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

6006

2015-2016 Regular Sessions

I N A S S E M B L Y

March 9, 2015

Introduced by COMMITTEE ON RULES -- read once and referred to the Committee on Ways and Means

AN ACT to amend the education law, in relation to apportionment of school aid, the teachers of tomorrow teacher recruitment and retention program, statewide universal full-day pre-kindergarten and support for English language learning success; to amend chapter 91 of the laws of 2002 amending the education law and other laws relating to the reorganization of the New York city school construction authority, board of education and community boards, in relation to the effectiveness thereof; and to amend chapter 345 of the laws of 2009 amending the education law relating to the New York city board of education, chancellor, community councils and community superintendents, in relation to the effectiveness thereof; 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 relating to the provision of supplemental educational services, attendance at a safe public

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

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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; 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; to provide for the repayment by the Johnson City central school district of certain excess state payments; in relation to penalties arising from the late filing of certain final cost reports; to amend the real property tax law, in relation to establishing equalization rates for Greenburgh central school district; allows the city school district of the city of Rochester to purchase services as a non-component school district; to authorize the Tonawanda city school district to pay a certain penalty in installments; to establish a semiconductor manufacturing tax stabilization fund in the Ballston Spa central school district to lessen or prevent increases in the school district's real property tax levy; to amend the general municipal law, in relation to employee benefit accrued liability reserve funds; 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 (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); to amend the education law, in relation to creating the New York DREAM fund commission; eligibility requirements and conditions governing general awards, academic performance awards and student loans; eligibility requirements for assistance under the higher education opportunity programs and the collegiate science and technology entry program; financial aid opportunities for students of the state university of New York, the city university of New York and community colleges; and the program requirements for the New York state college choice tuition savings program; and to repeal subdivision 3 of section 661 of such law relating thereto (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 family court act, in relation to family court, the definition of juvenile delinquent, the definition of a designated felony act, the procedures regarding the adjustment of cases from criminal courts to family court, the age at which children may be tried as an adult for various felonies, the manner in which courts handle juvenile delinquent cases services provided by family support centers, and successive petitions; to amend the social services law, in relation to state reimbursement for expenditures made by social services districts for various services; to amend the social services law, in relation to the definitions of juvenile delinquent and persons in need of supervision; to

amend the penal law, in relation to the definition of infancy and the authorized dispositions, and sentences; to amend the criminal procedure law, in relation to the definition of juvenile offender; to amend the criminal procedure law, in relation to the arrest of a juvenile offender without a warrant; in relation to the issuance of a uniform traffic ticket; in relation to proceedings upon felony complaints; in relation to conditional sealing of certain convictions for offenses committed by a defendant twenty years of age or younger; in relation to removal of certain proceedings to family court; in relation to joinder of offenses and consolidation of indictments; in relation to pleas; in relation to appearances and hearings for and placements of certain juvenile offenders; in relation to raising the age for juvenile offender status; to amend the correction law, in relation to requiring that no county jail be used for the confinement of persons under the age of eighteen; 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 a report of the cost effectiveness and programmatic impact of delivering special education programs; extending such provisions; to amend the vehicle and traffic law, in relation to certain convictions of juveniles; and in relation to authorizing family court judges to suspend, revoke and reissue licenses and registrations; and to repeal certain provisions of the criminal procedure law and the correction law relating thereto (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 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); to amend the labor law, in relation to the minimum wage (Part N); to amend the labor law, in relation to authorized absences by healthcare professionals who volunteer to fight the Ebola virus disease overseas (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); intentionally omitted (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 education law, in relation to establishing the New York state masters-in-education teacher incentive scholarship program (Part S); to amend the education law, in relation to establishing a science, technology, engineering, and math initiative (Part T); to amend the education law, in relation to establishing a financial outreach program (Part U); to amend the social services law, in relation to the twelve month work exemption for certain parents or relatives providing child care (Part V); to amend the social services law, in relation to clarifying notice requirements conciliation procedures and sanctions in cases when the

recipient of public assistance programs refuses to comply with employment program requirements (Part W); to amend the social services law, in relation to educational or training work activity requirements (Part X); to amend the education law, in relation to the amount of tuition assistance program awards (Part Y); to amend the education law, in relation to the investment of contributions to a family tuition account (Part Z); to amend the education law, in relation to the tuition assistance program for students with disabilities (Part AA); in relation to establishing the New York state non-profit infrastructure capital investment program grant (Part BB); to amend part I of chapter 58 of the laws of 2014, relating to reducing state aid for administrative costs of certain fair hearings in local social services districts, in relation to requiring social services districts with a population of more than 5,000,000 to submit plans to minimize the backlog of fair hearings (Part CC); to amend the social services law, in relation to establishing a homelessness prevention pilot program (Part DD); to amend the public housing law, in relation to New York city housing authority revitalization capital funds (Part EE); to amend the education law, in relation to the establishment of the foster youth college success initiative (Part FF); relates to conducting an evaluation of supportive housing services statewide (Part GG); requiring the New York state energy research and development authority to continue to offer Green Jobs - Green New York financing (Part HH); to establish the "My Home Mortgage Modification Program" (Part II); and relating to the Home Help Mortgage Assistance and Foreclosure Prevention Loan Program (Part JJ)

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

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

PART A

Section 1. Paragraph e of subdivision 1 of section 211-d of the education law, as amended by section 1 of part A of chapter 56 of the laws of 2014, is amended to read as follows:

e. Notwithstanding paragraphs a and b of this subdivision, a school district that submitted a contract for excellence for the two thousand eight--two thousand nine school year shall submit a contract for excellence for the two thousand nine--two thousand ten school year in conformity with the requirements of subparagraph (vi) of paragraph a of subdivision two of this section unless all schools in the district are identified as in good standing and provided further that, a school district that submitted a contract for excellence for the two thousand

nine--two thousand ten school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand eleven--two thousand twelve school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the product of the amount approved by the commissioner in the contract for excellence for the two thousand nine--two thousand ten school year, multiplied by the district's gap elimination adjustment percentage and provided further that, a school district that submitted a contract for excellence for the two thousand eleven--two thousand twelve school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand twelve--two thousand thirteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand eleven--two thousand twelve school year and provided further that, a school district that submitted a contract for excellence for the two thousand twelve--two thousand thirteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand thirteen--two thousand fourteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand twelve--two thousand thirteen school year and provided further that, a school district that submitted a contract for excellence for the two thousand thirteen--two thousand fourteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand fourteen--two thousand fifteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand thirteen--two thousand fourteen school year; AND PROVIDED FURTHER THAT, NO SCHOOL DISTRICT SHALL BE REQUIRED TO SUBMIT A CONTRACT FOR EXCELLENCE FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR AND THEREAFTER. For purposes of this paragraph, the "gap elimination adjustment percentage" shall be calculated as the sum of one minus the quotient of the sum of the school district's net gap elimination adjustment for two thousand ten--two thousand eleven computed pursuant to chapter fifty-three of the laws of two thousand ten, making appropriations for the support of government, plus the school district's gap elimination adjustment for two thousand eleven--two thousand twelve as computed pursuant to chapter fifty-three of the laws of two thousand eleven, making appropriations for the support of the local assistance budget, including support for general support for public schools, divided by the total aid for adjustment computed pursuant to chapter fifty-three of the laws of two thousand eleven, making appropriations for the local assistance budget, including support for general support for public schools. Provided, further, that such amount shall be expended to support and maintain allowable programs and activities approved in the two thousand nine--two thousand ten school year or to support new or expanded allowable programs and activities in the current year.

S 1-a. Paragraph b of subdivision 5 of section 1950 of the education law, as amended by section 80-a of part A of chapter 58 of the laws of 2011, is amended to read as follows:

b. The cost of services herein referred to shall be the amount allocated to each component school district by the board of cooperative educational services to defray expenses of such board, except that that part of the salary paid any teacher, supervisor or other employee of the board of cooperative educational services which is in excess of thirty thousand dollars, AND FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR AND THEREAFTER, IN EXCESS OF THIRTY-FOUR THOUSAND DOLLARS, shall not be such an approved expense, and except also that administrative and clerical expenses shall not exceed ten percent of the total expenses for purposes of this computation. Any gifts, donations or interest earned by the board of cooperative educational services or on behalf of the board of cooperative educational services by the dormitory authority or any other source shall not be deducted in determining the cost of services allocated to each component school district. Any payments made to a component school district by the board of cooperative educational services pursuant to subdivision eleven of section six-p of the general municipal law attributable to an approved cost of service computed pursuant to this subdivision shall be deducted from the cost of services allocated to such component school district. The expense of transportation provided by the board of cooperative educational services pursuant to paragraph q of subdivision four of this section shall be eligible for aid apportioned pursuant to subdivision seven of section thirty-six hundred two of this chapter and no board of cooperative educational services transportation expense shall be an approved cost of services for the computation of aid under this subdivision. Transportation expense pursuant to paragraph q of subdivision four of this section shall be included in the computation of the ten percent limitation on administrative and clerical expenses.

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

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

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

12. Academic enhancement aid. A school district that as of April first of the base year has been continuously identified as a district in need of improvement for at least five years shall, for the two thousand eight--two thousand nine school year, be entitled to an additional apportionment equal to the positive remainder, if any, of (a) the lesser of fifteen million dollars or the product of the total foundation aid base, as defined by paragraph j of subdivision one of this section,

multiplied by ten percent (0.10), less (b) the positive remainder of (i) the sum of the total foundation aid apportioned pursuant to subdivision four of this section and the supplemental educational improvement grants apportioned pursuant to subdivision eight of section thirty-six hundred forty-one of this article, less (ii) the total foundation aid base.

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

FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN AND THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN YEARS, EACH SCHOOL DISTRICT SHALL BE ENTITLED TO AN APPORTIONMENT EQUAL TO THE AMOUNT SET FORTH FOR SUCH SCHOOL DISTRICT AS "ACADEMIC ENHANCEMENT" UNDER THE HEADING "2014-15 ESTIMATED AIDS" IN THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE BUDGET FOR THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR AND ENTITLED "SA141-5", AND SUCH APPORTIONMENT SHALL BE DEEMED TO SATISFY THE STATE OBLIGATION TO PROVIDE AN APPORTIONMENT PURSUANT TO SUBDIVISION EIGHT OF SECTION THIRTY-SIX HUNDRED FORTY-ONE OF THIS ARTICLE.

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

Each school district shall be eligible to receive a high tax aid apportionment in the two thousand eight--two thousand nine school year, which shall equal the greater of (i) the sum of the tier 1 high tax aid apportionment, the tier 2 high tax aid apportionment and the tier 3 high tax aid apportionment or (ii) the product of the apportionment received by the school district pursuant to this subdivision in the two thousand seven--two thousand eight school year, multiplied by the due-minimum factor, which shall equal, for districts with an alternate pupil wealth ratio computed pursuant to paragraph b of subdivision three of this section that is less than two, seventy percent (0.70), and for all other districts, fifty percent (0.50). Each school district shall be eligible to receive a high tax aid apportionment in the two thousand nine--two thousand ten through two thousand twelve--two thousand thirteen school years in the amount set forth for such school district as "HIGH TAX AID" under the heading "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand nine--two thousand ten school year and entitled "SA0910". Each school district shall be eligible to receive a high tax aid apportionment in the two thousand thirteen--two thousand fourteen [school year and the two thousand fourteen--two thousand fifteen] THROUGH TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN school [year] YEARS equal to the greater of (1) the amount set forth for such school district as "HIGH TAX AID" under the heading "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand nine--two thousand ten school year and entitled "SA0910" or (2) the amount set forth for such school district as "HIGH TAX AID" under the heading "2013-14 ESTIMATED AIDS" in the school

aid computer listing produced by the commissioner in support of the executive budget for the 2013-14 fiscal year and entitled "BT131-4".

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

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

S 5-a. Paragraph b of subdivision 10 of section 3602 of the education law, as amended by section 16 of part B of chapter 57 of the laws of 2007, is amended to read as follows:

b. Aid for career education. There shall be apportioned to such city school districts and other school districts which were not components of a board of cooperative educational services in the base year for pupils in grades ten through twelve in attendance in career education programs as such programs are defined by the commissioner, subject for the purposes of this paragraph to the approval of the director of the budget, an amount for each such pupil to be computed by multiplying the career education aid ratio by three thousand nine hundred DOLLARS, AND

FOR AID PAYABLE IN THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR AND THEREAFTER BY FOUR THOUSAND TWO HUNDRED dollars. Such aid will be payable for weighted pupils attending career education programs operated by the school district and for weighted pupils for whom such school district contracts with boards of cooperative educational services to attend career education programs operated by a board of cooperative educational services. Weighted pupils for the purposes of this paragraph shall mean the sum of the attendance of students in grades ten through twelve in career education sequences in trade, industrial, technical, agricultural or health programs plus the product of sixteen hundredths multiplied by the attendance of students in grades ten through twelve in career education sequences in business and marketing as defined by the commissioner in regulations. The career education aid ratio shall be computed by subtracting from one the product obtained by multiplying fifty-nine percent by the combined wealth ratio. This aid ratio shall be expressed as a decimal carried to three places without rounding, but not less than thirty-six percent.

Any school district that receives aid pursuant to this paragraph shall be required to use such amount to support career education programs in the current year.

A board of education which spends less than its local funds as defined by regulations of the commissioner for career education in the base year during the current year shall have its apportionment under this subdivision reduced in an amount equal to such deficiency in the current or a succeeding school year, provided however that the commissioner may waive such reduction upon determination that overall expenditures per pupil in support of career education programs were continued at a level equal to or greater than the level of such overall expenditures per pupil in the preceding school year.

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

4. Total foundation aid. In addition to any other apportionment pursuant to this chapter, a school district, other than a special act school district as defined in subdivision eight of section four thousand one of this chapter, shall be eligible for total foundation aid equal to the product of total aidable foundation pupil units multiplied by the district's selected foundation aid, which shall be the greater of five hundred dollars ($500) or foundation formula aid, provided, however that for the two thousand seven--two thousand eight through two thousand eight--two thousand nine school years, no school district shall receive total foundation aid in excess of the sum of the total foundation aid base for aid payable in the two thousand seven--two thousand eight school year computed pursuant to subparagraph (i) of paragraph j of subdivision one of this section, plus the phase-in foundation increase computed pursuant to paragraph b of this subdivision, and provided further that for the two thousand twelve--two thousand thirteen school year, no school district shall receive total foundation aid in excess of the sum of the total foundation aid base for aid payable in the two thousand eleven--two thousand twelve school year computed pursuant to paragraph j of subdivision one of this section, plus the phase-in foundation increase computed pursuant to paragraph b of this subdivision, and provided further that for the two thousand thirteen--two thousand fourteen school year and thereafter, no school district shall receive total foundation aid in excess of the sum of the total foundation aid base computed pursuant to paragraph j of subdivision one of this

section, plus the phase-in foundation increase computed pursuant to paragraph b of this subdivision and provided further that total foundation aid shall not be less than the product of the total foundation aid base computed pursuant to paragraph j of subdivision one of this section and the due-minimum percent which shall be, for the two thousand twelve--two thousand thirteen school year, one hundred and six-tenths percent (1.006) and for the two thousand thirteen--two thousand fourteen school year for city school districts of those cities having populations in excess of one hundred twenty-five thousand and less than one million inhabitants one hundred and one and one hundred and seventy-six thousandths percent (1.01176), and for all other districts one hundred and three-tenths percent (1.003), and for the two thousand fourteen--two thousand fifteen school year one hundred and eighty-five hundredths percent (1.0085), AND FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR, ONE HUNDRED AND EIGHTY-FIVE HUNDREDTHS PERCENT (1.0085), subject to allocation pursuant to the provisions of subdivision eighteen of this section and any provisions of a chapter of the laws of New York as described therein, nor more than the product of such total foundation aid base and one hundred fifteen percent, and provided further that for the two thousand nine--two thousand ten through two thousand eleven--two thousand twelve school years, each school district shall receive total foundation aid in an amount equal to the amount apportioned to such school district for the two thousand eight--two thousand nine school year pursuant to this subdivision. Total aidable foundation pupil units shall be calculated pursuant to paragraph g of subdivision two of this section. For the purposes of calculating aid pursuant to this subdivision, aid for the city school district of the city of New York shall be calculated on a citywide basis.

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

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

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

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

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

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

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

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

(II) PHASE-IN FOUNDATION INCREASE FACTOR. For the two thousand eleven--two thousand twelve school year, the phase-in foundation increase factor shall equal thirty-seven and one-half percent (0.375) and the phase-in due minimum percent shall equal nineteen and forty-one hundredths percent (0.1941), for the two thousand twelve--two thousand thirteen school year the phase-in foundation increase factor shall equal one and seven-tenths percent (0.017), for the two thousand thirteen--two thousand fourteen school year the phase-in foundation increase factor shall equal (1) for a city school district in a city having a population of one million or more, five and twenty-three hundredths percent (0.0523) or (2) for all other school districts zero percent, for the two thousand fourteen--two thousand fifteen school year the phase-in foundation increase factor shall equal (1) for a city school district of a city having a population of one million or more, four and thirty-two hundredths percent (0.0432) or (2) for a school district other than a city school district having a population of one million or more for which (A) the quotient of the positive difference of the foundation formula aid minus the foundation aid base computed pursuant to paragraph j of subdivision one of this section divided by the foundation formula aid is greater than twenty-two percent (0.22) and (B) a combined wealth ratio less than thirty-five hundredths (0.35), seven percent (0.07) or (3) for all other school districts, four and thirty-one hundredths percent (0.0431), and for the two thousand fifteen--two thousand sixteen school year THE PHASE-IN FOUNDATION INCREASE FACTOR SHALL EQUAL (1) FOR A CITY SCHOOL DISTRICT OF A CITY HAVING A POPULATION OF ONE MILLION OR MORE, TWENTY-TWO AND EIGHT-TENTHS PERCENT (0.2280) OR (2) FOR DISTRICTS WHERE THE QUOTIENT ARRIVED AT WHEN DIVIDING (I) THE DIFFERENCE OF (A) TOTAL FOUNDATION AID LESS (B) TOTAL FOUNDATION AID FOR THE BASE YEAR DIVIDED BY (II) TOTAL FOUNDATION AID IS GREATER THAN NINETEEN PERCENT (0.19), AND WHERE THE DISTRICT'S COMBINED WEALTH RATIO IS LESS THAN THIRTY-THREE HUNDREDTHS (0.33), THIRTY PERCENT (0.30) OR (3) FOR DISTRICTS WHERE THE QUOTIENT ARRIVED AT WHEN DIVIDING (I) THE DIFFERENCE OF (A) TOTAL FOUNDATION AID LESS (B) TOTAL FOUNDATION AID FOR THE BASE YEAR DIVIDED BY (II) TOTAL FOUNDATION AID IS GREATER THAN NINETEEN PERCENT (0.19), WHERE THE DISTRICT'S COMBINED WEALTH RATIO IS LESS THAN THIRTY-THREE HUNDREDTHS (0.33), AND WHERE THE POSITIVE DIFFERENCE, IF ANY, OF THE BASE YEAR PUBLIC SCHOOL DISTRICT ENROLLMENT AS COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION FOR THE BASE YEAR LESS PUBLIC SCHOOL DISTRICT ENROLLMENT FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR IS GREATER THAN ZERO, FORTY PERCENT (0.40) OR (4) FOR ALL OTHER SCHOOL DISTRICTS, FIFTEEN AND NINETY-THREE HUNDREDTHS PERCENT (0.1593), AND FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR and thereafter the commissioner shall annually determine the phase-in foundation increase factor subject to allocation pursuant to the provisions of subdivision

eighteen of this section and any provisions of a chapter of the laws of New York as described therein.

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

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

d. For the two thousand fourteen--two thousand fifteen school year a city school district of a city having a population of one million or more may use amounts apportioned pursuant to this subdivision for after-school programs.

S 5-c. Paragraph b-1 of subdivision 4 of section 3602 of the education law, as amended by section 26 of part A of chapter 58 of the laws of 2011, is amended to read as follows:

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

S 5-d. The opening paragraph of paragraph (e) of subdivision 17 of section 3602 of the education law, as amended by section 12 of part A of chapter 57 of the laws of 2013 is amended to read as follows:

The gap elimination adjustment restoration amount for the two thousand thirteen--two thousand fourteen school year for a school district shall be computed based on data on file with the commissioner and in the database used by the commissioner to produce an updated electronic data file in support of the enacted budget for the two thousand thirteen--two thousand fourteen state fiscal year [end] AND entitled "SA131-4" and shall equal the greater of one hundred thousand dollars ($100,000) or the sum of:

S 5-e. The opening paragraph of paragraph (f) of subdivision 17 of section 3602 of the education law, as amended by section 2 of part A of chapter 56 of the laws of 2014, is amended to read as follows:

The gap elimination adjustment restoration amount for the two thousand fourteen--two thousand fifteen school year for a school district shall be computed based on data on file with the commissioner and in the database used by the commissioner to produce an updated electronic data file in support of the enacted budget for the two thousand fourteen--two thousand fifteen state fiscal year and entitled "SA141-5" and shall equal the greater of:

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

[(g)] G. The gap elimination adjustment restoration amount for the two thousand fifteen--two thousand sixteen school year [and thereafter shall equal the product of the gap elimination percentage for such district and the gap elimination adjustment restoration allocation established pursuant to subdivision eighteen of this section.] FOR A SCHOOL DISTRICT SHALL BE COMPUTED BASED ON DATA ON FILE WITH THE COMMISSIONER AND IN THE DATABASE USED BY THE COMMISSIONER TO PRODUCE AN UPDATED ELECTRONIC DATA FILE IN SUPPORT OF THE ENACTED BUDGET FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN STATE FISCAL YEAR AND ENTITLED "SA151-6" AND SHALL EQUAL THE GREATER OF (1) THE SUM OF TIERS ONE THROUGH SEVEN, (2) MINIMUM A, OR (3) MINIMUM B.

(I) TIER 1 SHALL EQUAL THE PRODUCT OF, FOR SCHOOL DISTRICTS WITH A POPULATION OF ONE MILLION OR MORE ONE HUNDRED FIVE DOLLARS ($105.00), AND FOR ALL OTHER DISTRICTS ONE HUNDRED EIGHTY-FIVE DOLLARS ($185.00) MULTIPLIED BY THE EXTRAORDINARY NEEDS COUNT COMPUTED PURSUANT TO PARAGRAPH S OF SUBDIVISION ONE OF THIS SECTION MULTIPLIED BY THE CONCENTRATION FACTOR, WHERE THE CONCENTRATION FACTOR SHALL BE THE SUM OF ONE PLUS THE QUOTIENT ARRIVED AT WHEN DIVIDING (1) THE DIFFERENCE OF THE EXTRAORDINARY NEEDS PERCENT COMPUTED PURSUANT TO PARAGRAPH W OF SUBDIVISION ONE OF THIS SECTION LESS FOUR TENTHS (0.4) DIVIDED BY (2) NINE HUNDRED TWO THOUSANDTHS (0.902), PROVIDED, HOWEVER, THAT SUCH CONCENTRATION FACTOR SHALL NOT BE LESS THAN ONE.

(II) TIER 2 SHALL BE THE PRODUCT, FOR DISTRICTS WITH A CHANGE IN ENROLLMENT OF GREATER THAN TWO PERCENT, OF EIGHT HUNDRED DOLLARS ($800.00) MULTIPLIED BY THE CHANGE IN ENROLLMENT, AND FOR ANY DISTRICT WITH A CHANGE IN ENROLLMENT GREATER THAN ZERO BUT LESS THAN TWO PERCENT, OF SIX HUNDRED FIFTY DOLLARS ($650.00) MULTIPLIED BY THE CHANGE IN ENROLLMENT, WHERE THE CHANGE IN ENROLLMENT SHALL BE THE POSITIVE DIFFERENCE, IF ANY, OF THE BASE YEAR PUBLIC SCHOOL DISTRICT ENROLLMENT AS COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION FOR THE BASE YEAR LESS PUBLIC SCHOOL DISTRICT ENROLLMENT FOR THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN SCHOOL YEAR.

(III) TIER 3 SHALL BE THE PRODUCT, FOR QUALIFYING DISTRICTS, OF TWO HUNDRED DOLLARS ($200.00) MULTIPLIED BY THE BASE YEAR PUBLIC SCHOOL DISTRICT ENROLLMENT AS COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION FOR THE BASE YEAR, WHERE A QUALIFYING DISTRICT SHALL (1) HAVE A FREE AND REDUCED PRICE LUNCH PERCENT COMPUTED PURSUANT TO PARAGRAPH P OF SUBDIVISION ONE OF THIS SECTION GREATER THAN SIXTY-EIGHT PERCENT (0.68), (2) A BASE YEAR PUBLIC SCHOOL DISTRICT ENROLLMENT AS COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION FOR THE BASE YEAR GREATER THAN ONE THOUSAND (1,000), (3) A CUMULATIVE GEA RESTORATION PERCENT OF LESS THAN SEVENTY-FIVE PERCENT (0.75), AND (4) HAVE A POPULATION OF LESS THAN ONE MILLION, WHERE THE CUMULATIVE GEA RESTORATION PERCENT SHALL BE THE QUOTIENT ARRIVED AT WHEN DIVIDING THE DIFFERENCE OF THE 2011-12 GEA LESS THE GAP ELIMINATION ADJUSTMENT FOR THE BASE YEAR DIVIDED BY THE

2011-12 GEA, WHERE THE 2011-12 GEA SHALL BE THE ABSOLUTE VALUE OF THE AMOUNT SET FORTH FOR SUCH SCHOOL DISTRICT AS "GAP ELIMINATION ADJUSTMENT" UNDER THE HEADING "2011-12 ESTIMATED AIDS" IN THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET REQUEST SUBMITTED FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE STATE FISCAL YEAR AND ENTITLED "BT111-2".

(IV) TIER 4 SHALL BE THE PRODUCT OF, FOR DISTRICTS WITH A POPULATION OF MORE THAN ONE MILLION, THIRTY DOLLARS ($30.00) AND FOR ALL OTHER DISTRICTS, ONE HUNDRED SIXTY-FIVE DOLLARS ($165.00) MULTIPLIED BY THE FREE AND REDUCED PRICE LUNCH PERCENT COMPUTED PURSUANT TO PARAGRAPH P OF SUBDIVISION ONE OF THIS SECTION MULTIPLIED BY THE BASE YEAR PUBLIC SCHOOL DISTRICT ENROLLMENT AS COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION FOR THE BASE YEAR.

(V) TIER 5 SHALL BE, FOR ANY DISTRICT OTHER THAN A DISTRICT WITH A POPULATION OF ONE MILLION OR MORE, THE PRODUCT OF EIGHT HUNDRED DOLLARS ($800.00) MULTIPLIED BY THE LIMITED ENGLISH PROFICIENT COUNT COMPUTED PURSUANT TO PARAGRAPH O OF SUBDIVISION ONE OF THIS SECTION MULTIPLIED BY THE EXTRAORDINARY NEEDS PERCENT COMPUTED PURSUANT TO PARAGRAPH W OF SUBDIVISION ONE OF THIS SECTION MULTIPLIED BY THE SUM OF ONE AND THE LEP GROWTH PERCENT, WHERE THE LEP GROWTH PERCENT SHALL BE THE QUOTIENT ARRIVED AT BY DIVIDING THE DIFFERENCE OF THE LIMITED ENGLISH PROFICIENT COUNT FOR THE BASE YEAR LESS SUCH COUNT FOR THE YEAR PRIOR TO THE BASE YEAR DIVIDED BY SUCH COUNT FOR THE YEAR PRIOR TO THE BASE YEAR.

(VI) TIER 6 SHALL BE FOR SCHOOL DISTRICTS THAT WERE DESIGNATED AS SMALL CITY SCHOOL DISTRICTS OR CENTRAL SCHOOL DISTRICTS WHOSE BOUNDARIES INCLUDE A PORTION OF A SMALL CITY FOR THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE ENACTED BUDGET FOR THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR AND ENTITLED "SA1415" THE PRODUCT OF TWO HUNDRED SEVENTY-NINE DOLLARS ($279.00) MULTIPLIED BY THE BASE YEAR PUBLIC SCHOOL DISTRICT ENROLLMENT AS COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION FOR THE BASE YEAR.

(VII) TIER 7 SHALL BE THE PRODUCT OF SIXTY-FIVE DOLLARS ($65.00) MULTIPLIED BY THE BASE YEAR PUBLIC SCHOOL DISTRICT ENROLLMENT AS COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION FOR THE BASE YEAR MULTIPLIED BY THE MULTIPLIER FACTOR, WHERE THE MULTIPLIER FACTOR SHALL BE ANY POSITIVE RESULT OF THE INDEX CALCULATOR MINUS ONE AND TWO HUNDREDTHS (1.02), WHERE THE INDEX CALCULATION SHALL BE THE GEA/TGFE PERCENT DIVIDED BY ONE AND SEVENTY-NINE HUNDREDTHS PERCENT (0.0179), AND WHERE THE GEA/TGFE PERCENT SHALL BE GAP ELIMINATION ADJUSTMENT FOR THE BASE YEAR DIVIDED BY THE TOTAL GENERAL FUND EXPENDITURES FOR SUCH DISTRICT IN THE BASE YEAR.

(VIII) MINIMUM A SHALL BE THE PRODUCT OF THE GAP ELIMINATION ADJUSTMENT FOR THE BASE YEAR FOR SUCH DISTRICTS MULTIPLIED BY TEN PERCENT (0.10).

(IX) MINIMUM B SHALL BE, FOR DISTRICTS WHOSE GAP ELIMINATION ADJUSTMENT FOR THE BASE YEAR DIVIDED BY THE ABSOLUTE VALUE OF THE AMOUNT SET FORTH FOR SUCH SCHOOL DISTRICT AS "GAP ELIMINATION ADJUSTMENT" UNDER THE HEADING "2011-12 ESTIMATED AIDS" IN THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET REQUEST SUBMITTED FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE STATE FISCAL YEAR AND ENTITLED "BT111-2" IS GREATER THAN FORTY-FOUR PERCENT (0.44), THE PRODUCT OF FORTY-FOUR PERCENT MULTIPLIED BY SUCH 2011-12 GEA MULTIPLIED BY THE EXTRAORDINARY NEEDS PERCENT COMPUTED PURSUANT TO PARAGRAPH W OF SUBDIVISION ONE OF THIS SECTION.

(X) PROVIDED, HOWEVER, THE NO GEA RESTORATION SHALL BE MORE THAN THE PRODUCT, FOR DISTRICTS THAT WERE DESIGNATED AS LOW NEED PURSUANT TO CLAUSE (C) OF SUBPARAGRAPH TWO OF PARAGRAPH C OF SUBDIVISION SIX OF THIS SECTION FOR THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE ENACTED BUDGET FOR THE TWO THOUSAND SEVEN--TWO THOUSAND EIGHT SCHOOL YEAR AND ENTITLED "SA0708" OF SEVENTY-FIVE PERCENT (0.75), AND FOR ALL OTHER DISTRICTS, NINETY PERCENT (0.90) MULTIPLIED BY THE GAP ELIMINATION ADJUSTMENT FOR THE BASE YEAR.

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

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

For aid payable in the two thousand seven--two thousand eight school year through the [two thousand thirteen--two thousand fourteen] TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN school year, "moneys apportioned" shall mean the lesser of (i) the sum of one hundred percent of the respective amount set forth for each school district as payable pursuant to this section in the school aid computer listing for the current year produced by the commissioner in support of the budget which includes the appropriation for the general support for public schools for the prescribed payments and individualized payments due prior to April first for the current year plus the apportionment payable during the current school year pursuant to subdivision six-a and subdivision fifteen of section thirty-six hundred two of this part minus any reductions to current year aids pursuant to subdivision seven of section thirty-six hundred four of this part or any deduction from apportionment payable pursuant to this chapter for collection of a school district basic contribution as defined in subdivision eight of section forty-four hundred one of this chapter, less any grants provided pursuant to subparagraph two-a of paragraph b of subdivision four of section ninety-two-c of the state finance law, LESS ANY GRANTS PROVIDED PURSUANT TO SUBDIVISION SIX OF SECTION NINETY-SEVEN-NNNN OF THE STATE FINANCE LAW, less any grants provided pursuant to subdivision twelve of section thirty-six hundred forty-one of this article, or (ii) the apportionment calculated by the commissioner based on data on file at the time the payment is processed; provided however, that for the purposes of any payments made pursuant to this section prior to the first business day of June of the current year, moneys apportioned shall not include any aids payable pursuant to subdivisions six and fourteen, if applicable, of section thirty-six hundred two of this part as current year aid for debt service on bond anticipation notes and/or bonds first issued in the current year or any aids payable for full-day kindergarten for the current year pursuant to subdivision nine of section thirty-six hundred two of this part. The definitions of "base year" and "current year" as set forth in subdivision one of section thirty-six hundred two of this part shall apply to this section. For aid payable in the two thousand [fourteen--two thousand fifteen] FIFTEEN--TWO THOUSAND SIXTEEN school year, reference to such "school aid computer listing for the current year" shall mean the printouts entitled ["SA141-5"] "SA151-6".

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

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

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

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

B. FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR AND THEREAFTER, SEVENTY PERCENT OF SUCH GRANT SHALL BE PAID ON THE SAME DATE AS THE PAYMENT COMPUTED PURSUANT TO CLAUSE (II) OF SUBPARAGRAPH THREE OF PARAGRAPH B OF SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED NINE-A OF THIS ARTICLE, AND THIRTY PERCENT OF SUCH GRANT SHALL BE PAID ON THE SAME DATE AS THE PAYMENT COMPUTED PURSUANT TO CLAUSE (V) OF SUBPARAGRAPH THREE OF PARAGRAPH B OF SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED NINE-A OF THIS ARTICLE.

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

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

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

S 8-a. Section 3602-ee of the education law, as added by section 1 of part CC of chapter 56 of the laws of 2014, is amended to read as follows:

S 3602-ee. Statewide universal full-day pre-kindergarten program. 1. The purpose of the universal full-day pre-kindergarten program is to incentivize and fund state-of-the-art innovative pre-kindergarten programs and to encourage program creativity through competition.

2. All universal full-day pre-kindergarten programs shall demonstrate quality on the following elements:

(a) curriculum;

(b) learning environment, materials and supplies;

(c) family engagement;

(d) staffing patterns;

(e) teacher education and experience;

(f) facility quality;

(g) physical well-being, health and nutrition; and

(h) partnerships with non-profit, community and educational institutions.

3. (a) The [universal full-day pre-kindergarten program] COMMISSIONER shall make awards to (i) consolidated applications submitted by school districts which include pre-kindergarten programs offered by schools, non-profit organizations, community-based organizations, charter schools, libraries and/or museums, which shall demonstrate geographic diversity within the area to be served as well as diversity of providers; and (ii) non-profit organizations, community-based organizations, charter schools, libraries and museums, which may apply individually to the extent allowed under paragraph (b) of this subdivision. Any consolidated application must include, but is not limited to, the names of individual locations and providers, applicable licenses, facility lease information, and intended staffing plans and certifications.

(b) Prior to submission of a consolidated application, a school district shall widely solicit non-profit organizations, community-based organizations, charter schools, libraries and museums located within the school district to be included in its application. THE SCHOOL DISTRICT SHALL PROVIDE NOTICE TO SUCH ENTITIES OF THE TIMELINE FOR RESPONDING TO THE SOLICITATION AND THE CONTENTS OF AN ENTITY'S APPLICATION TO PARTICIPATE IN THE CONSOLIDATED APPLICATION. The school district shall notify any applicant who has been denied for inclusion in the consolidated application no later than two weeks prior to submission of such application. Such eligible providers denied for inclusion may apply individually as provided in paragraph (a) of this subdivision. PROVIDED, HOWEVER, AN ELIGIBLE PROVIDER THAT DOES NOT RESPOND TO A SCHOOL DISTRICT'S SOLICITATION IN A TIMELY MANNER OR FAILS TO SUBMIT A COMPLETE APPLICATION IN GOOD FAITH TO THE SCHOOL DISTRICT SHALL BE PROHIBITED FROM APPLYING INDIVIDUALLY AS PROVIDED IN PARAGRAPH (A) OF THIS SUBDIVISION. UPON RECEIPT OF AN APPLICATION FROM AN ELIGIBLE PROVIDER, THE DEPARTMENT SHALL VERIFY WITH THE LOCAL SCHOOL DISTRICT THAT THE ELIGIBLE PROVIDER SUBMITTED A TIMELY AND GOOD FAITH APPLICATION, AS DETERMINED BY THE SCHOOL DISTRICT, FOR INCLUSION IN THE SCHOOL DISTRICT'S CONSOLIDATED APPLICATION.

(c) The department [shall] MAY establish two application periods in advance of a school year.

(d) Providers awarded slots under this section that they actually utilized would continue to have such slots renewed in subsequent years provided the program meets quality standards and all applicable requirements.

4. Programs that provide more stimulation, enhance child development and demonstrate creative approaches to improve early childhood education will have a competitive advantage in the application process.

5. The department shall develop a scoring system, which it shall use to evaluate which applications shall be funded on a competitive basis based on merit and factors including but not limited to the criteria listed above and student and community need. [Upon review of applications, if the program is oversubscribed in any region or regions of the state, the department shall notify the division of the budget, which shall develop a plan for distribution of available slots within any oversubscribed region. The] FOR GRANTS AWARDED IN THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR, THE subscription for the New York city region is three hundred million dollars AND THE SUBSCRIPTION FOR PROVIDERS OTHER THAN THOSE IN THE NEW YORK CITY REGION SHALL BE FORTY MILLION DOLLARS. AN ADDITIONAL FORTY MILLION DOLLARS SHALL BE AWARDED TO THE NEW YORK CITY REGION FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR AND AN ADDITIONAL FORTY MILLION DOLLARS SHALL BE AWARDED TO ANY PROVIDERS OTHER THAN THOSE IN THE NEW YORK CITY REGION FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR. The department shall allocate full-day pre-kindergarten conversion slots and new full-day pre-kindergarten slots based on available funding and [shall make] payments SHALL BE MADE IN THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR upon documentation of eligible expenditures in the base year[, which]. PAYMENTS shall be [limited to] PROVIDED FOR the actual number of slots operated and paid on a per-pupil basis pursuant to subdivision fourteen of this section, ALONG WITH PAYMENTS CONSISTENT WITH THE SUPPLEMENTAL FUNDS CRITERIA IN THE REQUEST FOR PROPOSAL ISSUED BY THE COMMISSIONER IN THE YEAR TWO THOUSAND FOURTEEN.

(A) FOR GRANTS THAT WERE AWARDED IN THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR THAT CONTINUE IN THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN AND TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEARS: (I) FOR ALL AWARDEES STATEWIDE, TWENTY-FIVE PERCENT OF A SCHOOL DISTRICT'S AND/OR ELIGIBLE ENTITY'S AWARDED FUNDS SHALL BE MADE AVAILABLE IN THE FINAL QUARTER OF THE YEAR IN WHICH SERVICES ARE PROVIDED AS AN ADVANCE ON THE SUBSEQUENT SCHOOL YEAR LIABILITIES; (II) FOR ANY PROVIDERS OTHER THAN THOSE IN THE NEW YORK CITY REGION, FOR SERVICES PROVIDED IN THE CURRENT SCHOOL YEAR, AN ADDITIONAL PAYMENT OF UP TO SEVENTY PERCENT, INCLUDING THE AFOREMENTIONED TWENTY-FIVE PERCENT ADVANCE, SHALL BE MADE AVAILABLE IN THE FIRST THREE QUARTERS OF THE CURRENT SCHOOL YEAR, WITH THE REMAINING THIRTY PERCENT TO BE PAID IN THE FINAL QUARTER OF THE CURRENT SCHOOL YEAR; (III) PROVIDERS IN THE NEW YORK CITY REGION SHALL RECEIVE THE AFOREMENTIONED TWENTY-FIVE PERCENT ADVANCE. REMAINING PAYMENTS SHALL BE MADE UPON DOCUMENTATION OF ELIGIBLE EXPENDITURES IN THE BASE YEAR, INCLUDING PAYMENTS CONSISTENT WITH THE SUPPLEMENTAL FUNDS CRITERIA IN SUCH REQUEST FOR PROPOSAL ISSUED BY THE COMMISSIONER IN THE YEAR TWO THOUSAND FOURTEEN.

(B) FOR ADDITIONAL GRANTS AWARDED FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR: (I) ANY PROVIDERS OTHER THAN THOSE IN THE NEW YORK CITY REGION RECEIVING A NEW AWARD SHALL RECEIVE A TWENTY-FIVE PERCENT ADVANCE OF AWARDED FUNDS AS SOON AS FEASIBLE IN THE FIRST QUARTER OF THE CURRENT SCHOOL YEAR; (II) FOR PROGRAMS OUTSIDE OF THE NEW YORK CITY REGION, PAYMENTS SHALL BE MADE ON A CURRENT YEAR BASIS, WITH SEVENTY PERCENT BEING PAID BY MARCH THIRTY-FIRST OF THE CURRENT SCHOOL YEAR, AND THE REMAINING PAYMENTS MADE IN THE FINAL QUARTER OF THE CURRENT SCHOOL YEAR; (III) PROVIDERS IN THE NEW YORK CITY REGION SHALL RECEIVE PAYMENTS UPON DOCUMENTATION OF ELIGIBLE EXPENDITURES IN THE BASE YEAR INCLUDING PAYMENTS CONSISTENT WITH THE SUPPLEMENTAL FUNDS CRITERIA IN SUCH REQUEST FOR PROPOSAL ISSUED BY THE COMMISSIONER IN THE YEAR TWO THOUSAND FOURTEEN.

6. The department shall develop a statewide inspection protocol, which shall provide for annual inspections of all universal full-day pre-kindergarten providers, and shall develop a quality assurance protocol and physical plant review protocol for such reviews.

7. Statewide universal full-day pre-kindergarten slots shall only be awarded to support programs that provide instruction for at least five hours per school day for the full school year and that otherwise comply with the rules and requirements pursuant to section thirty-six hundred two-e of this part except as otherwise provided in this section. THE GRANT AWARD FOR PROGRAMS THAT PROVIDE INSTRUCTION FOR LESS THAN ONE HUNDRED EIGHTY DAYS IN A SCHOOL YEAR SHALL BE PRORATED IN ACCORDANCE WITH THE PROVISIONS OF SUBDIVISION SIXTEEN OF SECTION THIRTY-SIX HUNDRED TWO-E OF THIS PART.

8. All teachers in the universal full-day pre-kindergarten program shall meet the same teacher certification standards applicable to public schools. Pre-kindergarten teachers providing instruction through this section shall possess:

(a) a teaching license or certificate valid for service in the early childhood grades; or

(b) a teaching license or certificate for students with disabilities valid for service in early childhood grades; or

(c) for eligible agencies as defined in paragraph b of subdivision one of section thirty-six hundred two-e of this part that are not schools, a bachelor's degree in early childhood education or a related field and a written plan to obtain a certification valid for service in the early childhood grades as follows:

(i) for teachers hired on or after the effective date of this section as the teacher for a universal full-day pre-kindergarten classroom, within three years after commencing employment, at which time such certification shall be required for employment; and

(ii) for teachers hired by such provider prior to the effective date of this section for other early childhood care and education programs, no later than June thirtieth, two thousand seventeen, at which time such certification shall be required for employment.

9. The process by which applicants submit proposals to collaborate with the school district or individually to the department, and the renewal process for such providers, shall take into account any record of violations of health and safety codes and/or licensure or registration requirements. In addition, any agency that is cited for a violation classified as an "imminent danger" by the office of children and family services or as a "public health hazard" by the New York city department of health and mental hygiene which is not immediately corrected and which is not of a life threatening or of a grave and serious nature shall be suspended from the program and, upon final determination of such violation by the regulating agency, suspended or terminated from participating in the program under this section based on the severity of the violation. Provided further, that eligible agencies with a record of other serious or critical and/or repeated violations that pose a risk to health or safety shall, upon final determination of such violations, be suspended or terminated from participating in the program under this section, and the office of children and family services shall establish statewide standards for determining such grounds for such suspension or termination based on violations issued by the applicable regulatory agency.

10. Notwithstanding any provision of law to the contrary, a universal full-day pre-kindergarten provider shall be inspected by the department,

the school district with which it partners, if any, and its respective licensing, permitting, regulatory, oversight, registration or enrolling agency or entity no fewer than two times per school year, at least one inspection of which shall be performed by the eligible agency's respective licensing, permitting, regulatory, oversight, registration or enrolling agency, as applicable.

11. Facilities providing universal full-day pre-kindergarten under this section shall meet all applicable fire safety and building codes and any applicable facility requirements of a state or local licensing or registering agency and at all times shall maintain building and classroom space in a manner that ensures and protects the health and safety of students in all programs statewide, notwithstanding any changes in such applicable codes or requirements.

12. Notwithstanding paragraph (a) of subdivision one of section twenty-eight hundred fifty-four of this chapter and paragraph (c) of subdivision two of section twenty-eight hundred fifty-four of this chapter, charter schools shall be eligible to participate in universal full-day pre-kindergarten programs under this section, provided that all such monitoring, programmatic review and operational requirements under this section shall be the responsibility of the charter entity and shall be consistent with the requirements under article fifty-six of this chapter. The provisions of paragraph (b) of subdivision two of section twenty-eight hundred fifty-four of this chapter shall apply to the admission of pre-kindergarten students, PROVIDED HOWEVER THAT A STUDENT ENROLLED IN A CHARTER SCHOOL FULL-DAY UNIVERSAL PRE-KINDERGARTEN PROGRAM SHALL NOT BE ELIGIBLE FOR THE RETURNING STUDENT ENROLLMENT PREFERENCE, except parents of pre-kindergarten children may submit applications for the two thousand fourteen--two thousand fifteen school year by a date to be determined by the charter school upon selection to participate in the universal full-day pre-kindergarten program. The limitations on the employment of uncertified teachers under paragraph (a-1) of subdivision three of section twenty-eight hundred fifty-four of this chapter shall apply to all teachers from pre-kindergarten through grade twelve.

13. Apportionments under this section shall only be used to supplement and not supplant current local expenditures of federal, state or local funds on pre-kindergarten programs and the number of slots in such programs from such sources. Current local expenditures shall include any local expenditures of federal, state or local funds used to supplement or extend services provided directly or via contract to eligible children enrolled in a universal pre-kindergarten program pursuant to section thirty-six hundred two-e of this part.

14. (a) The award per pupil for an eligible entity pursuant to subdivision three of this section shall equal: (i) for each new full-day pre-kindergarten placement the lesser of the full-day pre-kindergarten per pupil amount or the total approved expenditures per pupil and (ii) for each existing half-day pre-kindergarten placement converted into a full-day pre-kindergarten placement the lesser of (A) the positive difference of the full-day pre-kindergarten per pupil amount minus the district's selected aid per pre-kindergarten pupil pursuant to subparagraph (i) of paragraph b of subdivision ten of section thirty-six hundred two-e of this part or (B) the positive difference of the total approved expenditures per pupil minus the district's selected aid per pre-kindergarten pupil pursuant to subparagraph (i) of paragraph b of subdivision ten of section thirty-six hundred two-e of this part. Each participating eligible entity pursuant to subdivision three of this

section shall provide its expenses under this provision in a format prescribed by the commissioner.

(b) For the purposes of this section, "full-day pre-kindergarten per pupil amount" shall mean (i) for pupils enrolled in programs where the teacher of record for such pupil holds a teaching certificate issued by the commissioner in an appropriate certificate title, ten thousand dollars, and (ii) for pupils enrolled in programs where the teacher of record for such pupil does not hold a teaching certificate issued by the commissioner in an appropriate certificate title, seven thousand dollars.

(c) For the purposes of this section, "teacher of record" shall mean the teacher who is primarily and directly responsible for a student's learning activities, as reported to the department in a manner prescribed by the commissioner.

15. Definitions. For the purpose of this section, the following definitions shall apply:

(a) "regions of the state" shall mean:

(i) Capital Region: Includes Albany, Columbia, Greene, Rensselaer, Saratoga, Schenectady, Warren, and Washington counties.

(ii) Central New York Region: Includes Cayuga, Cortland, Madison, Onondaga and Oswego counties.

(iii) Finger Lakes Region: Includes Genesee, Livingston, Monroe, Ontario, Orleans, Seneca, Wayne, Wyoming and Yates counties.

(iv) Long Island Region: Includes Nassau and Suffolk counties.

(v) Mid-Hudson Region: Includes Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster and Westchester counties.

(vi) Mohawk Valley Region: Includes Fulton, Herkimer, Montgomery, Oneida, Otsego and Schoharie counties.

(vii) New York City Region: Includes Bronx, Kings, New York, Queens and Richmond counties.

(viii) North Country Region: Includes Clinton, Essex, Franklin, Hamilton, Jefferson, Lewis and St. Lawrence counties.

(ix) Southern Tier Region: Includes Broome, Chemung, Chenango, Delaware, Schuyler, Steuben, Tioga and Tompkins counties.

(x) Western New York Region: Includes Allegany, Cattaraugus, Chautauqua, Erie and Niagara counties.

(b) "community-based organization" shall mean a provider of child care and early education, a day care provider, early childhood program or center, approved preschool special education program, Head Start or other such community-based organization.

[16. The authority of the department to administer the universal full-day pre-kindergarten program shall expire June thirtieth, two thousand sixteen; provided that the program shall continue and remain in full effect.]

S 8-b. Section 3641 of the education law is amended by adding a new subdivision 17 to read as follows:

17. SUPPORT FOR PUPILS FOR ENGLISH LANGUAGE LEARNING SUCCESS. FOR THE TWO THOUSAND FIFTEEN-TWO THOUSAND SIXTEEN SCHOOL YEAR, ELIGIBLE SCHOOL DISTRICTS SHALL RECEIVE AN APPORTIONMENT FROM FUNDS APPROPRIATED FOR INSTRUCTIONAL PROGRAMS FOR STUDENTS DESIGNATED UNDER PARAGRAPH O OF SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS ARTICLE. SUCH APPORTIONMENT SHALL BE EQUAL TO THE PRODUCT OF TEN MILLION DOLLARS MULTIPLIED BY THE SPELLS GROWTH QUOTIENT.

A. "INCREASE IN SPELLS STUDENTS" SHALL MEAN THE DIFFERENCE OF THE PUPIL COUNT CALCULATED PURSUANT TO PARAGRAPH O OF SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS ARTICLE FOR THE TWO THOUSAND

FOURTEEN-TWO THOUSAND FIFTEEN SCHOOL YEAR AS SUCH AMOUNT APPEARS ON AN ELECTRONIC FILE PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE DATABASE PRODUCED IN FEBRUARY, TWO THOUSAND FIFTEEN PURSUANT TO SUBDIVISION TWENTY-ONE OF SECTION THREE HUNDRED FIVE OF THIS CHAPTER AND ENTITLED "CL027-A" LESS THE PUPIL COUNT CALCULATED PURSUANT TO PARAGRAPH O OF SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS ARTICLE FOR THE TWO THOUSAND THIRTEEN-TWO THOUSAND FOURTEEN SCHOOL YEAR AS SUCH AMOUNT APPEARS ON AN ELECTRONIC FILE PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE DATABASE PRODUCED IN MAY, TWO THOUSAND FOURTEEN PURSUANT TO SUBDIVISION TWENTY-ONE OF SECTION THREE HUNDRED FIVE OF THIS CHAPTER AND ENTITLED "SA141-A".

B. "SPELLS GROWTH QUOTIENT" SHALL MEAN THE QUOTIENT ARRIVED AT WHEN DIVIDING AN ELIGIBLE DISTRICT'S INCREASE IN SPELLS STUDENTS BY THE SUM OF INCREASE IN SPELLS STUDENTS IN ALL ELIGIBLE DISTRICTS.

C. "ELIGIBLE SCHOOL DISTRICT" SHALL MEAN A DISTRICT WITH (1) AN INCREASE IN SPELLS STUDENTS GREATER THAN OR EQUAL TO TWENTY AND (2) A COMBINED WEALTH RATIO COMPUTED PURSUANT TO PARAGRAPH C OF SUBDIVISION THREE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS ARTICLE LESS THAN OR EQUAL TO ONE AND ONE-HALF.

S 8-c. Paragraph c of subdivision 16 of section 3641 of the education law, as added by section 2 of part C of chapter 56 of the laws of 2014, is amended to read as follows:

c. Expenditure of money. (1) Smart schools grants. Each school district which has an approved smart schools investment plan including a smart schools project or projects shall be entitled to a grant or grants for the smart schools project or projects included therein in an amount, whether in the aggregate or otherwise, not to exceed the smart schools allocation calculated for such school district. The amount of such allocation not expended, disbursed or encumbered for any school year shall be carried over for expenditure and disbursement to the next succeeding school year. Expenditures from the smart schools allocation shall not be eligible for aid under any other provision of this chapter.

(2) The amounts determined pursuant to this subdivision to be paid to school districts shall be certified by the commissioner in accordance with this subdivision. If, upon the option of a school district, a smart schools investment plan directs that an amount be transferred or suballocated to a department, agency, or public authority to be spent on behalf of the school district, such amounts shall be transferred or suballocated, consistent with such plan, upon the approval of the director of the budget. The amounts of money so certified or made available shall be paid by the comptroller in accordance with appropriations therefor, provided, however, that the payment schedule set forth in subdivision one of this section shall not apply to such payments. Such payment shall fulfill any obligation of the state or the commissioner to apportion funds pursuant to this subdivision, and whenever a school district has been apportioned more money pursuant to this subdivision than that to which it is entitled, the commissioner may deduct such amount from the next apportionment to be made to such school district.

(3) IN IMPLEMENTING AND DEVELOPING GUIDANCE TO SCHOOL DISTRICTS ON THE SMART SCHOOLS GRANTS, THE SMART SCHOOLS REVIEW BOARD SHALL CONSIDER THE NEED TO MAKE TIMELY AWARDS TO SCHOOL DISTRICTS, TAKING INTO ACCOUNT THE BUDGETING NEEDS OF SCHOOL DISTRICTS AND THE IMPACT, IF ANY, ON THE TAX LEVY.

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

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

S 10. Section 34 of chapter 91 of the laws of 2002 amending the education law and other laws relating to the reorganization of the New York city school construction authority, board of education and community boards, as amended by chapter 345 of the laws of 2009, is amended to read as follows:

S 34. This act shall take effect July 1, 2002; provided, that sections one through twenty, twenty-four, and twenty-six through thirty of this act shall expire and be deemed repealed June 30, [2015] 2022; provided, further, that notwithstanding any provision of article 5 of the general construction law, on June 30, [2015] 2022 the provisions of subdivisions 3, 5, and 8, paragraph b of subdivision 13, subdivision 14, paragraphs b, d, and e of subdivision 15, and subdivisions 17 and 21 of section 2554 of the education law as repealed by section three of this act, subdivision 1 of section 2590-b of the education law as repealed by section six of this act, paragraph (a) of subdivision 2 of section 2590-b of the education law as repealed by section seven of this act, section 2590-c of the education law as repealed by section eight of this

act, paragraph c of subdivision 2 of section 2590-d of the education law as repealed by section twenty-six of this act, subdivision 1 of section 2590-e of the education law as repealed by section twenty-seven of this act, subdivision 28 of section 2590-h of the education law as repealed by section twenty-eight of this act, subdivision 30 of section 2590-h of the education law as repealed by section twenty-nine of this act, subdivision 30-a of section 2590-h of the education law as repealed by section thirty of this act shall be revived and be read as such provisions existed in law on the date immediately preceding the effective date of this act; provided, however, that sections seven and eight of this act shall take effect on November 30, 2003; provided further that the amendments to subdivision 25 of section 2554 of the education law made by section two of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 12 of chapter 147 of the laws of 2001, as amended, when upon such date the provisions of section four of this act shall take effect.

S 10-a. Subdivision 12 of section 17 of chapter 345 of the laws of 2009 amending the education law relating to the New York city board of education, chancellor, community councils, and community superintendents, is amended to read as follows:

12. any provision in sections one, two, three, four, five, six, seven, eight, nine, ten and eleven of this act not otherwise set to expire pursuant to section 34 of chapter 91 of the laws of 2002, as amended, or section 17 of chapter 123 of the laws of 2003, as amended, shall expire and be deemed repealed June 30, [2015] 2022.

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

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

S 11-a. Tuition rates approved for the two thousand fifteen--two thousand sixteen school year for special services or programs provided to school-age students by special act school districts and approved private residential or non-residential schools for the education of students with disabilities that are located within the state shall provide for an increase of at least two and four-tenths percent in reimbursable costs.

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

6. A. MONEYS APPROPRIATED FROM THE FUND FOR THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN AND TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEARS, FOR THE PURPOSES OF PROVIDING AID PURSUANT TO PARAGRAPH A OF SUBDIVISION THREE OF THIS SECTION SHALL BE APPORTIONED AND PAID BY THE EDUCATION DEPARTMENT ON OR AFTER APRIL FIRST, TWO THOUSAND FIFTEEN.

B. EACH SCHOOL DISTRICT ELIGIBLE TO RECEIVE TOTAL FOUNDATION AID PURSUANT TO SECTION THIRTY-SIX HUNDRED TWO OF THE EDUCATION LAW SHALL RECEIVE A COMMERCIAL GAMING GRANT IN AN AMOUNT EQUAL TO THE PRODUCT OF THE AMOUNT OF THE APPROPRIATION OF SUCH COMMERCIAL GAMING GRANTS FOR THE CURRENT STATE FISCAL YEAR MULTIPLIED BY THE DISTRICT'S COMMERCIAL GAMING

RATIO. THE "COMMERCIAL GAMING RATIO" SHALL BE EQUAL TO THE QUOTIENT OF THE MONEYS APPORTIONED FOR SUCH DISTRICT PURSUANT TO SECTION THIRTY-SIX HUNDRED NINE-A OF THE EDUCATION LAW AS SET FORTH IN THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE ENACTED STATE BUDGET FOR THE CURRENT SCHOOL YEAR, DIVIDED BY THE SUM OF SUCH MONEYS APPORTIONED FOR ALL SCHOOL DISTRICTS AS SET FORTH IN SUCH SCHOOL AID COMPUTER LISTING IN SUPPORT OF THE ENACTED STATE BUDGET FOR THE CURRENT SCHOOL YEAR.

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

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

b. Reimbursement for programs approved in accordance with subdivision a of this section [for the 2011--2012 school year shall not exceed 62.9 percent of the lesser of such approvable costs per contact hour or twelve dollars and fifteen cents per contact hour, reimbursement] for the 2012--2013 school year shall not exceed 63.3 percent of the lesser of such approvable costs per contact hour or twelve dollars and thirty-five cents per contact hour, reimbursement for the 2013--2014 school year shall not exceed 62.3 percent of the lesser of such approvable costs per contact hour or twelve dollars and sixty-five cents per contact hour, [and] reimbursement for the 2014--2015 school year shall not exceed 61.6 percent of the lesser of such approvable costs per contact hour or [eight] THIRTEEN dollars per contact hour, AND REIMBURSEMENT FOR THE 2015--2016 SCHOOL YEAR SHALL NOT EXCEED 60.7 PERCENT OF THE LESSER OF SUCH APPROVABLE COSTS PER CONTACT HOUR OR THIRTEEN DOLLARS AND FORTY CENTS PER CONTACT HOUR where a contact hour represents sixty minutes of instruction services provided to an eligible adult. Notwithstanding any other provision of law to the contrary, [for the 2011--2012 school year such contact hours shall not exceed one million seven hundred one thousand five hundred seventy (1,701,570) hours; whereas] for the 2012--2013 school year such contact hours shall not exceed one million six hundred sixty-four thousand five hundred thirty-two (1,664,532) hours; whereas for the 2013--2014 school year such contact hours shall not exceed one million six hundred forty-nine thousand seven hundred forty-six (1,649,746) hours; whereas for the 2014--2015 school year such contact hours shall not exceed one million six hundred twenty-five thousand (1,625,000) hours; WHEREAS FOR THE 2015--2016 SCHOOL YEAR SUCH CONTACT HOURS SHALL NOT EXCEED ONE MILLION FIVE HUNDRED NINETY-NINE THOUSAND FIFTEEN (1,599,015) HOURS. Notwithstanding any other provision of law to the contrary, the apportionment calculated for the city school district of the city of New York pursuant to subdivision 11 of section 3602 of the education law shall be computed as if such contact hours provided by the consortium for worker education, not to exceed the contact hours set forth herein, were eligible for aid in accordance with the provisions of such subdivision 11 of section 3602 of the education law.

S 14. Section 4 of chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for

worker education in New York city, is amended by adding a new subdivision t to read as follows:

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

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

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

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

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

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

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

S 17. Subdivisions 22 and 24 of section 140 of 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, as amended by section 16 of part A of chapter 56 of the laws of 2014, are amended to read as follows:

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

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

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

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

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

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

S 20. Section 4 of chapter 425 of the laws of 2002, amending the education law relating to the provision of supplemental educational services, attendance at a safe public school and the suspension of pupils who bring a firearm to or possess a firearm at a school, as amended by section 19 of part A of chapter 56 of the laws of 2014, is amended to read as follows:

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

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

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

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

S 23. Special apportionment for salary expenses. a. Notwithstanding any other provision of law, upon application to the commissioner of education, not sooner than the first day of the second full business week of June 2016 and not later than the last day of the third full business week of June 2016, a school district eligible for an apportionment pursuant to section 3602 of the education law shall be eligible to receive an apportionment pursuant to this section, for the school year ending June 30, 2016, for salary expenses incurred between April 1 and June 30, 2015 and such apportionment shall not exceed the sum of (i) the

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

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

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

S 24. Special apportionment for public pension accruals. a. Notwithstanding any other provision of law, upon application to the commissioner of education, not later than June 30, 2016, a school district eligible for an apportionment pursuant to section 3602 of the education law shall be eligible to receive an apportionment pursuant to this section, for the school year ending June 30, 2016 and such apportionment shall not exceed the additional accruals required to be made by school

districts in the 2004--2005 and 2005--2006 school years associated with changes for such public pension liabilities. The amount of such additional accrual shall be certified to the commissioner of education by the president of the board of education or the trustees or, in the case of a city school district in a city with a population in excess of 125,000 inhabitants, the mayor of such city. Such application shall be made by a school district, after the board of education or trustees have adopted a resolution to do so and in the case of a city school district in a city with a population in excess of 125,000 inhabitants, with the approval of the mayor of such city.

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

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

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

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

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

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

S 25-a. Notwithstanding any provision of law to the contrary, state building aid payments in the amount of not more than one million nine hundred eighty-nine thousand eight hundred sixty-seven dollars ($1,989,867) made to the Johnson City central school district in various school years, which included excess payments of which such school district has been notified, and for which a recovery must be made by the state through deduction of future aid payments, shall be reduced through aid deductions totaling such excess payments, by deducting one-sixth of such excess payments from the payments due to such school district and payable in the month of June in the years 2015, 2016, 2017, 2018, 2019 and 2020; provided, however, there shall be no interest penalty assessed against such district or collected by the state; and provided, further, that notwithstanding any other provision of this act, any pending payment of moneys due to such district as a prior year adjustment payable pursuant to paragraph c of subdivision 5 of section 3604 of the education law for aid claims that had been previously paid in excess as current year aid payments for which recovery of excess payments is to be made pursuant to this section, shall be reduced at the time of actual payment by any remaining unrecovered balance of such excess payments, and the remaining scheduled deductions of such excess payments pursuant to this section shall be reduced by the commissioner of education to reflect the amount to recovered.

S 25-b. Notwithstanding any provision of the law to the contrary, for the Amsterdam city school district having a penalty arising from the late filing of a final cost report pursuant to section 31 of part A of chapter 57 of the laws of 2012 where such penalty exceeds $5,000,000 and also exceeds 9 percent of such district's total general fund expenditures for the 2012-13 school year, the commissioner of education shall recover such penalty in five equal annual installments beginning the later of June, 2017 or June of the school year in which such district is notified of the penalty. Provided further that such district may elect to make an initial payment no later than thirty days in advance of the first annual installment which shall reduce the amount of each annual installment.

S 25-c. Subdivision 3 of section 1230 of the real property tax law, as amended by section 54 of part A1 of chapter 58 of the laws of 2006, is amended to read as follows:

3. Special equalization rates shall be established for the following school districts:

Amityville union free school district
Brentwood school district
Central Islip school district
Freeport union free school district
GREENBURGH CENTRAL SCHOOL DISTRICT
Hempstead union free school district
Roosevelt union free school district
Tuckahoe union free school district
Uniondale union free school district
Westbury union free school district
Wyandanch school district

S 25-d. For calculation of aid apportioned to the Greenburgh central school district for any project for which aid is first apportioned pursuant to subdivision 6 of section 3602 of the education law on or after July 1, 2015, the district shall compute aid under the provisions of such subdivision using the greater of:

a. the building aid ratio computed for use in the current year; or

b. a building aid ratio equal to the difference of the selected building aid ratio equivalent computed pursuant to this section, less one-tenth.

(1) The selected building aid ratio equivalent shall be the positive difference of:

(a) one, less

(b) the product, computed to three decimal places without rounding, of

(i) the quotient, computed to three decimal places without rounding, of

(A) the quotient, computed to the nearest whole number without rounding, of

(I) the actual valuation of the school district, as defined pursuant to subdivision 1 of section 3602 of the education law, divided by

(II) the equivalent pupils of the school district

(B) divided by the state average actual valuation per pupil computed pursuant to subdivision 3 of section 3602 of the education law, multiplied by

(ii) fifty-one percent.

Such aid ratio shall not be less than zero.

(2) The equivalent pupils of the school district shall be the quotient, computed to the nearest whole number without rounding, of

(a) an equivalent actual valuation equal to the amount that would be computed obtained by taking the assessed valuation of taxable real property within such district as it appears upon the assessment roll of the town in which such property is located, for the calendar year two years prior to the calendar year in which the base year commenced, after revision as provided by law, and dividing it by the state equalization rate as determined by the state office of real property services, for the assessment roll of such town completed during such preceding calendar year, divided by

(b) the product, computed to the nearest whole number without rounding, of

(i) the state average actual valuation per pupil computed pursuant to subdivision 3 of section 3602 of the education law, multiplied by

(ii) the quotient, computed to three decimals without rounding, of

(A) the positive difference of

(I) one less

(II) the building aid ratio that was used or that would have been used to compute an apportionment pursuant to subdivision 6 of section 3602 of the education law in the 1999--2000 school year, divided by

(B) fifty-one one-hundredths.

The office of real property services shall determine such equivalent actual valuation and shall report it to the state comptroller and the commissioner of education. Such computations shall be deemed final and not subject to change on or after July 1, 2016.

S 26. Notwithstanding the provision of any law, rule, or regulation to the contrary, the city school district of the city of Rochester, upon the consent of the board of cooperative educational services of the supervisory district serving its geographic region may purchase from

such board for the 2015--2016 school year, as a non-component school district, services required by article 19 of the education law.

S 26-a. Notwithstanding any provision of the law to the contrary, for the Tonawanda school district having a penalty arising from the late filing of a final cost report pursuant to section 31 of part A of chapter 57 of the laws of 2012 where such penalty exceeds $1,400,000 and also exceeds 5 percent of such district's total general fund expenditures for the 2012-13 school year and the district has a combined wealth ratio for 2013-14 aid of .610, the commissioner of education shall recover such penalty in five equal annual installments beginning the later of June, 2017 or June of the school year in which such district is notified of the penalty. Provided, further, that such district may elect to make an initial payment no later than thirty days in advance of the first annual installment which shall reduce the amount of each annual installment.

S 26-b. Ballston Spa central school district semiconductor manufacturing tax stabilization fund. 1. Legislative findings. The legislature hereby finds that the private development and ownership of a semiconductor manufacturing project or projects located within the Ballston Spa central school district may result in instability in the real property tax base and the budgets of the district due to the uncertainty with the assessments of such semiconductor manufacturing project or projects and the variability of the payments in lieu of taxes prior to and at termination of such payments.

2. Definitions. As used in this section:

(a) "Board of education" or "board" means the board of education of the Ballston Spa central school district.

(b) "Semiconductor manufacturing tax stabilization reserve fund" or "fund" means the semiconductor manufacturing tax stabilization reserve fund established pursuant to this section.

(c) "Payments in lieu of taxes" or "payments" means payments in lieu of taxes receivable by the school district pursuant to contracts entered into in accordance with section 412-a of the real property tax law or section 858 of the general municipal law on any semiconductor manufacturing project or projects located wholly or partially within the Ballston Spa central school district.

(d) "School district" or "district" means the Ballston Spa central school district.

(e) "Semiconductor manufacturing project or projects" shall be defined as in section 412-a of the real property tax law and shall include the land upon which the project is located, buildings for use in the manufacturing of semiconductors, associated buildings, and the acquisition and installation therein of certain machinery and equipment.

3. Semiconductor manufacturing tax stabilization reserve fund. The board of education is hereby authorized to establish a semiconductor manufacturing tax stabilization reserve fund to lessen or prevent increases in the school district's real property tax levy resulting from decreases in revenue due to changes in the amount of or termination of payments in lieu of taxes receivable by the school district provided, however, that no such fund shall be established unless approved by a majority vote of the qualified voters of the district present and voting on a separate ballot proposition therefor at either a special district meeting which the board of education may call for such purposes, or at the annual district meeting and election, to be noticed and conducted in either case in accordance with the provisions of article 41 of the

education law. Moneys shall be paid into and withdrawn from the fund, and the fund shall be administered, as follows:

(a) For any school district fiscal year commencing after the effective date of this section and after the establishment of the semiconductor manufacturing tax stabilization reserve fund, the board of education may determine that there shall be paid into the fund all or any portion of the amount by which the payments in lieu of taxes receivable by the school district for such fiscal year is greater than the amount of such payments received by the school district for the preceding fiscal year, provided that no payment into the reserve fund shall cause the balance of the fund to exceed the amount approved in a ballot proposition described above.

(b) Moneys may be withdrawn from the semiconductor manufacturing tax stabilization reserve fund for any fiscal year to be expended for any lawful purpose, provided, however, that no such withdrawal and expenditure shall be made unless approved by a majority vote of the qualified voters of the district present and voting on a single proposition as part of the district's budget at the annual district meeting and election, or, on a separate ballot proposition therefor at a special district meeting which the board of education may call for such purpose, to be noticed and conducted in either case in accordance with the provisions of article 41 of the education law.

(c) The moneys in the semiconductor manufacturing tax stabilization reserve fund shall be deposited, invested and accounted for in the manner provided for in subdivisions 2 and 6 of section 3651 and section 3652 of the education law.

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

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

S 27. The amounts specified in this section shall be a set aside from the state funds which each such district is receiving from the total foundation aid: for the purpose of the development, maintenance or expansion of magnet schools or magnet school programs for the 2015--2016 school year. To the city school district of the city of New York there shall be paid forty-eight million one hundred seventy-five thousand dollars ($48,175,000) including five hundred thousand dollars ($500,000) for the Andrew Jackson High School; to the Buffalo city school district, twenty-one million twenty-five thousand dollars ($21,025,000); to the

Rochester city school district, fifteen million dollars ($15,000,000); to the Syracuse city school district, thirteen million dollars ($13,000,000); to the Yonkers city school district, forty-nine million five hundred thousand dollars ($49,500,000); to the Newburgh city school district, four million six hundred forty-five thousand dollars ($4,645,000); to the Poughkeepsie city school district, two million four hundred seventy-five thousand dollars ($2,475,000); to the Mount Vernon city school district, two million dollars ($2,000,000); to the New Rochelle city school district, one million four hundred ten thousand dollars ($1,410,000); to the Schenectady city school district, one million eight hundred thousand dollars ($1,800,000); to the Port Chester city school district, one million one hundred fifty thousand dollars ($1,150,000); to the White Plains city school district, nine hundred thousand dollars ($900,000); to the Niagara Falls city school district, six hundred thousand dollars ($600,000); to the Albany city school district, three million five hundred fifty thousand dollars ($3,550,000); to the Utica city school district, two million dollars ($2,000,000); to the Beacon city school district, five hundred sixty-six thousand dollars ($566,000); to the Middletown city school district, four hundred thousand dollars ($400,000); to the Freeport union free school district, four hundred thousand dollars ($400,000); to the Greenburgh central school district, three hundred thousand dollars ($300,000); to the Amsterdam city school district, eight hundred thousand dollars ($800,000); to the Peekskill city school district, two hundred thousand dollars ($200,000); and to the Hudson city school district, four hundred thousand dollars ($400,000). Notwithstanding the provisions of this section, a school district receiving a grant pursuant to this section may use such grant funds for: (i) any instructional or instructional support costs associated with the operation of a magnet school; or (ii) any instructional or instructional support costs associated with implementation of an alternative approach to reduction of racial isolation and/or enhancement of the instructional program and raising of standards in elementary and secondary schools of school districts having substantial concentrations of minority students. The commissioner of education shall not be authorized to withhold magnet grant funds from a school district that used such funds in accordance with this paragraph, notwithstanding any inconsistency with a request for proposals issued by such commissioner. For the purpose of attendance improvement and dropout prevention for the 2015--2016 school year, for any city school district in a city having a population of more than one million, the setaside for attendance improvement and dropout prevention shall equal the amount set aside in the base year. For the 2015--2016 school year, it is further provided that any city school district in a city having a population of more than one million shall allocate at least one-third of any increase from base year levels in funds set aside pursuant to the requirements of this subdivision to community-based organizations. Any increase required pursuant to this subdivision to community-based organizations must be in addition to allocations provided to community-based organizations in the base year. For the purpose of teacher support for the 2015--2016 school year: to the city school district of the city of New York, sixty-two million seven hundred seven thousand dollars ($62,707,000); to the Buffalo city school district, one million seven hundred forty-one thousand dollars ($1,741,000); to the Rochester city school district, one million seventy-six thousand dollars ($1,076,000); to the Yonkers city school district, one million one hundred forty-seven thousand dollars

($1,147,000); and to the Syracuse city school district, eight hundred nine thousand dollars ($809,000). All funds made available to a school district pursuant to this section shall be distributed among teachers including prekindergarten teachers and teachers of adult vocational and academic subjects in accordance with this section and shall be in addition to salaries heretofore or hereafter negotiated or made available; provided, however, that all funds distributed pursuant to this section for the current year shall be deemed to incorporate all funds distributed pursuant to former subdivision 27 of section 3602 of the education law for prior years. In school districts where the teachers are represented by certified or recognized employee organizations, all salary increases funded pursuant to this section shall be determined by separate collective negotiations conducted pursuant to the provisions and procedures of article 14 of the civil service law, notwithstanding the existence of a negotiated agreement between a school district and a certified or recognized employee organization.

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

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

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

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

S 29. Severability. The provisions of this act shall be severable, and if the application of any clause, sentence, paragraph, subdivision, section or part of this act to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not necessarily affect, impair or invalidate the application of any such clause, sentence, paragraph, subdivision, section, part

of this act or remainder thereof, as the case may be, to any other person or circumstance, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

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

1. Sections eight, eight-b, nine, thirteen, fourteen, twenty-two, twenty-six and twenty-seven of this act shall take effect July 1, 2015.

2. Sections seven and twelve of this act shall take effect April 1, 2014.

3. Section six of this act shall take effect July 1, 2014.

4. Section eleven of this act shall take effect April 1, 2016 and shall first apply to reimbursement for services and programs provided pursuant to section 4410 of the education law in the 2016-17 school year.

4-a. The amendments to paragraph b-1 of section 3602 of the education law made by section five-b of this act shall be subject to the expiration and reversion of such paragraph pursuant to section 13 of part A of chapter 97 of the laws of 2011, when upon such date the provisions of section five-c of this act shall take effect.

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

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

PART B

Intentionally Omitted

PART C

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

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

2. ELIGIBILITY. TO BE ELIGIBLE FOR AN AWARD PURSUANT TO THIS SECTION, AN APPLICANT SHALL: (A) HAVE GRADUATED FROM A HIGH SCHOOL LOCATED IN NEW YORK STATE OR ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA AND RECEIVED SUCH HIGH SCHOOL EQUIVALENCY DIPLOMA; (B) HAVE GRADUATED AND OBTAINED AN UNDERGRADUATE DEGREE FROM A COLLEGE OR UNIVERSITY WITH ITS HEADQUARTERS LOCATED IN NEW YORK STATE IN OR AFTER THE TWO THOUSAND FOURTEEN--FIFTEEN ACADEMIC YEAR; (C) APPLY FOR THIS PROGRAM WITHIN TWO YEARS OF COLLEGE GRADUATION; PROVIDED THAT AN APPLICANT WHO ENROLLS IN A GRADUATE OR HIGHER DEGREE PROGRAM OR OTHER PROFESSIONAL LICENSURE DEGREE PROGRAM IMMEDIATELY FOLLOWING COLLEGE GRADUATION SHALL APPLY FOR THIS PROGRAM WITHIN TWO YEARS OF COMPLETING SUCH DEGREE PROGRAM; (D) BE A PARTICIPANT IN A FEDERAL INCOME-DRIVEN

REPAYMENT PLAN WHOSE PAYMENT AMOUNT IS GENERALLY TEN PERCENT OF DISCRETIONARY INCOME; (E) HAVE INCOME OF LESS THAN FIFTY THOUSAND DOLLARS; (F) BE A RESIDENT OF NEW YORK STATE; AND (G) WORK IN NEW YORK STATE, IF EMPLOYED. FOR PURPOSES OF THIS PROGRAM, "INCOME" SHALL BE THE TOTAL ADJUSTED GROSS INCOME OF THE APPLICANT.

3. AWARDS. AN APPLICANT WHOSE ANNUAL INCOME IS LESS THAN FIFTY THOUSAND DOLLARS SHALL BE ELIGIBLE TO RECEIVE AN AWARD EQUAL TO ONE HUNDRED PERCENT OF HIS OR HER MONTHLY FEDERAL INCOME-DRIVEN REPAYMENT PLAN PAYMENTS FOR A PERIOD OF TWENTY-FOUR MONTHS OF REPAYMENT UNDER THE FEDERAL PROGRAM. PROVIDED, HOWEVER, THAT AWARDS GRANTED UNDER THIS SECTION SHALL BE DEFERRED FOR AN APPLICANT WHO HAS BEEN GRANTED A DEFERMENT OR FORBEARANCE UNDER THE FEDERAL INCOME-DRIVEN REPAYMENT PLAN. UPON COMPLETION OF SUCH DEFERMENT OR FORBEARANCE PERIOD, SUCH APPLICANT SHALL BE ELIGIBLE TO RECEIVE AN AWARD FOR THE REMAINING TIME PERIOD UNDER THIS SUBDIVISION.

4. RULES AND REGULATIONS. THE CORPORATION IS AUTHORIZED TO PROMULGATE RULES AND REGULATIONS, AND MAY PROMULGATE EMERGENCY REGULATIONS NECESSARY FOR THE IMPLEMENTATION OF THE PROVISIONS OF THIS SECTION.

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

PART D

Section 1. This act shall be known and may be cited as the "New York state DREAM Act".

S 2. The education law is amended by adding a new section 609 to read as follows:

S 609. NEW YORK DREAM FUND COMMISSION. 1. (A) THERE SHALL BE CREATED A NEW YORK DREAM FUND COMMISSION WHICH SHALL BE COMMITTED TO ADVANCING THE EDUCATIONAL OPPORTUNITIES OF THE CHILDREN OF IMMIGRANTS.

(B) THE NEW YORK DREAM FUND COMMISSION SHALL BE COMPOSED OF TWELVE MEMBERS TO BE APPOINTED AS FOLLOWS:

(I) FOUR MEMBERS SHALL BE APPOINTED BY THE GOVERNOR;

(II) THREE MEMBERS SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE;

(III) THREE MEMBERS SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY;

(IV) ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE SENATE;

(V) ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE ASSEMBLY;

(C) TO THE EXTENT PRACTICABLE, MEMBERS OF SUCH COMMISSION SHALL REFLECT THE RACIAL, ETHNIC, GENDER, LANGUAGE, AND GEOGRAPHIC DIVERSITY OF THE STATE.

(D) TO THE EXTENT PRACTICABLE, MEMBERS OF SUCH COMMISSION SHALL INCLUDE COLLEGE AND UNIVERSITY ADMINISTRATORS AND FACULTY, AND OTHER INDIVIDUALS COMMITTED TO ADVANCING THE EDUCATIONAL OPPORTUNITIES OF THE CHILDREN OF IMMIGRANTS.

(E) MEMBERS OF THE NEW YORK DREAM FUND COMMISSION SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES.

2. (A) THE NEW YORK DREAM FUND COMMISSION SHALL HAVE THE POWER TO:

(I) ADMINISTER THE PROVISIONS OF THIS SECTION;

(II) CREATE AND RAISE FUNDS FOR THE NEW YORK DREAM FUND;

(III) ESTABLISH A NOT-FOR-PROFIT ENTITY CHARGED WITH THE RESPONSIBILITY OF RAISING FUNDS FOR THE ADMINISTRATION OF THIS SECTION AND ANY EDUCATIONAL OR TRAINING PROGRAMS SUCH COMMISSION IS TASKED WITH ADMINIS-

TRATING AND FUNDING SCHOLARSHIPS TO STUDENTS WHO ARE CHILDREN OF IMMIGRANTS TO THE UNITED STATES;

(IV) PUBLICIZE THE AVAILABILITY OF SUCH SCHOLARSHIPS FROM THE NEW YORK DREAM FUND;

(V) DEVELOP CRITERIA AND A SELECTION PROCESS FOR THE RECIPIENTS OF SCHOLARSHIPS FROM THE NEW YORK DREAM FUND;

(VI) RESEARCH ISSUES PERTAINING TO THE AVAILABILITY OF ASSISTANCE WITH THE COSTS OF HIGHER EDUCATION FOR THE CHILDREN OF IMMIGRANTS AND OTHER ISSUES REGARDING ACCESS FOR AND THE PERFORMANCE OF THE CHILDREN OF IMMIGRANTS WITHIN HIGHER EDUCATION;

(VII) ESTABLISH, PUBLICIZE, AND ADMINISTER TRAINING PROGRAMS FOR HIGH SCHOOL COUNSELORS, ADMISSIONS OFFICERS, AND FINANCIAL AID OFFICERS OF INSTITUTIONS OF HIGHER EDUCATION. THE TRAINING PROGRAMS SHALL INSTRUCT PARTICIPANTS ON THE EDUCATIONAL OPPORTUNITIES AVAILABLE TO COLLEGE-BOUND STUDENTS WHO ARE THE CHILDREN OF IMMIGRANTS, INCLUDING, BUT NOT LIMITED TO, IN-STATE TUITION AND SCHOLARSHIP PROGRAMS. TO THE EXTENT PRACTICABLE, THE NEW YORK DREAM FUND COMMISSION SHALL OFFER THE TRAINING PROGRAM TO SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE EDUCATIONAL SERVICES THROUGHOUT THE STATE, PROVIDED HOWEVER, THAT PRIORITY SHALL BE GIVEN TO SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE EDUCATIONAL SERVICES WITH LARGER NUMBER OF STUDENTS WHO ARE THE CHILDREN OF IMMIGRANTS OVER SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE EDUCATIONAL SERVICES WITH LESSER NUMBER OF STUDENTS WHO ARE THE CHILDREN OF IMMIGRANTS;

(VIII) ESTABLISH A PUBLIC AWARENESS CAMPAIGN REGARDING EDUCATIONAL OPPORTUNITIES AVAILABLE TO COLLEGE BOUND STUDENTS WHO ARE THE CHILDREN OF IMMIGRANTS; AND

(IX) ESTABLISH, BY RULE, PROCEDURES FOR ACCEPTING AND EVALUATING APPLICATIONS FOR SCHOLARSHIPS FROM THE CHILDREN OF IMMIGRANTS AND ISSUING SCHOLARSHIPS TO SELECTED STUDENT APPLICANTS;

(B) TO RECEIVE A SCHOLARSHIP PURSUANT TO THIS SECTION, A STUDENT APPLICANT MUST MEET THE FOLLOWING QUALIFICATIONS:

(I) HAVE RESIDED WITH HIS OR HER PARENTS OR GUARDIANS WHILE ATTENDING A PUBLIC OR PRIVATE HIGH SCHOOL IN THIS STATE;

(II) HAVE GRADUATED FROM A PUBLIC OR PRIVATE HIGH SCHOOL OR RECEIVED THE EQUIVALENT OF A HIGH SCHOOL DIPLOMA IN THIS STATE;

(III) HAVE ATTENDED A PUBLIC OR PRIVATE HIGH SCHOOL IN THIS STATE FOR AT LEAST TWO YEARS AS OF THE DATE HE OR SHE GRADUATED FROM HIGH SCHOOL OR RECEIVED THE EQUIVALENT OF A HIGH SCHOOL DIPLOMA;

(IV) HAVE AT LEAST ONE PARENT OR GUARDIAN WHO IMMIGRATED TO THE UNITED STATES.

(C) THE NEW YORK DREAM FUND COMMISSION AND THE NEW YORK DREAM FUND SHALL BE FUNDED ENTIRELY BY PRIVATE CONTRIBUTIONS AND NO STATE FUNDS SHALL BE APPROPRIATED TO OR USED BY THE NEW YORK DREAM FUND. NO FUNDS OF THE NEW YORK DREAM FUND OR THE NEW YORK DREAM FUND COMMISSION SHALL BE TRANSFERRED TO THE GENERAL FUND OR ANY SPECIAL REVENUE FUND OR SHALL BE USED FOR ANY PURPOSE OTHER THAN THE PURPOSES SET FORTH IN THIS SECTION.

3. THE NEW YORK DREAM FUND COMMISSION AND THE NEW YORK DREAM FUND SHALL BE SUBJECT TO THE PROVISIONS OF ARTICLES SIX AND SEVEN AND SECTION SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW.

S 3. Subdivision 3 of section 661 of the education law is REPEALED.

S 4. Paragraph a of subdivision 5 of section 661 of the education law, as amended by chapter 466 of the laws of 1977, is amended to read as follows:

a. (I) Except as provided in subdivision two of section six hundred seventy-four OF THIS PART AND SUBPARAGRAPH (II) OF THIS PARAGRAPH, an

applicant for an award at the undergraduate level of study must either [(i)] (A) have been a legal resident of the state for at least one year immediately preceding the beginning of the semester, quarter or term of attendance for which application for assistance is made, or [(ii)] (B) be a legal resident of the state and have been a legal resident during his last two semesters of high school either prior to graduation, or prior to admission to college. Provided further that persons shall be eligible to receive awards under section six hundred sixty-eight or section six hundred sixty-nine OF THIS PART who are currently legal residents of the state and are otherwise qualified.

(II) AN APPLICANT WHO IS NOT A LEGAL RESIDENT OF THE STATE ELIGIBLE PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH, BUT IS A UNITED STATES CITIZEN, A PERMANENT LAWFUL RESIDENT, A LAWFUL NON-IMMIGRANT ALIEN OR AN APPLICANT WITHOUT LAWFUL IMMIGRATION STATUS SHALL BE ELIGIBLE FOR AN AWARD AT THE UNDERGRADUATE LEVEL OF STUDY PROVIDED THAT THE STUDENT:

(A) ATTENDED A REGISTERED NEW YORK STATE HIGH SCHOOL FOR TWO OR MORE YEARS, GRADUATED FROM A REGISTERED NEW YORK STATE HIGH SCHOOL AND APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR THE UNDERGRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN FIVE YEARS OF RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR

(B) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA, RECEIVED A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA AND APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR THE UNDERGRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN FIVE YEARS OF RECEIVING A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA; OR

(C) IS OTHERWISE ELIGIBLE FOR THE PAYMENT OF TUITION AND FEES AT A RATE NO GREATER THAN THAT IMPOSED FOR RESIDENT STUDENTS OF THE STATE UNIVERSITY OF NEW YORK, THE CITY UNIVERSITY OF NEW YORK OR COMMUNITY COLLEGES AS PRESCRIBED IN SUBPARAGRAPH EIGHT OF PARAGRAPH H OF SUBDIVISION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OR PARAGRAPH (A) OF SUBDIVISION SEVEN OF SECTION SIXTY-TWO HUNDRED SIX OF THIS CHAPTER.

PROVIDED, FURTHER, THAT A STUDENT WITHOUT LAWFUL IMMIGRATION STATUS SHALL ALSO BE REQUIRED TO FILE AN AFFIDAVIT WITH SUCH INSTITUTION OF HIGHER EDUCATION STATING THAT THE STUDENT HAS FILED AN APPLICATION TO LEGALIZE HIS OR HER IMMIGRATION STATUS, OR WILL FILE SUCH AN APPLICATION AS SOON AS HE OR SHE IS ELIGIBLE TO DO SO.

S 5. Paragraph b of subdivision 5 of section 661 of the education law, as amended by chapter 466 of the laws of 1977, is amended to read as follows:

b. [An] (I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, AN applicant for an award at the graduate level of study must either [(i)] (A) have been a legal resident of the state for at least one year immediately preceding the beginning of the semester, quarter or term of attendance for which application for assistance is made, or [(ii)] (B) be a legal resident of the state and have been a legal resident during his last academic year of undergraduate study and have continued to be a legal resident until matriculation in the graduate program.

(II) AN APPLICANT WHO IS NOT A LEGAL RESIDENT OF THE STATE ELIGIBLE PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH, BUT IS A UNITED STATES CITIZEN, A PERMANENT LAWFUL RESIDENT, A LAWFUL NON-IMMIGRANT ALIEN OR AN APPLICANT WITHOUT LAWFUL IMMIGRATION STATUS SHALL BE ELIGIBLE FOR AN AWARD AT THE UNDERGRADUATE LEVEL OF STUDY PROVIDED THAT THE STUDENT:

(A) ATTENDED A REGISTERED APPROVED NEW YORK STATE HIGH SCHOOL FOR TWO OR MORE YEARS, GRADUATED FROM A REGISTERED NEW YORK STATE HIGH SCHOOL AND APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR

THE GRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN TEN YEARS OF RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR

(B) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA, RECEIVED A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA AND APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR THE GRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN TEN YEARS OF RECEIVING A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA; OR

(C) IS OTHERWISE ELIGIBLE FOR THE PAYMENT OF TUITION AND FEES AT A RATE NO GREATER THAN THAT IMPOSED FOR RESIDENT STUDENTS OF THE STATE UNIVERSITY OF NEW YORK, THE CITY UNIVERSITY OF NEW YORK OR COMMUNITY COLLEGES AS PRESCRIBED IN SUBPARAGRAPH EIGHT OF PARAGRAPH H OF SUBDIVISION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OR PARAGRAPH (A) OF SUBDIVISION SEVEN OF SECTION SIXTY-TWO HUNDRED SIX OF THIS CHAPTER.

PROVIDED, FURTHER, THAT A STUDENT WITHOUT LAWFUL IMMIGRATION STATUS SHALL ALSO BE REQUIRED TO FILE AN AFFIDAVIT WITH SUCH INSTITUTION OF HIGHER EDUCATION STATING THAT THE STUDENT HAS FILED AN APPLICATION TO LEGALIZE HIS OR HER IMMIGRATION STATUS, OR WILL FILE SUCH AN APPLICATION AS SOON AS HE OR SHE IS ELIGIBLE TO DO SO.

S 6. Paragraph d of subdivision 5 of section 661 of the education law, as amended by chapter 844 of the laws of 1975, is amended to read as follows:

d. If an applicant for an award allocated on a geographic basis has more than one residence in this state, his OR HER residence for the purpose of this article shall be his OR HER place of actual residence during the major part of the year while attending school, as determined by the commissioner; AND FURTHER PROVIDED THAT AN APPLICANT WHO DOES NOT HAVE A RESIDENCE IN THIS STATE AND IS ELIGIBLE FOR AN AWARD PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH A OR SUBPARAGRAPH (II) OF PARAGRAPH B OF THIS SUBDIVISION SHALL BE DEEMED TO RESIDE IN THE GEOGRAPHIC AREA OF THE INSTITUTION OF HIGHER EDUCATION IN WHICH HE OR SHE ATTENDS FOR PURPOSES OF AN AWARD ALLOCATED ON A GEOGRAPHIC BASIS.

S 7. Paragraph e of subdivision 5 of section 661 of the education law, as added by chapter 630 of the laws of 2005, is amended to read as follows:

e. Notwithstanding any other provision of this article to the contrary, the New York state [residency] eligibility [requirement] REQUIREMENTS for receipt of awards [is] SET FORTH IN PARAGRAPHS A AND B OF THIS SUBDIVISION ARE waived for a member, or the spouse or dependent of a member, of the armed forces of the United States on full-time active duty and stationed in this state.

S 8. Paragraph h of subdivision 2 of section 355 of the education law is amended by adding a new subparagraph 10 to read as follows:

(10) SUCH REGULATIONS SHALL FURTHER PROVIDE THAT ANY STUDENT WHO IS NOT A LEGAL RESIDENT OF NEW YORK STATE BUT IS A UNITED STATES CITIZEN, A PERMANENT LAWFUL RESIDENT, A LAWFUL NON-IMMIGRANT ALIEN OR AN APPLICANT WITHOUT LAWFUL IMMIGRATION STATUS MAY HAVE THE PAYMENT OF TUITION AND OTHER FEES AND CHARGES REDUCED BY STATE-AIDED PROGRAMS, SCHOLARSHIPS OR OTHER FINANCIAL ASSISTANCE AWARDED UNDER THE PROVISIONS OF ARTICLES THIRTEEN, THIRTEEN-A, FOURTEEN AND FOURTEEN-A OF THIS CHAPTER, PROVIDED THAT THE STUDENT MEETS THE REQUIREMENTS SET FORTH IN SUBPARAGRAPH (II) OF PARAGRAPH A OR SUBPARAGRAPH (II) OF PARAGRAPH B OF SUBDIVISION FIVE OF SECTION SIX HUNDRED SIXTY-ONE OF THIS CHAPTER, AS APPLICABLE.

S 9. Subdivision 7 of section 6206 of the education law is amended by adding a new paragraph (d) to read as follows:

(D) THE TRUSTEES SHALL FURTHER PROVIDE THAT ANY STUDENT WHO IS NOT A LEGAL RESIDENT OF NEW YORK STATE BUT IS A UNITED STATES CITIZEN, A

PERMANENT LAWFUL RESIDENT, A LAWFUL NON-IMMIGRANT ALIEN OR AN APPLICANT WITHOUT LAWFUL IMMIGRATION STATUS MAY HAVE THE PAYMENT OF TUITION AND OTHER FEES AND CHARGES REDUCED BY STATE-AIDED PROGRAMS, SCHOLARSHIPS OR OTHER FINANCIAL ASSISTANCE AWARDED UNDER THE PROVISIONS OF ARTICLES THIRTEEN, THIRTEEN-A, FOURTEEN AND FOURTEEN-A OF THIS CHAPTER, PROVIDED THAT THE STUDENT MEETS THE REQUIREMENTS SET FORTH IN SUBPARAGRAPH (II) OF PARAGRAPH A OR SUBPARAGRAPH (II) OF PARAGRAPH B OF SUBDIVISION FIVE OF SECTION SIX HUNDRED SIXTY-ONE OF THIS CHAPTER, AS APPLICABLE.

S 10. Section 6305 of the education law is amended by adding a new subdivision 8-a to read as follows:

8-A. THE PAYMENT OF TUITION AND OTHER FEES AND CHARGES OF A STUDENT WHO IS ATTENDING A COMMUNITY COLLEGE AND WHO IS NOT A LEGAL RESIDENT OF NEW YORK STATE BUT IS A UNITED STATES CITIZEN, A PERMANENT LAWFUL RESIDENT, A LAWFUL NON-IMMIGRANT ALIEN OR AN APPLICANT WITHOUT LAWFUL IMMIGRATION STATUS MAY BE REDUCED BY STATE-AIDED PROGRAMS, SCHOLARSHIPS AND OTHER FINANCIAL ASSISTANCE AWARDED UNDER THE PROVISIONS OF ARTICLES THIRTEEN, THIRTEEN-A, FOURTEEN AND FOURTEEN-A OF THIS CHAPTER, PROVIDED THAT THE STUDENT MEETS THE REQUIREMENTS SET FORTH IN SUBPARAGRAPH (II) OF PARAGRAPH A OR SUBPARAGRAPH (II) OF PARAGRAPH B OF SUBDIVISION FIVE OF SECTION SIX HUNDRED SIXTY-ONE OF THIS CHAPTER, AS APPLICABLE.

S 11. Paragraph d of subdivision 3 of section 6451 of the education law, as amended by chapter 149 of the laws of 1972, is amended to read as follows:

d. Any necessary supplemental financial assistance, which may include the cost of books and necessary maintenance for such enrolled students, INCLUDING STUDENTS WITHOUT LAWFUL IMMIGRATION STATUS PROVIDED THAT THE STUDENT MEETS THE REQUIREMENTS SET FORTH IN SUBPARAGRAPH (II) OF PARAGRAPH A OR SUBPARAGRAPH (II) OF PARAGRAPH B OF SUBDIVISION FIVE OF SECTION SIX HUNDRED SIXTY-ONE OF THIS CHAPTER, AS APPLICABLE; provided, however, that such supplemental financial assistance shall be furnished pursuant to criteria promulgated by the commissioner with the approval of the director of the budget.

S 12. Subparagraph (v) of paragraph a of subdivision 4 of section 6452 of the education law, as added by chapter 917 of the laws of 1970, is amended to read as follows:

(v) Any necessary supplemental financial assistance, which may include the cost of books and necessary maintenance for such students, INCLUDING STUDENTS WITHOUT LAWFUL IMMIGRATION STATUS PROVIDED THAT THE STUDENT MEETS THE REQUIREMENTS SET FORTH IN SUBPARAGRAPH (II) OF PARAGRAPH A OR SUBPARAGRAPH (II) OF PARAGRAPH B OF SUBDIVISION FIVE OF SECTION SIX HUNDRED SIXTY-ONE OF THIS CHAPTER, AS APPLICABLE; provided, however, that such supplemental financial assistance shall be furnished pursuant to criteria promulgated by such universities and approved by the regents and the director of the budget.

S 13. Paragraph (a) of subdivision 2 of section 6455 of the education law, as added by chapter 285 of the laws of 1986, is amended to read as follows:

(a) (I) Undergraduate science and technology entry program moneys may be used for tutoring, counseling, remedial and special summer courses, supplemental financial assistance, program administration, and other activities which the commissioner may deem appropriate. To be eligible for undergraduate collegiate science and technology entry program support, a student must be a resident of New York [who is], OR MEET THE REQUIREMENTS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH, AND MUST BE either economically disadvantaged or from a minority group historically under represented in the scientific, technical, health and health-related

professions, and [who demonstrates] MUST DEMONSTRATE interest in and a potential for a professional career if provided special services. Eligible students must be in good academic standing, enrolled full time in an approved, undergraduate level program of study, as defined by the regents.

(II) AN APPLICANT WHO IS NOT A LEGAL RESIDENT OF NEW YORK STATE, BUT WHO IS A UNITED STATES CITIZEN, A PERMANENT LAWFUL RESIDENT, A LAWFUL NON-IMMIGRANT ALIEN OR AN APPLICANT WITHOUT LAWFUL IMMIGRATION STATUS, SHALL BE ELIGIBLE FOR AN AWARD AT THE UNDERGRADUATE LEVEL OF STUDY PROVIDED THAT THE STUDENT:

(1) ATTENDED A REGISTERED NEW YORK STATE HIGH SCHOOL FOR TWO OR MORE YEARS, GRADUATED FROM A REGISTERED NEW YORK STATE HIGH SCHOOL AND APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR THE UNDERGRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN FIVE YEARS OF RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR

(2) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA, RECEIVED A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA AND APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR THE UNDERGRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN FIVE YEARS OF RECEIVING A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA, ATTENDED AN APPROVED NEW YORK STATE HIGH SCHOOL FOR TWO OR MORE YEARS, GRADUATED FROM AN APPROVED NEW YORK STATE HIGH SCHOOL AND APPLIED FOR ATTENDANCE AT AN INSTITUTION OF HIGHER EDUCATION WITHIN FIVE YEARS OF RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR

(3) IS OTHERWISE ELIGIBLE FOR THE PAYMENT OF TUITION AND FEES AT A RATE NO GREATER THAN THAT IMPOSED FOR RESIDENT STUDENTS OF THE STATE UNIVERSITY OF NEW YORK, THE CITY UNIVERSITY OF NEW YORK OR COMMUNITY COLLEGES AS PRESCRIBED IN SUBPARAGRAPH EIGHT OF PARAGRAPH H OF SUBDIVISION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OR PARAGRAPH (A) OF SUBDIVISION SEVEN OF SECTION SIXTY-TWO HUNDRED SIX OF THIS CHAPTER.

PROVIDED, FURTHER, THAT A STUDENT WITHOUT LAWFUL IMMIGRATION STATUS SHALL ALSO BE REQUIRED TO FILE AN AFFIDAVIT WITH SUCH INSTITUTION OF HIGHER EDUCATION STATING THAT THE STUDENT HAS FILED AN APPLICATION TO LEGALIZE HIS OR HER IMMIGRATION STATUS, OR WILL FILE SUCH AN APPLICATION AS SOON AS HE OR SHE IS ELIGIBLE TO DO SO.

S 14. Paragraph (a) of subdivision 3 of section 6455 of the education law, as added by chapter 285 of the laws of 1986, is amended to read as follows:

(a) (I) Graduate science and technology entry program moneys may be used for recruitment, academic enrichment, career planning, supplemental financial assistance, review for licensing examinations, program administration, and other activities which the commissioner may deem appropriate. To be eligible for graduate collegiate science and technology entry program support, a student must be a resident of New York [who is], OR MEET THE REQUIREMENTS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH, AND MUST BE either economically disadvantaged or from a minority group historically underrepresented in the scientific, technical and health-related professions. Eligible students must be in good academic standing, enrolled full time in an approved graduate level program, as defined by the regents.

(II) AN APPLICANT WHO IS NOT A LEGAL RESIDENT OF NEW YORK STATE, BUT EITHER IS A UNITED STATES CITIZEN, A PERMANENT LAWFUL RESIDENT, A LAWFUL NON-IMMIGRANT ALIEN OR AN APPLICANT WITHOUT LAWFUL IMMIGRATION STATUS SHALL BE ELIGIBLE FOR AN AWARD AT THE UNDERGRADUATE LEVEL OF STUDY PROVIDED THAT THE STUDENT:

(1) ATTENDED A REGISTERED APPROVED NEW YORK STATE HIGH SCHOOL FOR TWO OR MORE YEARS, GRADUATED FROM A REGISTERED NEW YORK STATE HIGH SCHOOL AND APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR THE GRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN TEN YEARS OF RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR

(2) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA, RECEIVED A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA AND APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR THE GRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN TEN YEARS OF RECEIVING A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA; OR

(3) IS OTHERWISE ELIGIBLE FOR THE PAYMENT OF TUITION AND FEES AT A RATE NO GREATER THAN THAT IMPOSED FOR RESIDENT STUDENTS OF THE STATE UNIVERSITY OF NEW YORK, THE CITY UNIVERSITY OF NEW YORK OR COMMUNITY COLLEGES AS PRESCRIBED IN SUBPARAGRAPH EIGHT OF PARAGRAPH H OF SUBDIVISION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OR PARAGRAPH (A) OF SUBDIVISION SEVEN OF SECTION SIXTY-TWO HUNDRED SIX OF THIS CHAPTER.

PROVIDED, FURTHER, THAT A STUDENT WITHOUT LAWFUL IMMIGRATION STATUS SHALL ALSO BE REQUIRED TO FILE AN AFFIDAVIT WITH SUCH INSTITUTION OF HIGHER EDUCATION STATING THAT THE STUDENT HAS FILED AN APPLICATION TO LEGALIZE HIS OR HER IMMIGRATION STATUS, OR WILL FILE SUCH AN APPLICATION AS SOON AS HE OR SHE IS ELIGIBLE TO DO SO.

S 15. Subparagraph (i) of paragraph a of subdivision 2 of section 695-e of the education law, as amended by chapter 593 of the laws of 2003, is amended to read as follows:

(i) the name, address and social security number [or], employer identification number, OR INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER of the account owner UNLESS A FAMILY TUITION ACCOUNT THAT WAS IN EFFECT PRIOR TO THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND FIFTEEN THAT AMENDED THIS SUBPARAGRAPH DOES NOT ALLOW FOR A TAXPAYER IDENTIFICATION NUMBER, IN WHICH CASE A TAXPAYER IDENTIFICATION NUMBER SHALL BE ALLOWED UPON THE EXPIRATION OF THE CONTRACT;

S 16. Subparagraph (iii) of paragraph a of subdivision 2 of section 695-e of the education law, as amended by chapter 593 of the laws of 2003, is amended to read as follows:

(iii) the name, address, and social security number, EMPLOYER IDENTIFICATION NUMBER, OR INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER of the designated beneficiary, UNLESS A FAMILY TUITION ACCOUNT THAT WAS IN EFFECT PRIOR TO THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND FIFTEEN THAT AMENDED THIS SUBPARAGRAPH DOES NOT ALLOW FOR A TAXPAYER IDENTIFICATION NUMBER, IN WHICH CASE A TAXPAYER IDENTIFICATION NUMBER SHALL BE ALLOWED UPON THE EXPIRATION OF THE CONTRACT; and

S 17. The president of the higher education services corporation, in consultation with the commissioner of education, shall establish an application form and procedures that shall allow a student applicant that meets the requirements set forth in subparagraph (ii) of paragraph (a) or subparagraph (ii) of paragraph b of subdivision 5 of section 661 of the education law to apply directly to the higher education services corporation or education department for applicable awards without having to submit information to any other state or federal agency. All information contained within the applications filed with such corporation or department shall be deemed confidential.

S 18. This act shall take effect immediately; provided, however, that:

(a) section two of this act shall take effect January 1, 2016;

(b) sections fifteen and sixteen of this act shall take effect on the ninetieth day after it shall have become a law; provided, however, that any rule or regulation necessary for the timely implementation of this

act on its effective date shall be promulgated on or before such effective date; and

(c) sections three through fourteen and section seventeen of this act shall take effect on the ninetieth day after the issuance of regulations and the development of an application form by the president of the higher education services corporation and commissioner of education or on the ninetieth day after it shall have become a law, whichever shall be later; provided, however that effective immediately the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized and directed to be made and completed on or before such date; provided, further, however, that the president of the higher education services corporation and the commissioner of education shall notify the legislative bill drafting commission upon the occurrence of the issuance of the regulations and the development of an application form in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.

PART E

Intentionally Omitted

PART F

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

S 9-W. STANDARD FINANCIAL AID AWARD LETTER. THE SUPERINTENDENT OF FINANCIAL SERVICES IN CONSULTATION WITH THE PRESIDENT OF THE HIGHER EDUCATION SERVICES CORPORATION SHALL DEVELOP A STANDARD FINANCIAL AID AWARD LETTER WHICH SHALL CLEARLY DELINEATE (A) THE ESTIMATED COST OF ATTENDANCE, INCLUDING BUT NOT LIMITED TO, THE COST OF TUITION AND FEES, ROOM AND BOARD, BOOKS, AND TRANSPORTATION. SUCH STANDARD LETTER SHALL PROVIDE THE ESTIMATED COST OF ATTENDANCE FOR THE CURRENT ACADEMIC YEAR AS WELL AS EACH ACADEMIC YEAR THAT THE STUDENT WOULD NEED TO ATTEND TO EARN A DEGREE AT SUCH INSTITUTION, (B) ALL FINANCIAL AID OFFERED FROM THE FEDERAL GOVERNMENT, THE STATE, AND THE INSTITUTION, WITH AN EXPLANATION AS TO WHICH COMPONENTS WILL REQUIRE REPAYMENT, (C) ANY EXPECTED STUDENT AND/OR FAMILY CONTRIBUTION, (D) CAMPUS-SPECIFIC GRADUATION, MEDIAN BORROWING, AND LOAN DEFAULT RATES, AND (E) ANY OTHER INFORMATION AS DETERMINED BY THE SUPERINTENDENT IN CONSULTATION WITH THE PRESIDENT. SUCH STANDARD LETTER SHALL INCLUDE A GLOSSARY OF STANDARD TERMS AND DEFINITIONS USED ON SUCH STANDARD LETTER. THE SUPERINTENDENT SHALL PUBLISH AND MAKE AVAILABLE SUCH STANDARD LETTER BY DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN AND THEREAFTER. EACH COLLEGE, VOCATIONAL INSTITUTION, AND ANY OTHER INSTITUTION THAT OFFERS AN APPROVED PROGRAM AS DEFINED IN SECTION SIX HUNDRED ONE OF THE EDUCATION LAW SHALL UTILIZE THE STANDARD LETTER ISSUED BY THE DEPARTMENT OF FINANCIAL SERVICES IN RESPONDING TO ALL FINANCIAL AID APPLICANTS FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN ACADEMIC YEAR AND THEREAFTER. THE SUPERINTENDENT SHALL PROMULGATE REGULATIONS IMPLEMENTING THIS SECTION.

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

PART G

Intentionally Omitted

PART H

Intentionally Omitted

PART I

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

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

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

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

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

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

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

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

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

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

(c) On and after January first, two thousand [fourteen] FIFTEEN, (i) for an eligible individual receiving family care, [$987.48] $999.48 if he or she is receiving such care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible couple receiving family care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland, two times the amount set forth in subparagraph (i) of this paragraph; or (iii) for an eligible individual receiving such care in any other county in the state, [$949.48] $961.48; and (iv) for an eligible couple receiving such care in any

other county in the state, two times the amount set forth in subparagraph (iii) of this paragraph.

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

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

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

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

PART J

Section 1. The opening paragraph of subdivision (b) of section 117 of the family court act, as amended by chapter 7 of the laws of 2007, is amended to read as follows:

For every juvenile delinquency proceeding under article three OF THIS ACT involving an allegation of an act committed by a person which, if done by an adult, would [be a crime (i) defined in sections 125.27 (murder in the first degree); 125.25 (murder in the second degree); 135.25 (kidnapping in the first degree); or 150.20 (arson in the first degree) of the penal law committed by a person thirteen, fourteen or fifteen years of age; or such conduct committed as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; (ii) defined in sections 120.10 (assault in the first degree); 125.20 (manslaughter in the first degree); 130.35 (rape in the first degree); 130.50 (criminal sexual act in the first degree); 135.20 (kidnapping in the second degree), but only where the abduction involved the use or threat of use of deadly physical force; 150.15 (arson in the second degree); or 160.15 (robbery in the first degree) of the penal law committed by a person thirteen, fourteen or fifteen years of age; or such conduct committed as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; (iii) defined in the penal law as an attempt to commit murder in the first or second degree or kidnapping in the first degree committed by a person thirteen, fourteen or fifteen years of age; or such conduct committed as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; (iv) defined in section 140.30 (burglary in the first degree); subdivision one of section 140.25 (burglary in the second degree); subdivision two of section 160.10 (robbery in the second degree) of the penal law; or section 265.03 of the penal law, where such machine gun or such firearm is possessed on school grounds, as that phrase is defined

in subdivision fourteen of section 220.00 of the penal law committed by a person fourteen or fifteen years of age; or such conduct committed as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; (v) defined in section 120.05 (assault in the second degree) or 160.10 (robbery in the second degree) of the penal law committed by a person fourteen or fifteen years of age but only where there has been a prior finding by a court that such person has previously committed an act which, if committed by an adult, would be the crime of assault in the second degree, robbery in the second degree or any designated felony act specified in clause (i), (ii) or (iii) of this subdivision regardless of the age of such person at the time of the commission of the prior act; or (vi) other than a misdemeanor, committed by a person at least seven but less than sixteen years of age, but only where there has been two prior findings by the court that such person has committed a prior act which, if committed by an adult would be a felony] CONSTITUTE A DESIGNATED FELONY ACT AS DEFINED IN SUBDIVISION EIGHT OF SECTION 301.2 OF SUCH ARTICLE:

S 2. Subdivision (a) of section 158 of the family court act is amended to read as follows:

(a) The family court may place in protective custody a person under [sixteen] EIGHTEEN years of age who is a material witness, as provided by law.

S 3. Subdivision 1 of section 301.2 of the family court act, as added by chapter 920 of the laws of 1982, is amended to read as follows:

1. "Juvenile delinquent" means a person [over seven and less than sixteen years of age, who, having committed an act that would constitute a crime if committed by an adult, (a) is not criminally responsible for such conduct by reason of infancy, or (b) is the defendant in an action ordered removed from a criminal court to the family court pursuant to article seven hundred twenty-five of the criminal procedure law]:

(A) WHO IS:

(I) TEN OR ELEVEN YEARS OF AGE WHO COMMITTED AN ACT THAT WOULD CONSTITUTE A CRIME AS DEFINED IN SECTION 125.25 (MURDER IN THE SECOND DEGREE) OF THE PENAL LAW IF COMMITTED BY AN ADULT; OR

(II) AT LEAST TWELVE YEARS OF AGE AND LESS THAN EIGHTEEN YEARS OF AGE WHO COMMITTED AN ACT THAT WOULD CONSTITUTE A CRIME IF COMMITTED BY AN ADULT; OR

(III) SIXTEEN OR SEVENTEEN YEARS OF AGE WHO COMMITTED AN ACT THAT WOULD CONSTITUTE DISORDERLY CONDUCT AS DEFINED IN SECTION 240.20 OF THE PENAL LAW, HARASSMENT IN THE SECOND DEGREE AS DEFINED IN SECTION 240.26 OF THE PENAL LAW OR PARAGRAPH (A) OF SUBDIVISION 6 OF SECTION 65 OF THE ALCOHOLIC BEVERAGE CONTROL LAW IF COMMITTED BY AN ADULT. PROVIDED, HOWEVER, THAT WHERE SUCH PERSON HAS VIOLATED SECTION 65-B(6)(A) OF THE ALCOHOLIC BEVERAGE CONTROL LAW, HE OR SHE SHALL ONLY BE DEEMED TO BE A JUVENILE DELINQUENT FOR THE PURPOSES OF IMPOSING LICENSE SANCTIONS IN ACCORDANCE WITH SUBDIVISION FOUR OF SECTION 352.2 OF THIS ARTICLE; AND

(B) WHO:

(I) IS NOT CRIMINALLY RESPONSIBLE FOR SUCH CONDUCT BY REASON OF INFANCY;

(II) IS THE DEFENDANT IN AN ACTION BASED ON SUCH ACT THAT HAS BEEN ORDERED REMOVED TO THE FAMILY COURT PURSUANT TO ARTICLE SEVEN HUNDRED TWENTY-FIVE OF THE CRIMINAL PROCEDURE LAW; OR

(III) COULD BE, BUT IS NOT, THE DEFENDANT IN AN ACTION AGAINST A SIXTEEN OR SEVENTEEN YEAR OLD AUTHORIZED BY SUBDIVISION FORTY-TWO OF SECTION 1.20 OF THE CRIMINAL PROCEDURE LAW.

S 4. Subdivision 8 of section 301.2 of the family court act, as amended by chapter 7 of the laws of 2007, is amended to read as follows:

8. "Designated felony act" means an act which, if done by an adult, would be a crime: (i) defined in sections [125.27 (murder in the first degree)]; 125.25 (murder in the second degree); 135.25 (kidnapping in the first degree); or 150.20 (arson in the first degree) of the penal law committed by a person thirteen, fourteen [or], fifteen, SIXTEEN OR SEVENTEEN years of age; or such conduct committed as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; (ii) defined in sections 120.10 (assault in the first degree); 125.20 (manslaughter in the first degree); 130.35 (rape in the first degree); 130.50 (criminal sexual act in the first degree); 130.70 (aggravated sexual abuse in the first degree); 135.20 (kidnapping in the second degree) but only where the abduction involved the use or threat of use of deadly physical force; 150.15 (arson in the second degree) or 160.15 (robbery in the first degree) of the penal law committed by a person thirteen, fourteen [or], fifteen, SIXTEEN OR SEVENTEEN years of age; or such conduct committed as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; (iii) defined in the penal law as an attempt to commit murder in the first or second degree or kidnapping in the first degree committed by a person thirteen, fourteen [or], fifteen, SIXTEEN OR SEVENTEEN years of age; or such conduct committed as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; (iv) defined in section 140.30 (burglary in the first degree); subdivision one of section 140.25 (burglary in the second degree); subdivision two of section 160.10 (robbery in the second degree) of the penal law; or section 265.03 of the penal law, where such machine gun or such firearm is possessed on school grounds, as that phrase is defined in subdivision fourteen of section 220.00 of the penal law committed by a person fourteen [or] fifteen, SIXTEEN OR SEVENTEEN years of age; or such conduct committed as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; (v) defined in section 120.05 (assault in the second degree) or 160.10 (robbery in the second degree) of the penal law committed by a person fourteen [or], fifteen, SIXTEEN OR SEVENTEEN years of age but only where there has been a prior finding by a court that such person has previously committed an act which, if committed by an adult, would be the crime of assault in the second degree, robbery in the second degree or any designated felony act specified in paragraph (i), (ii), or (iii) of this subdivision regardless of the age of such person at the time of the commission of the prior act; [or] (vi) other than a misdemeanor committed by a person at least [seven] TWELVE but less than [sixteen years of age,] EIGHTEEN YEARS OF AGE, but only where there has been two prior findings by the court that such person has committed a prior felony; OR (VII) DEFINED IN SECTION 490.25 (CRIME OF TERRORISM); 490.45 (CRIMINAL POSSESSION OF A CHEMICAL WEAPON OR BIOLOGICAL WEAPON IN THE FIRST DEGREE); 490.55 (CRIMINAL USE OF A CHEMICAL WEAPON OR BIOLOGICAL WEAPON IN THE FIRST DEGREE); 490.50 (CRIMINAL USE OF A CHEMICAL WEAPON OR A BIOLOGICAL WEAPON IN THE SECOND DEGREE); OR 130.95 (PREDATORY SEXUAL ASSAULT) OF THE PENAL LAW COMMITTED BY A PERSON SIXTEEN OR SEVENTEEN YEARS OLD.

S 5. Section 304.1 of the family court act, as added by chapter 920 of the laws of 1982, subdivision 2 as amended by chapter 419 of the laws of 1987, is amended to read as follows:

S 304.1. Detention. 1. A facility certified by the state [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES as a juvenile DETENTION

facility must be operated in conformity with the regulations of the state [division for youth and shall be subject to the visitation and inspection of the state board of social welfare] OFFICE OF CHILDREN AND FAMILY SERVICES.

2. No child to whom the provisions of this article may apply shall be detained in any prison, jail, lockup, or other place used for adults convicted of crime or under arrest and charged with crime without the approval of the state [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES in the case of each child and the statement of its reasons therefor. The state [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES shall promulgate and publish the rules which it shall apply in determining whether approval should be granted pursuant to this subdivision.

3. [The detention of a child under ten years of age in a secure detention facility shall not be directed under any of the provisions of this article.

4.] A detention facility which receives a child under subdivision four of section 305.2 shall immediately notify the child's parent or other person legally responsible for his OR HER care or, if such legally responsible person is unavailable the person with whom the child resides, that he OR SHE has been placed in detention.

S 6. Subdivision 1 of section 305.1 of the family court act, as added by chapter 920 of the laws of 1982, is amended to read as follows:

1. A private person may take a child [under the age of sixteen] WHO MAY BE SUBJECT TO THE PROVISIONS OF THIS ARTICLE FOR COMMITTING AN ACT THAT WOULD BE A CRIME IF COMMITTED BY AN ADULT into custody in cases in which [he] SUCH PRIVATE PERSON may arrest an adult for a crime under section 140.30 of the criminal procedure law.

S 7. Subdivision 2 of section 305.2 of the family court act, as added by chapter 920 of the laws of 1982, is amended to read as follows:

2. An officer may take a child [under the age of sixteen] WHO MAY BE SUBJECT TO THE PROVISIONS OF THIS ARTICLE FOR COMMITTING AN ACT THAT WOULD BE A CRIME IF COMMITTED BY AN ADULT into custody without a warrant in cases in which [he] THE OFFICER may arrest a person for a crime under article one hundred forty of the criminal procedure law.

S 8. Paragraph (b) of subdivision 4 of section 305.2 of the family court act, as amended by chapter 492 of the laws of 1987, is amended to read as follows:

(b) forthwith and with all reasonable speed take the child directly, and without his first being taken to the police station house, to the family court located in the county in which the act occasioning the taking into custody allegedly was committed, OR, WHEN THE FAMILY COURT IS NOT IN SESSION, TO THE MOST ACCESSIBLE MAGISTRATE, IF ANY, DESIGNATED BY THE APPELLATE DIVISION OF THE SUPREME COURT IN THE APPLICABLE DEPARTMENT TO CONDUCT A HEARING UNDER SECTION 307.4 OF THIS PART, unless the officer determines that it is necessary to question the child, in which case he OR SHE may take the child to a facility designated by the chief administrator of the courts as a suitable place for the questioning of children or, upon the consent of a parent or other person legally responsible for the care of the child, to the child's residence and there question him OR HER for a reasonable period of time; or

S 9. Subdivision 1 of section 306.1 of the family court act, as amended by chapter 645 of the laws of 1996, is amended to read as follows:

1. Following the arrest of a child alleged to be a juvenile delinquent, or the filing of a delinquency petition involving a child who has

not been arrested, the arresting officer or other appropriate police officer or agency shall take or cause to be taken fingerprints of such child if:

(a) the child is eleven years of age or older and the crime which is the subject of the arrest or which is charged in the petition constitutes a class [A or B] A-1 felony; [or]

(b) THE CHILD IS TWELVE YEARS OF AGE OR OLDER AND THE CRIME WHICH IS THE SUBJECT OF THE ARREST OR WHICH IS CHARGED IN THE PETITION CONSTITUTES A CLASS A OR B FELONY; OR

(C) the child is thirteen years of age or older and the crime which is the subject of the arrest or which is charged in the petition constitutes a class C, D or E felony.

S 10. Section 307.3 of the family court act, as added by chapter 920 of the laws of 1982, subdivisions 1 and 2 as amended by chapter 419 of the laws of 1987, is amended to read as follows:

S 307.3. Rules of court authorizing release before filing of petition. 1. The agency responsible for operating a detention facility pursuant to section two hundred eighteen-a of the county law, five hundred [ten-a] THREE of the executive law or other applicable provisions of law, shall release a child in custody before the filing of a petition to the custody of his OR HER parents or other person legally responsible for his OR HER care, or if such legally responsible person is unavailable, to a person with whom he OR SHE resides, when the events occasioning the taking into custody do not appear to involve allegations that the child committed a delinquent act.

2. When practicable such agency may release a child before the filing of a petition to the custody of his OR HER parents or other person legally responsible for his OR HER care, or if such legally responsible person is unavailable, to a person with whom he OR SHE resides, when the events occasioning the taking into custody appear to involve allegations that the child committed a delinquent act; PROVIDED, HOWEVER, THAT SUCH AGENCY MUST RELEASE THE CHILD IF:

(A) SUCH EVENTS APPEAR TO INVOLVE ONLY ALLEGATIONS THAT THE CHILD COMMITTED ACTS THAT WOULD CONSTITUTE NO MORE THAN A VIOLATION IF COMMITTED BY AN ADULT; OR

(B) SUCH EVENTS APPEAR TO INVOLVE ONLY ALLEGATIONS THAT THE CHILD COMMITTED ACTS THAT WOULD CONSTITUTE MORE THAN A VIOLATION BUT NO MORE THAN A MISDEMEANOR IF COMMITTED BY AN ADULT IF:

(I) THE ALLEGED ACTS DID NOT RESULT IN ANY PHYSICAL INJURY AS DEFINED IN SUBDIVISION NINE OF SECTION 10.00 OF THE PENAL LAW TO ANOTHER PERSON; AND

(II) THE CHILD WAS ASSESSED AT A LOW RISK ON THE APPLICABLE DETENTION RISK ASSESSMENT INSTRUMENT APPROVED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES UNLESS THE AGENCY DETERMINES THAT DETENTION IS NECESSARY BECAUSE THE RESPONDENT OTHERWISE POSES AN IMMINENT RISK TO PUBLIC SAFETY AND STATES THE REASONS FOR SUCH DETERMINATION IN THE CHILD'S RECORD; OR

(C) SUCH EVENTS APPEAR TO INVOLVE ALLEGATIONS THAT THE CHILD COMMITTED ACTS THAT WOULD CONSTITUTE A FELONY IF COMMITTED BY AN ADULT IF:

(I) THE ALLEGED ACTS DID NOT RESULT IN ANY PHYSICAL INJURY AS DEFINED IN SUBDIVISION NINE OF SECTION 10.00 OF THE PENAL LAW TO ANOTHER PERSON;

(II) THE CHILD DOES NOT HAVE ANY PRIOR ADJUDICATIONS FOR AN ACT THAT WOULD CONSTITUTE A FELONY IF COMMITTED BY AN ADULT;

(III) THE CHILD HAS NO MORE THAN ONE PRIOR ADJUDICATION FOR AN ACT THAT WOULD CONSTITUTE A MISDEMEANOR IF COMMITTED BY AN ADULT AND THAT ACT ALSO DID NOT RESULT IN ANY PHYSICAL INJURY TO ANOTHER PERSON; AND

(IV) THE CHILD WAS ASSESSED AT A LOW RISK ON THE APPLICABLE DETENTION RISK ASSESSMENT INSTRUMENT APPROVED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES UNLESS THE AGENCY DETERMINES THAT DETENTION IS NECESSARY BECAUSE THE RESPONDENT OTHERWISE POSES AN IMMINENT RISK TO PUBLIC SAFETY AND STATES THE REASONS FOR SUCH DETERMINATION IN THE CHILD'S RECORD;

3. If a child is released under this section, the child and the person legally responsible for his OR HER care shall be issued a family court appearance ticket in accordance with section 307.1 OF THIS PART.

4. If the agency for any reason does not release a child under this section, such child shall be brought before the appropriate family court, OR WHEN SUCH FAMILY COURT IS NOT IN SESSION, TO THE MOST ACCESSIBLE MAGISTRATE, IF ANY, DESIGNATED BY THE APPELLATE DIVISION OF THE SUPREME COURT IN THE APPLICABLE DEPARTMENT; PROVIDED, HOWEVER, THAT IF SUCH FAMILY COURT IS NOT IN SESSION AND IF A MAGISTRATE IS NOT AVAILABLE, SUCH YOUTH SHALL BE BROUGHT BEFORE SUCH FAMILY COURT within seventy-two hours or the next day the court is in session, whichever is sooner. Such agency shall thereupon file an application for an order pursuant to section 307.4 OF THIS PART and shall forthwith serve a copy of the application upon the appropriate presentment agency. Nothing in this subdivision shall preclude the adjustment of suitable cases pursuant to section 308.1 OF THIS PART.

S 11. Section 308.1 of the family court act, as added by chapter 920 of the laws of 1982, subdivision 2 as amended by section 3 of part V of chapter 55 of the laws of 2012, subdivision 4 as amended by chapter 264 of the laws of 2003, subdivisions 5 and 8 as amended by chapter 398 of the laws of 1983, and subdivision 6 as amended by chapter 663 of the laws of 1985, is amended to read as follows:

S 308.1. [Rules of court for preliminary] PRELIMINARY procedure; ADJUSTMENT OF CASES. 1. [Rules of court shall authorize and determine the circumstances under which the] THE probation service may confer with any person seeking to have a juvenile delinquency petition filed, the potential respondent and other interested persons concerning the advisability of requesting that a petition be filed IN ACCORDANCE WITH THIS SECTION.

2. (A) Except as provided in subdivisions three [and], four, AND THIRTEEN of this section, the probation service [may, in accordance with rules of court,] SHALL ATTEMPT TO adjust [suitable cases] A CASE before a petition is filed. THE PROBATION SERVICE MUST DILIGENTLY ATTEMPT TO ADJUST THE CASE. SUCH ATTEMPTS MAY INCLUDE THE USE OF A JUVENILE REVIEW BOARD COMPRISED OF APPROPRIATE COMMUNITY MEMBERS TO WORK WITH THE CHILD AND HIS OR HER FAMILY ON DEVELOPING RECOMMENDED ADJUSTMENT ACTIVITIES. THE PROBATION SERVICE MAY STOP ATTEMPTING TO ADJUST SUCH A CASE IF IT DETERMINES THAT THERE IS NO SUBSTANTIAL LIKELIHOOD THAT THE CHILD WILL BENEFIT FROM ATTEMPTS AT ADJUSTMENT IN THE TIME REMAINING FOR ADJUSTMENT OR THE TIME FOR ADJUSTMENT HAS EXPIRED.

(B) The inability of the respondent or his or her family to make restitution shall not be a factor in a decision to adjust a case or in a recommendation to the presentment agency pursuant to subdivision six of this section.

(C) Nothing in this section shall prohibit the probation service or the court from directing a respondent to obtain employment and to make restitution from the earnings from such employment. Nothing in this section shall prohibit the probation service or the court from directing an eligible person to complete an education reform program in accordance with section four hundred fifty-eight-l of the social services law.

3. The probation service shall not ATTEMPT TO adjust a case in which the child has allegedly committed a designated felony act THAT INVOLVES ALLEGATIONS THAT THE CHILD CAUSED PHYSICAL INJURY TO A PERSON unless [it] THE PROBATION SERVICE has received the written approval of the court.

4. The probation service shall not ATTEMPT TO adjust a case in which the child has allegedly committed a delinquent act which would be a crime defined in section 120.25, (reckless endangerment in the first degree), subdivision one of section 125.15, (manslaughter in the second degree), subdivision one of section 130.25, (rape in the third degree), subdivision one of section 130.40, (criminal sexual act in the third degree), subdivision one or two of section 130.65, (sexual abuse in the first degree), section 135.65, (coercion in the first degree), section 140.20, (burglary in the third degree), section 150.10, (arson in the third degree), section 160.05, (robbery in the third degree), subdivision two, three or four of section 265.02, (criminal possession of a weapon in the third degree), section 265.03, (criminal possession of a weapon in the second degree), or section 265.04, (criminal possession of a [dangerous] weapon in the first degree) of the penal law where the child has previously had one or more adjustments of a case in which such child allegedly committed an act which would be a crime specified in this subdivision unless it has received written approval from the court and the appropriate presentment agency.

5. The fact that a child is detained prior to the filing of a petition shall not preclude the probation service from adjusting a case; upon adjusting such a case the probation service shall notify the detention facility to release the child.

6. The probation service shall not transmit or otherwise communicate to the presentment agency any statement made by the child to a probation officer. However, the probation service may make a recommendation regarding adjustment of the case to the presentment agency and provide such information, including any report made by the arresting officer and record of previous adjustments and arrests, as it shall deem relevant.

7. No statement made to the probation service prior to the filing of a petition may be admitted into evidence at a fact-finding hearing or, if the proceeding is transferred to a criminal court, at any time prior to a conviction.

8. The probation service may not prevent any person who wishes to request that a petition be filed from having access to the appropriate presentment agency for that purpose.

9. Efforts at adjustment [pursuant to rules of court] under this section may not extend for a period of more than two months [without], OR, FOR A PERIOD OF MORE THAN FOUR MONTHS IF THE PROBATION SERVICE DETERMINES THAT ADJUSTMENT BEYOND THE FIRST TWO MONTHS IS WARRANTED BECAUSE DOCUMENTED BARRIERS TO ADJUSTMENT EXIST OR CHANGES NEED TO BE MADE TO THE CHILD'S SERVICES PLAN, EXCEPT UPON leave of the court, which may extend the ADJUSTMENT period for an additional two months.

10. If a case is not adjusted by the probation service, such service shall notify the appropriate presentment agency of that fact within forty-eight hours or the next court day, whichever occurs later.

11. The probation service may not be authorized under this section to compel any person to appear at any conference, produce any papers, or visit any place.

12. The probation service shall certify to the division of criminal justice services and to the appropriate police department or law enforcement agency whenever it adjusts a case in which the potential

respondent's fingerprints were taken pursuant to section 306.1 OF THIS PART in any manner other than the filing of a petition for juvenile delinquency for an act which, if committed by an adult, would constitute a felony, provided, however, in the case of a child [eleven or] twelve years of age, such certification shall be made only if the act would constitute a class A or B felony, OR, IN THE CASE OF A CHILD ELEVEN YEARS OF AGE, SUCH CERTIFICATION SHALL BE MADE ONLY IF THE ACT WOULD CONSTITUTE A CLASS A-1 FELONY.

13. The [provisions of this section] PROBATION SERVICE shall not [apply] ATTEMPT TO ADJUST A CASE where the petition is an order of removal to the family court pursuant to article seven hundred twenty-five of the criminal procedure law UNLESS THE PROBATION SERVICE HAS RECEIVED THE WRITTEN APPROVAL OF THE COURT.

14. PROBATION SHALL SEEK THE WRITTEN APPROVAL OF THE COURT, AND PRESENTMENT AGENCY IF APPLICABLE, IN INSTANCES WHEN SUCH APPROVAL IS REQUIRED PRIOR TO ADJUSTING A CASE PURSUANT TO SUBDIVISIONS THREE, FOUR AND THIRTEEN OF THIS SECTION. IF SUCH WRITTEN APPROVAL IS GIVEN, PROBATION SHALL ATTEMPT TO ADJUST THE CASE.

S 12. Paragraph (c) of subdivision 3 of section 311.1 of the family court act, as added by chapter 920 of the laws of 1982, is amended to read as follows:

(c) the fact that the respondent is a person [under sixteen years of] OF THE NECESSARY age TO BE A JUVENILE DELINQUENT at the time of the alleged act or acts;

S 13. Subdivision 3 of section 320.5 of the family court act is amended by adding a new paragraph (a-1) to read as follows:

(A-1) NOTWITHSTANDING PARAGRAPH (A) OF THIS SUBDIVISION, THE COURT SHALL NOT DIRECT DETENTION IF:

(I) SUCH EVENTS APPEAR TO INVOLVE ONLY ALLEGATIONS THAT THE CHILD COMMITTED ACTS THAT WOULD CONSTITUTE NO MORE THAN A VIOLATION IF COMMITTED BY AN ADULT; OR

(II) SUCH EVENTS APPEAR TO INVOLVE ONLY ALLEGATIONS THAT THE CHILD COMMITTED ACTS THAT WOULD CONSTITUTE MORE THAN A VIOLATION BUT NO MORE THAN A MISDEMEANOR IF COMMITTED BY AN ADULT IF:

(A) THE ALLEGED ACTS DID NOT RESULT IN ANY PHYSICAL INJURY AS DEFINED IN SUBDIVISION NINE OF SECTION 10.00 OF THE PENAL LAW TO ANOTHER PERSON; AND

(B) THE CHILD WAS ASSESSED AT A LOW RISK ON THE APPLICABLE DETENTION RISK ASSESSMENT INSTRUMENT APPROVED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES UNLESS THE AGENCY DETERMINES THAT DETENTION IS NECESSARY BECAUSE THE RESPONDENT OTHERWISE POSES AN IMMINENT RISK TO PUBLIC SAFETY AND STATES THE REASONS FOR SUCH DETERMINATION IN THE CHILD'S RECORD; OR

(III) SUCH EVENTS APPEAR TO INVOLVE ALLEGATIONS THAT THE CHILD COMMITTED ACTS THAT WOULD CONSTITUTE A FELONY IF COMMITTED BY AN ADULT IF:

(A) THE ALLEGED ACTS DID NOT RESULT IN ANY PHYSICAL INJURY AS DEFINED IN SUBDIVISION NINE OF SECTION 10.00 OF THE PENAL LAW TO ANOTHER PERSON;

(B) THE CHILD DOES NOT HAVE ANY PRIOR ADJUDICATIONS FOR AN ACT THAT WOULD CONSTITUTE A FELONY IF COMMITTED BY AN ADULT;

(C) THE CHILD HAS NO MORE THAN ONE PRIOR ADJUDICATION FOR AN ACT THAT WOULD CONSTITUTE A MISDEMEANOR IF COMMITTED BY AN ADULT AND THAT ACT ALSO DID NOT RESULT IN ANY PHYSICAL INJURY TO ANOTHER PERSON; AND

(D) THE CHILD WAS ASSESSED AT A LOW RISK ON THE APPLICABLE DETENTION RISK ASSESSMENT INSTRUMENT APPROVED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES UNLESS THE AGENCY DETERMINES THAT DETENTION IS NECESSARY BECAUSE THE RESPONDENT OTHERWISE POSES AN IMMINENT RISK TO PUBLIC SAFETY AND STATES THE REASONS FOR SUCH DETERMINATION IN THE CHILD'S RECORD;

S 14. Subdivision 5 of section 322.2 of the family court act, as added by chapter 920 of the laws of 1982, paragraphs (a) and (d) as amended by chapter 41 of the laws of 2010, is amended to read as follows:

5. (a) If the court finds that there is probable cause to believe that the respondent committed a felony, it shall order the respondent committed to the custody of the commissioner of mental health or the commissioner of [mental retardation and] PERSONS WITH developmental disabilities for an initial period not to exceed one year from the date of such order. Such period may be extended annually upon further application to the court by the commissioner having custody or his or her designee. Such application must be made not more than sixty days prior to the expiration of such period on forms that have been prescribed by the chief administrator of the courts. At that time, the commissioner must give written notice of the application to the respondent, the counsel representing the respondent and the mental hygiene legal service if the respondent is at a residential facility. Upon receipt of such application, the court must conduct a hearing to determine the issue of capacity. If, at the conclusion of a hearing conducted pursuant to this subdivision, the court finds that the respondent is no longer incapacitated, he or she shall be returned to the family court for further proceedings pursuant to this article. If the court is satisfied that the respondent continues to be incapacitated, the court shall authorize continued custody of the respondent by the commissioner for a period not to exceed one year. Such extensions shall not continue beyond a reasonable period of time necessary to determine whether the respondent will attain the capacity to proceed to a fact finding hearing in the foreseeable future but in no event shall continue beyond the respondent's eighteenth birthday OR, IF THE RESPONDENT WAS AT LEAST SIXTEEN YEARS OF AGE WHEN THE ACT WAS COMMITTED, BEYOND THE RESPONDENT'S TWENTY-FIRST BIRTHDAY.

(b) If a respondent is in the custody of the commissioner upon the respondent's eighteenth birthday, OR IF THE RESPONDENT WAS AT LEAST SIXTEEN YEARS OF AGE WHEN THE ACT RESULTING IN THE RESPONDENT'S PLACEMENT WAS COMMITTED, BEYOND THE RESPONDENT'S TWENTY-FIRST BIRTHDAY, the commissioner shall notify the clerk of the court that the respondent was in his custody on such date and the court shall dismiss the petition.

(c) If the court finds that there is probable cause to believe that the respondent has committed a designated felony act, the court shall require that treatment be provided in a residential facility within the appropriate office of the department of mental hygiene.

(d) The commissioner shall review the condition of the respondent within forty-five days after the respondent is committed to the custody of the commissioner. He or she shall make a second review within ninety days after the respondent is committed to his or her custody. Thereafter, he or she shall review the condition of the respondent every ninety days. The respondent and the counsel for the respondent, shall be notified of any such review and afforded an opportunity to be heard. The commissioner having custody shall apply to the court for an order dismissing the petition whenever he or she determines that there is a substantial probability that the respondent will continue to be incapacitated for the foreseeable future. At the time of such application the commissioner must give written notice of the application to the respondent, the presentment agency and the mental hygiene legal service if the respondent is at a residential facility. Upon receipt of such application, the court may on its own motion conduct a hearing to determine whether there is substantial probability that the respondent will

continue to be incapacitated for the foreseeable future, and it must conduct such hearing if a demand therefor is made by the respondent or the mental hygiene legal service within ten days from the date that notice of the application was given to them. The respondent may apply to the court for an order of dismissal on the same ground.

S 15. Subdivision 1 of section 325.1 of the family court act, as amended by chapter 398 of the laws of 1983, is amended to read as follows:

1. At the initial appearance, if the respondent denies a charge contained in the petition and the court determines IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 320.5 OF THIS PART that [he] THE RESPONDENT shall be detained for more than three days pending a fact-finding hearing, the court shall schedule a probable-cause hearing to determine the issues specified in section 325.3 OF THIS PART.

S 16. The family court act is amended by adding a new section 325.5 to read as follows:

S 325.5. REMOVAL FOR PROCEEDINGS IN A SUPERIOR COURT; CERTAIN ALLEGED OFFENSES BY YOUTHS AGE THIRTEEN, FOURTEEN OR FIFTEEN. 1. (A) (I) NOTWITHSTANDING ANY INCONSISTENT PROVISION OF PART FOUR OF THIS ARTICLE, AT ANY TIME WITHIN TEN DAYS AFTER THE INITIAL APPEARANCE WITH RESPECT TO A JUVENILE DELINQUENCY PETITION WHICH ALLEGES CONDUCT THAT IS ALSO A JUVENILE OFFENSE, AS DEFINED IN SUBDIVISION EIGHTEEN OF SECTION 10.00 OF THE PENAL LAW, AND THAT IS PENDING PURSUANT TO THIS ARTICLE AGAINST A YOUTH WHO WAS THIRTEEN, FOURTEEN OR FIFTEEN YEARS OF AGE AT THE TIME OF SUCH ALLEGED OFFENSE, IF SUCH RESPONDENT HAS NOT ENTERED AN ADMISSION TO ALL SUCH JUVENILE OFFENSE COUNTS PURSUANT TO SECTION 321.2 OF THIS PART THAT HAS BEEN ACCEPTED PURSUANT TO SECTION 321.3 OF THIS PART, HAS NOT WAIVED A FACT-FINDING HEARING PURSUANT TO PART FOUR OF THIS ARTICLE, AND SUCH A FACT-FINDING HEARING HAS NOT OTHERWISE COMMENCED, THE APPROPRIATE PRESENTMENT AGENCY SHALL, UPON THE WRITTEN REQUEST OF THE DISTRICT ATTORNEY HAVING GEOGRAPHIC JURISDICTION OVER SUCH ALLEGED OFFENSE, PROMPTLY SERVE AND FILE, IN THE FAMILY COURT IN WHICH SUCH PETITION IS PENDING, A MOTION SEEKING TO REMOVE SUCH JUVENILE OFFENDER COUNT OR COUNTS TO THE SUPERIOR CRIMINAL COURT THAT WOULD EXERCISE TRIAL JURISDICTION OVER SUCH OFFENSE OR OFFENSES WERE AN INDICTMENT THEREFOR TO RESULT.

(II) SUCH REQUEST BY THE PRESENTMENT AGENCY MAY (IF SOUGHT IN SUCH DISTRICT ATTORNEY'S WRITTEN REQUEST) INCLUDE A REQUEST TO REMOVE TO THE SUPERIOR CRIMINAL COURT OTHER SPECIFIED RELATED OFFENSES OF THE TYPE DESCRIBED IN SUBDIVISION SIX OF SECTION 200.20 OF THE CRIMINAL PROCEDURE LAW, PROVIDED THAT THE RESPONDENT HAS NOT ENTERED AN ADMISSION TO SUCH COUNT OR COUNTS PURSUANT TO SECTION 321.2 OF THIS PART THAT HAS BEEN ACCEPTED PURSUANT TO SECTION 321.3 OF THIS PART, HAS NOT WAIVED A FACT-FINDING HEARING PURSUANT TO PART FOUR OF THIS ARTICLE, AND SUCH A FACT-FINDING HEARING HAS NOT OTHERWISE COMMENCED.

(B) (I) IN ITS MOTION, WHICH SHALL BE IN WRITING, THE PRESENTMENT AGENCY SHALL SET FORTH THE REASONS FOR THE MOTION FOR REMOVAL, WHICH SHALL BE STATED IN DETAIL AND NOT IN CONCLUSORY TERMS. THE WRITTEN REQUEST OF THE DISTRICT ATTORNEY, WHICH MUST ALSO BE STATED IN DETAIL AND NOT IN CONCLUSORY TERMS, SHALL BE APPENDED TO THE MOTION. SUCH DISTRICT ATTORNEY, OR AN ASSISTANT DISTRICT ATTORNEY ACTING ON BEHALF OF SUCH DISTRICT ATTORNEY, MAY ALSO SERVE AND FILE AN AFFIRMATION IN THE NATURE OF AN AMICUS CURIAE IN THE FAMILY COURT IN SUPPORT OF SUCH MOTION.

(II) THE COURT MAY GRANT A HEARING ON THE MOTION AT THE REQUEST OF ANY PARTY. THE PRESENTMENT AGENCY SHALL HAVE THE BURDEN TO SHOW: (A) AGGRA-

VATING CIRCUMSTANCES THAT BEAR DIRECTLY ON THE MANNER IN WHICH SUCH CRIME OR CRIMES WERE COMMITTED; AND (B) IF THE RESPONDENT WAS NOT THE SOLE PARTICIPANT IN SUCH CRIME OR CRIMES, THAT THE RESPONDENT PLAYED A MAJOR ROLE OR WAS THE DOMINANT PARTICIPANT IN SUCH CRIMES. IF SUCH BURDEN IS MET, THE COURT MAY GRANT REMOVAL ONLY IF, AFTER CONSIDERING THE FACTORS SET FORTH IN SUBDIVISION TWO OF SECTION 210.43 OF THE CRIMINAL PROCEDURE LAW, IT DETERMINES THAT REMOVAL TO A SUPERIOR COURT IS NECESSARY TO ACCOMPLISH THE PURPOSES SET FORTH IN SECTION 1.05 OF THE PENAL LAW AND ASSURE A JUST AND FAIR RESULT.

2. (A) IF THE COURT ORDERS REMOVAL OF ALL OR A PORTION OF THE ACTION TO A SUPERIOR CRIMINAL COURT PURSUANT TO SUBDIVISION ONE OF THIS SECTION, IT SHALL STATE ON THE RECORD THE FACTORS UPON WHICH ITS DETERMINATION IS BASED, AND SHALL GIVE ITS REASONS FOR REMOVAL IN DETAIL AND NOT IN CONCLUSORY TERMS.

(B) WHERE A MOTION FOR REMOVAL PURSUANT TO SUBDIVISION ONE OF THIS SECTION HAS BEEN DENIED, NO FURTHER MOTION PURSUANT TO THIS SECTION MAY BE MADE BY THE PRESENTMENT AGENCY WITH RESPECT TO THE SAME OFFENSE OR OFFENSES.

3. (A) WHERE AN ORDER OF REMOVAL HAS BEEN GRANTED PURSUANT TO THIS SECTION, AND THE RESPONDENT IS IN DETENTION PURSUANT TO SECTION 320.5 OF THIS PART, THE ORDER OF REMOVAL TO THE SUPERIOR CRIMINAL COURT MUST PROVIDE THAT THE POLICE OFFICER OR PEACE OFFICER WHO MADE THE ARREST OR SOME OTHER PROPER OFFICER FORTHWITH AND WITH ALL REASONABLE SPEED TAKE THE JUVENILE TO THE DESIGNATED SUPERIOR COURT. THE ORDER OF REMOVAL MUST SPECIFY A DATE CERTAIN WITHIN TEN DAYS FROM THE DATE OF THE ORDER OF REMOVAL FOR THE RESPONDENT'S APPEARANCE IN SUCH SUPERIOR COURT PROVIDED, HOWEVER, THAT WHERE THE RESPONDENT IS IN DETENTION OR IN THE CUSTODY OF THE SHERIFF THAT DATE MUST BE NOT LATER THAN THE NEXT DAY THE SUPERIOR COURT IS IN SESSION.

(B) THE ORDER OF REMOVAL MUST DIRECT THAT ALL OF THE PLEADINGS AND PROCEEDINGS IN THE ACTION, OR A CERTIFIED COPY OF SAME BE TRANSFERRED TO THE DESIGNATED SUPERIOR COURT AND BE DELIVERED TO AND FILED WITH THE CLERK OF THAT COURT. FOR THE PURPOSES OF THIS SUBDIVISION THE TERM "PLEADINGS AND PROCEEDINGS" INCLUDES THE MINUTES OF ANY HEARING, INQUIRY OR TRIAL HELD IN THE ACTION AND THE MINUTES OF ANY PLEA ACCEPTED AND ENTERED.

(C) THE ORDER OF REMOVAL MUST BE SIGNED BY THE JUDGE OF THE FAMILY COURT WHO DIRECTED THE REMOVAL.

S 17. Subdivisions 1 and 2 of section 340.2 of the family court act, as added by chapter 920 of the laws of 1982, are amended to read as follows:

1. [The] EXCEPT WHEN AUTHORIZED IN ACCORDANCE WITH SECTION 346.1 OF THIS PART INVOLVING A CASE REMOVED TO FAMILY COURT PURSUANT TO ARTICLE SEVEN HUNDRED TWENTY-FIVE OF THE CRIMINAL PROCEDURE LAW, THE judge who presides at the commencement of the fact-finding hearing shall continue to preside until such hearing is concluded and an order entered pursuant to section 345.1 OF THIS PART unless a mistrial is declared.

2. The judge who presides at the fact-finding hearing or accepts an admission pursuant to section 321.3 OF THIS ARTICLE shall preside at any other subsequent hearing in the proceeding, including but not limited to the dispositional hearing EXCEPT WHERE THE CASE IS REMOVED TO FAMILY COURT PURSUANT TO ARTICLE SEVEN HUNDRED TWENTY-FIVE OF THE CRIMINAL PROCEDURE LAW AFTER A FACT-FINDING HEARING HAS OCCURRED.

S 18. Subdivision 2 of section 351.1 of the family court act, as amended by chapter 880 of the laws of 1985, is amended to read as follows:

2. Following a determination that a respondent committed a crime and prior to the dispositional hearing, the court shall order a probation investigation, A RISK AND NEEDS ASSESSMENT, and may order a diagnostic assessment. BASED UPON THE ASSESSMENT FINDINGS, THE PROBATION DEPARTMENT SHALL RECOMMEND TO THE COURT THAT THE RESPONDENT PARTICIPATE IN ANY SERVICES NECESSARY TO MITIGATE IDENTIFIED RISKS AND ADDRESS INDIVIDUAL NEEDS.

S 19. Paragraph (a) of subdivision 2 of section 352.2 of the family court act, as amended by chapter 880 of the laws of 1985, is amended to read as follows:

(a) In determining an appropriate order the court shall consider the needs and best interests of the respondent as well as the need for protection of the community. If the respondent has committed a designated felony act the court shall determine the appropriate disposition in accord with section 353.5. In all other cases the court shall order the least restrictive available alternative enumerated in subdivision one OF THIS SECTION which is consistent with the needs and best interests of the respondent and the need for protection of the community; PROVIDED, HOWEVER, THAT THE COURT SHALL NOT DIRECT THE PLACEMENT OF A RESPONDENT WITH A COMMISSIONER OF SOCIAL SERVICES OR THE OFFICE OF CHILDREN AND FAMILY SERVICES IF:

(I) SUCH EVENTS APPEAR TO INVOLVE ONLY ALLEGATIONS THAT THE CHILD COMMITTED ACTS THAT WOULD CONSTITUTE NO MORE THAN A VIOLATION IF COMMITTED BY AN ADULT; OR

(II) SUCH EVENTS APPEAR TO INVOLVE ONLY ALLEGATIONS THAT THE CHILD COMMITTED ACTS THAT WOULD CONSTITUTE MORE THAN A VIOLATION BUT NO MORE THAN A MISDEMEANOR IF COMMITTED BY AN ADULT IF:

(A) THE ALLEGED ACTS DID NOT RESULT IN ANY PHYSICAL INJURY AS DEFINED IN SUBDIVISION NINE OF SECTION 10.00 OF THE PENAL LAW TO ANOTHER PERSON; AND

(B) THE CHILD WAS ASSESSED AT A LOW RISK ON THE APPLICABLE DETENTION RISK ASSESSMENT INSTRUMENT APPROVED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES UNLESS THE AGENCY DETERMINES THAT DETENTION IS NECESSARY BECAUSE THE RESPONDENT OTHERWISE POSES AN IMMINENT RISK TO PUBLIC SAFETY AND STATES THE REASONS FOR SUCH DETERMINATION IN THE CHILD'S RECORD; OR

(III) SUCH EVENTS APPEAR TO INVOLVE ALLEGATIONS THAT THE CHILD COMMITTED ACTS THAT WOULD CONSTITUTE A FELONY IF COMMITTED BY AN ADULT IF:

(A) THE ALLEGED ACTS DID NOT RESULT IN ANY PHYSICAL INJURY AS DEFINED IN SUBDIVISION NINE OF SECTION 10.00 OF THE PENAL LAW TO ANOTHER PERSON;

(B) THE CHILD DOES NOT HAVE ANY PRIOR ADJUDICATIONS FOR AN ACT THAT WOULD CONSTITUTE A FELONY IF COMMITTED BY AN ADULT;

(C) THE CHILD HAS NO MORE THAN ONE PRIOR ADJUDICATION FOR AN ACT THAT WOULD CONSTITUTE A MISDEMEANOR IF COMMITTED BY AN ADULT AND THAT ACT ALSO DID NOT RESULT IN ANY PHYSICAL INJURY TO ANOTHER PERSON; AND

(D) THE CHILD WAS ASSESSED AT A LOW RISK ON THE APPLICABLE DETENTION RISK ASSESSMENT INSTRUMENT APPROVED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES UNLESS THE AGENCY DETERMINES THAT DETENTION IS NECESSARY BECAUSE THE RESPONDENT OTHERWISE POSES AN IMMINENT RISK TO PUBLIC SAFETY AND STATES THE REASONS FOR SUCH DETERMINATION IN THE CHILD'S RECORD.

S 20. Section 352.2 of the family court act is amended by adding a new subdivision 4 to read as follows:

4. WHERE A YOUTH RECEIVES A JUVENILE DELINQUENCY ADJUDICATION FOR CONDUCT COMMITTED WHEN THE YOUTH WAS AGE SIXTEEN OR OLDER THAT WOULD CONSTITUTE A CRIME UNDER THE VEHICLE AND TRAFFIC LAW, THE COURT SHALL NOTIFY THE COMMISSIONER OF MOTOR VEHICLES OF SUCH ADJUDICATION. WHERE A YOUTH RECEIVES A JUVENILE DELINQUENCY ADJUDICATION FOR CONDUCT THAT

WOULD CONSTITUTE A VIOLATION OF ANY OTHER PROVISION OF LAW WHICH ALLOWS FOR THE IMPOSITION OF A LICENSE AND REGISTRATION SANCTION, THE COURT SHALL NOTIFY THE COMMISSIONER OF MOTOR VEHICLES OF SUCH ADJUDICATION. THE COURT SHALL HAVE THE POWER TO IMPOSE ANY SUSPENSION OR REVOCATION OF DRIVING PRIVILEGES, IGNITION INTERLOCK DEVICES, ANY DRUG OR ALCOHOL REHABILITATION PROGRAM, VICTIM IMPACT PROGRAM, DRIVER RESPONSIBILITY ASSESSMENT, VICTIM ASSISTANCE FEE, AND SURCHARGE AS IS OTHERWISE REQUIRED UPON A CONVICTION OF A CRIME UNDER THE VEHICLE AND TRAFFIC LAW, OR AN OFFENSE FOR WHICH A LICENSE SANCTION IS REQUIRED, AND, FURTHER, SHALL NOTIFY THE COMMISSIONER OF MOTOR VEHICLES OF SAID SUSPENSION OR REVOCATION.

S 21. Paragraph (a) of subdivision 1 and paragraphs (f) and (h) of subdivision 2 of section 353.2 of the family court act, paragraph (a) of subdivision 1 as added by chapter 920 of the laws of 1982, paragraphs (f) and (h) of subdivision 2 as amended by chapter 124 of the laws of 1993, are amended to read as follows:

(a) placement of respondent is not or may not be necessary OR ALLOWABLE;

(f) make restitution or perform services for the public good pursuant to section 353.6, provided the respondent is over [ten] TWELVE years of age;

(h) comply with such other reasonable conditions as the court shall determine to be necessary or appropriate to ameliorate the conduct which gave rise to the filing of the petition or to prevent placement with the commissioner of social services or the [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES.

S 22. Subdivision 3 of section 353.2 of the family court act, as added by chapter 920 of the laws of 1982, paragraph (f) as amended by chapter 465 of the laws of 1992, is amended to read as follows:

3. When ordering a period of probation, the court may, as a condition of such order, further require that the respondent:

(a) meet with a probation officer when directed to do so by that officer and permit the officer to visit the respondent at home or elsewhere;

(b) permit the probation officer to obtain information from any person or agency from whom respondent is receiving or was directed to receive diagnosis, treatment or counseling;

(c) permit the probation officer to obtain information from the respondent's school;

(d) co-operate with the probation officer in seeking to obtain and in accepting employment, and supply records and reports of earnings to the officer when requested to do so; AND

(e) obtain permission from the probation officer for any absence from respondent's residence in excess of two weeks[; and

(f) with the consent of the division for youth, spend a specified portion of the probation period, not exceeding one year, in a non-secure facility provided by the division for youth pursuant to article nineteen-G of the executive law].

S 23. Subparagraph (iii) of paragraph (a) and paragraph (d) of subdivision 4 of section 353.5 of the family court act, as amended by section 6 of subpart A of part G of chapter 57 of the laws of 2012, is amended to read as follows:

(iii) after the period set under subparagraph (ii) of this paragraph, the respondent shall be placed in a residential facility for a period of twelve months; provided, however, that if the respondent has been placed from a family court in a social services district operating an approved juvenile justice services close to home initiative pursuant to section

four hundred four of the social services law FOR AN ACT COMMITTED WHEN THE RESPONDENT WAS UNDER SIXTEEN YEARS OF AGE, once the time frames in subparagraph (ii) of this paragraph are met:

(d) Upon the expiration of the initial period of placement, or any extension thereof, the placement may be extended in accordance with section 355.3 on a petition of any party or the office of children and family services, or, if applicable, a social services district operating an approved juvenile justice services close to home initiative pursuant to section four hundred four of the social services law, after a dispositional hearing, for an additional period not to exceed twelve months, but no initial placement or extension of placement under this section may continue beyond the respondent's twenty-first birthday, OR, FOR AN ACT THAT WAS COMMITTED WHEN THE RESPONDENT WAS SIXTEEN YEARS OF AGE OR OLDER, THE RESPONDENT'S TWENTY-THIRD BIRTHDAY.

S 24. Paragraph (e) of subdivision 2 of section 353.2 of the family court act, as amended by chapter 124 of the laws of 1993, is amended to read as follows:

(e) co-operate with a mental health, social services or other appropriate community facility or agency to which the respondent is referred, INCLUDING A FAMILY SUPPORT CENTER PURSUANT TO TITLE TWELVE OF ARTICLE SIX OF THE SOCIAL SERVICES LAW;

S 25. Paragraph (d) of subdivision 4 of section 353.5 of the family court act, as amended by chapter 398 of the laws of 1983, is amended to read as follows:

(d) Upon the expiration of the initial period of placement, or any extension thereof, the placement may be extended in accordance with section 355.3 on a petition of any party or the [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES after a dispositional hearing, for an additional period not to exceed twelve months, but no initial placement or extension of placement under this section may continue beyond the respondent's twenty-first birthday, OR, FOR AN ACT THAT WAS COMMITTED WHEN THE RESPONDENT WAS SIXTEEN YEARS OF AGE OR OLDER, THE RESPONDENT'S TWENTY-THIRD BIRTHDAY.

S 26. The opening paragraph of subdivision 1 of section 353.6 of the family court act, as amended by chapter 877 of the laws of 1983, is amended to read as follows:

At the conclusion of the dispositional hearing in cases involving respondents over [ten] TWELVE years of age the court may:

S 27. Section 354.1 of the family court act, as added by chapter 920 of the laws of 1982, subdivisions 2, 6, and 7 as amended by chapter 645 of the laws of 1996, subdivisions 4 and 5 as amended by chapter 398 of the laws of 1983, is amended to read as follows:

S 354.1. Retention and destruction of fingerprints of persons alleged to be juvenile delinquents. 1. If a person whose fingerprints, palmprints or photographs were taken pursuant to section 306.1 or was initially fingerprinted as a juvenile offender and the action is subsequently removed to a family court pursuant to article seven hundred twenty-five of the criminal procedure law is adjudicated to be a juvenile delinquent for a felony, the family court shall forward or cause to be forwarded to the division of criminal justice services notification of such adjudication and such related information as may be required by such division, provided, however, in the case of a person eleven [or twelve] years of age such notification shall be provided only if the act upon which the adjudication is based would constitute a class [A or B] A-1 felony OR, IN THE CASE OF A PERSON TWELVE YEARS OF AGE, SUCH NOTIFI-

CATION SHALL BE PROVIDED ONLY IF THE ACT UPON WHICH THE ADJUDICATION IS BASED WOULD CONSTITUTE A CLASS A OR B FELONY.

2. If a person whose fingerprints, palmprints or photographs were taken pursuant to section 306.1 or was initially fingerprinted as a juvenile offender and the action is subsequently removed to family court pursuant to article seven hundred twenty-five of the criminal procedure law has had all petitions disposed of by the family court in any manner other than an adjudication of juvenile delinquency for a felony, but in the case of acts committed when such person was eleven [or twelve] years of age which would constitute a class [A or B] A-1 felony only, OR, IN THE CASE OF ACTS COMMITTED WHEN SUCH PERSON WAS TWELVE YEARS OF AGE WHICH WOULD CONSTITUTE A CLASS A OR B FELONY ONLY, all such fingerprints, palmprints, photographs, and copies thereof, and all information relating to such allegations obtained by the division of criminal justice services pursuant to section 306.1 shall be destroyed forthwith. The clerk of the court shall notify the commissioner of the division of criminal justice services and the heads of all police departments and law enforcement agencies having copies of such records, who shall destroy such records without unnecessary delay.

3. If the appropriate presentment agency does not originate a proceeding under section 310.1 for a case in which the potential respondent's fingerprints were taken pursuant to section 306.1, the presentment agency shall serve a certification of such action upon the division of criminal justice services, and upon the appropriate police department or law enforcement agency.

4. If, following the taking into custody of a person alleged to be a juvenile delinquent and the taking and forwarding to the division of criminal justice services of such person's fingerprints but prior to referral to the probation department or to the family court, an officer or agency, elects not to proceed further, such officer or agency shall serve a certification of such election upon the division of criminal justice services.

5. Upon certification pursuant to subdivision twelve of section 308.1 or subdivision three or four of this section, the department or agency shall destroy forthwith all fingerprints, palmprints, photographs, and copies thereof, and all other information obtained in the case pursuant to section 306.1. Upon receipt of such certification, the division of criminal justice services and all police departments and law enforcement agencies having copies of such records shall destroy them.

6. If a person fingerprinted pursuant to section 306.1 and subsequently adjudicated a juvenile delinquent for a felony, but in the case of acts committed when such a person was eleven [or twelve] years of age which would constitute a class [A or B] A-1 felony only, OR, IN THE CASE OF ACTS COMMITTED WHEN SUCH A PERSON WAS TWELVE YEARS OF AGE WHICH WOULD CONSTITUTE A CLASS A OR B FELONY ONLY, is subsequently convicted of a crime, all fingerprints and related information obtained by the division of criminal justice services pursuant to such section and not destroyed pursuant to subdivisions two, five and seven or subdivision twelve of section 308.1 shall become part of such division's permanent adult criminal record for that person, notwithstanding section 381.2 or 381.3.

7. When a person fingerprinted pursuant to section 306.1 and subsequently adjudicated a juvenile delinquent for a felony, but in the case of acts committed when such person was eleven [or twelve] years of age which would constitute a class [A or B] A-1 felony only, OR, IN THE CASE OF ACTS COMMITTED WHEN SUCH A PERSON WAS TWELVE YEARS OF AGE WHICH WOULD CONSTITUTE A CLASS A OR B FELONY ONLY, reaches the age of twenty-one, or

has been discharged from placement under this act for at least three years, whichever occurs later, and has no criminal convictions or pending criminal actions which ultimately terminate in a criminal conviction, all fingerprints, palmprints, photographs, and related information and copies thereof obtained pursuant to section 306.1 in the possession of the division of criminal justice services, any police department, law enforcement agency or any other agency shall be destroyed forthwith. The division of criminal justice services shall notify the agency or agencies which forwarded fingerprints to such division pursuant to section 306.1 of their obligation to destroy those records in their possession. In the case of a pending criminal action which does not terminate in a criminal conviction, such records shall be destroyed forthwith upon such determination.

S 28. Subdivisions 1 and 6 of section 355.3 of the family court act, subdivision 1 as amended by chapter 398 of the laws of 1983, subdivision 6 as amended by chapter 663 of the laws of 1985, are amended to read as follows:

1. In any case in which the respondent has been placed pursuant to section 353.3 the respondent, the person with whom the respondent has been placed, the commissioner of social services, or the [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES may petition the court to extend such placement. Such petition shall be filed at least sixty days prior to the expiration of the period of placement, except for good cause shown but in no event shall such petition be filed after the original expiration date.

6. Successive extensions of placement under this section may be granted, but no placement may be made or continued beyond the respondent's eighteenth birthday without the child's consent FOR ACTS COMMITTED BEFORE THE RESPONDENT'S SIXTEENTH BIRTHDAY and in no event past the child's twenty-first birthday EXCEPT AS PROVIDED FOR IN SUBDIVISION FOUR OF SECTION 353.5.

S 29. Subdivision 5 of section 355.4 of the family court act, as added by chapter 479 of the laws of 1992, is amended to read as follows:

5. Nothing in this section shall: REQUIRE THAT CONSENT BE OBTAINED FROM THE YOUTH'S PARENT OR LEGAL GUARDIAN TO ANY MEDICAL, DENTAL, OR MENTAL HEALTH SERVICE AND TREATMENT WHEN NO CONSENT IS NECESSARY OR THE YOUTH IS AUTHORIZED BY LAW TO CONSENT ON HIS OR HER OWN BEHALF; preclude a youth from consenting on his or her own behalf to any medical, dental or mental health service and treatment where otherwise authorized by law to do so[, or the division for youth]; OR PRECLUDE THE OFFICER OF CHILDREN AND FAMILY SERVICES OR A SOCIAL SERVICES DISTRICT from petitioning the court pursuant to section two hundred thirty-three of this act, as appropriate.

S 30. Paragraph (b) of subdivision 3 of section 355.5 of the family court act, as amended by chapter 145 of the laws of 2000, is amended to read as follows:

(b) subsequent permanency hearings shall be held no later than every twelve months following the respondent's initial twelve months in placement BUT IN NO EVENT PAST THE RESPONDENT'S TWENTY-FIRST BIRTHDAY; provided, however, that they shall be held in conjunction with an extension of placement hearing held pursuant to section 355.3 of this [article] PART.

S 31. Subdivisions 2 and 6 of section 360.3 of the family court act, as added by chapter 920 of the laws of 1982, are amended to read as follows:

2. At the time of his first appearance following the filing of a petition of violation the court must: (a) advise the respondent of the contents of the petition and furnish him with a copy thereof; (b) determine whether the respondent should be released or detained pursuant to section 320.5, PROVIDED, HOWEVER, THAT NOTHING HEREIN SHALL AUTHORIZE A RESPONDENT TO BE DETAINED FOR A VIOLATION OF A CONDITION THAT WOULD NOT CONSTITUTE A CRIME IF COMMITTED BY AN ADULT UNLESS THE COURT DETERMINES (I) THAT THE RESPONDENT POSES A SPECIFIC IMMINENT THREAT TO PUBLIC SAFETY AND STATES THE REASONS FOR THE FINDING ON THE RECORD OR (II) THE RESPONDENT IS ON PROBATION FOR AN ACT THAT WOULD CONSTITUTE A VIOLENT FELONY AS DEFINED IN SECTION 70.02 OF THE PENAL LAW IF COMMITTED BY AN ADULT AND THE USE OF GRADUATED SANCTIONS HAVE BEEN EXHAUSTED WITHOUT SUCCESS; and (c) ask the respondent whether he wishes to make any statement with respect to the violation. If the respondent makes a statement, the court may accept it and base its decision thereon; the provisions of subdivision two of section 321.3 shall apply in determining whether a statement should be accepted. If the court does not accept such statement or if the respondent does not make a statement, the court shall proceed with the hearing. Upon request, the court shall grant a reasonable adjournment to the respondent to enable him to prepare for the hearing.

6. At the conclusion of the hearing the court may revoke, continue or modify the order of probation or conditional discharge. If the court revokes the order, it shall order a different disposition pursuant to section 352.2, PROVIDED, HOWEVER, THAT NOTHING HEREIN SHALL AUTHORIZE THE PLACEMENT OF A RESPONDENT FOR A VIOLATION OF A CONDITION THAT WOULD NOT CONSTITUTE A CRIME IF COMMITTED BY AN ADULT UNLESS THE COURT DETERMINES (I) THAT THE RESPONDENT POSES A SPECIFIC IMMINENT THREAT TO PUBLIC SAFETY AND STATES THE REASONS FOR THE FINDING ON THE RECORD OR (II) THE RESPONDENT IS ON PROBATION FOR AN ACT THAT WOULD CONSTITUTE A VIOLENT FELONY AS DEFINED IN SECTION 70.02 OF THE PENAL LAW IF COMMITTED BY AN ADULT AND THE USE OF GRADUATED SANCTIONS HAVE BEEN EXHAUSTED WITHOUT SUCCESS. If the court continues the order of probation or conditional discharge, it shall dismiss the petition of violation.

S 32. Subdivisions (d) and (i) of section 712 of the family court act, subdivision (d) as amended by chapter 920 of the laws of 1982, and subdivision (i) as amended by chapter 38 of the laws of 2014, are amended and two new subdivisions (d-1) and (n) are added to read as follows:

(d) "Non-secure detention facility". [A facility characterized by the absence of physically restricting construction, hardware and procedures.] A FOSTER CARE PROGRAM CERTIFIED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES OR A CERTIFIED OR APPROVED FAMILY BOARDING HOME, OR IN A CITY HAVING A POPULATION OF FIVE MILLION OR MORE, A FOSTER CARE FACILITY ESTABLISHED AND MAINTAINED PURSUANT TO THE SOCIAL SERVICES LAW.

(D-1) "DETENTION FACILITY". A FOSTER CARE PROGRAM CERTIFIED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES OR A CERTIFIED OR APPROVED FAMILY BOARDING HOME, OR IN A CITY HAVING A POPULATION OF FIVE MILLION OR MORE, A FOSTER CARE FACILITY ESTABLISHED AND MAINTAINED PURSUANT TO THE SOCIAL SERVICES LAW.

(i) "Diversion services". Services provided to children and families pursuant to section seven hundred thirty-five of this article for the purpose of avoiding the need to file a petition or direct the detention of the child. Diversion services shall include: efforts to adjust cases pursuant to this article before a petition is filed, or by order of the court, [after the petition is filed but before fact-finding is

commenced;] AT ANY TIME; and preventive services provided in accordance with section four hundred nine-a of the social services law to avert the placement of the child into foster care, including crisis intervention and respite services. Diversion services may also include, in cases where any person is seeking to file a petition that alleges that the child has a substance use disorder or is in need of immediate detoxification or substance use disorder services, an assessment for substance use disorder; provided, however, that notwithstanding any other provision of law to the contrary, the designated lead agency shall not be required to pay for all or any portion of the costs of such assessment or substance use disorder or detoxification services, except in cases where medical assistance for needy persons may be used to pay for all or any portion of the costs of such assessment or services.

(N) "FAMILY SUPPORT CENTER". A PROGRAM ESTABLISHED PURSUANT TO TITLE TWELVE ARTICLE SIX OF THE SOCIAL SERVICES LAW.

S 33. Section 720 of the family court act, as amended by chapter 419 of the laws of 1987, subdivision 3 as amended by section 9 of subpart B of part Q of chapter 58 of the laws of 2011, subdivision 5 as amended by section 3 of part E of chapter 57 of the laws of 2005, and paragraph (c) of subdivision 5 as added by section 8 of part G of chapter 58 of the laws of 2010, is added to read as follows:

S 720. Detention. 1. No child to whom the provisions of this article may apply, shall be detained in any prison, jail, lockup, or other place used for adults convicted of crime or under arrest and charged with a crime.

2. The detention of a child in a secure detention facility shall not be directed under any of the provisions of this article.

3. Detention of a person alleged to be or adjudicated as a person in need of supervision shall, except as provided in subdivision four of this section, be authorized only in a foster care program certified by the office of children and family services, or a certified or approved family boarding home[, or a non-secure detention facility certified by the office] and in accordance with section seven hundred thirty-nine of this article. The setting of the detention shall take into account (a) the proximity to the community in which the person alleged to be or adjudicated as a person in need of supervision lives with such person's parents or to which such person will be discharged, and (b) the existing educational setting of such person and the proximity of such setting to the location of the detention setting.

4. Whenever detention is authorized and ordered pursuant to this article, for a person alleged to be or adjudicated as a person in need of supervision, a family court in a city having a population of one million or more shall, notwithstanding any other provision of law, direct detention in a foster care facility established and maintained pursuant to the social services law. In all other respects, the detention of such a person in a foster care facility shall be subject to the identical terms and conditions for detention as are set forth in this article and in section two hundred thirty-five of this act.

5. (a) The court shall not order or direct detention under this article, unless the court determines that there is no substantial likelihood that the youth and his or her family will continue to benefit from diversion services, AND THAT CONTINUATION IN THE HOME WOULD NOT BE APPROPRIATE BECAUSE SUCH CONTINUATION WOULD (I) CONTINUE OR WORSEN THE CIRCUMSTANCES ALLEGED IN THE UNDERLYING PETITION, OR THAT CREATED THE NEED FOR A PETITION TO BE SOUGHT OR (II) CREATE A SAFETY RISK TO THE

CHILD OR THE CHILD'S FAMILY and that all OTHER available alternatives to detention have been exhausted; and

(b) [Where the youth is sixteen years of age or older, the court shall not order or direct detention under this article, unless the court determines and states in its order that special circumstances exist to warrant such detention.

(c)] If the respondent may be a sexually exploited child as defined in subdivision one of section four hundred forty-seven-a of the social services law, the court may direct the respondent to an available short-term safe house as defined in subdivision two of section four hundred forty-seven-a of the social services law as an alternative to detention.

S 34. Section 728 of the family court act, subdivision (a) as amended by chapter 41 of the laws of 2010, subdivision (b) as amended by chapter 419 of the laws of 1987, subdivision (d) as added by chapter 145 of the laws of 2000, paragraph (i) as added and paragraph (ii) of subdivision (d) as renumbered by section 5 of part E of chapter 57 of the laws of 2005, and paragraph (iii) as amended and paragraph (iv) of subdivision (d) as added by section 10 of subpart B of part Q of chapter 58 of the laws of 2011, is amended to read as follows:

S 728. Discharge, release or detention by judge after hearing and before filing of petition in custody cases. (a) If a child in custody is brought before a judge of the family court before a petition is filed, the judge shall hold a hearing for the purpose of making a preliminary determination of whether the court appears to have jurisdiction over the child. At the commencement of the hearing, the judge shall advise the child of his or her right to remain silent, his or her right to be represented by counsel of his or her own choosing, and of the right to have an attorney assigned in accord with part four of article two of this act. The judge must also allow the child a reasonable time to send for his or her parents or other person or persons legally responsible for his or her care, and for counsel, and adjourn the hearing for that purpose.

(b) After hearing, the judge shall order the release of the child to the custody of his parent or other person legally responsible for his care if the court does not appear to have jurisdiction.

(c) An order of release under this section may, but need not, be conditioned upon the giving of a recognizance in accord with [sections] PARAGRAPH (I) OF SUBDIVISION (B) OF SECTION seven hundred twenty-four [(b) (i)] OF THIS PART.

(d) Upon a finding of facts and reasons which support a detention order pursuant to this section, the court shall also determine and state in any order directing detention:

(i) that there is no substantial likelihood that the youth and his or her family will continue to benefit from diversion services, THAT CONTINUATION IN THE HOME WOULD NOT BE APPROPRIATE BECAUSE SUCH CONTINUATION WOULD (I) CONTINUE OR WORSEN THE CIRCUMSTANCES ALLEGED IN THE UNDERLYING PETITION, OR THAT CREATED THE NEED FOR A PETITION TO BE SOUGHT OR (II) CREATE A SAFETY RISK TO THE CHILD OR CHILD'S FAMILY and that all OTHER available alternatives to detention have been exhausted; and

(ii) whether continuation of the child in the child's home would be contrary to the best interests of the child based upon, and limited to, the facts and circumstances available to the court at the time of the hearing held in accordance with this section; and

(iii) where appropriate, whether reasonable efforts were made prior to the date of the court hearing that resulted in the detention order, to

prevent or eliminate the need for removal of the child from his or her home or, if the child had been removed from his or her home prior to the court appearance pursuant to this section, where appropriate, whether reasonable efforts were made to make it possible for the child to safely return home; and

(iv) whether the setting of the detention takes into account the proximity to the community in which the person alleged to be or adjudicated as a person in need of supervision lives with such person's parents or to which such person will be discharged, and the existing educational setting of such person and the proximity of such setting to the location of the detention setting.

S 35. Section 735 of the family court act, as added by section 7 of part E of chapter 57 of the laws of 2005, subdivision (b) as amended by chapter 38 of the laws of 2014, and paragraph (i) of subdivision (d) as amended by chapter 535 of the laws of 2011, is amended to read as follows:

S 735. Preliminary procedure; diversion services. (a) Each county and any city having a population of one million or more shall offer diversion services as defined in section seven hundred twelve of this article to youth who are at risk of being the subject of a person in need of supervision petition. Such services shall be designed to provide an immediate response to families in crisis, to identify and utilize appropriate alternatives to detention and to divert youth from being the subject of a petition in family court. Each county and such city shall designate either the local social services district or the probation department as lead agency for the purposes of providing diversion services.

(b) The designated lead agency shall:

(i) confer with any person seeking to file a petition, the youth who may be a potential respondent, his or her family, and other interested persons, concerning the provision of diversion services before any petition may be filed; and

(ii) diligently attempt to prevent the filing of a petition under this article or, after the petition is filed, to prevent the placement of the youth into foster care IN ACCORDANCE WITH SECTION SEVEN HUNDRED FIFTY-SIX OF THIS ARTICLE; and

(iii) assess whether the youth would benefit from residential respite services; and

(iv) ASSESS WHETHER THE YOUTH IS A SEXUALLY EXPLOITED CHILD AS DEFINED IN SECTION FOUR HUNDRED FORTY-SEVEN-A OF THE SOCIAL SERVICES LAW AND, IF SO, WHETHER SUCH YOUTH SHOULD BE REFERRED TO A SAFE HOUSE; AND

(V) determine whether alternatives to detention are appropriate to avoid remand of the youth to detention;

(VI) DETERMINE WHETHER THE YOUTH AND HIS OR HER FAMILY SHOULD BE REFERRED TO AN AVAILABLE FAMILY SUPPORT CENTER;

(VII) ASSESS WHETHER REMAINING IN THE HOME WOULD CAUSE THE CONTINUATION OR WORSENING OF THE CIRCUMSTANCES THAT CREATED THE NEED FOR A PETITION TO BE SOUGHT, OR CREATE A SAFETY RISK TO THE CHILD OR THE CHILD'S FAMILY; and

[(v)] (VIII) determine whether an assessment of the youth for substance use disorder by an office of alcoholism and substance abuse services certified provider is necessary when a person seeking to file a petition alleges in such petition that the youth is suffering from a substance use disorder which could make the youth a danger to himself or herself or others. Provided, however, that notwithstanding any other provision of law to the contrary, the designated lead agency shall not

be required to pay for all or any portion of the costs of such assessment or for any substance use disorder or detoxification services, except in cases where medical assistance for needy persons may be used to pay for all or any portion of the costs of such assessment or services. The office of alcoholism and substance abuse services shall make a list of its certified providers available to the designated lead agency.

(c) Any person or agency seeking to file a petition pursuant to this article which does not have attached thereto the documentation required by subdivision (g) of this section shall be referred by the clerk of the court to the designated lead agency which shall schedule and hold, on reasonable notice to the potential petitioner, the youth and his or her parent or other person legally responsible for his or her care, at least one conference in order to determine the factual circumstances and determine whether the youth and his or her family should receive diversion services pursuant to this section. Diversion services shall include clearly documented diligent attempts to provide appropriate services to the youth and his or her family unless it is determined that there is no substantial likelihood that the youth and his or her family will benefit from further diversion attempts. Notwithstanding the provisions of section two hundred sixteen-c of this act, the clerk shall not accept for filing under this part any petition that does not have attached thereto the documentation required by subdivision (g) of this section.

(d) Diversion services shall include documented diligent attempts to engage the youth and his or her family in appropriately targeted community-based services, but shall not be limited to:

(i) providing, at the first contact, information on the availability of or a referral to services in the geographic area where the youth and his or her family are located that may be of benefit in avoiding the need to file a petition under this article; including the availability, for up to twenty-one days, of a residential respite program, if the youth and his or her parent or other person legally responsible for his or her care agree, and the availability of other non-residential crisis intervention programs such as A FAMILY SUPPORT CENTER, family crisis counseling or alternative dispute resolution programs or an educational program as defined in section four hundred fifty-eight-l of the social services law.

(ii) scheduling and holding at least one conference with the youth and his or her family and the person or representatives of the entity seeking to file a petition under this article concerning alternatives to filing a petition and services that are available. Diversion services shall include clearly documented diligent attempts to provide appropriate services to the youth and his or her family before it may be determined that there is no substantial likelihood that the youth and his or her family will benefit from further attempts.

(iii) where the entity seeking to file a petition is a school district or local educational agency, the designated lead agency shall review the steps taken by the school district or local educational agency to improve the youth's attendance and/or conduct in school and attempt to engage the school district or local educational agency in further diversion attempts, if it appears from review that such attempts will be beneficial to the youth.

(e) The designated lead agency shall maintain a written record with respect to each youth and his or her family for whom it considers providing or provides diversion services pursuant to this section. The record shall be made available to the court at or prior to the initial

appearance of the youth in any proceeding initiated pursuant to this article.

(f) Efforts to prevent the filing of a petition pursuant to this section may extend until the designated lead agency determines that there is no substantial likelihood that the youth and his or her family will benefit from further attempts. Efforts at diversion pursuant to this section may continue after the filing of a petition where the designated lead agency determines that the youth and his or her family will benefit from further attempts to prevent the youth from entering foster care IN ACCORDANCE WITH SECTION SEVEN HUNDRED FIFTY-SIX OF THIS ARTICLE.

(g) (i) The designated lead agency shall promptly give written notice to the potential petitioner whenever attempts to prevent the filing of a petition have terminated, and shall indicate in such notice whether efforts were successful. The notice shall also detail the diligent attempts made to divert the case if a determination has been made that there is no substantial likelihood that the youth will benefit from further attempts. No persons in need of supervision petition may be filed pursuant to this article during the period the designated lead agency is providing diversion services. A finding by the designated lead agency that the case has been successfully diverted shall constitute presumptive evidence that the underlying allegations have been successfully resolved in any petition based upon the same factual allegations. No petition may be filed pursuant to this article by the parent or other person legally responsible for the youth where diversion services have been terminated because of the failure of the parent or other person legally responsible for the youth to consent to or actively participate.

(ii) The clerk of the court shall accept a petition for filing only if it has attached thereto the following:

(A) if the potential petitioner is the parent or other person legally responsible for the youth, a notice from the designated lead agency indicating there is no bar to the filing of the petition as the potential petitioner consented to and actively participated in diversion services; and

(B) a notice from the designated lead agency stating that it has terminated diversion services because it has determined that there is no substantial likelihood that the youth and his or her family will benefit from further attempts, and that the case has not been successfully diverted.

(h) No statement made to the designated lead agency or to any agency or organization to which the potential respondent, prior to the filing of the petition, or if the petition has been filed, prior to the time the respondent has been notified that attempts at diversion will not be made or have been terminated, or prior to the commencement of a fact-finding hearing if attempts at diversion have not terminated previously, may be admitted into evidence at a fact-finding hearing or, if the proceeding is transferred to a criminal court, at any time prior to a conviction.

S 36. Subdivision (b) of section 742 of the family court act, as amended by section 9 of part E of chapter 57 of the laws of 2005, is amended to read as follows:

(b) At the initial appearance of the respondent, the court shall review any termination of diversion services pursuant to such section, and the documentation of diligent attempts to provide appropriate services and determine whether such efforts or services provided are sufficient [and]. THE COURT may, AT ANY TIME, subject to the provisions

of section seven hundred forty-eight of this article, order that additional diversion attempts be undertaken by the designated lead agency. The court may order the youth and the parent or other person legally responsible for the youth to participate in diversion services. If the designated lead agency thereafter determines that the case has been successfully resolved, it shall so notify the court, and the court shall dismiss the petition.

S 37. Subdivision (a) of section 749 of the family court act, as amended by section 4 of part V of chapter 55 of the laws of 2012, is amended to read as follows:

(a) (i) Upon or after a fact-finding hearing, the court may, upon its own motion or upon a motion of a party to the proceeding, order that the proceeding be "adjourned in contemplation of dismissal". An adjournment in contemplation of dismissal is an adjournment of the proceeding, for a period not to exceed six months with a view to ultimate dismissal of the petition in furtherance of justice. Upon issuing such an order, upon such permissible terms and conditions as the rules of court shall define, the court must release the individual.

(ii) The court may, as a condition of an adjournment in contemplation of dismissal order: (A) in cases where the record indicates that the consumption of alcohol may have been a contributing factor, require the respondent to attend and complete an alcohol awareness program established pursuant to section 19.25 of the mental hygiene law; or (B) in cases where the record indicates that cyberbullying or sexting was the basis of the petition, require an eligible person to complete an education reform program in accordance with section four hundred fifty-eight-l of the social services law; OR (C) PARTICIPATE IN SERVICES INCLUDING BUT NOT LIMITED TO THOSE PROVIDED BY FAMILY SUPPORT CENTERS.

(iii) Upon application of the petitioner, or upon the court's own motion, made at any time during the duration of the order, the court may restore the matter to the calendar. If the proceeding is not so restored, the petition is at the expiration of the order, deemed to have been dismissed by the court in furtherance of justice.

S 38. Section 751 of the family court act, as amended by chapter 100 of the laws of 1993, is amended to read as follows:

S 751. Order dismissing petition. If the allegations of a petition under this article are not established, the court shall dismiss the petition. The court may in its discretion dismiss a petition under this article, in the interests of justice where attempts have been made to adjust the case as provided for in sections seven hundred thirty-five and seven hundred forty-two of this article and the probation service has exhausted its efforts to successfully adjust such case as a result of the petition's failure to provide reasonable assistance to the probation service. IN DISMISSING A PETITION PURSUANT TO THIS SECTION, THE COURT SHALL CONSIDER WHETHER A REFERRAL OF SERVICES WOULD BE APPROPRIATE TO MEET THE NEEDS OF THE RESPONDENT AND HIS OR HER FAMILY.

S 39. Section 754 of the family court act, subdivision 1 as designated by chapter 878 of the laws of 1976, paragraph (c) of subdivision 1 as amended by section 4 of part V of chapter 383 of the laws of 2001, the closing paragraph of subdivision 1 as added by section 5 of part V of chapter 55 of the laws of 2012, subdivision 2 as amended by chapter 7 of the laws of 1999, is amended to read as follows:

S 754. Disposition on adjudication of person in need of supervision. 1. Upon an adjudication of person in need of supervision, the court shall enter an order of disposition:

(a) Discharging the respondent with warning;

(b) Suspending judgment in accord with section seven hundred fifty-five OF THIS PART;

(c) Continuing the proceeding and placing the respondent in accord with section seven hundred fifty-six OF THIS PART; provided, however, that the court shall not place the respondent in accord with section seven hundred fifty-six where the respondent is sixteen years of age or older, unless the court determines and states in its order that special circumstances exist to warrant such placement; or

(d) Putting the respondent on probation in accord with section seven hundred fifty-seven OF THIS PART.

The court may order an eligible person to complete an education reform program in accordance with section four hundred fifty-eight-l of the social services law, as part of a disposition pursuant to paragraph (a), (b) or (d) of this subdivision. THE COURT MAY ALSO ORDER SERVICES, INCLUDING THOSE PROVIDED BY A FAMILY SUPPORT CENTER, AS PART OF A DISPOSITION PURSUANT TO PARAGRAPH (A), (B) OR (D) OF THIS SUBDIVISION.

2. (a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE COURT SHALL NOT ORDER PLACEMENT WITH THE LOCAL COMMISSIONER OF SOCIAL SERVICES PURSUANT TO SECTION SEVEN HUNDRED FIFTY-SIX OF THIS PART UNLESS THE COURT FINDS AND STATES IN WRITING THAT:

(I) NO APPROPRIATE SUITABLE RELATIVE OR SUITABLE PRIVATE PERSON IS AVAILABLE FOR PLACEMENT PURSUANT TO SECTION SEVEN HUNDRED FIFTY-SIX OF THIS PART; AND

(II) PLACEMENT IN THE CHILD'S HOME WOULD NOT BE APPROPRIATE BECAUSE SUCH PLACEMENT WOULD:

(A) CONTINUE OR WORSEN THE CIRCUMSTANCES ALLEGED IN THE UNDERLYING PETITION OR,

(B) CREATE A SAFETY RISK TO THE CHILD OR THE CHILD'S FAMILY.

(B) The order shall state the court's reasons for the particular disposition. If the court places the child in accordance with section seven hundred fifty-six of this part, the court in its order shall determine: (i) whether continuation in the child's home would be contrary to the best interest of the child and where appropriate, that reasonable efforts were made prior to the date of the dispositional hearing held pursuant to this article to prevent or eliminate the need for removal of the child from his or her home and, if the child was removed from his or her home prior to the date of such hearing, that such removal was in the child's best interest and, where appropriate, reasonable efforts were made to make it possible for the child to return safely home. If the court determines that reasonable efforts to prevent or eliminate the need for removal of the child from the home were not made but that the lack of such efforts was appropriate under the circumstances, the court order shall include such a finding; and (ii) in the case of a child who has attained the age of sixteen, the services needed, if any, to assist the child to make the transition from foster care to independent living. Nothing in this subdivision shall be construed to modify the standards for directing detention set forth in section seven hundred thirty-nine of this article.

[(b)] (C) For the purpose of this section, reasonable efforts to prevent or eliminate the need for removing the child from the home of the child or to make it possible for the child to return safely to the home of the child shall not be required where the court determines that:

(i) the parent of such child has subjected the child to aggravated circumstances, as defined in subdivision (g) of section seven hundred twelve of this article;

(ii) the parent of such child has been convicted of (A) murder in the first degree as defined in section 125.27 or murder in the second degree as defined in section 125.25 of the penal law and the victim was another child of the parent; or (B) manslaughter in the first degree as defined in section 125.20 or manslaughter in the second degree as defined in section 125.15 of the penal law and the victim was another child of the parent, provided, however, that the parent must have acted voluntarily in committing such crime;

(iii) the parent of such child has been convicted of an attempt to commit any of the crimes set forth in subparagraphs (i) and (ii) of this paragraph, and the victim or intended victim was the child or another child of the parent; or has been convicted of criminal solicitation as defined in article one hundred, conspiracy as defined in article one hundred five or criminal facilitation as defined in article one hundred fifteen of the penal law for conspiring, soliciting or facilitating any of the foregoing crimes, and the victim or intended victim was the child or another child of the parent;

(iv) the parent of such child has been convicted of assault in the second degree as defined in section 120.05, assault in the first degree as defined in section 120.10 or aggravated assault upon a person less than eleven years old as defined in section 120.12 of the penal law, and the commission of one of the foregoing crimes resulted in serious physical injury to the child or another child of the parent;

(v) the parent of such child has been convicted in any other jurisdiction of an offense which includes all of the essential elements of any crime specified in subparagraph (ii), (iii) or (iv) of this paragraph, and the victim of such offense was the child or another child of the parent; or

(vi) the parental rights of the parent to a sibling of such child have been involuntarily terminated;

unless the court determines that providing reasonable efforts would be in the best interests of the child, not contrary to the health and safety of the child, and would likely result in the reunification of the parent and the child in the foreseeable future. The court shall state such findings in its order.

If the court determines that reasonable efforts are not required because of one of the grounds set forth above, a permanency hearing shall be held within thirty days of the finding of the court that such efforts are not required. At the permanency hearing, the court shall determine the appropriateness of the permanency plan prepared by the social services official which shall include whether and when the child: (A) will be returned to the parent; (B) should be placed for adoption with the social services official filing a petition for termination of parental rights; (C) should be referred for legal guardianship; (D) should be placed permanently with a fit and willing relative; or (E) should be placed in another planned permanent living arrangement if the social services official has documented to the court a compelling reason for determining that it would not be in the best interest of the child to return home, be referred for termination of parental rights and placed for adoption, placed with a fit and willing relative, or placed with a legal guardian. The social services official shall thereafter make reasonable efforts to place the child in a timely manner and to complete whatever steps are necessary to finalize the permanent placement of the child as set forth in the permanency plan approved by the court. If reasonable efforts are determined by the court not to be required because of one of the grounds set forth in this paragraph, the

social services official may file a petition for termination of parental rights in accordance with section three hundred eighty-four-b of the social services law.

[(c)] (D) For the purpose of this section, in determining reasonable efforts to be made with respect to a child, and in making such reasonable efforts, the child's health and safety shall be the paramount concern.

[(d)] (E) For the purpose of this section, a sibling shall include a half-sibling.

S 40. Section 755 of the family court act, subdivision (a) as amended by chapter 124 of the laws of 1993, is amended to read as follows:

S 755. Suspended judgment. (a) Rules of court shall define permissible terms and conditions of a suspended judgment. The court may order as a condition of a suspended judgment restitution or services for public good pursuant to section seven hundred fifty-eight-a, and[, except when the respondent has been assigned to a facility in accordance with subdivision four of section five hundred four of the executive law,] in cases wherein the record indicates that the consumption of alcohol by the respondent may have been a contributing factor, the court may order attendance at and completion of an alcohol awareness program established pursuant to section 19.25 of the mental hygiene law.

(b) The maximum duration of any term or condition of a suspended judgment is one year, unless the court finds at the conclusion of that period that exceptional circumstances require an additional period of one year.

S 41. Section 756 of the family court act, as amended by chapter 920 of the laws of 1982, paragraph (i) of subdivision (a) as amended by chapter 309 of the laws of 1996, the opening paragraph of paragraph (ii) of subdivision (a) as amended by section 11 of part G of chapter 58 of the laws of 2010, subdivision (b) as amended by chapter 7 of the laws of 1999, and subdivision (c) as amended by section 10 of part E of chapter 57 of the laws of 2005, is amended to read as follows:

S 756. Placement. (a) (i) For purposes of section seven hundred fifty-four, the court may place the child in its own home or in the custody of a suitable relative or other suitable private person [or a commissioner of social services], subject to the orders of the court.

(ii) Where the child is placed with the commissioner of the local social services district, the court may direct the commissioner to place the child with an authorized agency or class of authorized agencies, including, if the court finds that the respondent is a sexually exploited child as defined in subdivision one of section four hundred forty-seven-a of the social services law, an available long-term safe house. Unless the dispositional order provides otherwise, the court so directing shall include one of the following alternatives to apply in the event that the commissioner is unable to so place the child:

(1) the commissioner shall apply to the court for an order to stay, modify, set aside, or vacate such directive pursuant to the provisions of section seven hundred sixty-two or seven hundred sixty-three; or

(2) the commissioner shall return the child to the family court for a new dispositional hearing and order.

(b) Placements under this section may be for an initial period of [twelve months] NINETY DAYS. The court may extend a placement pursuant to section seven hundred fifty-six-a. In its discretion, the court may recommend restitution or require services for public good pursuant to section seven hundred fifty-eight-a in conjunction with an order of placement. [For the purposes of calculating the initial period of

placement, such placement shall be deemed to have commenced sixty days after the date the child was removed from his or her home in accordance with the provisions of this article.] If the respondent has been in detention pending disposition, the initial period of placement ordered under this section shall be credited with and diminished by the amount of time spent by the respondent in detention prior to the commencement of the placement unless the court finds that all or part of such credit would not serve the best interests of the respondent.

(c) [A placement pursuant to this section with the commissioner of social services shall not be directed in any detention facility, but the] THE court may direct detention pending transfer to a placement authorized and ordered under this section for no more than [than fifteen] TEN days after such order of placement is made. Such direction shall be subject to extension pursuant to subdivision three of section three hundred ninety-eight of the social services law, upon written documentation to the office of children and family services that the youth is in need of specialized treatment or placement and the diligent efforts by the commissioner of social services to locate an appropriate placement.

S 42. Section 756-a of the family court act, as added by chapter 604 of the laws of 1986, subdivision (a) as amended by chapter 309 of the laws of 1996, subdivisions (b) and (d) as amended and subdivision (d-1) as added by section 4 of part B of chapter 327 of the laws of 2007, and subdivisions (c) and (e) as amended by chapter 7 of the laws of 1999, is amended to read as follows:

S 756-a. Extension of placement. (a) In any case in which the child has been placed pursuant to section seven hundred fifty-six, the child, the person with whom the child has been placed or the commissioner of social services may petition the court to extend such placement. Such petition shall be filed at least [sixty] THIRTY days prior to the expiration of the period of placement, except for good cause shown, but in no event shall such petition be filed after the original expiration date.

(b) The court shall conduct a permanency hearing concerning the need for continuing the placement. The child, the person with whom the child has been placed and the commissioner of social services shall be notified of such hearing and shall have the right to be heard thereat.

(c) The provisions of section seven hundred forty-five shall apply at such permanency hearing. If the petition is filed within [sixty] THIRTY days prior to the expiration of the period of placement, the court shall first determine at such permanency hearing whether good cause has been shown. If good cause is not shown, the court shall dismiss the petition.

(d) At the conclusion of the permanency hearing the court may, in its discretion, order an extension of the placement for not more than [one year] NINETY DAYS. The court must consider and determine in its order:

(i) where appropriate, that reasonable efforts were made to make it possible for the child to safely return to his or her home, or if the permanency plan for the child is adoption, guardianship or some other permanent living arrangement other than reunification with the parent or parents of the child, reasonable efforts are being made to make and finalize such alternate permanent placement including consideration of appropriate in-state and out-of-state placements;

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

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

(iv) whether and when the child: (A) will be returned to the parent; (B) should be placed for adoption with the social services official filing a petition for termination of parental rights; (C) should be referred for legal guardianship; (D) should be placed permanently with a fit and willing relative; or (E) should be placed in another planned permanent living arrangement if the social services official has documented to the court a compelling reason for determining that it would not be in the best interest of the child to return home, be referred for termination of parental rights and placed for adoption, placed with a fit and willing relative, or placed with a legal guardian; and where the child will not be returned home, consideration of appropriate in-state and out-of-state placements.

(d-1) At the permanency hearing, the court shall consult with the respondent in an age-appropriate manner regarding the permanency plan.

(e) Pending final determination of a petition to extend such placement filed in accordance with the provisions of this section, the court may, on its own motion or at the request of the petitioner or respondent, enter one or more temporary orders extending a period of placement not to exceed thirty days upon satisfactory proof showing probable cause for continuing such placement and that each temporary order is necessary. The court may order additional temporary extensions, not to exceed a total of fifteen days, if the court is unable to conclude the hearing within the thirty day temporary extension period. In no event shall the aggregate number of days in extensions granted or ordered under this subdivision total more than forty-five days. The petition shall be dismissed if a decision is not rendered within the period of placement or any temporary extension thereof. Notwithstanding any provision of law to the contrary, the initial permanency hearing shall be held within [twelve months of the date the child was placed into care] A REASONABLE PERIOD OF TIME PRIOR TO THE EXPIRATION OF THE INITIAL PERIOD OF PLACEMENT pursuant to section seven hundred fifty-six [of this article] and no later than every twelve months thereafter. [For the purposes of this section, the date the child was placed into care shall be sixty days after the child was removed from his or her home in accordance with the provisions of this section.]

(f) Successive extensions of placement under this section may be granted, but no placement may be made or continued beyond the child's eighteenth birthday without his or her consent and in no event past his or her twenty-first birthday.

S 43. Section 757 of the family court act is amended by adding a new subdivision (e) to read as follows:

(E) THE COURT MAY ORDER SERVICES DEEMED APPROPRIATE TO ADDRESS THE CIRCUMSTANCES ALLEGED IN THE UNDERLYING PETITION INCLUDING SERVICES PROVIDED BY FAMILY SUPPORT CENTERS.

S 44. Section 758-a of the family court act, as amended by chapter 73 of the laws of 1979, subdivision 1 as amended by chapter 4 of the laws of 1987, paragraph (b) of subdivision 1 as amended by chapter 575 of the laws of 2007, subdivision 2 as amended by chapter 309 of the laws of 1996, and subdivision 3 as separately amended by chapter 568 of the laws of 1979, is amended to read as follows:

S 758-a. Restitution. 1. In cases involving acts of [infants] CHILDREN over [ten] TWELVE and less than [sixteen] EIGHTEEN years of age, the court may

(a) recommend as a condition of placement, or order as a condition of probation or suspended judgment, restitution in an amount representing a fair and reasonable cost to replace the property or repair the damage caused by the [infant] CHILD, not, however, to exceed one thousand dollars. [In the case of a placement, the court may recommend that the infant pay out of his or her own funds or earnings the amount of replacement or damage, either in a lump sum or in periodic payments in amounts set by the agency with which he is placed, and in the case of probation or suspended judgment, the] THE court may require that the [infant] CHILD pay out of his or her own funds or earnings the amount of replacement or damage, either in a lump sum or in periodic payments in amounts set by the court; and/or

(b) order as a condition of placement, probation, or suspended judgment, services for the public good including in the case of a crime involving willful, malicious, or unlawful damage or destruction to real or personal property maintained as a cemetery plot, grave, burial place, or other place of interment of human remains, services for the maintenance and repair thereof, taking into consideration the age and physical condition of the [infant] CHILD.

2. If the court recommends restitution or requires services for the public good in conjunction with an order of placement pursuant to section seven hundred fifty-six, the placement shall be made only to an authorized agency which has adopted rules and regulations for the supervision of such a program, which rules and regulations shall be subject to the approval of the state department of social services. Such rules and regulations shall include, but not be limited to provisions (i) assuring that the conditions of work, including wages, meet the standards therefor prescribed pursuant to the labor law; (ii) affording coverage to the child under the workers' compensation law as an employee of such agency, department or institution; (iii) assuring that the entity receiving such services shall not utilize the same to replace its regular employees; and (iv) providing for reports to the court not less frequently than every six months, unless the order provides otherwise.

3. If the court requires restitution or services for the public good as a condition of probation or suspended judgment, it shall provide that an agency or person supervise the restitution or services and that such agency or person report to the court not less frequently than every six months, unless the order provides otherwise. Upon the written notice sent by a school district to the court and the appropriate probation department or agency which submits probation recommendations or reports to the court, the court may provide that such school district shall supervise the performance of services for the public good.

4. The court, upon receipt of the reports provided for in subdivision two or three of this section may, on its own motion or the motion of any party or the agency, hold a hearing to determine whether the placement should be altered or modified.

S 45. Subdivision (f) of section 759 of the family court act, as amended by section 11 of part E of chapter 57 of the laws of 2005, is amended to read as follows:

(f) to participate in family counseling or other professional counseling activities, or other services, including SERVICES PROVIDED BY FAMILY SUPPORT CENTERS, alternative dispute resolution services conducted by an authorized person or an authorized agency to which the youth has been referred or placed, deemed necessary for the rehabilitation of the youth, provided that such family counseling, other coun-

seling activity or other necessary services are not contrary to such person's religious beliefs;

S 46. Section 768 of the family court act is amended to read as follows:

S 768. Successive petitions. If a petition under section seven hundred sixty-four is denied, it may not be renewed for a period of [ninety] THIRTY days after the denial, unless the order of denial permits renewal at an earlier time.

S 47. Section 153-k of the social services law is amended by adding two new subdivisions 2-a and 2-b to read as follows:

2-A. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, STATE REIMBURSEMENT SHALL BE MADE AVAILABLE FOR ONE HUNDRED PERCENT OF EXPENDITURES MADE BY SOCIAL SERVICES DISTRICTS, EXCLUSIVE OF ANY FEDERAL FUNDS MADE AVAILABLE FOR SUCH PURPOSES, FOR PREVENTIVE SERVICES, AFTERCARE SERVICES, INDEPENDENT LIVING SERVICES AND FOSTER CARE SERVICES PROVIDED TO YOUTH AGE SIXTEEN YEARS OF AGE OR OLDER WHEN SUCH SERVICES WOULD NOT OTHERWISE HAVE BEEN PROVIDED TO SUCH YOUTH ABSENT THE PROVISIONS IN A CHAPTER OF THE LAWS OF TWO THOUSAND FIFTEEN THAT INCREASED THE AGE OF JUVENILE JURISDICTION ABOVE FIFTEEN YEARS OF AGE.

2-B. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, STATE REIMBURSEMENT SHALL BE MADE AVAILABLE FOR ONE HUNDRED PERCENT OF EXPENDITURES MADE BY SOCIAL SERVICES DISTRICTS, EXCLUSIVE OF ANY FEDERAL FUNDS MADE AVAILABLE FOR SUCH PURPOSE, FOR FAMILY SUPPORT CENTERS ESTABLISHED PURSUANT TO TITLE TWELVE OF THIS ARTICLE.

S 48. Subdivisions 5 and 6 of section 371 of the social services law, subdivision 5 as added by chapter 690 of the laws of 1962, and subdivision 6 as amended by chapter 596 of the laws of 2000, are amended to read as follows:

5. "Juvenile delinquent" means a person [over seven and less than sixteen years of age who does any act which, if done by an adult, would constitute a crime] AS DEFINED IN SECTION 301.2 OF THE FAMILY COURT ACT.

6. "Person in need of supervision" means a person [less than eighteen years of age who is habitually truant or who is incorrigible, ungovernable or habitually disobedient and beyond the lawful control of a parent or other person legally responsible for such child's care, or other lawful authority] AS DEFINED IN SECTION SEVEN HUNDRED TWELVE OF THE FAMILY COURT ACT.

S 49. Article 6 of the social services law is amended by adding a new title 12 to read as follows:

TITLE 12

FAMILY SUPPORT CENTERS

SECTION 458-M. FAMILY SUPPORT CENTERS.

458-N. FUNDING FOR FAMILY SUPPORT CENTERS.

S 458-M. FAMILY SUPPORT CENTERS. 1. AS USED IN THIS TITLE, THE TERM "FAMILY SUPPORT CENTER" SHALL MEAN A PROGRAM ESTABLISHED PURSUANT TO THIS TITLE TO PROVIDE COMMUNITY-BASED SUPPORTIVE SERVICES TO YOUTH AT RISK OF BEING, OR ALLEGED OR ADJUDICATED TO BE PERSONS IN NEED OF SUPERVISION PURSUANT TO ARTICLE SEVEN OF THE FAMILY COURT ACT, AND THEIR FAMILIES. FAMILY SUPPORT CENTERS MAY ALSO PROVIDE COMMUNITY-BASED SUPPORTIVE SERVICES TO YOUTH WHO ARE ALLEGED OR ADJUDICATED TO BE JUVENILE DELINQUENTS PURSUANT TO ARTICLE THREE OF THE FAMILY COURT ACT.

2. FAMILY SUPPORT CENTERS SHALL PROVIDE COMPREHENSIVE SERVICES TO SUCH CHILDREN AND THEIR FAMILIES, EITHER DIRECTLY OR THROUGH REFERRALS WITH PARTNER AGENCIES, INCLUDING, BUT NOT LIMITED TO:

(A) RAPID FAMILY ASSESSMENTS AND SCREENINGS;

(B) CRISIS INTERVENTION;

(C) FAMILY MEDIATION AND SKILLS BUILDING;
(D) MENTAL AND BEHAVIORAL HEALTH SERVICES AS DEFINED IN SUBDIVISION FIFTY-EIGHT OF SECTION 1.03 OF THE MENTAL HYGIENE LAW INCLUDING COGNITIVE INTERVENTIONS;
(E) CASE MANAGEMENT;
(F) RESPITE SERVICES; AND
(G) OTHER FAMILY SUPPORT SERVICES.
3. TO THE EXTENT PRACTICABLE, THE SERVICES THAT ARE PROVIDED SHALL BE TRAUMA SENSITIVE, FAMILY FOCUSED, GENDER-RESPONSIVE, WHERE APPROPRIATE, AND EVIDENCE AND/OR STRENGTH BASED AND SHALL BE TAILORED TO THE INDIVIDUALIZED NEEDS OF THE CHILD AND FAMILY BASED ON THE ASSESSMENTS AND SCREENINGS CONDUCTED BY SUCH FAMILY SUPPORT CENTER.
4. FAMILY SUPPORT CENTERS SHALL HAVE THE CAPACITY TO SERVE FAMILIES OUTSIDE OF REGULAR BUSINESS HOURS INCLUDING EVENINGS OR WEEKENDS.
S 458-N. FUNDING FOR FAMILY SUPPORT CENTERS. 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, STATE REIMBURSEMENT SHALL BE MADE AVAILABLE FOR ONE HUNDRED PERCENT OF EXPENDITURES MADE BY SOCIAL SERVICES DISTRICTS, EXCLUSIVE OF ANY FEDERAL FUNDS MADE AVAILABLE FOR SUCH PURPOSE, FOR FAMILY SUPPORT CENTERS STATEWIDE.
2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, FAMILY SUPPORT CENTERS SHALL BE ESTABLISHED IN EACH SOCIAL SERVICES DISTRICT THROUGHOUT THE STATE WITH THE APPROVAL OF THE OFFICE OF CHILDREN AND FAMILY SERVICES, PROVIDED HOWEVER THAT TWO OR MORE SOCIAL SERVICES DISTRICTS MAY JOIN TOGETHER TO ESTABLISH, OPERATE AND MAINTAIN A FAMILY SUPPORT CENTER AND MAY MAKE AND PERFORM AGREEMENTS IN CONNECTION THEREWITH.
3. SOCIAL SERVICES DISTRICTS MAY CONTRACT WITH NOT-FOR-PROFIT CORPORATIONS OR UTILIZE EXISTING PROGRAMS TO OPERATE FAMILY SUPPORT CENTERS IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE AND THE SPECIFIC PROGRAM REQUIREMENTS ISSUED BY THE OFFICE. FAMILY SUPPORT CENTERS SHALL HAVE SUFFICIENT CAPACITY TO PROVIDE SERVICES TO YOUTH WITHIN THE SOCIAL SERVICES DISTRICT OR DISTRICTS WHO ARE AT RISK OF BECOMING, ALLEGED OR ADJUDICATED TO BE PERSONS IN NEED OF SUPERVISION PURSUANT TO ARTICLE SEVEN OF THE FAMILY COURT ACT, AND THEIR FAMILIES. IN ADDITION, TO THE EXTENT PRACTICABLE, FAMILY SUPPORT CENTERS MAY PROVIDE SERVICES TO YOUTH WHO ARE ALLEGED OR ADJUDICATED UNDER ARTICLE THREE OF THE FAMILY COURT ACT.
4. SOCIAL SERVICES DISTRICTS RECEIVING FUNDING UNDER THIS TITLE SHALL REPORT TO THE OFFICE OF CHILDREN AND FAMILY SERVICES, IN THE FORM AND MANNER AND AT SUCH TIMES AS DETERMINED BY THE OFFICE, ON THE PERFORMANCE OUTCOMES OF ANY FAMILY SUPPORT CENTER LOCATED WITHIN SUCH DISTRICT THAT RECEIVES FUNDING UNDER THIS TITLE.
S 50. Subdivisions 3 and 11 of section 398 of the social services law, subdivision 3 as amended by chapter 419 of the laws of 1987, paragraph (c) of subdivision 3 as amended by section 19 of part E of chapter 57 of the laws of 2005, and subdivision 11 as added by chapter 514 of the laws of 1976, are amended to read as follows:
3. As to delinquent children and persons in need of supervision:
(a) Investigate complaints as to alleged delinquency of a child.
(b) Bring such case of alleged delinquency when necessary before the family court.
(c) Receive within fifteen days from the order of placement as a public charge any delinquent child committed or placed or IN THE CASE OF A person in need of supervision placed, TEN DAYS, in his or her care by the family court provided, however, that the commissioner of the social services district with whom the child is placed may apply to the state

commissioner or his or her designee for approval of an additional fifteen days, OR IN THE CASE OF A PERSON IN NEED OF SUPERVISION, TEN DAYS, upon written documentation to the office of children and family services that the youth is in need of specialized treatment or placement and the diligent efforts by the commissioner of social services to locate an appropriate placement.

11. In the case of a child who is adjudicated a person in need of supervision or a juvenile delinquent and is placed by the family court with the [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES and who is placed by [the division for youth] SUCH OFFICE with an authorized agency pursuant to court order, the social services official shall make expenditures in accordance with the regulations of the department for the care and maintenance of such child during the term of such placement subject to state reimbursement pursuant to SECTION ONE HUNDRED FIFTY-THREE-K OF this title[, or article nineteen-G of the executive law in applicable cases].

S 51. Subdivision 8 of section 404 of the social services law, as added by section 1 of subpart A of part G of chapter 57 of the laws of 2012, is amended to read as follows:

8. (a) Notwithstanding any other provision of law to the contrary[,] EXCEPT AS PROVIDED FOR IN PARAGRAPH (A-1) OF THIS SUBDIVISION, eligible expenditures during the applicable time periods made by a social services district for an approved juvenile justice services close to home initiative shall, if approved by the department of family assistance, be subject to reimbursement with state funds only up to the extent of an annual appropriation made specifically therefor, after first deducting therefrom any federal funds properly received or to be received on account thereof; provided, however, that when such funds have been exhausted, a social services district may receive state reimbursement from other available state appropriations for that state fiscal year for eligible expenditures for services that otherwise would be reimbursable under such funding streams. Any claims submitted by a social services district for reimbursement for a particular state fiscal year for which the social services district does not receive state reimbursement from the annual appropriation for the approved close to home initiative may not be claimed against that district's appropriation for the initiative for the next or any subsequent state fiscal year.

(i) State funding for reimbursement shall be, subject to appropriation, in the following amounts: for state fiscal year 2013-14, $35,200,000 adjusted by any changes in such amount required by subparagraphs (ii) and (iii) of this paragraph; for state fiscal year 2014-15, $41,400,000 adjusted to include the amount of any changes made to the state fiscal year 2013-14 appropriation under subparagraphs (ii) and (iii) of this paragraph plus any additional changes required by such subparagraphs; and, such reimbursement shall be, subject to appropriation, for all subsequent state fiscal years in the amount of the prior year's actual appropriation adjusted by any changes required by subparagraphs (ii) and (iii) of this paragraph.

(ii) The reimbursement amounts set forth in subparagraph (i) of this paragraph shall be increased or decreased by the percentage that the average of the most recently approved maximum state aid rates for group residential foster care programs is higher or lower than the average of the approved maximum state aid rates for group residential foster care programs in existence immediately prior to the most recently approved rates.

(iii) The reimbursement amounts set forth in subparagraph (i) of this paragraph shall be increased if either the population of alleged juvenile delinquents who receive a probation intake or the total population of adjudicated juvenile delinquents placed on probation combined with the population of adjudicated juvenile delinquents placed out of their homes in a setting other than a secure facility pursuant to section 352.2 of the family court act, increases by at least ten percent over the respective population in the annual baseline year. The baseline year shall be the period from July first, two thousand ten through June thirtieth, two thousand eleven or the most recent twelve month period for which there is complete data, whichever is later. In each successive year, the population of the previous July first through June thirtieth period shall be compared to the baseline year for determining any adjustments to a state fiscal year appropriation. When either population increases by ten percent or more, the reimbursement will be adjusted by a percentage equal to the larger of the percentage increase in either the number of probation intakes for alleged juvenile delinquents or the total population of adjudicated juvenile delinquents placed on probation combined with the population of adjudicated juvenile delinquents placed out of their homes in a setting other than a secure facility pursuant to section 352.2 of the family court act.

(iv) The social services district and/or the New York city department of probation shall provide an annual report including the data required to calculate the population adjustment to the New York city office of management and budget, the division of criminal justice services and the state division of the budget no later than the first day of September following the close of the previous July first through June thirtieth period.

(A-1) STATE REIMBURSEMENT SHALL BE MADE AVAILABLE FOR ONE HUNDRED PERCENT OF ELIGIBLE EXPENDITURES MADE BY A SOCIAL SERVICES DISTRICT, EXCLUSIVE OF ANY FEDERAL FUNDS MADE AVAILABLE FOR SUCH PURPOSES, FOR APPROVED JUVENILE JUSTICE SERVICES UNDER AN APPROVED CLOSE TO HOME INITIATIVE PROVIDED TO YOUTH AGE SIXTEEN YEARS OF AGE OR OLDER WHEN SUCH SERVICES WOULD NOT OTHERWISE HAVE BEEN PROVIDED TO SUCH YOUTH ABSENT THE PROVISIONS IN A CHAPTER OF THE LAWS OF TWO THOUSAND FIFTEEN THAT INCREASED THE AGE OF JUVENILE JURISDICTION ABOVE FIFTEEN YEARS OF AGE.

(b) The department of family assistance is authorized, in its discretion, to make advances to a social services district in anticipation of the state reimbursement provided for in this section.

(c) A social services district shall conduct eligibility determinations for federal and state funding and submit claims for reimbursement in such form and manner and at such times and for such periods as the department of family assistance shall determine.

(d) Notwithstanding any inconsistent provision of law or regulation of the department of family assistance, state reimbursement shall not be made for any expenditure made for the duplication of any grant or allowance for any period.

(e) Claims submitted by a social services district for reimbursement shall be paid after deducting any expenditures defrayed by fees, third party reimbursement, and any non-tax levy funds including any donated funds.

(f) The office of children and family services shall not reimburse any claims for expenditures for residential services that are submitted more than twenty-two months after the calendar quarter in which the expenditures were made.

(g) Notwithstanding any other provision of law, the state shall not be responsible for reimbursing a social services district and a district shall not seek state reimbursement for any portion of any state disallowance or sanction taken against the social services district, or any federal disallowance attributable to final federal agency decisions or to settlements made, when such disallowance or sanction results from the failure of the social services district to comply with federal or state requirements, including, but not limited to, failure to document eligibility for the federal or state funds in the case record. To the extent that the social services district has sufficient claims other than those that are subject to disallowance or sanction to draw down the full annual appropriation, such disallowance or sanction shall not result in a reduction in payment of state funds to the district unless the district requests that the department use a portion of the appropriation toward meeting the district's responsibility to repay the federal government for the disallowance or sanction and any related interest payments.

(h) Rates for residential services. (i) The office shall establish the rates, in accordance with section three hundred ninety-eight-a of this chapter, for any non-secure facilities established under an approved juvenile justice services close to home initiative. For any such non-secure facility that will be used primarily by the social services district with an approved close to home initiative, final authority for establishment of such rates and any adjustments thereto shall reside with the office, but such rates and any adjustments thereto shall be established only upon the request of, and in consultation with, such social services district.

(ii) A social services district with an approved juvenile justice services close to home initiative for juvenile delinquents placed in limited secure settings shall have the authority to establish and adjust, on an annual or regular basis, maintenance rates for limited secure facilities providing residential services under such initiative. Such rates shall not be subject to the provisions of section three hundred ninety-eight-a of this chapter but shall be subject to maximum cost limits established by the office of children and family services.

S 52. Paragraph (a) of subdivision 1 of section 409-a of the social services law, as amended by chapter 87 of the laws of 1993, subparagraph (i) as amended by chapter 342 of the laws of 2010, and subparagraph (ii) as amended by section 22 of part C of chapter 83 of the laws of 2002, is amended to read as follows:

(a) A social services official shall provide preventive services to a child and his or her family, in accordance with the family's service plan as required by section four hundred nine-e of this chapter and the social services district's child welfare services plan submitted and approved pursuant to section four hundred nine-d of this chapter, upon a finding by such official that [(i)] the child will be placed, returned to or continued in foster care unless such services are provided and that it is reasonable to believe that by providing such services the child will be able to remain with or be returned to his or her family, and for a former foster care youth under the age of twenty-one who was previously placed in the care and custody or custody and guardianship of the local commissioner of social services or other officer, board or department authorized to receive children as public charges where it is reasonable to believe that by providing such services the former foster care youth will avoid a return to foster care or (ii) the child is the subject of a petition under article seven of the family court act, [or has been determined by the assessment service established pursuant to

section two hundred forty-three-a of the executive law,] or by the probation service where no such assessment service has been designated, to be at risk of being the subject of such a petition, and the social services official determines that the child is at risk of placement into foster care. Such finding shall be entered in the child's uniform case record established and maintained pursuant to section four hundred nine-f of this chapter. The commissioner shall promulgate regulations to assist social services officials in making determinations of eligibility for mandated preventive services pursuant to this [subparagraph] PARAGRAPH.

S 53. Section 30.00 of the penal law, as amended by chapter 481 of the laws of 1978, subdivision 2 as amended by chapter 7 of the laws of 2007, is amended to read as follows:

S 30.00 Infancy.

1. Except as provided in [subdivision] SUBDIVISIONS two AND THREE of this section, a person less than [sixteen years old] EIGHTEEN YEARS OLD is not criminally responsible for conduct.

2. A person thirteen, fourteen [or], fifteen, SIXTEEN OR SEVENTEEN years of age is criminally responsible for acts constituting murder in the second degree as defined in subdivisions one and two of section 125.25 and in subdivision three of such section provided that the underlying crime for the murder charge is one for which such person is criminally responsible or for such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 [of the penal law], EXCEPT THAT, IN THE CASE OF A PERSON THIRTEEN, FOURTEEN OR FIFTEEN YEARS OF AGE, THE PERSON IS ONLY CRIMINALLY RESPONSIBLE PURSUANT TO THIS SUBDIVISION IF SUCH ACTION AGAINST HIM OR HER WAS ORDERED REMOVED FROM A FAMILY COURT TO A SUPERIOR CRIMINAL COURT PURSUANT TO SECTION 325.5 OF THE FAMILY COURT ACT AND SECTION 726.05 OF THE CRIMINAL PROCEDURE LAW; and a person fourteen [or], fifteen, SIXTEEN OR SEVENTEEN years of age is criminally responsible for acts constituting the crimes defined in section 135.25 (kidnapping in the first degree); 150.20 (arson in the first degree); subdivisions one and two of section 120.10 (assault in the first degree); 125.20 (manslaughter in the first degree); subdivisions one and two of section 130.35 (rape in the first degree); subdivisions one and two of section 130.50 (criminal sexual act in the first degree); 130.70 (aggravated sexual abuse in the first degree); 140.30 (burglary in the first degree); subdivision one of section 140.25 (burglary in the second degree); 150.15 (arson in the second degree); 160.15 (robbery in the first degree); subdivision two of section 160.10 (robbery in the second degree) of this chapter; or section 265.03 of this chapter, where such machine gun or such firearm is possessed on school grounds, as that phrase is defined in subdivision fourteen of section 220.00 of this chapter; or defined in this chapter as an attempt to commit murder in the second degree or kidnapping in the first degree, or for such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 [of the penal law], EXCEPT THAT, IN THE CASE OF A PERSON THIRTEEN, FOURTEEN OR FIFTEEN YEARS OF AGE, THE PERSON IS ONLY CRIMINALLY RESPONSIBLE PURSUANT TO THIS SUBDIVISION IF SUCH ACTION AGAINST HIM OR HER WAS ORDERED REMOVED FROM A FAMILY COURT TO A SUPERIOR CRIMINAL COURT PURSUANT TO SECTION 325.5 OF THE FAMILY COURT ACT AND SECTION 726.05 OF THE CRIMINAL PROCEDURE LAW.

3. A PERSON SIXTEEN OR SEVENTEEN YEARS OF AGE IS CRIMINALLY RESPONSIBLE FOR ACTS CONSTITUTING THE CRIMES DEFINED IN SECTION 490.25 (CRIME OF TERRORISM); 490.45 (CRIMINAL POSSESSION OF A CHEMICAL WEAPON OR BIOLOGICAL WEAPON IN THE FIRST DEGREE); 490.55 (CRIMINAL USE OF A CHEMICAL

WEAPON OR BIOLOGICAL WEAPON IN THE FIRST DEGREE); 490.50 (CRIMINAL USE OF A CHEMICAL WEAPON OR A BIOLOGICAL WEAPON IN THE SECOND DEGREE); 135.25 (KIDNAPPING IN THE FIRST DEGREE); 125.25 (MURDER IN THE SECOND DEGREE); 130.95 (PREDATORY SEXUAL ASSAULT) OF THIS CHAPTER.

4. In any prosecution for an offense, lack of criminal responsibility by reason of infancy, as defined in this section, is a defense.

S 54. Section 60.10 of the penal law, as amended by chapter 411 of the laws of 1979, is amended to read as follows:

S 60.10 Authorized disposition; juvenile offender.

1. When a juvenile offender is convicted of a crime, the court shall sentence the defendant to imprisonment in accordance with section 70.05 or sentence [him] THE DEFENDANT upon a youthful offender finding in accordance with section 60.02 of this chapter.

2. Subdivision one of this section shall apply when sentencing a juvenile offender notwithstanding the provisions of any other law that deals with the authorized sentence for persons who are not juvenile offenders. Provided, however, that the limitation prescribed by this section shall not be deemed or construed to bar use of a conviction of a juvenile offender, other than a juvenile offender who has been adjudicated a youthful offender pursuant to section 720.20 of the criminal procedure law, as a previous or predicate felony offender under section 70.04, 70.06, 70.07, 70.08 OF THIS CHAPTER or [70.10,] when sentencing a person who commits a felony after [he] SUCH PERSON has reached the age of [sixteen] EIGHTEEN.

S 55. Paragraph (b) of subdivision 2 of section 70.05 of the penal law, as added by chapter 481 of the laws of 1978, is amended and a new paragraph (b-1) is added to read as follows:

(b) For [the] A class [A] A-I felony [of arson in the first degree, or for the class A felony of kidnapping in the first degree] OTHER THAN MURDER IN THE SECOND DEGREE, the term shall be fixed by the court, and shall be at least twelve years but shall not exceed fifteen years;

(B-1) FOR A CLASS A-II FELONY THE TERM SHALL BE FIXED BY THE COURT AND SHALL BE AT LEAST TEN YEARS BUT SHALL NOT EXCEED FOURTEEN YEARS.

S 56. Paragraph (b) of subdivision 3 of section 70.05 of the penal law, as added by chapter 481 of the laws of 1978, is amended and a new subdivision (b-1) is added to read as follows:

(b) For [the] A class [A] A-I felony [of arson in the first degree, or for the class A felony of kidnapping in the first degree] OTHER THAN MURDER IN THE SECOND DEGREE, the minimum period of imprisonment shall be fixed by the court and shall be not less than four years but shall not exceed six years; and

(B-1) FOR A CLASS A-II FELONY, THE MINIMUM PERIOD OF IMPRISONMENT SHALL BE FIXED BY THE COURT AND SHALL BE NOT LESS THAN THREE YEARS BUT SHALL NOT EXCEED FIVE YEARS.

S 57. Subdivision 1 of section 70.20 of the penal law, as amended by section 124 of subpart B of part C of chapter 62 of the laws of 2011, is amended to read as follows:

1. [(a)] Indeterminate or determinate sentence. Except as provided in subdivision four of this section, when an indeterminate or determinate sentence of imprisonment is imposed, the court shall commit the defendant to the custody of the state department of corrections and community supervision for the term of his or her sentence and until released in accordance with the law; provided, however, that a defendant sentenced pursuant to subdivision seven of section 70.06 shall be committed to the custody of the state department of corrections and community supervision for immediate delivery to a reception center operated by the department.

[(b) The court in committing a defendant who is not yet eighteen years of age to the department of corrections and community supervision shall inquire as to whether the parents or legal guardian of the defendant, if present, will grant to the minor the capacity to consent to routine medical, dental and mental health services and treatment.

(c) Notwithstanding paragraph (b) of this subdivision, where the court commits a defendant who is not yet eighteen years of age to the custody of the department of corrections and community supervision in accordance with this section and no medical consent has been obtained prior to said commitment, the commitment order shall be deemed to grant the capacity to consent to routine medical, dental and mental health services and treatment to the person so committed.

(d) Nothing in this subdivision shall preclude a parent or legal guardian of an inmate who is not yet eighteen years of age from making a motion on notice to the department of corrections and community supervision pursuant to article twenty-two of the civil practice law and rules and section one hundred forty of the correction law, objecting to routine medical, dental or mental health services and treatment being provided to such inmate under the provisions of paragraph (b) of this subdivision.

(e) Nothing in this section shall require that consent be obtained from the parent or legal guardian, where no consent is necessary or where the defendant is authorized by law to consent on his or her own behalf to any medical, dental, and mental health service or treatment.]

S 58. Subdivision 2 of section 70.20 of the penal law, as amended by chapter 437 of the laws of 2013, is amended to read as follows:

2. [(a)] Definite sentence. Except as provided in subdivision four of this section, when a definite sentence of imprisonment is imposed, the court shall commit the defendant to the county or regional correctional institution for the term of his sentence and until released in accordance with the law.

[(b) The court in committing a defendant who is not yet eighteen years of age to the local correctional facility shall inquire as to whether the parents or legal guardian of the defendant, if present, will grant to the minor the capacity to consent to routine medical, dental and mental health services and treatment.

(c) Nothing in this subdivision shall preclude a parent or legal guardian of an inmate who is not yet eighteen years of age from making a motion on notice to the local correction facility pursuant to article twenty-two of the civil practice law and rules and section one hundred forty of the correction law, objecting to routine medical, dental or mental health services and treatment being provided to such inmate under the provisions of paragraph (b) of this subdivision.]

S 59. Subdivision 4 of section 70.20 of the penal law, as amended by section 124 of subpart B of part C of chapter 62 of the laws of 2011, is amended to read as follows:

4. (a) Notwithstanding any other provision of law to the contrary, a juvenile offender[,] or a juvenile offender who is adjudicated a youthful offender and given an indeterminate or a definite sentence, AND WHO IS UNDER THE AGE OF TWENTY-ONE AT THE TIME OF SENTENCING, shall be committed to the custody of the commissioner of the office of children and family services who shall arrange for the confinement of such offender in [secure] facilities of the office. The release or transfer of such offenders from the office of children and family services shall be governed by section five hundred eight of the executive law. IF THE JUVENILE OFFENDER IS CONVICTED OR, IF THE JUVENILE OFFENDER WHO IS ADJU-

DICATED A YOUTHFUL OFFENDER IS CONVICTED AND IS TWENTY-ONE YEARS OF AGE OR OLDER AT THE TIME OF SENTENCING, HE OR SHE SHALL BE DELIVERED TO THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION.

(A-1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, A PERSON WHO IS SENTENCED TO AN INDETERMINATE SENTENCE AS AN ADULT FOR COMMITTING A CRIME WHEN HE OR SHE WAS SIXTEEN OR SEVENTEEN YEARS OF AGE WHO IS SENTENCED ON OR AFTER DECEMBER FIRST, TWO THOUSAND FIFTEEN TO A TERM OF AT LEAST ONE YEAR OF IMPRISONMENT AND WHO IS UNDER THE AGE OF EIGHTEEN AT THE TIME HE OR SHE IS SENTENCED SHALL BE COMMITTED TO THE CUSTODY OF THE COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY SERVICES WHO SHALL ARRANGE FOR THE CONFINEMENT OF SUCH OFFENDER IN FACILITIES OF THE OFFICE. THE RELEASE OR TRANSFER OF SUCH OFFENDERS FROM THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL BE GOVERNED BY SECTION FIVE HUNDRED EIGHT OF THE EXECUTIVE LAW.

(b) The court in committing [a juvenile offender and youthful offender] AN OFFENDER UNDER EIGHTEEN YEARS OF AGE to the custody of the office of children and family services shall inquire as to whether the parents or legal guardian of the youth, if present, will consent for the office of children and family services to provide routine medical, dental and mental health services and treatment.

(c) Notwithstanding paragraph (b) of this subdivision, where the court commits an offender to the custody of the office of children and family services in accordance with this section and no medical consent has been obtained prior to said commitment, the commitment order shall be deemed to grant consent for the office of children and family services to provide for routine medical, dental and mental health services and treatment to the offender so committed.

(d) Nothing in this subdivision shall preclude a parent or legal guardian of an offender who is not yet eighteen years of age from making a motion on notice to the office of children and family services pursuant to article twenty-two of the civil practice law and rules objecting to routine medical, dental or mental health services and treatment being provided to such offender under the provisions of paragraph (b) of this subdivision.

(e) Nothing in this section shall require that consent be obtained from the parent or legal guardian, where no consent is necessary or where the offender is authorized by law to consent on his or her own behalf to any medical, dental and mental health service or treatment.

S 60. Subdivision 18 of section 10.00 of the penal law, as amended by chapter 7 of the laws of 2007, is amended to read as follows:

18. "Juvenile offender" means, WHERE PROSECUTION IS AUTHORIZED BY LAW, INCLUDING BUT NOT LIMITED TO SECTION 726.05 OF THE CRIMINAL PROCEDURE LAW AND SECTION 325.5 OF THE FAMILY COURT ACT: (1) a person thirteen years old who is criminally responsible for acts constituting murder in the second degree as defined in subdivisions one and two of section 125.25 of this chapter or such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 [of the penal law]; [and]

(2) a person fourteen [or], fifteen, SIXTEEN OR SEVENTEEN years old who is criminally responsible for acts constituting the crimes defined in subdivisions one and two of section 125.25 (murder in the second degree) and in subdivision three of such section provided that the underlying crime for the murder charge is one for which such person is criminally responsible; section 135.25 (kidnapping in the first degree); 150.20 (arson in the first degree); subdivisions one and two of section 120.10 (assault in the first degree); 125.20 (manslaughter in the first

degree); subdivisions one and two of section 130.35 (rape in the first degree); subdivisions one and two of section 130.50 (criminal sexual act in the first degree); 130.70 (aggravated sexual abuse in the first degree); 140.30 (burglary in the first degree); subdivision one of section 140.25 (burglary in the second degree); 150.15 (arson in the second degree); 160.15 (robbery in the first degree); subdivision two of section 160.10 (robbery in the second degree) of this chapter; or section 265.03 of this chapter, where such machine gun or such firearm is possessed on school grounds, as that phrase is defined in subdivision fourteen of section 220.00 of this chapter; or defined in this chapter as an attempt to commit murder in the second degree or kidnapping in the first degree, or such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 [of the penal law]; AND

(3) A PERSON SIXTEEN OR SEVENTEEN YEARS OF AGE IS CRIMINALLY RESPONSIBLE FOR ACTS CONSTITUTING THE CRIMES DEFINED IN SECTION 490.25 (CRIME OF TERRORISM); 490.45 (CRIMINAL POSSESSION OF A CHEMICAL WEAPON OR BIOLOGICAL WEAPON IN THE FIRST DEGREE); 490.55 (CRIMINAL USE OF A CHEMICAL WEAPON OR BIOLOGICAL WEAPON IN THE FIRST DEGREE); 490.50 (CRIMINAL USE OF A CHEMICAL WEAPON OR BIOLOGICAL WEAPON IN THE SECOND DEGREE); 135.25 (KIDNAPPING IN THE FIRST DEGREE); 125.25 (MURDER IN THE SECOND DEGREE); 130.95 (PREDATORY SEXUAL ASSAULT) OF THIS CHAPTER.

S 61. Subdivision 42 of section 1.20 of the criminal procedure law, as amended by chapter 7 of the laws of 2007, is amended to read as follows:

42. "Juvenile offender" means, WHERE PROSECUTION IS AUTHORIZED BY LAW, INCLUDING BUT NOT LIMITED TO SECTION 726.05 OF THIS CHAPTER AND SECTION 325.5 OF THE FAMILY COURT ACT: (1) a person, thirteen years old who is criminally responsible for acts constituting murder in the second degree as defined in subdivisions one and two of section 125.25 of the penal law, or such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; [and] (2) a person fourteen [or], fifteen, SIXTEEN OR SEVENTEEN years old who is criminally responsible for acts constituting the crimes defined in subdivisions one and two of section 125.25 (murder in the second degree) and in subdivision three of such section provided that the underlying crime for the murder charge is one for which such person is criminally responsible; section 135.25 (kidnapping in the first degree); 150.20 (arson in the first degree); subdivisions one and two of section 120.10 (assault in the first degree); 125.20 (manslaughter in the first degree); subdivisions one and two of section 130.35 (rape in the first degree); subdivisions one and two of section 130.50 (criminal sexual act in the first degree); 130.70 (aggravated sexual abuse in the first degree); 140.30 (burglary in the first degree); subdivision one of section 140.25 (burglary in the second degree); 150.15 (arson in the second degree); 160.15 (robbery in the first degree); subdivision two of section 160.10 (robbery in the second degree) of the penal law; or section 265.03 of the penal law, where such machine gun or such firearm is possessed on school grounds, as that phrase is defined in subdivision fourteen of section 220.00 of the penal law; or defined in the penal law as an attempt to commit murder in the second degree or kidnapping in the first degree, or such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; AND (3) A PERSON SIXTEEN OR SEVENTEEN YEARS OF AGE IS CRIMINALLY RESPONSIBLE FOR ACTS CONSTITUTING THE CRIMES DEFINED IN SECTION 490.25 (CRIME OF TERRORISM); 490.45 (CRIMINAL POSSESSION OF A CHEMICAL WEAPON OR BIOLOGICAL WEAPON IN THE FIRST DEGREE); 490.55 (CRIMINAL USE OF A CHEMICAL WEAPON OR BIOLOGICAL WEAPON IN THE FIRST DEGREE); 490.50 (CRIMINAL USE OF A CHEMICAL WEAPON OR

BIOLOGICAL WEAPON IN THE SECOND DEGREE); 135.25 (KIDNAPPING IN THE FIRST DEGREE); 125.25 (MURDER IN THE SECOND DEGREE); 130.95 (PREDATORY SEXUAL ASSAULT) OF THE PENAL LAW.

S 62. Subdivision 6 of section 140.20 of the criminal procedure law, as added by chapter 411 of the laws of 1979, is amended to read as follows:

6. Upon arresting a juvenile offender without a warrant, the police officer shall immediately notify the parent or other person legally responsible for his OR HER care or the person with whom he OR SHE is domiciled, that the juvenile offender has been arrested, and the location of the facility where he OR SHE is being detained. IF THE OFFICER DETERMINES THAT IT IS NECESSARY TO QUESTION A JUVENILE OFFENDER OR A CHILD UNDER EIGHTEEN YEARS OF AGE WHO FITS WITHIN THE DEFINITION OF A JUVENILE OFFENDER AS DEFINED IN SECTION 30.00 OF THE PENAL LAW, THE OFFICER MUST TAKE THE JUVENILE TO A FACILITY DESIGNATED BY THE CHIEF ADMINISTRATOR OF THE COURTS AS A SUITABLE PLACE FOR THE QUESTIONING OF CHILDREN OR, UPON THE CONSENT OF A PARENT OR OTHER PERSON LEGALLY RESPONSIBLE FOR THE CARE OF THE JUVENILE, TO THE JUVENILE'S RESIDENCE AND THERE QUESTION HIM OR HER FOR A REASONABLE PERIOD OF TIME. A JUVENILE SHALL NOT BE QUESTIONED PURSUANT TO THIS SECTION UNLESS THE JUVENILE AND A PERSON REQUIRED TO BE NOTIFIED PURSUANT TO THIS SUBDIVISION, IF PRESENT, HAVE BEEN ADVISED:

(A) OF THE JUVENILE'S RIGHT TO REMAIN SILENT;

(B) THAT THE STATEMENTS MADE BY THE JUVENILE MAY BE USED IN A COURT OF LAW;

(C) OF THE JUVENILE'S RIGHT TO HAVE AN ATTORNEY PRESENT AT SUCH QUESTIONING; AND

(D) OF THE JUVENILE'S RIGHT TO HAVE AN ATTORNEY PROVIDED FOR HIM OR HER WITHOUT CHARGE IF HE OR SHE IS INDIGENT.

IN DETERMINING THE SUITABILITY OF QUESTIONING AND DETERMINING THE REASONABLE PERIOD OF TIME FOR QUESTIONING SUCH A JUVENILE OFFENDER, THE JUVENILE'S AGE, THE PRESENCE OR ABSENCE OF HIS OR HER PARENTS OR OTHER PERSONS LEGALLY RESPONSIBLE FOR HIS OR HER CARE AND NOTIFICATION PURSUANT TO THIS SUBDIVISION SHALL BE INCLUDED AMONG RELEVANT CONSIDERATIONS.

S 63. Subdivision 5 of section 140.27 of the criminal procedure law, as added by chapter 411 of the laws of 1979, is amended to read as follows:

5. Upon arresting a juvenile offender without a warrant, the peace officer shall immediately notify the parent or other person legally responsible for his care or the person with whom he OR SHE is domiciled, that the juvenile offender has been arrested, and the location of the facility where he OR SHE is being detained. IF THE OFFICER DETERMINES THAT IT IS NECESSARY TO QUESTION A JUVENILE OFFENDER OR A CHILD UNDER EIGHTEEN YEARS OF AGE WHO FITS WITHIN THE DEFINITION OF A JUVENILE OFFENDER AS DEFINED IN SECTION 30.00 OF THE PENAL LAW THE OFFICER MUST TAKE THE JUVENILE TO A FACILITY DESIGNATED BY THE CHIEF ADMINISTRATOR OF THE COURTS AS A SUITABLE PLACE FOR THE QUESTIONING OF CHILDREN OR, UPON THE CONSENT OF A PARENT OR OTHER PERSON LEGALLY RESPONSIBLE FOR THE CARE OF THE JUVENILE, TO THE JUVENILE'S RESIDENCE AND THERE QUESTION HIM OR HER FOR A REASONABLE PERIOD OF TIME. A JUVENILE SHALL NOT BE QUESTIONED PURSUANT TO THIS SECTION UNLESS THE JUVENILE AND A PERSON REQUIRED TO BE NOTIFIED PURSUANT TO THIS SUBDIVISION, IF PRESENT, HAVE BEEN ADVISED:

(A) OF THE JUVENILE'S RIGHT TO REMAIN SILENT;

(B) THAT THE STATEMENTS MADE BY THE JUVENILE MAY BE USED IN A COURT OF LAW;

(C) OF THE JUVENILE'S RIGHT TO HAVE AN ATTORNEY PRESENT AT SUCH QUESTIONING; AND

(D) OF THE JUVENILE'S RIGHT TO HAVE AN ATTORNEY PROVIDED FOR HIM OR HER WITHOUT CHARGE IF HE OR SHE IS INDIGENT.

IN DETERMINING THE SUITABILITY OF QUESTIONING AND DETERMINING THE REASONABLE PERIOD OF TIME FOR QUESTIONING SUCH A JUVENILE OFFENDER, THE JUVENILE'S AGE, THE PRESENCE OR ABSENCE OF HIS OR HER PARENTS OR OTHER PERSONS LEGALLY RESPONSIBLE FOR HIS OR HER CARE AND NOTIFICATION PURSUANT TO THIS SUBDIVISION SHALL BE INCLUDED AMONG RELEVANT CONSIDERATIONS.

S 64. Subdivision 5 of section 140.40 of the criminal procedure law, as added by chapter 411 of the laws of 1979, is amended to read as follows:

5. If a police officer takes an arrested juvenile offender into custody, the police officer shall immediately notify the parent or other person legally responsible for his OR HER care or the person with whom he OR SHE is domiciled, that the juvenile offender has been arrested, and the location of the facility where he OR SHE is being detained. IF THE OFFICER DETERMINES THAT IT IS NECESSARY TO QUESTION A JUVENILE OFFENDER OR A CHILD UNDER EIGHTEEN YEARS OF AGE WHO FITS WITHIN THE DEFINITION OF A JUVENILE OFFENDER AS DEFINED IN SECTION 30.00 OF THE PENAL LAW THE OFFICER MUST TAKE THE JUVENILE TO A FACILITY DESIGNATED BY THE CHIEF ADMINISTRATOR OF THE COURTS AS A SUITABLE PLACE FOR THE QUESTIONING OF CHILDREN OR, UPON THE CONSENT OF A PARENT OR OTHER PERSON LEGALLY RESPONSIBLE FOR THE CARE OF THE JUVENILE, TO THE JUVENILE'S RESIDENCE AND THERE QUESTION HIM OR HER FOR A REASONABLE PERIOD OF TIME. A JUVENILE SHALL NOT BE QUESTIONED PURSUANT TO THIS SECTION UNLESS THE JUVENILE AND A PERSON REQUIRED TO BE NOTIFIED PURSUANT TO THIS SUBDIVISION, IF PRESENT, HAVE BEEN ADVISED:

(A) OF THE JUVENILE'S RIGHT TO REMAIN SILENT;

(B) THAT THE STATEMENTS MADE BY THE JUVENILE MAY BE USED IN A COURT OF LAW;

(C) OF THE JUVENILE'S RIGHT TO HAVE AN ATTORNEY PRESENT AT SUCH QUESTIONING; AND

(D) OF THE JUVENILE'S RIGHT TO HAVE AN ATTORNEY PROVIDED FOR HIM OR HER WITHOUT CHARGE IF HE OR SHE IS INDIGENT.

IN DETERMINING THE SUITABILITY OF QUESTIONING AND DETERMINING THE REASONABLE PERIOD OF TIME FOR QUESTIONING SUCH A JUVENILE OFFENDER, THE JUVENILE'S AGE, THE PRESENCE OR ABSENCE OF HIS OR HER PARENTS OR OTHER PERSONS LEGALLY RESPONSIBLE FOR HIS OR HER CARE AND NOTIFICATION PURSUANT TO THIS SUBDIVISION SHALL BE INCLUDED AMONG RELEVANT CONSIDERATIONS.

S 65. Section 150.40 of the criminal procedure law is amended by adding a new subdivision 5 to read as follows:

5. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, ANY UNIFORM TRAFFIC TICKET ISSUED TO A PERSON SIXTEEN OR SEVENTEEN YEARS OF AGE PURSUANT TO A VIOLATION OF ANY PROVISION OF THE VEHICLE AND TRAFFIC LAW, OR ANY LOCAL LAW, CONSTITUTING A TRAFFIC INFRACTION SHALL BE RETURNABLE TO THE LOCAL CITY, TOWN, OR VILLAGE COURT, OR TRAFFIC VIOLATIONS BUREAU HAVING JURISDICTION.

S 66. The criminal procedure law is amended by adding a new section 160.56 to read as follows:

S 160.56 CONDITIONAL SEALING OF CERTAIN CONVICTIONS FOR OFFENSES COMMITTED BY A DEFENDANT TWENTY YEARS OF AGE OR YOUNGER OR BY A DEFENDANT CONVICTED AS A JUVENILE OFFENDER.

1. WHEN A DEFENDANT IS CONVICTED, ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION, FOR ONE OR MORE ELIGIBLE OFFENSES, ALL OF WHICH WERE COMMITTED AS PART OF THE SAME CRIMINAL TRANSACTION AS DEFINED IN SUBDI-

VISION TWO OF SECTION 40.10 OF THIS CHAPTER WHICH OFFENSE OR OFFENSES WERE COMMITTED WHEN HE OR SHE WAS TWENTY YEARS OF AGE OR YOUNGER AND THE DEFENDANT HAD NO PRIOR CRIMINAL CONVICTIONS, THE COURT SHALL CERTIFY UPON CONVICTION THAT THE DEFENDANT IS APPARENTLY ELIGIBLE FOR CONDITIONAL SEALING AND SHALL SCHEDULE THE DEFENDANT'S CASE FOR REVIEW AT THE EXPIRATION OF THE TIME PERIOD SET FORTH IN SUBDIVISION TWO OF THIS SECTION. SUCH REVIEW SHALL NOT REQUIRE A MOTION OR APPEARANCE BY A DEFENDANT. UPON THE EXPIRATION OF THE TIME PERIOD SET FORTH IN SUBDIVISION TWO OF THIS SECTION, THE COURT SHALL NOTIFY THE DISTRICT ATTORNEY THAT THE CASE IS UNDER REVIEW. IF THE DISTRICT ATTORNEY DOES NOT PROVIDE NOTICE OF OPPOSITION TO SEALING WITHIN FORTY-FIVE DAYS OF RECEIPT OF THE NOTIFICATION AND THE COURT DETERMINES THAT THE DEFENDANT MEETS THE CRITERIA FOR SEALING AS SET FORTH IN THIS SECTION, THE COURT SHALL ORDER THAT THE RECORD BE CONDITIONALLY SEALED. IF THE DISTRICT ATTORNEY OPPOSES SEALING, HE OR SHE SHALL NOTIFY THE COURT AND THE DEFENDANT OF THE REASONS FOR OPPOSITION. IF THE COURT HAS DETERMINED, SUA SPONTE, OR THE DISTRICT ATTORNEY HAS NOTIFIED THE COURT, THAT THE DEFENDANT DOES NOT MEET THE CRITERIA FOR CONDITIONAL SEALING, THE COURT MUST PROVIDE THE DEFENDANT, ON NOTICE TO THE DISTRICT ATTORNEY, WITH NOTICE AND AN OPPORTUNITY TO DISPUTE SUCH FINDING.

WHENEVER THE COURT DETERMINES THAT ALL CRITERIA FOR SEALING HAVE BEEN SATISFIED AND ORDERS A RECORD CONDITIONALLY SEALED, THE CLERK OF THE COURT SHALL IMMEDIATELY NOTIFY THE COMMISSIONER OF THE DIVISION OF CRIMINAL JUSTICE SERVICES THAT THE CONVICTION OR CONVICTIONS SHALL BE CONDITIONALLY SEALED. FOR PURPOSES OF THIS SECTION, AN ELIGIBLE OFFENSE IS ANY MISDEMEANOR OR FELONY OTHER THAN A FELONY OFFENSE DEFINED IN ARTICLE ONE HUNDRED TWENTY-FIVE OF THE PENAL LAW, A VIOLENT FELONY OFFENSE DEFINED IN SECTION 70.02 OF THE PENAL LAW, A CLASS A FELONY OFFENSE DEFINED IN THE PENAL LAW, OR AN OFFENSE FOR WHICH REGISTRATION AS A SEX OFFENDER IS REQUIRED PURSUANT TO ARTICLE SIX-C OF THE CORRECTION LAW.

2. AN ELIGIBLE OFFENSE MAY BE CONDITIONALLY SEALED ONLY:

(A) AFTER THE FOLLOWING TIME PERIODS HAVE ELAPSED:

(I) FOR A MISDEMEANOR, AT LEAST ONE YEAR HAS PASSED SINCE: THE ENTRY OF THE JUDGMENT OR, IF THE DEFENDANT WAS SENTENCED TO A CONDITIONAL DISCHARGE OR A PERIOD OF PROBATION, INCLUDING A PERIOD OF INCARCERATION IMPOSED IN CONJUNCTION WITH A SENTENCE OF PROBATION OR CONDITIONAL DISCHARGE, THE COMPLETION OF THE DEFENDANT'S TERM OF PROBATION OR CONDITIONAL DISCHARGE, OR IF THE DEFENDANT WAS SENTENCED TO INCARCERATION, THE DEFENDANT'S RELEASE FROM INCARCERATION, WHICHEVER IS THE LONGEST; OR

(II) FOR AN ELIGIBLE FELONY, OTHER THAN A FELONY CONVICTION AS A JUVENILE OFFENDER AS DEFINED IN SUBDIVISION FORTY-TWO OF SECTION 1.20 OF THIS CHAPTER, AT LEAST THREE YEARS HAVE PASSED SINCE: THE ENTRY OF THE JUDGMENT OR, IF THE DEFENDANT WAS SENTENCED TO A CONDITIONAL DISCHARGE OR A PERIOD OF PROBATION, INCLUDING A PERIOD OF INCARCERATION IMPOSED IN CONJUNCTION WITH A SENTENCE OF PROBATION OR CONDITIONAL DISCHARGE, THE COMPLETION OF THE DEFENDANT'S TERM OF PROBATION OR CONDITIONAL DISCHARGE, OR IF THE DEFENDANT WAS SENTENCED TO INCARCERATION, THE DEFENDANT'S RELEASE FROM INCARCERATION, WHICHEVER IS THE LONGEST; OR

(III) FOR A CONVICTION AS A JUVENILE OFFENDER, AS DEFINED IN SUBDIVISION FORTY-TWO OF SECTION 1.20 OF THIS CHAPTER, AT LEAST FIVE YEARS HAVE PASSED SINCE: THE ENTRY OF THE JUDGMENT OR, IF THE DEFENDANT WAS SENTENCED TO A CONDITIONAL DISCHARGE OR A PERIOD OF PROBATION, INCLUDING A PERIOD OF INCARCERATION IMPOSED IN CONJUNCTION WITH A SENTENCE OF PROBATION OR CONDITIONAL DISCHARGE, THE COMPLETION OF THE DEFENDANT'S TERM OF PROBATION OR CONDITIONAL DISCHARGE, OR IF THE DEFENDANT WAS

SENTENCED TO INCARCERATION, THE DEFENDANT'S RELEASE FROM INCARCERATION, WHICHEVER IS THE LONGEST; AND

(B) IF THE DEFENDANT HAS NOT BEEN CONVICTED OF ANY OTHER CRIME.

(C) FOR THE PURPOSES OF PARAGRAPH (A) OF THIS SUBDIVISION, WHERE THE DEFENDANT IS CONVICTED OF MORE THAN ONE ELIGIBLE OFFENSE, COMMITTED AS PART OF THE SAME CRIMINAL TRANSACTION AS DEFINED IN SUBDIVISION TWO OF SECTION 40.10 OF THIS CHAPTER, THE LONGEST APPLICABLE TIME PERIOD SHALL APPLY.

2-A. NO RECORD SHALL BE SEALED PURSUANT TO THIS SECTION WHILE CHARGES ARE PENDING FOR ANY OFFENSE.

2-B. NO RECORD SHALL BE SEALED PURSUANT TO THIS SECTION WHILE THE DEFENDANT IS SUBJECT TO SUPERVISION BY THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION OR THE OFFICE OF CHILDREN AND FAMILY SERVICES. UPON THE SUCCESSFUL COMPLETION OF SUCH SUPERVISION, IF THE TIME PERIODS SET FORTH IN PARAGRAPH (A) OF SUBDIVISION TWO OF THIS SECTION HAVE ELAPSED FROM THE DATE OF DEFENDANT'S RELEASE FROM INCARCERATION, THE COURT SHALL ORDER THE RECORD CONDITIONALLY SEALED PURSUANT TO THE PROVISIONS OF THIS SECTION.

3. WHEN A CONVICTION OR CONVICTIONS ARE SEALED PURSUANT TO THIS SECTION, ALL OFFICIAL RECORDS AND PAPERS RELATING TO THE ARREST, PROSECUTION, AND CONVICTION, INCLUDING ALL DUPLICATES AND COPIES THEREOF, ON FILE WITH THE DIVISION OF CRIMINAL JUSTICE SERVICES OR ANY COURT SHALL BE SEALED AND NOT MADE AVAILABLE TO ANY PERSON OR PUBLIC OR PRIVATE AGENCY; PROVIDED, HOWEVER, THE DIVISION SHALL RETAIN ANY FINGERPRINTS, PALMPRINTS AND PHOTOGRAPHS, OR DIGITAL IMAGES OF THE SAME.

4. RECORDS SEALED PURSUANT TO THIS SECTION SHALL BE MADE AVAILABLE TO:

(A) THE DEFENDANT OR THE DEFENDANT'S DESIGNATED AGENT;

(B) QUALIFIED AGENCIES, AS DEFINED IN SUBDIVISION NINE OF SECTION EIGHT HUNDRED THIRTY-FIVE OF THE EXECUTIVE LAW, AND FEDERAL AND STATE LAW ENFORCEMENT AGENCIES, WHEN ACTING WITHIN THE SCOPE OF THEIR LAW ENFORCEMENT DUTIES;

(C) ANY STATE OR LOCAL OFFICER OR AGENCY WITH RESPONSIBILITY FOR THE ISSUANCE OF LICENSES TO POSSESS GUNS, WHEN THE PERSON HAS MADE APPLICATION FOR SUCH A LICENSE; OR

(D) ANY PROSPECTIVE EMPLOYER OF A POLICE OFFICER OR PEACE OFFICER AS THOSE TERMS ARE DEFINED IN SUBDIVISIONS THIRTY-THREE AND THIRTY-FOUR OF SECTION 1.20 OF THIS CHAPTER, IN RELATION TO AN APPLICATION FOR EMPLOYMENT AS A POLICE OFFICER OR PEACE OFFICER; PROVIDED, HOWEVER, THAT EVERY PERSON WHO IS AN APPLICANT FOR THE POSITION OF POLICE OFFICER OR PEACE OFFICER SHALL BE FURNISHED WITH A COPY OF ALL RECORDS OBTAINED UNDER THIS PARAGRAPH AND AFFORDED AN OPPORTUNITY TO MAKE AN EXPLANATION THERETO.

5. IF, SUBSEQUENT TO THE SEALING OF RECORDS PURSUANT TO THIS SECTION, THE PERSON WHO IS THE SUBJECT OF SUCH RECORDS IS ARRESTED FOR OR CHARGED WITH ANY MISDEMEANOR OR FELONY OFFENSE, SUCH RECORDS SHALL BE UNSEALED IMMEDIATELY AND REMAIN UNSEALED; PROVIDED, HOWEVER, THAT IF SUCH NEW MISDEMEANOR OR FELONY ARREST RESULTS IN A TERMINATION IN FAVOR OF THE ACCUSED AS DEFINED IN SUBDIVISION THREE OF SECTION 160.50 OF THIS ARTICLE OR BY CONVICTION FOR A NON-CRIMINAL OFFENSE AS DESCRIBED IN SECTION 160.55 OF THIS ARTICLE, SUCH UNSEALED RECORDS SHALL BE CONDITIONALLY SEALED PURSUANT TO THIS SECTION.

6. A DEFENDANT WHO WAS CONVICTED OF ONE OR MORE ELIGIBLE OFFENSES, PRIOR TO THE EFFECTIVE DATE OF THIS SECTION, ALL OF WHICH WERE COMMITTED AS PART OF THE SAME CRIMINAL TRANSACTION AS DEFINED IN SUBDIVISION TWO OF SECTION 40.10 OF THIS CHAPTER, MAY APPLY TO THE COURT OF CONVICTION, ON AN APPLICATION PROMULGATED BY THE DIVISION OF CRIMINAL JUSTICE

SERVICES, FOR THE CONDITIONAL SEALING OF SUCH CONVICTION OR CONVICTIONS IF:

(A) THE OFFENSE OR OFFENSES WERE COMMITTED WHEN THE DEFENDANT WAS TWENTY YEARS OF AGE OR YOUNGER; AND

(B) THE APPLICABLE TIME PERIODS SPECIFIED IN SUBDIVISION TWO OF THIS SECTION HAVE ELAPSED; AND

(C) THE DEFENDANT HAS NOT BEEN CONVICTED OF ANY OTHER CRIME; AND

(D) NO CHARGES ARE PENDING FOR ANY CRIME.

THERE SHALL BE NO FEE ASSOCIATED WITH THIS APPLICATION AND NO PERSONAL APPEARANCE BY THE DEFENDANT IS REQUIRED.

7. WHEN AN APPLICATION IS MADE FOR SEALING PURSUANT TO SUBDIVISION SIX OF THIS SECTION, THE COURT SHALL NOTIFY THE DISTRICT ATTORNEY. IF THE DISTRICT ATTORNEY DOES NOT PROVIDE NOTICE OF OPPOSITION TO SEALING WITHIN FORTY-FIVE DAYS OF RECEIPT OF THE APPLICATION AND THE COURT DETERMINES THAT THE DEFENDANT MEETS THE CRITERIA FOR SEALING SET FORTH IN THIS SECTION, THE COURT SHALL ORDER THAT THE RECORD BE CONDITIONALLY SEALED IN THE MANNER SET FORTH IN THIS SECTION AND NOTIFY THE DIVISION OF CRIMINAL JUSTICE SERVICES OF THE SAME. IF THE DISTRICT ATTORNEY OPPOSES SEALING, HE OR SHE SHALL NOTIFY THE COURT AND THE DEFENDANT OF THE REASONS FOR OPPOSITION. IF THE COURT HAS DETERMINED, SUA SPONTE, OR THE DISTRICT ATTORNEY HAS NOTIFIED THE COURT, THAT THE DEFENDANT DOES NOT MEET THE CRITERIA FOR CONDITIONAL SEALING, THE COURT MUST PROVIDE THE DEFENDANT, ON NOTICE TO THE DISTRICT ATTORNEY, WITH NOTICE AND AN OPPORTUNITY TO DISPUTE SUCH FINDING.

8. NO DEFENDANT SHALL BE REQUIRED OR PERMITTED TO WAIVE ELIGIBILITY FOR CONDITIONAL SEALING PURSUANT TO THIS SECTION AS PART OF A PLEA OF GUILTY, SENTENCE OR ANY AGREEMENT RELATED TO A CONVICTION FOR AN ELIGIBLE OFFENSE AND ANY SUCH WAIVER SHALL BE DEEMED VOID AND WHOLLY UNENFORCEABLE.

S 67. Paragraphs (a) and (b) of subdivision 3 and subdivision 5 of section 180.75 of the criminal procedure law, paragraph (a) of subdivision 3 as added by chapter 481 of the laws of 1978, paragraph (b) of subdivision 3 as amended by chapter 920 of the laws of 1982 and subdivision 5 as added by chapter 411 of the laws of 1979, are amended to read as follows:

(a) If there is reasonable cause to believe that the defendant committed a crime for which a person under the age of [sixteen] EIGHTEEN is criminally responsible, the court must order that the defendant be held for the action of a grand jury of the appropriate superior court, and it must promptly transmit to such superior court the order, the felony complaint, the supporting depositions and all other pertinent documents. Until such papers are received by the superior court, the action is deemed to be still pending in the local criminal court; or

(b) If there is not reasonable cause to believe that the defendant committed a crime for which a person under the age of [sixteen] EIGHTEEN is criminally responsible but there is reasonable cause to believe that the defendant is a "juvenile delinquent" as defined in subdivision one of section 301.2 of the family court act, the court must specify the act or acts it found reasonable cause to believe the defendant did and direct that the action be removed to the family court in accordance with the provisions of article seven hundred twenty-five of this chapter; or

5. Notwithstanding the provisions of subdivision two, three, or four, if a currently undetermined felony complaint against a juvenile offender is pending in a local criminal court, and the defendant has not waived a hearing pursuant to subdivision two and a hearing pursuant to subdivision three has not commenced, the defendant may move in the superior

court which would exercise the trial jurisdiction of the offense or offenses charged were an indictment therefor to result, to remove the action to family court. The procedural rules of subdivisions one and two of section 210.45 of this chapter are applicable to a motion pursuant to this subdivision. Upon such motion, the superior court shall be authorized to sit as a local criminal court to exercise the preliminary jurisdiction specified in subdivisions two and three of this section, and shall proceed and determine the motion as provided in section 210.43 of this chapter[; provided, however, that the exception provisions of paragraph (b) of subdivision one of such section 210.43 shall not apply when there is not reasonable cause to believe that the juvenile offender committed one or more of the crimes enumerated therein, and in such event the provisions of paragraph (a) thereof shall apply].

S 68. Subdivisions (a), (b) and (c) of section 190.71 of the criminal procedure law, subdivision (a) as amended by chapter 7 of the laws of 2007 and subdivisions (b) and (c) as added by chapter 481 of the laws of 1978, are amended to read as follows:

(a) Except as provided in subdivision six of section 200.20 of this chapter, a grand jury may not indict (i) a person thirteen years of age for any conduct or crime other than, WHERE PROSECUTION IS AUTHORIZED BY LAW UNDER SECTION 726.05 OF THIS CHAPTER AND SECTION 325.5 OF THE FAMILY COURT ACT, conduct constituting a crime defined in subdivisions one and two of section 125.25 (murder in the second degree) or such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; (ii) a person fourteen [or], fifteen, SIXTEEN OR SEVENTEEN years of age for any conduct or crime other than, WHERE PROSECUTION IS AUTHORIZED BY LAW UNDER SECTION 726.05 OF THIS CHAPTER AND SECTION 325.5 OF THE FAMILY COURT ACT, conduct constituting a crime defined in subdivisions one and two of section 125.25 (murder in the second degree) and in subdivision three of such section provided that the underlying crime for the murder charge is one for which such person is criminally responsible; 135.25 (kidnapping in the first degree); 150.20 (arson in the first degree); subdivisions one and two of section 120.10 (assault in the first degree); 125.20 (manslaughter in the first degree); subdivisions one and two of section 130.35 (rape in the first degree); subdivisions one and two of section 130.50 (criminal sexual act in the first degree); 130.70 (aggravated sexual abuse in the first degree); 140.30 (burglary in the first degree); subdivision one of section 140.25 (burglary in the second degree); 150.15 (arson in the second degree); 160.15 (robbery in the first degree); subdivision two of section 160.10 (robbery in the second degree) of the penal law; [subdivision four of section 265.02 of the penal law, where such firearm is possessed on school grounds, as that phrase is defined in subdivision fourteen of section 220.00 of the penal law;] or section 265.03 of the penal law, where such machine gun or such firearm is possessed on school grounds, as that phrase is defined in subdivision fourteen of section 220.00 of the penal law; or defined in the penal law as an attempt to commit murder in the second degree or kidnapping in the first degree, or such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; AND (III) A PERSON SIXTEEN OR SEVENTEEN YEARS OF AGE FOR ANY CONDUCT OR CRIME OTHER THAN AS SPECIFIED IN PARAGRAPH (II) OF THIS SUBDIVISION AND CONDUCT CONSTITUTING THE CRIMES DEFINED IN SECTION 490.25 (CRIME OF TERRORISM); 490.45 (CRIMINAL POSSESSION OF A CHEMICAL WEAPON OR BIOLOGICAL WEAPON IN THE FIRST DEGREE); 490.55 (CRIMINAL USE OF A CHEMICAL WEAPON OR BIOLOGICAL WEAPON IN THE FIRST DEGREE); 490.50 (CRIMINAL USE OF A CHEMICAL WEAPON OR

BIOLOGICAL WEAPON IN THE SECOND DEGREE); 135.25 (KIDNAPPING IN THE FIRST DEGREE); 125.25 (MURDER IN THE SECOND DEGREE); 130.95 (PREDATORY SEXUAL ASSAULT) OF THIS CHAPTER.

(b) A grand jury may vote to file a request to remove a charge to the family court if it finds that a person thirteen, fourteen [or], fifteen, SIXTEEN OR SEVENTEEN years of age did an act which, if done by a person over the age of [sixteen] EIGHTEEN, would constitute a crime provided (1) such act is one for which it may not indict; (2) it does not indict such person for a crime; and (3) the evidence before it is legally sufficient to establish that such person did such act and competent and admissible evidence before it provides reasonable cause to believe that such person did such act.

(c) Upon voting to remove a charge to the family court pursuant to subdivision (b) of this section, the grand jury must, through its foreman or acting foreman, file a request to transfer such charge to the family court. Such request shall be filed with the court by which it was impaneled. It must (1) allege that a person named therein did any act which, if done by a person over the age of [sixteen] EIGHTEEN, would constitute a crime; (2) specify the act and the time and place of its commission; and (3) be signed by the foreman or the acting foreman.

S 69. Subdivision 6 of section 200.20 of the criminal procedure law, as added by chapter 136 of the laws of 1980, is amended to read as follows:

6. Where an indictment charges at least one offense against a defendant who was under the age of [sixteen] EIGHTEEN at the time of the commission of the crime and who did not lack criminal responsibility for such crime by reason of infancy, the indictment may, in addition, charge in separate counts one or more other offenses for which such person would not have been criminally responsible by reason of infancy, if:

(a) the offense for which the defendant is criminally responsible and the one or more other offenses for which he would not have been criminally responsible by reason of infancy are based upon the same act or upon the same criminal transaction, as that term is defined in subdivision two of section 40.10 of this chapter; or

(b) the offenses are of such nature that either proof of the first offense would be material and admissible as evidence in chief upon a trial of the second, or proof of the second would be material and admissible as evidence in chief upon a trial of the first.

S 70. Subdivision 5 of section 210.20 of the criminal procedure law, as added by chapter 136 of the laws of 1980, is amended to read as follows:

5. If the court dismisses one or more counts of an indictment, against a defendant who was under the age of [sixteen] EIGHTEEN at the time of the commission of the crime and who did not lack criminal responsibility for such crime by reason of infancy, and one or more other counts of the indictment having been joined in the indictment solely with the dismissed count pursuant to subdivision six of section 200.20 is not dismissed, the court must direct that such count be removed to the family court in accordance with article seven hundred twenty-five of this chapter.

S 71. Paragraph (b) of subdivision 1 of section 210.43 of the criminal procedure law, as amended by chapter 264 of the laws of 2003, is amended to read as follows:

(b) [with the consent of the district attorney,] order removal of an action involving an indictment charging a juvenile offender with murder in the second degree as defined in section 125.25 of the penal law; rape

in the first degree, as defined in subdivision one of section 130.35 of the penal law; criminal sexual act in the first degree, as defined in subdivision one of section 130.50 of the penal law; or an armed felony as defined in paragraph (a) of subdivision forty-one of section 1.20, to the family court pursuant to the provisions of article seven hundred twenty-five of this chapter if the court finds one or more of the following factors: (i) mitigating circumstances that bear directly upon the manner in which the crime was committed; (ii) where the defendant was not the sole participant in the crime, the defendant's participation was relatively minor although not so minor as to constitute a defense to the prosecution; or (iii) possible deficiencies in the proof of the crime, and, after consideration of the factors set forth in subdivision two of this section, the court determined that removal of the action to the family court would be in the interests of justice.

S 72. Subparagraphs (i), (iii) and the second undesignated paragraph of paragraph (g) of subdivision 5 of section 220.10 of the criminal procedure law, subparagraph (i) as amended by chapter 410 of the laws of 1979, subparagraph (iii) as amended by chapter 264 of the laws of 2003 and the second undesignated paragraph as amended by chapter 920 of the laws of 1982, are amended to read as follows:

(i) If the indictment charges a person fourteen [or], fifteen, SIXTEEN OR SEVENTEEN years old with the crime of murder in the second degree any plea of guilty entered pursuant to subdivision three or four must be a plea of guilty of a crime for which the defendant is criminally responsible;

(iii) Where the indictment does not charge a crime specified in subparagraph (i) of this paragraph, the district attorney may recommend removal of the action to the family court. Upon making such recommendation the district attorney shall submit a subscribed memorandum setting forth: (1) a recommendation that the interests of justice would best be served by removal of the action to the family court; and (2) if the indictment charges a thirteen year old with the crime of murder in the second degree, or a fourteen [or], fifteen, SIXTEEN OR SEVENTEEN year old with the crimes of rape in the first degree as defined in subdivision one of section 130.35 of the penal law, or criminal sexual act in the first degree as defined in subdivision one of section 130.50 of the penal law, or an armed felony as defined in paragraph (a) of subdivision forty-one of section 1.20 of this chapter specific factors, one or more of which reasonably supports the recommendation, showing, (i) mitigating circumstances that bear directly upon the manner in which the crime was committed, or (ii) where the defendant was not the sole participant in the crime, that the defendant's participation was relatively minor although not so minor as to constitute a defense to the prosecution, or (iii) possible deficiencies in proof of the crime, or (iv) where the juvenile offender has no previous adjudications of having committed a designated felony act, as defined in subdivision eight of section 301.2 of the family court act, regardless of the age of the offender at the time of commission of the act, that the criminal act was not part of a pattern of criminal behavior and, in view of the history of the offender, is not likely to be repeated.

If the court is of the opinion [based on specific factors set forth in the district attorney's memorandum] that the interests of justice would best be served by removal of the action to the family court, a plea of guilty of a crime or act for which the defendant is not criminally responsible may be entered pursuant to subdivision three or four of this section, except that a thirteen year old charged with the crime of

murder in the second degree may only plead to a designated felony act, as defined in subdivision eight of section 301.2 of the family court act.

S 73. Subdivision 5 of section 300.50 of the criminal procedure law, as added by chapter 481 of the laws of 1978, is amended to read as follows:

5. Where the indictment charges a crime committed by the defendant while he OR SHE was under the age of [sixteen] EIGHTEEN but a lesser included offense would be one for which the defendant is not criminally responsible by reason of infancy, such lessor included offense may nevertheless be submitted to the jury in the same manner as an offense for which the defendant would be criminally responsible notwithstanding the fact that a verdict of guilty would not result in a criminal conviction.

S 74. Section 330.25 of the criminal procedure law, as added by chapter 481 of the laws of 1978, and subdivision 2 as amended by chapter 920 of the laws of 1982, is amended to read as follows:

S 330.25 Removal after verdict.

1. Where a defendant is a juvenile offender who does not stand convicted of murder in the second degree, upon motion [and with the consent of the district attorney], the action may be removed to the family court in the interests of justice pursuant to article seven hundred twenty-five of this chapter notwithstanding the verdict.

2. [If the district attorney consents to the motion for removal pursuant to this section, he shall file a subscribed memorandum with the court setting forth (1) a recommendation that] IN DETERMINING THE MOTION, THE COURT SHALL CONSIDER: (1) WHETHER the interests of justice would best be served by removal of the action to the family court; and (2) if the conviction is of an offense set forth in paragraph (b) of subdivision one of section 210.43 of this chapter, WHETHER specific factors EXIST, one or more of which reasonably [support] SUPPORTS the [recommendation] MOTION, showing, (i) mitigating circumstances that bear directly upon the manner in which the crime was committed, or (ii) where the defendant was not the sole participant in the crime, that the defendant's participation was relatively minor although not so minor as to constitute a defense to prosecution, or (iii) where the juvenile offender has no previous adjudications of having committed a designated felony act, as defined in subdivision eight of section 301.2 of the family court act, regardless of the age of the offender at the time of commission of the act, that the criminal act was not part of a pattern of criminal behavior and, in view of the history of the offender, is not likely to be repeated.

3. If the court is of the opinion, based upon the specific factors [set forth in the district attorney's memorandum] SHOWN TO THE COURT, that the interests of justice would best be served by removal of the action to the family court, the verdict shall be set aside and a plea of guilty of a crime or act for which the defendant is not criminally responsible may be entered pursuant to subdivision three or four of section 220.10 of this chapter. Upon accepting any such plea, the court must specify upon the record the [portion or portions of the district attorney's statement] FACTORS the court is relying upon as the basis of its opinion and that it believes the interests of justice would best be served by removal of the proceeding to the family court. Such plea shall then be deemed to be a juvenile delinquency fact determination and the court upon entry thereof must direct that the action be removed to

the family court in accordance with the provisions of article seven hundred twenty-five of this chapter.

S 75. Subdivision 2 of section 410.40 of the criminal procedure law, as amended by chapter 652 of the laws of 2008 is amended to read as follows:

2. Warrant. (A) Where the probation officer has requested that a probation warrant be issued, the court shall, within seventy-two hours of its receipt of the request, issue or deny the warrant or take any other lawful action including issuance of a notice to appear pursuant to subdivision one of this section. If at any time during the period of a sentence of probation or of conditional discharge the court has reasonable grounds to believe that the defendant has violated a condition of the sentence, the court may issue a warrant to a police officer or to an appropriate peace officer directing him or her to take the defendant into custody and bring the defendant before the court without unnecessary delay; provided, however, if the court in which the warrant is returnable is a superior court, and such court is not available, and the warrant is addressed to a police officer or appropriate probation officer certified as a peace officer, such executing officer may UNLESS OTHERWISE SPECIFIED UNDER PARAGRAPH (B) OF THIS SECTION, bring the defendant to the local correctional facility of the county in which such court sits, to be detained there until not later than the commencement of the next session of such court occurring on the next business day; or if the court in which the warrant is returnable is a local criminal court, and such court is not available, and the warrant is addressed to a police officer or appropriate probation officer certified as a peace officer, such executing officer must without unnecessary delay bring the defendant before an alternate local criminal court, as provided in subdivision five of section 120.90 of this chapter. A court which issues such a warrant may attach thereto a summary of the basis for the warrant. In any case where a defendant arrested upon the warrant is brought before a local criminal court other than the court in which the warrant is returnable, such local criminal court shall consider such summary before issuing a securing order with respect to the defendant.

(B) IF THE COURT IN WHICH THE WARRANT IS RETURNABLE IS A SUPERIOR COURT, AND SUCH COURT IS NOT AVAILABLE, AND THE WARRANT IS ADDRESSED TO A POLICE OFFICER OR APPROPRIATE PROBATION OFFICER CERTIFIED AS A PEACE OFFICER, SUCH EXECUTING OFFICER SHALL, WHERE A DEFENDANT IS SEVENTEEN YEARS OF AGE OR YOUNGER WHO ALLEGEDLY COMMITS AN OFFENSE OR A VIOLATION OF HIS OR HER PROBATION OR CONDITIONAL DISCHARGE IMPOSED FOR AN OFFENSE, BRING THE DEFENDANT TO A JUVENILE DETENTION FACILITY, TO BE DETAINED THERE UNTIL NOT LATER THAN THE COMMENCEMENT OF THE NEXT SESSION OF SUCH COURT OCCURRING ON THE NEXT BUSINESS DAY.

S 76. Section 410.60 of the criminal procedure law, as amended by chapter 652 of the laws of 2008, is amended to read as follows:

S 410.60 Appearance before court.

(A) A person who has been taken into custody pursuant to section 410.40 or section 410.50 of this article for violation of a condition of a sentence of probation or a sentence of conditional discharge must forthwith be brought before the court that imposed the sentence. Where a violation of probation petition and report has been filed and the person has not been taken into custody nor has a warrant been issued, an initial court appearance shall occur within ten business days of the court's issuance of a notice to appear. If the court has reasonable cause to believe that such person has violated a condition of the sentence, it may commit him OR HER to the custody of the sheriff or fix

bail or release such person on his OR HER own recognizance for future appearance at a hearing to be held in accordance with section 410.70 of this article. If the court does not have reasonable cause to believe that such person has violated a condition of the sentence, it must direct that he OR SHE be released.

(B) A JUVENILE OFFENDER WHO HAS BEEN TAKEN INTO CUSTODY PURSUANT TO SECTION 410.40 OR SECTION 410.50 OF THIS ARTICLE FOR VIOLATION OF A CONDITION OF A SENTENCE OF PROBATION OR A SENTENCE OF CONDITIONAL DISCHARGE MUST FORTHWITH BE BROUGHT BEFORE THE COURT THAT IMPOSED THE SENTENCE. WHERE A VIOLATION OF PROBATION PETITION AND REPORT HAS BEEN FILED AND THE PERSON HAS NOT BEEN TAKEN INTO CUSTODY NOR HAS A WARRANT BEEN ISSUED, AN INITIAL COURT APPEARANCE SHALL OCCUR WITHIN TEN BUSINESS DAYS OF THE COURT'S ISSUANCE OF A NOTICE TO APPEAR. IF THE COURT HAS REASONABLE CAUSE TO BELIEVE THAT SUCH PERSON HAS VIOLATED A CONDITION OF THE SENTENCE, IT MAY COMMIT HIM OR HER TO THE CUSTODY OF THE SHERIFF OR FIX BAIL OR RELEASE SUCH PERSON ON HIS OR HER OWN RECOGNIZANCE FOR FUTURE APPEARANCE AT A HEARING TO BE HELD IN ACCORDANCE WITH SECTION 410.70 OF THIS ARTICLE. PROVIDED, HOWEVER, NOTHING HEREIN SHALL AUTHORIZE A JUVENILE TO BE DETAINED FOR A VIOLATION OF A CONDITION THAT WOULD NOT CONSTITUTE A CRIME IF COMMITTED BY AN ADULT UNLESS THE COURT DETERMINES (I) THAT THE JUVENILE POSES A SPECIFIC IMMINENT THREAT TO PUBLIC SAFETY AND STATES THE REASONS FOR THE FINDING ON THE RECORD OR (II) THE JUVENILE IS ON PROBATION FOR AN ACT THAT WOULD CONSTITUTE A VIOLENT FELONY AS DEFINED IN SECTION 70.02 OF THE PENAL LAW IF COMMITTED BY AN ADULT AND THE USE OF GRADUATED SANCTIONS HAS BEEN EXHAUSTED WITHOUT SUCCESS. IF THE COURT DOES NOT HAVE REASONABLE CAUSE TO BELIEVE THAT SUCH PERSON HAS VIOLATED A CONDITION OF THE SENTENCE, IT MUST DIRECT THAT THE JUVENILE BE RELEASED.

S 77. Subdivision 5 of section 410.70 of the criminal procedure law, as amended by chapter 17 of the laws of 2014, is amended to read as follows:

5. Revocation; modification; continuation. (A) At the conclusion of the hearing the court may revoke, continue or modify the sentence of probation or conditional discharge. Where the court revokes the sentence, it must impose sentence as specified in subdivisions three and four of section 60.01 of the penal law. Where the court continues or modifies the sentence, it must vacate the declaration of delinquency and direct that the defendant be released. If the alleged violation is sustained and the court continues or modifies the sentence, it may extend the sentence up to the period of interruption specified in subdivision two of section 65.15 of the penal law, but any time spent in custody in any correctional institution OR JUVENILE DETENTION FACILITY pursuant to section 410.40 OR 410.60 of this article shall be credited against the term of the sentence. Provided further, where the alleged violation is sustained and the court continues or modifies the sentence, the court may also extend the remaining period of probation up to the maximum term authorized by section 65.00 of the penal law. Provided, however, a defendant shall receive credit for the time during which he or she was supervised under the original probation sentence prior to any declaration of delinquency and for any time spent in custody pursuant to this article for an alleged violation of probation.

(B) NOTWITHSTANDING PARAGRAPH (A) OF THIS SUBDIVISION, NOTHING HEREIN SHALL AUTHORIZE THE PLACEMENT OF A JUVENILE FOR A VIOLATION OF A CONDITION THAT WOULD NOT CONSTITUTE A CRIME IF COMMITTED BY AN ADULT UNLESS THE COURT DETERMINES (I) THAT THE JUVENILE POSES A SPECIFIC IMMINENT THREAT TO PUBLIC SAFETY AND STATES THE REASONS FOR THE FINDING ON THE

RECORD OR (II) THE JUVENILE IS ON PROBATION FOR AN ACT THAT WOULD CONSTITUTE A VIOLENT FELONY AS DEFINED IN SECTION 70.02 OF THE PENAL LAW IF COMMITTED BY AN ADULT AND THE USE OF GRADUATED SANCTIONS HAS BEEN EXHAUSTED WITHOUT SUCCESS.

S 78. Section 510.15 of the criminal procedure law, as amended by chapter 411 of the laws of 1979, subdivision 1 as designated and subdivision 2 as added by chapter 359 of the laws of 1980, is amended to read as follows:

S 510.15 Commitment of principal under [sixteen] EIGHTEEN.

1. When a principal who is (A) under the age of [sixteen] EIGHTEEN, is committed to the custody of the sheriff the court must direct that the principal be taken to and lodged in a place certified by the [state division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES as a juvenile detention facility for the reception of children. Where such a direction is made the sheriff shall deliver the principal in accordance therewith and such person shall although lodged and cared for in a juvenile detention facility continue to be deemed to be in the custody of the sheriff. No principal under the age [of sixteen] SPECIFIED to whom the provisions of this section may apply shall be detained in any prison, jail, lockup, or other place used for adults convicted of a crime or under arrest and charged with the commission of a crime without the approval of the [state division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES in the case of each principal and the statement of its reasons therefor. The sheriff shall not be liable for any acts done to or by such principal resulting from negligence in the detention of and care for such principal, when the principal is not in the actual custody of the sheriff.

2. Except upon consent of the defendant or for good cause shown, in any case in which a new securing order is issued for a principal previously committed to the custody of the sheriff pursuant to this section, such order shall further direct the sheriff to deliver the principal from a juvenile detention facility to the person or place specified in the order.

S 79. Subdivision 1 of section 720.10 of the criminal procedure law, as amended by chapter 411 of the laws of 1979, is amended to read as follows:

1. "Youth" means a person charged with a crime alleged to have been committed when he OR SHE was at least [sixteen] EIGHTEEN years old and less than [nineteen] TWENTY-ONE years old or a person charged with being a juvenile offender as defined in subdivision forty-two of section 1.20 of this chapter.

S 80. Subdivision 3 of section 720.15 of the criminal procedure law, as amended by chapter 774 of the laws of 1985, is amended to read as follows:

3. The provisions of subdivisions one and two of this section requiring or authorizing the accusatory instrument filed against a youth to be sealed, and the arraignment and all proceedings in the action to be conducted in private shall not apply in connection with a pending charge of committing any [felony] SEX offense as defined in the penal law. [The provisions of subdivision one requiring the accusatory instrument filed against a youth to be sealed shall not apply where such youth has previously been adjudicated a youthful offender or convicted of a crime.]

S 81. Subdivision 1 of section 720.20 of the criminal procedure law, as amended by chapter 652 of the laws of 1974, is amended to read as follows:

1. Upon conviction of an eligible youth, the court must order a pre-
2 sentence investigation of the defendant. After receipt of a written
3 report of the investigation and at the time of pronouncing sentence the
4 court must determine whether or not the eligible youth is a youthful
5 offender. Such determination shall be in accordance with the following
6 criteria:
7 (a) If in the opinion of the court the interest of justice would be
8 served by relieving the eligible youth from the onus of a criminal
9 record and by not imposing an indeterminate term of imprisonment of more
10 than four years, the court may, in its discretion, find the eligible
11 youth is a youthful offender; [and]
12 (b) Where the conviction is had in a local criminal court and the
13 eligible youth had not prior to commencement of trial or entry of a plea
14 of guilty been convicted of a crime or found a youthful offender, the
15 court must find he is a youthful offender[.]; AND
16 (C) THERE SHALL BE A PRESUMPTION TO GRANT YOUTHFUL OFFENDER STATUS TO
17 AN ELIGIBLE YOUTH WHO HAS NOT PREVIOUSLY BEEN CONVICTED AND SENTENCED OR
18 ADJUDICATED FOR A FELONY, UNLESS THE DISTRICT ATTORNEY UPON MOTION WITH
19 NOT LESS THAN SEVEN DAYS NOTICE TO SUCH PERSON AND HIS OR HER ATTORNEY
20 DEMONSTRATES TO THE SATISFACTION OF THE COURT THAT THE INTERESTS OF
21 JUSTICE REQUIRE OTHERWISE.
22 S 82. Subdivision 1 of section 720.35 of the criminal procedure law,
23 as amended by chapter 402 of the laws of 2014, is amended to read as
24 follows:
25 1. A youthful offender adjudication is not a judgment of conviction
26 for a crime or any other offense, and does not operate as a disquali-
27 fication of any person so adjudged to hold public office or public
28 employment or to receive any license granted by public authority but
29 shall be deemed a conviction only for the purposes of transfer of super-
30 vision and custody pursuant to section two hundred [fifty-nine-m]
31 FIFTY-NINE-MM of the executive law. A defendant for whom a youthful
32 offender adjudication was substituted, who was originally charged with
33 prostitution as defined in section 230.00 of the penal law or loitering
34 for the purposes of prostitution as defined in subdivision two of
35 section 240.37 of the penal law provided that the person does not stand
36 charged with loitering for the purpose of patronizing a prostitute, for
37 an offense allegedly committed when he or she was sixteen or seventeen
38 years of age, shall be deemed a "sexually exploited child" as defined in
39 subdivision one of section four hundred forty-seven-a of the social
40 services law and therefore shall not be considered an adult for purposes
41 related to the charges in the youthful offender proceeding or a proceed-
42 ing under section 170.80 of this chapter.
43 S 83. Paragraph (f) of subdivision 2 of section 725.20 of the criminal
44 procedure law is REPEALED and paragraph (g) is relettered paragraph (f).
45 S 84. Paragraph (e) of subdivision 2 of section 725.20 of the criminal
46 procedure law, as amended by chapter 411 of the laws of 1979, is amended
47 to read as follows:
48 (e) Where the direction is one authorized by subdivision one of
49 section 210.43 of this chapter, a copy of that portion of the minutes
50 containing the statement by the court pursuant to paragraph [(a)] A of
51 subdivision five of section 210.43; AND
52 S 85. The criminal procedure law is amended by adding a new article
53 726 to read as follows:
54 ARTICLE 726
55 REMOVAL OF PROCEEDINGS AGAINST AN ALLEGED
56 JUVENILE DELINQUENT FROM FAMILY COURT TO A SUPERIOR COURT

SECTION 726.00 APPLICABILITY.
726.05 FILING OF ORDER OF REMOVAL AND PROCEEDINGS THEREON.
S 726.00 APPLICABILITY.
THE PROVISIONS OF THIS ARTICLE APPLY IN ANY CASE WHERE A COURT DIRECTS THAT AN ACTION OR CHARGE BROUGHT BY A JUVENILE DELINQUENCY PETITION, PURSUANT TO ARTICLE THREE OF THE FAMILY COURT ACT, AGAINST A JUVENILE OFFENDER WHO WAS THIRTEEN, FOURTEEN OR FIFTEEN YEARS OLD AT THE TIME OF SUCH OFFENSE, IS TO BE REMOVED FROM FAMILY COURT TO A SUPERIOR CRIMINAL COURT PURSUANT TO SECTION 325.5 OF THE FAMILY COURT ACT.
S 726.05 FILING OF ORDER OF REMOVAL AND PROCEEDINGS THEREON.
1. WHEN A FAMILY COURT DIRECTS THAT AN ACTION OR CHARGE BROUGHT AGAINST A JUVENILE OFFENDER BY A JUVENILE DELINQUENCY PETITION PURSUANT TO ARTICLE THREE OF THE FAMILY COURT ACT BE REMOVED FROM FAMILY COURT TO A SUPERIOR CRIMINAL COURT PURSUANT TO SECTION 325.5 OF THE FAMILY COURT ACT, THE DISTRICT ATTORNEY WHO REQUESTED SUCH REMOVAL SHALL PROMPTLY FILE SUCH REMOVAL ORDER AND THE APPROPRIATE CHARGING DOCUMENTS WITH THE SUPERIOR CRIMINAL COURT THAT WOULD EXERCISE TRIAL JURISDICTION OVER SUCH OFFENSE OR OFFENSES WERE AN INDICTMENT THEREFOR TO RESULT.
2. FOLLOWING THE GRANTING OF SUCH AN ORDER OF REMOVAL, THE JUVENILE SHALL BE BROUGHT FORTHWITH AND WITH ALL REASONABLE SPEED BEFORE THE APPROPRIATE SUPERIOR CRIMINAL COURT FOR APPROPRIATE PROCEEDINGS. FOR PURPOSES OF THIS SECTION, A JUDGE OR JUSTICE OF A SUPERIOR COURT SHALL PRESIDE OVER SUCH PROCEEDINGS AS SUCH A JUDGE OR JUSTICE OF THE SUPERIOR CRIMINAL COURT, OR AS A LOCAL CRIMINAL COURT, AS APPROPRIATE.
3. THE SUPERIOR CRIMINAL COURT MUST ASSUME JURISDICTION AND PROCEED AS THE CIRCUMSTANCES REQUIRE, IN THE MANNER AND TO THE EXTENT PROVIDED BY LAW.
4. UPON THE FILING OF AN ORDER OF REMOVAL IN THE SUPERIOR CRIMINAL COURT, THE FAMILY COURT ARTICLE THREE ACTION UPON WHICH THE ORDER IS BASED SHALL BE TERMINATED AND THERE SHALL BE NO FURTHER PROCEEDINGS IN THE FAMILY COURT WITH RESPECT TO THE OFFENSE, UNLESS SUCH ACTION IS REMOVED BACK TO THE FAMILY COURT IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE SEVEN HUNDRED TWENTY-FIVE OF THIS CHAPTER. ALL FURTHER PROCEEDINGS INCLUDING MOTIONS AND APPEALS SHALL BE IN ACCORDANCE WITH LAWS APPERTAINING TO THE CRIMINAL COURT AND FOR THIS PURPOSE ALL FINDINGS, DETERMINATIONS, VERDICTS AND ORDERS, OTHER THAN THE ORDER OF REMOVAL, SHALL BE DEEMED TO HAVE BEEN MADE BY THE SUPERIOR CRIMINAL COURT.
S 86. Subdivision 1 of section 500-a of the correction law is amended by adding a new paragraph (h) to read as follows:
(H) NOTWITHSTANDING ANY OTHER PROVISION OF LAW NO COUNTY JAIL SHALL BE USED FOR THE CONFINEMENT OF ANY PERSON UNDER THE AGE OF EIGHTEEN. PLACEMENT OF ANY PERSON WHO MAY NOT BE CONFINED TO A COUNTY JAIL PURSUANT TO THIS SUBDIVISION SHALL BE DETERMINED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES.
S 87. Subdivision 4 of section 500-b of the correction law is REPEALED.
S 88. Subparagraph 3 of paragraph (c) of subdivision 8 of section 500-b of the correction law is REPEALED.
S 89. Subdivision 13 of section 500-b of the correction law is REPEALED.
S 90. Subparagraph 1 of paragraph d of subdivision 3 of section 3214 of the education law, as amended by chapter 425 of the laws of 2002, is amended to read as follows:
(1) Consistent with the federal gun-free schools act, any public school pupil who is determined under this subdivision to have brought a

firearm to or possessed a firearm at a public school shall be suspended for a period of not less than one calendar year and any nonpublic school pupil participating in a program operated by a public school district using funds from the elementary and secondary education act of nineteen hundred sixty-five who is determined under this subdivision to have brought a firearm to or possessed a firearm at a public school or other premises used by the school district to provide such programs shall be suspended for a period of not less than one calendar year from participation in such program. The procedures of this subdivision shall apply to such a suspension of a nonpublic school pupil. A superintendent of schools, district superintendent of schools or community superintendent shall have the authority to modify this suspension requirement for each student on a case-by-case basis. The determination of a superintendent shall be subject to review by the board of education pursuant to paragraph c of this subdivision and the commissioner pursuant to section three hundred ten of this chapter. Nothing in this subdivision shall be deemed to authorize the suspension of a student with a disability in violation of the individuals with disabilities education act or article eighty-nine of this chapter. A superintendent shall refer the pupil under the age of [sixteen] EIGHTEEN who has been determined to have brought a weapon or firearm to school in violation of this subdivision to a presentment agency for a juvenile delinquency proceeding consistent with article three of the family court act except a student [fourteen or fifteen years of age] who qualifies for juvenile offender status under subdivision forty-two of section 1.20 of the criminal procedure law. A superintendent shall refer any pupil [sixteen] EIGHTEEN years of age or older or a student [fourteen or fifteen years of age] who qualifies for juvenile offender status under subdivision forty-two of section 1.20 of the criminal procedure law, who has been determined to have brought a weapon or firearm to school in violation of this subdivision to the appropriate law enforcement officials.

S 91. Paragraph b of subdivision 4 of section 3214 of the education law, as amended by chapter 181 of the laws of 2000, is amended to read as follows:

b. The school authorities may institute proceedings before a court having jurisdiction to determine the liability of a person in parental relation to contribute towards the maintenance of a school delinquent under [sixteen] SEVENTEEN years of age ordered to attend upon instruction under confinement. If the court shall find the person in parental relation able to contribute towards the maintenance of such a minor, it may issue an order fixing the amount to be paid weekly.

S 92. Subdivisions 3 and 4 of section 246 of the executive law, as amended by section 10 of part D of chapter 56 of the laws of 2010, are amended to read as follows:

3. Applications from counties or the city of New York for state aid under this section shall be made by filing with the division of criminal justice services, a detailed plan, including cost estimates covering probation services for the fiscal year or portion thereof for which aid is requested. Included in such estimates shall be clerical costs and maintenance and operation costs as well as salaries of probation personnel, FAMILY ENGAGEMENT SPECIALISTS and such other pertinent information as the commissioner of the division of criminal justice services may require. Items for which state aid is requested under this section shall be duly designated in the estimates submitted. The commissioner of the division of criminal justice services, after consultation with the state probation commission and the director of the office of probation and

correctional alternatives, shall approve such plan if it conforms to standards relating to the administration of probation services as specified in the rules adopted by him or her.

4. A. An approved plan and compliance with standards relating to the administration of probation services promulgated by the commissioner of the division of criminal justice services shall be a prerequisite to eligibility for state aid.

The commissioner of the division of criminal justice services may take into consideration granting additional state aid from an appropriation made for state aid for county probation services for counties or the city of New York when a county or the city of New York demonstrates that additional probation services were dedicated to intensive supervision programs[,] AND intensive programs for sex offenders [or programs defined as juvenile risk intervention services]. THE COMMISSIONER SHALL GRANT ADDITIONAL STATE AID FROM AN APPROPRIATION DEDICATED TO JUVENILE RISK INTERVENTION SERVICES COORDINATION BY PROBATION DEPARTMENTS WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, PROBATION SERVICES PERFORMED UNDER ARTICLE THREE OF THE FAMILY COURT ACT OR ARTICLE SEVEN HUNDRED TWENTY-TWO OF THE CRIMINAL PROCEDURE LAW. The administration of such additional grants shall be made according to rules and regulations promulgated by the commissioner of the division of criminal justice services. Each county and the city of New York shall certify the total amount collected pursuant to section two hundred fifty-seven-c of this chapter. The commissioner of the division of criminal justice services shall thereupon certify to the comptroller for payment by the state out of funds appropriated for that purpose, the amount to which the county or the city of New York shall be entitled under this section. THE COMMISSIONER SHALL, SUBJECT TO AN APPROPRIATION MADE AVAILABLE FOR SUCH PURPOSE, ESTABLISH AND PROVIDE FUNDING TO PROBATION DEPARTMENTS FOR A CONTINUUM OF EVIDENCE-BASED INTERVENTION SERVICES FOR YOUTH ALLEGED OR ADJUDICATED JUVENILE DELINQUENTS PURSUANT TO ARTICLE THREE OF THE FAMILY COURT ACT.

B. ADDITIONAL STATE AID SHALL BE MADE IN AN AMOUNT NECESSARY TO PAY ONE HUNDRED PERCENT OF THE EXPENDITURES FOR EVIDENCE-BASED PRACTICES AND JUVENILE RISK AND EVIDENCE-BASED INTERVENTION SERVICES PROVIDED TO YOUTH AGED SIXTEEN YEARS OF AGE OR OLDER WHEN SUCH SERVICES WOULD NOT OTHERWISE HAVE BEEN PROVIDED ABSENT THE PROVISIONS OF A CHAPTER OF THE LAWS OF TWO THOUSAND FIFTEEN THAT INCREASED THE AGE OF JUVENILE JURISDICTION.

S 93. The executive law is amended by adding a new section 259-p to read as follows:

S 259-P. INTERSTATE DETENTION. (1) (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A DEFENDANT SUBJECT TO SECTION TWO HUNDRED FIFTY-NINE-MM OF THIS CHAPTER, MAY BE DETAINED AS AUTHORIZED BY THE INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION.

(B) A DEFENDANT SHALL BE DETAINED AT A LOCAL CORRECTIONAL FACILITY, EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (C) OF THIS SUBDIVISION.

(C) A DEFENDANT SEVENTEEN YEARS OF AGE OR YOUNGER WHO ALLEGEDLY COMMITS A CRIMINAL ACT OR VIOLATION OF HIS OR HER SUPERVISION SHALL BE DETAINED IN A JUVENILE DETENTION FACILITY.

S 94. Subdivision 16 of section 296 of the executive law, as separately amended by section 3 of part N and section 14 of part AAA of chapter 56 of the laws of 2009, is amended to read as follows:

16. It shall be an unlawful discriminatory practice, unless specifically required or permitted by statute, for any person, agency, bureau, corporation or association, including the state and any political subdivision thereof, to make any inquiry about, whether in any form of appli-

cation or otherwise, or to act upon adversely to the individual involved, any arrest or criminal accusation of such individual not then pending against that individual which was followed by a termination of that criminal action or proceeding in favor of such individual, as defined in subdivision two of section 160.50 of the criminal procedure law, or by a youthful offender adjudication, as defined in subdivision one of section 720.35 of the criminal procedure law, or by a conviction for a violation sealed pursuant to section 160.55 of the criminal procedure law or by a conviction which is sealed pursuant to [section] SECTIONS 160.56 OR 160.58 of the criminal procedure law, in connection with the licensing, employment or providing of credit or insurance to such individual; provided, further, that no person shall be required to divulge information pertaining to any arrest or criminal accusation of such individual not then pending against that individual which was followed by a termination of that criminal action or proceeding in favor of such individual, as defined in subdivision two of section 160.50 of the criminal procedure law, or by a youthful offender adjudication, as defined in subdivision one of section 720.35 of the criminal procedure law, or by a conviction for a violation sealed pursuant to section 160.55 of the criminal procedure law, or by a conviction which is sealed pursuant to [section] SECTIONS 160.56 OR 160.58 of the criminal procedure law. The provisions of this subdivision shall not apply to the licensing activities of governmental bodies in relation to the regulation of guns, firearms and other deadly weapons or in relation to an application for employment as a police officer or peace officer as those terms are defined in subdivisions thirty-three and thirty-four of section 1.20 of the criminal procedure law; provided further that the provisions of this subdivision shall not apply to an application for employment or membership in any law enforcement agency with respect to any arrest or criminal accusation which was followed by a youthful offender adjudication, as defined in subdivision one of section 720.35 of the criminal procedure law, or by a conviction for a violation sealed pursuant to section 160.55 of the criminal procedure law, or by a conviction which is sealed pursuant to [section] SECTIONS 160.56 OR 160.58 of the criminal procedure law.

S 95. Section 502 of the executive law, as added by chapter 465 of the laws of 1992, subdivision 3 as amended by section 1 of subpart B of part Q of chapter 58 of the laws of 2011, is amended to read as follows:

S 502. Definitions. Unless otherwise specified in this article:

1. "Director" means the [director of the division for youth] COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY SERVICES.

2. "Division", "OFFICE" OR "DIVISION FOR YOUTH" means the [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES.

3. "Detention" means the temporary care and maintenance of youth held away from their homes pursuant to article three or seven of the family court act, or held pending a hearing for alleged violation of the conditions of release from an office of children and family services facility or authorized agency, or held pending a hearing for alleged violation of the condition of parole as a juvenile offender, or held pending return to a jurisdiction other than the one in which the youth is held, or held pursuant to a securing order of a criminal court if the youth named therein as principal is charged as a juvenile offender or held pending a hearing on an extension of placement or held pending transfer to a facility upon commitment or placement by a court. Only alleged or convicted juvenile offenders who have not attained their [eighteenth]

TWENTY-FIRST birthday shall be subject to detention in a detention facility.

4. For purposes of this article, the term "youth" shall [be synonymous with the term "child" and means] MEAN a person not less than [seven] TEN years of age and not more than [twenty] TWENTY-THREE years of age.

5. "Placement" means the transfer of a youth to the custody of the [division] OFFICE pursuant to the family court act.

6. "Commitment" means the transfer of a youth to the custody of the [division] OFFICE pursuant to the penal law.

7. "Conditional release" means the transfer of a youth from facility status to aftercare supervision under the continued custody of the [division] OFFICE.

8. "Discharge" means the termination of [division] OFFICE custody of a youth.

9. "Aftercare" means supervision of a youth on conditional release status under the continued custody of the division.

S 96. Subdivision 7 of section 503 of the executive law, as amended by section 2 of subpart B of part Q of chapter 58 of the laws of 2011, is amended to read as follows:

7. The person in charge of each detention facility shall keep a record of all time spent in such facility for each youth in care. The detention facility shall deliver a certified transcript of such record to the office, social services district, or other agency taking custody of the youth pursuant to article three [or seven] of the family court act, before, or at the same time as the youth is delivered to the office, district or other agency, as is appropriate.

S 97. Subdivision 1 of section 505 of the executive law, as amended by chapter 465 of the laws of 1992, is amended to read as follows:

1. There shall be a facility director of each [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES OPERATED facility. Such facility director shall be appointed by the [director] COMMISSIONER of the [division] OFFICE OF CHILDREN AND FAMILY SERVICES and THE POSITION shall be in the noncompetitive class and designated as confidential as defined by subdivision two-a of section forty-two of the civil service law. The facility director shall have [two years] SUCH experience [in appropriate titles in state government. Such facility director shall have such] AND other qualifications as may be prescribed by the director OF CLASSIFICATION AND COMPENSATION WITHIN THE DEPARTMENT OF CIVIL SERVICE IN CONSULTATION WITH THE COMMISSIONER of the [division,] OFFICE OF CHILDREN AND FAMILY SERVICES based on differences in duties, levels of responsibility, size and character of the facility, knowledge, skills and abilities required, and other factors affecting the position [and]. SUCH FACILITY DIRECTOR shall serve at the pleasure of the [director] COMMISSIONER of the [division] OFFICE OF CHILDREN AND FAMILY SERVICES.

S 98. Section 507-a of the executive law, as amended by chapter 465 of the laws of 1992, paragraph (a) of subdivision 1 as amended by chapter 309 of the laws of 1996, is amended to read as follows:

S 507-a. Placement and commitment; procedures. 1. Youth may be placed in or committed to the custody of the [division] OFFICE OF CHILDREN AND FAMILY SERVICES:

(a) for placement, as a juvenile delinquent pursuant to the family court act; or

(b) for commitment pursuant to the penal law.

2. (a) Consistent with other provisions of law, only those youth who have reached the age of [seven] TEN, but who have not reached the age of twenty-one may be placed in[, committed to or remain in] the [divi-

sion's] custody OF THE OFFICE OF CHILDREN AND FAMILY SERVICES. EXCEPT AS PROVIDED FOR IN PARAGRAPH (A-1) OF THIS SUBDIVISION, NO YOUTH WHO HAS REACHED THE AGE OF TWENTY-ONE MAY REMAIN IN CUSTODY OF THE OFFICE OF CHILDREN AND FAMILY SERVICES.

(A-1) (I) A YOUTH WHO IS COMMITTED TO THE OFFICE OF CHILDREN AND FAMILY SERVICES AS A JUVENILE OFFENDER OR YOUTHFUL OFFENDER MAY REMAIN IN THE CUSTODY OF THE OFFICE DURING THE PERIOD OF HIS OR HER SENTENCE BEYOND THE AGE OF TWENTY-ONE IN ACCORDANCE WITH THE PROVISIONS OF SUBDIVISION FIVE OF SECTION FIVE HUNDRED EIGHT OF THIS ARTICLE BUT IN NO EVENT MAY SUCH A YOUTH REMAIN IN THE CUSTODY OF THE OFFICE BEYOND HIS OR HER TWENTY-THIRD BIRTHDAY; AND (II) A YOUTH FOUND TO HAVE COMMITTED A DESIGNATED CLASS A FELONY ACT WHO IS RESTRICTIVELY PLACED WITH THE OFFICE UNDER SUBDIVISION FOUR OF SECTION 353.5 OF THE FAMILY COURT ACT FOR COMMITTING AN ACT ON OR AFTER THE YOUTH'S SIXTEENTH BIRTHDAY MAY REMAIN IN THE CUSTODY OF THE OFFICE OF CHILDREN AND FAMILY SERVICES UP TO THE AGE OF TWENTY-THREE IN ACCORDANCE WITH HIS OR HER PLACEMENT ORDER.

(A-2) Whenever it shall appear to the satisfaction of the [division] OFFICE OF CHILDREN AND FAMILY SERVICES that any youth placed therewith is not of proper age to be so placed or is not properly placed, or is mentally or physically incapable of being materially benefited by the program of the [division] OFFICE, the [division] OFFICE shall cause the return of such youth to the county from which placement was made.

(b) The [division] OFFICE shall deliver such youth to the custody of the placing court, along with the records provided to the [division] OFFICE pursuant to section five hundred seven-b of this article, there to be dealt with by the court in all respects as though no placement had been made.

(c) The cost and expense of the care and return of such youth incurred by the [division] OFFICE shall be reimbursed to the state by the social services district from which such youth was placed in the manner provided by section five hundred twenty-nine of this article.

3. The [division] OFFICE may photograph any youth in its custody. Such photograph may be used only for the purpose of assisting in the return of conditionally released children and runaways pursuant to section five hundred ten-b of this article. Such photograph shall be destroyed immediately upon the discharge of the youth from [division] OFFICE custody.

4. (a) A youth placed with or committed to the [division] OFFICE may, immediately following placement or commitment, be remanded to an appropriate detention facility.

(b) The [division] OFFICE shall admit a [child] YOUTH placed [with the division] UNDER ITS CARE to a facility of the [division] OFFICE within fifteen days of the date of the order of placement with the [division] OFFICE and shall admit a juvenile offender committed to the [division] OFFICE to a facility of the [division] OFFICE within ten days of the date of the order of commitment to the [division] OFFICE, except as provided in section five hundred seven-b of this article.

5. Consistent with other provisions of law, in the discretion of the [director, youth] COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY SERVICES, YOUTH PLACED WITHIN THE OFFICE UNDER THE FAMILY COURT ACT who attain the age of eighteen while in [division] custody OF THE OFFICE AND WHO ARE NOT REQUIRED TO REMAIN IN THE PLACEMENT WITH THE OFFICE AS A RESULT OF A DISPOSITIONAL ORDER OF THE FAMILY COURT may reside in a non-secure facility until the age of twenty-one, provided that such

youth attend a full-time vocational or educational program and are likely to benefit from such program.

S 99. Section 508 of the executive law, as added by chapter 481 of the laws of 1978 and as renumbered by chapter 465 of the laws of 1992, subdivision 1 as amended by chapter 738 of the laws of 2004, subdivision 2 as amended by chapter 572 of the laws of 1985, subdivisions 4, 5, 6 and 7 as amended by section 97 of subpart B of part C of chapter 62 of the laws of 2011, subdivision 8 as added by chapter 560 of the laws of 1984 and subdivision 9 as added by chapter 7 of the laws of 2007, is amended to read as follows:

S 508. Juvenile offender facilities. 1. The office of children and family services shall maintain [secure] facilities for the care and confinement of juvenile offenders committed [for an indeterminate, determinate or definite sentence] TO THE OFFICE pursuant to the sentencing provisions of the penal law. Such facilities shall provide appropriate services to juvenile offenders including but not limited to residential care, educational and vocational training, physical and mental health services, and employment counseling.

1-A. ANY NEW FACILITIES DEVELOPED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES TO SERVE THE ADDITIONAL YOUTH PLACED WITH THE OFFICE AS A RESULT OF RAISING THE AGE OF JUVENILE JURISDICTION SHALL, TO THE EXTENT PRACTICABLE, CONSIST OF SMALLER, MORE HOME-LIKE FACILITIES LOCATED NEAR THE YOUTHS' HOMES AND FAMILIES THAT PROVIDE GENDER-RESPONSIVE PROGRAMMING, SERVICES AND TREATMENT IN SMALL, CLOSELY SUPERVISED GROUPS THAT OFFER EXTENSIVE AND ON-GOING INDIVIDUAL ATTENTION AND ENCOURAGE SUPPORTIVE PEER RELATIONSHIPS.

2. Juvenile offenders COMMITTED TO THE OFFICE FOR COMMITTING CRIMES PRIOR TO THE AGE OF SIXTEEN shall be confined in such facilities [until the age of twenty-one] IN ACCORDANCE WITH THEIR SENTENCES, and shall not be released, discharged or permitted home visits except pursuant to the provisions of this section.

[(a) The director of the division for youth may authorize the transfer of a juvenile offender in his custody, who has been convicted of burglary or robbery, to a school or center established and operated pursuant to title three of this article at any time after the juvenile offender has been confined in a division for youth secure facility for one year or one-half of his minimum sentence, whichever is greater.

(b) The director of the division for youth may authorize the transfer of a juvenile offender in his custody, who has been convicted of burglary or robbery, and who is within ninety days of release as established by the board of parole, to any facility established and operated pursuant to this article.

(c) A juvenile offender may be transferred as provided in paragraphs (a) and (b) herein, only after the director determines that there is no danger to public safety and that the offender shall substantially benefit from the programs and services of another division facility. In determining whether there is a danger to public safety the director shall consider: (i) the nature and circumstances of the offense including whether any physical injury involved was inflicted by the offender or another participant; (ii) the record and background of the offender; and (iii) the adjustment of the offender at division facilities.

(d) For a period of six months after a juvenile offender has been transferred pursuant to paragraph (a) or (b) herein, the juvenile offender may have only accompanied home visits. After completing six months of confinement following transfer from a secure facility, a juvenile offender may not have an unaccompanied home visit unless two accompanied

home visits have already occurred. An "accompanied home visit" shall mean a home visit during which the juvenile offender shall be accompanied at all times while outside the facility by appropriate personnel of the division for youth designated pursuant to regulations of the director of the division.

(e) The director of the division for youth shall promulgate rules and regulations including uniform standards and procedures governing the transfer of juvenile offenders from secure facilities to other facilities and the return of such offenders to secure facilities. The rules and regulations shall provide a procedure for the referral of proposed transfer cases by the secure facility director, and shall require a determination by the facility director that transfer of a juvenile offender to another facility is in the best interests of the division for youth and the juvenile offender and that there is no danger to public safety.

The rules and regulations shall further provide for the establishment of a division central office transfer committee to review transfer cases referred by the secure facility directors. The committee shall recommend approval of a transfer request to the director of the division only upon a clear showing by the secure facility director that the transfer is in the best interests of the division for youth and the juvenile offender and that there is no danger to public safety. In the case of the denial of the transfer request by the transfer committee, the juvenile offender shall remain at a secure facility. Notwithstanding the recommendation for approval of transfer by the transfer committee, the director of the division may deny the request for transfer if there is a danger to public safety or if the transfer is not in the best interests of the division for youth or the juvenile offender.

The rules and regulations shall further provide a procedure for the immediate return to a secure facility, without a hearing, of a juvenile offender transferred to another facility upon a determination by that facility director that there is a danger to public safety.]

3. The [division] OFFICE OF CHILDREN AND FAMILY SERVICES shall report in writing to the sentencing court and district attorney, not less than once every six months during the period of confinement, on the status, adjustment, programs and progress of the offender.

4. [The office of children and family services may apply to the sentencing court for permission to transfer a youth not less than sixteen nor more than eighteen years of age to the department of corrections and community supervision. Such application shall be made upon notice to the youth, who shall be entitled to be heard upon the application and to be represented by counsel. The court shall grant the application if it is satisfied that there is no substantial likelihood that the youth will benefit from the programs offered by the office facilities.

5.] The office of children and family services may transfer an offender not less than eighteen [nor more than twenty-one] years of age to the department of corrections and community supervision if the commissioner of the office certifies to the commissioner of corrections and community supervision that there is no substantial likelihood that the youth will benefit from the programs offered by office facilities.

[6. At age twenty-one, all] 5. (A) ALL juvenile offenders COMMITTED TO THE OFFICE FOR COMMITTING A CRIME PRIOR TO THE YOUTH'S SIXTEENTH BIRTHDAY WHO STILL HAVE TIME LEFT ON THEIR SENTENCES OF IMPRISONMENT shall be transferred AT AGE TWENTY-ONE to the custody of the department of

corrections and community supervision for confinement pursuant to the correction law.

[7.] (B) ALL OFFENDERS COMMITTED TO THE OFFICE FOR COMMITTING A CRIME ON OR AFTER THEIR SIXTEENTH BIRTHDAY WHO STILL HAVE TIME LEFT ON THEIR SENTENCES OF IMPRISONMENT SHALL BE TRANSFERRED TO THE CUSTODY OF THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION FOR CONFINEMENT PURSUANT TO THE CORRECTION LAW AFTER COMPLETING TWO YEARS OF CARE IN OFFICE OF CHILDREN AND FAMILY SERVICES FACILITIES UNLESS THEY ARE WITHIN FOUR MONTHS OF COMPLETING THE IMPRISONMENT PORTION OF THEIR SENTENCE AND THE OFFICE DETERMINES, IN ITS DISCRETION, ON A CASE-BY-CASE BASIS THAT THE YOUTH SHOULD BE PERMITTED TO REMAIN WITH THE OFFICE FOR THE ADDITIONAL SHORT PERIOD OF TIME NECESSARY TO ENABLE THEM TO COMPLETE THEIR SENTENCE. IN MAKING SUCH A DETERMINATION, THE FACTORS THE OFFICE MAY CONSIDER INCLUDE, BUT ARE NOT LIMITED TO, THE AGE OF THE YOUTH, THE AMOUNT OF TIME REMAINING ON THE YOUTH'S SENTENCE OF IMPRISONMENT, THE LEVEL OF THE YOUTH'S PARTICIPATION IN THE PROGRAM, THE YOUTH'S EDUCATIONAL AND VOCATIONAL PROGRESS, THE OPPORTUNITIES AVAILABLE TO THE YOUTH THROUGH THE OFFICE AND THROUGH THE DEPARTMENT, AND THE LENGTH OF THE YOUTH'S SENTENCE. NOTHING IN THIS PARAGRAPH SHALL AUTHORIZE A YOUTH TO REMAIN IN AN OFFICE FACILITY BEYOND HIS OR HER TWENTY-THIRD BIRTHDAY.

(C) ALL JUVENILE OFFENDERS WHO ARE ELIGIBLE TO BE RELEASED FROM AN OFFICE OF CHILDREN AND FAMILY SERVICES FACILITY BEFORE THEY ARE REQUIRED TO BE TRANSFERRED TO THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION AND WHO ARE ABLE TO COMPLETE THE FULL-TERM OF THEIR SENTENCES BEFORE THEY TURN TWENTY-THREE YEARS OF AGE SHALL REMAIN WITH THE OFFICE OF CHILDREN AND FAMILY SERVICES FOR POST-RELEASE SUPERVISION.

(D) ALL JUVENILE OFFENDERS RELEASED FROM AN OFFICE OF CHILDREN AND FAMILY SERVICES FACILITY BEFORE THEY ARE TRANSFERRED TO THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION WHO ARE UNABLE TO COMPLETE THE FULL-TERM OF THEIR SENTENCES BEFORE THEY TURN TWENTY-THREE YEARS OF AGE SHALL BE UNDER THE SUPERVISION OF THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION UNTIL EXPIRATION OF THE MAXIMUM TERM OR PERIOD OF SENTENCE, OR EXPIRATION OF SUPERVISION, PROVIDED, HOWEVER, THAT THE OFFICE SHALL ASSIST SUCH DEPARTMENT IN PLANNING FOR THE YOUTH'S POST-RELEASE SUPERVISION.

6. While in the custody of the office of children and family services, an offender shall be subject to the rules and regulations of the office, except that his OR HER parole, temporary release and discharge shall be governed by the laws applicable to inmates of state correctional facilities and his OR HER transfer to state hospitals in the office of mental health shall be governed by section five hundred nine of this chapter. The commissioner of the office of children and family services shall, however, establish and operate temporary release programs at office of children and family services facilities for eligible juvenile offenders and [contract with the department of corrections and community supervision for the provision of parole] PROVIDE supervision [services] for temporary releasees. The rules and regulations for these programs shall not be inconsistent with the laws for temporary release applicable to inmates of state correctional facilities. For the purposes of temporary release programs for juvenile offenders only, when referred to or defined in article twenty-six of the correction law, "institution" shall mean any facility designated by the commissioner of the office of children and family services, "department" shall mean the office of children and family services, "inmate" shall mean a juvenile offender residing in an office of children and family services facility, and "commissioner" shall mean the [director] COMMISSIONER of the office of children and

family services. Time spent in office of children and family services facilities and in juvenile detention facilities shall be credited towards the sentence imposed in the same manner and to the same extent applicable to inmates of state correctional facilities.

[8] 7. Whenever a juvenile offender or a juvenile offender adjudicated a youthful offender shall be delivered to the director of [a division for youth] AN OFFICE OF CHILDREN AND FAMILY SERVICES facility pursuant to a commitment to the [director of the division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES, the officer so delivering such person shall deliver to such facility director a certified copy of the sentence received by such officer from the clerk of the court by which such person shall have been sentenced, a copy of the report of the probation officer's investigation and report, any other pre-sentence memoranda filed with the court, a copy of the person's fingerprint records, a detailed summary of available medical records, psychiatric records and reports relating to assaults, or other violent acts, attempts at suicide or escape by the person while in the custody of a local detention facility.

[9] 8. Notwithstanding any provision of law, including section five hundred one-c of this article, the office of children and family services shall make records pertaining to a person convicted of a sex offense as defined in subdivision (p) of section 10.03 of the mental hygiene law available upon request to the commissioner of mental health or the commissioner of [mental retardation and] THE OFFICE FOR PERSONS WITH developmental disabilities, as appropriate; a case review panel; and the attorney general; in accordance with the provisions of article ten of the mental hygiene law.

S 100. Subdivisions 1, 2, 4, 5 and 5-a of section 529 of the executive law, subdivisions 1, 4 and 5 as added by chapter 906 of the laws of 1973, paragraph (c) of subdivision 1 as amended and paragraph (d) of subdivision 1 as added by chapter 881 of the laws of 1976, subdivision 2 as amended by chapter 430 of the laws of 1991, paragraph (c) of subdivision 5 as amended by chapter 722 of the laws of 1979 and subdivision 5-a as added by chapter 258 of the laws of 1974, are amended to read as follows:

1. Definitions. As used in this section:

(a) "authorized agency", "certified boarding home", "local charge" and "state charge" shall have the meaning ascribed to such terms by the social services law;

(b) "aftercare supervision" shall mean supervision of released or discharged youth, not in foster care; and,

(c) "foster care" shall mean residential care, maintenance and supervision provided TO released or discharged youth, or youth otherwise in the custody of the [division for youth, in a division foster family home certified by the division.

(d) "division foster family home" means a service program provided in a home setting available to youth under the jurisdiction of the division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES.

2. [Expenditures] EXCEPT AS PROVIDED IN SUBDIVISION FIVE OF THIS SECTION, EXPENDITURES made by the [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES for care, maintenance and supervision furnished youth, including alleged and adjudicated juvenile delinquents and persons in need of supervision, placed or referred, pursuant to titles two or three of this article, and juvenile offenders committed pursuant to section 70.05 of the penal law, in the [division's] OFFICE'S programs and facilities, shall be subject to reimbursement to the state by the

social services district from which the youth was placed or by the social services district in which the juvenile offender resided at the time of commitment, in accordance with this section and the regulations of the [division,] OFFICE as follows: fifty percent of the amount expended for care, maintenance and supervision of local charges including juvenile offenders.

[4. Expenditures made by the division for youth] 3. THE COSTS for foster care PROVIDED BY VOLUNTARY AUTHORIZED AGENCIES TO JUVENILE DELINQUENTS PLACED IN THE CARE OF THE OFFICE OF CHILDREN AND FAMILY SERVICES shall be [subject to reimbursement to the state by] THE RESPONSIBILITY OF the social services district from which the youth was placed, AND SHALL BE SUBJECT TO REIMBURSEMENT FROM THE STATE in accordance with [the regulations of the division, as follows: fifty percent of the amount expended for care, maintenance and supervision of local charges] SECTION ONE HUNDRED FIFTY-THREE-K OF THE SOCIAL SERVICES LAW.

[5] 4. (a) [Expenditures] EXCEPT AS PROVIDED IN SUBDIVISION FIVE OF THIS SECTION, EXPENDITURES made by the [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES for aftercare supervision shall be subject to reimbursement to the state by the social services district from which the youth was placed, in accordance with regulations of the [division] OFFICE, as follows: fifty percent of the amount expended for aftercare supervision of local charges.

(b) Expenditures made by social services districts for aftercare supervision of adjudicated juvenile delinquents and persons in need of supervision [provided (prior to the expiration of the initial or extended period of placement or commitment) by the aftercare staff of the facility from which the youth has been released or discharged, other than those under the jurisdiction of the division for youth, in which said youth was placed or committed, pursuant to directions of the family court,] shall be subject to reimbursement by the state[, upon approval by the division and in accordance with its regulations, as follows:

(1) the full amount expended by the district for aftercare supervision of state charges;

(2) fifty percent of the amount expended by the district for aftercare supervision of local charges] IN ACCORDANCE WITH SECTION ONE HUNDRED FIFTY-THREE-K OF THE SOCIAL SERVICES LAW.

(c) Expenditures made by the [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES for contracted programs and contracted services pursuant to subdivision seven of section five hundred one of this article, except with respect to urban homes and group homes, shall be subject to reimbursement to the state by the social services district from which the youth was placed, in accordance with this section and the regulations of the [division] OFFICE as follows: fifty percent of the amount expended for the operation and maintenance of such programs and services.

5. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, NO REIMBURSEMENT SHALL BE REQUIRED FROM A SOCIAL SERVICES DISTRICT FOR EXPENDITURES MADE BY THE OFFICE OF CHILDREN AND FAMILY SERVICES FOR THE CARE, MAINTENANCE, SUPERVISION OR AFTERCARE SUPERVISION OF YOUTH AGE SIXTEEN YEARS OF AGE OR OLDER THAT WOULD NOT OTHERWISE HAVE BEEN MADE ABSENT THE PROVISIONS OF A CHAPTER OF THE LAWS OF TWO THOUSAND FIFTEEN THAT INCREASED THE AGE OF JUVENILE JURISDICTION ABOVE FIFTEEN YEARS OF AGE OR THAT AUTHORIZED THE PLACEMENT IN OFFICE OF CHILDREN AND FAMILY SERVICES FACILITIES OF CERTAIN OTHER YOUTH WHO COMMITTED A CRIME ON OR AFTER THEIR SIXTEENTH BIRTHDAYS.

5-a. The social services district responsible for reimbursement to the state shall remain the same if during a period of placement or extension thereof, a child commits a criminal act while in [a division] AN OFFICE OF CHILDREN AND FAMILY SERVICES facility, during an authorized absence therefrom or after absconding therefrom and is returned to the [division] OFFICE following adjudication or conviction for the act by a court with jurisdiction outside the boundaries of the social services district which was responsible for reimbursement to the state prior to such adjudication or conviction.

S 101. Paragraph (b) of subdivision 1, the opening paragraph of subdivision 2 and subparagraph (iii) of paragraph (a) of subdivision 3 of section 529-b of the executive law, as added by section 3 of subpart B of part Q of chapter 58 of the laws of 2011, are amended to read as follows:

(b) The state funds appropriated for the supervision and treatment services for juveniles program shall be distributed to eligible municipalities by the office of children and family services based on a plan developed by the office which may consider historical information regarding the number of youth seen at probation intake for an alleged act of delinquency, THE NUMBER OF ALLEGED PERSONS IN NEED OF SUPERVISION RECEIVING DIVERSION SERVICES UNDER SECTION SEVEN HUNDRED THIRTY-FIVE OF THE FAMILY COURT ACT, the number of youth remanded to detention, the number of juvenile delinquents placed with the office, the number of juvenile delinquents and persons in need of supervision placed in residential care with the municipality, the municipality's reduction in the use of detention and residential placements, and other factors as determined by the office. Such plan developed by the office shall be subject to the approval of the director of the budget. The office is authorized, in its discretion, to make advance distributions to a municipality in anticipation of state reimbursement.

As used in this section, the term "municipality" shall mean a county, or a city having a population of one million or more, and "supervision and treatment services for juveniles" shall mean community-based services or programs designed to safely maintain youth in the community pending a family court disposition or conviction in criminal court and services or programs provided to youth adjudicated as juvenile delinquents or persons in need of supervision, or youth alleged to be juvenile offenders to prevent residential placement of such youth or a return to placement where such youth have been released to the community from residential placement OR PROGRAMS PROVIDED TO YOUTH ADJUDICATED PERSONS IN NEED OF SUPERVISION TO MAINTAIN SUCH YOUTH IN THEIR HOMES. Supervision and treatment services for juveniles may include but are not limited to services or programs that:

(iii) a description of how the services and programs proposed for funding will reduce the number of youth from the municipality who are detained and residentially OR OTHERWISE placed; how such services and programs are family-focused; and whether such services and programs are capable of being replicated across multiple sites;

S 102. Subdivisions 2, 4, 5, 6 and 7 of section 530 of the executive law, subdivisions 2 and 4 as amended by section 4 of subpart B of part Q of chapter 58 of the laws of 2011, paragraphs (a) and (d) of subdivision 2 as amended by section 1 of part M of chapter 57 of the laws of 2012, subdivision 5 as amended by chapter 920 of the laws of 1982, subparagraphs 1, 2 and 4 of paragraph (a) and paragraph (b) of subdivision 5 as amended by section 5 of subpart B of part Q of chapter 58 of the laws of 2011, subdivision 6 as amended by chapter 880 of the laws of 1976, and

subdivision 7 as amended by section 6 of subpart B of part Q of chapter 58 of the laws of 2011, are amended and a new subdivision 8 is added to read as follows:

2. [Expenditures] EXCEPT AS PROVIDED FOR IN SUBDIVISION EIGHT OF THIS SECTION, EXPENDITURES made by municipalities in providing care, maintenance and supervision to youth in detention facilities designated pursuant to sections seven hundred twenty and 305.2 of the family court act and certified by the [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES, shall be subject to reimbursement by the state, as follows:

(a) Notwithstanding any provision of law to the contrary, eligible expenditures by a municipality during a particular program year for the care, maintenance and supervision in foster care programs certified by the office of children and family services[,] AND certified or approved family boarding homes[, and non-secure detention facilities certified by the office] for those youth alleged to be persons in need of supervision or adjudicated persons in need of supervision held pending transfer to a facility upon placement; and in secure and non-secure detention facilities certified by the office in accordance with section five hundred three of this article for those youth alleged to be juvenile delinquents; adjudicated juvenile delinquents held pending transfer to a facility upon placement, and juvenile delinquents held at the request of the office of children and family services pending extension of placement hearings or release revocation hearings or while awaiting disposition of such hearings; and youth alleged to be or convicted as juvenile offenders AND YOUTH ALLEGED TO BE PERSONS IN NEED OF SUPERVISION OR ADJUDICATED PERSONS IN NEED OF SUPERVISION HELD PENDING TRANSFER TO A FACILITY UPON PLACEMENT IN FOSTER CARE PROGRAMS CERTIFIED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES AND CERTIFIED OR APPROVED FAMILY BOARDING HOMES shall be subject to state reimbursement for up to fifty percent of the municipality's expenditures, exclusive of any federal funds made available for such purposes, not to exceed the municipality's distribution from funds that have been appropriated specifically therefor for that program year. Municipalities shall implement the use of detention risk assessment instruments in a manner prescribed by the office so as to inform detention decisions. Notwithstanding any other provision of state law to the contrary, data necessary for completion of a detention risk assessment instrument may be shared among law enforcement, probation, courts, detention administrators, detention providers, and the attorney for the child upon retention or appointment; solely for the purpose of accurate completion of such risk assessment instrument, and a copy of the completed detention risk assessment instrument shall be made available to the applicable detention provider, the attorney for the child and the court.

(b) The state funds appropriated for juvenile detention services shall be distributed to eligible municipalities by the office of children and family services based on a plan developed by the office which may consider historical information regarding the number of youth remanded to detention, the municipality's reduction in the use of detention, the municipality's youth population, and other factors as determined by the office. Such plan developed by the office shall be subject to the approval of the director of the budget. The office is authorized, in its discretion, to make advance distributions to a municipality in anticipation of state reimbursement.

(c) A municipality may also use the funds distributed to it for juvenile detention services under this section for a particular program year for sixty-two percent of a municipality's eligible expenditures for

supervision and treatment services for juveniles programs approved under section five hundred twenty-nine-b of this title for services that were not reimbursed from a municipality's distribution under such program provided to at-risk, alleged or adjudicated juvenile delinquents or persons alleged or adjudicated to be in need of supervision, or alleged to be or convicted as juvenile offenders in community-based non-residential settings. Any claims submitted by a municipality for reimbursement for detention services or supervision and treatment services for juveniles provided during a particular program year for which the municipality does not receive state reimbursement from the municipality's distribution of detention services funds for that program year may not be claimed against the municipality's distribution of funds available under this section for the next applicable program year. The office may require that such claims be submitted to the office electronically at such times and in the manner and format required by the office.

[(d)(i)] (2-A)(A) Notwithstanding any provision of law or regulation to the contrary, any information or data necessary for the development, validation or revalidation of the detention risk assessment instrument shall be shared among local probation departments, the office of probation and correctional alternatives and, where authorized by the division of criminal justice services, the entity under contract with the division to provide information technology services related to youth assessment and screening, the office of children and family services, and any entity under contract with the office of children and family services to provide services relating to the development, validation or revalidation of the detention risk assessment instrument. Any such information and data shall not be commingled with any criminal history database. Any information and data used and shared pursuant to this section shall only be used and shared for the purposes of this section and in accordance with this section. Such information shall be shared and received in a manner that protects the confidentiality of such information. The sharing, use, disclosure and redisclosure of such information to any person, office, or other entity not specifically authorized to receive it pursuant to this section or any other law is prohibited.

[(ii)] (B) The office of children and family services shall consult with individuals with professional research experience and expertise in criminal justice; social work; juvenile justice; and applied mathematics, psychometrics and/or statistics to assist the office in determining the method it will use to: develop, validate and revalidate such detention risk assessment instrument; and analyze the effectiveness of the use of such detention risk assessment instrument in accomplishing its intended goals; and analyze, to the greatest extent possible any disparate impact on detention outcomes for juveniles based on race, sex, national origin, economic status and any other constitutionally protected class, regarding the use of such instrument. The office shall consult with such individuals regarding whether it is appropriate to attempt to analyze whether there is any such disparate impact based on sexual orientation and, if so, the best methods to conduct such analysis. The office shall take into consideration any recommendations given by such individuals involving improvements that could be made to such instrument and process.

[(iii)] (C) Data collected for the purposes of completing the detention risk assessment instrument from any source other than an officially documented record shall be confirmed as soon as practicable. Should any data originally utilized in completing the risk assessment

instrument be found to conflict with the officially documented record, the risk assessment instrument shall be completed with the officially documented data and any corresponding revision to the risk categorization shall be made. The office shall periodically revalidate any approved risk assessment instrument. The office shall conspicuously post any approved detention risk assessment instrument on its website and shall confer with appropriate stakeholders, including but not limited to, attorneys for children, presentment agencies, probation, and the family court, prior to revising any validated risk assessment instrument. Any such revised risk assessment instrument shall be subject to periodic empirical validation.

4. (a) The municipality must notify the office of children and family services of state aid received under other state aid formulas by each detention facility for which the municipality is seeking reimbursement pursuant to this section, including but not limited to, aid for education, probation and mental health services.

(b) EXCEPT AS PROVIDED IN SUBDIVISION EIGHT OF THIS SECTION: (I) In computing reimbursement to the municipality pursuant to this section, the office shall insure that the aggregate of state aid under all state aid formulas shall not exceed fifty percent of the cost of care, maintenance and supervision provided to detainees eligible for state reimbursement under subdivision two of this section, exclusive of federal aid for such purposes not to exceed the amount of the municipality's distribution under the juvenile detention services program.

[(c)] (II) Reimbursement for administrative related expenditures as defined by the office of children and family services, for secure and nonsecure detention services shall not exceed seventeen percent of the total approved expenditures for facilities of twenty-five beds or more and shall not exceed twenty-one percent of the total approved expenditures for facilities with less than twenty-five beds.

5. (a) Except as provided in paragraph (b) of this subdivision, care, maintenance and supervision for the purpose of this section shall mean and include only:

(1) temporary care, maintenance and supervision provided TO alleged juvenile delinquents and persons in need of supervision in detention facilities certified pursuant to sections seven hundred twenty and 305.2 of the family court act by the office of children and family services, pending adjudication of alleged delinquency or alleged need of supervision by the family court, or pending transfer to institutions to which committed or placed by such court or while awaiting disposition by such court after adjudication or held pursuant to a securing order of a criminal court if the person named therein as principal is under [sixteen] EIGHTEEN YEARS OF AGE; or[,]

(2) temporary care, maintenance and supervision provided juvenile delinquents in approved detention facilities at the request of the office of children and family services pending release revocation hearings or while awaiting disposition after such hearings; or

(3) temporary care, maintenance and supervision in approved detention facilities for youth held pursuant to the family court act or the interstate compact on juveniles, pending return to their place of residence or domicile[.]; OR

(4) temporary care, maintenance and supervision provided youth detained in foster care facilities or certified or approved family boarding homes pursuant to article seven of the family court act.

(b) Payments made for reserved accommodations, whether or not in full time use, approved AND CERTIFIED by the office of children and family

services [and certified pursuant to sections seven hundred twenty and 305.2 of the family court act], in order to assure that adequate accommodations will be available for the immediate reception and proper care therein of youth for which detention costs are reimbursable pursuant to paragraph (a) of this subdivision, shall be reimbursed as expenditures for care, maintenance and supervision under the provisions of this section, provided the office shall have given its prior approval for reserving such accommodations.

6. The [director of the division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES may adopt, amend, or rescind all rules and regulations, subject to the approval of the director of the budget and certification to the chairmen of the senate finance and assembly ways and means committees, necessary to carry out the provisions of this section.

7. The agency administering detention for each county and the city of New York shall submit to the office of children and family services, at such times and in such form and manner and containing such information as required by the office of children and family services, an annual report on youth remanded pursuant to article three or seven of the family court act who are detained during each calendar year including, commencing January first, two thousand twelve, the risk level of each detained youth as assessed by a detention risk assessment instrument approved by the office of children and family services. The office may require that such data on detention use be submitted to the office electronically. Such report shall include, but not be limited to, the reason for the court's determination in accordance with section 320.5 or seven hundred thirty-nine of the family court act, IF APPLICABLE, to detain the youth; the offense or offenses with which the youth is charged; and all other reasons why the youth remains detained. The office shall submit a compilation of all the separate reports to the governor and the legislature.

8. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW TO THE CONTRARY, STATE REIMBURSEMENT SHALL BE MADE AVAILABLE FOR ONE HUNDRED PERCENT OF A MUNICIPALITY'S ELIGIBLE EXPENDITURES FOR THE CARE, MAINTENANCE AND SUPERVISION OF YOUTH SIXTEEN YEARS OF AGE OR OLDER IN NON-SECURE AND SECURE DETENTION FACILITIES WHEN SUCH DETENTION WOULD NOT OTHERWISE HAVE OCCURRED ABSENT THE PROVISIONS OF A CHAPTER OF THE LAWS OF TWO THOUSAND FIFTEEN THAT INCREASED THE AGE OF JUVENILE JURISDICTION ABOVE FIFTEEN YEARS OF AGE.

S 103. Section 3 of 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, as amended by section 3 of Part G of chapter 58 of the laws of 2014, is amended to read as follows:

S 3. The office of children and family services, in consultation with the state education department, shall prepare and submit to the governor, the temporary president of the senate and the speaker of the assembly a report by December 1, 2015, AND DECEMBER 1, 2017 that shall analyze the cost effectiveness and programmatic impact of delivering special education programs, related services and career and technical education services through boards of cooperative educational services in juvenile justice facilities operated by the office.

S 104. Section 4 of 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, is amended to read as follows:

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

S 105. Section 109-c of the vehicle and traffic law, as added by section 1 of part E of chapter 60 of the laws of 2005, is amended to read as follows:

S 109-c. Conviction. 1. Any conviction as defined in subdivision thirteen of section 1.20 of the criminal procedure law; provided, however, where a conviction or administrative finding in this state or another state results in a mandatory sanction against a commercial driver's license, as set forth in sections five hundred ten, five hundred ten-a, eleven hundred ninety-two and eleven hundred ninety-four of this chapter, conviction shall also mean an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated.

2. A CONVICTION SHALL INCLUDE A JUVENILE DELINQUENCY ADJUDICATION FOR THE PURPOSES OF SECTIONS FIVE HUNDRED TEN; SUBDIVISION FIVE OF SECTION FIVE HUNDRED ELEVEN; FIVE HUNDRED FOURTEEN; FIVE HUNDRED TWENTY-THREE-A; SUBPARAGRAPH (II) OF PARAGRAPH (B) OF SUBDIVISION ONE OF SECTION ELEVEN HUNDRED NINETY-THREE; SUBDIVISION TWO OF SECTION ELEVEN HUNDRED NINETY-THREE; ELEVEN HUNDRED NINETY-SIX; ELEVEN HUNDRED NINETY-EIGHT; ELEVEN HUNDRED NINETY-EIGHT-A; ELEVEN HUNDRED NINETY-NINE; EIGHTEEN HUNDRED EIGHT; EIGHTEEN HUNDRED NINE; EIGHTEEN HUNDRED NINE-C; AND EIGHTEEN HUNDRED NINE-E OF THIS CHAPTER AND PARAGRAPH (A) OF SUBDIVISION SIX OF SECTION SIXTY-FIVE-B OF THE ALCOHOLIC BEVERAGE CONTROL LAW ONLY AND SOLELY FOR THE PURPOSES OF ALLOWING THE FAMILY COURT TO IMPOSE LICENSE AND REGISTRATION SANCTIONS, IGNITION INTERLOCK DEVICES, ANY DRUG OR ALCOHOL REHABILITATION PROGRAM, VICTIM IMPACT PROGRAM, DRIVER RESPONSIBILITY ASSESSMENT, VICTIM ASSISTANCE FEE, SURCHARGE, AND ISSUING A STAY ORDER ON APPEAL. NOTHING IN THIS SUBDIVISION SHALL BE CONSTRUED AS LIMITING OR PRECLUDING THE ENFORCEMENT OF SECTION ELEVEN HUNDRED NINETY-TWO-A OF THIS CHAPTER AGAINST A PERSON UNDER THE AGE OF TWENTY-ONE.

S 106. Subdivision 1 of section 510 if the vehicle and traffic law, as amended by chapter 132 of the laws of 1986, is amended to read as follows:

1. Who may suspend or revoke. Any magistrate, justice or judge, in a city, in a town, or in a village, any supreme court justice, any county judge, any judge of a district court, ANY FAMILY COURT JUDGE, the superintendent of state police and the commissioner of motor vehicles or any person deputized by him, shall have power to revoke or suspend the license to drive a motor vehicle or motorcycle of any person, or in the case of an owner, the registration, as provided herein.

S 107. Severability. If any clause, sentence, paragraph, subdivision, section or part contained in any part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part contained in any part thereof directly involved in the controversy in which such judgment shall have been rendered. It is

hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

S 108. This act shall take effect January 1, 2017 provided, however, that:

1. the amendments to subdivision 4 of section 353.5 of the family court act made by section twenty-three of this act shall not affect the expiration and reversion of such subdivision and shall expire and be deemed repealed therewith, pursuant to section 11 of subpart A of part G of chapter 57 of the laws of 2012 when upon such date the provisions of section twenty-five of this act shall take effect;

2. the amendments to section 153-k of the social services law made by section forty-seven of this act shall not affect the expiration of such section and shall expire and be deemed repealed therewith;

3. the amendments to section 404 of the social services law made by section fifty-one of this act shall not affect the expiration of such section and shall expire and be deemed repealed therewith;

4. the amendments to subparagraph (ii) of paragraph (a) of subdivision 1 of section 409-a of the social services law made by section fifty-two of this act shall not affect the expiration of such subparagraph and shall expire and be deemed repealed therewith;

5. the amendments to subdivision 1 of section 70.20 of the penal law made by section fifty-seven of this act shall not affect the expiration of such subdivision and shall expire and be deemed repealed therewith;

6. the provisions of section fifty-nine of this act shall take effect on December 1, 2015;

7. the provisions of sections sixty-six, seventy-nine, eighty and eighty-one shall take effect immediately;

8. the amendments to subparagraph 1 of paragraph d of subdivision 3 of section 3214 of the education law made by section ninety of this act shall not affect the expiration of such paragraph and shall be deemed to expire therewith;

9. the amendments to the second undesignated paragraph of subdivision 4 of section 246 of the executive law made by section ninety-two of this act shall not affect the expiration of such paragraph and shall expire and be deemed repealed therewith;

10. the amendments made to section 3 of 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, made by section one hundred three of this act shall not affect the repeal of such section and shall be deemed to be repealed therewith; and

11. section one hundred four of this act shall take effect immediately.

PART K

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

State reimbursement AND PAYMENTS.

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

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

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

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

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

PART L

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

6. "SUCCESSOR GUARDIAN" SHALL MEAN A PERSON OR PERSONS NAMED IN THE AGREEMENT IN EFFECT BETWEEN THE RELATIVE GUARDIAN AND SOCIAL SERVICES OFFICIAL FOR KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS PURSUANT TO THIS TITLE WHO SHALL PROVIDE CARE AND GUARDIANSHIP FOR A CHILD IN THE EVENT OF DEATH OR INCAPACITY OF THE RELATIVE GUARDIAN, AS SET FORTH IN SECTION FOUR HUNDRED FIFTY-EIGHT-B OF THIS TITLE, WHO HAS ASSUMED CARE FOR AND IS THE GUARDIAN OR PERMANENT GUARDIAN OF SUCH CHILD, PROVIDED THAT SUCH PERSON WAS APPOINTED GUARDIAN OR PERMANENT GUARDIAN OF SUCH CHILD BY THE COURT FOLLOWING, OR DUE TO, THE DEATH OR INCAPACITY OF THE RELATIVE GUARDIAN.

7. "PROSPECTIVE SUCCESSOR GUARDIAN" SHALL MEAN A PERSON OR PERSONS WHOM A PROSPECTIVE RELATIVE GUARDIAN OR A RELATIVE GUARDIAN SEEKS TO NAME IN THE ORIGINAL KINSHIP GUARDIANSHIP ASSISTANCE AGREEMENT, OR ANY AMENDMENT THERETO, AS SET FORTH IN SECTION FOUR HUNDRED FIFTY-EIGHT-B OF THIS TITLE, AS THE PERSON OR PERSONS TO PROVIDE CARE AND GUARDIANSHIP FOR A CHILD IN THE EVENT OF THE DEATH OR INCAPACITY OF A RELATIVE GUARDIAN.

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

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

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

S 3. Subdivision 4 of section 458-b of the social services law is amended by adding three new paragraphs (e), (f) and (g) to read as follows:

(E) THE ORIGINAL KINSHIP GUARDIANSHIP ASSISTANCE AGREEMENT EXECUTED IN ACCORDANCE WITH THIS SECTION AND ANY AMENDMENTS THERETO MAY NAME AN APPROPRIATE PERSON TO ACT AS A SUCCESSOR GUARDIAN FOR THE PURPOSE OF PROVIDING CARE AND GUARDIANSHIP FOR A CHILD IN THE EVENT OF DEATH OR INCAPACITY OF THE RELATIVE GUARDIAN.

(F) A FULLY EXECUTED AGREEMENT BETWEEN A RELATIVE GUARDIAN AND A SOCIAL SERVICES OFFICIAL MAY BE AMENDED TO ADD OR MODIFY TERMS AND CONDITIONS MUTUALLY AGREEABLE TO THE RELATIVE GUARDIAN AND THE SOCIAL SERVICES OFFICIAL, INCLUDING THE NAMING OF AN APPROPRIATE PERSON AS A SUCCESSOR GUARDIAN TO PROVIDE CARE AND GUARDIANSHIP FOR A CHILD IN THE EVENT OF DEATH OR INCAPACITY OF THE RELATIVE GUARDIAN.

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

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

5. (A) Once the prospective relative guardian with whom a social services official has entered into an agreement under subdivision four of this section has been issued letters of guardianship for the child and the child has been finally discharged from foster care to such relative, a social services official shall make monthly kinship guardianship assistance payments for the care and maintenance of the child.

(B) A SOCIAL SERVICES DISTRICT SHALL MAKE MONTHLY KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS FOR THE CARE AND MAINTENANCE OF A CHILD TO A SUCCESSOR GUARDIAN IN THE EVENT OF DEATH OR INCAPACITY OF A RELATIVE GUARDIAN, PROVIDED HOWEVER THAT SUCH PAYMENTS SHALL NOT BE AUTHORIZED UNTIL THE SUCCESSOR GUARDIAN IS GRANTED GUARDIANSHIP OR PERMANENT GUARDIANSHIP OF A CHILD BY THE COURT AND ASSUMES CARE OF SUCH CHILD; PROVIDED, FURTHER, HOWEVER, THAT IF THE SUCCESSOR GUARDIAN ASSUMES CARE OF THE CHILD PRIOR TO BEING GRANTED GUARDIANSHIP OR PERMANENT GUARDIANSHIP OF THE CHILD BY THE COURT, PAYMENTS UNDER THIS TITLE SHALL BE MADE RETROACTIVELY FROM: (I) IN THE EVENT OF DEATH OF THE RELATIVE GUARDIAN, THE DATE THE SUCCESSOR GUARDIAN ASSUMED CARE OF THE CHILD OR THE DATE OF DEATH OF THE RELATIVE GUARDIAN, WHICHEVER IS LATER; OR (II) IN THE EVENT OF INCAPACITY OF THE RELATIVE GUARDIAN, THE DATE THE SUCCESSOR GUARDIAN ASSUMED CARE OF THE CHILD OR THE DATE OF INCAPACITY OF THE RELATIVE GUARDIAN, WHICHEVER IS LATER.

(C) IN THE EVENT THAT A SUCCESSOR GUARDIAN ASSUMED CARE AND WAS AWARDED GUARDIANSHIP OR PERMANENT GUARDIANSHIP OF A CHILD BY THE COURT DUE TO THE INCAPACITY OF A RELATIVE GUARDIAN AND THE RELATIVE GUARDIAN

IS SUBSEQUENTLY AWARDED OR RESUMES GUARDIANSHIP OR PERMANENT GUARDIANSHIP OF SUCH CHILD AND ASSUMES CARE OF SUCH CHILD AFTER THE INCAPACITY ENDS, A SOCIAL SERVICES OFFICIAL SHALL MAKE MONTHLY KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS FOR THE CARE AND MAINTENANCE OF THE CHILD TO THE RELATIVE GUARDIAN, IN ACCORDANCE WITH THE TERMS OF THE FULLY EXECUTED WRITTEN AGREEMENT.

S 5. Paragraph (b) of subdivision 7 of section 458-b of the social services law, as added by section 4 of part F of chapter 58 of the laws of 2010, is amended to read as follows:

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

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

S 6. Subdivision 8 of section 458-b of the social services law, as added by section 4 of part F of chapter 58 of the laws of 2010, is amended to read as follows:

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

S 7. Subdivision 2 of section 458-d of the social services law, as added by section 4 of part F of chapter 58 of the laws of 2010, is amended to read as follows:

2. In addition, a social services official shall make payments for the cost of care, services and supplies payable under the state's program of medical assistance for needy persons provided to any child for whom kinship guardianship assistance payments are being made under this title who is not eligible for medical assistance under subdivision one of this section and for whom the relative OR SUCCESSOR guardian is unable to obtain appropriate and affordable medical coverage through any other available means, regardless of whether the child otherwise qualifies for medical assistance for needy persons. Payments pursuant to this subdivision shall be made only with respect to the cost of care, services, and

supplies which are not otherwise covered or subject to payment or reimbursement by insurance, medical assistance or other sources. Payments made pursuant to this subdivision shall only be made if the relative OR SUCCESSOR guardian applies to obtain such medical coverage for the child from all available sources, unless the social services official determines that the relative guardian has good cause for not applying for such coverage; which shall include that appropriate coverage is not available or affordable.

S 8. Subdivisions 1 and 2 of section 458-f of the social services law, as added by section 4 of part F of chapter 58 of the laws of 2010, are amended to read as follows:

1. Any person aggrieved by the decision of a social services official not to make a payment or payments pursuant to this title or to make such payment or payments in an inadequate or inappropriate amount or the failure of a social services official to determine an application under this title within thirty days after filing, OR THE FAILURE OF A SOCIAL SERVICES DISTRICT TO APPROVE PAYMENTS FOR A PROSPECTIVE SUCCESSOR GUARDIAN, may appeal to the office of children and family services, which shall review the case and give such person an opportunity for a fair hearing thereon and render its decision within thirty days. All decisions of the office of children and family services shall be binding upon the social services district involved and shall be complied with by the social services official thereof.

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

S 9. Paragraph (c) of subdivision 7 of section 353.3 of the family court act, as amended by section 6 of part G of chapter 58 of the laws of 2010, is amended to read as follows:

(c) Where the respondent is placed pursuant to subdivision two or three of this section, such report shall contain a plan for the release, or conditional release (pursuant to section five hundred ten-a of the executive law), of the respondent to the custody of his or her parent or other person legally responsible, [to independent living] or to another permanency alternative as provided in paragraph (d) of subdivision seven of section 355.5 of this part. If the respondent is subject to article sixty-five of the education law or elects to participate in an educational program leading to a high school diploma, such plan shall include, but not be limited to, the steps that the agency with which the respondent is placed has taken and will be taking to facilitate the enrollment of the respondent in a school or educational program leading to a high school diploma following release, or, if such release occurs during the summer recess, upon the commencement of the next school term. If the respondent is not subject to article sixty-five of the education law and does not elect to participate in an educational program leading to a high school diploma, such plan shall include, but not be limited

to, the steps that the agency with which the respondent is placed has taken and will be taking to assist the respondent to become gainfully employed or enrolled in a vocational program following release.

S 10. Paragraph (b) of subdivision 7 of section 355.5 of the family court act, as added by chapter 7 of the laws of 1999, is amended to read as follows:

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

S 11. Paragraph (d) of subdivision 7 of section 355.5 of the family court act, as amended by chapter 181 of the laws of 2000, is amended to read as follows:

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

S 12. Subdivision 8 of section 355.5 of the family court act, as added by section 2 of part B of chapter 327 of the laws of 2007, is amended to read as follows:

8. At the permanency hearing, the court shall consult with the respondent in an age-appropriate manner regarding the permanency plan for the respondent; PROVIDED, HOWEVER, THAT IF THE RESPONDENT IS AGE SIXTEEN OR OLDER AND THE REQUESTED PERMANENCY PLAN FOR THE RESPONDENT IS PLACEMENT IN ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT WITH A SIGNIF-ICANT CONNECTION TO AN ADULT WILLING TO BE A PERMANENCY RESOURCE FOR THE

RESPONDENT, THE COURT MUST ASK THE RESPONDENT ABOUT THE DESIRED PERMANENCY OUTCOME FOR THE RESPONDENT.

S 13. Subparagraph (ii) of paragraph (a) of subdivision 2 of section 754 of the family court act, as amended by chapter 7 of the laws of 1999, is amended to read as follows:

(ii) in the case of a child who has attained the age of [sixteen] FOURTEEN, the services needed, if any, to assist the child to make the transition from foster care to independent living. Nothing in this subdivision shall be construed to modify the standards for directing detention set forth in section seven hundred thirty-nine of this article.

S 14. The closing paragraph of paragraph (b) of subdivision 2 of section 754 of the family court act, as added by chapter 7 of the laws of 1999, is amended to read as follows:

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

S 15. Paragraph (ii) of subdivision (d) of section 756-a of the family court act, as amended by section 4 of part B of chapter 327 of the laws of 2007, is amended to read as follows:

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

S 16. Paragraphs (iii) and (iv) of subdivision (d) of section 756-a of the family court act, as amended by section 4 of part B of chapter 327 of the laws of 2007, are amended to read as follows:

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

(iv) whether and when the child: (A) will be returned to the parent; (B) should be placed for adoption with the social services official filing a petition for termination of parental rights; (C) should be

referred for legal guardianship; (D) should be placed permanently with a fit and willing relative; or (E) should be placed in another planned permanent living arrangement WITH A SIGNIFICANT CONNECTION TO AN ADULT WILLING TO BE A PERMANENCY RESOURCE FOR THE CHILD if THE CHILD IS AGE SIXTEEN OR OLDER AND (1) the social services official has documented to the court [a]: (I) INTENSIVE, ONGOING, AND, AS OF THE DATE OF THE HEARING, UNSUCCESSFUL EFFORTS MADE BY THE SOCIAL SERVICES DISTRICT TO RETURN THE CHILD HOME OR SECURE A PLACEMENT FOR THE CHILD WITH A FIT AND WILLING RELATIVE INCLUDING ADULT SIBLINGS, A LEGAL GUARDIAN, OR AN ADOPTIVE PARENT, INCLUDING THROUGH EFFORTS THAT UTILIZE SEARCH TECHNOLOGY INCLUDING SOCIAL MEDIA TO FIND BIOLOGICAL FAMILY MEMBERS FOR CHILDREN, (II) THE STEPS THE SOCIAL SERVICES DISTRICT IS TAKING TO ENSURE THAT (A) THE CHILD'S FOSTER FAMILY HOME OR CHILD CARE FACILITY IS FOLLOWING THE REASONABLE AND PRUDENT PARENT STANDARD IN ACCORDANCE WITH GUIDANCE PROVIDED BY THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND (B) THE CHILD HAS REGULAR, ONGOING OPPORTUNITIES TO ENGAGE IN AGE OR DEVELOPMENTALLY APPROPRIATE ACTIVITIES INCLUDING BY CONSULTING WITH THE CHILD IN AN AGE-APPROPRIATE MANNER ABOUT THE OPPORTUNITIES OF THE CHILD TO PARTICIPATE IN ACTIVITIES; AND (2) THE SOCIAL SERVICES DISTRICT HAS DOCUMENTED TO THE COURT AND THE COURT HAS DETERMINED THAT THERE ARE compelling [reason] REASONS for determining that it [would] CONTINUES TO not be in the best interest of the child to return home, be referred for termination of parental rights and placed for adoption, placed with a fit and willing relative, or placed with a legal guardian; and (3) THE COURT HAS MADE A DETERMINATION EXPLAINING WHY, AS OF THE DATE OF THE HEARING, ANOTHER PLANNED LIVING ARRANGEMENT WITH A SIGNIFICANT CONNECTION TO AN ADULT WILLING TO BE A PERMANENCY RESOURCE FOR THE CHILD IS THE BEST PERMANENCY PLAN FOR THE CHILD; AND

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

S 17. Subdivision (d-1) of section 756-a of the family court act, as added by section 4 of part B of chapter 327 of the laws of 2007, is amended to read as follows:

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

S 18. Paragraph (v) of subdivision (c) of section 1039-b of the family court act, as amended by section 5 of part B of chapter 327 of the laws of 2007, is amended to read as follows:

(v) should be placed in another planned permanent living arrangement WITH A SIGNIFICANT CONNECTION TO AN ADULT WILLING TO BE A PERMANENCY RESOURCE FOR THE CHILD IF THE CHILD IS AGE SIXTEEN OR OLDER AND if the [social services official has documented to the court a compelling reason for determining that it would not be in the best interests of the child to return home, be referred for termination of parental rights and placed for adoption, placed with a fit and willing relative, or placed with a legal guardian] REQUIREMENTS OF CLAUSE (E) OF SUBPARAGRAPH (I) OF PARAGRAPH TWO OF SUBDIVISION (D) OF SECTION ONE THOUSAND EIGHTY-NINE OF THIS CHAPTER HAVE BEEN MET. The social services official shall thereafter make reasonable efforts to place the child in a timely manner, including consideration of appropriate in-state and out-of-state place-

ments, and to complete whatever steps are necessary to finalize the permanent placement of the child as set forth in the permanency plan approved by the court. If reasonable efforts are determined by the court not to be required because of one of the grounds set forth in this paragraph, the social services official may file a petition for termination of parental rights in accordance with section three hundred eighty-four-b of the social services law.

S 19. Item (v) of clause 7 of subparagraph (A) of paragraph (i) of subdivision (b) of section 1052 of the family court act, as amended by section 7 of part B of chapter 327 of the laws of 2007, is amended to read as follows:

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

S 20. Subparagraph (v) of paragraph 1 of subdivision (c) of section 1089 of the family court act, as added by section 27 of part A of chapter 3 of the laws of 2005, is amended to read as follows:

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

S 21. The opening paragraph of subdivision (d) of section 1089 of the family court act, as amended by chapter 334 of the laws of 2009, is amended to read as follows:

Evidence, court findings and order. The provisions of subdivisions (a) and (c) of section one thousand forty-six of this act shall apply to all proceedings under this article. THE PERMANENCY HEARING SHALL INCLUDE AN AGE APPROPRIATE CONSULTATION WITH THE CHILD; PROVIDED, HOWEVER THAT IF THE CHILD IS AGE SIXTEEN OR OLDER AND THE REQUESTED PERMANENCY PLAN FOR THE CHILD IS PLACEMENT IN ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT WITH A SIGNIFICANT CONNECTION TO AN ADULT WILLING TO BE A PERMANENCY RESOURCE FOR THE CHILD, THE COURT MUST ASK THE CHILD ABOUT THE DESIRED PERMANENCY OUTCOME FOR THE CHILD. At the conclusion of each permanency hearing, the court shall, upon the proof adduced, [which shall include age-appropriate consultation with the child who is the subject of the permanency hearing,] and in accordance with the best interests and safety of the child, including whether the child would be at risk of abuse or neglect if returned to the parent or other person legally responsible, determine and issue its findings, and enter an order of disposition in writing:

S 22. Clause (E) of subparagraph (i) of paragraph 2 of subdivision (d) of section 1089 of the family court act, as added by section 27 of part A of chapter 3 of the laws of 2005, is amended to read as follows:

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

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

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

S 24. Paragraph (b) of subdivision 1 of section 4174 of the public health law, as amended by chapter 396 of the laws of 1989, is amended to read as follows:

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

S 25. Subdivision 4 of section 4174 of the public health law, as amended by section 132 of subpart B of part C of chapter 62 of the laws of 2011, is amended to read as follows:

4. No fee shall be charged for a search, certification, certificate, certified copy or certified transcript of a record to be used for school entrance, employment certificate or for purposes of public relief or when required by the veterans administration to be used in determining the eligibility of any person to participate in the benefits made available by the veterans administration or when required by a board of elections for the purposes of determining voter eligibility or when requested by the department of corrections and community supervision or a local correctional facility as defined in subdivision sixteen of section two of the correction law for the purpose of providing a certified copy or certified transcript of birth to an inmate in anticipation of such inmate's release from custody or when requested by the office of children and family services or an authorized agency for the purpose of providing a certified copy or certified transcript of birth to a youth placed in the CARE AND custody OR CUSTODY AND GUARDIANSHIP of the local commissioner of social services or the CARE AND custody OR CUSTODY AND GUARDIANSHIP of the office of children and family services [pursuant to article three of the family court act] in anticipation of such youth's discharge from placement OR FOSTER CARE.

S 26. Subdivision 1 of section 837-e of the executive law, as amended by chapter 690 of the laws of 1994, is amended to read as follows:

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

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

S 28. This act shall take effect immediately, provided however that sections nine through twenty-five of this act shall take effect September 1, 2015 and section twenty-six of this act shall take effect January 1, 2016.

PART M

Section 1. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for purposes of the rural rental assistance program, a sum not to exceed twenty-one million six hundred forty-two thousand dollars for the fiscal year ending March 31, 2016. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the housing trust fund corporation, for the purposes of reimbursing any costs associated with rural rental assistance program contracts authorized by this section, a total sum not to exceed twenty-one million six hundred forty-two thousand dollars, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2014-2015 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than June 30, 2015. Notwithstanding any other provision of law, such funds may be used by the corporation in support of contracts scheduled to expire in the fiscal year ending March 31, 2016 for as many as 10 additional years; in support of contracts for new eligible projects for a period not to exceed 5 years; and in support of contracts which reach their 25 year maximum in and/or prior to the fiscal year ending March 31, 2016 for an additional one year period.

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

S 3. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for purposes of the neighborhood preservation program, a sum not to exceed eight million four hundred seventy-nine thousand dollars for the fiscal year ending March 31, 2016. Within this total amount one hundred fifty thousand dollars shall be used for the purpose of entering into a contract with the neighborhood preservation coalition to provide technical assistance and service to companies funded pursuant to article XVI of the private housing finance law. Notwithstanding any other provision of law, and subject to the approval

of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the housing trust fund corporation, for the purposes of reimbursing any costs associated with neighborhood preservation program contracts authorized by this section, a total sum not to exceed eight million four hundred seventy-nine thousand dollars, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2014-2015 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than June 30, 2015.

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

S 5. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for purposes of the rural and urban community investment fund program created pursuant to article XXVII of the private housing finance law, a sum not to exceed ten million dollars for the fiscal year ending March 31, 2016. Notwithstanding any other provision of law, and provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York

mortgage agency) required to accomplish the purposes of such account, the board of directors of the state of New York mortgage agency shall authorize the transfer from the project pool insurance account of the mortgage insurance fund to the housing trust fund corporation, for the purposes of reimbursing any costs associated with rural and urban community investment fund program contracts authorized by this section, a total sum not to exceed ten million dollars as soon as practicable but not later than March 31, 2016.

S 6. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for the purposes of the urban initiatives program created pursuant to article XVI-A of the private housing finance law, a sum not to exceed five million dollars for the fiscal year ending March 31, 2016. Notwithstanding any other provision of law, and provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the board of directors of the state of New York mortgage agency shall authorize the transfer from the project pool insurance account of the mortgage insurance fund to the housing trust fund corporation, for the purposes of reimbursing any costs associated with urban initiatives projects authorized by this section, a total sum not to exceed five million dollars as soon as practicable but not later than March 31, 2016.

S 7. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for purposes of the rural area revitalization projects program created pursuant to article XVII-B of the private housing finance law, a sum not to exceed two million dollars for the fiscal year ending March 31, 2016. Notwithstanding any other provision of law, and provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the board of directors of the state of New York mortgage agency shall authorize the transfer from the project pool insurance account of the mortgage insurance fund to the housing trust fund corporation, for the purposes of reimbursing any costs associated with rural area revitalization projects authorized by this section, a total sum not to exceed two million dollars as soon as practicable but not later than March 31, 2016.

S 8. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for the purposes of carrying out the provisions of the low income housing trust fund program created pursuant to article XVIII of the private housing finance law, a sum not to exceed seven million five hundred thousand dollars for the fiscal year ending March 31, 2016. Notwithstanding any other provision of law, and provided that reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the board of directors of the state of New York mortgage agency shall authorize the transfer from the project pool insurance account of the mortgage insurance fund to the housing trust fund corporation, for the purposes of carrying out the provisions of the low income housing trust fund program created pursuant

to article XVIII of the private housing finance law authorized by this section, a total sum not to exceed seven million five hundred thousand dollars as soon as practicable but no later than March 31, 2016.

S 9. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for purposes of the homes for working families program for deposit in the housing trust fund created pursuant to section 59-a of the private housing finance law and subject to the provisions of article XVIII of the private housing finance law, a sum not to exceed eight million five hundred thousand dollars for the fiscal year ending March 31, 2016. Notwithstanding any other provision of law, and provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the board of directors of the state of New York mortgage agency shall authorize the transfer from the project pool insurance account of the mortgage insurance fund to the housing trust fund corporation, for the purposes of reimbursing any costs associated with homes for working families program contracts authorized by this section, a total sum not to exceed eight million five hundred thousand dollars as soon as practicable but no later than March 31, 2016.

S 10. Notwithstanding any other provision of law, the homeless housing and assistance corporation may provide, for purposes of the New York state supportive housing program, the solutions to end homelessness program or the operational support for AIDS housing program, or to qualified grantees under those programs, in accordance with the requirements of those programs, a sum not to exceed thirty-one million three hundred forty thousand dollars for the fiscal year ending March 31, 2016. The homeless housing and assistance corporation may enter into an agreement with the office of temporary and disability assistance to administer such sum in accordance with the requirements of the programs. Notwithstanding any other provision of law, and subject to the approval of the director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the homeless housing and assistance corporation, a total sum not to exceed thirty-one million three hundred forty thousand dollars, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2014-2015 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than March 31, 2016.

S 11. This act shall take effect immediately.

PART N

Section 1. Paragraph (n) of subdivision 5 of section 651 of the labor law, as amended by chapter 481 of the laws of 2010, is amended to read as follows:

(n) by [a] THE federal[, state or municipal] government or political subdivision thereof. The exclusions from the term "employee" contained in this subdivision shall be as defined by regulations of the commissioner; or

S 2. Subdivision 6 of section 651 of the labor law, as amended by chapter 281 of the laws of 2002, is amended to read as follows:

6. "Employer" includes any individual, partnership, association, corporation, limited liability company, business trust, legal representative, STATE OR MUNICIPAL GOVERNMENT OR POLITICAL SUBDIVISION THEREOF, or any organized group of persons acting as employer.

S 3. Subdivisions 1, 4 and 5 of section 652 of the labor law, subdivision 1 as amended by section 1 of part P of chapter 57 of the laws of 2013 and subdivisions 4 and 5 as amended by chapter 747 of the laws of 2004, are amended to read as follows:

1. Statutory. Every employer shall pay to each of its employees for each hour worked a wage of not less than:

$4.25 on and after April 1, 1991,

$5.15 on and after March 31, 2000,

$6.00 on and after January 1, 2005,

$6.75 on and after January 1, 2006,

$7.15 on and after January 1, 2007,

$8.00 on and after December 31, 2013,

$8.75 on and after December 31, 2014,

$9.00 on and after December 31, 2015,

$12.50 IN A CITY WITH A POPULATION IN EXCESS OF ONE MILLION AND IN COUNTIES WITH A POPULATION OF NINE HUNDRED THOUSAND OR MORE THAT FALL WITHIN THE METROPOLITAN COMMUTER TRANSPORTATION DISTRICT AS DEFINED IN SECTION TWELVE HUNDRED SIXTY-TWO OF THE PUBLIC AUTHORITIES LAW, AND $10.50 IN THE REMAINDER OF THE STATE ON AND AFTER DECEMBER 31, 2016,

$13.75 IN A CITY WITH A POPULATION IN EXCESS OF ONE MILLION AND IN COUNTIES WITH A POPULATION OF NINE HUNDRED THOUSAND OR MORE THAT FALL WITHIN THE METROPOLITAN COMMUTER TRANSPORTATION DISTRICT AS DEFINED IN SECTION TWELVE HUNDRED SIXTY-TWO OF THE PUBLIC AUTHORITIES LAW, AND $11.55 IN THE REMAINDER OF THE STATE ON AND AFTER DECEMBER 31, 2017,

$15.00 IN A CITY WITH A POPULATION IN EXCESS OF ONE MILLION AND IN COUNTIES WITH A POPULATION OF NINE HUNDRED THOUSAND OR MORE THAT FALL WITHIN THE METROPOLITAN COMMUTER TRANSPORTATION DISTRICT AS DEFINED IN SECTION TWELVE HUNDRED SIXTY-TWO OF THE PUBLIC AUTHORITIES LAW, AND $12.60 IN THE REMAINDER OF THE STATE ON AND AFTER DECEMBER 31, 2018, AND ON AND AFTER DECEMBER 31, 2019 AND ON EACH FOLLOWING DECEMBER THIRTY-FIRST, THE COMMISSIONER SHALL CALCULATE AND ESTABLISH AN ADJUSTED MINIMUM WAGE RATE BY INCREASING THE THEN CURRENT MINIMUM WAGE RATE BY THE RATE OF INFLATION FOR THE MOST RECENT TWELVE MONTH PERIOD AVAILABLE PRIOR TO EACH DECEMBER THIRTY-FIRST USING THE CONSUMER PRICE INDEX-ALL URBAN CONSUMERS, CPI-U, OR A SUCCESSOR INDEX AS CALCULATED BY THE UNITED STATES DEPARTMENT OF LABOR, IF SUCH RATE OF INFLATION IS GREATER THAN ZERO PERCENT, or, if greater, such other wage as may be established by federal law pursuant to 29 U.S.C. section 206 or its successors or such other wage as may be established in accordance with the provisions of this article.

4. Notwithstanding subdivisions one and two of this section, the wage for an employee who is a food service worker receiving tips shall be a cash wage of at least three dollars and thirty cents per hour on or

after March thirty-first, two thousand; three dollars and eighty-five cents on or after January first, two thousand five; at least four dollars and thirty-five cents on or after January first, two thousand six; [and] at least four dollars and sixty cents on or after January first, two thousand seven[,]; AND AT LEAST $9.50 IN A CITY WITH A POPULATION IN EXCESS OF ONE MILLION AND IN COUNTIES WITH A POPULATION OF NINE HUNDRED THOUSAND OR MORE THAT FALL WITHIN THE METROPOLITAN COMMUTER TRANSPORTATION DISTRICT AS DEFINED IN SECTION TWELVE HUNDRED SIXTY-TWO OF THE PUBLIC AUTHORITIES LAW, AND $7.50 IN THE REMAINDER OF THE STATE ON AND AFTER DECEMBER 31, 2016; AND AT LEAST $10.45 IN A CITY WITH A POPULATION IN EXCESS OF ONE MILLION AND IN COUNTIES WITH A POPULATION OF NINE HUNDRED THOUSAND OR MORE THAT FALL WITHIN THE METROPOLITAN COMMUTER TRANSPORTATION DISTRICT AS DEFINED IN SECTION TWELVE HUNDRED SIXTY-TWO OF THE PUBLIC AUTHORITIES LAW, AND $8.25 IN THE REMAINDER OF THE STATE ON AND AFTER DECEMBER 31, 2017; AND $11.40 IN A CITY WITH A POPULATION IN EXCESS OF ONE MILLION AND IN COUNTIES WITH A POPULATION OF NINE HUNDRED THOUSAND OR MORE THAT FALL WITHIN THE METROPOLITAN COMMUTER TRANSPORTATION DISTRICT AS DEFINED IN SECTION TWELVE HUNDRED SIXTY-TWO OF THE PUBLIC AUTHORITIES LAW, AND $9.00 IN THE REMAINDER OF THE STATE ON AND AFTER DECEMBER 31, 2018 AND ON EACH FOLLOWING DECEMBER THIRTY-FIRST, THE COMMISSIONER SHALL CALCULATE AND ESTABLISH AN ADJUSTED CASH WAGE RATE BY INCREASING THE THEN CURRENT CASH WAGE RATE BY THE RATE OF INFLATION FOR THE MOST RECENT TWELVE MONTH PERIOD AVAILABLE PRIOR TO EACH DECEMBER THIRTY-FIRST USING THE CONSUMER PRICE INDEX-ALL URBAN CONSUMERS, CPI-U, OR A SUCCESSOR INDEX AS CALCULATED BY THE UNITED STATES DEPARTMENT OF LABOR, IF SUCH RATE OF INFLATION IS GREATER THAN ZERO PERCENT provided that the tips of such an employee, when added to such cash wage, are equal to or exceed the minimum wage in effect pursuant to subdivision one of this section and provided further that no other cash wage is established pursuant to section six hundred fifty-three of this article. In the event the cash wage payable under the Fair Labor Standards Act (29 United States Code Sec. 203 (m), as amended), is increased after enactment of this subdivision, the cash wage payable under this subdivision shall automatically be increased by the proportionate increase in the cash wage payable under such federal law, and will be immediately enforceable as the cash wage payable to food service workers under this article.

5. Notwithstanding subdivisions one and two of this section, meal and lodging allowances for a food service worker receiving a cash wage amounting to three dollars and thirty cents per hour on or after March thirty-first, two thousand; three dollars and eighty-five cents on or after January first, two thousand five; four dollars and thirty-five cents on or after January first, two thousand six; [and] four dollars and sixty cents on or after January first, two thousand seven[,]; AND AT LEAST $9.50 IN A CITY WITH A POPULATION IN EXCESS OF ONE MILLION AND IN COUNTIES WITH A POPULATION OF NINE HUNDRED THOUSAND OR MORE THAT FALL WITHIN THE METROPOLITAN COMMUTER TRANSPORTATION DISTRICT AS DEFINED IN SECTION TWELVE HUNDRED SIXTY-TWO OF THE PUBLIC AUTHORITIES LAW, AND $7.50 IN THE REMAINDER OF THE STATE ON AND AFTER DECEMBER 31, 2016; AND AT LEAST $10.45 IN A CITY WITH A POPULATION IN EXCESS OF ONE MILLION AND IN COUNTIES WITH A POPULATION OF NINE HUNDRED THOUSAND OR MORE THAT FALL WITHIN THE METROPOLITAN COMMUTER TRANSPORTATION DISTRICT AS DEFINED IN SECTION TWELVE HUNDRED SIXTY-TWO OF THE PUBLIC AUTHORITIES LAW, AND $8.25 IN THE REMAINDER OF THE STATE ON AND AFTER DECEMBER 31, 2017; AND $11.40 IN A CITY WITH A POPULATION IN EXCESS OF ONE MILLION AND IN COUNTIES WITH A POPULATION OF NINE HUNDRED THOUSAND OR MORE THAT FALL WITHIN

THE METROPOLITAN COMMUTER TRANSPORTATION DISTRICT AS DEFINED IN SECTION TWELVE HUNDRED SIXTY-TWO OF THE PUBLIC AUTHORITIES LAW, AND $9.00 IN THE REMAINDER OF THE STATE ON AND AFTER DECEMBER 31, 2018 AND ON EACH FOLLOWING DECEMBER THIRTY-FIRST, THE COMMISSIONER SHALL CALCULATE AND ESTABLISH AN ADJUSTED CASH WAGE RATE BY INCREASING THE THEN CURRENT CASH WAGE RATE BY THE RATE OF INFLATION FOR THE MOST RECENT TWELVE MONTH PERIOD AVAILABLE PRIOR TO EACH DECEMBER THIRTY-FIRST USING THE CONSUMER PRICE INDEX-ALL URBAN CONSUMERS, CPI-U, OR A SUCCESSOR INDEX AS CALCULATED BY THE UNITED STATES DEPARTMENT OF LABOR, IF SUCH RATE OF INFLATION IS GREATER THAN ZERO PERCENT shall not increase more than two-thirds of the increase required by subdivision two of this section as applied to state wage orders in effect pursuant to subdivision one of this section.

S 4. The labor law is amended by adding a new section 525 to read as follows:

S 525. HIGH QUARTER THRESHOLD. FOR PURPOSES OF THIS ARTICLE, "HIGH QUARTER THRESHOLD" SHALL EQUAL TWO HUNDRED TWENTY-ONE TIMES THE MINIMUM WAGE RATE SPECIFIED BELOW ROUNDED DOWN TO THE NEAREST ONE HUNDRED DOLLARS. THE MINIMUM WAGE RATE REFERENCED ABOVE SHALL BE A SINGLE HOURLY RATE THAT: (I) IS LISTED IN SUBDIVISION ONE OF SECTION SIX HUNDRED FIFTY-TWO OF THIS CHAPTER; (II) IS A GENERAL RATE THAT IS NOT RESTRICTED TO SPECIFIED LOCALITIES, INDUSTRIES, OCCUPATIONS OR EMPLOYMENTS AND; (III) WAS IN EFFECT EIGHTEEN MONTHS BEFORE THE MONDAY OF THE WEEK THAT THE CLAIM WAS FILED, AS DETERMINED BY THE COMMISSIONER.

S 5. Subdivision 1 and paragraph (a) of subdivision 2 of section 527 of the labor law, as amended by section 2 of part O of chapter 57 of the laws of 2013, are amended to read as follows:

1. Basic condition. "Valid original claim" is a claim filed by a claimant who meets the following qualifications: (a) is able to work, and available for work; (b) is not subject to any disqualification or suspension under this article; (c) his or her previously established benefit year, if any, has expired; (d) has been paid remuneration by employers liable for contributions or for payments in lieu of contributions under this article, other than employers from whom the claimant lost employment and for which the commissioner makes a determination disqualifying the claimant for misconduct pursuant to subdivisions three and six of section five hundred ninety-three of this article, for employment during at least two calendar quarters of the base period, with remuneration of one and one-half times the high calendar quarter remuneration within the base period and with [at least two hundred twenty-one times the minimum wage established under subdivision one of section six hundred fifty-two of this chapter rounded down to the nearest one hundred dollars of such remuneration being paid during the high calendar quarter of such base period] REMUNERATION DURING THE HIGH CALENDAR QUARTER OF NO LESS THAN THE HIGH QUARTER THRESHOLD. For purposes of this section, the remuneration in the high calendar quarter of the base period used in determining a valid original claim shall not exceed an amount equal to twenty-two times the maximum benefit rate as set forth in subdivision five of section five hundred ninety of this article for all individuals.

(a) An individual who is unable to file a valid original claim in accordance with subdivision one of this section, files a valid original claim by meeting the qualifications enumerated in paragraphs (a), (b) and (c) of subdivision one of this section and by having been paid remuneration by employers liable for contributions or for payments in lieu of contributions under this article, other than employers from whom

the claimant lost employment and for which the commissioner makes a determination disqualifying the claimant for misconduct pursuant to subdivisions three and six of section five hundred ninety-three of this article, for employment during at least two calendar quarters of the base period, with remuneration of one and one-half times the high calendar quarter remuneration within the base period and with [at least two hundred twenty-one times the minimum wage established under subdivision one of section six hundred fifty-two of this chapter rounded down to the nearest one hundred dollars of such remuneration being paid during the high calendar quarter of such base period] REMUNERATION DURING THE HIGH CALENDAR QUARTER OF NO LESS THAN THE HIGH QUARTER THRESHOLD. For purposes of this section, the remuneration in the high calendar quarter of the base period used in determining a valid original claim shall not exceed an amount equal to twenty-two times the maximum benefit rate as set forth in subdivision five of section five hundred ninety of this article for all individuals.

S 6. This act shall take effect immediately.

PART O

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

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

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

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

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

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

(C) "FIGHT EBOLA" MEANS TO SERVE AS A HEALTHCARE PROFESSIONAL IN A COUNTRY THAT HAS BEEN CLASSIFIED AS HAVING WIDESPREAD TRANSMISSION OF THE EBOLA VIRUS DISEASE BY THE CENTERS FOR DISEASE CONTROL AND PREVENTION OF THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES.

(D) "HEALTHCARE PROFESSIONAL" MEANS:

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

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

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

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

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

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

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

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

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

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

(B) THE DURATION OF LEAVE OF ABSENCE, AS DETERMINED PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION SHALL BE EXTENDED TO INCLUDE ANY ADDI-

TIONAL PERIOD OF TIME THAT THE EMPLOYEE BECOMES SUBJECT TO A MANDATORY QUARANTINE PERIOD IMPOSED AT THE END OF THE EMPLOYEE'S VOLUNTARY SERVICE TO FIGHT EBOLA.

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

(A) IDENTIFY THE DURATION OF LEAVE SOUGHT, INCLUDING THE ANTICIPATED START AND END DATES OF THE VOLUNTEER SERVICE, TOGETHER WITH ANY ADDITIONAL TIME SOUGHT FOR TRANSPORTATION AND FOR REST PRIOR TO RETURNING TO WORK;

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

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

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

(A) IDENTIFY THE ANTICIPATED START AND END DATES OF THE VOLUNTEER SERVICE AND THE TERMS OF SERVICE, INCLUDING ANY COMPENSATION AND BENEFITS TO BE PROVIDED;

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

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

8. BENEFITS DURING LEAVE. EMPLOYEES WHO TAKE LEAVE UNDER THIS SECTION SHALL BE RESTORED AT THE COMPLETION OF SUCH LEAVE TO THE SAME OR COMPARABLE POSITION WITHOUT LOSS OF SENIORITY, SHALL BE ENTITLED TO PARTICIPATE IN INSURANCE OR OTHER BENEFITS OFFERED BY THE EMPLOYER PURSUANT TO ESTABLISHED RULES AND PRACTICES RELATING TO EMPLOYEES ON FURLOUGH OR LEAVE OF ABSENCE IN EFFECT WITH THE EMPLOYER AT THE TIME SUCH EMPLOYEE MADE REQUEST TO TAKE LEAVE OF ABSENCE AS PROVIDED IN THIS SECTION.

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

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

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

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

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

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

PART P

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

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

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

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

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

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

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

5. If there shall be practical difficulties or unnecessary hardship in carrying out the provisions of this section or the rules promulgated hereunder, the commissioner may make a variation therefrom if the spirit of the act be observed and substantial justice done. Such variation shall describe the conditions under which it shall be permitted and shall apply to substantially similar conditions. A properly indexed record of variations shall be kept by the department. [Each application

for a variation shall be accompanied by a non-refundable fee of forty dollars.]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10. The commissioner of labor, in consultation with the superintendent of financial services, shall promulgate rules and regulations for the certification of safety and loss management specialists. Such rules and regulations shall include provisions that outline the minimum qualifications for safety and loss management specialists, procedures for certification, causes for revocation or suspension of certification and appropriate administrative and judicial review procedures, AND violations and penalties for misuse of certification by certified safety and loss management specialists[, and fees for certificate and certificate renewal].

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

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

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

5. The entity possesses a tag issued by the department with an identification number affixed and identifying each machine[;].

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

S 16. This act shall take effect immediately.

PART Q

Intentionally Omitted

PART R

Section 1. Paragraph (a) of subdivision 1 of section 1 of 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, as amended by section 1 of part H of chapter 56 of the laws of 2014, is amended to read as follows:

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

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

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

S 3. Subclause (A) of clause (ii) of paragraph (j) of subdivision 4 of section 1 of part U of chapter 57 of the laws of 2005, relating to the New York state higher education capital matching grant program for independent colleges, as amended by section 3 of part H of chapter 56 of the laws of 2014, is amended to read as follows:

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

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

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

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

PART S

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

S 669-F. NEW YORK STATE MASTERS-IN-EDUCATION TEACHER INCENTIVE SCHOLARSHIP PROGRAM. 1. ELIGIBILITY. STUDENTS WHO ARE MATRICULATED IN AN APPROVED MASTER'S DEGREE IN EDUCATION PROGRAM AT A NEW YORK STATE PUBLIC INSTITUTION OF HIGHER EDUCATION LEADING TO A CAREER AS A TEACHER IN PUBLIC ELEMENTARY OR SECONDARY EDUCATION OR AS A TEACHER IN A STATE AGENCY PROVIDING ELEMENTARY OR SECONDARY EDUCATION SHALL BE ELIGIBLE FOR AN AWARD UNDER THIS SECTION, PROVIDED THE APPLICANT: (A) EARNED AN UNDERGRADUATE DEGREE FROM A COLLEGE LOCATED IN NEW YORK STATE; (B) WAS A NEW YORK STATE RESIDENT WHILE EARNING SUCH UNDERGRADUATE DEGREE; (C) ACHIEVED ACADEMIC EXCELLENCE AS AN UNDERGRADUATE STUDENT, AS DEFINED BY THE CORPORATION IN REGULATION; (D) ENROLLS IN FULL-TIME STUDY IN AN APPROVED MASTER'S DEGREE IN EDUCATION PROGRAM AT A NEW YORK STATE PUBLIC INSTITUTION OF HIGHER EDUCATION LEADING TO A CAREER AS A TEACHER IN PUBLIC ELEMENTARY OR SECONDARY EDUCATION OR AS A TEACHER IN A STATE AGENCY PROVIDING ELEMENTARY OR SECONDARY EDUCATION; (E) SIGNS A CONTRACT WITH THE CORPORATION AGREEING TO TEACH IN A CLASSROOM SETTING ON A FULL-TIME BASIS FOR FIVE YEARS IN A SCHOOL LOCATED WITHIN NEW YORK STATE PROVIDING PUBLIC ELEMENTARY OR SECONDARY EDUCATION RECOGNIZED BY THE BOARD OF REGENTS OR THE UNIVERSITY OF THE STATE OF NEW YORK, INCLUDING CHARTER SCHOOLS AUTHORIZED PURSUANT TO ARTICLE FIFTY-SIX OF THIS CHAPTER OR IN A STATE-RUN FACILITY PROVIDING ELEMENTARY OR SECONDARY EDUCATION OPERATED BY THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION, THE OFFICE OF CHILDREN AND FAMILY SERVICES, THE OFFICE OF MENTAL HEALTH OR THE OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES; AND (F) COMPLIES WITH THE APPLICABLE PROVISIONS OF THIS ARTICLE AND ALL REQUIREMENTS PROMULGATED BY THE CORPORATION FOR THE ADMINISTRATION OF THE PROGRAM.

2. WITHIN AMOUNTS APPROPRIATED THEREFOR, AWARDS SHALL BE GRANTED TO APPLICANTS THAT THE CORPORATION HAS CERTIFIED ARE ELIGIBLE TO RECEIVE SUCH AWARDS. UP TO FIVE HUNDRED AWARDS MAY BE GRANTED TO NEW RECIPIENTS ANNUALLY. SUCH AWARDS SHALL BE GRANTED UPON SUCCESSFUL COMPLETION OF EACH TERM, AS DEFINED BY THE CORPORATION.

3. AN AWARD SHALL ENTITLE THE RECIPIENT TO ANNUAL PAYMENTS FOR NOT MORE THAN TWO ACADEMIC YEARS OF FULL-TIME GRADUATE STUDY LEADING TO CERTIFICATION AS AN ELEMENTARY OR SECONDARY CLASSROOM TEACHER.

4. THE CORPORATION SHALL GRANT SUCH AWARDS IN AN AMOUNT EQUAL TO THE ANNUAL TUITION CHARGED TO STATE RESIDENT STUDENTS ATTENDING A GRADUATE PROGRAM FULL-TIME AT THE STATE UNIVERSITY OF NEW YORK, OR ACTUAL TUITION CHARGED, WHICHEVER IS LESS; PROVIDED, HOWEVER, (I) A STUDENT WHO RECEIVES EDUCATIONAL GRANTS AND/OR SCHOLARSHIPS THAT COVER THE STUDENT'S FULL COST OF ATTENDANCE SHALL NOT BE ELIGIBLE FOR AN AWARD UNDER THIS PROGRAM; (II) FOR A STUDENT WHO RECEIVES EDUCATIONAL GRANTS AND/OR SCHOLARSHIPS THAT COVER LESS THAN THE STUDENT'S FULL COST OF ATTENDANCE, SUCH GRANTS AND/OR SCHOLARSHIPS SHALL NOT BE DEEMED DUPLICATIVE OF THIS PROGRAM AND MAY BE HELD CONCURRENTLY WITH AN AWARD UNDER THIS PROGRAM, PROVIDED THAT THE COMBINED BENEFITS DO NOT EXCEED THE STUDENT'S FULL COST OF ATTENDANCE; AND (III) AN AWARD UNDER THIS PROGRAM SHALL BE APPLIED TO TUITION AFTER THE APPLICATION OF ALL OTHER EDUCATIONAL GRANTS AND SCHOLARSHIPS LIMITED TO TUITION AND SHALL BE REDUCED IN AN AMOUNT EQUAL TO SUCH EDUCATIONAL GRANTS AND/OR SCHOLARSHIPS. UPON NOTIFICATION OF AN AWARD UNDER THIS PROGRAM, THE INSTITUTION SHALL DEFER THE AMOUNT OF TUITION EQUAL TO THE AWARD. NO AWARD SHALL BE FINAL UNTIL THE RECIPIENT'S SUCCESSFUL COMPLETION OF A TERM HAS BEEN CERTIFIED BY THE INSTITUTION. A RECIPIENT OF AN AWARD UNDER THIS PROGRAM SHALL NOT BE ELIGIBLE FOR AN AWARD UNDER THE NEW YORK STATE MATH AND SCIENCE TEACHING INCENTIVE PROGRAM.

5. THE CORPORATION SHALL CONVERT TO A STUDENT LOAN THE FULL AMOUNT OF THE AWARD GRANTED PURSUANT TO THIS SECTION, PLUS INTEREST, ACCORDING TO A SCHEDULE TO BE DETERMINED BY THE CORPORATION IF: (A) TWO YEARS AFTER THE COMPLETION OF THE DEGREE PROGRAM AND RECEIPT OF INITIAL CERTIFICATION IT IS FOUND THAT A RECIPIENT IS NOT TEACHING IN A PUBLIC SCHOOL LOCATED WITHIN NEW YORK STATE PROVIDING ELEMENTARY OR SECONDARY EDUCATION RECOGNIZED BY THE BOARD OF REGENTS OR THE UNIVERSITY OF THE STATE OF NEW YORK, INCLUDING CHARTER SCHOOLS AUTHORIZED PURSUANT TO ARTICLE FIFTY-SIX OF THIS CHAPTER OR IN A STATE-RUN FACILITY PROVIDING ELEMENTARY OR SECONDARY EDUCATION OPERATED BY THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION, THE OFFICE OF CHILDREN AND FAMILY SERVICES, THE OFFICE OF MENTAL HEALTH OR THE OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES; (B) A RECIPIENT HAS NOT TAUGHT IN A PUBLIC SCHOOL LOCATED WITHIN NEW YORK STATE PROVIDING ELEMENTARY OR SECONDARY EDUCATION RECOGNIZED BY THE BOARD OF REGENTS OR THE UNIVERSITY OF THE STATE OF NEW YORK, INCLUDING CHARTER SCHOOLS AUTHORIZED PURSUANT TO ARTICLE FIFTY-SIX OF THIS CHAPTER OR IN A STATE-RUN FACILITY PROVIDING ELEMENTARY OR SECONDARY EDUCATION OPERATED BY THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION, THE OFFICE OF CHILDREN AND FAMILY SERVICES, THE OFFICE OF MENTAL HEALTH OR THE OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES FOR FIVE OF THE SEVEN YEARS AFTER THE COMPLETION OF THE GRADUATE DEGREE PROGRAM AND RECEIPT OF INITIAL CERTIFICATION; (C) A RECIPIENT FAILS TO COMPLETE HIS OR HER GRADUATE DEGREE PROGRAM IN EDUCATION; (D) A RECIPIENT FAILS TO RECEIVE OR MAINTAIN HIS OR HER TEACHING CERTIFICATE OR LICENSE IN NEW YORK STATE; OR (E) A RECIPIENT FAILS TO RESPOND TO REQUESTS BY THE CORPORATION FOR THE STATUS OF HIS OR HER ACADEMIC OR PROFESSIONAL PROGRESS. THE TERMS AND CONDITIONS OF THIS SUBDIVISION SHALL BE DEFERRED FOR ANY INTERRUPTION IN GRADUATE STUDY OR EMPLOYMENT AS ESTABLISHED BY THE RULES AND REGULATIONS OF THE CORPORATION. ANY OBLIGATION TO COMPLY WITH SUCH PROVISIONS AS OUTLINED IN THIS SECTION SHALL BE CANCELLED UPON THE DEATH OF THE RECIPIENT. NOTWITHSTANDING ANY PROVISIONS OF THIS SUBDIVISION TO THE CONTRARY, THE CORPORATION IS

AUTHORIZED TO PROMULGATE RULES AND REGULATIONS TO PROVIDE FOR THE WAIVER OR SUSPENSION OF ANY FINANCIAL OBLIGATION WHICH WOULD INVOLVE EXTREME HARDSHIP.

6. THE CORPORATION IS AUTHORIZED TO PROMULGATE RULES AND REGULATIONS, AND MAY PROMULGATE EMERGENCY REGULATIONS, NECESSARY FOR THE IMPLEMENTATION OF THE PROVISIONS OF THIS SECTION INCLUDING, BUT NOT LIMITED TO, THE CRITERIA FOR THE PROVISION OF AWARDS ON A COMPETITIVE BASIS, AND THE RATE OF INTEREST CHARGED FOR REPAYMENT OF THE STUDENT LOAN.

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

PART T

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

S 6456. SCIENCE, TECHNOLOGY, ENGINEERING, AND MATH INITIATIVE. 1. AS USED IN THIS SECTION:

A. "STEM" SHALL MEAN SCIENCE, TECHNOLOGY, ENGINEERING, AND MATH.

B. "ELIGIBLE STUDENTS" SHALL MEAN SECONDARY SCHOOL STUDENTS WHO ARE IN THEIR JUNIOR OR SENIOR YEAR AND BELONG TO POPULATIONS THAT ARE HISTORICALLY UNDERREPRESENTED IN STEM FIELDS, INCLUDING BUT NOT LIMITED TO, STUDENTS WHO ARE BLACK, HISPANIC OR LATINO, NATIVE AMERICAN, AND WOMEN.

C. "ELIGIBLE APPLICANT" SHALL MEAN AN INSTITUTION OF POSTSECONDARY EDUCATION OR CONSORTIA OF SUCH INSTITUTIONS.

2. THE PURPOSE OF THIS PROGRAM IS TO PROVIDE HANDS ON EXPERIENCES FOR ELIGIBLE STUDENTS TO CREATE A FAMILIARITY AND INTEREST IN STEM FIELDS AND TO PREPARE THOSE STUDENTS FOR INTRODUCTORY LEVEL POSTSECONDARY COURSES IN STEM FIELDS.

3. GRANT APPLICATIONS SUBMITTED BY ELIGIBLE APPLICANTS SHALL OUTLINE A PLAN OF INSTRUCTION AND CURRICULUM-RELATED ACTIVITIES THAT INCLUDE ONE OR MORE OF THE FOLLOWING: INSTRUCTION IN A SCIENCE LABORATORY SETTING, INSTRUCTION IN AN ENGINEERING LABORATORY SETTING, AND/OR INSTRUCTION FOR STUDENTS WITH LITTLE OR NO COMPUTING BACKGROUND IN COMPUTER SCIENCE TO PREPARE THOSE STUDENTS FOR A COLLEGE LEVEL INTRODUCTORY COMPUTER SCIENCE COURSE BY TEACHING THEM FUNDAMENTAL COMPUTING PRINCIPLES. SUCH PROGRAM SHALL PROVIDE STUDENTS WITH INFORMATION ABOUT THE VARIOUS STEM DEGREES AVAILABLE AT COLLEGES OR UNIVERSITIES IN NEW YORK STATE AND INFORMATION ABOUT EMPLOYMENT OPPORTUNITIES IN THE STEM FIELDS.

4. GRANTS SHALL BE AWARDED TO ELIGIBLE APPLICANTS BASED UPON CRITERIA ESTABLISHED BY THE COMMISSIONER. ELIGIBLE APPLICANTS SHALL LOCATE ANY APPROVED PROGRAM IN AN AREA SERVED BY A HIGH NEED SCHOOL DISTRICT.

5. NO GRANT PURSUANT TO THIS SECTION SHALL EXCEED SEVENTY-FIVE THOUSAND DOLLARS TO ANY ELIGIBLE APPLICANT IN A SINGLE STATE FISCAL YEAR.

6. THE COMMISSIONER IS AUTHORIZED TO REQUIRE ELIGIBLE APPLICANTS RECEIVING FUNDS PURSUANT TO THIS SECTION TO REPORT PERIODICALLY UPON:

A. COMPLIANCE WITH THE APPROVED PLAN;

B. THE OBJECTIVES OF THE APPLICANT'S PROGRAM;

C. THE CURRICULA OFFERED BY THE PROGRAM;

D. THE SOURCES OF SUPPORT AND THE EXPENDITURES OF THE PROGRAM;

E. THE BACKGROUND AND THE PROGRESS OF STUDENTS SELECTED TO PARTICIPATE IN THE PROGRAM; AND

F. OTHER MATTERS THE COMMISSIONER DEEMS APPROPRIATE.

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

PART U

Section 1. Section 655 of the education law is amended by adding a new subdivision 13 to read as follows:

13. TO ESTABLISH A FINANCIAL OUTREACH PROGRAM TO INFORM STUDENTS, PARENTS OR LEGAL GUARDIANS, AND SCHOOL COUNSELORS ABOUT AVAILABLE FEDERAL AND STATE FINANCIAL AID PROGRAMS THROUGH WORKSHOPS, SEMINARS, DISCUSSION GROUPS, FILM PRESENTATIONS AND EXPLANATORY PAMPHLETS IN ORDER TO DISSEMINATE INFORMATION, PROMOTE AND ENCOURAGE USE OF SUCH FINANCIAL AID PROGRAMS, AND FACILITATE THE FINANCIAL AID APPLICATION PROCESS.

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

PART V

Section 1. Subdivision 2 of section 410-x of the social services law, as amended by chapter 416 of the laws of 2000, is amended to read as follows:

2. (a) A social services district may establish priorities for the families which will be eligible to receive funding; provided that the priorities provide that eligible families will receive equitable access to child care assistance funds to the extent that these funds are available.

(b) A social services district shall set forth its priorities for child care assistance in the district's consolidated services plan. The commissioner of the office of children and family services shall not approve any plan that does not provide for equitable access to child care assistance funds.

(c) A social services district shall be authorized to set aside portions of its block grant allocation to serve one or more of its priority groups and/or to discontinue funding to families with lower priorities in order to serve families with higher priorities; provided that the method of disbursement to priority groups provides that eligible families within a priority group will receive equitable access to child care assistance funds to the extent that these funds are available.

(d) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE COMMISSIONER IN ANY SOCIAL SERVICES DISTRICT THAT DOES NOT HAVE SUFFICIENT FUNDING TO SERVE ALL ELIGIBLE WORKING FAMILIES UNDER TWO HUNDRED PERCENT OF THE STATE INCOME STANDARD, SHALL OFFER THE TWELVE MONTH WORK EXEMPTION PROVIDED IN PARAGRAPH (D) OF SUBDIVISION ONE OF SECTION THREE HUNDRED THIRTY-TWO OF THIS CHAPTER, TO ALL PARENTS OR OTHER RELATIVES IN RECEIPT OF PUBLIC ASSISTANCE WHO ARE PERSONALLY PROVIDING CARE FOR A CHILD UNDER ONE YEAR OF AGE REGARDLESS OF WHETHER SUCH PARENT OR OTHER RELATIVE HAS PREVIOUSLY BEEN OFFERED AN EXEMPTION UNDER SUCH SECTION THREE HUNDRED THIRTY-TWO. THIS SECTION SHALL NOT APPLY TO INDIVIDUALS WHO:

(I) SOLELY PARTICIPATE IN WORK ACTIVITIES THAT PROVIDE EARNED INCOME; OR

(II) PARTICIPATE IN A COMBINATION OF WORK ACTIVITIES; FOR THE PORTION OF WORK ACTIVITIES THAT PROVIDE EARNED INCOME.

(E) IN THE EVENT THAT A SOCIAL SERVICES DISTRICT MUST DISCONTINUE FUNDING TO A PRIORITY GROUP IT SHALL NOTIFY THE OFFICE OF CHILDREN AND FAMILY SERVICES WITHIN TEN DAYS OF SUCH ACTION, IDENTIFYING THE PARTICULAR GROUP AFFECTED. IN THE EVENT THAT FUNDING IS RESTORED, THE SOCIAL SERVICES DISTRICT SHALL NOTIFY THE OFFICE OF CHILDREN AND FAMILY SERVICES WITHIN TEN DAYS OF SUCH RESTORATION.

(F) Each social services district shall collect and submit to the commissioner of the office of children and family services in a manner to be specified by the commissioner of the office of children and family services information concerning the disbursement of child care assistance funds showing geographic distribution of children receiving assistance within the district, THE NUMBER OF WORKING FAMILIES WHO WERE OTHERWISE ELIGIBLE FOR CHILD CARE ASSISTANCE BUT WHO WERE DENIED BECAUSE THE DISTRICT LACKED SUFFICIENT FUNDING TO SERVE ALL ELIGIBLE FAMILIES AND THE NUMBER AND AGE OF CHILDREN WHO COULD NOT BE SERVED AS A RESULT.

[(e)] (G) The commissioner of the office of children and family services shall submit a report to the governor, temporary president of the senate and the speaker of the assembly on or before August thirty-first[, two thousand one] OF EVERY YEAR concerning the implementation of this section. This report shall include information concerning the disbursement of child care assistance funds showing geographic distribution of children receiving assistance within the state. BEGINNING AUGUST THIRTY-FIRST, TWO THOUSAND SIXTEEN, SUCH REPORT, AND EACH SUBSEQUENT REPORT THEREAFTER, SHALL ALSO:

(I) IDENTIFY THE COUNTIES THAT HAVE DISCONTINUED OR RESTORED FUNDING TO PRIORITY GROUPS, AS SET FORTH IN SUBDIVISION (E) OF THIS SECTION;

(II) LIST THE PRIORITY GROUPS AFFECTED;

(III) PROVIDE FOR EACH COUNTY FOR EACH OF THE TWELVE MONTHS COVERED BY THIS REPORT THE NUMBER OF WORKING FAMILIES WHO WERE OTHERWISE ELIGIBLE FOR CHILD CARE ASSISTANCE BUT WHO WERE DENIED BECAUSE THE DISTRICT LACKED SUFFICIENT FUNDING TO SERVE ALL ELIGIBLE FAMILIES; AND

(IV) THE NUMBER AND AGE OF CHILDREN WHO COULD NOT BE SERVED AS A RESULT.

S 2. This act shall take effect immediately.

PART W

Section 1. Section 341 of the social services law, as amended by section 148 of part B of chapter 436 of the laws of 1997, subdivision 1 as amended by section 1 of part D of chapter 61 of the laws of 2006, is amended to read as follows:

S 341. [Conciliation] RE-ENGAGEMENT; CONCILIATION; refusal to participate. 1. (a) Consistent with federal law and regulations and this title, IF A PARTICIPANT HAS FAILED OR REFUSED TO COMPLY WITH THE REQUIREMENTS OF THIS TITLE AND THE DISTRICT HAS DETERMINED THAT HE OR SHE IS NOT EXEMPT FROM SUCH REQUIREMENTS AND HAS VERIFIED THAT APPROPRIATE CHILD CARE, TRANSPORTATION, AND ACCOMMODATIONS FOR DISABILITY WERE IN PLACE AT THE TIME OF SUCH FAILURE OR REFUSAL, [if a participant has failed or refused to comply with the requirements of this title,] the social services district shall issue a RE-ENGAGEMENT notice in plain language indicating that such failure or refusal has taken place and of the right of such participant to [conciliation to resolve] AVOID A PRO-RATA REDUCTION IN PUBLIC ASSISTANCE BENEFITS THROUGH THE RE-ENGAGEMENT PROCESS. "RE-ENGAGEMENT PROCESS" SHALL MEAN THE PROCESS THROUGH WHICH A PARTICIPANT MAY AVOID A PRO-RATA REDUCTION IN PUBLIC ASSISTANCE BENEFITS BY AGREEING TO COMPLY WITH THE REQUIREMENTS OF THIS TITLE CONSISTENT WITH ANY MEDICAL CONDITION WHICH MAY LIMIT THE INDIVIDUAL'S ABILITY TO PARTICIPATE IN WORK ACTIVITIES, BY NOTIFYING THE DISTRICT THAT HE OR SHE HAS BECOME EXEMPT FROM THE REQUIREMENTS OF THIS TITLE, OR BY RESOLVING the reasons for such failure or refusal [to avoid a pro-rata reduction in public assistance benefits for a period of time set forth in section three hundred forty-two of this title] AT A CONCILIATION CONFERENCE.

THE NOTICE SHALL INDICATE THAT THE PARTICIPANT HAS TEN DAYS TO REQUEST RE-ENGAGEMENT WITH THE DISTRICT. The notice shall indicate the specific instance or instances of willful refusal or failure to comply without good cause with the requirements of this title and the necessary actions that must be taken to avoid a pro-rata reduction in public assistance benefits AND THE DISTRICT HAS VERIFIED THAT APPROPRIATE CHILD CARE, TRANSPORTATION AND ACCOMMODATIONS FOR DISABILITY WERE IN PLACE AT THE TIME OF SUCH FAILURE OR REFUSAL. [The notice shall indicate that the participant has seven days to request conciliation with the district regarding such failure or refusal in the case of a safety net participant and ten days in the case of a family assistance participant.]

(1) IF A PARTICIPANT CHOOSES TO AVOID A PRO-RATA REDUCTION IN PUBLIC ASSISTANCE BENEFITS THROUGH A CONCILIATION CONFERENCE, IT WILL BE THE RESPONSIBILITY OF THE PARTICIPANT TO GIVE REASONS FOR SUCH FAILURE OR REFUSAL. The RE-ENGAGEMENT notice shall also include an explanation in plain language of what would constitute good cause for non-compliance and examples of acceptable forms of evidence that may warrant an exemption from work activities, including evidence of domestic violence, and physical or mental health limitations that may be provided at the conciliation conference to demonstrate such good cause for failure to comply with the requirements of this title. UNLESS AS PART OF THE RE-ENGAGEMENT PROCESS THE PARTICIPANT DOES NOT AGREE TO COMPLY, HAS NOT BECOME EXEMPT OR THE DISTRICT DETERMINES AS A RESULT OF THE CONCILIATION CONFERENCE THAT SUCH FAILURE OR REFUSAL WAS WILLFUL AND WITHOUT GOOD CAUSE, NO FURTHER ACTION SHALL BE TAKEN.

(2) If the participant does not contact the district within [the specified number of] TEN days OF THE RE-ENGAGEMENT NOTICE, the district shall [issue ten days notice of intent to discontinue or reduce assistance, pursuant to regulations of the department. Such notice shall also include a statement of the participant's right to a fair hearing relating to such discontinuance or reduction. If such participant contacts the district within seven days in the case of a safety net participant or within ten days in the case of a family assistance participant, it will be the responsibility of the participant to give reasons for such failure or refusal] MAKE A FINDING OF WHETHER THE ALLEGED FAILURE OR REFUSAL TO COMPLY WAS WILLFUL AND WITHOUT GOOD CAUSE AND SHALL CONSIDER ANY EVIDENCE IN THE POSSESSION OF THE DISTRICT INDICATING THAT THE PARTICIPANT HAS GOOD CAUSE AND IF THE PARTICIPANT IS OTHERWISE PARTICIPATING IN WORK ACTIVITIES, THERE SHALL BE NO FINDING OF WILLFULNESS WITHOUT GOOD CAUSE BASED ON A SINGLE APPOINTMENT OR INFRACTION.

(b) [Unless the district determines as a result of such conciliation process that such failure or refusal was willful and was without good cause, no further action shall be taken.] If the district determines that such failure or refusal was willful and without good cause, AND THAT THE INDIVIDUAL IS NOT EXEMPT FROM THE REQUIREMENTS OF THIS TITLE, the district shall notify such participant in writing, in plain language and in a manner distinct from any previous notice, by issuing ten days notice of its intent to discontinue or reduce assistance. Such notice shall include the reasons for such determination, the specific instance or instances of willful refusal or failure to comply without good cause with the requirements of this title, SHALL VERIFY THAT APPROPRIATE CHILD CARE, TRANSPORTATION AND ACCOMMODATIONS FOR DISABILITY WERE IN PLACE AT THE TIME OF SUCH FAILURE OR REFUSAL, AND SPECIFY the necessary actions that must be taken to avoid a pro-rata reduction in public assistance benefits, INCLUDING AGREEING TO COMPLY WITH THE REQUIREMENTS OF THIS TITLE CONSISTENT WITH ANY MEDICAL CONDITION WHICH MAY LIMIT THE INDIVID-

UAL'S ABILITY TO PARTICIPATE IN WORK ACTIVITIES OR NOTIFYING THE DISTRICT THAT HE OR SHE HAS BECOME EXEMPT FROM THE REQUIREMENTS OF THIS TITLE and the right to a fair hearing relating to such discontinuance or reduction. [Unless extended by mutual agreement of the participant and the district, conciliation shall terminate and a determination shall be made within fourteen days of the date a request for conciliation is made in the case of a safety net participant or within thirty days of the conciliation notice in the case of a family assistance participant.]

2. (a) The department shall establish in regulation a conciliation procedure for the resolution of disputes related to an individual's participation in programs pursuant to this title.

(b) The district shall contract with an independent entity, approved by the department, or shall use designated trained staff at the supervisory level who have no direct responsibility for the participant's case to mediate disputes in the conciliation conference. [If no such supervisory staff or independent entity is available, the district may designate another trained individual, who has no direct responsibility for the participant's case to mediate disputes in the conciliation conference.]

(c) If a participant's dispute cannot be resolved through such conciliation procedure, an opportunity for a fair hearing shall be provided. No sanction relating to the subject dispute may be imposed during the [conciliation] RE-ENGAGEMENT process.

3. When any [family assistance] participant required to participate in work activities fails to comply with the provisions of this title, the social services district shall take such actions as prescribed by appropriate federal law and regulation and this title.

4. [When any safety net participant required to participate in work activities fails to comply with the provisions of this title, the social services district shall deny assistance to such participant in accordance with section three hundred forty-two of this title.

5. (a) To the extent that] CONSISTENT WITH federal law [requires] AND THIS TITLE, a social services district shall provide to those [family assistance] participants whose failure to comply has continued for [three months] THIRTY DAYS or longer a written reminder of the option to end a sanction [after the expiration of the applicable minimum sanction period] by terminating the failure to comply as specified in subdivision [three] ONE of this section. Such notice shall advise that the participant may immediately terminate the [first or second] sanction by [participating in the program or accepting employment and that any subsequent sanction after six months have elapsed may be terminated by participating in the program or accepting employment.

(b) A social services district shall provide to those safety net participants whose failure to comply has continued for the length of the sanction period or longer a written reminder of the option to end a sanction after the expiration of the applicable minimum sanction period by terminating the failure to comply as specified in subdivision four of this section.] EITHER AGREEING TO COMPLY WITH THE REQUIREMENTS OF THIS TITLE CONSISTENT WITH ANY MEDICAL CONDITION WHICH MAY LIMIT THE INDIVIDUAL'S ABILITY TO PARTICIPATE IN WORK ACTIVITIES OR NOTIFYING THE DISTRICT THAT HE OR SHE HAS BECOME EXEMPT FROM THE REQUIREMENTS OF THIS TITLE.

[6.] 5. Consistent with federal law and regulation AND THIS TITLE, no NOTICE SHALL BE ISSUED AS SPECIFIED IN SUBDIVISION ONE OF THIS SECTION UNLESS IT HAS BEEN DETERMINED THAT THE INDIVIDUAL IS NOT EXEMPT FROM THE REQUIREMENTS OF THIS TITLE AND HAS DETERMINED THAT APPROPRIATE CHILD

CARE, TRANSPORTATION AND ACCOMMODATIONS FOR DISABILITY WERE IN PLACE AT THE TIME OF SUCH FAILURE OR REFUSAL TO COMPLY WITH THE REQUIREMENTS OF THIS TITLE AND NO action shall be taken pursuant to this section for failure to participate in the program or refusal to accept employment if:

(a) child care for a child under age thirteen (or day care for any incapacitated individual living in the same home as a dependent child) is necessary for an individual to participate or continue participation in activities pursuant to this title or accept employment and such care is not available and the social services district fails to provide such care;

(b) (1) the employment would result in the family of the participant experiencing a net loss of cash income; provided, however, a participant may not claim good cause under this paragraph if the social services district assures that the family will not experience a net loss of cash income by making a supplemental payment;

(2) net loss of cash income results if the family's gross income less necessary work-related expenses is less than the cash assistance the participant was receiving at the time the offer of employment is made; or

(c) the participant meets other grounds for good cause set forth by the department in its implementation plan for this title which, at a minimum, must describe what circumstances beyond the household's control will constitute "good cause".

S 2. Section 342 of the social services law, as added by section 148 of part B of chapter 436 of the laws of 1997, is amended to read as follows:

S 342. Noncompliance with the requirements of this title. 1. In accordance with the provisions of this section an individual who is required to participate in work activities shall be ineligible to receive public assistance if he or she fails to comply, without good cause, with the requirements of this title AND THE DISTRICT HAS DETERMINED THAT HE OR SHE IS NOT EXEMPT FROM SUCH REQUIREMENTS AND HAS VERIFIED THAT APPROPRIATE CHILD CARE, TRANSPORTATION, AND ACCOMMODATIONS FOR DISABILITY WERE IN PLACE AT THE TIME OF SUCH FAILURE OR REFUSAL. Such ineligibility shall be for the amount and [periods] PERIOD specified in this section. Good cause for failing to comply with the requirements of this title shall be defined in department regulations, provided, however, that the parent or caretaker relative of a child under thirteen years of age shall not be subject to the ineligibility provisions of this section if the individual can demonstrate, in accordance with the regulations of the office of children and family services department, that lack of available child care prevents such individual from complying with the work requirements of this title. The parent or caretaker relative shall be responsible for locating the child care needed to meet the work requirements; provided, however, that the relevant social services district shall provide a parent or caretaker relative who demonstrates an inability to obtain needed child care with a choice of two providers, at least one of which will be a regulated provider.

2. In the case of an applicant for or recipient of public assistance WHOM THE DISTRICT HAS DETERMINED IS NOT EXEMPT FROM THE REQUIREMENTS OF THIS TITLE AND who is a parent or caretaker of a dependent child, the public assistance benefits otherwise available to the household of which such individual is a member shall be reduced pro-rata[:

(a) for the first instance of failure to comply without good cause with the requirement of this article] until the individual is willing to

comply WITH THE REQUIREMENTS OF THIS TITLE CONSISTENT WITH ANY MEDICAL CONDITION WHICH MAY LIMIT THE INDIVIDUAL'S ABILITY TO PARTICIPATE IN WORK ACTIVITIES[;

(b) for the second instance of failure to comply without good cause with the requirements of this article, for a period of three months and thereafter until the individual is willing to comply;

(c) for the third and all subsequent instances of failure to comply without good cause with the requirements of this article, for a period of six months and thereafter until the individual is willing to comply].

3. In the case of an individual who is a member of a household without dependent children WHOM THE DISTRICT HAS DETERMINED IS NOT EXEMPT FROM THE REQUIREMENTS OF THIS TITLE AND WHO IS applying for or in receipt of safety net assistance, the public assistance benefits otherwise available to the household of which such individual is a member shall be reduced pro-rata[:

(a) for the first such failure or refusal], until the failure or refusal TO COMPLY WITH THE REQUIREMENTS OF THIS TITLE CONSISTENT WITH ANY MEDICAL CONDITION WHICH MAY LIMIT THE INDIVIDUAL'S ABILITY TO PARTICIPATE IN WORK ACTIVITIES ceases [or ninety days, which ever period of time is longer;

(b) for the second such failure or refusal, until the failure ceases or for one hundred fifty days, whichever period of time is longer; and

(c) for the third and all subsequent such failures or refusals, until the failure ceases or one hundred eighty days, whichever period of time is longer].

4. A recipient of public assistance WHOM THE DISTRICT HAS DETERMINED IS NOT EXEMPT FROM THE REQUIREMENTS OF THIS TITLE AND who quits or reduces his hours of employment without good cause OR DUE TO ANY MEDICAL CONDITION WHICH MAY LIMIT THE INDIVIDUAL'S ABILITY TO PARTICIPATE IN WORK ACTIVITIES shall be considered to have failed to comply with the requirements of this article and shall be subject to the provisions of this section.

5. A person described in paragraph (b) of subdivision seven of section one hundred fifty-nine of this chapter may not be sanctioned if his or her failure to comply with requirements of this title are related to his or her health status.

S 3. This act shall take effect immediately.

PART X

Section 1. Section 336 of the social services law is amended by adding a new subdivision 9 to read as follows:

9. FOR ANY PARTICIPANT ENGAGED IN AN EDUCATIONAL OR TRAINING ACTIVITY PURSUANT TO PARAGRAPHS (H), (I), (J), (K) OR (N) OF SUBDIVISION ONE OF THIS SECTION, HOMEWORK EXPECTED OR REQUIRED BY THE EDUCATIONAL INSTITUTION, INCLUDING UP TO ONE HOUR OF UNSUPERVISED HOMEWORK PER HOUR OF CLASS TIME, PLUS ADDITIONAL HOURS OF HOMEWORK SUPERVISED BY THE EDUCATIONAL INSTITUTION, SHALL COUNT TOWARDS SATISFACTION OF THE PARTICIPANT'S WORK ACTIVITY REQUIREMENTS UNDER THIS TITLE, TO THE EXTENT THAT SUCH PARTICIPATION SHALL NOT IMPAIR THE NEED OF THE SOCIAL SERVICES DISTRICT TO MEET FEDERAL AND STATE WORK ACTIVITY PARTICIPATION REQUIREMENTS.

S 2. This act shall take effect immediately.

PART Y

Section 1. Subitem (c) of item 1 of clause (A) of subparagraph (i) of paragraph a of subdivision 3 of section 667 of the education law, as amended by section 1 of part U of chapter 56 of the laws of 2014, is amended to read as follows:

(c) For students first receiving aid in two thousand--two thousand one and thereafter, five thousand dollars, except starting in two thousand fourteen-two thousand fifteen and thereafter such students shall receive five thousand one hundred sixty-five dollars AND STARTING IN TWO THOUSAND FIFTEEN-TWO THOUSAND SIXTEEN AND THEREAFTER SUCH STUDENTS SHALL RECEIVE FIVE THOUSAND THREE HUNDRED FIFTEEN DOLLARS; or

S 2. Subitem (a) of item 1 of clause (A) of subparagraph (i) of paragraph a of subdivision 3 of section 667 of the education law, as amended by section 2 of part U of chapter 56 of the laws of 2014, is amended to read as follows:

(a) For students first receiving aid after nineteen hundred ninety-three--nineteen hundred ninety-four and before two thousand--two thousand one, four thousand [two] FOUR hundred [ninety] FORTY dollars; or

S 3. Subitem (b) of item 1 of clause (A) of subparagraph (i) of paragraph a of subdivision 3 of section 667 of the education law, as amended by section 3 of part U of chapter 56 of the laws of 2014, is amended to read as follows:

(b) For students first receiving aid in nineteen hundred ninety-three--nineteen hundred ninety-four or earlier, three thousand [seven] EIGHT hundred [forty] NINETY dollars; or

S 4. Subitem (a) of item 2 of clause (A) of subparagraph (i) of paragraph a of subdivision 3 of section 667 of the education law, as amended by section 2 of part H of section 58 of the laws of 2011, is amended to read as follows:

(a) For students first receiving aid in nineteen hundred ninety-four--nineteen hundred ninety-five and nineteen hundred ninety-five--nineteen hundred ninety-six and thereafter, three thousand twenty-five dollars, EXCEPT STARTING IN TWO THOUSAND FIFTEEN-TWO THOUSAND SIXTEEN SUCH STUDENTS SHALL RECEIVE THREE THOUSAND ONE HUNDRED SEVENTY-FIVE DOLLARS, or

S 5. Subitem (b) of item 2 of clause (A) of subparagraph (i) of paragraph a of subdivision 3 of section 667 of the education law, as amended by section 2 of part H of section 58 of the laws of 2011, is amended to read as follows:

(b) For students first receiving aid in nineteen hundred ninety-two--nineteen hundred ninety-three and nineteen hundred ninety-three--nineteen hundred ninety-four, two thousand [five] SEVEN hundred [seventy-five] TWENTY-FIVE dollars, or

S 6. Subitem (c) of item 2 of clause (A) of subparagraph (i) of paragraph a of subdivision 3 of section 667 of the education law, as amended by section 2 of part H of section 58 of the laws of 2011, is amended to read as follows:

(c) For students first receiving aid in nineteen hundred ninety-one--nineteen hundred ninety-two or earlier, two thousand [four] SIX hundred [fifty] dollars; or

S 7. This act shall take effect immediately.

PART Z

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

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

S 2. This act shall take effect immediately.

PART AA

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

E. NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH C OF THIS SUBDIVISION, FOR STUDENTS WHO ARE DISABLED AS DEFINED BY THE AMERICANS WITH DISABILITIES ACT OF 1990, 42 USC 12101, AND WHO RECEIVE THEIR FIRST STATE AWARD DURING THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN ACADEMIC YEAR AND THEREAFTER SHALL MAKE SATISFACTORY PROGRESS TOWARD COMPLETION OF THE PROGRAM'S ACADEMIC REQUIREMENTS AS PROVIDED IN THIS PARAGRAPH. FOR PURPOSES OF THIS SUBDIVISION, "REASONABLE PROGRESS TOWARD THE COMPLETION OF THE PROGRAM" SHALL MEAN A STUDENT MUST COMPLETE, AT A MINIMUM, THE FOLLOWING REQUIREMENTS AT THE TIME OF CERTIFICATION; PROVIDED THAT NOTHING SHALL PREVENT A COLLEGE FROM DEVELOPING STRICTER STANDARDS TO MEASURE REASONABLE PROGRESS:

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

BEFORE BEING CERTIFIED FOR THIS PAYMENT	1ST	2ND	3RD	4TH	5TH	6TH	7TH	8TH	9TH	10TH
A STUDENT MUST HAVE ACCRUED AT LEAST THIS MANY CREDITS	0	3	9	21	33	45	60	75	90	105
WITH AT LEAST THIS GRADE POINT AVERAGE	0	1.5	1.8	1.8	2.0	2.0	2.0	2.0	2.0	2.0

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

BEFORE BEING CERTIFIED FOR THIS PAYMENT	1ST	2ND	3RD	4TH	5TH	6TH	7TH	8TH
A STUDENT MUST HAVE ACCRUED AT LEAST THIS MANY CREDITS	0	3	9	18	30	42	51	60

WITH AT LEAST THIS GRADE POINT AVERAGE	0	1.3	1.5	1.8	2.0	2.0	2.0	2.0

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

BEFORE BEING CERTIFIED FOR THIS PAYMENT	1ST	2ND	3RD	4TH	5TH	6TH	7TH	8TH
A STUDENT MUST HAVE ACCRUED AT LEAST THIS MANY CREDITS	0	2	4	9	17	25	33	40
WITH AT LEAST THIS GRADE POINT AVERAGE	0	1.1	1.5	1.5	1.8	2.0	2.0	2.0

AND,

BEFORE BEING CERTIFIED FOR THIS PAYMENT	9TH	10TH	11TH	12TH	13TH	14TH	15TH
A STUDENT MUST HAVE ACCRUED AT LEAST THIS MANY CREDITS	50	60	70	80	90	100	110
WITH AT LEAST THIS GRADE POINT AVERAGE	2.0	2.0	2.0	2.0	2.0	2.0	2.0

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

BEFORE BEING CERTIFIED FOR THIS PAYMENT	1ST	2ND	3RD	4TH	5TH	6TH	7TH	8TH
A STUDENT MUST HAVE ACCRUED AT LEAST THIS	0	2	4	9	15	21	30	37

MANY CREDITS								
WITH AT LEAST THIS GRADE POINT AVERAGE	0	1.0	1.3	1.5	1.5	1.8	2.0	2.0

AND,

BEFORE BEING CERTIFIED FOR THIS PAYMENT	9TH	10TH	11TH	12TH
A STUDENT MUST HAVE ACCRUED AT LEAST THIS MANY CREDITS	45	50	55	60

WITH AT LEAST THIS GRADE POINT AVERAGE	2.0	2.0	2.0	2.0

(V) NOTWITHSTANDING ANY OTHER PROVISION OF LAW OR REGULATION TO THE CONTRARY, UPON EACH CERTIFICATION, PAYMENT ELIGIBILITY SHALL BE DETERMINED AND MEASURED PROPORTIONALLY IN EQUIVALENCE WITH FULL TIME STUDY FOR STUDENTS WHO ARE DISABLED AS DEFINED BY THE AMERICANS WITH DISABILITIES ACT OF 1990, 42 USC 12101.

S 2. This act shall take effect immediately.

PART BB

Section 1. Notwithstanding section 1680-j of the public authorities law, there shall be a New York state non-profit infrastructure capital investment program grant for non-profit human services organizations as follows:

1. Creation. (a) The New York state non-profit infrastructure capital investment program grant is hereby created to be utilized by non-profit human services organizations. There is also hereby created the New York state non-profit infrastructure capital investment program grant board to have and exercise the powers, duties and prerogatives provided by the provisions of this section and any other applicable provision of law to disburse such grant. The board shall remain in existence during the period of the New York state non-profit infrastructure capital investment program grant from the effective date of this section through March 31, 2020, or the date on which the last of the funds are available for grants, whichever is earlier; provided, however, that the termination of the existence of the board shall not affect the power and authority of the dormitory authority to perform its obligations with respect to any bonds, notes, or other indebtedness issued or incurred pursuant to authority granted in this section.

(b) The membership of the board shall consist of three persons appointed by the governor, of which one shall be upon the recommendation of the temporary president of the senate and one upon the recommendation of the speaker of the assembly. The term of the members first appointed shall continue until March 31, 2016, and thereafter their successors

shall serve for a term of one year ending on March 31 in each year. Upon recommendation of the nominating party, the governor shall replace any member in accordance with the provisions contained in this subdivision for the appointment of members. The members of the board shall vote among themselves to determine who shall serve as chair. The board shall act by unanimous vote of the members of the board. Any determination of the board shall be evidenced by a certification thereof executed by all the members. Each member of the board shall be entitled to designate a representative to attend meetings of the board on the designating member's behalf, and to vote or otherwise act on the designating member's behalf in the designating member's absence. Notice of such designation shall be furnished in writing to the board by the designating member. A representative shall serve at the pleasure of the designating member during the member's term of office. A representative shall not be authorized to delegate any of his or her duties or functions to any other person.

(c) Every officer, employee, or member of a governing board or other board of any non-profit human services organization in New York shall be ineligible for appointment as a member, representative, officer, employee or agent of the board.

(d) The members of the board shall serve without salary or per diem allowance but shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of official duties pursuant to this section or other provision of law, provided however that such members and representatives are not, at the time such expenses are incurred, public officers or employees otherwise entitled to such reimbursement.

(e) The members, their representatives, officers and staff to the board shall be deemed employees within the meaning of section 17 of the public officers law.

2. Definitions. For the purposes of this section, the following terms shall have the respective meanings:

(a) "Board" shall mean the New York state non-profit infrastructure capital investment program grant board created by paragraph (a) of subdivision one of this section.

(b) "Non-profit human services organization" shall mean a human services provider as defined in subdivision 4 of section 464-b of the social services law who provides direct human services as defined in subdivision 3 of section 464-b of the social services law.

(c) "Human services" shall have the same meaning as defined in subdivision 3 of section 464-b of the social services law.

3. Powers, functions and duties of the board. The board shall have the power and it shall be its duty to approve or deny applications received from non-profit human services organizations for grants made pursuant to this section. In making such determination, the board shall consider the criteria set forth in subdivision four of this section. If necessary, the board may request additional information from the non-profit human services organization when making such determination. Within amounts appropriated therefor, the board is hereby authorized and directed to award capital grants totaling fifty million dollars.

4. New York state non-profit infrastructure capital investment program grant administration and financing. (a) The dormitory authority is hereby authorized and directed to administer the New York state non-profit infrastructure capital investment program grant.

(b) The dormitory authority shall serve as staff to the non-profit infrastructure capital investment program grant board, including, with

the cooperation of any other state agency, for the preparation of information which would assist the board in carrying out its duties.

(c) Non-profit human services organization shall submit applications to the board that would allow them to improve the quality, efficiency and accessibility of services to New Yorkers. Such proposed plans shall focus on investments including but not limited to technology upgrades related to improving electronic records, data analysis or confidentiality, renovations or expansions of space used for direct human services, modifications to provide for sustainable energy efficient spaces that would result in overall energy and cost savings, and accessibility renovations. The dormitory authority shall develop a standard application for such grants. Such application shall require non-profit human services organizations to provide, at a minimum, the following:

(i) the amount of funds requested in relation to the size and scope of the proposed project;

(ii) a detailed description of the project, including projected costs including the sources and uses of funds, completion timeline, and funds necessary at each stage of project completion;

(iii) the extent to which the proposed project reflects a necessary improvement or upgrade to continue to serve the non-profit human services organization's target population, or a population they would be able to serve if such improvements or upgrades were made;

(iv) the extent to which the proposed project will allow them to serve the population in general;

(v) a statement that as of the effective date of this section, construction had not begun and equipment had not been purchased for such project;

(vi) if applicable, a statement whether the project has received all necessary regulatory approvals or can demonstrate a reasonable expectation that such approvals will be secured; and

(vii) upon the request of the board, further detail or more information regarding paragraphs (a) through (c) of this subdivision that the board deems relevant and necessary to its decision.

(d) Upon receipt of an application, the dormitory authority shall review such application for technical sufficiency and compliance with the application criteria as provided for in subdivision (c) of this section. When the application is complete, the dormitory authority shall submit such application with an analysis to the board for its approval or denial.

(e) In order to be eligible for such grants, non-profit human services organizations must provide notification to the dormitory authority of an intent to apply for a grant no later than June 1, 2015 and must apply for such grant no later than August 1, 2015.

(f) The dormitory authority shall develop a model contract provision to be used in any contract which involves a project for which a non-profit human services organization has received a grant. Such provision shall indemnify and hold the state of New York harmless from any and all claims for loss or liability alleged to have been caused or resulting from any work involving such project.

(g) The dormitory authority is hereby authorized and directed to assist in financing human services projects by providing to eligible non-profit human services organizations grants that have been approved by the board.

S 2. This act shall take effect immediately.

PART CC

Section 1. Section 1 of part I of chapter 58 of the laws of 2014, relating to reducing state aid for administrative costs of certain fair hearings in local social services districts, is amended to read as follows:

Section 1. ANY SOCIAL SERVICES DISTRICT WITH A POPULATION OF MORE THAN FIVE MILLION SHALL SUBMIT TO THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE ON A QUARTERLY BASIS NO LATER THAN FIFTEEN DAYS AFTER THE END OF ANY QUARTER BEGINNING WITH THE QUARTER COMMENCING APRIL 1, 2015, A WRITTEN PLAN OUTLINING THE EFFORTS OF SUCH DISTRICT TO MINIMIZE ANY EXISTING BACKLOG OF FAIR HEARINGS TO BE SCHEDULED SUCH THAT HEARINGS MAY BE CONDUCTED WITHIN A REASONABLE TIME. THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE SHALL PROVIDE ASSISTANCE TO SUCH DISTRICT TO SUPPORT THE IMPLEMENTATION OF SUCH PLANS. IN THE EVENT THAT SUCH PLANS ARE NOT TIMELY SUBMITTED, OR ANY EXISTING BACKLOG GROWS OVER FOUR OR MORE CONSECUTIVE QUARTERS BEGINNING WITH THE QUARTER COMMENCING APRIL 1, 2015, THE FOLLOWING PROVISIONS SHALL APPLY: Notwithstanding any inconsistent provision of law, beginning April 1, 2014, for any local social services district with greater than forty percent of the statewide total of fair hearings issues heard in a given state fiscal year quarter, the office of temporary and disability assistance shall calculate the number of issues reversed plus the number of local district issues withdrawn after scheduling of the hearing as a percentage of total issues heard for such district. If the calculated percentage is greater than fifty percent in the given state fiscal year quarter, state reimbursement otherwise payable to such local social services district shall be reduced by seventy percent of the non-federal share of total administrative costs of fair hearings operations attributable to such district for the given quarter, as determined by the office of temporary and disability assistance and approved by the director of the budget. Such reduction in reimbursement shall credit the office of temporary and disability assistance personal service and nonpersonal service expenditures for the administrative hearings program.

S 2. This act shall take effect immediately, provided that the amendments to section 1 of part I of chapter 58 of the laws of 2014, made by section one of this act, shall not affect the expiration and repeal of such part, and shall expire and be deemed repealed therewith.

PART DD

Section 1. The social services law is amended by adding a new section 36-d to read as follows:

S 36-D. HOMELESSNESS PREVENTION PILOT PROGRAM. 1. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW, THE DEPARTMENT IS AUTHORIZED AND DIRECTED TO ESTABLISH THE HOMELESSNESS PREVENTION PILOT PROGRAM TO ENABLE A SOCIAL SERVICES DISTRICT WITH A POPULATION OF FIVE MILLION OR MORE, TO ISSUE SHELTER SUPPLEMENTS OR HOUSING VOUCHERS TO HOUSEHOLDS ELIGIBLE FOR PUBLIC ASSISTANCE OR FEDERAL SUPPLEMENTAL SECURITY INCOME, BASED ON SUCH HOUSEHOLDS' RECENT OR IMMINENT LOSS OF HOUSING.

2. SUCH LOCAL SOCIAL SERVICES DISTRICT MAY PROVIDE SUCH SHELTER SUPPLEMENT OR HOUSING VOUCHER TO A HOUSEHOLD FOR WHICH A LOSS OF HOUSING RESULTED OR WILL RESULT FROM RECENT OR PENDING EVICTION, BONA FIDE RENT ARREARS, DOMESTIC VIOLENCE, DWELLING CONDITIONS THAT ARE DANGEROUS, HAZARDOUS, OR DETRIMENTAL TO LIFE OR HEALTH, OR OTHER EXIGENT CIRCUMSTANCES, WHEN THE LOCAL SOCIAL SERVICES DISTRICT HAS DETERMINED THAT THE ISSUANCE OF SUCH SHELTER SUPPLEMENT OR HOUSING VOUCHER IS NECESSARY TO MEET ACTUAL SHELTER COSTS TO SECURE HABITABLE ACCOMMODATIONS AND IS

LIKELY TO HELP AVERT OR ABATE HOMELESSNESS. SUCH SHELTER SUPPLEMENT OR HOUSING VOUCHER SHALL NOT EXCEED THE FAIR MARKET RENT ESTABLISHED PURSUANT TO PART 888 OF TITLE 24 OF THE CODE OF FEDERAL REGULATIONS FOR THE AREA IN WHICH THE DISTRICT IS LOCATED AND FOR THE CORRESPONDING SIZE OF THE DWELLING UNIT. SUCH SHELTER SUPPLEMENT OR HOUSING VOUCHER SHALL NOT BE AN AMOUNT INCLUDED IN THE STANDARD OF NEED PURSUANT TO PARAGRAPH (B) OF SUBDIVISION TEN OF SECTION ONE HUNDRED THIRTY-ONE-A OF THIS CHAPTER.

3. ANY HOUSEHOLD PARTICIPATING IN THE PILOT PROGRAM SHALL BE REQUIRED TO CONTRIBUTE TO THE COST OF SUCH HOUSEHOLD'S SHELTER AN AMOUNT THAT IS THE LESSER OF THIRTY PERCENT OF SUCH HOUSEHOLD'S MONTHLY GROSS INCOME NOT INCLUDING ANY PUBLIC ASSISTANCE OR OTHER BENEFITS PROVIDED PURSUANT TO THIS CHAPTER, OR THE SUM OF THE PRO RATA SHARES OF THE MONTHLY RENT OF THE HOUSEHOLD MEMBER OR MEMBERS WHO RECEIVE SUCH INCOME. A PENDING EVICTION PROCEEDING SHALL NOT BE A PREREQUISITE FOR A HOUSEHOLD'S PARTICIPATION IN THE PILOT PROGRAM. THE INCOME OF MINOR CHILDREN SHALL NOT BE CONSIDERED PART OF THE GROSS INCOME.

4. EXPENDITURES INCURRED BY THE LOCAL SOCIAL SERVICES DISTRICTS UNDER THIS SECTION SHALL BE CONSIDERED IN EXCESS OF THE SHELTER ALLOWANCE MAXIMUM AS SET FORTH IN PARAGRAPH (1) OF SUBDIVISION (A) OF SECTION 352.3 OF TITLE EIGHTEEN OF THE CODES, RULES, AND REGULATIONS OF THE STATE OF NEW YORK AND ANY ADDITIONAL MONTHLY SHELTER SUPPLEMENT PROVIDED PURSUANT TO A PLAN APPROVED PRIOR TO APRIL FIRST, TWO THOUSAND FIFTEEN BY THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE PURSUANT TO PARAGRAPH (3) OF SUBDIVISION (A) OF SECTION 352.3 OF TITLE EIGHTEEN OF THE CODES, RULES, AND REGULATIONS OF THE STATE OF NEW YORK.

5. THE DEPARTMENT IS AUTHORIZED TO APPROVE FUNDING FOR THE PILOT PROGRAM, SUBJECT TO THE APPROVAL OF THE DIRECTOR OF THE BUDGET, SEPARATE FROM STATE AID THAT SUCH LOCAL SOCIAL SERVICES DISTRICT WOULD OTHERWISE BE ELIGIBLE TO RECEIVE.

6. THE COMMISSIONER OF THE HUMAN RESOURCES ADMINISTRATION SHALL ISSUE A REPORT ON THE PILOT PROGRAM TO THE GOVERNOR, THE SPEAKER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT OF THE SENATE, THE CHAIRS AND THE RANKING MEMBERS OF THE SOCIAL SERVICES COMMITTEES IN THE ASSEMBLY AND THE SENATE AND THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE, ON OR BEFORE NOVEMBER FIRST OF EACH YEAR, STARTING NOVEMBER FIRST, TWO THOUSAND FIFTEEN REGARDING THE EFFECTIVENESS OF THE PILOT PROGRAM. SUCH REPORTS SHALL INCLUDE, AT A MINIMUM:

A. THE TOTAL COSTS INCURRED FOR IMPLEMENTATION OF THE PILOT PROGRAM;

B. THE NUMBER OF HOUSEHOLDS PARTICIPATING IN THE PROGRAM;

C. THE COSTS AVOIDED IN TEMPORARY SHELTER AND THE PROVISION OF OTHER PUBLIC ASSISTANCE BENEFITS, AND THE METHODOLOGY FOR DERIVING SUCH ESTIMATES;

D. FACTORS CONTRIBUTING TO HOUSEHOLDS EXPERIENCING HOUSING ISSUES, INCLUDING BUT NOT LIMITED TO HEALTH AND SAFETY AND BUDGETING CONSTRAINTS;

E. RECOMMENDATIONS CONCERNING THE EFFECTIVENESS OF PROVIDING SUPPLEMENTS TO THE CURRENT SHELTER ALLOWANCES AND RELATED ALLOWANCES IN ASSISTING INDIVIDUALS IN RECEIPT OF PUBLIC ASSISTANCE BENEFITS TO SECURE PERMANENT AND STABLE HOUSING, WHICH SHALL INCLUDE BUT NOT BE LIMITED TO CONSIDERATION OF THE CORRELATION OF SHELTER ALLOWANCES TO THE FAIR MARKET RENTS ESTABLISHED PURSUANT TO PART 888 OF TITLE 24 OF THE CODE OF FEDERAL REGULATIONS; AND

F. ANY OTHER INFORMATION OR AVAILABLE DATA THAT THE COMMISSIONER DEEMS RELEVANT AND NECESSARY FOR COMPREHENSIVE EVALUATION OF THE CURRENT NEED OF ENTITLEMENTS FOR PUBLIC ASSISTANCE RECIPIENTS.

S 2. A local social services district shall not be required to provide shelter supplements or housing vouchers pursuant to a pilot program established pursuant to section 36-d of the social services law in the event that such program is discontinued or funding for such program is no longer provided by the department of social services.

S 3. This act shall take effect immediately.

PART EE

Section 1. Legislative findings. The legislature hereby finds and declares that the New York city housing authority provides housing to hundreds of thousands of New York city residents, who reside in its three hundred and thirty-four public housing developments. In recent years, these housing developments have suffered from a serious lack of capital to support necessary structural repairs, apartment maintenance, and overall improvements to better serve residents. The New York city housing authority has placed the cost of needed capital improvements at billions of dollars, a figure that reflects the declining health of the authority's housing stock and its struggle to keep pace having severely limited resources. To address these issues, the New York state legislature hereby provides the New York city housing authority new capital funding aimed at complementing the authority's efforts to revitalize its housing stock and serve the needs of its resident communities.

S 2. The public housing law is amended by adding a new section 402-c to read as follows:

S 402-C. PUBLIC HOUSING MODERNIZATION FUNDS. 1. FUNDS APPROPRIATED BY NEW YORK STATE, IN STATE FISCAL YEAR TWO THOUSAND FIFTEEN-TWO THOUSAND SIXTEEN AND DIRECTED THROUGH THE PUBLIC HOUSING MODERNIZATION PROGRAM TO THE NEW YORK CITY HOUSING AUTHORITY SHALL SOLELY GO TOWARD CAPITAL REVITALIZATION PROJECTS AT NEW YORK CITY HOUSING AUTHORITY DEVELOPMENTS. SUCH PROJECTS SHALL INCLUDE, BUT NOT BE LIMITED TO: ROOFTOP RESTORATION, INDIVIDUAL APARTMENT MAINTENANCE, STRUCTURAL MAINTENANCE OR CONSTRUCTION, HVAC SYSTEM REPAIR, GROUNDS IMPROVEMENT, INSTALLATION OF REFUSE MANAGEMENT SYSTEMS, ELEVATOR REHABILITATION, UPGRADES AND RENOVATIONS TO COMMUNITY CENTERS AND COMMON AREAS, LIGHTING IMPROVEMENTS, ELECTRICAL AND PLUMBING MAINTENANCE, AND EFFORTS TO COMPLY WITH THE AMERICANS WITH DISABILITIES ACT OF 1990.

2. (A) FORTY-FIVE DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION, THE CHAIR SHALL PUBLISH ON THE NEW YORK CITY HOUSING AUTHORITY WEBSITE, AND FILE WITH THE GOVERNOR, THE SPEAKER AND MINORITY LEADER OF THE ASSEMBLY, AND THE TEMPORARY PRESIDENT AND MINORITY LEADER OF THE SENATE, A CAPITAL REVITALIZATION PLAN FOR UTILIZING FUNDS APPROPRIATED AS DESCRIBED IN SUBDIVISION ONE OF THIS SECTION. THIS PLAN SHALL BE DESIGNED TO ENSURE APPROPRIATE ADMINISTRATION OF THESE FUNDS. THE PLAN OF OPERATION, AND ANY SUBSEQUENT AMENDMENTS TO IT, SHALL BECOME EFFECTIVE UPON FILING.

(B) THIS CAPITAL REVITALIZATION PLAN SHALL: (I) DETAIL ANY CURRENT AND PROJECTED CAPITAL REVITALIZATION PROJECTS NEEDED OR PLANNED BY THE NEW YORK CITY HOUSING AUTHORITY THAT WOULD BE FUNDED IN WHOLE OR IN PART BY STATE FUNDS AS DESCRIBED IN SUBDIVISION ONE OF THIS SECTION, INCLUDING BUT NOT LIMITED TO THE ESTIMATED COST OF EACH SUCH CAPITAL REVITALIZATION PROJECT FOR THE SPECIFIC DEVELOPMENT AT WHICH IT WILL OCCUR, REVITALIZATION PROJECT SCHEDULING AND DURATION, AND THE LOCATION OF SUCH PROJECTS;

(II) ILLUSTRATE PROCEDURES BY WHICH THE NEW YORK CITY HOUSING AUTHORITY INTENDS TO FACILITATE CAPITAL REVITALIZATION PROJECTS; AND

(III) CONTAIN ANY ADDITIONAL PROVISIONS THAT THE CHAIR DEEMS PROPER FOR THE ADMINISTRATION OF FUNDS.

3. AT THE END OF EACH CALENDAR YEAR FROM THE EFFECTIVE DATE OF THIS SECTION UNTIL ALL OF THE CAPITAL REVITALIZATION PROJECTS HAVE BEEN COMPLETED, THE CHAIR SHALL PUBLISH ON THE NEW YORK HOUSING AUTHORITY WEBSITE, AND SUBMIT TO THE GOVERNOR, THE SPEAKER AND MINORITY LEADER OF THE ASSEMBLY, AND THE TEMPORARY PRESIDENT AND MINORITY LEADER OF THE SENATE, AN UPDATED CAPITAL REVITALIZATION PLAN, WHICH DETAILS THE UTILIZATION OF SUCH FUNDS AND THE COMPLETION OF THE PROPOSED CAPITAL REHABILITATION PROJECTS.

S 3. This act shall take effect immediately.

PART FF

Section 1. The education law is amended by adding a new section 6457 to read as follows:

S 6457. FOSTER YOUTH COLLEGE SUCCESS INITIATIVE. 1. THE COMMISSIONER SHALL SUB-ALLOCATE A PORTION OF THE FUNDS AVAILABLE FOR THE FOSTER YOUTH COLLEGE SUCCESS INITIATIVE TO OTHER STATE DEPARTMENTS, AGENCIES, THE STATE UNIVERSITY OF NEW YORK, THE CITY UNIVERSITY OF NEW YORK, OR OTHER POSTSECONDARY INSTITUTIONS FOR THE PURPOSE OF PROVIDING ADDITIONAL SERVICES AND EXPENSES TO EXPAND OPPORTUNITIES THROUGH CURRENT POSTSECONDARY OPPORTUNITY PROGRAMS AT PUBLIC AND INDEPENDENT INSTITUTIONS FOR FOSTER YOUTH AND TO PROVIDE ANY NECESSARY SUPPLEMENTAL FINANCIAL AID FOR FOSTER YOUTH, WHICH MAY INCLUDE THE COST OF TUITION AND FEES, BOOKS, TRANSPORTATION, AND OTHER EXPENSES AS DETERMINED BY THE COMMISSIONER TO BE NECESSARY FOR SUCH FOSTER YOUTH TO ATTEND COLLEGE.

(A) FOR THE PURPOSES OF THIS SECTION FOSTER YOUTH SHALL MEAN STUDENTS WHO HAVE QUALIFIED AS AN ORPHAN, FOSTER CHILD OR WARD OF THE COURT FOR THE PURPOSES OF FEDERAL STUDENT FINANCIAL AID PROGRAMS AUTHORIZED BY TITLE IV OF THE HIGHER EDUCATION ACT OF 1965, AS AMENDED.

(B) STATE DEPARTMENTS, AGENCIES, THE STATE UNIVERSITY OF NEW YORK, THE CITY UNIVERSITY OF NEW YORK, OR OTHER POSTSECONDARY INSTITUTIONS REQUESTING A SUB-ALLOCATION SHALL FILE AN APPLICATION WITH THE COMMISSIONER BY OCTOBER FIRST OF EACH YEAR DEMONSTRATING A NEED FOR SUCH SUB-ALLOCATION, INCLUDING HOW THE FUNDING WOULD BE USED AND HOW MANY FOSTER YOUTH WOULD BE ASSISTED.

2. (A) THE COMMISSIONER SHALL AWARD FROM REMAINING FUNDS, GRANTS FOR THE PURPOSE OF PROVIDING SUPPORT SERVICES AND SUPPLEMENTAL FINANCIAL AID TO ASSIST YOUTH IN FOSTER CARE TO APPLY FOR, ENROLL IN, AND SUCCEED IN COLLEGE. SUCH AWARDS SHALL BE MADE ON A COMPETITIVE BASIS TO DEGREE-GRANTING INSTITUTIONS OF HIGHER EDUCATION, CONSORTIA OF DEGREE-GRANTING HIGHER EDUCATION INSTITUTIONS, OR NOT-FOR-PROFIT COMMUNITY-BASED ORGANIZATIONS, ALL OF WHICH MAY BE IN COOPERATION WITH SCHOOL DISTRICTS.

(B) GRANT APPLICATIONS SHALL CONTAIN ONE OR MORE OF THE FOLLOWING PROGRAM ELEMENTS:

(1) ABILITY TO DESIGN A WEBSITE MADE AVAILABLE TO ALL FOSTER YOUTH SPECIFICALLY DESIGNED TO PROVIDE PRE-COLLEGE INFORMATION TO ASSIST WITH QUESTIONS ABOUT COLLEGE PREPARATION, APPLICATION, AND ENROLLMENT;

(2) A FINANCIAL OUTREACH PROGRAM TO INFORM FOSTER YOUTH ABOUT AVAILABLE FEDERAL AND STATE FINANCIAL AID PROGRAMS IN ORDER TO DISSEMINATE INFORMATION, PROMOTE AND ENCOURAGE USE OF SUCH FINANCIAL AID PROGRAMS, AND FACILITATE THE FINANCIAL AID APPLICATION PROCESS;

(3) A SUMMER COLLEGE PREPARATION PROGRAM TO HELP FOSTER YOUTH TRANSITION TO COLLEGE, PREPARE THEM TO NAVIGATE ON-CAMPUS SYSTEMS, AND PROVIDE

PREPARATION IN READING, WRITING, AND MATHEMATICS FOR FOSTER YOUTH WHO NEED IT; OR

(4) A PROGRAM TO PROVIDE SUPPORT SERVICES TO FOSTER YOUTH INCLUDING ASSISTANCE APPLYING FOR THE CURRENT POST-SECONDARY OPPORTUNITY PROGRAMS; ADVISEMENT; TUTORING AND ACADEMIC ASSISTANCE; AND TRANSITION AND AGING-OUT SUPPORT.

3. ALLOWABLE COSTS UNDER THIS PROGRAM SHALL INCLUDE, BUT NOT BE LIMITED TO: TRANSPORTATION COSTS FOR STUDENTS AND PROGRAM PERSONNEL; INSTRUCTIONAL MATERIALS; REMEDIAL COURSES; ACADEMIC SUPPORT SERVICES, INCLUDING SPECIAL TUTORING, COUNSELING AND GUIDANCE SERVICES; COSTS RELATED DIRECTLY TO PROGRAM PROVISIONS, INCLUDING SUMMER AND WEEKEND ACTIVITIES; AND ANY ADMINISTRATIVE COSTS DIRECTLY ATTRIBUTABLE TO THE PROGRAM.

4. GRANTS SHALL BE AWARDED TO ELIGIBLE APPLICANTS BASED UPON CRITERIA ESTABLISHED BY THE COMMISSIONER.

5. THE COMMISSIONER SHALL ADOPT REGULATIONS FOR THE IMPLEMENTATION OF THIS SECTION.

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

PART GG

Section 1. 1. The commissioner of the office of mental health, in conjunction with the commissioner of the division of housing and community renewal, the commissioner of the office of temporary and disability services, the commissioner of the office of alcoholism and substance abuse services, the commissioner of the office for people with developmental disabilities, and the commissioner of the department of health, shall conduct an evaluation of supportive housing services statewide, including an evaluation of the existing supportive housing programs and a determination of the overall need for supportive housing services. In conducting such evaluation the commissioner of mental health shall evaluate:

(a) the need for supportive housing statewide, including an analysis of any variation in need by eligibility group, age, or county;

(b) the existing supportive housing programs operated by the state and local governments to identify areas for programmatic improvement or to establish best practices for supportive housing programs;

(c) the effectiveness of the existing supportive housing on a regional basis, including an analysis of any program deficiencies on a regional or county basis;

(d) available supportive housing beds and expenditures statewide and by county as well as the multi-year state plan for increasing supportive housing services;

(e) the adequacy of supportive housing capital support provided by the state, the federal government, local governments, or private entities, including an analysis of any regional variation in funding availability;

(f) the adequacy of supportive housing operating support, including case management activities, provided by the state, the federal government, local governments, or private entities, including an analysis of any regional variation in funding availability;

(g) fair market rent calculations and determine the adequacy of rental subsidy payments, including an analysis of any regional variations in subsidy rates; and

(h) any other areas or issues deemed appropriate by the commissioners.

2. The commissioner of mental health shall submit a report to the governor, the temporary president of the senate, and the speaker of the assembly, no later than December 15, 2015, and annually thereafter, on the results of this evaluation.

S 2. This act shall take effect immediately.

PART HH

Section 1. The New York State Energy Research and Development Authority ("NYSERDA") shall continue to offer Green Jobs - Green New York ("GJGNY") financing to customers who were eligible for qualified energy efficiency services as defined in subdivision 12 of section 1891 of the public authorities law prior to January 1, 2015 on the terms that existed prior to January 1, 2015.

S 2. No later than 30 days following the effective date of this act, NYSERDA shall provide a report to the executive, temporary president of the senate, speaker of the assembly, the chair of the senate committee on energy and telecommunications and the chair of the assembly committee on energy regarding the financial status of GJGNY. The report required under this section shall detail the current fund balance, total expenditures, and encumbered and committed funds since the program's inception.

S 3. This act shall take effect immediately.

PART II

Section 1. This act shall be named and may be cited as "My Home Mortgage Modification Program".

S 2. The legislature hereby finds and declares that: across the state, thousands of New York families and communities have suffered the devastating impact of the 2008 financial crisis. Recognizing New Yorkers' need for mortgage modification services, the legislature hereby establishes the My Home Mortgage Modification Program under the administration of the New York state housing trust fund corporation. In coordination with not-for-profit corporations and community development financial institutions, My Home Mortgage Modification Program supports mortgage relief to distressed homeowners.

S 3. Definitions. For the purposes of this act:

(a) "home loan" shall mean a first or subordinate lien loan that is secured by a borrower's interest in: (i) residential real property and any improvements or structures thereon; (ii) a share of a cooperative corporation that entitles a borrower to a housing unit; or (iii) a residential structure that is part of a condominium development. Home loan shall also include interest, taxes, homeownership association fees, carrying charges, and other liens related to homeownership;

(b) "vacant and abandoned" shall mean (i) that at least three monthly payments are past due on the home loan, or the mortgagor has informed the mortgagee or loan servicing company, in writing, that the mortgagor does not intend to occupy the property in the future; and (ii) either: (A) there is a reasonable basis to believe that the property is not occupied; or (B) a court, or other appropriate state or local governmental entity, has determined that such residential real property is a risk to the health, safety, or welfare of the public, any adjoining or adjacent property owner; or has otherwise declared the property unfit for occupancy;

(c) "residence" shall mean real property and any improvements or structures thereon, or an interest therein, that is located in New York

state, not vacant or abandoned, and principally intended for occupancy by one to two families;

(d) "homeowner" shall mean a natural person, who has held a home loan for no less than 18 months, is the occupant of a residence that secures such home loan and such residence is his or her only dwelling, and is not actively in a bankruptcy proceeding pursuant to Title 11 of the United States Code;

(e) "negative equity" shall mean a home loan balance that is higher than the fair market value of the residence securing such home loan, as determined by a New York state licensed appraiser;

(f) "the corporation" shall mean the New York state housing trust fund corporation as created pursuant to section 45-a of the private housing finance law;

(g) "eligible institution" shall mean a not-for-profit corporation or community development financial institution. Such eligible institution shall have the ability to: coordinate and/or connect homeowners to counseling, mediation, legal representation, and negotiate on behalf of homeowners seeking a home loan payment modification; provide training and support for counselors, mediators, and attorneys regarding such assistance to homeowners; and provide credit counseling;

(h) "eligible applicant" shall mean a homeowner: with negative equity; who is not in default on his or her home loan who holds a home loan that has an annual percentage rate of 4.0 percentage points or more above the yield on treasury securities of comparable maturity measured as of the fifteenth day of the month immediately preceding the month in which the application for the loan is received by the lender; and, as of the date of application for home loan modification pursuant to this act, whose household consists of one person whose total household annual gross income is no more than $150,000, including wage, salary, and/or self-employed earnings and income; or whose household consists of two or more persons and whose total household annual gross income is no more than $250,000, including wage, salary, and/or self-employed earnings and income.

S 4. (a) Within the amounts transferred to the corporation for mortgage modification pursuant to this act, the corporation shall, in consultation with the division of housing and community renewal, the department of financial services, and the office of court administration, develop and administer the My Home Mortgage Modification Program.

(b) Within the available appropriations, the corporation is authorized to create a revolving loan fund to provide eligible institutions with funding so that such institutions may provide low-interest loans to eligible applicants. Eligible institutions shall use these funds to make a one-time loan, not to exceed $40,000, to each eligible applicant. The purpose of the loan shall be to modify an eligible applicant's home loan through home loan principal reduction or refinancing.

S 5. (a) The corporation shall develop application and reporting procedures for eligible institutions to use to apply for funds to carry out the provisions of this act; criteria for evaluating such applications, including criteria that would encourage collaborative applications by multiple eligible institutions; and criteria for use by the eligible institutions, that receive funds pursuant to this act, to evaluate applications for assistance from eligible applicants for the provision of home loan modification. The eligible institutions shall consider the eligible applicant's need for assistance and opportunity to

successfully restructure the applicable home loan to allow the eligible applicant to continue to occupy the home.

(b) The corporation shall determine procedures pertaining to eligible institutions' ability to recover unpaid portions of an issued loan if an eligible applicant sells his or her residence. In the event that there is a default in payment by a homeowner that is not remedied within ninety days of such default, the eligible institution or the corporation shall be authorized to take legal recourse necessary to receive such money and interest that is due and owing, including, but not limited to: filing a lien against such residence or commencing a legal action for repayment of such funds.

(c) The corporation shall determine loan guidelines for funds issued to and loans issued by eligible institutions.

(d) The corporation shall determine procedures by which any interest, accrued on a low-interest loan issued to a homeowner pursuant to this act and received by an eligible institution, shall be remitted back into the revolving loan fund.

(e) The corporation shall establish terms by which an eligible institution shall maintain funds received pursuant to this act. Eligible institutions shall keep such funds separate from all other business or fiduciary accounts.

(f) The corporation, in consultation with the division of housing and community renewal, the department of financial services, and the office of court administration, shall submit a report to the governor, the speaker of the assembly, the temporary president of the senate, and the chief administrative judge of the courts of New York state on or before April 1, 2016, on the implementation of this act. Such report shall include, but not be limited to, for each eligible institution receiving funds under this act, a description of such eligible institution's contract amount, the specific home loan modification activities and number of persons and households served by each eligible institution, and the number of requests for assistance that could not be granted.

S 6. This act shall take effect immediately.

PART JJ

Section 1. This act shall be known and may be cited as the "Home Help Mortgage Assistance and Foreclosure Prevention Loan Program."

S 2. The legislature hereby finds and declares that: across the state, thousands of New York families and communities have suffered the devastating impact of the 2008 financial crisis and ensuing foreclosure crisis. Recognizing New Yorkers' need for mortgage assistance and foreclosure prevention services, the legislature hereby establishes the Home Help Mortgage Assistance and Foreclosure Prevention Loan Program under the administration of the New York state housing trust fund corporation. In coordination with not-for-profit corporations and community development financial institutions, Home Help Mortgage Assistance and Foreclosure Prevention Loan Program provides home loan modification services to distressed homeowners.

S 3. Definitions. For the purposes of this act:

(a) "home loan" shall mean a first or subordinate lien loan that is secured by a borrower's interest in: (i) residential real property and any improvements or structures thereon; (ii) a share of a cooperative corporation that entitles a borrower to a housing unit; or (iii) a residential structure that is part of a condominium development. Home loan

shall also include interest, taxes, homeownership association fees, carrying charges, and other liens related to homeownership;

(b) "vacant and abandoned" shall mean (i) that at least three monthly payments are past due on the home loan, or the mortgagor has informed the mortgagee or loan servicing company, in writing, that the mortgagor does not intend to occupy the property in the future; and (ii) either: (A) there is a reasonable basis to believe that the property is not occupied; or (B) a court, or other appropriate state or local governmental entity, has determined that such residential real property is a risk to the health, safety, or welfare of the public; any adjoining or adjacent property owner; or has otherwise declared the property unfit for occupancy;

(c) "residence" shall mean real property and any improvements or structures thereon, or an interest therein, that is located in New York state, not vacant or abandoned, and principally intended for occupancy by one to two families;

(d) "homeowner" shall mean a natural person, who has held a home loan for no less than 18 months, is the occupant of a residence that secures such home loan and such residence is his or her only dwelling, and is not actively in a bankruptcy proceeding pursuant to Title 11 of the United States Code;

(e) "imminent risk of home loan default" shall mean a home loan with a reasonable likelihood of delinquency within a 90-day period, as of the date of application for home loan assistance and foreclosure prevention services pursuant to this act;

(f) "the corporation" shall mean the New York state housing trust fund corporation as created pursuant to section 45-a of the private housing finance law;

(g) "eligible institution" shall mean a not-for-profit corporation or community development financial institution. Such eligible institution shall have the ability to: coordinate and/or connect homeowners to counseling, mediation, legal representation, and negotiate on behalf of homeowners facing delinquency or foreclosure; provide training and support for counselors, mediators, and attorneys regarding such assistance to homeowners; and provide credit counseling;

(h) "eligible applicant" shall mean a homeowner: (i) at imminent risk of home loan default, who is not in default on his or her home loan, who has a documented financial hardship, and whose loan-to-value ratio is no less than 75 percent; or (ii) who is no more than 90 days delinquent on his or her home loan, who has a documented financial hardship, and whose loan-to-value ratio is no less than 75 percent; or (iii) who has a documented financial hardship due to unemployment or underemployment; as of the date of application for home loan assistance and foreclosure prevention services pursuant to this act, has been unemployed for at least two months; has a current loan-to-value ratio no less than 70 percent; and is likely to resume repayment of the original home loan obligations within 12 months; or (iv) against whom a lender, assignee, or mortgage loan servicer has filed a lis pendens, summons, and complaint in an action under article 13 of the real property actions and proceedings law. An eligible applicant under paragraphs (i), (ii), and (iv) of this subdivision shall be, as of the date of application for home loan assistance and foreclosure prevention services pursuant to this act, an individual whose household consists of one person and whose total household annual gross income is no more than $150,000, including wage, salary, and/or self-employed earnings and income; or an individual whose household consists of two or more persons and whose total house-

hold annual gross income is no more than $250,000, including wage, salary, and/or self-employed earnings and income.

S 4. (a) Within the amounts transferred to the corporation for home loan assistance and foreclosure prevention services pursuant to this act, the corporation shall, in consultation with the division of housing and community renewal, the department of financial services, and the office of court administration, develop and administer the Home Help Mortgage Assistance and Foreclosure Prevention Loan Program.

(b) Within the available appropriations, the corporation is authorized to create a revolving loan fund to provide eligible institutions funding so that such institutions may provide low-interest loans to eligible applicants. Eligible institutions shall use these funds to make a one-time loan, not to exceed $40,000, to each eligible applicant. The purpose of the loan shall be to modify an eligible applicant's home loan through home loan principal reduction, refinancing, or provide temporary financial relief for the payment of an existing home loan.

S 5. (a) The corporation shall develop application and reporting procedures for eligible institutions to use to apply for funds to carry out the provisions of this act; criteria for evaluating such applications, including criteria that would encourage collaborative applications by multiple eligible institutions; and criteria for use by the eligible institutions, that receive funds pursuant to this act, to evaluate applications for assistance from eligible applicants for the provision of home loan assistance and foreclosure prevention services. The eligible institutions shall consider the eligible applicant's need for assistance and opportunity to successfully restructure the applicable home loan to allow the eligible applicant to continue to occupy the home.

(b) The corporation shall determine procedures pertaining to eligible institutions' ability to recover unpaid portions of an issued loan if an eligible applicant sells his or her residence. In the event that there is a default in payment by a homeowner that is not remedied within ninety days of such default, the eligible institution or the corporation shall be authorized to take legal recourse necessary to receive such money and interest that is due and owing, including, but not limited to: filing a lien against such residence or commencing a legal action for repayment of such funds.

(c) The corporation shall determine loan guidelines for funds issued to and loans issued by eligible institutions.

(d) The corporation shall determine procedures by which any interest, accrued on a low-interest loan issued to a homeowner pursuant to this act and received by an eligible institution, shall be remitted back into the revolving loan fund.

(e) The corporation shall establish terms by which an eligible institution shall maintain funds received pursuant to this act. Eligible institutions shall keep such funds separate from all other business or fiduciary accounts.

(f) The corporation, in consultation with the division of housing and community renewal, the department of financial services, and the office of court administration, shall submit a report to the governor, the speaker of the assembly, the temporary president of the senate, and the chief administrative judge of the courts of New York state on or before April 1, 2016, on the implementation of this act. Such report shall include, but not be limited to, for each eligible institution receiving funds under this act, a description of such eligible institution's contract amount, the specific foreclosure prevention activities and

number of persons and households served by each eligible institution, and the number of requests for assistance that could not be granted. The report shall also include a quantitative analysis of home loan defaults in the state, the causes of such defaults, the unmet needs that exist in the state due to defaults on loans, foreclosures of homes, rates of foreclosures, the need for direct assistance to homeowners, and the ability of homeowners to successfully comply with home loan terms or negotiate changes in their home loans in order to remain in their homes.

S 6. This act shall take effect immediately.

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

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