF ALL OTHER EDUCATIONAL GRANTS

1 AND SCHOLARSHIPS LIMITED TO TUITION AND SHALL BE REDUCED IN AN AMOUNT
2 EQUAL TO SUCH EDUCATIONAL GRANTS AND/OR SCHOLARSHIPS. UPON NOTIFICATION
3 OF AN AWARD UNDER THIS PROGRAM, THE INSTITUTION SHALL DEFER THE AMOUNT
4 OF TUITION EQUAL TO THE AWARD. NO AWARD SHALL BE FINAL UNTIL THE RECIPI-
5 ENT'S SUCCESSFUL COMPLETION OF A TERM HAS BEEN CERTIFIED BY THE INSTITU-
6 TION. A RECIPIENT OF AN AWARD UNDER THIS PROGRAM SHALL NOT BE ELIGIBLE
7 FOR AN AWARD UNDER THE NEW YORK STATE MATH AND SCIENCE TEACHING INCEN-
8 TIVE PROGRAM.

9 5. THE CORPORATION SHALL CONVERT TO A STUDENT LOAN THE FULL AMOUNT OF
10 THE AWARD GRANTED PURSUANT TO THIS SECTION, PLUS INTEREST, ACCORDING TO
11 A SCHEDULE TO BE DETERMINED BY THE CORPORATION IF: (A) TWO YEARS AFTER
12 THE COMPLETION OF THE DEGREE PROGRAM AND RECEIPT OF INITIAL CERTIF-
13 ICATION IT IS FOUND THAT A RECIPIENT IS NOT TEACHING IN A PUBLIC SCHOOL
14 LOCATED WITHIN NEW YORK STATE PROVIDING ELEMENTARY OR SECONDARY EDUCA-
15 TION RECOGNIZED BY THE BOARD OF REGENTS OR THE UNIVERSITY OF THE STATE
16 OF NEW YORK, INCLUDING CHARTER SCHOOLS AUTHORIZED PURSUANT TO ARTICLE
17 FIFTY-SIX OF THIS CHAPTER; (B) A RECIPIENT HAS NOT TAUGHT IN A PUBLIC
18 SCHOOL LOCATED WITHIN NEW YORK STATE PROVIDING ELEMENTARY OR SECONDARY
19 EDUCATION RECOGNIZED BY THE BOARD OF REGENTS OR THE UNIVERSITY OF THE
20 STATE OF NEW YORK, INCLUDING CHARTER SCHOOLS AUTHORIZED PURSUANT TO
21 ARTICLE FIFTY-SIX OF THIS CHAPTER, FOR FIVE OF THE SEVEN YEARS AFTER THE
22 COMPLETION OF THE GRADUATE DEGREE PROGRAM AND RECEIPT OF INITIAL CERTIF-
23 ICATION; (C) A RECIPIENT FAILS TO COMPLETE HIS OR HER GRADUATE DEGREE
24 PROGRAM IN EDUCATION; (D) A RECIPIENT FAILS TO RECEIVE OR MAINTAIN HIS
25 OR HER TEACHING CERTIFICATE OR LICENSE IN NEW YORK STATE FOR THE
26 REQUIRED PERIOD; OR (E) A RECIPIENT FAILS TO RESPOND TO REQUESTS BY THE
27 CORPORATION FOR THE STATUS OF HIS OR HER ACADEMIC OR PROFESSIONAL
28 PROGRESS. THE TERMS AND CONDITIONS OF THIS SUBDIVISION SHALL BE DEFERRED
29 FOR ANY INTERRUPTION IN GRADUATE STUDY OR EMPLOYMENT AS ESTABLISHED BY
30 THE RULES AND REGULATIONS OF THE CORPORATION. ANY OBLIGATION TO COMPLY
31 WITH SUCH PROVISIONS AS OUTLINED IN THIS SECTION SHALL BE CANCELLED UPON
32 THE DEATH OF THE RECIPIENT. NOTWITHSTANDING ANY PROVISIONS OF THIS
33 SUBDIVISION TO THE CONTRARY, THE CORPORATION IS AUTHORIZED TO PROMULGATE
34 RULES AND REGULATIONS TO PROVIDE FOR THE WAIVER OR SUSPENSION OF ANY
35 FINANCIAL OBLIGATION WHICH WOULD INVOLVE EXTREME HARDSHIP.

36 6. THE CORPORATION IS AUTHORIZED TO PROMULGATE RULES AND REGULATIONS,
37 AND MAY PROMULGATE EMERGENCY REGULATIONS, NECESSARY FOR THE IMPLEMENTA-
38 TION OF THE PROVISIONS OF THIS SECTION INCLUDING, BUT NOT LIMITED TO,
39 THE CRITERIA FOR THE PROVISION OF AWARDS ON A COMPETITIVE BASIS, AND THE
40 RATE OF INTEREST CHARGED FOR REPAYMENT OF THE STUDENT LOAN.

41 S 2. This act shall take effect immediately and shall be deemed to
42 have been in full force and effect on and after April 1, 2015.

43

SUBPART B

44 Section 1. The education law is amended by adding a new section 210-a
45 to read as follows:

46 S 210-A. ADMISSION REQUIREMENTS FOR GRADUATE-LEVEL TEACHER AND EDUCA-
47 TIONAL LEADER PROGRAMS. EACH INSTITUTION REGISTERED BY THE DEPARTMENT
48 WITH GRADUATE-LEVEL TEACHER AND LEADER EDUCATION PROGRAMS SHALL ADOPT
49 RIGOROUS SELECTION CRITERIA GEARED TO PREDICTING A CANDIDATE'S ACADEMIC
50 SUCCESS IN ITS PROGRAM, INCLUDING BUT NOT LIMITED TO, A MINIMUM SCORE ON
51 THE GRADUATE RECORD EXAMINATION OR A SUBSTANTIALLY EQUIVALENT ADMISSION
52 EXAMINATION, AS DETERMINED BY THE INSTITUTION, AND ACHIEVEMENT OF A
53 CUMULATIVE GRADE POINT AVERAGE OF 3.0 OR HIGHER IN THE CANDIDATE'S
54 UNDERGRADUATE PROGRAM. EACH PROGRAM MAY EXEMPT NO MORE THAN FIFTEEN

1 PERCENT OF ANY INCOMING CLASS OF STUDENTS FROM SUCH SELECTION CRITERIA
2 SET FORTH IN THIS SECTION BASED ON A STUDENT'S DEMONSTRATION OF POTEN-
3 TIAL TO POSITIVELY CONTRIBUTE TO THE TEACHING PROFESSION OR OTHER EXTEN-
4 UATING CIRCUMSTANCES PURSUANT TO THE REGULATIONS OF THE COMMISSIONER. A
5 PROGRAM SHALL REPORT TO THE DEPARTMENT THE NUMBER OF STUDENTS ADMITTED
6 PURSUANT TO SUCH EXEMPTION AND THE SELECTION CRITERIA USED FOR SUCH
7 EXEMPTIONS.

8 S 2. The education law is amended by adding a new section 210-b to
9 read as follows:

10 S 210-B. GRADUATE-LEVEL TEACHER AND EDUCATIONAL LEADERSHIP PROGRAM
11 DEREGISTRATION AND SUSPENSION. 1. THE DEPARTMENT SHALL SUSPEND A GRADU-
12 ATE PROGRAM'S AUTHORITY TO ADMIT NEW STUDENTS IF FOR THREE CONSECUTIVE
13 ACADEMIC YEARS, FEWER THAN FIFTY PERCENT OF ITS STUDENTS WHO HAVE SATIS-
14 FACTORILY COMPLETED THE PROGRAM PASS EACH EXAMINATION THAT THEY HAVE
15 TAKEN THAT IS REQUIRED FOR CERTIFICATION AND SHALL NOTIFY CURRENTLY
16 ADMITTED AND ENROLLED STUDENTS OF SUCH SUSPENSION. THE GRADUATE PROGRAM
17 SHALL BE PERMITTED TO CONTINUE OPERATIONS FOR THE LENGTH OF TIME IT
18 WOULD TAKE ALL CURRENTLY ADMITTED AND/OR ENROLLED STUDENTS, IF THEY WERE
19 TO ATTEND CLASSES ON A FULL-TIME BASIS, TO COMPLETE THE REQUIREMENTS FOR
20 THEIR DEGREES. IF, AT ANY TIME DURING SUCH PERIOD, THE COMMISSIONER
21 DETERMINES THAT STUDENT AND/OR PROGRAM PERFORMANCE HAS SIGNIFICANTLY
22 IMPROVED, THE COMMISSIONER MAY REINSTATE THE PROGRAM'S ABILITY TO ADMIT
23 NEW STUDENTS. IF THE COMMISSIONER DOES NOT AFFIRMATIVELY REINSTATE THE
24 PROGRAM'S AUTHORITY TO ADMIT NEW STUDENTS DURING SUCH TIME PERIOD, THE
25 PROGRAM SHALL BE DEREGISTERED. FOR PURPOSES OF THIS SUBDIVISION,
26 STUDENTS WHO HAVE SATISFACTORILY COMPLETED THE GRADUATE PROGRAM SHALL
27 MEAN STUDENTS WHO HAVE MET EACH EDUCATIONAL REQUIREMENT OF THE PROGRAM,
28 EXCLUDING ANY REQUIREMENT THAT THE STUDENT PASS EACH REQUIRED NEW YORK
29 STATE TEACHER CERTIFICATION EXAMINATION FOR A TEACHING CERTIFICATE
30 AND/OR SCHOOL BUILDING LEADER EXAMINATION FOR A SCHOOL BUILDING LEADER
31 CERTIFICATE IN ORDER TO COMPLETE THE PROGRAM. STUDENTS SATISFACTORILY
32 MEETING EACH EDUCATIONAL REQUIREMENT MAY INCLUDE STUDENTS WHO EARN A
33 DEGREE OR STUDENTS WHO COMPLETE EACH EDUCATIONAL REQUIREMENT WITHOUT
34 EARNING A DEGREE. WHEN MAKING SUCH A DETERMINATION, THE DEPARTMENT
35 SHALL CONSIDER THE PERFORMANCE ON EACH CERTIFICATION EXAMINATION OF THE
36 COHORT OF STUDENTS COMPLETING AN EXAMINATION NOT MORE THAN FIVE YEARS
37 BEFORE THE END OF THE ACADEMIC YEAR IN WHICH THE PROGRAM IS COMPLETED OR
38 NOT LATER THAN THE SEPTEMBER THIRTIETH FOLLOWING THE END OF SUCH ACADEM-
39 IC YEAR, WHERE ACADEMIC YEAR IS DEFINED AS JULY FIRST THROUGH JUNE THIR-
40 TIETH, AND SHALL CONSIDER ONLY THE HIGHEST SCORE OF INDIVIDUALS TAKING A
41 TEST MORE THAN ONCE. WHEN MAKING SUCH A DETERMINATION THE DEPARTMENT
42 MAY ADJUST ITS METHODOLOGY FOR DETERMINING EXAMINATION PASSAGE RATES FOR
43 ONE OR MORE CERTIFICATION EXAMINATIONS TO ACCOUNT FOR SAMPLE SIZE AND
44 ACCURACY.

45 2. THE INSTITUTION MAY SUBMIT AN APPEAL OF A SUSPENSION OF A GRADUATE
46 PROGRAM'S ABILITY TO ADMIT STUDENTS OR DEREGISTRATION PURSUANT TO THIS
47 SECTION IN A MANNER AND TIMEFRAME AS PRESCRIBED BY THE COMMISSIONER IN
48 REGULATIONS. HOWEVER, A PROGRAM THAT HAS HAD ITS ABILITY TO ADMIT
49 STUDENTS SUSPENDED SHALL NOT ADMIT NEW STUDENTS WHILE AWAITING THE
50 COMMISSIONER'S DECISION ON ANY APPEAL. AN INSTITUTION WITH A DEREGIS-
51 TERED PROGRAM SHALL NOT ADMIT ANY NEW STUDENTS IN SUCH PROGRAM WHILE
52 AWAITING THE COMMISSIONER'S DECISION ON ITS APPLICATION FOR REGISTRA-
53 TION.

54 3. THE DEPARTMENT MAY ALSO, AS PRESCRIBED BY THE COMMISSIONER IN REGU-
55 LATIONS, CONDUCT EXPEDITED SUSPENSION AND REGISTRATION REVIEWS FOR GRAD-
56 UATE PROGRAMS, PURSUANT TO REGULATIONS OF THE COMMISSIONER.

1 S 3. This act shall take effect July 1, 2015, provided that the
2 provisions of section one of this act shall first apply to admissions
3 requirements for programs commencing instruction on or after July 1,
4 2016, and provided further that the authority of the board of regents to
5 adopt regulations necessary to implement the provisions of this act on
6 such effective date shall take effect immediately.

7 SUBPART C

8 Section 1. Section 3006 of the education law is amended by adding a
9 new subdivision 3 to read as follows:

10 3. REGISTRATION. A. COMMENCING WITH THE TWO THOUSAND SIXTEEN--TWO
11 THOUSAND SEVENTEEN SCHOOL YEAR, ANY HOLDER OF A TEACHING CERTIFICATE IN
12 THE CLASSROOM TEACHING SERVICE, TEACHING ASSISTANT CERTIFICATE, OR
13 EDUCATIONAL LEADERSHIP CERTIFICATE THAT IS VALID FOR LIFE AS PRESCRIBED
14 BY THE COMMISSIONER IN REGULATIONS SHALL BE REQUIRED TO REGISTER WITH
15 THE DEPARTMENT EVERY FIVE YEARS IN ACCORDANCE WITH REGULATIONS OF THE
16 COMMISSIONER. SUCH REGULATIONS SHALL PRESCRIBE THE DATE OR DATES BY
17 WHICH APPLICATIONS FOR INITIAL REGISTRATION MUST BE SUBMITTED AND MAY
18 PROVIDE FOR STAGGERED INITIAL REGISTRATION AND/OR ROLLING RE-REGISTRA-
19 TION SO THAT RE-REGISTRATIONS ARE DISTRIBUTED AS EQUALLY AS POSSIBLE
20 THROUGHOUT THE YEAR AND ACROSS MULTIPLE YEARS.

21 B. THE DEPARTMENT SHALL POST AN APPLICATION FOR REGISTRATION ON ITS
22 WEBSITE. AN APPLICATION SHALL BE SUBMITTED FOR A REGISTRATION CERTIF-
23 ICATE. EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE DEPARTMENT
24 SHALL RENEW THE REGISTRATION OF EACH CERTIFICATE HOLDER UPON RECEIPT OF
25 A PROPER APPLICATION ON A FORM PRESCRIBED BY THE DEPARTMENT. ANY CERTIF-
26 ICATE HOLDER WHO FAILS TO REGISTER BY THE BEGINNING OF THE APPROPRIATE
27 REGISTRATION PERIOD MAY BE SUBJECT TO LATE FILING PENALTIES AS
28 PRESCRIBED BY THE COMMISSIONER. NO CERTIFICATE HOLDER RESUMING PRACTICE
29 AFTER A LAPSE OF REGISTRATION SHALL BE PERMITTED TO PRACTICE WITHOUT
30 VERIFICATION OF RE-REGISTRATION.

31 C. ANY CERTIFICATE HOLDER WHO IS NOT ENGAGING IN THE PRACTICE OF HIS
32 OR HER PROFESSION IN THIS STATE AND DOES NOT DESIRE TO REGISTER SHALL SO
33 ADVISE THE DEPARTMENT. SUCH CERTIFICATE HOLDER SHALL NOT BE SUBJECT TO
34 PENALTIES AS PRESCRIBED BY THE COMMISSIONER FOR FAILURE TO REGISTER AT
35 THE BEGINNING OF THE REGISTRATION PERIOD.

36 D. CERTIFICATE HOLDERS SHALL NOTIFY THE DEPARTMENT OF ANY CHANGE OF
37 NAME OR MAILING ADDRESS WITHIN THIRTY DAYS OF SUCH CHANGE. WILLFUL FAIL-
38 URE TO REGISTER OR PROVIDE SUCH NOTICE WITHIN ONE HUNDRED EIGHTY DAYS OF
39 SUCH CHANGE MAY CONSTITUTE GROUNDS FOR MORAL CHARACTER REVIEW UNDER
40 SUBDIVISION SEVEN OF SECTION THREE HUNDRED FIVE OF THIS CHAPTER.

41 S 2. The education law is amended by adding a new section 3006-a to
42 read as follows:

43 S 3006-A. REGISTRATION AND CONTINUING TEACHER AND LEADER EDUCATION
44 REQUIREMENTS FOR HOLDERS OF PROFESSIONAL CERTIFICATES IN THE CLASSROOM
45 TEACHING SERVICE, HOLDERS OF LEVEL III TEACHING ASSISTANT CERTIFICATES,
46 HOLDERS OF PROFESSIONAL CERTIFICATES IN THE EDUCATIONAL LEADERSHIP
47 SERVICE. 1. A. COMMENCING WITH THE TWO THOUSAND SIXTEEN--TWO THOUSAND
48 SEVENTEEN SCHOOL YEAR, EACH HOLDER OF A PROFESSIONAL CERTIFICATE IN THE
49 CLASSROOM TEACHING SERVICE, HOLDER OF A LEVEL III TEACHING ASSISTANT
50 CERTIFICATE AND HOLDER OF A PROFESSIONAL CERTIFICATE IN THE EDUCATIONAL
51 LEADERSHIP SERVICE SHALL BE REQUIRED TO REGISTER EVERY FIVE YEARS WITH
52 THE DEPARTMENT TO PRACTICE IN THE STATE AND SHALL COMPLY WITH THE
53 PROVISIONS OF THE CONTINUING TEACHER AND LEADER EDUCATION REQUIREMENTS
54 SET FORTH IN THIS SECTION.

1 B. ANY OF THE CERTIFIED INDIVIDUALS DESCRIBED IN PARAGRAPH A OF THIS
2 SUBDIVISION WHO DO NOT SATISFY THE CONTINUING TEACHER AND LEADER EDUCA-
3 TION REQUIREMENTS SHALL NOT PRACTICE UNTIL THEY HAVE MET SUCH REQUIRE-
4 MENTS AND HAVE BEEN ISSUED A REGISTRATION OR CONDITIONAL REGISTRATION
5 CERTIFICATE.

6 C. IN ACCORDANCE WITH THE INTENT OF THIS SECTION, ADJUSTMENTS TO THE
7 CONTINUING TEACHER AND LEADER EDUCATION REQUIREMENT MAY BE GRANTED BY
8 THE DEPARTMENT FOR REASONS OF HEALTH CERTIFIED BY A HEALTH CARE PROVID-
9 ER, FOR EXTENDED ACTIVE DUTY WITH ARMED FORCES OF THE UNITED STATES, OR
10 FOR OTHER GOOD CAUSE ACCEPTABLE TO THE DEPARTMENT WHICH MAY PREVENT
11 COMPLIANCE.

12 D. ANY CERTIFICATE HOLDER WHO IS NOT PRACTICING AS A TEACHER, TEACHING
13 ASSISTANT OR EDUCATIONAL LEADER IN A SCHOOL DISTRICT OR BOARD OF COOPER-
14 ATIVE EDUCATIONAL SERVICES IN THIS STATE SHALL BE EXEMPT FROM THE
15 CONTINUING TEACHER AND LEADER EDUCATION REQUIREMENT UPON THE FILING OF A
16 WRITTEN STATEMENT WITH THE DEPARTMENT DECLARING SUCH STATUS. ANY HOLDER
17 OF A PROFESSIONAL CERTIFICATE IN THE CLASSROOM TEACHING SERVICE, HOLDER
18 OF A LEVEL III TEACHING ASSISTANT CERTIFICATE AND HOLDER OF A PROFES-
19 SIONAL CERTIFICATE IN THE EDUCATIONAL LEADERSHIP SERVICE WHO RESUMES
20 PRACTICE DURING THE FIVE-YEAR REGISTRATION PERIOD SHALL NOTIFY THE
21 DEPARTMENT PRIOR TO RESUMING PRACTICE AND SHALL MEET SUCH CONTINUING
22 TEACHER AND LEADER EDUCATION REQUIREMENTS AS PRESCRIBED IN REGULATIONS
23 OF THE COMMISSIONER.

24 2. A. DURING EACH FIVE-YEAR REGISTRATION PERIOD BEGINNING ON OR AFTER
25 JULY FIRST, TWO THOUSAND SIXTEEN, AN APPLICANT FOR REGISTRATION SHALL
26 SUCCESSFULLY COMPLETE A MINIMUM OF ONE HUNDRED HOURS OF CONTINUING
27 TEACHER AND LEADER EDUCATION, AS DEFINED BY THE COMMISSIONER. THE
28 DEPARTMENT SHALL ISSUE RIGOROUS STANDARDS FOR COURSES, PROGRAMS, AND
29 ACTIVITIES, THAT SHALL QUALIFY AS CONTINUING TEACHER AND LEADER EDUCA-
30 TION PURSUANT TO THIS SECTION. FOR PURPOSES OF THIS SECTION, A PEER
31 REVIEW TEACHER, OR A PRINCIPAL ACTING AS AN INDEPENDENT TRAINED EVALU-
32 ATOR, CONDUCTING A CLASSROOM OBSERVATION AS PART OF THE TEACHER EVALU-
33 ATION SYSTEM PURSUANT TO SECTION THREE THOUSAND TWELVE-D OF THIS ARTICLE
34 MAY CREDIT SUCH TIME TOWARDS HIS OR HER CONTINUING TEACHER AND LEADER
35 EFFECTIVENESS REQUIREMENTS.

36 B. NOTHING IN THIS SECTION SHALL LIMIT THE ABILITY OF LOCAL SCHOOL
37 DISTRICTS TO AGREE PURSUANT TO COLLECTIVE BARGAINING TO ADDITIONAL HOURS
38 OF PROFESSIONAL DEVELOPMENT OR CONTINUING TEACHER OR LEADER EDUCATION
39 ABOVE THE MINIMUM REQUIREMENTS SET FORTH IN THIS SECTION.

40 C. A CERTIFIED INDIVIDUAL WHO HAS NOT SATISFIED THE CONTINUING TEACHER
41 AND LEADER EDUCATION REQUIREMENTS SHALL NOT BE ISSUED A FIVE-YEAR REGIS-
42 TRATION CERTIFICATE BY THE DEPARTMENT AND SHALL NOT PRACTICE UNLESS AND
43 UNTIL A REGISTRATION OR CONDITIONAL REGISTRATION CERTIFICATE IS ISSUED
44 AS PROVIDED IN SUBDIVISION THREE OF THIS SECTION. FOR PURPOSES OF THIS
45 SUBDIVISION, "CONTINUING TEACHER AND LEADER EDUCATION REQUIREMENTS"
46 SHALL MEAN ACTIVITIES DESIGNED TO IMPROVE THE TEACHER OR LEADER'S PEDA-
47 GOGICAL AND/OR LEADERSHIP SKILLS, TARGETED AT IMPROVING STUDENT PERFORM-
48 ANCE, INCLUDING BUT NOT LIMITED TO FORMAL CONTINUING TEACHER AND LEADER
49 EDUCATION ACTIVITIES. SUCH ACTIVITIES SHALL PROMOTE THE PROFESSIONALIZA-
50 TION OF TEACHING AND BE CLOSELY ALIGNED TO DISTRICT GOALS FOR STUDENT
51 PERFORMANCE WHICH MEET THE STANDARDS PRESCRIBED BY REGULATIONS OF THE
52 COMMISSIONER. TO FULFILL THE CONTINUING TEACHER AND LEADER EDUCATION
53 REQUIREMENT, PROGRAMS MUST BE TAKEN FROM SPONSORS APPROVED BY THE
54 DEPARTMENT, WHICH SHALL INCLUDE BUT NOT BE LIMITED TO SCHOOL DISTRICTS,
55 PURSUANT TO THE REGULATIONS OF THE COMMISSIONER.

1 3. THE DEPARTMENT, IN ITS DISCRETION, MAY ISSUE A CONDITIONAL REGIS-
2 TRATION TO A TEACHER, TEACHING ASSISTANT OR EDUCATIONAL LEADER IN A
3 SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES IN THIS
4 STATE WHO FAILS TO MEET THE CONTINUING TEACHER AND LEADER EDUCATION
5 REQUIREMENTS ESTABLISHED IN SUBDIVISION TWO OF THIS SECTION BUT WHO
6 AGREES TO MAKE UP ANY DEFICIENCIES AND TAKE ANY ADDITIONAL CONTINUING
7 TEACHER AND LEADER EDUCATION WHICH THE DEPARTMENT MAY REQUIRE. THE DURA-
8 TION OF SUCH CONDITIONAL REGISTRATION SHALL BE DETERMINED BY THE DEPART-
9 MENT. ANY HOLDER OF A PROFESSIONAL CERTIFICATE IN THE CLASSROOM TEACHING
10 SERVICE, HOLDER OF A LEVEL III TEACHING ASSISTANT CERTIFICATE OR HOLDER
11 OF A PROFESSIONAL CERTIFICATE IN THE EDUCATIONAL LEADERSHIP SERVICE AND
12 ANY OTHER CERTIFIED INDIVIDUAL REQUIRED BY THE COMMISSIONER TO REGISTER
13 EVERY FIVE YEARS WHO IS NOTIFIED OF THE DENIAL OF REGISTRATION FOR FAIL-
14 URE TO SUBMIT EVIDENCE, SATISFACTORY TO THE DEPARTMENT, OF REQUIRED
15 CONTINUING TEACHER AND LEADER EDUCATION AND WHO PRACTICES WITHOUT SUCH
16 REGISTRATION, SHALL BE SUBJECT TO MORAL CHARACTER REVIEW UNDER SUBDIVI-
17 SION SEVEN OF SECTION THREE HUNDRED FIVE OF THIS CHAPTER.

18 S 3. This act shall take effect July 1, 2015, provided that the
19 provisions of section one of this act shall first apply to admissions
20 requirements for programs commencing instruction on or after July 1,
21 2016, and provided further that the authority of the board of regents to
22 adopt regulations necessary to implement the provisions of this act on
23 such effective date shall take effect immediately.

24

SUBPART D

25 Section 1. Paragraphs (a) and (b) of subdivision 1 of section 2509 of
26 the education law, paragraph (a) as amended by chapter 551 of the laws
27 of 1976, and paragraph (b) as amended by chapter 468 of the laws of
28 1975, are amended to read as follows:

29 (a) I. Teachers and all other members of the teaching staff[,]
30 APPOINTED PRIOR TO JULY FIRST, TWO THOUSAND FIFTEEN AND authorized by
31 section twenty-five hundred three of this article, shall be appointed by
32 the board of education, upon the recommendation of the superintendent of
33 schools, for a probationary period of three years, except that in the
34 case of a teacher who has rendered satisfactory service as a regular
35 substitute for a period of two years or as a seasonally licensed per
36 session teacher of swimming in day schools who has served in that capac-
37 ity for a period of two years and has been appointed to teach the same
38 subject in day schools on an annual salary, the probationary period
39 shall be limited to one year; provided, however, that in the case of a
40 teacher who has been appointed on tenure in another school district
41 within the state, the school district where currently employed, or a
42 board of cooperative educational services, and who was not dismissed
43 from such district or board as a result of charges brought pursuant to
44 subdivision one of section three thousand twenty-a of this chapter, the
45 probationary period shall not exceed two years. The service of a person
46 appointed to any of such positions may be discontinued at any time
47 during such probationary period, on the recommendation of the super-
48 intendent of schools, by a majority vote of the board of education. Each
49 person who is not to be recommended for appointment on tenure shall be
50 so notified by the superintendent of schools in writing not later than
51 sixty days immediately preceding the expiration of his probationary
52 period.

53 II. NOTWITHSTANDING ANY OTHER PROVISION OF LAW OR REGULATION TO THE
54 CONTRARY, TEACHERS AND ALL OTHER MEMBERS OF THE TEACHING STAFF APPOINTED

1 ON OR AFTER JULY FIRST, TWO THOUSAND FIFTEEN AND AUTHORIZED BY SECTION
2 TWENTY-FIVE HUNDRED THREE OF THIS ARTICLE, SHALL BE APPOINTED BY THE
3 BOARD OF EDUCATION, UPON THE RECOMMENDATION OF THE SUPERINTENDENT OF
4 SCHOOLS, FOR A PROBATIONARY PERIOD OF FOUR YEARS, EXCEPT THAT IN THE
5 CASE OF A TEACHER WHO HAS RENDERED SATISFACTORY SERVICE AS A REGULAR
6 SUBSTITUTE FOR A PERIOD OF TWO YEARS AND, IF A CLASSROOM TEACHER, HAS
7 RECEIVED COMPOSITE ANNUAL PROFESSIONAL PERFORMANCE REVIEW RATINGS IN
8 EACH OF THOSE YEARS, OR HAS RENDERED SATISFACTORY SERVICE AS A
9 SEASONALLY LICENSED PER SESSION TEACHER OF SWIMMING IN DAY SCHOOLS WHO
10 HAS SERVED IN THAT CAPACITY FOR A PERIOD OF TWO YEARS AND HAS BEEN
11 APPOINTED TO TEACH THE SAME SUBJECT IN DAY SCHOOLS ON AN ANNUAL SALARY,
12 THE TEACHER SHALL BE APPOINTED FOR A PROBATIONARY PERIOD OF TWO YEARS;
13 PROVIDED, HOWEVER, THAT IN THE CASE OF A TEACHER WHO HAS BEEN APPOINTED
14 ON TENURE IN ANOTHER SCHOOL DISTRICT WITHIN THE STATE, THE SCHOOL
15 DISTRICT WHERE CURRENTLY EMPLOYED, OR A BOARD OF COOPERATIVE EDUCATIONAL
16 SERVICES, AND WHO WAS NOT DISMISSED FROM SUCH DISTRICT OR BOARD AS A
17 RESULT OF CHARGES BROUGHT PURSUANT TO SUBDIVISION ONE OF SECTION THREE
18 THOUSAND TWENTY-A OR SECTION THREE THOUSAND TWENTY-B OF THIS CHAPTER,
19 THE TEACHER SHALL BE APPOINTED FOR A PROBATIONARY PERIOD OF THREE YEARS;
20 PROVIDED THAT THE TEACHER DEMONSTRATES THAT HE OR SHE RECEIVED AN ANNUAL
21 PROFESSIONAL PERFORMANCE REVIEW RATING PURSUANT TO SECTION THREE THOU-
22 SAND TWELVE-C OR SECTION THREE THOUSAND TWELVE-D OF THIS CHAPTER IN HIS
23 OR HER FINAL YEAR OF SERVICE IN SUCH OTHER SCHOOL DISTRICT OR BOARD OF
24 COOPERATIVE EDUCATIONAL SERVICES. THE SERVICE OF A PERSON APPOINTED TO
25 ANY OF SUCH POSITIONS MAY BE DISCONTINUED AT ANY TIME DURING SUCH PROBA-
26 TIONARY PERIOD, ON THE RECOMMENDATION OF THE SUPERINTENDENT OF SCHOOLS,
27 BY A MAJORITY VOTE OF THE BOARD OF EDUCATION. EACH PERSON WHO IS NOT TO
28 BE RECOMMENDED FOR APPOINTMENT ON TENURE SHALL BE SO NOTIFIED BY THE
29 SUPERINTENDENT OF SCHOOLS IN WRITING NOT LATER THAN SIXTY DAYS IMME-
30 DIATELY PRECEDING THE EXPIRATION OF HIS/HER PROBATIONARY PERIOD.

31 (b) I. Administrators, directors, supervisors, principals and all
32 other members of the supervising staff, except associate, assistant and
33 other superintendents[,] APPOINTED PRIOR TO JULY FIRST, TWO THOUSAND
34 FIFTEEN AND authorized by section twenty-five hundred three of this
35 article, shall be appointed by the board of education, upon the recom-
36 mendation of the superintendent of schools for a probationary period of
37 three years. The service of a person appointed to any of such positions
38 may be discontinued at any time during the probationary period on the
39 recommendation of the superintendent of schools, by a majority vote of
40 the board of education.

41 II. NOTWITHSTANDING ANY OTHER PROVISION OF LAW OR REGULATION TO THE
42 CONTRARY, ADMINISTRATORS, DIRECTORS, SUPERVISORS, PRINCIPALS AND ALL
43 OTHER MEMBERS OF THE SUPERVISING STAFF, EXCEPT ASSOCIATE, ASSISTANT AND
44 OTHER SUPERINTENDENTS, APPOINTED ON OR AFTER JULY FIRST, TWO THOUSAND
45 FIFTEEN AND AUTHORIZED BY SECTION TWENTY-FIVE HUNDRED THREE OF THIS
46 ARTICLE, SHALL BE APPOINTED BY THE BOARD OF EDUCATION, UPON THE RECOM-
47 MENDATION OF THE SUPERINTENDENT OF SCHOOLS FOR A PROBATIONARY PERIOD OF
48 FOUR YEARS. THE SERVICE OF A PERSON APPOINTED TO ANY OF SUCH POSITIONS
49 MAY BE DISCONTINUED AT ANY TIME DURING THE PROBATIONARY PERIOD ON THE
50 RECOMMENDATION OF THE SUPERINTENDENT OF SCHOOLS, BY A MAJORITY VOTE OF
51 THE BOARD OF EDUCATION.

52 S 2. Subdivision 2 of section 2509 of the education law, as amended by
53 section 6 of part A of chapter 57 of the laws of 2007, is amended to
54 read as follows:

55 2. A. At the expiration of the probationary term of any persons
56 appointed for such term PRIOR TO JULY FIRST, TWO THOUSAND FIFTEEN, or

1 within six months prior thereto, the superintendent of schools shall
2 make a written report to the board of education recommending for
3 appointment on tenure those persons who have been found competent, effi-
4 cient and satisfactory[, consistent with any applicable rules of the
5 board of regents adopted pursuant to section three thousand twelve-b of
6 this chapter]. By a majority vote the board of education may then
7 appoint on tenure any or all of the persons recommended by the super-
8 intendent of schools. Such persons and all others employed in the teach-
9 ing service of the schools of such school district who have served the
10 full probationary period shall hold their respective positions during
11 good behavior and efficient and competent service, and shall not be
12 removable except for cause after a hearing as provided by section three
13 thousand twenty-a OR SECTION THREE THOUSAND TWENTY-B of [such law] THIS
14 CHAPTER. Failure to maintain certification as required by this chapter
15 and the regulations of the commissioner [of education] shall constitute
16 cause for removal.

17 B. FOR PERSONS APPOINTED ON OR AFTER JULY FIRST, TWO THOUSAND FIFTEEN,
18 AT THE EXPIRATION OF THE PROBATIONARY TERM OF ANY PERSONS APPOINTED FOR
19 SUCH TERM, OR WITHIN SIX MONTHS PRIOR THERETO, THE SUPERINTENDENT OF
20 SCHOOLS SHALL MAKE A WRITTEN REPORT TO THE BOARD OF EDUCATION RECOMMEND-
21 ING FOR APPOINTMENT ON TENURE THOSE PERSONS WHO HAVE BEEN FOUND COMPE-
22 TENT, EFFICIENT AND SATISFACTORY AND IN THE CASE OF A CLASSROOM TEACHER
23 OR BUILDING PRINCIPAL, WHO HAVE RECEIVED ANNUAL PROFESSIONAL PERFORMANCE
24 REVIEW RATINGS PURSUANT TO SECTION THREE THOUSAND TWELVE-C OR SECTION
25 THREE THOUSAND TWELVE-D OF THIS CHAPTER, OF EITHER EFFECTIVE OR HIGHLY
26 EFFECTIVE IN AT LEAST THREE OF THE FOUR PRECEDING YEARS, EXCLUSIVE OF
27 ANY BREAKS IN SERVICE; PROVIDED THAT, NOTWITHSTANDING ANY OTHER
28 PROVISION OF THIS SECTION TO THE CONTRARY, WHEN A TEACHER OR PRINCIPAL
29 RECEIVES AN EFFECTIVE OR HIGHLY EFFECTIVE RATING IN EACH YEAR OF HIS OR
30 HER PROBATIONARY SERVICE EXCEPT HE OR SHE RECEIVES AN INEFFECTIVE RATING
31 IN THE FINAL YEAR OF HIS OR HER PROBATIONARY PERIOD, SUCH TEACHER OR
32 PRINCIPAL SHALL NOT BE ELIGIBLE FOR TENURE BUT THE BOARD OF EDUCATION IN
33 ITS DISCRETION, MAY EXTEND THE TEACHER'S PROBATIONARY PERIOD FOR AN
34 ADDITIONAL YEAR; PROVIDED, HOWEVER, THAT IF SUCH TEACHER OR PRINCIPAL
35 SUCCESSFULLY APPEALED SUCH INEFFECTIVE RATING, SUCH TEACHER OR PRINCIPAL
36 SHALL IMMEDIATELY BE ELIGIBLE FOR TENURE IF THE RATING RESULTING FROM
37 THE APPEAL ESTABLISHED THAT SUCH INDIVIDUAL HAS BEEN EFFECTIVE OR HIGHLY
38 EFFECTIVE IN AT LEAST THREE OF THE PRECEDING FOUR YEARS AND WAS NOT
39 INEFFECTIVE IN THE FINAL YEAR. BY A MAJORITY VOTE, THE BOARD OF EDUCA-
40 TION MAY THEN APPOINT ON TENURE ANY OR ALL OF THE PERSONS RECOMMENDED BY
41 THE SUPERINTENDENT OF SCHOOLS. AT THE EXPIRATION OF THE PROBATIONARY
42 PERIOD, THE CLASSROOM TEACHER OR BUILDING PRINCIPAL SHALL REMAIN IN
43 PROBATIONARY STATUS UNTIL THE END OF THE SCHOOL YEAR IN WHICH SUCH
44 TEACHER OR PRINCIPAL HAS RECEIVED SUCH RATINGS OF EFFECTIVE OR HIGHLY
45 EFFECTIVE FOR AT LEAST THREE OF THE FOUR PRECEDING SCHOOL YEARS EXCLU-
46 SIVE OF ANY BREAKS IN SERVICE AND SUBJECT TO THE TERMS HEREOF, DURING
47 WHICH TIME A BOARD OF EDUCATION SHALL CONSIDER WHETHER TO GRANT TENURE
48 FOR THOSE CLASSROOM TEACHERS OR BUILDING PRINCIPALS WHO OTHERWISE HAVE
49 BEEN FOUND COMPETENT, EFFICIENT AND SATISFACTORY. PROVIDED, HOWEVER,
50 THAT THE BOARD OF EDUCATION MAY GRANT TENURE CONTINGENT UPON A CLASSROOM
51 TEACHER'S OR BUILDING PRINCIPAL'S RECEIPT OF A MINIMUM RATING IN THE
52 FINAL YEAR OF THE PROBATIONARY PERIOD, PURSUANT TO THE REQUIREMENTS OF
53 THIS SECTION, AND IF SUCH CONTINGENCY IS NOT MET AFTER ALL APPEALS HAVE
54 BEEN EXHAUSTED, THE GRANT OF TENURE SHALL BE VOID AND UNENFORCEABLE AND
55 THE TEACHER'S OR PRINCIPAL'S PROBATIONARY PERIOD MAY BE EXTENDED IN
56 ACCORDANCE WITH THIS SUBDIVISION. SUCH PERSONS WHO HAVE BEEN RECOMMENDED

1 FOR TENURE AND ALL OTHERS EMPLOYED IN THE TEACHING SERVICE OF THE
2 SCHOOLS OF SUCH SCHOOL DISTRICT WHO HAVE SERVED THE FULL PROBATIONARY
3 PERIOD AS EXTENDED PURSUANT TO THIS SUBDIVISION SHALL HOLD THEIR RESPEC-
4 TIVE POSITIONS DURING GOOD BEHAVIOR AND EFFICIENT AND COMPETENT SERVICE,
5 AND SHALL NOT BE REMOVABLE EXCEPT FOR CAUSE AFTER A HEARING AS PROVIDED
6 BY SECTION THREE THOUSAND TWENTY-A OR SECTION THREE THOUSAND TWENTY-B OF
7 THIS CHAPTER. FAILURE TO MAINTAIN CERTIFICATION AS REQUIRED BY THIS
8 CHAPTER AND THE REGULATIONS OF THE COMMISSIONER SHALL CONSTITUTE CAUSE
9 FOR REMOVAL.

10 S 3. Subdivisions 1, 5 and 6 of section 2573 of the education law,
11 subdivision 1 as amended by chapter 732 of the laws of 1971, paragraph
12 (a) of subdivision 1 as amended by chapter 640 of the laws of 1983,
13 paragraph (b) of subdivision 1 as amended by chapter 468 of the laws of
14 1975, subdivisions 5 and 6 as amended by section 7 of part A of chapter
15 57 of the laws of 2007, are amended to read as follows:

16 1. (a) I. Teachers and all other members of the teaching staff,
17 APPOINTED PRIOR TO JULY FIRST, TWO THOUSAND FIFTEEN AND authorized by
18 section twenty-five hundred fifty-four of this article, shall be
19 appointed by the board of education, upon the recommendation of the
20 superintendent of schools, for a probationary period of three years,
21 except that in the case of a teacher who has rendered satisfactory
22 service as a regular substitute for a period of two years or as a
23 seasonally licensed per session teacher of swimming in day schools who
24 has served in that capacity for a period of two years and has been
25 appointed to teach the same subject in day schools on an annual salary,
26 the probationary period shall be limited to one year; provided, however,
27 that in the case of a teacher who has been appointed on tenure in anothe-
28 r school district within the state, the school district where currently
29 employed, or a board of cooperative educational services, and who was
30 not dismissed from such district or board as a result of charges brought
31 pursuant to subdivision one of section three thousand twenty-a OR
32 SECTION THREE THOUSAND TWENTY-B of this chapter, the probationary period
33 shall not exceed two years; provided, however, that in cities with a
34 population of one million or more, a teacher appointed under a newly
35 created license, for teachers of reading and of the emotionally hand-
36 icapped, to a position which the teacher has held for at least two years
37 prior to such appointment while serving on tenure in another license
38 area who was not dismissed as a result of charges brought pursuant to
39 subdivision one of section three thousand twenty-a OR SECTION THREE
40 THOUSAND TWENTY-B of this chapter, the probationary period shall be one
41 year. The service of a person appointed to any of such positions may be
42 discontinued at any time during such probationary period, on the recom-
43 mendation of the superintendent of schools, by a majority vote of the
44 board of education. Each person who is not to be recommended for
45 appointment on tenure shall be so notified by the superintendent of
46 schools in writing not later than sixty days immediately preceding the
47 expiration of his OR HER probationary period. In city school districts
48 having a population of four hundred thousand or more, persons with
49 licenses obtained as a result of examinations announced subsequent to
50 the twenty-second day of May, nineteen hundred sixty-nine appointed upon
51 conditions that all announced requirements for the position be fulfilled
52 within a specified period of time, shall not acquire tenure unless and
53 until such requirements have been completed within the time specified
54 for the fulfillment of such requirements, notwithstanding the expiration
55 of any probationary period. In all other city school districts subject
56 to the provisions of this article, failure to maintain certification as

1 required by this article and by the regulations of the commissioner [of
2 education] shall be cause for removal within the meaning of subdivision
3 five of this section.

4 II. TEACHERS AND ALL OTHER MEMBERS OF THE TEACHING STAFF APPOINTED ON
5 OR AFTER JULY FIRST, TWO THOUSAND FIFTEEN AND AUTHORIZED BY SECTION
6 TWENTY-FIVE HUNDRED FIFTY-FOUR OF THIS ARTICLE, SHALL BE APPOINTED BY
7 THE BOARD OF EDUCATION, UPON THE RECOMMENDATION OF THE SUPERINTENDENT OF
8 SCHOOLS, FOR A PROBATIONARY PERIOD OF FOUR YEARS, EXCEPT THAT IN THE
9 CASE OF A TEACHER WHO HAS RENDERED SATISFACTORY SERVICE AS A REGULAR
10 SUBSTITUTE FOR A PERIOD OF TWO YEARS AND, IF A CLASSROOM TEACHER, HAS
11 RECEIVED ANNUAL PROFESSIONAL PERFORMANCE REVIEW RATINGS IN EACH OF THOSE
12 YEARS, OR HAS RENDERED SATISFACTORY SERVICE AS A SEASONALLY LICENSED PER
13 SESSION TEACHER OF SWIMMING IN DAY SCHOOLS WHO HAS SERVED IN THAT CAPAC-
14 ITY FOR A PERIOD OF TWO YEARS AND HAS BEEN APPOINTED TO TEACH THE SAME
15 SUBJECT IN DAY SCHOOLS ON AN ANNUAL SALARY, THE TEACHER SHALL BE
16 APPOINTED FOR A PROBATIONARY PERIOD OF TWO YEARS; PROVIDED, HOWEVER,
17 THAT IN THE CASE OF A TEACHER WHO HAS BEEN APPOINTED ON TENURE IN ANOTH-
18 ER SCHOOL DISTRICT WITHIN THE STATE, THE SCHOOL DISTRICT WHERE CURRENTLY
19 EMPLOYED, OR A BOARD OF COOPERATIVE EDUCATIONAL SERVICES, AND WHO WAS
20 NOT DISMISSED FROM SUCH DISTRICT OR BOARD AS A RESULT OF CHARGES BROUGHT
21 PURSUANT TO SUBDIVISION ONE OF SECTION THREE THOUSAND TWENTY-A OR
22 SECTION THREE THOUSAND TWENTY-B OF THIS CHAPTER, THE TEACHER SHALL BE
23 APPOINTED FOR A PROBATIONARY PERIOD OF THREE YEARS; PROVIDED THAT, IN
24 THE CASE OF A CLASSROOM TEACHER, THE TEACHER DEMONSTRATES THAT HE OR SHE
25 RECEIVED AN ANNUAL PROFESSIONAL PERFORMANCE REVIEW RATING PURSUANT TO
26 SECTION THREE THOUSAND TWELVE-C OR SECTION THREE THOUSAND TWELVE-D OF
27 THIS CHAPTER IN HIS OR HER FINAL YEAR OF SERVICE IN SUCH OTHER SCHOOL
28 DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES; PROVIDED, HOWEV-
29 ER, THAT IN CITIES WITH A POPULATION OF ONE MILLION OR MORE, A TEACHER
30 APPOINTED UNDER A NEWLY CREATED LICENSE, FOR TEACHERS OF READING AND OF
31 THE EMOTIONALLY HANDICAPPED, TO A POSITION WHICH THE TEACHER HAS HELD
32 FOR AT LEAST TWO YEARS PRIOR TO SUCH APPOINTMENT WHILE SERVING ON TENURE
33 IN ANOTHER LICENSE AREA WHO WAS NOT DISMISSED AS A RESULT OF CHARGES
34 BROUGHT PURSUANT TO SUBDIVISION ONE OF SECTION THREE THOUSAND TWENTY-A
35 OR SECTION THREE THOUSAND TWENTY-B OF THIS CHAPTER, THE TEACHER SHALL BE
36 APPOINTED FOR A PROBATIONARY PERIOD OF TWO YEARS. THE SERVICE OF A
37 PERSON APPOINTED TO ANY OF SUCH POSITIONS MAY BE DISCONTINUED AT ANY
38 TIME DURING SUCH PROBATIONARY PERIOD, ON THE RECOMMENDATION OF THE
39 SUPERINTENDENT OF SCHOOLS, BY A MAJORITY VOTE OF THE BOARD OF EDUCATION.
40 EACH PERSON WHO IS NOT TO BE RECOMMENDED FOR APPOINTMENT ON TENURE SHALL
41 BE SO NOTIFIED BY THE SUPERINTENDENT OF SCHOOLS IN WRITING NOT LATER
42 THAN SIXTY DAYS IMMEDIATELY PRECEDING THE EXPIRATION OF HIS OR HER
43 PROBATIONARY PERIOD. IN ALL CITY SCHOOL DISTRICTS SUBJECT TO THE
44 PROVISIONS OF THIS ARTICLE, FAILURE TO MAINTAIN CERTIFICATION AS
45 REQUIRED BY THIS ARTICLE AND BY THE REGULATIONS OF THE COMMISSIONER
46 SHALL BE CAUSE FOR REMOVAL WITHIN THE MEANING OF SUBDIVISION FIVE OF
47 THIS SECTION.

48 (b) I. Administrators, directors, supervisors, principals and all
49 other members of the supervising staff, except executive directors,
50 associate, assistant, district and community superintendents and examin-
51 ers, APPOINTED PRIOR TO JULY FIRST, TWO THOUSAND FIFTEEN AND authorized
52 by section twenty-five hundred fifty-four of this article, shall be
53 appointed by the board of education, upon the recommendation of the
54 superintendent or chancellor of schools, for a probationary period of
55 three years. The service of a person appointed to any of such positions
56 may be discontinued at any time during the probationary period on the

1 recommendation of the superintendent of schools, by a majority vote of
2 the board of education.

3 II. ADMINISTRATORS, DIRECTORS, SUPERVISORS, PRINCIPALS AND ALL OTHER
4 MEMBERS OF THE SUPERVISING STAFF, EXCEPT EXECUTIVE DIRECTORS, ASSOCIATE,
5 ASSISTANT, DISTRICT AND COMMUNITY SUPERINTENDENTS AND EXAMINERS,
6 APPOINTED ON OR AFTER JULY FIRST, TWO THOUSAND FIFTEEN AND AUTHORIZED BY
7 SECTION TWENTY-FIVE HUNDRED FIFTY-FOUR OF THIS ARTICLE, SHALL BE
8 APPOINTED BY THE BOARD OF EDUCATION, UPON THE RECOMMENDATION OF THE
9 SUPERINTENDENT OR CHANCELLOR OF SCHOOLS, FOR A PROBATIONARY PERIOD OF
10 FOUR YEARS PROVIDED THAT SUCH PROBATIONARY PERIOD MAY BE EXTENDED IN
11 ACCORDANCE WITH PARAGRAPH (B) OF SUBDIVISION FIVE OF THIS SECTION. THE
12 SERVICE OF A PERSON APPOINTED TO ANY OF SUCH POSITIONS MAY BE DISCONTIN-
13 UED AT ANY TIME DURING THE PROBATIONARY PERIOD ON THE RECOMMENDATION OF
14 THE SUPERINTENDENT OF SCHOOLS, BY A MAJORITY VOTE OF THE BOARD OF EDUCA-
15 TION.

16 5. (A) At the expiration of the probationary term of any persons
17 appointed for such term PRIOR TO JULY FIRST, TWO THOUSAND FIFTEEN, the
18 superintendent of schools shall make a written report to the board of
19 education recommending for permanent appointment those persons who have
20 been found competent, efficient and satisfactory[, consistent with any
21 applicable rules of the board of regents adopted pursuant to section
22 three thousand twelve-b of this chapter]. Such persons and all others
23 employed in the teaching, service of the schools of a city, who have
24 served the full probationary period, shall hold their respective posi-
25 tions during good behavior and efficient and competent service, and
26 shall not be removable except for cause after a hearing as provided by
27 section three thousand twenty-a OR SECTION THREE THOUSAND TWENTY-B of
28 this chapter.

29 (B) AT THE EXPIRATION OF THE PROBATIONARY TERM OF ANY PERSONS
30 APPOINTED FOR SUCH TERM ON OR AFTER JULY FIRST, TWO THOUSAND FIFTEEN,
31 THE SUPERINTENDENT OF SCHOOLS SHALL MAKE A WRITTEN REPORT TO THE BOARD
32 OF EDUCATION RECOMMENDING FOR PERMANENT APPOINTMENT THOSE PERSONS WHO
33 HAVE BEEN FOUND COMPETENT, EFFICIENT AND SATISFACTORY AND, IN THE CASE
34 OF A CLASSROOM TEACHER OR BUILDING PRINCIPAL, WHO HAVE RECEIVED COMPOS-
35 ITE ANNUAL PROFESSIONAL PERFORMANCE REVIEW RATINGS PURSUANT TO SECTION
36 THREE THOUSAND TWELVE-C OR SECTION THREE THOUSAND TWELVE-D OF THIS CHAP-
37 TER, OF EITHER EFFECTIVE OR HIGHLY EFFECTIVE IN AT LEAST THREE OF THE
38 FOUR PRECEDING YEARS, EXCLUSIVE OF ANY BREAKS IN SERVICE; PROVIDED THAT,
39 NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION TO THE CONTRARY,
40 WHEN A TEACHER OR PRINCIPAL RECEIVES AN EFFECTIVE AND/OR HIGHLY EFFEC-
41 TIVE RATING IN EACH YEAR OF HIS OR HER PROBATIONARY SERVICE EXCEPT HE OR
42 SHE RECEIVES AN INEFFECTIVE RATING IN THE FINAL YEAR OF HIS OR HER
43 PROBATIONARY PERIOD, SUCH TEACHER OR PRINCIPAL SHALL NOT BE ELIGIBLE FOR
44 TENURE BUT THE BOARD OF EDUCATION IN ITS DISCRETION, MAY EXTEND THE
45 TEACHER'S PROBATIONARY PERIOD FOR AN ADDITIONAL YEAR; PROVIDED, HOWEVER,
46 THAT IF SUCH TEACHER OR PRINCIPAL SUCCESSFULLY APPEALED SUCH INEFFECTIVE
47 RATING, SUCH TEACHER OR PRINCIPAL SHALL IMMEDIATELY BE ELIGIBLE FOR
48 TENURE IF THE RATING RESULTING FROM THE APPEAL ESTABLISHED THAT SUCH
49 INDIVIDUAL HAS BEEN EFFECTIVE OR HIGHLY EFFECTIVE IN AT LEAST THREE OF
50 THE PRECEDING FOUR YEARS. AT THE EXPIRATION OF THE PROBATIONARY PERIOD,
51 THE CLASSROOM TEACHER OR BUILDING PRINCIPAL SHALL REMAIN IN PROBATIONARY
52 STATUS UNTIL THE END OF THE SCHOOL YEAR IN WHICH SUCH TEACHER OR PRINCI-
53 PAL HAS RECEIVED SUCH RATINGS OF EFFECTIVE OR HIGHLY EFFECTIVE FOR AT
54 LEAST THREE OF THE FOUR PRECEDING SCHOOL YEARS, EXCLUSIVE OF ANY BREAKS
55 IN SERVICE AND SUBJECT TO THE TERMS HEREOF, DURING WHICH TIME A BOARD OF
56 EDUCATION SHALL CONSIDER WHETHER TO GRANT TENURE FOR THOSE CLASSROOM

1 TEACHERS OR BUILDING PRINCIPALS WHO OTHERWISE HAVE BEEN FOUND COMPETENT,
2 EFFICIENT AND SATISFACTORY. PROVIDED, HOWEVER, THAT THE BOARD OF EDUCA-
3 TION MAY GRANT TENURE CONTINGENT UPON A CLASSROOM TEACHER'S OR BUILDING
4 PRINCIPAL'S RECEIPT OF A MINIMUM RATING IN THE FINAL YEAR OF THE PROBA-
5 TIONARY PERIOD, PURSUANT TO THE REQUIREMENTS OF THIS SECTION, AND IF
6 SUCH CONTINGENCY IS NOT MET AFTER ALL APPEALS HAVE BEEN EXHAUSTED, THE
7 GRANT OF TENURE SHALL BE VOID AND UNENFORCEABLE AND THE TEACHER'S OR
8 PRINCIPAL'S PROBATIONARY PERIOD MAY BE EXTENDED IN ACCORDANCE WITH THIS
9 SUBDIVISION. SUCH PERSONS WHO HAVE BEEN RECOMMENDED FOR TENURE AND ALL
10 OTHERS EMPLOYED IN THE TEACHING SERVICE OF THE SCHOOLS OF SUCH SCHOOL
11 DISTRICT WHO HAVE SERVED THE FULL PROBATIONARY PERIOD AS EXTENDED PURSU-
12 ANT TO THIS SUBDIVISION SHALL HOLD THEIR RESPECTIVE POSITIONS DURING
13 GOOD BEHAVIOR AND EFFICIENT AND COMPETENT SERVICE, AND SHALL NOT BE
14 REMOVABLE EXCEPT FOR CAUSE AFTER A HEARING AS PROVIDED BY SECTION THREE
15 THOUSAND TWENTY-A OR SECTION THREE THOUSAND TWENTY-B OF THIS CHAPTER.
16 FAILURE TO MAINTAIN CERTIFICATION AS REQUIRED BY THIS CHAPTER AND THE
17 REGULATIONS OF THE COMMISSIONER SHALL CONSTITUTE CAUSE FOR REMOVAL.

18 6. (A) In a city having a population of four hundred thousand or more,
19 at the expiration of the probationary term of any persons appointed for
20 such term PRIOR TO JULY FIRST, TWO THOUSAND FIFTEEN, the superintendent
21 of schools shall make a written report to the board of education recom-
22 mending for permanent appointment those persons who have been found
23 satisfactory[, consistent with any applicable rules of the board of
24 regents adopted pursuant to section three thousand twelve-b of this
25 chapter], and such board of education shall immediately thereafter issue
26 to such persons permanent certificates of appointment. Such persons and
27 all others employed in the teaching service of the schools of such city,
28 who have served the full probationary period shall receive permanent
29 certificates to teach issued to them by the certificating authority,
30 except as otherwise provided in subdivision ten-a of this section, and
31 shall hold their respective positions during good behavior and satisfac-
32 tory teaching service, and shall not be removable except for cause after
33 a hearing as provided by section three thousand twenty-a OR SECTION
34 THREE THOUSAND TWENTY-B of this chapter.

35 (B) AT THE EXPIRATION OF THE PROBATIONARY TERM OF ANY PERSONS
36 APPOINTED FOR SUCH TERM ON OR AFTER JULY FIRST, TWO THOUSAND FIFTEEN,
37 THE SUPERINTENDENT OF SCHOOLS SHALL MAKE A WRITTEN REPORT TO THE BOARD
38 OF EDUCATION RECOMMENDING FOR PERMANENT APPOINTMENT THOSE PERSONS WHO
39 HAVE BEEN FOUND COMPETENT, EFFICIENT AND SATISFACTORY AND, IN THE CASE
40 OF A CLASSROOM TEACHER OR BUILDING PRINCIPAL, WHO HAVE RECEIVED COMPOS-
41 ITE ANNUAL PROFESSIONAL PERFORMANCE REVIEW RATINGS PURSUANT TO SECTION
42 THREE THOUSAND TWELVE-C OR SECTION THREE THOUSAND TWELVE-D OF THIS CHAP-
43 TER, OF EITHER EFFECTIVE OR HIGHLY EFFECTIVE IN AT LEAST THREE OF THE
44 FOUR PRECEDING YEARS, EXCLUSIVE OF ANY BREAKS IN SERVICE; PROVIDED THAT,
45 NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION TO THE CONTRARY,
46 WHEN A TEACHER RECEIVES AN EFFECTIVE AND/OR HIGHLY EFFECTIVE RATING IN
47 EACH YEAR OF HIS OR HER PROBATIONARY SERVICE EXCEPT HE OR SHE RECEIVES
48 AN INEFFECTIVE RATING IN THE FINAL YEAR OF HIS OR HER PROBATIONARY PERI-
49 OD, SUCH TEACHER OR PRINCIPAL SHALL NOT BE ELIGIBLE FOR TENURE BUT THE
50 BOARD OF EDUCATION IN ITS DISCRETION, MAY EXTEND THE TEACHER'S PROBA-
51 TIONARY PERIOD FOR AN ADDITIONAL YEAR; PROVIDED, HOWEVER, THAT IF SUCH
52 TEACHER OR PRINCIPAL SUCCESSFULLY APPEALED SUCH INEFFECTIVE RATING, SUCH
53 TEACHER OR PRINCIPAL SHALL IMMEDIATELY BE ELIGIBLE FOR TENURE IF THE
54 RATING RESULTING FROM THE APPEAL ESTABLISHED THAT SUCH INDIVIDUAL HAS
55 BEEN EFFECTIVE OR HIGHLY EFFECTIVE IN AT LEAST THREE OF THE PRECEDING
56 FOUR YEARS AND WAS NOT INEFFECTIVE IN THE FINAL YEAR. AT THE EXPIRATION

1 OF THE PROBATIONARY PERIOD, THE CLASSROOM TEACHER OR BUILDING PRINCIPAL
2 SHALL REMAIN IN PROBATIONARY STATUS UNTIL THE END OF THE SCHOOL YEAR IN
3 WHICH SUCH TEACHER OR PRINCIPAL HAS RECEIVED SUCH RATINGS OF EFFECTIVE
4 OR HIGHLY EFFECTIVE FOR AT LEAST THREE OF THE FOUR PRECEDING SCHOOL
5 YEARS, EXCLUSIVE OF ANY BREAKS IN SERVICE AND SUBJECT TO THE TERMS HERE-
6 OF, DURING WHICH TIME A BOARD OF EDUCATION SHALL CONSIDER WHETHER TO
7 GRANT TENURE FOR THOSE CLASSROOM TEACHERS OR BUILDING PRINCIPALS WHO
8 OTHERWISE HAVE BEEN FOUND COMPETENT, EFFICIENT AND SATISFACTORY.
9 PROVIDED, HOWEVER, THAT THE BOARD OF EDUCATION MAY GRANT TENURE CONTIN-
10 GENT UPON A CLASSROOM TEACHER'S OR BUILDING PRINCIPAL'S RECEIPT OF A
11 MINIMUM RATING IN THE FINAL YEAR OF THE PROBATIONARY PERIOD, PURSUANT TO
12 THE REQUIREMENTS OF THIS SECTION, AND IF SUCH CONTINGENCY IS NOT MET
13 AFTER ALL APPEALS HAVE BEEN EXHAUSTED, THE GRANT OF TENURE SHALL BE VOID
14 AND UNENFORCEABLE AND THE TEACHER'S OR PRINCIPAL'S PROBATIONARY PERIOD
15 MAY BE EXTENDED IN ACCORDANCE WITH THIS SUBDIVISION. SUCH PERSONS WHO
16 HAVE BEEN RECOMMENDED FOR TENURE AND ALL OTHERS EMPLOYED IN THE TEACHING
17 SERVICE OF THE SCHOOLS OF SUCH SCHOOL DISTRICT WHO HAVE SERVED THE FULL
18 PROBATIONARY PERIOD AS EXTENDED PURSUANT TO THIS SUBDIVISION SHALL HOLD
19 THEIR RESPECTIVE POSITIONS DURING GOOD BEHAVIOR AND EFFICIENT AND COMPE-
20 TENT SERVICE, AND SHALL NOT BE REMOVABLE EXCEPT FOR CAUSE AFTER A HEAR-
21 ING AS PROVIDED BY SECTION THREE THOUSAND TWENTY-A OR SECTION THREE
22 THOUSAND TWENTY-B OF THIS CHAPTER. FAILURE TO MAINTAIN CERTIFICATION AS
23 REQUIRED BY THIS CHAPTER AND THE REGULATIONS OF THE COMMISSIONER SHALL
24 CONSTITUTE CAUSE FOR REMOVAL.

25 S 4. Section 3012 of the education law, the section heading as amended
26 by chapter 358 of the laws of 1978, subdivision 1 as amended by chapter
27 442 of the laws of 1980, paragraph (a) of subdivision 1 as amended by
28 chapter 737 of the laws of 1992, subdivision 2 as amended by section 8
29 of part A of chapter 57 of the laws of 2007, subdivision 3 as added by
30 chapter 859 of the laws of 1955 and as renumbered by chapter 717 of the
31 laws of 1970, is amended to read as follows:

32 S 3012. Tenure: certain school districts. 1. (a) I. Teachers and all
33 other members of the teaching staff of school districts, including
34 common school districts and/or school districts employing fewer than
35 eight teachers, other than city school districts, WHO ARE APPOINTED
36 PRIOR TO JULY FIRST, TWO THOUSAND FIFTEEN, shall be appointed by the
37 board of education, or the trustees of common school districts, upon the
38 recommendation of the superintendent of schools, for a probationary
39 period of three years, except that in the case of a teacher who has
40 rendered satisfactory service as a regular substitute for a period of
41 two years or as a seasonally licensed per session teacher of swimming in
42 day schools who has served in that capacity for a period of two years
43 and has been appointed to teach the same subject in day schools, on an
44 annual salary, the probationary period shall be limited to one year;
45 provided, however, that in the case of a teacher who has been appointed
46 on tenure in another school district within the state, the school
47 district where currently employed, or a board of cooperative educational
48 services, and who was not dismissed from such district or board as a
49 result of charges brought pursuant to subdivision one of section three
50 thousand twenty-a OR SECTION THREE THOUSAND TWENTY-B of this [chapter]
51 ARTICLE, the probationary period shall not exceed two years. The service
52 of a person appointed to any of such positions may be discontinued at
53 any time during such probationary period, on the recommendation of the
54 superintendent of schools, by a majority vote of the board of education
55 or the trustees of a common school district.

1 II. TEACHERS AND ALL OTHER MEMBERS OF THE TEACHING STAFF OF SCHOOL
2 DISTRICTS, INCLUDING COMMON SCHOOL DISTRICTS AND/OR SCHOOL DISTRICTS
3 EMPLOYING FEWER THAN EIGHT TEACHERS, OTHER THAN CITY SCHOOL DISTRICTS,
4 WHO ARE APPOINTED ON OR AFTER JULY FIRST, TWO THOUSAND FIFTEEN, SHALL BE
5 APPOINTED BY THE BOARD OF EDUCATION, OR THE TRUSTEES OF COMMON SCHOOL
6 DISTRICTS, UPON THE RECOMMENDATION OF THE SUPERINTENDENT OF SCHOOLS, FOR
7 A PROBATIONARY PERIOD OF FOUR YEARS, EXCEPT THAT IN THE CASE OF A TEACH-
8 ER WHO HAS RENDERED SATISFACTORY SERVICE AS A REGULAR SUBSTITUTE FOR A
9 PERIOD OF TWO YEARS AND, IF A CLASSROOM TEACHER, HAS RECEIVED ANNUAL
10 PROFESSIONAL PERFORMANCE REVIEW RATINGS IN EACH OF THOSE YEARS, OR HAS
11 RENDERED SATISFACTORY SERVICE AS A SEASONALLY LICENSED PER SESSION
12 TEACHER OF SWIMMING IN DAY SCHOOLS WHO HAS SERVED IN THAT CAPACITY FOR A
13 PERIOD OF TWO YEARS AND HAS BEEN APPOINTED TO TEACH THE SAME SUBJECT IN
14 DAY SCHOOLS, ON AN ANNUAL SALARY, THE TEACHER SHALL BE APPOINTED FOR A
15 PROBATIONARY PERIOD OF TWO YEARS; PROVIDED, HOWEVER, THAT IN THE CASE OF
16 A TEACHER WHO HAS BEEN APPOINTED ON TENURE IN ANOTHER SCHOOL DISTRICT
17 WITHIN THE STATE, THE SCHOOL DISTRICT WHERE CURRENTLY EMPLOYED, OR A
18 BOARD OF COOPERATIVE EDUCATIONAL SERVICES, AND WHO WAS NOT DISMISSED
19 FROM SUCH DISTRICT OR BOARD AS A RESULT OF CHARGES BROUGHT PURSUANT TO
20 SUBDIVISION ONE OF SECTION THREE THOUSAND TWENTY-A OR SECTION THREE
21 THOUSAND TWENTY-B OF THIS ARTICLE, THE TEACHER SHALL BE APPOINTED FOR A
22 PROBATIONARY PERIOD OF THREE YEARS; PROVIDED THAT, IN THE CASE OF A
23 CLASSROOM TEACHER, THE TEACHER DEMONSTRATES THAT HE OR SHE RECEIVED AN
24 ANNUAL PROFESSIONAL PERFORMANCE REVIEW RATING PURSUANT TO SECTION THREE
25 THOUSAND TWELVE-C OR SECTION THREE THOUSAND TWELVE-D OF THIS CHAPTER IN
26 HIS OR HER FINAL YEAR OF SERVICE IN SUCH OTHER SCHOOL DISTRICT OR BOARD
27 OF COOPERATIVE EDUCATIONAL SERVICES. THE SERVICE OF A PERSON APPOINTED
28 TO ANY OF SUCH POSITIONS MAY BE DISCONTINUED AT ANY TIME DURING SUCH
29 PROBATIONARY PERIOD, ON THE RECOMMENDATION OF THE SUPERINTENDENT OF
30 SCHOOLS, BY A MAJORITY VOTE OF THE BOARD OF EDUCATION OR THE TRUSTEES OF
31 A COMMON SCHOOL DISTRICT.

32 (b) I. Principals, administrators, supervisors and all other members
33 of the supervising staff of school districts, including common school
34 districts and/or school districts employing fewer than eight teachers,
35 other than city school districts, WHO ARE APPOINTED PRIOR TO JULY FIRST,
36 TWO THOUSAND FIFTEEN, shall be appointed by the board of education, or
37 the trustees of a common school district, upon the recommendation of the
38 superintendent of schools for a probationary period of three years. The
39 service of a person appointed to any of such positions may be discontin-
40 ued at any time during the probationary period on the recommendation of
41 the superintendent of schools, by a majority vote of the board of educa-
42 tion or the trustees of a common school district.

43 II. PRINCIPALS, ADMINISTRATORS, SUPERVISORS AND ALL OTHER MEMBERS OF
44 THE SUPERVISING STAFF OF SCHOOL DISTRICTS, INCLUDING COMMON SCHOOL
45 DISTRICTS AND/OR SCHOOL DISTRICTS EMPLOYING FEWER THAN EIGHT TEACHERS,
46 OTHER THAN CITY SCHOOL DISTRICTS, WHO ARE APPOINTED ON OR AFTER JULY
47 FIRST, TWO THOUSAND FIFTEEN, SHALL BE APPOINTED BY THE BOARD OF EDUCA-
48 TION, OR THE TRUSTEES OF A COMMON SCHOOL DISTRICT, UPON THE RECOMMENDA-
49 TION OF THE SUPERINTENDENT OF SCHOOLS FOR A PROBATIONARY PERIOD OF FOUR
50 YEARS. THE SERVICE OF A PERSON APPOINTED TO ANY OF SUCH POSITIONS MAY BE
51 DISCONTINUED AT ANY TIME DURING THE PROBATIONARY PERIOD ON THE RECOMMEN-
52 DATION OF THE SUPERINTENDENT OF SCHOOLS, BY A MAJORITY VOTE OF THE BOARD
53 OF EDUCATION OR THE TRUSTEES OF A COMMON SCHOOL DISTRICT.

54 (c) Any person previously appointed to tenure or a probationary period
55 pursuant to the provisions of former section three thousand thirteen of
56 this [chapter] ARTICLE shall continue to hold such position and be

1 governed by the provisions of this section notwithstanding any contrary
2 provision of law.

3 2. (A) At the expiration of the probationary term of a person
4 appointed for such term PRIOR TO JULY FIRST, TWO THOUSAND FIFTEEN,
5 subject to the conditions of this section, the superintendent of schools
6 shall make a written report to the board of education or the trustees of
7 a common school district recommending for appointment on tenure those
8 persons who have been found competent, efficient and satisfactory[,
9 consistent with any applicable rules of the board of regents adopted
10 pursuant to section three thousand twelve-b of this article]. Such
11 persons, and all others employed in the teaching service of the schools
12 of such union free school district, common school district and/or school
13 district employing fewer than eight teachers, who have served the proba-
14 tionary period as provided in this section, shall hold their respective
15 positions during good behavior and efficient and competent service, and
16 shall not be removed except for any of the following causes, after a
17 hearing, as provided by section three thousand twenty-a OR SECTION THREE
18 THOUSAND TWENTY-B of [such law] THIS ARTICLE: (a) insubordination,
19 immoral character or conduct unbecoming a teacher; (b) inefficiency,
20 incompetency, physical or mental disability, or neglect of duty; (c)
21 failure to maintain certification as required by this chapter and by the
22 regulations of the commissioner. Each person who is not to be recom-
23 mended for appointment on tenure, shall be so notified by the super-
24 intendent of schools in writing not later than sixty days immediately
25 preceding the expiration of his probationary period.

26 (B) AT THE EXPIRATION OF THE PROBATIONARY TERM OF A PERSON APPOINTED
27 FOR SUCH TERM ON OR AFTER JULY FIRST, TWO THOUSAND FIFTEEN, SUBJECT TO
28 THE CONDITIONS OF THIS SECTION, THE SUPERINTENDENT OF SCHOOLS SHALL MAKE
29 A WRITTEN REPORT TO THE BOARD OF EDUCATION OR THE TRUSTEES OF A COMMON
30 SCHOOL DISTRICT RECOMMENDING FOR APPOINTMENT ON TENURE THOSE PERSONS WHO
31 HAVE BEEN FOUND COMPETENT, EFFICIENT AND SATISFACTORY AND, IN THE CASE
32 OF A CLASSROOM TEACHER OR BUILDING PRINCIPAL, WHO HAVE RECEIVED COMPOS-
33 ITE ANNUAL PROFESSIONAL PERFORMANCE REVIEW RATINGS PURSUANT TO SECTION
34 THREE THOUSAND TWELVE-C OR SECTION THREE THOUSAND TWELVE-D OF THIS ARTI-
35 CLE, OF EITHER EFFECTIVE OR HIGHLY EFFECTIVE IN AT LEAST THREE OF THE
36 FOUR PRECEDING YEARS, EXCLUSIVE OF ANY BREAKS IN SERVICE; PROVIDED THAT,
37 NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION TO THE CONTRARY,
38 WHEN A TEACHER OR PRINCIPAL RECEIVES AN EFFECTIVE OR HIGHLY EFFECTIVE
39 RATING IN EACH YEAR OF HIS OR HER PROBATIONARY SERVICE EXCEPT HE OR SHE
40 RECEIVES AN INEFFECTIVE RATING IN THE FINAL YEAR OF HIS OR HER PROBA-
41 TIONARY PERIOD, SUCH TEACHER SHALL NOT BE ELIGIBLE FOR TENURE BUT THE
42 BOARD OF EDUCATION, IN ITS DISCRETION, MAY EXTEND THE TEACHER'S PROBA-
43 TIONARY PERIOD FOR AN ADDITIONAL YEAR; PROVIDED, HOWEVER, THAT IF SUCH
44 TEACHER OR PRINCIPAL SUCCESSFULLY APPEALED SUCH INEFFECTIVE RATING, SUCH
45 TEACHER OR PRINCIPAL SHALL IMMEDIATELY BE ELIGIBLE FOR TENURE IF THE
46 RATING RESULTING FROM THE APPEAL ESTABLISHED THAT SUCH INDIVIDUAL HAS
47 BEEN EFFECTIVE OR HIGHLY EFFECTIVE IN AT LEAST THREE OF THE PRECEDING
48 FOUR YEARS AND WAS NOT INEFFECTIVE IN THE FINAL YEAR. AT THE EXPIRATION
49 OF THE PROBATIONARY PERIOD, THE CLASSROOM TEACHER OR BUILDING PRINCIPAL
50 SHALL REMAIN IN PROBATIONARY STATUS UNTIL THE END OF THE SCHOOL YEAR IN
51 WHICH SUCH TEACHER OR PRINCIPAL HAS RECEIVED SUCH RATINGS OF EFFECTIVE
52 OR HIGHLY EFFECTIVE FOR AT LEAST THREE OF THE FOUR PRECEDING SCHOOL
53 YEARS, EXCLUSIVE OF ANY BREAKS IN SERVICE, AND SUBJECT TO THE TERMS
54 HEREOF, DURING WHICH TIME THE TRUSTEES OR BOARD OF EDUCATION SHALL
55 CONSIDER WHETHER TO GRANT TENURE FOR THOSE CLASSROOM TEACHERS OR BUILD-
56 ING PRINCIPALS WHO OTHERWISE HAVE BEEN FOUND COMPETENT, EFFICIENT AND

1 SATISFACTORY. PROVIDED, HOWEVER, THAT THE TRUSTEES OR BOARD OF EDUCATION
2 MAY GRANT TENURE CONTINGENT UPON A CLASSROOM TEACHER'S OR BUILDING PRIN-
3 CIPAL'S RECEIPT OF A MINIMUM RATING IN THE FINAL YEAR OF THE PROBATION-
4 ARY PERIOD, PURSUANT TO THE REQUIREMENTS OF THIS SECTION, AND IF SUCH
5 CONTINGENCY IS NOT MET AFTER ALL APPEALS HAVE BEEN EXHAUSTED, THE GRANT
6 OF TENURE SHALL BE VOID AND UNENFORCEABLE AND THE TEACHER'S OR PRINCI-
7 PAL'S PROBATIONARY PERIOD MAY BE EXTENDED IN ACCORDANCE WITH THIS SUBDI-
8 VISION. SUCH PERSONS WHO HAVE BEEN RECOMMENDED FOR TENURE AND ALL OTHERS
9 EMPLOYED IN THE TEACHING SERVICE OF THE SCHOOLS OF SUCH SCHOOL DISTRICT
10 WHO HAVE SERVED THE FULL PROBATIONARY PERIOD AS EXTENDED PURSUANT TO
11 THIS SUBDIVISION SHALL HOLD THEIR RESPECTIVE POSITIONS DURING GOOD
12 BEHAVIOR AND EFFICIENT AND COMPETENT SERVICE, AND SHALL NOT BE REMOVABLE
13 EXCEPT FOR CAUSE AFTER A HEARING AS PROVIDED BY SECTION THREE THOUSAND
14 TWENTY-A OR SECTION THREE THOUSAND TWENTY-B OF THIS ARTICLE. FAILURE TO
15 MAINTAIN CERTIFICATION AS REQUIRED BY THIS CHAPTER AND THE REGULATIONS
16 OF THE COMMISSIONER SHALL CONSTITUTE CAUSE FOR REMOVAL.

17 3. Notwithstanding any other provision of this section no period in
18 any school year for which there is no required service and/or for which
19 no compensation is provided shall in any event constitute a break or
20 suspension of probationary period or continuity of tenure rights of any
21 of the persons hereinabove described.

22 S 5. Section 3014 of the education law, as added by chapter 583 of the
23 laws of 1955, subdivision 1 as amended by chapter 551 of the laws of
24 1976, subdivision 2 as amended by section 10 of part A of chapter 57 of
25 the laws of 2007, is amended to read as follows:

26 S 3014. Tenure: boards of cooperative educational services. 1. (A)
27 Administrative assistants, supervisors, teachers and all other members
28 of the teaching and supervising staff of the board of cooperative educa-
29 tional services APPOINTED PRIOR TO JULY FIRST, TWO THOUSAND FIFTEEN,
30 shall be appointed by a majority vote of the board of cooperative educa-
31 tional services upon the recommendation of the district superintendent
32 of schools for a probationary period of not to exceed three years;
33 provided, however, that in the case of a teacher who has been appointed
34 on tenure in a school district within the state, the board of cooper-
35 ative educational services where currently employed, or another board of
36 cooperative educational services, and who was not dismissed from such
37 district or board as a result of charges brought pursuant to subdivision
38 one of section three thousand twenty-a OR SECTION THREE THOUSAND TWEN-
39 TY-B of this [chapter] ARTICLE, the probationary period shall not exceed
40 two years. Services of a person so appointed to any such positions may
41 be discontinued at any time during such probationary period, upon the
42 recommendation of the district superintendent, by a majority vote of the
43 board of cooperative educational services.

44 (B) ADMINISTRATIVE ASSISTANTS, SUPERVISORS, TEACHERS AND ALL OTHER
45 MEMBERS OF THE TEACHING AND SUPERVISING STAFF OF THE BOARD OF COOPER-
46 ATIVE EDUCATIONAL SERVICES APPOINTED ON OR AFTER JULY FIRST, TWO THOU-
47 SAND FIFTEEN, SHALL BE APPOINTED BY A MAJORITY VOTE OF THE BOARD OF
48 COOPERATIVE EDUCATIONAL SERVICES UPON THE RECOMMENDATION OF THE DISTRICT
49 SUPERINTENDENT OF SCHOOLS FOR A PROBATIONARY PERIOD OF NOT TO EXCEED
50 FOUR YEARS; PROVIDED, HOWEVER, THAT IN THE CASE OF A TEACHER WHO HAS
51 BEEN APPOINTED ON TENURE IN A SCHOOL DISTRICT WITHIN THE STATE, THE
52 BOARD OF COOPERATIVE EDUCATIONAL SERVICES WHERE CURRENTLY EMPLOYED, OR
53 ANOTHER BOARD OF COOPERATIVE EDUCATIONAL SERVICES, AND WHO WAS NOT
54 DISMISSED FROM SUCH DISTRICT OR BOARD AS A RESULT OF CHARGES BROUGHT
55 PURSUANT TO SECTION THREE THOUSAND TWENTY-A OR SECTION THREE THOUSAND
56 TWENTY-B OF THIS ARTICLE, THE TEACHER SHALL BE APPOINTED FOR A PROBA-

1 TIONARY PERIOD OF THREE YEARS; PROVIDED THAT, IN THE CASE OF A CLASSROOM
2 TEACHER, THE TEACHER DEMONSTRATES THAT HE OR SHE RECEIVED A COMPOSITE
3 ANNUAL PROFESSIONAL PERFORMANCE REVIEW RATING PURSUANT TO SECTION THREE
4 THOUSAND TWELVE-C OR THREE THOUSAND TWELVE-D OF THIS CHAPTER OF EITHER
5 EFFECTIVE OR HIGHLY EFFECTIVE IN HIS OR HER FINAL YEAR OF SERVICE IN
6 SUCH OTHER SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES.
7 SERVICES OF A PERSON SO APPOINTED TO ANY SUCH POSITIONS MAY BE DISCON-
8 TINUED AT ANY TIME DURING SUCH PROBATIONARY PERIOD, UPON THE RECOMMENDA-
9 TION OF THE DISTRICT SUPERINTENDENT, BY A MAJORITY VOTE OF THE BOARD OF
10 COOPERATIVE EDUCATIONAL SERVICES.

11 2. (A) On or before the expiration of the probationary term of a
12 person appointed for such term PRIOR TO JULY FIRST, TWO THOUSAND
13 FIFTEEN, the district superintendent of schools shall make a written
14 report to the board of cooperative educational services recommending for
15 appointment on tenure persons who have been found competent, efficient
16 and satisfactory[, consistent with any applicable rules of the board of
17 regents adopted pursuant to section three thousand twelve-b of this
18 article]. Such persons shall hold their respective positions during good
19 behavior and competent and efficient service and shall not be removed
20 except for any of the following causes, after a hearing, as provided by
21 section three thousand twenty-a OR SECTION THREE THOUSAND TWENTY-B of
22 [such law] THIS ARTICLE: [(a)] (I) Insubordination, immoral character or
23 conduct unbecoming a teacher; [(b)] (II) Inefficiency, incompetency,
24 [physical or mental disability] or neglect of duty; [(c)] (III) Failure
25 to maintain certification as required by this chapter and by the regu-
26 lations of the commissioner. Each person who is not to be so recommended
27 for appointment on tenure shall be so notified in writing by the
28 district superintendent not later than sixty days immediately preceding
29 the expiration of his OR HER probationary period.

30 (B) ON OR BEFORE THE EXPIRATION OF THE PROBATIONARY TERM OF A PERSON
31 APPOINTED FOR SUCH TERM ON OR AFTER JULY FIRST, TWO THOUSAND FIFTEEN,
32 THE DISTRICT SUPERINTENDENT OF SCHOOLS SHALL MAKE A WRITTEN REPORT TO
33 THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES RECOMMENDING FOR APPOINT-
34 MENT ON TENURE PERSONS WHO HAVE BEEN FOUND COMPETENT, EFFICIENT AND
35 SATISFACTORY AND, IN THE CASE OF A CLASSROOM TEACHER OR BUILDING PRINCI-
36 PAL, WHO HAVE RECEIVED COMPOSITE ANNUAL PROFESSIONAL PERFORMANCE REVIEW
37 RATINGS PURSUANT TO SECTION THREE THOUSAND TWELVE-C OR SECTION THREE
38 THOUSAND TWELVE-D OF THIS ARTICLE, OF EITHER EFFECTIVE OR HIGHLY EFFEC-
39 TIVE IN AT LEAST THREE OF THE FOUR PRECEDING YEARS, EXCLUSIVE OF ANY
40 BREAKS IN SERVICE; PROVIDED THAT, NOTWITHSTANDING ANY OTHER PROVISION OF
41 THIS SECTION TO THE CONTRARY, WHEN A TEACHER OR PRINCIPAL RECEIVES AN
42 EFFECTIVE OR HIGHLY EFFECTIVE RATING IN EACH YEAR OF HIS OR HER PROBA-
43 TIONARY SERVICE EXCEPT HE OR SHE RECEIVES AN INEFFECTIVE RATING IN THE
44 FINAL YEAR OF HIS OR HER PROBATIONARY PERIOD, SUCH TEACHER SHALL NOT BE
45 ELIGIBLE FOR TENURE BUT THE BOARD OF EDUCATION IN ITS DISCRETION, MAY
46 EXTEND THE TEACHER'S PROBATIONARY PERIOD FOR AN ADDITIONAL YEAR;
47 PROVIDED, HOWEVER THAT IF SUCH TEACHER OR PRINCIPAL SUCCESSFULLY
48 APPEALED SUCH INEFFECTIVE RATING, SUCH TEACHER OR PRINCIPAL SHALL IMME-
49 DIATELY BE ELIGIBLE FOR TENURE IF THE RATING RESULTING FROM THE APPEAL
50 ESTABLISHED THAT SUCH INDIVIDUAL HAS BEEN EFFECTIVE OR HIGHLY EFFECTIVE
51 IN AT LEAST THREE OF THE PRECEDING FOUR YEARS AND WAS NOT INEFFECTIVE
52 IN THE FINAL YEAR. AT THE EXPIRATION OF THE PROBATIONARY PERIOD, THE
53 CLASSROOM TEACHER OR BUILDING PRINCIPAL SHALL REMAIN IN PROBATIONARY
54 STATUS UNTIL THE END OF THE SCHOOL YEAR IN WHICH SUCH TEACHER OR PRINCI-
55 PAL HAS RECEIVED SUCH RATINGS OF EFFECTIVE OR HIGHLY EFFECTIVE FOR AT
56 LEAST THREE OF THE FOUR PRECEDING SCHOOL YEARS, EXCLUSIVE OF ANY BREAKS

1 IN SERVICE, DURING WHICH TIME A BOARD OF COOPERATIVE EDUCATIONAL
2 SERVICES SHALL CONSIDER WHETHER TO GRANT TENURE FOR THOSE CLASSROOM
3 TEACHERS OR BUILDING PRINCIPALS WHO OTHERWISE HAVE BEEN FOUND COMPETENT,
4 EFFICIENT AND SATISFACTORY. PROVIDED, HOWEVER, THAT THE BOARD OF COOPER-
5 ATIVE EDUCATIONAL SERVICES MAY GRANT TENURE CONTINGENT UPON A CLASSROOM
6 TEACHER'S OR BUILDING PRINCIPAL'S RECEIPT OF A MINIMUM RATING IN THE
7 FINAL YEAR OF THE PROBATIONARY PERIOD, PURSUANT TO THE REQUIREMENTS OF
8 THIS SECTION, AND IF SUCH CONTINGENCY IS NOT MET AFTER ALL APPEALS HAVE
9 BEEN EXHAUSTED, THE GRANT OF TENURE SHALL BE VOID AND UNENFORCEABLE AND
10 THE TEACHER'S OR PRINCIPAL'S PROBATIONARY PERIOD MAY BE EXTENDED IN
11 ACCORDANCE WITH THIS SUBDIVISION. SUCH PERSONS SHALL HOLD THEIR RESPEC-
12 TIVE POSITIONS DURING GOOD BEHAVIOR AND COMPETENT AND EFFICIENT SERVICE
13 AND SHALL NOT BE REMOVED EXCEPT FOR ANY OF THE FOLLOWING CAUSES, AFTER A
14 HEARING, AS PROVIDED BY SECTION THREE THOUSAND TWENTY-A OR SECTION THREE
15 THOUSAND TWENTY-B OF THIS ARTICLE: (I) INSUBORDINATION, IMMORAL CHARAC-
16 TER OR CONDUCT UNBECOMING A TEACHER; (II) INEFFICIENCY, INCOMPETENCY, OR
17 NEGLECT OF DUTY; (III) FAILURE TO MAINTAIN CERTIFICATION AS REQUIRED BY
18 THIS CHAPTER AND BY THE REGULATIONS OF THE COMMISSIONER. EACH PERSON WHO
19 IS NOT TO BE SO RECOMMENDED FOR APPOINTMENT ON TENURE SHALL BE SO NOTI-
20 FIED IN WRITING BY THE DISTRICT SUPERINTENDENT NOT LATER THAN SIXTY DAYS
21 IMMEDIATELY PRECEDING THE EXPIRATION OF HIS OR HER PROBATIONARY PERIOD.

22 S 6. Subdivision 1 of section 3012-c of the education law, as amended
23 by chapter 21 of the laws of 2012, is amended to read as follows:

24 1. Notwithstanding any other provision of law, rule or regulation to
25 the contrary, the annual professional performance reviews of all class-
26 room teachers and building principals employed by school districts or
27 boards of cooperative educational services shall be conducted in accord-
28 ance with the provisions of this section. Such performance reviews which
29 are conducted on or after July first, two thousand eleven, or on or
30 after the date specified in paragraph c of subdivision two of this
31 section where applicable, shall include measures of student achievement
32 and be conducted in accordance with this section. Such annual profes-
33 sional performance reviews shall be a significant factor for employment
34 decisions including but not limited to, promotion, retention, tenure
35 determination, termination, and supplemental compensation, which deci-
36 sions are to be made in accordance with locally developed procedures
37 negotiated pursuant to the requirements of article fourteen of the civil
38 service law where applicable. Provided, however, that nothing in this
39 section shall be construed to affect the UNFETTERED statutory right of a
40 school district or board of cooperative educational services to termi-
41 nate a probationary teacher or principal for ANY statutorily and consti-
42 tutionally permissible reasons [other than the performance of the teach-
43 er or principal in the classroom or school], including but not limited
44 to misconduct AND UNTIL A TENURE DECISION IS MADE, THE PERFORMANCE OF
45 THE TEACHER OR PRINCIPAL IN THE CLASSROOM. Such performance reviews
46 shall also be a significant factor in teacher and principal development,
47 including but not limited to, coaching, induction support and differen-
48 tiated professional development, which are to be locally established in
49 accordance with procedures negotiated pursuant to the requirements of
50 article fourteen of the civil service law.

51 S 7. Paragraph b of subdivision 5 of section 3012-c of the education
52 law, as added by chapter 21 of the laws of 2012, is amended to read as
53 follows:

54 b. Nothing in this section shall be construed to alter or diminish the
55 authority of the governing body of a school district or board of cooper-
56 ative educational services to grant or deny tenure to or terminate

1 probationary teachers or probationary building principals during the
2 pendency of an appeal pursuant to this section for statutorily and
3 constitutionally permissible reasons [other than] INCLUDING the teach-
4 er's or principal's performance that is the subject of the appeal.

5 S 8. This act shall take effect immediately.

6 SUBPART E

7 Section 1. Authority of the commissioner. Notwithstanding any
8 provisions of section 3012-c of the education law to the contrary, the
9 commissioner of the state education department, is hereby authorized and
10 directed to, subject to the provisions of section 207 of the education
11 law, adopt regulations of the commissioner and guidelines no later than
12 June 30, 2015, to implement a statewide annual teacher and principal
13 evaluation system in New York state pursuant to section 3012-d of the
14 education law, as added by this act, after consulting with experts and
15 practitioners in the fields of education, economics and psychometrics
16 and taking into consideration the parameters set forth in the letter
17 from the Chancellor of the Board of Regents and acting commissioner
18 dated December 31, 2014, to the New York State Director of State Oper-
19 ations. The commissioner shall also establish a process to accept public
20 comments and recommendations regarding the adoption of regulations
21 pursuant to section 3012-d of the education law and consult in writing
22 with the Secretary of the United States Department of Education on
23 weights, measures and ranking of evaluation categories and subcomponents
24 and shall release the response from the Secretary upon receipt thereof
25 but in any event prior to publication of the regulations hereunder.

26 S 2. The education law is amended by adding a new section 3012-d to
27 read as follows:

28 S 3012-D. ANNUAL TEACHER AND PRINCIPAL EVALUATIONS. 1. GENERAL
29 PROVISIONS. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGU-
30 LATION TO THE CONTRARY, THE ANNUAL TEACHER AND PRINCIPAL EVALUATIONS
31 (HEREINAFTER, EVALUATIONS) IMPLEMENTED BY DISTRICTS SHALL BE CONDUCTED
32 IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION. SUCH ANNUAL EVALU-
33 ATIONS SHALL BE A SIGNIFICANT FACTOR FOR EMPLOYMENT DECISIONS INCLUDING
34 BUT NOT LIMITED TO, PROMOTION, RETENTION, TENURE DETERMINATION, TERMI-
35 NATION, AND SUPPLEMENTAL COMPENSATION. SUCH EVALUATIONS SHALL ALSO BE A
36 SIGNIFICANT FACTOR IN TEACHER AND PRINCIPAL DEVELOPMENT INCLUDING BUT
37 NOT LIMITED TO COACHING, INDUCTION SUPPORT, AND DIFFERENTIATED PROFES-
38 SIONAL DEVELOPMENT.

39 2. DEFINITIONS.

40 A. "DISTRICT" SHALL MEAN SCHOOL DISTRICT AND/OR BOARD OF COOPERATIVE
41 EDUCATIONAL SERVICES, EXCEPT THAT FOR PURPOSES OF SUBDIVISION ELEVEN OF
42 THIS SECTION IT SHALL ONLY MEAN A SCHOOL DISTRICT;

43 B. "PRINCIPAL" SHALL MEAN A BUILDING PRINCIPAL OR AN ADMINISTRATOR IN
44 CHARGE OF AN INSTRUCTIONAL PROGRAM OF A BOARD OF COOPERATIVE EDUCATIONAL
45 SERVICES;

46 C. "STUDENT GROWTH" SHALL MEAN THE CHANGE IN STUDENT ACHIEVEMENT FOR
47 AN INDIVIDUAL STUDENT BETWEEN TWO OR MORE POINTS IN TIME.

48 D. "STATE-DESIGNED SUPPLEMENTAL ASSESSMENT" SHALL MEAN A SELECTION OF
49 STATE TESTS OR ASSESSMENTS DEVELOPED OR DESIGNED BY THE STATE EDUCATION
50 DEPARTMENT, OR THAT THE STATE EDUCATION DEPARTMENT PURCHASED OR ACQUIRED
51 FROM (I) ANOTHER STATE; (II) AN INSTITUTION OF HIGHER EDUCATION; OR
52 (III) A COMMERCIAL OR NOT-FOR-PROFIT ENTITY, PROVIDED THAT SUCH ENTITY
53 MUST BE OBJECTIVE AND MAY NOT HAVE A CONFLICT OF INTEREST OR APPEARANCE
54 OF A CONFLICT OF INTEREST; SUCH DEFINITION MAY INCLUDE TESTS OR ASSESS-

1 MENTS THAT HAVE BEEN PREVIOUSLY DESIGNED OR ACQUIRED BY LOCAL DISTRICTS,
2 BUT ONLY IF THE STATE EDUCATION DEPARTMENT SIGNIFICANTLY MODIFIES GROWTH
3 TARGETS OR SCORING BANDS FOR SUCH TESTS OR ASSESSMENTS OR OTHERWISE
4 ADAPTS THE TEST OR ASSESSMENT TO THE STATE EDUCATION DEPARTMENT'S
5 REQUIREMENTS.

6 3. RATINGS. THE ANNUAL EVALUATIONS CONDUCTED PURSUANT TO THIS SECTION
7 SHALL RATE TEACHER AND PRINCIPAL EFFECTIVENESS USING THE FOLLOWING CATE-
8 GORIES: HIGHLY EFFECTIVE OR "H", EFFECTIVE OR "E", DEVELOPING OR "D" AND
9 INEFFECTIVE OR "I".

10 4. CATEGORIES. THE ANNUAL EVALUATION SYSTEM SHALL CONSIST OF MULTIPLE
11 MEASURES IN TWO CATEGORIES: STUDENT PERFORMANCE AND TEACHER OBSERVA-
12 TIONS.

13 A. STUDENT PERFORMANCE CATEGORY. SUCH CATEGORY SHALL HAVE AT LEAST ONE
14 SUBCOMPONENT AND AN OPTIONAL SECOND SUBCOMPONENT AS FOLLOWS:

15 (1) FOR THE FIRST SUBCOMPONENT, (A) FOR A TEACHER WHOSE COURSE ENDS IN
16 A STATE-CREATED OR ADMINISTERED TEST FOR WHICH THERE IS A STATE-PROVIDED
17 GROWTH MODEL, SUCH TEACHER SHALL HAVE A STATE-PROVIDED GROWTH SCORE
18 BASED ON SUCH MODEL; AND (B) FOR A TEACHER WHOSE COURSE DOES NOT END IN
19 A STATE-CREATED OR ADMINISTERED TEST SUCH TEACHER SHALL HAVE A STUDENT
20 LEARNING OBJECTIVE (SLO) CONSISTENT WITH A GOAL-SETTING PROCESS DETER-
21 MINED OR DEVELOPED BY THE COMMISSIONER, THAT RESULTS IN A STUDENT GROWTH
22 SCORE; PROVIDED THAT, FOR ANY TEACHER WHOSE COURSE ENDS IN A STATE-
23 CREATED OR ADMINISTERED ASSESSMENT FOR WHICH THERE IS NO STATE-PROVIDED
24 GROWTH MODEL, SUCH ASSESSMENT MUST BE USED AS THE UNDERLYING ASSESSMENT
25 FOR SUCH SLO;

26 (2) FOR THE OPTIONAL SECOND SUBCOMPONENT, A DISTRICT MAY LOCALLY
27 SELECT A SECOND MEASURE IN ACCORDANCE WITH THIS SUBPARAGRAPH. SUCH
28 SECOND MEASURE SHALL APPLY IN A CONSISTENT MANNER, TO THE EXTENT PRACTI-
29 CABLE, ACROSS THE DISTRICT AND BE EITHER: (A) A SECOND STATE-PROVIDED
30 GROWTH SCORE ON A STATE-CREATED OR ADMINISTERED TEST UNDER CLAUSE (A) OF
31 SUBPARAGRAPH ONE OF THIS PARAGRAPH, OR (B) A GROWTH SCORE BASED ON A
32 STATE-DESIGNED SUPPLEMENTAL ASSESSMENT, CALCULATED USING A STATE-PROVID-
33 ED OR APPROVED GROWTH MODEL. THE OPTIONAL SECOND SUBCOMPONENT SHALL
34 PROVIDE OPTIONS FOR MULTIPLE ASSESSMENT MEASURES THAT ARE ALIGNED TO
35 EXISTING CLASSROOM AND SCHOOL BEST PRACTICES AND TAKE INTO CONSIDERATION
36 THE RECOMMENDATIONS IN THE TESTING REDUCTION REPORT AS REQUIRED BY
37 SECTION ONE OF SUBPART F OF THE CHAPTER OF THE LAWS OF TWO THOUSAND
38 FIFTEEN WHICH ADDED THIS SECTION REGARDING THE REDUCTION OF UNNECESSARY
39 ADDITIONAL TESTING.

40 THE COMMISSIONER SHALL DETERMINE THE WEIGHTS AND SCORING RANGES FOR
41 THE SUBCOMPONENT OR SUBCOMPONENTS OF THE STUDENT PERFORMANCE CATEGORY
42 THAT SHALL RESULT IN A COMBINED CATEGORY RATING. THE COMMISSIONER SHALL
43 ALSO SET PARAMETERS FOR APPROPRIATE TARGETS FOR STUDENT GROWTH FOR BOTH
44 SUBCOMPONENTS, AND THE DEPARTMENT MUST AFFIRMATIVELY APPROVE AND SHALL
45 HAVE THE AUTHORITY TO DISAPPROVE OR REQUIRE MODIFICATIONS OF DISTRICT
46 PLANS THAT DO NOT SET APPROPRIATE GROWTH TARGETS, INCLUDING AFTER
47 INITIAL APPROVAL. THE COMMISSIONER SHALL SET SUCH WEIGHTS AND PARAMETERS
48 CONSISTENT WITH THE TERMS CONTAINED HEREIN.

49 B. TEACHER OBSERVATIONS CATEGORY. THE OBSERVATIONS CATEGORY FOR TEACH-
50 ERS SHALL BE BASED ON A STATE-APPROVED RUBRIC AND SHALL INCLUDE UP TO
51 THREE SUBCOMPONENTS. SUCH CATEGORY MUST INCLUDE: (1) A SUBCOMPONENT
52 BASED ON CLASSROOM OBSERVATIONS CONDUCTED BY A PRINCIPAL OR OTHER
53 TRAINED ADMINISTRATOR AND MUST ALSO INCLUDE (2) A SUBCOMPONENT BASED ON
54 CLASSROOM OBSERVATIONS BY AN IMPARTIAL INDEPENDENT TRAINED EVALUATOR OR
55 EVALUATORS SELECTED BY THE DISTRICT. AN INDEPENDENT TRAINED EVALUATOR
56 MAY BE EMPLOYED WITHIN THE SCHOOL DISTRICT, BUT NOT THE SAME SCHOOL

1 BUILDING, AS THE TEACHER BEING EVALUATED. SUCH CATEGORY MAY ALSO INCLUDE
2 A SUBCOMPONENT BASED ON CLASSROOM OBSERVATIONS CONDUCTED BY A TRAINED
3 PEER TEACHER RATED EFFECTIVE OR HIGHLY EFFECTIVE FROM THE SAME SCHOOL OR
4 FROM ANOTHER SCHOOL IN THE DISTRICT.

5 THE COMMISSIONER SHALL DETERMINE THE WEIGHTS, AND/OR WEIGHTING OPTIONS
6 AND SCORING RANGES FOR THE SUBCOMPONENTS OF THE OBSERVATIONS CATEGORY
7 THAT RESULT IN A COMBINED CATEGORY RATING. THE COMMISSIONER SHALL ALSO
8 DETERMINE THE MINIMUM NUMBER OF OBSERVATIONS TO BE CONDUCTED ANNUALLY,
9 INCLUDING FREQUENCY AND DURATION, AND ANY PARAMETERS THEREFOR. THE
10 COMMISSIONER SHALL SET SUCH WEIGHTS AND SCORES CONSISTENT WITH THE TERMS
11 CONTAINED HEREIN.

12 5. RATING DETERMINATION. THE OVERALL RATING DETERMINATION SHALL BE
13 DETERMINED ACCORDING TO A METHODOLOGY AS FOLLOWS:

14 A. THE FOLLOWING RULES SHALL APPLY: A TEACHER OR PRINCIPAL WHO IS (1)
15 RATED USING TWO SUBCOMPONENTS IN THE STUDENT PERFORMANCE CATEGORY AND
16 RECEIVES A RATING OF INEFFECTIVE IN SUCH CATEGORY SHALL BE RATED INEF-
17 FECTIVE OVERALL; PROVIDED, HOWEVER, THAT IF THE MEASURE USED IN THE
18 SECOND SUBCOMPONENT IS A STATE-PROVIDED GROWTH SCORE ON A STATE-CREATED
19 OR ADMINISTERED TEST PURSUANT TO CLAUSE (A) OF SUBPARAGRAPH ONE OF PARA-
20 GRAPH A OF SUBDIVISION FOUR OF THIS SECTION, A TEACHER OR PRINCIPAL WHO
21 RECEIVES A RATING OF INEFFECTIVE IN SUCH CATEGORY SHALL NOT BE ELIGIBLE
22 TO RECEIVE A RATING OF EFFECTIVE OR HIGHLY EFFECTIVE OVERALL; (2) RATED
23 USING ONLY THE STATE MEASURE SUBCOMPONENT IN THE STUDENT PERFORMANCE
24 CATEGORY AND RECEIVES A RATING OF INEFFECTIVE IN SUCH CATEGORY SHALL NOT
25 BE ELIGIBLE TO RECEIVE A RATING OF EFFECTIVE OR HIGHLY EFFECTIVE OVER-
26 ALL; AND (3) RATED INEFFECTIVE IN THE TEACHER OBSERVATIONS CATEGORY
27 SHALL NOT BE ELIGIBLE TO RECEIVE A RATING OF EFFECTIVE OR HIGHLY EFFEC-
28 TIVE OVERALL.

29 B. EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH A OF THIS SUBDIVISION, A
30 TEACHER'S COMPOSITE SCORE SHALL BE DETERMINED AS FOLLOWS:

31 (1) IF A TEACHER RECEIVES AN H IN THE TEACHER OBSERVATION CATEGORY,
32 AND AN H IN THE STUDENT PERFORMANCE CATEGORY, THE TEACHER'S COMPOSITE
33 SCORE SHALL BE H;

34 (2) IF A TEACHER RECEIVES AN H IN THE TEACHER OBSERVATION CATEGORY,
35 AND AN E IN THE STUDENT PERFORMANCE CATEGORY, THE TEACHER'S COMPOSITE
36 SCORE SHALL BE H;

37 (3) IF A TEACHER RECEIVES AN H IN THE TEACHER OBSERVATION CATEGORY,
38 AND A D IN THE STUDENT PERFORMANCE CATEGORY, THE TEACHER'S COMPOSITE
39 SCORE SHALL BE E;

40 (4) IF A TEACHER RECEIVES AN H IN THE TEACHER OBSERVATION CATEGORY,
41 AND AN I IN THE STUDENT PERFORMANCE CATEGORY, THE TEACHER'S COMPOSITE
42 SCORE SHALL BE D;

43 (5) IF A TEACHER RECEIVES AN E IN THE TEACHER OBSERVATION CATEGORY,
44 AND AN H IN THE STUDENT PERFORMANCE CATEGORY, THE TEACHER'S COMPOSITE
45 SCORE SHALL BE H;

46 (6) IF A TEACHER RECEIVES AN E IN THE TEACHER OBSERVATION CATEGORY,
47 AND AN E IN THE STUDENT PERFORMANCE CATEGORY, THE TEACHER'S COMPOSITE
48 SCORE SHALL BE E;

49 (7) IF A TEACHER RECEIVES AN E IN THE TEACHER OBSERVATION CATEGORY,
50 AND A D IN THE STUDENT PERFORMANCE CATEGORY, THE TEACHER'S COMPOSITE
51 SCORE SHALL BE E;

52 (8) IF A TEACHER RECEIVES AN E IN THE TEACHER OBSERVATION CATEGORY,
53 AND AN I IN THE STUDENT PERFORMANCE CATEGORY, THE TEACHER'S COMPOSITE
54 SCORE SHALL BE D;

1 (9) IF A TEACHER RECEIVES A D IN THE TEACHER OBSERVATION CATEGORY, AND
2 AN H IN THE STUDENT PERFORMANCE CATEGORY, THE TEACHER'S COMPOSITE SCORE
3 SHALL BE E;

4 (10) IF A TEACHER RECEIVES A D IN THE TEACHER OBSERVATION CATEGORY,
5 AND AN E IN THE STUDENT PERFORMANCE CATEGORY, THE TEACHER'S COMPOSITE
6 SCORE SHALL BE E;

7 (11) IF A TEACHER RECEIVES A D IN THE TEACHER OBSERVATION CATEGORY,
8 AND A D IN THE STUDENT PERFORMANCE CATEGORY, THE TEACHER'S COMPOSITE
9 SCORE SHALL BE D;

10 (12) IF A TEACHER RECEIVES A D IN THE TEACHER OBSERVATION CATEGORY,
11 AND AN I IN THE STUDENT PERFORMANCE CATEGORY, THE TEACHER'S COMPOSITE
12 SCORE SHALL BE I;

13 (13) IF A TEACHER RECEIVES AN I IN THE TEACHER OBSERVATION CATEGORY,
14 AND AN H IN THE STUDENT PERFORMANCE CATEGORY, THE TEACHER'S COMPOSITE
15 SCORE SHALL BE D;

16 (14) IF A TEACHER RECEIVES AN I IN THE TEACHER OBSERVATION CATEGORY,
17 AND AN E IN THE STUDENT PERFORMANCE CATEGORY, THE TEACHER'S COMPOSITE
18 SCORE SHALL BE D;

19 (15) IF A TEACHER RECEIVES AN I IN THE TEACHER OBSERVATION CATEGORY,
20 AND A D IN THE STUDENT PERFORMANCE CATEGORY, THE TEACHER'S COMPOSITE
21 SCORE SHALL BE I;

22 (16) IF A TEACHER RECEIVES AN I IN THE TEACHER OBSERVATION CATEGORY,
23 AND AN I IN THE STUDENT PERFORMANCE CATEGORY, THE TEACHER'S COMPOSITE
24 SCORE SHALL BE I.

25 6. PROHIBITED ELEMENTS. THE FOLLOWING ELEMENTS SHALL NO LONGER BE
26 ELIGIBLE TO BE USED IN ANY EVALUATION SUBCOMPONENT PURSUANT TO THIS
27 SECTION:

28 A. EVIDENCE OF STUDENT DEVELOPMENT AND PERFORMANCE DERIVED FROM LESSON
29 PLANS, OTHER ARTIFACTS OF TEACHER PRACTICE, AND STUDENT PORTFOLIOS,
30 EXCEPT FOR STUDENT PORTFOLIOS MEASURED BY A STATE-APPROVED RUBRIC WHERE
31 PERMITTED BY THE DEPARTMENT;

32 B. USE OF AN INSTRUMENT FOR PARENT OR STUDENT FEEDBACK;

33 C. USE OF PROFESSIONAL GOAL-SETTING AS EVIDENCE OF TEACHER OR PRINCIPAL
34 EFFECTIVENESS;

35 D. ANY DISTRICT OR REGIONALLY-DEVELOPED ASSESSMENT THAT HAS NOT BEEN
36 APPROVED BY THE DEPARTMENT; AND

37 E. ANY GROWTH OR ACHIEVEMENT TARGET THAT DOES NOT MEET THE MINIMUM
38 STANDARDS AS SET FORTH IN REGULATIONS OF THE COMMISSIONER ADOPTED HERE-
39 UNDER.

40 7. THE COMMISSIONER SHALL ENSURE THAT THE PROCESS BY WHICH WEIGHTS AND
41 SCORING RANGES ARE ASSIGNED TO SUBCOMPONENTS AND CATEGORIES IS TRANSPAR-
42 ENT AND AVAILABLE TO THOSE BEING RATED BEFORE THE BEGINNING OF EACH
43 SCHOOL YEAR. SUCH PROCESS MUST ENSURE THAT IT IS POSSIBLE FOR A TEACHER
44 OR PRINCIPAL TO OBTAIN ANY NUMBER OF POINTS IN THE APPLICABLE SCORING
45 RANGES, INCLUDING ZERO, IN EACH SUBCOMPONENT. THE SUPERINTENDENT,
46 DISTRICT SUPERINTENDENT OR CHANCELLOR AND THE REPRESENTATIVE OF THE
47 COLLECTIVE BARGAINING UNIT (WHERE ONE EXISTS) SHALL CERTIFY IN THE
48 DISTRICT'S PLAN THAT THE EVALUATION PROCESS SHALL USE THE STANDARDS FOR
49 THE SCORING RANGES PROVIDED BY THE COMMISSIONER. PROVIDED, HOWEVER, THAT
50 IN ANY EVENT, THE FOLLOWING RULES SHALL APPLY: A TEACHER OR PRINCIPAL
51 WHO IS:

52 A. RATED USING TWO SUBCOMPONENTS IN THE STUDENT PERFORMANCE CATEGORY
53 AND RECEIVES A RATING OF INEFFECTIVE IN SUCH CATEGORY SHALL BE RATED
54 INEFFECTIVE OVERALL, EXCEPT THAT IF THE MEASURE USED IN THE SECOND
55 SUBCOMPONENT IS A SECOND STATE-PROVIDED GROWTH SCORE ON A STATE-ADMINIS-
56 TERED OR SPONSORED TEST PURSUANT TO CLAUSE (A) OF SUBPARAGRAPH ONE OF

1 PARAGRAPH A OF SUBDIVISION FOUR OF THIS SECTION, A TEACHER OR PRINCIPAL
2 THAT RECEIVES A RATING OF INEFFECTIVE IN SUCH CATEGORY SHALL NOT BE
3 ELIGIBLE TO RECEIVE A RATING OF EFFECTIVE OR HIGHLY EFFECTIVE OVERALL;

4 B. RATED USING ONLY THE STATE MEASURE SUBCOMPONENT IN THE STUDENT
5 PERFORMANCE CATEGORY AND RECEIVES A RATING OF INEFFECTIVE IN SUCH CATE-
6 GORY SHALL NOT BE ELIGIBLE TO RECEIVE A RATING OF EFFECTIVE OR HIGHLY
7 EFFECTIVE OVERALL; AND

8 C. RATED INEFFECTIVE IN THE OBSERVATIONS CATEGORY SHALL NOT BE ELIGI-
9 BLE TO RECEIVE A RATING OF EFFECTIVE OR HIGHLY EFFECTIVE OVERALL.

10 8. A STUDENT MAY NOT BE INSTRUCTED, FOR TWO CONSECUTIVE SCHOOL YEARS,
11 BY ANY TWO TEACHERS IN THE SAME DISTRICT, EACH OF WHOM RECEIVED A RATING
12 OF INEFFECTIVE UNDER AN EVALUATION CONDUCTED PURSUANT TO THIS SECTION IN
13 THE SCHOOL YEAR IMMEDIATELY PRIOR TO THE SCHOOL YEAR IN WHICH THE
14 STUDENT IS PLACED IN THE TEACHER'S CLASSROOM; PROVIDED, THAT IF A
15 DISTRICT DEEMS IT IMPRACTICABLE TO COMPLY WITH THIS SUBDIVISION, THE
16 DISTRICT SHALL SEEK A WAIVER FROM THE DEPARTMENT FROM SUCH REQUIREMENT.

17 9. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AFFECT THE UNFETTERED
18 STATUTORY RIGHT OF A DISTRICT TO TERMINATE A PROBATIONARY (NON-TENURED)
19 TEACHER OR PRINCIPAL FOR ANY STATUTORILY AND CONSTITUTIONALLY PERMISSI-
20 BLE REASONS.

21 10. THE LOCAL COLLECTIVE BARGAINING REPRESENTATIVE SHALL NEGOTIATE
22 WITH THE DISTRICT:

23 A. WHETHER TO USE A SECOND MEASURE, AND, IN THE EVENT THAT A SECOND
24 MEASURE IS USED, WHICH MEASURE TO USE, PURSUANT TO SUBPARAGRAPH TWO OF
25 PARAGRAPH A OF SUBDIVISION FOUR OF THIS SECTION AND

26 B. HOW TO IMPLEMENT THE PROVISIONS OF PARAGRAPH B OF SUBDIVISION FOUR
27 OF THIS SECTION, AND ASSOCIATED REGULATIONS AS ESTABLISHED BY THE
28 COMMISSIONER, IN ACCORDANCE WITH ARTICLE FOURTEEN OF THE CIVIL SERVICE
29 LAW.

30 11. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW, NO SCHOOL
31 DISTRICT SHALL BE ELIGIBLE FOR AN APPORTIONMENT OF GENERAL SUPPORT FOR
32 PUBLIC SCHOOLS FROM THE FUNDS APPROPRIATED FOR THE 2015--2016 SCHOOL
33 YEAR AND ANY YEAR THEREAFTER IN EXCESS OF THE AMOUNT APPORTIONED TO SUCH
34 SCHOOL DISTRICT IN THE RESPECTIVE BASE YEAR UNLESS SUCH SCHOOL DISTRICT
35 HAS SUBMITTED DOCUMENTATION THAT HAS BEEN APPROVED BY THE COMMISSIONER
36 BY NOVEMBER FIFTEENTH, TWO THOUSAND FIFTEEN, OR BY SEPTEMBER FIRST OF
37 EACH SUBSEQUENT YEAR, DEMONSTRATING THAT IT HAS FULLY IMPLEMENTED THE
38 STANDARDS AND PROCEDURES FOR CONDUCTING ANNUAL TEACHER AND PRINCIPAL
39 EVALUATIONS OF TEACHERS AND PRINCIPALS IN ACCORDANCE WITH THE REQUIRE-
40 MENTS OF THIS SECTION AND THE REGULATIONS ISSUED BY THE COMMISSIONER.
41 PROVIDED FURTHER THAT ANY APPORTIONMENT WITHHELD PURSUANT TO THIS
42 SECTION SHALL NOT OCCUR PRIOR TO APRIL FIRST OF THE CURRENT YEAR AND
43 SHALL NOT HAVE ANY EFFECT ON THE BASE YEAR CALCULATION FOR USE IN THE
44 SUBSEQUENT SCHOOL YEAR. FOR PURPOSES OF THIS SECTION, "BASE YEAR" SHALL
45 MEAN THE BASE YEAR AS DEFINED IN PARAGRAPH B OF SUBDIVISION ONE OF
46 SECTION THIRTY-SIX HUNDRED TWO OF THIS CHAPTER, AND "CURRENT YEAR" SHALL
47 MEAN THE CURRENT YEAR AS DEFINED IN PARAGRAPH A OF SUBDIVISION ONE OF
48 SECTION THIRTY-SIX HUNDRED TWO OF THIS CHAPTER.

49 12. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION TO
50 THE CONTRARY, ALL COLLECTIVE BARGAINING AGREEMENTS ENTERED INTO AFTER
51 APRIL FIRST, TWO THOUSAND FIFTEEN SHALL BE CONSISTENT WITH THE REQUIRE-
52 MENTS OF THIS SECTION, UNLESS THE AGREEMENT RELATES TO THE TWO THOUSAND
53 FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR ONLY. NOTHING IN THIS SECTION
54 SHALL BE CONSTRUED TO ABROGATE ANY CONFLICTING PROVISIONS OF ANY COLLEC-
55 TIVE BARGAINING AGREEMENT IN EFFECT ON APRIL FIRST, TWO THOUSAND FIFTEEN
56 DURING THE TERM OF SUCH AGREEMENT AND UNTIL THE ENTRY INTO A SUCCESSOR

1 COLLECTIVE BARGAINING AGREEMENT, PROVIDED THAT NOTWITHSTANDING ANY OTHER
2 PROVISION OF LAW TO THE CONTRARY, UPON EXPIRATION OF SUCH TERM AND THE
3 ENTRY INTO A SUCCESSOR COLLECTIVE BARGAINING AGREEMENT THE PROVISIONS OF
4 THIS SECTION SHALL APPLY.

5 13. ANY REFERENCE IN LAW TO "ANNUAL PROFESSIONAL PERFORMANCE REVIEW"
6 SHALL BE DEEMED TO REFER TO AN ANNUAL PROFESSIONAL PERFORMANCE REVIEW
7 PURSUANT TO SECTION THREE THOUSAND TWELVE-C OF THIS ARTICLE OR ANNUAL
8 TEACHER AND PRINCIPAL EVALUATIONS PURSUANT TO THIS SECTION AND ANY
9 REFERENCES TO SECTION THREE THOUSAND TWELVE-C OF THIS ARTICLE SHALL BE
10 DEEMED TO REFER TO SECTION THREE THOUSAND TWELVE-C OF THIS ARTICLE
11 AND/OR THIS SECTION, AS APPLICABLE.

12 14. THE COMMISSIONER SHALL ADOPT REGULATIONS TO ALIGN THE PRINCIPAL
13 EVALUATION SYSTEM AS SET FORTH IN SECTION THREE THOUSAND TWELVE-C OF
14 THIS ARTICLE WITH THE NEW TEACHER EVALUATION SYSTEM SET FORTH HEREIN.

15 15. THE PROVISIONS OF PARAGRAPHS D, K, K-1, K-2 AND L OF SUBDIVISION
16 TWO AND SUBDIVISIONS FOUR, FIVE, FIVE-A, NINE, AND TEN OF SECTION THREE
17 THOUSAND TWELVE-C OF THIS ARTICLE, AS AMENDED, SHALL APPLY TO THIS
18 SECTION TO THE EXTENT DETERMINED BY THE COMMISSIONER.

19 S 3. This act shall take effect immediately.

20

SUBPART F

21 Section 1. Testing reduction report. New York families in many
22 districts are expressing significant stress and anxiety from over-test-
23 ing. The demands of state tests have been growing and there has been an
24 increase in the number of local tests. As a result, testing in many
25 districts has reached a level that is counterproductive and must be
26 addressed. On or before June 1, 2015, the Chancellor of the Board of
27 Regents shall submit a report to the Governor, the Temporary President
28 of the Senate, and the Speaker of the Assembly outlining recommendations
29 that shall help to: reduce the amount of state and local student test-
30 ing, improve the quality thereof, and thereby reduce test-related stress
31 and anxiety for students and educators. The report shall outline ways in
32 which any future testing in New York shall be implemented in a manner
33 that minimizes classroom preparation, student stress and student anxie-
34 ty. The Chancellor shall work with students, parents, educators, school
35 districts, and other relevant stakeholders in preparing the report.

36 S 2. This act shall take effect immediately.

37

SUBPART G

38 Section 1. Subdivision 7-a of section 305 of the education law, as
39 added by chapter 296 of the laws of 2008, is amended to read as follows:

40 7-a. a. In addition to the authority to revoke and annul a certificate
41 of qualification of a teacher in a proceeding brought pursuant to subdi-
42 vision seven of this section, the commissioner shall be authorized, and
43 it shall be his or her duty, to revoke and annul in accordance with this
44 subdivision the teaching certificate of a teacher convicted of a sex
45 offense for which registration as a sex offender is required pursuant to
46 article six-C of the correction law OR OF ANY OTHER VIOLENT FELONY
47 OFFENSE OR OFFENSES COMMITTED AGAINST A CHILD WHEN SUCH CHILD WAS THE
48 INTENDED VICTIM OF SUCH OFFENSE.

49 b. As used in this subdivision, the following terms shall have the
50 following meanings:

51 (1) "conviction" means any conviction whether by plea of guilty or
52 nolo contendere or from a verdict after trial or otherwise;

1 (2) "sex offense" means an offense set forth in subdivision two or
2 three of section one hundred sixty-eight-a of the correction law,
3 including an offense committed in any jurisdiction for which the offen-
4 der is required to register as a sex offender in New York;

5 (3) "teacher" means any professional educator holding a teaching
6 certificate as defined in subparagraph four of this paragraph, including
7 but not limited to a classroom teacher, teaching assistant, pupil
8 personnel services professional, school administrator or supervisor or
9 superintendent of schools; [and]

10 (4) "teaching certificate" means the certificate or license or other
11 certificate of qualification granted to a teacher by any authority what-
12 soever; AND

13 (5) "VIOLENT FELONY OFFENSE" MEANS ANY OFFENSE AS DEFINED IN SUBDIVI-
14 SION ONE OF SECTION 70.02 OF THE PENAL LAW.

15 c. Upon receipt of a certified copy of a criminal history record show-
16 ing that a teacher has been convicted of a sex offense or sex offenses
17 OR A VIOLENT FELONY OFFENSE OR OFFENSES COMMITTED AGAINST A CHILD WHEN
18 SUCH CHILD WAS THE INTENDED VICTIM OF SUCH OFFENSE or upon receipt of
19 notice of such a conviction as provided in paragraph d of this subdivi-
20 sion, the commissioner shall automatically revoke and annul the teaching
21 certificate of such teacher without the right to a hearing. The commis-
22 sioner shall mail notice of the revocation and annulment pursuant to
23 this subdivision by certified mail, return receipt requested, and by
24 first-class mail directed to the teacher at such teacher's last known
25 address and, if different, the last address filed by the certificate
26 holder with the commissioner and to the teacher's counsel of record in
27 the criminal proceeding as reported in the notice pursuant to paragraph
28 d of this subdivision. Such notice shall inform the teacher that his or
29 her certificate has been revoked and annulled, identify the sex offense
30 or sex offenses OR VIOLENT FELONY OFFENSE OR OFFENSES COMMITTED AGAINST
31 A CHILD WHEN SUCH CHILD WAS THE INTENDED VICTIM OF SUCH OFFENSE of which
32 the teacher has been convicted and shall set forth the procedure to
33 follow if the teacher denies he or she is the person who has been so
34 convicted. If such teacher notifies the commissioner in writing within
35 twenty-five days after the date of receipt of the notice that he or she
36 is not the same person as the convicted offender identified in the crim-
37 inal record or identified pursuant to paragraph d of this subdivision,
38 provides proof to reasonably support such claim and the commissioner is
39 satisfied the proof establishes such claim, the commissioner shall,
40 within five business days of the receipt of such proof, restore such
41 teacher's teaching certificate retroactive to the date of revocation and
42 annulment.

43 d. Upon conviction of a teacher of a sex offense defined in this
44 subdivision, the district attorney or other prosecuting authority who
45 obtained such conviction shall provide notice of such conviction to the
46 commissioner identifying the sex offense or sex offenses OR VIOLENT
47 FELONY OFFENSE OR OFFENSES COMMITTED AGAINST A CHILD WHEN SUCH CHILD WAS
48 THE INTENDED VICTIM OF SUCH OFFENSE of which the teacher has been
49 convicted, the name and address of such offender and other identifying
50 information prescribed by the commissioner, including the offender's
51 date of birth and social security number, to the extent consistent with
52 federal and state laws governing personal privacy and confidentiality of
53 information. Such notice shall also include the name and business
54 address of the offender's counsel of record in the criminal proceeding.

55 e. Upon receipt of proof that the conviction or convictions that
56 formed the basis for revocation and annulment of the teacher's teaching

1 certificate pursuant to this subdivision have been set aside upon appeal
2 or otherwise reversed, vacated or annulled, the commissioner shall be
3 required to conduct a due process hearing pursuant to subdivision seven
4 of this section and part eighty-three of title eight of the New York
5 codes, rules and regulations prior to making a determination as to
6 whether to reinstate the teacher's original teaching certificate. Such
7 determination shall be made within ninety days after such proof has been
8 received.

9 f. Except as provided in paragraph g of this subdivision, and notwith-
10 standing any other provision of law to the contrary, a teacher shall be
11 reinstated to his or her position of employment in a public school, with
12 full back pay and benefits from the date his or her certificate was
13 revoked or annulled to the date of such reinstatement, under the follow-
14 ing circumstances:

15 (i) The termination of employment was based solely on the conviction
16 of a sex offense, OR CONVICTION OF A VIOLENT FELONY OFFENSE OR OFFENSES
17 COMMITTED AGAINST A CHILD WHEN SUCH CHILD WAS THE INTENDED VICTIM OF
18 SUCH OFFENSE or the revocation or annulment of a certificate based on
19 such conviction, and such conviction has been set aside on appeal or
20 otherwise reversed, vacated or annulled and the commissioner has rein-
21 stated the teacher's certification pursuant to paragraph e of this
22 subdivision; or

23 (ii) The termination of employment was based solely on the conviction
24 of a sex offense OR VIOLENT FELONY OFFENSE OR OFFENSES COMMITTED AGAINST
25 A CHILD WHEN SUCH CHILD WAS THE INTENDED VICTIM OF SUCH OFFENSE and it
26 has been determined that the teacher is not the same person as the
27 convicted offender.

28 g. If a teacher's employment was terminated as a result of a discipli-
29 nary proceeding conducted pursuant to section three thousand twenty-a of
30 this chapter or other disciplinary hearing conducted pursuant to any
31 collective bargaining or contractual agreement on one or more grounds
32 other than conviction of a sex offense, or the revocation or annulment
33 of a certificate based on such conviction, then nothing in paragraph f
34 of this subdivision shall require a school district to reinstate employ-
35 ment of such teacher or be liable for back pay or benefits.

36 h. No provision of this article shall be deemed to preclude the
37 following: (i) the commissioner from conducting a due process hearing
38 pursuant to subdivision seven of this section and part eighty-three of
39 title eight of the New York codes, rules and regulations; or (ii) a
40 school district or employing board from bringing a disciplinary proceed-
41 ing pursuant to section three thousand twenty-a OR THREE THOUSAND TWEN-
42 TY-B of this chapter; or (iii) a school district or employing board from
43 bringing an alternative disciplinary proceeding conducted pursuant to a
44 collective bargaining or contractual agreement.

45 i. The commissioner shall be authorized to promulgate any regulations
46 necessary to implement the provisions of this subdivision.

47 S 2. Subdivision 3 and paragraph a of subdivision 4 of section 3020 of
48 the education law, as amended by chapter 103 of the laws of 2010, are
49 amended to read as follows:

50 3. Notwithstanding any inconsistent provision of law, the procedures
51 set forth in section three thousand twenty-a of this article and subdi-
52 vision seven of section twenty-five hundred ninety-j of this chapter may
53 be modified or replaced by agreements negotiated between the city school
54 district of the city of New York and any employee organization repres-
55 enting employees or titles that are or were covered by any memorandum of
56 agreement executed by such city school district and the council of

1 supervisors and administrators of the city of New York on or after
2 December first, nineteen hundred ninety-nine. Where such procedures are
3 so modified or replaced: (i) compliance with such modification or
4 replacement procedures shall satisfy any provision in this chapter that
5 requires compliance with section three thousand twenty-a, (ii) any
6 employee against whom charges have been preferred prior to the effective
7 date of such modification or replacement shall continue to be subject to
8 the provisions of such section as in effect on the date such charges
9 were preferred, (iii) the provisions of subdivisions one and two of this
10 section shall not apply to agreements negotiated pursuant to this subdivi-
11 sion, and (iv) in accordance with paragraph (e) of subdivision one of
12 section two hundred nine-a of the civil service law, such modification
13 or replacement procedures contained in an agreement negotiated pursuant
14 to this subdivision shall continue as terms of such agreement after its
15 expiration until a new agreement is negotiated; provided that any alter-
16 nate disciplinary procedures contained in a collective bargaining agree-
17 ment that becomes effective on or after July first, two thousand ten
18 shall provide for an expedited hearing process before a single hearing
19 officer in accordance with subparagraph (i-a) of paragraph c of subdivi-
20 sion three of section three thousand twenty-a of this article in cases
21 in which charges of incompetence are brought against a building princi-
22 pal based solely upon an allegation of a pattern of ineffective teaching
23 or performance as defined in section three thousand twelve-c of this
24 article and shall provide that such a pattern of ineffective teaching or
25 performance shall constitute very significant evidence of incompetence
26 which may form the basis for just cause removal of the building princi-
27 pal AND PROVIDED FURTHER THAT ANY ALTERNATE DISCIPLINARY PROCEDURES
28 CONTAINED IN A COLLECTIVE BARGAINING AGREEMENT THAT BECOMES EFFECTIVE ON
29 OR AFTER JULY FIRST, TWO THOUSAND FIFTEEN SHALL PROVIDE THAT ALL HEAR-
30 INGS PURSUANT TO SECTIONS THREE THOUSAND TWENTY-A OR THREE THOUSAND
31 TWENTY-B OF THIS ARTICLE SHALL BE CONDUCTED BEFORE A SINGLE HEARING
32 OFFICER AND THAT TWO CONSECUTIVE INEFFECTIVE RATINGS PURSUANT TO ANNUAL
33 PROFESSIONAL PERFORMANCE REVIEWS CONDUCTED IN ACCORDANCE WITH THE
34 PROVISIONS OF SECTION THREE THOUSAND TWELVE-C OR THREE THOUSAND TWELVE-D
35 OF THIS ARTICLE SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF INCOMPETENCE
36 THAT CAN ONLY BE OVERCOME BY CLEAR AND CONVINCING EVIDENCE THAT THE
37 EMPLOYEE IS NOT INCOMPETENT IN LIGHT OF ALL SURROUNDING CIRCUMSTANCES,
38 AND IF NOT SUCCESSFULLY OVERCOME, THE FINDING, ABSENT EXTRAORDINARY
39 CIRCUMSTANCES, SHALL BE JUST CAUSE FOR REMOVAL, AND THAT THREE CONSEC-
40 UTIVE INEFFECTIVE RATINGS PURSUANT TO ANNUAL PROFESSIONAL PERFORMANCE
41 REVIEWS CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF SECTION THREE
42 THOUSAND TWELVE-C OR THREE THOUSAND TWELVE-D OF THIS ARTICLE SHALL
43 CONSTITUTE PRIMA FACIE EVIDENCE OF INCOMPETENCE THAT CAN ONLY BE OVER-
44 COME BY CLEAR AND CONVINCING EVIDENCE THAT THE CALCULATION OF ONE OR
45 MORE OF THE PRINCIPAL'S UNDERLYING COMPONENTS ON THE ANNUAL PROFESSIONAL
46 PERFORMANCE REVIEWS PURSUANT TO SECTION THREE THOUSAND TWELVE-C OR THREE
47 THOUSAND TWELVE-D OF THIS ARTICLE WAS FRAUDULENT, AND IF NOT SUCCESSFUL-
48 LY OVERCOME, THE FINDING, ABSENT EXTRAORDINARY CIRCUMSTANCES, SHALL BE
49 JUST CAUSE FOR REMOVAL. FOR PURPOSES OF THIS SUBDIVISION, FRAUD SHALL
50 INCLUDE MISTAKEN IDENTITY. Notwithstanding any inconsistent provision of
51 law, the commissioner shall review any appeals authorized by such
52 modification or replacement procedures within fifteen days from receipt
53 by such commissioner of the record of prior proceedings in the matter
54 subject to appeal. Such review shall have preference over all other
55 appeals or proceedings pending before such commissioner.

1 a. Notwithstanding any inconsistent provision of law, the procedures
2 set forth in section three thousand twenty-a of this article and subdi-
3 vision seven of section twenty-five hundred ninety-j of this chapter may
4 be modified by agreements negotiated between the city school district of
5 the city of New York and any employee organization representing employ-
6 ees or titles that are or were covered by any memorandum of agreement
7 executed by such city school district and the united federation of
8 teachers on or after June tenth, two thousand two. Where such proce-
9 dures are so modified: (i) compliance with such modified procedures
10 shall satisfy any provision of this chapter that requires compliance
11 with section three thousand twenty-a of this article; (ii) any employee
12 against whom charges have been preferred prior to the effective date of
13 such modification shall continue to be subject to the provisions of such
14 section as in effect on the date such charges were preferred; (iii) the
15 provisions of subdivisions one and two of this section shall not apply
16 to agreements negotiated pursuant to this subdivision, except that no
17 person enjoying the benefits of tenure shall be disciplined or removed
18 during a term of employment except for just cause; and (iv) in accord-
19 ance with paragraph (e) of subdivision one of section two hundred nine-a
20 of the civil service law, such modified procedures contained in an
21 agreement negotiated pursuant to this subdivision shall continue as
22 terms of such agreement after its expiration until a new agreement is
23 negotiated; and provided further that any alternate disciplinary proce-
24 dures contained in a collective bargaining agreement that becomes effec-
25 tive on or after July first, two thousand ten shall provide for an expe-
26 dited hearing process before a single hearing officer in accordance with
27 subparagraph (i-a) of paragraph c of subdivision three of section three
28 thousand twenty-a of this article in cases in which charges of incompe-
29 tence are brought based solely upon an allegation of a pattern of inef-
30 fective teaching or performance as defined in section three thousand
31 twelve-c of this article and shall provide that such a pattern of inef-
32 fective teaching or performance shall constitute very significant
33 evidence of incompetence which may form the basis for just cause
34 removal, AND PROVIDED FURTHER THAT ANY ALTERNATE DISCIPLINARY PROCEDURES
35 CONTAINED IN A COLLECTIVE BARGAINING AGREEMENT THAT BECOMES EFFECTIVE ON
36 OR AFTER JULY FIRST, TWO THOUSAND FIFTEEN SHALL PROVIDE THAT ALL HEAR-
37 INGS PURSUANT TO SECTIONS THREE THOUSAND TWENTY-A OR THREE THOUSAND
38 TWENTY-B OF THIS ARTICLE SHALL BE CONDUCTED BEFORE A SINGLE HEARING
39 OFFICER AND THAT TWO CONSECUTIVE INEFFECTIVE RATINGS PURSUANT TO ANNUAL
40 PROFESSIONAL PERFORMANCE REVIEWS CONDUCTED IN ACCORDANCE WITH THE
41 PROVISIONS OF SECTION THREE THOUSAND TWELVE-C OR THREE THOUSAND TWELVE-D
42 OF THIS ARTICLE SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF INCOMPETENCE
43 THAT CAN ONLY BE OVERCOME BY CLEAR AND CONVINCING EVIDENCE THAT THE
44 EMPLOYEE IS NOT INCOMPETENT IN LIGHT OF ALL SURROUNDING CIRCUMSTANCES,
45 AND IF NOT SUCCESSFULLY OVERCOME, THE FINDING, ABSENT EXTRAORDINARY
46 CIRCUMSTANCES, SHALL BE JUST CAUSE FOR REMOVAL, AND THAT THREE CONSEC-
47 UTIVE INEFFECTIVE RATINGS PURSUANT TO ANNUAL PROFESSIONAL PERFORMANCE
48 REVIEWS CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF SECTION THREE
49 THOUSAND TWELVE-C OR THREE THOUSAND TWELVE-D OF THIS ARTICLE SHALL
50 CONSTITUTE PRIMA FACIE EVIDENCE OF INCOMPETENCE THAT CAN ONLY BE OVER-
51 COME BY CLEAR AND CONVINCING EVIDENCE THAT THE CALCULATION OF ONE OR
52 MORE OF THE TEACHER'S UNDERLYING COMPONENTS ON THE ANNUAL PROFESSIONAL
53 PERFORMANCE REVIEWS PURSUANT TO SECTION THREE THOUSAND TWELVE-C OR THREE
54 THOUSAND TWELVE-D OF THIS ARTICLE WAS FRAUDULENT, AND IF NOT SUCCESSFUL-
55 LY OVERCOME, THE FINDING, ABSENT EXTRAORDINARY CIRCUMSTANCES, SHALL BE

1 JUST CAUSE FOR REMOVAL. FOR PURPOSES OF THIS PARAGRAPH, FRAUD SHALL
2 INCLUDE MISTAKEN IDENTITY.

3 S 3. Section 3020-a of the education law, as amended by section 1 of
4 part B of chapter 57 of the laws of 2012, is amended to read as follows:

5 S 3020-a. Disciplinary procedures and penalties. 1. Filing of charges.
6 All charges against a person enjoying the benefits of tenure as provided
7 in subdivision three of section eleven hundred two, and sections twen-
8 ty-five hundred nine, twenty-five hundred seventy-three, twenty-five
9 hundred ninety-j, three thousand twelve and three thousand fourteen of
10 this chapter shall be in writing and filed with the clerk or secretary
11 of the school district or employing board during the period between the
12 actual opening and closing of the school year for which the employed is
13 normally required to serve. Except as provided in subdivision eight of
14 section twenty-five hundred seventy-three and subdivision seven of
15 section twenty-five hundred ninety-j of this chapter, no charges under
16 this section shall be brought more than three years after the occurrence
17 of the alleged incompetency or misconduct, except when the charge is of
18 misconduct constituting a crime when committed.

19 2. Disposition of charges. a. Upon receipt of the charges, the clerk
20 or secretary of the school district or employing board shall immediately
21 notify said board thereof. Within five days after receipt of charges,
22 the employing board, in executive session, shall determine, by a vote of
23 a majority of all the members of such board, whether probable cause
24 exists to bring a disciplinary proceeding against an employee pursuant
25 to this section. If such determination is affirmative, a written state-
26 ment specifying (i) the charges in detail, (ii) the maximum penalty
27 which will be imposed by the board if the employee does not request a
28 hearing or that will be sought by the board if the employee is found
29 guilty of the charges after a hearing and (iii) the employee's rights
30 under this section, shall be immediately forwarded to the accused
31 employee by certified or registered mail, return receipt requested or by
32 personal delivery to the employee.

33 b. The employee may be suspended pending a hearing on the charges and
34 the final determination thereof. The suspension shall be with pay,
35 except the employee may be suspended without pay if the employee has
36 entered a guilty plea to or has been convicted of a felony crime
37 concerning the criminal sale or possession of a controlled substance, a
38 precursor of a controlled substance, or drug paraphernalia as defined in
39 article two hundred twenty or two hundred twenty-one of the penal law;
40 or a felony crime involving the physical abuse of a minor or student.

41 C. WHERE CHARGES OF MISCONDUCT CONSTITUTING PHYSICAL OR SEXUAL ABUSE
42 OF A STUDENT ARE BROUGHT ON OR AFTER JULY FIRST, TWO THOUSAND FIFTEEN,
43 THE BOARD OF EDUCATION MAY SUSPEND THE EMPLOYEE WITHOUT PAY PENDING AN
44 EXPEDITED HEARING PURSUANT TO SUBPARAGRAPH (I-A) OF PARAGRAPH C OF
45 SUBDIVISION THREE OF THIS SECTION. NOTWITHSTANDING ANY OTHER LAW, RULE,
46 OR REGULATION TO THE CONTRARY, THE COMMISSIONER SHALL ESTABLISH A PROC-
47 ESS IN REGULATIONS FOR A PROBABLE CAUSE HEARING BEFORE AN IMPARTIAL
48 HEARING OFFICER WITHIN TEN DAYS TO DETERMINE WHETHER THE DECISION TO
49 SUSPEND AN EMPLOYEE WITHOUT PAY PURSUANT TO THIS PARAGRAPH SHOULD BE
50 CONTINUED OR REVERSED. THE PROCESS FOR SELECTION OF AN IMPARTIAL HEAR-
51 ING OFFICER SHALL BE AS SIMILAR AS POSSIBLE TO THE REGULATORY FRAMEWORK
52 FOR THE APPOINTMENT OF AN IMPARTIAL HEARING OFFICER FOR DUE PROCESS
53 COMPLAINTS PURSUANT TO SECTION FORTY-FOUR HUNDRED FOUR OF THIS CHAPTER.
54 THE HEARING OFFICER SHALL DETERMINE WHETHER PROBABLE CAUSE SUPPORTS THE
55 CHARGES AND SHALL REVERSE THE DECISION OF THE BOARD OF EDUCATION TO
56 SUSPEND THE EMPLOYEE WITHOUT PAY AND REINSTATE SUCH PAY UPON A FINDING

1 THAT PROBABLE CAUSE DOES NOT SUPPORT THE CHARGES. THE HEARING OFFICER
2 MAY ALSO REINSTATE PAY UPON A WRITTEN DETERMINATION THAT A SUSPENSION
3 WITHOUT PAY IS GROSSLY DISPROPORTIONATE IN LIGHT OF ALL SURROUNDING
4 CIRCUMSTANCES. PROVIDED, FURTHER, THAT SUCH AN EMPLOYEE SHALL BE ELIGI-
5 BLE TO RECEIVE REIMBURSEMENT FOR WITHHELD PAY AND ACCRUED INTEREST AT A
6 RATE OF SIX PERCENT COMPOUNDED ANNUALLY IF THE HEARING OFFICER FINDS IN
7 HIS OR HER FAVOR, EITHER AT THE PROBABLE CAUSE HEARING OR IN A FINAL
8 DETERMINATION PURSUANT TO THE EXPEDITED HEARING HELD PURSUANT TO SUBPAR-
9 AGRAPH (I-A) OF PARAGRAPH C OF SUBDIVISION THREE OF THIS SECTION. ANY
10 SUSPENSION WITHOUT PAY SHALL LAST NO LONGER THAN ONE HUNDRED AND TWENTY
11 DAYS FROM THE DECISION OF THE BOARD OF EDUCATION TO SUSPEND THE EMPLOYEE
12 WITHOUT PAY AND SUCH SUSPENSION SHALL ONLY RELATE TO EMPLOYEE COMPEN-
13 SATION, EXCLUSIVE OF OTHER BENEFITS AND GUARANTEES. NOTWITHSTANDING ANY
14 OTHER PROVISION OF LAW OR REGULATION TO THE CONTRARY, ANY PROVISION OF A
15 COLLECTIVE BARGAINING AGREEMENT ENTERED INTO BY THE CITY OF NEW YORK AS
16 OF APRIL FIRST, TWO THOUSAND FIFTEEN, THAT PROVIDES FOR SUSPENSION WITH-
17 OUT PAY FOR OFFENSES AS SPECIFIED IN THIS PARAGRAPH SHALL SUPERSEDE THE
18 PROVISIONS HEREOF AND SHALL CONTINUE IN EFFECT WITHOUT MODIFICATION AND
19 MAY BE EXTENDED.

20 D. The employee shall be terminated without a hearing, as provided for
21 in this section, upon conviction of a sex offense, as defined in subpar-
22 agraph two of paragraph b of subdivision seven-a of section three
23 hundred five of this chapter. To the extent this section applies to an
24 employee acting as a school administrator or supervisor, as defined in
25 subparagraph three of paragraph b of subdivision seven-b of section
26 three hundred five of this chapter, such employee shall be terminated
27 without a hearing, as provided for in this section, upon conviction of a
28 felony offense defined in subparagraph two of paragraph b of subdivision
29 seven-b of section three hundred five of this chapter.

30 [c. Within] E. (I) FOR HEARINGS COMMENCED BY THE FILING OF CHARGES
31 PRIOR TO JULY FIRST, TWO THOUSAND FIFTEEN, WITHIN ten days of receipt of
32 the statement of charges, the employee shall notify the clerk or secre-
33 tary of the employing board in writing whether he or she desires a hear-
34 ing on the charges and when the charges concern pedagogical incompetence
35 or issues involving pedagogical judgment, his or her choice of either a
36 single hearing officer or a three member panel, provided that a three
37 member panel shall not be available where the charges concern pedagog-
38 ical incompetence based solely upon a teacher's or principal's pattern
39 of ineffective teaching or performance as defined in section three thou-
40 sand twelve-c of this article. All other charges shall be heard by a
41 single hearing officer.

42 (II) ALL HEARINGS COMMENCED BY THE FILING OF CHARGES ON OR AFTER JULY
43 FIRST, TWO THOUSAND FIFTEEN SHALL BE HEARD BY A SINGLE HEARING OFFICER.

44 [d.] F. The unexcused failure of the employee to notify the clerk or
45 secretary of his or her desire for a hearing within ten days of the
46 receipt of charges shall be deemed a waiver of the right to a hearing.
47 Where an employee requests a hearing in the manner provided for by this
48 section, the clerk or secretary of the board shall, within three working
49 days of receipt of the employee's notice or request for a hearing, noti-
50 fy the commissioner of the need for a hearing. If the employee waives
51 his or her right to a hearing the employing board shall proceed, within
52 fifteen days, by a vote of a majority of all members of such board, to
53 determine the case and fix the penalty, if any, to be imposed in accord-
54 ance with subdivision four of this section.

55 3. Hearings. a. Notice of hearing. Upon receipt of a request for a
56 hearing in accordance with subdivision two of this section, the commis-

1 sioner shall forthwith notify the American Arbitration Association
2 (hereinafter "association") of the need for a hearing and shall request
3 the association to provide to the commissioner forthwith a list of names
4 of persons chosen by the association from the association's panel of
5 labor arbitrators to potentially serve as hearing officers together with
6 relevant biographical information on each arbitrator. Upon receipt of
7 said list and biographical information, the commissioner shall forthwith
8 send a copy of both simultaneously to the employing board and the
9 employee. The commissioner shall also simultaneously notify both the
10 employing board and the employee of each potential hearing officer's
11 record in the last five cases of commencing and completing hearings
12 within the time periods prescribed in this section.

13 b. (i) Hearing officers. All hearings pursuant to this section shall
14 be conducted before and by a single hearing officer selected as provided
15 for in this section. A hearing officer shall not be eligible to serve in
16 such position if he or she is a resident of the school district, other
17 than the city of New York, under the jurisdiction of the employing
18 board, an employee, agent or representative of the employing board or of
19 any labor organization representing employees of such employing board,
20 has served as such agent or representative within two years of the date
21 of the scheduled hearing, or if he or she is then serving as a mediator
22 or fact finder in the same school district.

23 (A) Notwithstanding any other provision of law, for hearings commenced
24 by the filing of charges prior to April first, two thousand twelve, the
25 hearing officer shall be compensated by the department with the custom-
26 ary fee paid for service as an arbitrator under the auspices of the
27 association for each day of actual service plus necessary travel and
28 other reasonable expenses incurred in the performance of his or her
29 duties. All other expenses of the disciplinary proceedings commenced by
30 the filing of charges prior to April first, two thousand twelve shall be
31 paid in accordance with rules promulgated by the commissioner. Claims
32 for such compensation for days of actual service and reimbursement for
33 necessary travel and other expenses for hearings commenced by the filing
34 of charges prior to April first, two thousand twelve shall be paid from
35 an appropriation for such purpose in the order in which they have been
36 approved by the commissioner for payment, provided payment shall first
37 be made for any other hearing costs payable by the commissioner, includ-
38 ing the costs of transcribing the record, and provided further that no
39 such claim shall be set aside for insufficiency of funds to make a
40 complete payment, but shall be eligible for a partial payment in one
41 year and shall retain its priority date status for appropriations desig-
42 nated for such purpose in future years.

43 (B) Notwithstanding any other provision of law, rule or regulation to
44 the contrary, for hearings commenced by the filing of charges on or
45 after April first, two thousand twelve, the hearing officer shall be
46 compensated by the department for each day of actual service plus neces-
47 sary travel and other reasonable expenses incurred in the performance of
48 his or her duties, provided that the commissioner shall establish a
49 schedule for maximum rates of compensation of hearing officers based on
50 customary and reasonable fees for service as an arbitrator and provide
51 for limitations on the number of study hours that may be claimed.

52 (ii) The commissioner shall mail to the employing board and the
53 employee the list of potential hearing officers and biographies provided
54 to the commissioner by the association, the employing board and the
55 employee, individually or through their agents or representatives, shall

1 by mutual agreement select a hearing officer from said list to conduct
2 the hearing and shall notify the commissioner of their selection.

3 (iii) Within fifteen days after receiving the list of potential hear-
4 ing officers as described in subparagraph (ii) of this paragraph, the
5 employing board and the employee shall each notify the commissioner of
6 their agreed upon hearing officer selection. If the employing board and
7 the employee fail to agree on an arbitrator to serve as a hearing offi-
8 cer from the list of potential hearing officers, or fail to notify the
9 commissioner of a selection within such fifteen day time period, the
10 commissioner shall appoint a hearing officer from the list. The
11 provisions of this subparagraph shall not apply in cities with a popu-
12 lation of one million or more with alternative procedures specified in
13 section three thousand twenty of this article.

14 (iv) In those cases COMMENCED BY THE FILING OF CHARGES PRIOR TO JULY
15 FIRST, TWO THOUSAND FIFTEEN in which the employee elects to have the
16 charges heard by a hearing panel, the hearing panel shall consist of the
17 hearing officer, selected in accordance with this subdivision, and two
18 additional persons, one selected by the employee and one selected by the
19 employing board, from a list maintained for such purpose by the commis-
20 sioner. The list shall be composed of professional personnel with admin-
21 istrative or supervisory responsibility, professional personnel without
22 administrative or supervisory responsibility, chief school administra-
23 tors, members of employing boards and others selected from lists of
24 nominees submitted to the commissioner by statewide organizations
25 representing teachers, school administrators and supervisors and the
26 employing boards. Hearing panel members other than the hearing officer
27 shall be compensated by the department at the rate of one hundred
28 dollars for each day of actual service plus necessary travel and subsis-
29 tence expenses. The hearing officer shall be compensated as set forth in
30 this subdivision. The hearing officer shall be the chairperson of the
31 hearing panel.

32 c. Hearing procedures. (i) (A) The commissioner shall have the power
33 to establish necessary rules and procedures for the conduct of hearings
34 under this section.

35 (B) The department shall be authorized to monitor and investigate a
36 hearing officer's compliance with statutory timelines pursuant to this
37 section. The commissioner shall annually inform all hearing officers who
38 have heard cases pursuant to this section during the preceding year that
39 the time periods prescribed in this section for conducting such hearings
40 are to be strictly followed. A record of continued failure to commence
41 and complete hearings within the time periods prescribed in this section
42 shall be considered grounds for the commissioner to exclude such indi-
43 vidual from the list of potential hearing officers sent to the employing
44 board and the employee for such hearings.

45 (C) Such rules shall not require compliance with technical rules of
46 evidence. Hearings shall be conducted by the hearing officer selected
47 pursuant to paragraph b of this subdivision with full and fair disclo-
48 sure of the nature of the case and evidence against the employee by the
49 employing board and shall be public or private at the discretion of the
50 employee AND PROVIDED FURTHER THAT THE HEARING OFFICER, AT THE PRE-HEAR-
51 ING CONFERENCE, SHALL SET A SCHEDULE AND MANNER FOR FULL AND FAIR
52 DISCLOSURE OF THE WITNESSES AND EVIDENCE TO BE OFFERED BY THE EMPLOYEE.
53 The employee shall have a reasonable opportunity to defend himself or
54 herself and an opportunity to testify in his or her own behalf. The
55 employee shall not be required to testify. Each party shall have the
56 right to be represented by counsel, to subpoena witnesses, and to cross-

1 examine witnesses. All testimony taken shall be under oath which the
2 hearing officer is hereby authorized to administer. A CHILD WITNESS
3 UNDER THE AGE OF FOURTEEN MAY BE PERMITTED TO TESTIFY THROUGH THE USE OF
4 LIVE, TWO-WAY CLOSED-CIRCUIT TELEVISION, AS SUCH TERM IS DEFINED IN
5 SUBDIVISION FOUR OF SECTION 65.00 OF THE CRIMINAL PROCEDURE LAW, WHEN
6 THE HEARING OFFICER, AFTER PROVIDING THE EMPLOYEE WITH AN OPPORTUNITY TO
7 BE HEARD, DETERMINES BY CLEAR AND CONVINCING EVIDENCE THAT SUCH CHILD
8 WITNESS WOULD SUFFER SERIOUS MENTAL OR EMOTIONAL HARM WHICH WOULD
9 SUBSTANTIALLY IMPAIR SUCH CHILD'S ABILITY TO COMMUNICATE IF REQUIRED TO
10 TESTIFY AT THE HEARING WITHOUT THE USE OF LIVE, TWO-WAY CLOSED-CIRCUIT
11 TELEVISION AND THAT THE USE OF SUCH LIVE, TWO-WAY CLOSED-CIRCUIT TELE-
12 VISION WILL DIMINISH THE LIKELIHOOD OR EXTENT OF SUCH HARM. IN MAKING
13 SUCH DETERMINATION, THE HEARING OFFICER SHALL CONSIDER ANY APPLICABLE
14 FACTORS CONTAINED IN SUBDIVISION TEN OF SECTION 65.20 OF THE CRIMINAL
15 PROCEDURE LAW. WHERE THE HEARING OFFICER DETERMINES THAT SUCH CHILD
16 WITNESS WILL BE PERMITTED TO TESTIFY THROUGH THE USE OF LIVE, TWO-WAY
17 CLOSED-CIRCUIT TELEVISION, THE TESTIMONY OF SUCH CHILD WITNESS SHALL BE
18 TAKEN IN A MANNER CONSISTENT WITH SECTION 65.30 OF THE CRIMINAL PROCE-
19 DURE LAW.

20 (D) An accurate record of the proceedings shall be kept at the expense
21 of the department at each such hearing in accordance with the regu-
22 lations of the commissioner. A copy of the record of the hearings shall,
23 upon request, be furnished without charge to the employee and the board
24 of education involved. The department shall be authorized to utilize any
25 new technology or such other appropriate means to transcribe or record
26 such hearings in an accurate, reliable, efficient and cost-effective
27 manner without any charge to the employee or board of education
28 involved.

29 (i-a)(A) [Where charges of incompetence are brought based solely upon
30 a pattern of ineffective teaching or performance of a classroom teacher
31 or principal, as defined in section three thousand twelve-c of this
32 article, the hearing shall be conducted before and by a single hearing
33 officer in an expedited hearing, which shall commence within seven days
34 after the pre-hearing conference and shall be completed within sixty
35 days after the pre-hearing conference. The hearing officer shall estab-
36 lish a hearing schedule at the pre-hearing conference to ensure that the
37 expedited hearing is completed within the required timeframes and to
38 ensure an equitable distribution of days between the employing board and
39 the charged employee. Notwithstanding any other law, rule or regulation
40 to the contrary, no adjournments may be granted that would extend the
41 hearing beyond such sixty days, except as authorized in this subpara-
42 graph. A hearing officer, upon request, may grant a limited and time
43 specific adjournment that would extend the hearing beyond such sixty
44 days if the hearing officer determines that the delay is attributable to
45 a circumstance or occurrence substantially beyond the control of the
46 requesting party and an injustice would result if the adjournment were
47 not granted.

48 (B) Such charges shall allege that the employing board has developed
49 and substantially implemented a teacher or principal improvement plan in
50 accordance with subdivision four of section three thousand twelve-c of
51 this article for the employee following the first evaluation in which
52 the employee was rated ineffective, and the immediately preceding evalu-
53 ation if the employee was rated developing. Notwithstanding any other
54 provision of law to the contrary, a pattern of ineffective teaching or
55 performance as defined in section three thousand twelve-c of this arti-
56 cle shall constitute very significant evidence of incompetence for

1 purposes of this section. Nothing in this subparagraph shall be
2 construed to limit the defenses which the employee may place before the
3 hearing officer in challenging the allegation of a pattern of ineffec-
4 tive teaching or performance.

5 (C) The commissioner shall annually inform all hearing officers who
6 have heard cases pursuant to this section during the preceding year that
7 the time periods prescribed in this subparagraph for conducting expe-
8 dited hearings are to be strictly followed. A record of continued fail-
9 ure to commence and complete expedited hearings within the time periods
10 prescribed in this subparagraph shall be considered grounds for the
11 commissioner to exclude such individual from the list of potential hear-
12 ing officers sent to the employing board and the employee for such expe-
13 dited hearings.] WHERE CHARGES OF MISCONDUCT CONSTITUTING PHYSICAL OR
14 SEXUAL ABUSE OF A STUDENT ARE BROUGHT, THE HEARING SHALL BE CONDUCTED
15 BEFORE AND BY A SINGLE HEARING OFFICER IN AN EXPEDITED HEARING, WHICH
16 SHALL COMMENCE WITHIN SEVEN DAYS AFTER THE PRE-HEARING CONFERENCE AND
17 SHALL BE COMPLETED WITHIN SIXTY DAYS AFTER THE PRE-HEARING CONFERENCE.
18 THE HEARING OFFICER SHALL ESTABLISH A HEARING SCHEDULE AT THE PRE-HEAR-
19 ING CONFERENCE TO ENSURE THAT THE EXPEDITED HEARING IS COMPLETED WITHIN
20 THE REQUIRED TIMEFRAMES AND TO ENSURE AN EQUITABLE DISTRIBUTION OF DAYS
21 BETWEEN THE EMPLOYING BOARD AND THE CHARGED EMPLOYEE. NOTWITHSTANDING
22 ANY OTHER LAW, RULE OR REGULATION TO THE CONTRARY, NO ADJOURNMENTS MAY
23 BE GRANTED THAT WOULD EXTEND THE HEARING BEYOND SUCH SIXTY DAYS, EXCEPT
24 AS AUTHORIZED IN THIS SUBPARAGRAPH. A HEARING OFFICER, UPON REQUEST, MAY
25 GRANT A LIMITED AND TIME SPECIFIC ADJOURNMENT THAT WOULD EXTEND THE
26 HEARING BEYOND SUCH SIXTY DAYS IF THE HEARING OFFICER DETERMINES THAT
27 THE DELAY IS ATTRIBUTABLE TO A CIRCUMSTANCE OR OCCURRENCE SUBSTANTIALLY
28 BEYOND THE CONTROL OF THE REQUESTING PARTY AND AN INJUSTICE WOULD RESULT
29 IF THE ADJOURNMENT WERE NOT GRANTED.

30 (B) THE COMMISSIONER SHALL ANNUALLY INFORM ALL HEARING OFFICERS WHO
31 HAVE HEARD CASES PURSUANT TO THIS SECTION DURING THE PRECEDING YEAR THAT
32 THE TIME PERIODS PRESCRIBED IN THIS SUBPARAGRAPH FOR CONDUCTING EXPE-
33 DITED HEARINGS ARE TO BE STRICTLY FOLLOWED AND FAILURE TO DO SO SHALL BE
34 CONSIDERED GROUNDS FOR THE COMMISSIONER TO EXCLUDE SUCH INDIVIDUAL FROM
35 THE LIST OF POTENTIAL HEARING OFFICERS SENT TO THE EMPLOYING BOARD AND
36 THE EMPLOYEE FOR SUCH EXPEDITED HEARINGS.

37 (ii) The hearing officer selected to conduct a hearing under this
38 section shall, within ten to fifteen days of agreeing to serve in such
39 position, hold a pre-hearing conference which shall be held in the
40 school district or county seat of the county, or any county, wherein the
41 employing school board is located. The pre-hearing conference shall be
42 limited in length to one day except that the hearing officer, in his or
43 her discretion, may allow one additional day for good cause shown.

44 (iii) At the pre-hearing conference the hearing officer shall have the
45 power to:

46 (A) issue subpoenas;

47 (B) hear and decide all motions, including but not limited to motions
48 to dismiss the charges;

49 (C) hear and decide all applications for bills of particular or
50 requests for production of materials or information, including, but not
51 limited to, any witness statement (or statements), investigatory state-
52 ment (or statements) or note (notes), exculpatory evidence or any other
53 evidence, including district or student records, relevant and material
54 to the employee's defense.

55 (iv) Any pre-hearing motion or application relative to the sufficiency
56 of the charges, application or amendment thereof, or any preliminary

1 matters shall be made upon written notice to the hearing officer and the
2 adverse party no less than five days prior to the date of the pre-hear-
3 ing conference. Any pre-hearing motions or applications not made as
4 provided for herein shall be deemed waived except for good cause as
5 determined by the hearing officer.

6 (v) In the event that at the pre-hearing conference the employing
7 board presents evidence that the professional license of the employee
8 has been revoked and all judicial and administrative remedies have been
9 exhausted or foreclosed, the hearing officer shall schedule the date,
10 time and place for an expedited hearing, which hearing shall commence
11 not more than seven days after the pre-hearing conference and which
12 shall be limited to one day. The expedited hearing shall be held in the
13 local school district or county seat of the county or any county, where-
14 in the said employing board is located. The expedited hearing shall not
15 be postponed except upon the request of a party and then only for good
16 cause as determined by the hearing officer. At such hearing, each party
17 shall have equal time in which to present its case.

18 (vi) During the pre-hearing conference, the hearing officer shall
19 determine the reasonable amount of time necessary for a final hearing on
20 the charge or charges and shall schedule the location, time(s) and
21 date(s) for the final hearing. The final hearing shall be held in the
22 local school district or county seat of the county, or any county, wher-
23 ein the said employing school board is located. In the event that the
24 hearing officer determines that the nature of the case requires the
25 final hearing to last more than one day, the days that are scheduled for
26 the final hearing shall be consecutive. The day or days scheduled for
27 the final hearing shall not be postponed except upon the request of a
28 party and then only for good cause shown as determined by the hearing
29 officer. In all cases, the final hearing shall be completed no later
30 than sixty days after the pre-hearing conference unless the hearing
31 officer determines that extraordinary circumstances warrant a limited
32 extension.

33 (vii) All evidence shall be submitted by all parties within one
34 hundred twenty-five days of the filing of charges and no additional
35 evidence shall be accepted after such time, absent extraordinary circum-
36 stances beyond the control of the parties.

37 d. Limitation on claims. Notwithstanding any other provision of law,
38 rule or regulation to the contrary, no payments shall be made by the
39 department pursuant to this subdivision on or after April first, two
40 thousand twelve for: (i) compensation of a hearing officer or hearing
41 panel member, (ii) reimbursement of such hearing officers or panel
42 members for necessary travel or other expenses incurred by them, or
43 (iii) for other hearing expenses on a claim submitted later than one
44 year after the final disposition of the hearing by any means, including
45 settlement, or within ninety days after the effective date of this para-
46 graph, whichever is later; provided that no payment shall be barred or
47 reduced where such payment is required as a result of a court order or
48 judgment or a final audit.

49 4. Post hearing procedures. a. The hearing officer shall render a
50 written decision within thirty days of the last day of the final hear-
51 ing, or in the case of an expedited hearing within ten days of such
52 expedited hearing, and shall forward a copy thereof to the commissioner
53 who shall immediately forward copies of the decision to the employee and
54 to the clerk or secretary of the employing board. The written decision
55 shall include the hearing officer's findings of fact on each charge, his
56 or her conclusions with regard to each charge based on said findings and

1 shall state what penalty or other action, if any, shall be taken by the
2 employing board. At the request of the employee, in determining what, if
3 any, penalty or other action shall be imposed, the hearing officer
4 [shall] MAY consider the extent to which the employing board made
5 efforts towards correcting the behavior of the employee which resulted
6 in charges being brought under this section through means including but
7 not limited to: remediation, peer intervention or an employee assist-
8 ance plan. In those cases where a penalty is imposed, such penalty may
9 be a written reprimand, a fine, suspension for a fixed time without pay,
10 or dismissal. In addition to or in lieu of the aforementioned penalties,
11 the hearing officer, where he or she deems appropriate, may impose upon
12 the employee remedial action including but not limited to leaves of
13 absence with or without pay, continuing education and/or study, a
14 requirement that the employee seek counseling or medical treatment or
15 that the employee engage in any other remedial or combination of remedi-
16 al actions. PROVIDED, HOWEVER, THAT THE HEARING OFFICER, IN EXERCISING
17 HIS OR HER DISCRETION, SHALL GIVE SERIOUS CONSIDERATION TO THE PENALTY
18 RECOMMENDED BY THE EMPLOYING BOARD, AND IF THE HEARING OFFICER REJECTS
19 THE RECOMMENDED PENALTY SUCH REJECTION MUST BE BASED ON REASONS BASED
20 UPON THE RECORD AS EXPRESSED IN A WRITTEN DETERMINATION.

21 b. Within fifteen days of receipt of the hearing officer's decision
22 the employing board shall implement the decision. If the employee is
23 acquitted he or she shall be restored to his or her position with full
24 pay for any period of suspension without pay and the charges expunged
25 from the employment record. If an employee who was convicted of a felony
26 crime specified in paragraph b of subdivision two of this section, has
27 said conviction reversed, the employee, upon application, shall be enti-
28 tled to have his or her pay and other emoluments restored, for the peri-
29 od from the date of his or her suspension to the date of the decision.

30 c. The hearing officer shall indicate in the decision whether any of
31 the charges brought by the employing board were frivolous as defined in
32 section eighty-three hundred three-a of the civil practice law and
33 rules. If the hearing officer finds that all of the charges brought
34 against the employee were frivolous, the hearing officer shall order the
35 employing board to reimburse the department the reasonable costs said
36 department incurred as a result of the proceeding and to reimburse the
37 employee the reasonable costs, including but not limited to reasonable
38 attorneys' fees, the employee incurred in defending the charges. If the
39 hearing officer finds that some but not all of the charges brought
40 against the employee were frivolous, the hearing officer shall order the
41 employing board to reimburse the department a portion, in the discretion
42 of the hearing officer, of the reasonable costs said department incurred
43 as a result of the proceeding and to reimburse the employee a portion,
44 in the discretion of the hearing officer, of the reasonable costs,
45 including but not limited to reasonable attorneys' fees, the employee
46 incurred in defending the charges.

47 5. Appeal. a. Not later than ten days after receipt of the hearing
48 officer's decision, the employee or the employing board may make an
49 application to the New York state supreme court to vacate or modify the
50 decision of the hearing officer pursuant to section seventy-five hundred
51 eleven of the civil practice law and rules. The court's review shall be
52 limited to the grounds set forth in such section. The hearing panel's
53 determination shall be deemed to be final for the purpose of such
54 proceeding.

55 b. In no case shall the filing or the pendency of an appeal delay the
56 implementation of the decision of the hearing officer.

1 S 4. The education law is amended by adding a new section 3020-b to
2 read as follows:

3 S 3020-B. STREAMLINED REMOVAL PROCEDURES FOR TEACHERS RATED INEFFEC-
4 TIVE. 1. APPLICABILITY. THIS SECTION SHALL APPLY TO CLASSROOM TEACHERS
5 AND BUILDING PRINCIPALS WHO RECEIVE TWO OR MORE CONSECUTIVE ANNUAL INEF-
6 FECTIVE RATINGS PURSUANT TO ANNUAL PROFESSIONAL PERFORMANCE REVIEWS
7 CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF SECTION THREE THOUSAND
8 TWELVE-C OR THREE THOUSAND TWELVE-D OF THIS ARTICLE.

9 2. FILING AND DISPOSITION OF CHARGES. A. A SCHOOL DISTRICT OR EMPLOY-
10 ING BOARD MAY BRING CHARGES OF INCOMPETENCE PURSUANT TO THIS SECTION
11 AGAINST ANY CLASSROOM TEACHER OR BUILDING PRINCIPAL WHO RECEIVES TWO
12 CONSECUTIVE INEFFECTIVE RATINGS. A SCHOOL DISTRICT OR EMPLOYING BOARD
13 SHALL BRING CHARGES OF INCOMPETENCE PURSUANT TO THIS SECTION AGAINST ANY
14 CLASSROOM TEACHER OR BUILDING PRINCIPAL WHO RECEIVES THREE CONSECUTIVE
15 INEFFECTIVE RATINGS. ALL CHARGES AGAINST A PERSON ENJOYING THE BENEFITS
16 OF TENURE AS PROVIDED IN SUBDIVISION THREE OF SECTION ELEVEN HUNDRED
17 TWO, AND SECTIONS TWENTY-FIVE HUNDRED NINE, TWENTY-FIVE HUNDRED SEVEN-
18 TY-THREE, TWENTY-FIVE HUNDRED NINETY-J, THREE THOUSAND TWELVE AND THREE
19 THOUSAND FOURTEEN OF THIS CHAPTER SHALL BE IN WRITING AND FILED WITH THE
20 CLERK OR SECRETARY OF THE SCHOOL DISTRICT OR EMPLOYING BOARD. EXCEPT AS
21 PROVIDED IN SUBDIVISION EIGHT OF SECTION TWENTY-FIVE HUNDRED
22 SEVENTY-THREE AND SUBDIVISION SEVEN OF SECTION TWENTY-FIVE HUNDRED NINE-
23 TY-J OF THIS CHAPTER, NO CHARGES UNDER THIS SECTION SHALL BE BROUGHT
24 MORE THAN THREE YEARS AFTER THE OCCURRENCE OF THE ALLEGED INCOMPETENCY.
25 WHEN SUCH CHARGES ARE BROUGHT, A WRITTEN STATEMENT SPECIFYING (I) THE
26 CHARGES IN DETAIL, (II) THAT THE PENALTY THAT WILL BE IMPOSED BY THE
27 BOARD IF THE EMPLOYEE DOES NOT REQUEST A HEARING OR THAT WILL BE SOUGHT
28 BY THE BOARD AFTER A HEARING IS DISMISSAL; AND (III) THE EMPLOYEE'S
29 RIGHTS UNDER THIS SECTION, SHALL BE IMMEDIATELY FORWARDED TO THE ACCUSED
30 EMPLOYEE BY CERTIFIED OR REGISTERED MAIL, RETURN RECEIPT REQUESTED OR BY
31 PERSONAL DELIVERY TO THE EMPLOYEE.

32 B. THE EMPLOYEE MAY BE SUSPENDED PENDING A HEARING ON THE CHARGES AND
33 THE FINAL DETERMINATION THEREOF AND SUCH SUSPENSION SHALL BE WITH PAY.

34 C. WITHIN TEN DAYS OF RECEIPT OF THE STATEMENT OF CHARGES, THE EMPLOY-
35 EE SHALL NOTIFY THE CLERK OR SECRETARY OF THE EMPLOYING BOARD IN WRITING
36 WHETHER HE OR SHE DESIRES A HEARING ON THE CHARGES. THE UNEXCUSED FAIL-
37 URE OF THE EMPLOYEE TO NOTIFY THE CLERK OR SECRETARY OF HIS OR HER
38 DESIRE FOR A HEARING WITHIN TEN DAYS OF THE RECEIPT OF CHARGES SHALL BE
39 DEEMED A WAIVER OF THE RIGHT TO A HEARING. WHERE AN EMPLOYEE REQUESTS A
40 HEARING IN THE MANNER PROVIDED FOR BY THIS SECTION, THE CLERK OR SECRE-
41 TARY OF THE BOARD SHALL, WITHIN THREE WORKING DAYS OF RECEIPT OF THE
42 EMPLOYEE'S NOTICE OR REQUEST FOR A HEARING, NOTIFY THE COMMISSIONER OF
43 THE NEED FOR A HEARING. IF THE EMPLOYEE WAIVES HIS OR HER RIGHT TO A
44 HEARING THE EMPLOYING BOARD SHALL PROCEED, WITHIN FIFTEEN DAYS, BY A
45 VOTE OF A MAJORITY OF ALL MEMBERS OF SUCH BOARD, TO DETERMINE THE CASE
46 AND FIX THE PENALTY TO BE IMPOSED IN ACCORDANCE WITH SUBDIVISION FOUR OF
47 THIS SECTION.

48 D. CHARGES BROUGHT PURSUANT TO THIS SECTION FOR TWO CONSECUTIVE INEF-
49 FECTIVE RATINGS SHALL ALLEGE THAT THE EMPLOYING BOARD HAS DEVELOPED AND
50 SUBSTANTIALLY IMPLEMENTED A TEACHER OR PRINCIPAL IMPROVEMENT PLAN IN
51 ACCORDANCE WITH SECTION THREE THOUSAND TWELVE-C OR SECTION THREE THOU-
52 SAND TWELVE-D OF THIS ARTICLE FOR THE EMPLOYEE FOLLOWING THE FIRST EVAL-
53 UATION IN WHICH THE EMPLOYEE WAS RATED INEFFECTIVE, AND THE IMMEDIATELY
54 PRECEDING EVALUATION IF THE EMPLOYEE WAS RATED DEVELOPING.

55 3. HEARINGS. A. NOTICE OF HEARING. UPON RECEIPT OF A REQUEST FOR A
56 HEARING IN ACCORDANCE WITH SUBDIVISION TWO OF THIS SECTION, THE COMMIS-

1 SIONER SHALL FORTHWITH NOTIFY THE AMERICAN ARBITRATION ASSOCIATION
2 (HEREINAFTER "ASSOCIATION") OF THE NEED FOR A HEARING AND SHALL REQUEST
3 THAT THE ASSOCIATION PROVIDE TO THE COMMISSIONER FORTHWITH A LIST OF
4 NAMES OF PERSONS CHOSEN BY THE ASSOCIATION FROM THE ASSOCIATION'S PANEL
5 OF LABOR ARBITRATORS TO POTENTIALLY SERVE AS HEARING OFFICERS TOGETHER
6 WITH RELEVANT BIOGRAPHICAL INFORMATION ON EACH ARBITRATOR. UPON RECEIPT
7 OF SAID LIST AND BIOGRAPHICAL INFORMATION, THE COMMISSIONER SHALL, IN
8 THE CASE OF AN EMPLOYEE WHO HAS RECEIVED THREE CONSECUTIVE INEFFECTIVE
9 RATINGS, DIRECTLY APPOINT A HEARING OFFICER FROM THE LIST. IN THE CASE
10 OF AN EMPLOYEE WHO HAS RECEIVED TWO CONSECUTIVE INEFFECTIVE RATINGS, THE
11 COMMISSIONER SHALL FORTHWITH SEND A COPY OF THE LIST AND BIOGRAPHICAL
12 INFORMATION SIMULTANEOUSLY TO THE EMPLOYING BOARD AND THE EMPLOYEE. THE
13 COMMISSIONER SHALL ALSO SIMULTANEOUSLY NOTIFY BOTH THE EMPLOYING BOARD
14 AND THE EMPLOYEE OF EACH POTENTIAL HEARING OFFICER'S RECORD IN THE LAST
15 FIVE CASES OF COMMENCING AND COMPLETING HEARINGS WITHIN THE TIME PERIODS
16 PRESCRIBED IN THIS SECTION. THE COMMISSIONER SHALL ESTABLISH TIME PERI-
17 ODS FOR THE EMPLOYING BOARD AND THE EMPLOYEE TO NOTIFY THE COMMISSIONER
18 OF THEIR AGREED UPON HEARING OFFICER SELECTION. IF THE EMPLOYING BOARD
19 AND THE EMPLOYEE FAIL TO AGREE ON AN ARBITRATOR TO SERVE AS A HEARING
20 OFFICER FROM THE LIST OF POTENTIAL HEARING OFFICERS, OR FAIL TO NOTIFY
21 THE COMMISSIONER OF A SELECTION WITHIN SUCH ESTABLISHED TIME PERIOD, THE
22 COMMISSIONER SHALL APPOINT A HEARING OFFICER FROM THE LIST.

23 B. HEARING OFFICERS. ALL HEARINGS PURSUANT TO THIS SECTION SHALL BE
24 CONDUCTED BEFORE AND BY A SINGLE HEARING OFFICER SELECTED AS PROVIDED
25 FOR IN THIS SECTION. A HEARING OFFICER SHALL NOT BE ELIGIBLE TO SERVE IN
26 SUCH POSITION IF HE OR SHE IS A RESIDENT OF THE SCHOOL DISTRICT, OTHER
27 THAN THE CITY OF NEW YORK, UNDER THE JURISDICTION OF THE EMPLOYING
28 BOARD, AN EMPLOYEE, AGENT OR REPRESENTATIVE OF THE EMPLOYING BOARD OR OF
29 ANY LABOR ORGANIZATION REPRESENTING EMPLOYEES OF SUCH EMPLOYING BOARD,
30 HE OR SHE HAS SERVED AS SUCH AGENT OR REPRESENTATIVE WITHIN TWO YEARS OF
31 THE DATE OF THE SCHEDULED HEARING, OR IF HE OR SHE IS THEN SERVING AS A
32 MEDIATOR OR FACT FINDER IN THE SAME SCHOOL DISTRICT. SUBJECT TO AN
33 APPROPRIATION, THE HEARING OFFICER SHALL BE COMPENSATED BY THE DEPART-
34 MENT FOR EACH DAY OF ACTUAL SERVICE PLUS NECESSARY TRAVEL AND OTHER
35 REASONABLE EXPENSES INCURRED IN THE PERFORMANCE OF HIS OR HER DUTIES,
36 PROVIDED THAT THE COMMISSIONER SHALL ESTABLISH A SCHEDULE FOR MAXIMUM
37 RATES OF COMPENSATION OF HEARING OFFICERS BASED ON CUSTOMARY AND REASON-
38 ABLE FEES FOR SERVICE AS AN ARBITRATOR AND PROVIDE FOR LIMITATIONS ON
39 THE NUMBER OF STUDY HOURS THAT MAY BE CLAIMED.

40 C. HEARING PROCEDURES. (I) THE COMMISSIONER SHALL HAVE THE POWER TO
41 ESTABLISH NECESSARY RULES AND PROCEDURES FOR THE CONDUCT OF HEARINGS
42 UNDER THIS SECTION, AND SHALL ESTABLISH TIMELINES IN REGULATIONS TO
43 ENSURE THAT THE DURATION OF A REMOVAL PROCEEDING PURSUANT TO THIS
44 SECTION, AS MEASURED FROM THE DATE AN EMPLOYEE REQUESTS A HEARING TO THE
45 FINAL HEARING DATE, IS NO LONGER THAN NINETY DAYS IN THE CASE OF AN
46 EMPLOYEE WHO HAS RECEIVED TWO CONSECUTIVE INEFFECTIVE RATINGS AND NO
47 LONGER THAN THIRTY DAYS IN THE CASE OF AN EMPLOYEE WHO HAS RECEIVED
48 THREE CONSECUTIVE INEFFECTIVE RATINGS. THE COMMISSIONER SHALL ESTABLISH
49 TIMEFRAMES IN REGULATIONS FOR A PRE-HEARING CONFERENCE WHEREIN A HEARING
50 OFFICER SHALL HAVE THE POWER TO ISSUE SUBPOENAS, HEAR MOTIONS AND DECIDE
51 ON OTHER DISCOVERY AND EVIDENTIARY ISSUES. AT SUCH PRE-HEARING CONFER-
52 ENCE, THE HEARING OFFICER SHALL ESTABLISH A HEARING SCHEDULE AT THE
53 PRE-HEARING CONFERENCE TO ENSURE THAT THE HEARING IS COMPLETED WITHIN
54 THE REQUIRED TIME PERIOD AND TO ENSURE AN EQUITABLE DISTRIBUTION OF DAYS
55 BETWEEN THE EMPLOYING BOARD AND THE CHARGED EMPLOYEE. NOTWITHSTANDING
56 ANY OTHER LAW, RULE OR REGULATION TO THE CONTRARY, NO ADJOURNMENTS MAY

1 BE GRANTED THAT WOULD EXTEND THE HEARING BEYOND SUCH TIMELINES, EXCEPT
2 AS AUTHORIZED IN THIS SUBPARAGRAPH. A HEARING OFFICER MAY GRANT A LIMIT-
3 ED AND TIME SPECIFIC ADJOURNMENT THAT WOULD EXTEND THE HEARING BEYOND
4 SUCH TIMELINES IF THE HEARING OFFICER DETERMINES THAT THE DELAY IS
5 ATTRIBUTABLE TO A CIRCUMSTANCE OR OCCURRENCE SUBSTANTIALLY BEYOND THE
6 CONTROL OF THE REQUESTING PARTY AND AN INJUSTICE WOULD RESULT IF THE
7 ADJOURNMENT WERE NOT GRANTED.

8 (II) THE DEPARTMENT SHALL BE AUTHORIZED TO MONITOR AND INVESTIGATE A
9 HEARING OFFICER'S COMPLIANCE WITH TIMELINES PURSUANT TO THIS SECTION AND
10 TO ANY REGULATIONS PROMULGATED BY THE DEPARTMENT. THE COMMISSIONER SHALL
11 ANNUALLY INFORM ALL HEARING OFFICERS WHO HAVE HEARD CASES PURSUANT TO
12 THIS SECTION DURING THE PRECEDING YEAR THAT THE TIME PERIODS PRESCRIBED
13 IN THIS SECTION FOR CONDUCTING SUCH HEARINGS ARE TO BE STRICTLY
14 FOLLOWED. A RECORD OF CONTINUED FAILURE TO COMMENCE AND COMPLETE HEAR-
15 INGS WITHIN THE TIME PERIODS PRESCRIBED IN THIS SECTION SHALL BE CONSID-
16 ERED GROUNDS FOR THE COMMISSIONER TO EXCLUDE SUCH INDIVIDUAL FROM THE
17 LIST OF POTENTIAL HEARING OFFICERS TO BE CONSIDERED FOR SUCH HEARINGS.

18 (III) SUCH RULES SHALL NOT REQUIRE COMPLIANCE WITH TECHNICAL RULES OF
19 EVIDENCE. HEARINGS SHALL BE CONDUCTED BY THE HEARING OFFICER SELECTED
20 PURSUANT TO PARAGRAPH A OF THIS SUBDIVISION AND SHALL BE PUBLIC OR
21 PRIVATE AT THE DISCRETION OF THE EMPLOYEE. THE EMPLOYEE SHALL HAVE A
22 REASONABLE OPPORTUNITY TO DEFEND HIMSELF OR HERSELF AND AN OPPORTUNITY
23 TO TESTIFY ON HIS OR HER OWN BEHALF. THE EMPLOYEE SHALL NOT BE REQUIRED
24 TO TESTIFY. EACH PARTY SHALL HAVE THE RIGHT TO BE REPRESENTED BY COUN-
25 SEL, TO SUBPOENA WITNESSES, AND TO CROSS-EXAMINE WITNESSES. ALL TESTIMO-
26 NY TAKEN SHALL BE UNDER OATH WHICH THE HEARING OFFICER IS HEREBY AUTHOR-
27 IZED TO ADMINISTER.

28 (IV) AN ACCURATE RECORD OF THE PROCEEDINGS SHALL BE KEPT AT THE
29 EXPENSE OF THE DEPARTMENT AT EACH SUCH HEARING IN ACCORDANCE WITH THE
30 REGULATIONS OF THE COMMISSIONER. A COPY OF THE RECORD OF THE HEARINGS
31 SHALL, UPON REQUEST, BE FURNISHED WITHOUT CHARGE TO THE EMPLOYEE AND THE
32 BOARD OF EDUCATION INVOLVED. THE DEPARTMENT SHALL BE AUTHORIZED TO
33 UTILIZE ANY NEW TECHNOLOGY OR SUCH OTHER APPROPRIATE MEANS TO TRANSCRIBE
34 OR RECORD SUCH HEARINGS IN AN ACCURATE, RELIABLE, EFFICIENT AND COST-EF-
35 FECTIVE MANNER WITHOUT ANY CHARGE TO THE EMPLOYEE OR BOARD OF EDUCATION
36 INVOLVED.

37 (V) LEGAL STANDARD. (A) TWO CONSECUTIVE INEFFECTIVE RATINGS PURSUANT
38 TO ANNUAL PROFESSIONAL PERFORMANCE REVIEWS CONDUCTED IN ACCORDANCE WITH
39 THE PROVISIONS OF SECTION THREE THOUSAND TWELVE-C OR THREE THOUSAND
40 TWELVE-D OF THIS ARTICLE SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF INCOM-
41 PETENCE THAT CAN BE OVERCOME ONLY BY CLEAR AND CONVINCING EVIDENCE THAT
42 THE EMPLOYEE IS NOT INCOMPETENT IN LIGHT OF ALL SURROUNDING CIRCUM-
43 STANCES, AND IF NOT SUCCESSFULLY OVERCOME, THE FINDING, ABSENT EXTRAOR-
44 DINARY CIRCUMSTANCES, SHALL BE JUST CAUSE FOR REMOVAL. (B) THREE CONSEC-
45 UTIVE INEFFECTIVE RATINGS PURSUANT TO ANNUAL PROFESSIONAL PERFORMANCE
46 REVIEWS CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF SECTION THREE
47 THOUSAND TWELVE-C OR THREE THOUSAND TWELVE-D OF THIS ARTICLE SHALL
48 CONSTITUTE PRIMA FACIE EVIDENCE OF INCOMPETENCE THAT CAN BE OVERCOME
49 ONLY BY CLEAR AND CONVINCING EVIDENCE THAT THE CALCULATION OF ONE OR
50 MORE OF THE TEACHER'S OR PRINCIPAL'S UNDERLYING COMPONENTS ON THE ANNUAL
51 PROFESSIONAL PERFORMANCE REVIEWS PURSUANT TO SECTION THREE THOUSAND
52 TWELVE-C OR THREE THOUSAND TWELVE-D OF THIS ARTICLE WAS FRAUDULENT, AND
53 IF NOT SUCCESSFULLY OVERCOME, THE FINDING, ABSENT EXTRAORDINARY CIRCUM-
54 STANCES, SHALL BE JUST CAUSE FOR REMOVAL. FOR PURPOSES OF THIS SUBPARA-
55 GRAPH, FRAUD SHALL INCLUDE MISTAKEN IDENTITY.

1 4. POST HEARING PROCEDURES. A. THE HEARING OFFICER SHALL RENDER A
2 WRITTEN DECISION WITHIN TEN DAYS OF THE LAST DAY OF THE FINAL HEARING,
3 AND SHALL FORWARD A COPY THEREOF TO THE COMMISSIONER WHO SHALL IMMEDIATELY
4 FORWARD COPIES OF THE DECISION TO THE EMPLOYEE AND TO THE CLERK
5 OR SECRETARY OF THE EMPLOYING BOARD. THE WRITTEN DECISION SHALL INCLUDE
6 THE HEARING OFFICER'S FINDINGS OF FACT ON EACH CHARGE, HIS OR HER
7 CONCLUSIONS WITH REGARD TO EACH CHARGE BASED ON SAID FINDINGS AND SHALL
8 STATE WHETHER THE PENALTY OF DISMISSAL SHALL BE TAKEN BY THE EMPLOYING
9 BOARD.

10 B. WITHIN FIFTEEN DAYS OF RECEIPT OF THE HEARING OFFICER'S DECISION
11 THE EMPLOYING BOARD SHALL IMPLEMENT THE DECISION. IF THE EMPLOYEE IS
12 ACQUITTED HE OR SHE SHALL BE RESTORED TO HIS OR HER POSITION AND THE
13 CHARGES EXPUNGED FROM THE EMPLOYMENT RECORD.

14 5. APPEAL. A. NOT LATER THAN TEN DAYS AFTER RECEIPT OF THE HEARING
15 OFFICER'S DECISION, THE EMPLOYEE OR THE EMPLOYING BOARD MAY MAKE AN
16 APPLICATION TO THE NEW YORK STATE SUPREME COURT TO VACATE OR MODIFY THE
17 DECISION OF THE HEARING OFFICER PURSUANT TO SECTION SEVENTY-FIVE HUNDRED
18 ELEVEN OF THE CIVIL PRACTICE LAW AND RULES. THE COURT'S REVIEW SHALL BE
19 LIMITED TO THE GROUNDS SET FORTH IN SUCH SECTION. THE HEARING PANEL'S
20 DETERMINATION SHALL BE DEEMED TO BE FINAL FOR THE PURPOSE OF SUCH
21 PROCEEDING.

22 B. IN NO CASE SHALL THE FILING OR THE PENDENCY OF AN APPEAL DELAY THE
23 IMPLEMENTATION OF THE DECISION OF THE HEARING OFFICER.

24 6. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PREVENT THE USE OF
25 ANY EVIDENCE OF PERFORMANCE TO SUPPORT CHARGES OF INCOMPETENCE BROUGHT
26 PURSUANT TO THE PROVISIONS OF SECTION THREE THOUSAND TWENTY-A OF THIS
27 ARTICLE.

28 S 5. This act shall take effect July 1, 2015 and shall apply to hear-
29 ings commenced by the filing or service of charges on or after July 1,
30 2015, provided that effective immediately, the commissioner of education
31 shall be authorized to promulgate any regulations needed to implement
32 the provisions of this act on such effective date.

33 SUBPART H

34 Section 1. The education law is amended by adding a new section 211-f
35 to read as follows:

36 S 211-F. TAKEOVER AND RESTRUCTURING FAILING SCHOOLS. 1. ELIGIBILITY
37 FOR APPOINTMENT OF AN EXTERNAL RECEIVER. (A) FAILING SCHOOLS. THE
38 COMMISSIONER SHALL DESIGNATE AS FAILING EACH OF THE SCHOOLS THAT HAS
39 BEEN IDENTIFIED UNDER THE STATE'S ACCOUNTABILITY SYSTEM TO BE AMONG THE
40 LOWEST ACHIEVING FIVE PERCENT OF PUBLIC SCHOOLS IN THE STATE (PRIORITY
41 SCHOOLS) FOR AT LEAST THREE CONSECUTIVE SCHOOL YEARS, OR IDENTIFIED AS A
42 "PRIORITY SCHOOL" IN EACH APPLICABLE YEAR OF SUCH PERIOD EXCEPT ONE
43 SCHOOL YEAR IN WHICH THE SCHOOL WAS NOT IDENTIFIED BECAUSE OF AN
44 APPROVED CLOSURE PLAN THAT WAS NOT IMPLEMENTED, BASED UPON MEASURES OF
45 STUDENT ACHIEVEMENT AND OUTCOMES AND A METHODOLOGY PRESCRIBED IN THE
46 REGULATIONS OF THE COMMISSIONER, PROVIDED THAT THIS LIST SHALL NOT
47 INCLUDE SCHOOLS WITHIN A SPECIAL ACT SCHOOL DISTRICT AS DEFINED IN
48 SUBDIVISION EIGHT OF SECTION FOUR THOUSAND ONE OF THIS CHAPTER OR
49 SCHOOLS CHARTERED PURSUANT TO ARTICLE FIFTY-SIX OF THIS CHAPTER. EXCEPT
50 AS OTHERWISE PROVIDED IN PARAGRAPH (C) OF THIS SUBDIVISION, AND PURSUANT
51 TO REGULATIONS PROMULGATED BY THE COMMISSIONER, A SCHOOL DESIGNATED AS
52 FAILING UNDER THIS PARAGRAPH SHALL BE ELIGIBLE FOR RECEIVERSHIP UNDER
53 THIS SECTION UPON A DETERMINATION BY THE COMMISSIONER.

1 (B) PERSISTENTLY FAILING SCHOOLS. BASED UPON MEASURES OF STUDENT
2 ACHIEVEMENT AND OUTCOMES AND A METHODOLOGY PRESCRIBED IN THE REGULATIONS
3 OF THE COMMISSIONER, THE COMMISSIONER SHALL DESIGNATE AS PERSISTENTLY
4 FAILING EACH OF THE SCHOOLS THAT HAVE BEEN IDENTIFIED UNDER THE STATE'S
5 ACCOUNTABILITY SYSTEM TO BE AMONG THE LOWEST ACHIEVING PUBLIC SCHOOLS IN
6 THE STATE FOR TEN CONSECUTIVE SCHOOL YEARS, BASED UPON IDENTIFICATION OF
7 THE SCHOOL BY THE COMMISSIONER AS: A "PRIORITY SCHOOL" FOR EACH APPLICA-
8 BLE YEAR FROM THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR
9 TO THE CURRENT SCHOOL YEAR, OR IDENTIFIED AS A "PRIORITY SCHOOL" IN EACH
10 APPLICABLE YEAR OF SUCH PERIOD EXCEPT ONE YEAR IN WHICH THE SCHOOL WAS
11 NOT IDENTIFIED BECAUSE OF AN APPROVED CLOSURE PLAN THAT WAS NOT IMPLE-
12 MENTED; AND AS A "SCHOOL REQUIRING ACADEMIC PROGRESS YEAR 5", "SCHOOL
13 REQUIRING ACADEMIC PROGRESS YEAR 6", "SCHOOL REQUIRING ACADEMIC PROGRESS
14 YEAR 7" AND/OR A "SCHOOL IN RESTRUCTURING," FOR EACH APPLICABLE YEAR
15 FROM THE TWO THOUSAND SIX--TWO THOUSAND SEVEN SCHOOL YEAR TO THE TWO
16 THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR. THIS DESIGNATION SHALL
17 NOT INCLUDE SCHOOLS WITHIN A SPECIAL ACT SCHOOL DISTRICT AS DEFINED IN
18 SUBDIVISION EIGHT OF SECTION FOUR THOUSAND ONE OF THIS CHAPTER OR
19 SCHOOLS CHARTERED PURSUANT TO ARTICLE FIFTY-SIX OF THIS CHAPTER.

20 (C) SPECIFIC PROVISIONS. (I) FOR SCHOOLS DESIGNATED AS PERSISTENTLY
21 FAILING PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION, THE LOCAL
22 DISTRICT SHALL CONTINUE TO OPERATE THE SCHOOL FOR AN ADDITIONAL SCHOOL
23 YEAR PROVIDED THAT THERE IS A DEPARTMENT-APPROVED INTERVENTION MODEL OR
24 COMPREHENSIVE EDUCATION PLAN IN PLACE THAT INCLUDES RIGOROUS PERFORMANCE
25 METRICS AND GOALS, INCLUDING BUT NOT LIMITED TO MEASURES OF STUDENT
26 ACADEMIC ACHIEVEMENT AND OUTCOMES INCLUDING THOSE SET FORTH IN SUBDIVI-
27 SION SIX OF THIS SECTION. NOTWITHSTANDING ANY OTHER PROVISION OF LAW,
28 RULE OR REGULATION TO THE CONTRARY, THE SUPERINTENDENT SHALL BE VESTED
29 WITH ALL POWERS GRANTED TO A RECEIVER APPOINTED PURSUANT TO THIS SECTION
30 FOR SUCH TIME PERIOD; PROVIDED, HOWEVER THAT SUCH SUPERINTENDENT SHALL
31 NOT BE ALLOWED TO OVERRIDE ANY DECISION OF THE BOARD OF EDUCATION WITH
32 RESPECT TO HIS OR HER EMPLOYMENT STATUS. AT THE END OF SUCH YEAR, THE
33 DEPARTMENT SHALL CONDUCT A PERFORMANCE REVIEW IN CONSULTATION AND COOP-
34 ERATION WITH THE DISTRICT AND SCHOOL STAFF TO DETERMINE, BASED ON THE
35 PERFORMANCE METRICS IN THE SCHOOL'S MODEL OR PLAN, WHETHER (1) THE
36 DESIGNATION OF PERSISTENTLY FAILING SHOULD BE REMOVED; (2) THE SCHOOL
37 SHOULD REMAIN UNDER CONTINUED SCHOOL DISTRICT OPERATION WITH THE SUPER-
38 INTENDENT VESTED WITH THE POWERS OF A RECEIVER; OR (3) THE SCHOOL SHOULD
39 BE PLACED INTO RECEIVERSHIP; PROVIDED, HOWEVER, THAT A SCHOOL THAT MAKES
40 DEMONSTRABLE IMPROVEMENT BASED ON THE PERFORMANCE METRICS AND GOALS
41 HEREIN SHALL REMAIN UNDER DISTRICT OPERATION FOR AN ADDITIONAL SCHOOL
42 YEAR AND IF SUCH SCHOOL REMAINS UNDER DISTRICT OPERATION, IT SHALL
43 CONTINUE TO BE SUBJECT TO ANNUAL REVIEW BY THE DEPARTMENT, IN CONSULTA-
44 TION AND COOPERATION WITH THE DISTRICT, UNDER THE SAME TERMS AND CONDI-
45 TIONS.

46 (II) FOR SCHOOLS DESIGNATED AS FAILING, BUT NOT PERSISTENTLY FAILING,
47 THE LOCAL DISTRICT SHALL CONTINUE TO OPERATE THE SCHOOL FOR TWO ADDI-
48 TIONAL SCHOOL YEARS PROVIDED THAT THERE IS A DEPARTMENT-APPROVED INTER-
49 VENTION MODEL OR COMPREHENSIVE EDUCATION PLAN IN PLACE THAT INCLUDES
50 RIGOROUS PERFORMANCE METRICS AND GOALS, INCLUDING BUT NOT LIMITED TO
51 MEASURES OF STUDENT ACADEMIC ACHIEVEMENT AND OUTCOMES INCLUDING THOSE
52 SET FORTH IN SUBDIVISION SIX OF THIS SECTION. NOTWITHSTANDING ANY OTHER
53 PROVISION OF LAW, RULE OR REGULATION TO THE CONTRARY, THE SUPERINTENDENT
54 SHALL BE VESTED WITH ALL POWERS GRANTED TO A RECEIVER APPOINTED PURSUANT
55 TO THIS SECTION; PROVIDED, HOWEVER THAT SUCH SUPERINTENDENT SHALL NOT BE
56 ALLOWED TO OVERRIDE ANY DECISION OF THE BOARD OF EDUCATION WITH RESPECT

1 TO HIS OR HER EMPLOYMENT STATUS. AT THE END OF SUCH TWO YEARS, THE
2 DEPARTMENT SHALL CONDUCT A SCHOOL PERFORMANCE REVIEW IN CONSULTATION AND
3 COOPERATION WITH THE DISTRICT AND SCHOOL STAFF TO DETERMINE, BASED ON
4 THE PERFORMANCE METRICS IN THE SCHOOL'S MODEL OR PLAN, WHETHER (1) THE
5 DESIGNATION OF FAILING SHOULD BE REMOVED; (2) THE SCHOOL SHOULD REMAIN
6 UNDER CONTINUED SCHOOL DISTRICT OPERATION WITH THE SUPERINTENDENT VESTED
7 WITH THE POWERS OF A RECEIVER; OR (3) THE SCHOOL SHOULD BE PLACED INTO
8 RECEIVERSHIP; PROVIDED, HOWEVER, THAT A SCHOOL THAT MAKES DEMONSTRABLE
9 IMPROVEMENT BASED ON THE PERFORMANCE METRICS AND GOALS HEREIN SHALL
10 REMAIN UNDER DISTRICT OPERATION FOR AN ADDITIONAL SCHOOL YEAR AND IF
11 SUCH SCHOOL REMAINS UNDER DISTRICT OPERATION, IT SHALL CONTINUE TO BE
12 SUBJECT TO SUCH ANNUAL REVIEW BY THE DEPARTMENT UNDER THE SAME TERMS AND
13 CONDITIONS. FOR SCHOOLS NEWLY DESIGNATED AS FAILING AFTER THE TWO THOU-
14 SAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR, THE SCHOOL SHALL BE
15 IMMEDIATELY ELIGIBLE FOR RECEIVERSHIP UPON SUCH DESIGNATION.

16 (III) NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED TO LIMIT (1) A
17 SCHOOL DISTRICT'S ABILITY TO MODIFY, SUBJECT TO APPROVAL BY THE DEPART-
18 MENT, SUCH DEPARTMENT APPROVED INTERVENTION MODEL OR COMPREHENSIVE
19 EDUCATION PLAN, OR (2) THE COMMISSIONER'S ABILITY TO REQUIRE A SCHOOL
20 DISTRICT TO MODIFY SUCH DEPARTMENT APPROVED INTERVENTION MODEL OR
21 COMPREHENSIVE EDUCATION PLAN AND REQUIRE HIS OR HER APPROVAL OF SUCH
22 MODIFICATIONS.

23 (IV) THE DISTRICT SHALL PROVIDE NOTICE TO PARENTS AND GUARDIANS OF THE
24 STUDENTS OF THE SCHOOL WHICH MAY BE PLACED INTO RECEIVERSHIP PURSUANT TO
25 THIS SUBDIVISION AND PROVIDED FURTHER THAT THE DISTRICT OR THE COMMIS-
26 SIONER SHALL HOLD A PUBLIC MEETING OR HEARING FOR PURPOSES OF DISCUSSING
27 THE PERFORMANCE OF THE SCHOOL AND THE CONSTRUCT OF RECEIVERSHIP.

28 1-A. COMMUNITY ENGAGEMENT TEAM. UPON DESIGNATION AS FAILING OR PERSIS-
29 TENTLY FAILING PURSUANT TO SUBDIVISION ONE OF THIS SECTION, THE DISTRICT
30 SHALL ESTABLISH A COMMUNITY ENGAGEMENT TEAM WHICH SHALL INCLUDE COMMUNI-
31 TY STAKEHOLDERS, INCLUDING BUT NOT LIMITED TO THE SCHOOL PRINCIPAL,
32 PARENTS AND GUARDIANS, TEACHERS AND OTHER SCHOOL STAFF AND STUDENTS.
33 MEMBERSHIP OF SUCH TEAM MAY BE MODIFIED AT ANY TIME. SUCH TEAM SHALL
34 DEVELOP RECOMMENDATIONS FOR IMPROVEMENT OF THE SCHOOL AND SHALL SOLICIT
35 INPUT THROUGH PUBLIC ENGAGEMENT. THE TEAM SHALL PRESENT ITS RECOMMENDA-
36 TIONS PERIODICALLY TO THE SCHOOL LEADERSHIP AND, AS APPLICABLE, THE
37 RECEIVER.

38 2. APPOINTMENT OF A RECEIVER. (A) UPON A DETERMINATION BY THE COMMIS-
39 SIONER THAT A SCHOOL SHALL BE PLACED INTO RECEIVERSHIP, THE APPLICABLE
40 SCHOOL DISTRICT SHALL APPOINT AN INDEPENDENT RECEIVER, SUBJECT TO THE
41 APPROVAL OF THE COMMISSIONER, TO MANAGE AND OPERATE ALL ASPECTS OF THE
42 SCHOOL AND TO DEVELOP AND IMPLEMENT A SCHOOL INTERVENTION PLAN FOR THE
43 SCHOOL THAT SHALL CONSIDER THE RECOMMENDATIONS DEVELOPED BY THE COMMUNI-
44 TY ENGAGEMENT TEAM WHEN CREATING SUCH PLAN. THE INDEPENDENT RECEIVER MAY
45 BE A NON-PROFIT ENTITY, ANOTHER SCHOOL DISTRICT, OR AN INDIVIDUAL. IF
46 THE SCHOOL DISTRICT FAILS TO APPOINT AN INDEPENDENT RECEIVER THAT MEETS
47 WITH THE COMMISSIONER'S APPROVAL WITHIN SIXTY DAYS OF SUCH DETERMI-
48 NATION, THE COMMISSIONER SHALL APPOINT THE RECEIVER.

49 (B) THE RECEIVER SHALL BE AUTHORIZED TO MANAGE AND OPERATE THE FAILING
50 OR PERSISTENTLY FAILING SCHOOL AND SHALL HAVE THE POWER TO SUPERSEDE ANY
51 DECISION, POLICY OR REGULATION OF THE SUPERINTENDENT OF SCHOOLS OR CHIEF
52 SCHOOL OFFICER, OR OF THE BOARD OF EDUCATION OR ANOTHER SCHOOL OFFICER
53 OR THE BUILDING PRINCIPAL THAT IN THE SOLE JUDGMENT OF THE RECEIVER
54 CONFLICTS WITH THE SCHOOL INTERVENTION PLAN; PROVIDED HOWEVER THAT THE
55 RECEIVER MAY NOT SUPERSEDE DECISIONS THAT ARE NOT DIRECTLY LINKED TO THE
56 SCHOOL INTERVENTION PLAN, INCLUDING BUT NOT LIMITED TO BUILDING USAGE

1 PLANS, CO-LOCATION DECISIONS AND TRANSPORTATION OF STUDENTS. THE RECEIV-
2 ER SHALL HAVE AUTHORITY TO REVIEW PROPOSED SCHOOL DISTRICT BUDGETS PRIOR
3 TO PRESENTATION TO THE DISTRICT VOTERS, OR IN THE CASE OF A CITY SCHOOL
4 DISTRICT IN A CITY HAVING A POPULATION OF ONE HUNDRED TWENTY-FIVE THOU-
5 SAND OR MORE, OF THE ADOPTION OF A CONTINGENCY BUDGET, PRIOR TO APPROVAL
6 BY THE BOARD OF EDUCATION, AND TO MODIFY THE PROPOSED BUDGET TO CONFORM
7 TO THE SCHOOL INTERVENTION PLAN PROVIDED THAT SUCH MODIFICATIONS SHALL
8 BE LIMITED IN SCOPE AND EFFECT TO THE FAILING OR PERSISTENTLY FAILING
9 SCHOOL AND MAY NOT UNDULY IMPACT OTHER SCHOOLS IN THE DISTRICT. A SCHOOL
10 UNDER RECEIVERSHIP SHALL OPERATE IN ACCORDANCE WITH LAWS REGULATING
11 OTHER PUBLIC SCHOOLS, EXCEPT AS SUCH PROVISIONS MAY CONFLICT WITH THIS
12 SECTION.

13 (C) THE COMMISSIONER SHALL CONTRACT WITH THE RECEIVER, AND THE COMPEN-
14 SATION AND OTHER COSTS OF THE RECEIVER APPOINTED BY THE COMMISSIONER
15 SHALL BE PAID FROM A STATE APPROPRIATION FOR SUCH PURPOSE, OR BY THE
16 SCHOOL DISTRICT, AS DETERMINED BY THE COMMISSIONER, PROVIDED THAT COSTS
17 SHALL BE PAID BY THE SCHOOL DISTRICT ONLY IF THERE IS AN OPEN ADMINIS-
18 TRATIVE STAFFING LINE AVAILABLE FOR THE RECEIVER, AND THE RECEIVER WILL
19 BE TAKING ON THE RESPONSIBILITIES OF SUCH OPEN LINE. NOTWITHSTANDING ANY
20 OTHER PROVISION OF LAW TO THE CONTRARY, THE RECEIVER AND ANY OF ITS
21 EMPLOYEES PROVIDING SERVICES IN THE RECEIVERSHIP SHALL BE ENTITLED TO
22 DEFENSE AND INDEMNIFICATION BY THE SCHOOL DISTRICT TO THE SAME EXTENT AS
23 A SCHOOL DISTRICT EMPLOYEE. THE RECEIVER'S CONTRACT MAY BE TERMINATED BY
24 THE COMMISSIONER FOR A VIOLATION OF LAW OR THE COMMISSIONER'S REGU-
25 LATIONS OR FOR NEGLECT OF DUTY. A RECEIVER APPOINTED TO OPERATE A
26 DISTRICT UNDER THIS SECTION SHALL HAVE FULL MANAGERIAL AND OPERATIONAL
27 CONTROL OVER SUCH SCHOOL; PROVIDED, HOWEVER, THAT THE BOARD OF EDUCATION
28 SHALL REMAIN THE EMPLOYER OF RECORD, AND PROVIDED FURTHER THAT ANY
29 EMPLOYMENT DECISIONS OF THE BOARD OF EDUCATION MAY BE SUPERSEDED BY THE
30 RECEIVER. IT SHALL BE THE DUTY OF THE BOARD OF EDUCATION AND THE SUPER-
31 INTENDENT OF SCHOOLS TO FULLY COOPERATE WITH THE RECEIVER AND WILLFUL
32 FAILURE TO COOPERATE OR INTERFERENCE WITH THE FUNCTIONS OF THE RECEIVER
33 SHALL CONSTITUTE WILLFUL NEGLECT OF DUTY FOR PURPOSES OF SECTION THREE
34 HUNDRED SIX OF THIS TITLE. THE RECEIVER OR THE RECEIVER'S DESIGNEE SHALL
35 BE AN EX OFFICIO NON-VOTING MEMBER OF THE BOARD OF EDUCATION ENTITLED TO
36 ATTEND ALL MEETINGS OF THE BOARD OF EDUCATION.

37 3. BEFORE DEVELOPING THE SCHOOL INTERVENTION PLAN, THE RECEIVER SHALL
38 CONSULT WITH LOCAL STAKEHOLDERS SUCH AS: (A) THE BOARD OF EDUCATION; (B)
39 THE SUPERINTENDENT OF SCHOOLS; (C) THE BUILDING PRINCIPAL; (D) TEACHERS
40 ASSIGNED TO THE SCHOOL AND THEIR COLLECTIVE BARGAINING REPRESENTATIVE;
41 (E) SCHOOL ADMINISTRATORS ASSIGNED TO THE SCHOOL AND THEIR COLLECTIVE
42 BARGAINING REPRESENTATIVE; (F) PARENTS AND GUARDIANS OF STUDENTS ATTEND-
43 ING THE SCHOOL OR THEIR REPRESENTATIVES; (G) REPRESENTATIVES OF APPLICA-
44 BLE STATE AND LOCAL SOCIAL SERVICE, HEALTH AND MENTAL HEALTH AGENCIES;
45 (H) AS APPROPRIATE, REPRESENTATIVES OF LOCAL CAREER EDUCATION PROVIDERS,
46 STATE AND LOCAL WORKFORCE DEVELOPMENT AGENCIES AND THE LOCAL BUSINESS
47 COMMUNITY; (I) FOR ELEMENTARY SCHOOLS, REPRESENTATIVES OF LOCAL PREKIN-
48 DERGARTEN PROGRAMS; (J) STUDENTS ATTENDING THE SCHOOL AS APPROPRIATE;
49 (K) AS NEEDED FOR MIDDLE SCHOOLS, JUNIOR HIGH SCHOOLS, CENTRAL SCHOOLS
50 OR HIGH SCHOOLS, REPRESENTATIVES OF LOCAL HIGHER EDUCATION INSTITUTIONS;
51 AND (L) THE SCHOOL STAKEHOLDER TEAM SET FORTH IN SUBDIVISION ONE-A OF
52 THIS SECTION.

53 4. IN CREATING THE SCHOOL INTERVENTION PLAN, THE RECEIVER SHALL (I)
54 CONSIDER THE RECOMMENDATIONS DEVELOPED BY THE COMMUNITY ENGAGEMENT TEAM
55 SET FORTH IN SUBDIVISION ONE-A OF THIS SECTION; (II) INCLUDE PROVISIONS
56 INTENDED TO MAXIMIZE THE RAPID ACADEMIC ACHIEVEMENT OF STUDENTS AT THE

1 SCHOOL; AND (III) ENSURE THAT THE PLAN ADDRESSES SCHOOL LEADERSHIP AND
2 CAPACITY, SCHOOL LEADER PRACTICES AND DECISIONS, CURRICULUM DEVELOPMENT
3 AND SUPPORT, TEACHER PRACTICES AND DECISIONS, STUDENT SOCIAL AND
4 EMOTIONAL DEVELOPMENTAL HEALTH, AND FAMILY AND COMMUNITY ENGAGEMENT. THE
5 RECEIVER SHALL, TO THE EXTENT PRACTICABLE, BASE THE PLAN ON THE FINDINGS
6 OF ANY RECENT DIAGNOSTIC REVIEW OR ASSESSMENT OF THE SCHOOL THAT HAS
7 BEEN CONDUCTED AND, AS APPLIED TO THE SCHOOL, STUDENT OUTCOME DATA
8 INCLUDING, BUT NOT LIMITED TO: (A) STUDENT ACHIEVEMENT GROWTH DATA BASED
9 ON STATE MEASURES; (B) OTHER MEASURES OF STUDENT ACHIEVEMENT; (C)
10 STUDENT PROMOTION AND GRADUATION RATES; (D) ACHIEVEMENT AND GROWTH DATA
11 FOR THE SUBGROUPS OF STUDENTS USED IN THE STATE'S ACCOUNTABILITY SYSTEM;
12 (E) STUDENT ATTENDANCE; AND (F) LONG-TERM AND SHORT-TERM SUSPENSION
13 RATES.

14 5. (A) THE RECEIVER SHALL INCLUDE THE FOLLOWING IN THE SCHOOL INTER-
15 VENTION PLAN: (I) MEASURES TO ADDRESS SOCIAL SERVICE, HEALTH AND MENTAL
16 HEALTH NEEDS OF STUDENTS IN THE SCHOOL AND THEIR FAMILIES IN ORDER TO
17 HELP STUDENTS ARRIVE AND REMAIN AT SCHOOL READY TO LEARN; PROVIDED THAT
18 THIS MAY INCLUDE MENTAL HEALTH AND SUBSTANCE ABUSE SCREENING; (II) MEAS-
19 URES TO IMPROVE OR EXPAND ACCESS TO CHILD WELFARE SERVICES AND, AS
20 APPROPRIATE, SERVICES IN THE SCHOOL COMMUNITY TO PROMOTE A SAFE AND
21 SECURE LEARNING ENVIRONMENT; (III) AS APPLICABLE, MEASURES TO PROVIDE
22 GREATER ACCESS TO CAREER AND TECHNICAL EDUCATION AND WORKFORCE DEVELOP-
23 MENT SERVICES PROVIDED TO STUDENTS IN THE SCHOOL AND THEIR FAMILIES IN
24 ORDER TO PROVIDE STUDENTS AND FAMILIES WITH MEANINGFUL EMPLOYMENT SKILLS
25 AND OPPORTUNITIES; (IV) MEASURES TO ADDRESS ACHIEVEMENT GAPS FOR ENGLISH
26 LANGUAGE LEARNERS, STUDENTS WITH DISABILITIES AND ECONOMICALLY DISADVAN-
27 TAGED STUDENTS, AS APPLICABLE; (V) MEASURES TO ADDRESS SCHOOL CLIMATE
28 AND POSITIVE BEHAVIOR SUPPORT, INCLUDING MENTORING AND OTHER YOUTH
29 DEVELOPMENT PROGRAMS; AND (VI) A BUDGET FOR THE SCHOOL INTERVENTION
30 PLAN.

31 (B) AS NECESSARY, THE COMMISSIONER AND THE COMMISSIONERS OF THE
32 DEPARTMENT OF HEALTH, THE OFFICE OF CHILDREN AND FAMILY SERVICES, THE
33 DEPARTMENT OF LABOR AND OTHER APPLICABLE STATE AND LOCAL SOCIAL SERVICE,
34 HEALTH, MENTAL HEALTH AND CHILD WELFARE OFFICIALS SHALL COORDINATE
35 REGARDING THE IMPLEMENTATION OF THE MEASURES DESCRIBED IN SUBPARAGRAPHS
36 (I) THROUGH (III) OF PARAGRAPH (A) OF THIS SUBDIVISION THAT ARE INCLUDED
37 IN THE SCHOOL INTERVENTION PLAN AND SHALL, SUBJECT TO APPROPRIATION,
38 REASONABLY SUPPORT SUCH IMPLEMENTATION CONSISTENT WITH THE REQUIREMENTS
39 OF STATE AND FEDERAL LAW APPLICABLE TO THE RELEVANT PROGRAMS THAT EACH
40 SUCH OFFICIAL IS RESPONSIBLE FOR ADMINISTERING, AND GRANT FAILING
41 SCHOOLS PRIORITY IN COMPETITIVE GRANTS, AS ALLOWABLE BEFORE AND DURING
42 THE PERIOD OF RECEIVERSHIP.

43 6. IN ORDER TO ASSESS THE SCHOOL ACROSS MULTIPLE MEASURES OF SCHOOL
44 PERFORMANCE AND STUDENT SUCCESS, THE SCHOOL INTERVENTION PLAN SHALL
45 INCLUDE MEASURABLE ANNUAL GOALS INCLUDING, BUT NOT LIMITED TO, THE
46 FOLLOWING: (A) STUDENT ATTENDANCE; (B) STUDENT DISCIPLINE INCLUDING BUT
47 NOT LIMITED TO SHORT-TERM AND LONG-TERM SUSPENSION RATES; (C) STUDENT
48 SAFETY; (D) STUDENT PROMOTION AND GRADUATION AND DROP-OUT RATES; (E)
49 STUDENT ACHIEVEMENT AND GROWTH ON STATE MEASURES; (F) PROGRESS IN AREAS
50 OF ACADEMIC UNDERPERFORMANCE; (G) PROGRESS AMONG THE SUBGROUPS OF
51 STUDENTS USED IN THE STATE'S ACCOUNTABILITY SYSTEM; (H) REDUCTION OF
52 ACHIEVEMENT GAPS AMONG SPECIFIC GROUPS OF STUDENTS; (I) DEVELOPMENT OF
53 COLLEGE AND CAREER READINESS, INCLUDING AT THE ELEMENTARY AND MIDDLE
54 SCHOOL LEVELS; (J) PARENT AND FAMILY ENGAGEMENT; (K) BUILDING A CULTURE
55 OF ACADEMIC SUCCESS AMONG STUDENTS; (L) BUILDING A CULTURE OF STUDENT
56 SUPPORT AND SUCCESS AMONG FACULTY AND STAFF; (M) USING DEVELOPMENTALLY

1 APPROPRIATE CHILD ASSESSMENTS FROM PRE-KINDERGARTEN THROUGH THIRD GRADE,
2 IF APPLICABLE, THAT ARE TAILORED TO THE NEEDS OF THE SCHOOL; AND (N)
3 MEASURES OF STUDENT LEARNING.

4 7. (A) NOTWITHSTANDING ANY GENERAL OR SPECIAL LAW TO THE CONTRARY, IN
5 CREATING AND IMPLEMENTING THE SCHOOL INTERVENTION PLAN, THE RECEIVER
6 SHALL, AFTER CONSULTING WITH STAKEHOLDERS AND THE COMMUNITY ENGAGEMENT
7 TEAM, CONVERT SCHOOLS TO COMMUNITY SCHOOLS TO PROVIDE EXPANDED HEALTH,
8 MENTAL HEALTH AND OTHER SERVICES TO THE STUDENTS AND THEIR FAMILIES.

9 IN ADDITION, THE RECEIVER MAY: (I) REVIEW AND IF NECESSARY EXPAND, ALTER
10 OR REPLACE THE CURRICULUM AND PROGRAM OFFERINGS OF THE SCHOOL, INCLUDING
11 THE IMPLEMENTATION OF RESEARCH-BASED EARLY LITERACY PROGRAMS, EARLY
12 INTERVENTIONS FOR STRUGGLING READERS AND THE TEACHING OF ADVANCED PLACE-
13 MENT COURSES OR OTHER RIGOROUS NATIONALLY OR INTERNATIONALLY RECOGNIZED
14 COURSES, IF THE SCHOOL DOES NOT ALREADY HAVE SUCH PROGRAMS OR COURSES;
15 (II) REPLACE TEACHERS AND ADMINISTRATORS, INCLUDING SCHOOL LEADERSHIP
16 WHO ARE NOT APPROPRIATELY CERTIFIED OR LICENSED; (III) INCREASE SALARIES
17 OF CURRENT OR PROSPECTIVE TEACHERS AND ADMINISTRATORS TO ATTRACT AND
18 RETAIN HIGH-PERFORMING TEACHERS AND ADMINISTRATORS; (IV) ESTABLISH STEPS
19 TO IMPROVE HIRING, INDUCTION, TEACHER EVALUATION, PROFESSIONAL DEVELOP-
20 MENT, TEACHER ADVANCEMENT, SCHOOL CULTURE AND ORGANIZATIONAL STRUCTURE;
21 (V) REALLOCATE THE USES OF THE EXISTING BUDGET OF THE SCHOOL; (VI)
22 EXPAND THE SCHOOL DAY OR SCHOOL YEAR OR BOTH OF THE SCHOOL; (VII) FOR A
23 SCHOOL THAT OFFERS THE FIRST GRADE, ADD PRE-KINDERGARTEN AND FULL-DAY
24 KINDERGARTEN CLASSES, IF THE SCHOOL DOES NOT ALREADY HAVE SUCH CLASSES;
25 (VIII) IN ACCORDANCE WITH PARAGRAPHS (B) AND (C) OF THIS SUBDIVISION, TO
26 ABOLISH THE POSITIONS OF ALL MEMBERS OF THE TEACHING AND ADMINISTRATIVE
27 AND SUPERVISORY STAFF ASSIGNED TO THE FAILING OR PERSISTENTLY FAILING
28 SCHOOL AND TERMINATE THE EMPLOYMENT OF ANY BUILDING PRINCIPAL ASSIGNED
29 TO SUCH A SCHOOL, AND REQUIRE SUCH STAFF MEMBERS TO REAPPLY FOR THEIR
30 POSITIONS IN THE SCHOOL IF THEY SO CHOOSE; (IX) INCLUDE A PROVISION OF A
31 JOB-EMBEDDED PROFESSIONAL DEVELOPMENT FOR TEACHERS AT THE SCHOOL, WITH
32 AN EMPHASIS ON STRATEGIES THAT INVOLVE TEACHER INPUT AND FEEDBACK; (X)
33 ESTABLISH A PLAN FOR PROFESSIONAL DEVELOPMENT FOR ADMINISTRATORS AT THE
34 SCHOOL, WITH AN EMPHASIS ON STRATEGIES THAT DEVELOP LEADERSHIP SKILLS
35 AND USE THE PRINCIPLES OF DISTRIBUTIVE LEADERSHIP; AND/OR (XI) ORDER THE
36 CONVERSION OF A SCHOOL IN RECEIVERSHIP THAT HAS BEEN DESIGNATED AS FAIL-
37 ING OR PERSISTENTLY FAILING PURSUANT TO THIS SECTION INTO A CHARTER
38 SCHOOL, PROVIDED THAT SUCH CONVERSION SHALL BE SUBJECT TO ARTICLE
39 FIFTY-SIX OF THIS CHAPTER AND PROVIDED FURTHER THAT SUCH CHARTER CONVER-
40 SION SCHOOL SHALL OPERATE PURSUANT TO SUCH ARTICLE AND PROVIDED FURTHER
41 THAT SUCH CHARTER CONVERSION SCHOOL SHALL OPERATE CONSISTENT WITH A
42 COMMUNITY SCHOOLS MODEL AND PROVIDED FURTHER THAT SUCH CONVERSION CHAR-
43 TER SCHOOL SHALL BE SUBJECT TO THE PROVISIONS IN SUBDIVISIONS THREE,
44 FOUR, FIVE, SIX, NINE, TEN, ELEVEN, TWELVE AND THIRTEEN OF THIS SECTION.

45 (B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION TO
46 THE CONTRARY, UPON DESIGNATION OF ANY SCHOOL OF THE SCHOOL DISTRICT AS A
47 FAILING OR PERSISTENTLY FAILING SCHOOL PURSUANT TO THIS SECTION, THE
48 ABOLITION OF POSITIONS OF MEMBERS OF THE TEACHING AND ADMINISTRATIVE AND
49 SUPERVISORY STAFF OF THE SCHOOL SHALL THEREAFTER BE GOVERNED BY THE
50 APPLICABLE PROVISIONS OF SECTION TWENTY-FIVE HUNDRED TEN, TWENTY-FIVE
51 HUNDRED EIGHTY-FIVE, TWENTY-FIVE HUNDRED EIGHTY-EIGHT OR THREE THOUSAND
52 THIRTEEN OF THIS CHAPTER AS MODIFIED BY THIS PARAGRAPH. A CLASSROOM
53 TEACHER OR BUILDING PRINCIPAL WHO HAS RECEIVED TWO OR MORE COMPOSITE
54 RATINGS OF INEFFECTIVE ON AN ANNUAL PROFESSIONAL PERFORMANCE REVIEW
55 SHALL BE DEEMED NOT TO HAVE RENDERED FAITHFUL AND COMPETENT SERVICE
56 WITHIN THE MEANING OF SECTION TWENTY-FIVE HUNDRED TEN, TWENTY-FIVE

1 HUNDRED EIGHTY-FIVE, TWENTY-FIVE HUNDRED EIGHTY-EIGHT OR THREE THOUSAND
2 THIRTEEN OF THIS CHAPTER. WHEN A POSITION OF A CLASSROOM TEACHER OR
3 BUILDING PRINCIPAL IS ABOLISHED, THE SERVICES OF THE TEACHER OR ADMINIS-
4 TRATOR OR SUPERVISOR WITHIN THE TENURE AREA OF THE POSITION WITH THE
5 LOWEST RATING ON THE MOST RECENT ANNUAL PROFESSIONAL PERFORMANCE REVIEW
6 SHALL BE DISCONTINUED, PROVIDED THAT SENIORITY WITHIN THE TENURE AREA OF
7 THE POSITION SHALL BE USED SOLELY TO DETERMINE WHICH POSITION SHOULD BE
8 DISCONTINUED IN THE EVENT OF A TIE.

9 (C) THE RECEIVER MAY ABOLISH THE POSITIONS OF ALL TEACHERS AND PEDA-
10 GOGICAL SUPPORT STAFF, ADMINISTRATORS AND PUPIL PERSONNEL SERVICE
11 PROVIDERS ASSIGNED TO A SCHOOL DESIGNATED AS FAILING OR PERSISTENTLY
12 FAILING PURSUANT TO THIS SECTION AND REQUIRE SUCH STAFF MEMBERS TO REAP-
13 PLY FOR NEW POSITIONS IF THEY SO CHOOSE. THE RECEIVER SHALL DEFINE NEW
14 POSITIONS FOR THE SCHOOL ALIGNED WITH THE SCHOOL INTERVENTION PLAN,
15 INCLUDING SELECTION CRITERIA AND EXPECTED DUTIES AND RESPONSIBILITIES
16 FOR EACH POSITION. FOR ADMINISTRATORS AND PUPIL PERSONNEL SERVICE
17 PROVIDERS, THE RECEIVER SHALL HAVE FULL DISCRETION OVER ALL SUCH REHIR-
18 ING DECISIONS. FOR TEACHERS AND PEDAGOGICAL SUPPORT STAFF, THE RECEIVER
19 SHALL CONVENE A STAFFING COMMITTEE INCLUDING THE RECEIVER, TWO APPOINT-
20 EES OF THE RECEIVER AND TWO APPOINTEES SELECTED BY THE SCHOOL STAFF OR
21 THEIR COLLECTIVE BARGAINING UNIT. THE STAFFING COMMITTEE WILL DETERMINE
22 WHETHER FORMER SCHOOL STAFF REAPPLYING FOR POSITIONS ARE QUALIFIED FOR
23 THE NEW POSITIONS. THE RECEIVER SHALL HAVE FULL DISCRETION REGARDING
24 HIRING DECISIONS BUT MUST FILL AT LEAST FIFTY PERCENT OF THE NEWLY
25 DEFINED POSITIONS WITH THE MOST SENIOR FORMER SCHOOL STAFF WHO ARE
26 DETERMINED BY THE STAFFING COMMITTEE TO BE QUALIFIED. ANY REMAINING
27 VACANCIES SHALL BE FILLED BY THE RECEIVER IN CONSULTATION WITH THE
28 STAFFING COMMITTEE. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE
29 CONTRARY, A MEMBER OF THE TEACHING AND PEDAGOGICAL SUPPORT, ADMINISTRA-
30 TIVE, OR PUPIL PERSONNEL SERVICE STAFF WHO IS NOT REHIRED PURSUANT TO
31 THIS PARAGRAPH SHALL NOT HAVE ANY RIGHT TO BUMP OR DISPLACE ANY OTHER
32 PERSON EMPLOYED BY THE DISTRICT, BUT SHALL BE PLACED ON A PREFERRED
33 ELIGIBILITY LIST IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF SECTION
34 TWENTY-FIVE HUNDRED TEN, TWENTY-FIVE HUNDRED EIGHTY-FIVE, TWENTY-FIVE
35 HUNDRED EIGHTY-EIGHT OR THREE THOUSAND THIRTEEN OF THIS CHAPTER. TEACH-
36 ERS REHIRED PURSUANT TO THIS PARAGRAPH SHALL MAINTAIN THEIR PRIOR STATUS
37 AS TENURED OR PROBATIONARY, AND A PROBATIONARY TEACHER'S PROBATION PERI-
38 OD SHALL NOT BE CHANGED.

39 (D) FOR A SCHOOL WITH ENGLISH LANGUAGE LEARNERS, THE PROFESSIONAL
40 DEVELOPMENT AND PLANNING TIME FOR TEACHERS AND ADMINISTRATORS IDENTIFIED
41 IN CLAUSES (VI) AND (VII) OF THE CLOSING PARAGRAPH OF PARAGRAPH (A) OF
42 THIS SUBDIVISION, SHALL INCLUDE SPECIFIC STRATEGIES AND CONTENT DESIGNED
43 TO MAXIMIZE THE RAPID ACADEMIC ACHIEVEMENT OF THE ENGLISH LANGUAGE LEAR-
44 NERS.

45 8. (A) IN ORDER TO MAXIMIZE THE RAPID ACHIEVEMENT OF STUDENTS AT THE
46 APPLICABLE SCHOOL, THE RECEIVER MAY REQUEST THAT THE COLLECTIVE BARGAIN-
47 ING UNIT OR UNITS REPRESENTING TEACHERS AND ADMINISTRATORS AND THE
48 RECEIVER, ON BEHALF OF THE BOARD OF EDUCATION, NEGOTIATE A RECEIVERSHIP
49 AGREEMENT THAT MODIFIES THE APPLICABLE COLLECTIVE BARGAINING AGREEMENT
50 OR AGREEMENTS WITH RESPECT TO ANY FAILING SCHOOLS IN RECEIVERSHIP APPLI-
51 CABLE DURING THE PERIOD OF RECEIVERSHIP. THE RECEIVERSHIP AGREEMENT MAY
52 ADDRESS THE FOLLOWING SUBJECTS: THE LENGTH OF THE SCHOOL DAY; THE LENGTH
53 OF THE SCHOOL YEAR; PROFESSIONAL DEVELOPMENT FOR TEACHERS AND ADMINIS-
54 TRATORS; CLASS SIZE; AND CHANGES TO THE PROGRAMS, ASSIGNMENTS, AND
55 TEACHING CONDITIONS IN THE SCHOOL IN RECEIVERSHIP. THE RECEIVERSHIP
56 AGREEMENT SHALL NOT PROVIDE FOR ANY REDUCTION IN COMPENSATION UNLESS

1 THERE SHALL ALSO BE A PROPORTIONATE REDUCTION IN HOURS AND SHALL PROVIDE
2 FOR A PROPORTIONATE INCREASE IN COMPENSATION WHERE THE LENGTH OF THE
3 SCHOOL DAY OR SCHOOL YEAR IS EXTENDED. THE RECEIVERSHIP AGREEMENT SHALL
4 NOT ALTER THE REMAINING TERMS OF THE EXISTING/UNDERLYING COLLECTIVE
5 BARGAINING AGREEMENT WHICH SHALL REMAIN IN EFFECT.

6 (B) THE BARGAINING SHALL BE CONDUCTED BETWEEN THE RECEIVER AND THE
7 COLLECTIVE BARGAINING UNIT IN GOOD FAITH AND COMPLETED NOT LATER THAN
8 THIRTY DAYS FROM THE POINT AT WHICH THE RECEIVER REQUESTED THAT THE
9 BARGAINING COMMENCE. THE AGREEMENT SHALL BE SUBJECT TO RATIFICATION
10 WITHIN TEN BUSINESS DAYS BY THE BARGAINING UNIT MEMBERS IN THE SCHOOL.
11 IF THE PARTIES ARE UNABLE TO REACH AN AGREEMENT WITHIN THIRTY DAYS OR IF
12 THE AGREEMENT IS NOT RATIFIED WITHIN TEN BUSINESS DAYS BY THE BARGAINING
13 UNIT MEMBERS OF THE SCHOOL, THE PARTIES SHALL SUBMIT ANY REMAINING UNRE-
14 SOLVED ISSUES TO THE COMMISSIONER WHO SHALL RESOLVE ANY UNRESOLVED
15 ISSUES WITHIN FIVE DAYS, IN ACCORDANCE WITH STANDARD COLLECTIVE BARGAIN-
16 ING PRINCIPLES.

17 (C) FOR PURPOSES ONLY FOR SCHOOLS DESIGNATED AS FAILING PURSUANT TO
18 SUBPARAGRAPH (II) OF PARAGRAPH (C) OF SUBDIVISION ONE OF THIS SECTION,
19 BARGAINING SHALL BE CONDUCTED BETWEEN THE RECEIVER AND THE COLLECTIVE
20 BARGAINING UNIT IN GOOD FAITH AND COMPLETED NOT LATER THAN THIRTY DAYS
21 FROM THE POINT AT WHICH THE RECEIVER REQUESTED THAT THE BARGAINING
22 COMMENCE. THE AGREEMENT SHALL BE SUBJECT TO RATIFICATION WITHIN TEN
23 BUSINESS DAYS BY THE BARGAINING UNIT MEMBERS OF THE SCHOOL. IF THE
24 PARTIES ARE UNABLE TO REACH AN AGREEMENT WITHIN THIRTY DAYS OR IF THE
25 AGREEMENT IS NOT RATIFIED WITHIN TEN BUSINESS DAYS BY THE BARGAINING
26 UNIT MEMBERS OF THE SCHOOL, A CONCILIATOR SHALL BE SELECTED THROUGH THE
27 AMERICAN ARBITRATION ASSOCIATION, WHO SHALL FORTHWITH FORWARD TO THE
28 PARTIES A LIST OF THREE CONCILIATORS, EACH OF WHOM SHALL HAVE PROFES-
29 SIONAL EXPERIENCE IN ELEMENTARY AND SECONDARY EDUCATION, FROM WHICH THE
30 PARTIES MAY AGREE UPON A SINGLE CONCILIATOR PROVIDED, HOWEVER, THAT IF
31 THE PARTIES CANNOT SELECT A CONCILIATOR FROM AMONG THE THREE WITHIN
32 THREE BUSINESS DAYS, THE AMERICAN ARBITRATION ASSOCIATION SHALL SELECT A
33 CONCILIATOR FROM THE LIST OF NAMES WITHIN ONE BUSINESS DAY, AND THE
34 CONCILIATOR SHALL RESOLVE ALL OUTSTANDING ISSUES WITHIN FIVE DAYS. AFTER
35 SUCH FIVE DAYS, IF ANY UNRESOLVED ISSUES REMAIN, THE PARTIES SHALL
36 SUBMIT SUCH ISSUES TO THE COMMISSIONER WHO SHALL RESOLVE SUCH ISSUES
37 WITHIN FIVE DAYS, IN ACCORDANCE WITH STANDARD COLLECTIVE BARGAINING
38 PRINCIPLES.

39 9. A FINAL SCHOOL INTERVENTION PLAN SHALL BE SUBMITTED TO THE COMMIS-
40 SIONER FOR APPROVAL AND, UPON APPROVAL, SHALL BE ISSUED BY THE RECEIVER
41 WITHIN SIX MONTHS OF THE RECEIVER'S APPOINTMENT. A COPY OF SUCH PLAN
42 SHALL BE PROVIDED TO THE BOARD OF EDUCATION, THE SUPERINTENDENT OF
43 SCHOOLS AND THE COLLECTIVE BARGAINING REPRESENTATIVES OF TEACHERS AND
44 ADMINISTRATORS OF THE SCHOOL DISTRICT. THE PLAN SHALL BE PUBLICLY AVAIL-
45 ABLE AND SHALL BE POSTED ON THE DEPARTMENT'S WEBSITE AND THE SCHOOL
46 DISTRICT'S WEBSITE, AND THE SCHOOL DISTRICT SHALL PROVIDE NOTICE TO
47 PARENTS OF SUCH SCHOOL INTERVENTION PLAN AND ITS AVAILABILITY.

48 10. EACH SCHOOL INTERVENTION PLAN SHALL BE AUTHORIZED FOR A PERIOD OF
49 NOT MORE THAN THREE YEARS. THE RECEIVER MAY DEVELOP ADDITIONAL COMPO-
50 NENTS OF THE PLAN AND SHALL DEVELOP ANNUAL GOALS FOR EACH COMPONENT OF
51 THE PLAN IN A MANNER CONSISTENT WITH THIS SECTION, ALL OF WHICH MUST BE
52 APPROVED BY THE COMMISSIONER. THE RECEIVER SHALL BE RESPONSIBLE FOR
53 MEETING THE GOALS OF THE SCHOOL INTERVENTION PLAN.

54 11. THE RECEIVER SHALL PROVIDE A WRITTEN REPORT TO THE BOARD OF EDUCA-
55 TION, THE COMMISSIONER, AND THE BOARD OF REGENTS ON A QUARTERLY BASIS TO
56 PROVIDE SPECIFIC INFORMATION ABOUT THE PROGRESS BEING MADE ON THE IMPL-

1 MENTATION OF THE SCHOOL INTERVENTION PLAN. ONE OF THE QUARTERLY REPORTS
2 SHALL BE THE ANNUAL EVALUATION OF THE INTERVENTION PLAN UNDER SUBDIVI-
3 SION TWELVE OF THIS SECTION.

4 12. (A) THE COMMISSIONER SHALL, IN CONSULTATION AND COOPERATION WITH
5 THE DISTRICT AND THE SCHOOL STAFF, EVALUATE EACH SCHOOL WITH AN
6 APPOINTED RECEIVER AT LEAST ANNUALLY. THE PURPOSE OF THE EVALUATION
7 SHALL BE TO DETERMINE WHETHER THE SCHOOL HAS MET THE ANNUAL GOALS IN ITS
8 SCHOOL INTERVENTION PLAN AND TO ASSESS THE IMPLEMENTATION OF THE PLAN AT
9 THE SCHOOL. THE EVALUATION SHALL BE IN WRITING AND SHALL BE SUBMITTED TO
10 THE SUPERINTENDENT AND THE BOARD OF EDUCATION NOT LATER THAN SEPTEMBER
11 FIRST FOR THE PRECEDING SCHOOL YEAR. THE EVALUATION SHALL BE SUBMITTED
12 IN A FORMAT DETERMINED BY THE COMMISSIONER.

13 (B) IF THE COMMISSIONER DETERMINES THAT THE SCHOOL HAS MET THE ANNUAL
14 PERFORMANCE GOALS STATED IN THE SCHOOL INTERVENTION PLAN, THE EVALUATION
15 SHALL BE CONSIDERED SUFFICIENT AND THE IMPLEMENTATION OF THE SCHOOL
16 INTERVENTION PLAN SHALL CONTINUE. IF THE COMMISSIONER DETERMINES THAT
17 THE SCHOOL HAS NOT MET ONE OR MORE GOALS IN THE PLAN, THE COMMISSIONER
18 MAY REQUIRE MODIFICATION OF THE PLAN.

19 13. UPON THE EXPIRATION OF A SCHOOL INTERVENTION PLAN FOR A SCHOOL
20 WITH AN APPOINTED RECEIVER, THE COMMISSIONER, IN CONSULTATION AND COOP-
21 ERATION WITH THE DISTRICT, SHALL CONDUCT AN EVALUATION OF THE SCHOOL TO
22 DETERMINE WHETHER THE SCHOOL HAS IMPROVED SUFFICIENTLY, REQUIRES FURTHER
23 IMPROVEMENT OR HAS FAILED TO IMPROVE. ON THE BASIS OF SUCH REVIEW, THE
24 COMMISSIONER, IN CONSULTATION AND COOPERATION WITH THE DISTRICT, MAY:
25 (A) RENEW THE PLAN WITH THE RECEIVER FOR AN ADDITIONAL PERIOD OF NOT
26 MORE THAN THREE YEARS; (B) IF THE FAILING OR PERSISTENTLY FAILING SCHOOL
27 REMAINS FAILING AND THE TERMS OF THE PLAN HAVE NOT BEEN SUBSTANTIALLY
28 MET, TERMINATE THE CONTRACT WITH THE RECEIVER AND APPOINT A NEW RECEIV-
29 ER; OR (C) DETERMINE THAT THE SCHOOL HAS IMPROVED SUFFICIENTLY FOR THE
30 DESIGNATION OF FAILING OR PERSISTENTLY FAILING TO BE REMOVED.

31 14. NOTHING IN THIS SECTION SHALL PROHIBIT THE COMMISSIONER OR A LOCAL
32 DISTRICT FROM CLOSING A SCHOOL PURSUANT TO THE REGULATIONS OF THE
33 COMMISSIONER.

34 15. THE COMMISSIONER SHALL BE AUTHORIZED TO ADOPT REGULATIONS TO CARRY
35 OUT THE PROVISIONS OF THIS SECTION.

36 16. THE COMMISSIONER SHALL REPORT ANNUALLY TO THE GOVERNOR AND THE
37 LEGISLATURE ON THE IMPLEMENTATION AND FISCAL IMPACT OF THIS SECTION. THE
38 REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO, A LIST OF ALL SCHOOLS
39 CURRENTLY DESIGNATED AS FAILING OR PERSISTENTLY FAILING AND THE STRATE-
40 GIES USED IN EACH OF THE SCHOOLS TO MAXIMIZE THE RAPID ACADEMIC ACHIEVE-
41 MENT OF STUDENTS.

42 17. THE COMMISSIONER SHALL PROVIDE ANY RELEVANT DATA THAT IS NEEDED TO
43 IMPLEMENT AND COMPLY WITH THE REQUIREMENTS OF THE CHAPTER OF THE LAWS OF
44 TWO THOUSAND FIFTEEN WHICH ADDED THIS SECTION TO ANY SCHOOL DISTRICT
45 THAT HAS A SCHOOL OR SCHOOLS DESIGNATED AS FAILING OR PERSISTENTLY FAIL-
46 ING PURSUANT TO THIS SECTION BY AUGUST FIFTEENTH OF EACH YEAR, TO THE
47 FULLEST EXTENT PRACTICABLE. PROVIDED THAT THE COMMISSIONER SHALL
48 PROVIDE GUIDANCE TO DISTRICTS AND MAY ESTABLISH A MODEL INTERVENTION
49 PLAN. AND PROVIDED FURTHER, THAT THE COMMISSIONER SHALL MAKE AVAILABLE
50 TO THE PUBLIC ANY SCHOOL INTERVENTION PLAN, OR OTHER DEPARTMENT-APPROVED
51 INTERVENTION MODEL OR COMPREHENSIVE EDUCATION PLAN OF A SCHOOL OR
52 DISTRICT PROVIDED THAT SUCH MEASURES ARE CONSISTENT WITH ALL FEDERAL AND
53 STATE PRIVACY LAWS.

54 S 2. This act shall take effect immediately.

55 S 3. Severability clause. If any clause, sentence, paragraph, subdivi-
56 sion, section or part of this act shall be adjudged by a court of compe-

1 tent jurisdiction to be invalid, such judgment shall not affect, impair,
2 or invalidate the remainder thereof, but shall be confined in its opera-
3 tion to the clause, sentence, paragraph, subdivision, section or part
4 thereof directly involved in the controversy in which such judgment
5 shall have been rendered. It is hereby declared to be the intent of the
6 legislature that this act would have been enacted even if such invalid
7 provisions had not been included herein.

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

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

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