

4206

2015-2016 Regular Sessions

I N S E N A T E

March 9, 2015

Introduced by COMMITTEE ON RULES -- read twice and ordered printed, and
when printed to be committed to the Committee on Finance

AN ACT to amend the education law, in relation to contracts for excellence, apportionment of school aid, the teachers of tomorrow teacher recruitment and retention program and waivers from certain duties; to amend the state finance law, in relation to moneys appropriated from the commercial gaming revenue fund; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to reimbursements for the 2015-2016 school year; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to withholding a portion of employment preparation education aid and in relation to extending the effectiveness of such chapter; to amend chapter 169 of the laws of 1994 relating to certain provisions related to the 1994-95 state operations, aid to localities, capital projects and debt service budgets; to amend chapter 82 of the laws of 1995, amending the education law and other laws relating to state aid to school districts and the appropriation of funds for the support of government; to amend section 7 of chapter 472 of the laws of 1998 amending the education law relating to the lease of school buses by school districts; to amend chapter 147 of the laws of 2001 amending the education law relating to conditional appointment of school district, charter school or BOCES employees; to amend chapter 425 of the laws of 2002 amending the education law relating to the provision of supplemental educational services, attendance at a safe public school and the suspension of pupils who bring a firearm to or possess a firearm at a school, in relation to the effectiveness thereof; to amend chapter 101 of the laws of 2003 amending the education law relating to implementation of the No Child Left Behind Act of 2001, in relation to extending the expiration of certain provisions of such chapters; allocates school bus driver training grants to school districts and boards of cooperative education services; allows for eligible school districts to receive special

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

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apportionments for salary expenses; allows for eligible school districts to receive special apportionments for public pension accruals; allows any moneys appropriated to the state education department to be suballocated to other state departments or agencies and/or shall be made available for specific payment of aid; allows the city school district of the city of Rochester to purchase services as a non-component school district; 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); to amend the education law, in relation to aid for education; to amend the education law, in relation to transportation after four p.m., charter schools, and BOCES; to amend part A of chapter 97 of the laws of 2011, amending the general municipal law and the education law relating to establishing limits upon school district and local government tax levies, in relation to the effectiveness thereof; to amend the general municipal law, in relation to withdrawals from the employee benefit accrued liability reserve fund; to amend the education law, in relation to internal audits, and special apportionments to school districts; to amend chapter 121 of the laws of 1996 relating to authorizing the Roosevelt union free school district to finance deficits by the issuance of serial bonds, in relation to certain apportionments; to amend the education law, in relation to votes on bond resolutions; to amend the education law, in relation to building aid for certain schools; to repeal section 31 of part A of chapter 57 of the laws of 2012 relating to submission of school construction final cost reports; to repeal subdivision 17 of section 3602 of the education law, relating to gap elimination adjustment; and to repeal paragraph d of subdivision 2 of section 2-d of the education law, relating to certain provisions relating to the chief privacy officer (Part A-1); to amend the education law, in relation to regional secondary schools (Part A-2); to amend the education law, in relation to streamlining higher education program approvals (Part B); to amend the education law, in relation to creating the New York state get on your feet loan forgiveness program; and providing for the repeal of such provisions upon expiration thereof (Part C); intentionally omitted (Part D); to amend the tax law and the education law, in relation to enacting the "education investment incentives act" (Part E); to amend the banking law, in relation to creating a standard financial aid award letter (Part F); to amend the education law, the business corporation law, the partnership law and the limited liability company law, in relation to certified public accountants (Part G); to amend the education law, in relation to implementation by colleges and universities of sexual assault, dating violence, domestic violence and stalking prevention and response policies and procedures (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); intentionally omitted (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); intentionally omitted (Part N); intentionally omitted (Part O); to amend

the labor law, the workers' compensation law and chapter 784 of the laws of 1951, constituting the New York state defense emergency act, in relation to eliminating certain fees charged by the department of labor; and to repeal certain provisions of the labor law and the workers' compensation law relating thereto (Part P); to amend the education law, in relation to requiring experiential learning as a requirement for graduation (Part Q); to amend part U of chapter 57 of the laws of 2005 amending the labor law and other laws implementing the state fiscal plan for the 2005-2006 state fiscal year, relating to the New York state higher education capital matching grant program for independent colleges, in relation to the New York state higher education matching grant program for independent colleges and the effectiveness thereof (Part R); to amend the education law, in relation to tuition assistance program rewards (Part S); to amend the education law, in relation to a study concerning the feasibility of student loan insurance programs (Part T); to amend the education law, in relation to restricting tuition increases at certain community colleges (Part U); to amend the limited liability company law, the business corporation law, the partnership law, the public health law and the education law, in relation to allowing doctors of chiropractic licensed under title VIII, article 132 of the education law to form limited liability companies (Part V); to amend the education law, in relation to the New York state science, technology, engineering and mathematics incentive program (Part W); to amend the education law, in relation to state appropriations to the state university of New York and the city university of New York (Part X); to amend the education law, in relation to establishing the help individuals reach employment program (HIRE) (Part Y); to amend the education law, in relation to establishing the retrain and employ unemployed persons program (Part Z); to amend the education law, in relation to establishing the New York state career pathways and placement incentive program (Part AA); to amend the arts and cultural affairs law, in relation to grants by the council on the arts (Part BB); and to amend the education law, in relation to the development of a performance improvement plan (Part CC)

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

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

12 PART A

1 Section 1. Paragraph e of subdivision 1 of section 211-d of the educa-
2 tion law, as amended by section 1 of part A of chapter 56 of the laws of
3 2014, is amended to read as follows:

4 e. Notwithstanding paragraphs a and b of this subdivision, a school
5 district that submitted a contract for excellence for the two thousand
6 eight--two thousand nine school year shall submit a contract for excel-
7 lence for the two thousand nine--two thousand ten school year in
8 conformity with the requirements of subparagraph (vi) of paragraph a of
9 subdivision two of this section unless all schools in the district are
10 identified as in good standing and provided further that, a school
11 district that submitted a contract for excellence for the two thousand
12 nine--two thousand ten school year, unless all schools in the district
13 are identified as in good standing, shall submit a contract for excel-
14 lence for the two thousand eleven--two thousand twelve school year which
15 shall, notwithstanding the requirements of subparagraph (vi) of para-
16 graph a of subdivision two of this section, provide for the expenditure
17 of an amount which shall be not less than the product of the amount
18 approved by the commissioner in the contract for excellence for the two
19 thousand nine--two thousand ten school year, multiplied by the
20 district's gap elimination adjustment percentage and provided further
21 that, a school district that submitted a contract for excellence for the
22 two thousand eleven--two thousand twelve school year, unless all schools
23 in the district are identified as in good standing, shall submit a
24 contract for excellence for the two thousand twelve--two thousand thir-
25 teen school year which shall, notwithstanding the requirements of
26 subparagraph (vi) of paragraph a of subdivision two of this section,
27 provide for the expenditure of an amount which shall be not less than
28 the amount approved by the commissioner in the contract for excellence
29 for the two thousand eleven--two thousand twelve school year and
30 provided further that, a school district that submitted a contract for
31 excellence for the two thousand twelve--two thousand thirteen school
32 year, unless all schools in the district are identified as in good
33 standing, shall submit a contract for excellence for the two thousand
34 thirteen--two thousand fourteen school year which shall, notwithstanding
35 the requirements of subparagraph (vi) of paragraph a of subdivision two
36 of this section, provide for the expenditure of an amount which shall be
37 not less than the amount approved by the commissioner in the contract
38 for excellence for the two thousand twelve--two thousand thirteen school
39 year and provided further that, a school district [that submitted a
40 contract for excellence for the two thousand thirteen--two thousand
41 fourteen school year, unless all schools in the district are identified
42 as in good standing, shall submit a contract for excellence for the two
43 thousand fourteen--two thousand fifteen school year which shall,
44 notwithstanding the requirements of subparagraph (vi) of paragraph a of
45 subdivision two of this section, provide for the expenditure of an
46 amount which shall be not less than the amount approved by the commis-
47 sioner in the contract for excellence for the two thousand thirteen--two
48 thousand fourteen school year]; AND PROVIDED FURTHER THAT, A SCHOOL
49 DISTRICT WITH A POPULATION OF ONE MILLION OR MORE THAT SUBMITTED A
50 CONTRACT FOR EXCELLENCE FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND
51 SIXTEEN SCHOOL YEAR, UNLESS ALL SCHOOLS IN THE DISTRICT ARE IDENTIFIED
52 AS IN GOOD STANDING, SHALL SUBMIT A CONTRACT FOR EXCELLENCE FOR THE TWO
53 THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR WHICH SHALL, NOTWITH-
54 STANDING THE REQUIREMENTS OF SUBPARAGRAPH (VI) OF PARAGRAPH A OF SUBDI-
55 VISION TWO OF THIS SECTION, PROVIDE FOR THE EXPENDITURE OF AN AMOUNT
56 WHICH SHALL BE NOT LESS THAN THE AMOUNT APPROVED BY THE COMMISSIONER IN

1 THE CONTRACT FOR EXCELLENCE FOR THE TWO THOUSAND FOURTEEN--TWO THOUSAND
2 FIFTEEN SCHOOL YEAR. For purposes of this paragraph, the "gap elimi-
3 nation adjustment percentage" shall be calculated as the sum of one
4 minus the quotient of the sum of the school district's net gap elimi-
5 nation adjustment for two thousand ten--two thousand eleven computed
6 pursuant to chapter fifty-three of the laws of two thousand ten, making
7 appropriations for the support of government, plus the school district's
8 gap elimination adjustment for two thousand eleven--two thousand twelve
9 as computed pursuant to chapter fifty-three of the laws of two thousand
10 eleven, making appropriations for the support of the local assistance
11 budget, including support for general support for public schools,
12 divided by the total aid for adjustment computed pursuant to chapter
13 fifty-three of the laws of two thousand eleven, making appropriations
14 for the local assistance budget, including support for general support
15 for public schools. Provided, further, that such amount shall be
16 expended to support and maintain allowable programs and activities
17 approved in the two thousand nine--two thousand ten school year or to
18 support new or expanded allowable programs and activities in the current
19 year.

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

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

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

38 12. Academic enhancement aid. A school district that as of April first
39 of the base year has been continuously identified as a district in need
40 of improvement for at least five years shall, for the two thousand
41 eight--two thousand nine school year, be entitled to an additional
42 apportionment equal to the positive remainder, if any, of (a) the lesser
43 of fifteen million dollars or the product of the total foundation aid
44 base, as defined by paragraph j of subdivision one of this section,
45 multiplied by ten percent (0.10), less (b) the positive remainder of (i)
46 the sum of the total foundation aid apportioned pursuant to subdivision
47 four of this section and the supplemental educational improvement grants
48 apportioned pursuant to subdivision eight of section thirty-six hundred
49 forty-one of this article, less (ii) the total foundation aid base.

50 For the two thousand nine--two thousand ten through two thousand four-
51 teen--two thousand fifteen school years, each school district shall be
52 entitled to an apportionment equal to the amount set forth for such
53 school district as "EDUCATION GRANTS, ACADEMIC EN" under the heading
54 "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by
55 the commissioner in support of the budget for the two thousand nine--two
56 thousand ten school year and entitled "SA0910", and such apportionment

1 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.

2 FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN YEAR, 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.

3 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:

4 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 FIFTEEN--TWO THOUSAND SIXTEEN 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".

5 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:

6 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

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

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

35 For aid payable in the two thousand seven--two thousand eight school
36 year through the [two thousand thirteen--two thousand fourteen] TWO
37 THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN school year, "moneys apportioned"
38 shall mean the lesser of (i) the sum of one hundred percent of the
39 respective amount set forth for each school district as payable pursuant
40 to this section in the school aid computer listing for the current year
41 produced by the commissioner in support of the budget which includes the
42 appropriation for the general support for public schools for the
43 prescribed payments and individualized payments due prior to April first
44 for the current year plus the apportionment payable during the current
45 school year pursuant to subdivision six-a and subdivision fifteen of
46 section thirty-six hundred two of this part minus any reductions to
47 current year aids pursuant to subdivision seven of section thirty-six
48 hundred four of this part or any deduction from apportionment payable
49 pursuant to this chapter for collection of a school district basic
50 contribution as defined in subdivision eight of section forty-four
51 hundred one of this chapter, less any grants provided pursuant to
52 subparagraph two-a of paragraph b of subdivision four of section nine-
53 ty-two-c of the state finance law, LESS ANY GRANTS PROVIDED PURSUANT TO
54 SUBDIVISION SIX OF SECTION NINETY-SEVEN-NNNN OF THE STATE FINANCE LAW,
55 less any grants provided pursuant to subdivision twelve of section thir-
56 ty-six hundred forty-one of this article, or (ii) the apportionment

1 calculated by the commissioner based on data on file at the time the
2 payment is processed; provided however, that for the purposes of any
3 payments made pursuant to this section prior to the first business day
4 of June of the current year, moneys apportioned shall not include any
5 aids payable pursuant to subdivisions six and fourteen, if applicable,
6 of section thirty-six hundred two of this part as current year aid for
7 debt service on bond anticipation notes and/or bonds first issued in the
8 current year or any aids payable for full-day kindergarten for the
9 current year pursuant to subdivision nine of section thirty-six hundred
10 two of this part. The definitions of "base year" and "current year" as
11 set forth in subdivision one of section thirty-six hundred two of this
12 part shall apply to this section. For aid payable in the two thousand
13 fourteen--two thousand fifteen school year, reference to such "school
14 aid computer listing for the current year" shall mean the printouts
15 entitled "SA141-5".

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

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

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

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

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

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

48 S 8. Paragraph b of subdivision 2 of section 3612 of the education
49 law, as amended by section 5 of part A of chapter 56 of the laws of
50 2014, is amended to read as follows:

51 b. Such grants shall be awarded to school districts, within the limits
52 of funds appropriated therefor, through a competitive process that takes
53 into consideration the magnitude of any shortage of teachers in the
54 school district, the number of teachers employed in the school district
55 who hold temporary licenses to teach in the public schools of the state,
56 the number of provisionally certified teachers, the fiscal capacity and

1 geographic sparsity of the district, the number of new teachers the
2 school district intends to hire in the coming school year and the number
3 of summer in the city student internships proposed by an eligible school
4 district, if applicable. Grants provided pursuant to this section shall
5 be used only for the purposes enumerated in this section. Notwithstand-
6 ing any other provision of law to the contrary, a city school district
7 in a city having a population of one million or more inhabitants receiv-
8 ing a grant pursuant to this section may use no more than eighty percent
9 of such grant funds for any recruitment, retention and certification
10 costs associated with transitional certification of teacher candidates
11 for the school years two thousand one--two thousand two through [two
12 thousand fourteen--two thousand fifteen] TWO THOUSAND FIFTEEN--TWO THOU-
13 SAND SIXTEEN.

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

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

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

3 S 4403-A. WAIVERS FROM CERTAIN DUTIES. 1. A LOCAL SCHOOL DISTRICT,
4 APPROVED PRIVATE SCHOOL OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES MAY
5 SUBMIT AN APPLICATION FOR A WAIVER FROM ANY REQUIREMENT IMPOSED ON SUCH
6 DISTRICT, SCHOOL OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES PURSUANT
7 TO SECTION FORTY-FOUR HUNDRED TWO OR SECTION FORTY-FOUR HUNDRED THREE OF
8 THIS ARTICLE, AND REGULATIONS PROMULGATED THEREUNDER, FOR A SPECIFIC
9 SCHOOL YEAR. SUCH APPLICATION SHALL BE SUBMITTED AT LEAST SIXTY DAYS IN
10 ADVANCE OF THE PROPOSED DATE ON WHICH THE WAIVER WOULD BE EFFECTIVE AND
11 SHALL BE IN A FORM PRESCRIBED BY THE COMMISSIONER.

12 2. BEFORE SUBMITTING AN APPLICATION FOR A WAIVER, THE LOCAL SCHOOL
13 DISTRICT, APPROVED PRIVATE SCHOOL OR BOARD OF COOPERATIVE EDUCATIONAL
14 SERVICES SHALL PROVIDE NOTICE OF THE PROPOSED WAIVER TO THE PARENTS OR
15 PERSONS IN A PARENTAL RELATIONSHIP TO THE STUDENTS THAT WOULD BE
16 IMPACTED BY THE WAIVER IF GRANTED. SUCH NOTICE SHALL BE IN A FORM AND
17 MANNER THAT WOULD ENSURE THAT SUCH PARENTS OR PERSONS IN A PARENTAL
18 RELATIONSHIP WOULD BE AWARE OF ALL RELEVANT CHANGES THAT WOULD OCCUR
19 UNDER THE WAIVER, AND SHALL INCLUDE INFORMATION ON THE FORM, MANNER AND
20 DATE BY WHICH PARENTS MAY SUBMIT WRITTEN COMMENTS ON THE PROPOSED WAIV-
21 ER. THE LOCAL SCHOOL DISTRICT, APPROVED PRIVATE SCHOOL, OR BOARD OF
22 COOPERATIVE EDUCATIONAL SERVICES SHALL PROVIDE AT LEAST SIXTY DAYS FOR
23 SUCH PARENTS OR PERSONS IN A PARENTAL RELATIONSHIP TO SUBMIT WRITTEN
24 COMMENTS, AND SHALL INCLUDE IN THE WAIVER APPLICATION SUBMITTED TO THE
25 COMMISSIONER PURSUANT TO SUBDIVISION ONE OF THIS SECTION ANY WRITTEN
26 COMMENTS RECEIVED FROM SUCH PARENTS OR PERSONS IN A PARENTAL RELATION TO
27 SUCH STUDENTS.

28 3. THE COMMISSIONER MAY GRANT A WAIVER FROM ANY REQUIREMENT IMPOSED ON
29 A LOCAL SCHOOL DISTRICT, APPROVED PRIVATE SCHOOL OR BOARD OF COOPERATIVE
30 EDUCATIONAL SERVICES PURSUANT TO SECTION FORTY-FOUR HUNDRED TWO OR
31 SECTION FORTY-FOUR HUNDRED THREE OF THIS ARTICLE, UPON A FINDING THAT
32 SUCH WAIVER WOULD ENABLE A LOCAL SCHOOL DISTRICT, APPROVED PRIVATE
33 SCHOOL OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES TO IMPLEMENT AN
34 INNOVATIVE SPECIAL EDUCATION PROGRAM THAT IS CONSISTENT WITH APPLICABLE
35 FEDERAL REQUIREMENTS, AND WOULD ENHANCE STUDENT ACHIEVEMENT AND/OR
36 OPPORTUNITIES FOR PLACEMENT IN REGULAR CLASSES AND PROGRAMS. IN MAKING
37 SUCH DETERMINATION, THE COMMISSIONER SHALL CONSIDER ANY COMMENTS
38 RECEIVED BY THE LOCAL SCHOOL DISTRICT, APPROVED PRIVATE SCHOOL OR BOARD
39 OF COOPERATIVE EDUCATIONAL SERVICES FROM PARENTS OR PERSONS IN A
40 PARENTAL RELATION TO THE STUDENTS THAT WOULD BE DIRECTLY AFFECTED BY THE
41 WAIVER IF GRANTED.

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

47 S 11. Subparagraph (i) of paragraph a of subdivision 10 of section
48 4410 of the education law is amended by adding a new clause (C) to read
49 as follows:

50 (C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION TO
51 THE CONTRARY, FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL
52 YEAR AND THEREAFTER, TO BE PHASED-IN OVER NO MORE THAN FOUR YEARS START-
53 ING IN THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR, THE
54 COMMISSIONER, SUBJECT TO THE APPROVAL OF THE DIRECTOR OF THE BUDGET,
55 SHALL ESTABLISH REGIONAL TUITION RATES FOR SPECIAL EDUCATION ITINERANT
56 SERVICES BASED ON AVERAGE ACTUAL COSTS IN ACCORDANCE WITH A METHODOLOGY

1 ESTABLISHED PURSUANT TO SUBDIVISION FOUR OF SECTION FORTY-FOUR HUNDRED
2 FIVE OF THIS ARTICLE.

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

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

11 B. EACH SCHOOL DISTRICT ELIGIBLE TO RECEIVE TOTAL FOUNDATION AID
12 PURSUANT TO SECTION THIRTY-SIX HUNDRED TWO OF THE EDUCATION LAW SHALL
13 RECEIVE A COMMERCIAL GAMING GRANT IN AN AMOUNT EQUAL TO THE PRODUCT OF
14 THE AMOUNT OF THE APPROPRIATION OF SUCH COMMERCIAL GAMING GRANTS FOR THE
15 CURRENT STATE FISCAL YEAR MULTIPLIED BY THE DISTRICT'S COMMERCIAL GAMING
16 RATIO. THE "COMMERCIAL GAMING RATIO" SHALL BE EQUAL TO THE QUOTIENT OF
17 THE MONEYS APPORTIONED FOR SUCH DISTRICT PURSUANT TO SECTION THIRTY-SIX
18 HUNDRED NINE-A OF THE EDUCATION LAW AS SET FORTH IN THE SCHOOL AID
19 COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE ENACTED
20 STATE BUDGET FOR THE CURRENT SCHOOL YEAR, DIVIDED BY THE SUM OF SUCH
21 MONEYS APPORTIONED FOR ALL SCHOOL DISTRICTS AS SET FORTH IN SUCH SCHOOL
22 AID COMPUTER LISTING IN SUPPORT OF THE ENACTED STATE BUDGET FOR THE
23 CURRENT SCHOOL YEAR.

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

29 S 13. Subdivision b of section 2 of chapter 756 of the laws of 1992,
30 relating to funding a program for work force education conducted by the
31 consortium for worker education in New York city, as amended by section
32 12 of part A of chapter 56 of the laws of 2014, is amended to read as
33 follows:

34 b. Reimbursement for programs approved in accordance with subdivision
35 a of this section [for the 2011--2012 school year shall not exceed 62.9
36 percent of the lesser of such approvable costs per contact hour or
37 twelve dollars and fifteen cents per contact hour, reimbursement] for
38 the 2012--2013 school year shall not exceed 63.3 percent of the lesser
39 of such approvable costs per contact hour or twelve dollars and thirty-
40 five cents per contact hour, reimbursement for the 2013--2014 school
41 year shall not exceed 62.3 percent of the lesser of such approvable
42 costs per contact hour or twelve dollars and sixty-five cents per
43 contact hour, [and] reimbursement for the 2014--2015 school year shall
44 not exceed 61.6 percent of the lesser of such approvable costs per
45 contact hour or [eight] THIRTEEN dollars per contact hour, AND
46 REIMBURSEMENT FOR THE 2015--2016 SCHOOL YEAR SHALL NOT EXCEED 60.7
47 PERCENT OF THE LESSER OF SUCH APPROVABLE COSTS PER CONTACT HOUR OR THIR-
48 TEEN DOLLARS AND FORTY CENTS PER CONTACT HOUR where a contact hour
49 represents sixty minutes of instruction services provided to an eligible
50 adult. Notwithstanding any other provision of law to the contrary, [for
51 the 2011--2012 school year such contact hours shall not exceed one
52 million seven hundred one thousand five hundred seventy (1,701,570)
53 hours; whereas] for the 2012--2013 school year such contact hours shall
54 not exceed one million six hundred sixty-four thousand five hundred
55 thirty-two (1,664,532) hours; whereas for the 2013--2014 school year
56 such contact hours shall not exceed one million six hundred forty-nine

1 thousand seven hundred forty-six (1,649,746) hours; whereas for the
2 2014--2015 school year such contact hours shall not exceed one million
3 [six hundred twenty-five thousand (1,625,000)] SIX HUNDRED EIGHTEEN
4 THOUSAND NINE HUNDRED TWENTY-NINE (1,618,929) hours; WHEREAS FOR THE
5 2015--2016 SCHOOL YEAR SUCH CONTACT HOURS SHALL NOT EXCEED ONE MILLION
6 FIVE HUNDRED NINETY-NINE THOUSAND FIFTEEN (1,599,015) HOURS. Notwith-
7 standing any other provision of law to the contrary, the apportionment
8 calculated for the city school district of the city of New York pursuant
9 to subdivision 11 of section 3602 of the education law shall be computed
10 as if such contact hours provided by the consortium for worker educa-
11 tion, not to exceed the contact hours set forth herein, were eligible
12 for aid in accordance with the provisions of such subdivision 11 of
13 section 3602 of the education law.

14 S 13-a. Paragraph a-1 of subdivision 11 of section 3602 of the educa-
15 tion law, as amended by section 14-a of part A of chapter 56 of the laws
16 of 2014, is amended to read as follows:

17 a-1. Notwithstanding the provisions of paragraph a of this subdivi-
18 sion, for aid payable in the school years two thousand--two thousand one
19 through two thousand nine--two thousand ten, and two thousand eleven--
20 two thousand twelve through two thousand [fourteen] FIFTEEN--two thou-
21 sand [fifteen] SIXTEEN, the commissioner may set aside an amount not to
22 exceed two million five hundred thousand dollars from the funds appro-
23 priated for purposes of this subdivision for the purpose of serving
24 persons twenty-one years of age or older who have not been enrolled in
25 any school for the preceding school year, including persons who have
26 received a high school diploma or high school equivalency diploma but
27 fail to demonstrate basic educational competencies as defined in regu-
28 lation by the commissioner, when measured by accepted standardized
29 tests, and who shall be eligible to attend employment preparation educa-
30 tion programs operated pursuant to this subdivision.

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

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

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

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

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

54 1. Sections one through seventy of this act shall be deemed to have
55 been in full force and effect as of April 1, 1994 provided, however,
56 that sections one, two, twenty-four, twenty-five and twenty-seven

1 through seventy of this act shall expire and be deemed repealed on March
2 31, 2000; provided, however, that section twenty of this act shall apply
3 only to hearings commenced prior to September 1, 1994, and provided
4 further that section twenty-six of this act shall expire and be deemed
5 repealed on March 31, 1997; and provided further that sections four
6 through fourteen, sixteen, and eighteen, nineteen and twenty-one through
7 twenty-one-a of this act shall expire and be deemed repealed on March
8 31, 1997; and provided further that sections three, fifteen, seventeen,
9 twenty, twenty-two and twenty-three of this act shall expire and be
10 deemed repealed on March 31, [2016] 2017.

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

16 (22) sections one hundred twelve, one hundred thirteen, one hundred
17 fourteen, one hundred fifteen and one hundred sixteen of this act shall
18 take effect on July 1, 1995; provided, however, that section one hundred
19 thirteen of this act shall remain in full force and effect until July 1,
20 [2015] 2016 at which time it shall be deemed repealed;

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

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

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

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

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

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

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

47 S 21. Section 5 of chapter 101 of the laws of 2003, amending the
48 education law relating to implementation of the No Child Left Behind Act
49 of 2001, as amended by section 20 of part A of chapter 56 of the laws of
50 2014, is amended to read as follows:

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

54 S 22. School bus driver training. In addition to apportionments other-
55 wise provided by section 3602 of the education law, for aid payable in
56 the 2015-2016 school year, the commissioner of education shall allocate

1 school bus driver training grants to school districts and boards of
2 cooperative educational services pursuant to sections 3650-a, 3650-b and
3 3650-c of the education law, or for contracts directly with not-for-pro-
4 fit educational organizations for the purposes of this section. Such
5 payments shall not exceed four hundred thousand dollars (\$400,000) per
6 school year.

7 S 23. Special apportionment for salary expenses. a. Notwithstanding
8 any other provision of law, upon application to the commissioner of
9 education, not sooner than the first day of the second full business
10 week of June 2016 and not later than the last day of the third full
11 business week of June 2016, a school district eligible for an apportion-
12 ment pursuant to section 3602 of the education law shall be eligible to
13 receive an apportionment pursuant to this section, for the school year
14 ending June 30, 2016, for salary expenses incurred between April 1 and
15 June 30, 2015 and such apportionment shall not exceed the sum of (i) the
16 deficit reduction assessment of 1990--1991 as determined by the commis-
17 sioner of education, pursuant to paragraph f of subdivision 1 of section
18 3602 of the education law, as in effect through June 30, 1993, plus (ii)
19 186 percent of such amount for a city school district in a city with a
20 population in excess of 1,000,000 inhabitants, plus (iii) 209 percent of
21 such amount for a city school district in a city with a population of
22 more than 195,000 inhabitants and less than 219,000 inhabitants accord-
23 ing to the latest federal census, plus (iv) the net gap elimination
24 adjustment for 2010--2011, as determined by the commissioner of educa-
25 tion pursuant to chapter 53 of the laws of 2010, plus (v) the gap elimi-
26 nation adjustment for 2011--2012 as determined by the commissioner of
27 education pursuant to subdivision 17 of section 3602 of the education
28 law, and provided further that such apportionment shall not exceed such
29 salary expenses. Such application shall be made by a school district,
30 after the board of education or trustees have adopted a resolution to do
31 so and in the case of a city school district in a city with a population
32 in excess of 125,000 inhabitants, with the approval of the mayor of such
33 city.

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

50 c. Notwithstanding the provisions of section 3609-a of the education
51 law, an amount equal to the amount paid to a school district pursuant to
52 subdivisions a and b of this section shall first be deducted from the
53 following payments due the school district during the school year
54 following the year in which application was made pursuant to subpara-
55 graphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of
56 section 3609-a of the education law in the following order: the lottery

1 apportionment payable pursuant to subparagraph (2) of such paragraph
2 followed by the fixed fall payments payable pursuant to subparagraph (4)
3 of such paragraph and then followed by the district's payments to the
4 teachers' retirement system pursuant to subparagraph (1) of such para-
5 graph, and any remainder to be deducted from the individualized payments
6 due the district pursuant to paragraph b of such subdivision shall be
7 deducted on a chronological basis starting with the earliest payment due
8 the district.

9 S 24. Special apportionment for public pension accruals. a. Notwith-
10 standing any other provision of law, upon application to the commission-
11 er of education, not later than June 30, 2016, a school district eligi-
12 ble for an apportionment pursuant to section 3602 of the education law
13 shall be eligible to receive an apportionment pursuant to this section,
14 for the school year ending June 30, 2016 and such apportionment shall
15 not exceed the additional accruals required to be made by school
16 districts in the 2004--2005 and 2005--2006 school years associated with
17 changes for such public pension liabilities. The amount of such addi-
18 tional accrual shall be certified to the commissioner of education by
19 the president of the board of education or the trustees or, in the case
20 of a city school district in a city with a population in excess of
21 125,000 inhabitants, the mayor of such city. Such application shall be
22 made by a school district, after the board of education or trustees have
23 adopted a resolution to do so and in the case of a city school district
24 in a city with a population in excess of 125,000 inhabitants, with the
25 approval of the mayor of such city.

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

42 c. Notwithstanding the provisions of section 3609-a of the education
43 law, an amount equal to the amount paid to a school district pursuant to
44 subdivisions a and b of this section shall first be deducted from the
45 following payments due the school district during the school year
46 following the year in which application was made pursuant to subpara-
47 graphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of
48 section 3609-a of the education law in the following order: the lottery
49 apportionment payable pursuant to subparagraph (2) of such paragraph
50 followed by the fixed fall payments payable pursuant to subparagraph (4)
51 of such paragraph and then followed by the district's payments to the
52 teachers' retirement system pursuant to subparagraph (1) of such para-
53 graph, and any remainder to be deducted from the individualized payments
54 due the district pursuant to paragraph b of such subdivision shall be
55 deducted on a chronological basis starting with the earliest payment due
56 the district.

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

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

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

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

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

27 S 27. The amounts specified in this section shall be a set aside from
28 the state funds which each such district is receiving from the total
29 foundation aid: for the purpose of the development, maintenance or
30 expansion of magnet schools or magnet school programs for the 2015--2016
31 school year. To the city school district of the city of New York there
32 shall be paid forty-eight million one hundred seventy-five thousand
33 dollars (\$48,175,000) including five hundred thousand dollars (\$500,000)
34 for the Andrew Jackson High School; to the Buffalo city school district,
35 twenty-one million twenty-five thousand dollars (\$21,025,000); to the
36 Rochester city school district, fifteen million dollars (\$15,000,000);
37 to the Syracuse city school district, thirteen million dollars
38 (\$13,000,000); to the Yonkers city school district, forty-nine million
39 five hundred thousand dollars (\$49,500,000); to the Newburgh city school
40 district, four million six hundred forty-five thousand dollars
41 (\$4,645,000); to the Poughkeepsie city school district, two million four
42 hundred seventy-five thousand dollars (\$2,475,000); to the Mount Vernon
43 city school district, two million dollars (\$2,000,000); to the New
44 Rochelle city school district, one million four hundred ten thousand
45 dollars (\$1,410,000); to the Schenectady city school district, one
46 million eight hundred thousand dollars (\$1,800,000); to the Port Chester
47 city school district, one million one hundred fifty thousand dollars
48 (\$1,150,000); to the White Plains city school district, nine hundred
49 thousand dollars (\$900,000); to the Niagara Falls city school district,
50 six hundred thousand dollars (\$600,000); to the Albany city school
51 district, three million five hundred fifty thousand dollars
52 (\$3,550,000); to the Utica city school district, two million dollars
53 (\$2,000,000); to the Beacon city school district, five hundred sixty-six
54 thousand dollars (\$566,000); to the Middletown city school district,
55 four hundred thousand dollars (\$400,000); to the Freeport union free
56 school district, four hundred thousand dollars (\$400,000); to the Green-

burgh 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 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 one, eight, 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, 2015 and shall first apply to reimbursement for services and programs provided pursuant to section 4410 of the education law in the 2015-16 school year.

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 A-1

Section 1. Subdivision 17 of section 3602 of the education law is REPEALED.

S 2. Clause (c) of subparagraph 5 of paragraph e of subdivision 6 of section 3602 of the education law, as amended by section 4-a of part A of chapter 56 of the laws of 2014, is amended to read as follows:

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

25 S 3. Section 31 of part A of chapter 57 of the laws of 2012 relating
26 to submission of school construction final cost reports is REPEALED.

27 S 4. Subdivision 4 of section 3627 of the education law, as amended by
28 section 7 of part A of chapter 56 of the laws of 2014, is amended to
29 read as follows:

30 4. Notwithstanding any other provision of law to the contrary, any
31 expenditures for transportation provided pursuant to this section in the
32 two thousand thirteen--two thousand fourteen and two thousand fourteen-
33 -two thousand fifteen school year and thereafter and otherwise eligible
34 for transportation aid pursuant to subdivision seven of section thirty-
35 six hundred two of this article shall be considered approved transporta-
36 tion expenses eligible for transportation aid, provided further that
37 such aid shall be limited to [eight] TWELVE million [one] SIX hundred
38 thousand dollars. And provided further that such expenditures eligible
39 for aid under this section shall supplement not supplant local expendi-
40 tures for such transportation in the two thousand twelve--two thousand
41 thirteen school year.

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

44 (F) THE CITY SCHOOL DISTRICT SHALL ALSO PAY DIRECTLY TO THE CHARTER
45 SCHOOL, PURSUANT TO THIS SECTION, ANY AMOUNTS REQUIRED BY PARAGRAPH (E)
46 OF THIS SUBDIVISION. NOTWITHSTANDING THE FOREGOING, AND WHERE ANY SUCH
47 AMOUNTS REQUIRED TO BE PAID ARE ATTRIBUTABLE TO THE CURRENT SCHOOL YEAR
48 AND HAVE NOT BEEN PAID AS OF THE FIRST BUSINESS DAY OF JULY, THE CITY
49 SCHOOL DISTRICT SHALL PAY DIRECTLY TO THE CHARTER SCHOOL THE PRO RATA
50 AMOUNT, ON THE LATER OF THIRTY DAYS FROM THE TIME A CHARTER SCHOOL
51 SUBMITS A REQUEST FOR PAYMENT TO THE CITY SCHOOL DISTRICT OR A BI-MONTH-
52 LY PAYMENT BEING DUE PURSUANT TO PARAGRAPH (B) OF SUBDIVISION ONE OF
53 SECTION TWENTY-EIGHT HUNDRED FIFTY-SIX OF THIS ARTICLE.

54 S 6. Paragraph (a-1) of subdivision 3 of section 2854 of the educa-
55 tion law, as added by chapter 4 of the laws of 1998, is amended to read
56 as follows:

1 (a-1) The board of trustees of a charter school shall employ and
2 contract with necessary teachers, administrators and other school
3 personnel. Such teachers shall be certified in accordance with the
4 requirements applicable to other public schools; provided, however, that
5 a charter school may employ as teachers (i) uncertified teachers with at
6 least three years of elementary, middle or secondary classroom teaching
7 experience; (ii) tenured or tenure track college faculty; (iii) individ-
8 uals with two years of satisfactory experience through the Teach for
9 America program; and (iv) individuals who possess exceptional business,
10 professional, artistic, athletic, or military experience, provided,
11 however, that such teachers described in clauses (i), (ii), (iii), and
12 (iv) of this paragraph shall not in total comprise more than thirty per
13 centum of the teaching staff of a charter school, or five teachers,
14 whichever is [less] GREATER. A teacher certified or otherwise approved
15 by the commissioner shall not be included in the numerical limits estab-
16 lished by the preceding sentence.

17 S 7. Section 2851 of the education law is amended by adding a new
18 subdivision 5 to read as follows:

19 5. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, IN A CITY
20 HAVING A POPULATION OF ONE MILLION OR MORE INHABITANTS, A CHARTER SCHOOL
21 APPROVED PURSUANT TO PARAGRAPH (A) OF SUBDIVISION THREE OF THIS SECTION
22 MAY APPLY AT ANY TIME TO ANOTHER CHARTER ENTITY DEFINED IN PARAGRAPH (B)
23 OR (C) OF SUBDIVISION THREE OF THIS SECTION TO REQUEST SUCH OTHER CHAR-
24 TER ENTITY TO OVERSEE AND SUPERVISE SUCH CHARTER SCHOOL. ALL OBLIGATIONS
25 OF THE CHANCELLOR TO OVERSEE AND SUPERVISE A CHARTER SCHOOL SHALL TERMI-
26 NATE UPON SUCH CHARTER SCHOOL ENTERING INTO A CHARTER AGREEMENT, AS
27 DEFINED IN SUBDIVISION FIVE OF SECTION TWENTY-EIGHT HUNDRED FIFTY-TWO OF
28 THIS ARTICLE, WITH ANOTHER CHARTER ENTITY, AND THE CHANCELLOR SHALL
29 PROVIDE IN A TIMELY FASHION INFORMATION RELEVANT TO THE CHARTER AS
30 REQUESTED BY SUCH OTHER CHARTER ENTITY.

31 S 8. Section 13 of part A of chapter 97 of the laws of 2011, amending
32 the general municipal law and the education law relating to establishing
33 limits upon school district and local government tax levies, is amended
34 to read as follows:

35 S 13. This act shall take effect immediately; provided, however, that
36 sections two through eleven of this act shall take effect July 1, 2011
37 and shall first apply to school district budgets and the budget adoption
38 process for the 2012-13 school year; and shall continue to apply to
39 school district budgets and the budget adoption process for any school
40 year beginning in any calendar year during which this act is in effect;
41 provided further, that if section 26 of part A of chapter 58 of the laws
42 of 2011 shall not have taken effect on or before such date then section
43 ten of this act shall take effect on the same date and in the same
44 manner as such chapter of the laws of 2011, takes effect; provided
45 further, that section one of this act shall first apply to the levy of
46 taxes by local governments for the fiscal year that begins in 2012 and
47 shall continue to apply to the levy of taxes by local governments for
48 any fiscal year beginning in any calendar year during which this act is
49 in effect[; provided, further, that this act shall remain in full force
50 and effect at a minimum until and including June 15, 2016 and shall
51 remain in effect thereafter only so long as the public emergency requir-
52 ing the regulation and control of residential rents and evictions and
53 all such laws providing for such regulation and control continue as
54 provided in subdivision 3 of section 1 of the local emergency rent
55 control act, sections 26-501, 26-502 and 26-520 of the administrative
56 code of the city of New York, section 17 of chapter 576 of the laws of

1 1974 and subdivision 2 of section 1 of chapter 274 of the laws of 1946
2 constituting the emergency housing rent control law, and section 10 of
3 chapter 555 of the laws of 1982, amending the general business law and
4 the administrative code of the city of New York relating to conversions
5 of residential property to cooperative or condominium ownership in the
6 city of New York as such laws are continued by chapter 93 of the laws of
7 2011 and as such sections are amended from time to time].

8 S 9. Paragraph b of subdivision 5 of section 1950 of the education
9 law, as amended by section 80-a of part A of chapter 58 of the laws of
10 2011, is amended to read as follows:

11 b. The cost of services herein referred to shall be the amount allo-
12 cated to each component school district by the board of cooperative
13 educational services to defray expenses of such board, except that that
14 part of the salary paid TO any teacher, supervisor or other employee of
15 the board of cooperative educational services [which] WHERE SUCH TEACH-
16 ER, SUPERVISOR OR OTHER EMPLOYEE OF THE BOARD OF COOPERATIVE EDUCATIONAL
17 SERVICES IS PROVIDING CAREER AND TECHNICAL EDUCATION SERVICES TO SCHOOL
18 AGE STUDENTS AND WHERE SUCH SALARY is in excess of thirty thousand
19 dollars IN THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR;
20 THIRTY-FOUR THOUSAND DOLLARS IN THE TWO THOUSAND FIFTEEN--TWO THOUSAND
21 SIXTEEN SCHOOL YEAR; THIRTY-EIGHT THOUSAND DOLLARS IN THE TWO THOUSAND
22 SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR; FORTY-TWO THOUSAND DOLLARS
23 IN THE TWO THOUSAND SEVENTEEN--TWO THOUSAND EIGHTEEN SCHOOL YEAR;
24 FORTY-SIX THOUSAND DOLLARS IN THE TWO THOUSAND EIGHTEEN--TWO THOUSAND
25 NINETEEN SCHOOL YEAR; AND FIFTY THOUSAND DOLLARS IN THE TWO THOUSAND
26 NINETEEN--TWO THOUSAND TWENTY SCHOOL YEAR AND THEREAFTER, shall not be
27 such an approved expense, and except also that administrative and cler-
28 ical expenses shall not exceed ten percent of the total expenses for
29 purposes of this computation. Any gifts, donations or interest earned by
30 the board of cooperative educational services or on behalf of the board
31 of cooperative educational services by the dormitory authority or any
32 other source shall not be deducted in determining the cost of services
33 allocated to each component school district. Any payments made to a
34 component school district by the board of cooperative educational
35 services pursuant to subdivision eleven of section six-p of the general
36 municipal law attributable to an approved cost of service computed
37 pursuant to this subdivision shall be deducted from the cost of services
38 allocated to such component school district. The expense of transporta-
39 tion provided by the board of cooperative educational services pursuant
40 to paragraph q of subdivision four of this section shall be eligible for
41 aid apportioned pursuant to subdivision seven of section thirty-six
42 hundred two of this chapter and no board of cooperative educational
43 services transportation expense shall be an approved cost of services
44 for the computation of aid under this subdivision. Transportation
45 expense pursuant to paragraph q of subdivision four of this section
46 shall be included in the computation of the ten percent limitation on
47 administrative and clerical expenses.

48 S 10. Paragraph d of subdivision 2 of section 2-d of the education law
49 is REPEALED.

50 S 11. Subdivision 10 of section 6-p of the general municipal law, as
51 amended by section 14-b of part A of chapter 56 of the laws of 2014, is
52 amended to read as follows:

53 10. Notwithstanding any provision of law to the contrary, the govern-
54 ing board of a school district may, during the [two thousand fourteen--
55 two thousand fifteen] TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN school
56 year, authorize a withdrawal from this fund in an amount not to exceed

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

15 S 12. Subdivision 2 of section 2116-b of the education law, as amended
16 by section 4 of part A of chapter 57 of the laws of 2013, is amended and
17 a new subdivision 8 is added to read as follows:

18 2. School districts of less than eight teachers, school districts with
19 actual general fund expenditures totaling less than five million dollars
20 in the previous school year, or school districts with actual enrollment
21 of less than [one] FIVE thousand [five hundred] students in the previous
22 school year shall be exempt from this requirement. Any school district
23 claiming such exemption shall annually certify to the commissioner that
24 such school district meets the requirements set forth in this subdivi-
25 sion.

26 8. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE
27 INTERNAL AUDIT FUNCTION ESTABLISHED PURSUANT TO THIS SECTION SHALL BE
28 REQUIRED BY ALL SCHOOL DISTRICTS WITH FIVE THOUSAND OR MORE STUDENTS
29 UNLESS THE COMPTROLLER FINDS DEFICIENCIES IN THE AUDIT PERFORMED PURSU-
30 ANT TO SECTION THIRTY-THREE OF THE GENERAL MUNICIPAL LAW. IF DEFICIEN-
31 CIES ARE FOUND BY THE COMPTROLLER, SCHOOL DISTRICTS SHALL PERFORM BIEN-
32 NIAL INTERNAL AUDITS UNTIL THE COMPTROLLER CONDUCTS ANOTHER AUDIT OF
33 SUCH SCHOOL DISTRICT.

34 S 13. Paragraph b-1 of subdivision 11 of section 3641 of the education
35 law, as added by section 20-a of part A of chapter 56 of the laws of
36 2014, is amended to read as follows:

37 b-1. For the two thousand fourteen--two thousand fifteen [school year]
38 AND TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEARS, six million
39 dollars shall be paid pursuant to paragraph b of this subdivision and
40 the remaining six million dollars shall be paid after the submission of
41 an expenditure plan by the superintendent of the Roosevelt union free
42 school district to the speaker of the assembly, the temporary president
43 of the senate and the members of the legislature representing such
44 school district. Such plan shall focus on improving academic perform-
45 ance.

46 S 14. Subdivision a of section 5 of chapter 121 of the laws of 1996
47 relating to authorizing the Roosevelt union free school district to
48 finance deficits by the issuance of serial bonds, as amended by section
49 20-b of part A of chapter 56 of the laws of 2014, is amended to read as
50 follows:

51 a. Notwithstanding any other provisions of law, upon application to
52 the commissioner of education submitted not sooner than April first and
53 not later than June thirtieth of the applicable school year, the Roose-
54 velt union free school district shall be eligible to receive an appor-
55 tionment pursuant to this chapter for salary expenses, including related
56 benefits, incurred between April first and June thirtieth of such school

1 year. Such apportionment shall not exceed: for the 1996-97 school year through the [2014-15] 2015-16 school year, four million dollars (\$4,000,000); for the [2015-16] 2016-17 school year, three million dollars (\$3,000,000); for the [2016-17] 2017-18 school year, two million dollars (\$2,000,000); for the [2017-18] 2018-19 school year, one million dollars (\$1,000,000); and for the [2018-19] 2019-20 school year, zero dollars. Such annual application shall be made after the board of education has adopted a resolution to do so with the approval of the commissioner of education.

10 S 15. The section heading and subdivision 1 of section 2022 of the education law, as amended by section 7 of part A of chapter 97 of the laws of 2011, are amended and a new subdivision 1-a is added to read as follows:

14 Vote on school district budgets, ON BOND RESOLUTIONS and on the election of school district trustees and board of education members. 1. Notwithstanding any law, rule or regulation to the contrary, the election of trustees or members of the board of education, [and] the vote upon the appropriation of the necessary funds to meet the estimated expenditures, AND THE VOTE UPON A BOND RESOLUTION EXCEPT WHERE THE BOARD SHALL BY UNANIMOUS VOTE DECLARE THAT AN EMERGENCY EXISTS AND THE BEST INTERESTS OF THE DISTRICT REQUIRE THAT THE VOTE ON THE BOND RESOLUTION BE HELD ON A DIFFERENT DATE, in any common school district, union free school district, central school district or central high school district shall be held at the annual meeting and election on the third Tuesday in May, provided, however, that such election shall be held on the second Tuesday in May if the commissioner at the request of a local school board certifies no later than March first that such election would conflict with religious observances. The sole trustee, board of trustees or board of education of every common, union free, central or central high school district and every city school district to which this article applies shall hold a budget hearing not less than seven nor more than fourteen days prior to the annual meeting and election or special district meeting at which a school budget vote will occur, and shall prepare and present to the voters at such budget hearing a proposed school district budget for the ensuing school year.

36 1-A. ANY BOND RESOLUTION MAY ONLY BE RESUBMITTED TO THE VOTERS OF THE SCHOOL DISTRICT ONE TIME SUBSEQUENT TO SUCH VOTE.

38 S 16. The section heading and subdivision 1 of section 2022 of the education law, the section heading as amended by section 23 of part A of chapter 436 of the laws of 1997 and subdivision 1 as amended by section 8 of part C of chapter 58 of the laws of 1998, are amended and a new subdivision 1-a is added to read as follows:

43 Vote on school district budgets, ON BOND RESOLUTIONS and on the election of school district trustees and board of education members. 1. Notwithstanding any law, rule or regulation to the contrary, the election of trustees or members of the board of education, [and] the vote upon the appropriation of the necessary funds to meet the estimated expenditures, AND THE VOTE UPON A BOND RESOLUTION EXCEPT WHERE THE BOARD SHALL BY UNANIMOUS VOTE DECLARE THAT AN EMERGENCY EXISTS AND THE BEST INTERESTS OF THE DISTRICT REQUIRE THAT THE VOTE ON THE BOND RESOLUTION BE HELD ON A DIFFERENT DATE, in any common school district, union free school district, central school district or central high school district shall be held at the annual meeting and election on the third Tuesday in May, provided, however, that such election shall be held on the second Tuesday in May if the commissioner at the request of a local school board certifies no later than March first that such election would

1 conflict with religious observances. When such election or vote is taken
2 by recording the ayes and noes of the qualified voters attending, a
3 majority of the qualified voters present and voting, by a hand or voice
4 vote, may determine to take up the question of voting the necessary
5 funds to meet the estimated expenditures for a specific item separately,
6 and the qualified voters present and voting may increase the amount of
7 any estimated expenditures or reduce the same, except for teachers'
8 salaries, and the ordinary contingent expenses of the schools. The sole
9 trustee, board of trustees or board of education of every common, union
10 free, central or central high school district and every city school
11 district to which this article applies shall hold a budget hearing not
12 less than seven nor more than fourteen days prior to the annual meeting
13 and election or special district meeting at which a school budget vote
14 will occur, and shall prepare and present to the voters at such budget
15 hearing a proposed school district budget for the ensuing school year.

16 1-A. ANY BOND RESOLUTION MAY ONLY BE RESUBMITTED TO THE VOTERS OF THE
17 SCHOOL DISTRICT ONE TIME SUBSEQUENT TO SUCH VOTE.

18 S 17. Section 3602 of the education law is amended by adding a new
19 subdivision 6-h to read as follows:

20 6-H. BUILDING AID FOR SCHOOLS AUTHORIZED PURSUANT TO ARTICLE FIFTY-SIX
21 OF THIS CHAPTER. A. SCHOOLS AUTHORIZED PURSUANT TO ARTICLE FIFTY-SIX OF
22 THIS CHAPTER SHALL BE ELIGIBLE FOR BUILDING AID TO THE SAME EXTENT AS
23 SCHOOL DISTRICTS IN A PROCESS PRESCRIBED BY THE COMMISSIONER, PROVIDED,
24 THAT (1) AID APPORTIONMENTS FOR SUCH SCHOOLS SHALL BE CALCULATED BASED
25 ON THE ACTUAL AMORTIZATION AND ACTUAL INTEREST RATE, (2) THE BUILDING
26 AID RATIO USED SHALL BE THE RATIO FOR THE SCHOOL DISTRICT IN WHICH THE
27 SCHOOL IS LOCATED, AND THE CHARTER SCHOOL SHALL BE RESPONSIBLE FOR
28 PAYMENT OF THE LOCAL SHARE OF ANY AIDABLE BUILDING EXPENSES, AND (3) AID
29 ON EXPENDITURES FOR LEASE PAYMENTS SHALL BE APPORTIONED ONLY IF THE
30 LEASE HAS BEEN APPROVED BY THE SCHOOL'S BOARD OF TRUSTEES, THE AUTHORIZ-
31 ING ENTITY, AND THE COMMISSIONER.

32 B. THE COMMISSIONER SHALL BE AUTHORIZED TO GRANT SPECIFIC WAIVERS FROM
33 BUILDING AID PROGRAM REQUIREMENTS TO SCHOOLS AUTHORIZED PURSUANT TO
34 ARTICLE FIFTY-SIX OF THIS CHAPTER UPON A SHOWING THAT COMPLIANCE WITH
35 SUCH REQUIREMENTS WOULD CREATE AN UNDUE ECONOMIC HARDSHIP OR THAT SOME
36 OTHER GOOD CAUSE EXISTS THAT MAKES COMPLIANCE EXTREMELY IMPRACTICAL.

37 C. SCHOOL DISTRICTS THAT COLLECT PAYMENTS FROM A SCHOOL AUTHORIZED
38 PURSUANT TO ARTICLE FIFTY-SIX OF THIS CHAPTER UNDER A LEASE OR ANY OTHER
39 ARRANGEMENT FOR THE USE OF DISTRICT-OWNED FACILITIES SHALL HAVE ITS
40 BUILDING AID APPORTIONMENT REDUCED BY AN AMOUNT EQUAL TO THE SCHOOL'S
41 PAYMENTS TO THE DISTRICT PROVIDED, HOWEVER, NOTHING IN THIS SUBDIVISION
42 SHALL BE CONSTRUED TO AUTHORIZE A REDUCTION IN BUILDING AID ATTRIBUTABLE
43 TO BUILDING PROJECTS SUBJECT TO THE PROVISIONS OF SUBDIVISION FOUR OF
44 SECTION TWENTY-SEVEN HUNDRED NINETY-NINE-TT OF THE PUBLIC AUTHORITIES
45 LAW.

46 D. IN THE EVENT THAT A SCHOOL IS NO LONGER AUTHORIZED PURSUANT TO
47 ARTICLE FIFTY-SIX OF THIS CHAPTER BUILDING AID PAYMENTS SHALL CEASE
48 IMMEDIATELY.

49 E. A CHARTER SCHOOL AUTHORIZED UNDER THIS ARTICLE SHALL NOT BE ENTI-
50 TLED TO RECEIVE BOTH BUILDING AID UNDER THIS SUBDIVISION AND UNDER
51 SUBDIVISION THREE OF SECTION TWENTY-EIGHT FIFTY-THREE OF THIS CHAPTER.

52 S 18. Section 1501 of the education law is amended by adding a new
53 subdivision 5 to read as follows:

54 5. NOTWITHSTANDING ANY LAW TO THE CONTRARY, SCHOOL DISTRICTS IN THE
55 COUNTY OF SUFFOLK CONSOLIDATED PURSUANT TO THIS ARTICLE, ANNEXED PURSU-
56 ANT TO ARTICLE THIRTY-FIVE OF THIS CHAPTER, FORMED OR CHANGED PURSUANT

TO ARTICLE THIRTY-SEVEN OF THIS CHAPTER, OR FORMED PURSUANT TO ARTICLE THIRTY-NINE OF THIS CHAPTER, NEED NOT BE CONTIGUOUS.

S 19. Section 1912 of the education law, as added by chapter 732 of the laws of 1981, is amended to read as follows:

S 1912. Formation of central high school districts in the county of Suffolk. A central high school district may be formed by the combination of two or more central, union free or common school districts in the county of Suffolk. [The territory shall be contiguous.]

S 20. This act shall take effect immediately; provided, however:

a. section one of this act shall apply to school years commencing on and after July 1, 2015; and

b. section nine of this act shall apply to the calculation of BOCES aid payable in the 2016-2017 school year and each school year thereafter.

PART A-2

Section 1. The education law is amended by adding a new article 39-A to read as follows:

ARTICLE 39-A

REGIONAL SECONDARY SCHOOLS

SECTION 1920. DEFINITIONS.

1921. ESTABLISHMENT OF A REGIONAL SECONDARY SCHOOL OPERATED BY A BOARD OF EDUCATION.

1922. ESTABLISHMENT OF A REGIONAL SECONDARY SCHOOL OPERATED BY A BOARD OF COOPERATIVE EDUCATIONAL SERVICES.

1923. STATE AID FOR REGIONAL SECONDARY SCHOOLS.

1924. REGIONAL SECONDARY SCHOOL ADVISORY COMMITTEE.

S 1920. DEFINITIONS. FOR PURPOSES OF THIS ARTICLE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

1. THE TERM "REGIONAL SECONDARY SCHOOL" SHALL MEAN A SECONDARY SCHOOL ESTABLISHED BY PARTICIPATING DISTRICTS WITHIN A REGION OF NEW YORK STATE.

2. THE TERM "SECONDARY SCHOOL" SHALL MEAN:

A. A HIGH SCHOOL CONTAINING GRADES NINE THROUGH TWELVE;

B. A JUNIOR HIGH SCHOOL CONTAINING GRADES SIX THROUGH EIGHT;

C. A COMBINED JUNIOR/SENIOR HIGH SCHOOL CONTAINING GRADES SIX THROUGH TWELVE;

D. A COMBINED JUNIOR/SENIOR HIGH SCHOOL CONTAINING GRADES SEVEN THROUGH TWELVE; OR

E. A COMBINED JUNIOR/SENIOR HIGH SCHOOL CONTAINING GRADES EIGHT THROUGH TWELVE.

3. THE TERM "REGION" SHALL MEAN THE COMBINED AREA OF ALL THE PARTICIPATING DISTRICTS THAT ESTABLISH A REGIONAL SECONDARY SCHOOL.

4. THE TERM "PARTICIPATING DISTRICT" SHALL MEAN AN ELIGIBLE SCHOOL DISTRICT WHOSE BOARD OF EDUCATION HAS ADOPTED A RESOLUTION TO ESTABLISH A REGIONAL SECONDARY SCHOOL WITH ONE OR MORE OTHER ELIGIBLE SCHOOL DISTRICTS.

5. THE TERM "ELIGIBLE SCHOOL DISTRICT" SHALL MEAN:

A. A CITY SCHOOL DISTRICT,

B. A CENTRAL SCHOOL DISTRICT,

C. A UNION FREE SCHOOL DISTRICT, AND/OR

D. A COMMON SCHOOL DISTRICT, WHICH IS ELIGIBLE TO ESTABLISH A REGIONAL SECONDARY SCHOOL.

6. THE TERM "HOSTING DISTRICT" SHALL MEAN THE PARTICIPATING DISTRICT WHICH HOSTS THE REGIONAL SECONDARY SCHOOL.

1 7. THE TERM "REGIONAL REFERENDUM" SHALL MEAN A REFERENDUM, PRESENTED
2 SIMULTANEOUSLY ON THE BALLOT OF ALL THE PARTICIPATING DISTRICTS, AND
3 DETERMINED BY A MAJORITY VOTE OF THE PARTICIPATING ELECTORS OF THE
4 REGION COLLECTIVELY.

5 8. THE TERM "PROPOSED CONTRACT" SHALL MEAN THE CONTRACT ADOPTED BY ALL
6 THE BOARDS OF EDUCATION OF THE PARTICIPATING DISTRICTS FOR THE ESTAB-
7 LISHMENT AND OPERATION OF THE REGIONAL SECONDARY SCHOOL.

8 9. THE TERM "GOVERNING BOARD OF THE REGIONAL SECONDARY SCHOOL" SHALL
9 MEAN THE GOVERNING BOARD OF THE REGIONAL SECONDARY SCHOOL AS DESIGNATED
10 BY THE PROPOSED CONTRACT.

11 S 1921. ESTABLISHMENT OF A REGIONAL SECONDARY SCHOOL OPERATED BY A
12 BOARD OF EDUCATION. 1. A REGIONAL SECONDARY SCHOOL MAY BE ESTABLISHED
13 PURSUANT TO THIS SECTION.

14 2. A REGIONAL SECONDARY SCHOOL MAY BE ESTABLISHED BY TWO OR MORE
15 ELIGIBLE SCHOOL DISTRICTS.

16 3. THE ESTABLISHMENT OF A REGIONAL SECONDARY SCHOOL SHALL BE SUBJECT
17 TO THE APPROVAL OF THE COMMISSIONER, IN A MANNER AND TIME FRAME, AS SET
18 FORTH WITHIN THIS SECTION.

19 4. A REGIONAL SECONDARY SCHOOL:

20 A. SHALL BE WHOLLY CONTAINED WITHIN THE SUPERVISORY DISTRICT OF A
21 BOARD OF COOPERATIVE EDUCATIONAL SERVICES, UNLESS:

22 (I) UPON APPLICATION OF THE BOARDS OF EDUCATION SEEKING TO ESTABLISH A
23 REGIONAL SECONDARY SCHOOL, THE COMMISSIONER AGREES TO WAIVE THIS
24 REQUIREMENT; OR

25 (II) THE PARTICIPATING SCHOOL DISTRICT IS A CENTRAL HIGH SCHOOL
26 DISTRICT, WHICH SUBJECT TO APPROVAL OF ITS VOTERS, ENTERED INTO AN
27 AGREEMENT WITH SCHOOL DISTRICTS OTHER THAN ITS COMPONENT SCHOOL
28 DISTRICTS, THAT ARE WHOLLY CONTAINED WITHIN THE SUPERVISORY DISTRICT OF
29 A BOARD OF COOPERATIVE EDUCATIONAL SERVICES.

30 B. SHALL NOT BE A COMPONENT SCHOOL DISTRICT OF A CENTRAL HIGH SCHOOL
31 DISTRICT, OR A SPECIAL ACT SCHOOL DISTRICT, AS DEFINED IN SECTION FOUR
32 THOUSAND ONE OF THIS CHAPTER.

33 5. A REGIONAL SECONDARY SCHOOL SHALL SERVE ALL OR SOME OF THE STUDENTS
34 IN EACH OF THE PARTICIPATING DISTRICTS IN GRADES OF A SECONDARY SCHOOL
35 AS DETERMINED BY THE AGREEMENT BETWEEN THE PARTICIPATING DISTRICTS.

36 6. UPON THE ESTABLISHMENT OF A REGIONAL SECONDARY SCHOOL, EACH PARTIC-
37 IPATING DISTRICT SHALL CEASE OPERATION OF AT LEAST ONE SECONDARY SCHOOL,
38 EXCEPT THAT THE HOSTING DISTRICT MAY CONTINUE TO OPERATE A SECONDARY
39 SCHOOL AS A REGIONAL SECONDARY SCHOOL, PURSUANT TO THE CONDITIONS OF
40 THIS ARTICLE.

41 7. PURSUANT TO THIS SECTION, THE REGIONAL SECONDARY SCHOOL MAY BE
42 OPERATED BY:

43 A. ONE OF THE PARTICIPATING DISTRICTS, CONSTITUTING THE HOSTING
44 DISTRICT, WHICH SHALL ASSUME THE RESPONSIBILITY TO OPERATE, SUPERVISE
45 AND MAINTAIN THE REGIONAL SECONDARY SCHOOL AND THE ADMINISTRATION OF
46 SUCH REGIONAL SECONDARY SCHOOL; OR

47 B. A JOINT BOARD OF EDUCATION ESTABLISHED PURSUANT TO THIS SECTION.

48 8. A. TO ESTABLISH A REGIONAL SECONDARY SCHOOL, TWO OR MORE PARTIC-
49 IPATING SCHOOL DISTRICTS MUST INITIALLY ADOPT, BY MAJORITY VOTE OF THE
50 BOARD OF EDUCATION OF EACH PARTICIPATING DISTRICT, A RESOLUTION PROPOS-
51 ING THE ESTABLISHMENT OF THE REGIONAL SECONDARY SCHOOL.

52 B. THE RESOLUTION TO ESTABLISH A REGIONAL SECONDARY SCHOOL SHALL INDI-
53 CATE:

54 (I) THE PROPOSED PARTICIPATING SCHOOL DISTRICTS;

55 (II) WHETHER THE SCHOOL WOULD BE GOVERNED BY A PROPOSED HOSTING
56 DISTRICT OR A JOINT BOARD OF EDUCATION;

1 (III) A LISTING OF THE GRADES THAT WOULD BE INCLUDED IN THE REGIONAL
2 SECONDARY SCHOOL;

3 (IV) THE PROPOSED LOCATION OF THE REGIONAL SECONDARY SCHOOL;

4 (V) THE PROPOSED TERM OF THE CONTRACT GOVERNING THE REGIONAL SECONDARY
5 SCHOOL.

6 C. THE RESOLUTION TO ESTABLISH THE REGIONAL SECONDARY SCHOOL SHALL BE
7 VOTED ON BY EACH BOARD AT A MEETING HELD NO LATER THAN OCTOBER FIRST OF
8 THE SCHOOL YEAR PRIOR TO THE SCHOOL YEAR IN WHICH THE REGIONAL SECONDARY
9 SCHOOL IS PROPOSED TO COMMENCE OPERATION.

10 9. A. IF TWO OR MORE SCHOOL DISTRICTS ADOPT SUCH A RESOLUTION AS
11 PROVIDED IN SUBDIVISION EIGHT OF THIS SECTION, THE RESOLUTION SHALL BE
12 PRESENTED IN A REGIONAL REFERENDUM BY MEANS OF A REGIONAL VOTE, BEFORE
13 THE ELECTORS OF ALL OF THE PROPOSED PARTICIPATING DISTRICTS.

14 B. APPROVAL OF THE REGIONAL REFERENDUM SHALL BE UPON A MAJORITY VOTE
15 OF THE PARTICIPATING ELECTORS IN THE REGION ENCOMPASSING ALL OF THE
16 PROPOSED PARTICIPATION DISTRICTS.

17 C. IN THE EVENT THE VOTERS DO NOT APPROVE THE REGIONAL REFERENDUM, IT
18 MAY BE PRESENTED FOR A RE-VOTE, BUT IN NO EVENT ANY MORE THAN TWO VOTES
19 BE HELD IN ANY SCHOOL YEAR.

20 10. UPON THE APPROVAL OF THE VOTERS IN THE REGIONAL REFERENDUM,
21 PRESENTED PURSUANT TO SUBDIVISION NINE OF THIS SECTION, THE PARTICIPAT-
22 ING SCHOOL DISTRICTS SHALL COLLECTIVELY ENTER INTO A PROPOSED CONTRACT
23 FOR THE ESTABLISHMENT OF A REGIONAL SECONDARY SCHOOL.

24 11. WITH THE CONSENT OF EACH OF THE PARTICIPATING BOARDS OF EDUCATION
25 AND APPROVAL OF THE COMMISSIONER, ADDITIONAL SCHOOL DISTRICTS, OTHERWISE
26 ELIGIBLE TO ESTABLISH THE REGIONAL SECONDARY SCHOOL, MAY JOIN THE
27 REGIONAL SECONDARY SCHOOL IN THE SECOND OR A SUBSEQUENT YEAR OF OPERA-
28 TION, BY ADOPTING A BOARD RESOLUTION AND OBTAINING VOTER APPROVAL UPON A
29 MAJORITY VOTE OF THE ELECTORS OF SUCH ADDITIONAL DISTRICT.

30 12. A. UPON RECEIPT OF VOTER APPROVAL IN THE REGIONAL REFERENDUM HELD
31 PURSUANT TO SUBDIVISION NINE OF THIS SECTION, THE PARTICIPATING SCHOOL
32 DISTRICTS SHALL ADOPT, BY A MAJORITY VOTE OF THE BOARDS OF EDUCATION OF
33 EACH PARTICIPATING SCHOOL DISTRICT, A PROPOSED CONTRACT FOR THE OPERA-
34 TION OF THE REGIONAL SECONDARY SCHOOL.

35 B. THE PROPOSED CONTRACT FOR THE OPERATION OF THE REGIONAL SECONDARY
36 SCHOOL SHALL INCLUDE THE PLAN OF FORMATION AND OPERATION OF THE REGIONAL
37 SECONDARY SCHOOL AND SHALL BE SUBMITTED TO THE COMMISSIONER FOR HIS OR
38 HER APPROVAL, IN A TIME AND MANNER PRESCRIBED BY THE COMMISSIONER.

39 C. THE PROPOSED CONTRACT FOR THE OPERATION OF THE REGIONAL SECONDARY
40 SCHOOL SHALL BE AN INTER-MUNICIPAL SHARING AGREEMENT PURSUANT TO ARTICLE
41 FIVE-G OF THE GENERAL MUNICIPAL LAW THAT COMPLIES WITH THE REQUIREMENTS
42 OF THIS SECTION.

43 13. THE PROPOSED CONTRACT FOR THE OPERATION OF THE REGIONAL SECONDARY
44 SCHOOL, AND THE REGIONAL SECONDARY SCHOOL THAT WOULD BE ESTABLISHED
45 THEREUNDER, SHALL MEET THE FOLLOWING REQUIREMENTS:

46 A. THE PROPOSED CONTRACT SHALL PROVIDE THE NAME OF THE REGIONAL
47 SECONDARY SCHOOL, WHICH SHALL BE SUBJECT TO THE COMMISSIONER'S APPROVAL.

48 B. THE TERM OF THE PROPOSED CONTRACT SHALL BE SPECIFIED THEREIN, AND
49 SHALL BE FOR A TERM NOT LESS THAN FIVE NOR MORE THAN SEVEN SCHOOL YEARS.

50 C. THE PROPOSED CONTRACT SHALL ESTABLISH A GOVERNING BOARD OF THE
51 REGIONAL SECONDARY SCHOOL, THAT WILL OPERATE THE REGIONAL SECONDARY
52 SCHOOL ON BEHALF OF ALL PARTICIPATING DISTRICTS, AS FOLLOWS:

53 (I) THE GOVERNING BOARD OF THE REGIONAL SECONDARY SCHOOL SHALL BE
54 DESIGNATED BY THE PROPOSED CONTRACT TO BE EITHER THE BOARD OF EDUCATION
55 OF THE HOSTING DISTRICT, OR A JOINT BOARD OF EDUCATION ESTABLISHED BY
56 THE PARTICIPATING DISTRICTS.

1 (II) IN THE EVENT THE PROPOSED CONTRACT DESIGNATES A JOINT BOARD OF
2 EDUCATION AS THE GOVERNING BOARD OF THE REGIONAL SECONDARY SCHOOL:

3 (1) SUCH JOINT BOARD SHALL CONSIST OF AT LEAST FIVE MEMBERS, WITH NOT
4 LESS THAN ONE MEMBER APPOINTED BY THE BOARD OF EDUCATION OF EACH PARTIC-
5 IPATING SCHOOL DISTRICT, AND WITH ANY REMAINING MEMBERS BEING JOINTLY
6 APPOINTED BY THE BOARDS OF EDUCATION OF THE PARTICIPATING SCHOOL
7 DISTRICTS COLLECTIVELY;

8 (2) THE PROPOSED CONTRACT, CONSISTENT WITH THE PROVISIONS OF THIS
9 SECTION, SHALL SPECIFY THE NUMBER, TERM, AND PROCEDURES FOR APPOINTMENT
10 OF THE JOINT BOARD MEMBERS; AND

11 (3) THE JOINT BOARD SHALL HAVE THE SAME POWERS AND DUTIES WITH RESPECT
12 TO THE REGIONAL SECONDARY SCHOOL AS A BOARD OF EDUCATION OF A UNION FREE
13 SCHOOL DISTRICT HAS WITH RESPECT TO ITS SCHOOLS UNDER THIS CHAPTER,
14 EXCEPT AS MODIFIED BY THE TERMS OF THE PROPOSED CONTRACT.

15 (III) THE GOVERNING BOARD SHALL HAVE RESPONSIBILITY FOR THE OPERATION,
16 SUPERVISION AND MAINTENANCE OF THE REGIONAL SECONDARY SCHOOL AND SHALL
17 BE RESPONSIBLE FOR THE ADMINISTRATION OF THE SCHOOL, INCLUDING THE
18 CURRICULUM, GRADING, STAFFING AND THE ISSUANCE OF DIPLOMAS FOR ALL
19 STUDENTS THAT ATTEND THE REGIONAL SECONDARY SCHOOL, AS SHALL BE DESIG-
20 NATED IN THE PROPOSED CONTRACT.

21 (IV) THE REGIONAL SECONDARY SCHOOL SHALL BE DEEMED A SCHOOL OF THE
22 GOVERNING BOARD FOR ACCOUNTABILITY PURPOSES.

23 D. THE PROPOSED CONTRACT MAY PROVIDE THAT THE STUDENT'S SCHOOL
24 DISTRICT OF RESIDENCE MAY ISSUE THE STUDENT'S DIPLOMA, UPON CERTIF-
25 ICATION BY THE GOVERNING BOARD THAT ALL GRADUATION REQUIREMENTS OF THE
26 REGIONAL SECONDARY SCHOOL HAVE BEEN MET.

27 E. THE PROPOSED CONTRACT SHALL DESIGNATE THE GRADES OF INSTRUCTION
28 INTENDED TO BE SERVED BY THE REGIONAL SECONDARY SCHOOL.

29 F. THE PROPOSED CONTRACT SHALL DESIGNATE THE SITE OF THE REGIONAL
30 SECONDARY SCHOOL, WHICH SHALL BE WITHIN THE BOUNDARIES OF ONE OF THE
31 PARTICIPATING DISTRICTS, AND WHERE POSSIBLE, SHOULD USE EXISTING BUILD-
32 INGS AND/OR INFRASTRUCTURE.

33 G. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE
34 PROPOSED CONTRACT SHALL PROVIDE THAT EACH PARTICIPATING SCHOOL DISTRICT
35 SHALL BE RESPONSIBLE FOR PROVIDING OR ARRANGING FOR TRANSPORTATION TO
36 ITS RESIDENT STUDENTS ATTENDING THE REGIONAL SECONDARY SCHOOL IN ACCORD-
37 ANCE WITH ITS SCHOOL DISTRICT POLICY, BUT WITHOUT REGARD TO ANY MAXIMUM
38 MILEAGE LIMITATION.

39 H. THE PROPOSED CONTRACT MAY PROVIDE THAT STUDENT TRANSPORTATION MAY
40 BE PROVIDED BY CONTRACT FOR TRANSPORTATION SERVICES, INCLUDING BUT NOT
41 LIMITED TO A CONTRACT WITH ONE OR MORE PARTICIPATING DISTRICTS OR A
42 BOARD OF COOPERATIVE EDUCATIONAL SERVICES.

43 I. THE PROPOSED CONTRACT SHALL SPECIFY:

44 (I) THAT THE STUDENTS OF EACH PARTICIPATING SCHOOL DISTRICT SHALL
45 REMAIN ENROLLED AS STUDENTS OF THEIR RESPECTIVE PARTICIPATING SCHOOL
46 DISTRICTS;

47 (II) THAT THE STUDENTS SHALL BE TREATED AND COUNTED AS STUDENTS OF
48 THEIR RESPECTIVE PARTICIPATING SCHOOL DISTRICTS FOR PURPOSES OF ALL
49 STATE AID CALCULATIONS PURSUANT TO THIS CHAPTER;

50 (III) THE CURRENT ENROLLMENT OF ALL PARTICIPATING SCHOOL DISTRICTS;
51 AND

52 (IV) THE PROJECTED TOTAL ENROLLMENT NUMBERS OF THE REGIONAL SECONDARY
53 SCHOOL.

54 J. THE PROPOSED CONTRACT MUST DEMONSTRATE HOW THE REGIONAL SECONDARY
55 SCHOOL WILL PROVIDE INCREASED EDUCATIONAL OPPORTUNITIES FOR STUDENTS,
56 INCLUDING COURSES AND PROGRAMS IN SCIENCE, TECHNOLOGY, ENGINEERING AND

1 MATH, TO PREPARE STUDENTS FOR COLLEGE AND CAREER READINESS AND IMPROVE
2 STUDENT PERFORMANCE.

3 K. THAT EMPLOYMENT ISSUES OF THE REGIONAL SECONDARY SCHOOL SHALL BE
4 RESOLVED AS FOLLOWS:

5 (I) THAT ALL TEACHERS, TEACHING ASSISTANTS AND TEACHER AIDES OF THE
6 PARTICIPATING SCHOOL DISTRICTS, WHOSE SERVICES IN THE PARTICIPATING
7 SCHOOL DISTRICTS ARE NO LONGER NEEDED BECAUSE OF THE ESTABLISHMENT OF A
8 REGIONAL SECONDARY SCHOOL, OR THE TRANSFER OF STUDENTS TO AN EXISTING
9 REGIONAL SECONDARY SCHOOL, OR AS A RESULT OF A NEW PARTICIPATING SCHOOL
10 DISTRICT JOINING THE REGIONAL SECONDARY SCHOOL, SHALL IMMEDIATELY BECOME
11 EMPLOYEES OF THE GOVERNING BOARD DESIGNATED IN THE PROPOSED CONTRACT,
12 AND SHALL RETAIN THEIR TENURE AND/OR EMPLOYMENT STATUS AND THE SENIORITY
13 GAINED IN THE PARTICIPATING DISTRICT.

14 (II) THAT IN THE EVENT THAT THE NUMBER OF TEACHING, TEACHING ASSISTANT
15 OR TEACHER AIDE POSITIONS NEEDED TO PROVIDE THE EDUCATIONAL SERVICES
16 REQUIRED BY A REGIONAL SECONDARY SCHOOL IS LESS THAN THE NUMBER OF
17 TEACHERS, TEACHING ASSISTANTS, AND TEACHER AIDES ELIGIBLE TO BE CONSID-
18 ERED EMPLOYEES OF THE DESIGNATED GOVERNING BOARD OF SUCH REGIONAL
19 SECONDARY SCHOOL, THE SERVICES OF THE TEACHERS, TEACHING ASSISTANTS AND
20 TEACHER AIDES HAVING THE LEAST SENIORITY IN THE PARTICIPATING SCHOOL
21 DISTRICT WITHIN THE TENURE AREA OR CIVIL SERVICE STATUS, AS THE CASE MAY
22 BE, OF THE POSITION SHALL BE DISCONTINUED.

23 (III) THAT ANY SUCH EMPLOYEES WHO ARE TEACHERS, TEACHING ASSISTANTS OR
24 TEACHER AIDES SHALL BE PLACED ON A PREFERRED ELIGIBLE LIST OF CANDIDATES
25 FOR APPOINTMENT TO A VACANCY THAT MAY THEREAFTER OCCUR IN AN OFFICE OR
26 POSITION UNDER THE JURISDICTION OF THE PARTICIPATING SCHOOL DISTRICT IN
27 ACCORDANCE WITH THE PROVISIONS OF SECTION TWENTY-FIVE HUNDRED TEN OR
28 THREE THOUSAND THIRTEEN OF THIS CHAPTER.

29 (IV) THAT FOR ANY SUCH TEACHER, TEACHING ASSISTANT OR TEACHER AIDE WHO
30 IS RETAINED BY THE GOVERNING BOARD, FOR SALARY, SICK LEAVE AND ANY OTHER
31 PURPOSES, THE LENGTH OF SERVICE CREDITED IN SUCH PARTICIPATING SCHOOL
32 DISTRICT PRIOR TO ITS PARTICIPATION IN THE REGIONAL SECONDARY SCHOOL
33 SHALL BE CREDITED AS EMPLOYMENT TIME WITH THE DESIGNATED GOVERNING
34 BOARD.

35 (V) THAT UPON TERMINATION OF THE PROPOSED CONTRACT PURSUANT TO THIS
36 SECTION AND THE RETURN OF STUDENTS FROM THE REGIONAL SECONDARY SCHOOL TO
37 THE FORMER PARTICIPATING SCHOOL DISTRICT, THE TEACHERS, TEACHING ASSIST-
38 ANTS AND TEACHER AIDES EMPLOYED BY THE GOVERNING BOARD TO SERVE IN THE
39 REGIONAL SECONDARY SCHOOL SHALL HAVE THE SAME EMPLOYMENT RIGHTS IN THE
40 PARTICIPATING SCHOOL DISTRICTS AS TEACHERS WOULD HAVE UPON TAKEOVER OF A
41 BOARD OF COOPERATIVE EDUCATIONAL SERVICES PROGRAM BY SUCH SCHOOL
42 DISTRICTS PURSUANT TO SECTION THREE THOUSAND FOURTEEN-B OF THIS CHAPTER.

43 (VI) THAT ALL SCHOOL PRINCIPALS, ASSISTANT PRINCIPALS, SUPERVISORY
44 EMPLOYEES, AND NON-INSTRUCTIONAL EMPLOYEES OF THE PARTICIPATING SCHOOL
45 DISTRICTS, WHOSE SERVICES IN THE PARTICIPATING SCHOOL DISTRICTS ARE NO
46 LONGER NEEDED BECAUSE OF THE ESTABLISHMENT OF A REGIONAL SECONDARY
47 SCHOOL, OR THE TRANSFER OF STUDENTS TO AN EXISTING REGIONAL SECONDARY
48 SCHOOL, OR AS A RESULT OF A NEW PARTICIPATING SCHOOL DISTRICT JOINING
49 THE REGIONAL SECONDARY SCHOOL, SHALL IMMEDIATELY BECOME EMPLOYEES OF THE
50 GOVERNING BOARD DESIGNATED IN THE PROPOSED CONTRACT, AND SHALL HAVE
51 EMPLOYMENT RIGHTS IDENTICAL TO TEACHERS, TEACHING ASSISTANTS OR TEACHER
52 AIDES PROVIDED IN THIS SECTION AND THE EXISTING RELEVANT SECTIONS OF
53 THIS CHAPTER.

54 L. THE PROPOSED CONTRACT SHALL SPECIFY THE PROCESS FOR DEVELOPMENT OF
55 THE BUDGET FOR THE REGIONAL SECONDARY SCHOOL BY THE DESIGNATED GOVERNING
56 BOARD AND HOW OPERATING AND ADMINISTRATIVE COSTS AND THE LOCAL SHARE OF

1 CAPITAL EXPENSES ATTRIBUTABLE TO THE REGIONAL SECONDARY SCHOOL WILL BE
2 ALLOCATED AMONGST THE PARTICIPATING DISTRICTS.

3 M. THE PROPOSED CONTRACT SHALL SPECIFY THE COSTS OF THE REGIONAL
4 SECONDARY SCHOOL, STAFFING, CURRENT AND FUTURE CAPITAL CONSTRUCTION
5 PLANS AND FOR THE DELIVERY OF SPECIAL EDUCATION PROGRAMS.

6 N. THE PROPOSED CONTRACT SHALL SPECIFY THE PROCEDURES FOR DISCIPLINE
7 OF STUDENTS ATTENDING THE REGIONAL SECONDARY SCHOOL, INCLUDING THE
8 APPLICABLE CODE OF CONDUCT PROVIDED THAT SUCH CODE OF CONDUCT MEETS THE
9 REQUIREMENTS OF SECTION TWENTY-EIGHT HUNDRED ONE OF THIS CHAPTER AND
10 PROCEDURES FOR SUPERINTENDENTS' HEARINGS AND APPEALS TO THE BOARD OF
11 EDUCATION PURSUANT TO SECTION THIRTY-TWO HUNDRED FOURTEEN OF THIS CHAP-
12 TER.

13 O. THE PROPOSED CONTRACT SHALL SPECIFY THE COSTS OF THE OPERATION OF
14 THE REGIONAL SECONDARY SCHOOL FOR EACH PARTICIPATING SCHOOL DISTRICT AND
15 AN ITEMIZED LISTING OF THE COST SAVINGS FOR EACH PARTICIPATING SCHOOL
16 DISTRICT.

17 P. THE PROPOSED CONTRACT SHALL SPECIFY HOW EXTRA-CURRICULAR ACTIVITIES
18 AND INTERSCHOLASTIC ATHLETICS WILL BE PROVIDED TO STUDENTS OF THE
19 REGIONAL SECONDARY SCHOOL.

20 Q. THE PROPOSED CONTRACT SHALL SPECIFY THE FISCAL IMPLICATIONS OF THE
21 REGIONAL SECONDARY SCHOOL INCLUDING EXPECTED STATE AID AND EXPECTED
22 CHANGES IN EXPENDITURES AND PROPERTY TAX LEVIES.

23 R. THE PROPOSED CONTRACT SHALL SPECIFY WHETHER THE EMPLOYEES OF THE
24 REGIONAL SECONDARY SCHOOL SHALL ESTABLISH NEW EMPLOYEE ORGANIZATIONS,
25 PURSUANT TO ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW, FOR THEIR REPRE-
26 SENTATION, OR, WHERE APPLICABLE, WHETHER THEY SHALL BECOME MEMBERS OF
27 THE APPLICABLE EMPLOYEE ORGANIZATIONS REPRESENTING THE EMPLOYEES OF THE
28 HOSTING DISTRICT.

29 S. THE PROPOSED CONTRACT SHALL SET FORTH ANY OTHER INFORMATION OR
30 ANALYSIS AS MAY BE REQUIRED BY THE REGULATIONS OF THE COMMISSIONER.

31 14. IF THE COMMISSIONER APPROVES THE PROPOSED CONTRACT, THE REGIONAL
32 SECONDARY SCHOOL SHALL BE ESTABLISHED. THE CONTRACT, SO APPROVED, SHALL
33 BE FOR A PERIOD OF AT LEAST FIVE AND NOT MORE THAN SEVEN SCHOOL YEARS
34 AND, UPON THE APPROVAL OF THE COMMISSIONER, MAY BE RENEWED PURSUANT TO
35 MUTUAL AGREEMENT BY MEANS OF A MAJORITY VOTE OF EACH OF THE BOARDS OF
36 EDUCATION OF THE PARTICIPATING DISTRICTS. THE REGIONAL SECONDARY SCHOOL
37 SHALL COMMENCE OPERATIONS ON THE FIRST OF JULY, AND SHALL NOT CEASE
38 OPERATIONS BEFORE THE THIRTIETH OF JUNE IN ANY SCHOOL YEAR.

39 S 1922. ESTABLISHMENT OF A REGIONAL SECONDARY SCHOOL OPERATED BY A
40 BOARD OF COOPERATIVE EDUCATIONAL SERVICES. 1. A REGIONAL SECONDARY
41 SCHOOL MAY BE ESTABLISHED PURSUANT TO THIS SECTION.

42 2. A REGIONAL SECONDARY SCHOOL MAY BE ESTABLISHED BY TWO OR MORE
43 ELIGIBLE SCHOOL DISTRICTS.

44 3. THE ESTABLISHMENT OF A REGIONAL SECONDARY SCHOOL SHALL BE SUBJECT
45 TO THE APPROVAL OF THE COMMISSIONER, IN A MANNER AND TIME FRAME, AS SET
46 FORTH WITHIN THIS SECTION.

47 4. A REGIONAL SECONDARY SCHOOL SHALL BE WHOLLY CONTAINED WITHIN THE
48 SUPERVISORY DISTRICT OF THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES
49 OPERATING THE REGIONAL SECONDARY SCHOOL.

50 5. A REGIONAL SECONDARY SCHOOL SHALL SERVE ALL OR SOME OF THE STUDENTS
51 IN EACH OF THE PARTICIPATING DISTRICTS IN GRADES OF A SECONDARY SCHOOL
52 AS DETERMINED BY THE AGREEMENT BETWEEN THE PARTICIPATING DISTRICTS.

53 6. UPON THE ESTABLISHMENT OF A REGIONAL SECONDARY SCHOOL, EACH PARTIC-
54 IPATING DISTRICT SHALL CEASE OPERATION OF AT LEAST ONE SECONDARY SCHOOL,
55 EXCEPT THAT THE HOSTING DISTRICT MAY CONTINUE TO OPERATE A SECONDARY

SCHOOL AS A REGIONAL SECONDARY SCHOOL, PURSUANT TO THE CONDITIONS OF THIS ARTICLE.

7. PURSUANT TO THIS SECTION, THE REGIONAL SECONDARY SCHOOL OPERATED BY A BOARD OF COOPERATIVE EDUCATIONAL SERVICES, SHALL HAVE SUCH BOARD OF COOPERATIVE EDUCATIONAL SERVICES ASSUME THE RESPONSIBILITY TO OPERATE, SUPERVISE AND MAINTAIN THE REGIONAL SECONDARY SCHOOL AND THE ADMINISTRATION OF SUCH REGIONAL SECONDARY SCHOOL.

8. A. TO ESTABLISH A REGIONAL SECONDARY SCHOOL, TWO OR MORE PARTICIPATING SCHOOL DISTRICTS MUST INITIALLY ADOPT, BY MAJORITY VOTE OF THE BOARD OF EDUCATION OF EACH PARTICIPATING DISTRICT, A RESOLUTION PROPOSING THE ESTABLISHMENT OF THE REGIONAL SECONDARY SCHOOL.

B. THE RESOLUTION TO ESTABLISH A REGIONAL SECONDARY SCHOOL SHALL INDICATE:

(I) THE PROPOSED PARTICIPATING SCHOOL DISTRICTS;

(II) THAT THE REGIONAL SECONDARY SCHOOL SHALL BE OPERATED BY A BOARD OF COOPERATIVE EDUCATIONAL SERVICES;

(III) A LISTING OF THE GRADES THAT WOULD BE INCLUDED IN THE REGIONAL SECONDARY SCHOOL;

(IV) THE PROPOSED LOCATION OF THE REGIONAL SECONDARY SCHOOL;

(V) THE PROPOSED TERM OF THE CONTRACT GOVERNING THE REGIONAL SECONDARY SCHOOL.

C. THE RESOLUTION TO ESTABLISH THE REGIONAL SECONDARY SCHOOL SHALL BE VOTED ON BY EACH BOARD AT A MEETING HELD NO LATER THAN OCTOBER FIRST OF THE SCHOOL YEAR PRIOR TO THE SCHOOL YEAR IN WHICH THE REGIONAL SECONDARY SCHOOL IS PROPOSED TO COMMENCE OPERATION.

9. A. IF TWO OR MORE SCHOOL DISTRICTS ADOPT SUCH A RESOLUTION AS PROVIDED IN SUBDIVISION EIGHT OF THIS SECTION, THE RESOLUTION SHALL BE PRESENTED IN A REGIONAL REFERENDUM BY MEANS OF A REGIONAL VOTE, BEFORE THE ELECTORS OF ALL OF THE PROPOSED PARTICIPATING DISTRICTS.

B. APPROVAL OF THE REGIONAL REFERENDUM SHALL BE UPON A MAJORITY VOTE OF THE PARTICIPATING ELECTORS IN THE REGION ENCOMPASSING ALL OF THE PROPOSED PARTICIPATING DISTRICTS.

C. IN THE EVENT THE VOTERS DO NOT APPROVE THE REGIONAL REFERENDUM, IT MAY BE PRESENTED FOR A RE-VOTE, BUT IN NO EVENT MAY MORE THAN TWO VOTES BE HELD IN ANY SCHOOL YEAR.

10. UPON THE APPROVAL OF THE VOTERS IN THE REGIONAL REFERENDUM, PRESENTED PURSUANT TO SUBDIVISION NINE OF THIS SECTION, THE PARTICIPATING SCHOOL DISTRICTS SHALL COLLECTIVELY ENTER INTO A PROPOSED CONTRACT FOR THE ESTABLISHMENT OF A REGIONAL SECONDARY SCHOOL.

11. WITH THE CONSENT OF EACH OF THE PARTICIPATING BOARDS OF EDUCATION, AND THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES OPERATING THE REGIONAL SECONDARY SCHOOL, AND UPON THE APPROVAL OF THE COMMISSIONER, ADDITIONAL SCHOOL DISTRICTS, OTHERWISE ELIGIBLE TO ESTABLISH THE REGIONAL SECONDARY SCHOOL OPERATED BY A BOARD OF COOPERATIVE EDUCATIONAL SERVICES, MAY JOIN THE REGIONAL SECONDARY SCHOOL IN THE SECOND OR A SUBSEQUENT YEAR OF OPERATION, BY ADOPTING A BOARD RESOLUTION AND OBTAINING VOTER APPROVAL UPON A MAJORITY VOTE OF THE ELECTORS OF SUCH ADDITIONAL DISTRICT.

12. A. UPON RECEIPT OF VOTER APPROVAL IN THE REGIONAL REFERENDUM HELD PURSUANT TO SUBDIVISION NINE OF THIS SECTION, THE PARTICIPATING SCHOOL DISTRICTS SHALL ADOPT, BY A MAJORITY VOTE OF THE BOARDS OF EDUCATION OF EACH PARTICIPATING SCHOOL DISTRICT, A PROPOSED CONTRACT FOR THE OPERATION OF THE REGIONAL SECONDARY SCHOOL.

B. THE PROPOSED CONTRACT FOR THE OPERATION OF THE REGIONAL SECONDARY SCHOOL SHALL INCLUDE THE PLAN OF FORMATION AND OPERATION OF THE REGIONAL SECONDARY SCHOOL AND SHALL BE SUBMITTED TO THE COMMISSIONER FOR HIS OR HER APPROVAL, IN A TIME AND MANNER PRESCRIBED BY THE COMMISSIONER.

1 C. THE PROPOSED CONTRACT FOR THE OPERATION OF THE REGIONAL SECONDARY
2 SCHOOL SHALL BE AN INTER-MUNICIPAL SHARING AGREEMENT PURSUANT TO ARTICLE
3 FIVE-G OF THE GENERAL MUNICIPAL LAW THAT COMPLIES WITH THE REQUIREMENTS
4 OF THIS SECTION.

5 13. THE PROPOSED CONTRACT FOR THE OPERATION OF THE REGIONAL SECONDARY
6 SCHOOL, AND THE REGIONAL SECONDARY SCHOOL THAT WOULD BE ESTABLISHED
7 THEREUNDER, SHALL MEET THE FOLLOWING REQUIREMENTS:

8 A. THE PROPOSED CONTRACT SHALL PROVIDE THE NAME OF THE REGIONAL
9 SECONDARY SCHOOL, WHICH SHALL BE SUBJECT TO THE COMMISSIONER'S APPROVAL;

10 B. THE TERM OF THE PROPOSED CONTRACT SHALL BE SPECIFIED THEREIN, AND
11 SHALL BE FOR A TERM NOT LESS THAN FIVE NOR MORE THAN SEVEN SCHOOL YEARS;

12 C. THE PROPOSED CONTRACT SHALL ESTABLISH:

13 (I) THAT THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES AS THE GOVERN-
14 ING BOARD OF THE REGIONAL SECONDARY SCHOOL, WILL OPERATE THE REGIONAL
15 SECONDARY SCHOOL ON BEHALF OF ALL PARTICIPATING DISTRICTS;

16 (II) THAT THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES AS THE GOVERN-
17 ING BOARD OF THE REGIONAL SECONDARY SCHOOL, SHALL HAVE RESPONSIBILITY
18 FOR THE OPERATION, SUPERVISION AND MAINTENANCE OF THE REGIONAL SECONDARY
19 SCHOOL AND SHALL BE RESPONSIBLE FOR THE ADMINISTRATION OF THE SCHOOL,
20 INCLUDING THE CURRICULUM, GRADING, STAFFING AND THE ISSUANCE OF DIPLOMAS
21 FOR ALL STUDENTS THAT ATTEND THE REGIONAL SECONDARY SCHOOL, AS SHALL BE
22 DESIGNATED IN THE PROPOSED CONTRACT; AND

23 (III) THAT THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES AS THE
24 GOVERNING BOARD OF THE REGIONAL SECONDARY SCHOOL SHALL BE DEEMED A
25 SCHOOL DISTRICT FOR ACCOUNTABILITY PURPOSES.

26 D. THE PROPOSED CONTRACT MAY PROVIDE THAT THE STUDENT'S SCHOOL
27 DISTRICT OF RESIDENCE MAY ISSUE THE STUDENT'S DIPLOMA, UPON CERTIFI-
28 CATION BY THE GOVERNING BOARD THAT ALL GRADUATION REQUIREMENTS OF THE
29 REGIONAL SECONDARY SCHOOL HAVE BEEN MET;

30 E. THE PROPOSED CONTRACT SHALL DESIGNATE THE GRADES OF INSTRUCTION
31 INTENDED TO BE SERVED BY THE REGIONAL SECONDARY SCHOOL;

32 F. THE PROPOSED CONTRACT SHALL DESIGNATE THE SITE OF THE REGIONAL
33 SECONDARY SCHOOL, WHICH SHALL BE WITHIN THE BOUNDARIES OF ONE OF THE
34 PARTICIPATING DISTRICTS, AND WHERE POSSIBLE, SHOULD USE EXISTING BUILD-
35 INGS AND/OR INFRASTRUCTURE;

36 G. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE
37 PROPOSED CONTRACT SHALL PROVIDE THAT EACH PARTICIPATING SCHOOL DISTRICT
38 SHALL BE RESPONSIBLE FOR PROVIDING OR ARRANGING FOR TRANSPORTATION TO
39 ITS RESIDENT STUDENTS ATTENDING THE REGIONAL SECONDARY SCHOOL IN ACCORD-
40 ANCE WITH ITS SCHOOL DISTRICT POLICY, BUT WITHOUT REGARD TO ANY MAXIMUM
41 MILEAGE LIMITATION;

42 H. THE PROPOSED CONTRACT MAY PROVIDE THAT STUDENT TRANSPORTATION MAY
43 BE PROVIDED BY CONTRACT FOR TRANSPORTATION SERVICES, INCLUDING BUT NOT
44 LIMITED TO A CONTRACT WITH ONE OR MORE PARTICIPATING DISTRICTS OR A
45 BOARD OF COOPERATIVE EDUCATIONAL SERVICES;

46 I. THE PROPOSED CONTRACT SHALL SPECIFY:

47 (I) THAT THE STUDENTS OF EACH PARTICIPATING SCHOOL DISTRICT SHALL
48 REMAIN ENROLLED AS STUDENTS OF THEIR RESPECTIVE PARTICIPATING SCHOOL
49 DISTRICTS;

50 (II) THAT THE STUDENTS SHALL BE TREATED AND COUNTED AS STUDENTS OF
51 THEIR RESPECTIVE PARTICIPATING SCHOOL DISTRICTS FOR PURPOSES OF ALL
52 STATE AID CALCULATIONS PURSUANT TO THIS CHAPTER;

53 (III) THE CURRENT ENROLLMENT OF ALL PARTICIPATING SCHOOL DISTRICTS;
54 AND

55 (IV) THE PROJECTED TOTAL ENROLLMENT NUMBERS OF THE REGIONAL SECONDARY
56 SCHOOL.

1 J. THE PROPOSED CONTRACT MUST DEMONSTRATE HOW THE REGIONAL SECONDARY
2 SCHOOL WILL PROVIDE INCREASED EDUCATIONAL OPPORTUNITIES FOR STUDENTS,
3 INCLUDING COURSES AND PROGRAMS IN SCIENCE, TECHNOLOGY, ENGINEERING AND
4 MATH, TO PREPARE STUDENTS FOR COLLEGE AND CAREER READINESS AND IMPROVE
5 STUDENT PERFORMANCE;

6 K. THAT EMPLOYMENT ISSUES OF THE REGIONAL SECONDARY SCHOOL SHALL BE
7 RESOLVED AS FOLLOWS:

8 (I) THAT ALL TEACHERS, TEACHING ASSISTANTS AND TEACHER AIDES OF THE
9 PARTICIPATING SCHOOL DISTRICTS, WHOSE SERVICES IN THE PARTICIPATING
10 SCHOOL DISTRICTS ARE NO LONGER NEEDED BECAUSE OF THE ESTABLISHMENT OF A
11 REGIONAL SECONDARY SCHOOL, OR THE TRANSFER OF STUDENTS TO AN EXISTING
12 REGIONAL SECONDARY SCHOOL, OR AS A RESULT OF A NEW PARTICIPATING SCHOOL
13 DISTRICT JOINING THE REGIONAL SECONDARY SCHOOL, SHALL IMMEDIATELY BECOME
14 EMPLOYEES OF THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES DESIGNATED IN
15 THE PROPOSED CONTRACT, AND SHALL RETAIN THEIR TENURE AND/OR EMPLOYMENT
16 STATUS AND THE SENIORITY GAINED IN THE PARTICIPATING DISTRICT;

17 (II) THAT IN THE EVENT THAT THE NUMBER OF TEACHING, TEACHING ASSISTANT
18 OR TEACHER AIDE POSITIONS NEEDED TO PROVIDE THE EDUCATIONAL SERVICES
19 REQUIRED BY A REGIONAL SECONDARY SCHOOL IS LESS THAN THE NUMBER OF
20 TEACHERS, TEACHING ASSISTANTS AND TEACHER AIDES ELIGIBLE TO BE CONSID-
21 ERED EMPLOYEES OF THE DESIGNATED GOVERNING BOARD OF SUCH REGIONAL
22 SECONDARY SCHOOL, THE SERVICES OF THE TEACHERS, TEACHING ASSISTANTS AND
23 TEACHER AIDES HAVING THE LEAST SENIORITY IN THE PARTICIPATING SCHOOL
24 DISTRICT WITHIN THE TENURE AREA OR CIVIL SERVICE STATUS, AS THE CASE MAY
25 BE, OF THE POSITION SHALL BE DISCONTINUED;

26 (III) THAT ANY SUCH EMPLOYEES WHO ARE TEACHERS, TEACHING ASSISTANTS OR
27 TEACHER AIDES SHALL BE PLACED ON A PREFERRED ELIGIBLE LIST OF CANDIDATES
28 FOR APPOINTMENT TO A VACANCY THAT MAY THEREAFTER OCCUR IN AN OFFICE OR
29 POSITION UNDER THE JURISDICTION OF THE PARTICIPATING SCHOOL DISTRICT IN
30 ACCORDANCE WITH THE PROVISIONS OF SECTION TWENTY-FIVE HUNDRED TEN OR
31 THREE THOUSAND THIRTEEN OF THIS CHAPTER;

32 (IV) THAT FOR ANY SUCH TEACHER, TEACHING ASSISTANT OR TEACHER AIDE WHO
33 IS RETAINED BY THE GOVERNING BOARD, FOR SALARY, SICK LEAVE AND ANY OTHER
34 PURPOSES, THE LENGTH OF SERVICE CREDITED IN SUCH PARTICIPATING SCHOOL
35 DISTRICT PRIOR TO ITS PARTICIPATION IN THE REGIONAL SECONDARY SCHOOL
36 SHALL BE CREDITED AS EMPLOYMENT TIME WITH THE BOARD OF COOPERATIVE
37 EDUCATIONAL SERVICES;

38 (V) THAT UPON TERMINATION OF THE PROPOSED CONTRACT PURSUANT TO THIS
39 SECTION AND THE RETURN OF STUDENTS FROM THE REGIONAL SECONDARY SCHOOL TO
40 THE FORMER PARTICIPATING SCHOOL DISTRICT, THE TEACHERS, TEACHING ASSIST-
41 ANTS, AND TEACHER AIDES EMPLOYED BY THE BOARD OF COOPERATIVE EDUCATIONAL
42 SERVICES TO SERVE IN THE REGIONAL SECONDARY SCHOOL SHALL HAVE THE SAME
43 EMPLOYMENT RIGHTS IN THE PARTICIPATING SCHOOL DISTRICTS AS TEACHERS
44 WOULD HAVE UPON TAKEOVER OF A BOARD OF COOPERATIVE EDUCATIONAL SERVICES
45 PROGRAM BY SUCH SCHOOL DISTRICTS PURSUANT TO SECTION THREE THOUSAND
46 FOURTEEN-B OF THIS CHAPTER; AND

47 (VI) THAT ALL SCHOOL PRINCIPALS, ASSISTANT PRINCIPALS, SUPERVISORY
48 EMPLOYEES, AND NON-INSTRUCTIONAL EMPLOYEES OF THE PARTICIPATING SCHOOL
49 DISTRICTS, WHOSE SERVICES IN THE PARTICIPATING SCHOOL DISTRICTS ARE NO
50 LONGER NEEDED BECAUSE OF THE ESTABLISHMENT OF A REGIONAL SECONDARY
51 SCHOOL, OR THE TRANSFER OF STUDENTS IN AN EXISTING REGIONAL SECONDARY
52 SCHOOL, OR AS A RESULT OF A NEW PARTICIPATING SCHOOL DISTRICT JOINING
53 THE REGIONAL SECONDARY SCHOOL, SHALL IMMEDIATELY BECOME EMPLOYEES OF THE
54 BOARD OF COOPERATIVE EDUCATIONAL SERVICES DESIGNATED IN THE PROPOSED
55 CONTRACT, AND SHALL HAVE EMPLOYMENT RIGHTS IDENTICAL TO TEACHERS, TEACH-

1 ING ASSISTANTS OR TEACHER AIDES PROVIDED IN THIS SECTION AND THE EXIST-
2 ING RELEVANT SECTIONS OF THIS CHAPTER.

3 L. THE PROPOSED CONTRACT SHALL SPECIFY THE PROCESS FOR DEVELOPMENT OF
4 THE BUDGET FOR THE REGIONAL SECONDARY SCHOOL BY THE BOARD OF COOPERATIVE
5 EDUCATIONAL SERVICES AND HOW OPERATING AND ADMINISTRATIVE COSTS AND THE
6 LOCAL SHARE OF CAPITAL EXPENSES ATTRIBUTABLE TO THE REGIONAL SECONDARY
7 SCHOOL WILL BE ALLOCATED AMONGST THE PARTICIPATING DISTRICTS;

8 M. THE PROPOSED CONTRACT SHALL SPECIFY THE COSTS OF THE REGIONAL
9 SECONDARY SCHOOL, STAFFING, CURRENT AND FUTURE CAPITAL CONSTRUCTION
10 PLANS AND FOR THE DELIVERY OF SPECIAL EDUCATION PROGRAMS;

11 N. THE PROPOSED CONTRACT SHALL SPECIFY THE PROCEDURES FOR DISCIPLINE
12 OF STUDENTS ATTENDING THE REGIONAL SECONDARY SCHOOL, INCLUDING THE
13 APPLICABLE CODE OF CONDUCT PROVIDED THAT SUCH CODE OF CONDUCT MEETS THE
14 REQUIREMENTS OF SECTION TWENTY-EIGHT HUNDRED ONE OF THIS CHAPTER AND
15 PROCEDURES FOR SUPERINTENDENTS' HEARINGS AND APPEALS TO THE BOARD OF
16 EDUCATION PURSUANT TO SECTION THIRTY-TWO HUNDRED FOURTEEN OF THIS CHAP-
17 TER;

18 O. THE PROPOSED CONTRACT SHALL SPECIFY THE COSTS OF THE OPERATION OF
19 THE REGIONAL SECONDARY SCHOOL FOR EACH PARTICIPATING SCHOOL DISTRICT AND
20 AN ITEMIZED LISTING OF THE COST SAVINGS FOR EACH PARTICIPATING SCHOOL
21 DISTRICT;

22 P. THE PROPOSED CONTRACT SHALL SPECIFY HOW EXTRACURRICULAR ACTIVITIES
23 AND INTERSCHOLASTIC ATHLETICS WILL BE PROVIDED TO STUDENTS OF THE
24 REGIONAL SECONDARY SCHOOL;

25 Q. THE PROPOSED CONTRACT SHALL SPECIFY THE FISCAL IMPLICATIONS OF THE
26 REGIONAL SECONDARY SCHOOL INCLUDING EXPECTED STATE AID AND EXPECTED
27 CHANGES IN EXPENDITURES AND PROPERTY TAX LEVIES;

28 R. THE PROPOSED CONTRACT SHALL SPECIFY WHETHER THE EMPLOYEES OF THE
29 REGIONAL SECONDARY SCHOOL SHALL ESTABLISH NEW EMPLOYEE ORGANIZATIONS,
30 PURSUANT TO ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW, FOR THEIR REPRESENTATION, OR, WHERE APPLICABLE, WHETHER THEY SHALL BECOME MEMBERS OF
31 THE APPLICABLE EMPLOYEE ORGANIZATIONS REPRESENTING THE EMPLOYEES OF THE
32 HOSTING DISTRICT; AND

34 S. THE PROPOSED CONTRACT SHALL SET FORTH ANY OTHER INFORMATION OR
35 ANALYSIS AS MAY BE REQUIRED BY THE REGULATIONS OF THE COMMISSIONER.

36 14. IF THE COMMISSIONER APPROVES THE PROPOSED CONTRACT, THE REGIONAL
37 SECONDARY SCHOOL SHALL BE ESTABLISHED. THE CONTRACT, SO APPROVED, SHALL
38 BE FOR A PERIOD OF AT LEAST FIVE AND NOT MORE THAN SEVEN SCHOOL YEARS
39 AND, UPON THE APPROVAL OF THE COMMISSIONER, MAY BE RENEWED PURSUANT TO
40 MUTUAL AGREEMENT BY MEANS OF A MAJORITY VOTE OF EACH OF THE BOARDS OF
41 EDUCATION OF THE PARTICIPATING DISTRICTS AND THE SUPERVISORY DISTRICT OF
42 THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES. THE REGIONAL SECONDARY
43 SCHOOL SHALL COMMENCE OPERATIONS ON THE FIRST OF JULY, AND SHALL NOT
44 CEASE OPERATIONS BEFORE THE THIRTIETH OF JUNE IN ANY SCHOOL YEAR.

45 S 1923. STATE AID FOR REGIONAL SECONDARY SCHOOLS. 1. STUDENTS ATTEND-
46 ING A REGIONAL SECONDARY SCHOOL SHALL BE DEEMED ENROLLED IN THEIR SCHOOL
47 DISTRICT OF RESIDENCE AND SHALL BE INCLUDED IN THE APPLICABLE MEMBER-
48 SHIP, ENROLLMENT AND ATTENDANCE COUNTS OF THEIR RESPECTIVE SCHOOL
49 DISTRICTS OF RESIDENCE FOR PURPOSES OF COMPUTATION OF STATE AID TO SUCH
50 SCHOOL DISTRICTS. THE COSTS OF EDUCATING EACH SUCH STUDENT SHALL BE
51 INCLUDED IN THE APPROVED OPERATING EXPENSE OF THE STUDENT'S SCHOOL
52 DISTRICT OF RESIDENCE AND EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION,
53 THE STATE AID ATTRIBUTABLE TO SUCH STUDENT SHALL BE COMPUTED IN THE SAME
54 MANNER AS AID ATTRIBUTABLE TO OTHER RESIDENT STUDENTS AND SHALL BE PAYA-
55 BLE TO THE SCHOOL DISTRICT OF RESIDENCE.

1 2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE
2 SCHOOL DISTRICT THAT OWNS THE FACILITY USED TO HOUSE THE REGIONAL
3 SECONDARY SCHOOL SHALL BE THE ONLY SCHOOL DISTRICT ELIGIBLE FOR BUILDING
4 AID PURSUANT TO THE APPLICABLE PROVISIONS OF SUBDIVISION SIX, SIX-A,
5 SIX-C, SIX-E OR SIX-F OF SECTION THIRTY-SIX HUNDRED TWO OF THIS CHAPTER
6 FOR PROJECTS INVOLVING THE REGIONAL SECONDARY SCHOOL THAT ARE APPROVED
7 BY THE QUALIFIED VOTERS OF SUCH DISTRICT AFTER ESTABLISHMENT OF THE
8 REGIONAL SECONDARY SCHOOL, PROVIDED THAT SUCH AID SHALL BE COMPUTED
9 USING THE BUILDING AID RATIO APPLICABLE TO PROJECTS OF THE SCHOOL
10 DISTRICT THAT OWNS THE REGIONAL SECONDARY SCHOOL FACILITY UNDER THE
11 PROVISIONS OF PARAGRAPHS B AND C OF SUBDIVISION SIX OF SECTION
12 THIRTY-SIX HUNDRED TWO OF THIS CHAPTER. SUCH AID SHALL BE PAID TO SUCH
13 SCHOOL DISTRICT OR TO THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES ON
14 BEHALF OF SUCH SCHOOL DISTRICT WHERE THE BOARD OF COOPERATIVE EDUCA-
15 TIONAL SERVICES OPERATES THE REGIONAL SECONDARY SCHOOL. THE SCHOOL
16 DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES SHALL ALLOCATE THE
17 LOCAL SHARE OF THE COSTS OF SUCH PROJECTS TO THE PARTICIPATING SCHOOL
18 DISTRICTS IN ACCORDANCE WITH ITS CONTRACT ENTERED INTO PURSUANT TO
19 SECTION NINETEEN HUNDRED TWENTY-ONE OR NINETEEN HUNDRED TWENTY-TWO OF
20 THIS ARTICLE. THE COSTS OF SUCH PROJECTS SHALL NOT BE ELIGIBLE FOR AID
21 PURSUANT TO SUBDIVISION SIX-B OR PARAGRAPH C OF SUBDIVISION FOURTEEN OF
22 SECTION THIRTY-SIX HUNDRED TWO OF THIS CHAPTER.

23 3. NOTWITHSTANDING ANY PROVISION OF SECTION NINETEEN HUNDRED FIFTY OR
24 NINETEEN HUNDRED FIFTY-ONE OF THIS TITLE TO THE CONTRARY, IN THE CASE OF
25 A REGIONAL SECONDARY SCHOOL OPERATED BY A BOARD OF COOPERATIVE EDUCA-
26 TIONAL SERVICES THAT IS HOUSED IN A FACILITY OWNED BY A PARTICIPATING
27 SCHOOL DISTRICT, THE CAPITAL EXPENSES FOR BUILDING PROJECTS INVOLVING
28 THE REGIONAL SECONDARY SCHOOL SHALL BE A CHARGE UPON THE PARTICIPATING
29 SCHOOL DISTRICTS ONLY, AND SUCH COSTS SHALL NOT BE ALLOCATED TO OTHER
30 COMPONENT SCHOOL DISTRICTS. SUCH CAPITAL EXPENSES SHALL NOT BE ELIGIBLE
31 FOR AID PURSUANT TO SUBDIVISION FIVE OF SECTION NINETEEN HUNDRED FIFTY
32 OF THIS TITLE. PROVIDED, HOWEVER, THAT COSTS OF AIDABLE SHARED SERVICES
33 PROVIDED BY THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES TO SUPPLEMENT
34 THE PROGRAMS OF THE REGIONAL SECONDARY SCHOOL SHALL BE ELIGIBLE FOR AID
35 PURSUANT TO SUCH SUBDIVISION FIVE OF SECTION NINETEEN HUNDRED FIFTY, THE
36 ADMINISTRATIVE EXPENSES ATTRIBUTABLE TO THE REGIONAL SECONDARY SCHOOL
37 AND THE CAPITAL EXPENSES ATTRIBUTABLE TO A REGIONAL SECONDARY SCHOOL
38 HOUSED IN A FACILITY OWNED BY THE BOARD OF COOPERATIVE EDUCATIONAL
39 SERVICES SHALL BE ALLOCATED TO COMPONENT SCHOOL DISTRICTS IN ACCORDANCE
40 WITH SECTION NINETEEN HUNDRED FIFTY OR NINETEEN HUNDRED FIFTY-ONE OF
41 THIS TITLE AND SHALL BE ELIGIBLE FOR AID PURSUANT TO SUCH SUBDIVISION
42 FIVE OF SECTION NINETEEN HUNDRED FIFTY.

43 4. THE BOARD OF EDUCATION OF EACH SCHOOL DISTRICT PARTICIPATING IN A
44 REGIONAL SECONDARY SCHOOL PURSUANT TO THIS ARTICLE SHALL BE ELIGIBLE FOR
45 ADDITIONAL STATE AID IN ACCORDANCE WITH PARAGRAPH K OF SUBDIVISION FOUR-
46 TEEN OF SECTION THIRTY-SIX HUNDRED TWO OF THIS CHAPTER.

47 S 1924. REGIONAL SECONDARY SCHOOL ADVISORY COMMITTEE. 1. EACH REGIONAL
48 SECONDARY SCHOOL ESTABLISHED AND OPERATED PURSUANT TO THIS ARTICLE SHALL
49 ESTABLISH AN ADVISORY COMMITTEE. THE ADVISORY COMMITTEE SHALL BE
50 COMPOSED OF THE PRESIDENT OF THE BOARD OF EDUCATION OF EACH PARTICIPAT-
51 ING SCHOOL DISTRICT, THE PRESIDENT OF THE BOARD OF EDUCATION OF EACH
52 SUPERVISORY BOARD OF COOPERATIVE EDUCATIONAL SERVICES, WHERE APPLICABLE,
53 AND THE SUPERINTENDENT OF EACH PARTICIPATING SCHOOL DISTRICT AND THE
54 SUPERINTENDENT OF THE SUPERVISORY DISTRICT IN WHICH THE REGIONAL SECOND-
55 ARY SCHOOL IS LOCATED. THE SUPERINTENDENT OF THE SUPERVISORY DISTRICT
56 SHALL BE THE CHAIR OF THE ADVISORY COMMITTEE.

2. THE ADVISORY COMMITTEE SHALL CONVENE, AT THE CALL OF THE CHAIR, NOT LESS THAN FOUR TIMES DURING EACH SCHOOL YEAR DURING WHICH THE REGIONAL SECONDARY SCHOOL OPERATES. DURING SUCH MEETINGS, THE ADVISORY COMMITTEE SHALL REVIEW THE OPERATION OF THE REGIONAL SECONDARY SCHOOL AND MAKE RECOMMENDATIONS TO THE HOSTING DISTRICT OR THE SUPERVISORY BOARD OF COOPERATIVE EDUCATIONAL SERVICES, AS THE CASE MAY BE, ON THE CONTINUED OPERATION OF SUCH SECONDARY SCHOOL.

S 2. Subdivision 4 of section 1950 of the education law is amended by adding a new paragraph oo to read as follows:

OO. PURSUANT TO ARTICLE THIRTY-NINE-A OF THIS TITLE, A BOARD OF COOPERATIVE EDUCATIONAL SERVICES MAY ENTER INTO AN AGREEMENT WITH TWO OR MORE SCHOOL DISTRICTS ELIGIBLE TO ENTER INTO SUCH AN AGREEMENT IN ACCORDANCE WITH SECTION NINETEEN HUNDRED TWENTY-TWO OF THIS TITLE, WHICH MAY INCLUDE CITY SCHOOL DISTRICTS, CENTRAL SCHOOL DISTRICTS, CENTRAL HIGH SCHOOL DISTRICTS, UNION FREE SCHOOL DISTRICTS, AND/OR COMMON SCHOOL DISTRICTS WHICH ARE WHOLLY CONTAINED WITHIN THE SUPERVISORY DISTRICT OF THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES, TO FORM A REGIONAL SECONDARY SCHOOL TO BE OPERATED BY THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES. THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES SHALL HAVE THE SAME POWERS AND DUTIES WITH RESPECT TO SUCH REGIONAL SECONDARY SCHOOL AS THE BOARD OF EDUCATION OF A UNION FREE SCHOOL DISTRICT HAS WITH RESPECT TO ITS SCHOOLS, CONSISTENT WITH THE TERMS OF ITS AGREEMENT WITH THE PARTICIPATING SCHOOL DISTRICTS.

S 3. Paragraph h of subdivision 4 of section 1950 of the education law is amended by adding three new subparagraphs 12, 13 and 14 to read as follows:

(12) TO ENTER INTO CONTRACTS AS NECESSARY OR CONVENIENT TO OPERATE A REGIONAL SECONDARY SCHOOL AS ESTABLISHED PURSUANT TO THE PROVISIONS OF SECTION NINETEEN HUNDRED TWENTY-ONE OF THIS TITLE.

(13) TO DEVELOP CORE CURRICULUM FOR STUDENTS ATTENDING A REGIONAL SECONDARY SCHOOL ESTABLISHED PURSUANT TO THE PROVISIONS OF SECTION NINETEEN HUNDRED TWENTY-TWO OF THIS TITLE.

(14) TO ISSUE REGENTS AND OTHER HIGH SCHOOL DIPLOMAS TO STUDENTS WHO GRADUATE FROM A REGIONAL SECONDARY SCHOOL ESTABLISHED PURSUANT TO THE PROVISIONS OF SECTION NINETEEN HUNDRED TWENTY-ONE OF THIS TITLE, UNDER THE SAME CONDITIONS AS A SCHOOL DISTRICT.

S 4. Paragraph b of subdivision 4 of section 1950 of the education law is amended by adding a new subparagraph 8 to read as follows:

(8) FOR REGIONAL SECONDARY SCHOOLS ESTABLISHED PURSUANT TO SECTION NINETEEN HUNDRED TWENTY-TWO OF THIS TITLE, THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES SHALL PREPARE AND PROPOSE A TENTATIVE BUDGET OF EXPENDITURES FOR PROGRAM, ADMINISTRATIVE AND CAPITAL COSTS TO OPERATE THE REGIONAL SECONDARY SCHOOL IN THE ENSUING SCHOOL YEAR. SUCH PROPOSED BUDGET SHALL BE PROVIDED TO THE BOARD OF EDUCATION OF EACH PARTICIPATING SCHOOL DISTRICT OF THE REGIONAL SECONDARY SCHOOL, BY THE DATE PROVIDED IN THE AGREEMENT ENTERED INTO PURSUANT TO SUCH SECTION NINETEEN HUNDRED TWENTY-TWO. THE BOARD OF EDUCATION OF EACH PARTICIPATING SCHOOL DISTRICT SHALL BE AFFORDED AN OPPORTUNITY TO REVIEW AND COMMENT ON THE PROPOSED BUDGET PRIOR TO ITS FINAL ADOPTION BY THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES.

S 5. Subdivision 14 of section 3602 of the education law is amended by adding a new paragraph k to read as follows:

K. TRANSITION INCENTIVE AID FOR REGIONAL SECONDARY SCHOOLS. (1) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPHS A THROUGH G OF THIS SUBDIVISION, FOR AID PAYABLE IN THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR OR THEREAFTER, SCHOOL DISTRICTS THAT ARE PARTIES TO AN

1 AGREEMENT TO ESTABLISH AND OPERATE A REGIONAL SECONDARY SCHOOL PURSUANT
2 TO ARTICLE THIRTY-NINE-A OF THIS CHAPTER ENTERED INTO ON OR AFTER JULY
3 FIRST, TWO THOUSAND FIFTEEN AND PARTICIPATED IN SUCH REGIONAL SECONDARY
4 SCHOOL IN THE BASE YEAR SHALL BE ELIGIBLE FOR TRANSITION INCENTIVE AID
5 PURSUANT TO THIS PARAGRAPH PROVIDED THAT THE FOLLOWING CONDITIONS ARE
6 MET:

7 (I) THE REGIONAL SECONDARY SCHOOL AGREEMENT INCLUDES AT LEAST TWO
8 SCHOOL DISTRICTS, EACH OF WHICH PREVIOUSLY MAINTAINED ITS OWN SECONDARY
9 SCHOOLS, AND HAS CEASED DISTRICT OPERATION OF AT LEAST ONE HIGH SCHOOL
10 OR JUNIOR HIGH SCHOOL FOLLOWING THE ESTABLISHMENT OF THE REGIONAL
11 SECONDARY SCHOOL, OR

12 (II) THE REGIONAL SECONDARY SCHOOL AGREEMENT INCLUDES AT LEAST ONE
13 SCHOOL DISTRICT WHICH PREVIOUSLY MAINTAINED ITS OWN HIGH SCHOOL OR
14 JUNIOR HIGH SCHOOL, AND DOES NOT MAINTAIN ITS OWN HIGH SCHOOL OR JUNIOR
15 HIGH SCHOOL FOLLOWING THE ESTABLISHMENT OF THE REGIONAL SECONDARY
16 SCHOOL, AND IN ADDITION THERETO, INCLUDES AT LEAST ONE ADDITIONAL SCHOOL
17 DISTRICT EMPLOYING EIGHT OR MORE TEACHERS THAT DO NOT MAINTAIN THEIR OWN
18 HIGH SCHOOL OR JUNIOR HIGH SCHOOL;

19 (2) IN EACH OF THE FIRST THIRTEEN YEARS IN WHICH A SCHOOL DISTRICT IS
20 PARTY TO SUCH AGREEMENT, SUCH DISTRICT SHALL BE ENTITLED TO AN APPOR-
21 TIONMENT EQUAL TO THE PRODUCT OF (I) THIRTY PERCENT OF THE APPORTIONMENT
22 COMPUTED IN ACCORDANCE WITH THE PROVISIONS OF PARAGRAPH D-1 OF THIS
23 SUBDIVISION, MULTIPLIED BY (II) THE QUOTIENT OF THE NUMBER OF PUPILS
24 WITHIN SUCH SCHOOL DISTRICT ATTENDING THE REGIONAL SECONDARY SCHOOL IN
25 THE BASE YEAR DIVIDED BY THE RESIDENT PUBLIC SCHOOL DISTRICT ENROLLMENT
26 OF SUCH SCHOOL DISTRICT WITHIN THE GRADES OF THE NEW REGIONAL SECONDARY
27 SCHOOL OR SCHOOLS; PROVIDED FURTHER THAT SUCH DISTRICTS SHALL BE ELIGI-
28 BLE TO RECEIVE AN ADDITIONAL APPORTIONMENT EQUAL TO THE PRODUCT OF (I)
29 TEN PERCENT OF THE APPORTIONMENT COMPUTED IN ACCORDANCE WITH THE
30 PROVISIONS OF PARAGRAPH D-1 OF THIS SUBDIVISION MULTIPLIED BY (II) THE
31 QUOTIENT OF THE NUMBER OF PUPILS WITHIN SUCH SCHOOL DISTRICT ATTENDING
32 THE REGIONAL SECONDARY SCHOOL IN THE BASE YEAR DIVIDED BY THE RESIDENT
33 PUBLIC SCHOOL DISTRICT ENROLLMENT OF SUCH SCHOOL DISTRICT WITHIN THE
34 GRADES OF THE NEW REGIONAL SECONDARY SCHOOL OR SCHOOLS UPON MEETING
35 ACADEMIC ACHIEVEMENT GOALS AS ESTABLISHED BY THE COMMISSIONER IN ACCORD-
36 ANCE WITH A METHODOLOGY PRESCRIBED IN THE REGULATIONS OF THE COMMISSION-
37 ER. IN NO CASE SHALL THE SUM OF SUCH APPORTIONMENTS UNDER THIS PARAGRAPH
38 PLUS THE SELECTED OPERATING AID PER PUPIL BE MORE THAN A TOTAL OF NINE-
39 TY-FIVE PER CENTUM OF THE YEAR PRIOR TO THE BASE YEAR APPROVED OPERATING
40 EXPENSE. SCHOOL DISTRICTS WHICH RECEIVE AN APPORTIONMENT UNDER THIS
41 PARAGRAPH SHALL NOT BE ELIGIBLE FOR AN APPORTIONMENT UNDER PARAGRAPH C,
42 F OR J OF THIS SUBDIVISION.

43 (3) THE APPORTIONMENT THAT A SCHOOL DISTRICT SHALL BE ENTITLED TO
44 RECEIVE PURSUANT TO SUBPARAGRAPH TWO OF THIS PARAGRAPH SHALL BE REDUCED,
45 AFTER THE THIRD YEAR IT HAS RECEIVED SUCH APPORTIONMENTS, BY THE AMOUNT
46 OF TEN PERCENT FOR EACH YEAR SUCH SCHOOL DISTRICT IS ENTITLED TO RECEIVE
47 SUCH APPORTIONMENT.

48 S 6. This act shall take effect July 1, 2015, provided that if this
49 act becomes a law after such date, it shall take effect immediately and
50 be deemed to have been in full force and effect on and after July 1,
51 2015.

52 PART B

53 Section 1. The education law is amended by adding a new section 210-a
54 to read as follows:

1 S 210-A. REGISTRATION OF CURRICULA. NOTWITHSTANDING ANY LAW, RULE, OR
2 REGULATION TO THE CONTRARY, ANY NEW CURRICULUM OR PROGRAM OF STUDY
3 OFFERED BY ANY NOT-FOR-PROFIT COLLEGE OR UNIVERSITY CHARTERED BY THE
4 REGENTS OR INCORPORATED BY SPECIAL ACT OF THE LEGISLATURE THAT DOES NOT
5 REQUIRE A MASTER PLAN AMENDMENT PURSUANT TO SECTION TWO HUNDRED THIRTY-
6 SEVEN OF THIS CHAPTER, OR CHARTER AMENDMENT PURSUANT TO SECTION TWO
7 HUNDRED SIXTEEN OF THIS CHAPTER, OR LEAD TO PROFESSIONAL LICENSURE AND
8 THAT IS APPROVED BY THE STATE UNIVERSITY BOARD OF TRUSTEES, THE CITY
9 UNIVERSITY BOARD OF TRUSTEES, OR THE TRUSTEES OR GOVERNING BODY OF ANY
10 OTHER NOT-FOR-PROFIT COLLEGE OR UNIVERSITY CHARTERED BY THE REGENTS
11 WHICH (1) HAS MAINTAINED A PHYSICAL PRESENCE IN NEW YORK STATE FOR THE
12 IMMEDIATELY PRECEDING TEN YEARS AND HAS BEEN OPERATED CONTINUOUSLY BY
13 THE SAME GOVERNING CORPORATE ENTITY DURING THE SAME IMMEDIATELY PRECED-
14 ING TEN YEAR PERIOD AND (2) IS ACCREDITED AND HAS CONTINUED IN ACCREDI-
15 TATION BY THE MIDDLE STATES COMMISSION ON HIGHER EDUCATION ("MSCHE") OR
16 THE DEPARTMENT FOR THE IMMEDIATELY PRECEDING TEN YEARS, SHALL BE DEEMED
17 REGISTERED WITH THE DEPARTMENT WITHIN THIRTY DAYS OF NOTIFICATION OF
18 APPROVAL. IF THE COLLEGE OR UNIVERSITY IS PLACED ON PROBATION OR HAS ITS
19 ACCREDITATION TERMINATED BY MSCHE, SUCH COLLEGE OR UNIVERSITY SHALL
20 NOTIFY THE REGENTS IN WRITING NO LATER THAN THIRTY DAYS AFTER BEING
21 FORMALLY INFORMED OF ITS PROBATION OR LOSS OF ACCREDITATION BY MSCHE. IF
22 A COLLEGE OR UNIVERSITY HAS ITS ACCREDITATION PLACED ON PROBATION OR
23 TERMINATED BY THE MSCHE OR THE EDUCATION DEPARTMENT THE COLLEGE OR
24 UNIVERSITY SHALL BE SUBJECT TO THE COMMISSIONER'S PROGRAM APPROVAL IT
25 HAD BEEN REMOVED FROM PROBATION OR REGAINED ACCREDITATION BY MSCHE OR
26 THE EDUCATION DEPARTMENT, AND SHALL REMAIN SUBJECT TO SUCH COMMISSION-
27 ER'S PROGRAM APPROVAL UNTIL IT HAS CONTINUED IN ACCREDITATION AND WITH-
28 OUT PROBATION FOR A PERIOD OF NOT LESS THAN SIX YEARS. IF A COLLEGE OR
29 UNIVERSITY SUBJECT TO THIS SECTION INTENDS TO OFFER OR INSTITUTE AN
30 ADDITIONAL DEGREE OR PROGRAM WHICH CONSTITUTES A "SUBSTANTIVE CHANGE,"
31 AS DEFINED AND DETERMINED BY MSCHE, THEN THE COLLEGE OR UNIVERSITY SHALL
32 PROVIDE THE COMMISSIONER WITH COPIES OF ANY REPORTS OR OTHER DOCUMENTS
33 FILED WITH MSCHE AS PART OF MSCHE'S SUBSTANTIVE CHANGE REVIEW PROCESS
34 AND SHALL INFORM THE COMMISSIONER WHEN THE SUBSTANTIVE CHANGE IS
35 APPROVED. ANY SUCH COLLEGE OR UNIVERSITY THAT DOES NOT SATISFY ALL OF
36 THE PROVISIONS OF THIS PARAGRAPH SHALL COMPLY WITH THE PROCEDURES AND
37 CRITERIA ESTABLISHED BY THE REGENTS AND COMMISSIONER FOR ACADEMIC
38 PROGRAM APPROVAL. NOTHING IN THIS SECTION SHALL BE DEEMED TO LIMIT THE
39 DEPARTMENT'S EXISTING AUTHORITY TO ACT ON COMPLAINTS CONCERNING THE
40 INSTITUTION, INCLUDING THE AUTHORITY TO DE-REGISTER THE PROGRAM.
41 S 2. This act shall take effect immediately and shall be deemed to
42 have been in full force and effect on and after April 1, 2015.

43 PART C

44 Section 1. The education law is amended by adding a new section 679-g
45 to read as follows:
46 S 679-G. NEW YORK STATE GET ON YOUR FEET LOAN FORGIVENESS PROGRAM. 1.
47 PURPOSE. THE PRESIDENT SHALL GRANT STUDENT LOAN FORGIVENESS AWARDS FOR
48 THE PURPOSE OF ALLEVIATING THE BURDEN OF FEDERAL STUDENT LOAN DEBT FOR
49 RECENT NEW YORK STATE COLLEGE GRADUATES.
50 2. ELIGIBILITY. TO BE ELIGIBLE FOR AN AWARD PURSUANT TO THIS SECTION,
51 AN APPLICANT SHALL: (A) HAVE GRADUATED FROM A HIGH SCHOOL LOCATED IN NEW
52 YORK STATE OR ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR A STATE
53 HIGH SCHOOL EQUIVALENCY DIPLOMA AND RECEIVED SUCH HIGH SCHOOL EQUIVALEN-
54 CY DIPLOMA; (B) HAVE GRADUATED AND OBTAINED AN UNDERGRADUATE DEGREE FROM

1 A COLLEGE OR UNIVERSITY WITH ITS HEADQUARTERS LOCATED IN NEW YORK STATE
2 IN OR AFTER THE TWO THOUSAND FOURTEEN--FIFTEEN ACADEMIC YEAR; (C) APPLY
3 FOR THIS PROGRAM WITHIN TWO YEARS OF COLLEGE GRADUATION; (D) BE A
4 PARTICIPANT IN A FEDERAL INCOME-DRIVEN REPAYMENT PLAN WHOSE PAYMENT
5 AMOUNT IS GENERALLY TEN PERCENT OF DISCRETIONARY INCOME; (E) HAVE INCOME
6 OF LESS THAN FIFTY THOUSAND DOLLARS; (F) BE A RESIDENT OF NEW YORK
7 STATE; AND (G) WORK IN NEW YORK STATE, IF EMPLOYED. FOR PURPOSES OF THIS
8 PROGRAM, "INCOME" SHALL BE THE TOTAL ADJUSTED GROSS INCOME OF THE APPLI-
9 CANT AND THE APPLICANT'S SPOUSE, IF APPLICABLE.

10 3. AWARDS. AN APPLICANT WHOSE ANNUAL INCOME IS LESS THAN FIFTY THOU-
11 SAND DOLLARS SHALL BE ELIGIBLE TO RECEIVE AN AWARD EQUAL TO FIFTY
12 PERCENT OF HIS OR HER MONTHLY FEDERAL INCOME-DRIVEN REPAYMENT PLAN
13 PAYMENTS FOR THE FIRST TWO YEARS OF REPAYMENT UNDER THE FEDERAL PROGRAM.

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

17 S 2. This act shall take effect immediately and shall be deemed to
18 have been in full force and effect on and after April 1, 2015, and shall
19 expire and be deemed repealed April 1, 2019.

20 PART D

21 Intentionally Omitted

22 PART E

23 Section 1. Short title. This act shall be known and may be cited as
24 the "education investment incentives act".

25 S 2. The tax law is amended by adding a new section 42 to read as
26 follows:

27 S 42. EDUCATION INVESTMENT TAX CREDIT. (A) DEFINITIONS. FOR THE
28 PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE SAME DEFINI-
29 TION AS PROVIDED FOR IN ARTICLE TWENTY-FIVE OF THE EDUCATION LAW:

30 "AUTHORIZED CONTRIBUTION";

31 "CONTRIBUTION";

32 "EDUCATIONAL PROGRAM";

33 "EDUCATIONAL SCHOLARSHIP ORGANIZATION";

34 "ELIGIBLE PUPIL";

35 "LOCAL EDUCATION FUND";

36 "NONPUBLIC SCHOOL";

37 "PUBLIC EDUCATION ENTITY";

38 "PUBLIC SCHOOL";

39 "QUALIFIED CONTRIBUTION";

40 "QUALIFIED EDUCATOR";

41 "QUALIFIED SCHOOL";

42 "SCHOLARSHIP"; AND

43 "SCHOOL IMPROVEMENT ORGANIZATION".

44 (B) ALLOWANCE OF CREDIT. A TAXPAYER SUBJECT TO TAX UNDER ARTICLE
45 NINE-A OR TWENTY-TWO OF THIS CHAPTER SHALL BE ALLOWED CREDIT AGAINST
46 SUCH TAX, PURSUANT TO THE PROVISIONS REFERENCED IN SUBDIVISION (L) OF
47 THIS SECTION, WITH RESPECT TO QUALIFIED CONTRIBUTIONS MADE DURING THE
48 TAXABLE YEAR.

49 (C) AMOUNT OF CREDIT. THE AMOUNT OF THE CREDIT SHALL BE NINETY PERCENT
50 OF THE TAXPAYER'S TOTAL QUALIFIED CONTRIBUTIONS, CAPPED AT ONE MILLION
51 DOLLARS. A TAXPAYER THAT IS A PARTNER IN A PARTNERSHIP, MEMBER OF A

1 LIMITED LIABILITY COMPANY OR SHAREHOLDER IN AN S CORPORATION SHALL BE
2 ALLOWED TO CLAIM ITS PRO RATA SHARE OF THE CREDIT EARNED BY THE PARTNER-
3 SHIP, LIMITED LIABILITY COMPANY OR S CORPORATION, PROVIDED THAT SUCH A
4 TAXPAYER SHALL NOT CLAIM CREDIT IN EXCESS OF THE LIMIT IMPOSED BY THE
5 PRECEDING SENTENCE.

6 (D) INFORMATION TO BE POSTED ON THE DEPARTMENT'S WEBSITE. THE COMMIS-
7 SIONER SHALL MAINTAIN ON THE DEPARTMENT'S WEBSITE A RUNNING TOTAL OF THE
8 AMOUNT OF AVAILABLE CREDIT FOR WHICH TAXPAYERS MAY APPLY PURSUANT TO
9 THIS SECTION. SUCH RUNNING TOTAL SHALL BE UPDATED ON A DAILY BASIS.
10 ADDITIONALLY, THE COMMISSIONER SHALL MAINTAIN ON THE DEPARTMENT'S
11 WEBSITE A LIST OF THE SCHOOL IMPROVEMENT ORGANIZATIONS, LOCAL EDUCATION
12 FUNDS AND EDUCATIONAL SCHOLARSHIP ORGANIZATIONS APPROVED TO ISSUE
13 CERTIFICATES OF RECEIPT PURSUANT TO ARTICLE TWENTY-FIVE OF THE EDUCATION
14 LAW.

15 (E) APPLICATIONS FOR CONTRIBUTION AUTHORIZATION CERTIFICATES. PRIOR TO
16 MAKING A CONTRIBUTION TO A PUBLIC EDUCATION ENTITY, SCHOOL IMPROVEMENT
17 ORGANIZATION, LOCAL EDUCATION FUND, OR EDUCATIONAL SCHOLARSHIP ORGANIZA-
18 TION, THE TAXPAYER SHALL APPLY TO THE DEPARTMENT FOR A CONTRIBUTION
19 AUTHORIZATION CERTIFICATE FOR SUCH CONTRIBUTION. SUCH APPLICATION SHALL
20 BE IN THE FORM AND MANNER PRESCRIBED BY THE DEPARTMENT. THE DEPARTMENT
21 MAY ALLOW TAXPAYERS TO MAKE MULTIPLE APPLICATIONS ON THE SAME FORM,
22 PROVIDED THAT EACH CONTRIBUTION LISTED ON SUCH APPLICATION SHALL BE
23 TREATED AS A SEPARATE APPLICATION AND THAT THE DEPARTMENT SHALL ISSUE
24 SEPARATE CONTRIBUTION AUTHORIZATION CERTIFICATES FOR EACH SUCH APPLICA-
25 TION.

26 (F) CONTRIBUTION AUTHORIZATION CERTIFICATES. 1. ISSUANCE OF CERTIF-
27 ICATES. THE COMMISSIONER SHALL ISSUE CONTRIBUTION AUTHORIZATION CERTIF-
28 ICATES IN TWO PHASES. IN PHASE ONE, WHICH BEGINS ON THE FIRST DAY OF
29 JANUARY AND ENDS ON THE THIRTY-FIRST DAY OF JANUARY, THE COMMISSIONER
30 SHALL ACCEPT APPLICATIONS FOR CONTRIBUTION AUTHORIZATION CERTIFICATES.
31 COMMENCING AFTER THE FIFTH DAY OF FEBRUARY, THE COMMISSIONER SHALL ISSUE
32 CONTRIBUTION AUTHORIZATION CERTIFICATES FOR APPLICATIONS RECEIVED DURING
33 PHASE ONE, PROVIDED THAT IF THE AGGREGATE TOTAL OF THE CONTRIBUTIONS FOR
34 WHICH APPLICATIONS HAVE BEEN RECEIVED DURING PHASE ONE EXCEEDS THE
35 AMOUNT OF THE CREDIT CAP IN SUBDIVISION (H) OF THIS SECTION, THE AUTHOR-
36 IZED CONTRIBUTION AMOUNT LISTED ON EACH CONTRIBUTION AUTHORIZATION
37 CERTIFICATE SHALL EQUAL THE PRO-RATA SHARE OF THE CREDIT CAP. IF THE
38 CREDIT CAP IS NOT EXCEEDED, PHASE TWO COMMENCES ON FEBRUARY FIRST AND
39 ENDS ON DECEMBER THIRTY-FIRST. DURING PHASE TWO THE COMMISSIONER SHALL
40 ISSUE CONTRIBUTION AUTHORIZATION CERTIFICATES ON A FIRST-COME FIRST
41 SERVE BASIS BASED UPON THE DATE THE DEPARTMENT RECEIVED THE TAXPAYER'S
42 APPLICATION FOR SUCH CERTIFICATE. CONTRIBUTION AUTHORIZATION CERTIF-
43 ICATES FOR APPLICATIONS RECEIVED DURING PHASE ONE SHALL BE MAILED NO
44 LATER THAN THE TWENTIETH DAY OF FEBRUARY. CONTRIBUTION AUTHORIZATION
45 CERTIFICATES FOR APPLICATIONS RECEIVED DURING PHASE TWO SHALL BE MAILED
46 WITHIN FIVE DAYS OF RECEIPT OF SUCH APPLICATIONS.

47 2. CONTRIBUTION AUTHORIZATION CERTIFICATE CONTENTS. EACH CONTRIBUTION
48 AUTHORIZATION CERTIFICATE SHALL STATE (I) THE DATE SUCH CERTIFICATE WAS
49 ISSUED, (II) THE DATE BY WHICH THE AUTHORIZED CONTRIBUTION LISTED ON THE
50 CERTIFICATE MUST BE MADE, WHICH SHALL BE NO LATER THAN DECEMBER THIRTY-
51 FIRST OF THE YEAR FOR WHICH THE CONTRIBUTION AUTHORIZATION CERTIFICATE
52 WAS ISSUED, (III) THE AMOUNT OF AUTHORIZED CONTRIBUTION, (IV) THE
53 CERTIFICATE NUMBER, (V) THE TAXPAYER'S NAME AND ADDRESS, (VI) THE NAME
54 AND ADDRESS OF THE PUBLIC EDUCATION ENTITY, SCHOOL IMPROVEMENT ORGANIZA-
55 TION, LOCAL EDUCATION FUND OR EDUCATIONAL SCHOLARSHIP ORGANIZATION TO

1 WHICH THE TAXPAYER MAY MAKE THE AUTHORIZED CONTRIBUTION, AND (VII) ANY
2 OTHER INFORMATION THAT THE COMMISSIONER DEEMS NECESSARY.

3 3. NOTIFICATION OF THE ISSUANCE OF A CONTRIBUTION AUTHORIZATION
4 CERTIFICATE. UPON THE ISSUANCE OF A CONTRIBUTION AUTHORIZATION CERTIF-
5 ICATE TO A TAXPAYER, THE COMMISSIONER SHALL NOTIFY THE PUBLIC EDUCATION
6 ENTITY, SCHOOL IMPROVEMENT ORGANIZATION, LOCAL EDUCATION FUND OR EDUCA-
7 TIONAL SCHOLARSHIP ORGANIZATION OF THE ISSUANCE OF SUCH CONTRIBUTION
8 AUTHORIZATION CERTIFICATE. SUCH NOTIFICATION SHALL INCLUDE (I) THE
9 TAXPAYER'S NAME AND ADDRESS, (II) THE DATE SUCH CERTIFICATE WAS ISSUED,
10 (III) THE DATE BY WHICH THE AUTHORIZED CONTRIBUTION LISTED IN THE
11 NOTIFICATION MUST BE MADE BY THE TAXPAYER, (IV) THE AMOUNT OF THE
12 AUTHORIZED CONTRIBUTION, (V) THE CONTRIBUTION AUTHORIZATION CERTIF-
13 ICATE'S CERTIFICATE NUMBER, AND (VI) ANY OTHER INFORMATION THAT THE
14 COMMISSIONER DEEMS NECESSARY.

15 (G) CERTIFICATE OF RECEIPT. 1. IN GENERAL. NO PUBLIC EDUCATION ENTITY,
16 SCHOOL IMPROVEMENT ORGANIZATION, LOCAL EDUCATION FUND, OR EDUCATIONAL
17 SCHOLARSHIP ORGANIZATION SHALL ISSUE A CERTIFICATE OF RECEIPT FOR ANY
18 CONTRIBUTION MADE BY A TAXPAYER UNLESS SUCH PUBLIC EDUCATION ENTITY,
19 SCHOOL IMPROVEMENT ORGANIZATION, LOCAL EDUCATION FUND, OR EDUCATIONAL
20 SCHOLARSHIP ORGANIZATION HAS BEEN APPROVED TO ISSUE CERTIFICATES OF
21 RECEIPT PURSUANT TO ARTICLE TWENTY-FIVE OF THE EDUCATION LAW. NO PUBLIC
22 EDUCATION ENTITY, SCHOOL IMPROVEMENT ORGANIZATION, LOCAL EDUCATION FUND,
23 OR EDUCATIONAL SCHOLARSHIP ORGANIZATION SHALL ISSUE A CERTIFICATE OF
24 RECEIPT FOR A CONTRIBUTION MADE BY A TAXPAYER UNLESS SUCH PUBLIC EDUCA-
25 TION ENTITY, SCHOOL IMPROVEMENT ORGANIZATION, LOCAL EDUCATION FUND, OR
26 EDUCATIONAL SCHOLARSHIP ORGANIZATION HAS RECEIVED NOTICE FROM THE
27 DEPARTMENT THAT THE DEPARTMENT ISSUED A CONTRIBUTION AUTHORIZATION
28 CERTIFICATE TO THE TAXPAYER FOR SUCH CONTRIBUTION.

29 2. TIMELY CONTRIBUTION. IF A TAXPAYER MAKES AN AUTHORIZED CONTRIBUTION
30 TO THE PUBLIC EDUCATION ENTITY, SCHOOL IMPROVEMENT ORGANIZATION, LOCAL
31 EDUCATION FUND, OR EDUCATIONAL SCHOLARSHIP ORGANIZATION SET FORTH ON THE
32 CONTRIBUTION AUTHORIZATION CERTIFICATE ISSUED TO THE TAXPAYER NO LATER
33 THAN THE DATE BY WHICH SUCH AUTHORIZED CONTRIBUTION IS REQUIRED TO BE
34 MADE, SUCH PUBLIC EDUCATION ENTITY, SCHOOL IMPROVEMENT ORGANIZATION,
35 LOCAL EDUCATION FUND, OR EDUCATIONAL SCHOLARSHIP ORGANIZATION SHALL,
36 WITHIN THIRTY DAYS OF RECEIPT OF THE AUTHORIZED CONTRIBUTION, ISSUE TO
37 THE TAXPAYER A CERTIFICATE OF RECEIPT; PROVIDED, HOWEVER, THAT IF THE
38 TAXPAYER CONTRIBUTES AN AMOUNT THAT IS LESS THAN THE AMOUNT LISTED ON
39 THE TAXPAYER'S CONTRIBUTION AUTHORIZATION CERTIFICATE, THE TAXPAYER
40 SHALL NOT BE ISSUED A CERTIFICATE OF RECEIPT FOR SUCH CONTRIBUTION.

41 3. CERTIFICATE OF RECEIPT CONTENTS. EACH CERTIFICATE OF RECEIPT SHALL
42 STATE (I) THE NAME AND ADDRESS OF THE ISSUING PUBLIC EDUCATION ENTITY,
43 SCHOOL IMPROVEMENT ORGANIZATION, LOCAL EDUCATION FUND, OR EDUCATIONAL
44 SCHOLARSHIP ORGANIZATION, (II) THE TAXPAYER'S NAME AND ADDRESS, (III)
45 THE DATE FOR EACH CONTRIBUTION, (IV) THE AMOUNT OF EACH CONTRIBUTION AND
46 THE CORRESPONDING CONTRIBUTION AUTHORIZATION CERTIFICATE NUMBER, (V) THE
47 TOTAL AMOUNT OF CONTRIBUTIONS, (VI) CERTIFICATE OF RECEIPT NUMBER AND
48 (VII) ANY OTHER INFORMATION THAT THE COMMISSIONER MAY DEEM NECESSARY.

49 4. NOTIFICATION TO THE DEPARTMENT FOR THE ISSUANCE OF A CERTIFICATE OF
50 RECEIPT. UPON THE ISSUANCE OF A CERTIFICATE OF RECEIPT, THE ISSUING
51 PUBLIC EDUCATION ENTITY, SCHOOL IMPROVEMENT ORGANIZATION, LOCAL EDUCA-
52 TION FUND, OR EDUCATIONAL SCHOLARSHIP ORGANIZATION SHALL, WITHIN THIRTY
53 DAYS OF ISSUING THE CERTIFICATE OF RECEIPT, PROVIDE THE DEPARTMENT WITH
54 NOTIFICATION OF THE ISSUANCE OF SUCH CERTIFICATE IN THE FORM AND MANNER
55 PRESCRIBED BY THE DEPARTMENT.

1 5. NOTIFICATION TO THE DEPARTMENT OF THE NON-ISSUANCE OF A CERTIFICATE
2 OF RECEIPT. EACH PUBLIC EDUCATION ENTITY, SCHOOL IMPROVEMENT ORGANIZA-
3 TION, LOCAL EDUCATION FUND, OR EDUCATIONAL SCHOLARSHIP ORGANIZATION THAT
4 RECEIVED NOTIFICATION FROM THE DEPARTMENT PURSUANT TO SUBDIVISION (F) OF
5 THIS SECTION REGARDING THE ISSUANCE OF A CONTRIBUTION AUTHORIZATION
6 CERTIFICATE TO A TAXPAYER SHALL, WITHIN THIRTY DAYS OF THE EXPIRATION
7 DATE FOR SUCH AUTHORIZED CONTRIBUTION, PROVIDE NOTIFICATION TO THE
8 DEPARTMENT FOR EACH TAXPAYER THAT FAILED TO MAKE THE AUTHORIZED CONTRIB-
9 UTION TO SUCH PUBLIC EDUCATION ENTITY, SCHOOL IMPROVEMENT ORGANIZATION,
10 LOCAL EDUCATION FUND, OR EDUCATIONAL SCHOLARSHIP ORGANIZATION IN THE
11 FORM AND MANNER PRESCRIBED BY THE DEPARTMENT.

12 6. FAILURE TO NOTIFY THE DEPARTMENT. WITHIN THIRTY DAYS OF THE DISCOV-
13 ERY OF THE FAILURE OF ANY PUBLIC EDUCATION ENTITY, SCHOOL IMPROVEMENT
14 PROGRAM, LOCAL EDUCATION FUND, OR EDUCATIONAL SCHOLARSHIP ORGANIZATION
15 TO COMPLY WITH THE NOTIFICATION REQUIREMENTS PRESCRIBED BY PARAGRAPHS
16 FOUR AND FIVE OF THIS SUBDIVISION, THE COMMISSIONER SHALL ISSUE A NOTICE
17 OF COMPLIANCE FAILURE TO SUCH ENTITY, PROGRAM, FUND, OR ORGANIZATION.
18 SUCH ENTITY, PROGRAM, FUND, OR ORGANIZATION SHALL HAVE THIRTY DAYS FROM
19 THE DATE OF SUCH NOTICE TO MAKE THE NOTIFICATIONS PRESCRIBED BY PARA-
20 GRAPHS FOUR AND FIVE OF THIS SUBDIVISION. SUCH PERIOD MAY BE EXTENDED
21 FOR AN ADDITIONAL THIRTY DAYS UPON THE REQUEST OF THE ENTITY, PROGRAM,
22 FUND, OR ORGANIZATION. UPON THE EXPIRATION OF PERIOD FOR COMPLIANCE SET
23 FORTH IN THE NOTICE PRESCRIBED BY THIS PARAGRAPH, THE COMMISSIONER SHALL
24 NOTIFY THE BOARD OF REGENTS AND THE COMMISSIONER OF EDUCATION THAT SUCH
25 ENTITY, PROGRAM, FUND, OR ORGANIZATION FAILED TO MAKE THE NOTIFICATIONS
26 PRESCRIBED BY PARAGRAPHS FOUR AND FIVE OF THIS SUBDIVISION.

27 (H) CREDIT CAP. THE MAXIMUM PERMITTED CREDITS UNDER THIS SECTION
28 AVAILABLE TO ALL TAXPAYERS FOR QUALIFIED CONTRIBUTIONS FOR CALENDAR YEAR
29 TWO THOUSAND SIXTEEN SHALL BE ONE HUNDRED FIFTY MILLION DOLLARS. IN
30 CALENDAR YEAR TWO THOUSAND SEVENTEEN, THE MAXIMUM PERMITTED CREDITS
31 UNDER THIS SECTION AVAILABLE TO ALL TAXPAYERS SHALL BE TWO HUNDRED TWEN-
32 TY-FIVE MILLION DOLLARS PLUS ANY AMOUNTS THAT ARE REQUIRED TO BE ADDED
33 TO THE CAP PURSUANT TO SUBDIVISION (I) OF THIS SECTION. FOR CALENDAR
34 YEAR TWO THOUSAND EIGHTEEN AND EACH CALENDAR YEAR THEREAFTER, THE MAXI-
35 MUM PERMITTED CREDITS AVAILABLE TO ALL TAXPAYERS SHALL BE THREE HUNDRED
36 MILLION DOLLARS PLUS ANY AMOUNTS THAT ARE REQUIRED TO BE ADDED TO THE
37 CAP PURSUANT TO SUBDIVISION (I) OF THIS SECTION. THE MAXIMUM PERMITTED
38 CREDITS UNDER THIS SECTION FOR QUALIFIED CONTRIBUTIONS SHALL BE ALLO-
39 CATED FIFTY PERCENT TO PUBLIC EDUCATION ENTITIES, SCHOOL IMPROVEMENT
40 ORGANIZATIONS, AND LOCAL EDUCATION FUNDS AND FIFTY PERCENT TO EDUCA-
41 TIONAL SCHOLARSHIP ORGANIZATIONS.

42 (I) ADDITIONS TO CREDIT CAP. UNISSUED CERTIFICATES OF RECEIPT. ANY
43 AMOUNTS FOR WHICH THE DEPARTMENT RECEIVES NOTIFICATION OF NON-ISSUANCE
44 OF A CERTIFICATE OF RECEIPT SHALL BE ADDED TO THE CAP PRESCRIBED IN
45 SUBDIVISION (H) OF THIS SECTION FOR THE IMMEDIATELY FOLLOWING YEAR.

46 (J) REGULATIONS. THE COMMISSIONER IS HEREBY AUTHORIZED TO PROMULGATE
47 AND ADOPT ON AN EMERGENCY BASIS REGULATIONS NECESSARY FOR THE IMPLEMEN-
48 TATION OF THIS SECTION.

49 ON OR BEFORE THE LAST DAY OF JUNE FOR EACH CALENDAR YEAR, FOR THE
50 IMMEDIATELY PRECEDING YEAR, THE COMMISSIONER AND THE COMMISSIONER OF
51 EDUCATION SHALL JOINTLY SUBMIT A WRITTEN REPORT TO THE GOVERNOR, THE
52 TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE
53 CHAIRMAN OF THE SENATE FINANCE COMMITTEE AND THE CHAIRMAN OF THE ASSEM-
54 BLY WAYS AND MEANS COMMITTEE REGARDING THE EDUCATION INVESTMENT TAX
55 CREDIT. SUCH REPORT SHALL CONTAIN INFORMATION FOR ARTICLES NINE-A AND
56 TWENTY-TWO, RESPECTIVELY, REGARDING: (I) THE NUMBER OF APPLICATIONS

1 RECEIVED; (II) THE NUMBER OF AND AGGREGATE VALUE OF THE CONTRIBUTION
2 AUTHORIZATION CERTIFICATES ISSUED FOR CONTRIBUTIONS TO PUBLIC EDUCATION
3 ENTITIES, SCHOOL IMPROVEMENT ORGANIZATIONS, LOCAL EDUCATION FUNDS, AND
4 SCHOLARSHIP ORGANIZATIONS, RESPECTIVELY; (III) THE GEOGRAPHICAL DISTRIBUTION
5 BY COUNTY OF (A) THE APPLICATIONS FOR CONTRIBUTION AUTHORIZATION
6 CERTIFICATES, DISTRIBUTION BY COUNTY OF (B) THE PUBLIC EDUCATION ENTITIES,
7 SCHOOL IMPROVEMENT ORGANIZATIONS, LOCAL EDUCATION FUNDS, AND
8 EDUCATIONAL SCHOLARSHIP ORGANIZATIONS LISTED ON THE ISSUED CONTRIBUTION
9 AUTHORIZATION CERTIFICATES; AND (IV) INFORMATION, INCLUDING GEOGRAPHICAL
10 DISTRIBUTION BY COUNTY, OF THE NUMBER OF ELIGIBLE PUPILS THAT RECEIVED
11 SCHOLARSHIPS, THE NUMBER OF QUALIFIED SCHOOLS ATTENDED BY ELIGIBLE
12 PUPILS THAT RECEIVED SUCH SCHOLARSHIPS, AND THE AVERAGE VALUE OF SCHOLARSHIPS
13 RECEIVED BY SUCH ELIGIBLE PUPILS. THE COMMISSIONER AND DESIGNATED
14 EMPLOYEES OF THE DEPARTMENT, THE BOARD OF REGENTS, THE COMMISSIONER OF
15 EDUCATION AND DESIGNATED EMPLOYEES OF THE STATE EDUCATION DEPARTMENT,
16 SHALL BE ALLOWED AND ARE DIRECTED TO SHARE AND EXCHANGE
17 INFORMATION REGARDING THE SCHOOL IMPROVEMENT ORGANIZATIONS, LOCAL EDUCATION
18 FUNDS AND EDUCATIONAL SCHOLARSHIP ORGANIZATIONS THAT APPLIED FOR
19 APPROVAL TO BE AUTHORIZED TO RECEIVE QUALIFIED CONTRIBUTIONS; AND THE
20 PUBLIC EDUCATION ENTITIES, SCHOOL IMPROVEMENT ORGANIZATIONS, LOCAL
21 EDUCATION FUNDS, AND EDUCATIONAL SCHOLARSHIP ORGANIZATIONS AUTHORIZED TO
22 ISSUE CERTIFICATES OF RECEIPT, INCLUDING INFORMATION CONTAINED IN OR
23 DERIVED FROM APPLICATION FORMS AND REPORTS SUBMITTED TO THE EDUCATION
24 DEPARTMENT OR BOARD OF REGENTS.

25 (L) CROSS REFERENCES. FOR APPLICATION OF THE CREDIT PROVIDED FOR IN
26 THIS SECTION, SEE THE FOLLOWING PROVISIONS OF THIS CHAPTER:

27 1. ARTICLE 9-A: SECTION 210-B; SUBDIVISION 49;

28 2. ARTICLE 22: SECTION 606; SUBSECTIONS (I) AND (CCC).

29 S 3. Paragraph (b) of subdivision 9 of section 208 of the tax law is
30 amended by adding a new subparagraph 22 to read as follows:

31 (22) THE AMOUNT OF ANY DEDUCTION ALLOWED PURSUANT TO SECTION ONE
32 HUNDRED SEVENTY OF THE INTERNAL REVENUE CODE FOR WHICH A CREDIT IS
33 CLAIMED PURSUANT TO SUBDIVISION FORTY-NINE OF SECTION TWO HUNDRED TEN-B
34 OF THIS ARTICLE.

35 S 4. Section 210-B of the tax law is amended by adding a new subdivision
36 49 to read as follows:

37 49. EDUCATION INVESTMENT TAX CREDIT. (A) ALLOWANCE OF CREDIT. A
38 TAXPAYER SHALL BE ALLOWED A CREDIT, TO BE COMPUTED AS PROVIDED IN
39 SECTION FORTY-TWO OF THIS CHAPTER, AGAINST THE TAX IMPOSED BY THIS ARTICLE.
40

41 (B) APPLICATION OF CREDIT. THE CREDIT ALLOWED UNDER THIS SUBDIVISION
42 FOR ANY TAXABLE YEAR SHALL NOT REDUCE THE TAX DUE FOR THAT YEAR TO LESS
43 THAN THE HIGHER OF THE AMOUNTS PRESCRIBED IN PARAGRAPHS (C) OR (D) OF
44 SUBDIVISION ONE OF SECTION TWO HUNDRED TEN OF THIS ARTICLE. HOWEVER, IF
45 THE AMOUNT OF CREDIT ALLOWED UNDER THIS SUBDIVISION FOR QUALIFIED
46 CONTRIBUTIONS FOR ANY TAXABLE YEAR REDUCES THE TAX TO SUCH AMOUNT, ANY
47 AMOUNT OF CREDIT NOT DEDUCTIBLE IN SUCH TAXABLE YEAR MAY BE CARRIED OVER
48 TO THE SUCCEEDING FIVE YEARS AND MAY BE DEDUCTED FROM THE TAXPAYER'S TAX
49 FOR SUCH YEAR OR YEARS.

50 S 5. Subparagraph (B) of paragraph 1 of subsection (i) of section 606
51 of the tax law is amended by adding a new clause (xli) to read as
52 follows:

53 (XLI) EDUCATION INVESTMENT	AMOUNT OF CREDIT UNDER SUBDIVISION
54 TAX CREDIT UNDER SUBSECTION (CCC)	FORTY-NINE OF SECTION TWO HUNDRED
55	TEN-B

1 S 6. Section 606 of the tax law is amended by adding two new
2 subsections (w) and (w-1) to read as follows:

3 (W) HOME-BASED INSTRUCTIONAL MATERIALS CREDIT. (1) FOR TAXABLE YEARS
4 BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN, A TAXPAYER
5 SHALL BE ALLOWED A CREDIT AGAINST THE TAX IMPOSED BY THIS ARTICLE FOR
6 THE PURCHASE OF INSTRUCTIONAL MATERIALS APPROVED BY THE EDUCATION
7 DEPARTMENT OR BOARD OF REGENTS FOR USE IN NON-PUBLIC HOME-BASED EDUCA-
8 TIONAL PROGRAMS; PROVIDED, THAT THE AMOUNT OF CREDIT CLAIMED DOES NOT
9 EXCEED THE LESSER OF TWO HUNDRED DOLLARS OR ONE HUNDRED PERCENT OF THE
10 COST OF SUCH PURCHASES MADE BY THE TAXPAYER DURING THE TAXABLE YEAR.

11 (2) A HUSBAND AND WIFE WHO FILE SEPARATE RETURNS FOR A TAXABLE YEAR IN
12 WHICH THEY COULD HAVE FILED A JOINT RETURN MAY EACH CLAIM ONLY ONE-HALF
13 OF THE TAX CREDIT THAT WOULD HAVE BEEN ALLOWED FOR A JOINT RETURN.

14 (3) IF THE AMOUNT OF THE CREDIT ALLOWED UNDER THIS SUBSECTION FOR ANY
15 TAXABLE YEAR SHALL EXCEED THE TAXPAYER'S TAX FOR SUCH YEAR, THE EXCESS
16 SHALL BE TREATED AS AN OVERPAYMENT OF TAX TO BE CREDITED OR REFUNDED IN
17 ACCORDANCE WITH THE PROVISIONS OF SECTION SIX HUNDRED EIGHTY-SIX OF THIS
18 ARTICLE, PROVIDED, HOWEVER, THAT NO INTEREST SHALL BE PAID THEREON.

19 (W-1) INSTRUCTIONAL MATERIALS AND SUPPLIES CREDIT. (1) FOR TAXABLE
20 YEARS BEGINNING ON AND AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN, A
21 TAXPAYER SHALL BE ALLOWED A CREDIT EQUAL TO THE LESSER OF THE AMOUNT
22 PAID BY THE TAXPAYER DURING THE TAXABLE YEAR FOR INSTRUCTIONAL MATERIALS
23 AND SUPPLIES, OR TWO HUNDRED DOLLARS; PROVIDED THAT THE TAXPAYER IS A
24 TEACHER OR INSTRUCTOR IN A QUALIFIED SCHOOL, AS DEFINED IN SECTION
25 FORTY-TWO OF THIS CHAPTER, FOR AT LEAST NINE HUNDRED HOURS DURING A
26 SCHOOL YEAR. FOR PURPOSES OF THIS SUBSECTION, THE TERM "MATERIALS AND
27 SUPPLIES" MEANS INSTRUCTIONAL MATERIALS OR SUPPLIES THAT ARE USED IN THE
28 CLASSROOM IN ANY QUALIFIED SCHOOL.

29 (2) A HUSBAND AND WIFE WHO FILE SEPARATE RETURNS FOR A TAXABLE YEAR IN
30 WHICH THEY COULD HAVE FILED A JOINT RETURN MAY EACH CLAIM ONLY ONE-HALF
31 OF THE TAX CREDIT THAT WOULD HAVE BEEN ALLOWED FOR A JOINT RETURN.

32 (3) IF THE AMOUNT OF THE CREDIT ALLOWED UNDER THIS SUBSECTION FOR ANY
33 TAXABLE YEAR SHALL EXCEED THE TAXPAYER'S TAX FOR SUCH YEAR, THE EXCESS
34 SHALL BE TREATED AS AN OVERPAYMENT OF TAX TO BE CREDITED OR REFUNDED IN
35 ACCORDANCE WITH THE PROVISIONS OF SECTION SIX HUNDRED EIGHTY-SIX OF THIS
36 ARTICLE, PROVIDED, HOWEVER, THAT NO INTEREST SHALL BE PAID THEREON.

37 S 7. Section 606 of the tax law is amended by adding a new subsection
38 (ccc) to read as follows:

39 (CCC) EDUCATION INVESTMENT TAX CREDIT. (1) ALLOWANCE OF CREDIT. A
40 TAXPAYER SHALL BE ALLOWED A CREDIT TO BE COMPUTED AS PROVIDED IN SECTION
41 FORTY-TWO OF THIS CHAPTER, AGAINST THE TAX IMPOSED BY THIS ARTICLE.

42 (2) APPLICATION OF CREDIT. IF THE AMOUNT OF THE CREDIT ALLOWED UNDER
43 THIS SUBSECTION FOR ANY QUALIFIED CONTRIBUTIONS FOR ANY TAXABLE YEAR
44 EXCEEDS THE TAXPAYER'S TAX FOR SUCH YEAR, THE EXCESS MAY BE CARRIED OVER
45 TO THE SUCCEEDING FIVE YEARS AND MAY BE DEDUCTED FROM THE TAXPAYER'S TAX
46 FOR SUCH YEAR OR YEARS.

47 S 8. Subdivision (c) of section 615 of the tax law is amended by
48 adding a new paragraph 9 to read as follows:

49 (9) THE AMOUNT OF ANY FEDERAL DEDUCTION FOR CONTRIBUTIONS MADE FOR
50 WHICH A TAXPAYER CLAIMS A CREDIT UNDER SUBSECTION (CCC) OF SECTION SIX
51 HUNDRED SIX OF THIS ARTICLE.

52 S 9. The education law is amended by adding a new article 25 to read
53 as follows:

54 ARTICLE 25

55 EDUCATION INVESTMENT TAX CREDIT PROGRAM

56 SECTION 1209. SHORT TITLE.

1210. DEFINITIONS.

1211. APPROVAL TO ISSUE CERTIFICATES OF RECEIPT.

1212. APPLICATIONS FOR APPROVAL TO ISSUE CERTIFICATES OF RECEIPT.

1213. APPLICATION APPROVAL.

1214. REVOCATION OF APPROVAL TO ISSUE CERTIFICATES OF RECEIPT.

1215. RECORDKEEPING.

1216. JOINT ANNUAL REPORT.

1217. COMMISSIONER; POWERS.

S 1209. SHORT TITLE. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "EDUCATION INVESTMENT TAX CREDIT PROGRAM".

S 1210. DEFINITIONS. AS USED IN THIS ARTICLE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(1) "AUTHORIZED CONTRIBUTION" MEANS THE CONTRIBUTION AMOUNT LISTED ON THE CONTRIBUTION AUTHORIZATION CERTIFICATE ISSUED TO A TAXPAYER.

(2) "CONTRIBUTION" MEANS A DONATION PAID BY CASH, CHECK, ELECTRONIC FUNDS TRANSFER, DEBIT CARD OR CREDIT CARD MADE BY THE TAXPAYER DURING THE TAX YEAR.

(3) "EDUCATIONAL PROGRAM" MEANS AN ACADEMIC PROGRAM OF A PUBLIC SCHOOL THAT ENHANCES THE CURRICULUM, OR PROVIDES OR EXPANDS A PRE-KINDERGARTEN PROGRAM OR AN AFTER-SCHOOL PROGRAM TO THE PUBLIC SCHOOL. FOR PURPOSES OF THIS DEFINITION, THE INSTRUCTION, MATERIALS, PROGRAMS OR OTHER ACTIVITIES OFFERED BY OR THROUGH AN EDUCATIONAL PROGRAM MAY INCLUDE, BUT ARE NOT LIMITED TO, THE FOLLOWING FEATURES: (A) INSTRUCTION OR MATERIALS PROMOTING HEALTH, PHYSICAL EDUCATION, AND FAMILY AND CONSUMER SCIENCES; LITERARY, PERFORMING AND VISUAL ARTS; MATHEMATICS, SOCIAL STUDIES, TECHNOLOGY AND SCIENTIFIC ACHIEVEMENT; (B) INSTRUCTION OR PROGRAMMING TO MEET THE EDUCATION NEEDS OF AT-RISK STUDENTS OR STUDENTS WITH DISABILITIES, INCLUDING TUTORING OR COUNSELING; OR (C) USE OF SPECIALIZED INSTRUCTIONAL MATERIALS, INSTRUCTORS OR INSTRUCTION NOT PROVIDED BY A PUBLIC SCHOOL.

(4) "EDUCATIONAL SCHOLARSHIP ORGANIZATION" MEANS A NOT-FOR-PROFIT ENTITY WHICH (A) IS EXEMPT FROM TAXATION UNDER PARAGRAPH THREE OF SUBSECTION (C) OF SECTION FIVE HUNDRED ONE OF THE INTERNAL REVENUE CODE, (B) COMMITS FOR THE EXPENDITURE OF AT LEAST NINETY PERCENT OF THE REVENUE FROM QUALIFIED CONTRIBUTIONS RECEIVED DURING THE CALENDAR YEAR AND ANY INCOME DERIVED FROM QUALIFIED CONTRIBUTIONS FOR SCHOLARSHIPS, (C) DEPOSITS AND HOLDS QUALIFIED CONTRIBUTIONS AND ANY INCOME DERIVED FROM QUALIFIED CONTRIBUTIONS IN AN ACCOUNT THAT IS SEPARATE FROM THE ORGANIZATION'S OPERATING OR OTHER FUNDS UNTIL SUCH QUALIFIED CONTRIBUTIONS OR INCOME ARE WITHDRAWN FOR USE, AND (D) PROVIDES SCHOLARSHIPS TO ELIGIBLE PUPILS FOR USE AT NO FEWER THAN THREE QUALIFIED SCHOOLS.

(5) "ELIGIBLE PUPIL" MEANS A CHILD WHO (A) IS A RESIDENT OF THIS STATE, (B) IS SCHOOL AGE IN ACCORDANCE WITH SUBDIVISION ONE OF SECTION THIRTY-TWO HUNDRED TWO OF THIS CHAPTER OR WHO IS FOUR YEARS OF AGE ON OR BEFORE DECEMBER FIRST OF THE YEAR IN WHICH THEY ARE ENROLLED IN A PRE-KINDERGARTEN PROGRAM, (C) ATTENDS OR IS ABOUT TO ATTEND A QUALIFIED SCHOOL, AND (D) RESIDES IN A HOUSEHOLD THAT HAS A FEDERAL ADJUSTED GROSS INCOME OF FIVE HUNDRED THOUSAND DOLLARS OR LESS, PROVIDED HOWEVER, FOR HOUSEHOLDS WITH THREE OR MORE DEPENDENT CHILDREN, SUCH INCOME LEVEL SHALL BE INCREASED BY TEN THOUSAND DOLLARS PER DEPENDENT CHILD IN EXCESS OF TWO, NOT TO EXCEED FIVE HUNDRED FIFTY THOUSAND DOLLARS.

(6) "LOCAL EDUCATION FUND" MEANS A NOT-FOR-PROFIT ENTITY WHICH (A) IS EXEMPT FROM TAXATION UNDER PARAGRAPH THREE OF SUBSECTION (C) OF SECTION FIVE HUNDRED ONE OF THE INTERNAL REVENUE CODE, (B) IS ESTABLISHED FOR THE PURPOSE OF SUPPORTING AN EDUCATIONAL PROGRAM IN AT LEAST ONE PUBLIC

1 SCHOOL, OR PUBLIC SCHOOL DISTRICT, (C) USES AT LEAST NINETY PERCENT OF
2 THE QUALIFIED CONTRIBUTIONS RECEIVED DURING THE CALENDAR YEAR AND ANY
3 INCOME DERIVED FROM QUALIFIED CONTRIBUTIONS TO SUPPORT THE PUBLIC SCHOOL
4 OR SCHOOLS OR PUBLIC SCHOOL DISTRICT OR DISTRICTS THAT SUCH FUND HAS
5 BEEN ESTABLISHED TO SUPPORT, AND (D) DEPOSITS AND HOLDS QUALIFIED
6 CONTRIBUTIONS AND ANY INCOME DERIVED FROM QUALIFIED CONTRIBUTIONS IN AN
7 ACCOUNT THAT IS SEPARATE FROM THE FUND'S OPERATING OR OTHER FUNDS UNTIL
8 SUCH QUALIFIED CONTRIBUTIONS OR INCOME ARE WITHDRAWN FOR USE.

9 (7) "NONPUBLIC SCHOOL" MEANS ANY NOT-FOR-PROFIT PRE-KINDERGARTEN
10 PROGRAM OR ELEMENTARY, SECONDARY SECTARIAN OR NONSECTARIAN SCHOOL
11 LOCATED IN THIS STATE, OTHER THAN A PUBLIC SCHOOL, THAT IS PROVIDING
12 INSTRUCTION AT ONE OR MORE LOCATIONS TO A STUDENT IN ACCORDANCE WITH
13 SUBDIVISION TWO OF SECTION THIRTY-TWO HUNDRED FOUR OF THIS CHAPTER.

14 (8) "PUBLIC EDUCATION ENTITY" MEANS A PUBLIC SCHOOL OR A PUBLIC SCHOOL
15 DISTRICT, PROVIDED THAT SUCH PUBLIC SCHOOL, OR PUBLIC SCHOOL DISTRICT
16 DEPOSITS AND HOLDS QUALIFIED CONTRIBUTIONS AND ANY INCOME DERIVED FROM
17 QUALIFIED CONTRIBUTIONS IN AN ACCOUNT THAT IS SEPARATE FROM THE PUBLIC
18 SCHOOL OR PUBLIC SCHOOL DISTRICT'S OPERATING OR OTHER FUNDS UNTIL SUCH
19 QUALIFIED CONTRIBUTIONS OR INCOME ARE WITHDRAWN FOR USE, AND IS APPROVED
20 TO ISSUE CERTIFICATES OF RECEIPT PURSUANT TO THIS ARTICLE.

21 (9) "PUBLIC SCHOOL" MEANS ANY FREE ELEMENTARY OR SECONDARY SCHOOL IN
22 THIS STATE GUARANTEED BY ARTICLE ELEVEN OF THE CONSTITUTION OR CHARTER
23 SCHOOL AUTHORIZED BY ARTICLE FIFTY-SIX OF THIS CHAPTER.

24 (10) "QUALIFIED CONTRIBUTION" MEANS THE AUTHORIZED CONTRIBUTION MADE
25 BY A TAXPAYER TO THE PUBLIC EDUCATION ENTITY, SCHOOL IMPROVEMENT ORGAN-
26 IZATION, LOCAL EDUCATION FUND, OR EDUCATIONAL SCHOLARSHIP ORGANIZATION
27 THAT IS LISTED ON THE CONTRIBUTION AUTHORIZATION CERTIFICATE ISSUED TO
28 THE TAXPAYER AND FOR WHICH THE TAXPAYER HAS RECEIVED A CERTIFICATE OF
29 RECEIPT FROM SUCH ENTITY, FUND, OR ORGANIZATION.

30 (11) "QUALIFIED EDUCATOR" MEANS AN INDIVIDUAL WHO IS A TEACHER OR
31 INSTRUCTOR IN A QUALIFIED SCHOOL FOR AT LEAST NINE HUNDRED HOURS DURING
32 A SCHOOL YEAR.

33 (12) "QUALIFIED SCHOOL" MEANS A PUBLIC SCHOOL OR NONPUBLIC SCHOOL.

34 (13) "SCHOLARSHIP" MEANS AN EDUCATIONAL SCHOLARSHIP WHICH PROVIDES A
35 TUITION GRANT AWARDED TO AN ELIGIBLE PUPIL TO ATTEND A QUALIFIED SCHOOL
36 IN AN AMOUNT NOT TO EXCEED THE TUITION CHARGED TO ATTEND SUCH SCHOOL
37 LESS ANY OTHER EDUCATIONAL SCHOLARSHIP RECEIVED BY SUCH ELIGIBLE PUPIL
38 OR HIS OR HER PARENT, PARENTS OR GUARDIAN FOR SUCH ELIGIBLE PUPIL'S
39 TUITION; PROVIDED, HOWEVER, IN THE CASE OF AN ELIGIBLE PUPIL ATTENDING A
40 PUBLIC SCHOOL IN A PUBLIC SCHOOL DISTRICT OF WHICH SUCH PUPIL IS NOT A
41 RESIDENT, THE AMOUNT OF THE EDUCATIONAL SCHOLARSHIP AWARDED MAY NOT
42 EXCEED THE TUITION CHARGED BY THE PUBLIC SCHOOL PURSUANT TO PARAGRAPH D
43 OF SUBDIVISION FOUR OF SECTION THIRTY-TWO HUNDRED TWO OF THIS CHAPTER
44 LESS ANY OTHER EDUCATIONAL SCHOLARSHIP RECEIVED BY SUCH ELIGIBLE PUPIL
45 OR HIS OR HER PARENT, PARENTS OR GUARDIAN FOR SUCH ELIGIBLE PUPIL'S
46 TUITION, BUT ONLY IF THE PUBLIC SCHOOL DISTRICT OF WHICH SUCH PUPIL IS A
47 RESIDENT IS NOT REQUIRED TO PAY FOR SUCH TUITION.

48 (14) "SCHOOL IMPROVEMENT ORGANIZATION" MEANS A NOT-FOR-PROFIT ENTITY
49 WHICH (I) IS EXEMPT FROM TAXATION UNDER PARAGRAPH THREE OF SUBSECTION
50 (C) OF SECTION FIVE HUNDRED ONE OF THE INTERNAL REVENUE CODE, (II) USES
51 AT LEAST NINETY PERCENT OF THE QUALIFIED CONTRIBUTIONS RECEIVED DURING
52 THE CALENDAR YEAR AND ANY INCOME DERIVED FROM SUCH QUALIFIED CONTRIB-
53 UTIONS TO ASSIST PUBLIC SCHOOLS OR PUBLIC SCHOOL DISTRICTS LOCATED IN
54 THIS STATE IN THEIR PROVISION OF EDUCATIONAL PROGRAMS, EITHER BY MAKING
55 CONTRIBUTIONS TO ONE OR MORE PUBLIC SCHOOLS OR PUBLIC SCHOOL DISTRICTS
56 LOCATED IN THIS STATE OR PROVIDING EDUCATIONAL PROGRAMS TO, OR IN

1 CONJUNCTION WITH, ONE OR MORE PUBLIC SCHOOLS OR PUBLIC SCHOOL DISTRICTS
2 LOCATED IN THIS STATE, (III) DEPOSITS AND HOLDS QUALIFIED CONTRIBUTIONS
3 AND ANY INCOME DERIVED FROM SUCH QUALIFIED CONTRIBUTIONS IN AN ACCOUNT
4 THAT IS SEPARATE FROM THE ORGANIZATION'S OPERATING OR OTHER FUNDS UNTIL
5 SUCH QUALIFIED CONTRIBUTIONS OR INCOME ARE WITHDRAWN FOR USE, AND (IV)
6 IS APPROVED TO ISSUE CERTIFICATES OF RECEIPT PURSUANT TO THIS ARTICLE.
7 SUCH ENTITY MAY ALLOW THE TAXPAYER TO CHOOSE TO DONATE TO A PROGRAM,
8 PROJECT OR INITIATIVE IDENTIFIED BY A QUALIFIED EDUCATOR FOR USE IN A
9 PUBLIC SCHOOL.

10 S 1211. APPROVAL TO ISSUE CERTIFICATES OF RECEIPT. 1. PUBLIC SCHOOLS
11 AND PUBLIC SCHOOL DISTRICTS. ALL PUBLIC SCHOOLS AND PUBLIC SCHOOL
12 DISTRICTS SHALL BE APPROVED TO ISSUE CERTIFICATES OF RECEIPT PROVIDED,
13 THAT A PUBLIC SCHOOL OR PUBLIC SCHOOL DISTRICT SHALL NOT BE APPROVED IF
14 EITHER (A) THE PUBLIC SCHOOL OR PUBLIC SCHOOL DISTRICT FAILS TO DEPOSIT
15 AND HOLD QUALIFIED CONTRIBUTIONS AND ANY INCOME DERIVED FROM QUALIFIED
16 CONTRIBUTIONS IN AN ACCOUNT THAT IS SEPARATE FROM THE SCHOOL OR SCHOOL
17 DISTRICT'S OPERATING OR OTHER FUNDS UNTIL SUCH QUALIFIED CONTRIBUTIONS
18 OR INCOME ARE WITHDRAWN FOR USE, OR (B) THE BOARD OF REGENTS HAS REVOKED
19 SUCH APPROVAL FOR SUCH PUBLIC SCHOOL OR PUBLIC SCHOOL DISTRICT PURSUANT
20 TO SECTION TWELVE HUNDRED FOURTEEN OF THIS ARTICLE.

21 2. SCHOOL IMPROVEMENT ORGANIZATIONS, EDUCATIONAL SCHOLARSHIP ORGANIZA-
22 TIONS AND LOCAL EDUCATION FUNDS. NO SCHOOL IMPROVEMENT ORGANIZATION,
23 EDUCATIONAL SCHOLARSHIP ORGANIZATION OR LOCAL EDUCATION FUND SHALL ISSUE
24 ANY CERTIFICATES OF RECEIPT WITHOUT FILING AN APPLICATION PURSUANT TO
25 SECTION TWELVE HUNDRED TWELVE OF THIS ARTICLE AND RECEIVING APPROVAL
26 PURSUANT TO SECTION TWELVE HUNDRED THIRTEEN OF THIS ARTICLE.

27 S 1212. APPLICATIONS FOR APPROVAL TO ISSUE CERTIFICATES OF RECEIPT.
28 EACH SCHOOL IMPROVEMENT ORGANIZATION, EDUCATIONAL SCHOLARSHIP ORGANIZA-
29 TION, AND LOCAL EDUCATION FUND SHALL SUBMIT AN APPLICATION TO THE BOARD
30 OF REGENTS FOR APPROVAL TO ISSUE CERTIFICATES OF RECEIPT IN THE FORM AND
31 MANNER PRESCRIBED BY THE BOARD; PROVIDED THAT SUCH APPLICATION SHALL
32 INCLUDE: (1) SUBMISSION OF DOCUMENTATION THAT SUCH SCHOOL IMPROVEMENT
33 ORGANIZATION, LOCAL EDUCATION FUND OR EDUCATIONAL SCHOLARSHIP ORGANIZA-
34 TION HAS BEEN GRANTED EXEMPTION FROM TAXATION UNDER PARAGRAPH THREE OF
35 SUBSECTION (C) OF SECTION FIVE HUNDRED ONE OF THE INTERNAL REVENUE CODE;
36 (2) THE MOST RECENT ANNUAL FINANCIAL AUDIT, WHICH SHALL BE COMPLETED BY
37 AN INDEPENDENT CERTIFIED PUBLIC ACCOUNTANT AND A LIST OF NAMES AND
38 ADDRESSES OF ALL MEMBERS OF THE GOVERNING BOARD OF THE SCHOOL IMPROVE-
39 MENT ORGANIZATION, LOCAL EDUCATION FUND OR EDUCATIONAL SCHOLARSHIP
40 ORGANIZATION; AND (3) AN EDUCATIONAL SCHOLARSHIP ORGANIZATION SHALL
41 PROVIDE CRITERIA FOR THE AWARDING OF SCHOLARSHIPS TO ELIGIBLE STUDENTS.
42 THE BOARD OF REGENTS, COMMISSIONER OR DEPARTMENT SHALL NOT REQUIRE ANY
43 OTHER INFORMATION FOR SUCH APPLICATION EXCEPT AS AUTHORIZED IN THIS
44 ARTICLE OR BY SECTION FORTY-ONE OF THE TAX LAW.

45 S 1213. APPLICATION APPROVAL. THE BOARD OF REGENTS SHALL REVIEW EACH
46 APPLICATION TO ISSUE CERTIFICATES OF RECEIPT PURSUANT TO THIS ARTICLE.
47 APPROVAL OR DENIAL OF AN APPLICATION SHALL BE MADE AT THE NEXT SCHEDULED
48 MEETING OF THE BOARD OF REGENTS THAT FOLLOWS THE RECEIPT OF SUCH APPLI-
49 CATION, BUT NOT LATER THAN THE NEXT MEETING THEREAFTER.

50 S 1214. REVOCATION OF APPROVAL TO ISSUE CERTIFICATES OF RECEIPT. THE
51 BOARD OF REGENTS, IN CONSULTATION WITH THE COMMISSIONER OF TAXATION AND
52 FINANCE, MAY REVOKE THE APPROVAL OF A SCHOOL IMPROVEMENT ORGANIZATION,
53 EDUCATIONAL SCHOLARSHIP ORGANIZATION, LOCAL EDUCATION FUND, PUBLIC
54 SCHOOL OR PUBLIC SCHOOL DISTRICT TO ISSUE CERTIFICATES OF RECEIPT UPON A
55 FINDING THAT SUCH ORGANIZATION, FUND, SCHOOL OR SCHOOL DISTRICT HAS
56 VIOLATED THIS ARTICLE OR SECTION FORTY-TWO OF THE TAX LAW. THESE

1 VIOLATIONS SHALL INCLUDE, BUT NOT BE LIMITED TO, ANY OF THE FOLLOWING:
2 (1) FAILURE TO MEET THE REQUIREMENTS OF THIS ARTICLE OR SECTION
3 FORTY-TWO OF THE TAX LAW, (2) THE FAILURE TO MAINTAIN FULL AND ADEQUATE
4 RECORDS WITH RESPECT TO THE RECEIPT OF QUALIFIED CONTRIBUTIONS, (3) THE
5 FAILURE TO SUPPLY SUCH RECORDS TO THE COMMISSIONER, DEPARTMENT OF TAXA-
6 TION AND FINANCE OR BOARD OF REGENTS WHEN REQUESTED BY THE DEPARTMENT OR
7 BOARD, OR (4) THE FAILURE TO PROVIDE NOTICE TO THE DEPARTMENT OF TAXA-
8 TION AND FINANCE OF THE ISSUANCE OR NONISSUANCE OF CERTIFICATES OF
9 RECEIPT PURSUANT TO SECTION FORTY-TWO OF THE TAX LAW; PROVIDED HOWEVER,
10 THAT THE BOARD OF REGENTS SHALL NOT REVOKE APPROVAL PURSUANT TO THIS
11 SECTION BASED UPON A VIOLATION OF THE TAX LAW UNLESS THE COMMISSIONER OF
12 TAXATION AND FINANCE AGREES THAT REVOCATION IS WARRANTED; AND PROVIDED
13 FURTHER THAT THE BOARD SHALL NOT REVOKE APPROVAL PURSUANT TO THIS
14 SECTION WHEN THE FAILURE TO COMPLY IS DUE TO CLERICAL ERROR AND NOT
15 NEGLIGENCE OR INTENTIONAL DISREGARD FOR THE LAW. WITHIN FIVE DAYS OF THE
16 DETERMINATION REVOKING APPROVAL, THE BOARD SHALL PROVIDE NOTICE OF SUCH
17 REVOCATION TO THE EDUCATIONAL SCHOLARSHIP ORGANIZATION, SCHOOL IMPROVE-
18 MENT ORGANIZATION, LOCAL EDUCATION FUND, PUBLIC SCHOOL, OR PUBLIC SCHOOL
19 DISTRICT AND TO THE DEPARTMENT OF TAXATION AND FINANCE.

20 S 1215. RECORDKEEPING. EACH SCHOOL IMPROVEMENT ORGANIZATION, EDUCA-
21 TIONAL SCHOLARSHIP ORGANIZATION, LOCAL EDUCATION FUND, PUBLIC SCHOOL AND
22 PUBLIC SCHOOL DISTRICT THAT ISSUED AT LEAST ONE CERTIFICATE OF RECEIPT
23 SHALL MAINTAIN RECORDS INCLUDING (A) NOTIFICATIONS RECEIVED FROM THE
24 DEPARTMENT OF TAXATION AND FINANCE, (B) NOTIFICATIONS MADE TO THE
25 DEPARTMENT OF TAXATION AND FINANCE, (C) COPIES OF QUALIFIED CONTRIB-
26 UTIONS RECEIVED, (D) COPIES OF THE DEPOSIT OF SUCH QUALIFIED CONTRIB-
27 UTIONS, (E) COPIES OF ISSUED CERTIFICATES OF RECEIPT, (F) ANNUAL FINAN-
28 CIAL STATEMENTS, (G) IN THE CASE OF SCHOOL IMPROVEMENT ORGANIZATIONS,
29 EDUCATIONAL SCHOLARSHIP ORGANIZATIONS AND LOCAL EDUCATION FUNDS, THE
30 APPLICATION SUBMITTED PURSUANT TO SECTION TWELVE HUNDRED TWELVE OF THIS
31 ARTICLE AND THE APPROVAL ISSUED BY THE BOARD OF REGENTS, AND (H) ANY
32 OTHER INFORMATION AS PRESCRIBED BY REGULATION PROMULGATED BY THE COMMIS-
33 SIONER OR RULE PROMULGATED BY THE BOARD OF REGENTS.

34 S 1216. JOINT ANNUAL REPORT. ON OR BEFORE THE LAST DAY OF JUNE FOR
35 EACH CALENDAR YEAR, THE COMMISSIONER OF TAXATION AND FINANCE AND THE
36 COMMISSIONER, JOINTLY, SHALL SUBMIT A WRITTEN REPORT AS PROVIDED IN
37 SUBDIVISION (K) OF SECTION FORTY-TWO OF THE TAX LAW.

38 S 1217. COMMISSIONER; POWERS. THE COMMISSIONER SHALL PROMULGATE ON AN
39 EMERGENCY BASIS REGULATIONS NECESSARY FOR THE IMPLEMENTATION OF THIS
40 SECTION. THE COMMISSIONER SHALL MAKE ANY APPLICATION REQUIRED TO BE
41 FILED PURSUANT TO THIS ARTICLE AVAILABLE TO APPLICANTS WITHIN SIXTY DAYS
42 OF THE EFFECTIVE DATE OF THIS ARTICLE.

43 S 10. The education law is amended by adding a new section 1503-a to
44 read as follows:

45 S 1503-A. POWER TO ACCEPT AND SOLICIT GIFTS AND DONATIONS. 1. ALL
46 SCHOOL DISTRICTS ORGANIZED BY SPECIAL LAWS OR PURSUANT TO THE PROVISIONS
47 OF A GENERAL LAW ARE HEREBY AUTHORIZED AND EMPOWERED TO ACCEPT GIFTS,
48 DONATIONS, AND CONTRIBUTIONS TO THE DISTRICT AND TO SOLICIT THE SAME.

49 2. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER OR OF ANY OTHER
50 GENERAL OR SPECIAL LAW TO THE CONTRARY, THE RECEIPT OF SUCH GIFTS,
51 DONATIONS, CONTRIBUTIONS AND OTHER FUNDS, AND ANY INCOME DERIVED THERE-
52 FROM, SHALL BE DISREGARDED FOR THE PURPOSES OF ALL APPORTIONMENTS,
53 COMPUTATIONS, AND DETERMINATIONS OF STATE AID.

54 S 11. Severability. If any provision of this section or the applica-
55 tion thereof to any person or circumstances is held invalid, such inva-
56 lidity shall not affect other provisions or applications of the section

1 which can be given effect without the invalid provision or application,
2 and to this end the provisions of this section are declared to be sever-
3 able.

4 S 12. This act shall take effect immediately and shall apply to taxa-
5 ble years beginning after December 31, 2015.

6 PART F

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

9 S 9-W. STANDARD FINANCIAL AID AWARD LETTER. THE SUPERINTENDENT OF
10 FINANCIAL SERVICES IN CONSULTATION WITH THE PRESIDENT OF THE HIGHER
11 EDUCATION SERVICES CORPORATION SHALL DEVELOP A STANDARD FINANCIAL AID
12 AWARD LETTER WHICH SHALL CLEARLY DELINEATE (A) THE ESTIMATED COST OF
13 ATTENDANCE, (B) ALL FINANCIAL AID OFFERED, WITH AN EXPLANATION AS TO
14 WHICH COMPONENTS WILL REQUIRE REPAYMENT, (C) ANY EXPECTED STUDENT AND/OR
15 FAMILY CONTRIBUTION, (D) CAMPUS-SPECIFIC GRADUATION, MEDIAN BORROWING,
16 AND LOAN DEFAULT RATES, AND (E) ANY OTHER INFORMATION AS DETERMINED BY
17 THE SUPERINTENDENT IN CONSULTATION WITH THE PRESIDENT. THE SUPERINTEN-
18 DENT SHALL PUBLISH AND MAKE AVAILABLE SUCH STANDARD LETTER BY DECEMBER
19 THIRTY-FIRST, TWO THOUSAND FIFTEEN AND THEREAFTER. EACH COLLEGE, VOCA-
20 TIONAL INSTITUTION, AND ANY OTHER INSTITUTION THAT OFFERS AN APPROVED
21 PROGRAM AS DEFINED IN SECTION SIX HUNDRED ONE OF THE EDUCATION LAW SHALL
22 UTILIZE THE STANDARD LETTER ISSUED BY THE DEPARTMENT OF FINANCIAL
23 SERVICES IN RESPONDING TO ALL FINANCIAL AID APPLICANTS FOR THE TWO THOU-
24 SAND SIXTEEN--TWO THOUSAND SEVENTEEN ACADEMIC YEAR AND THEREAFTER. THE
25 SUPERINTENDENT SHALL PROMULGATE REGULATIONS IMPLEMENTING THIS SECTION.

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

28 PART G

29 Section 1. Section 7408 of the education law is amended by adding a
30 new subdivision 6 to read as follows:

31 6. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY FIRM ESTABLISHED TO
32 LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY PURSUANT TO ARTI-
33 CLE FIFTEEN OF THE BUSINESS CORPORATION LAW, ARTICLES ONE AND EIGHT-B OF
34 THE PARTNERSHIP LAW, OR ARTICLES TWELVE AND THIRTEEN OF THE LIMITED
35 LIABILITY COMPANY LAW SHALL BE DEEMED AUTHORIZED TO REGISTER PURSUANT TO
36 THIS SECTION.

37 S 2. Section 1503 of the business corporation law is amended by adding
38 a new paragraph (h) to read as follows:

39 (H) ANY FIRM ESTABLISHED FOR THE BUSINESS PURPOSE OF INCORPORATING AS
40 A PROFESSIONAL SERVICE CORPORATION FORMED TO LAWFULLY ENGAGE IN THE
41 PRACTICE OF PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED
42 UNDER ARTICLE ONE HUNDRED FORTY-NINE OF THE EDUCATION LAW SHALL BE
43 REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF THE OWNERSHIP OF THE
44 FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING OWNERSHIP-BASED COMPEN-
45 SATION, AND VOTING RIGHTS HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVID-
46 UALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT
47 ALL SHAREHOLDERS OF A PROFESSIONAL SERVICE CORPORATION WHOSE PRINCIPAL
48 PLACE OF BUSINESS IS IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE
49 OF PUBLIC ACCOUNTANCY IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER
50 SECTION SEVENTY-FOUR HUNDRED FOUR OF THE EDUCATION LAW OR ARE PUBLIC
51 ACCOUNTANTS LICENSED UNDER SECTION SEVENTY-FOUR HUNDRED FIVE OF THE
52 EDUCATION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM

1 AND ITS OWNERS MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR
2 PUBLIC ACCOUNTANCY. NOTWITHSTANDING THE PROVISIONS OF THIS PARAGRAPH, A
3 FIRM INCORPORATED UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF
4 THE FIRM'S NAME INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR
5 "CERTIFIED PUBLIC ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS".
6 EACH NON-LICENSEE OWNER OF A FIRM THAT IS INCORPORATED UNDER THIS
7 SECTION SHALL BE (1) A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE
8 BUSINESS OF THE FIRM OR ITS AFFILIATED ENTITIES, OR (2) AN ENTITY,
9 INCLUDING, BUT NOT LIMITED TO, A PARTNERSHIP OR PROFESSIONAL CORPO-
10 RATION, PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY INTEREST IN SUCH
11 ENTITY IS A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS
12 CONDUCTED BY THE FIRM OR ITS AFFILIATED ENTITIES. FOR PURPOSES OF THIS
13 SUBDIVISION, "ACTIVELY PARTICIPATE" MEANS TO PROVIDE SERVICES TO CLIENTS
14 OR TO OTHERWISE INDIVIDUALLY TAKE PART IN THE DAY-TO-DAY BUSINESS OR
15 MANAGEMENT OF THE FIRM. SUCH A FIRM SHALL HAVE ATTACHED TO ITS CERTIF-
16 ICATE OF INCORPORATION A CERTIFICATE OR CERTIFICATES DEMONSTRATING THE
17 FIRM'S COMPLIANCE WITH THIS PARAGRAPH, IN LIEU OF THE CERTIFICATE OR
18 CERTIFICATES REQUIRED BY SUBPARAGRAPH (II) OF PARAGRAPH (B) OF THIS
19 SECTION.

20 S 3. Section 1507 of the business corporation law is amended by adding
21 a new paragraph (c) to read as follows:

22 (C) ANY FIRM ESTABLISHED FOR THE BUSINESS PURPOSE OF INCORPORATING AS
23 A PROFESSIONAL SERVICE CORPORATION PURSUANT TO PARAGRAPH (H) OF SECTION
24 FIFTEEN HUNDRED THREE OF THIS ARTICLE MAY ISSUE SHARES TO INDIVIDUALS
25 WHO ARE AUTHORIZED BY LAW TO PRACTICE IN THIS STATE A PROFESSION WHICH
26 SUCH CORPORATION IS AUTHORIZED TO PRACTICE AND WHO ARE OR HAVE BEEN
27 ENGAGED IN THE PRACTICE OF SUCH PROFESSION IN SUCH CORPORATION OR A
28 PREDECESSOR ENTITY, OR WHO WILL ENGAGE IN THE PRACTICE OF SUCH PROFES-
29 SION IN SUCH CORPORATION WITHIN THIRTY DAYS OF THE DATE SUCH SHARES ARE
30 ISSUED AND MAY ALSO ISSUE SHARES TO EMPLOYEES OF THE CORPORATION NOT
31 LICENSED AS CERTIFIED PUBLIC ACCOUNTANTS, PROVIDED THAT:

32 (I) AT LEAST FIFTY-ONE PERCENT OF THE OUTSTANDING SHARES OF STOCK OF
33 THE CORPORATION ARE OWNED BY CERTIFIED PUBLIC ACCOUNTANTS,

34 (II) AT LEAST FIFTY-ONE PERCENT OF THE DIRECTORS ARE CERTIFIED PUBLIC
35 ACCOUNTANTS,

36 (III) AT LEAST FIFTY-ONE PERCENT OF THE OFFICERS ARE CERTIFIED PUBLIC
37 ACCOUNTANTS,

38 (IV) THE PRESIDENT, THE CHAIRPERSON OF THE BOARD OF DIRECTORS AND THE
39 CHIEF EXECUTIVE OFFICER OR OFFICERS ARE CERTIFIED PUBLIC ACCOUNTANTS.
40 NO SHAREHOLDER OF A FIRM ESTABLISHED FOR THE BUSINESS PURPOSE OF INCOR-
41 PORATING AS A PROFESSIONAL SERVICE CORPORATION PURSUANT TO PARAGRAPH (H)
42 OF SECTION FIFTEEN HUNDRED THREE OF THIS ARTICLE SHALL ENTER INTO A
43 VOTING TRUST AGREEMENT, PROXY OR ANY OTHER TYPE OF AGREEMENT VESTING IN
44 ANOTHER PERSON, OTHER THAN ANOTHER SHAREHOLDER OF THE SAME CORPORATION,
45 THE AUTHORITY TO EXERCISE VOTING POWER OF ANY OR ALL OF HIS OR HER
46 SHARES. ALL SHARES ISSUED, AGREEMENTS MADE OR PROXIES GRANTED IN
47 VIOLATION OF THIS SECTION SHALL BE VOID.

48 S 4. Section 1508 of the business corporation law is amended by adding
49 a new paragraph (c) to read as follows:

50 (C) THE DIRECTORS AND OFFICERS OF ANY FIRM ESTABLISHED FOR THE BUSI-
51 NESS PURPOSE OF INCORPORATING AS A PROFESSIONAL SERVICE CORPORATION
52 PURSUANT TO PARAGRAPH (H) OF SECTION FIFTEEN HUNDRED THREE OF THIS ARTI-
53 CLE MAY INCLUDE INDIVIDUALS WHO ARE NOT LICENSED TO PRACTICE PUBLIC
54 ACCOUNTANCY, PROVIDED HOWEVER THAT AT LEAST FIFTY-ONE PERCENT OF THE
55 DIRECTORS, AT LEAST FIFTY-ONE PERCENT OF THE OFFICERS AND THE PRESIDENT,
56 THE CHAIRPERSON OF THE BOARD OF DIRECTORS AND THE CHIEF EXECUTIVE OFFI-

1 CER OR OFFICERS ARE AUTHORIZED BY LAW TO PRACTICE IN THIS STATE A
2 PROFESSION WHICH SUCH CORPORATION IS AUTHORIZED TO PRACTICE, AND ARE
3 EITHER SHAREHOLDERS OF SUCH CORPORATION OR ENGAGED IN THE PRACTICE OF
4 THEIR PROFESSIONS IN SUCH CORPORATION.

5 S 5. Section 1509 of the business corporation law, as amended by chap-
6 ter 550 of the laws of 2011, is amended to read as follows:

7 S 1509. Disqualification of shareholders, directors, officers and
8 employees.

9 If any shareholder, director, officer or employee of a professional
10 service corporation, including a design professional service corpo-
11 ration, OR ANY FIRM ESTABLISHED FOR THE BUSINESS PURPOSE OF INCORPORAT-
12 ING AS A PROFESSIONAL SERVICE CORPORATION PURSUANT TO PARAGRAPH (H) OF
13 SECTION FIFTEEN HUNDRED THREE OF THIS ARTICLE, who has been rendering
14 professional service to the public becomes legally disqualified to prac-
15 tice his profession within this state, he shall sever all employment
16 with, and financial interests (other than interests as a creditor) in,
17 such corporation forthwith or as otherwise provided in section 1510 of
18 this article. All provisions of law regulating the rendering of profes-
19 sional services by a person elected or appointed to a public office
20 shall be applicable to a shareholder, director, officer and employee of
21 such corporation in the same manner and to the same extent as if fully
22 set forth herein. Such legal disqualification to practice his profession
23 within this state shall be deemed to constitute an irrevocable offer by
24 the disqualified shareholder to sell his shares to the corporation,
25 pursuant to the provisions of section 1510 of this article or of the
26 certificate of incorporation, by-laws or agreement among the corporation
27 and all shareholders, whichever is applicable. Compliance with the terms
28 of such offer shall be specifically enforceable in the courts of this
29 state. A professional service corporation's failure to enforce compli-
30 ance with this provision shall constitute a ground for forfeiture of its
31 certificate of incorporation and its dissolution.

32 S 6. Paragraph (a) of section 1511 of the business corporation law, as
33 amended by chapter 550 of the laws of 2011, is amended and new paragraph
34 (c) is added to read as follows:

35 (a) No shareholder of a professional service corporation [or], INCLUD-
36 ING a design professional service corporation, OR ANY FIRM ESTABLISHED
37 FOR THE BUSINESS PURPOSE OF INCORPORATING AS A PROFESSIONAL SERVICE
38 CORPORATION PURSUANT TO PARAGRAPH (H) OF SECTION FIFTEEN HUNDRED THREE
39 OF THIS ARTICLE, may sell or transfer his shares in such corporation
40 except to another individual who is eligible to have shares issued to
41 him by such corporation or except in trust to another individual who
42 would be eligible to receive shares if he were employed by the corpo-
43 ration. Nothing herein contained shall be construed to prohibit the
44 transfer of shares by operation of law or by court decree. No transfer-
45 ee of shares by operation of law or court decree may vote the shares for
46 any purpose whatsoever except with respect to corporate action under
47 sections 909 and 1001 of this chapter. The restriction in the preceding
48 sentence shall not apply, however, where such transferee would be eligi-
49 ble to have shares issued to him if he were an employee of the corpo-
50 ration and, if there are other shareholders, a majority of such other
51 shareholders shall fail to redeem the shares so transferred, pursuant to
52 section 1510 of this article, within sixty days of receiving written
53 notice of such transfer. Any sale or transfer, except by operation of
54 law or court decree or except for a corporation having only one share-
55 holder, may be made only after the same shall have been approved by the
56 board of directors, or at a shareholders' meeting specially called for

1 such purpose by such proportion, not less than a majority, of the
2 outstanding shares as may be provided in the certificate of incorpo-
3 ration or in the by-laws of such professional service corporation. At
4 such shareholders' meeting the shares held by the shareholder proposing
5 to sell or transfer his shares may not be voted or counted for any
6 purpose, unless all shareholders consent that such shares be voted or
7 counted. The certificate of incorporation or the by-laws of the profes-
8 sional service corporation, or the professional service corporation and
9 the shareholders by private agreement, may provide, in lieu of or in
10 addition to the foregoing provisions, for the alienation of shares and
11 may require the redemption or purchase of such shares by such corpo-
12 ration at prices and in a manner specifically set forth therein. The
13 existence of the restrictions on the sale or transfer of shares, as
14 contained in this article and, if applicable, in the certificate of
15 incorporation, by-laws, stock purchase or stock redemption agreement,
16 shall be noted conspicuously on the face or back of every certificate
17 for shares issued by a professional service corporation. Any sale or
18 transfer in violation of such restrictions shall be void.

19 (C) A FIRM ESTABLISHED FOR THE BUSINESS PURPOSE OF INCORPORATING AS A
20 PROFESSIONAL SERVICE CORPORATION PURSUANT TO PARAGRAPH (H) OF SECTION
21 FIFTEEN HUNDRED THREE OF THIS ARTICLE, SHALL PURCHASE OR REDEEM THE
22 SHARES OF A NON-LICENSED PROFESSIONAL SHAREHOLDER IN THE CASE OF HIS OR
23 HER TERMINATION OF EMPLOYMENT WITHIN THIRTY DAYS AFTER SUCH TERMINATION.
24 A FIRM ESTABLISHED FOR THE BUSINESS PURPOSE OF INCORPORATING AS A
25 PROFESSIONAL SERVICE CORPORATION PURSUANT TO PARAGRAPH (H) OF SECTION
26 FIFTEEN HUNDRED THREE OF THIS ARTICLE, SHALL NOT BE REQUIRED TO PURCHASE
27 OR REDEEM THE SHARES OF A TERMINATED NON-LICENSED PROFESSIONAL SHARE-
28 HOLDER IF SUCH SHARES, WITHIN THIRTY DAYS AFTER SUCH TERMINATION, ARE
29 SOLD OR TRANSFERRED TO ANOTHER EMPLOYEE OF THE CORPORATION PURSUANT TO
30 THIS ARTICLE.

31 S 7. Paragraph (a) of section 1512 of the business corporation law, as
32 amended by chapter 550 of the laws of 2011, is amended to read as
33 follows:

34 (a) Notwithstanding any other provision of law, the name of a profes-
35 sional service corporation, including a design professional service
36 corporation AND ANY FIRM ESTABLISHED FOR THE BUSINESS PURPOSE OF INCOR-
37 PORATING AS A PROFESSIONAL SERVICE CORPORATION PURSUANT TO PARAGRAPH (H)
38 OF SECTION FIFTEEN HUNDRED THREE OF THIS ARTICLE, may contain any word
39 which, at the time of incorporation, could be used in the name of a
40 partnership practicing a profession which the corporation is authorized
41 to practice, and may not contain any word which could not be used by
42 such a partnership. Provided, however, the name of a professional
43 service corporation may not contain the name of a deceased person unless

44 (1) such person's name was part of the corporate name at the time of
45 such person's death; or

46 (2) such person's name was part of the name of an existing partnership
47 and at least two-thirds of such partnership's partners become sharehold-
48 ers of the corporation.

49 S 8. Section 1514 of the business corporation law is amended by adding
50 a new paragraph (c) to read as follows:

51 (C) EACH FIRM ESTABLISHED FOR THE BUSINESS PURPOSE OF INCORPORATING AS
52 A PROFESSIONAL SERVICE CORPORATION PURSUANT TO PARAGRAPH (H) OF SECTION
53 FIFTEEN HUNDRED THREE OF THIS ARTICLE SHALL, AT LEAST ONCE EVERY THREE
54 YEARS ON OR BEFORE THE DATE PRESCRIBED BY THE LICENSING AUTHORITY,
55 FURNISH A STATEMENT TO THE LICENSING AUTHORITY LISTING THE NAMES AND
56 RESIDENCE ADDRESSES OF EACH SHAREHOLDER, DIRECTOR AND OFFICER OF SUCH

CORPORATION AND CERTIFY AS THE DATE OF CERTIFICATION AND AT ALL TIMES OVER THE ENTIRE THREE YEAR PERIOD THAT:

(I) AT LEAST FIFTY-ONE PERCENT OF THE OUTSTANDING SHARES OF STOCK OF THE CORPORATION ARE AND WERE OWNED BY CERTIFIED PUBLIC ACCOUNTANTS,

(II) AT LEAST FIFTY-ONE PERCENT OF THE DIRECTORS ARE AND WERE CERTIFIED PUBLIC ACCOUNTANTS,

(III) AT LEAST FIFTY-ONE PERCENT OF THE OFFICERS ARE AND WERE CERTIFIED PUBLIC ACCOUNTANTS,

(IV) THE PRESIDENT, THE CHAIRPERSON OF THE BOARD OF DIRECTORS AND THE CHIEF EXECUTIVE OFFICER OR OFFICERS ARE AND WERE CERTIFIED PUBLIC ACCOUNTANTS.

THE STATEMENT SHALL BE SIGNED BY THE PRESIDENT OR ANY CERTIFIED PUBLIC ACCOUNTANT VICE-PRESIDENT AND ATTESTED TO BY THE SECRETARY OR ANY ASSISTANT SECRETARY OF THE CORPORATION.

S 9. Paragraph (d) of section 1525 of the business corporation law, as added by chapter 505 of the laws of 1983, is amended to read as follows:

(d) "Foreign professional service corporation" means a professional service corporation, whether or not denominated as such, organized under the laws of a jurisdiction other than this state, all of the shareholders, directors and officers of which are authorized and licensed to practice the profession for which such corporation is licensed to do business; except that all shareholders, directors and officers of a foreign professional service corporation which provides health services in this state shall be licensed in this state. NOTWITHSTANDING ANY OTHER PROVISION OF LAW A FOREIGN PROFESSIONAL SERVICE CORPORATION FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTICLE ONE HUNDRED FORTY-NINE OF THE EDUCATION LAW, SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL SHAREHOLDERS OF A FOREIGN PROFESSIONAL SERVICE CORPORATION WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION SEVENTY-FOUR HUNDRED FOUR OF THE EDUCATION LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION SEVENTY-FOUR HUNDRED FIVE OF THE EDUCATION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND ITS OWNERS MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR PUBLIC ACCOUNTANCY. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE OWNER OF A FIRM THAT IS INCORPORATED UNDER THIS SECTION SHALL BE (1) A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR ITS AFFILIATED ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED TO, A PARTNERSHIP OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS CONDUCTED BY THE FIRM OR ITS AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTICIPATE" MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHERWISE INDIVIDUALLY TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

S 10. The fourteenth undesignated paragraph of section 2 of the partnership law, as added by chapter 576 of the laws of 1994, is amended to read as follows:

1 "Professional partnership" means (1) a partnership without limited
2 partners each of whose partners is a professional authorized by law to
3 render a professional service within this state, (2) a partnership with-
4 out limited partners each of whose partners is a professional, at least
5 one of whom is authorized by law to render a professional service within
6 this state or (3) a partnership without limited partners authorized by,
7 or holding a license, certificate, registration or permit issued by the
8 licensing authority pursuant to the education law to render a profes-
9 sional service within this state; except that all partners of a profes-
10 sional partnership that provides medical services in this state must be
11 licensed pursuant to article 131 of the education law to practice medi-
12 cine in this state and all partners of a professional partnership that
13 provides dental services in this state must be licensed pursuant to
14 article 133 of the education law to practice dentistry in this state;
15 [and further] except that all partners of a professional partnership
16 that provides professional engineering, land surveying, architectural
17 and/or landscape architectural services in this state must be licensed
18 pursuant to article 145, article 147 and/or article 148 of the education
19 law to practice one or more of such professions in this state; AND
20 FURTHER EXCEPT THAT ALL PARTNERS OF A PROFESSIONAL PARTNERSHIP THAT
21 PROVIDES PUBLIC ACCOUNTANCY SERVICES, WHOSE PRINCIPAL PLACE OF BUSINESS
22 IS IN THIS STATE AND WHO PROVIDE PUBLIC ACCOUNTANCY SERVICES, MUST BE
23 LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRACTICE PUBLIC
24 ACCOUNTANCY IN THIS STATE. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW
25 A PROFESSIONAL PARTNERSHIP FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF
26 PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTI-
27 CLE 149 OF THE EDUCATION LAW, SHALL BE REQUIRED TO SHOW (1) THAT A
28 SIMPLE MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL
29 INTERESTS, INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS
30 HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE
31 PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL SHAREHOLDERS OF A
32 PROFESSIONAL PARTNERSHIP WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS
33 STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS
34 STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION 7404 OF THE EDUCATION
35 LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF THE EDUCA-
36 TION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND
37 ITS OWNERS MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR
38 PUBLIC ACCOUNTANCY. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED
39 UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME
40 INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC
41 ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE
42 OWNER OF A FIRM THAT IS INCORPORATED UNDER THIS SECTION SHALL BE (1) A
43 NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR
44 ITS AFFILIATED ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED
45 TO, A PARTNERSHIP OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL
46 OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO
47 ACTIVELY PARTICIPATES IN THE BUSINESS CONDUCTED BY THE FIRM OR ITS
48 AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTIC-
49 IPATE" MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHERWISE INDIVIDUALLY
50 TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

51 S 10-a. The fourteenth undesignated paragraph of section 2 of the
52 partnership law, as amended by chapter 475 of the laws of 2014, is
53 amended to read as follows:

54 "Professional partnership" means (1) a partnership without limited
55 partners each of whose partners is a professional authorized by law to
56 render a professional service within this state, (2) a partnership with-

1 out limited partners each of whose partners is a professional, at least
2 one of whom is authorized by law to render a professional service within
3 this state or (3) a partnership without limited partners authorized by,
4 or holding a license, certificate, registration or permit issued by the
5 licensing authority pursuant to the education law to render a profes-
6 sional service within this state; except that all partners of a profes-
7 sional partnership that provides medical services in this state must be
8 licensed pursuant to article 131 of the education law to practice medi-
9 cine in this state and all partners of a professional partnership that
10 provides dental services in this state must be licensed pursuant to
11 article 133 of the education law to practice dentistry in this state;
12 [and further] except that all partners of a professional partnership
13 that provides professional engineering, land surveying, geologic, archi-
14 tectural and/or landscape architectural services in this state must be
15 licensed pursuant to article 145, article 147 and/or article 148 of the
16 education law to practice one or more of such professions in this state;
17 AND FURTHER EXCEPT THAT ALL PARTNERS OF A PROFESSIONAL PARTNERSHIP THAT
18 PROVIDES PUBLIC ACCOUNTANCY SERVICES, WHOSE PRINCIPAL PLACE OF BUSINESS
19 IS IN THIS STATE AND WHO PROVIDE PUBLIC ACCOUNTANCY SERVICES, MUST BE
20 LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRACTICE PUBLIC
21 ACCOUNTANCY IN THIS STATE. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW
22 A PROFESSIONAL PARTNERSHIP FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF
23 PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTI-
24 CLE 149 OF THE EDUCATION LAW, SHALL BE REQUIRED TO SHOW (1) THAT A
25 SIMPLE MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL
26 INTERESTS, INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS
27 HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE
28 PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL SHAREHOLDERS OF A
29 PROFESSIONAL PARTNERSHIP WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS
30 STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS
31 STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION 7404 OF THE EDUCATION
32 LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF THE EDUCA-
33 TION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND
34 ITS OWNERS MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR
35 PUBLIC ACCOUNTANCY. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED
36 UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME
37 INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC
38 ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE
39 OWNER OF A FIRM THAT IS INCORPORATED UNDER THIS SECTION SHALL BE (1) A
40 NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR
41 ITS AFFILIATED ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED
42 TO, A PARTNERSHIP OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL
43 OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO
44 ACTIVELY PARTICIPATES IN THE BUSINESS CONDUCTED BY THE FIRM OR ITS
45 AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTIC-
46 IPATE" MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHERWISE INDIVIDUALLY
47 TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

48 S 11. Subdivision (q) of section 121-1500 of the partnership law, as
49 amended by chapter 554 of the laws of 2013, is amended to read as
50 follows:

51 (q) Each partner of a registered limited liability partnership formed
52 to provide medical services in this state must be licensed pursuant to
53 article 131 of the education law to practice medicine in this state and
54 each partner of a registered limited liability partnership formed to
55 provide dental services in this state must be licensed pursuant to arti-
56 cle 133 of the education law to practice dentistry in this state. Each

1 partner of a registered limited liability partnership formed to provide
2 veterinary services in this state must be licensed pursuant to article
3 135 of the education law to practice veterinary medicine in this state.
4 EACH PARTNER OF A REGISTERED LIMITED LIABILITY PARTNERSHIP FORMED TO
5 PROVIDE PUBLIC ACCOUNTANCY SERVICES, WHOSE PRINCIPAL PLACE OF BUSINESS
6 IS IN THIS STATE AND WHO PROVIDES PUBLIC ACCOUNTANCY SERVICES, MUST BE
7 LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRACTICE PUBLIC
8 ACCOUNTANCY IN THIS STATE. Each partner of a registered limited liabil-
9 ity partnership formed to provide professional engineering, land survey-
10 ing, architectural and/or landscape architectural services in this state
11 must be licensed pursuant to article 145, article 147 and/or article 148
12 of the education law to practice one or more of such professions in this
13 state. Each partner of a registered limited liability partnership formed
14 to provide licensed clinical social work services in this state must be
15 licensed pursuant to article 154 of the education law to practice clin-
16 ical social work in this state. Each partner of a registered limited
17 liability partnership formed to provide creative arts therapy services
18 in this state must be licensed pursuant to article 163 of the education
19 law to practice creative arts therapy in this state. Each partner of a
20 registered limited liability partnership formed to provide marriage and
21 family therapy services in this state must be licensed pursuant to arti-
22 cle 163 of the education law to practice marriage and family therapy in
23 this state. Each partner of a registered limited liability partnership
24 formed to provide mental health counseling services in this state must
25 be licensed pursuant to article 163 of the education law to practice
26 mental health counseling in this state. Each partner of a registered
27 limited liability partnership formed to provide psychoanalysis services
28 in this state must be licensed pursuant to article 163 of the education
29 law to practice psychoanalysis in this state. Each partner of a regis-
30 tered limited liability partnership formed to provide applied behavior
31 analysis service in this state must be licensed or certified pursuant to
32 article 167 of the education law to practice applied behavior analysis
33 in this state. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A LIMITED
34 LIABILITY PARTNERSHIP FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF
35 PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTI-
36 CLE 149 OF THE EDUCATION LAW, SHALL BE REQUIRED TO SHOW (1) THAT A
37 SIMPLE MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL
38 INTERESTS, INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS
39 HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE
40 PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL PARTNERS OF A LIMITED
41 LIABILITY PARTNERSHIP WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS
42 STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS
43 STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION 7404 OF THE EDUCATION
44 LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF THE EDUCA-
45 TION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND
46 ITS OWNERS MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR
47 PUBLIC ACCOUNTANCY. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED
48 UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME
49 INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC
50 ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE
51 OWNER OF A FIRM THAT IS INCORPORATED UNDER THIS SECTION SHALL BE (1) A
52 NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR
53 ITS AFFILIATED ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED
54 TO, A PARTNERSHIP OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL
55 OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO
56 ACTIVELY PARTICIPATES IN THE BUSINESS CONDUCTED BY THE FIRM OR ITS

1 AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTIC-
2 IPATE" MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHERWISE INDIVIDUALLY
3 TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

4 S 11-a. Subdivision (q) of section 121-1500 of the partnership law, as
5 amended by chapter 475 of the laws of 2014, is amended to read as
6 follows:

7 (q) Each partner of a registered limited liability partnership formed
8 to provide medical services in this state must be licensed pursuant to
9 article 131 of the education law to practice medicine in this state and
10 each partner of a registered limited liability partnership formed to
11 provide dental services in this state must be licensed pursuant to arti-
12 cle 133 of the education law to practice dentistry in this state. Each
13 partner of a registered limited liability partnership formed to provide
14 veterinary services in this state must be licensed pursuant to article
15 135 of the education law to practice veterinary medicine in this state.
16 EACH PARTNER OF A REGISTERED LIMITED LIABILITY PARTNERSHIP FORMED TO
17 PROVIDE PUBLIC ACCOUNTANCY SERVICES, WHOSE PRINCIPAL PLACE OF BUSINESS
18 IS IN THIS STATE AND WHO PROVIDES PUBLIC ACCOUNTANCY SERVICES, MUST BE
19 LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRACTICE PUBLIC
20 ACCOUNTANCY IN THIS STATE. Each partner of a registered limited liabil-
21 ity partnership formed to provide professional engineering, land survey-
22 ing, geological services, architectural and/or landscape architectural
23 services in this state must be licensed pursuant to article 145, article
24 147 and/or article 148 of the education law to practice one or more of
25 such professions in this state. Each partner of a registered limited
26 liability partnership formed to provide licensed clinical social work
27 services in this state must be licensed pursuant to article 154 of the
28 education law to practice clinical social work in this state. Each part-
29 ner of a registered limited liability partnership formed to provide
30 creative arts therapy services in this state must be licensed pursuant
31 to article 163 of the education law to practice creative arts therapy in
32 this state. Each partner of a registered limited liability partnership
33 formed to provide marriage and family therapy services in this state
34 must be licensed pursuant to article 163 of the education law to prac-
35 tice marriage and family therapy in this state. Each partner of a regis-
36 tered limited liability partnership formed to provide mental health
37 counseling services in this state must be licensed pursuant to article
38 163 of the education law to practice mental health counseling in this
39 state. Each partner of a registered limited liability partnership formed
40 to provide psychoanalysis services in this state must be licensed pursu-
41 ant to article 163 of the education law to practice psychoanalysis in
42 this state. Each partner of a registered limited liability partnership
43 formed to provide applied behavior analysis service in this state must
44 be licensed or certified pursuant to article 167 of the education law to
45 practice applied behavior analysis in this state. NOTWITHSTANDING ANY
46 OTHER PROVISIONS OF LAW A LIMITED LIABILITY PARTNERSHIP FORMED TO
47 LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY, AS SUCH PRACTICE
48 IS RESPECTIVELY DEFINED UNDER ARTICLE 149 OF THE EDUCATION LAW, SHALL BE
49 REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF THE OWNERSHIP OF THE
50 FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING OWNERSHIP-BASED COMPEN-
51 SATION, AND VOTING RIGHTS HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVID-
52 UALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT
53 ALL PARTNERS OF A LIMITED LIABILITY PARTNERSHIP WHOSE PRINCIPAL PLACE OF
54 BUSINESS IS IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC
55 ACCOUNTANCY IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION
56 7404 OF THE EDUCATION LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER

1 SECTION 7405 OF THE EDUCATION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LI-
2 CENSEE OWNERS, THE FIRM AND ITS OWNERS MUST COMPLY WITH RULES PROMULGAT-
3 ED BY THE STATE BOARD FOR PUBLIC ACCOUNTANCY. NOTWITHSTANDING THE FORE-
4 GOING, A FIRM REGISTERED UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE
5 OWNERS IF THE FIRM'S NAME INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNT-
6 ANT," OR "CERTIFIED PUBLIC ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR
7 "CPAS." EACH NON-LICENSEE OWNER OF A FIRM THAT IS INCORPORATED UNDER
8 THIS SECTION SHALL BE (1) A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN
9 THE BUSINESS OF THE FIRM OR ITS AFFILIATED ENTITIES, OR (2) AN ENTITY,
10 INCLUDING, BUT NOT LIMITED TO, A PARTNERSHIP OR PROFESSIONAL CORPO-
11 RATION, PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY INTEREST IN SUCH
12 ENTITY IS A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS
13 CONDUCTED BY THE FIRM OR ITS AFFILIATED ENTITIES. FOR PURPOSES OF THIS
14 SUBDIVISION, "ACTIVELY PARTICIPATE" MEANS TO PROVIDE SERVICES TO CLIENTS
15 OR TO OTHERWISE INDIVIDUALLY TAKE PART IN THE DAY-TO-DAY BUSINESS OR
16 MANAGEMENT OF THE FIRM.

17 S 12. Subdivision (q) of section 121-1502 of the partnership law, as
18 amended by chapter 554 of the laws of 2013, is amended to read as
19 follows:

20 (q) Each partner of a foreign limited liability partnership which
21 provides medical services in this state must be licensed pursuant to
22 article 131 of the education law to practice medicine in the state and
23 each partner of a foreign limited liability partnership which provides
24 dental services in the state must be licensed pursuant to article 133 of
25 the education law to practice dentistry in this state. Each partner of a
26 foreign limited liability partnership which provides veterinary service
27 in the state shall be licensed pursuant to article 135 of the education
28 law to practice veterinary medicine in this state. Each partner of a
29 foreign limited liability partnership which provides professional engi-
30 neering, land surveying, architectural and/or landscape architectural
31 services in this state must be licensed pursuant to article 145, article
32 147 and/or article 148 of the education law to practice one or more of
33 such professions. EACH PARTNER OF A FOREIGN REGISTERED LIMITED LIABILITY
34 PARTNERSHIP FORMED TO PROVIDE PUBLIC ACCOUNTANCY SERVICES, WHOSE PRINCI-
35 PAL PLACE OF BUSINESS IS IN THIS STATE AND WHO PROVIDES PUBLIC ACCOUN-
36 TANCY SERVICES, MUST BE LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCA-
37 TION LAW TO PRACTICE PUBLIC ACCOUNTANCY IN THIS STATE. Each partner of a
38 foreign limited liability partnership which provides licensed clinical
39 social work services in this state must be licensed pursuant to article
40 154 of the education law to practice licensed clinical social work in
41 this state. Each partner of a foreign limited liability partnership
42 which provides creative arts therapy services in this state must be
43 licensed pursuant to article 163 of the education law to practice crea-
44 tive arts therapy in this state. Each partner of a foreign limited
45 liability partnership which provides marriage and family therapy
46 services in this state must be licensed pursuant to article 163 of the
47 education law to practice marriage and family therapy in this state.
48 Each partner of a foreign limited liability partnership which provides
49 mental health counseling services in this state must be licensed pursu-
50 ant to article 163 of the education law to practice mental health coun-
51 seling in this state. Each partner of a foreign limited liability part-
52 nership which provides psychoanalysis services in this state must be
53 licensed pursuant to article 163 of the education law to practice
54 psychoanalysis in this state. Each partner of a foreign limited liabil-
55 ity partnership which provides applied behavior analysis services in
56 this state must be licensed or certified pursuant to article 167 of the

1 education law to practice applied behavior analysis in this state.
2 NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A FOREIGN LIMITED LIABILITY
3 PARTNERSHIP FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUN-
4 TANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTICLE 149 OF THE
5 EDUCATION LAW, SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF
6 THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING
7 OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE FIRM'S
8 OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY
9 IN SOME STATE, AND (2) THAT ALL PARTNERS OF A FOREIGN LIMITED LIABILITY
10 PARTNERSHIP WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE, AND WHO
11 ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS STATE, HOLD A
12 VALID LICENSE ISSUED UNDER SECTION 7404 OF THE EDUCATION LAW OR ARE
13 PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF THE EDUCATION LAW.
14 ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND ITS OWNERS
15 MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR PUBLIC ACCOUN-
16 TANCY. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED UNDER THIS
17 SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME INCLUDES THE
18 WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC ACCOUNTANTS,"
19 OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE OWNER OF A FIRM
20 THAT IS INCORPORATED UNDER THIS SECTION SHALL BE (1) A NATURAL PERSON
21 WHO ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR ITS AFFILIATED
22 ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED TO, A PARTNERSHIP
23 OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY
24 INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN
25 THE BUSINESS CONDUCTED BY THE FIRM OR ITS AFFILIATED ENTITIES. FOR
26 PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTICIPATE" MEANS TO PROVIDE
27 SERVICES TO CLIENTS OR TO OTHERWISE INDIVIDUALLY TAKE PART IN THE
28 DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

29 S 12-a. Subdivision (q) of section 121-1502 of the partnership law, as
30 amended by chapter 475 of the laws of 2014, is amended to read as
31 follows:

32 (q) Each partner of a foreign limited liability partnership which
33 provides medical services in this state must be licensed pursuant to
34 article 131 of the education law to practice medicine in the state and
35 each partner of a foreign limited liability partnership which provides
36 dental services in the state must be licensed pursuant to article 133 of
37 the education law to practice dentistry in this state. Each partner of
38 a foreign limited liability partnership which provides veterinary
39 service in the state shall be licensed pursuant to article 135 of the
40 education law to practice veterinary medicine in this state. Each part-
41 ner of a foreign limited liability partnership which provides profes-
42 sional engineering, land surveying, geological services, architectural
43 and/or landscape architectural services in this state must be licensed
44 pursuant to article 145, article 147 and/or article 148 of the education
45 law to practice one or more of such professions. EACH PARTNER OF A
46 FOREIGN REGISTERED LIMITED LIABILITY PARTNERSHIP FORMED TO PROVIDE
47 PUBLIC ACCOUNTANCY SERVICES, WHOSE PRINCIPAL PLACE OF BUSINESS IS IN
48 THIS STATE AND WHO PROVIDES PUBLIC ACCOUNTANCY SERVICES, MUST BE
49 LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRACTICE PUBLIC
50 ACCOUNTANCY IN THIS STATE. Each partner of a foreign limited liability
51 partnership which provides licensed clinical social work services in
52 this state must be licensed pursuant to article 154 of the education law
53 to practice licensed clinical social work in this state. Each partner of
54 a foreign limited liability partnership which provides creative arts
55 therapy services in this state must be licensed pursuant to article 163
56 of the education law to practice creative arts therapy in this state.

1 Each partner of a foreign limited liability partnership which provides
2 marriage and family therapy services in this state must be licensed
3 pursuant to article 163 of the education law to practice marriage and
4 family therapy in this state. Each partner of a foreign limited liabil-
5 ity partnership which provides mental health counseling services in this
6 state must be licensed pursuant to article 163 of the education law to
7 practice mental health counseling in this state. Each partner of a
8 foreign limited liability partnership which provides psychoanalysis
9 services in this state must be licensed pursuant to article 163 of the
10 education law to practice psychoanalysis in this state. Each partner of
11 a foreign limited liability partnership which provides applied behavior
12 analysis services in this state must be licensed or certified pursuant
13 to article 167 of the education law to practice applied behavior analy-
14 sis in this state. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A FOREIGN
15 LIMITED LIABILITY PARTNERSHIP FORMED TO LAWFULLY ENGAGE IN THE PRACTICE
16 OF PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER
17 ARTICLE 149 OF THE EDUCATION LAW, SHALL BE REQUIRED TO SHOW (1) THAT A
18 SIMPLE MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL
19 INTERESTS, INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS
20 HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE
21 PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL PARTNERS OF A FOREIGN
22 LIMITED LIABILITY PARTNERSHIP WHOSE PRINCIPAL PLACE OF BUSINESS IS IN
23 THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN
24 THIS STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION 7404 OF THE EDUCA-
25 TION LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF THE
26 EDUCATION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM
27 AND ITS OWNERS MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR
28 PUBLIC ACCOUNTANCY. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED
29 UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME
30 INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC
31 ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE
32 OWNER OF A FIRM THAT IS INCORPORATED UNDER THIS SECTION SHALL BE (1) A
33 NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR
34 ITS AFFILIATED ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED
35 TO, A PARTNERSHIP OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL
36 OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO
37 ACTIVELY PARTICIPATES IN THE BUSINESS CONDUCTED BY THE FIRM OR ITS
38 AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION, "ACTIVELY
39 PARTICIPATE" MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHERWISE INDI-
40 VIDUALLY TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

41 S 13. Subdivision (h) of section 121-101 of the partnership law, as
42 added by chapter 950 of the laws of 1990, is amended to read as follows:
43 (h) "Limited partnership" and "domestic limited partnership" mean,
44 unless the context otherwise requires, a partnership (i) formed by two
45 or more persons pursuant to this article or which complies with subdivi-
46 sion (a) of section 121-1202 of this article and (ii) having one or more
47 general partners and one or more limited partners. NOTWITHSTANDING ANY
48 OTHER PROVISIONS OF LAW A LIMITED PARTNERSHIP OR DOMESTIC LIMITED PART-
49 NERSHIP FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY,
50 AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTICLE 149 OF THE EDUCA-
51 TION LAW SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF THE
52 OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING OWNER-
53 SHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE FIRM'S OWNERS,
54 BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY IN SOME
55 STATE, AND (2) THAT ALL PARTNERS OF A LIMITED PARTNERSHIP OR DOMESTIC
56 LIMITED PARTNERSHIP, WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE,

1 AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS STATE,
2 HOLD A VALID LICENSE ISSUED UNDER SECTION 7404 OF THE EDUCATION LAW OR
3 ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF THE EDUCATION LAW.
4 ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND ITS OWNERS
5 MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR PUBLIC ACCOUN-
6 TANCY. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED UNDER THIS
7 SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME INCLUDES THE
8 WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC ACCOUNTANTS,"
9 OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE OWNER OF A FIRM
10 THAT IS REGISTERED UNDER THIS SECTION SHALL BE (1) A NATURAL PERSON WHO
11 ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR ITS AFFILIATED
12 ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED TO, A PARTNERSHIP
13 OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY
14 INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN
15 THE BUSINESS CONDUCTED BY THE FIRM OR ITS AFFILIATED ENTITIES. FOR
16 PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTICIPATE" MEANS TO PROVIDE
17 SERVICES TO CLIENTS OR TO OTHERWISE INDIVIDUALLY TAKE PART IN THE
18 DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

19 S 14. Subdivision (b) of section 1207 of the limited liability company
20 law, as amended by chapter 554 of the laws of 2013, is amended to read
21 as follows:

22 (b) With respect to a professional service limited liability company
23 formed to provide medical services as such services are defined in arti-
24 cle 131 of the education law, each member of such limited liability
25 company must be licensed pursuant to article 131 of the education law to
26 practice medicine in this state. With respect to a professional service
27 limited liability company formed to provide dental services as such
28 services are defined in article 133 of the education law, each member of
29 such limited liability company must be licensed pursuant to article 133
30 of the education law to practice dentistry in this state. With respect
31 to a professional service limited liability company formed to provide
32 veterinary services as such services are defined in article 135 of the
33 education law, each member of such limited liability company must be
34 licensed pursuant to article 135 of the education law to practice veter-
35 inary medicine in this state. With respect to a professional service
36 limited liability company formed to provide professional engineering,
37 land surveying, architectural and/or landscape architectural services as
38 such services are defined in article 145, article 147 and article 148 of
39 the education law, each member of such limited liability company must be
40 licensed pursuant to article 145, article 147 and/or article 148 of the
41 education law to practice one or more of such professions in this state.
42 WITH RESPECT TO A PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY FORMED
43 TO PROVIDE PUBLIC ACCOUNTANCY SERVICES AS SUCH SERVICES ARE DEFINED IN
44 ARTICLE 149 OF THE EDUCATION LAW EACH MEMBER OF SUCH LIMITED LIABILITY
45 COMPANY WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE AND WHO
46 PROVIDES PUBLIC ACCOUNTANCY SERVICES, MUST BE LICENSED PURSUANT TO ARTI-
47 CLE 149 OF THE EDUCATION LAW TO PRACTICE PUBLIC ACCOUNTANCY IN THIS
48 STATE. With respect to a professional service limited liability company
49 formed to provide licensed clinical social work services as such
50 services are defined in article 154 of the education law, each member of
51 such limited liability company shall be licensed pursuant to article 154
52 of the education law to practice licensed clinical social work in this
53 state. With respect to a professional service limited liability company
54 formed to provide creative arts therapy services as such services are
55 defined in article 163 of the education law, each member of such limited
56 liability company must be licensed pursuant to article 163 of the educa-

tion law to practice creative arts therapy in this state. With respect to a professional service limited liability company formed to provide marriage and family therapy services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. With respect to a professional service limited liability company formed to provide mental health counseling services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. With respect to a professional service limited liability company formed to provide psychoanalysis services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. With respect to a professional service limited liability company formed to provide applied behavior analysis services as such services are defined in article 167 of the education law, each member of such limited liability company must be licensed or certified pursuant to article 167 of the education law to practice applied behavior analysis in this state. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTICLE 149 OF THE EDUCATION LAW SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL MEMBERS OF A LIMITED PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY, WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION 7404 OF ARTICLE 149 OF THE EDUCATION LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF ARTICLE 149 OF THE EDUCATION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND ITS OWNERS MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR PUBLIC ACCOUNTANCY. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE OWNER OF A FIRM THAT IS REGISTERED UNDER THIS SECTION SHALL BE (1) A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR ITS AFFILIATED ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED TO, A PARTNERSHIP OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS CONDUCTED BY THE FIRM OR ITS AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTICIPATE" MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHERWISE INDIVIDUALLY TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

S 14-a. Subdivision (b) of section 1207 of the limited liability company law, as amended by chapter 475 of the laws of 2014, is amended to read as follows:

(b) With respect to a professional service limited liability company formed to provide medical services as such services are defined in article 131 of the education law, each member of such limited liability company must be licensed pursuant to article 131 of the education law to practice medicine in this state. With respect to a professional service

1 limited liability company formed to provide dental services as such
2 services are defined in article 133 of the education law, each member of
3 such limited liability company must be licensed pursuant to article 133
4 of the education law to practice dentistry in this state. With respect
5 to a professional service limited liability company formed to provide
6 veterinary services as such services are defined in article 135 of the
7 education law, each member of such limited liability company must be
8 licensed pursuant to article 135 of the education law to practice veter-
9 inary medicine in this state. With respect to a professional service
10 limited liability company formed to provide professional engineering,
11 land surveying, architectural, landscape architectural and/or geological
12 services as such services are defined in article 145, article 147 and
13 article 148 of the education law, each member of such limited liability
14 company must be licensed pursuant to article 145, article 147 and/or
15 article 148 of the education law to practice one or more of such
16 professions in this state. WITH RESPECT TO A PROFESSIONAL SERVICE
17 LIMITED LIABILITY COMPANY FORMED TO PROVIDE PUBLIC ACCOUNTANCY SERVICES
18 AS SUCH SERVICES ARE DEFINED IN ARTICLE 149 OF THE EDUCATION LAW EACH
19 MEMBER OF SUCH LIMITED LIABILITY COMPANY WHOSE PRINCIPAL PLACE OF BUSI-
20 NESS IS IN THIS STATE AND WHO PROVIDES PUBLIC ACCOUNTANCY SERVICES, MUST
21 BE LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRACTICE
22 PUBLIC ACCOUNTANCY IN THIS STATE. With respect to a professional service
23 limited liability company formed to provide licensed clinical social
24 work services as such services are defined in article 154 of the educa-
25 tion law, each member of such limited liability company shall be
26 licensed pursuant to article 154 of the education law to practice
27 licensed clinical social work in this state. With respect to a profes-
28 sional service limited liability company formed to provide creative arts
29 therapy services as such services are defined in article 163 of the
30 education law, each member of such limited liability company must be
31 licensed pursuant to article 163 of the education law to practice crea-
32 tive arts therapy in this state. With respect to a professional service
33 limited liability company formed to provide marriage and family therapy
34 services as such services are defined in article 163 of the education
35 law, each member of such limited liability company must be licensed
36 pursuant to article 163 of the education law to practice marriage and
37 family therapy in this state. With respect to a professional service
38 limited liability company formed to provide mental health counseling
39 services as such services are defined in article 163 of the education
40 law, each member of such limited liability company must be licensed
41 pursuant to article 163 of the education law to practice mental health
42 counseling in this state. With respect to a professional service limited
43 liability company formed to provide psychoanalysis services as such
44 services are defined in article 163 of the education law, each member of
45 such limited liability company must be licensed pursuant to article 163
46 of the education law to practice psychoanalysis in this state. With
47 respect to a professional service limited liability company formed to
48 provide applied behavior analysis services as such services are defined
49 in article 167 of the education law, each member of such limited liabil-
50 ity company must be licensed or certified pursuant to article 167 of the
51 education law to practice applied behavior analysis in this state.
52 NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A PROFESSIONAL SERVICE
53 LIMITED LIABILITY COMPANY FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF
54 PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTI-
55 CLE 149 OF THE EDUCATION LAW SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE
56 MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS,

1 INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE
2 FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC
3 ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL MEMBERS OF A LIMITED PROFES-
4 SIONAL SERVICE LIMITED LIABILITY COMPANY, WHOSE PRINCIPAL PLACE OF BUSI-
5 NESS IS IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC
6 ACCOUNTANCY IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION
7 7404 OF ARTICLE 149 OF THE EDUCATION LAW OR ARE PUBLIC ACCOUNTANTS
8 LICENSED UNDER SECTION 7405 OF ARTICLE 149 OF THE EDUCATION LAW.
9 ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND ITS OWNERS
10 MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR PUBLIC ACCOUN-
11 TANCY. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED UNDER THIS
12 SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME INCLUDES THE
13 WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC ACCOUNTANTS,"
14 OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE OWNER OF A FIRM
15 THAT IS REGISTERED UNDER THIS SECTION SHALL BE (1) A NATURAL PERSON WHO
16 ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR ITS AFFILIATED
17 ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED TO, A PARTNERSHIP
18 OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY
19 INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN
20 THE BUSINESS CONDUCTED BY THE FIRM OR ITS AFFILIATED ENTITIES. FOR
21 PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTICIPATE" MEANS TO PROVIDE
22 SERVICES TO CLIENTS OR TO OTHERWISE INDIVIDUALLY TAKE PART IN THE
23 DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

24 S 15. Subdivisions (a) and (f) of section 1301 of the limited liabil-
25 ity company law, subdivision (a) as amended by chapter 554 of the laws
26 of 2013 and subdivision (f) as amended by chapter 170 of the laws of
27 1996, are amended to read as follows:

28 (a) "Foreign professional service limited liability company" means a
29 professional service limited liability company, whether or not denomi-
30 nated as such, organized under the laws of a jurisdiction other than
31 this state, (i) each of whose members and managers, if any, is a profes-
32 sional authorized by law to render a professional service within this
33 state and who is or has been engaged in the practice of such profession
34 in such professional service limited liability company or a predecessor
35 entity, or will engage in the practice of such profession in the profes-
36 sional service limited liability company within thirty days of the date
37 such professional becomes a member, or each of whose members and manag-
38 ers, if any, is a professional at least one of such members is author-
39 ized by law to render a professional service within this state and who
40 is or has been engaged in the practice of such profession in such
41 professional service limited liability company or a predecessor entity,
42 or will engage in the practice of such profession in the professional
43 service limited liability company within thirty days of the date such
44 professional becomes a member, or (ii) authorized by, or holding a
45 license, certificate, registration or permit issued by the licensing
46 authority pursuant to, the education law to render a professional
47 service within this state; except that all members and managers, if any,
48 of a foreign professional service limited liability company that
49 provides health services in this state shall be licensed in this state.
50 With respect to a foreign professional service limited liability company
51 which provides veterinary services as such services are defined in arti-
52 cle 135 of the education law, each member of such foreign professional
53 service limited liability company shall be licensed pursuant to article
54 135 of the education law to practice veterinary medicine. With respect
55 to a foreign professional service limited liability company which
56 provides medical services as such services are defined in article 131 of

1 the education law, each member of such foreign professional service
2 limited liability company must be licensed pursuant to article 131 of
3 the education law to practice medicine in this state. With respect to a
4 foreign professional service limited liability company which provides
5 dental services as such services are defined in article 133 of the
6 education law, each member of such foreign professional service limited
7 liability company must be licensed pursuant to article 133 of the educa-
8 tion law to practice dentistry in this state. With respect to a foreign
9 professional service limited liability company which provides profes-
10 sional engineering, land surveying, architectural and/or landscape
11 architectural services as such services are defined in article 145,
12 article 147 and article 148 of the education law, each member of such
13 foreign professional service limited liability company must be licensed
14 pursuant to article 145, article 147 and/or article 148 of the education
15 law to practice one or more of such professions in this state. WITH
16 RESPECT TO A FOREIGN PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY
17 WHICH PROVIDES PUBLIC ACCOUNTANCY SERVICES AS SUCH SERVICES ARE DEFINED
18 IN ARTICLE 149 OF THE EDUCATION LAW, EACH MEMBER OF SUCH FOREIGN PROFES-
19 SIONAL SERVICE LIMITED LIABILITY COMPANY WHOSE PRINCIPAL PLACE OF BUSI-
20 NESS IS IN THIS STATE AND WHO PROVIDES PUBLIC ACCOUNTANCY SERVICES,
21 SHALL BE LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRAC-
22 TICE PUBLIC ACCOUNTANCY IN THIS STATE. With respect to a foreign profes-
23 sional service limited liability company which provides licensed clin-
24 ical social work services as such services are defined in article 154 of
25 the education law, each member of such foreign professional service
26 limited liability company shall be licensed pursuant to article 154 of
27 the education law to practice clinical social work in this state. With
28 respect to a foreign professional service limited liability company
29 which provides creative arts therapy services as such services are
30 defined in article 163 of the education law, each member of such foreign
31 professional service limited liability company must be licensed pursuant
32 to article 163 of the education law to practice creative arts therapy in
33 this state. With respect to a foreign professional service limited
34 liability company which provides marriage and family therapy services as
35 such services are defined in article 163 of the education law, each
36 member of such foreign professional service limited liability company
37 must be licensed pursuant to article 163 of the education law to prac-
38 tice marriage and family therapy in this state. With respect to a
39 foreign professional service limited liability company which provides
40 mental health counseling services as such services are defined in arti-
41 cle 163 of the education law, each member of such foreign professional
42 service limited liability company must be licensed pursuant to article
43 163 of the education law to practice mental health counseling in this
44 state. With respect to a foreign professional service limited liability
45 company which provides psychoanalysis services as such services are
46 defined in article 163 of the education law, each member of such foreign
47 professional service limited liability company must be licensed pursuant
48 to article 163 of the education law to practice psychoanalysis in this
49 state. With respect to a foreign professional service limited liability
50 company which provides applied behavior analysis services as such
51 services are defined in article 167 of the education law, each member of
52 such foreign professional service limited liability company must be
53 licensed or certified pursuant to article 167 of the education law to
54 practice applied behavior analysis in this state. NOTWITHSTANDING ANY
55 OTHER PROVISIONS OF LAW A FOREIGN PROFESSIONAL SERVICE LIMITED LIABILITY
56 COMPANY FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY,

1 AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTICLE 149 OF THE EDUCA-
2 TION LAW SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF THE
3 OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING OWNER-
4 SHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE FIRM'S OWNERS,
5 BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY IN SOME
6 STATE, AND (2) THAT ALL MEMBERS OF A FOREIGN LIMITED PROFESSIONAL
7 SERVICE LIMITED LIABILITY COMPANY, WHOSE PRINCIPAL PLACE OF BUSINESS IS
8 IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY
9 IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION 7404 OF THE
10 EDUCATION LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF
11 THE EDUCATION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE
12 FIRM AND ITS OWNERS MUST COMPLY WITH RULES PROMULGATED BY THE STATE
13 BOARD FOR PUBLIC ACCOUNTANCY. NOTWITHSTANDING THE FOREGOING, A FIRM
14 REGISTERED UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE
15 FIRM'S NAME INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTI-
16 FIED PUBLIC ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH
17 NON-LICENSEE OWNER OF A FIRM THAT IS REGISTERED UNDER THIS SECTION SHALL
18 BE (1) A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS OF THE
19 FIRM OR ITS AFFILIATED ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT
20 LIMITED TO, A PARTNERSHIP OR PROFESSIONAL CORPORATION, PROVIDED EACH
21 BENEFICIAL OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A NATURAL
22 PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS CONDUCTED BY THE FIRM
23 OR ITS AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION, "ACTIVELY
24 PARTICIPATE" MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHERWISE INDI-
25 VIDUALLY TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

26 (f) "Professional partnership" means (1) a partnership without limited
27 partners each of whose partners is a professional authorized by law to
28 render a professional service within this state, (2) a partnership with-
29 out limited partners each of whose partners is a professional, at least
30 one of whom is authorized by law to render a professional service within
31 this state or (3) a partnership without limited partners authorized by,
32 or holding a license, certificate, registration or permit issued by the
33 licensing authority pursuant to the education law to render a profes-
34 sional service within this state; except that all partners of a profes-
35 sional partnership that provides medical services in this state must be
36 licensed pursuant to article 131 of the education law to practice medi-
37 cine in this state and all partners of a professional partnership that
38 provides dental services in this state must be licensed pursuant to
39 article 133 of the education law to practice dentistry in this state;
40 except that all partners of a professional partnership that provides
41 veterinary services in this state must be licensed pursuant to article
42 135 of the education law to practice veterinary medicine in this state;
43 and further except that all partners of a professional partnership that
44 provides professional engineering, land surveying, architectural, and/or
45 landscape architectural services in this state must be licensed pursuant
46 to article 145, article 147 and/or article 148 of the education law to
47 practice one or more of such professions. WITH RESPECT TO A PROFESSIONAL
48 PARTNERSHIP WHICH PROVIDES PUBLIC ACCOUNTANCY SERVICES AS SUCH SERVICES
49 ARE DEFINED IN ARTICLE 149 OF THE EDUCATION LAW, EACH MEMBER OF SUCH
50 PROFESSIONAL PARTNERSHIP WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS
51 STATE AND WHO PROVIDES PUBLIC ACCOUNTANCY SERVICES, SHALL BE LICENSED
52 PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRACTICE PUBLIC ACCOUN-
53 TANCY. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A PROFESSIONAL PART-
54 NERSHIP FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY,
55 AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTICLE 149 OF THE EDUCA-
56 TION LAW SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF THE

1 OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING OWNER-
2 SHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE FIRM'S OWNERS,
3 BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY IN SOME
4 STATE, AND (2) THAT ALL MEMBERS OF A LIMITED PROFESSIONAL PARTNERSHIP,
5 WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE, AND WHO ARE ENGAGED
6 IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS STATE, HOLD A VALID
7 LICENSE ISSUED UNDER SECTION 7404 OF THE EDUCATION LAW OR ARE PUBLIC
8 ACCOUNTANTS LICENSED UNDER SECTION 7405 OF THE EDUCATION LAW. ALTHOUGH
9 FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND ITS OWNERS MUST
10 COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR PUBLIC ACCOUNTANCY.
11 NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED UNDER THIS SECTION MAY
12 NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME INCLUDES THE WORDS
13 "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC ACCOUNTANTS," OR THE
14 ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE OWNER OF A FIRM THAT
15 IS REGISTERED UNDER THIS SECTION SHALL BE (1) A NATURAL PERSON WHO
16 ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR ITS AFFILIATED
17 ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED TO, A PARTNERSHIP
18 OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY
19 INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN
20 THE BUSINESS CONDUCTED BY THE FIRM OR ITS AFFILIATED ENTITIES. FOR
21 PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTICIPATE" MEANS TO PROVIDE
22 SERVICES TO CLIENTS OR TO OTHERWISE INDIVIDUALLY TAKE PART IN THE
23 DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

24 S 15-a. Subdivisions (a) and (f) of section 1301 of the limited
25 liability company law, as amended by chapter 475 of the laws of 2014,
26 are amended to read as follows:

27 (a) "Foreign professional service limited liability company" means a
28 professional service limited liability company, whether or not denomi-
29 nated as such, organized under the laws of a jurisdiction other than
30 this state, (i) each of whose members and managers, if any, is a profes-
31 sional authorized by law to render a professional service within this
32 state and who is or has been engaged in the practice of such profession
33 in such professional service limited liability company or a predecessor
34 entity, or will engage in the practice of such profession in the profes-
35 sional service limited liability company within thirty days of the date
36 such professional becomes a member, or each of whose members and manag-
37 ers, if any, is a professional at least one of such members is author-
38 ized by law to render a professional service within this state and who
39 is or has been engaged in the practice of such profession in such
40 professional service limited liability company or a predecessor entity,
41 or will engage in the practice of such profession in the professional
42 service limited liability company within thirty days of the date such
43 professional becomes a member, or (ii) authorized by, or holding a
44 license, certificate, registration or permit issued by the licensing
45 authority pursuant to, the education law to render a professional
46 service within this state; except that all members and managers, if any,
47 of a foreign professional service limited liability company that
48 provides health services in this state shall be licensed in this state.
49 With respect to a foreign professional service limited liability company
50 which provides veterinary services as such services are defined in arti-
51 cle 135 of the education law, each member of such foreign professional
52 service limited liability company shall be licensed pursuant to article
53 135 of the education law to practice veterinary medicine. With respect
54 to a foreign professional service limited liability company which
55 provides medical services as such services are defined in article 131 of
56 the education law, each member of such foreign professional service

1 limited liability company must be licensed pursuant to article 131 of
2 the education law to practice medicine in this state. With respect to a
3 foreign professional service limited liability company which provides
4 dental services as such services are defined in article 133 of the
5 education law, each member of such foreign professional service limited
6 liability company must be licensed pursuant to article 133 of the educa-
7 tion law to practice dentistry in this state. With respect to a foreign
8 professional service limited liability company which provides profes-
9 sional engineering, land surveying, geologic, architectural and/or land-
10 scape architectural services as such services are defined in article
11 145, article 147 and article 148 of the education law, each member of
12 such foreign professional service limited liability company must be
13 licensed pursuant to article 145, article 147 and/or article 148 of the
14 education law to practice one or more of such professions in this state.
15 WITH RESPECT TO A FOREIGN PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY
16 WHICH PROVIDES PUBLIC ACCOUNTANCY SERVICES AS SUCH SERVICES ARE DEFINED
17 IN ARTICLE 149 OF THE EDUCATION LAW, EACH MEMBER OF SUCH FOREIGN PROFES-
18 SIONAL SERVICE LIMITED LIABILITY COMPANY WHOSE PRINCIPAL PLACE OF BUSI-
19 NESS IS IN THIS STATE AND WHO PROVIDES PUBLIC ACCOUNTANCY SERVICES,
20 SHALL BE LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRAC-
21 TICE PUBLIC ACCOUNTANCY IN THIS STATE. With respect to a foreign profes-
22 sional service limited liability company which provides licensed clin-
23 ical social work services as such services are defined in article 154 of
24 the education law, each member of such foreign professional service
25 limited liability company shall be licensed pursuant to article 154 of
26 the education law to practice clinical social work in this state. With
27 respect to a foreign professional service limited liability company
28 which provides creative arts therapy services as such services are
29 defined in article 163 of the education law, each member of such foreign
30 professional service limited liability company must be licensed pursuant
31 to article 163 of the education law to practice creative arts therapy in
32 this state. With respect to a foreign professional service limited
33 liability company which provides marriage and family therapy services as
34 such services are defined in article 163 of the education law, each
35 member of such foreign professional service limited liability company
36 must be licensed pursuant to article 163 of the education law to prac-
37 tice marriage and family therapy in this state. With respect to a
38 foreign professional service limited liability company which provides
39 mental health counseling services as such services are defined in arti-
40 cle 163 of the education law, each member of such foreign professional
41 service limited liability company must be licensed pursuant to article
42 163 of the education law to practice mental health counseling in this
43 state. With respect to a foreign professional service limited liability
44 company which provides psychoanalysis services as such services are
45 defined in article 163 of the education law, each member of such foreign
46 professional service limited liability company must be licensed pursuant
47 to article 163 of the education law to practice psychoanalysis in this
48 state. With respect to a foreign professional service limited liability
49 company which provides applied behavior analysis services as such
50 services are defined in article 167 of the education law, each member of
51 such foreign professional service limited liability company must be
52 licensed or certified pursuant to article 167 of the education law to
53 practice applied behavior analysis in this state. NOTWITHSTANDING ANY
54 OTHER PROVISIONS OF LAW A FOREIGN PROFESSIONAL SERVICE LIMITED LIABILITY
55 COMPANY FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY,
56 AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTICLE 149 OF THE EDUCA-

1 TION LAW SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF THE
2 OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING OWNER-
3 SHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE FIRM'S OWNERS,
4 BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY IN SOME
5 STATE, AND (2) THAT ALL MEMBERS OF A FOREIGN LIMITED PROFESSIONAL
6 SERVICE LIMITED LIABILITY COMPANY, WHOSE PRINCIPAL PLACE OF BUSINESS IS
7 IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY
8 IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION 7404 OF THE
9 EDUCATION LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF
10 THE EDUCATION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE
11 FIRM AND ITS OWNERS MUST COMPLY WITH RULES PROMULGATED BY THE STATE
12 BOARD FOR PUBLIC ACCOUNTANCY. NOTWITHSTANDING THE FOREGOING, A FIRM
13 REGISTERED UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE
14 FIRM'S NAME INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTI-
15 FIED PUBLIC ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH
16 NON-LICENSEE OWNER OF A FIRM THAT IS REGISTERED UNDER THIS SECTION SHALL
17 BE (1) A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS OF THE
18 FIRM OR ITS AFFILIATED ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT
19 LIMITED TO, A PARTNERSHIP OR PROFESSIONAL CORPORATION, PROVIDED EACH
20 BENEFICIAL OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A NATURAL
21 PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS CONDUCTED BY THE FIRM
22 OR ITS AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION, "ACTIVELY
23 PARTICIPATE" MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHERWISE INDI-
24 VIDUALLY TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

25 (f) "Professional partnership" means (1) a partnership without limited
26 partners each of whose partners is a professional authorized by law to
27 render a professional service within this state, (2) a partnership with-
28 out limited partners each of whose partners is a professional, at least
29 one of whom is authorized by law to render a professional service within
30 this state or (3) a partnership without limited partners authorized by,
31 or holding a license, certificate, registration or permit issued by the
32 licensing authority pursuant to the education law to render a profes-
33 sional service within this state; except that all partners of a profes-
34 sional partnership that provides medical services in this state must be
35 licensed pursuant to article 131 of the education law to practice medi-
36 cine in this state and all partners of a professional partnership that
37 provides dental services in this state must be licensed pursuant to
38 article 133 of the education law to practice dentistry in this state;
39 except that all partners of a professional partnership that provides
40 veterinary services in this state must be licensed pursuant to article
41 135 of the education law to practice veterinary medicine in this state;
42 and further except that all partners of a professional partnership that
43 provides professional engineering, land surveying, geologic, architec-
44 tural, and/or landscape architectural services in this state must be
45 licensed pursuant to article 145, article 147 and/or article 148 of the
46 education law to practice one or more of such professions. WITH RESPECT
47 TO A PROFESSIONAL PARTNERSHIP WHICH PROVIDES PUBLIC ACCOUNTANCY SERVICES
48 AS SUCH SERVICES ARE DEFINED IN ARTICLE 149 OF THE EDUCATION LAW, EACH
49 MEMBER OF SUCH PROFESSIONAL PARTNERSHIP WHOSE PRINCIPAL PLACE OF BUSI-
50 NESS IS IN THIS STATE AND WHO PROVIDES PUBLIC ACCOUNTANCY SERVICES,
51 SHALL BE LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRAC-
52 TICE PUBLIC ACCOUNTANCY. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A
53 PROFESSIONAL PARTNERSHIP FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF
54 PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTI-
55 CLE 149 OF THE EDUCATION LAW SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE
56 MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS,

1 INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE
2 FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC
3 ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL MEMBERS OF A LIMITED PROFES-
4 SIONAL PARTNERSHIP, WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE,
5 AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS STATE,
6 HOLD A VALID LICENSE ISSUED UNDER SECTION 7404 OF THE EDUCATION LAW OR
7 ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF THE EDUCATION LAW.
8 ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND ITS OWNERS
9 MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR PUBLIC ACCOUN-
10 TANCY. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED UNDER THIS
11 SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME INCLUDES THE
12 WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC ACCOUNTANTS,"
13 OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE OWNER OF A FIRM
14 THAT IS REGISTERED UNDER THIS SECTION SHALL BE (1) A NATURAL PERSON WHO
15 ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR ITS AFFILIATED
16 ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED TO, A PARTNERSHIP
17 OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY
18 INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN
19 THE BUSINESS CONDUCTED BY THE FIRM OR ITS AFFILIATED ENTITIES. FOR
20 PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTICIPATE" MEANS TO PROVIDE
21 SERVICES TO CLIENTS OR TO OTHERWISE INDIVIDUALLY TAKE PART IN THE
22 DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

23 S 16. This act shall take effect immediately; provided, however, that
24 sections ten-a, eleven-a, twelve-a, fourteen-a and fifteen-a of this act
25 shall take effect on the same date as sections 25, 26, 27, 22, and 23,
26 respectively, of chapter 475 of the laws of 2014 take effect.

27 PART H

28 Section 1. The education law is amended by adding a new article 129-B
29 to read as follows:

30 ARTICLE 129-B

31 IMPLEMENTATION BY COLLEGES AND UNIVERSITIES OF SEXUAL
32 ASSAULT, DATING VIOLENCE, DOMESTIC VIOLENCE, AND STALKING
33 PREVENTION AND RESPONSE POLICIES AND PROCEDURES

34 SECTION 6439. GENERAL PROVISIONS.

35 6440. DEFINITION OF AFFIRMATIVE CONSENT TO SEXUAL ACTIVITY.

36 6441. POLICY FOR ALCOHOL AND/OR DRUG USE AMNESTY IN SEXUAL VIOLENCE
37 CASES.

38 6442. VICTIM AND SURVIVOR BILL OF RIGHTS.

39 6443 RESPONSE TO REPORTS.

40 6444. CAMPUS CLIMATE ASSESSMENTS.

41 6445. OPTIONS FOR CONFIDENTIAL DISCLOSURE.

42 6446. STUDENT ONBOARDING AND ONGOING EDUCATION.

43 6447. PRIVACY IN LEGAL CHALLENGES TO CONDUCT FINDINGS.

44 S 6439. GENERAL PROVISIONS. 1. THE TRUSTEES OR OTHER GOVERNING BOARD
45 OF EACH COLLEGE AND UNIVERSITY CHARTERED BY THE REGENTS OR INCORPORATED
46 BY SPECIAL ACT OF THE LEGISLATURE AND WHICH MAINTAINS A CAMPUS, UNLESS
47 OTHERWISE PROVIDED, SHALL ADOPT WRITTEN RULES FOR IMPLEMENTING ALL POLI-
48 CIES REQUIRED PURSUANT TO THIS ARTICLE AND FOR THE MAINTENANCE OF PUBLIC
49 ORDER ON COLLEGE CAMPUSES AND OTHER COLLEGE PROPERTY USED FOR EDUCA-
50 TIONAL PURPOSES AND PROVIDE A PROGRAM FOR THE ENFORCEMENT THEREOF. SUCH
51 POLICIES SHALL ALSO APPLY TO CONDUCT THAT HAS A NEXUS TO A COLLEGE OR
52 UNIVERSITY PROGRAM AND/OR TAKES PLACE OUTSIDE OF A COLLEGE OR UNIVERSITY
53 PROPERTY BUT IS IN VIOLATION OF FEDERAL, STATE OR LOCAL LAW.

1 2. SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE AND STALKING
2 AFFECT THOUSANDS OF COLLEGE AND UNIVERSITY STUDENTS IN NEW YORK STATE
3 AND ACROSS THE NATION. IN ADDITION TO THE TRAUMA CAUSED BY SUCH
4 VIOLENCE, MANY VICTIMS AND SURVIVORS DROP OUT OF SCHOOL, EXPERIENCE
5 DIFFICULTY WORKING, AND SEE PROMISING OPPORTUNITIES CUT SHORT. WHILE IT
6 IS NOT JUST COLLEGE OR UNIVERSITY STUDENTS THAT EXPERIENCE THESE CRIMES,
7 THESE INSTITUTIONS HAVE UNIQUE OPPORTUNITIES TO EDUCATE MEMBERS OF THE
8 COLLEGE COMMUNITY ABOUT THESE CRIMES AND INCIDENTS SO THAT WE CAN BETTER
9 SAFEGUARD STUDENTS. THEREFORE, EACH COLLEGE AND UNIVERSITY MUST DEVELOP
10 AND IMPLEMENT THE POLICIES REQUIRED PURSUANT TO THIS ARTICLE.

11 3. EACH COLLEGE AND UNIVERSITY SHALL ANNUALLY FILE WITH THE DEPARTMENT
12 ON OR BEFORE THE FIRST DAY OF JULY A CERTIFICATE OF COMPLIANCE WITH THE
13 PROVISIONS OF THIS ARTICLE.

14 4. IF A COLLEGE OR UNIVERSITY FAILS TO FILE A CERTIFICATE OF COMPLI-
15 ANCE PURSUANT TO SUBDIVISION THREE OF THIS SECTION WITHIN SIXTY DAYS OF
16 THE TIME REQUIRED, SUCH COLLEGE OR UNIVERSITY SHALL NOT BE ELIGIBLE TO
17 RECEIVE ANY STATE AID OR ASSISTANCE UNTIL SUCH CERTIFICATE OF COMPLIANCE
18 IS DULY FILED.

19 5. EACH COLLEGE AND UNIVERSITY SHALL FILE A COPY OF ALL WRITTEN RULES
20 AND POLICIES ADOPTED AS REQUIRED IN THIS ARTICLE WITH THE DEPARTMENT ON
21 OR BEFORE THE FIRST DAY OF JULY, TWO THOUSAND SIXTEEN, AND ONCE EVERY
22 TEN YEARS THEREAFTER, EXCEPT THAT THE SECOND FILING SHALL COINCIDE WITH
23 THE REQUIRED FILING UNDER ARTICLE ONE HUNDRED TWENTY-NINE-A OF THIS
24 CHAPTER, AND CONTINUE ON THE SAME CYCLE THEREAFTER.

25 6. A COPY OF SUCH RULES AND POLICIES SHALL BE GIVEN BY EACH COLLEGE
26 AND UNIVERSITY TO ALL STUDENTS ENROLLED IN SAID COLLEGE OR UNIVERSITY.
27 EACH COLLEGE AND UNIVERSITY SHALL ALSO POST SUCH RULES AND POLICIES ON
28 ITS WEBSITE IN AN EASILY ACCESSIBLE MANNER TO THE PUBLIC.

29 7. COLLEGES AND UNIVERSITIES SHALL REFER TO APPLICABLE STATE AND
30 FEDERAL LAW, REGULATIONS AND POLICY GUIDANCE IN DEVELOPING AND IMPLE-
31 MENTING THE POLICIES REQUIRED PURSUANT TO THIS ARTICLE, INCLUDING REFER-
32 ENCE TO STATE AND FEDERAL DEFINITIONS OF TERMS NOT SPECIFICALLY DEFINED
33 HEREIN.

34 S 6440. DEFINITION OF AFFIRMATIVE CONSENT TO SEXUAL ACTIVITY. EACH
35 COLLEGE AND UNIVERSITY SHALL ADOPT A UNIFORM DEFINITION OF AFFIRMATIVE
36 CONSENT IN THEIR CODE OF STUDENT CONDUCT OR SIMILAR DOCUMENT GOVERNING
37 STUDENT BEHAVIOR. THIS DEFINITION SHALL STATE THAT "AFFIRMATIVE CONSENT
38 IS A CLEAR, UNAMBIGUOUS, KNOWING, INFORMED, AND VOLUNTARY AGREEMENT
39 BETWEEN ALL PARTICIPANTS TO ENGAGE IN SEXUAL ACTIVITY. CONSENT IS
40 ACTIVE, NOT PASSIVE. SILENCE OR LACK OF RESISTANCE CANNOT BE INTERPRETED
41 AS CONSENT. SEEKING AND HAVING CONSENT ACCEPTED IS THE RESPONSIBILITY OF
42 THE PERSON(S) INITIATING EACH SPECIFIC SEXUAL ACT REGARDLESS OF WHETHER
43 THE PERSON INITIATING THE ACT IS UNDER THE INFLUENCE OF DRUGS AND/OR
44 ALCOHOL. CONSENT TO ANY SEXUAL ACT OR PRIOR CONSENSUAL SEXUAL ACTIVITY
45 BETWEEN OR WITH ANY PARTY DOES NOT CONSTITUTE CONSENT TO ANY OTHER SEXU-
46 AL ACT. THE DEFINITION OF CONSENT DOES NOT VARY BASED UPON A PARTIC-
47 IPANT'S SEX, SEXUAL ORIENTATION, GENDER IDENTITY OR GENDER EXPRESSION.
48 CONSENT MAY BE INITIALLY GIVEN BUT WITHDRAWN AT ANY TIME. WHEN CONSENT
49 IS WITHDRAWN OR CANNOT BE GIVEN, SEXUAL ACTIVITY MUST STOP. CONSENT
50 CANNOT BE GIVEN WHEN A PERSON IS INCAPACITATED. INCAPACITATION OCCURS
51 WHEN AN INDIVIDUAL LACKS THE ABILITY TO FULLY AND KNOWINGLY CHOOSE TO
52 PARTICIPATE IN SEXUAL ACTIVITY. INCAPACITATION INCLUDES IMPAIRMENT DUE
53 TO DRUGS OR ALCOHOL (WHETHER SUCH USE IS VOLUNTARY OR INVOLUNTARY), THE
54 LACK OF CONSCIOUSNESS OR BEING ASLEEP, BEING INVOLUNTARILY RESTRAINED,
55 IF ANY OF THE PARTIES ARE UNDER THE AGE OF 17, OR IF AN INDIVIDUAL

1 OTHERWISE CANNOT CONSENT. CONSENT CANNOT BE GIVEN WHEN IT IS THE RESULT
2 OF ANY COERCION, INTIMIDATION, FORCE, OR THREAT OF HARM."

3 S 6441. POLICY FOR ALCOHOL AND/OR DRUG USE AMNESTY IN SEXUAL VIOLENCE
4 CASES. 1. A BYSTANDER WHO REPORTS IN GOOD FAITH OR A VICTIM REPORTING
5 SEXUAL VIOLENCE TO COLLEGE OR UNIVERSITY OFFICIALS OR LAW ENFORCEMENT
6 SHALL NOT BE SUBJECT TO CAMPUS CONDUCT ACTION FOR VIOLATIONS OF ALCOHOL
7 AND DRUG USE POLICIES OCCURRING AT OR NEAR THE TIME OF THE INCIDENT.
8 EACH COLLEGE AND UNIVERSITY SHALL ADOPT AND IMPLEMENT THE FOLLOWING
9 POLICY: "THE HEALTH AND SAFETY OF EVERY STUDENT AT THE
10 (COLLEGE/UNIVERSITY) IS OF UTMOST IMPORTANCE. (COLLEGE/UNIVERSITY)
11 RECOGNIZES THAT STUDENTS WHO HAVE BEEN DRINKING AND/OR USING DRUGS
12 (WHETHER SUCH USE IS VOLUNTARY OR INVOLUNTARY) AT THE TIME A SEXUAL
13 VIOLENCE INCIDENT OCCURS MAY BE HESITANT TO REPORT SUCH INCIDENTS DUE TO
14 FEAR OF POTENTIAL CONSEQUENCES FOR THEIR OWN CONDUCT.
15 (COLLEGE/UNIVERSITY) STRONGLY ENCOURAGES STUDENTS TO REPORT INCIDENTS OF
16 SEXUAL VIOLENCE TO CAMPUS OFFICIALS. A BYSTANDER REPORTING IN GOOD FAITH
17 OR A VICTIM/SURVIVOR REPORTING A SEXUAL VIOLENCE INCIDENT TO
18 (COLLEGE/UNIVERSITY) OFFICIALS OR LAW ENFORCEMENT WILL NOT BE SUBJECT TO
19 CAMPUS CONDUCT ACTION FOR VIOLATIONS OF ALCOHOL AND/OR DRUG USE POLICIES
20 OCCURRING AT OR NEAR THE TIME OF THE SEXUAL VIOLENCE INCIDENT."

21 2. FOR PURPOSES OF THIS ARTICLE, THE TERM "SEXUAL VIOLENCE" SHALL MEAN
22 PHYSICAL SEXUAL ACTS PERPETRATED AGAINST A PERSON'S WILL OR PERPETRATED
23 WHERE A PERSON IS INCAPABLE OF GIVING CONSENT INCLUDING, BUT NOT LIMITED
24 TO, RAPE, SEXUAL ASSAULT, SEXUAL BATTERY, SEXUAL ABUSE, AND SEXUAL COER-
25 CION. THE TERM "BYSTANDER" SHALL MEAN A PERSON WHO OBSERVES A CRIME,
26 IMPENDING CRIME, CONFLICT, UNACCEPTABLE BEHAVIOR, OR CONDUCT THAT IS IN
27 VIOLATION OF RULES OR POLICIES OF A COLLEGE OR UNIVERSITY.

28 S 6442. VICTIM AND SURVIVOR BILL OF RIGHTS. 1. EACH COLLEGE AND
29 UNIVERSITY SHALL ADOPT A VICTIM AND SURVIVOR BILL OF RIGHTS. THIS BILL
30 OF RIGHTS SHALL STATE THE FOLLOWING: "ALL VICTIMS AND SURVIVORS HAVE THE
31 RIGHT TO: (A) MAKE A REPORT TO LOCAL LAW ENFORCEMENT AND/OR STATE
32 POLICE; (B) HAVE DISCLOSURES OF SEXUAL VIOLENCE TREATED SERIOUSLY; (C)
33 MAKE A DECISION ABOUT WHETHER OR NOT TO DISCLOSE A CRIME OR INCIDENT AND
34 PARTICIPATE IN THE CONDUCT OR CRIMINAL JUSTICE PROCESS FREE FROM OUTSIDE
35 PRESSURES FROM COLLEGE/UNIVERSITY OFFICIALS; (D) BE TREATED WITH DIGNITY
36 AND TO RECEIVE FROM COLLEGE/UNIVERSITY OFFICIALS COURTEOUS, FAIR, AND
37 RESPECTFUL HEALTH CARE AND COUNSELING SERVICES; (E) BE FREE FROM ANY
38 SUGGESTION THAT THE VICTIM/SURVIVOR IS AT FAULT WHEN THESE CRIMES AND
39 VIOLATIONS ARE COMMITTED, OR SHOULD HAVE ACTED IN A DIFFERENT MANNER TO
40 AVOID SUCH A CRIME; (F) DESCRIBE THE INCIDENT TO AS FEW INDIVIDUALS AS
41 PRACTICABLE AND NOT TO BE REQUIRED TO UNNECESSARILY REPEAT A DESCRIPTION
42 OF THE INCIDENT; (G) BE FREE FROM RETALIATION BY THE COLLEGE/UNIVERSITY,
43 THE ACCUSED, AND/OR THEIR FRIENDS, FAMILY AND ACQUAINTANCES; AND (H)
44 EXERCISE CIVIL RIGHTS AND PRACTICE OF RELIGION WITHOUT INTERFERENCE BY
45 THE INVESTIGATIVE, CRIMINAL JUSTICE, OR CONDUCT PROCESS OF THE
46 COLLEGE/UNIVERSITY."

47 2. IN ACCORDANCE WITH PROVISIONS OF THIS SECTION, EACH COLLEGE AND
48 UNIVERSITY SHALL LIST THE FOLLOWING OPTIONS IN BRIEF: VICTIMS AND SURVI-
49 VORS HAVE MANY OPTIONS THAT CAN BE PURSUED SIMULTANEOUSLY, INCLUDING ONE
50 OR MORE OF THE FOLLOWING: (A) RECEIVE RESOURCES, SUCH AS COUNSELING AND
51 MEDICAL ATTENTION; (B) CONFIDENTIALLY OR ANONYMOUSLY DISCLOSE A CRIME OR
52 VIOLATION; (C) MAKE A REPORT TO AN EMPLOYEE WITH THE AUTHORITY TO
53 ADDRESS COMPLAINTS, INCLUDING THE TITLE IX COORDINATOR, A STUDENT
54 CONDUCT EMPLOYEE, A HUMAN RESOURCES EMPLOYEE, UNIVERSITY POLICE OR
55 CAMPUS SECURITY, OR FAMILY COURT OR CIVIL COURT; AND (D) MAKE A REPORT
56 TO LOCAL LAW ENFORCEMENT AND/OR STATE POLICE.

1 3. THIS BILL OF RIGHTS SHALL BE DISTRIBUTED ANNUALLY TO STUDENTS, MADE
2 AVAILABLE ON EACH COLLEGE AND UNIVERSITY WEBSITE, AND POSTED IN EACH
3 CAMPUS RESIDENCE HALL, DINING HALL, AND STUDENT UNION OR CAMPUS CENTER
4 AND SHALL INCLUDE LINKS OR INFORMATION TO FILE A REPORT AND SEEK A
5 RESPONSE, PURSUANT TO SECTION SIXTY-FOUR HUNDRED FORTY-THREE OF THIS
6 ARTICLE, AND THE OPTIONS FOR CONFIDENTIAL DISCLOSURE PURSUANT TO SECTION
7 SIXTY-FOUR HUNDRED FORTY-FOUR OF THIS ARTICLE.

8 S 6443. RESPONSE TO REPORTS. 1. IN ACCORDANCE WITH THE VICTIM/SURVIVOR
9 BILL OF RIGHTS SET FORTH IN SECTION SIXTY-FOUR HUNDRED FORTY-TWO OF THIS
10 ARTICLE AND THE RIGHT OF VICTIMS AND SURVIVORS TO MAKE A REPORT TO LOCAL
11 LAW ENFORCEMENT AND/OR STATE POLICE, EACH COLLEGE AND UNIVERSITY SHALL
12 ENSURE THAT VICTIMS AND SURVIVORS ARE PROVIDED WITH THE FOLLOWING INFOR-
13 MATION:

14 A. THE RIGHT TO NOTIFY LOCAL LAW ENFORCEMENT AND/OR STATE POLICE;

15 B. THE RIGHT TO REPORT CONFIDENTIALLY THE INCIDENT TO COLLEGE OR
16 UNIVERSITY OFFICIALS, WHO MAY MAINTAIN CONFIDENTIALITY PURSUANT TO
17 APPLICABLE LAWS, AND CAN ASSIST IN OBTAINING SERVICES FOR THE VICTIMS
18 AND SURVIVORS;

19 C. THE RIGHT TO DISCLOSE CONFIDENTIALLY THE INCIDENT AND OBTAIN
20 SERVICES FROM NEW YORK STATE, NEW YORK CITY, OR COUNTY SERVICES;

21 D. THE RIGHT TO REPORT THE INCIDENT TO COLLEGE OR UNIVERSITY OFFICIALS
22 WHO CAN OFFER PRIVACY AND CAN ASSIST IN OBTAINING RESOURCES;

23 E. THE RIGHT TO FILE A CRIMINAL COMPLAINT WITH UNIVERSITY POLICE
24 AND/OR CAMPUS SECURITY;

25 F. THE RIGHT TO FILE A REPORT OF SEXUAL ASSAULT, DOMESTIC VIOLENCE,
26 DATING VIOLENCE, AND/OR STALKING, AND THE RIGHT TO CONSULT THE TITLE IX
27 COORDINATOR FOR INFORMATION AND ASSISTANCE. REPORTS SHALL BE INVESTI-
28 GATED IN ACCORDANCE WITH COLLEGE OR UNIVERSITY POLICY AND A
29 VICTIM/SURVIVOR'S IDENTITY SHALL REMAIN PRIVATE AT ALL TIMES IF SAID
30 VICTIM/SURVIVOR WISHES TO MAINTAIN CONFIDENTIALITY;

31 G. WHEN THE ACCUSED IS AN EMPLOYEE, THE RIGHT TO REPORT THE INCIDENT
32 TO THE COLLEGE OR UNIVERSITY HUMAN RESOURCES AUTHORITY OR THE RIGHT TO
33 REQUEST THAT A CONFIDENTIAL OR PRIVATE EMPLOYEE ASSIST IN REPORTING TO
34 THE APPROPRIATE HUMAN RESOURCES AUTHORITY. DISCIPLINARY PROCEEDINGS WILL
35 BE CONDUCTED IN ACCORDANCE WITH APPLICABLE COLLECTIVE BARGAINING AGREE-
36 MENTS. WHEN THE ACCUSED IS AN EMPLOYEE OF AN AFFILIATED ENTITY OR VENDOR
37 OF THE COLLEGE, COLLEGE OR UNIVERSITY OFFICIALS WILL, AT THE REQUEST OF
38 THE VICTIM/SURVIVOR, ASSIST IN REPORTING TO THE APPROPRIATE OFFICE OF
39 THE VENDOR OR AFFILIATED ENTITY AND, IF THE RESPONSE OF THE VENDOR OR
40 AFFILIATED ENTITY IS NOT DEEMED SUFFICIENT BY THE COLLEGE OR UNIVERSITY
41 OFFICIALS, ASSIST IN OBTAINING A PERSONA NON GRATA LETTER, SUBJECT TO
42 LEGAL REQUIREMENTS AND COLLEGE POLICY;

43 H. THE RIGHT TO WITHDRAW A COMPLAINT OR INVOLVEMENT FROM THE COLLEGE
44 OR UNIVERSITY PROCESS AT ANY TIME.

45 2. EACH COLLEGE AND UNIVERSITY SHALL ENSURE THAT VICTIMS AND SURVIVORS
46 HAVE INFORMATION ABOUT RESOURCES, INCLUDING INTERVENTION, MENTAL HEALTH
47 COUNSELING, AND MEDICAL. THE POLICY SHALL ALSO PROVIDE INFORMATION ON
48 SEXUALLY TRANSMITTED INFECTIONS, SEXUAL ASSAULT FORENSIC EXAMINATIONS,
49 AND RESOURCES AVAILABLE THROUGH THE OFFICE OF VICTIM SERVICES, ESTAB-
50 LISHED PURSUANT TO SECTION SIX HUNDRED TWENTY-TWO OF THE EXECUTIVE LAW.

51 3. EACH COLLEGE AND UNIVERSITY SHALL ENSURE THAT VICTIMS AND SURVIVORS
52 HAVE THE FOLLOWING PROTECTIONS AND ACCOMMODATIONS:

53 A. WHEN THE ACCUSED IS A STUDENT, TO HAVE THE COLLEGE ISSUE A "NO
54 CONTACT ORDER," WHEREBY CONTINUED CONTACT WITH THE PROTECTED INDIVIDUAL
55 WOULD BE A VIOLATION OF COLLEGE OR UNIVERSITY POLICY SUBJECT TO ADDI-
56 TIONAL CONDUCT CHARGES; IF THE ACCUSED AND A PROTECTED PERSON OBSERVE

1 EACH OTHER IN A PUBLIC PLACE, IT IS THE RESPONSIBILITY OF THE ACCUSED TO
2 LEAVE THE AREA IMMEDIATELY AND WITHOUT DIRECTLY CONTACTING THE PROTECTED
3 PERSON;

4 B. TO HAVE ASSISTANCE FROM UNIVERSITY POLICE OR CAMPUS SECURITY OR
5 OTHER COLLEGE OR UNIVERSITY OFFICIALS IN OBTAINING AN ORDER OF
6 PROTECTION OR, IF OUTSIDE OF NEW YORK STATE, AN EQUIVALENT PROTECTIVE OR
7 RESTRAINING ORDER;

8 C. TO RECEIVE A COPY OF THE ORDER OF PROTECTION OR EQUIVALENT AND HAVE
9 AN OPPORTUNITY TO MEET OR SPEAK WITH A COLLEGE OR UNIVERSITY OFFICIAL
10 WHO CAN EXPLAIN THE ORDER AND ANSWER QUESTIONS ABOUT IT, INCLUDING
11 INFORMATION FROM THE ORDER ABOUT THE ACCUSED'S RESPONSIBILITY TO STAY
12 AWAY FROM THE PROTECTED PERSON OR PERSONS; THAT BURDEN DOES NOT REST ON
13 THE PROTECTED PERSON OR PERSONS;

14 D. A RIGHT TO AN EXPLANATION OF THE CONSEQUENCES FOR VIOLATING THESE
15 ORDERS, INCLUDING BUT NOT LIMITED TO ARREST, ADDITIONAL CONDUCT CHARGES,
16 AND INTERIM SUSPENSION;

17 E. TO RECEIVE ASSISTANCE FROM UNIVERSITY POLICE OR CAMPUS SECURITY IN
18 EFFECTING AN ARREST WHEN AN INDIVIDUAL VIOLATES AN ORDER OF PROTECTION
19 OR, IF UNIVERSITY POLICE OR CAMPUS SECURITY DOES NOT POSSESS ARRESTING
20 POWERS, THEN TO CALL ON AND ASSIST LOCAL LAW ENFORCEMENT IN EFFECTING AN
21 ARREST FOR VIOLATING SUCH AN ORDER;

22 F. WHEN THE ACCUSED IS A STUDENT AND PRESENTS A CONTINUING THREAT TO
23 THE HEALTH AND SAFETY OF THE COMMUNITY, TO SUBJECT THE ACCUSED TO INTER-
24 IM SUSPENSION PENDING THE OUTCOME OF A CONDUCT PROCESS;

25 G. WHEN THE ACCUSED IS NOT A STUDENT BUT IS A MEMBER OF THE COLLEGE
26 COMMUNITY AND PRESENTS A CONTINUING THREAT TO THE HEALTH AND SAFETY OF
27 THE COMMUNITY, TO SUBJECT THE ACCUSED TO INTERIM MEASURES IN ACCORDANCE
28 WITH APPLICABLE COLLECTIVE BARGAINING AGREEMENTS, EMPLOYEE HANDBOOKS,
29 AND RULES AND POLICIES OF THE COLLEGE OR UNIVERSITY;

30 H. WHEN THE ACCUSED IS NOT A MEMBER OF THE COLLEGE COMMUNITY, TO HAVE
31 ASSISTANCE FROM UNIVERSITY POLICE OR CAMPUS SECURITY OR OTHER COLLEGE OR
32 UNIVERSITY OFFICIALS IN OBTAINING A PERSONA NON GRATA LETTER, SUBJECT TO
33 APPLICABLE LEGAL REQUIREMENTS AND POLICIES; AND

34 I. TO OBTAIN REASONABLE AND AVAILABLE INTERIM MEASURES AND ACCOMMO-
35 DATIONS THAT EFFECT A CHANGE IN ACADEMIC, HOUSING, EMPLOYMENT, TRANSPOR-
36 TATION, OR OTHER APPLICABLE ARRANGEMENTS IN ORDER TO ENSURE SAFETY,
37 PREVENT RETALIATION, AND AVOID AN ONGOING HOSTILE ENVIRONMENT.

38 4. EACH COLLEGE AND UNIVERSITY SHALL ENSURE THAT STUDENTS PARTICIPAT-
39 ING IN THE STUDENT CONDUCT OR JUDICIAL PROCESS BE AFFORDED THE FOLLOWING
40 RIGHTS AND RESPONSIBILITIES:

41 A. THE RIGHT TO FILE STUDENT CONDUCT CHARGES AGAINST THE ACCUSED.
42 CONDUCT PROCEEDINGS ARE GOVERNED BY THE PROCEDURES SET FORTH IN COLLEGE
43 OR UNIVERSITY RULES AS WELL AS FEDERAL AND NEW YORK STATE LAW, INCLUD-
44 ING, WHERE APPLICABLE, THE DUE PROCESS PROVISIONS OF THE UNITED STATES
45 CONSTITUTION AND NEW YORK STATE CONSTITUTION.

46 B. THROUGHOUT CONDUCT PROCEEDINGS, THE ACCUSED AND THE VICTIM/SURVIVOR
47 SHALL BE PROVIDED:

48 (1) THE SAME OPPORTUNITY TO HAVE ACCESS TO AN ADVISOR OF THEIR CHOICE,
49 WHERE PARTICIPATION OF THE ADVISOR IN ANY PROCEEDING SHALL BE IN COMPLI-
50 ANCE WITH APPLICABLE FEDERAL LAWS AND THE STUDENT CODE OF CONDUCT.

51 (2) THE RIGHT TO A PROMPT RESPONSE TO ANY COMPLAINT AND TO HAVE THE
52 COMPLAINT INVESTIGATED AND ADJUDICATED IN AN IMPARTIAL, TIMELY, AND
53 THOROUGH MANNER BY INDIVIDUALS WHO RECEIVE ANNUAL TRAINING IN CONDUCTING
54 INVESTIGATIONS OF SEXUAL VIOLENCE, THE EFFECTS OF TRAUMA, AND OTHER
55 ISSUES RELATED TO SEXUAL VIOLENCE INCLUDING BUT NOT LIMITED TO SEXUAL
56 ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING.

1 (3) THE RIGHT TO AN INVESTIGATION AND PROCESS THAT IS FAIR, IMPARTIAL,
2 AND PROVIDES A MEANINGFUL OPPORTUNITY TO BE HEARD.

3 (4) THE RIGHT TO RECEIVE WRITTEN OR ELECTRONIC NOTICE OF ANY MEETING
4 OR HEARING THEY ARE REQUIRED TO OR ARE ELIGIBLE TO ATTEND.

5 (5) THE RIGHT TO HAVE A CONDUCT PROCESS RUN CONCURRENTLY WITH A CRIMI-
6 NAL JUSTICE INVESTIGATION AND PROCEEDING, EXCEPT FOR TEMPORARY DELAYS AS
7 REQUESTED BY EXTERNAL MUNICIPAL ENTITIES WHILE LAW ENFORCEMENT GATHERS
8 EVIDENCE. TO COMPLY WITH FEDERAL LAW, TEMPORARY DELAYS SHOULD NOT LAST
9 MORE THAN TEN DAYS EXCEPT WHEN LAW ENFORCEMENT SPECIFICALLY REQUESTS AND
10 JUSTIFIES A LONGER DELAY.

11 (6) THE RIGHT TO REVIEW AVAILABLE EVIDENCE IN THE CASE FILE.

12 (7) THE RIGHT TO A RANGE OF OPTIONS FOR PROVIDING TESTIMONY VIA ALTER-
13 NATIVE ARRANGEMENTS, INCLUDING TELEPHONE/VIDEOCONFERENCING OR TESTIFYING
14 WITH A ROOM PARTITION.

15 (8) THE RIGHT TO EXCLUDE PRIOR SEXUAL HISTORY OR PAST MENTAL HEALTH
16 HISTORY FROM ADMITTANCE IN THE COLLEGE DISCIPLINARY STAGE THAT DETER-
17 MINES RESPONSIBILITY. PAST SEXUAL VIOLENCE FINDINGS MAY BE ADMISSIBLE IN
18 THE DISCIPLINARY STAGE THAT DETERMINES SANCTION.

19 (9) THE RIGHT TO ASK QUESTIONS OF THE DECISION MAKER AND VIA THE DECI-
20 SION MAKER INDIRECTLY REQUEST RESPONSES FROM OTHER PARTIES AND ANY OTHER
21 WITNESSES PRESENT.

22 (10) THE RIGHT TO MAKE AN IMPACT STATEMENT DURING THE POINT OF THE
23 PROCEEDING WHERE THE DECISION MAKER IS DELIBERATING ON APPROPRIATE SANC-
24 TIONS.

25 (11) THE RIGHT TO SIMULTANEOUS (AMONG THE PARTIES) WRITTEN OR ELEC-
26 TRONIC NOTIFICATION OF THE OUTCOME OF A CONDUCT PROCEEDING, INCLUDING
27 THE SANCTION OR SANCTIONS.

28 (12) THE RIGHT TO KNOW THE SANCTION OR SANCTIONS THAT MAY BE IMPOSED
29 ON THE ACCUSED BASED UPON THE OUTCOME OF THE CONDUCT PROCEEDING AND THE
30 REASON FOR THE ACTUAL SANCTION IMPOSED. FOR STUDENTS FOUND RESPONSIBLE
31 FOR COMMITTING SEXUAL ASSAULT, THE AVAILABLE SANCTIONS SHALL BE EITHER
32 IMMEDIATE SUSPENSION WITH ADDITIONAL REQUIREMENTS OR EXPULSION.

33 C. THE RIGHT TO CHOOSE WHETHER TO DISCLOSE OR DISCUSS THE OUTCOME OF A
34 CONDUCT HEARING.

35 S 6444. CAMPUS CLIMATE ASSESSMENTS. 1. EACH COLLEGE AND UNIVERSITY
36 SHALL CONDUCT A CAMPUS CLIMATE ASSESSMENT AIMED AT ASCERTAINING GENERAL
37 AWARENESS AND KNOWLEDGE OF PROVISIONS OF THIS ARTICLE, DEVELOPED USING
38 STANDARD AND COMMONLY RECOGNIZED RESEARCH METHODS, AND SHALL CONDUCT
39 SUCH ASSESSMENT NO LESS THAN EVERY OTHER YEAR.

40 2. THE ASSESSMENT SHALL INCLUDE QUESTIONS COVERING AT LEAST THE
41 FOLLOWING TOPICS REGARDING STUDENT AND EMPLOYEE KNOWLEDGE ABOUT (A) THE
42 TITLE IX COORDINATOR'S ROLE; (B) CAMPUS POLICIES AND PROCEDURES ADDRESS-
43 ING SEXUAL ASSAULT; (C) HOW AND WHERE TO REPORT SEXUAL VIOLENCE AS A
44 VICTIM, SURVIVOR OR WITNESS; (D) THE AVAILABILITY OF RESOURCES ON AND
45 OFF CAMPUS, SUCH AS COUNSELING, HEALTH, AND ACADEMIC ASSISTANCE; (E) THE
46 PREVALENCE OF VICTIMIZATION AND PERPETRATION OF SEXUAL ASSAULT, DOMESTIC
47 VIOLENCE, DATING VIOLENCE, AND STALKING ON AND OFF CAMPUS DURING A SET
48 TIME PERIOD; (F) BYSTANDER ATTITUDES AND BEHAVIOR; AND (G) WHETHER
49 VICTIMS AND SURVIVORS REPORTED TO THE COLLEGE OR UNIVERSITY AND/OR
50 POLICE, AND REASONS WHY THEY DID OR DID NOT REPORT.

51 3. EACH COLLEGE AND UNIVERSITY SHALL TAKE STEPS TO ENSURE THAT ANSWERS
52 TO SUCH ASSESSMENTS REMAIN ANONYMOUS AND NO INDIVIDUAL RESPONDENT IS
53 IDENTIFIED.

54 4. EACH COLLEGE AND UNIVERSITY SHALL PUBLISH DETAILED RESULTS OF SUCH
55 SURVEYS ON THEIR INTERNET WEBSITE PROVIDED THAT NO PERSONALLY IDENTIFI-

1 ABLE INFORMATION OR INFORMATION WHICH CAN REASONABLY LEAD A READER TO
2 IDENTIFY AN INDIVIDUAL RESPONDENT SHALL BE SHARED.

3 5. NOTHING IN THIS SECTION SHALL BE SUBJECT TO DISCOVERY OR ADMITTED
4 INTO EVIDENCE IN A FEDERAL OR STATE COURT PROCEEDING OR CONSIDERED FOR
5 OTHER PURPOSES IN ANY ACTION FOR DAMAGES BROUGHT BY A PRIVATE PARTY
6 AGAINST A COLLEGE OR UNIVERSITY.

7 S 6445. OPTIONS FOR CONFIDENTIAL DISCLOSURE. IN ACCORDANCE WITH THE
8 VICTIM/SURVIVOR BILL OF RIGHTS SET FORTH IN SECTION SIXTY-FOUR HUNDRED
9 FORTY-TWO OF THIS ARTICLE, EACH COLLEGE AND UNIVERSITY SHALL ENSURE THAT
10 VICTIMS AND SURVIVORS HAVE THE FOLLOWING INFORMATION: (A) INFORMATION
11 REGARDING PRIVILEGED AND CONFIDENTIAL RESOURCES THEY MAY CONTACT REGARD-
12 ING VIOLENCE; (B) INFORMATION ABOUT NON-PROFESSIONAL COUNSELORS AND
13 ADVOCATES THEY MAY CONTACT REGARDING VIOLENCE; (C) A PLAIN LANGUAGE
14 EXPLANATION OF THE DIFFERENCES BETWEEN PRIVACY AND CONFIDENTIALITY; (D)
15 INFORMATION ABOUT HOW THE COLLEGE OR UNIVERSITY WILL WEIGH A REQUEST FOR
16 CONFIDENTIALITY AND RESPOND TO SUCH A REQUEST. SUCH INFORMATION SHALL AT
17 MINIMUM INCLUDE THAT IF A VICTIM/SURVIVOR DISCLOSES AN INCIDENT TO A
18 COLLEGE OR UNIVERSITY EMPLOYEE WHO IS RESPONSIBLE FOR RESPONDING TO OR
19 REPORTING SEXUAL VIOLENCE OR SEXUAL HARASSMENT, BUT WISHES TO MAINTAIN
20 CONFIDENTIALITY OR DOES NOT CONSENT TO THE INSTITUTION'S REQUEST TO
21 INITIATE AN INVESTIGATION, THE TITLE IX COORDINATOR MUST WEIGH THE
22 REQUEST AGAINST THE COLLEGE OR UNIVERSITY'S OBLIGATION TO PROVIDE A
23 SAFE, NON-DISCRIMINATORY ENVIRONMENT FOR ALL MEMBERS OF ITS COMMUNITY.
24 THE COLLEGE OR UNIVERSITY WILL ASSIST WITH ACADEMIC, HOUSING, TRANSPOR-
25 TATION, EMPLOYMENT, AND OTHER REASONABLE AND AVAILABLE ACCOMMODATIONS
26 REGARDLESS OF REPORTING CHOICES. THE COLLEGE OR UNIVERSITY MAY TAKE
27 PROACTIVE STEPS, SUCH AS TRAINING OR AWARENESS EFFORTS, TO COMBAT SEXUAL
28 VIOLENCE IN A GENERAL WAY THAT DOES NOT IDENTIFY THOSE WHO DISCLOSE OR
29 THE INFORMATION DISCLOSED. THE COLLEGE OR UNIVERSITY MAY SEEK CONSENT
30 FROM THOSE WHO DISCLOSE PRIOR TO CONDUCTING AN INVESTIGATION. DECLINING
31 TO CONSENT TO AN INVESTIGATION WILL BE HONORED UNLESS THE COLLEGE OR
32 UNIVERSITY DETERMINES IN GOOD FAITH THAT FAILURE TO INVESTIGATE DOES NOT
33 ADEQUATELY MITIGATE A POTENTIAL RISK OF HARM TO THE DISCLOSING PERSON OR
34 OTHER MEMBERS OF THE COMMUNITY. HONORING SUCH A REQUEST MAY LIMIT THE
35 COLLEGE OR UNIVERSITY'S ABILITY TO MEANINGFULLY INVESTIGATE AND PURSUE
36 CONDUCT ACTION AGAINST AN ACCUSED INDIVIDUAL. IF THE COLLEGE OR UNIVER-
37 SITY DETERMINES THAT AN INVESTIGATION IS REQUIRED, IT WILL NOTIFY THE
38 DISCLOSING PERSON AND TAKE IMMEDIATE ACTION AS NECESSARY TO PROTECT AND
39 ASSIST THEM. FACTORS USED TO DETERMINE WHETHER TO HONOR A CONFIDENTIALI-
40 TY REQUEST INCLUDE, BUT ARE NOT LIMITED TO: (1) WHETHER THE ACCUSED HAS
41 A HISTORY OF VIOLENT BEHAVIOR OR IS A REPEAT OFFENDER; (2) WHETHER THE
42 INCIDENT REPRESENTS ESCALATION IN UNLAWFUL CONDUCT ON BEHALF OF THE
43 ACCUSED FROM PREVIOUSLY NOTED BEHAVIOR; (3) THE INCREASED RISK THAT THE
44 ACCUSED WILL COMMIT ADDITIONAL ACTS OF VIOLENCE; (4) WHETHER THE ACCUSED
45 USED A WEAPON OR FORCE; (5) WHETHER THE VICTIM/SURVIVOR IS A MINOR; AND
46 (6) WHETHER THE COLLEGE OR UNIVERSITY POSSESSES OTHER MEANS TO OBTAIN
47 EVIDENCE SUCH AS SECURITY FOOTAGE, AND WHETHER AVAILABLE INFORMATION
48 REVEALS A PATTERN OF PERPETRATION AT A GIVEN LOCATION OR BY A PARTICULAR
49 GROUP; (E) INFORMATION ABOUT PUBLIC AWARENESS AND ADVOCACY EVENTS,
50 INCLUDING GUARANTEES THAT IF AN INDIVIDUAL DISCLOSES INFORMATION THROUGH
51 A PUBLIC AWARENESS EVENT SUCH AS CANDLELIGHT VIGILS, PROTESTS, OR OTHER
52 PUBLIC EVENT, THE COLLEGE OR UNIVERSITY IS NOT OBLIGATED TO BEGIN AN
53 INVESTIGATION BASED ON SUCH INFORMATION. THE COLLEGE OR UNIVERSITY MAY
54 USE THE INFORMATION PROVIDED AT SUCH AN EVENT TO INFORM ITS EFFORTS FOR
55 ADDITIONAL EDUCATION AND PREVENTION EFFORTS; (F) INFORMATION ABOUT METH-
56 ODS TO ANONYMOUSLY DISCLOSE INCLUDING BUT NOT LIMITED TO INFORMATION ON

1 RELEVANT CONFIDENTIAL HOTLINES PROVIDED BY NEW YORK STATE AGENCIES AND
2 NOT-FOR-PROFIT ENTITIES; (G) INFORMATION REGARDING INSTITUTIONAL CRIME
3 REPORTING INCLUDING BUT NOT LIMITED TO: REPORTS OF CERTAIN CRIMES OCCUR-
4 RING IN SPECIFIC GEOGRAPHIC LOCATIONS THAT SHALL BE INCLUDED IN THE
5 COLLEGE OR UNIVERSITY ANNUAL SECURITY REPORT PURSUANT TO THE CLERY ACT,
6 20 U.S.C. 1092(F), IN AN ANONYMIZED MANNER THAT NEITHER IDENTIFIES THE
7 SPECIFICS OF THE CRIME OR THE IDENTITY OF THE VICTIM/SURVIVOR; THAT THE
8 COLLEGE OR UNIVERSITY IS OBLIGATED TO ISSUE TIMELY WARNINGS OF CRIMES
9 ENUMERATED IN THE CLERY ACT OCCURRING WITHIN RELEVANT GEOGRAPHY THAT
10 REPRESENT A SERIOUS OR CONTINUING THREAT TO STUDENTS AND EMPLOYEES,
11 EXCEPT IN THOSE CIRCUMSTANCES WHERE ISSUING SUCH A WARNING MAY COMPRO-
12 MISE CURRENT LAW ENFORCEMENT EFFORTS OR WHEN THE WARNING ITSELF COULD
13 POTENTIALLY IDENTIFY THE VICTIM/SURVIVOR; THAT A VICTIM OR SURVIVOR
14 SHALL NOT BE IDENTIFIED IN A TIMELY WARNING; THAT THE FAMILY EDUCATIONAL
15 RIGHTS AND PRIVACY ACT, 20 U.S.C. 1232(G), ALLOWS INSTITUTIONS TO SHARE
16 INFORMATION WITH PARENTS WHEN (1) THERE IS A HEALTH OR SAFETY EMERGENCY,
17 OR (2) WHEN THE STUDENT IS A DEPENDENT ON EITHER PARENT'S PRIOR YEAR
18 FEDERAL INCOME TAX RETURN, AND THAT GENERALLY, THE COLLEGE OR UNIVERSITY
19 SHALL NOT SHARE INFORMATION ABOUT A REPORT OF SEXUAL VIOLENCE WITH
20 PARENTS WITHOUT THE PERMISSION OF THE VICTIM/SURVIVOR.

21 S 6446. STUDENT ONBOARDING AND ONGOING EDUCATION. 1. EACH COLLEGE AND
22 UNIVERSITY SHALL ADOPT A COMPREHENSIVE STUDENT ONBOARDING AND ONGOING
23 EDUCATION CAMPAIGN TO EDUCATE MEMBERS OF THE COLLEGE OR UNIVERSITY
24 COMMUNITY ABOUT SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE AND
25 STALKING, IN COMPLIANCE WITH APPLICABLE FEDERAL LAWS, INCLUDING THE
26 CLERY ACT AS AMENDED BY THE VIOLENCE AGAINST WOMEN ACT REAUTHORIZATION
27 OF 2013, 20 U.S.C. 1092(F).

28 2. INCLUDED IN THIS CAMPAIGN IT SHALL BE A REQUIREMENT THAT ALL NEW
29 FIRST-YEAR AND TRANSFER STUDENTS SHALL, DURING THE COURSE OF THEIR
30 ONBOARDING TO THEIR COLLEGE OR UNIVERSITY, RECEIVE TRAINING ON THE
31 FOLLOWING TOPICS, USING A METHOD AND MANNER APPROPRIATE TO THE INSTITU-
32 TIONAL CULTURE OF EACH COLLEGE OR UNIVERSITY: (A) THE COLLEGE OR UNIVER-
33 SITY PROHIBITS SEXUAL HARASSMENT, INCLUDING SEXUAL VIOLENCE, OTHER
34 VIOLENCE OR THREATS OF VIOLENCE, AND WILL OFFER RESOURCES TO ANY VICTIMS
35 AND SURVIVORS OF SUCH VIOLENCE WHILE TAKING ADMINISTRATIVE AND CONDUCT
36 ACTION REGARDING ANY ACCUSED INDIVIDUAL WITHIN THE JURISDICTION OF THE
37 COLLEGE OR UNIVERSITY; (B) RELEVANT DEFINITIONS INCLUDING, BUT NOT
38 LIMITED TO, THE DEFINITIONS OF SEXUAL VIOLENCE AND CONSENT; (C) POLICIES
39 APPLY EQUALLY TO ALL STUDENTS REGARDLESS OF SEXUAL ORIENTATION, GENDER
40 IDENTITY, OR GENDER EXPRESSION; (D) THE ROLE OF THE TITLE IX COORDINA-
41 TOR, UNIVERSITY POLICE OR CAMPUS SECURITY, AND OTHER RELEVANT OFFICES
42 THAT ADDRESS SEXUAL VIOLENCE PREVENTION AND RESPONSE; (E) AWARENESS OF
43 VIOLENCE, ITS IMPACT ON VICTIMS AND SURVIVORS AND THEIR FRIENDS AND
44 FAMILY, AND ITS LONG-TERM IMPACT; (F) THE POLICIES REQUIRED BY SECTIONS
45 SIXTY-FOUR HUNDRED FORTY-THREE AND SIXTY-FOUR HUNDRED FORTY-FOUR OF THIS
46 ARTICLE, INCLUDING: (1) HOW TO REPORT SEXUAL VIOLENCE AND OTHER CRIMES
47 CONFIDENTIALLY TO COLLEGE OR UNIVERSITY OFFICIALS, CAMPUS LAW ENFORCE-
48 MENT AND SECURITY, AND LOCAL LAW ENFORCEMENT; AND (2) HOW TO OBTAIN
49 SERVICES AND SUPPORT; (G) BYSTANDER INTERVENTION AND THE IMPORTANCE OF
50 TAKING ACTION, WHEN ONE CAN SAFELY DO SO, TO PREVENT VIOLENCE; (H) THE
51 PROTECTIONS OF THE POLICY FOR ALCOHOL AND/OR DRUG USE AMNESTY IN SEXUAL
52 VIOLENCE CASES AS OUTLINED IN SECTION SIXTY-FOUR HUNDRED FORTY-ONE OF
53 THIS ARTICLE; (I) RISK ASSESSMENT AND REDUCTION INCLUDING, BUT NOT
54 LIMITED TO, STEPS THAT POTENTIAL VICTIMS AND SURVIVORS AND BYSTANDERS
55 CAN TAKE TO LOWER THE INCIDENCE OF SEXUAL VIOLENCE; AND (J) CONSEQUENCES
56 AND SANCTIONS FOR INDIVIDUALS WHO COMMIT THESE CRIMES.

1 3. EACH COLLEGE AND UNIVERSITY SHALL CONDUCT THESE TRAININGS FOR ALL
2 NEW STUDENTS, WHETHER FIRST-YEAR OR TRANSFER, UNDERGRADUATE, GRADUATE,
3 OR PROFESSIONAL.

4 4. EACH COLLEGE AND UNIVERSITY SHALL USE MULTIPLE METHODS TO EDUCATE
5 STUDENTS ABOUT VIOLENCE PREVENTION AND WILL ALSO SHARE INFORMATION ON
6 SEXUAL VIOLENCE PREVENTION WITH PARENTS OF ENROLLING STUDENTS.

7 5. EACH COLLEGE AND UNIVERSITY SHALL OFFER TO ALL STUDENTS GENERAL AND
8 SPECIALIZED TRAINING IN SEXUAL VIOLENCE PREVENTION. EACH COLLEGE AND
9 UNIVERSITY SHALL CONDUCT A CAMPAIGN, COMPLIANT WITH THE REQUIREMENTS OF
10 THE VIOLENCE AGAINST WOMEN ACT, 20 U.S.C. 1092(F), TO EDUCATE THE
11 STUDENT POPULATION. FURTHER, EACH COLLEGE AND UNIVERSITY SHALL, AS
12 APPROPRIATE, PROVIDE OR EXPAND SPECIFIC TRAINING TO INCLUDE GROUPS SUCH
13 AS INTERNATIONAL STUDENTS, STUDENTS THAT ARE ALSO EMPLOYEES, LEADERS AND
14 OFFICERS OF REGISTERED OR RECOGNIZED STUDENT ORGANIZATIONS, AND ONLINE
15 AND DISTANCE EDUCATION STUDENTS. EACH COLLEGE AND UNIVERSITY SHALL ALSO
16 PROVIDE SPECIFIC TRAINING TO MEMBERS OF GROUPS IDENTIFIED AS LIKELY TO
17 ENGAGE IN HIGH-RISK BEHAVIOR.

18 6. EACH COLLEGE AND UNIVERSITY SHALL REQUIRE THAT STUDENT LEADERS AND
19 OFFICERS OF STUDENT ORGANIZATIONS RECOGNIZED BY OR REGISTERED WITH THE
20 COLLEGE OR UNIVERSITY, AS WELL AS THOSE SEEKING RECOGNITION BY THE
21 COLLEGE OR UNIVERSITY, COMPLETE TRAINING ON SEXUAL VIOLENCE PREVENTION
22 AS PART OF THE APPROVAL PROCESS, AND EACH COLLEGE AND UNIVERSITY SHALL
23 REQUIRE THAT STUDENT-ATHLETES COMPLETE TRAINING ON SEXUAL VIOLENCE
24 PREVENTION PRIOR TO PARTICIPATING IN INTERCOLLEGIATE ATHLETIC COMPETI-
25 TION.

26 7. METHODS OF TRAINING AND EDUCATING STUDENTS MAY INCLUDE, BUT ARE NOT
27 LIMITED TO: (A) PRESIDENT'S WELCOME MESSAGING; (B) PEER THEATER AND PEER
28 EDUCATIONAL PROGRAMS; (C) ONLINE TRAINING; (D) SOCIAL MEDIA OUTREACH;
29 (E) FIRST-YEAR SEMINARS AND TRANSITIONAL COURSES; (F) COURSE SYLLABI;
30 (G) FACULTY TEACH-INS; (H) INSTITUTION-WIDE READING PROGRAMS; (I) POST-
31 ERS, BULLETIN BOARDS, AND OTHER TARGETED PRINT AND EMAIL MATERIALS; (J)
32 PROGRAMMING SURROUNDING LARGE RECURRING CAMPUS EVENTS; (K) PARTNERING
33 WITH NEIGHBORING COLLEGES AND UNIVERSITIES TO OFFER TRAINING AND EDUCA-
34 TION; (L) PARTNERING WITH STATE AND LOCAL COMMUNITY ORGANIZATIONS THAT
35 PROVIDE OUTREACH, SUPPORT, CRISIS INTERVENTION, COUNSELING AND OTHER
36 RESOURCES TO VICTIMS AND SURVIVORS OF CRIMES TO OFFER TRAINING AND
37 EDUCATION; AND (M) OUTREACH AND PARTNERING WITH LOCAL BUSINESSES THAT
38 ATTRACT STUDENTS TO ADVERTISE AND EDUCATE ABOUT THESE POLICIES.

39 8. EACH COLLEGE AND UNIVERSITY MUST ENGAGE IN AN OCCASIONAL ASSESSMENT
40 OF ITS PROGRAM AND POLICIES ESTABLISHED PURSUANT TO PROVISIONS OF THIS
41 ARTICLE, IN ORDER TO DETERMINE EFFECTIVENESS AND RELEVANCE FOR STUDENTS,
42 BY EITHER ASSESSING ITS OWN PROGRAMMING OR BY CONDUCTING A REVIEW OF
43 POLICIES OF OTHER COLLEGES AND UNIVERSITIES AND PUBLISHED STUDIES.

44 S 6447. PRIVACY IN LEGAL CHALLENGES TO CONDUCT FINDINGS. IN ANY
45 PROCEEDING BROUGHT AGAINST A COLLEGE OR UNIVERSITY CHARTERED BY THE
46 REGENTS OR INCORPORATED BY SPECIAL ACT OF THE LEGISLATURE AND WHICH
47 MAINTAINS A CAMPUS, CHALLENGING A FINDING THAT A STUDENT WAS RESPONSIBLE
48 FOR A VIOLATION OF THE COLLEGE OR UNIVERSITY RULES, THE PLEADINGS AND
49 OTHER PAPERS OF SUCH A PROCEEDING SHALL NOT NAME OR PROVIDE IDENTIFYING
50 INFORMATION ABOUT TESTIFYING WITNESSES (INCLUDING A VICTIM OR SURVIVOR
51 OF A CRIME) WITH THE EXCEPTION OF THE PETITIONER, INDIVIDUALS TESTIFYING
52 IN THEIR PROFESSIONAL OR EXPERT CAPACITY, AND WITNESSES WHO WAIVE THIS
53 RIGHT TO PRIVACY IN A NOTARIZED INSTRUMENT PRESENTED TO THE COURT.
54 WITNESSES SHALL BE IDENTIFIED ONLY AS NUMBERED WITNESSES.

55 S 2. This act shall take effect immediately; provided, however, that
56 sections sixty-four hundred thirty-nine, sixty-four hundred forty,

1 sixty-four hundred forty-one, sixty-four hundred forty-three, sixty-four
2 hundred forty-five and sixty-four hundred forty-six of article 129-B of
3 the education law, as added by section one of this act, shall take
4 effect on the one hundred eightieth day after it shall have become a
5 law; sections sixty-four hundred forty-two and sixty-four hundred
6 forty-seven of article 129-B of the education law, as added by section
7 one of this act, shall take effect on the sixtieth day after it shall
8 have become a law, and section sixty-four hundred forty-four of article
9 129-B of the education law, as added by section one of this act, shall
10 take effect on the four hundred twenty-fifth day after it shall have
11 become a law.

12 PART I

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

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

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

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

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

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

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

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

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

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

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

1 \$961.48; and (iv) for an eligible couple receiving such care in any
2 other county in the state, two times the amount set forth in subpara-
3 graph (iii) of this paragraph.

4 (d) On and after January first, two thousand [fourteen] FIFTEEN, (i)
5 for an eligible individual receiving residential care, [\$1156.00]
6 \$1168.00 if he or she is receiving such care in the city of New York or
7 the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an
8 eligible couple receiving residential care in the city of New York or
9 the county of Nassau, Suffolk, Westchester or Rockland, two times the
10 amount set forth in subparagraph (i) of this paragraph; or (iii) for an
11 eligible individual receiving such care in any other county in the
12 state, [\$1126.00] \$1138.00; and (iv) for an eligible couple receiving
13 such care in any other county in the state, two times the amount set
14 forth in subparagraph (iii) of this paragraph.

15 (e) (i) On and after January first, two thousand [fourteen] FIFTEEN,
16 for an eligible individual receiving enhanced residential care,
17 [\$1415.00] \$1427.00; and (ii) for an eligible couple receiving enhanced
18 residential care, two times the amount set forth in subparagraph (i) of
19 this paragraph.

20 (III) ON AND AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN, FOR AN ELIGI-
21 BLE INDIVIDUAL RECEIVING ENHANCED RESIDENTIAL CARE, \$1579; AND (IV) FOR
22 AN ELIGIBLE COUPLE RECEIVING ENHANCED RESIDENTIAL CARE, TWO TIMES THE
23 AMOUNT SET FORTH IN SUBPARAGRAPH (III) OF THIS PARAGRAPH.

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

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

30 PART J

31 Intentionally Omitted

32 PART K

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

36 State reimbursement AND PAYMENTS.

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

40 [(c) one hundred per centum of such payments after first deducting
41 therefrom any federal funds properly to be received on account of such
42 payments, for children placed out for adoption by a voluntary authorized
43 agency or for children being adopted after being placed out for adoption
44 by a voluntary authorized agency in accordance with the provisions of
45 this title,] or [(d)] (C) one hundred per centum of such payments after
46 first deducting therefrom any federal funds properly to be received on
47 account of such payments, for children placed out for adoption or being
48 adopted after being placed out for adoption by an Indian tribe as refer-
49 enced in subdivision seven of section four hundred fifty-one of this
50 title.

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

3 3. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, FOR A
4 CHILD WHO HAS BEEN PLACED FOR ADOPTION BY A VOLUNTARY AUTHORIZED AGENCY
5 WITH GUARDIANSHIP AND CUSTODY OR CARE AND CUSTODY OF SUCH CHILD, AS
6 REFERENCED IN SUBDIVISION ONE OF SECTION FOUR HUNDRED FIFTY-ONE OF THIS
7 TITLE, PAYMENTS AVAILABLE UNDER SECTION FOUR HUNDRED FIFTY-THREE, FOUR
8 HUNDRED FIFTY-THREE-A OR FOUR HUNDRED FIFTY-FOUR OF THIS TITLE SHALL BE
9 MADE BY THE STATE PURSUANT TO A WRITTEN AGREEMENT BETWEEN AN OFFICIAL OF
10 THE OFFICE OF CHILDREN AND FAMILY SERVICES AND THE PERSONS WHO APPLIED
11 FOR SUCH PAYMENTS PRIOR TO ADOPTION. NOTWITHSTANDING ANY OTHER PROVISION
12 OF LAW TO THE CONTRARY, THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL
13 NOT ENTER INTO WRITTEN AGREEMENTS FOR, OR ISSUE, ANY SUCH PAYMENTS IN
14 INSTANCES WHERE THE PERSON OR PERSONS APPLYING FOR SUCH PAYMENTS RESIDE
15 OUTSIDE OF THE STATE OF NEW YORK AT THE TIME THE APPLICATION FOR SUCH
16 PAYMENTS IS MADE.

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

24 PART L

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

27 6. "SUCCESSOR GUARDIAN" SHALL MEAN A PERSON OR PERSONS NAMED IN THE
28 AGREEMENT IN EFFECT BETWEEN THE RELATIVE GUARDIAN AND SOCIAL SERVICES
29 OFFICIAL FOR KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS PURSUANT TO THIS
30 TITLE TO PROVIDE CARE AND GUARDIANSHIP FOR A CHILD IN THE EVENT OF DEATH
31 OR INCAPACITY OF THE RELATIVE GUARDIAN, AS SET FORTH IN SECTION FOUR
32 HUNDRED FIFTY-EIGHT-B OF THIS TITLE, WHO HAS ASSUMED CARE FOR AND IS THE
33 GUARDIAN OR PERMANENT GUARDIAN OF SUCH CHILD, PROVIDED THAT SUCH PERSON
34 WAS APPOINTED GUARDIAN OR PERMANENT GUARDIAN OF SUCH CHILD FOLLOWING, OR
35 DUE TO, THE DEATH OR INCAPACITY OF THE RELATIVE GUARDIAN.

36 7. "PROSPECTIVE SUCCESSOR GUARDIAN" SHALL MEAN A PERSON OR PERSONS
37 WHOM A PROSPECTIVE RELATIVE GUARDIAN OR A RELATIVE GUARDIAN SEEKS TO
38 NAME IN THE ORIGINAL KINSHIP GUARDIANSHIP ASSISTANCE AGREEMENT, OR ANY
39 AMENDMENT THERETO, AS SET FORTH IN SECTION FOUR HUNDRED FIFTY-EIGHT-B OF
40 THIS TITLE, AS THE PERSON OR PERSONS TO PROVIDE CARE AND GUARDIANSHIP
41 FOR A CHILD IN THE EVENT OF THE DEATH OR INCAPACITY OF A RELATIVE GUARD-
42 IAN.

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

48 S 2. Subdivision 4 of section 458-b of the social services law is
49 amended by adding two new paragraphs (e) and (f) to read as follows:

50 (E) THE ORIGINAL KINSHIP GUARDIANSHIP ASSISTANCE AGREEMENT EXECUTED IN
51 ACCORDANCE WITH THIS SECTION AND ANY AMENDMENTS THERETO MAY NAME AN
52 APPROPRIATE PERSON TO ACT AS A SUCCESSOR GUARDIAN FOR THE PURPOSE OF
53 PROVIDING CARE AND GUARDIANSHIP FOR A CHILD IN THE EVENT OF DEATH OR
54 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 TO PROVIDE CARE AND GUARDIANSHIP FOR A CHILD IN THE EVENT OF DEATH OR INCAPACITY OF THE RELATIVE GUARDIAN.

S 3. 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 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, 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 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 4. 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

1 KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS MAY BE MADE PURSUANT TO THIS
2 TITLE TO A SUCCESSOR GUARDIAN IF THE SOCIAL SERVICES OFFICIAL DETERMINES
3 THAT THE SUCCESSOR GUARDIAN IS NO LONGER LEGALLY RESPONSIBLE FOR THE
4 SUPPORT OF THE CHILD, INCLUDING IF THE STATUS OF THE SUCCESSOR GUARDIAN
5 IS TERMINATED OR THE CHILD IS NO LONGER RECEIVING ANY SUPPORT FROM SUCH
6 GUARDIAN. A SUCCESSOR GUARDIAN WHO HAS BEEN RECEIVING KINSHIP GUARDIAN-
7 SHIP ASSISTANCE PAYMENTS ON BEHALF OF A CHILD UNDER THIS TITLE MUST KEEP
8 THE SOCIAL SERVICES OFFICIAL INFORMED, ON AN ANNUAL BASIS, OF ANY
9 CIRCUMSTANCES THAT WOULD MAKE THE SUCCESSOR GUARDIAN INELIGIBLE FOR SUCH
10 PAYMENTS OR ELIGIBLE FOR PAYMENTS IN A DIFFERENT AMOUNT.

11 S 5. Subdivision 8 of section 458-b of the social services law, as
12 added by section 4 of part F of chapter 58 of the laws of 2010, is
13 amended to read as follows:

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

20 S 6. Subdivision 2 of section 458-d of the social services law, as
21 added by section 4 of part F of chapter 58 of the laws of 2010, is
22 amended to read as follows:

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

41 S 7. Subdivisions 1 and 2 of section 458-f of the social services law,
42 as added by section 4 of part F of chapter 58 of the laws of 2010, are
43 amended to read as follows:

44 1. Any person aggrieved by the decision of a social services official
45 not to make a payment or payments pursuant to this title or to make such
46 payment or payments in an inadequate or inappropriate amount or the
47 failure of a social services official to determine an application under
48 this title within thirty days after filing, OR THE FAILURE OF A SOCIAL
49 SERVICES DISTRICT TO APPROVE A PROSPECTIVE SUCCESSOR GUARDIAN, may
50 appeal to the office of children and family services, which shall review
51 the case and give such person an opportunity for a fair hearing thereon
52 and render its decision within thirty days. All decisions of the office
53 of children and family services shall be binding upon the social
54 services district involved and shall be complied with by the social
55 services official thereof.

1 2. The only issues which may be raised in a fair hearing under this
2 section are: (a) whether the social services official has improperly
3 denied an application for payments under this title; (b) whether the
4 social services official has improperly discontinued payments under this
5 title; (c) whether the social services official has determined the
6 amount of the payments made or to be made in violation of the provisions
7 of this title or the regulations of the office of children and family
8 services promulgated hereunder; [or] (d) whether the social services
9 official has failed to determine an application under this title within
10 thirty days; OR (E) WHETHER THE SOCIAL SERVICES OFFICIAL HAS IMPROPERLY
11 DENIED AN APPLICATION TO NAME A PROSPECTIVE SUCCESSOR GUARDIAN IN THE
12 ORIGINAL KINSHIP GUARDIANSHIP ASSISTANCE AGREEMENT FOR PAYMENTS PURSUANT
13 TO THIS TITLE OR ANY AMENDMENTS THERETO.

14 S 8. Paragraph (c) of subdivision 7 of section 353.3 of the family
15 court act, as amended by section 6 of part G of chapter 58 of the laws
16 of 2010, is amended to read as follows:

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

37 S 9. Paragraph (b) of subdivision 7 of section 355.5 of the family
38 court act, as added by chapter 7 of the laws of 1999, is amended to read
39 as follows:

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

43 S 10. Paragraph (d) of subdivision 7 of section 355.5 of the family
44 court act, as amended by chapter 181 of the laws of 2000, is amended to
45 read as follows:

46 (d) with regard to the completion of placement ordered by the court
47 pursuant to section 353.3 or 355.3 of this [article] PART: whether and
48 when the respondent: (i) will be returned to the parent; (ii) should be
49 placed for adoption with the local commissioner of social services
50 filing a petition for termination of parental rights; (iii) should be
51 referred for legal guardianship; (iv) should be placed permanently with
52 a fit and willing relative; or (v) should be placed in another planned
53 permanent living arrangement WITH A SIGNIFICANT CONNECTION TO AN ADULT
54 WILLING TO BE A PERMANENCY RESOURCE FOR THE RESPONDENT if THE RESPONDENT
55 IS AGE SIXTEEN OR OLDER AND (A) the office of children and family
56 services or the local commissioner of social services has documented to

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

25 S 11. Subdivision 8 of section 355.5 of the family court act, as added
26 by section 2 of part B of chapter 327 of the laws of 2007, is amended to
27 read as follows:

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

36 S 12. Subparagraph (ii) of paragraph (a) of subdivision 2 of section
37 754 of the family court act, as amended by chapter 7 of the laws of
38 1999, is amended to read as follows:

39 (ii) in the case of a child who has attained the age of [sixteen]
40 FOURTEEN, the services needed, if any, to assist the child to make the
41 transition from foster care to independent living. Nothing in this
42 subdivision shall be construed to modify the standards for directing
43 detention set forth in section seven hundred thirty-nine of this arti-
44 cle.

45 S 13. The closing paragraph of paragraph (b) of subdivision 2 of
46 section 754 of the family court act, as added by chapter 7 of the laws
47 of 1999, is amended to read as follows:

48 If the court determines that reasonable efforts are not required
49 because of one of the grounds set forth above, a permanency hearing
50 shall be held within thirty days of the finding of the court that such
51 efforts are not required. At the permanency hearing, the court shall
52 determine the appropriateness of the permanency plan prepared by the
53 social services official which shall include whether and when the child:
54 (A) will be returned to the parent; (B) should be placed for adoption
55 with the social services official filing a petition for termination of
56 parental rights; (C) should be referred for legal guardianship; (D)

1 should be placed permanently with a fit and willing relative; or (E)
2 should be placed in another planned permanent living arrangement WITH A
3 SIGNIFICANT CONNECTION TO AN ADULT WILLING TO BE A PERMANENCY RESOURCE
4 FOR THE CHILD IF THE CHILD IS AGE SIXTEEN OR OLDER AND if the [social
5 services official has documented to the court a compelling reason for
6 determining that it would not be in the best interest of the child to
7 return home, be referred for termination of parental rights and placed
8 for adoption, placed with a fit and willing relative, or placed with a
9 legal guardian] REQUIREMENTS OF SUBPARAGRAPH (E) OF PARAGRAPH (IV) OF
10 SUBDIVISION (D) OF SECTION SEVEN HUNDRED FIFTY-SIX-A OF THIS PART HAVE
11 BEEN MET. The social services official shall thereafter make reasonable
12 efforts to place the child in a timely manner and to complete whatever
13 steps are necessary to finalize the permanent placement of the child as
14 set forth in the permanency plan approved by the court. If reasonable
15 efforts are determined by the court not to be required because of one of
16 the grounds set forth in this paragraph, the social services official
17 may file a petition for termination of parental rights in accordance
18 with section three hundred eighty-four-b of the social services law.

19 S 14. Paragraph (ii) of subdivision (d) of section 756-a of the family
20 court act, as amended by section 4 of part B of chapter 327 of the laws
21 of 2007, is amended to read as follows:

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

25 S 15. Paragraphs (iii) and (iv) of subdivision (d) of section 756-a of
26 the family court act, as amended by section 4 of part B of chapter 327
27 of the laws of 2007, are amended to read as follows:

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

31 (iv) whether and when the child: (A) will be returned to the parent;
32 (B) should be placed for adoption with the social services official
33 filing a petition for termination of parental rights; (C) should be
34 referred for legal guardianship; (D) should be placed permanently with a
35 fit and willing relative; or (E) should be placed in another planned
36 permanent living arrangement WITH A SIGNIFICANT CONNECTION TO AN ADULT
37 WILLING TO BE A PERMANENCY RESOURCE FOR THE CHILD if THE CHILD IS AGE
38 SIXTEEN OR OLDER AND (1) the social services official has documented to
39 the court [a]: (I) INTENSIVE, ONGOING, AND, AS OF THE DATE OF THE HEAR-
40 ING, UNSUCCESSFUL EFFORTS MADE BY THE SOCIAL SERVICES DISTRICT TO RETURN
41 THE CHILD HOME OR SECURE A PLACEMENT FOR THE CHILD WITH A FIT AND WILL-
42 ING RELATIVE INCLUDING ADULT SIBLINGS, A LEGAL GUARDIAN, OR AN ADOPTIVE
43 PARENT, INCLUDING THROUGH EFFORTS THAT UTILIZE SEARCH TECHNOLOGY INCLUD-
44 ING SOCIAL MEDIA TO FIND BIOLOGICAL FAMILY MEMBERS FOR CHILDREN, (II)
45 THE STEPS THE SOCIAL SERVICES DISTRICT IS TAKING TO ENSURE THAT (A) THE
46 CHILD'S FOSTER FAMILY HOME OR CHILD CARE FACILITY IS FOLLOWING THE
47 REASONABLE AND PRUDENT PARENT STANDARD IN ACCORDANCE WITH GUIDANCE
48 PROVIDED BY THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES,
49 AND (B) THE CHILD HAS REGULAR, ONGOING OPPORTUNITIES TO ENGAGE IN AGE OR
50 DEVELOPMENTALLY APPROPRIATE ACTIVITIES INCLUDING BY CONSULTING WITH THE
51 CHILD IN AN AGE-APPROPRIATE MANNER ABOUT THE OPPORTUNITIES OF THE CHILD
52 TO PARTICIPATE IN ACTIVITIES; AND (2) THE SOCIAL SERVICES DISTRICT HAS
53 DOCUMENTED TO THE COURT AND THE COURT HAS DETERMINED THAT THERE ARE
54 compelling [reason] REASONS for determining that it [would] CONTINUES TO
55 not be in the best interest of the child to return home, be referred for
56 termination of parental rights and placed for adoption, placed with a

1 fit and willing relative, or placed with a legal guardian; and (3) THE
2 COURT HAS MADE A DETERMINATION EXPLAINING WHY, AS OF THE DATE OF THE
3 HEARING, ANOTHER PLANNED LIVING ARRANGEMENT WITH A SIGNIFICANT
4 CONNECTION TO AN ADULT WILLING TO BE A PERMANENCY RESOURCE FOR THE CHILD
5 IS THE BEST PERMANENCY PLAN FOR THE CHILD; AND

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

8 S 16. Subdivision (d-1) of section 756-a of the family court act, as
9 added by section 4 of part B of chapter 327 of the laws of 2007, is
10 amended to read as follows:

11 (d-1) At the permanency hearing, the court shall consult with the
12 respondent in an age-appropriate manner regarding the permanency plan;
13 PROVIDED, HOWEVER, THAT IF THE RESPONDENT IS AGE SIXTEEN OR OLDER AND
14 THE REQUESTED PERMANENCY PLAN FOR THE RESPONDENT IS PLACEMENT IN ANOTHER
15 PLANNED PERMANENT LIVING ARRANGEMENT WITH A SIGNIFICANT CONNECTION TO AN
16 ADULT WILLING TO BE A PERMANENCY RESOURCE FOR THE RESPONDENT, THE COURT
17 MUST ASK THE RESPONDENT ABOUT THE DESIRED PERMANENCY OUTCOME FOR THE
18 RESPONDENT.

19 S 17. Paragraph (v) of subdivision (c) of section 1039-b of the family
20 court act, as amended by section 5 of part B of chapter 327 of the laws
21 of 2007, is amended to read as follows:

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

41 S 18. Item (v) of clause 7 of subparagraph (A) of paragraph (i) of
42 subdivision (b) of section 1052 of the family court act, as amended by
43 section 7 of part B of chapter 327 of the laws of 2007, is amended to
44 read as follows:

45 (v) should be placed in another planned permanent living arrangement
46 that includes a significant connection to an adult [who is] willing to
47 be a permanency resource for the child, IF THE CHILD IS AGE SIXTEEN OR
48 OLDER AND if the [social services official has documented to the court a
49 compelling reason for determining that it would not be in the best
50 interest of the child to return home, be referred for termination of
51 parental rights and placed for adoption, placed with a fit and willing
52 relative, or placed with a legal guardian] REQUIREMENTS OF CLAUSE (E) OF
53 SUBPARAGRAPH (I) OF PARAGRAPH TWO OF SUBDIVISION (D) OF SECTION ONE
54 THOUSAND EIGHTY-NINE OF THE CHAPTER HAVE BEEN MET. The social services
55 official shall thereafter make reasonable efforts to place the child in
56 a timely manner, including consideration of appropriate in-state and

1 out-of-state placements, and to complete whatever steps are necessary to
2 finalize the permanent placement of the child as set forth in the
3 permanency plan approved by the court. If reasonable efforts are deter-
4 mined by the court not to be required because of one of the grounds set
5 forth in this paragraph, the social services official may file a peti-
6 tion for termination of parental rights in accordance with section three
7 hundred eighty-four-b of the social services law.

8 S 19. Subparagraph (v) of paragraph 1 of subdivision (c) of section
9 1089 of the family court act, as added by section 27 of part A of chap-
10 ter 3 of the laws of 2005, is amended to read as follows:

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

31 S 20. The opening paragraph of subdivision (d) of section 1089 of the
32 family court act, as amended by chapter 334 of the laws of 2009, is
33 amended to read as follows:

34 Evidence, court findings and order. The provisions of subdivisions (a)
35 and (c) of section one thousand forty-six of this act shall apply to all
36 proceedings under this article. THE PERMANENCY HEARING SHALL INCLUDE AN
37 AGE APPROPRIATE CONSULTATION WITH THE CHILD; PROVIDED, HOWEVER THAT IF
38 THE CHILD IS AGE SIXTEEN OR OLDER AND THE REQUESTED PERMANENCY PLAN FOR
39 THE CHILD IS PLACEMENT IN ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT
40 WITH A SIGNIFICANT CONNECTION TO AN ADULT WILLING TO BE A PERMANENCY
41 RESOURCE FOR THE CHILD, THE COURT MUST ASK THE CHILD ABOUT THE DESIRED
42 PERMANENCY OUTCOME FOR THE CHILD. At the conclusion of each permanency
43 hearing, the court shall, upon the proof adduced, [which shall include
44 age-appropriate consultation with the child who is the subject of the
45 permanency hearing,] and in accordance with the best interests and safe-
46 ty of the child, including whether the child would be at risk of abuse
47 or neglect if returned to the parent or other person legally responsi-
48 ble, determine and issue its findings, and enter an order of disposition
49 in writing:

50 S 21. Clause (E) of subparagraph (i) of paragraph 2 of subdivision (d)
51 of section 1089 of the family court act, as added by section 27 of part
52 A of chapter 3 of the laws of 2005, is amended to read as follows:

53 (E) placement in another planned permanent living arrangement that
54 includes a significant connection to an adult willing to be a permanency
55 resource for the child if the [local social services official has docu-
56 mented to] CHILD IS AGE SIXTEEN OR OLDER AND the court [a] HAS DETER-

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

19 S 26. Severability. If any clause, sentence, paragraph, subdivision,
20 section or part contained in any part of this act shall be adjudged by
21 any court of competent jurisdiction to be invalid, such judgment shall
22 not affect, impair, or invalidate the remainder thereof, but shall be
23 confined in its operation to the clause, sentence, paragraph, subdivi-
24 sion, section or part contained in any part thereof directly involved in
25 the controversy in which such judgment shall have been rendered. It is
26 hereby declared to be the intent of the legislature that this act would
27 have been enacted even if such invalid provisions had not been included
28 herein.

29 S 27. This act shall take effect immediately, provided however that
30 sections eight through twenty-four of this act shall take effect Septem-
31 ber 1, 2015 and section twenty-five of this act shall take effect Janu-
32 ary 1, 2016.

33 PART M

34 Section 1. Notwithstanding any other provision of law, the housing
35 trust fund corporation may provide, for purposes of the rural rental
36 assistance program, a sum not to exceed twenty-one million six hundred
37 forty-two thousand dollars for the fiscal year ending March 31, 2016.
38 Notwithstanding any other provision of law, and subject to the approval
39 of the New York state director of the budget, the board of directors of
40 the state of New York mortgage agency shall authorize the transfer to
41 the housing trust fund corporation, for the purposes of reimbursing any
42 costs associated with rural rental assistance program contracts author-
43 ized by this section, a total sum not to exceed twenty-one million six
44 hundred forty-two thousand dollars, such transfer to be made from (i)
45 the special account of the mortgage insurance fund created pursuant to
46 section 2429-b of the public authorities law, in an amount not to exceed
47 the actual excess balance in the special account of the mortgage insur-
48 ance fund, as determined and certified by the state of New York mortgage
49 agency for the fiscal year 2014-2015 in accordance with section 2429-b
50 of the public authorities law, if any, and/or (ii) provided that the
51 reserves in the project pool insurance account of the mortgage insurance
52 fund created pursuant to section 2429-b of the public authorities law
53 are sufficient to attain and maintain the credit rating (as determined
54 by the state of New York mortgage agency) required to accomplish the

1 purposes of such account, the project pool insurance account of the
2 mortgage insurance fund, such transfer to be made as soon as practicable
3 but no later than June 30, 2015. Notwithstanding any other provision of
4 law, such funds may be used by the corporation in support of contracts
5 scheduled to expire in the fiscal year ending March 31, 2016 for as many
6 as 10 additional years; in support of contracts for new eligible
7 projects for a period not to exceed 5 years; and in support of contracts
8 which reach their 25 year maximum in and/or prior to the fiscal year
9 ending March 31, 2016 for an additional one year period.

10 S 2. Notwithstanding any other provision of law, the housing finance
11 agency may provide, for costs associated with the rehabilitation of
12 Mitchell Lama housing projects, a sum not to exceed forty-two million
13 dollars for the fiscal year ending March 31, 2016. Notwithstanding any
14 other provision of law, and provided that the reserves in the project
15 pool insurance account of the mortgage insurance fund created pursuant
16 to section 2429-b of the public authorities law are sufficient to attain
17 and maintain the credit rating (as determined by the state of New York
18 mortgage agency) required to accomplish the purposes of such account,
19 the board of directors of the state of New York mortgage agency shall
20 authorize the transfer from the project pool insurance account of the
21 mortgage insurance fund to the housing finance agency, for the purposes
22 of reimbursing any costs associated with Mitchell Lama housing projects
23 authorized by this section, a total sum not to exceed forty-two million
24 dollars as soon as practicable but no later than March 31, 2016.

25 S 3. Notwithstanding any other provision of law, the housing trust
26 fund corporation may provide, for purposes of the neighborhood preserva-
27 tion program, a sum not to exceed eight million four hundred seventy-
28 nine thousand dollars for the fiscal year ending March 31, 2016.
29 Notwithstanding any other provision of law, and subject to the approval
30 of the New York state director of the budget, the board of directors of
31 the state of New York mortgage agency shall authorize the transfer to
32 the housing trust fund corporation, for the purposes of reimbursing any
33 costs associated with neighborhood preservation program contracts
34 authorized by this section, a total sum not to exceed eight million four
35 hundred seventy-nine thousand dollars, such transfer to be made from (i)
36 the special account of the mortgage insurance fund created pursuant to
37 section 2429-b of the public authorities law, in an amount not to exceed
38 the actual excess balance in the special account of the mortgage insur-
39 ance fund, as determined and certified by the state of New York mortgage
40 agency for the fiscal year 2014-2015 in accordance with section 2429-b
41 of the public authorities law, if any, and/or (ii) provided that the
42 reserves in the project pool insurance account of the mortgage insurance
43 fund created pursuant to section 2429-b of the public authorities law
44 are sufficient to attain and maintain the credit rating (as determined
45 by the state of New York mortgage agency) required to accomplish the
46 purposes of such account, the project pool insurance account of the
47 mortgage insurance fund, such transfer to be made as soon as practicable
48 but no later than June 30, 2015.

49 S 4. Notwithstanding any other provision of law, the housing trust
50 fund corporation may provide, for purposes of the rural preservation
51 program, a sum not to exceed three million five hundred thirty-nine
52 thousand dollars for the fiscal year ending March 31, 2016. Notwith-
53 standing any other provision of law, and subject to the approval of the
54 New York state director of the budget, the board of directors of the
55 state of New York mortgage agency shall authorize the transfer to the
56 housing trust fund corporation, for the purposes of reimbursing any

1 costs associated with rural preservation program contracts authorized by
2 this section, a total sum not to exceed three million five hundred thir-
3 ty-nine thousand dollars, such transfer to be made from (i) the special
4 account of the mortgage insurance fund created pursuant to section
5 2429-b of the public authorities law, in an amount not to exceed the
6 actual excess balance in the special account of the mortgage insurance
7 fund, as determined and certified by the state of New York mortgage
8 agency for the fiscal year 2014-2015 in accordance with section 2429-b
9 of the public authorities law, if any, and/or (ii) provided that the
10 reserves in the project pool insurance account of the mortgage insurance
11 fund created pursuant to section 2429-b of the public authorities law
12 are sufficient to attain and maintain the credit rating (as determined
13 by the state of New York mortgage agency) required to accomplish the
14 purposes of such account, the project pool insurance account of the
15 mortgage insurance fund, such transfer to be made as soon as practicable
16 but no later than June 30, 2015.

17 S 5. Notwithstanding any other provision of law, the housing trust
18 fund corporation may provide, for purposes of the rural and urban commu-
19 nity investment fund program created pursuant to article XXVII of the
20 private housing finance law, a sum not to exceed seventeen million
21 dollars for the fiscal year ending March 31, 2016. Notwithstanding any
22 other provision of law, and provided that the reserves in the project
23 pool insurance account of the mortgage insurance fund created pursuant
24 to section 2429-b of the public authorities law are sufficient to attain
25 and maintain the credit rating (as determined by the state of New York
26 mortgage agency) required to accomplish the purposes of such account,
27 the board of directors of the state of New York mortgage agency shall
28 authorize the transfer from the project pool insurance account of the
29 mortgage insurance fund to the housing trust fund corporation, for the
30 purposes of reimbursing any costs associated with rural and urban commu-
31 nity investment fund program contracts authorized by this section, a
32 total sum not to exceed seventeen million dollars as soon as practicable
33 but not later than March 31, 2016.

34 S 6. Notwithstanding any other provision of law, the housing trust
35 fund corporation may provide, for the purposes of carrying out the
36 provisions of the low income housing trust fund program created pursuant
37 to article XVIII of the private housing finance law, a sum not to exceed
38 seven million five hundred thousand dollars for the fiscal year ending
39 March 31, 2016. Notwithstanding any other provision of law, and provided
40 that reserves in the project pool insurance account of the mortgage
41 insurance fund created pursuant to section 2429-b of the public authori-
42 ties law are sufficient to attain and maintain the credit rating (as
43 determined by the state of New York mortgage agency) required to accom-
44 plish the purposes of such account, the board of directors of the state
45 of New York mortgage agency shall authorize the transfer from the
46 project pool insurance account of the mortgage insurance fund to the
47 housing trust fund corporation, for the purposes of carrying out the
48 provisions of the low income housing trust fund program created pursuant
49 to article XVIII of the private housing finance law authorized by this
50 section, a total sum not to exceed seven million five hundred thousand
51 dollars as soon as practicable but no later than March 31, 2016.

52 S 7. Notwithstanding any other provision of law, the housing trust
53 fund corporation may provide, for purposes of the homes for working
54 families program for deposit in the housing trust fund created pursuant
55 to section 59-a of the private housing finance law and subject to the
56 provisions of article XVIII of the private housing finance law, a sum

1 not to exceed eight million five hundred thousand dollars for the fiscal
2 year ending March 31, 2016. Notwithstanding any other provision of law,
3 and provided that the reserves in the project pool insurance account of
4 the mortgage insurance fund created pursuant to section 2429-b of the
5 public authorities law are sufficient to attain and maintain the credit
6 rating (as determined by the state of New York mortgage agency) required
7 to accomplish the purposes of such account, the board of directors of
8 the state of New York mortgage agency shall authorize the transfer from
9 the project pool insurance account of the mortgage insurance fund to the
10 housing trust fund corporation, for the purposes of reimbursing any
11 costs associated with homes for working families program contracts
12 authorized by this section, a total sum not to exceed eight million five
13 hundred thousand dollars as soon as practicable but no later than March
14 31, 2016.

15 S 8. Notwithstanding any other provision of law, the homeless housing
16 and assistance corporation may provide, for purposes of the New York
17 state supportive housing program, the solutions to end homelessness
18 program or the operational support for AIDS housing program, or to qual-
19 ified grantees under those programs, in accordance with the requirements
20 of those programs, a sum not to exceed sixteen million three hundred
21 forty thousand dollars for the fiscal year ending March 31, 2016. The
22 homeless housing and assistance corporation may enter into an agreement
23 with the office of temporary and disability assistance to administer
24 such sum in accordance with the requirements of the programs. Notwith-
25 standing any other provision of law, and subject to the approval of the
26 director of the budget, the board of directors of the state of New York
27 mortgage agency shall authorize the transfer to the homeless housing and
28 assistance corporation, a total sum not to exceed sixteen million three
29 hundred forty thousand dollars, such transfer to be made from (i) the
30 special account of the mortgage insurance fund created pursuant to
31 section 2429-b of the public authorities law, in an amount not to exceed
32 the actual excess balance in the special account of the mortgage insur-
33 ance fund, as determined and certified by the state of New York mortgage
34 agency for the fiscal year 2014-2015 in accordance with section 2429-b
35 of the public authorities law, if any, and/or (ii) provided that the
36 reserves in the project pool insurance account of the mortgage insurance
37 fund created pursuant to section 2429-b of the public authorities law
38 are sufficient to attain and maintain the credit rating (as determined
39 by the state of New York mortgage agency) required to accomplish the
40 purposes of such account, the project pool insurance account of the
41 mortgage insurance fund, such transfer to be made as soon as practicable
42 but no later than March 31, 2016.

43 S 9. This act shall take effect immediately.

44 PART N

45 Intentionally Omitted

46 PART O

47 Intentionally Omitted

48 PART P

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

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

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

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

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

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

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

48 5. If there shall be practical difficulties or unnecessary hardship in
49 carrying out the provisions of this section or the rules promulgated
50 hereunder, the commissioner may make a variation therefrom if the spirit
51 of the act be observed and substantial justice done. Such variation
52 shall describe the conditions under which it shall be permitted and
53 shall apply to substantially similar conditions. A properly indexed
54 record of variations shall be kept by the department. [Each application
55 for a variation shall be accompanied by a non-refundable fee of forty
56 dollars.]

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

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

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

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

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

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

42 5. A professional employer organization shall be exempt from the
43 registration requirements specified in this section [and from the fees
44 specified in section nine hundred twenty of this article] if such
45 professional employer organization:

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

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

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

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

55 6. The registration and exemption of a professional employer organiza-
56 tion 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

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

F-1. NOTWITHSTANDING ANY LAW, RULE OR REGULATION TO THE CONTRARY, THE STATE UNIVERSITY OF NEW YORK BOARD OF TRUSTEES SHALL PASS A RESOLUTION

1 BY DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN, PROVIDING THAT STUDENTS
2 ENROLLED IN AN ACADEMIC PROGRAM OF THE STATE UNIVERSITY OF NEW YORK
3 BEGINNING WITH THE TWO THOUSAND SIXTEEN-TWO THOUSAND SEVENTEEN FRESHMAN
4 CLASS, SHALL BE REQUIRED TO PARTICIPATE IN AN APPROVED EXPERIENTIAL OR
5 APPLIED LEARNING ACTIVITY WHICH MAY INCLUDE, BUT NOT BE LIMITED TO,
6 STUDY ABROAD PROGRAMS, COMMUNITY SERVICE, AN ORIGINAL RESEARCH PROJECT,
7 PUBLICATION OF AN ORIGINAL LITERARY WORK, PARTICIPATION IN STUDENT
8 GOVERNMENT, OR A LEADERSHIP PROGRAM AS A DEGREE REQUIREMENT. SUCH RESOL-
9 UTION SHALL DEFINE APPROVED EXPERIENTIAL OR APPLIED LEARNING ACTIVITIES,
10 METHODS OF FACULTY OVERSIGHT AND ASSESSMENT, RESPONSIBILITIES OF BUSI-
11 NESS, CORPORATE, NON-PROFIT OR OTHER ENTITIES HOSTING STUDENTS, AND A
12 PLAN FOR FULL IMPLEMENTATION OF THIS REQUIREMENT, AND A PLAN FOR THE
13 COLLECTION OF DATA, BEGINNING IN THE FALL OF TWO THOUSAND SIXTEEN AND
14 THEREAFTER, REGARDING THIS REQUIREMENT IN ORDER TO ANALYZE THE AVAIL-
15 ABILITY OF SUCH EXPERIENTIAL LEARNING OPPORTUNITIES AND THE EFFECTIVE-
16 NESS THEREOF, PRIOR TO THE FULL IMPLEMENTATION OF THIS REQUIREMENT FOR
17 ALL STUDENTS. PROVIDED FURTHER, THAT SUCH RESOLUTION SHALL INCLUDE
18 PROVISIONS RELATING TO EXEMPTIONS FROM THIS REQUIREMENT IN CERTAIN
19 CIRCUMSTANCES. THE TRUSTEES SHALL CONSIDER THE FOLLOWING WHEN DETERMIN-
20 ING EXEMPTIONS: (I) WHETHER A STUDENT ALREADY WORKS A FULL-TIME OR
21 PART-TIME JOB DURING THE SEMESTER; (II) WHETHER THE STUDENT IS A
22 NON-TRADITIONAL STUDENT WHO HAS OBTAINED PRIOR WORK EXPERIENCE; (III)
23 WHETHER THIS REQUIREMENT WILL HINDER THE TIMELY GRADUATION OF SUCH
24 STUDENT; (IV) WHETHER AN APPROPRIATE OPPORTUNITY TO OBTAIN SUCH EXPER-
25 IENTIAL OR APPLIED LEARNING ACTIVITY EXISTS DEPENDING ON THE NATURE OF
26 SUCH STUDENT'S DEGREE AND LOCATION OF THE CAMPUS; AND (V) ANY OTHER
27 FACTOR THE TRUSTEES WISH TO CONSIDER.

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

30 18. NOTWITHSTANDING ANY LAW, RULE OR REGULATION TO THE CONTRARY, THE
31 CITY UNIVERSITY OF NEW YORK BOARD OF TRUSTEES SHALL PASS A RESOLUTION BY
32 DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN, PROVIDING THAT STUDENTS
33 ENROLLED IN AN ACADEMIC PROGRAM OF THE CITY UNIVERSITY OF NEW YORK
34 BEGINNING WITH THE TWO THOUSAND SIXTEEN-TWO THOUSAND SEVENTEEN FRESHMAN
35 CLASS, SHALL BE REQUIRED TO PARTICIPATE IN AN APPROVED EXPERIENTIAL OR
36 APPLIED LEARNING ACTIVITY WHICH MAY INCLUDE, BUT NOT BE LIMITED TO,
37 STUDY ABROAD PROGRAMS, COMMUNITY SERVICE, AN ORIGINAL RESEARCH PROJECT,
38 PUBLICATION OF AN ORIGINAL LITERARY WORK, PARTICIPATION IN STUDENT
39 GOVERNMENT, OR A LEADERSHIP PROGRAM AS A DEGREE REQUIREMENT. SUCH
40 RESOLUTION SHALL DEFINE APPROVED EXPERIENTIAL OR APPLIED LEARNING ACTIV-
41 ITIES, METHODS OF FACULTY OVERSIGHT AND ASSESSMENT, RESPONSIBILITIES OF
42 BUSINESS, CORPORATE, NON-PROFIT OR OTHER ENTITIES HOSTING STUDENTS, AND
43 A PLAN FOR FULL IMPLEMENTATION OF THIS REQUIREMENT, AND A PLAN FOR THE
44 COLLECTION OF DATA, BEGINNING IN THE FALL OF TWO THOUSAND SIXTEEN AND
45 THEREAFTER, REGARDING THIS REQUIREMENT IN ORDER TO ANALYZE THE AVAIL-
46 ABILITY OF SUCH EXPERIENTIAL LEARNING OPPORTUNITIES AND THE EFFECTIVE-
47 NESS THEREOF, PRIOR TO THE FULL IMPLEMENTATION OF THIS REQUIREMENT FOR
48 ALL STUDENTS. PROVIDED FURTHER, THAT SUCH RESOLUTION SHALL INCLUDE
49 PROVISIONS RELATING TO EXEMPTIONS FROM THIS REQUIREMENT IN CERTAIN
50 CIRCUMSTANCES. THE TRUSTEES SHALL CONSIDER THE FOLLOWING WHEN DETERMIN-
51 ING EXEMPTIONS: (I) WHETHER A STUDENT ALREADY WORKS A FULL-TIME OR
52 PART-TIME JOB DURING THE SEMESTER; (II) WHETHER THE STUDENT IS A
53 NON-TRADITIONAL STUDENT WHO HAS OBTAINED PRIOR WORK EXPERIENCE; (III)
54 WHETHER THIS REQUIREMENT WILL HINDER THE TIMELY GRADUATION OF SUCH
55 STUDENT; (IV) WHETHER AN APPROPRIATE OPPORTUNITY TO OBTAIN SUCH EXPER-
56 IENTIAL OR APPLIED LEARNING ACTIVITY EXISTS DEPENDING ON THE NATURE OF

1 SUCH STUDENT'S DEGREE AND LOCATION OF THE CAMPUS; AND (V) ANY OTHER
2 FACTOR THE TRUSTEES WISH TO CONSIDER.

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

5 PART R

6 Section 1. Paragraph (a) of subdivision 1 of section 1 of part U of
7 chapter 57 of the laws of 2005, amending the labor law and other laws
8 implementing the state fiscal plan for the 2005-2006 state fiscal year,
9 relating to the New York state higher education capital matching grant
10 program for independent colleges, as amended by section 1 of part H of
11 chapter 56 of the laws of 2014, is amended to read as follows:

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

24 S 2. Paragraph (h) of subdivision 4 of section 1 of part U of chapter
25 57 of the laws of 2005, amending the labor law and other laws implement-
26 ing the state fiscal plan for the 2005-2006 state fiscal year, relating
27 to the New York state higher education capital matching grant program
28 for independent colleges, as amended by section 2 of part H of chapter
29 56 of the laws of 2014, is amended to read as follows:

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

46 S 3. Subclause (A) of clause (ii) of paragraph (j) of subdivision 4 of
47 section 1 of part U of chapter 57 of the laws of 2005, amending the
48 labor law and other laws implementing the state fiscal plan for the
49 2005-2006 state fiscal year, relating to the New York state higher
50 education capital matching grant program for independent colleges, as
51 amended by section 3 of part H of chapter 56 of the laws of 2014, is
52 amended to read as follows:

53 (A) Notwithstanding the provision of any general or special law to the
54 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, amending the labor law and other laws implementing the state fiscal plan for the 2005-2006 state fiscal year, relating to the New York state higher education capital matching grant program for independent colleges, as amended by section 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. Clause (D) of subparagraph (ii) of paragraph a of subdivision 3 of section 667 of the education law, as amended by section 1 of part B of chapter 60 of the laws of 2000, is amended to read as follows:

(D) Eighteen thousand dollars or	Nine hundred eighty dollars
more, but not more than	plus twelve per centum of
[eighty] ONE HUNDRED	excess over eighteen
thousand dollars	thousand dollars

S 2. This act shall take effect immediately.

PART T

Section 1. Section 655 of the education law is amended by adding a new subdivision 13 to read as follows:

13. A. TO CONDUCT A STUDY TO DETERMINE THE FEASIBILITY OF THE CORPORATION CREATING AND ADMINISTERING A STUDENT LOAN INSURANCE PROGRAM FOR THE PURPOSE OF PROVIDING INSURANCE PLANS TO ELIGIBLE PARENTS OF STUDENT BORROWERS AND/OR DIRECTLY TO ELIGIBLE STUDENT BORROWERS, HEREINAFTER APPLICANTS, TO COVER THE COST OF STUDENT LOAN PAYMENTS IN THE EVENT SUCH APPLICANT CANNOT WHOLLY OR PARTIALLY COVER SUCH COSTS.

(I) SUCH STUDY SHALL CONSIDER ELIGIBILITY REQUIREMENTS FOR PARTICIPATING NEW YORK STATE HIGHER EDUCATION INSTITUTIONS AND ELIGIBILITY REQUIREMENTS FOR PARTICIPATING APPLICANTS.

(II) SUCH STUDY SHALL EXAMINE THE ESTIMATED ADMINISTRATIVE COSTS OF SUCH A PROGRAM, THE ESTIMATED COSTS PER INSURANCE POLICY DEPENDING ON

PARTICIPATION, POLICY COVERAGE OPTIONS OR ANY OTHER FACTOR THE PRESIDENT DEEMS NECESSARY.

(III) SUCH STUDY SHALL INCLUDE RECOMMENDATIONS ON WHETHER SUCH A PROGRAM IS ADMINISTRATIVELY AND FISCALLY FEASIBLE AND AFFORDABLE, AND FUNDING RECOMMENDATIONS, INCLUDING:

(A) A STRUCTURE WHEREBY THE STUDENT PAYS AN ADDITIONAL FEE TO THE HIGHER EDUCATION INSTITUTION IN WHICH SUCH APPLICANT IS ENROLLED, AND SUCH FEE IS REMITTED TO THE CORPORATION;

(B) A STRUCTURE WHEREBY THE STUDENT PAYS A PORTION OF THE FEE TO THE INSTITUTION OF HIGHER EDUCATION AND THE INSTITUTION PAYS A PARTICIPATION FEE TO THE CORPORATION TO SUBSIDIZE THE FEE CHARGED TO THE APPLICANT;

(C) A STRUCTURE WHEREBY THE STUDENT PAYS A PORTION OF THE FEE FOR THE POLICY, THE INSTITUTION PAYS A PORTION OF THE FEE FOR THE POLICY AND THE STATE PAYS A PORTION OF THE FEE TO SUBSIDIZE THE COST; AND

(D) ANY OTHER FEE OR PAYMENT STRUCTURE THE PRESIDENT DEEMS FEASIBLE FOR THE SUSTAINABILITY AND AFFORDABILITY OF SUCH A PROGRAM.

B. TO CONSULT WITH ANY OTHER NECESSARY AGENCY OR ENTITY THROUGHOUT THE CREATION OF SUCH STUDY WHICH SHALL BE COMPLETED AND PRESENTED TO THE CHAIR OF THE HIGHER EDUCATION COMMITTEE IN BOTH THE SENATE AND THE ASSEMBLY BY NO LATER THAN JANUARY FIFTEENTH, TWO THOUSAND SIXTEEN.

S 2. This act shall take effect immediately.

PART U

Section 1. Section 6304 of the education law is amended by adding a new subdivision 1-c to read as follows:

1-C. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, IN ANY YEAR THAT THE STATE SHARE OF OPERATING COSTS BASED UPON AID PER STUDENT FOR EACH FULL TIME EQUIVALENT STUDENT IN ATTENDANCE IS INCREASED BY AT LEAST THREE PERCENT OVER THE PREVIOUS YEAR'S FUNDING LEVELS, TUITION LEVELS MUST NOT INCREASE AT THE STATE UNIVERSITY OF NEW YORK COMMUNITY COLLEGES AND THE CITY UNIVERSITY OF NEW YORK COMMUNITY COLLEGES.

S 2. This act shall take effect immediately.

PART V

Section 1. Subdivision (a) of section 1203 of the limited liability company law, as amended by chapter 554 of the laws of 2013, is amended to read as follows:

(a) Notwithstanding the education law or any other provision of law, one or more professionals each of whom is authorized by law to render a professional service within the state, or one or more professionals, at least one of whom is authorized by law to render a professional service within the state, may form, or cause to be formed, a professional service limited liability company for pecuniary profit under this article for the purpose of rendering the professional service or services as such professionals are authorized to practice. With respect to a professional service limited liability company formed to provide medical services as such services are defined in article 131 of the education law, each member of such limited liability company must be licensed pursuant to article 131 of the education law to practice medicine in this state. With respect to a professional service limited liability company formed to provide dental services as such services are defined in article 133 of the education law, each member of such limited liability company must be licensed pursuant to article 133 of the education

1 law to practice dentistry in this state. With respect to a professional
2 service limited liability company formed to provide veterinary services
3 as such services are defined in article 135 of the education law, each
4 member of such limited liability company must be licensed pursuant to
5 article 135 of the education law to practice veterinary medicine in this
6 state. With respect to a professional service limited liability company
7 formed to provide professional engineering, land surveying, architec-
8 tural and/or landscape architectural services as such services are
9 defined in article 145, article 147 and article 148 of the education
10 law, each member of such limited liability company must be licensed
11 pursuant to article 145, article 147 and/or article 148 of the education
12 law to practice one or more of such professions in this state. With
13 respect to a professional service limited liability company formed to
14 provide licensed clinical social work services as such services are
15 defined in article 154 of the education law, each member of such limited
16 liability company shall be licensed pursuant to article 154 of the
17 education law to practice licensed clinical social work in this state.
18 With respect to a professional service limited liability company formed
19 to provide creative arts therapy services as such services are defined
20 in article 163 of the education law, each member of such limited liabil-
21 ity company must be licensed pursuant to article 163 of the education
22 law to practice creative arts therapy in this state. With respect to a
23 professional service limited liability company formed to provide
24 marriage and family therapy services as such services are defined in
25 article 163 of the education law, each member of such limited liability
26 company must be licensed pursuant to article 163 of the education law to
27 practice marriage and family therapy in this state. With respect to a
28 professional service limited liability company formed to provide mental
29 health counseling services as such services are defined in article 163
30 of the education law, each member of such limited liability company must
31 be licensed pursuant to article 163 of the education law to practice
32 mental health counseling in this state. With respect to a professional
33 service limited liability company formed to provide psychoanalysis
34 services as such services are defined in article 163 of the education
35 law, each member of such limited liability company must be licensed
36 pursuant to article 163 of the education law to practice psychoanalysis
37 in this state. With respect to a professional service limited liability
38 company formed to provide applied behavior analysis services as such
39 services are defined in article 167 of the education law, each member of
40 such limited liability company must be licensed or certified pursuant to
41 article 167 of the education law to practice applied behavior analysis
42 in this state. In addition to engaging in such profession or
43 professions, a professional service limited liability company may engage
44 in any other business or activities as to which a limited liability
45 company may be formed under section two hundred one of this chapter.
46 Notwithstanding any other provision of this section, a professional
47 service limited liability company (i) authorized to practice law may
48 only engage in another profession or business or activities or (ii)
49 which is engaged in a profession or other business or activities other
50 than law may only engage in the practice of law, to the extent not
51 prohibited by any other law of this state or any rule adopted by the
52 appropriate appellate division of the supreme court or the court of
53 appeals. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, WITH
54 RESPECT TO A LIMITED LIABILITY COMPANY FORMED TO PROVIDE INTEGRATED,
55 MULTIDISCIPLINARY MEDICAL AND CHIROPRACTIC SERVICES, AS SUCH SERVICES
56 ARE RESPECTIVELY DEFINED UNDER ARTICLES 131 AND 132 OF THE EDUCATION

1 LAW, (I) EACH MEMBER OF SUCH LIMITED LIABILITY COMPANY MUST BE LICENSED
2 PURSUANT TO ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION LAW TO PRACTICE
3 HIS OR HER PROFESSION IN THIS STATE, (II) EACH MEMBER SHALL ONLY PRAC-
4 TICE HIS OR HER PROFESSION AS SPECIFIED IN HIS OR HER RESPECTIVE PROFES-
5 SIONAL ENABLING STATUTE UNDER ARTICLE 131 OR ARTICLE 132 OF THE EDU-
6 CATION LAW, AND (III) THE CLINICAL INTEGRATION OF PROFESSIONAL PRACTICES
7 WITHIN AN INTEGRATED, MULTIDISCIPLINARY ENTITY ORGANIZED UNDER THIS
8 SECTION DOES NOT ALTER, EXPAND OR CURTAIL THE SCOPE OF PRACTICE OF ANY
9 OF THE INDIVIDUALS LICENSED UNDER THE STATUTE OF HIS OR HER RESPECTIVE
10 PROFESSIONAL ENABLING LAW, PROVIDED THAT: (A) THE CLINICAL JUDGMENT,
11 MANAGEMENT AND CLINICAL DECISION-MAKING OF ONE OR MORE ARTICLE 131
12 PROVIDERS IN AN INTEGRATED, MULTIDISCIPLINARY PROFESSIONAL SERVICE
13 LIMITED LIABILITY COMPANY SHALL BE CONTROLLING, (B) MEMBERS LICENSED
14 UNDER ARTICLE 132 OF THE EDUCATION LAW, SHALL NOT, DIRECTLY OR INDIRECT-
15 LY, INTERFERE WITH THE CLINICAL JUDGMENT OR LEGITIMATE CLINICAL PRACTICE
16 OF A PROFESSIONAL LICENSED UNDER ARTICLE 131, AND (C) INDIVIDUALS
17 LICENSED UNDER ARTICLE 131 MAY NOT ORDER OR DIRECT A PROFESSIONAL
18 LICENSED UNDER ARTICLE 132 OF THE EDUCATION LAW TO PRACTICE BEYOND THE
19 SCOPE OF HIS OR HER LICENSE UNDER ARTICLE 132 OF THE EDUCATION LAW, EVEN
20 IF SUPERVISED DIRECTLY OR INDIRECTLY BY A PROFESSIONAL LICENSED UNDER
21 ARTICLE 131.

22 S 2. Subdivision (b) of section 1207 of the limited liability company
23 law, as amended by chapter 554 of the laws of 2013, is amended to read
24 as follows:

25 (b) With respect to a professional service limited liability company
26 formed to provide medical services as such services are defined in arti-
27 cle 131 of the education law, each member of such limited liability
28 company must be licensed pursuant to article 131 of the education law to
29 practice medicine in this state. With respect to a professional service
30 limited liability company formed to provide dental services as such
31 services are defined in article 133 of the education law, each member of
32 such limited liability company must be licensed pursuant to article 133
33 of the education law to practice dentistry in this state. With respect
34 to a professional service limited liability company formed to provide
35 veterinary services as such services are defined in article 135 of the
36 education law, each member of such limited liability company must be
37 licensed pursuant to article 135 of the education law to practice veter-
38 inary medicine in this state. With respect to a professional service
39 limited liability company formed to provide professional engineering,
40 land surveying, architectural and/or landscape architectural services as
41 such services are defined in article 145, article 147 and article 148 of
42 the education law, each member of such limited liability company must be
43 licensed pursuant to article 145, article 147 and/or article 148 of the
44 education law to practice one or more of such professions in this state.
45 With respect to a professional service limited liability company formed
46 to provide licensed clinical social work services as such services are
47 defined in article 154 of the education law, each member of such limited
48 liability company shall be licensed pursuant to article 154 of the
49 education law to practice licensed clinical social work in this state.
50 With respect to a professional service limited liability company formed
51 to provide creative arts therapy services as such services are defined
52 in article 163 of the education law, each member of such limited liabil-
53 ity company must be licensed pursuant to article 163 of the education
54 law to practice creative arts therapy in this state. With respect to a
55 professional service limited liability company formed to provide
56 marriage and family therapy services as such services are defined in

1 article 163 of the education law, each member of such limited liability
2 company must be licensed pursuant to article 163 of the education law to
3 practice marriage and family therapy in this state. With respect to a
4 professional service limited liability company formed to provide mental
5 health counseling services as such services are defined in article 163
6 of the education law, each member of such limited liability company must
7 be licensed pursuant to article 163 of the education law to practice
8 mental health counseling in this state. With respect to a professional
9 service limited liability company formed to provide psychoanalysis
10 services as such services are defined in article 163 of the education
11 law, each member of such limited liability company must be licensed
12 pursuant to article 163 of the education law to practice psychoanalysis
13 in this state. With respect to a professional service limited liability
14 company formed to provide applied behavior analysis services as such
15 services are defined in article 167 of the education law, each member of
16 such limited liability company must be licensed or certified pursuant to
17 article 167 of the education law to practice applied behavior analysis
18 in this state. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
19 WITH RESPECT TO A PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY FORMED
20 TO PROVIDE INTEGRATED, MULTIDISCIPLINARY MEDICAL AND CHIROPRACTIC
21 SERVICES, AS SUCH SERVICES ARE RESPECTIVELY DEFINED UNDER ARTICLES 131
22 AND 132 OF THE EDUCATION LAW, (I) EACH MEMBER OF SUCH LIMITED LIABILITY
23 COMPANY MUST BE LICENSED PURSUANT TO ARTICLE 131 OR ARTICLE 132 OF THE
24 EDUCATION LAW TO PRACTICE HIS OR HER PROFESSION IN THIS STATE, (II) EACH
25 MEMBER SHALL ONLY PRACTICE HIS OR HER PROFESSION AS SPECIFIED IN HIS OR
26 HER RESPECTIVE PROFESSIONAL ENABLING STATUTE UNDER ARTICLE 131 OR ARTI-
27 CLE 132 OF THE EDUCATION LAW, AND (III) THE CLINICAL INTEGRATION OF
28 PROFESSIONAL PRACTICES WITHIN AN INTEGRATED, MULTIDISCIPLINARY ENTITY
29 ORGANIZED UNDER THIS SECTION DOES NOT ALTER, EXPAND OR CURTAIL THE SCOPE
30 OF PRACTICE OF ANY OF THE INDIVIDUALS LICENSED UNDER THE STATUTE OF HIS
31 OR HER RESPECTIVE PROFESSIONAL ENABLING LAW, PROVIDED THAT: (A) THE
32 CLINICAL JUDGMENT, MANAGEMENT AND CLINICAL DECISION-MAKING OF ONE OR
33 MORE ARTICLE 131 PROVIDERS IN AN INTEGRATED, MULTIDISCIPLINARY PROFES-
34 SIONAL SERVICE LIMITED LIABILITY COMPANY SHALL BE CONTROLLING, (B)
35 MEMBERS LICENSED UNDER ARTICLE 132 OF THE EDUCATION LAW, SHALL NOT,
36 DIRECTLY OR INDIRECTLY, INTERFERE WITH THE CLINICAL JUDGMENT OR LEGITI-
37 MATE CLINICAL PRACTICE OF A PROFESSIONAL LICENSED UNDER ARTICLE 131, AND
38 (C) INDIVIDUALS LICENSED UNDER ARTICLE 131 MAY NOT ORDER OR DIRECT A
39 PROFESSIONAL LICENSED UNDER ARTICLE 132 OF THE EDUCATION LAW TO PRACTICE
40 BEYOND THE SCOPE OF HIS OR HER LICENSE UNDER ARTICLE 132 OF THE EDUCA-
41 TION LAW, EVEN IF SUPERVISED DIRECTLY OR INDIRECTLY BY A PROFESSIONAL
42 LICENSED UNDER ARTICLE 131.

43 S 3. Subdivision (a) of section 1301 of the limited liability company
44 law, as amended by chapter 554 of the laws of 2013, is amended to read
45 as follows:

46 (a) "Foreign professional service limited liability company" means a
47 professional service limited liability company, whether or not denomi-
48 nated as such, organized under the laws of a jurisdiction other than
49 this state, (i) each of whose members and managers, if any, is a profes-
50 sional authorized by law to render a professional service within this
51 state and who is or has been engaged in the practice of such profession
52 in such professional service limited liability company or a predecessor
53 entity, or will engage in the practice of such profession in the profes-
54 sional service limited liability company within thirty days of the date
55 such professional becomes a member, or each of whose members and manag-
56 ers, if any, is a professional at least one of such members is author-

1 ized by law to render a professional service within this state and who
2 is or has been engaged in the practice of such profession in such
3 professional service limited liability company or a predecessor entity,
4 or will engage in the practice of such profession in the professional
5 service limited liability company within thirty days of the date such
6 professional becomes a member, or (ii) authorized by, or holding a
7 license, certificate, registration or permit issued by the licensing
8 authority pursuant to, the education law to render a professional
9 service within this state; except that all members and managers, if any,
10 of a foreign professional service limited liability company that
11 provides health services in this state shall be licensed in this state.
12 With respect to a foreign professional service limited liability company
13 which provides veterinary services as such services are defined in arti-
14 cle 135 of the education law, each member of such foreign professional
15 service limited liability company shall be licensed pursuant to article
16 135 of the education law to practice veterinary medicine. With respect
17 to a foreign professional service limited liability company which
18 provides medical services as such services are defined in article 131 of
19 the education law, each member of such foreign professional service
20 limited liability company must be licensed pursuant to article 131 of
21 the education law to practice medicine in this state. With respect to a
22 foreign professional service limited liability company which provides
23 dental services as such services are defined in article 133 of the
24 education law, each member of such foreign professional service limited
25 liability company must be licensed pursuant to article 133 of the educa-
26 tion law to practice dentistry in this state. With respect to a foreign
27 professional service limited liability company which provides profes-
28 sional engineering, land surveying, architectural and/or landscape
29 architectural services as such services are defined in article 145,
30 article 147 and article 148 of the education law, each member of such
31 foreign professional service limited liability company must be licensed
32 pursuant to article 145, article 147 and/or article 148 of the education
33 law to practice one or more of such professions in this state. With
34 respect to a foreign professional service limited liability company
35 which provides licensed clinical social work services as such services
36 are defined in article 154 of the education law, each member of such
37 foreign professional service limited liability company shall be licensed
38 pursuant to article 154 of the education law to practice clinical social
39 work in this state. With respect to a foreign professional service
40 limited liability company which provides creative arts therapy services
41 as such services are defined in article 163 of the education law, each
42 member of such foreign professional service limited liability company
43 must be licensed pursuant to article 163 of the education law to prac-
44 tice creative arts therapy in this state. With respect to a foreign
45 professional service limited liability company which provides marriage
46 and family therapy services as such services are defined in article 163
47 of the education law, each member of such foreign professional service
48 limited liability company must be licensed pursuant to article 163 of
49 the education law to practice marriage and family therapy in this state.
50 With respect to a foreign professional service limited liability company
51 which provides mental health counseling services as such services are
52 defined in article 163 of the education law, each member of such foreign
53 professional service limited liability company must be licensed pursuant
54 to article 163 of the education law to practice mental health counseling
55 in this state. With respect to a foreign professional service limited
56 liability company which provides psychoanalysis services as such

1 services are defined in article 163 of the education law, each member of
2 such foreign professional service limited liability company must be
3 licensed pursuant to article 163 of the education law to practice
4 psychoanalysis in this state. With respect to a foreign professional
5 service limited liability company which provides applied behavior analy-
6 sis services as such services are defined in article 167 of the educa-
7 tion law, each member of such foreign professional service limited
8 liability company must be licensed or certified pursuant to article 167
9 of the education law to practice applied behavior analysis in this
10 state. WITH RESPECT TO A FOREIGN PROFESSIONAL SERVICE LIMITED LIABILITY
11 COMPANY FORMED TO PROVIDE INTEGRATED, MULTI-DISCIPLINARY MEDICAL AND
12 CHIROPRACTIC SERVICES, AS SUCH SERVICES ARE RESPECTIVELY DEFINED UNDER
13 ARTICLE 131 AND ARTICLE 132 OF THE EDUCATION LAW, (I) EACH MEMBER OF
14 SUCH LIMITED LIABILITY COMPANY MUST BE LICENSED PURSUANT TO ARTICLE 131
15 OR ARTICLE 132 OF THE EDUCATION LAW TO PRACTICE HIS OR HER PROFESSION IN
16 THIS STATE, (II) EACH MEMBER SHALL ONLY PRACTICE HIS OR HER PROFESSION
17 AS SPECIFIED IN HIS OR HER RESPECTIVE PROFESSIONAL ENABLING STATUTE
18 UNDER ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION LAW, AND (III) THE
19 CLINICAL INTEGRATION OF PROFESSIONAL PRACTICES WITHIN AN INTEGRATED,
20 MULTIDISCIPLINARY ENTITY ORGANIZED UNDER THIS SECTION DOES NOT ALTER,
21 EXPAND OR CURTAIL THE SCOPE OF PRACTICE OF ANY OF THE INDIVIDUALS
22 LICENSED UNDER THE STATUTE OF HIS OR HER RESPECTIVE PROFESSIONAL ENABL-
23 ING LAW, PROVIDED THAT: (A) THE CLINICAL JUDGMENT, MANAGEMENT AND CLIN-
24 ICAL DECISION-MAKING OF ONE OR MORE ARTICLE 131 PROVIDERS IN AN INTE-
25 GRATED, MULTIDISCIPLINARY PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY
26 SHALL BE CONTROLLING, (B) MEMBERS LICENSED UNDER ARTICLE 132 OF THE
27 EDUCATION LAW, SHALL NOT, DIRECTLY OR INDIRECTLY, INTERFERE WITH THE
28 CLINICAL JUDGMENT OR LEGITIMATE CLINICAL PRACTICE OF A PROFESSIONAL
29 LICENSED UNDER ARTICLE 131, AND (C) INDIVIDUALS LICENSED UNDER ARTICLE
30 131 MAY NOT ORDER OR DIRECT A PROFESSIONAL LICENSED UNDER ARTICLE 132 OF
31 THE EDUCATION LAW TO PRACTICE BEYOND THE SCOPE OF HIS OR HER LICENSE
32 UNDER ARTICLE 132 OF THE EDUCATION LAW, EVEN IF SUPERVISED DIRECTLY OR
33 INDIRECTLY BY A PROFESSIONAL LICENSED UNDER ARTICLE 131.

34 S 4. Paragraph (a) of section 1503 of the business corporation law, as
35 amended by chapter 550 of the laws of 2011, is amended to read as
36 follows:

37 (a) Notwithstanding any other provision of law, (I) one or more indi-
38 viduals duly authorized by law to render the same professional service
39 within the state may organize, or cause to be organized, a professional
40 service corporation for pecuniary profit under this article for the
41 purpose of rendering the same professional service, except that one or
42 more individuals duly authorized by law to practice professional engi-
43 neering, architecture, landscape architecture or land surveying within
44 the state may organize, or cause to be organized, a professional service
45 corporation or a design professional service corporation for pecuniary
46 profit under this article for the purpose of rendering such professional
47 services as such individuals are authorized to practice, AND, (II) ONE
48 OR MORE INDIVIDUALS DULY LICENSED TO PRACTICE MEDICINE AND ONE OR MORE
49 CHIROPRACTORS LICENSED UNDER ARTICLE 132 OF THE EDUCATION LAW, WHO MAY
50 BE BOARD CERTIFIED OR QUALIFIED BY HIS OR HER RESPECTIVE PROFESSIONAL
51 SPECIALTY BOARDS, MAY ORGANIZE, OR CAUSE TO BE ORGANIZED, FOR BUSINESS
52 PURPOSES ONLY, A MULTIDISCIPLINARY PROFESSIONAL SERVICE CORPORATION
53 FORMED FOR PECUNIARY PROFIT UNDER THIS ARTICLE FOR THE PURPOSE OF
54 RENDERING INTEGRATED AND NON-INTEGRATED PROFESSIONAL SERVICES WITHIN
55 SUCH A CORPORATION AS SUCH INDIVIDUALS ARE AUTHORIZED TO PRACTICE INDI-
56 VIDUALLY IN HIS OR HER RESPECTIVE PROFESSIONS, PROVIDED THAT THE CLIN-

1 ICAL INTEGRATION OF PROFESSIONAL PRACTICES WITHIN AN ENTITY ORGANIZED
2 UNDER THIS SECTION DOES NOT ALTER, EXPAND OR CURTAIL THE SCOPE OF PRAC-
3 TICE OF ANY OF THE INDIVIDUALS LICENSED UNDER THE STATUTE OF HIS OR HER
4 RESPECTIVE PROFESSIONAL ENABLING LAW; THAT THE CLINICAL JUDGMENT,
5 MANAGEMENT AND CLINICAL DECISION-MAKING OF ONE OR MORE ARTICLE 131
6 PROVIDERS IN AN INTEGRATED, MULTIDISCIPLINARY PRACTICE SHALL BE CONTROL-
7 LING; THAT MEMBERS LICENSED UNDER ARTICLE 132 OF THE EDUCATION LAW,
8 SHALL NOT, DIRECTLY OR INDIRECTLY, INTERFERE WITH THE CLINICAL JUDGMENT
9 OR LEGITIMATE CLINICAL PRACTICE OF A PROFESSIONAL LICENSED UNDER ARTICLE
10 131; AND THAT INDIVIDUALS LICENSED UNDER ARTICLE 131 MAY NOT ORDER OR
11 DIRECT A PROFESSIONAL LICENSED UNDER ARTICLE 132 OF THE EDUCATION LAW TO
12 PRACTICE BEYOND THE SCOPE OF HIS OR HER LICENSE UNDER ARTICLE 132 OF THE
13 EDUCATION LAW IN A PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY, EVEN
14 IF SUPERVISED DIRECTLY OR INDIRECTLY BY A PROFESSIONAL LICENSED UNDER
15 ARTICLE 131.

16 S 5. Subdivision (q) of section 121-1500 of the partnership law, as
17 amended by chapter 554 of the laws of 2013, is amended to read as
18 follows:

19 (q) Each partner of a registered limited liability partnership formed
20 to provide medical services in this state must be licensed pursuant to
21 article 131 of the education law to practice medicine in this state and
22 each partner of a registered limited liability partnership formed to
23 provide dental services in this state must be licensed pursuant to arti-
24 cle 133 of the education law to practice dentistry in this state. Each
25 partner of a registered limited liability partnership formed to provide
26 veterinary services in this state must be licensed pursuant to article
27 135 of the education law to practice veterinary medicine in this state.
28 Each partner of a registered limited liability partnership formed to
29 provide professional engineering, land surveying, architectural and/or
30 landscape architectural services in this state must be licensed pursuant
31 to article 145, article 147 and/or article 148 of the education law to
32 practice one or more of such professions in this state. Each partner of
33 a registered limited liability partnership formed to provide licensed
34 clinical social work services in this state must be licensed pursuant to
35 article 154 of the education law to practice clinical social work in
36 this state. Each partner of a registered limited liability partnership
37 formed to provide creative arts therapy services in this state must be
38 licensed pursuant to article 163 of the education law to practice crea-
39 tive arts therapy in this state. Each partner of a registered limited
40 liability partnership formed to provide marriage and family therapy
41 services in this state must be licensed pursuant to article 163 of the
42 education law to practice marriage and family therapy in this state.
43 Each partner of a registered limited liability partnership formed to
44 provide mental health counseling services in this state must be licensed
45 pursuant to article 163 of the education law to practice mental health
46 counseling in this state. Each partner of a registered limited liability
47 partnership formed to provide psychoanalysis services in this state must
48 be licensed pursuant to article 163 of the education law to practice
49 psychoanalysis in this state. Each partner of a registered limited
50 liability partnership formed to provide applied behavior analysis
51 service in this state must be licensed or certified pursuant to article
52 167 of the education law to practice applied behavior analysis in this
53 state. EACH PARTNER OF A REGISTERED LIMITED LIABILITY PARTNERSHIP
54 FORMED TO PROVIDE INTEGRATED, MULTIDISCIPLINARY MEDICAL AND CHIROPRACTIC
55 SERVICES, AS SUCH SERVICES ARE RESPECTIVELY DEFINED UNDER ARTICLE 131
56 AND ARTICLE 132 OF THE EDUCATION LAW, (I) MUST BE LICENSED PURSUANT TO

1 ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION LAW TO PRACTICE HIS OR HER
2 PROFESSION IN THIS STATE, (II) SHALL ONLY PRACTICE HIS OR HER PROFESSION
3 AS SPECIFIED IN HIS OR HER RESPECTIVE PROFESSIONAL ENABLING STATUTE
4 UNDER ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION LAW, AND (III) THE
5 CLINICAL INTEGRATION OF PROFESSIONAL PRACTICES WITHIN AN INTEGRATED,
6 MULTI-DISCIPLINARY ENTITY ORGANIZED UNDER THIS SECTION DOES NOT ALTER,
7 EXPAND OR CURTAIL THE SCOPE OF PRACTICE OF ANY OF THE INDIVIDUALS
8 LICENSED UNDER THE STATUTE OF HIS OR HER RESPECTIVE PROFESSIONAL ENABL-
9 ING LAW, PROVIDED THAT: (A) THE CLINICAL JUDGMENT, MANAGEMENT AND CLIN-
10 ICAL DECISION-MAKING OF ONE OR MORE ARTICLE 131 PROVIDERS IN AN INTE-
11 GRATED, MULTIDISCIPLINARY PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY
12 SHALL BE CONTROLLING, (B) MEMBERS LICENSED UNDER ARTICLE 132 OF THE
13 EDUCATION LAW, SHALL NOT, DIRECTLY OR INDIRECTLY, INTERFERE WITH THE
14 CLINICAL JUDGMENT OR LEGITIMATE CLINICAL PRACTICE OF A PROFESSIONAL
15 LICENSED UNDER ARTICLE 131, AND (C) INDIVIDUALS LICENSED UNDER ARTICLE
16 131 MAY NOT ORDER OR DIRECT A PROFESSIONAL LICENSED UNDER ARTICLE 132 OF
17 THE EDUCATION LAW TO PRACTICE BEYOND THE SCOPE OF HIS OR HER LICENSE
18 UNDER ARTICLE 132 OF THE EDUCATION LAW, EVEN IF SUPERVISED DIRECTLY OR
19 INDIRECTLY BY A PROFESSIONAL LICENSED UNDER ARTICLE 131.

20 S 6. Subdivision (q) of section 121-1502 of the partnership law, as
21 amended by chapter 554 of the laws of 2013, is amended to read as
22 follows:

23 (q) Each partner of a foreign limited liability partnership which
24 provides medical services in this state must be licensed pursuant to
25 article 131 of the education law to practice medicine in the state and
26 each partner of a foreign limited liability partnership which provides
27 dental services in the state must be licensed pursuant to article 133 of
28 the education law to practice dentistry in this state. Each partner of a
29 foreign limited liability partnership which provides veterinary service
30 in the state shall be licensed pursuant to article 135 of the education
31 law to practice veterinary medicine in this state. Each partner of a
32 foreign limited liability partnership which provides professional engi-
33 neering, land surveying, architectural and/or landscape architectural
34 services in this state must be licensed pursuant to article 145, article
35 147 and/or article 148 of the education law to practice one or more of
36 such professions. Each partner of a foreign limited liability partner-
37 ship which provides licensed clinical social work services in this state
38 must be licensed pursuant to article 154 of the education law to prac-
39 tice licensed clinical social work in this state. Each partner of a
40 foreign limited liability partnership which provides creative arts ther-
41 apy services in this state must be licensed pursuant to article 163 of
42 the education law to practice creative arts therapy in this state. Each
43 partner of a foreign limited liability partnership which provides
44 marriage and family therapy services in this state must be licensed
45 pursuant to article 163 of the education law to practice marriage and
46 family therapy in this state. Each partner of a foreign limited liabil-
47 ity partnership which provides mental health counseling services in this
48 state must be licensed pursuant to article 163 of the education law to
49 practice mental health counseling in this state. Each partner of a
50 foreign limited liability partnership which provides psychoanalysis
51 services in this state must be licensed pursuant to article 163 of the
52 education law to practice psychoanalysis in this state. Each partner of
53 a foreign limited liability partnership which provides applied behavior
54 analysis services in this state must be licensed or certified pursuant
55 to article 167 of the education law to practice applied behavior analy-
56 sis in this state. EACH PARTNER OF A FOREIGN LIMITED LIABILITY PARTNER-

SHIP FORMED TO PROVIDE INTEGRATED, MULTIDISCIPLINARY MEDICAL AND CHIROPRACTIC SERVICES, AS SUCH SERVICES ARE DEFINED UNDER ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION LAW, (I) MUST BE LICENSED PURSUANT TO ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION LAW TO PRACTICE HIS OR HER PROFESSION IN THIS STATE, (II) SHALL ONLY PRACTICE HIS OR HER PROFESSION AS SPECIFIED IN HIS OR HER RESPECTIVE PROFESSIONAL ENABLING STATUTE UNDER ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION LAW, AND (III) THE CLINICAL INTEGRATION OF PROFESSIONAL PRACTICES WITHIN AN INTEGRATED, MULTIDISCIPLINARY ENTITY ORGANIZED UNDER THIS SECTION DOES NOT ALTER, EXPAND OR CURTAIL THE SCOPE OF PRACTICE OF ANY OF THE INDIVIDUALS LICENSED UNDER THE STATUTE OF HIS OR HER RESPECTIVE PROFESSIONAL ENABLING LAW, PROVIDED THAT: (A) THE CLINICAL JUDGMENT, MANAGEMENT AND CLINICAL DECISION-MAKING OF ONE OR MORE ARTICLE 131 PROVIDERS IN AN INTEGRATED, MULTIDISCIPLINARY PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY SHALL BE CONTROLLING, (B) MEMBERS NOT LICENSED UNDER ARTICLE 131 OF THE EDUCATION LAW, SHALL NOT, DIRECTLY OR INDIRECTLY, INTERFERE WITH THE CLINICAL JUDGMENT OR LEGITIMATE CLINICAL PRACTICE OF A PROFESSIONAL LICENSED UNDER ARTICLE 131, AND (C) INDIVIDUALS LICENSED UNDER ARTICLE 131 MAY NOT ORDER OR DIRECT A PROFESSIONAL LICENSED UNDER ARTICLE 132 OF THE EDUCATION LAW TO PRACTICE BEYOND THE SCOPE OF HIS OR HER LICENSE UNDER ARTICLE 132 OF THE EDUCATION LAW, EVEN IF SUPERVISED DIRECTLY OR INDIRECTLY BY A PROFESSIONAL LICENSED UNDER ARTICLE 131.

S 7. Subdivision (a) of section 1203 of the limited liability company law, as amended by chapter 475 of the laws of 2014, is amended to read as follows:

(a) Notwithstanding the education law or any other provision of law, one or more professionals each of whom is authorized by law to render a professional service within the state, or one or more professionals, at least one of whom is authorized by law to render a professional service within the state, may form, or cause to be formed, a professional service limited liability company for pecuniary profit under this article for the purpose of rendering the professional service or services as such professionals are authorized to practice. With respect to a professional service limited liability company formed to provide medical services as such services are defined in article 131 of the education law, each member of such limited liability company must be licensed pursuant to article 131 of the education law to practice medicine in this state. With respect to a professional service limited liability company formed to provide dental services as such services are defined in article 133 of the education law, each member of such limited liability company must be licensed pursuant to article 133 of the education law to practice dentistry in this state. With respect to a professional service limited liability company formed to provide veterinary services as such services are defined in article 135 of the education law, each member of such limited liability company must be licensed pursuant to article 135 of the education law to practice veterinary medicine in this state. With respect to a professional service limited liability company formed to provide professional engineering, land surveying, architectural, landscape architectural and/or geological services as such services are defined in article 145, article 147 and article 148 of the education law, each member of such limited liability company must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions in this state. With respect to a professional service limited liability company formed to provide licensed clinical social work services as such services are defined in article 154 of the education law, each member of such limited

1 liability company shall be licensed pursuant to article 154 of the
2 education law to practice licensed clinical social work in this state.
3 With respect to a professional service limited liability company formed
4 to provide creative arts therapy services as such services are defined
5 in article 163 of the education law, each member of such limited liabil-
6 ity company must be licensed pursuant to article 163 of the education
7 law to practice creative arts therapy in this state. With respect to a
8 professional service limited liability company formed to provide
9 marriage and family therapy services as such services are defined in
10 article 163 of the education law, each member of such limited liability
11 company must be licensed pursuant to article 163 of the education law to
12 practice marriage and family therapy in this state. With respect to a
13 professional service limited liability company formed to provide mental
14 health counseling services as such services are defined in article 163
15 of the education law, each member of such limited liability company must
16 be licensed pursuant to article 163 of the education law to practice
17 mental health counseling in this state. With respect to a professional
18 service limited liability company formed to provide psychoanalysis
19 services as such services are defined in article 163 of the education
20 law, each member of such limited liability company must be licensed
21 pursuant to article 163 of the education law to practice psychoanalysis
22 in this state. With respect to a professional service limited liability
23 company formed to provide applied behavior analysis services as such
24 services are defined in article 167 of the education law, each member of
25 such limited liability company must be licensed or certified pursuant to
26 article 167 of the education law to practice applied behavior analysis
27 in this state. In addition to engaging in such profession or
28 professions, a professional service limited liability company may engage
29 in any other business or activities as to which a limited liability
30 company may be formed under section two hundred one of this chapter.
31 Notwithstanding any other provision of this section, a professional
32 service limited liability company (i) authorized to practice law may
33 only engage in another profession or business or activities or (ii)
34 which is engaged in a profession or other business or activities other
35 than law may only engage in the practice of law, to the extent not
36 prohibited by any other law of this state or any rule adopted by the
37 appropriate appellate division of the supreme court or the court of
38 appeals. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, WITH
39 RESPECT TO A LIMITED LIABILITY COMPANY FORMED TO PROVIDE INTEGRATED,
40 MULTIDISCIPLINARY MEDICAL AND CHIROPRACTIC SERVICES, AS SUCH SERVICES
41 ARE RESPECTIVELY DEFINED UNDER ARTICLES 131 AND 132 OF THE EDUCATION
42 LAW, (I) EACH MEMBER OF SUCH LIMITED LIABILITY COMPANY MUST BE LICENSED
43 PURSUANT TO ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION LAW TO PRACTICE
44 HIS OR HER PROFESSION IN THIS STATE, (II) EACH MEMBER SHALL ONLY PRAC-
45 TICE HIS OR HER PROFESSION AS SPECIFIED IN HIS OR HER RESPECTIVE PROFES-
46 SIONAL ENABLING STATUTE UNDER ARTICLE 131 OR ARTICLE 132 OF THE EDUCA-
47 TION LAW, AND (III) THE CLINICAL INTEGRATION OF PROFESSIONAL PRACTICES
48 WITHIN AN INTEGRATED, MULTIDISCIPLINARY ENTITY ORGANIZED UNDER THIS
49 SECTION DOES NOT ALTER, EXPAND OR CURTAIL THE SCOPE OF PRACTICE OF ANY
50 OF THE INDIVIDUALS LICENSED UNDER THE STATUTE OF HIS OR HER RESPECTIVE
51 PROFESSIONAL ENABLING LAW, PROVIDED THAT: (A) THE CLINICAL JUDGMENT,
52 MANAGEMENT AND CLINICAL DECISION-MAKING OF ONE OR MORE ARTICLE 131
53 PROVIDERS IN AN INTEGRATED, MULTIDISCIPLINARY PROFESSIONAL SERVICE
54 LIMITED LIABILITY COMPANY SHALL BE CONTROLLING, (B) MEMBERS LICENSED
55 UNDER ARTICLE 132 OF THE EDUCATION LAW, SHALL NOT, DIRECTLY OR INDIRECT-
56 LY, INTERFERE WITH THE CLINICAL JUDGMENT OR LEGITIMATE CLINICAL PRACTICE

1 OF A PROFESSIONAL LICENSED UNDER ARTICLE 131, AND (C) INDIVIDUALS
2 LICENSED UNDER ARTICLE 131 MAY NOT ORDER OR DIRECT A PROFESSIONAL
3 LICENSED UNDER ARTICLE 132 OF THE EDUCATION LAW TO PRACTICE BEYOND THE
4 SCOPE OF HIS OR HER LICENSE UNDER ARTICLE 132 OF THE EDUCATION LAW, EVEN
5 IF SUPERVISED DIRECTLY OR INDIRECTLY BY A PROFESSIONAL LICENSED UNDER
6 ARTICLE 131.

7 S 8. Subdivision (b) of section 1207 of the limited liability company
8 law, as amended by chapter 475 of the laws of 2014, is amended to read
9 as follows:

10 (b) With respect to a professional service limited liability company
11 formed to provide medical services as such services are defined in arti-
12 cle 131 of the education law, each member of such limited liability
13 company must be licensed pursuant to article 131 of the education law to
14 practice medicine in this state. With respect to a professional service
15 limited liability company formed to provide dental services as such
16 services are defined in article 133 of the education law, each member of
17 such limited liability company must be licensed pursuant to article 133
18 of the education law to practice dentistry in this state. With respect
19 to a professional service limited liability company formed to provide
20 veterinary services as such services are defined in article 135 of the
21 education law, each member of such limited liability company must be
22 licensed pursuant to article 135 of the education law to practice veter-
23 inary medicine in this state. With respect to a professional service
24 limited liability company formed to provide professional engineering,
25 land surveying, architectural, landscape architectural and/or geological
26 services as such services are defined in article 145, article 147 and
27 article 148 of the education law, each member of such limited liability
28 company must be licensed pursuant to article 145, article 147 and/or
29 article 148 of the education law to practice one or more of such
30 professions in this state. With respect to a professional service limit-
31 ed liability company formed to provide licensed clinical social work
32 services as such services are defined in article 154 of the education
33 law, each member of such limited liability company shall be licensed
34 pursuant to article 154 of the education law to practice licensed clin-
35 ical social work in this state. With respect to a professional service
36 limited liability company formed to provide creative arts therapy
37 services as such services are defined in article 163 of the education
38 law, each member of such limited liability company must be licensed
39 pursuant to article 163 of the education law to practice creative arts
40 therapy in this state. With respect to a professional service limited
41 liability company formed to provide marriage and family therapy services
42 as such services are defined in article 163 of the education law, each
43 member of such limited liability company must be licensed pursuant to
44 article 163 of the education law to practice marriage and family therapy
45 in this state. With respect to a professional service limited liability
46 company formed to provide mental health counseling services as such
47 services are defined in article 163 of the education law, each member of
48 such limited liability company must be licensed pursuant to article 163
49 of the education law to practice mental health counseling in this state.
50 With respect to a professional service limited liability company formed
51 to provide psychoanalysis services as such services are defined in arti-
52 cle 163 of the education law, each member of such limited liability
53 company must be licensed pursuant to article 163 of the education law to
54 practice psychoanalysis in this state. With respect to a professional
55 service limited liability company formed to provide applied behavior
56 analysis services as such services are defined in article 167 of the

1 education law, each member of such limited liability company must be
2 licensed or certified pursuant to article 167 of the education law to
3 practice applied behavior analysis in this state. NOTWITHSTANDING ANY
4 OTHER PROVISION OF THIS SECTION, WITH RESPECT TO A PROFESSIONAL SERVICE
5 LIMITED LIABILITY COMPANY FORMED TO PROVIDE INTEGRATED, MULTIDISCIPLI-
6 NARY MEDICAL AND CHIROPRACTIC SERVICES, AS SUCH SERVICES ARE RESPECTIVE-
7 LY DEFINED UNDER ARTICLES 131 AND 132 OF THE EDUCATION LAW, (I) EACH
8 MEMBER OF SUCH LIMITED LIABILITY COMPANY MUST BE LICENSED PURSUANT TO
9 ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION LAW TO PRACTICE HIS OR HER
10 PROFESSION IN THIS STATE, (II) EACH MEMBER SHALL ONLY PRACTICE HIS OR
11 HER PROFESSION AS SPECIFIED IN HIS OR HER RESPECTIVE PROFESSIONAL ENABL-
12 ING STATUTE UNDER ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION LAW, AND
13 (III) THE CLINICAL INTEGRATION OF PROFESSIONAL PRACTICES WITHIN AN INTE-
14 GRATED, MULTIDISCIPLINARY ENTITY ORGANIZED UNDER THIS SECTION DOES NOT
15 ALTER, EXPAND OR CURTAIL THE SCOPE OF PRACTICE OF ANY OF THE INDIVIDUALS
16 LICENSED UNDER THE STATUTE OF HIS OR HER RESPECTIVE PROFESSIONAL ENABL-
17 ING LAW, PROVIDED THAT: (A) THE CLINICAL JUDGMENT, MANAGEMENT AND CLIN-
18 ICAL DECISION-MAKING OF ONE OR MORE ARTICLE 131 PROVIDERS IN AN INTE-
19 GRATED, MULTIDISCIPLINARY PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY
20 SHALL BE CONTROLLING, (B) MEMBERS LICENSED UNDER ARTICLE 132 OF THE
21 EDUCATION LAW, SHALL NOT, DIRECTLY OR INDIRECTLY, INTERFERE WITH THE
22 CLINICAL JUDGMENT OR LEGITIMATE CLINICAL PRACTICE OF A PROFESSIONAL
23 LICENSED UNDER ARTICLE 131, AND (C) INDIVIDUALS LICENSED UNDER ARTICLE
24 131 MAY NOT ORDER OR DIRECT A PROFESSIONAL LICENSED UNDER ARTICLE 132 OF
25 THE EDUCATION LAW TO PRACTICE BEYOND THE SCOPE OF HIS OR HER LICENSE
26 UNDER ARTICLE 132 OF THE EDUCATION LAW, EVEN IF SUPERVISED DIRECTLY OR
27 INDIRECTLY BY A PROFESSIONAL LICENSED UNDER ARTICLE 131.

28 S 9. Subdivision (a) of section 1301 of the limited liability company
29 law, as amended by chapter 475 of the laws of 2014, is amended to read
30 as follows:

31 (a) "Foreign professional service limited liability company" means a
32 professional service limited liability company, whether or not denomi-
33 nated as such, organized under the laws of a jurisdiction other than
34 this state, (i) each of whose members and managers, if any, is a profes-
35 sional authorized by law to render a professional service within this
36 state and who is or has been engaged in the practice of such profession
37 in such professional service limited liability company or a predecessor
38 entity, or will engage in the practice of such profession in the profes-
39 sional service limited liability company within thirty days of the date
40 such professional becomes a member, or each of whose members and manag-
41 ers, if any, is a professional at least one of such members is author-
42 ized by law to render a professional service within this state and who
43 is or has been engaged in the practice of such profession in such
44 professional service limited liability company or a predecessor entity,
45 or will engage in the practice of such profession in the professional
46 service limited liability company within thirty days of the date such
47 professional becomes a member, or (ii) authorized by, or holding a
48 license, certificate, registration or permit issued by the licensing
49 authority pursuant to, the education law to render a professional
50 service within this state; except that all members and managers, if any,
51 of a foreign professional service limited liability company that
52 provides health services in this state shall be licensed in this state.
53 With respect to a foreign professional service limited liability company
54 which provides veterinary services as such services are defined in arti-
55 cle 135 of the education law, each member of such foreign professional
56 service limited liability company shall be licensed pursuant to article

1 135 of the education law to practice veterinary medicine. With respect
2 to a foreign professional service limited liability company which
3 provides medical services as such services are defined in article 131 of
4 the education law, each member of such foreign professional service
5 limited liability company must be licensed pursuant to article 131 of
6 the education law to practice medicine in this state. With respect to a
7 foreign professional service limited liability company which provides
8 dental services as such services are defined in article 133 of the
9 education law, each member of such foreign professional service limited
10 liability company must be licensed pursuant to article 133 of the educa-
11 tion law to practice dentistry in this state. With respect to a foreign
12 professional service limited liability company which provides profes-
13 sional engineering, land surveying, geologic architectural and/or land-
14 scape architectural services as such services are defined in article
15 145, article 147 and article 148 of the education law, each member of
16 such foreign professional service limited liability company must be
17 licensed pursuant to article 145, article 147 and/or article 148 of the
18 education law to practice one or more of such professions in this state.
19 With respect to a foreign professional service limited liability company
20 which provides licensed clinical social work services as such services
21 are defined in article 154 of the education law, each member of such
22 foreign professional service limited liability company shall be licensed
23 pursuant to article 154 of the education law to practice clinical social
24 work in this state. With respect to a foreign professional service
25 limited liability company which provides creative arts therapy services
26 as such services are defined in article 163 of the education law, each
27 member of such foreign professional service limited liability company
28 must be licensed pursuant to article 163 of the education law to prac-
29 tice creative arts therapy in this state. With respect to a foreign
30 professional service limited liability company which provides marriage
31 and family therapy services as such services are defined in article 163
32 of the education law, each member of such foreign professional service
33 limited liability company must be licensed pursuant to article 163 of
34 the education law to practice marriage and family therapy in this state.
35 With respect to a foreign professional service limited liability company
36 which provides mental health counseling services as such services are
37 defined in article 163 of the education law, each member of such foreign
38 professional service limited liability company must be licensed pursuant
39 to article 163 of the education law to practice mental health counseling
40 in this state. With respect to a foreign professional service limited
41 liability company which provides psychoanalysis services as such
42 services are defined in article 163 of the education law, each member of
43 such foreign professional service limited liability company must be
44 licensed pursuant to article 163 of the education law to practice
45 psychoanalysis in this state. With respect to a foreign professional
46 service limited liability company which provides applied behavior analy-
47 sis services as such services are defined in article 167 of the educa-
48 tion law, each member of such foreign professional service limited
49 liability company must be licensed or certified pursuant to article 167
50 of the education law to practice applied behavior analysis in this
51 state. WITH RESPECT TO A FOREIGN PROFESSIONAL SERVICE LIMITED LIABILITY
52 COMPANY FORMED TO PROVIDE INTEGRATED, MULTI-DISCIPLINARY MEDICAL AND
53 CHIROPRACTIC SERVICES, AS SUCH SERVICES ARE RESPECTIVELY DEFINED UNDER
54 ARTICLE 131 AND ARTICLE 132 OF THE EDUCATION LAW, (I) EACH MEMBER OF
55 SUCH LIMITED LIABILITY COMPANY MUST BE LICENSED PURSUANT TO ARTICLE 131
56 OR ARTICLE 132 OF THE EDUCATION LAW TO PRACTICE HIS OR HER PROFESSION IN

1 THIS STATE, (II) EACH MEMBER SHALL ONLY PRACTICE HIS OR HER PROFESSION
2 AS SPECIFIED IN HIS OR HER RESPECTIVE PROFESSIONAL ENABLING STATUTE
3 UNDER ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION LAW, AND (III) THE
4 CLINICAL INTEGRATION OF PROFESSIONAL PRACTICES WITHIN AN INTEGRATED,
5 MULTIDISCIPLINARY ENTITY ORGANIZED UNDER THIS SECTION DOES NOT ALTER,
6 EXPAND OR CURTAIL THE SCOPE OF PRACTICE OF ANY OF THE INDIVIDUALS
7 LICENSED UNDER THE STATUTE OF HIS OR HER RESPECTIVE PROFESSIONAL ENABL-
8 ING LAW, PROVIDED THAT: (A) THE CLINICAL JUDGMENT, MANAGEMENT AND CLIN-
9 ICAL DECISION-MAKING OF ONE OR MORE ARTICLE 131 PROVIDERS IN AN INTE-
10 GRATED, MULTIDISCIPLINARY PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY
11 SHALL BE CONTROLLING, (B) MEMBERS LICENSED UNDER ARTICLE 132 OF THE
12 EDUCATION LAW, SHALL NOT, DIRECTLY OR INDIRECTLY, INTERFERE WITH THE
13 CLINICAL JUDGMENT OR LEGITIMATE CLINICAL PRACTICE OF A PROFESSIONAL
14 LICENSED UNDER ARTICLE 131, AND (C) INDIVIDUALS LICENSED UNDER ARTICLE
15 131 MAY NOT ORDER OR DIRECT A PROFESSIONAL LICENSED UNDER ARTICLE 132 OF
16 THE EDUCATION LAW TO PRACTICE BEYOND THE SCOPE OF HIS OR HER LICENSE
17 UNDER ARTICLE 132 OF THE EDUCATION LAW, EVEN IF SUPERVISED DIRECTLY OR
18 INDIRECTLY BY A PROFESSIONAL LICENSED UNDER ARTICLE 131.

19 S 10. Paragraph (a) of section 1503 of the business corporation law,
20 as amended by chapter 475 of the laws of 2014, is amended to read as
21 follows:

22 (a) Notwithstanding any other provision of law, (I) one or more indi-
23 viduals duly authorized by law to render the same professional service
24 within the state may organize, or cause to be organized, a professional
25 service corporation for pecuniary profit under this article for the
26 purpose of rendering the same professional service, except that one or
27 more individuals duly authorized by law to practice professional engi-
28 neering, architecture, landscape architecture, land surveying or geology
29 within the state may organize, or cause to be organized, a professional
30 service corporation or a design professional service corporation for
31 pecuniary profit under this article for the purpose of rendering such
32 professional services as such individuals are authorized to practice,
33 AND, (II) ONE OR MORE INDIVIDUALS DULY LICENSED TO PRACTICE MEDICINE AND
34 ONE OR MORE CHIROPRACTORS LICENSED UNDER ARTICLE 132 OF THE EDUCATION
35 LAW, WHO MAY BE BOARD CERTIFIED OR QUALIFIED BY HIS OR HER RESPECTIVE
36 PROFESSIONAL SPECIALTY BOARDS, MAY ORGANIZE, OR CAUSE TO BE ORGANIZED,
37 FOR BUSINESS PURPOSES ONLY, A MULTIDISCIPLINARY PROFESSIONAL SERVICE
38 CORPORATION FORMED FOR PECUNIARY PROFIT UNDER THIS ARTICLE FOR THE
39 PURPOSE OF RENDERING INTEGRATED AND NON-INTEGRATED PROFESSIONAL SERVICES
40 WITHIN SUCH A CORPORATION AS SUCH INDIVIDUALS ARE AUTHORIZED TO PRACTICE
41 INDIVIDUALLY IN HIS OR HER RESPECTIVE PROFESSIONS, PROVIDED THAT THE
42 CLINICAL INTEGRATION OF PROFESSIONAL PRACTICES WITHIN AN ENTITY ORGAN-
43 IZED UNDER THIS SECTION DOES NOT ALTER, EXPAND OR CURTAIL THE SCOPE OF
44 PRACTICE OF ANY OF THE INDIVIDUALS LICENSED UNDER THE STATUTE OF HIS OR
45 HER RESPECTIVE PROFESSIONAL ENABLING LAW; THAT THE CLINICAL JUDGMENT,
46 MANAGEMENT AND CLINICAL DECISION-MAKING OF ONE OR MORE ARTICLE 131
47 PROVIDERS IN AN INTEGRATED, MULTIDISCIPLINARY PRACTICE SHALL BE CONTROL-
48 LING; THAT MEMBERS LICENSED UNDER ARTICLE 132 OF THE EDUCATION LAW,
49 SHALL NOT, DIRECTLY OR INDIRECTLY, INTERFERE WITH THE CLINICAL JUDGMENT
50 OR LEGITIMATE CLINICAL PRACTICE OF A PROFESSIONAL LICENSED UNDER ARTICLE
51 131; AND THAT INDIVIDUALS LICENSED UNDER ARTICLE 131 MAY NOT ORDER OR
52 DIRECT A PROFESSIONAL LICENSED UNDER ARTICLE 132 OF THE EDUCATION LAW TO
53 PRACTICE BEYOND THE SCOPE OF HIS OR HER LICENSE UNDER ARTICLE 132 OF THE
54 EDUCATION LAW IN A PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY, EVEN
55 IF SUPERVISED DIRECTLY OR INDIRECTLY BY A PROFESSIONAL LICENSED UNDER
56 ARTICLE 131.

1 S 11. Subdivision (q) of section 121-1500 of the partnership law, as
2 amended by chapter 475 of the laws of 2014, is amended to read as
3 follows:

4 (q) Each partner of a registered limited liability partnership formed
5 to provide medical services in this state must be licensed pursuant to
6 article 131 of the education law to practice medicine in this state and
7 each partner of a registered limited liability partnership formed to
8 provide dental services in this state must be licensed pursuant to arti-
9 cle 133 of the education law to practice dentistry in this state. Each
10 partner of a registered limited liability partnership formed to provide
11 veterinary services in this state must be licensed pursuant to article
12 135 of the education law to practice veterinary medicine in this state.
13 Each partner of a registered limited liability partnership formed to
14 provide professional engineering, land surveying, geological services,
15 architectural and/or landscape architectural services in this state must
16 be licensed pursuant to article 145, article 147 and/or article 148 of
17 the education law to practice one or more of such professions in this
18 state. Each partner of a registered limited liability partnership formed
19 to provide licensed clinical social work services in this state must be
20 licensed pursuant to article 154 of the education law to practice clin-
21 ical social work in this state. Each partner of a registered limited
22 liability partnership formed to provide creative arts therapy services
23 in this state must be licensed pursuant to article 163 of the education
24 law to practice creative arts therapy in this state. Each partner of a
25 registered limited liability partnership formed to provide marriage and
26 family therapy services in this state must be licensed pursuant to arti-
27 cle 163 of the education law to practice marriage and family therapy in
28 this state. Each partner of a registered limited liability partnership
29 formed to provide mental health counseling services in this state must
30 be licensed pursuant to article 163 of the education law to practice
31 mental health counseling in this state. Each partner of a registered
32 limited liability partnership formed to provide psychoanalysis services
33 in this state must be licensed pursuant to article 163 of the education
34 law to practice psychoanalysis in this state. Each partner of a regis-
35 tered limited liability partnership formed to provide applied behavior
36 analysis service in this state must be licensed or certified pursuant to
37 article 167 of the education law to practice applied behavior analysis
38 in this state. EACH PARTNER OF A REGISTERED LIMITED LIABILITY PARTNER-
39 SHIP FORMED TO PROVIDE INTEGRATED, MULTIDISCIPLINARY MEDICAL AND CHIROP-
40 RACTIC SERVICES, AS SUCH SERVICES ARE RESPECTIVELY DEFINED UNDER ARTICLE
41 131 AND ARTICLE 132 OF THE EDUCATION LAW, (I) MUST BE LICENSED PURSUANT
42 TO ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION LAW TO PRACTICE HIS OR
43 HER PROFESSION IN THIS STATE, (II) SHALL ONLY PRACTICE HIS OR HER
44 PROFESSION AS SPECIFIED IN HIS OR HER RESPECTIVE PROFESSIONAL ENABLING
45 STATUTE UNDER ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION LAW, AND (III)
46 THE CLINICAL INTEGRATION OF PROFESSIONAL PRACTICES WITHIN AN INTEGRATED,
47 MULTI-DISCIPLINARY ENTITY ORGANIZED UNDER THIS SECTION DOES NOT ALTER,
48 EXPAND OR CURTAIL THE SCOPE OF PRACTICE OF ANY OF THE INDIVIDUALS
49 LICENSED UNDER THE STATUTE OF HIS OR HER RESPECTIVE PROFESSIONAL ENABL-
50 ING LAW, PROVIDED THAT: (A) THE CLINICAL JUDGMENT, MANAGEMENT AND CLIN-
51 ICAL DECISION-MAKING OF ONE OR MORE ARTICLE 131 PROVIDERS IN AN INTE-
52 GRATED, MULTIDISCIPLINARY PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY
53 SHALL BE CONTROLLING, (B) MEMBERS LICENSED UNDER ARTICLE 132 OF THE
54 EDUCATION LAW, SHALL NOT, DIRECTLY OR INDIRECTLY, INTERFERE WITH THE
55 CLINICAL JUDGMENT OR LEGITIMATE CLINICAL PRACTICE OF A PROFESSIONAL
56 LICENSED UNDER ARTICLE 131, AND (C) INDIVIDUALS LICENSED UNDER ARTICLE

1 131 MAY NOT ORDER OR DIRECT A PROFESSIONAL LICENSED UNDER ARTICLE 132 OF
2 THE EDUCATION LAW TO PRACTICE BEYOND THE SCOPE OF HIS OR HER LICENSE
3 UNDER ARTICLE 132 OF THE EDUCATION LAW, EVEN IF SUPERVISED DIRECTLY OR
4 INDIRECTLY BY A PROFESSIONAL LICENSED UNDER ARTICLE 131.

5 S 12. Subdivision (q) of section 121-1502 of the partnership law, as
6 amended by chapter 475 of the laws of 2014, is amended to read as
7 follows:

8 (q) Each partner of a foreign limited liability partnership which
9 provides medical services in this state must be licensed pursuant to
10 article 131 of the education law to practice medicine in the state and
11 each partner of a foreign limited liability partnership which provides
12 dental services in the state must be licensed pursuant to article 133 of
13 the education law to practice dentistry in this state. Each partner of a
14 foreign limited liability partnership which provides veterinary service
15 in the state shall be licensed pursuant to article 135 of the education
16 law to practice veterinary medicine in this state. Each partner of a
17 foreign limited liability partnership which provides professional engi-
18 neering, land surveying, geological services, architectural and/or land-
19 scape architectural services in this state must be licensed pursuant to
20 article 145, article 147 and/or article 148 of the education law to
21 practice one or more of such professions. Each partner of a foreign
22 limited liability partnership which provides licensed clinical social
23 work services in this state must be licensed pursuant to article 154 of
24 the education law to practice licensed clinical social work in this
25 state. Each partner of a foreign limited liability partnership which
26 provides creative arts therapy services in this state must be licensed
27 pursuant to article 163 of the education law to practice creative arts
28 therapy in this state. Each partner of a foreign limited liability part-
29 nership which provides marriage and family therapy services in this
30 state must be licensed pursuant to article 163 of the education law to
31 practice marriage and family therapy in this state. Each partner of a
32 foreign limited liability partnership which provides mental health coun-
33 seling services in this state must be licensed pursuant to article 163
34 of the education law to practice mental health counseling in this state.
35 Each partner of a foreign limited liability partnership which provides
36 psychoanalysis services in this state must be licensed pursuant to arti-
37 cle 163 of the education law to practice psychoanalysis in this state.
38 Each partner of a foreign limited liability partnership which provides
39 applied behavior analysis services in this state must be licensed or
40 certified pursuant to article 167 of the education law to practice
41 applied behavior analysis in this state. EACH PARTNER OF A FOREIGN
42 LIMITED LIABILITY PARTNERSHIP FORMED TO PROVIDE INTEGRATED, MULTIDISCI-
43 PLINARY MEDICAL AND CHIROPRACTIC SERVICES, AS SUCH SERVICES ARE DEFINED
44 UNDER ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION LAW, (I) MUST BE
45 LICENSED PURSUANT TO ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION LAW TO
46 PRACTICE HIS OR HER PROFESSION IN THIS STATE, (II) SHALL ONLY PRACTICE
47 HIS OR HER PROFESSION AS SPECIFIED IN HIS OR HER RESPECTIVE PROFESSIONAL
48 ENABLING STATUTE UNDER ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION LAW,
49 AND (III) THE CLINICAL INTEGRATION OF PROFESSIONAL PRACTICES WITHIN AN
50 INTEGRATED, MULTIDISCIPLINARY ENTITY ORGANIZED UNDER THIS SECTION DOES
51 NOT ALTER, EXPAND OR CURTAIL THE SCOPE OF PRACTICE OF ANY OF THE INDI-
52 VIDUALS LICENSED UNDER THE STATUTE OF HIS OR HER RESPECTIVE PROFESSIONAL
53 ENABLING LAW, PROVIDED THAT: (A) THE CLINICAL JUDGMENT, MANAGEMENT AND
54 CLINICAL DECISION-MAKING OF ONE OR MORE ARTICLE 131 PROVIDERS IN AN
55 INTEGRATED, MULTIDISCIPLINARY PROFESSIONAL SERVICE LIMITED LIABILITY
56 COMPANY SHALL BE CONTROLLING, (B) MEMBERS NOT LICENSED UNDER ARTICLE 131

1 OF THE EDUCATION LAW, SHALL NOT, DIRECTLY OR INDIRECTLY, INTERFERE WITH
2 THE CLINICAL JUDGMENT OR LEGITIMATE CLINICAL PRACTICE OF A PROFESSIONAL
3 LICENSED UNDER ARTICLE 131, AND (C) INDIVIDUALS LICENSED UNDER ARTICLE
4 131 MAY NOT ORDER OR DIRECT A PROFESSIONAL LICENSED UNDER ARTICLE 132 OF
5 THE EDUCATION LAW TO PRACTICE BEYOND THE SCOPE OF HIS OR HER LICENSE
6 UNDER ARTICLE 132 OF THE EDUCATION LAW, EVEN IF SUPERVISED DIRECTLY OR
7 INDIRECTLY BY A PROFESSIONAL LICENSED UNDER ARTICLE 131.

8 S 13. Subdivision 1 of section 2801 of the public health law, as sepa-
9 rately amended by chapters 297 and 416 of the laws of 1983, is amended
10 to read as follows:

11 1. "Hospital" means a facility or institution engaged principally in
12 providing services by or under the supervision of a physician or, in the
13 case of a dental clinic or dental dispensary, of a dentist, for the
14 prevention, diagnosis or treatment of human disease, pain, injury,
15 deformity or physical condition, including, but not limited to, a gener-
16 al hospital, public health center, diagnostic center, treatment center,
17 dental clinic, dental dispensary, rehabilitation center other than a
18 facility used solely for vocational rehabilitation, nursing home, tuber-
19 culosis hospital, chronic disease hospital, maternity hospital, lying-
20 in-asylum, out-patient department, out-patient lodge, dispensary and a
21 laboratory or central service facility serving one or more such insti-
22 tutions, but the term hospital shall not include an institution, sani-
23 tarium or other facility engaged principally in providing services for
24 the prevention, diagnosis or treatment of mental disability and which is
25 subject to the powers of visitation, examination, inspection and inves-
26 tigation of the department of mental hygiene except for those distinct
27 parts of such a facility which provide hospital service. The provisions
28 of this article shall not apply to a facility or institution engaged
29 principally in providing services by or under the supervision of the
30 bona fide members and adherents of a recognized religious organization
31 whose teachings include reliance on spiritual means through prayer alone
32 for healing in the practice of the religion of such organization and
33 where services are provided in accordance with those teachings OR TO A
34 BUSINESS CORPORATION, LIMITED LIABILITY CORPORATION OR PARTNERSHIP
35 BETWEEN A MEDICAL DOCTOR AND A DULY LICENSED TITLE VIII HEALTHCARE
36 PROFESSIONAL.

37 S 14. Subdivision 19 of section 6530 of the education law, as added by
38 chapter 606 of the laws of 1991, is amended to read as follows:

39 19. Permitting any person to share in the fees for professional
40 services, other than: a partner, employee, associate in a professional
41 firm or corporation, professional subcontractor or consultant authorized
42 to practice medicine, or a legally authorized trainee practicing under
43 the supervision of a licensee OR A CHIROPRACTOR PROVIDING PROFESSIONAL
44 SERVICES IN THE SAME PRACTICE. This prohibition shall include any
45 arrangement or agreement whereby the amount received in payment for
46 furnishing space, facilities, equipment or personnel services used by a
47 licensee constitutes a percentage of, or is otherwise dependent upon,
48 the income or receipts of the licensee from such practice, except as
49 otherwise provided by law with respect to a facility licensed pursuant
50 to article twenty-eight of the public health law or article thirteen of
51 the mental hygiene law;

52 S 15. Section 6509-a of the education law, as amended by chapter 555
53 of the laws of 1993, is amended to read as follows:

54 S 6509-a. Additional definition of professional misconduct; limited
55 application. Notwithstanding any inconsistent provision of this article
56 or of any other provision of law to the contrary, the license or regis-

1 tration of a person subject to the provisions of articles one hundred
2 thirty-two, one hundred thirty-three, one hundred thirty-six, one
3 hundred thirty-seven, one hundred thirty-nine, one hundred forty-one,
4 one hundred forty-three, one hundred forty-four, one hundred fifty-six,
5 one hundred fifty-nine and one hundred sixty-four of this chapter may be
6 revoked, suspended or annulled or such person may be subject to any
7 other penalty provided in section sixty-five hundred eleven of this
8 article in accordance with the provisions and procedure of this article
9 for the following:

10 That any person subject to the above enumerated articles, has directly
11 or indirectly requested, received or participated in the division,
12 transference, assignment, rebate, splitting or refunding of a fee for,
13 or has directly requested, received or profited by means of a credit or
14 other valuable consideration as a commission, discount or gratuity in
15 connection with the furnishing of professional care, or service, includ-
16 ing x-ray examination and treatment, or for or in connection with the
17 sale, rental, supplying or furnishing of clinical laboratory services or
18 supplies, x-ray laboratory services or supplies, inhalation therapy
19 service or equipment, ambulance service, hospital or medical supplies,
20 physiotherapy or other therapeutic service or equipment, artificial
21 limbs, teeth or eyes, orthopedic or surgical appliances or supplies,
22 optical appliances, supplies or equipment, devices for aid of hearing,
23 drugs, medication or medical supplies or any other goods, services or
24 supplies prescribed for medical diagnosis, care or treatment under this
25 chapter, except payment, not to exceed thirty-three and one-third per
26 centum of any fee received for x-ray examination, diagnosis or treat-
27 ment, to any hospital furnishing facilities for such examination, diag-
28 nosis or treatment. Nothing contained in this section shall prohibit
29 such persons from practicing as partners, in groups or as a professional
30 corporation or as a university faculty practice corporation nor from
31 pooling fees and moneys received, either by the partnerships, profes-
32 sional corporations, university faculty practice corporations or groups
33 by the individual members thereof, for professional services furnished
34 by any individual professional member, or employee of such partnership,
35 corporation or group, nor shall the professionals constituting the part-
36 nerships, corporations or groups be prohibited from sharing, dividing or
37 apportioning the fees and moneys received by them or by the partnership,
38 corporation or group in accordance with a partnership or other agree-
39 ment; provided that no such practice as partners, corporations or in
40 groups or pooling of fees or moneys received or shared, division or
41 apportionment of fees shall be permitted with respect to care and treat-
42 ment under the workers' compensation law except as expressly authorized
43 by the workers' compensation law. NOTHING CONTAINED IN THIS SECTION,
44 SHALL PROHIBIT A MULTIDISCIPLINARY MEDICAL AND CHIROPRACTIC PRACTICE
45 FORMED PURSUANT TO SUBDIVISION (A) OR (B) OF SECTION TWELVE HUNDRED
46 THREE OF THE LIMITED LIABILITY COMPANY LAW, SUBDIVISION (A) OF SECTION
47 THIRTEEN HUNDRED ONE OF THE LIMITED LIABILITY COMPANY LAW, PARAGRAPH (A)
48 OF SECTION FIFTEEN HUNDRED THREE OF THE BUSINESS CORPORATION LAW, SUBDI-
49 VISION (Q) OF SECTION 121-1500 OF THE PARTNERSHIP LAW, OR SUBDIVISION
50 (Q) OF SECTION 121-1502 OF THE PARTNERSHIP LAW FROM POOLING FEES OR
51 MONIES RECEIVED. Nothing contained in this chapter shall prohibit a
52 medical or dental expense indemnity corporation pursuant to its contract
53 with the subscriber from prorationing a medical or dental expense indem-
54 nity allowance among two or more professionals in proportion to the
55 services rendered by each such professional at the request of the
56 subscriber, provided that prior to payment thereof such professionals

1 shall submit both to the medical or dental expense indemnity corporation
2 and to the subscriber statements itemizing the services rendered by each
3 such professional and the charges therefor.

4 S 16. Section 6531 of the education law, as amended by chapter 555 of
5 the laws of 1993, is amended to read as follows:

6 S 6531. Additional definition of professional misconduct, limited
7 application. Notwithstanding any inconsistent provision of this article
8 or any other provisions of law to the contrary, the license or registra-
9 tion of a person subject to the provisions of this article and article
10 one hundred thirty-one-B of this chapter may be revoked, suspended, or
11 annulled or such person may be subject to any other penalty provided in
12 section two hundred thirty-a of the public health law in accordance with
13 the provisions and procedures of this article for the following:

14 That any person subject to the above-enumerated articles has directly
15 or indirectly requested, received or participated in the division,
16 transference, assignment, rebate, splitting, or refunding of a fee for,
17 or has directly requested, received or profited by means of a credit or
18 other valuable consideration as a commission, discount or gratuity, in
19 connection with the furnishing of professional care or service, includ-
20 ing x-ray examination and treatment, or for or in connection with the
21 sale, rental, supplying, or furnishing of clinical laboratory services
22 or supplies, x-ray laboratory services or supplies, inhalation therapy
23 service or equipment, ambulance service, hospital or medical supplies,
24 physiotherapy or other therapeutic service or equipment, artificial
25 limbs, teeth or eyes, orthopedic or surgical appliances or supplies,
26 optical appliances, supplies, or equipment, devices for aid of hearing,
27 drugs, medication, or medical supplies, or any other goods, services, or
28 supplies prescribed for medical diagnosis, care, or treatment under this
29 chapter, except payment, not to exceed thirty-three and one-third
30 percent of any fee received for x-ray examination, diagnosis, or treat-
31 ment, to any hospital furnishing facilities for such examination, diag-
32 nosis, or treatment. Nothing contained in this section shall prohibit
33 such persons from practicing as partners, in groups or as a professional
34 corporation or as a university faculty practice corporation, nor from
35 pooling fees and moneys received, either by the partnerships, profes-
36 sional corporations, or university faculty practice corporations or
37 groups by the individual members thereof, for professional services
38 furnished by an individual professional member, or employee of such
39 partnership, corporation, or group, nor shall the professionals consti-
40 tuting the partnerships, corporations or groups be prohibited from shar-
41 ing, dividing, or apportioning the fees and moneys received by them or
42 by the partnership, corporation, or group in accordance with a partner-
43 ship or other agreement; provided that no such practice as partners,
44 corporations, or groups, or pooling of fees or moneys received or
45 shared, division or apportionment of fees shall be permitted with
46 respect to and treatment under the workers' compensation law. NOTHING
47 CONTAINED IN THIS SECTION, SHALL PROHIBIT A MULTIDISCIPLINARY MEDICAL
48 AND CHIROPRACTIC PRACTICE FORMED PURSUANT TO SUBDIVISION (A) OR (B) OF
49 SECTION TWELVE HUNDRED THREE OF THE LIMITED LIABILITY COMPANY LAW,
50 SUBDIVISION (A) OF SECTION THIRTEEN HUNDRED ONE OF THE LIMITED LIABILITY
51 COMPANY LAW, PARAGRAPH (A) OF SECTION FIFTEEN HUNDRED THREE OF THE BUSI-
52 NESS CORPORATION LAW, SUBDIVISION (Q) OF SECTION 121-1500 OF THE PART-
53 NERSHIP LAW, OR SUBDIVISION (Q) OF SECTION 121-1502 OF THE PARTNERSHIP
54 LAW FROM POOLING FEES OR MONIES RECEIVED. Nothing contained in this
55 chapter shall prohibit a corporation licensed pursuant to article
56 forty-three of the insurance law pursuant to its contract with the

1 subscribed from prorationing a medical or dental expenses indemnity
2 allowance among two or more professionals in proportion to the services
3 rendered by each such professional at the request of the subscriber,
4 provided that prior to payment thereof such professionals shall submit
5 both to the corporation licensed pursuant to article forty-three of the
6 insurance law and to the subscriber statements itemizing the services
7 rendered by each such professional and the charges therefor.

8 S 17. This act shall take effect on the thirtieth day after it shall
9 have become a law; provided, however that sections seven, eight, nine,
10 ten, eleven and twelve of this act shall take effect on the same date
11 and in the same manner as section 28 of chapter 475 of the laws of 2014,
12 takes effect.

13 PART W

14 Section 1. Subdivision 1 of section 669-e of the education law, as
15 added by section 1 of part G of chapter 56 of the laws of 2014, is
16 amended to read as follows:

17 1. Undergraduate students who are matriculated in an approved under-
18 graduate program leading to a career in science, technology, engineering
19 or mathematics at a New York state [public institution of higher educa-
20 tion] COLLEGE AS DEFINED IN SECTION SIX HUNDRED ONE OF THIS CHAPTER
21 shall be eligible for an award under this section, provided the appli-
22 cant: (a) graduates from a high school located in New York state during
23 or after the two thousand thirteen--fourteen school year; and (b) gradu-
24 ates within the top ten percent of his or her high school class OR
25 OBTAINS A SCORE OF THREE OR BETTER ON TWO OR MORE SCIENCE, TECHNOLOGY,
26 ENGINEERING OR MATHEMATICS ADVANCED PLACEMENT EXAMS, AS DETERMINED BY
27 THE PRESIDENT; and (c) enrolls in full-time study each term beginning in
28 the fall term after his or her high school graduation in an approved
29 undergraduate program in science, technology, engineering or mathemat-
30 ics, as defined by the corporation, at a New York state [public institu-
31 tion of higher education] COLLEGE AS DEFINED IN SECTION SIX HUNDRED ONE
32 OF THIS CHAPTER; and (d) signs a contract with the corporation agreeing
33 that his or her award will be converted to a student loan in the event
34 the student fails to comply with the terms of this program as set forth
35 in subdivision four of this section; and (e) complies with the applica-
36 ble provisions of this article and all requirements promulgated by the
37 corporation for the administration of the program.

38 S 2. This act shall take effect immediately.

39 PART X

40 Section 1. Clause (iii) of subparagraph 4 of paragraph h of subdivi-
41 sion 2 of section 355 of the education law, as amended by chapter 260 of
42 the laws of 2011, is amended to read as follows:

43 (iii) The state shall appropriate annually and make available general
44 fund operating support, including fringe benefits, for the state univer-
45 sity in an amount not less than the amount appropriated and made avail-
46 able to the state university in state fiscal year two thousand eleven--
47 two thousand twelve. Beginning in state fiscal year two thousand
48 twelve--two thousand thirteen and thereafter, the state shall appropriate
49 and make available general fund operating support, including fringe
50 benefits, for the state university AND THE STATE UNIVERSITY HEALTH
51 SCIENCE CENTERS in an amount not less than the amount appropriated and
52 made available in the prior state fiscal year; provided, [however, that

1 if] FURTHER, THE STATE SHALL APPROPRIATE AND MAKE AVAILABLE GENERAL FUND
2 OPERATING SUPPORT TO COVER COLLECTIVE BARGAINING COSTS INCURRED BY THE
3 STATE UNIVERSITY AND THE STATE UNIVERSITY HEALTH SCIENCE CENTERS. IF the
4 governor declares a fiscal emergency, and communicates such emergency to
5 the temporary president of the senate and speaker of the assembly, state
6 support for operating expenses at the state university and city univer-
7 sity may be reduced in a manner proportionate to one another, and the
8 aforementioned provisions shall not apply.

9 S 2. Subparagraph (iii) of paragraph (a) of subdivision 7 of section
10 6206 of the education law, as added by chapter 260 of the laws of 2011,
11 is amended to read as follows:

12 (iii) The state shall appropriate annually and make available state
13 support for operating expenses, including fringe benefits, for the city
14 university in an amount not less than the amount appropriated and made
15 available to the city university in state fiscal year two thousand
16 eleven--two thousand twelve. Beginning in state fiscal year two thousand
17 twelve--two thousand thirteen and thereafter, the state shall appropri-
18 ate and make available state support for operating expenses[, including
19 fringe benefits,] for the city university in an amount not less than the
20 amount appropriated and made available in the prior state fiscal year;
21 provided, [however, that if] FURTHER, THE STATE SHALL APPROPRIATE AND
22 MAKE AVAILABLE GENERAL FUND OPERATING SUPPORT TO COVER COLLECTIVE
23 BARGAINING COSTS INCURRED BY THE CITY UNIVERSITY. IF the governor,
24 HOWEVER, declares a fiscal emergency, and communicates such emergency to
25 the temporary president of the senate and speaker of the assembly, state
26 support for operating expenses of the state university and city univer-
27 sity may be reduced in a manner proportionate to one another, and the
28 aforementioned provisions shall not apply.

29 S 3. This act shall take effect April 1, 2016; provided that the
30 amendments to subparagraph 4 of paragraph h of subdivision 2 of section
31 355 of the education law, made by section one of this act shall not
32 affect the expiration of such subparagraph and shall be deemed to expire
33 therewith provided, however, that the amendments to subparagraph (iii)
34 of paragraph (a) of subdivision 7 of section 6206 of the education law,
35 made by section two of this act shall not affect the expiration of such
36 subparagraph and shall be deemed to expire therewith.

37 PART Y

38 Section 1. The education law is amended by adding a new section 355-d
39 to read as follows:

40 S 355-D. HELP INDIVIDUALS REACH EMPLOYMENT. 1. THE HELP INDIVIDUALS
41 REACH EMPLOYMENT PROGRAM (HIRE) IS HEREBY ESTABLISHED TO PROVIDE ADDI-
42 TIONAL SKILLS FOR COLLEGE GRADUATES TO INCREASE THEIR EMPLOYMENT MARKET-
43 ABILITY AND ATTAIN SUCCESSFUL JOB PLACEMENT.

44 2. TO BE ELIGIBLE TO PARTICIPATE IN THE HIRE PROGRAM, AN APPLICANT
45 SHALL HAVE: (A) RECEIVED AN UNDERGRADUATE DEGREE FROM THE STATE UNIVER-
46 SITY OF NEW YORK AND HAVE ACHIEVED A GRADE POINT AVERAGE OF 3.0 OR HIGH-
47 ER; (B) COMPLETED THEIR DEGREE IN NO MORE THAN FIVE YEARS, OR SIX YEARS
48 IF THE DEGREE TYPICALLY REQUIRES FIVE YEARS; (C) COMPLETED AN APPROVED
49 EXPERIENTIAL LEARNING ACTIVITY, AS DEFINED BY THE BOARD OF TRUSTEES; (D)
50 GRADUATED AND SOUGHT EMPLOYMENT FOR AT LEAST SIX MONTHS PRIOR TO THE
51 DATE OF APPLICATION; (E) BEEN UNSUCCESSFUL IN OBTAINING FULL-TIME
52 EMPLOYMENT; (F) PROVIDED DOCUMENTATION THAT SUCH APPLICANT HAS SOUGHT
53 EMPLOYMENT FOR SUCH A JOB IN NEW YORK STATE; AND (G) APPLIED FOR THE

DEGREE ENHANCEMENT FOR EMPLOYMENT PROGRAM WITHIN ONE YEAR AFTER THE DATE OF GRADUATION.

3. THE TRUSTEES OF THE STATE UNIVERSITY OF NEW YORK SHALL ESTABLISH OR IDENTIFY EXISTING CERTIFICATE PROGRAMS THAT PROVIDE SKILLS FOR COLLEGE GRADUATES TO ENHANCE THEIR EMPLOYMENT MARKETABILITY THAT ARE TAILORED TO JOB MARKET NEEDS WHICH SHALL BE MADE AVAILABLE TO ALL ELIGIBLE APPLICANTS FREE OF CHARGE TO SUCH APPLICANT. THE TRUSTEES SHALL PROMULGATE RULES AND REGULATIONS IN CONSULTATION WITH THE DEPARTMENT OF LABOR TO ENSURE SUCH PROGRAMS ARE ALIGNED WITH JOB MARKET AND INDUSTRY NEEDS. IF THE STATE UNIVERSITY OF NEW YORK DOES NOT CURRENTLY OFFER CERTIFICATE PROGRAMS THAT MEET THE REQUIREMENTS OF THIS SECTION, OR IF CURRENT CERTIFICATE PROGRAMS ARE AT CAPACITY OR CAN NOT BE EXPANDED TO ADMIT ALL ELIGIBLE APPLICANTS, SUCH PROGRAMS MAY BE OFFERED IN AN ON-LINE FORMAT TO SATISFY THE REQUIREMENTS OF THIS SECTION.

4. IF THE COLLEGE FROM WHICH THE APPLICANT GRADUATED CURRENTLY OFFERS A CERTIFICATE PROGRAM THAT MEETS THE REQUIREMENTS SET FORTH IN SUBDIVISION THREE OF THIS SECTION, THEN IT SHALL BE THE CHOICE OF THE APPLICANT TO EITHER ATTEND SUCH PROGRAM AT THAT CAMPUS OR COMPLETE SUCH PROGRAM ON-LINE; OR IF A COMMUNITY COLLEGE IS CURRENTLY OFFERING A CERTIFICATE PROGRAM THAT MEETS THE REQUIREMENTS IN SUBDIVISION THREE OF THIS SECTION, SUCH APPLICANT SHALL HAVE THE CHOICE OF OBTAINING SUCH CERTIFICATE FROM SUCH COMMUNITY COLLEGE FREE OF CHARGE TO THE APPLICANT. SUCH COMMUNITY COLLEGE SHALL BE ENTITLED TO REIMBURSEMENT FOR THE COST OF SUCH APPLICANT'S ATTENDANCE IN THE CERTIFICATE PROGRAM FROM THE STATE UNIVERSITY OF NEW YORK FOUR YEAR INSTITUTION FROM WHICH THE APPLICANT RECEIVED HIS OR HER BACHELOR'S DEGREE.

5. EACH STATE UNIVERSITY OF NEW YORK INSTITUTION THAT CONFERS FOUR YEAR DEGREES SHALL INFORM ALL INCOMING FRESHMAN AND TRANSFER STUDENTS ABOUT ANTICIPATED JOB AVAILABILITY PER EACH MAJOR AND APPROXIMATE SALARY RANGES PER EACH MAJOR, WHICH DEGREES WILL TYPICALLY REQUIRE A GRADUATE DEGREE OR ADDITIONAL EDUCATION BEYOND A BACHELOR'S DEGREE AND ABOUT SUCH INSTITUTION'S UNDER GRADUATE STUDENT EMPLOYMENT RATES MEASURED WITHIN ONE YEAR OF SUCH STUDENTS' GRADUATION.

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

18. A. THE HELP INDIVIDUALS REACH EMPLOYMENT PROGRAM (HIRE) IS HEREBY ESTABLISHED TO PROVIDE ADDITIONAL SKILLS FOR COLLEGE GRADUATES TO INCREASE THEIR EMPLOYMENT MARKETABILITY AND ATTAIN SUCCESSFUL JOB PLACEMENT.

B. TO BE ELIGIBLE TO PARTICIPATE IN THE HIRE PROGRAM, AN APPLICANT SHALL HAVE: (A) RECEIVED AN UNDERGRADUATE DEGREE FROM THE CITY UNIVERSITY OF NEW YORK AND HAVE ACHIEVED A GRADE POINT AVERAGE OF 3.0 OR HIGHER; (B) COMPLETED THEIR DEGREE IN NO MORE THAN FIVE YEARS, OR SIX YEARS IF THE DEGREE TYPICALLY REQUIRES FIVE YEARS; (C) COMPLETED AN APPROVED EXPERIENTIAL LEARNING ACTIVITY, AS DEFINED BY THE BOARD OF TRUSTEES; (D) GRADUATED AND SOUGHT EMPLOYMENT FOR AT LEAST SIX MONTHS PRIOR TO THE DATE OF APPLICATION; (E) BEEN UNSUCCESSFUL IN OBTAINING FULL-TIME EMPLOYMENT; (F) PROVIDED DOCUMENTATION THAT SUCH APPLICANT HAS SOUGHT EMPLOYMENT FOR SUCH A JOB IN NEW YORK STATE; AND (G) APPLIED FOR THE DEGREE ENHANCEMENT FOR EMPLOYMENT PROGRAM WITHIN ONE YEAR AFTER THE DATE OF GRADUATION.

C. THE TRUSTEES OF THE CITY UNIVERSITY OF NEW YORK SHALL ESTABLISH OR IDENTIFY EXISTING CERTIFICATE PROGRAMS THAT PROVIDE SKILLS FOR COLLEGE GRADUATES TO ENHANCE THEIR EMPLOYMENT MARKETABILITY THAT ARE TAILORED TO JOB MARKET NEEDS, WHICH SHALL BE MADE AVAILABLE TO ALL ELIGIBLE APPLICANTS FREE OF CHARGE TO SUCH APPLICANT. THE TRUSTEES SHALL PROMULGATE

RULES AND REGULATIONS IN CONSULTATION WITH THE DEPARTMENT OF LABOR TO ENSURE SUCH PROGRAMS ARE ALIGNED WITH JOB MARKET AND INDUSTRY NEEDS. IF THE CITY UNIVERSITY OF NEW YORK DOES NOT CURRENTLY OFFER CERTIFICATE PROGRAMS THAT MEET THE REQUIREMENTS OF THIS SUBDIVISION, OR IF CURRENT CERTIFICATE PROGRAMS ARE AT CAPACITY OR CAN NOT BE EXPANDED TO ADMIT ALL ELIGIBLE APPLICANTS, SUCH PROGRAMS MAY BE OFFERED IN AN ON-LINE FORMAT TO SATISFY THE REQUIREMENTS OF THIS SUBDIVISION.

D. IF THE COLLEGE FROM WHICH THE APPLICANT GRADUATED CURRENTLY OFFERS A CERTIFICATE PROGRAM THAT MEETS THE REQUIREMENTS IN PARAGRAPH C OF THIS SUBDIVISION, THEN IT SHALL BE THE CHOICE OF THE APPLICANT TO EITHER ATTEND SUCH PROGRAM AT THAT CAMPUS OR COMPLETE SUCH PROGRAM ON-LINE; OR IF A COMMUNITY COLLEGE IS CURRENTLY OFFERING A CERTIFICATE PROGRAM THAT MEETS THE REQUIREMENTS IN PARAGRAPH C OF THIS SUBDIVISION, SUCH APPLICANT SHALL HAVE THE CHOICE OF OBTAINING SUCH CERTIFICATE FROM SUCH COMMUNITY COLLEGE FREE OF CHARGE TO THE APPLICANT. SUCH COMMUNITY COLLEGE SHALL BE ENTITLED TO REIMBURSEMENT FOR THE COST OF SUCH APPLICANT'S ATTENDANCE IN THE CERTIFICATE PROGRAM FROM THE CITY UNIVERSITY OF NEW YORK FOUR YEAR INSTITUTION FROM WHICH THE APPLICANT RECEIVED HIS OR HER BACHELOR'S DEGREE.

E. EACH CITY UNIVERSITY OF NEW YORK INSTITUTION THAT CONFERS FOUR YEAR DEGREES SHALL INFORM ALL INCOMING FRESHMEN AND TRANSFER STUDENTS ABOUT ANTICIPATED JOB AVAILABILITY PER EACH MAJOR AND APPROXIMATE SALARY RANGES PER EACH MAJOR, WHICH DEGREES WILL TYPICALLY REQUIRE A GRADUATE DEGREE OR ADDITIONAL EDUCATION BEYOND A BACHELOR'S DEGREE AND ABOUT SUCH INSTITUTION'S UNDER GRADUATE STUDENT EMPLOYMENT RATES MEASURED WITHIN ONE YEAR OF SUCH STUDENTS' GRADUATION.

S 3. This act shall take effect one year after it shall have become a law.

PART Z

Section 1. The education law is amended by adding a new section 6303-b to read as follows:

S 6303-B. RETRAIN AND EMPLOY UNEMPLOYED PERSONS PROGRAM. 1. DEFINITIONS. AS USED IN THIS SECTION THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS.

(A) "GRANT PROGRAM" SHALL MEAN THE RETRAIN AND EMPLOY UNEMPLOYED PERSONS PROGRAM OR THE RE-UP NEW YORK PROGRAM.

(B) "TRAINING PROGRAM OR WORKFORCE DEVELOPMENT PROGRAM" SHALL MEAN THE COMMUNITY COLLEGE PROGRAMS CREATED OR IMPROVED PURSUANT TO THE GRANT PROGRAM.

(C) "BOCES" SHALL MEAN BOARDS OF COOPERATIVE EDUCATIONAL SERVICES AS DEFINED IN ARTICLE FORTY OF THIS CHAPTER.

2. BY NO LATER THAN JULY FIRST, TWO THOUSAND SIXTEEN THE STATE UNIVERSITY BOARDS OF TRUSTEES AND THE CITY UNIVERSITY BOARDS OF TRUSTEES SHALL ESTABLISH A GRANT PROGRAM FOR COMMUNITY COLLEGES TO DEVELOP TRAINING PROGRAMS OR IMPROVE EXISTING WORKFORCE DEVELOPMENT PROGRAMS FOR THE PURPOSES OF TRAINING UNEMPLOYED INDIVIDUALS FOR JOBS IN THE REGIONS SURROUNDING EACH COMMUNITY COLLEGE.

3. GRANTS SHALL BE AWARDED BY THE RESPECTIVE BOARDS OF TRUSTEES PURSUANT TO APPROPRIATION IN AN AMOUNT UP TO ONE HUNDRED THOUSAND DOLLARS TO COMMUNITY COLLEGES THAT CAN DEMONSTRATE THAT SUCH TRAINING PROGRAMS OR WORKFORCE DEVELOPMENT PROGRAMS WILL PROVIDE THE REQUISITE TRAINING REQUIRED FOR JOB PLACEMENT IN BUSINESSES AND INDUSTRIES WITHIN THE REGION THAT LACK THE NECESSARY WORKFORCE OR THAT ARE SEEKING EMPLOYEES

WITH NEW SKILLS IN AN AREA WHERE JOB OPENINGS CURRENTLY EXIST OR WHERE JOB GROWTH IS ANTICIPATED IN THE NEAR FUTURE.

4. TO BE ELIGIBLE TO RECEIVE A GRANT, A COMMUNITY COLLEGE MUST ALSO DEMONSTRATE THAT SUCH COMMUNITY COLLEGE: (A) HAS PARTNERED WITH REGIONAL BUSINESSES OR INDUSTRIES TO DETERMINE AREAS WHERE JOBS ARE AVAILABLE OR ARE ANTICIPATED TO BECOME AVAILABLE AND A SKILLED WORKFORCE IS NEEDED; (B) CONSULTS WITH THE DEPARTMENT OF LABOR TO TARGET UNEMPLOYED INDIVIDUALS WHO SHALL BE GIVEN PRIORITY PLACEMENT INTO SUCH TRAINING PROGRAMS OR WORKFORCE DEVELOPMENT PROGRAMS; AND (C) HAS INTEGRATED TO THE GREATEST EXTENT PRACTICABLE THE RESOURCES AND CAPACITY OF ONE STOP CAREER CENTERS CREATED PURSUANT TO THE LABOR LAW.

5. COMMUNITY COLLEGES MAY SEEK TO PROVIDE ON-SITE TRAINING OR MAY SEEK TO HAVE PARTICIPANTS TRAINED ON JOB SITES.

6. THE COMMUNITY COLLEGE, IN CONSULTATION WITH LOCAL BUSINESS OR INDUSTRY, SHALL DETERMINE THE LENGTH OF SUCH TRAINING OR WORKFORCE DEVELOPMENT PROGRAM, PROVIDED THAT SUCH PROGRAM SHALL PROVIDE COMPETENCY FOR A PARTICULAR BUSINESS OR INDUSTRY NEED. SUCCESSFUL COMPLETION OF SUCH PROGRAMS SHALL BE SIGNIFIED BY THE RECEIPT OF A CERTIFICATE OF COMPLETION, HOWEVER, TRAINING OR WORKFORCE DEVELOPMENT PROGRAMS NEED NOT LEAD TO DEGREES OR OFFICIAL CERTIFICATIONS PROVIDED BY THE DEPARTMENT OR THE DEPARTMENT OF STATE.

7. BEGINNING IN THE YEAR TWO THOUSAND SEVENTEEN AND THEREAFTER, PURSUANT TO APPROPRIATION AND BASED ON THE AVAILABILITY OF FUNDS, COMMUNITY COLLEGES SHALL BE ELIGIBLE TO RECEIVE AN ADDITIONAL ONE HUNDRED THOUSAND DOLLARS IN ANY YEAR THAT MORE THAN EIGHTY-FIVE PERCENT OF ALL GRANT PROGRAM PARTICIPANTS TRAINED BECOME EMPLOYED WITHIN THREE MONTHS OF COMPLETING SUCH PROGRAM.

8. SUNY AND CUNY BOARDS OF TRUSTEES SHALL ALSO CONSULT WITH REGIONAL BOCES TO DEVELOP OR IMPROVE CAREER TRAINING PROGRAMS THAT WILL PARTNER WITH COMMUNITY COLLEGES AND BUSINESS INDUSTRIES TO TRAIN MIDDLE SCHOOL OR HIGH SCHOOL STUDENTS. IN ORDER TO BE ELIGIBLE FOR A GRANT UNDER THIS SUBDIVISION, SUCH CAREER TRAINING PROGRAMS SHALL RESULT IN HIGH SCHOOL GRADUATION AND ENROLLMENT IN A COMMUNITY COLLEGE OR PARTICIPATION IN A RE-UP NEW YORK TRAINING OR WORKFORCE DEVELOPMENT PROGRAM.

9. SUNY AND CUNY BOARDS OF TRUSTEES SHALL ALSO CONSULT WITH THE DEPARTMENT OF LABOR AND OTHER GOVERNMENTAL ENTITIES AS APPROPRIATE REGARDING THE INTEGRATION AND CONSOLIDATION OF ONE STOP CAREER CENTERS INTO THE GRADUATE CAREER SERVICE OFFICES OR THE APPLICABLE JOB PLACEMENT FUNCTION OF THE RESPECTIVE INSTITUTION.

S 2. This act shall take effect immediately.

PART AA

Section 1. Section 305 of the education law is amended by adding two new subdivisions 53 and 54 to read as follows:

53. THE COMMISSIONER IS AUTHORIZED AND DIRECTED TO CREATE A CAREER PATHWAY BEGINNING IN THE SEVENTH GRADE FOR STUDENTS THAT WILL CULMINATE IN THE CONFERRAL OF AN ASSOCIATE OF OCCUPATIONAL STUDIES DEGREE OR COMPLETION OF A POSTSECONDARY CAREER AND TECHNICAL EDUCATION PROGRAM LEADING TO A CERTIFICATE PURSUANT TO SECTION SIX HUNDRED SIXTY-NINE-F OF THIS CHAPTER. PARENTS OR LEGAL GUARDIANS OF A STUDENT ATTENDING A NEW YORK STATE PUBLIC SCHOOL MAY OPT TO PLACE SUCH STUDENT INTO THE CAREER PATHWAY CREATED PURSUANT TO THIS SUBDIVISION, BEGINNING IN THE SEVENTH GRADE, PROVIDED THAT A PARENT OR LEGAL GUARDIAN MAY OPT TO PLACE SUCH STUDENT INTO THE PROGRAM AT ANY POINT AFTER THE SEVENTH GRADE BUT PRIOR TO ENTERING THE TWELFTH GRADE OF A NEW YORK STATE PUBLIC HIGH SCHOOL.

1 SUCH OPTION SHALL BE AVAILABLE BEGINNING WITH THE TWO THOUSAND SIXTEEN-
2 -TWO THOUSAND SEVENTEEN ACADEMIC YEAR. THE COMMISSIONER, IN CONSULTATION
3 WITH THE PRESIDENT OF THE HIGHER EDUCATION SERVICES CORPORATION, SHALL
4 DEVELOP ADVERTISING AND MARKETING MATERIALS TO BE DISTRIBUTED TO SCHOOL
5 DISTRICTS REGARDING SUCH PROGRAM NO LATER THAN JULY FIRST, TWO THOUSAND
6 SIXTEEN.

7 54. THE COMMISSIONER SHALL CONVENE A WORKGROUP TO MAKE RECOMMENDATIONS
8 TO THE BOARD OF REGENTS AND THE CHAIRS OF THE SENATE AND ASSEMBLY HIGHER
9 EDUCATION AND EDUCATION COMMITTEES NO LATER THAN JANUARY FIRST, TWO
10 THOUSAND SIXTEEN ON THE CREATION OF CAREER PATHWAYS FOR STUDENTS THAT
11 WILL LEAD TO AN ASSOCIATE OF OCCUPATIONAL STUDIES DEGREE OR THE
12 COMPLETION OF A POSTSECONDARY CAREER OR TECHNICAL EDUCATION PROGRAM THAT
13 LEADS TO A CERTIFICATE AND MEETS THE REQUIREMENTS OF PARAGRAPH B-1 OF
14 SUBDIVISION ONE OF SECTION SIX THOUSAND THREE HUNDRED FOUR OF THIS CHAP-
15 TER, PROVIDED THE DEGREE PROGRAM NEED NOT BE IN A HIGH-TECH SECTOR. THE
16 WORKGROUP SHALL CONSIST OF REPRESENTATIVES FROM SCHOOL DISTRICTS, BOARDS
17 OF COOPERATIVE EDUCATIONAL SERVICES AND LABOR ORGANIZATIONS REPRESENTING
18 TEACHERS. THE WORKGROUP SHALL MAKE RECOMMENDATIONS, WHICH SHALL INCLUDE,
19 BUT NOT BE LIMITED TO, THE FOLLOWING:

20 A. THE MOST EFFECTIVE WAYS FOR SCHOOLS TO IDENTIFY AND EXPOSE STUDENTS
21 TO A CAREER PATH IN PREPARATION FOR THE NEW YORK STATE CAREER PATHWAYS
22 AND PLACEMENT INCENTIVE PROGRAM ESTABLISHED PURSUANT TO SECTION SIX
23 HUNDRED SIXTY-NINE-F OF THIS CHAPTER;

24 B. CHANGES IN STATE LAW OR REGULATIONS REQUIRED TO CREATE A CAREER
25 PATHWAY FOR STUDENTS THAT WILL LEAD TO AN ASSOCIATE OF OCCUPATIONAL
26 STUDIES DEGREE OR THE COMPLETION OF A POSTSECONDARY CAREER OR TECHNICAL
27 EDUCATION PROGRAM THAT LEADS TO A CERTIFICATE AND MEETS THE REQUIREMENTS
28 CONTAINED IN PARAGRAPH B-1 OF SUBDIVISION ONE OF SECTION SIX THOUSAND
29 THREE HUNDRED FOUR OF THIS CHAPTER, PROVIDED THAT THE DEGREE PROGRAM
30 NEED NOT BE IN A HIGH-TECH SECTOR; AND

31 C. CERTIFICATE PROGRAMS TO BE DESIGNATED BY THE COMMISSIONER AS POST-
32 SECONDARY CAREER OR TECHNICAL EDUCATION PROGRAMS FOR THE PURPOSE OF
33 AWARDS MADE PURSUANT TO SECTION SIX HUNDRED SIXTY-NINE-F OF THIS CHAP-
34 TER.

35 S 2. The education law is amended by adding a new section 669-f to
36 read as follows:

37 S 669-F. NEW YORK STATE CAREER PATHWAYS AND PLACEMENT INCENTIVE
38 PROGRAM. 1. UNDERGRADUATE STUDENTS WHO ARE MATRICULATED IN AN APPROVED
39 UNDERGRADUATE PROGRAM LEADING TO AN ASSOCIATE OF OCCUPATIONAL STUDIES
40 DEGREE THAT MEETS THE REQUIREMENTS CONTAINED IN PARAGRAPH B-1 OF SUBDI-
41 VISION ONE OF SECTION SIX THOUSAND THREE HUNDRED FOUR OF THIS CHAPTER,
42 PROVIDED THAT THE PROGRAM NEED NOT BE IN A HIGH-TECH SECTOR, OR STUDENTS
43 MATRICULATED IN AN APPROVED POSTSECONDARY CAREER OR TECHNICAL EDUCATION
44 PROGRAM THAT LEADS TO A CERTIFICATE, SHALL BE ELIGIBLE FOR AN AWARD
45 UNDER THIS SECTION PROVIDED THE APPLICANT: (A) GRADUATES FROM A HIGH
46 SCHOOL LOCATED IN NEW YORK STATE DURING OR AFTER THE TWO THOUSAND
47 SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR; (B) ENROLLS IN FULL-TIME
48 STUDY EACH TERM BEGINNING IN THE FALL TERM AFTER HIS OR HER HIGH SCHOOL
49 GRADUATION IN AN APPROVED UNDERGRADUATE PROGRAM LEADING TO AN ASSOCIATE
50 OF OCCUPATIONAL STUDIES DEGREE OR THE COMPLETION OF A POSTSECONDARY
51 CAREER OR TECHNICAL EDUCATION PROGRAM THAT LEADS TO A CERTIFICATE; (C)
52 SIGNS A CONTRACT WITH THE CORPORATION AGREEING THAT HIS OR HER AWARD
53 WILL BE CONVERTED TO A STUDENT LOAN IN THE EVENT THE STUDENT FAILS TO
54 COMPLY WITH THE TERMS OF THIS PROGRAM AS SET FORTH IN SUBDIVISION FOUR
55 OF THIS SECTION; AND (D) COMPLIES WITH THE APPLICABLE PROVISIONS OF THIS

ARTICLE AND ALL REQUIREMENTS PROMULGATED BY THE CORPORATION FOR THE ADMINISTRATION OF THIS PROGRAM.

2. AWARDS SHALL BE GRANTED BEGINNING WITH THE TWO THOUSAND SEVENTEEN-TWO THOUSAND EIGHTEEN ACADEMIC YEAR AND THEREAFTER TO APPLICANTS THAT THE CORPORATION HAS DETERMINED ARE ELIGIBLE TO RECEIVE SUCH AWARDS. THE CORPORATION SHALL GRANT SUCH AWARDS IN AN AMOUNT EQUAL TO THE AMOUNT OF UNDERGRADUATE TUITION FOR RESIDENTS OF NEW YORK STATE CHARGED BY THE STATE UNIVERSITY OF NEW YORK OR CITY UNIVERSITY OF NEW YORK COMMUNITY COLLEGE ATTENDED BY SUCH APPLICANT, OR ACTUAL TUITION CHARGED, WHICHEVER IS LESS; PROVIDED HOWEVER, (I) A STUDENT WHO RECEIVES EDUCATIONAL GRANTS AND/OR SCHOLARSHIPS THAT COVER THE STUDENT'S FULL COST OF ATTENDANCE SHALL NOT BE ELIGIBLE FOR AN AWARD UNDER THIS PROGRAM; (II) FOR A STUDENT WHO RECEIVES EDUCATIONAL GRANTS AND/OR SCHOLARSHIPS THAT COVER LESS THAN THE STUDENT'S FULL COST OF ATTENDANCE, SUCH GRANTS AND/OR SCHOLARSHIPS SHALL NOT BE DEEMED DUPLICATIVE OF THIS PROGRAM AND MAY BE HELD CONCURRENTLY WITH AN AWARD UNDER THIS PROGRAM, PROVIDED THAT THE COMBINED BENEFITS DO NOT EXCEED THE STUDENT'S FULL COST OF ATTENDANCE; AND (III) AN AWARD UNDER THIS PROGRAM SHALL BE APPLIED TO TUITION AFTER THE APPLICATION OF ALL OTHER EDUCATIONAL GRANTS AND SCHOLARSHIPS LIMITED TO TUITION AND SHALL BE REDUCED IN AN AMOUNT EQUAL TO SUCH EDUCATIONAL GRANTS AND/OR SCHOLARSHIPS. UPON NOTIFICATION OF AN AWARD UNDER THIS PROGRAM, THE INSTITUTION SHALL DEFER THE AMOUNT OF TUITION EQUAL TO THE AWARD. NO AWARD SHALL BE FINAL UNTIL THE RECIPIENT'S SUCCESSFUL COMPLETION OF A TERM HAS BEEN CERTIFIED BY THE INSTITUTION.

3. AN ELIGIBLE RECIPIENT SHALL NOT RECEIVE AN AWARD FOR MORE THAN TWO ACADEMIC YEARS OF FULL-TIME UNDERGRADUATE STUDY OR FIVE SEMESTERS IF THE PROGRAM OF STUDY NORMALLY REQUIRES FIVE SEMESTERS, EXCLUDING ANY ALLOWABLE INTERRUPTION OF STUDY, AS DETERMINED BY THE CORPORATION PURSUANT TO REGULATION.

4. THE CORPORATION SHALL CONVERT TO A STUDENT LOAN THE FULL AMOUNT OF THE AWARD GIVEN PURSUANT TO THIS SECTION, PLUS INTEREST, ACCORDING TO A SCHEDULE TO BE DETERMINED BY THE CORPORATION IF: (A) A RECIPIENT FAILS TO COMPLETE AN APPROVED UNDERGRADUATE PROGRAM LEADING TO AN ASSOCIATE OF OCCUPATIONAL STUDIES DEGREE OR OTHER APPROVED POSTSECONDARY EDUCATION PROGRAM THAT LEADS TO A CERTIFICATE; OR (B) UPON COMPLETION OF SUCH UNDERGRADUATE DEGREE PROGRAM A RECIPIENT FAILS TO EITHER (I) COMPLETE FIVE YEARS OF CONTINUOUS FULL-TIME EMPLOYMENT IN A FIELD ASSOCIATED WITH SUCH UNDERGRADUATE DEGREE PROGRAM WITH A PUBLIC OR PRIVATE ENTITY LOCATED IN NEW YORK STATE; OR (II) MAINTAIN RESIDENCY IN NEW YORK STATE FOR SUCH PERIOD OF EMPLOYMENT; OR (C) A RECIPIENT FAILS TO RESPOND TO REQUESTS BY THE CORPORATION FOR THE STATUS OF HIS OR HER ACADEMIC OR PROFESSIONAL PROGRESS. THE TERMS AND CONDITIONS OF THIS SUBDIVISION SHALL BE DEFERRED FOR INDIVIDUALS WHO GRADUATE WITH AN ASSOCIATE OF OCCUPATIONAL STUDIES DEGREE OR GRADUATE FROM A POSTSECONDARY CAREER OR TECHNICAL EDUCATION PROGRAM THAT LEADS TO A CERTIFICATE AND ENROLL ON AT LEAST A HALF-TIME BASIS IN A HIGHER DEGREE PROGRAM OR OTHER PROFESSIONAL LICENSURE DEGREE PROGRAM UNTIL THEY ARE CONFERRED A DEGREE, AND SHALL ALSO BE DEFERRED FOR ANY INTERRUPTION IN UNDERGRADUATE STUDY OR EMPLOYMENT AS ESTABLISHED BY THE RULES AND REGULATIONS OF THE CORPORATION. THE TERMS AND CONDITIONS OF THIS SUBDIVISION MAY ALSO BE DEFERRED FOR A GRACE PERIOD, TO BE ESTABLISHED BY THE CORPORATION, FOLLOWING THE COMPLETION OF AN APPROVED UNDERGRADUATE PROGRAM LEADING TO AN ASSOCIATE OF OCCUPATIONAL STUDIES DEGREE, A BACHELORS OR HIGHER DEGREE PROGRAM, OR OTHER PROFESSIONAL LICENSURE DEGREE PROGRAM. ANY OBLIGATION TO COMPLY WITH SUCH PROVISIONS AS OUTLINED IN THIS SECTION SHALL BE CANCELLED UPON THE DEATH OF THE RECIPIENT. NOTWITHSTANDING ANY PROVISIONS OF THIS

SUBDIVISION TO THE CONTRARY, THE CORPORATION IS AUTHORIZED TO PROMULGATE RULES AND REGULATIONS TO PROVIDE FOR THE WAIVER OR SUSPENSION OF ANY FINANCIAL OBLIGATION WHICH WOULD INVOLVE EXTREME HARDSHIP.

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

S 3. This act shall take effect immediately.

PART BB

Section 1. Section 3.11 of the arts and cultural affairs law is amended to read as follows:

S 3.11. Grants by council; consideration to certain applicants. 1. In issuing grants to applicants for council funds in the area of the performing arts the council may give consideration to the applicant's demonstration of an ability to enhance the state's capacity to attract tourists as evidenced by showing that significant numbers of persons in such audiences are or will be attracted to the applicant's geographical area by reason of such applicant's program and evidence of advertising and publicity designed and planned in such a manner as to reach potential audiences from outside the applicant's geographical area.

2. REGIONS OF THE STATE. THERE ARE HEREBY CREATED AND ESTABLISHED TEN REGIONS WITHIN WHICH THE COUNCIL SHALL APPROVE GRANTS. THE TEN REGIONS SHALL CONSIST OF THE SEVERAL COUNTIES AS FOLLOWS:

(A) REGION ONE, WHICH SHALL CONSIST OF THE COUNTIES OF ALBANY, COLUMBIA, GREENE, RENSSELAER, SARATOGA, SCHENECTADY, WARREN, AND WASHINGTON;

(B) REGION TWO, WHICH SHALL CONSIST OF THE COUNTIES OF FULTON, HERKIMER, MONTGOMERY, ONEIDA, OTSEGO, AND SCHOHARIE;

(C) REGION THREE, WHICH SHALL CONSIST OF THE COUNTIES OF CAYUGA, CORTLAND, MADISON, ONONDAGA, AND OSWEGO;

(D) REGION FOUR, WHICH SHALL CONSIST OF THE COUNTIES OF GENESEE, LIVINGSTON, MONROE, ONTARIO, ORLEANS, SENECA, WAYNE, WYOMING, AND YATES;

(E) REGION FIVE, WHICH SHALL CONSIST OF THE COUNTIES OF ALLEGANY, CATTARAUGUS, CHAUTAUQUA, ERIE, AND NIAGARA;

(F) REGION SIX, WHICH SHALL CONSIST OF THE COUNTIES OF CLINTON, ESSEX, FRANKLIN, HAMILTON, JEFFERSON, LEWIS, AND ST. LAWRENCE;

(G) REGION SEVEN, WHICH SHALL CONSIST OF THE COUNTIES OF DUTCHESS, ORANGE, PUTNAM, ROCKLAND, SULLIVAN, ULSTER, AND WESTCHESTER;

(H) REGION EIGHT, WHICH SHALL CONSIST OF THE COUNTIES OF BROOME, CHEMUNG, CHENANGO, DELAWARE, SCHUYLER, STEUBEN, TIOGA, AND TOMPKINS;

(I) REGION NINE, WHICH SHALL CONSIST OF THE COUNTIES OF NASSAU AND SUFFOLK;

(J) REGION TEN, WHICH SHALL CONSIST OF THE COUNTIES OF BRONX, KINGS, NEW YORK, QUEENS, AND RICHMOND.

3. THE AMOUNTS AVAILABLE FOR DISTRIBUTION, SUBJECT TO THE APPROPRIATION AVAILABLE, SHALL BE APPORTIONED SUCH THAT EACH REGION AS DEFINED IN SUBDIVISION TWO OF THIS SECTION, (A) IS APPORTIONED AN EQUAL AMOUNT ON A PER CAPITA BASIS ACCORDING TO THE MOST RECENT DECENNIAL CENSUS POPULATION FIGURES FOR NEW YORK STATE, AND (B) NO REGION SHALL BE APPORTIONED LESS THAN THE AMOUNT IT WAS AWARDED IN THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN STATE FISCAL YEAR, AND (C) NO REGION SHALL BE APPORTIONED AN AMOUNT GREATER THAN THE APPORTIONMENT PROVIDED FOR IN PARAGRAPH (B) OF THIS SUBDIVISION IF SUCH REGION'S PERCENTAGE OF THE SUM OF THE AMOUNTS AWARDED DIVIDED BY THE TOTAL STATEWIDE SUM OF THE AMOUNTS AVAILABLE FOR DISTRIBUTION, SUBJECT TO THE APPROPRIATION AVAILABLE, IS

GREATER THAN SUCH REGION'S PERCENTAGE OF POPULATION TO THE TOTAL POPULATION OF NEW YORK STATE ACCORDING TO THE MOST RECENT DECENNIAL CENSUS OF POPULATION FIGURES FOR NEW YORK STATE.

S 2. This act shall take effect immediately.

PART CC

Section 1. Section 355 of the education law is amended by adding a new subdivision 20 to read as follows:

20. THE STATE UNIVERSITY BOARDS OF TRUSTEES SHALL DIRECT EACH CAMPUS TO DEVELOP A PERFORMANCE IMPROVEMENT PLAN THAT SHALL INCLUDE BUT NOT BE LIMITED TO CRITERIA TO IMPROVE ACCESS, COMPLETION, ACADEMIC AND POST GRADUATION SUCCESS, RESEARCH AND COMMUNITY ENGAGEMENT.

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

18. THE CITY UNIVERSITY BOARDS OF TRUSTEES SHALL DIRECT EACH CAMPUS TO DEVELOP A PERFORMANCE IMPROVEMENT PLAN THAT SHALL INCLUDE BUT NOT BE LIMITED TO CRITERIA TO IMPROVE ACCESS, COMPLETION, ACADEMIC AND POST GRADUATION SUCCESS, RESEARCH AND COMMUNITY ENGAGEMENT.

S 3. Section 6306 of the education law is amended by adding a new subdivision 10 to read as follows:

10. EACH COMMUNITY COLLEGE SHALL DEVELOP A PERFORMANCE IMPROVEMENT PLAN THAT SHALL INCLUDE BUT NOT BE LIMITED TO CRITERIA TO IMPROVE ACCESS, COMPLETION, ACADEMIC AND POST GRADUATION SUCCESS, JOB PLACEMENT OF GRADUATES, AND NEW PROGRAMS AND CERTIFICATIONS ALIGNED WITH THE NEEDS OF LOCAL BUSINESS.

S 4. This act shall take effect immediately.

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

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