STATE OF NEW YORK

3006--B

IN ASSEMBLY

January 23, 2017

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

AN ACT to amend the education law, in relation to contracts for excellence and the apportionment of public moneys; to amend the education law, in relation to requiring the commissioner of education to include certain information in the official score report of all students; to amend the education law, in relation to a weapon or firearm on school grounds; to amend the education law, in relation to English language learner pupils; to amend the education law, in relation to poverty counts; to amend the education law, in relation to kindergarten transition aid; to amend the education law, in relation to conforming foundation aid base change to accommodate pulling out community schools; to amend the education law, in relation to defining consumer price index; to amend the education law, in relation to establishing a foundation aid phase-in; to amend the education law, in relation to community schools aid; to amend the education law, in relation to increases in the BOCES aid salary cap; to amend the education law, in relation to special services aid for ninth graders; to amend the education law, in relation to total foundation aid; to amend the education law, in relation to community school aid; to amend the education law, in relation to building aid; to amend the education law, in relation to academic enhancement aid; to amend the education law, in relation to high tax aid; to amend the education law, in relation to universal pre-kindergarten aid; to amend the education law, in relation to the statewide universal full-day pre-kindergarten program; to amend the education law, in relation to state aid adjustments; to amend the education law, in relation to the teachers of tomorrow teacher recruitment and retention program; to amend the education law, in relation to class sizes for special classes containing certain students with disabilities; 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 suspension of pupils who bring a firearm to or possess a firearm

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

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at a school, in relation to the effectiveness thereof; to amend the education law, in relation to the special needs of gifted students; to amend chapter 472 of the laws of 1998, amending the education law relating to the lease of school buses by school districts, in relation to the effectiveness thereof; to amend chapter 82 of the laws of 1995, amending the education law and certain other laws relating to state aid to school districts and the appropriation of funds for the support of government, in relation to the effectiveness thereof; to amend chapter 91 of the laws of 2002 amending the education law and other laws relating to the reorganization of the New York city school construction authority, board of education and community boards, in relation to the effectiveness thereof; 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 the effectiveness thereof; to amend chapter 345 of the laws of 2009 amending the education law and other laws relating to the New York city board of education, chancellor, community councils, and community superintendents, in relation to the effectiveness thereof; 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 2017-2018 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 the effectiveness thereof; to amend chapter 89 of the laws of 2016, relating to supplementary funding for dedicated programs for public school students in the East Ramapo central school district, in relation to reimbursement to such school district and in relation to the effectiveness thereof; 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, in relation to the effectiveness thereof; relating to school bus driver training; relates to special apportionment for salary expenses and public pension accruals; relates to suballocations of appropriations; relating to the city school district of the city of Rochester; relates to total foundation aid for the purpose of the development, maintenance or expansion of certain magnet schools or magnet school programs for the 2017-2018 school year; relates to the support of public libraries; to amend the education law, in relation to serving persons two years of age or older; 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 school district apportionments; to amend chapter 57 of the laws of 2004, relating to the support of education in relation to the effectiveness thereof; to amend the education law, in relation to estimated data relating to apportionments; to amend chapter 57 of the laws of 2008, amending the education law relating to the universal pre-kindergarten program, in relation to the effectiveness thereof; to amend chapter 658 of the laws of 2002, amending the education law relating to citizenship requirements for permanent certification as a teacher, in relation to extending the effectiveness thereof; to amend the education law, in relation to reimbursement methodologies for tuition and maintenance in certain schools; to exempt the state education department from budget bulletin B-1182; relating to persistently failing school transformation grant funds; providing for the increase of tuition rates; to amend the education law, in relation to teacher

certification standards for eligible agencies; to amend the education law, in relation to contracts for the transportation of school children; to amend the tax law, in relation to exempting school buses from sales and use taxes; to amend the education law, in relation to additional expanded prekindergarten; to direct the chancellor of the New York city department of education to complete a study on the admission processes of the specialized senior high schools; to authorize the commissioner of education to recover a penalty from the Newburgh city school district; to authorize the commissioner of education to recover a penalty from the North Syracuse central school district; requiring a report on student discipline; and to repeal subdivision 16 of section 3602-ee of the education law, relating thereto (Part A); to amend the education law and the state finance law, in relation to charter schools (Part A-1); intentionally omitted (Part B); to amend the education law, in relation to the education of homeless children (Part C); to amend the education law, in relation to establishing the excelsior scholarship (Part D); to amend the education law, in relation to creating the New York DREAM fund commission; eligibility requirements and conditions governing general awards, academic performance awards and student loans; eligibility requirements for assistance under the higher education opportunity programs and the collegiate science and technology entry program; financial aid opportunities for students of the state university of New York, the city university of New York and community colleges; and the program requirements for the New York state college choice tuition savings program; and to repeal subdivision 3 of section 661 of such law relating thereto (Part E); intentionally omitted (Part F); to amend the education law and the state finance law, in relation to the NY-SUNY 2020 challenge grant program act; and to amend chapter 260 of the laws of 2011, amending the education law and the New York state urban development corporation act relating to establishing components of the NY-SUNY 2020 challenge grant program, in relation to the effectiveness thereof (Part G); to amend the education law, in relation to foundation contributions to SUNY and CUNY (Part H); to amend the limited liability company law, in relation to creating a right for victims of wage theft; to amend the labor law, in relation to employee complaints and in relation to personal liability of members with the largest ownership interests in a company for wage theft; to amend the limited liability company law and the labor law, in relation to the ability of the state to collect unpaid wages; to amend the lien law, in relation to employee liens; to amend the civil practice law and rules, in relation to grounds for attachment; and to amend the business corporation law, in relation to streamlining procedures where employees may hold shareholders of non-publicly traded corporations personally liable for wage theft (Part I); to amend the family court act, in relation to family court proceedings, jurisdiction of the court, the definition of juvenile delinquent, the definition of a designated felony act, the procedures regarding the adjustment of cases from criminal courts to family court, the age at which children may be tried as an adult for various felonies, and the manner in which courts handle juvenile delinquent cases; to amend the social services law, in relation to state reimbursement for expenditures made by social services districts for various services; to amend the social services law, in relation to the definitions of juvenile delinquent and persons in need of supervision; to amend the penal law, in relation to the definition of infancy and the authorized dispositions, sentences, and

periods of post-release supervision for juvenile offenders; to amend chapter 3 of the laws of 1995, enacting the sentencing reform act of 1995, in relation to extending the expiration of certain provisions of such chapter; to amend the criminal procedure law, in relation to the definition of juvenile offender; to amend the criminal procedure law, in relation to the arrest of a juvenile offender without a warrant; in relation to conditional sealing of certain convictions; in relation to removal of certain proceedings to family court; in relation to joinder of offenses and consolidation of indictments; in relation to appearances and hearings for and placements of certain juvenile offenders; in relation to raising the age for juvenile offender status; in relation to creating a youth part for certain proceedings involving juvenile offenders; to amend the correction law, in relation to requiring that no county jail be used for the confinement of persons under the age of eighteen; to amend the education law, in relation to certain contracts with the office of children and family services; to amend the education law, in relation to the possession of a gun on school grounds by a student; to amend the executive law, in relation to persons in need of supervision or youthful offenders; and to amend the vehicle and traffic law, in relation to convictions; and in relation to suspension, revocation and reissuance of licenses and registrations; and to repeal certain provisions of the correction law relating to the housing of prisoners and other persons in custody (Part J); to amend chapter 83 of the laws of 2002, amending the executive law and other laws relating to funding for children and family services, in relation to extending the effectiveness thereof (Subpart A); Intentionally omitted (Subpart B) (Part K); to amend the family court act, in relation to the definition of an abused child (Part L); to amend the executive law, the social services law and the family court act, in relation to increasing the age of youth eligible to be served in RHYA programs and to allow for additional length of stay for youth in residential programs (Part M); to amend the public health law, in relation to the licensure of certain health-related services provided by authorized agencies (Part N); intentionally omitted (Part O); 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 P); to amend the social services law, in relation to expanding inquiries of the statewide central register of child abuse and maltreatment and allowing additional reviews of criminal history information (Part Q); to utilize reserves in the mortgage insurance fund for various housing purposes (Part R); intentionally omitted (Part S); to amend the criminal procedure law and the judiciary law, in relation to removal of a criminal action to a veterans court (Part T); intentionally omitted (Part U); to amend the social services law, in relation to the twelve month work exemption for certain parents or relatives providing child care (Part V); to amend the social services law, in relation to educational training and educational activities (Part W); to amend the education law, in relation to public university and foundation oversight (Part X); to amend the education law, in relation to increasing the amount of tuition assistance program awards (Part Y); to amend the education law, in relation to establishing a student loan refinance program (Part Z); directing the chancellors of the state university of New York and the city university of New York to examine the process by which certain students maintain support upon transferring to a different campus or college (Part AA); to amend the education law, in

relation to part-time tuition assistance program awards (Part BB); to amend part K of chapter 58 of the laws of 2010 amending the social services law relating to establishing the savings plan demonstration project, in relation to extending the period of effectiveness thereof (Part CC); relating to public works projects (Part DD); to amend the education law, in relation to creating a firearm violence research institute (Part EE); to amend the social services law, in relation to establishing the home stability support program (Part FF); to amend the social services law, in relation to increasing the standards of monthly need for an individual receiving enhanced residential care (Part GG); to amend the education law and the general municipal law, in relation to changes in the tax cap (Part HH); and to amend the education law, in relation to certain electronic and online student resources (Part II)

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. This act enacts into law major components of legislation which are necessary to implement the state fiscal plan for the 2017-2018 state fiscal year. Each component is wholly contained within a Part identified as Parts A through II. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section three of this act sets forth the general effective date of this act.

PART A

Section 1. Paragraph e of subdivision 1 of section 211-d of the education law, as amended by section 1 of part A of chapter 54 of the laws of 2016, is amended to read as follows:

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

contract for excellence for the two thousand twelve--two thousand thirteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand eleven--two thousand twelve school year and provided further that, a school district that submitted a contract for excellence for the two thousand twelve--two thousand thirteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand thirteen--two thousand fourteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand twelve--two thousand thirteen school year and provided further that, a school district that submitted a contract for excellence for the two thousand thirteen--two thousand fourteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand fourteen--two thousand fifteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand thirteen--two thousand fourteen school year; and provided further that, a school district that submitted a contract for excellence for the two thousand fourteen--two thousand fifteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand fifteen--two thousand sixteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand fourteen--two thousand fifteen school year; and provided further that a school district that submitted a contract for excellence for the two thousand fifteen--two thousand sixteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand sixteen--two thousand seventeen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand fifteen--two thousand sixteen school year**; and provided further that no school district shall be required to submit a contract for excellence for the two thousand seventeen--two thousand eighteen school year and thereafter**. For purposes of this paragraph, the "gap elimination adjustment percentage" shall be calculated as the sum of one minus the quotient of the sum of the school district's net gap elimination adjustment for two thousand ten--two thousand eleven computed pursuant to chapter fifty-three of the laws of two thousand ten, making appropriations for the support of government, plus the school district's gap elimination adjustment for two thousand eleven--two thousand twelve as computed pursuant to chapter fifty-three of the laws of two thousand eleven, making appropriations for the support of the local assistance budget, including support for general support for public schools, divided by the total aid for adjustment computed pursu-

ant to chapter fifty-three of the laws of two thousand eleven, making appropriations for the local assistance budget, including support for general support for public schools. Provided, further, that such amount shall be expended to support and maintain allowable programs and activities approved in the two thousand nine--two thousand ten school year or to support new or expanded allowable programs and activities in the current year.

§ 2. The education law is amended by adding a new section 2590-v to read as follows:

§ 2590-v. Notice to students regarding certain test scores. The chancellor shall annually notify all seventh grade students of opportunities to apply for admission to the specialized high schools authorized in paragraph (b) of subdivision one of section twenty-five hundred ninety-h of this article.

§ 3. Intentionally omitted.

§ 4. Intentionally omitted.

§ 5. Intentionally omitted.

§ 5-a. Intentionally omitted.

§ 5-b. Intentionally omitted.

§ 6. Intentionally omitted.

§ 7. Paragraph a of subdivision 33 of section 305 of the education law, as amended by chapter 621 of the laws of 2003, is amended to read as follows:

a. The commissioner shall establish procedures for the approval of providers of supplemental educational services in accordance with the provisions of subsection (e) of section one thousand one hundred sixteen of the No Child Left Behind Act of 2001 and shall adopt regulations to implement such procedures. Notwithstanding any other provision of state or local law, rule or regulation to the contrary, any local educational agency that receives federal funds pursuant to title I of the Elementary and Secondary Education Act of nineteen hundred sixty-five, as amended, shall be authorized to contract with the approved provider selected by a student's parent, as such term is defined in subsection [~~thirty-one~~] **thirty-eight** of section [~~nine~~] **eight** thousand one hundred one of the [~~No Child Left Behind Act of 2001~~] **Elementary and Secondary Education Act of nineteen hundred sixty-five, as amended**, for the provision of supplemental educational services to the extent required under such section one thousand one hundred sixteen. Eligible approved providers shall include, but not be limited to, public schools, BOCES, institutions of higher education, and community based organizations.

§ 8. Subdivision 7 of section 2802 of the education law, as added by chapter 425 of the laws of 2002, is amended to read as follows:

7. Notwithstanding any other provision of state or local law, rule or regulation to the contrary, any student who attends a persistently dangerous public elementary or secondary school, as determined by the commissioner pursuant to paragraph a of this subdivision, or who is a victim of a violent criminal offense, as defined pursuant to paragraph b of this subdivision, that occurred on the grounds of a public elementary or secondary school that the student attends, shall be allowed to attend a safe public school within the local educational agency to the extent required by section [~~ninety-five~~] **eighty-five** hundred thirty-two of the [~~No Child Left Behind Act of 2001~~] **Elementary and Secondary Education Act of nineteen hundred sixty-five, as amended**.

a. The commissioner shall annually determine which public elementary and secondary schools are persistently dangerous in accordance with regulations of the commissioner developed in consultation with a repre-

sentative sample of local educational agencies. Such determination shall be based on data submitted through the uniform violent incident reporting system over a period prescribed in the regulations, which shall not be less than two years.

b. Each local educational agency required to provide unsafe school choice shall establish procedures for determinations by the superintendent of schools or other chief school officer of whether a student is the victim of a violent criminal offense that occurred on school grounds of the school that the student attends. Such superintendent of schools or other chief school officer shall, prior to making any such determination, consult with any law enforcement agency investigating such alleged violent criminal offense and consider any reports or records provided by such agency. The trustees or board of education or other governing board of a local educational agency may provide, by local rule or by-law, for appeal of the determination of the superintendent of schools to such governing board. Notwithstanding any other provision of law to the contrary, the determination of such chief school officer pursuant to this paragraph shall not have collateral estoppel effect in any student disciplinary proceeding brought against the alleged victim or perpetrator of such violent criminal offense. For purposes of this subdivision, "violent criminal offense" shall mean a crime that involved infliction of serious physical injury upon another as defined in the penal law, a sex offense that involved forcible compulsion or any other offense defined in the penal law that involved the use or threatened use of a deadly weapon.

c. Each local educational agency, as defined in subsection [~~twenty-six~~] thirty of section [~~ninety-one~~] eighty-one hundred one of the [~~No Child Left Behind Act of 2001~~] Elementary and Secondary Education Act of nineteen hundred sixty-five, as amended, that is required to provide school choice pursuant to section [~~ninety-five~~] eighty-five hundred thirty-two of the [~~No Child Left Behind Act of 2001~~] Elementary and Secondary Education Act of nineteen hundred sixty-five, as amended, shall establish procedures for notification of parents of, or persons in parental relation to, students attending schools that have been designated as persistently dangerous and parents of, or persons in parental relation to, students who are victims of violent criminal offenses of their right to transfer to a safe public school within the local educational agency and procedures for such transfer, except that nothing in this subdivision shall be construed to require such notification where there are no other public schools within the local educational agency at the same grade level or such transfer to a safe public school within the local educational agency is otherwise impossible or to require a local educational agency that has only one public school within the local educational agency or only one public school at each grade level to develop such procedures. The commissioner shall be authorized to adopt any regulations deemed necessary to assure that local educational agencies implement the provisions of this subdivision.

§ 9. Subdivision 7 of section 3214 of the education law, as added by chapter 101 of the laws of 2003, is amended to read as follows:

7. Transfer of disciplinary records. Notwithstanding any other provision of law to the contrary, each local educational agency, as such term is defined in subsection [~~twenty-six~~] thirty of section [~~ninety-one~~] eighty-one hundred one of the Elementary and Secondary Education Act of 1965, as amended, shall establish procedures in accordance with section [~~forty-one hundred fifty-five~~] eighty-five hundred thirty-seven of the Elementary and Secondary Education Act of 1965, as amended, and

the Family Educational Rights and Privacy Act of 1974, to facilitate the transfer of disciplinary records relating to the suspension or expulsion of a student to any public or nonpublic elementary or secondary school in which such student enrolls or seeks, intends or is instructed to enroll, on a full-time or part-time basis.

§ 10. Intentionally omitted.

§ 11. Intentionally omitted.

§ 12. Section 4 of chapter 425 of the laws of 2002, amending the education law relating to the provision of supplemental educational services, attendance at a safe public school and the suspension of pupils who bring a firearm to or possess a firearm at a school, as amended by section 35 of part A of chapter 54 of the laws of 2016, is amended to read as follows:

§ 4. This act shall take effect July 1, 2002 and shall expire and be deemed repealed June 30, [~~2017~~] 2018.

§ 13. Section 5 of chapter 101 of the laws of 2003, amending the education law relating to the implementation of the No Child Left Behind Act of 2001, as amended by section 36 of part A of chapter 54 of the laws of 2016, is amended to read as follows:

§ 5. This act shall take effect immediately; provided that sections one, two and three of this act shall expire and be deemed repealed on June 30, [~~2017~~] 2018.

§ 14. Paragraph o of subdivision 1 of section 3602 of the education law, as amended by section 15 of part A of chapter 54 of the laws of 2016, is amended to read as follows:

o. "English language learner count" shall mean the number of pupils served in the base year in programs for pupils [~~with limited English proficiency~~] who are English language learners approved by the commissioner pursuant to the provisions of this chapter and in accordance with regulations adopted for such purpose.

§ 15. Intentionally omitted.

§ 16. Paragraph q of subdivision 1 of section 3602 of the education law, as amended by section 25 of part A of chapter 58 of the laws of 2011, is amended to read as follows:

q. "Poverty count" shall mean the sum of the product of the lunch count multiplied by sixty-five percent, plus the product of the census count multiplied by sixty-five percent, provided, however, that for the two thousand seventeen--two thousand eighteen school year and thereafter, for any school district, other than a school district in a city with a population of one million or more, with a selected poverty rate of greater than one-quarter (0.25), the census count shall be multiplied by ninety percent (0.9), where:

(i) "Lunch count" shall mean the product of the public school enrollment of the school district on the date enrollment was counted in accordance with this subdivision for the base year multiplied by the three-year average free and reduced price lunch percent; and

(ii) "Census count" shall mean the product of the public school enrollment of the school district on the date enrollment was counted in accordance with this subdivision for the base year multiplied by: (A) for the school years prior to the two thousand seventeen--two thousand eighteen school year, the census 2000 poverty rate and; (B) for the two thousand seventeen--two thousand eighteen school year and thereafter, the selected poverty rate.

(iii) "Census 2000 poverty rate" shall mean the quotient of the number of persons aged five to seventeen within the school district, based on the [~~most recent~~] decennial census conducted in the year two thousand as

tabulated by the National Center on Education Statistics, who were enrolled in public schools and whose families had incomes below the poverty level, divided by the total number of persons aged five to seventeen within the school district, based on such decennial census, who were enrolled in public schools, computed to four decimals without rounding.

(iv) "Selected poverty rate" shall mean: (A) for school districts with high concentrations of nonpublic students, the greater of the census 2000 poverty rate or the three-year average small area income and poverty estimate poverty rate; and (B) for all other school districts, the three-year average small area income and poverty estimate poverty rate. For the purposes of this subparagraph, "three-year average small area income and poverty estimate poverty rate" shall equal the quotient of (1) the sum of the number of persons aged five to seventeen within the school district, based on the small area income and poverty estimates produced by the United States census bureau, whose families had incomes below the poverty level for the year two years prior to the year in which the base year began, plus such number for the year three years prior to the year in which the base year began, plus such number for the year four years prior to the year in which the base year began, divided by (2) the sum of the total number of persons aged five to seventeen within the school district, based on such census bureau estimates, for the year two years prior to the year in which the base year began, plus such total number for the year three years prior to the year in which the base year began, plus such total number for the year four years prior to the year in which the base year began, computed to four decimals without rounding.

(v) "School districts with high concentrations of nonpublic students" shall mean any district where: (A) the quotient arrived at when dividing (1) the sum of the enrollments in grades kindergarten through twelve in the base year calculated pursuant to subparagraphs five and six of paragraph n of this subdivision by (2) the resident public school district enrollment in the base year computed pursuant to subparagraphs four, five, and six of paragraph n of this subdivision is greater than fifteen-hundredths (0.15); and (B) the three-year average small area income and poverty estimate poverty rate is greater than ten percent (0.10).

§ 17. Intentionally omitted.

§ 18. Intentionally omitted.

§ 19. Paragraph a of subdivision 9 of section 3602 of the education law, as amended by section 9 of part A of chapter 57 of the laws of 2013, is amended to read as follows:

a. For aid payable in the [~~two thousand seven--two thousand eight~~] **two thousand seventeen--two thousand eighteen** school year and thereafter, school districts which provided any half-day kindergarten programs or had no kindergarten programs in the nineteen hundred ninety-six--ninety-seven school year and in the base year, and which have not received an apportionment pursuant to this paragraph in any prior school year, shall be eligible for **five year transition** aid**.**

i. The aid in the first year of full day kindergarten transition is equal to the product of the district's selected foundation aid calculated pursuant to subdivision four of this section multiplied by the positive difference resulting when the full day kindergarten enrollment of children attending programs in the district in the base year is subtracted from such enrollment in the current year. **The remaining transition aid shall be apportioned as follows:**

ii. Aid in year two shall equal eighty percent of the aid received by the district in year one.

iii. Aid in year three shall equal sixty percent of the aid received by the district in year one.

iv. Aid in year four shall equal forty percent of the aid received by the district in year one.

v. Aid in year five shall equal twenty percent of the aid received by the district in year one.

§ 20. Intentionally omitted.

§ 21. Subdivision 4 of section 3602 of the education law, as amended by section 5-a of part A of chapter 56 of the laws of 2015, the opening paragraph, subparagraph 1 of paragraph a, clause (ii) of subparagraph 2 of paragraph b and paragraph d as amended and paragraph b-2 as added by section 7 of part A of chapter 54 of the laws of 2016, paragraph e as added by section 8 of part A of chapter 54 of the laws of 2016, is amended to read as follows:

4. Total foundation aid. In addition to any other apportionment pursuant to this chapter, a school district, other than a special act school district as defined in subdivision eight of section four thousand one of this chapter, shall be eligible for total foundation aid equal to the product of total aidable foundation pupil units multiplied by the district's selected foundation aid, which shall be the greater of five hundred dollars ($500) or foundation formula aid, provided, however that for the two thousand seven--two thousand eight through two thousand eight--two thousand nine school years, no school district shall receive total foundation aid in excess of the sum of the total foundation aid base for aid payable in the two thousand seven--two thousand eight school year computed pursuant to subparagraph (i) of paragraph j of subdivision one of this section, plus the phase-in foundation increase computed pursuant to paragraph b of this subdivision, and provided further that for the two thousand twelve--two thousand thirteen school year, no school district shall receive total foundation aid in excess of the sum of the total foundation aid base for aid payable in the two thousand eleven--two thousand twelve school year computed pursuant to subparagraph (ii) of paragraph j of subdivision one of this section, plus the phase-in foundation increase computed pursuant to paragraph b of this subdivision, and provided further that for the two thousand thirteen--two thousand fourteen school year and thereafter, no school district shall receive total foundation aid in excess of the sum of the total foundation aid base computed pursuant to subparagraph (ii) of paragraph j of subdivision one of this section, plus the phase-in foundation increase computed pursuant to paragraph b of this subdivision, and provided further that for the two thousand sixteen--two thousand seventeen school year, no eligible school districts shall receive total foundation aid in excess of the sum of the total foundation aid base computed pursuant to subparagraph (ii) of paragraph j of subdivision one of this section plus the sum of (A) the phase-in foundation increase, (B) the executive foundation increase with a minimum increase pursuant to paragraph b-2 of this subdivision, and (C) an amount equal to "COMMUNITY SCHOOLS AID" in the computer listing produced by the commissioner in support of the executive budget request for the two thousand sixteen--two thousand seventeen school year and entitled "BT161-7", where (1) "eligible school district" shall be defined as a district with (a) an unrestricted aid increase of less than seven percent (0.07) and (b) a three year average free and reduced price lunch percent greater than fifteen percent (0.15), and (2) "unrestricted aid increase" shall

mean the quotient arrived at when dividing (a) the sum of the executive foundation aid increase plus the gap elimination adjustment for the base year, by (b) the difference of foundation aid for the base year less the gap elimination adjustment for the base year, and (3) "executive foundation increase" shall mean the difference of (a) the amounts set forth for each school district as "FOUNDATION AID" under the heading "2016-17 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the executive budget request for the two thousand sixteen--two thousand seventeen school year and entitled "BT161-7" less (b) the amounts set forth for each school district as "FOUNDATION AID" under the heading "2015-16 BASE YEAR AIDS" in such computer listing and provided further that total foundation aid shall not be less than the product of the total foundation aid base computed pursuant to paragraph j of subdivision one of this section and the due-minimum percent which shall be, for the two thousand twelve--two thousand thirteen school year, one hundred and six-tenths percent (1.006) and for the two thousand thirteen--two thousand fourteen school year for city school districts of those cities having populations in excess of one hundred twenty-five thousand and less than one million inhabitants one hundred and one and one hundred and seventy-six thousandths percent (1.01176), and for all other districts one hundred and three-tenths percent (1.003), and for the two thousand fourteen--two thousand fifteen school year one hundred and eighty-five hundredths percent (1.0085), and for the two thousand fifteen--two thousand sixteen school year, one hundred thirty-seven hundredths percent (1.0037)[~~, subject to allocation pursuant to the provisions of subdivision eighteen of this section and any provisions of a chapter of the laws of New York as described therein~~], nor more than the product of such total foundation aid base and one hundred fifteen percent, provided, however, that for the two thousand sixteen--two thousand seventeen school year such maximum shall be no more than the sum of (i) the product of such total foundation aid base and one hundred fifteen percent plus (ii) the executive foundation increase and plus (iii) "COMMUNITY SCHOOLS AID" in the computer listing produced by the commissioner in support of the executive budget request for the two thousand sixteen--two thousand seventeen school year and entitled "BT161-7" and provided further that for the two thousand nine--two thousand ten through two thousand eleven--two thousand twelve school years, each school district shall receive total foundation aid in an amount equal to the amount apportioned to such school district for the two thousand eight--two thousand nine school year pursuant to this subdivision. Total aidable foundation pupil units shall be calculated pursuant to paragraph g of subdivision two of this section. For the purposes of calculating aid pursuant to this subdivision, aid for the city school district of the city of New York shall be calculated on a citywide basis.

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

(1) The foundation amount shall reflect the average per pupil cost of general education instruction in successful school districts, as determined by a statistical analysis of the costs of special education and general education in successful school districts, provided that the foundation amount shall be adjusted annually to reflect the percentage increase in the consumer price index as computed pursuant to [~~section~~

~~two thousand twenty-two of this chapter~~] paragraph hh of subdivision one of this section, provided that for the two thousand eight--two thousand nine school year, for the purpose of such adjustment, the percentage increase in the consumer price index shall be deemed to be two and nine-tenths percent (0.029), and provided further that the foundation amount for the two thousand seven--two thousand eight school year shall be five thousand two hundred fifty-eight dollars, and provided further that for the two thousand seven--two thousand eight through two thousand [~~sixteen~~] seventeen--two thousand [~~seventeen~~] eighteen school years, the foundation amount shall be further adjusted by the phase-in foundation percent established pursuant to paragraph b of this subdivision.

(2) The regional cost index shall reflect an analysis of labor market costs based on median salaries in professional occupations that require similar credentials to those of positions in the education field, but not including those occupations in the education field, provided that the regional cost indices for the two thousand [~~seven~~] seventeen--two thousand [~~eight~~] eighteen school year and thereafter shall be based upon the most recent triennial analysis conducted by the department, provided further that for the two thousand seventeen--two thousand eighteen school year and thereafter the index for the city of New York shall equal the sum of the two thousand six regional cost index plus one-half of the difference between such index and the index from the previous analysis, which shall be as follows:

Labor Force Region	Index
Capital District	[~~1.124~~] 1.125
Southern Tier	[~~1.045~~] 1.060
Western New York	[~~1.091~~] 1.069
Hudson Valley	[~~1.314~~] 1.359
[~~Long Island/NYC~~	~~1.425~~]
Long Island	1.316
NYC	1.502
Finger Lakes	[~~1.141~~] 1.103
Central New York	[~~1.103~~] 1.094
Mohawk Valley	1.000
North Country	[~~1.000~~] 1.009

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

(4) The expected minimum local contribution shall equal the lesser of (i) the product of (A) the quotient arrived at when the selected actual valuation is divided by total wealth foundation pupil units, multiplied by (B) the product of the local tax factor, multiplied by the income wealth index, or (ii) the product of (A) the product of the foundation amount, the regional cost index, and the pupil need index, multiplied by (B) the positive difference, if any, of one minus the state sharing ratio for total foundation aid. The local tax factor shall be established by May first of each year by determining the product, computed to four decimal places without rounding, of ninety percent multiplied by the quotient of the sum of the statewide average tax rate as computed by the commissioner for the current year in accordance with the provisions of paragraph e of subdivision one of section thirty-six hundred nine-e of this part plus the statewide average tax rate computed by the commissioner for the base year in accordance with such provisions plus the statewide average tax rate computed by the commissioner for the year

prior to the base year in accordance with such provisions, divided by three, provided however that for the two thousand seven--two thousand eight school year, such local tax factor shall be sixteen thousandths (0.016), and provided further that for the two thousand eight--two thousand nine school year, such local tax factor shall be one hundred fifty-four ten thousandths (0.0154). The income wealth index shall be calculated pursuant to paragraph d of subdivision three of this section, provided, however, that for the purposes of computing the expected minimum local contribution the income wealth index shall not be less than sixty-five percent (0.65) and shall not be more than two hundred percent (2.0) and provided however that such income wealth index shall not be more than ninety-five percent (0.95) for the two thousand eight--two thousand nine school year, and provided further that such income wealth index shall not be less than zero for the two thousand thirteen--two thousand fourteen school year **and the two thousand seventeen--two thousand eighteen school year and thereafter**. The selected actual valuation shall be calculated pursuant to paragraph c of subdivision one of this section. Total wealth foundation pupil units shall be calculated pursuant to paragraph h of subdivision two of this section.

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

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

(ii) Phase-in foundation increase factor. For the two thousand eleven--two thousand twelve school year, the phase-in foundation increase factor shall equal thirty-seven and one-half percent (0.375) and the phase-in due minimum percent shall equal nineteen and forty-one hundredths percent (0.1941), for the two thousand twelve--two thousand thirteen school year the phase-in foundation increase factor shall equal one and seven-tenths percent (0.017), for the two thousand thirteen--two thousand fourteen school year the phase-in foundation increase factor shall equal (1) for a city school district in a city having a population of one million or more, five and twenty-three hundredths percent (0.0523) or (2) for all other school districts zero percent, for the two thousand fourteen--two thousand fifteen school year the phase-in foundation increase factor shall equal (1) for a city school district of a city having a population of one million or more, four and thirty-two hundredths percent (0.0432) or (2) for a school district other than a city school district having a population of one million or more for which (A) the quotient of the positive difference of the foundation formula aid minus the foundation aid base computed pursuant to paragraph j of subdivision one of this section divided by the foundation formula aid is greater than twenty-two percent (0.22) and (B) a combined wealth ratio less than thirty-five hundredths (0.35), seven percent (0.07) or

(3) for all other school districts, four and thirty-one hundredths percent (0.0431), and for the two thousand fifteen--two thousand sixteen school year the phase-in foundation increase factor shall equal: (1) for a city school district of a city having a population of one million or more, thirteen and two hundred seventy-four thousandths percent (0.13274); or (2) for districts where the quotient arrived at when dividing (A) the product of the total aidable foundation pupil units multiplied by the district's selected foundation aid less the total foundation aid base computed pursuant to paragraph j of subdivision one of this section divided by (B) the product of the total aidable foundation pupil units multiplied by the district's selected foundation aid is greater than nineteen percent (0.19), and where the district's combined wealth ratio is less than thirty-three hundredths (0.33), seven and seventy-five hundredths percent (0.0775); or (3) for any other district designated as high need pursuant to clause (c) of subparagraph two of paragraph c of subdivision six of this section for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand seven--two thousand eight school year and entitled "SA0708", four percent (0.04); or (4) for a city school district in a city having a population of one hundred twenty-five thousand or more but less than one million, fourteen percent (0.14); or (5) for school districts that were designated as small city school districts or central school districts whose boundaries include a portion of a small city for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand fourteen--two thousand fifteen school year and entitled "SA1415", four and seven hundred fifty-one thousandths percent (0.04751); or (6) for all other districts one percent (0.01), and for the two thousand sixteen--two thousand seventeen school year **the foundation aid phase-in increase factor** shall equal for an eligible school district the greater of: (1) for a city school district in a city with a population of one million or more, seven and seven hundred eighty four thousandths percent (0.07784); or (2) for a city school district in a city with a population of more than two hundred fifty thousand but less than one million as of the most recent federal decennial census, seven and three hundredths percent (0.0703); or (3) for a city school district in a city with a population of more than two hundred thousand but less than two hundred fifty thousand as of the most recent federal decennial census, six and seventy-two hundredths percent (0.0672); or (4) for a city school district in a city with a population of more than one hundred fifty thousand but less than two hundred thousand as of the most recent federal decennial census, six and seventy-four hundredths percent (0.0674); or (5) for a city school district in a city with a population of more than one hundred twenty-five thousand but less than one hundred fifty thousand as of the most recent federal decennial census, nine and fifty-five hundredths percent (0.0955); or (6) for school districts that were designated as small city school districts or central school districts whose boundaries include a portion of a small city for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand fourteen--two thousand fifteen school year and entitled "SA141-5" with a combined wealth ratio less than one and four tenths (1.4), nine percent (0.09), provided, however, that for such districts that are also districts designated as high need urban-suburban pursuant to clause (c) of subparagraph two of paragraph c of subdivision six of this section for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand seven--two thousand

eight school year and entitled "SA0708", nine and seven hundred and nineteen thousandths percent (0.09719); or (7) for school districts designated as high need rural pursuant to clause (c) of subparagraph two of paragraph c of subdivision six of this section for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand seven--two thousand eight school year and entitled "SA0708", thirteen and six tenths percent (0.136); or (8) for school districts designated as high need urban-suburban pursuant to clause (c) of subparagraph two of paragraph c of subdivision six of this section for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand seven--two thousand eight school year and entitled "SA0708", seven hundred nineteen thousandths percent (0.00719); or (9) for all other eligible school districts, forty-seven hundredths percent (0.0047)~~,~~ and for the two thousand seventeen--two thousand eighteen school year [~~and thereafter the commissioner shall annually determine the phase-in foundation increase factor subject to allocation pursuant to the provisions of subdivision eighteen of this section and any provisions of a chapter of the laws of New York as described therein~~] **the foundation aid increase phase-in factor shall equal (1) for school districts with a selected poverty rate computed pursuant to paragraph q of subdivision one of this section equal to or greater than twenty-four percent (0.24), thirty-five percent (0.35), or (2) for a school district in a city with a population of one million or more, twenty-six and one-half percent (0.265), or (3) for all other school districts, nineteen and one-tenth percent (0.191), and for the two thousand eighteen--two thousand nineteen school year the foundation aid phase-in increase factor shall be thirty-three percent (0.33), and for the two thousand nineteen--two thousand twenty school year the foundation aid phase-in increase factor shall be fifty percent (0.5), and for the two thousand twenty--two thousand twenty-one school year and thereafter the foundation aid phase-in increase factor shall be one hundred percent (1.0)**.

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

b-2. Due minimum for the two thousand sixteen--two thousand seventeen school year. Notwithstanding any other provision of law to the contrary, for the two thousand sixteen--two thousand seventeen school year the total foundation aid shall not be less than the sum of the total foundation aid base computed pursuant to paragraph j of subdivision one of this section plus the due minimum for the two thousand sixteen--two thousand seventeen school year, where such due minimum shall equal the difference of (1) the product of (A) two percent (0.02) multiplied by (B) the difference of total foundation aid for the base year less the gap elimination adjustment for the base year, less (2) the sum of (A) the difference of the amounts set forth for each school district as "FOUNDATION AID" under the heading "2016-17 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the executive budget request for the two thousand sixteen--two thousand seventeen school year and entitled "BT161-7" less the amounts set forth for each school district as "FOUNDATION AID" under the heading "2015-16

BASE YEAR AIDS" in such computer listing plus (B) the gap elimination adjustment for the base year.

b-3. Due minimum for the two thousand seventeen--two thousand eighteen school year. Notwithstanding any other provision of law to the contrary, for the two thousand seventeen--two thousand eighteen school year the total foundation aid shall not be less than (A) the amount set forth for such school district as "FOUNDATION AID" under the heading "2017-18 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the executive budget request and entitled "BT1718" or (B) the product of fifty percent (0.5) multiplied by total foundation aid as computed pursuant to paragraph a of this subdivision, or (C) the sum of the total foundation aid base computed pursuant to paragraph j of subdivision one of this section plus the due minimum for the two thousand seventeen--two thousand eighteen school year, where such due minimum shall equal (1) for school districts with a selected poverty rate computed pursuant to paragraph q of subdivision one of this section, equal to or greater than ten percent (0.1), the product of the foundation aid base for the two thousand seventeen--two thousand eighteen school year computed pursuant to subparagraph (iii) of paragraph j of subdivision one of this section multiplied by three hundred twenty-five ten-thousandths (0.0325), or (2) for all other school districts the product of the foundation aid base for the two thousand seventeen--two thousand eighteen school year computed pursuant to subparagraph (iii) of paragraph j of subdivision one of this section multiplied by one-hundredth (0.01).

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

d. For the two thousand fourteen--two thousand fifteen through two thousand [~~sixteen~~] **seventeen**--two thousand [~~seventeen~~] **eighteen** school years a city school district of a city having a population of one million or more may use amounts apportioned pursuant to this subdivision for afterschool programs.

[~~e. Community schools aid set-aside. Each school district shall set aside from its total foundation aid computed for the current year pursuant to this subdivision an amount equal to the following amount, if any, for such district and shall use the amount so set aside to support the transformation of school buildings into community hubs to deliver co-located or school-linked academic, health, mental health, nutrition, counseling, legal and/or other services to students and their families, including but not limited to providing a community school site coordina-~~

~~tor, or to support other costs incurred to maximize students' academic achievement:~~

~~Addison~~	~~$132,624~~
~~Adirondack~~	~~$98,303~~
~~Afton~~	~~$62,527~~
~~Albany~~	~~$2,696,127~~
~~Albion~~	~~$171,687~~
~~Altmar-Parish-Williamstown~~	~~$154,393~~
~~Amityville~~	~~$140,803~~
~~Amsterdam~~	~~$365,464~~
~~Andover~~	~~$41,343~~
~~Auburn~~	~~$211,759~~
~~Ausable Valley~~	~~$82,258~~
~~Avoca~~	~~$40,506~~
~~Batavia~~	~~$116,085~~
~~Bath~~	~~$139,788~~
~~Beacon~~	~~$87,748~~
~~Beaver River~~	~~$67,970~~
~~Beekmantown~~	~~$98,308~~
~~Belfast~~	~~$44,520~~
~~Belleville Henderson~~	~~$21,795~~
~~Binghamton~~	~~$477,949~~
~~Bolivar-Richburg~~	~~$102,276~~
~~Bradford~~	~~$28,058~~
~~Brasher Falls~~	~~$146,944~~
~~Brentwood~~	~~$2,089,437~~
~~Bridgewater-West Winfield (Mt. Markham)~~	~~$101,498~~
~~Brocton~~	~~$63,939~~
~~Brookfield~~	~~$24,973~~
~~Brushton-Moira~~	~~$102,613~~
~~Buffalo~~	~~$12,524,617~~
~~Camden~~	~~$243,929~~
~~Campbell-Savona~~	~~$81,862~~
~~Canajoharie~~	~~$78,428~~
~~Canaseraga~~	~~$24,622~~
~~Candor~~	~~$69,400~~
~~Canisteo-Greenwood~~	~~$105,783~~
~~Carthage~~	~~$273,578~~
~~Cassadaga Valley~~	~~$99,547~~
~~Catskill~~	~~$69,599~~
~~Cattaraugus-Little Valley~~	~~$89,771~~
~~Central Islip~~	~~$650,359~~
~~Central Valley~~	~~$154,059~~
~~Charlotte Valley~~	~~$27,925~~
~~Chateaugay~~	~~$43,580~~
~~Cheektowaga-Sloan~~	~~$68,242~~
~~Chenango Valley~~	~~$46,359~~
~~Cherry Valley-Springfield~~	~~$29,704~~
~~Cincinnatus~~	~~$71,378~~
~~Clifton-Fine~~	~~$17,837~~
~~Clyde-Savannah~~	~~$84,797~~
~~Clymer~~	~~$28,267~~
~~Cohoes~~	~~$110,625~~
~~Copenhagen~~	~~$35,037~~
~~Copiague~~	~~$308,995~~
~~Cortland~~	~~$147,875~~

~~Crown Point $24,277~~
~~Cuba-Rushford $67,917~~
~~Dalton-Nunda (Keshequa) $65,630~~
~~Dansville $136,766~~
~~De Ruyter $38,793~~
~~Deposit $37,615~~
~~Dolgeville $82,884~~
~~Downsville $10,000~~
~~Dundee $59,404~~
~~Dunkirk $224,658~~
~~East Ramapo (Spring Valley) $360,848~~
~~Edmeston $30,288~~
~~Edwards-Knox $95,261~~
~~Elizabethtown-Lewis $14,844~~
~~Ellenville $128,950~~
~~Elmira $501,348~~
~~Fallsburg $111,523~~
~~Fillmore $84,252~~
~~Forestville $34,773~~
~~Fort Edward $32,403~~
~~Fort Plain $86,187~~
~~Franklin $19,086~~
~~Franklinville $84,503~~
~~Freeport $479,702~~
~~Friendship $51,013~~
~~Fulton $241,424~~
~~Genesee Valley $65,066~~
~~Geneva $146,409~~
~~Georgetown-South Otselic $34,626~~
~~Gilbertsville-Mount Upton $30,930~~
~~Glens Falls Common $10,000~~
~~Gloversville $257,549~~
~~Gouverneur $197,139~~
~~Gowanda $122,173~~
~~Granville $86,044~~
~~Green Island $17,390~~
~~Greene $87,782~~
~~Hadley-Luzerne $37,868~~
~~Hammond $18,750~~
~~Hancock $34,174~~
~~Hannibal $149,286~~
~~Harpursville $89,804~~
~~Hempstead $3,123,056~~
~~Herkimer $64,467~~
~~Hermon-Dekalb $49,211~~
~~Heuvelton $53,905~~
~~Hinsdale $47,128~~
~~Hornell $152,327~~
~~Hudson $86,263~~
~~Hudson Falls $125,709~~
~~Indian River $404,452~~
~~Jamestown $422,610~~
~~Jasper-Troupsburg $65,899~~
~~Jefferson $22,350~~
~~Johnson $179,735~~
~~Johnstown $98,329~~

~~Kingston~~	~~$241,138~~
~~Kiryas Joel~~	~~$10,000~~
~~La Fargeville~~	~~$36,602~~
~~Lackawanna~~	~~$293,188~~
~~Lansingburgh~~	~~$170,080~~
~~Laurens~~	~~$32,110~~
~~Liberty~~	~~$141,704~~
~~Lisbon~~	~~$56,498~~
~~Little Falls~~	~~$76,292~~
~~Livingston Manor~~	~~$32,996~~
~~Lowville~~	~~$117,907~~
~~Lyme~~	~~$15,856~~
~~Lyons~~	~~$89,298~~
~~Madison~~	~~$43,805~~
~~Madrid-Waddington~~	~~$59,412~~
~~Malone~~	~~$241,483~~
~~Marathon~~	~~$79,560~~
~~Margaretville~~	~~$10,000~~
~~Massena~~	~~$227,985~~
~~Mcgraw~~	~~$51,558~~
~~Medina~~	~~$135,337~~
~~Middleburgh~~	~~$58,936~~
~~Middletown~~	~~$683,511~~
~~Milford~~	~~$28,281~~
~~Monticello~~	~~$185,418~~
~~Moriah~~	~~$76,592~~
~~Morris~~	~~$45,012~~
~~Morristown~~	~~$25,106~~
~~Morrisville-Eaton~~	~~$62,490~~
~~Mt Morris~~	~~$58,594~~
~~Mt Vernon~~	~~$517,463~~
~~New York City~~	~~$28,491,241~~
~~Newark~~	~~$137,556~~
~~Newburgh~~	~~$837,244~~
~~Newfield~~	~~$60,998~~
~~Niagara Falls~~	~~$733,330~~
~~North Rose-Wolcott~~	~~$107,958~~
~~Northern Adirondack~~	~~$84,115~~
~~Norwich~~	~~$155,921~~
~~Norwood-Norfolk~~	~~$116,262~~
~~Odessa-Montour~~	~~$70,110~~
~~Ogdensburg~~	~~$126,942~~
~~Olean~~	~~$129,603~~
~~Oppenheim-Ephratah-St. Johnsville~~	~~$86,646~~
~~Otego-Unadilla~~	~~$72,613~~
~~Oxford Acad & Central Schools~~	~~$80,443~~
~~Parishville-Hopkinton~~	~~$35,003~~
~~Peekskill~~	~~$230,795~~
~~Penn Yan~~	~~$71,001~~
~~Pine Valley (South Dayton)~~	~~$67,455~~
~~Plattsburgh~~	~~$75,055~~
~~Poland~~	~~$37,498~~
~~Port Chester-Rye~~	~~$241,428~~
~~Port Jervis~~	~~$189,220~~
~~Poughkeepsie~~	~~$1,747,582~~
~~Prattsburgh~~	~~$35,110~~

Pulaski	$89,146
Putnam	$10,000
Randolph	$88,646
Red Creek	$87,007
Remsen	$32,650
Rensselaer	$74,616
Richfield Springs	$37,071
Ripley	$18,495
Rochester	$7,624,908
Rome	$369,655
Romulus	$22,112
Roosevelt	$353,005
Salamanca	$139,051
Salmon River	$200,831
Sandy Creek	$72,287
Schenectady	$642,884
Schenevus	$29,516
Scio	$47,097
Sharon Springs	$26,994
Sherburne-Earlville	$154,286
Sherman	$45,067
Sidney	$98,699
Silver Creek	$68,538
Sodus	$100,038
Solvay	$85,506
South Kortright	$23,420
South Lewis	$95,627
South Seneca	$49,768
Spencer-Van Etten	$76,108
St Regis Falls	$30,078
Stamford	$20,137
Stockbridge Valley	$38,537
Syracuse	$10,186,478
Ticonderoga	$36,467
Tioga	$99,411
Troy	$277,420
Unadilla Valley	$90,571
Uniondale	$362,887
Utica	$273,267
Van Hornesville-Owen D. Young	$18,604
Walton	$82,541
Warrensburg	$57,996
Waterloo	$123,111
Watertown	$222,343
Watervliet	$94,487
Waverly	$120,319
Wayland-Cohocton	$125,273
Wellsville	$114,359
West Canada Valley	$58,917
Westbury	$403,563
Westfield	$46,542
Whitehall	$46,102
Whitesville	$26,719
Whitney Point	$152,109
William Floyd	$492,842
Worcester	$26,862

~~Wyandanch $402,010~~
~~Yonkers $4,286,726~~
~~Yorkshire-Pioneer $210,306~~]

§ 21-a. Subparagraph (ii) of paragraph j of subdivision 1 of section 3602 of the education law, as amended by section 11 of part B of chapter 57 of the laws of 2007, is amended and a new subparagraph (iii) is added to read as follows:

(ii) For aid payable in the two thousand eight--two thousand nine school year [~~and thereafter~~] **through the two thousand sixteen--two thousand seventeen school year, and the two thousand eighteen--two thousand nineteen school year and thereafter**, the total foundation aid base shall equal the total amount a district was eligible to receive in the base year pursuant to subdivision four of this section.

(iii) For aid payable in the two thousand seventeen--two thousand eighteen school year, the total foundation aid base shall equal the total amount a district was eligible to receive in the base year pursuant to subdivision four of this section less an amount set forth as "COMMUNITY SCHL AID (BT1617)" in the data file produced by the commissioner in support of the enacted budget for the two thousand sixteen--two thousand seventeen school year and entitled "SA1617".

§ 21-b. Subdivision 1 of section 3602 of the education law is amended by adding a new paragraph hh to read as follows:

hh. "Consumer price index" shall mean the percentage that represents the average of the national consumer price indexes determined by the United States department of labor, for the twelve month period preceding January first of the current year.

§ 21-c. Section 3602 of the education law is amended by adding a new subdivision 19 to read as follows:

19. Community schools aid. For the two thousand seventeen--two thousand eighteen school year and thereafter, each school district shall be eligible to receive an apportionment for community schools aid equal to the sum of the tier one apportionment and the tier two apportionment.

a. The tier one apportionment shall equal the amount set forth as "COMMUNITY SCHL AID (BT1617)" in the data file produced by the commissioner in support of the enacted budget for the two thousand sixteen--two thousand seventeen school year and entitled "SA1617".

b. The tier two apportionment shall equal the amount set forth as "COMMUNITY SCH INCR" in the data file produced by the commissioner in support of the executive budget for the two thousand seventeen--two thousand eighteen school year and entitled "BT1718".

c. School districts shall use amounts apportioned pursuant to this subdivision to support the transformation of school buildings into community hubs to deliver co-located or school-linked academic, health, mental health, nutrition, counseling, legal and/or other services to students and their families, including but not limited to providing a community school site coordinator, or to support other costs incurred to maximize students' academic achievement.

§ 21-d. Paragraph b of subdivision 5 of section 1950 of the education law, as amended by chapter 296 of the laws of 2016, is amended to read as follows:

b. The cost of services herein referred to shall be the amount allocated to each component school district by the board of cooperative educational services to defray expenses of such board, including approved expenses from the testing of potable water systems of occupied school buildings under the board's jurisdiction as required pursuant to section eleven hundred ten of the public health law, except that that

part of the salary paid any teacher, supervisor or other employee of the board of cooperative educational services which is**, (i) for the two thousand sixteen--two thousand seventeen and prior school years** in excess of thirty thousand dollars**, (ii) for aid payable in the two thousand seventeen--two thousand eighteen school year, in excess of thirty-four thousand dollars, (iii) for aid payable in the two thousand eighteen--two thousand nineteen school year in excess of forty thousand dollars, (iv) for aid payable in the two thousand nineteen--two thousand twenty school year, in excess of forty-six thousand dollars, and (v) for aid payable in the two thousand twenty--two thousand twenty-one school year and thereafter, in excess of fifty-two thousand dollars,** shall not be such an approved expense, and except also that administrative and clerical expenses shall not exceed ten percent of the total expenses for purposes of this computation. Any gifts, donations or interest earned by the board of cooperative educational services or on behalf of the board of cooperative educational services by the dormitory authority or any other source shall not be deducted in determining the cost of services allocated to each component school district. Any payments made to a component school district by the board of cooperative educational services pursuant to subdivision eleven of section six-p of the general municipal law attributable to an approved cost of service computed pursuant to this subdivision shall be deducted from the cost of services allocated to such component school district. The expense of transportation provided by the board of cooperative educational services pursuant to paragraph q of subdivision four of this section shall be eligible for aid apportioned pursuant to subdivision seven of section thirty-six hundred two of this chapter and no board of cooperative educational services transportation expense shall be an approved cost of services for the computation of aid under this subdivision. Transportation expense pursuant to paragraph q of subdivision four of this section shall be included in the computation of the ten percent limitation on administrative and clerical expenses.

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

b. Aid for career education. There shall be apportioned to such city school districts and other school districts which were not components of a board of cooperative educational services in the base year for pupils in grades [~~ten~~] **nine** through twelve in attendance in career education programs as such programs are defined by the commissioner, subject for the purposes of this paragraph to the approval of the director of the budget, an amount for each such pupil to be computed by multiplying the career education aid ratio by three thousand nine hundred dollars. Such aid will be payable for weighted pupils attending career education programs operated by the school district and for weighted pupils for whom such school district contracts with boards of cooperative educational services to attend career education programs operated by a board of cooperative educational services. Weighted pupils for the purposes of this paragraph shall mean the sum of **(i) the product of** the attendance of **students in grade nine multiplied by the special services phase-in factor plus (ii) the attendance of** students in grades ten through twelve in career education sequences in trade, industrial, technical, agricultural or health programs plus the product of sixteen hundredths multiplied by **the sum of (i) the product of** the attendance of **students in grade nine multiplied by the special services phase-in factor plus (ii) the attendance of** students in grades ten through twelve in career educa-

tion sequences in business and marketing as defined by the commissioner in regulations; provided that the special services phase-in factor shall be (i) for the two thousand seventeen--two thousand eighteen school year, twenty-five percent (0.25), (ii) for the two thousand eighteen--two thousand nineteen school year, fifty percent (0.5), (iii) for the two thousand nineteen--two thousand twenty school year, seventy-five percent (0.75), and (iv) for the two thousand twenty--two thousand twenty-one school year and thereafter, one hundred percent (1.0). The career education aid ratio shall be computed by subtracting from one the product obtained by multiplying fifty-nine percent by the combined wealth ratio. This aid ratio shall be expressed as a decimal carried to three places without rounding, but not less than thirty-six percent.

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

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

§ 22. The closing paragraph of subdivision 5-a of section 3602 of the education law, as amended by section 2 of part A of chapter 54 of the laws of 2016, is amended to read as follows:

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

§ 23. Paragraph b of subdivision 6-c of section 3602 of the education law, as amended by section 24 of part A of chapter 54 of the laws of 2016, is amended to read as follows:

b. For projects approved by the commissioner authorized to receive additional building aid pursuant to this subdivision for the purchase of stationary metal detectors, security cameras or other security devices approved by the commissioner that increase the safety of students and school personnel, provided that for purposes of this paragraph such other security devices shall be limited to electronic security systems and hardened doors, and provided that for projects approved by the commissioner on or after the first day of July two thousand thirteen and before the first day of July two thousand [~~seventeen~~] eighteen such additional aid shall equal the product of (i) the building aid ratio computed for use in the current year pursuant to paragraph c of subdivision six of this section plus ten percentage points, except that in no case shall this amount exceed one hundred percent, and (ii) the actual approved expenditures incurred in the base year pursuant to this subdi-

vision, provided that the limitations on cost allowances prescribed by paragraph a of subdivision six of this section shall not apply, and provided further that any projects aided under this paragraph must be included in a district's school safety plan. The commissioner shall annually prescribe a special cost allowance for metal detectors, and security cameras, and the approved expenditures shall not exceed such cost allowance.

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

6-i. Building aid for approved expenditures for debt service for tax certiorari financing. In addition to the apportionments payable to a school district pursuant to subdivision six of this section, beginning with debt service in the two thousand seventeen--two thousand eighteen school year and thereafter, the commissioner is hereby authorized to apportion to any school district additional building aid pursuant to this subdivision for its approved debt service expenditures for financing the cost of a tax certiorari, where the total value of the bond exceeds the total general fund expenditures for the school district for the year prior to the year in which the school district first receives bond proceeds. In order to have such debt service expenditures approved, the school district shall submit to the commissioner, in a form he or she prescribes, documentation relating to the issuance of such bond, including but not limited to the original tax certiorari, the amortization schedule of such bond, and any other documentation deemed necessary. Provided, however, that in the event the school district refunds the original bond at any point, the school district shall provide such updated documentation as required by the commissioner, who shall adjust the annual approved expenditures accordingly. Such aid shall equal the product of the sum of (1) the building aid ratio defined pursuant to paragraph c of subdivision six of this section plus (2) one-tenth (0.1) multiplied by the actual approved debt service expenditures incurred in the base year pursuant to this subdivision.

§ 24. Subdivision 12 of section 3602 of the education law is amended by adding a new closing paragraph to read as follows:

For the two thousand seventeen--two thousand eighteen school 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 "2016-17 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand sixteen--two thousand seventeen school year and entitled "SA161-7", 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.

§ 25. The opening paragraph of subdivision 16 of section 3602 of the education law, as amended by section 4 of part A of chapter 54 of the laws of 2016, is amended to read as follows:

Each school district shall be eligible to receive a high tax aid apportionment in the two thousand eight--two thousand nine school year, which shall equal the greater of (i) the sum of the tier 1 high tax aid apportionment, the tier 2 high tax aid apportionment and the tier 3 high tax aid apportionment or (ii) the product of the apportionment received by the school district pursuant to this subdivision in the two thousand seven--two thousand eight school year, multiplied by the due-minimum factor, which shall equal, for districts with an alternate pupil wealth ratio computed pursuant to paragraph b of subdivision three of this section that is less than two, seventy percent (0.70), and for all other

districts, fifty percent (0.50). Each school district shall be eligible to receive a high tax aid apportionment in the two thousand nine--two thousand ten through two thousand twelve--two thousand thirteen school years in the amount set forth for such school district as "HIGH TAX AID" under the heading "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand nine--two thousand ten school year and entitled "SA0910". Each school district shall be eligible to receive a high tax aid apportionment in the two thousand thirteen--two thousand fourteen through [~~two thousand sixteen--two thousand seventeen~~] two thousand seventeen--two thousand eighteen school 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".

§ 26. Subdivision 10 of section 3602-e of the education law, as amended by section 22 of part B of chapter 57 of the laws of 2008, the opening paragraph as amended by section 5 of part A of chapter 54 of the laws of 2016, is amended to read as follows:

10. Universal prekindergarten aid. Notwithstanding any provision of law to the contrary, for aid payable in the two thousand eight--two thousand nine school year, the grant to each eligible school district for universal prekindergarten aid shall be computed pursuant to this subdivision, and for the two thousand nine--two thousand ten and two thousand ten--two thousand eleven school years, each school district shall be eligible for a maximum grant equal to the amount computed for such school district for the base year in the electronic data file produced by the commissioner in support of the two thousand nine--two thousand ten education, labor and family assistance budget, provided, however, that in the case of a district implementing programs for the first time or implementing expansion programs in the two thousand eight--two thousand nine school year where such programs operate for a minimum of ninety days in any one school year as provided in section 151-1.4 of the regulations of the commissioner, for the two thousand nine--two thousand ten and two thousand ten--two thousand eleven school years, such school district shall be eligible for a maximum grant equal to the amount computed pursuant to paragraph a of subdivision nine of this section in the two thousand eight--two thousand nine school year, and for the two thousand eleven--two thousand twelve school year each school district shall be eligible for a maximum grant equal to the amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN" under the heading "2011-12 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the enacted budget for the 2011-12 school year and entitled "SA111-2", and for two thousand twelve--two thousand thirteen through two thousand sixteen--two thousand seventeen school years each school district shall be eligible for a maximum grant equal to the greater of (i) the amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN" under the heading "2010-11 BASE YEAR AIDS" in the school aid computer listing produced by the commissioner in support of the enacted budget for the 2011-12 school year and entitled "SA111-2", or (ii) the amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN" under the heading "2010-11 BASE

YEAR AIDS" in the school aid computer listing produced by the commissioner on May fifteenth, two thousand eleven pursuant to paragraph b of subdivision twenty-one of section three hundred five of this chapter, and for the two thousand seventeen--two thousand eighteen school year and thereafter each school district shall be eligible to receive a grant amount equal to the sum of (i) the amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN" under the heading "2016-17 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the enacted budget for the 2016-17 school year and entitled "SA161-7" plus (ii) the amount awarded to such school district for the priority full-day prekindergarten and expanded half-day prekindergarten grant program for high need students for the two thousand sixteen--two thousand seventeen school year pursuant to chapter fifty-three of the laws of two thousand fourteen, and provided further that the maximum grant shall not exceed the total actual grant expenditures incurred by the school district in the current school year as approved by the commissioner.

a. Each school district shall be eligible to [~~receive a grant amount equal to the sum of (i) its prekindergarten aid base plus (ii) the product of its selected aid per prekindergarten pupil multiplied by the positive difference, if any of the number of aidable prekindergarten pupils served in the current year, as determined pursuant to regulations of the commissioner, less the base aidable prekindergarten pupils calculated pursuant to this subdivision for the two thousand seven--two thousand eight school year, based on data on file for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand seven--two thousand eight school year and entitled "SA070-8". Provided, however, that in computing an apportionment pursuant to this paragraph, for districts where the number of aidable prekindergarten pupils served is less than the number of unserved prekindergarten pupils, such grant amount shall be the lesser of such sum computed pursuant to this paragraph or the maximum allocation computed pursuant to subdivision nine of this section~~] serve the sum of (i) full-day prekindergarten pupils plus (ii) half-day prekindergarten pupils.

b. For purposes of paragraph a of this subdivision:

(i) "Selected aid per prekindergarten pupil" shall equal the greater of (A) the product of five-tenths and the school district's selected foundation aid for the current year, or (B) the aid per prekindergarten pupil calculated pursuant to this subdivision for the two thousand six-two thousand seven school year, based on data on file for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand six--two thousand seven school year and entitled "SA060-7"; provided, however, that in the two thousand eight--two thousand nine school year, a city school district in a city having a population of one million inhabitants or more shall not be eligible to select aid per prekindergarten pupil pursuant to clause (A) of this subparagraph;

(ii) [~~"Base aidable prekindergarten pupils". "Base aidable prekindergarten pupils" shall equal the sum of the base aidable prekindergarten pupils calculated pursuant to this subdivision for the base year, based on data on file for the school aid computer listing produced by the commissioner in support of the enacted budget for the base year, plus the additional aidable prekindergarten pupils calculated pursuant to this subdivision for the base year, based on data on file for the school aid computer listing produced by the commissioner in support of the enacted budget for the base year~~] "Full-day prekindergarten pupils"

shall equal (i) the maximum aidable full-day prekindergarten pupils such district was eligible to serve for the priority full-day prekindergarten and expanded half-day prekindergarten grant program for the two thousand sixteen--two thousand seventeen school year pursuant to chapter fifty-three of the laws of two thousand fourteen plus (ii) the number of half-day prekindergarten pupils converted into a full-day prekindergarten pupil under the priority full-day prekindergarten and expanded half-day prekindergarten grant program for high need students pursuant to chapter fifty-three of the laws of two thousand fourteen;

(iii) "Half-day prekindergarten pupils shall equal (A) (i) the maximum aidable universal prekindergarten pupils each district was eligible to serve in the two thousand sixteen--two thousand seventeen school year pursuant to this section plus (ii) the maximum aidable half-day prekindergarten pupils such district was eligible to serve for the priority full-day prekindergarten and expanded half-day prekindergarten grant program for the two thousand sixteen--two thousand seventeen school year pursuant to chapter fifty-three of the laws of two thousand fourteen minus (B) the number of half-day prekindergarten pupils converted into a full-day prekindergarten pupil under the priority full-day prekindergarten and expanded half-day prekindergarten grant program for high need students pursuant to chapter fifty-three of the laws of two thousand fourteen;

(iv) "Unserved prekindergarten pupils" shall mean the product of eighty-five percent multiplied by the positive difference, if any, between the sum of the public school enrollment and the nonpublic school enrollment of children attending full day and half day kindergarten programs in the district in the year prior to the base year less the number of resident children who attain the age of four before December first of the base year, who were served during such school year by a prekindergarten program approved pursuant to section forty-four hundred ten of this chapter, where such services are provided for more than four hours per day;

[~~(iv) "Additional aidable prekindergarten pupils". For the two thousand seven--two thousand eight through two thousand eight--two thousand nine school years, "additional aidable prekindergarten pupils" shall equal the product of (A) the positive difference, if any, of the unserved prekindergarten pupils less the base aidable prekindergarten pupils multiplied by (B) the prekindergarten phase-in factor;~~

~~(v) the "prekindergarten aid base" shall mean the sum of the amounts the school district received for the two thousand six--two thousand seven school year for grants awarded pursuant to this section and for targeted prekindergarten grants;~~

~~(vi) The "prekindergarten phase-in factor". For the two thousand eight--two thousand nine school year, the prekindergarten phase-in factor shall equal the positive difference, if any, of the pupil need index computed pursuant to subparagraph three of paragraph a of subdivision four of section thirty-six hundred two of this part less one, provided, however, that: (A) for any district where (1) the maximum allocation computed pursuant to subdivision nine of this section for the base year is greater than zero and (2) the amount allocated pursuant to this subdivision for the base year, based on data on file for the school aid computer listing produced by the commissioner on February fifteenth of the base year, pursuant to paragraph b of subdivision twenty-one of section three hundred five of this chapter, is greater than the positive difference, if any, of such maximum allocation for the base year less twenty-seven hundred, the prekindergarten phase-in factor shall not~~

~~exceed eighteen percent, and shall not be less than ten percent, and (B) for any district not subject to the provisions of clause (A) of this subparagraph where (1) the amount allocated pursuant to this subdivision for the base year is equal to zero or (2) the amount allocated pursuant to this section for the base year, based on data on file for the school aid computer listing produced by the commissioner on February fifteenth of the base year, pursuant to paragraph b of subdivision twenty-one of section three hundred five of this chapter, is less than or equal to the amount allocated pursuant to this section for the year prior to the base year, based on data on file for the school aid computer listing produced by the commissioner on February fifteenth of the base year, pursuant to paragraph b of subdivision twenty-one of section three hundred five of this chapter, the prekindergarten phase-in factor shall equal zero, and (C) for any district not subject to the provisions of clause (A) or (B) of this subparagraph, the prekindergarten phase-in factor shall not exceed thirteen percent, and shall not be less than seven percent;~~

~~(vii) "Base year" shall mean the base year as defined pursuant to subdivision one of section thirty-six hundred two of this part.~~]

(v) "Prekindergarten maintenance of effort base" shall mean the number of eligible total full-day prekindergarten pupils set forth for the district in this paragraph plus the product of one half (0.5) multiplied by the number of eligible total half-day prekindergarten pupils set forth for the district in this paragraph;

(vi) "Current year prekindergarten pupils served" shall mean the sum of full day prekindergarten pupils served in the current year plus the product of one half (0.5) multiplied by the half day prekindergarten pupils in the current year;

(vii) "Maintenance of effort factor" shall mean the quotient arrived at when dividing the current year prekindergarten pupils served by the prekindergarten maintenance of effort base.

c. Notwithstanding any other provision of this section, the total grant payable pursuant to this section shall equal the lesser of: (i) the total grant amounts computed pursuant to this subdivision for the current year, based on data on file with the commissioner as of September first of the school year immediately following or (ii) the total actual grant expenditures incurred by the school district as approved by the commissioner.

§ 27. Subdivision 11 of section 3602-e of the education law, as amended by section 10-b of part A of chapter 57 of the laws of 2012, is amended to read as follows:

11. [~~Notwithstanding the provisions of subdivision ten of this section, where the district serves fewer children during the current year than the lesser of the children served in the two thousand ten--two thousand eleven school year or its base aidable prekindergarten pupils computed for the two thousand seven--two thousand eight school year, the school district shall have its apportionment reduced in an amount proportional to such deficiency in the current year or in the succeeding school year, as determined by the commissioner, except such reduction shall not apply to school districts which have fully implemented a universal pre-kindergarten program by making such program available to all eligible children. Expenses incurred by the school district in implementing a pre-kindergarten program plan pursuant to this subdivision shall be deemed ordinary contingent expenses.~~] **Maintenance of effort reduction. Where a school district's current year prekindergarten pupils served is less than its prekindergarten maintenance of effort base, the school district shall have its current year apportionment**

reduced by the product of the maintenance of effort factor computed in paragraph b of subdivision ten of this section multiplied by the grant amount it was eligible to receive pursuant to subdivision ten of this section.

§ 28. Paragraph b of subdivision 12 of section 3602-e of the education law, as amended by section 19 of part B of chapter 57 of the laws of 2007, is amended to read as follows:

b. [~~minimum~~] curriculum standards [~~that~~] consistent with the New York state prekindergarten early learning standards to ensure that such programs have strong instructional content that is integrated with the school district's instructional program in grades kindergarten [~~though~~] through twelve;

§ 29. Subdivision 14 of section 3602-e of the education law, as amended by section 19 of part B of chapter 57 of the laws of 2007, is amended to read as follows:

14. On February fifteenth, two thousand, and annually thereafter, the commissioner and the board of regents shall include in its annual report to the legislature and the governor, information on school districts receiving grants under this section; the amount of each grant; a description of the program that each grant supports and an assessment by the commissioner of the extent to which the program meets measurable outcomes required by the grant program or regulations of such commissioner; and any other relevant information, which shall include but not be limited to the following: (A) (i) the total number of students served in state-funded district-operated prekindergarten programs, (ii) the total number of students served in state-funded community-based prekindergarten programs, (iii) the total number of students served in state-funded half-day prekindergarten programs, and (iv) the total number of students served in state-funded full-day prekindergarten programs; (B) (i) the total number of students served in state, federal and locally funded district-operated prekindergarten programs, (ii) the total number of students served in state, federal and locally funded community-based prekindergarten programs, (iii) the total number of students served in state, federal and locally funded half-day prekindergarten programs, and (iv) the total number of students served in state, federal and locally funded full-day prekindergarten programs; and (C) the total spending on prekindergarten programs from state, federal, and local sources. Such report shall also contain any recommendations to improve or otherwise change the program.

§ 29-a. Section 3602-e of the education law is amended by adding a new subdivision 14-a to read as follows:

14-a. The commissioner shall request from each school district in the state, such district's unmet need for public prekindergarten programs as defined in this section and report on such need and the funding that would be required to meet such a need to the legislature by December first, two thousand seventeen.

§ 30. Section 3602-e of the education law is amended by adding a new subdivision 17 to read as follows:

17. A school district receiving funding pursuant to this section shall agree to adopt approved quality indicators within two years, including, but not limited to, valid and reliable measures of environmental quality, the quality of teacher-student interactions and child outcomes, and ensure that any such assessment of child outcomes shall not be used to make high-stakes educational decisions for individual children.

§ 30-a. Subdivision 21 of section 305 of the education law is amended by adding a new paragraph d to read as follows:

d. Notwithstanding any inconsistent provision of law to the contrary, for the purposes of determining the base year level of general support for public schools pursuant to paragraph b of this subdivision for the two thousand seventeen--two thousand eighteen school year, the commissioner is directed to include the grant amounts allocated pursuant to subdivision ten of section thirty-six hundred two-e of this chapter where such grants had previously been allocated to districts by means other than general support for public schools, provided that, notwithstanding any provision of law to the contrary, such base year grant amounts shall not be included in: (1) the allowable growth amount computed pursuant to paragraph dd of subdivision one of section thirty-six hundred two of this chapter, (2) the preliminary growth amount computed pursuant to paragraph ff of subdivision one of section thirty-six hundred two of this chapter, and (3) the allocable growth amount computed pursuant to paragraph gg of subdivision one of section thirty-six hundred two of this chapter, and shall not be considered, and shall not be available for interchange with, general support for public schools.

§ 31. Subdivision 16 of section 3602-ee of the education law is REPEALED.

§ 32. Intentionally omitted.

§ 33. The opening paragraph of section 3609-a of the education law, as amended by section 10 of part A of chapter 54 of the laws of 2016, is amended to read as follows:

For aid payable in the two thousand seven--two thousand eight school year through the two thousand [~~sixteen~~] seventeen--two thousand [~~seventeen~~] eighteen school year, "moneys apportioned" shall mean the lesser of (i) the sum of one hundred percent of the respective amount set forth for each school district as payable pursuant to this section in the school aid computer listing for the current year produced by the commissioner in support of the budget which includes the appropriation for the general support for public schools for the prescribed payments and individualized payments due prior to April first for the current year plus the apportionment payable during the current school year pursuant to subdivision six-a and subdivision fifteen of section thirty-six hundred two of this part minus any reductions to current year aids pursuant to subdivision seven of section thirty-six hundred four of this part or any deduction from apportionment payable pursuant to this chapter for collection of a school district basic contribution as defined in subdivision eight of section forty-four hundred one of this chapter, less any grants provided pursuant to subparagraph two-a of paragraph b of subdivision four of section ninety-two-c of the state finance law, less any grants provided pursuant to subdivision six of section ninety-seven-nnnn of the state finance law, less any grants provided pursuant to subdivision twelve of section thirty-six hundred forty-one of this article, or (ii) the apportionment calculated by the commissioner based on data on file at the time the payment is processed; provided however, that for the purposes of any payments made pursuant to this section prior to the first business day of June of the current year, moneys apportioned shall not include any aids payable pursuant to subdivisions six and fourteen, if applicable, of section thirty-six hundred two of this part as current year aid for debt service on bond anticipation notes and/or bonds first issued in the current year or any aids payable for full-day kindergarten for the current year pursuant to subdivision nine of section thirty-six hundred two of this part. The definitions of "base year" and "current year" as set forth in subdivision one of section thirty-six hundred two

of this part shall apply to this section. For aid payable in the two thousand [~~sixteen~~] seventeen--two thousand [~~seventeen~~] eighteen school year, reference to such "school aid computer listing for the current year" shall mean the printouts entitled [~~"SA161-7"~~]"SA171-8".

§ 34. Paragraph b of subdivision 2 of section 3612 of the education law, as amended by section 26 of part A of chapter 54 of the laws of 2016, is amended to read as follows:

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

§ 35. Subdivision 6 of section 4402 of the education law, as amended by section 27 of part A of chapter 54 of the laws of 2016, is amended to read as follows:

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

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

§ 36. Intentionally omitted.

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

(D) Notwithstanding any other provision of law, rule or regulation to the contrary, commencing with the two thousand nineteen--two thousand twenty school year, approved preschool integrated special class programs shall be reimbursed for such services based on an alternative methodology for reimbursement to be established by the commissioner. In developing such methodology the commissioner shall seek input from stakeholders that would be impacted by such alternative methodology. The alternative methodology, subject to the approval of the director of the budget, shall be proposed by the department no later than October first, two thousand eighteen.

§ 38. Subdivision 1 of section 4452 of the education law, as added by chapter 740 of the laws of 1982, paragraph e as amended by chapter 536 of the laws of 1997, is amended to read as follows:

1. In order to provide for educational programs to meet special needs of gifted pupils, the commissioner is hereby authorized to make recommendations to school districts in accordance with the provisions of this subdivision and section thirty-six hundred two of this chapter.

a. As used in this article, the term "gifted pupils" shall mean those pupils who show evidence of high performance capability and exceptional potential in areas such as general intellectual ability, special academic aptitude and outstanding ability in visual and performing arts. Such definition shall include those pupils who require educational programs or services beyond those normally provided by the regular school program in order to realize their full potential.

b. Prior to payment of state funds for education of gifted pupils, a school district shall submit to the commissioner a summary plan for the identification and education of gifted pupils. The plan shall be in form and content as prescribed by the commissioner.

c. Upon acceptance by a local school district of the apportionments made under section thirty-six hundred two of this chapter such district shall use such funding in accordance with guidelines to be established by the commissioner for services to gifted pupils. Such services shall include but not be limited to identification, instructional programs, planning, inservice education and program evaluation. A board of education may contract with another district or board of cooperative educational services to provide the program and/or services with the approval of the commissioner under guidelines established by the commissioner.

d. [~~**The identification of pupils for participation in gifted programs funded under this chapter shall commence through the referral of a parent, teacher, or administrator.**~~

~~e. Upon referral of a pupil for participation in a gifted program funded under this chapter~~] For any school district offering a gifted program through this chapter, the school district shall so inform the parent or guardian of such [~~pupil's referral~~] program and shall seek their approval to administer diagnostic tests or other evaluation mechanisms related to the program objectives of the district in order to determine eligibility for participation in such gifted program. Failing to receive approval, the child shall not be tested, evaluated or participate in the program. In no case shall the parent, guardian or pupil be charged a fee for the administration of such diagnostic tests or other evaluation mechanisms. Provided that, any school district offering a program under this section shall provide the opportunity to administer such diagnostic tests or other evaluation mechanisms for all students in a grade.

[~~f.~~] e. The parent or guardian of a pupil designated as gifted shall be informed by the local school authorities of the pupil's placement in such gifted program funded under this chapter.

§ 39. Intentionally omitted.

§ 40. Section 7 of chapter 472 of the laws of 1998, amending the education law relating to the lease of school buses by school districts, as amended by section 18 of part A of chapter 56 of the laws of 2015, is amended to read as follows:

§ 7. This act shall take effect September 1, 1998, and shall expire and be deemed repealed September 1, [~~2017~~] 2019.

§ 41. Subdivision 6-a of section 140 of chapter 82 of the laws of 1995, amending the education law and certain other laws relating to state aid to school districts and the appropriation of funds for the support of government, as amended by section 17-a of part A of chapter 57 of the laws of 2012, is amended to read as follows:

(6-a) Section seventy-three of this act shall take effect July 1, 1995 and shall be deemed repealed June 30, [~~2017~~] 2022;

§ 42. Section 34 of chapter 91 of the laws of 2002 amending the education law and other laws relating to reorganization of the New York city school construction authority, board of education and community boards, as amended by section 1 of part O of chapter 73 of the laws of 2016, is amended to read as follows:

§ 34. This act shall take effect July 1, 2002; provided, that sections one through twenty, twenty-four, and twenty-six through thirty of this act shall expire and be deemed repealed June 30, [~~2017~~] 2024 provided, further, that notwithstanding any provision of article 5 of the general construction law, on June 30, [~~2017~~] 2024 the provisions of subdivisions 3, 5, and 8, paragraph b of subdivision 13, subdivision 14, paragraphs b, d, and e of subdivision 15, and subdivisions 17 and 21 of section 2554 of the education law as repealed by section three of this act, subdivision 1 of section 2590-b of the education law as repealed by section six of this act, paragraph (a) of subdivision 2 of section 2590-b of the education law as repealed by section seven of this act, section 2590-c of the education law as repealed by section eight of this act, paragraph c of subdivision 2 of section 2590-d of the education law as repealed by section twenty-six of this act, subdivision 1 of section 2590-e of the education law as repealed by section twenty-seven of this act, subdivision 28 of section 2590-h of the education law as repealed by section twenty-eight of this act, subdivision 30 of section 2590-h of the education law as repealed by section twenty-nine of this act, subdivision 30-a of section 2590-h of the education law as repealed by section thirty of this act shall be revived and be read as such

provisions existed in law on the date immediately preceding the effective date of this act; provided, however, that sections seven and eight of this act shall take effect on November 30, 2003; provided further that the amendments to subdivision 25 of section 2554 of the education law made by section two of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 12 of chapter 147 of the laws of 2001, as amended, when upon such date the provisions of section four of this act shall take effect.

§ 43. Subdivision 12 of section 17 of chapter 345 of the laws of 2009 amending the education law and other laws relating to the New York city board of education, chancellor, community councils, and community superintendents, as amended by section 2 of part O of chapter 73 of the laws of 2016, is amended to read as follows:

12. any provision in sections one, two, three, four, five, six, seven, eight, nine, ten and eleven of this act not otherwise set to expire pursuant to section 34 of chapter 91 of the laws of 2002, as amended, or section 17 of chapter 123 of the laws of 2003, as amended, shall expire and be deemed repealed June 30, [~~2017~~] **2024**.

§ 44. Subdivision b of section 2 of chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, as amended by section 28 of part A of chapter 54 of the laws of 2016, is amended to read as follows:

b. Reimbursement for programs approved in accordance with subdivision a of this section for [~~the 2012--2013 school year shall not exceed 63.3 percent of the lesser of such approvable costs per contact hour or twelve dollars and thirty-five cents per contact hour, reimbursement for the 2013--2014 school year shall not exceed 62.3 percent of the lesser of such approvable costs per contact hour or twelve dollars and sixty-five cents per contact hour, reimbursement for the 2014--2015 school year shall not exceed 61.6 percent of the lesser of such approvable costs per contact hour or thirteen dollars per contact hour, reimbursement for~~] the 2015--2016 school year shall not exceed 60.7 percent of the lesser of such approvable costs per contact hour or thirteen dollars and forty cents per contact hour, [~~and~~] reimbursement for the 2016--2017 school year shall not exceed 60.3 percent of the lesser of such approvable costs per contact hour or thirteen dollars ninety cents per contact hour**, and reimbursement for the 2017--2018 school year shall not exceed 60.4 percent of the lesser of such approvable costs per contact hour or thirteen dollars and ninety cents per contact hour,** where a contact hour represents sixty minutes of instruction services provided to an eligible adult. Notwithstanding any other provision of law to the contrary, [~~for the 2012--2013 school year such contact hours shall not exceed one million six hundred sixty-four thousand five hundred thirty-two (1,664,532) hours; whereas for the 2013--2014 school year such contact hours shall not exceed one million six hundred forty-nine thousand seven hundred forty-six (1,649,746) hours; whereas for the 2014--2015 school year such contact hours shall not exceed one million six hundred twenty-five thousand (1,625,000) hours; whereas~~] for the 2015--2016 school year such contact hours shall not exceed one million five hundred ninety-nine thousand fifteen (1,599,015) hours; whereas for the 2016--2017 school year such contact hours shall not exceed one million five hundred fifty-one thousand three hundred twelve (1,551,312)**; and for the 2017--2018 school year such contact hours shall not exceed one million five hundred forty-nine thousand four hundred sixty-three (1,549,463)**. Notwithstanding any other provision of law to the contrary, the appor-

tionment calculated for the city school district of the city of New York pursuant to subdivision 11 of section 3602 of the education law shall be computed as if such contact hours provided by the consortium for worker education, not to exceed the contact hours set forth herein, were eligible for aid in accordance with the provisions of such subdivision 11 of section 3602 of the education law.

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

v. The provisions of this subdivision shall not apply after the completion of payments for the 2017--2018 school year. Notwithstanding any inconsistent provisions of law, the commissioner of education shall withhold a portion of employment preparation education aid due to the city school district of the city of New York to support a portion of the costs of the work force education program. Such moneys shall be credited to the elementary and secondary education fund-local assistance account and shall not exceed thirteen million dollars ($13,000,000).

§ 46. Section 6 of chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, as amended by section 30 of part A of chapter 54 of the laws of 2016, is amended to read as follows:

§ 6. This act shall take effect July 1, 1992, and shall be deemed repealed on June 30, [~~2017~~] **2018**.

§ 47. Subdivisions 22 and 24 of section 140 of chapter 82 of the laws of 1995, amending the education law and certain other laws relating to state aid to school districts and the appropriation of funds for the support of government, as amended by section 33 of part A of chapter 54 of the laws of 2016, are amended to read as follows:

(22) sections one hundred twelve, one hundred thirteen, one hundred fourteen, one hundred fifteen and one hundred sixteen of this act shall take effect on July 1, 1995; provided, however, that section one hundred thirteen of this act shall remain in full force and effect until July 1, [~~2017~~] **2018** at which time it shall be deemed repealed;

(24) sections one hundred eighteen through one hundred thirty of this act shall be deemed to have been in full force and effect on and after July 1, 1995; provided further, however, that the amendments made pursuant to section one hundred twenty-four of this act shall be deemed to be repealed on and after July 1, [~~2017~~] **2018**;

§ 48. Paragraphs (a-1) and (b) of section 5 of chapter 89 of the laws of 2016 relating to supplementary funding for dedicated programs for public school students in the East Ramapo central school district, are amended to read as follows:

(a-1) The East Ramapo central school district shall be eligible to receive reimbursement [~~from such funds made available~~] pursuant to [~~paragraph (a) of~~] this [~~section~~] **act, subject to available appropriation,** for its approved expenditures **in the two thousand sixteen--two thousand seventeen school year and thereafter** on services to improve and enhance the educational opportunities of students attending the public schools in such district. Such services shall include, but not be limited to, reducing class sizes, expanding academic and enrichment opportunities, establishing and expanding kindergarten programs, expanding extracurricular opportunities and providing student support services, provided, however, transportation services and expenses shall not be eligible for reimbursement from such funds.

(b) In order to receive such funds, the school district in consultation with the monitor or monitors shall develop a long term strategic academic and fiscal improvement plan within 6 months from the enactment of this act **and shall annually revise such plan by October first of each year thereafter**. Such plan**, including such annual revisions thereto,** shall be submitted to the commissioner for approval and shall include a set of goals with appropriate benchmarks and measurable objectives and identify strategies to address areas where improvements are needed in the district, including but not limited to its financial stability, academic opportunities and outcomes, education of students with disabilities, education of English language learners, and shall ensure compliance with all applicable state and federal laws and regulations. This improvement plan shall also include a comprehensive expenditure plan that will describe how the funds made available to the district pursuant to this section will be spent **in the applicable school year**. The comprehensive expenditure plan shall ensure that funds supplement, not supplant, expenditures from local, state and federal funds for services provided to public school students**, except that such funds may be used to continue services funded pursuant to this act in prior years**. Such expenditure plan shall be developed **and annually revised** in consultation with the monitor or monitors appointed by the commissioner. The board of education of the East Ramapo central school district must **annually** conduct a public hearing on the expenditure plan and shall consider the input of the community before adopting such plan. Such expenditure plan shall also be made publicly available and shall be **annually** submitted along with comments made by the community to the commissioner for approval once the plan is finalized. Upon review of the improvement plan and the expenditure plan, required to be submitted pursuant to this subdivision or section seven of this act, the commissioner shall approve or deny such plan in writing and, if denied, shall include the reasons therefor. The district in consultation with the monitors may resubmit such plan or plans with any needed modifications thereto.

§ 49. Section 8 of chapter 89 of the laws of 2016 relating to supplementary funding for dedicated programs for public school students in the East Ramapo central school district, is amended to read as follows:

§ 8. This act shall take effect July 1, 2016 and shall expire and be deemed repealed June 30, [~~2017~~] **2018**.

§ 50. Section 12 of chapter 147 of the laws of 2001, amending the education law relating to conditional appointment of school district, charter school or BOCES employees, as amended by section 34 of part A of chapter 54 of the laws of 2016, is amended to read as follows:

§ 12. This act shall take effect on the same date as chapter 180 of the laws of 2000 takes effect, and shall expire July 1, [~~2017~~] **2018** when upon such date the provisions of this act shall be deemed repealed.

§ 51. School bus driver training. In addition to apportionments otherwise provided by section 3602 of the education law, for aid payable in the 2017--2018 school year, the commissioner of education shall allocate school bus driver training grants to school districts and boards of cooperative educational services pursuant to sections 3650-a, 3650-b and 3650-c of the education law, or for contracts directly with not-for-profit educational organizations for the purposes of this section. Such payments shall not exceed four hundred thousand dollars ($400,000) per school year.

§ 52. Special apportionment for salary expenses. a. Notwithstanding any other provision of law, upon application to the commissioner of education, not sooner than the first day of the second full business

week of June 2018 and not later than the last day of the third full business week of June 2018, a school district eligible for an apportionment pursuant to section 3602 of the education law shall be eligible to receive an apportionment pursuant to this section, for the school year ending June 30, 2018, for salary expenses incurred between April 1 and June 30, 2017 and such apportionment shall not exceed the sum of (i) the deficit reduction assessment of 1990--1991 as determined by the commissioner of education, pursuant to paragraph f of subdivision 1 of section 3602 of the education law, as in effect through June 30, 1993, plus (ii) 186 percent of such amount for a city school district in a city with a population in excess of 1,000,000 inhabitants, plus (iii) 209 percent of such amount for a city school district in a city with a population of more than 195,000 inhabitants and less than 219,000 inhabitants according to the latest federal census, plus (iv) the net gap elimination adjustment for 2010--2011, as determined by the commissioner of education pursuant to chapter 53 of the laws of 2010, plus (v) the gap elimination adjustment for 2011--2012 as determined by the commissioner of education pursuant to subdivision 17 of section 3602 of the education law, and provided further that such apportionment shall not exceed such salary expenses. Such application shall be made by a school district, after the board of education or trustees have adopted a resolution to do so and in the case of a city school district in a city with a population in excess of 125,000 inhabitants, with the approval of the mayor of such city.

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

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

§ 53. Special apportionment for public pension accruals. a. Notwithstanding any other provision of law, upon application to the commissioner of education, not later than June 30, 2018, a school district eligible for an apportionment pursuant to section 3602 of the education law shall be eligible to receive an apportionment pursuant to this section, for the school year ending June 30, 2018 and such apportionment shall not exceed the additional accruals required to be made by school districts in the 2004--2005 and 2005--2006 school years associated with changes for such public pension liabilities. The amount of such additional accrual shall be certified to the commissioner of education by the president of the board of education or the trustees or, in the case of a city school district in a city with a population in excess of 125,000 inhabitants, the mayor of such city. Such application shall be made by a school district, after the board of education or trustees have adopted a resolution to do so and in the case of a city school district in a city with a population in excess of 125,000 inhabitants, with the approval of the mayor of such city.

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

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

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

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

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

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

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

§ 55. Notwithstanding the provision of any law, rule, or regulation to the contrary, the city school district of the city of Rochester, upon the consent of the board of cooperative educational services of the supervisory district serving its geographic region may purchase from such board for the 2017--2018 school year, as a non-component school district, services required by article 19 of the education law.

§ 56. The amounts specified in this section shall be set aside from the state funds which each such district is receiving from the total foundation aid: for the purpose of the development, maintenance or expansion of magnet schools or magnet school programs for the 2017--2018 school year. To the city school district of the city of New York there shall be paid forty-eight million one hundred seventy-five thousand dollars ($48,175,000) including five hundred thousand dollars ($500,000) for the Andrew Jackson High School; to the Buffalo city school district, twenty-one million twenty-five thousand dollars ($21,025,000); to the Rochester city school district, fifteen million dollars ($15,000,000); to the Syracuse city school district, thirteen million dollars ($13,000,000); to the Yonkers city school district, forty-nine million five hundred thousand dollars ($49,500,000); to the Newburgh city school district, four million six hundred forty-five thousand dollars ($4,645,000); to the Poughkeepsie city school district, two million four hundred seventy-five thousand dollars ($2,475,000); to the Mount Vernon city school district, two million dollars ($2,000,000); to the New Rochelle city school district, one million four hundred ten thousand dollars ($1,410,000); to the Schenectady city school district, one million eight hundred thousand dollars ($1,800,000); to the Port Chester city school district, one million one hundred fifty thousand dollars ($1,150,000); to the White Plains city school district, nine hundred thousand dollars ($900,000); to the Niagara Falls city school district, six hundred thousand dollars ($600,000); to the Albany city school district, three million five hundred fifty thousand dollars ($3,550,000); to the Utica city school district, two million dollars ($2,000,000); to the Beacon city school district, five hundred sixty-six thousand dollars ($566,000); to the Middletown city school district, four hundred thousand dollars ($400,000); to the Freeport union free school district, four hundred thousand dollars ($400,000); to the Greenburgh central school district, three hundred thousand dollars ($300,000); to the Amsterdam city school district, eight hundred thousand dollars ($800,000); to the Peekskill city school district, two hundred thousand dollars ($200,000); and to the Hudson city school district, four hundred thousand dollars ($400,000). Notwithstanding the provisions of this section, a school district receiving a grant pursuant to this section may use such grant funds for: (i) any instructional or

instructional support costs associated with the operation of a magnet school; or (ii) any instructional or instructional support costs associated with implementation of an alternative approach to reduction of racial isolation and/or enhancement of the instructional program and raising of standards in elementary and secondary schools of school districts having substantial concentrations of minority students. The commissioner of education shall not be authorized to withhold magnet grant funds from a school district that used such funds in accordance with this paragraph, notwithstanding any inconsistency with a request for proposals issued by such commissioner. For the purpose of attendance improvement and dropout prevention for the 2017--2018 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 2017--2018 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 2017--2018 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.

§ 57. Support of public libraries. The moneys appropriated for the support of public libraries by a chapter of the laws of 2017 enacting the aid to localities budget shall be apportioned for the 2017-2018 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 2017-2018 by a chapter of the laws of 2017 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.

§ 58. Paragraph a-1 of subdivision 11 of section 3602 of the education law, as amended by chapter 45 of part A of chapter 54 of the laws of 2016, is amended to read as follows:

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

§ 59. Subdivision a of section 5 of chapter 121 of the laws of 1996, relating to authorizing the Roosevelt union free school district to finance deficits by the issuance of serial bonds, as amended by section 44 of part A of chapter 54 of the laws of 2016, is amended to read as follows:

a. Notwithstanding any other provisions of law, upon application to the commissioner of education submitted not sooner than April first and not later than June thirtieth of the applicable school year, the Roosevelt union free school district shall be eligible to receive an apportionment pursuant to this chapter for salary expenses, including related benefits, incurred between April first and June thirtieth of such school year. Such apportionment shall not exceed: for the 1996-97 school year through the [~~2016-17~~] **2017-18** school year, four million dollars ($4,000,000); for the [~~2017-18~~] **2018-19** school year, three million dollars ($3,000,000); for the [~~2018-19~~] **2019-20** school year, two million dollars ($2,000,000); for the [~~2019-20~~] **2020-21** school year, one million dollars ($1,000,000); and for the [~~2020-21~~] **2021-22** 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.

§ 60. Subdivision 11 of section 94 of part C of chapter 57 of the laws of 2004, relating to the support of education, as amended by section 22-a of Part A of chapter 56 of the laws of 2014, is amended to read as follows:

11. section seventy-one of this act shall expire and be deemed repealed June 30, [~~2017~~] **2020**;

§ 61. Paragraph b of subdivision 21 of section 305 of the education law, as added by chapter 474 of the laws of 1996, is amended to read as follows:

b. The commissioner shall periodically prepare an updated electronic data file containing actual and estimated data relating to apportionments due and owing during the current school year and projections of such apportionments for the following school year to school districts and boards of cooperative educational services from the general support for public schools, growth and boards of cooperative educational services appropriations on the following dates: November fifteenth, or such alternative date as may be requested by the director of the budget for the purpose of preparation of the executive budget; February fifteenth, or such alternative date as may be jointly requested by the chair of the senate finance committee and the chair of the assembly ways and means committee; and May fifteenth. **For the purposes of using estimated data for projections of apportionments for the following school year, when no specific apportionment has yet been made for such school year, but such apportionment has a history of annual reauthorization, the commissioner shall estimate the apportionment at the same level as the preceding school year.**

§ 62. Subdivision 4 of section 51 of part B of chapter 57 of the laws of 2008 amending the education law relating to the universal pre-kindergarten program, as amended by section 23 of part A of chapter 57 of the laws of 2012, is amended to read as follows:

4. section [~~23~~] **twenty-three** of this act shall take effect July 1, 2008 and shall expire and be deemed repealed June 30, [~~2017~~] **2022**;

§ 63. Section 2 of chapter 658 of the laws of 2002, amending the education law relating to citizenship requirements for permanent certification as a teacher, as amended by chapter 289 of the laws of 2012, is amended to read as follows:

§ 2. This act shall take effect immediately, and shall expire and be deemed repealed November 30, [~~2017~~] **2022**.

§ 64. Paragraph a of subdivision 4 of section 4405 of the education law, as amended by chapter 53 of the laws of 1990, is amended to read as follows:

a. The commissioner of education and the commissioner of social services shall develop reimbursement methodologies for the tuition and maintenance components of approved private schools and special act school districts. The commissioner [~~of education~~], in consultation with the appropriate state agencies and departments, shall have responsibility for developing [~~a~~] reimbursement [~~methodology~~] **methodologies** for tuition which shall be based upon appropriate educational standards promulgated pursuant to regulations of the commissioner [~~of education~~]. The commissioner of social services, in consultation with appropriate state agencies and departments, shall have responsibility for developing [~~a~~] reimbursement [~~methodology~~] **methodologies** for maintenance, pursuant to section three hundred ninety-eight-a of the social services law and the regulations promulgated thereunder.

§ 65. Notwithstanding any law to the contrary, the state education department shall be exempt from the requirements and the waiver provisions included in budget bulletin B-1182, which took effect August 21, 2008. Provided that such department may use such authority to hire additional staff, including but not limited to staff to provide prekindergarten technical assistance statewide.

§ 66. Notwithstanding any provision of law to the contrary, the director of the division of the budget shall immediately make available all persistently failing school transformation grant funds that were awarded by the state education department, pursuant to chapter 61 of the laws of 2015, which amended section 1 of chapter 53 of the laws of 2015, and

which was further amended by chapter 53 of the laws of 2016, to those schools identified as persistently struggling schools pursuant to section 211-f of the education law as of July 16, 2015 and whose registration remains in effect as of April 1, 2017.

§ 67. Tuition rates approved for the 2017--2018 school year for special services or programs provided to school-age students by special act school districts; approved private residential or non-residential schools for the education of students with disabilities that are located within the state; and providers of education to preschool children with disabilities pursuant to section 4410 of the education law shall provide for an increase of at least four percent in reimbursable costs.

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

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

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

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

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

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

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

§ 69. Paragraph a of subdivision 14 of section 305 of the education law, as amended by chapter 273 of the laws of 1999, is amended to read as follows:

a. (1) All contracts for the transportation of school children, all contracts to maintain school buses owned or leased by a school district that are used for the transportation of school children, all contracts for mobile instructional units, and all contracts to provide, maintain and operate cafeteria or restaurant service by a private food service management company shall be subject to the approval of the commissioner, who may disapprove a proposed contract if, in his or her opinion, the best interests of the district will be promoted thereby. Except as provided in paragraph e of this subdivision, all such contracts involving an annual expenditure in excess of the amount specified for purchase contracts in the bidding requirements of the general municipal law shall be awarded to the lowest responsible bidder, which responsibility shall be determined by the board of education or the trustee of a district, with power hereby vested in the commissioner to reject any or all bids if, in his or her opinion, the best interests of the district will be promoted thereby and, upon such rejection of all bids, the commissioner shall order the board of education or trustee of the district to seek, obtain and consider new proposals. All proposals for such transporta-

tion, maintenance, mobile instructional units, or cafeteria and restaurant service shall be in such form as the commissioner may prescribe. Advertisement for bids shall be published in a newspaper or newspapers designated by the board of education or trustee of the district having general circulation within the district for such purpose. Such advertisement shall contain a statement of the time when and place where all bids received pursuant to such advertisement will be publicly opened and read either by the school authorities or by a person or persons designated by them. All bids received shall be publicly opened and read at the time and place so specified. At least five days shall elapse between the first publication of such advertisement and the date so specified for the opening and reading of bids. The requirement for competitive bidding shall not apply to an award of a contract for the transportation of pupils or a contract for mobile instructional units, if such award is based on an evaluation of proposals in response to a request for proposals pursuant to paragraph e of this subdivision. The requirement for competitive bidding shall not apply to annual, biennial, or triennial extensions of a contract nor shall the requirement for competitive bidding apply to quadrennial or quinquennial year extensions of a contract involving transportation of pupils, maintenance of school buses or mobile instructional units secured either through competitive bidding or through evaluation of proposals in response to a request for proposals pursuant to paragraph e of this subdivision, when such extensions [~~(1)~~] **(i)** are made by the board of education or the trustee of a district, under rules and regulations prescribed by the commissioner, and, [~~(2)~~] **(ii)** do not extend the original contract period beyond five years from the date cafeteria and restaurant service commenced thereunder and in the case of contracts for the transportation of pupils, for the maintenance of school buses or for mobile instructional units, that such contracts may be extended, except that power is hereby vested in the commissioner, in addition to his **or her** existing statutory authority to approve or disapprove transportation or maintenance contracts, [~~(i)~~] **(A)** to reject any extension of a contract beyond the initial term thereof if he **or she** finds that amount to be paid by the district to the contractor in any year of such proposed extension fails to reflect any decrease in the regional consumer price index for the N.Y., N.Y.-Northeastern, N.J. area, based upon the index for all urban consumers (CPI-U) during the preceding twelve month period**, or in a city school district in a city with a population of one million or more for all contracts for school buses used for the transportation of school children, maintenance, and all contracts for mobile instructional units, if the amount to be paid by the district to the contractor in any year of such proposed extension fails to reflect any percentage decrease in the employment cost index (ECI) for total compensation for private industry workers in the northeast region (not seasonally adjusted) for the fourth quarter of the preceding year**; [~~and (ii)~~] **(B)** to reject any extension of a contract after ten years from the date transportation or maintenance service commenced thereunder, or mobile instructional units were first provided, if in his **or her** opinion, the best interests of the district will be promoted thereby. Upon such rejection of any proposed extension, the commissioner may order the board of education or trustee of the district to seek, obtain and consider bids pursuant to the provisions of this section**; and (C) to reject any extension of a contract for transportation, or new contract, if he or she finds that the amount to be paid by the district to the contractor in any year of such proposed contract fails to reflect the savings realized from the**

sales tax exemption on school buses, parts, equipment, lubricants and fuel used for school purposes pursuant to paragraph forty-four of subdivision (a) of section eleven hundred fifteen of the tax law. The board of education or the trustee of a school district electing to extend a contract as provided herein, may, in its discretion, increase the amount to be paid in each year of the contract extension by an amount not to exceed the regional consumer price index increase for the N.Y., N.Y.-Northeastern, N.J. area, based upon the index for all urban consumers (CPI-U), during the preceding twelve month period, or in a city school district in a city with a population of one million or more for all contracts for school buses used for the transportation of school children, maintenance, and all contracts for mobile instructional units, by an amount not to exceed the percentage increase in the employment cost index (ECI) total compensation for private industry workers in the northeast region (not seasonally adjusted) for the fourth quarter of the preceding year, provided it has been satisfactorily established by the contractor that there has been at least an equivalent increase in the amount of his or her cost of operation, during the period of the contract.

(2) Notwithstanding any other provision of this subdivision, the board of education of a school district located in a city with at least one million inhabitants shall include in contracts for the transportation of school children in kindergarten through grade twelve, whether awarded through competitive bidding or through evaluation of proposals in response to a request for proposals pursuant to paragraph e of this subdivision, provisions for the retention or preference in hiring of school bus workers and for the preservation of wages, health, welfare and retirement benefits and seniority for school bus workers who are hired pursuant to such provisions for retention or preference in hiring, in connection with such contracts. For purposes of this subparagraph, "school bus worker" shall mean an operator, mechanic, dispatcher or attendant who: (i) was employed as of June thirtieth, two thousand ten or at any time thereafter by (A) a contractor that was a party to a contract with the board of education of a school district located in a city with at least one million inhabitants for the transportation of school children in kindergarten through grade twelve, in connection with such contract, or (B) a subcontractor of a contractor that was a party to a contract with the board of education of a school district located in a city with at least one million inhabitants for the transportation of school children in kindergarten through grade twelve, in connection with such contract, and (ii) has been furloughed or become unemployed as a result of a loss of such contract, or a part of such contract, by such contractor or such subcontractor, or as a result of a reduction in service directed by such board of education during the term of such contract.

§ 70. Paragraph c of subdivision 14 of section 305 of the education law, as amended by chapter 15 of the laws of 2005, is amended to read as follows:

c. Each board of education, or the trustees, of a school district which elected or elects to extend one or more pupil transportation contracts may extend a contract in an amount which is in excess of the maximum increase allowed by use of the CPI or for a city school district in a city with a population of one million or more ECI referenced in paragraph a of this subdivision. Such excess amount shall not be greater than the sum of the following: (i) the sum of the actual cost of qualifying criminal history and driver licensing testing fees attributable to

special requirements for drivers of school buses pursuant to articles nineteen and nineteen-A of the vehicle and traffic law plus the actual cost of any diagnostic tests and physical performance tests that are deemed to be necessary by an examining physician or the chief school officer to determine whether an applicant to drive a school bus under the terms of the contract has the physical and mental ability to operate a school transportation conveyance and to satisfactorily perform the other responsibilities of a school bus driver pursuant to regulations of the commissioner; (ii) in a school district located in a city with at least one million inhabitants, the actual cost of clean air technology filters and Global Positioning System (GPS) technology; (iii) in a school district located in a city with at least one million inhabitants, with respects only to any extension beginning in fiscal year two thousand five--two thousand six, the sum of the actual cost of providing school bus attendants including the actual cost of criminal history record checks for school bus attendant applicants and training and instruction for school bus attendants pursuant to section twelve hundred twenty-nine-d of the vehicle and traffic law plus up to five percent of such cost for necessary administrative services; and (iv) the actual cost of equipment or vehicle modification, or training required, by any state or local legislation or regulation promulgated or effective on or after June first, two thousand five. Such costs shall be approved by the commissioner upon documentation provided by the school district and contractor as required by the commissioner.

§ 71. Subdivision (a) of section 1115 of the tax law is amended by adding a new paragraph 44 to read as follows:

(44) School buses as such term is defined in section one hundred forty-two of the vehicle and traffic law, and parts, equipment, lubricants and fuel purchased and used in their operation.

§ 72. The education law is amended by adding a new section 3602-eee to read as follows:

§ 3602-eee. Additional expanded prekindergarten. 1. Beginning in the two thousand seventeen--two thousand eighteen school year fifty million dollars ($50,000,000) shall be made available for additional grants for an expanded prekindergarten program for three- and four-year old students; provided that such grants shall be awarded based on a methodology developed by the commissioner to school districts to establish new full-day and half-day prekindergarten placements for three-year-olds and four-year-olds. Such grants shall be awarded based on factors including, but not limited to, the following: (i) measures of school district need, (ii) measures of the need of students to be served by each of the school districts, (iii) the school district's proposal to target the highest-need schools and students, and (iv) the extent to which the district's proposal would prioritize funds to maximize the total number of eligible children in the district served in prekindergarten programs.

2. Grants appropriated herein shall only be available to support programs (i) that agree to offer instruction consistent with applicable New York state prekindergarten early learning standards; and (ii) that otherwise comply with all of the same rules and requirements as universal prekindergarten programs pursuant to section three thousand six hundred two-e of this article.

3. Notwithstanding paragraph c of subdivision one of section three thousand six hundred two-e of this article, for the purposes of this appropriation, an eligible child shall be a resident child who is three years of age on or before December first of the year in which he or she is enrolled. As a condition of eligibility for receipt of such funding

for three-year-olds, a school district must currently offer a prekindergarten program for four-year-old children, or children who would otherwise be eligible under paragraph c of subdivision one of section three thousand six hundred two-e of this article. A school district may only be granted as many full-day or half-day placements for three-year-old children as it currently offers for four-year-old children, or children who would otherwise be eligible under paragraph c of subdivision one of section three thousand six hundred two-e of this article.

4. A school district's grant shall equal the product of (a) (i) two multiplied by the approved number of new full-day prekindergarten placements plus (ii) the approved number of new half-day prekindergarten placements, and (b) the district's selected aid per prekindergarten pupil pursuant to subparagraph (i) of paragraph b of subdivision ten of section three thousand six hundred two-e of this article; provided, however, that no district shall receive a grant in excess of the total actual grant expenditures incurred by the district in the current school year as approved by the commissioner.

§ 73. No later than September 1, 2017, the chancellor of the New York city department of education shall complete a study on the admission processes of the specialized senior high schools established pursuant to section 2590-h of the education law, including those which the city board may have designated. Such study shall seek to identify barriers to admission by underrepresented students and identify ways to make such schools' student populations more similarly reflect the student population of the district as a whole while maintaining a competitive and rigorous admission process. A copy of such report shall be provided to the governor, the temporary president of the senate, and the speaker of the assembly.

§ 74. Notwithstanding any provision of the law to the contrary, for the Newburgh city school district, having a penalty arising from the late filing of a final cost report for project number 0001-011, the commissioner of education shall recover such penalty in five equal annual installments beginning in June of 2018. Provided further that such district may elect to make an initial payment no later than thirty days in advance of the first annual installment which shall reduce the amount of each annual installment.

§ 75. Notwithstanding any provision of law to the contrary, for the North Syracuse central school district, having a penalty arising from the late filing of a final cost report for project numbers 5037-010, 0003-007, 0011-012, 7999-001, 0016-019 and 0009-014, the commissioner of education shall recover such penalty in five equal annual installments beginning in June of 2018. Provided further that such district may elect to make an initial payment no later than thirty days in advance of the first annual installment which shall reduce the amount of each annual installment.

§ 76. No later than June 30, 2018, the commissioner of education shall prepare and submit to the governor, the temporary president of the senate and the speaker of the assembly a report on student discipline and best practices for establishing a safe, respectful and supportive learning environment. Such report shall study and make recommendations on programs, practices and policies that may be implemented by schools to establish a school climate that promotes positive student behaviors, holds students accountable and keeps students in school and class. Such report shall consider the use of restorative practices including but not limited to conflict resolution, mediation, and peer counseling in

addressing student misconduct. Such commissioner shall consult with stakeholders and other interested parties when preparing such report.

§ 77. 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.

§ 78. This act shall take effect immediately, and shall be deemed to have been in full force and effect on and after April 1, 2017, provided, however, that:

1. sections one, nineteen, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-three, thirty-four, thirty-five, forty-four, forty-eight, forty-nine, fifty-one, fifty-five, fifty-six, fifty-eight and fifty-nine of this act shall take effect July 1, 2017;

2. the amendments to paragraph b-1 of subdivision 4 of section 3602 of the education law made by section twenty-one of this act shall not affect the expiration of such paragraph pursuant to section 13 of part A of chapter 97 of the laws of 2011, as amended, and shall expire therewith;

3. 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 forty-four and forty-five of this act, shall not affect the repeal of such chapter and shall be deemed repealed therewith;

4. the amendments to chapter 89 of the laws of 2016, relating to supplementary funding for dedicated programs for public school students in the East Ramapo central school district, made by section forty-eight of this act shall not affect the repeal of such chapter and shall be deemed repealed therewith;

5. the amendments to subdivision 33 of section 305 of the education law, made by section seven of this act, shall not affect the repeal of such subdivision and shall be deemed repealed therewith;

6. the amendments to subdivision 7 of section 2802 of the education law, made by section eight of this act, shall not affect the repeal of such subdivision and shall be deemed repealed therewith;

7. the amendments to subdivision 7 of section 3214 of the education law, made by section nine of this act, shall not affect the repeal of such subdivision and shall be deemed repealed therewith; and

8. the amendments to paragraph c of subdivision 14 of section 305 of the education law, made by section seventy of this act, shall take effect on the first day of a quarterly sales tax period, as set forth in subdivision (b) of section 1136 of the tax law, next succeeding April 1, 2017.

PART A-1

Section 1. Subdivision 1 of section 2851 of the education law, as amended by chapter 101 of the laws of 2010, is amended to read as follows:

1. An application to establish a charter school may be submitted by teachers, parents, school administrators, community residents or any combination thereof. Such application may be filed in conjunction with a college, university, museum, educational institution, not-for-profit corporation exempt from taxation under paragraph 3 of subsection (c) of section 501 of the internal revenue code or for-profit business or corporate entity authorized to do business in New York state. Provided however, for-profit business or corporate entities shall not be eligible to submit an application to establish a charter school pursuant to subdivision nine-a of section twenty-eight hundred fifty-two of this article, or operate or manage a charter school for a charter issued pursuant to subdivision nine-a of section twenty-eight hundred fifty-two of this article. For charter schools established in conjunction with a for-profit **or not-for-profit** business or corporate entity, the charter shall specify the extent of the entity's participation in the management and operation of the school.

§ 2. Paragraph (h) of subdivision 2 of section 2851 of the education law, as added by chapter 4 of the laws of 1998, is amended to read as follows:

(h) The rules and procedures by which students may be disciplined[~~, including but not limited to expulsion or suspension from the school, which shall be consistent with the requirements of due process and with federal laws and regulations governing the placement of students with disabilities~~] **shall be in accordance with the provisions of subdivisions two-a, three and three-a of section thirty-two hundred fourteen of this chapter. The charters of all charter schools that were issued on or before July first, two thousand seventeen shall be deemed amended to require compliance with the procedures set forth in subdivisions two-a, three and three-a of section thirty-two hundred fourteen of this chapter**.

§ 3. Paragraph (e) of subdivision 4 of section 2851 of the education law, as added by chapter 101 of the laws of 2010, is amended to read as follows:

(e) The means by which the charter school will meet or exceed **the** enrollment [~~and retention targets as prescribed by the board of regents or the board of trustees of the state university of New York, as applicable, of students with disabilities, English language learners, and students who are eligible applicants for the free and reduced price lunch program which shall be considered by the charter entity prior to approving such charter school's application for renewal. When developing such targets, the board of regents and the board of trustees of the state university of New York shall ensure (1) that such enrollment targets are comparable to the enrollment figures of such categories of students attending the public schools within the school district, or in a city school district in a city having a population of one million or more inhabitants, the community school district, in which the charter school is located; and (2) that such retention targets are comparable to the rate of retention of such categories of students attending the public schools within the school district, or in a city school district in a city having a population of one million or more inhabitants, the community school district, in which the proposed charter school would be located~~] **requirements of subparagraph (ii) of paragraph (b) of subdivision two of section two thousand eight hundred fifty-four of this article**.

§ 4. Subdivision 2 of section 2852 of the education law, as amended by section 2 of part D-2 of chapter 57 of the laws of 2007, is amended to read as follows:

2. An application for a charter school shall not be approved unless the charter entity finds **in writing** that:

(a) the charter school described in the application meets the requirements set out in this article and all other applicable laws, rules and regulations;

(b) the applicant can demonstrate the ability to operate the school in an educationally and fiscally sound manner;

(c) granting the application is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of section twenty-eight hundred fifty of this article; and

(d) in a school district where the total enrollment of resident students attending charter schools in the base year is greater than five percent of the total public school enrollment of the school district in the base year (i) granting the application would have a significant educational benefit to the students expected to attend the proposed charter school [~~or~~] **and** (ii) the school district in which the charter school will be located consents to such application.

In reviewing applications, the charter entity is encouraged to give preference to applications that demonstrate the capability to provide comprehensive learning experiences to students identified by the applicants as at risk of academic failure. **Upon making a determination of whether an application for a charter school shall be approved, the charter entity shall provide detailed written findings related to each of the requirements in this subdivision, which shall be made available to the charter school applicant, board of regents and the school district in which the proposed charter school would be located.**

§ 5. Subdivision 5 of section 2852 of the education law, as amended by chapter 101 of the laws of 2010, is amended to read as follows:

5. **(a)** Upon approval of an application by a charter entity, the applicant and charter entity shall enter into a proposed agreement allowing the applicants to organize and operate a charter school. Such written agreement, known as the charter, shall include [~~(a)~~] **(i)** the information required by subdivision two of section twenty-eight hundred fifty-one of this article, as modified or supplemented during the approval process, [~~(b)~~] **(ii)** in the case of charters to be issued pursuant to subdivision nine-a of this section, information required by such subdivision, [~~(c)~~] **(iii) a provision prohibiting the charter school from entering into, renewing or extending any agreement with a for-profit or not-for-profit corporate or other business entity for the administration, management or operation of the charter school unless the agreement requires such entity to provide state and local officers having the power to audit the charter school pursuant to this article with access to the entity's records relating to the costs of, and fees for, providing such services to the school, (iv)** any other terms or conditions required by applicable laws, rules and regulations, and [~~(d)~~] any other terms or conditions, not inconsistent with law, agreed upon by the applicant and the charter entity. In addition, the charter shall include the specific commitments of the charter entity relating to its obligations to oversee and supervise the charter school. Within five days after entering into a proposed charter, the charter entity other than the board of regents shall submit to the board of regents a copy of the charter, the application and supporting documentation for final approval and issuance by the board of

regents in accordance with subdivisions five-a and five-b of this section.

(b) No charter school having a charter that was issued and approved on or before the effective date of this paragraph shall enter into, renew or extend the duration of any agreement with a for-profit or not-for-profit corporate or other business entity for the administration, management or operation of the charter school unless the agreement requires such entity to provide state and local officers having the power to audit the charter school pursuant to this article with access to the entity's records relating to the costs of, and fees for, providing such services to the school. Any agreement entered into, renewed or extended in violation of this section shall be null, void and wholly unenforceable, and a violation of this section shall be grounds for revocation or termination of a charter pursuant to section twenty-eight hundred fifty-five of this article.

§ 6. Subparagraph (i) of paragraph (b) of subdivision 9-a of section 2852 of the education law, as amended by section 2 of subpart A of part B of chapter 20 of the laws of 2015, is amended to read as follows:

(i) that the proposed charter school would meet or exceed **the** enrollment [~~and retention targets, as prescribed by the board of regents or the board of trustees of the state university of New York, as applicable, of students with disabilities, English language learners, and students who are eligible applicants for the free and reduced price lunch program. When developing such targets, the board of regents and the board of trustees of the state university of New York, shall ensure (1) that such enrollment targets are comparable to the enrollment figures of such categories of students attending the public schools within the school district, or in a city school district in a city having a population of one million or more inhabitants, the community school district, in which the proposed charter school would be located; and (2) that such retention targets are comparable to the rate of retention of such categories of students attending the public schools within the school district, or in a city school district in a city having a population of one million or more inhabitants, the community school district, in which the proposed charter school would be located~~] **requirements of subparagraph (ii) of paragraph (b) of subdivision two of section two thousand eight hundred fifty-four of this article**; and

§ 7. Section 2853 of the education law is amended by adding a new subdivision 2-b to read as follows:

2-b. In any case where a charter school enters into, renews or extends any agreement with a for-profit or not-for-profit business or corporate entity for the administration, management or operation of a charter school, the charter school is required to have a formal contract with such entity. Any such contract shall be reviewed and approved by the charter entity.

§ 8. Paragraph (a) of subdivision 3 of section 2853 of the education law, as amended by chapter 101 of the laws of 2010, is amended to read as follows:

(a) A charter school may be located in part of an existing public school building, in space provided on a private work site, in a public building or in any other suitable location. Provided, however, before a charter school may be located in part of an existing public school building, the charter entity shall provide notice to the parents or guardians of the students then enrolled in the existing school building and shall hold a public hearing for purposes of discussing the location of the charter school. **All contracts entered into by such charter**

school, or any education corporation organized to operate a charter school, or any other public entity, including the state, a public benefit corporation, municipal corporation, or any private entity acting on behalf of any of these entities, involving the construction, reconstruction, demolition, excavation, rehabilitation, repair, renovation, or alteration of any charter school facility shall be subject to the requirements of section one hundred three of the general municipal law and articles eight and nine of the labor law. A charter school may own, lease or rent its space.

§ 9. The opening paragraph and subparagraph 1 of paragraph (e) of subdivision 3 of section 2853 of the education law, as added by section 5 of part BB of chapter 56 of the laws of 2014, are amended to read as follows:

[~~In~~] **Except as provided in subparagraph seven of this paragraph,** a city school district in a city having a population of one million or more inhabitants, charter schools that first commence instruction or that require additional space due to an expansion of grade level, pursuant to this article, approved by their charter entity for the two thousand fourteen--two thousand fifteen school year or thereafter and request co-location in a public school building **and demonstrates to the city school district that the charter school does not have the financial capacity to procure adequate facilities** shall be provided access to facilities pursuant to this paragraph for such charter schools that first commence instruction or that require additional space due to an expansion of grade level, pursuant to this article, approved by their charter entity for those grades newly provided.

(1) Notwithstanding any other provision of law to the contrary, within the later of (i) five months after a charter school's written request for co-location and (ii) **provided that a charter school demonstrates that it lacks the financial capacity to procure adequate facilities,** thirty days after the charter school's charter is approved by its charter entity, the city school district shall either: (A) offer at no cost to the charter school a co-location site in a public school building approved by the board of education as provided by law, or (B) offer the charter school space in a privately owned or other publicly owned facility at the expense of the city school district and at no cost to the charter school **for three years**. The space must be reasonable, appropriate and comparable and in the community school district to be served by the charter school and otherwise in reasonable proximity.

§ 10. Paragraph (e) of subdivision 3 of section 2853 of the education law is amended by adding a new subparagraph 7 to read as follows:

(7)(A) No charter school that, either alone or in combination with any charter affiliate, has any direct or indirect interest in, or may be entitled to receive any beneficial interest from, any asset or assets of any kind or nature that alone or combined have a value exceeding one million dollars, shall be offered or entitled to receive: (i) a co-location site in a public school building at no cost; or (ii) a space in a privately or publicly owned facility at the expense of the city school district.

(B) Nothing in this subparagraph shall prohibit a charter school from receiving a co-location in a public building at fair market value unless doing so would negatively impact the size of classes in any other school in the building.

(C) As used in this subparagraph the term "charter affiliate" means: (i) any entity that is directly or indirectly controlled by, in control of, or under common control with, the charter school or (ii) any entity

that provides management, fundraising or other administrative support services to the charter school.

§ 11. Paragraph (c) of subdivision 4 of section 2853 of the education law, as amended by section 1 of part BB of chapter 56 of the laws of 2014, is amended to read as follows:

(c) A charter school may contract with the governing body of a public college or university for the use of a school building and grounds, the operation and maintenance thereof. Any such contract shall provide such services or facilities at [~~cost~~] fair market value. [~~A school district shall permit any charter school granted approval to co-locate, to use such services and facilities without cost.~~]

§ 12. Section 2853 of the education law is amended by adding a new subdivision 5 to read as follows:

5. Disclosure. (a) A charter school shall report:

(i) by the fifteenth day of February of each calendar year, the name, address and total compensation paid to each person serving as a charter executive in the previous calendar year; and

(ii) within thirty days of receipt, the name and address of any individual, corporation, association, or entity providing a contribution, gift, loan, advance or deposit of one thousand dollars or more to the charter school or charter affiliate and the amount of each such contribution, gift, loan, advance or deposit.

(b) If a charter school either alone or together with any charter affiliate has any direct or indirect interest in, or may be entitled to receive any beneficial interest in, any asset or assets of any kind or nature, alone or together, with a value in excess of one million dollars, the charter school shall:

(i) ensure that the financial statements of the charter school and each charter affiliate conform to and are reported according to generally accepted accounting principles; and

(ii) ensure that the financial statements of the charter school and any charter affiliate are audited in accordance with generally accepted auditing standards by an independent certified public accountant or an independent public accountant, that such audit receives an "unqualified" opinion as to, among other things, compliance with generally accepted accounting principles and that such audit is completed within nine months of the conclusion of the fiscal year.

(c) If a charter school either alone or together with any charter affiliate has any direct or indirect interest in, or may be entitled to receive any beneficial interest in, any asset or assets of any kind or nature, alone or together, with a value in excess of one million dollars, it shall also report by the fifteenth day of February of each ensuing calendar year the following:

(i) the most recent audited financial statements of the charter school and any charter affiliate which shall conform to and be reported according to generally accepted accounting principles;

(ii) the most recent auditor's report on the financial statements of the charter school and any charter affiliate;

(iii) the "unqualified" opinion received from the auditor of the most recent financial statements as to, among other things, compliance with generally accepted accounting principles; and

(iv) any compensation or remuneration, whether paid or given, including but not limited to salary, bonus, and deferred compensation and any benefit having monetary value, including but not limited to, perquisites, fringe benefits, employer contributions to defined contribution

retirement plans and other retirement or severance benefits received by a charter executive from any source.

(d)(i) Each report required by this subdivision shall be accompanied by a statement, under oath, by the chairperson of the school's board of trustees or other appropriate member of the board of trustees, that, after the due inquiry, the reports are true and correct to the best of his or her knowledge and have been provided to each member of the school's board of trustees.

(ii) A charter school to which paragraphs (b) and (c) of this subdivision do not apply shall, by the fifteenth day of February of each calendar year, submit a statement as part of its report pursuant to subparagraph (ii) of paragraph (a) of this subdivision, under oath, by the chairperson of the school's board of trustees or other appropriate member of the board of trustees, that, after the due inquiry, the charter school either alone or together with any charter affiliate does not have any direct or indirect interest in or may be entitled to receive any beneficial interest in any asset or assets of any kind or nature, alone or together, with a value in excess of one million dollars.

(e) Any report required pursuant to this subdivision shall be made to the board of regents, the school's charter entity, and the comptroller of the city of New York for charter schools located in New York city and the comptroller of the state of New York for charter schools located outside of the city of New York. The commissioner shall ensure that such report is made publicly available via the department's official internet website within five days of its receipt.

(f) A charter school's failure to comply with the provisions of this subdivision shall be a very significant factor in determining whether the charter entity or the board of regents terminates the school's charter.

(g) As used in this subdivision:

(i) "total compensation" shall include: (A) any compensation or remuneration, whether paid or given, by or on behalf of the charter school or any charter affiliate, for services rendered to, on behalf of, or at the request of the charter school, including but not limited to salary, bonus, and deferred compensation and (B) any benefit having monetary value provided by or on behalf of the charter school or any charter affiliate, including but not limited to, perquisites, fringe benefits, employer contributions to defined contribution retirement plans and other retirement or severance benefits.

(ii) "charter affiliate" means: (A) any entity that is, directly or indirectly, controlled by, in control of, or under common control with the charter school or (B) any entity or affiliate thereof that provides management, fundraising, or other administrative support services to the charter school.

(iii) "charter executive" means: (A) an officer, director, trustee, consultant, supervisory employee of a charter school or charter affiliate or (B) anyone who exerts operational or managerial influence or control over the school including, but not limited to, influence or control over the school through a charter management company.

§ 13. Section 2853 of the education law is amended by adding a new subdivision 6 to read as follows:

6. Executive compensation. (a) No charter school shall provide any compensation to any individual who is also an officer, director, trustee, consultant, or employee of a charter affiliate or to any individual who exerts operational or managerial influence or control over the school through a charter affiliate.

(b)(i) No charter school or charter affiliate shall permit the total compensation received by a charter executive to be greater than one hundred ninety-nine thousand dollars per annum, including not only state funds and state-authorized payments but also any other sources of funding, and greater than the seventy-fifth percentile of that compensation provided to charter executives of other charter schools and charter affiliates within the same or comparable geographic area as established by a compensation survey identified, provided, or recognized by the department and the director of the division of the budget.

(ii) If the department and the director of the division of the budget find good cause after considering the factors set forth in subparagraph (iv) of this paragraph, a waiver of the limit on total compensation that a charter executive may receive may be granted, provided, however, that in no event shall the total compensation exceed one hundred and fifty percent of Level I of the federal government's Rates of Basic Pay for the Executive Schedule promulgated by the United States Office of Personnel Management.

(iii) The application for a waiver must be filed no later than the fifteenth day of February of the year for which the waiver is sought. The application shall be transmitted in the manner and form specified by the department and the director of the division of the budget. A waiver may be only for the single calendar year in which it is granted.

(iv) The following factors, in addition to any other deemed relevant by the department and the director of the division of the budget, shall be considered in the determination of whether good cause exists to grant a waiver:

(A) the extent to which the executive compensation that is the subject of the waiver request is comparable to that given to comparable charter executives of charter schools or charter affiliates of the same size and within the same or comparable geographic area;

(B) the extent to which the charter school would be unable to provide educational services at the same levels of quality and availability without a waiver of the limit on total compensation that a charter executive may receive;

(C) the nature, size, and complexity of the charter school or charter affiliate's operations;

(D) the charter school or charter affiliate's review and approval process for the total compensation that is the subject of the waiver, including whether such process involved a review and approval by the board of trustees of the school, whether such review was conducted by at least two independent directors or independent members of the board of trustees, whether such review included an assessment of comparability data including a compensation survey, and a contemporaneous substantiation of the deliberation and decision to approve the total compensation;

(E) the qualifications and experience possessed by or required for the charter executive's position; and

(F) the charter school or charter affiliate's efforts, if any, to secure a charter executive with the same levels of experience, expertise, and skills for the position of the charter executive at lower levels of compensation.

(v) To be considered, an application for such a waiver shall comply with this paragraph in its entirety.

(vi) Unless additional information has been requested but not received from the charter school or charter affiliate, a decision on a timely

submitted waiver application shall be provided no later than sixty calendar days after submission of the application.

(vii) If granted, a waiver to a charter executive shall remain in effect for the calendar year it is issued in, but shall be deemed revoked if:

(A) the total compensation that is the subject of the waiver increases; or

(B) notice of revocation is provided to the charter executive at the discretion of the department as a result of additional relevant circumstances.

(viii) Information provided in connection with a waiver application shall be subject to public disclosure pursuant to article six of the public officers law.

(ix) Where a waiver is granted, the department shall make it publicly available via the department's official internet website within five days.

(c) No charter school shall use funds received pursuant to section twenty-eight hundred fifty-six of this article or allow a charter affiliate to use funds received from the charter school to provide a total compensation to a charter executive greater than one hundred ninety-nine thousand dollars per annum.

(d) Failure to comply with the provisions of this subdivision shall result in the assessment of a penalty against the payor in an amount equal to the amount of compensation paid or provided in violation of this subdivision.

(e) A charter school's failure to comply with the provisions of this subdivision shall be a very significant factor in determining whether the charter entity or the board of regents terminates the school's charter.

(f) As used in this subdivision:

(i) "total compensation" shall include: (A) any compensation or remuneration, whether paid or given, by or on behalf of the charter school or any charter affiliate, for services rendered to, on behalf of, or at the request of the charter school, including but not limited to salary, bonus, and deferred compensation and (B) any benefit having monetary value provided by or on behalf of the charter school or any charter affiliate, including but not limited to, perquisites, fringe benefits, employer contributions to defined contribution retirement plans and other retirement or severance benefits.

(ii) "charter affiliate" means: (A) any entity that is, directly or indirectly, controlled by, in control of, or under common control with the charter school or (B) any entity or affiliate thereof that provides management, fundraising, or other administrative support services to the charter school.

(iii) "charter executive" means: (A) an officer, director, trustee, consultant, supervisory employee of a charter school or charter affiliate or (B) anyone who exerts operational or managerial influence or control over the school including, but is not limited to, influence or control over the school through a charter management company.

§ 14. Section 2853 of the education law is amended by adding a new subdivision 7 to read as follows:

7. Notification of disenrollment. Within five business days of a student who was enrolled by the charter school ceasing to be enrolled, a charter school shall notify the superintendent of the district in which the charter school is located or, for charter schools located within the geographic area served by the city school district of the city of New

York, the chancellor of the city school district of the city of New York, of the name of such student.

§ 15. Subparagraph 5 of paragraph (e) of subdivision 3 of section 2853 of the education law, as amended by section 11 of part A of chapter 54 of the laws of 2016, is amended to read as follows:

(5) For a new charter school whose charter is granted or for an existing charter school whose expansion of grade level, pursuant to this article, is approved by their charter entity, if the appeal results in a determination in favor of the charter school, **for six years** the city school district shall pay the charter school **(A) for the initial three years in which aid is payable,** an amount attributable to the grade level expansion or the formation of the new charter school that is equal to the lesser of:

[~~(A)~~] **(i)** the actual rental cost of an alternative privately owned site selected by the charter school or

[~~(B)~~] **(ii)** twenty percent of the product of the charter school's basic tuition for the current school year and [~~(i)~~]**(I)** for a new charter school that first commences instruction on or after July first, two thousand fourteen, the charter school's current year enrollment; or [~~(ii)~~] **(II)** for a charter school which expands its grade level, pursuant to this article, the positive difference of the charter school's enrollment in the current school year minus the charter school's enrollment in the school year prior to the first year of the expansion**; and**

(B) in the fourth year, the city school district shall pay ninety percent multiplied by the amount calculated pursuant to clause (A) of this subparagraph; and

(C) in the fifth year, the city school district shall pay sixty percent multiplied by the amount calculated pursuant to clause (A) of this subparagraph; and

(D) in the sixth year, the city school district shall pay thirty percent multiplied by the amount calculated pursuant to clause (A) of this subparagraph.

§ 16. Paragraph (b) of subdivision 1 of section 2854 of the education law, as amended by section 10-b of part A of chapter 56 of the laws of 2014, is amended to read as follows:

(b) A charter school shall meet the same health and safety, civil rights, and student assessment requirements applicable to other public schools, except as otherwise specifically provided in this article. A charter school shall be exempt from all other state and local laws, rules, regulations or policies governing public or private schools, boards of education, school districts and political subdivisions, including those relating to school personnel and students, except as specifically provided in the school's charter or in this article. Nothing in this subdivision shall affect the requirements of compulsory education of minors established by part one of article sixty-five of this chapter**, nor shall anything in this subdivision affect the requirements of the charter school to comply with section one hundred three of the general municipal law and articles eight and nine of the labor law with respect to the construction, reconstruction, demolition, excavation, rehabilitation, repair, renovation, or alteration of any charter school facility**.

§ 17. Subdivision 2 of section 2854 of the education law, as added by chapter 4 of the laws of 1998, paragraph (a) as amended by chapter 101 of the laws of 2010, and paragraph (b) as amended by section 3 of subpart A of part B of chapter 20 of the laws of 2015, is amended to read as follows:

2. Admissions; enrollment; students. (a) A charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations and shall not charge tuition or fees; provided that a charter school may require the payment of fees on the same basis and to the same extent as other public schools. A charter school shall not discriminate against any student, employee or any other person on the basis of ethnicity, national origin, gender, or disability or any other ground that would be unlawful if done by a school. Admission of students shall not be limited on the basis of intellectual ability, measures of achievement or aptitude, athletic ability, disability, race, creed, gender, national origin, religion, or ancestry; provided, however, that nothing in this article shall be construed to prevent the establishment of a single-sex charter school or a charter school designed to provide expanded learning opportunities for students at-risk of academic failure or students with disabilities and English language learners; and provided, further, that the charter school shall demonstrate good faith efforts to attract and retain [~~a comparable~~] an equal or greater enrollment of students with disabilities, English language learners, and students who are eligible applicants for the free and reduced price lunch program when compared to the enrollment figures for such students in the school district in which the charter school is located. A charter shall not be issued to any school that would be wholly or in part under the control or direction of any religious denomination, or in which any denominational tenet or doctrine would be taught.

(b) (i) Any child who is qualified under the laws of this state for admission to a public school is qualified for admission to a charter school. Applications for admission to a charter school shall be submitted on a uniform application form created by the department and shall be made available by a charter school in languages predominately spoken in the community in which such charter school is located. [~~The~~]

(ii) A charter school shall enroll and continually keep enrolled the minimum number of students in each of the following categories: (A) students who are English language learners as defined in regulations of the commissioner, (B) students who receive or are mandated to receive any special education service, (C) students who have individual education plans that mandate they receive services for at least sixty percent of the school day outside the general education setting, (D) students who are eligible to receive free lunch in accordance with title I of the elementary and secondary education act, and (E) students who reside in temporary or transitional housing. The minimum number of students a charter school must enroll and continually keep enrolled in each such category shall be the number of students that, as a percentage of the students authorized to be served by the charter school in its charter, is equal to the percentage of students in each category that non-charter public schools in the district where the charter school is located enrolled in the preceding June in all of the grades combined which are served by the charter school. For purposes of this subparagraph, for the city school district of the city of New York, district shall mean the community school district and shall include all non-charter public schools, except those in district seventy-five, geographically located in the community school district.

(iii) Prior to a charter school selecting or enrolling students for the next school year, the commissioner shall provide the charter school with the minimum number of students it must enroll and continually keep enrolled in each category pursuant to subparagraph (ii) of this para-

graph. The minimum number of students each charter school must enroll and continually keep enrolled in each category pursuant to subparagraph (ii) of this paragraph shall be made public by the commissioner no later than five business days after it has been provided to the charter school.

(iv) A charter school shall enroll each eligible student who submits a timely application by the first day of April each year[~~,~~] unless the number of applications exceeds the capacity of the grade level or building or would cause the charter school to be below the minimum number of students it must enroll and continually keep enrolled in each category pursuant to subparagraph (ii) of this paragraph. In such cases, students shall be accepted from among applicants by a random selection process, provided[~~, however,~~] that separate random selection processes shall be conducted for students that are not in any category set forth in subparagraph (ii) of this paragraph and for students in each category set forth in subparagraph (ii) of this paragraph such that a charter school enrolls at least the minimum number of students required pursuant to subparagraph (ii) of this paragraph.

(v) Where a charter school does not enroll the minimum number of students it must enroll and continually keep enrolled in each category set forth in subparagraph (ii) of this paragraph, the charter school shall hold open a sufficient number of enrollment spaces such that it is possible for the charter school, consistent with its charter, to subsequently enroll the number of students required by subparagraph (ii) of this paragraph.

(vi) A charter school may provide an enrollment preference [~~shall be provided~~] to pupils returning to the charter school in the second or any subsequent year of operation and pupils residing in the school district in which the charter school is located, and siblings of pupils already enrolled in the charter school provided that the charter school enrolls and continually keeps enrolled the minimum number of students required in each category pursuant to subparagraph (ii) of this paragraph and holds open the number of enrollment spaces as required by subparagraph (v) of this paragraph. Preference may also be provided to children of employees of the charter school or charter management organization, provided that the charter school enrolls and continually keeps enrolled the minimum number of students required in each category pursuant to subparagraph (ii) of this paragraph and holds open the number of enrollment spaces as required by subparagraph (v) of this paragraph and provided further that such children of employees may constitute no more than fifteen percent of the charter school's total enrollment.

(vii) For purposes of this paragraph, if a student withdraws from a charter school as a result of a voluntary decision of the student's parent or guardian and, as a direct result, the charter school no longer has the minimum number of students in each category required pursuant to subparagraph (ii) of this paragraph, the charter school shall nevertheless be considered to have continually kept enrolled the minimum number of students required by subparagraph (ii) of this paragraph if, within thirty days of the student being withdrawn, the charter school replaces the student that was withdrawn with a different student such that the charter school has the minimum number of students in each category required pursuant to subparagraph (ii) of this paragraph, provided however, that this subparagraph shall not apply (A) if the charter school was already in violation of the requirements of subparagraph (ii) of this paragraph at the time the student was withdrawn or (B) if the decision of the student's parent or guardian was substantially motivated

by any action or inaction of the charter school, or any of its agents or employees, that was in violation of any law, rule, or regulation.

(viii) (A) A charter school shall report the names of any parents or guardians of students who are on a waitlist for enrollment in the charter school to the superintendent of the district in which the charter school is located or, for charter schools located within the geographic area served by the city school district of the city of New York, the chancellor of the city school district of the city of New York, whether each such student is in one of the categories set forth in subparagraph (ii) of this paragraph and, if so, which one.

(B) A charter school that, at any time, does not have enrolled the minimum number of students required in each category pursuant to subparagraph (ii) of this paragraph shall notify the superintendent of the district in which the charter school is located or, for charter schools located within the geographic area served by the city school district of the city of New York, the chancellor of the city school district of the city of New York, within five days of the date of the school being below the minimum number of students. A separate notification shall be provided each time a charter school's enrollment falls below the minimum in any category pursuant to subparagraph (ii) of this paragraph.

(C) Where the superintendent of the district or the chancellor of the city school district of the city of New York receives notification pursuant to clause (B) of this subparagraph, he or she shall first offer the enrollment spaces to any parents or guardians of students who are in a category in which the charter school is below the minimum set forth in subparagraph (ii) of this paragraph who are on the school's waitlist, then to any parents or guardians of students who are in a category in which the charter school is below the minimum set forth in subparagraph (ii) of this paragraph who are on the waitlist of another charter school in the district in which the charter school is located or, for charter schools located within the geographic area served by the city school district of the city of New York geographically located in the community school district, and then to any other parents or guardians of students who are in a category in which the charter school is below the minimum set forth in subparagraph (ii) of this paragraph who reside in the district; such process of enrollment offers shall continue until the charter school is no longer below such minimum in any category or such superintendent or chancellor certifies there are no such students seeking enrollment.

(D) Offers made pursuant to this subparagraph shall be made in writing in the parent or guardian's primary language. Where an offer is made pursuant to this subparagraph and the parent or guardian accepts, the charter school shall enroll the student within five calendar days of the offer being accepted.

(ix) (A) For each month during the school year, a charter school shall report the number of students then enrolled, as of the first day of the month, in each category set forth in subparagraph (ii) of this paragraph and the number of students then enrolled, as of the first day of the month, that are in none of the categories set forth in subparagraph (ii) of this paragraph.

(B) Reports pursuant to this subparagraph shall be made to the board of regents, the school's charter entity, the comptroller of the city of New York for charter schools located in New York city and the comptroller of the state of New York for charter schools located outside of the city of New York, and the superintendent of the district in which the charter school is located or, for charter schools located within the

geographic area served by the city school district of the city of New York, the chancellor of the city school district of the city of New York. The commissioner shall ensure that such report is made publicly available via such department's official internet website within five days of its receipt.

(C) Reports pursuant to this subparagraph shall be made on the fifth day of the ensuing month during the school year and shall be accompanied by a statement, under oath, by the chairperson of the school's board of trustees or other appropriate member of the board of trustees, that, after the due inquiry, the reports are true and correct and have been provided to each member of the school's board of trustees.

(x) The commissioner shall establish regulations to require that the random selection [~~process~~] processes conducted pursuant to this paragraph be performed in a transparent and equitable manner and to require that the time and place of the random selection process be publicized in a manner consistent with the requirements of section one hundred four of the public officers law and be open to the public. [~~For~~] Except where another definition is provided, for the purposes of this paragraph and paragraph (a) of this subdivision, the school district in which the charter school is located shall mean, for the city school district of the city of New York, the community district in which the charter school is located.

(xi) The commissioner may, by regulation, require the board of education of each school district or the chancellor of the city school district of the city of New York to provide to him or her such information as is necessary to calculate the minimum number of students a charter school must enroll and continually have enrolled pursuant to subparagraph (ii) of this paragraph. Such information shall be made public by the commissioner within five business days of receipt.

(xii)(A) If a charter school fails to enroll the number of students required by subparagraph (ii) of this paragraph the appropriate school district shall withhold from the charter school's funding an amount equal to the additional per pupil funding the charter school would have received had each student not enrolled as required by subparagraph (ii) of this paragraph been enrolled.

(B) Money withheld by the school district in accordance with this subparagraph shall be returned to the commissioner for distribution to each of the school districts, using an equitable formula determined by the commissioner, provided the charter school or schools from which the monies are withheld shall not be entitled to the return of any money withheld pursuant to this subparagraph or any additional monies as a result of the commissioner's distribution of funds pursuant to this subparagraph.

(xiii) (A) No charter school shall first commence instruction if it is operated by, managed by, affiliated with, in the same chain as, shares the same management company as, or has any common charter applicant as, a school that has been in violation, within the last two years, of the enrollment requirements of subparagraph (ii) of this paragraph.

(B) No charter school shall expand beyond the grades with enrolled students, even if such expansion is authorized by its charter, if it has been in violation, within the last two years, of the enrollment requirements of subparagraph (ii) of this paragraph.

(C) A charter school that does not have enrolled the minimum number of students as required by subparagraph (ii) of this paragraph shall not be offered or entitled pursuant to paragraph (e) of subdivision three of section two thousand eight hundred fifty-three of this article (1) a

co-location site in a public school building at no cost or (2) space in a privately owned or other publicly owned facility at the expense of the city school district. A charter school that has already been co-located in a public school building or given space in a privately owned or other publicly owned facility pursuant to this paragraph and then fails to continually have enrolled the required minimum number of students shall be required to pay the fair market value of such space for such period of time of non-compliance.

(xiv) The provisions of this paragraph shall be enforceable by the commissioner or by a court of competent jurisdiction. Any employee of the school district in which the charter school is located or the parent or guardian of a student attending the district in which the charter school is located shall have standing to enforce the provisions of this paragraph.

(xv) A charter school's failure to comply with the provisions of this paragraph shall be a very significant factor in determining whether the charter entity or the board of regents terminates the school's charter.

(b-1) Prior to submission of enrollment counts to a school district pursuant to subdivision one of section twenty-eight hundred fifty-six of this article, on or after October first of the two thousand seventeen--two thousand eighteen school year and October first of each school year thereafter, a charter school shall determine whether that school district is the school district of residence of each student for whom enrollment is claimed. Such residency determination shall be made in accordance with the regulations of the commissioner and the residency policy of the school district in which the charter school is located, provided that the charter school may fulfill such requirement by requiring that the parents or other persons in parental relation register their child with the school district they have identified as their school district of residence. Notwithstanding any other provision of law to the contrary, the parents or other persons in parental relation shall not be required to annually prove their continued residency, provided that they either annually certify to the charter school and the school district of residence that their residency has not changed or notify the charter school and the school district that their residency has changed and that a new school district of residence should be identified pursuant to this paragraph. Upon making a residency determination, a charter school making its own residency determination shall promptly submit its proof of residence to the school district identified as the district of residence for purposes of enrollment of the student in such school district in accordance with subdivision one of section twenty-eight hundred fifty-six of this article, and the provision of services pursuant to subdivision four of section twenty-eight hundred fifty-three of this article. In the event of a dispute over the residency of a student, the school district shall make its own residency determination pursuant to the regulations of the commissioner after considering the proof of residency submitted by the charter school, and such determination may be appealed to the commissioner by the charter school or by the parent or other person in parental relation or both pursuant to section three hundred ten of this chapter. During the pendency of such appeal, the student shall be deemed enrolled in the school district, shall be entitled to services pursuant to subdivision four of section twenty-eight hundred fifty-three of this article, and the school district shall be liable for charter school tuition, provided that upon a final determination in such appeal that the student is not a resident of the school district, the school district may deduct the cost of such

tuition and services from future payments due the charter school. The provisions of this paragraph shall not apply to charter schools located in a city having a population of one million or more.

(c) A charter school shall serve one or more of the grades one through twelve, and shall limit admission to pupils within the grade levels served. Nothing herein shall prohibit a charter school from establishing a kindergarten program.

(d) A student may withdraw from a charter school at any time and enroll in a public school. [~~A charter school may refuse admission to any student who has been expelled or suspended from a public school until the period of suspension or expulsion from the public school has expired, consistent with the requirements of due process~~]

(i) A student may only be disciplined, suspended or expelled from a charter school in accordance with the applicable provisions of subdivisions two-a, three, and three-a of section thirty-two hundred fourteen of this chapter. Every charter school shall develop a code of conduct in accordance with the provisions of section twenty-eight hundred one of this title.

(ii) Every charter school shall submit a detailed annual report regarding disciplinary measures imposed on students. The report shall be submitted to the charter entity and the board of regents as part of the annual report required pursuant to subdivision two of section twenty-eight hundred fifty-seven of this article. The report shall be in a form prescribed by the commissioner, and shall include, but not be limited to, number of classroom removals, number of in-school suspensions, number of out-of-school suspensions, number of expulsions, and the action the student took that led to each disciplinary measure imposed. Such data shall be disaggregated by race/ethnicity, status as a student with a disability and status as an English language learner. The report shall be posted on the department's website.

(iii) For the purposes of this subdivision:

(A) the term "superintendent," "superintendent of schools," "district superintendent of schools," or "community superintendent," as used in subdivision three of section thirty-two hundred fourteen of this chapter, as such terms relate to charter schools shall mean the chairperson of the board of trustees of the charter school or the chief school officer of the charter school; and

(B) the term "board of education" or "board," as used in subdivision three of section thirty-two hundred fourteen of this chapter, as such terms relate to charter schools shall mean the board of trustees of the charter school.

§ 18. Subdivision 1 of section 2855 of the education law, as amended by chapter 101 of the laws of 2010, is amended to read as follows:

1. The charter entity, or the board of regents, may terminate a charter upon any of the following grounds:

(a) When a charter school's outcome on student assessment measures adopted by the board of regents falls below the level that would allow the commissioner to revoke the registration of another public school, and student achievement on such measures has not shown improvement over the preceding three school years;

(b) [~~Serious violations~~] A violation of law;

(c) [~~Material and substantial~~] A violation of the charter[~~, including fiscal mismanagement~~];

(d) When the public employment relations board makes a determination that the charter school [~~demonstrates a practice and pattern of egregious and intentional violations of~~] has violated subdivision one of

section two hundred nine-a of the civil service law involving interference with or discrimination against employee rights under article fourteen of the civil service law; or **the national labor relations board created pursuant to subchapter II of chapter seven of title twenty-nine of the United States Code, or any person or entity to whom the national labor relations board has lawfully delegated its authority, makes a determination that the charter school has violated section 158(a) of title twenty-nine of the United States Code; or**

(e) [~~**Repeated failure**~~] **Failure** to comply with the requirement to meet or exceed enrollment and retention targets of students with disabilities, English language learners, and students who are eligible applicants for the free and reduced price lunch program pursuant to targets established by the board of regents or the board of trustees of the state university of New York, as applicable. Provided, however, if no grounds for terminating a charter are established pursuant to this section other than pursuant to this paragraph, and the charter school demonstrates that it has made extensive efforts to recruit and retain such students, including outreach to parents and families in the surrounding communities, widely publicizing the lottery for such school, and efforts to academically support such students in such charter school, then the charter entity or board of regents may retain such charter.

§ 19. Paragraph (e) of subdivision 1 of section 2855 of the education law, as added by chapter 101 of the laws of 2010, is amended and a new paragraph (f) is added to read as follows:

(e) [~~**Repeated failure to comply with the requirement to meet or exceed enrollment and retention targets of students with disabilities, English language learners, and students who are eligible applicants for the free and reduced price lunch program pursuant to targets established by the board of regents or the board of trustees of the state university of New York, as applicable. Provided, however, if no grounds for terminating a charter are established pursuant to this section other than pursuant to this paragraph, and the charter school demonstrates that it has made extensive efforts to recruit and retain such students, including outreach to parents and families in the surrounding communities, widely publicizing the lottery for such school, and efforts to academically support such students in such charter school, then the charter entity or board of regents may retain such charter.**~~] **Failure to comply with the requirements of paragraph (b) of subdivision two of section two thousand eight hundred fifty-four of this article; or**

(f) Failure to comply with the data reporting requirements prescribed in subdivisions two and two-a of section twenty-eight hundred fifty-seven of this article.

§ 20. Subdivision 3 of section 2855 of the education law, as added by chapter 4 of the laws of 1998, is amended to read as follows:

3. **(a)** In addition to the provisions of subdivision two of this section, the charter entity or the board of regents may place a charter school falling within the provisions of subdivision one of this section on probationary status to allow the implementation of a remedial action plan. The failure of a charter school to comply with the terms and conditions of a remedial action plan may result in summary revocation of the school's charter.

(b) A charter school that is placed on probationary status shall annually notify the parents or guardians of all students and applicants of the placement. The initial notice shall be distributed within two weeks of being placed on probationary status. Such notice shall be written and

delivered via mail. The department shall identify all charter schools on probationary status on the department's website and shall also post the remedial action plan.

§ 21. Subdivision 4 of section 2855 of the education law, as added by chapter 4 of the laws of 1998, is amended to read as follows:

4. **(a)** Any individual or group may bring a complaint to the board of trustees of a charter school alleging a violation of the provisions of this article, the charter, or any other provision of law relating to the management or operation of the charter school. If, after presentation of the complaint to the board of trustees of a charter school, the individual or group determines that such board has not adequately addressed the complaint, they may present that complaint to the charter entity, which shall investigate and respond. If, after presentation of the complaint to the charter entity, the individual or group determines that the charter entity has not adequately addressed the complaint, they may present that complaint to the board of regents, which shall investigate and respond. The charter entity and the board of regents shall have the power and the duty to issue appropriate remedial orders to charter schools under their jurisdiction to effectuate the provisions of this section.

(b) At the beginning of each school year, a charter school shall provide the parent or guardian of each student enrolled in the charter school information detailing the process by which a complaint can be brought against the charter school pursuant to paragraph (a) of this subdivision. In addition to detailing the process by which a complaint can be brought, the information provided shall include, but not be limited to the contact information for the board of trustees of the charter school in which the student is enrolled, the contact information for the charter entity of the charter school, and the contact information for the board of regents, if the board of regents is not the charter entity. Such information shall also be posted and updated annually on the charter school's website.

§ 22. Subparagraph (i) of paragraph (a) of subdivision 1 of section 2856 of the education law, as amended by section 3 of part BB of chapter 56 of the laws of 2014, is amended to read as follows:

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

§ 23. Subparagraph (i) of paragraph (a) of subdivision 1 of section 2856 of the education law, as amended by section 4 of part BB of chapter 56 of the laws of 2014, is amended to read as follows:

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

§ 24. Paragraph (a) of subdivision 1 of section 2856 of the education law is amended by adding a new subparagraph (v) to read as follows:

(v) for the two thousand seventeen--two thousand eighteen school year and thereafter, the charter school basic tuition shall be the lesser of the charter school basic tuition computed for the current year pursuant to the provisions of subparagraph (i) of this paragraph or the charter school basic tuition computed for the two thousand ten--two thousand eleven school year pursuant to the provisions of subparagraph (i) of this paragraph.

§ 25. Subdivisions 2 and 3 of section 2856 of the education law are renumbered subdivisions 3 and 4 and a new subdivision 2 is added to read as follows:

2. In the event that in any school year a charter school receives combined payments from any local, state, or federal source that exceed expenditures for such school year related to the operation of such charter school by seven percent, then any excess funds above such amount shall be returned proportionately to all school districts that have paid tuition to such charter school.

§ 26. Subdivision 3 of section 2856 of the education law, as added by chapter 4 of the laws of 1998 and as renumbered by section twenty-five of this act, is amended to read as follows:

3. **(a)** In the event of the failure of the school district to make payments required by this section, the state comptroller shall deduct from any state funds which become due to such school district an amount equal to the unpaid obligation. The comptroller shall pay over such sum to the charter school upon certification of the commissioner. The commissioner shall promulgate regulations to implement the provisions of this subdivision.

(b) At least thirty days prior to submission of a request for an intercept of state funds pursuant to paragraph (a) of this subdivision, the charter school shall provide the school district of residence with a list of students whose tuition is proposed to be included in the intercept and documentation of any special education services provided by the charter school, the cost of which would be included in the intercept. If the school district objects to inclusion of the tuition or cost of services in the intercept, the school district shall provide the charter school with a written statement of its reasons for objecting to the intercept that identifies the students whose costs are in dispute and the charter school shall schedule a resolution session for the purpose of resolving the dispute, which shall be held within five business days of receipt of the school district's objection. Each party shall ensure that their representatives who attend the resolution are fully authorized to bind the school district or charter school, and any agreement reached at the resolution session shall be final and binding upon both parties. In the event the school district does not notify the charter school of its objections within ten days of its receipt of the list of students or fails to participate in a resolution session, the school district shall be deemed to have waived its objections to the intercept and the charter school shall not be required to offer a resolution session. If the parties are unable to reach agreement at a resolution session, they may agree to schedule additional resolution sessions or, if one of the parties informs the other that agreement is not possible, the dispute may be raised by the district as a charter school complaint pursuant to subdivision four of section twenty-eight hundred fifty-five of this article, or, if the dispute concerns the residency of a student, an appeal may be brought pursuant to paragraph (c) of this subdivision.

The department shall not process an intercept for tuition or the cost of services of a student whose costs are in dispute until the charter school notifies the department that a resolution session has been held and no agreement has been reached, or that no resolution session is required because the school district failed to provide timely notice or failed to participate in a scheduled resolution session.

(c) In the event of a dispute over the residency of a student, the school district shall make its own residency determination pursuant to the regulations of the commissioner after considering the proof of residency submitted by the charter school, and such determination may be appealed to the commissioner by the charter school or by the parent or other person in parental relation or both pursuant to section three hundred ten of this chapter. During the pendency of such appeal, the student shall be deemed enrolled in the school district, shall be entitled to services pursuant to subdivision four of section twenty-eight hundred fifty-three of this article, and the school district shall be liable for charter school tuition, provided that upon a final determination in such appeal that the student is not a resident of the school district, the school district may deduct the cost of such tuition and services from future payments due the charter school.

§ 27. Subdivision 2 of section 2857 of the education law, as amended by chapter 101 of the laws of 2010, is amended and a new subdivision 2-a is added to read as follows:

2. Each charter school shall submit to the charter entity and to the board of regents an annual report. Such report shall be issued no later than the first day of August of each year for the preceding school year and shall be made publicly available by such date and shall be posted on both the charter school's [~~website~~] and the department's websites. The annual report shall be in such form as shall be prescribed by the commissioner and shall include at least the following components:

(a) a charter school report card, which shall include measures of the comparative academic and fiscal performance of the school, as prescribed by the commissioner in regulations adopted for such purpose. Such measures shall include, but not be limited to, graduation rates, dropout rates, performance of students on standardized tests, college entry rates, total spending per pupil and administrative spending per pupil. Such measures shall be presented in a format that is easily comparable to similar public schools. In addition, the charter school shall ensure that such information is easily accessible to the community including making it publicly available by transmitting it to local newspapers of general circulation and making it available for distribution at board of trustee meetings[~~.~~];

(b) discussion of the progress made towards achievement of the goals set forth in the charter[~~.~~];

(c) a certified financial statement setting forth, by appropriate categories, the revenues and expenditures for the preceding school year, including a copy of the most recent independent fiscal audit of the school and any audit conducted by the comptroller of the state of New York[~~.~~];

(d) efforts taken by the charter school in the existing school year, and a plan for efforts to be taken in the succeeding school year, to meet or exceed the enrollment [~~and retention targets set by the board of regents or the board of trustees of the state university of New York, as applicable, of students with disabilities, English language learners, and students who are eligible applicants for the free and reduced price lunch program established pursuant to paragraph (e) of subdivision four~~

~~of section twenty-eight hundred fifty-one of this article.~~] requirements of subparagraph (ii) of paragraph (b) of subdivision two of section two thousand eight hundred fifty-four of this article;

(e) for any charter school that contracts with a management company or any other entity that provides services to the charter school, a detailed statement of services provided to the charter school by the management company and/or any other entity and the amount the charter school pays for such services. The department shall post the annual reports submitted by charter schools on the department's website; and

(f) a notice of any relationship that may exist between any member of a charter school's board of trustees or charter school staff and any for-profit or not-for-profit corporate or other business entity that is responsible for the administration, management or operation of such charter school or related vendor.

2-a. Each charter school shall post contact information for the school's board of trustees as well as the name and contact information of the school's charter entity on the website of the charter school.

§ 28. Subdivision 7 of section 179-q of the state finance law, as added by chapter 166 of the laws of 1991, is amended to read as follows:

7. "Not-for-profit organization" or "organization" means a domestic corporation incorporated pursuant to or otherwise subject to the not-for-profit corporation law, a charitable organization registered with the secretary of state, a special act corporation created pursuant to chapter four hundred sixty-eight of the laws of eighteen hundred ninety-nine, as amended, a special act corporation formed pursuant to chapter two hundred fifty-six of the laws of nineteen hundred seventeen, as amended, a corporation authorized pursuant to an act of congress approved January fifth, nineteen hundred five, (33 stat. 599), as amended, a corporation established by merger of charitable organizations pursuant to an order of the supreme court, New York county dated July twenty-first, nineteen hundred eighty-six and filed in the department of state on July twenty-ninth, nineteen hundred eighty-six, or a corporation having tax exempt status under section 501(c)(3) of the United States Internal revenue code, and shall further be deemed to mean and include any federation of charitable organizations. Provided, however, that a public educational entity within the meaning of section seventy-one of part C of chapter fifty-seven of the laws of two thousand four shall not be deemed a "not-for-profit organization" or "organization" for purposes of this article.

§ 29. This act shall take effect immediately; provided, however, that the amendments to subdivision 1 of section 2856 of the education law made by section twenty-two of this act shall be subject to the expiration and reversion of such subdivision pursuant to subdivision d of section 27 of chapter 378 of the laws of 2007, as amended, when upon such date the provisions of section twenty-three of this act shall take effect; provided, however, that the amendments to paragraph (a) of subdivision 1 of section 2856 of the education law made by section twenty-four of this act shall survive the expiration and reversion of such paragraph as provided in subdivision d of section 27 of chapter 378 of the laws of 2007, as amended.

PART B

Intentionally Omitted

PART C

Section 1. Section 3209 of the education law, as amended by chapter 569 of the laws of 1994, paragraphs a and a-1 of subdivision 1 as amended and subdivision 2-a as added by chapter 101 of the laws of 2003, paragraph b of subdivision 3 as amended by section 28 of part B of chapter 57 of the laws of 2007, is amended to read as follows:

§ 3209. Education of homeless children. 1. Definitions.

a. Homeless child. For the purposes of this article, the term "homeless child" shall mean:

(1) a child or youth who lacks a fixed, regular, and adequate nighttime residence, including a child or youth who is:

(i) sharing the housing of other persons due to a loss of housing, economic hardship or a similar reason;

(ii) living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations;

(iii) abandoned in hospitals; **or**

(iv) [~~**awaiting foster care placement; or**~~

~~**(v)**~~] a migratory child, as defined in subsection two of section thirteen hundred nine of the Elementary and Secondary Education Act of 1965, as amended **by the Every Student Succeeds Act of 2015**, who qualifies as homeless under any of the provisions of clauses (i) through [~~**(iv)**~~] **(iii)** of this subparagraph or subparagraph two of this paragraph; [~~**or**~~]

(v) an unaccompanied youth, as defined in section seven hundred twenty-five of subtitle B of title VII of the McKinney-Vento Homeless Assistance Act; or

(2) a child or youth who has a primary nighttime location that is:

(i) a supervised publicly or privately operated shelter designed to provide temporary living accommodations including, but not limited to, shelters operated or approved by the state or local department of social services, and residential programs for runaway and homeless youth established pursuant to article nineteen-H of the executive law; or

(ii) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings, including a child or youth who is living in a car, park, public space, abandoned building, substandard housing, bus or train stations or similar setting.

a-1. Exception. For the purposes of this article the term "homeless child" shall not include a child in a foster care placement or receiving educational services pursuant to subdivision four, five, six, six-a or seven of section thirty-two hundred two of this [~~**article**~~] **part** or pursuant to article eighty-one, eighty-five, eighty-seven or eighty-eight of this chapter.

b. Designator. The term "designator" shall mean:

(1) the parent or the person in parental relation to a homeless child; or

(2) the homeless child, if no parent or person in parental relation is available; or

(3) the director of a residential program for runaway and homeless youth established pursuant to article nineteen-H of the executive law, in consultation with the homeless child, where such homeless child is living in such program.

c. School district of origin. The term "school district of origin" shall mean the school district within the state of New York in which the homeless child was attending a public school **or preschool** on a tuition-free basis or was entitled to attend when circumstances arose which caused such child to become homeless, which is different from the school district of current location. [~~**Whenever the school district of origin is designated pursuant to subdivision two of this section, the child shall**~~

~~be entitled to return to the school building where previously enrolled.~~] School district of origin shall also mean the school district in the state of New York in which the child was residing when circumstances arose which caused such child to become homeless if such child was eligible to apply, register, or enroll in public preschool or kindergarten at the time such child became homeless, or the homeless child has a sibling who attends a school in the school district in which the child was residing when circumstances arose which caused such child to become homeless.

d. School district of current location. The term "school district of current location" shall mean the public school district within the state of New York in which the hotel, motel, shelter or other temporary housing arrangement of a homeless child, or the residential program for runaway and homeless youth, is located, which is different from the school district of origin. [~~Whenever the school district of current location is designated pursuant to subdivision two of this section, the child shall be entitled to attend the school that is zoned for his or her temporary location or any school that nonhomeless students who live in the same attendance zone in which the homeless child or youth is temporarily residing are entitled to attend.~~]

e. Regional placement plan. The term "regional placement plan" shall mean a comprehensive regional approach to the provision of educational placements for homeless children which has been approved by the commissioner.

f. Feeder school. The term "feeder school" shall mean:

(1) a preschool whose students are entitled to attend a specified elementary school or group of elementary schools upon completion of that preschool;

(2) a school whose students are entitled to attend a specified elementary, middle, intermediate, or high school or group of specified elementary, middle, intermediate, or high schools upon completion of the terminal grade of such school; or

(3) a school that sends its students to a receiving school in a neighboring school district pursuant to section two thousand forty of this chapter.

g. Preschool. The term "preschool" shall mean a publicly funded prekindergarten program administered by the department or a local educational agency or a Head Start program administered by a local educational agency and/or services under the Individuals with Disabilities Education Act administered by a local educational agency.

h. Receiving school. The term "receiving school" shall mean:

(1) a school that enrolls students from a specified or group of preschools, elementary schools, middle schools, intermediate schools, or high schools; or

(2) a school that enrolls students from a feeder school in a neighboring local educational agency pursuant to section two thousand forty of this chapter.

i. School of origin. The term "school of origin" shall mean a public school that a child or youth attended when permanently housed, or the school in which the child or youth was last enrolled, including a preschool or a charter school. Provided that, for a homeless child or youth who completes the final grade level served by the school of origin, the term "school of origin" shall include the designated receiving school at the next grade level for all feeder schools. Where the child is eligible to attend school in the school district of origin because the child becomes homeless after such child is eligible to

apply, register, or enroll in the public preschool or kindergarten or the child is living with a school-age sibling who attends school in the school district of origin, the school of origin shall include any public school or preschool in which such child would have been entitled or eligible to attend based on such child's last residence before the circumstances arose which caused such child to become homeless.

2. Choice of district and school.

a. The designator shall have the right to designate one of the following as the school district within which the homeless child shall be entitled to attend upon instruction:

(1) the school district of current location;

(2) the school district of origin; or

(3) a school district participating in a regional placement plan.

b. The designator shall also have the right to designate one of the following as the school where a homeless child seeks to attend for instruction:

(1) the school of origin; or

(2) any school that nonhomeless children and youth who live in the attendance area in which the child or youth is actually living are eligible to attend, including a preschool.

c. (1) Notwithstanding any other provision of law to the contrary, where the public school district in which a homeless child is temporarily housed is the [~~same school district the child was attending on a tuition-free basis or was entitled to attend when circumstances arose which caused the child to become homeless~~] school district of origin, the homeless child shall be entitled to attend the schools of such district without the payment of tuition in accordance with subdivision one of section thirty-two hundred two of this article for the duration of the homelessness and until the end of the school year in which such child becomes permanently housed and for one additional year if that year constitutes the child's terminal year in such building. [~~Such child may choose to remain in the public school building they previously attended until the end of the school year and for one additional year if that year constitutes the child's terminal year in such building in lieu of the school serving the attendance zone in which the temporary housing facility is located.~~]

(2) Notwithstanding any other provision of law to the contrary, where the [~~public~~] school [~~or school district~~] district of origin or school of origin that a homeless child was attending on a tuition-free basis or was entitled to attend when circumstances arose which caused the child to become homeless is located [~~outside the state~~] in New York state and the homeless child's temporary housing arrangement is located in a contiguous state, the homeless child shall be [~~deemed a resident of the school district in which the hotel, motel, shelter or other temporary housing arrangement of the child is currently located and shall be~~] entitled to [~~attend the schools of such district without payment of tuition in accordance with subdivision one of section thirty-two hundred two of this article. Such district of residence shall not be considered a school district of origin or a school district of current location for purposes of this section~~] attend the school of origin or any school that nonhomeless children and youth who live in the attendance area in which the child or youth is actually living are eligible to attend, including a preschool, subject to a best interest determination pursuant to subparagraph three of paragraph f of this subdivision, for the duration of the homelessness and until the end of the school year in which such

child becomes permanently housed and for one additional year if that year constitutes the child's terminal year in such building.

(3) Notwithstanding any other provision of law to the contrary, where the child's temporary housing arrangement is located in New York state, the homeless child shall be entitled to attend the school of origin or any school that nonhomeless children and youth who live in the attendance area in which the child or youth is actually living are eligible to attend, including a preschool, subject to a best interest determination pursuant to subparagraph three of paragraph f of this subdivision, for the duration of the homelessness and until the end of the school year in which such child becomes permanently housed and for one additional year if that year constitutes the child's terminal year in such building.

[~~c.~~] d. Notwithstanding the provisions of paragraph a of this subdivision, a homeless child who has designated the school district of current location as the district of attendance and who has relocated to another temporary housing arrangement outside of such district, or to a different attendance zone or community school district within such district, shall be entitled to continue [~~the prior designation to enable the student to remain~~] to attend in the same school building or designate any school that nonhomeless children and youth who live in the attendance area in which the child or youth is actually living are eligible to attend, including a preschool, subject to a best interest determination in accordance with subparagraph three of paragraph f of this subdivision, for the duration of the homelessness and until the end of the school year in which the child becomes permanently housed and for one additional year if that year constitutes the child's terminal year in such building.

[~~d.~~] e. Such designation shall be made on forms specified by the commissioner, and shall include the name of the child, the name of the parent or person in parental relation to the child, the name and location of the temporary housing arrangement, the name of the school district of origin, the name of the school district where the child's records are located, the complete address where the family was located at the time circumstances arose which caused such child to become homeless and any other information required by the commissioner. All school districts, temporary housing facilities operated or approved by a local social services district, and residential facilities for runaway and homeless youth shall make such forms available and shall ensure that the completed designation forms are given to the local educational agency liaison for the local educational agency in which the designated school is located in a timeframe prescribed by the commissioner in regulations. Where the homeless child is located in a temporary housing facility operated or approved by a local social services district, or a residential facility for runaway and homeless youth, the director of the facility or a person designated by the social services district, shall, within two business days, assist the designator in completing the designation forms and enrolling the homeless child in the designated school district and shall forward the completed designation form to the local educational agency liaison for the local educational agency in which the designated school is located in a timeframe prescribed by the commissioner in regulations.

[~~e.~~] f. Upon receipt of the designation form, the designated school district shall immediately:

(1) review the designation form to ensure that it has been completed;

(2) admit the homeless child even if the child or youth is unable to produce records normally a requirement for enrollment, such as previous

academic records, records of immunization and/or other required health records, proof of residency or other documentation and/or even if the child has missed application or enrollment deadlines during any period of homelessness, if applicable. Provided that nothing herein shall be construed to require the immediate attendance of an enrolled student lawfully excluded from school temporarily pursuant to section nine hundred six of this chapter because of a communicable or infectious disease that imposes a significant risk of infection of others;

[~~(2)~~] (3) determine whether the designation made by the designator is consistent with the best interests of the homeless child or youth. In determining a homeless child's best interest, a local educational agency shall:

(i) presume that keeping the homeless child or youth in the school of origin is in the child's or youth's best interest, except when doing so is contrary to the request of the child's parent or guardian, or in the case of an unaccompanied youth, the youth;

(ii) consider student-centered factors, including but not limited to factors related to the impact of mobility on achievement, education, the health and safety of the homeless child, giving priority to the request of the child's or youth's parent or guardian or the youth in the case of an unaccompanied youth;

(iii) if after considering student-centered factors and conducting a best interest school placement determination, the local educational agency determines that it is not in the homeless child's best interest to attend the school of origin or the school designated by the designator, the local educational agency must provide a written explanation of the reasons for its determination, in a manner and form understandable to such parent, guardian, or unaccompanied youth. The information must also include information regarding the right to a timely appeal in accordance with regulations of the commissioner. The homeless child or youth must be enrolled in the school in which enrollment is sought by the designator during the pendency of all available appeals;

(4) treat the homeless child as a resident for all purposes;

[~~(3)~~] (5) make a written request to the school district where the child's records are located for a copy of such records; and

[~~(4)~~] (6) forward the designation form to the [~~commissioner, and the~~] school district of origin where applicable.

[~~f.~~] g. Within five days of receipt of a request for records pursuant to subparagraph [~~three~~] five of paragraph [~~e~~] f of this subdivision, the school district shall forward, in a manner consistent with state and federal law, a complete copy of the homeless child's records including, but not limited to, proof of age, academic records, evaluations, immunization records, and guardianship papers, if applicable.

[~~g.~~] h. Where the school of origin is a charter school, the school district designated pursuant to this subdivision shall be deemed to be the school district of residence of such child for purposes of fiscal and programmatic responsibility under article fifty-six of this chapter and shall be responsible for transportation of the homeless child if a social services district is not otherwise responsible pursuant to subdivision four of this section.

i. The commissioner shall promulgate regulations setting forth the circumstances pursuant to which a change in designation may be made and establishing a procedure for the identification of the school district of origin.

2-a. Notwithstanding any other provision of law to the contrary, each local educational agency, as such term is defined in subsection twenty-

six of section ninety-one hundred one of the Elementary and Secondary Education Act of 1965, **as amended by the Every Student Succeeds Act of 2015,** shall designate a local educational agency liaison for homeless children and youths and shall, consistent with the provisions of this section, otherwise comply with the applicable requirements of paragraphs three through seven of subsection (g) of section seven hundred twenty-two of subtitle B of title VII of the McKinney-Vento Assistance Act.

3. Reimbursement.

a. Where either the school district of current location or a school district participating in a regional placement plan is designated as the district in which the homeless child shall attend upon instruction and such homeless child's school district of origin is within New York state, the school district providing instruction**, including preschool instruction,** shall be eligible for reimbursement by the department, as approved by the commissioner, for the direct cost of educational services, not otherwise reimbursed under special federal programs, calculated pursuant to regulations of the commissioner for the period of time for which such services are provided. The claim for such reimbursement shall be in a form prescribed by the commissioner. The educational costs for such children shall not be otherwise aidable or reimbursable.

b. The school district of origin shall reimburse the department for its expenditure for educational services on behalf of a homeless child pursuant to paragraph a of this subdivision in an amount equal to the school district basic contribution, as such term is defined in subdivision eight of section forty-four hundred one of this chapter, pro-rated for the period of time for which such services were provided in the base year by a school district other than the school district of origin. Upon certification by the commissioner, the comptroller shall deduct from any state funds which become due to the school district of origin an amount equal to the reimbursement required to be made by such school district in accordance with this paragraph, and the amount so deducted shall not be included in the operating expense of such district for the purpose of computing the approved operating expense pursuant to paragraph t of subdivision one of section thirty-six hundred two of this chapter.

4. Transportation.

a. A social services district shall provide for the transportation of each homeless child**, including those in preschool and students with disabilities identified pursuant to sections forty-four hundred one and forty-four hundred two of this chapter whose individualized education programs include special transportation services,** who is eligible for benefits pursuant to section three hundred fifty-j of the social services law, to and from a temporary housing location in which the child was placed by the social services district and the school attended by such child pursuant to this section, if such temporary housing facility is located outside of the designated school district pursuant to paragraph a of subdivision two of this section. A social services district shall be authorized to contract with a board of education or a board of cooperative educational services for the provision of such transportation. **Where the social services district requests that the designated school district of attendance provide or arrange for transportation for a homeless child eligible for transportation pursuant to this paragraph, the designated school district of attendance shall provide or arrange for the transportation and the social services district shall fully and promptly reimburse the designated school district of attendance for the cost as determined by the designated school district.** This paragraph shall apply to placements made by a

social services district without regard to whether a payment is made by the district to the operator of the temporary housing facility.

b. [~~The division for youth, to the extent funds are provided for such purpose, as determined by the director of the budget,~~] **The designated school district of attendance** shall provide for the transportation of each homeless child who is living in a residential program for runaway and homeless youth established pursuant to article nineteen-H of the executive law, to and from such residential program, and the school attended by such child pursuant to this section, if such temporary housing location is located outside the designated school district. The [~~division for youth or the director of a residential program for runaway and homeless youth~~] **designated district of attendance** shall be authorized to contract with [~~a school district or~~] a board of cooperative educational services **or a residential program for runaway and homeless youth** for the provision of such transportation. **The department shall reimburse the designated school district of attendance for the cost of transporting such child to and from the residential program and the school attended by such child to the extent funds are provided for such purpose, as determined by the director of the budget.**

c. Notwithstanding any other provision of law, any homeless child not entitled to receive transportation pursuant to [~~paragraph~~] **paragraphs** a **and b** of this subdivision who requires transportation in order to attend a school [~~district~~] **of origin** designated pursuant to [~~paragraph a of~~] subdivision two of this section [~~outside of the district in which such child is housed~~], shall be entitled to receive such transportation pursuant to this paragraph. [~~If the~~] **The** designated [~~school district pursuant to paragraph a of subdivision two of this section is the school district of origin or a school district participating in a regional placement plan, such~~] school district **of attendance** shall provide transportation to and from the child's temporary housing location and the school [~~the child legally attends~~] **of origin**. Such transportation shall not be in excess of fifty miles each way except where the commissioner certifies that transportation in excess of fifty miles is in the best interest of the child. Any cost incurred for such transportation that is allowable pursuant to the applicable provision of parts two and three of article seventy-three of this chapter or herein, shall be aidable pursuant to subdivision seven of section thirty-six hundred two of this chapter, provided that the approved transportation expense shall not exceed an amount determined by the commissioner to be the total cost for providing the most cost-effective mode of such transportation in a manner consistent with commissioner's regulations. The commissioner shall promulgate regulations setting forth the circumstances pursuant to which parent accompaniment for transportation may be reimbursable, including but not limited to: the age of the child; the distance of the transportation; the cost-effectiveness of the transportation; and whether the child has a handicapping condition.

d. Notwithstanding any other provision of law, where a homeless child designates the school district of current location as the district the child will attend **and such child does not attend the school of origin**, such school district shall provide transportation to such child on the same basis as a resident student.

e. [~~Notwithstanding any other provision of law, if a homeless child chooses to remain in the public school building the child previously attended pursuant to subparagraph one of paragraph b of subdivision two of this section or paragraph c of subdivision two of this section the school district shall provide transportation to and from the child's~~

~~temporary housing location and the school the child legally attends if such temporary housing is located in a different attendance zone or community school district within such district. The cost of such transportation shall be reimbursed in accordance with the provisions of paragraph c of this subdivision.~~] Where the designated school district of attendance has recommended that the homeless child attend a summer educational program and the lack of transportation poses a barrier to such child's participation in the summer educational program, the designated school district of attendance shall provide transportation.

f. The designated school district of attendance, or the social services district if such child is eligible for transportation from the social services district pursuant to paragraph a of this subdivision, shall provide or arrange for transportation to extracurricular or academic activities where:

(1) the homeless child participates in or would like to participate in an extracurricular or academic activity, including an after-school activity, at the school;

(2) the homeless child meets the relevant eligibility criteria for the activity; and

(3) the lack of transportation poses a barrier to such child's participation in the activity.

g. Where the homeless child is temporarily living in a contiguous state and has designated a school of origin located in the state of New York, the designated school district in New York state shall collaborate with the local educational agency in which such child is temporarily living to arrange for transportation in accordance with section 722(g)(1)(J)(iii)(II) of the McKinney-Vento Homeless Assistance Act.

h. Where the homeless child is temporarily living in New York state and continues to attend a school of origin located in a contiguous state, the school district of current location shall coordinate with the local educational agency where such child is attending school to arrange for transportation in accordance with section 722(g)(1)(J)(iii)(II) of the McKinney-Vento Homeless Assistance Act.

i. Transportation as described in this subdivision must be provided to the homeless child by the designated school district of attendance or the social services district for the duration of homelessness. The designated district of attendance must transport the child for the remainder of the school year in which the child becomes permanently housed and one additional year if that year constitutes the child's terminal year in the designated school. Such transportation shall not be in excess of fifty miles each way except where the commissioner certifies that transportation in excess of fifty miles is in the best interest of the child. The designated school district of attendance shall be entitled to reimbursement from the current school district in which the child becomes permanently housed for any cost incurred for transportation for the remainder of the school year after the child becomes permanently housed and one additional year if that year constitutes the child's terminal year in the designated school.

5. Each school district shall:

a. establish procedures, in accordance with 42 U.S.C. section 11432(g)(3)(E), for the prompt resolution of disputes regarding school selection or enrollment of a homeless child or youth, including, but not limited to, disputes regarding transportation and/or a child's or youth's status as a homeless child or unaccompanied youth;

b. provide a written explanation, including a statement regarding the right to appeal pursuant to 42 U.S.C. section 11432(g)(3)(E)(ii), the

name, post office address and telephone number of the local educational agency liaison and the form petition for commencing an appeal to the commissioner pursuant to section three hundred ten of this chapter of a final determination regarding enrollment, school selection and/or transportation, to the homeless child's or youth's parent or guardian, if the school district declines to either enroll and/or transport such child or youth to the school of origin or a school requested by the parent or guardian; and

c. shall immediately enroll the child or youth in the school in which enrollment is sought pending final resolution of the dispute over the school district's final determination of the child's or youth's homeless status, including all available appeals within the local educational agency and the commissioner pursuant to the provisions of section three hundred ten of this chapter.

6. a. By January thirty-first, nineteen hundred ninety-five, the commissioner, the commissioner of [~~social services, and the director of the division for youth~~] the office of temporary and disability assistance and the commissioner of the office of children and family services shall develop a plan to ensure coordination and access to education for homeless children and shall annually review such plan.

b. The commissioner shall periodically monitor local school districts to ensure their compliance with the provisions of this article, and that such districts review and revise any local regulations, policies, or practices that may act as barriers to the enrollment or attendance of homeless children in school or their receipt of comparable services as defined in Part B of Title VII of the Federal Stewart B. McKinney Act.

c. School districts shall periodically report such information to the commissioner as he or she may require to carry out the purposes of this section.

[~~6.~~] 7. Public welfare officials, except as otherwise provided by law, shall furnish indigent children with suitable clothing, shoes, books, food, transportation and other necessaries to enable them to attend upon instruction as required by law. Upon demonstration of need, such necessaries shall also include transportation of indigent children for the purposes of evaluations pursuant to section forty-four hundred ten of this chapter and title II-A of article twenty-five of the public health law.

[~~7.~~] 8. Information about a homeless child's or youth's living situation shall be treated as a student educational record, and shall not be deemed to be directory information, under the McKinney-Vento Homeless Assistance Act, as amended by the Every Student Succeeds Act of 2015.

9. Each homeless child to be assisted under this section shall be provided services comparable to services offered to other students in the school selected under this section, including the following: transportation services; educational services for which the child or youth meets the eligibility criteria, such as services provided under Title I of the Elementary and Secondary Education Act of 1965 or similar state or local programs; educational programs for children with disabilities; educational programs for English learners; programs in career and technical education; programs for gifted and talented students; and school nutrition programs.

10. The commissioner may promulgate regulations to carry out the purposes of this section.

§ 2. Paragraph a of subdivision 1 of section 3209 of the education law, as added by chapter 569 of the laws of 1994, is amended to read as follows:

a. Homeless child. For the purposes of this article, the term "homeless child" shall mean:

(1) a child who lacks a fixed, regular, and adequate nighttime residence**, including a child or youth who is:**

(i) sharing the housing of other persons due to a loss of housing, economic hardship or a similar reason;

(ii) living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations;

(iii) abandoned in hospitals;

(iv) a migratory child, as defined in subsection two of section thirteen hundred nine of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act of 2015, who qualifies as homeless under any of the provisions of clauses (i) through (iii) of this subparagraph or subparagraph two of this paragraph; or

(v) an unaccompanied youth, as defined in section seven hundred twenty-five of subtitle B of title VII of the McKinney-Vento Homeless Assistance Act; or

(2) a child who has a primary nighttime location that is:

(i) a supervised publicly or privately operated shelter designed to provide temporary living accommodations including, but not limited to, shelters operated or approved by the state or local department of social services, and residential programs for runaway and homeless youth established pursuant to article nineteen-H of the executive law; or

(ii) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings**, including a child or youth who is living in a car, park, public space, abandoned building, substandard housing, bus or train stations or similar setting**.

(3) the term "homeless child" shall not include a child in foster care **placement** or receiving educational services pursuant to subdivision four, five, six, six-a or seven of section thirty-two hundred two of this article or pursuant to article eighty-one, eighty-five, eighty-seven or eighty-eight of this chapter.

§ 3. This act shall take effect immediately; provided, however, that:

(a) the amendments to paragraph a of subdivision 1 of section 3209 of the education law made by section one of this act shall be subject to the expiration and reversion of such paragraph pursuant to section 5 of chapter 101 of the laws of 2003, as amended, when upon such date the provisions of section two of this act shall take effect;

(b) the amendments to paragraph a-1 of subdivision 1 of section 3209 of the education law made by section one of this act shall not affect the expiration of such paragraph and shall be deemed to expire therewith; and

(c) the amendments to subdivision 2-a of section 3209 of the education law made by section one of this act shall not affect the repeal of such subdivision and shall be deemed repealed therewith.

PART D

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

§ 669-h. Excelsior scholarship. 1. Eligibility. An excelsior scholarship award shall be made to an applicant who: (a) is matriculated in an approved program leading to an undergraduate degree at a New York state public institution of higher education; (b) enrolls in and completes at least fifteen combined credits per term, or its equivalent, applicable to his or her program or programs of study, provided, however, that an

applicant may have two semesters where he or she completes at least twelve combined credits per term, or its equivalent, applicable to his or her program or programs of study. The corporation shall prescribe in regulation (i) rules that allow applicants who are disabled as defined by the Americans with Disabilities Act of 1990, 42 USC 12101, to be eligible for an award pursuant to this section based on modified criteria, and (ii) the limited circumstances in which the requirements of this section may be waived or modified for an applicant. Applicants who fail to meet the requirements of this section shall be able to re-establish eligibility for an award after he or she successfully enrolls in an completes at least fifteen combined credits per term, or its equivalent, applicable to his or her program or programs of study. Notwithstanding, in the student's last semester, the student may take at least one course needed to meet his or her graduation requirements and enroll in at least part-time study; (c) has an adjusted gross income, as defined in this subdivision, equal to or less than: (i) one hundred thousand dollars for recipients receiving an award in the two thousand seventeen--two thousand eighteen academic year; (ii) one hundred ten thousand dollars for recipients receiving an award in the two thousand eighteen--two thousand nineteen academic year; (iii) one hundred twenty-five thousand dollars for recipients receiving an award in the two thousand nineteen--two thousand twenty academic year; and (iv) one hundred fifty thousand dollars for recipients receiving an award in the two thousand twenty--two thousand twenty-one academic year and thereafter; and (d) complies with the applicable provisions of this article and all requirements promulgated by the corporation for the administration of the program. Adjusted gross income shall be the total of the combined adjusted gross income of the applicant and the applicant's parents or the applicant and the applicant's spouse, if married, as reported on the federal income tax return, or as otherwise obtained by the corporation, for the calendar year coinciding with the tax year established by the U.S. department of education to qualify applicants for federal student financial aid programs authorized by Title IV of the Higher Education act of nineteen hundred sixty-five, as amended, for the school year in which application for assistance is made.

2. Amount. 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 the amount equal to the amount of undergraduate tuition for residents of New York state charged by the state university of New York or actual tuition, whichever is less; provided, however, (a) 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; and (b) an award under this program shall be applied to tuition after the application of payments received under the tuition assistance program pursuant to section six hundred sixty-seven of this subpart, tuition credits pursuant to section six hundred eighty-nine-a of this article, two-thirds of any federal Pell grant pursuant to section one thousand seventy of title twenty of the United States code, et. seq., and any other program that covers the cost of attendance, and the award under this program shall be reduced in the amount equal to such payments, provided that the combined benefits do not exceed the student's full cost of tuition. Upon notification of an award under this program, the institution shall defer the amount of tuition. Notwithstanding paragraph h of subdivision two of section three hundred fifty-five and paragraph (a) of

subdivision seven of section six thousand two hundred six of this chapter, and any other law, rule or regulation to the contrary, the undergraduate tuition charged by the institution to recipients of an award shall not exceed the tuition rate established by the institution for the two thousand sixteen--two thousand seventeen academic year, provided, however, that in the two thousand twenty-one--two thousand twenty-two academic year and every four years thereafter, the undergraduate tuition charged by the institution to recipients of an award shall be reset to equal the tuition rate established by the institution for the forthcoming academic year.

3. Duration. An eligible recipient shall not receive an award for more than four academic years of full-time undergraduate study or five academic years if the program of study normally requires five years. An eligible recipient enrolled in an eligible two year program of study shall not receive an award for more than two academic years while enrolled in such program of study. Notwithstanding, such duration may be extended for an allowable interruption of study.

4. Conditions. (a) An applicant who would be eligible for a New York state tuition assistance program award pursuant to section six hundred sixty-seven of this subpart and/or a federal Pell grant pursuant to section one thousand seventy of title twenty of the United States code, et. seq., is required to apply for each such award.

(b) An applicant who has earned a bachelor's degree is ineligible to receive an award pursuant to this section.

(c) An applicant who has earned an associate's degree is ineligible to receive an award for a two year program of study pursuant to this section, provided, however, that such applicant shall remain eligible to receive an award for a program of study leading to a bachelor's degree.

(d) Notwithstanding paragraph c of subdivision four of section six hundred sixty-one of this part, a school shall certify that a recipient has achieved the minimum grade point average necessary for successful completion of his or her coursework to receive payment under the award.

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.

§ 2. This act shall take effect immediately.

PART E

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

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

§ 609-a. New York DREAM fund commission. 1. (a) There shall be created a New York DREAM fund commission which shall be committed to advancing the educational opportunities of the children of immigrants.

(b) The New York DREAM fund commission shall be composed of twelve members to be appointed as follows:

(i) Four members shall be appointed by the governor;

(ii) Three members shall be appointed by the temporary president of the senate;

(iii) Three members shall be appointed by the speaker of the assembly;

(iv) One member shall be appointed by the minority leader of the senate;

(v) One member shall be appointed by the minority leader of the assembly;

(c) To the extent practicable, members of such commission shall reflect the racial, ethnic, gender, language, and geographic diversity of the state.

(d) To the extent practicable, members of such commission shall include college and university administrators and faculty, and other individuals committed to advancing the educational opportunities of the children of immigrants.

(e) Members of the New York DREAM fund commission shall receive no compensation for their services.

2. (a) The New York DREAM fund commission shall have the power to:

(i) Administer the provisions of this section;

(ii) Create and raise funds for the New York DREAM fund;

(iii) Establish a not-for-profit entity charged with the responsibility of raising funds for the administration of this section and any educational or training programs such commission is tasked with administrating and funding scholarships to students who are children of immigrants to the United States;

(iv) Publicize the availability of such scholarships from the New York DREAM fund;

(v) Develop criteria and a selection process for the recipients of scholarships from the New York DREAM fund;

(vi) Research issues pertaining to the availability of assistance with the costs of higher education for the children of immigrants and other issues regarding access for and the performance of the children of immigrants within higher education;

(vii) Establish, publicize, and administer training programs for high school counselors, admissions officers, and financial aid officers of institutions of higher education. The training programs shall instruct participants on the educational opportunities available to college-bound students who are the children of immigrants, including, but not limited to, in-state tuition and scholarship programs. To the extent practicable, the New York DREAM fund commission shall offer the training program to school districts and boards of cooperative educational services throughout the state, provided however, that priority shall be given to school districts and boards of cooperative educational services with larger number of students who are the children of immigrants over school districts and boards of cooperative educational services with lesser number of students who are the children of immigrants;

(viii) Establish a public awareness campaign regarding educational opportunities available to college bound students who are the children of immigrants; and

(ix) Establish, by rule, procedures for accepting and evaluating applications for scholarships from the children of immigrants and issuing scholarships to selected student applicants;

(b) To receive a scholarship pursuant to this section, a student applicant must meet the following qualifications:

(i) Have resided with his or her parents or guardians while attending a public or private high school in this state;

(ii) Have graduated from a public or private high school or received the equivalent of a high school diploma in this state;

(iii) Have attended a public or private high school in this state for at least two years as of the date he or she graduated from high school or received the equivalent of a high school diploma;

(iv) Have at least one parent or guardian who immigrated to the United States.

(c) The New York DREAM fund commission and the New York DREAM fund shall be funded entirely by private contributions and no state funds shall be appropriated to or used by the New York DREAM fund. No funds of the New York DREAM fund or the New York DREAM fund commission shall be transferred to the general fund or any special revenue fund or shall be used for any purpose other than the purposes set forth in this section.

3. The New York DREAM fund commission and the New York DREAM fund shall be subject to the provisions of articles six and seven and section seventy-four of the public officers law.

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

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

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

(ii) An applicant who is not a legal resident of the state eligible pursuant to subparagraph (i) of this paragraph, but is a United States citizen, a permanent lawful resident, a lawful non-immigrant alien or an applicant without lawful immigration status shall be eligible for an award at the undergraduate level of study provided that the student:

(a) attended a registered New York state high school for two or more years, graduated from a registered New York state high school and applied for attendance at the institution of higher education for the undergraduate study for which an award is sought within five years of receiving a New York state high school diploma; or

(b) attended an approved New York state program for a state high school equivalency diploma, received a state high school equivalency diploma and applied for attendance at the institution of higher education for the undergraduate study for which an award is sought within five years of receiving a state high school equivalency diploma; or

(c) is otherwise eligible for the payment of tuition and fees at a rate no greater than that imposed for resident students of the state university of New York, the city university of New York or community colleges as prescribed in subparagraph eight of paragraph h of subdivision two of section three hundred fifty-five or paragraph (a) of subdivision seven of section sixty-two hundred six of this chapter.

Provided, further, that a student without lawful immigration status shall also be required to file an affidavit with such institution of higher education stating that the student has filed an application to legalize his or her immigration status, or will file such an application as soon as he or she is eligible to do so.

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

b. [~~An~~] **(i) Except as otherwise provided in subparagraph (ii) of this paragraph, an** applicant for an award at the graduate level of study must either [~~(i)~~] **(a)** have been a legal resident of the state for at least one year immediately preceding the beginning of the semester, quarter or term of attendance for which application for assistance is made, or [~~(ii)~~] **(b)** be a legal resident of the state and have been a legal resident during his last academic year of undergraduate study and have continued to be a legal resident until matriculation in the graduate program.

(ii) An applicant who is not a legal resident of the state eligible pursuant to subparagraph (i) of this paragraph, but is a United States citizen, a permanent lawful resident, a lawful non-immigrant alien or an applicant without lawful immigration status shall be eligible for an award at the graduate level of study provided that the student:

(a) attended a registered approved New York state high school for two or more years, graduated from a registered New York state high school and applied for attendance at the institution of higher education for the graduate study for which an award is sought within ten years of receiving a New York state high school diploma; or

(b) attended an approved New York state program for a state high school equivalency diploma, received a state high school equivalency diploma and applied for attendance at the institution of higher education for the graduate study for which an award is sought within ten years of receiving a state high school equivalency diploma; or

(c) is otherwise eligible for the payment of tuition and fees at a rate no greater than that imposed for resident students of the state university of New York, the city university of New York or community colleges as prescribed in subparagraph eight of paragraph h of subdivision two of section three hundred fifty-five or paragraph (a) of subdivision seven of section sixty-two hundred six of this chapter.

Provided, further, that a student without lawful immigration status shall also be required to file an affidavit with such institution of higher education stating that the student has filed an application to legalize his or her immigration status, or will file such an application as soon as he or she is eligible to do so.

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

d. If an applicant for an award allocated on a geographic basis has more than one residence in this state, his **or her** residence for the purpose of this article shall be his **or her** place of actual residence during the major part of the year while attending school, as determined by the commissioner**; and further provided that an applicant who does not have a residence in this state and is eligible for an award pursuant to subparagraph (ii) of paragraph a or subparagraph (ii) of paragraph b of this subdivision shall be deemed to reside in the geographic area of the institution of higher education in which he or she attends for purposes of an award allocated on a geographic basis**.

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

e. Notwithstanding any other provision of this article to the contrary, the New York state [~~residency~~] eligibility [~~requirement~~] **requirements** for receipt of awards [~~is~~] **set forth in paragraphs a and b of this subdivision are** waived for a member, or the spouse or dependent of a

member, of the armed forces of the United States on full-time active duty and stationed in this state.

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

(10) Such regulations shall further provide that any student who is not a legal resident of New York state but is a United States citizen, a permanent lawful resident, a lawful non-immigrant alien or an applicant without lawful immigration status may have the payment of tuition and other fees and charges reduced by state-aided programs, scholarships or other financial assistance awarded under the provisions of articles thirteen, thirteen-A, fourteen and fourteen-A of this chapter, provided that the student meets the requirements set forth in subparagraph (ii) of paragraph a or subparagraph (ii) of paragraph b of subdivision five of section six hundred sixty-one of this chapter, as applicable.

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

(d) The trustees shall further provide that any student who is not a legal resident of New York state but is a United States citizen, a permanent lawful resident, a lawful non-immigrant alien or an applicant without lawful immigration status may have the payment of tuition and other fees and charges reduced by state-aided programs, scholarships or other financial assistance awarded under the provisions of articles thirteen, thirteen-A, fourteen and fourteen-A of this chapter, provided that the student meets the requirements set forth in subparagraph (ii) of paragraph a or subparagraph (ii) of paragraph b of subdivision five of section six hundred sixty-one of this chapter, as applicable.

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

8-a. The payment of tuition and other fees and charges of a student who is attending a community college and who is not a legal resident of New York state but is a United States citizen, a permanent lawful resident, a lawful non-immigrant alien or an applicant without lawful immigration status may be reduced by state-aided programs, scholarships and other financial assistance awarded under the provisions of articles thirteen, thirteen-A, fourteen and fourteen-A of this chapter, provided that the student meets the requirements set forth in subparagraph (ii) of paragraph a or subparagraph (ii) of paragraph b of subdivision five of section six hundred sixty-one of this chapter, as applicable.

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

d. Any necessary supplemental financial assistance, which may include the cost of books and necessary maintenance for such enrolled students**, including students without lawful immigration status provided that the student meets the requirements set forth in subparagraph (ii) of paragraph a or subparagraph (ii) of paragraph b of subdivision five of section six hundred sixty-one of this chapter, as applicable**; provided, however, that such supplemental financial assistance shall be furnished pursuant to criteria promulgated by the commissioner with the approval of the director of the budget.

§ 11-a. Paragraph d of subdivision 3 of section 6451 of the education law, as amended by chapter 494 of the laws of 2016, is amended to read as follows:

d. Any necessary supplemental financial assistance, which may include the cost of books and necessary maintenance for such enrolled students**, including students without lawful immigration status provided that the**

student meets the requirements set forth in subparagraph (ii) of paragraph a or subparagraph (ii) of paragraph b of subdivision five of section six hundred sixty-one of this chapter, as applicable; provided, however, that such supplemental financial assistance shall be furnished pursuant to criteria promulgated by the commissioner with the approval of the director of the budget;

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

(v) Any necessary supplemental financial assistance, which may include the cost of books and necessary maintenance for such students, including students without lawful immigration status provided that the student meets the requirements set forth in subparagraph (ii) of paragraph a or subparagraph (ii) of paragraph b of subdivision five of section six hundred sixty-one of this chapter, as applicable; provided, however, that such supplemental financial assistance shall be furnished pursuant to criteria promulgated by such universities and approved by the regents and the director of the budget.

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

(a) (i) Undergraduate science and technology entry program moneys may be used for tutoring, counseling, remedial and special summer courses, supplemental financial assistance, program administration, and other activities which the commissioner may deem appropriate. To be eligible for undergraduate collegiate science and technology entry program support, a student must be a resident of New York [~~who is~~], or meet the requirements of subparagraph (ii) of this paragraph, and must be either economically disadvantaged or from a minority group historically under represented in the scientific, technical, health and health-related professions, and [~~who demonstrates~~] must demonstrate interest in and a potential for a professional career if provided special services. Eligible students must be in good academic standing, enrolled full time in an approved, undergraduate level program of study, as defined by the regents.

(ii) An applicant who is not a legal resident of New York state, but who is a United States citizen, a permanent lawful resident, a lawful non-immigrant alien or an applicant without lawful immigration status, shall be eligible for an award at the undergraduate level of study provided that the student:

(1) attended a registered New York state high school for two or more years, graduated from a registered New York state high school and applied for attendance at the institution of higher education for the undergraduate study for which an award is sought within five years of receiving a New York state high school diploma; or

(2) attended an approved New York state program for a state high school equivalency diploma, received a state high school equivalency diploma and applied for attendance at the institution of higher education for the undergraduate study for which an award is sought within five years of receiving a state high school equivalency diploma, attended an approved New York state high school for two or more years, graduated from an approved New York state high school and applied for attendance at an institution of higher education within five years of receiving a New York state high school diploma; or

(3) is otherwise eligible for the payment of tuition and fees at a rate no greater than that imposed for resident students of the state

university of New York, the city university of New York or community colleges as prescribed in subparagraph eight of paragraph h of subdivision two of section three hundred fifty-five or paragraph (a) of subdivision seven of section sixty-two hundred six of this chapter.

Provided, further, that a student without lawful immigration status shall also be required to file an affidavit with such institution of higher education stating that the student has filed an application to legalize his or her immigration status, or will file such an application as soon as he or she is eligible to do so.

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

(a) (i) Graduate science and technology entry program moneys may be used for recruitment, academic enrichment, career planning, supplemental financial assistance, review for licensing examinations, program administration, and other activities which the commissioner may deem appropriate. To be eligible for graduate collegiate science and technology entry program support, a student must be a resident of New York [~~who is~~], or meet the requirements of subparagraph (ii) of this paragraph, and must be either economically disadvantaged or from a minority group historically underrepresented in the scientific, technical and health-related professions. Eligible students must be in good academic standing, enrolled full time in an approved graduate level program, as defined by the regents.

(ii) An applicant who is not a legal resident of New York state, but either is a United States citizen, a permanent lawful resident, a lawful non-immigrant alien or an applicant without lawful immigration status shall be eligible for an award at the graduate level of study provided that the student:

(1) attended a registered approved New York state high school for two or more years, graduated from a registered New York state high school and applied for attendance at the institution of higher education for the graduate study for which an award is sought within ten years of receiving a New York state high school diploma; or

(2) attended an approved New York state program for a state high school equivalency diploma, received a state high school equivalency diploma and applied for attendance at the institution of higher education for the graduate study for which an award is sought within ten years of receiving a state high school equivalency diploma; or

(3) is otherwise eligible for the payment of tuition and fees at a rate no greater than that imposed for resident students of the state university of New York, the city university of New York or community colleges as prescribed in subparagraph eight of paragraph h of subdivision two of section three hundred fifty-five or paragraph (a) of subdivision seven of section sixty-two hundred six of this chapter.

Provided, further, that a student without lawful immigration status shall also be required to file an affidavit with such institution of higher education stating that the student has filed an application to legalize his or her immigration status, or will file such an application as soon as he or she is eligible to do so.

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

(i) the name, address and social security number [~~or~~], employer identification number, or individual taxpayer identification number of the account owner unless a family tuition account that was in effect prior

to the effective date of the chapter of the laws of two thousand seventeen that amended this subparagraph does not allow for a taxpayer identification number, in which case a taxpayer identification number shall be allowed upon the expiration of the contract;

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

(iii) the name, address, and social security number, employer identification number, or individual taxpayer identification number of the designated beneficiary, unless a family tuition account that was in effect prior to the effective date of the chapter of the laws of two thousand seventeen that amended this subparagraph does not allow for a taxpayer identification number, in which case a taxpayer identification number shall be allowed upon the expiration of the contract; and

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

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

(a) section two of this act shall take effect January 1, 2018;

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

(c) sections three through fourteen and section seventeen of this act shall take effect on the ninetieth day after the issuance of regulations and the development of an application form by the president of the higher education services corporation and commissioner of education or on the ninetieth day after it shall have become a law, whichever shall be later; provided, however, that if chapter 494 of the laws of 2016 shall not have taken effect on or before such date then section eleven-a of this act shall take effect on the same date and in the same manner as such chapter of the laws of 2016 takes effect; provided, further, however that effective immediately the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such date; provided, further, however, that the president of the higher education services corporation and the commissioner of education shall notify the legislative bill drafting commission upon the occurrence of the issuance of the regulations and the development of an application form in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.

PART F

Intentionally Omitted

PART G

Section 1. Subparagraph 4 of paragraph h of subdivision 2 of section 355 of the education law, as amended by section 1 of part D of chapter 54 of the laws of 2016, is amended to read as follows:

(4) The trustees shall not impose a differential tuition charge based upon need or income. Except as hereinafter provided, all students enrolled in programs leading to like degrees at state-operated institutions of the state university shall be charged a uniform rate of tuition except for differential tuition rates based on state residency. Provided, however, that the trustees may authorize the presidents of the colleges of technology and the colleges of agriculture and technology to set differing rates of tuition for each of the colleges for students enrolled in degree-granting programs leading to an associate degree and non-degree granting programs so long as such tuition rate does not exceed the tuition rate charged to students who are enrolled in like degree programs or degree-granting undergraduate programs leading to a baccalaureate degree at other state-operated institutions of the state university of New York. Notwithstanding any other provision of this subparagraph, the trustees may authorize the setting of a separate category of tuition rate, that shall be greater than the tuition rate for resident students and less than the tuition rate for non-resident students, only for students enrolled in distance learning courses who are not residents of the state. Except as otherwise authorized in this subparagraph, the trustees shall not adopt changes affecting tuition charges prior to the enactment of the annual budget, provided however that:

(i) Commencing with the two thousand eleven--two thousand twelve academic year and ending in the two thousand fifteen--two thousand sixteen academic year the state university of New York board of trustees shall be empowered to increase the resident undergraduate rate of tuition by not more than three hundred dollars over the resident undergraduate rate of tuition adopted by the board of trustees in the prior academic year, provided however that commencing with the two thousand eleven--two thousand twelve academic year [~~and each year thereafter~~] **and ending in the two thousand sixteen--two thousand seventeen academic year** if the annual resident undergraduate rate of tuition would exceed five thousand dollars, then a tuition credit for each eligible student, as determined and calculated by the New York state higher education services corporation pursuant to section six hundred eighty-nine-a of this title, shall be applied toward the tuition charged for each semester, quarter or term of study. Tuition for each semester, quarter or term of study shall not be due for any student eligible to receive such tuition credit until the tuition credit is calculated and applied against the tuition charged for the corresponding semester, quarter or term.

(ii) **Commencing with the two thousand seventeen--two thousand eighteen academic year and ending in the two thousand twenty-one--two thousand twenty-two academic year the state university of New York board of trustees shall be empowered to increase the resident undergraduate rate of tuition by not more than two hundred dollars over the resident undergraduate rate of tuition adopted by the board of trustees in the prior academic year, provided, however that if the annual resident undergraduate rate of tuition would exceed the maximum tuition assistance program award pursuant to subitem (c) of item one of clause (A) of subparagraph (i) of paragraph a of subdivision three of section six hundred sixty-**

seven of this title, then a tuition credit for each eligible student, as determined and calculated by the New York state higher education services corporation pursuant to section six hundred eighty-nine-a of this title, shall be applied toward the tuition charged for each semester, quarter or term of study. Tuition for each semester, quarter or term of study shall not be due for any student eligible to receive such tuition credit until the tuition credit is calculated and applied against the tuition charged for the corresponding semester, quarter or term. Provided, further that the revenue resulting from an increase in the rate of tuition shall be allocated to each campus pursuant to a plan approved by the board of trustees to support investments in faculty, instruction, initiatives to improve student success and on-time completion and a tuition credit for each eligible student.

(iii) On or before November thirtieth, two thousand [~~eleven~~] seventeen, the trustees shall approve and submit to the chairs of the assembly ways and means committee and the senate finance committee and to the director of the budget a master tuition plan setting forth the tuition rates that the trustees propose for resident undergraduate students for the five year period commencing with the two thousand [~~eleven~~] seventeen--two thousand [~~twelve~~] eighteen academic year and ending in the two thousand [~~fifteen~~] twenty-one-two thousand [~~sixteen~~] twenty-two academic year, and shall submit any proposed amendments to such plan by November thirtieth of each subsequent year thereafter through November thirtieth, two thousand [~~fifteen~~] twenty-one, and provided further, that with the approval of the board of trustees, each university center may increase non-resident undergraduate tuition rates each year by not more than ten percent over the tuition rates of the prior academic year for a six year period commencing with the two thousand eleven--two thousand twelve academic year and ending in the two thousand sixteen--two thousand seventeen academic year.

[~~(iii)~~] (iv) Beginning in state fiscal year two thousand twelve-two thousand thirteen and ending in state fiscal year two thousand fifteen--two thousand sixteen, the state shall appropriate and make available general fund operating support, including fringe benefits, for the state university in an amount not less than the amount appropriated and made available in the prior state fiscal year; provided, however, that if the governor declares a fiscal emergency, and communicates such emergency to the temporary president of the senate and speaker of the assembly, state support for operating expenses at the state university and city university may be reduced in a manner proportionate to one another, and the aforementioned provisions shall not apply.

[~~(iv)~~] (v) The state shall appropriate annually and make available general fund operating support including fringe benefits, for the state university in an amount not less than the amount appropriated and made available to the state university in state fiscal year two thousand eleven--two thousand twelve. Beginning in state fiscal year two thousand eighteen--two thousand nineteen and thereafter, the state shall appropriate and make available general fund operating support for the state university and the state university health science centers in an amount not less than the amounts separately appropriated and made available in the prior state fiscal year; provided, further, the state shall appropriate and make available general fund operating support to cover all mandatory costs of the state university and the state university health science centers, which shall include, but not be limited to, collective bargaining costs including salary increments, fringe benefits, and other non-personal service costs such as utility costs, building rentals and

other inflationary expenses incurred by the state university and the state university health science centers. If the governor, however, declares a fiscal emergency, and communicates such emergency to the temporary president of the senate and speaker of the assembly, state support for operating expenses at the state university and city university may be reduced in a manner proportionate to one another, and the aforementioned provisions shall not apply.

(vi) For the state university fiscal years commencing two thousand eleven--two thousand twelve and ending two thousand fifteen--two thousand sixteen, each university center may set aside a portion of its tuition revenues derived from tuition increases to provide increased financial aid for New York state resident undergraduate students whose net taxable income is eighty thousand dollars or more subject to the approval of a NY-SUNY 2020 proposal by the governor and the chancellor of the state university of New York. Nothing in this paragraph shall be construed as to authorize that students whose net taxable income is eighty thousand dollars or more are eligible for tuition assistance program awards pursuant to section six hundred sixty-seven of this chapter.

§ 2. Paragraph (a) of subdivision 7 of section 6206 of the education law, as amended by section 2 of part D of chapter 54 of the laws of 2016, is amended to read as follows:

(a) The board of trustees shall establish positions, departments, divisions and faculties; appoint and in accordance with the provisions of law fix salaries of instructional and non-instructional employees therein; establish and conduct courses and curricula; prescribe conditions of student admission, attendance and discharge; and shall have the power to determine in its discretion whether tuition shall be charged and to regulate tuition charges, and other instructional and non-instructional fees and other fees and charges at the educational units of the city university. The trustees shall review any proposed community college tuition increase and the justification for such increase. The justification provided by the community college for such increase shall include a detailed analysis of ongoing operating costs, capital, debt service expenditures, and all revenues. The trustees shall not impose a differential tuition charge based upon need or income. All students enrolled in programs leading to like degrees at the senior colleges shall be charged a uniform rate of tuition, except for differential tuition rates based on state residency. Notwithstanding any other provision of this paragraph, the trustees may authorize the setting of a separate category of tuition rate, that shall be greater than the tuition rate for resident students and less than the tuition rate for non-resident students, only for students enrolled in distance learning courses who are not residents of the state; provided, however, that:

(i) Commencing with the two thousand eleven--two thousand twelve academic year and ending in the two thousand fifteen--two thousand sixteen academic year, the city university of New York board of trustees shall be empowered to increase the resident undergraduate rate of tuition by not more than three hundred dollars over the resident undergraduate rate of tuition adopted by the board of trustees in the prior academic year, provided however that commencing with the two thousand eleven--two thousand twelve academic year and [~~each year thereafter~~] ending with the two thousand sixteen--two thousand seventeen academic year if the annual resident undergraduate rate of tuition would exceed five thousand dollars, then a tuition credit for each eligible student, as determined and calculated by the New York state higher education

services corporation pursuant to section six hundred eighty-nine-a of this chapter, shall be applied toward the tuition charged for each semester, quarter or term of study. Tuition for each semester, quarter or term of study shall not be due for any student eligible to receive such tuition credit until the tuition credit is calculated and applied against the tuition charged for the corresponding semester, quarter or term.

(ii) **Commencing with the two thousand seventeen--two thousand eighteen academic year and ending in the two thousand twenty-one--two thousand twenty-two academic year the city university of New York board of trustees shall be empowered to increase the resident undergraduate rate of tuition by not more than two hundred dollars over the resident undergraduate rate of tuition adopted by the board of trustees in the prior academic year, provided however that if the annual resident undergraduate rate of tuition would exceed the maximum tuition assistance program award pursuant to subitem (c) of item one of clause (A) of subparagraph (i) of paragraph a of subdivision three of section six hundred sixty-seven of this chapter, then a tuition credit for each eligible student, as determined and calculated by the New York state higher education services corporation pursuant to section six hundred eighty-nine-a of this title, shall be applied toward the tuition charged for each semester, quarter or term of study. Tuition for each semester, quarter or term of study shall not be due for any student eligible to receive such tuition credit until the tuition credit is calculated and applied against the tuition charged for the corresponding semester, quarter or term. Provided, further that the revenue resulting from an increase in the rate of tuition shall be allocated to each campus pursuant to a plan approved by the board of trustees to support investments in faculty, instruction, initiatives to improve student success and on-time completion and a tuition credit for each eligible student.**

(iii) On or before November thirtieth, two thousand [~~eleven~~] **seventeen**, the trustees shall approve and submit to the chairs of the assembly ways and means committee and the senate finance committee and to the director of the budget a master tuition plan setting forth the tuition rates that the trustees propose for resident undergraduate students for the five year period commencing with the two thousand [~~eleven~~] **seventeen**--two thousand [~~twelve~~] **eighteen** academic year and ending in the two thousand [~~fifteen~~] **twenty-one**--two thousand [~~sixteen~~] **twenty-two** academic year, and shall submit any proposed amendments to such plan by November thirtieth of each subsequent year thereafter through November thirtieth, two thousand [~~fifteen~~] **twenty-one**.

[~~(iii)~~] **(iv)** Beginning in state fiscal year two thousand twelve--two thousand thirteen and ending in state fiscal year two thousand fifteen--two thousand sixteen, the state shall appropriate and make available state support for operating expenses, including fringe benefits, for the city university in an amount not less than the amount appropriated and made available in the prior state fiscal year; provided, however, that if the governor declares a fiscal emergency, and communicates such emergency to the temporary president of the senate and speaker of the assembly, state support for operating expenses of the state university and city university may be reduced in a manner proportionate to one another, and the aforementioned provisions shall not apply.

(v) The state shall appropriate annually and make available state support for operating expenses, including fringe benefits, for the city university in an amount not less than the amount appropriated and made available to the city university in state fiscal year two thousand

eleven--two thousand twelve. Beginning in state fiscal year two thousand eighteen--two thousand nineteen and thereafter, the state shall appropriate and make available state support for operating expenses for the city university in an amount not less than the amounts separately appropriated and made available in the prior state fiscal year; provided, further, the state shall appropriate and make available general fund operating support to cover all mandatory costs of the city university, which shall include, but not be limited to, collective bargaining costs, including salary increments, fringe benefits, and other non-personal service costs such as utility costs, building rentals and other inflationary expenses incurred by the city university. If the governor, however, declares a fiscal emergency, and communicates such emergency to the temporary president of the senate and the speaker of the assembly, state support for operating expenses of the state university and city university may be reduced in a manner proportionate to one another, and the aforementioned provisions shall not apply.

§ 3. Section 359 of the education law is amended by adding a new subdivision 6 to read as follows:

6. The state university trustees shall annually report on how the revenue generated has been invested in faculty, instruction, initiatives to improve student success and on-time completion and student financial assistance for the duration of the five year tuition plan. The trustees shall submit the report by September first of each subsequent year.

§ 4. Section 6206 of the education law is amended by adding a new subdivision 19 to read as follows:

19. The city university trustees shall annually report on how the revenue generated has been invested in faculty, instruction, initiatives to improve student success and on-time completion and student financial assistance for the duration of the five year tuition plan. The trustees shall submit the report by September first of each subsequent year.

§ 5. Section 689-a of the education law, as added by chapter 260 of the laws of 2011, is amended to read as follows:

§ 689-a. Tuition credits. 1. The New York state higher education services corporation shall calculate a tuition credit for each resident undergraduate student who has filed an application with such corporation for a tuition assistance program award pursuant to section six hundred sixty-seven of this article, and is determined to be eligible to receive such award, and is also enrolled in a program of undergraduate study at a state operated or senior college of the state university of New York or the city university of New York where the annual resident undergraduate tuition rate will exceed [~~five thousand dollars~~] the maximum tuition assistance program award pursuant to subitem (c) of item one of clause (A) of subparagraph (i) of paragraph a of subdivision three of section six hundred sixty-seven of this article. Such tuition credit shall be calculated for each semester, quarter or term of study that tuition is charged and tuition for the corresponding semester, quarter or term shall not be due for any student eligible to receive such tuition credit until such credit is calculated, the student and school where the student is enrolled is notified of the tuition credit amount, and such tuition credit is applied toward the tuition charged.

2. Each tuition credit pursuant to this section shall be an amount equal to the product of the total annual resident undergraduate tuition rate minus [~~five thousand dollars~~] the maximum tuition assistance program award pursuant to subitem (c) of item one of clause (A) of subparagraph (i) of paragraph a of subdivision three of section six hundred sixty-seven of this article, then multiplied by an amount equal

to the product of the total annual award for the student pursuant to section six hundred sixty-seven of this article divided by an amount equal to the maximum amount the student qualifies to receive pursuant to clause (A) of subparagraph (i) of paragraph a of subdivision three of section six hundred sixty-seven of this article.

§ 6. Section 22-c of the state finance law is amended by adding a new subdivision 7 to read as follows:

7. For the fiscal year beginning on April first, two thousand eighteen and every fifth fiscal year thereafter, the governor shall submit to the legislature as part of the annual executive budget, five-year capital plans for the state university of New York state-operated campuses and city university of New York senior colleges. Such plans shall provide for the annual appropriation of capital funds to cover one hundred percent of the annual critical maintenance needs identified by each university system, and may include funds for new infrastructure or other major capital initiatives, provided that such funding for new infrastructure or other major capital initiatives shall not count towards meeting the overall critical maintenance requirement. In the event that such plan is unable to fund one hundred percent of the critical maintenance needs due to the limitation imposed by article five-b of this chapter, the director of the budget shall develop five-year capital plans whereby the implementation of each capital plan would annually reduce the overall facility condition index for each university system. For the purposes of this subdivision, "facility condition index" shall mean an industry benchmark that measures the ratio of deferred maintenance dollars to replacement dollars for the purposes of analyzing the effect of investing in facility improvements. The apportionment of capital appropriations to each state-operated campus or senior college shall be based on a methodology to be developed by the director of the budget, in consultation with the state university of New York and city university of New York.

§ 7. Section 16 of chapter 260 of the laws of 2011 amending the education law and the New York state urban development corporation act relating to establishing components of the NY-SUNY 2020 challenge grant program, as amended by section 5 of part D of chapter 54 of the laws of 2016, is amended to read as follows:

§ 16. This act shall take effect July 1, 2011; provided that sections one, two, three, four, five, six, eight, nine, ten, eleven, twelve and thirteen of this act shall expire [~~6~~] **11** years after such effective date when upon such date the provisions of this act shall be deemed repealed; and provided further that sections fourteen and fifteen of this act shall expire 5 years after such effective date when upon such date the provisions of this act shall be deemed repealed.

§ 8. This act shall take effect immediately; provided that the amendments to subparagraph 4 of paragraph h of subdivision 2 of section 355 of the education law made by section one of this act and the amendments to paragraph (a) of subdivision 7 of section 6206 of the education law made by section two of this act shall not affect the expiration of such provisions and shall be deemed to expire therewith; provided further, however, that the amendments to section 689-a of the education law made by section five of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

PART H

Section 1. The education law is amended by adding a new article 128 to read as follows:

ARTICLE 128
PUBLIC UNIVERSITY AFFILIATED ORGANIZATIONS AND FOUNDATIONS

Section 6361. Foundation contributions to the state university of New York and city university of New York.

§ 6361. Foundation contributions to the state university of New York and city university of New York. 1. Any affiliated organization or foundation of the state university of New York or the city university of New York shall examine their mission, and consistent with such mission and to the extent legal and practical, support programs, services, and scholarships to provide additional benefits for students attending the state university of New York or the city university of New York, respectively.

2. As defined in this section "affiliated organization or foundation" means an organization or foundation formed under the not-for-profit corporation law or any other entity formed for the benefit of or controlled by the state university of New York or the city university of New York or their respective universities, colleges, community colleges, campuses or subdivisions, including the research foundation of the state university of New York and the research foundation of the city university of New York, to assist in meeting the specific needs of, or providing a direct benefit to, the respective university, college, community college, campus or subdivision or the university as a whole, that has control of, manages or receives one hundred thousand dollars or more annually, including alumni associations. For the purposes of this section, this term does not include a student-run organization comprised solely of enrolled students and formed for the purpose of advancing a student objective.

§ 2. This act shall take effect immediately, and shall be deemed to have been in full force and effect on or after April 1, 2017.

PART I

Section 1. Subdivision (c) of section 609 of the limited liability company law, as added by chapter 537 of the laws of 2014, is amended to read as follows:

(c) Notwithstanding the provisions of subdivisions (a) and (b) of this section, the ten members with the largest percentage ownership interest, as determined as of the beginning of the period during which the unpaid services referred to in this section are performed, of every **domestic** limited liability company **and every foreign limited liability company**, shall jointly and severally be personally liable for all debts, wages or salaries due and owing to any of its laborers, servants or employees, for services performed by them for such limited liability company. [~~**Before such laborer, servant or employee shall charge such member for such services, he or she shall give notice in writing to such member that he or she intends to hold such member liable under this section. Such notice shall be given within one hundred eighty days after termination of such services. An action to enforce such liability shall be commenced within ninety days after the return of an execution unsatisfied against the limited liability company upon a judgment recovered against it for such services.**~~] A member who has paid more than his or her pro rata share under this section shall be entitled to contribution pro rata from the other members liable under this section with respect

to the excess so paid, over and above his or her pro rata share, and may sue them jointly or severally or any number of them to recover the amount due from them. Such recovery may be had in a separate action. As used in this subdivision, "pro rata" means in proportion to percentage ownership interest. Before a member may claim contribution from other members under this section, he or she shall give them notice in writing that he or she intends to hold them so liable to him or her.

§ 2. Section 1102 of the limited liability company law is amended by adding a new subdivision (e) to read as follows:

(e) Any person who is or shall have been a laborer, servant or employee of a limited liability company, upon at least five days' written demand shall have the right to examine in person or by agent or attorney, during usual business hours, records described in paragraph two of subdivision (a) of this section throughout the period of time during which such laborer, servant or employee provided services to such company. A company requested to provide information pursuant to this paragraph shall make available such records in written form and in any other format in which such information is maintained by the company and shall not be required to provide such information in any other format. Upon refusal by the company or by an officer or agent of the company to permit an inspection of the records described in this paragraph, the person making the demand for inspection may apply to the supreme court in the judicial district where the office of the company is located, upon such notice as the court may direct, for an order directing the company, its members or managers to show cause why an order should not be granted permitting such inspection by the applicant. Upon the return day of the order to show cause, the court shall hear the parties summarily, by affidavit or otherwise, and if it appears that the applicant is qualified and entitled to such inspection, the court shall grant an order compelling such inspection and awarding such further relief as to the court may seem just and proper. If the applicant is found to be qualified and entitled to such inspection, the company shall pay all reasonable attorney's fees and costs of said applicant related to the demand for inspection of the records.

§ 3. Subdivision 1 of section 196 of the labor law is amended by adding a new paragraph f to read as follows:

f. When an employer is a corporation or limited liability company, including foreign as well as domestic, the commissioner's duties, powers and authority shall include the following with respect to the ten largest shareholders, within the meaning of section six hundred thirty of the business corporation law, or the ten members with the largest percentage ownership interest, within the meaning of section six hundred nine of the limited liability company law, in connection with an assignment, investigation, proceeding, order, or judgment under this article, under section two hundred fifteen, or under article eight, eight-A, nine, nineteen, nineteen-A or twenty-five-A of this chapter:

(i) to order the employer to identify such shareholders and members and, if the employer shall fail to identify such shareholders within ten days after an order under this subparagraph, to bring an action in the name and on behalf of the people of the state of New York against such employer in the supreme court to compel such employer to identify such shareholders and members and pay a civil penalty of no more than ten thousand dollars;

(ii) to serve written notices on such shareholders and members pursuant to section six hundred thirty of the business corporation law and section six hundred nine of the limited liability company law, on behalf

of laborers, servants or employees, within the time period prescribed by those sections, which time period shall be tolled during the commissioner's investigation; and

(iii) to name such shareholders and members in any order or judgement within the scope of this paragraph and to hold such shareholders and members jointly and severally liable for all wages, pay, and compensation, together with interest assessed under this chapter, from the date of any written notice pursuant to subparagraph (ii) of this paragraph, which orders and judgments may be enforced as provided for under this chapter, in lieu of actions commenced under section six hundred thirty of the business corporation law and section six hundred nine of the limited liability company law.

§ 4. Subdivision 3 of section 199-a of the labor law, as amended by chapter 564 of the laws of 2010, is amended to read as follows:

3. Each employee and his or her authorized representative shall be notified in writing, of the termination of the commissioner's investigation of the employee's complaint and the result of such investigation, of any award and collection of back wages and civil penalties, and of any intent to seek criminal penalties. In the event that criminal penalties are sought the employee and his or her authorized representative shall be notified of the outcome of prosecution.

§ 5. Subdivision 2 of section 663 of the labor law, as amended by chapter 564 of the laws of 2010, is amended to read as follows:

2. By commissioner. On behalf of any employee paid less than the wage to which the employee is entitled under the provisions of this article, the commissioner may bring any legal action necessary, including administrative action, to collect such claim, and the employer shall be required to pay the full amount of the underpayment, plus costs, and unless the employer proves a good faith basis to believe that its underpayment was in compliance with the law, an additional amount as liquidated damages. Liquidated damages shall be calculated by the commissioner as no more than one hundred percent of the total amount of underpayments found to be due the employee. In any action brought by the commissioner in a court of competent jurisdiction, liquidated damages shall be calculated as an amount equal to one hundred percent of underpayments found to be due the employee. Each employee or his or her authorized representative shall be notified in writing of the outcome of any legal action brought on the employee's behalf pursuant to this section.

§ 6. Section 2 of the lien law is amended by adding three new subdivisions 21, 22 and 23 to read as follows:

21. Employee. The term "employee", when used in this chapter, shall have the same meaning as "employee" pursuant to articles one, six, nineteen and nineteen-A of the labor law, as applicable, or the Fair Labor Standards Act, 29 U.S.C. § 201 et. seq., as applicable.

22. Employer. The term "employer", when used in this chapter, shall have the same meaning as "employer" pursuant to articles one, six, nineteen and nineteen-A of the labor law, as applicable, or the Fair Labor Standards Act, 29 U.S.C. § 201 et. seq., as applicable.

23. Wage claim. The term "wage claim", when used in this chapter, means a claim that an employee has suffered a violation of sections one hundred seventy, one hundred ninety-one, one hundred ninety-three, one hundred ninety-six-d, six hundred fifty-two or six hundred seventy-three of the labor law or the related regulations and wage orders promulgated by the commissioner, a claim for wages due to an employee pursuant to an employment contract that were unpaid in violation of that contract, or a

claim that an employee has suffered a violation of 29 U.S.C. § 206 or 207.

§ 7. Section 3 of the lien law, as amended by chapter 137 of the laws of 1985, is amended to read as follows:

§ 3. Mechanic's lien and employee's lien on [~~real~~] property. 1. Mechanic's lien. A contractor, subcontractor, laborer, materialman, landscape gardener, nurseryman or person or corporation selling fruit or ornamental trees, roses, shrubbery, vines and small fruits, who performs labor or furnishes materials for the improvement of real property with the consent or at the request of the owner thereof, or of his agent, contractor or subcontractor, and any trust fund to which benefits and wage supplements are due or payable for the benefit of such laborers, shall have a lien for the principal and interest, of the value, or the agreed price, of such labor, including benefits and wage supplements due or payable for the benefit of any laborer, or materials upon the real property improved or to be improved and upon such improvement, from the time of filing a notice of such lien as prescribed in this chapter. Where the contract for an improvement is made with a husband or wife and the property belongs to the other or both, the husband or wife contracting shall also be presumed to be the agent of the other, unless such other having knowledge of the improvement shall, within ten days after learning of the contract give the contractor written notice of his or her refusal to consent to the improvement. Within the meaning of the provisions of this chapter, materials actually manufactured for but not delivered to the real property, shall also be deemed to be materials furnished.

2. Employee's lien. An employee who has a wage claim as that term is defined in subdivision twenty-three of section two of this chapter shall have a lien on his or her employer's interest in property for the value of the wage claim arising out of the employment, including liquidated damages pursuant to subdivision one-a of section one hundred ninety-eight, section six hundred sixty-three or section six hundred eighty-one of the labor law, or 29 U.S.C. § 216 (b), from the time of filing a notice of such lien as prescribed in this chapter. An employee's lien based on a wage claim may be had against the employer's interest in real property and against the employer's interest in personal property that can be sufficiently described within the meaning of section 9-108 of the uniform commercial code, except that an employee's lien shall not extend to deposit accounts or goods as those terms are defined in section 9-102 of the uniform commercial code. The department of labor and the attorney general may obtain an employee's lien for the value of wage claims of the employees who are the subject of their investigations, court actions or administrative agency actions.

3. As used in this article and unless otherwise specified, a lien shall mean an employee's lien or a mechanic's lien.

§ 8. Subdivisions 1 and 2 of section 4 of the lien law, subdivision 1 as amended by chapter 515 of the laws of 1929 and subdivision 2 as added by chapter 704 of the laws of 1985, are amended to read as follows:

(1) [~~Such~~] A mechanic's or employee's lien and employee's lien against real property shall extend to the owner's right, title or interest in the real property and improvements, existing at the time of filing the notice of lien, or thereafter acquired, except as hereinafter in this article provided. If an owner assigns his interest in such real property by a general assignment for the benefit of creditors, within thirty days prior to such filing, the lien shall extend to the interest thus assigned. If any part of the real property subjected to such lien be

removed by the owner or by any other person, at any time before the discharge thereof, such removal shall not affect the rights of the lienor, either in respect to the remaining real property, or the part so removed. If labor is performed for, or materials furnished to, a contractor or subcontractor for an improvement, the **mechanic's** lien shall not be for a sum greater than the sum earned and unpaid on the contract at the time of filing the notice of lien, and any sum subsequently earned thereon. In no case shall the owner be liable to pay by reason of all **mechanic's** liens created pursuant to this article a sum greater than the value or agreed price of the labor and materials remaining unpaid, at the time of filing notices of such liens, except as hereinafter provided.

(2) [~~Such~~] **A mechanic's or employee's** lien shall not extend to the owner's right, title or interest in real property and improvements, existing at the time of filing the notice of lien if such lien arises from the failure of a lessee of the right to explore, develop or produce natural gas or oil, to pay for, compensate or render value for improvements made with the consent or at the request of such lessee by a contractor, subcontractor, materialman, equipment operator or owner, landscaper, nurseryman, or person or corporation who performs labor or furnishes materials for the exploration, development, or production of oil or natural gas or otherwise improves such leased property. Such **mechanic's or employee's** lien shall extend to the improvements made for the exploration, development and production of oil and natural gas, and the working interest held by a lessee of the right to explore, develop or produce oil and natural gas.

§ 9. The opening paragraph of section 4-a of the lien law, as amended by chapter 696 of the laws of 1959, is amended to read as follows:

The proceeds of any insurance which by the terms of the policy are payable to the owner of real property improved, and actually received or to be received by him because of the destruction or removal by fire or other casualty of an improvement on which lienors have performed labor or services or for which they have furnished materials, **or upon which an employee has established an employee's lien,** shall after the owner has been reimbursed therefrom for premiums paid by him, if any, for such insurance, be subject to liens provided by this act to the same extent and in the same order of priority as the real property would have been had such improvement not been so destroyed or removed.

§ 10. Subdivisions 1, 2 and 5 of section 9 of the lien law, as amended by chapter 515 of the laws of 1929, are amended to read as follows:

1. The name **of the lienor,** and **either the** residence of the lienor **or the name and business address of the lienor's attorney, if any**; and if the lienor is a partnership or a corporation, the business address of such firm, or corporation, the names of partners and principal place of business, and if a foreign corporation, its principal place of business within the state.

2. The name of the owner of the [~~real~~] property against whose interest therein a lien is claimed, and the interest of the owner as far as known to the lienor.

5. The amount unpaid to the lienor for such labor or materials**, or the amount of the wage claim if a wage claim is the basis for establishment of the lien, the items of the wage claim and the value thereof which make up the amount for which the lienor claims a lien**.

§ 11. Subdivision 1 of section 10 of the lien law, as amended by chapter 367 of the laws of 2011, is amended to read as follows:

1. **(a)** Notice of **mechanic's** lien may be filed at any time during the progress of the work and the furnishing of the materials, or, within eight months after the completion of the contract, or the final performance of the work, or the final furnishing of the materials, dating from the last item of work performed or materials furnished; provided, however, that where the improvement is related to real property improved or to be improved with a single family dwelling, the notice of **mechanic's** lien may be filed at any time during the progress of the work and the furnishing of the materials, or, within four months after the completion of the contract, or the final performance of the work, or the final furnishing of the materials, dating from the last item of work performed or materials furnished; and provided further where the notice of **mechanic's** lien is for retainage, the notice of **mechanic's** lien may be filed within ninety days after the date the retainage was due to be released; except that in the case of a **mechanic's** lien by a real estate broker, the notice of **mechanic's** lien may be filed only after the performance of the brokerage services and execution of lease by both lessor and lessee and only if a copy of the alleged written agreement of employment or compensation is annexed to the notice of lien, provided that where the payment pursuant to the written agreement of employment or compensation is to be made in installments, then a notice of lien may be filed within eight months after the final payment is due, but in no event later than a date five years after the first payment was made. For purposes of this section, the term "single family dwelling" shall not include a dwelling unit which is a part of a subdivision that has been filed with a municipality in which the subdivision is located when at the time the lien is filed, such property in the subdivision is owned by the developer for purposes other than his personal residence. For purposes of this section, "developer" shall mean and include any private individual, partnership, trust or corporation which improves two or more parcels of real property with single family dwellings pursuant to a common scheme or plan. [~~The~~]

(b) Notice of employee's lien may be filed at any time not later than three years following the end of the employment giving rise to the wage claim.

(c) A notice of lien**, other than for a lien on personal property,** must be filed in the clerk's office of the county where the property is situated. If such property is situated in two or more counties, the notice of lien shall be filed in the office of the clerk of each of such counties. The county clerk of each county shall provide and keep a book to be called the "lien docket," which shall be suitably ruled in columns headed "owners," "lienors," "lienor's attorney," "property," "amount," "time of filing," "proceedings had," in each of which he shall enter the particulars of the notice, properly belonging therein. The date, hour and minute of the filing of each notice of lien shall be entered in the proper column. Except where the county clerk maintains a block index, the names of the owners shall be arranged in such book in alphabetical order. The validity of the lien and the right to file a notice thereof shall not be affected by the death of the owner before notice of the lien is filed. **A notice of employee's lien on personal property must be filed, together with a financing statement, in the filing office as set forth in section 9-501 of the uniform commercial code.**

§ 12. Section 11 of the lien law, as amended by chapter 147 of the laws of 1996, is amended to read as follows:

§ 11. Service of copy of notice of lien. **1.** Within five days before or thirty days after filing the notice of **a mechanic's** lien, the lienor

shall serve a copy of such notice upon the owner, if a natural person, (a) by delivering the same to him personally, or if the owner cannot be found, to his agent or attorney, or (b) by leaving it at his last known place of residence in the city or town in which the real property or some part thereof is situated, with a person of suitable age and discretion, or (c) by registered or certified mail addressed to his last known place of residence, or (d) if such owner has no such residence in such city or town, or cannot be found, and he has no agent or attorney, by affixing a copy thereof conspicuously on such property, between the hours of nine o'clock in the forenoon and four o'clock in the afternoon; if the owner be a corporation, said service shall be made (i) by delivering such copy to and leaving the same with the president, vice-president, secretary or clerk to the corporation, the cashier, treasurer or a director or managing agent thereof, personally, within the state, or (ii) if such officer cannot be found within the state by affixing a copy thereof conspicuously on such property between the hours of nine o'clock in the forenoon and four o'clock in the afternoon, or (iii) by registered or certified mail addressed to its last known place of business. Failure to file proof of such a service with the county clerk within thirty-five days after the notice of lien is filed shall terminate the notice as a lien. Until service of the notice has been made, as above provided, an owner, without knowledge of the lien, shall be protected in any payment made in good faith to any contractor or other person claiming a lien.

2. Within five days before or thirty days after filing the notice of an employee's lien, the lienor shall serve a copy of such notice upon the employer, if a natural person, (a) by delivering the same to him personally, or if the employer cannot be found, to his agent or attorney, or (b) by leaving it as his last known place of residence or business, with a person of suitable age and discretion, or (c) by registered or certified mail addressed to his last known place of residence or business, or (d) if such employer owns real property, by affixing a copy thereof conspicuously on such property, between the hours of nine o'clock in the forenoon and four o'clock in the afternoon. The lienor also shall, within thirty days after filing the notice of employee's lien, affix a copy thereof conspicuously on the real property identified in the notice of employee's lien, between the hours of nine o'clock in the forenoon and four o'clock in the afternoon. If the employer be a corporation, said service shall be made (i) by delivering such copy to and leaving the same with the president, vice-president, secretary or clerk to the corporation, the cashier, treasurer or a director or managing agent thereof, personally, within the state, or (ii) if such officer cannot be found within the state by affixing a copy thereof conspicuously on such property between the hours of nine o'clock in the forenoon and four o'clock in the afternoon, or (iii) by registered or certified mail addressed to its last known place of business, or (iv) by delivery to the secretary of the department of state in the same manner as required by subparagraph one of paragraph (b) of section three hundred six of the business corporation law. Failure to file proof of such a service with the county clerk within thirty-five days after the notice of lien is filed shall terminate the notice as a lien. Until service of the notice has been made, as above provided, an owner, without knowledge of the lien, shall be protected in any payment made in good faith to any other person claiming a lien.

§ 13. Section 11-b of the lien law, as amended by chapter 147 of the laws of 1996, is amended to read as follows:

§ 11-b. Copy of notice of **mechanic's** lien to a contractor or subcontractor. Within five days before or thirty days after filing a notice of **mechanic's** lien in accordance with section ten of this chapter or the filing of an amendment of notice of **mechanic's** lien in accordance with section twelve-a of this [~~chapter~~] **article** the lienor shall serve a copy of such notice or amendment by certified mail on the contractor, subcontractor, assignee or legal representative for whom he was employed or to whom he furnished materials or if the lienor is a contractor or subcontractor to the person, firm or corporation with whom the contract was made. A lienor having a direct contractual relationship with a subcontractor or a sub-subcontractor but not with a contractor shall also serve a copy of such notice or amendment by certified mail to the contractor. Failure to file proof of such a service with the county clerk within thirty-five days after the notice of lien is filed shall terminate the notice as a lien. Any lienor, or a person acting on behalf of a lienor, who fails to serve a copy of the notice of **mechanic's** lien as required by this section shall be liable for reasonable attorney's fees, costs and expenses, as determined by the court, incurred in obtaining such copy.

§ 14. Subdivision 1 of section 12-a of the lien law, as amended by chapter 1048 of the laws of 1971, is amended to read as follows:

1. Within sixty days after the original filing, a lienor may amend his lien upon twenty days notice to existing lienors, mortgagees and the owner, provided that no action or proceeding to enforce or cancel the mechanics' lien **or employee's lien** has been brought in the interim, where the purpose of the amendment is to reduce the amount of the lien, except the question of wilful exaggeration shall survive such amendment.

§ 15. Subdivision 1 of section 13 of the lien law, as amended by chapter 878 of the laws of 1947, is amended to read as follows:

(1) [~~A~~] **An employee's lien, or a** lien for materials furnished or labor performed in the improvement of real property**,** shall have priority over a conveyance, mortgage, judgment or other claim against such property not recorded, docketed or filed at the time of the filing of the notice of such lien, except as hereinafter in this chapter provided; over advances made upon any mortgage or other encumbrance thereon after such filing, except as hereinafter in this article provided; and over the claim of a creditor who has not furnished materials or performed labor upon such property, if such property has been assigned by the owner by a general assignment for the benefit of creditors, within thirty days before the filing of either of such notices; and also over an attachment hereafter issued or a money judgment hereafter recovered upon a claim, which, in whole or in part, was not for materials furnished, labor performed or moneys advanced for the improvement of such real property; and over any claim or lien acquired in any proceedings upon such judgment. Such liens shall also have priority over advances made upon a contract by an owner for an improvement of real property which contains an option to the contractor, his successor or assigns to purchase the property, if such advances were made after the time when the labor began or the first item of material was furnished, as stated in the notice of lien. If several buildings are demolished, erected, altered or repaired, or several pieces or parcels of real property are improved, under one contract, and there are conflicting liens thereon, each lienor shall have priority upon the particular part of the real property or upon the particular building or premises where his labor is performed or his materials are used. Persons shall have no priority on account of the time of filing their respective notices of liens, but all liens shall be

on a parity except as hereinafter in section fifty-six of this chapter provided; and except that in all cases laborers for daily or weekly wages **with a mechanic's lien, and employees with an employee's lien,** shall have preference over all other claimants under this article.

§ 16. Section 17 of the lien law, as amended by chapter 324 of the laws of 2000, is amended to read as follows:

§ 17. Duration of lien. **1. (a)** No **mechanic's** lien specified in this article shall be a lien for a longer period than one year after the notice of lien has been filed, unless within that time an action is commenced to foreclose the lien, and a notice of the pendency of such action, whether in a court of record or in a court not of record, is filed with the county clerk of the county in which the notice of lien is filed, containing the names of the parties to the action, the object of the action, a brief description of the real property affected thereby, and the time of filing the notice of lien; or unless an extension to such lien, except for a lien on real property improved or to be improved with a single family dwelling, is filed with the county clerk of the county in which the notice of lien is filed within one year from the filing of the original notice of lien, continuing such lien and such lien shall be redocketed as of the date of filing such extension. Such extension shall contain the names of the lienor and the owner of the real property against whose interest therein such lien is claimed, a brief description of the real property affected by such lien, the amount of such lien, and the date of filing the notice of lien. No lien shall be continued by such extension for more than one year from the filing thereof. In the event an action is not commenced to foreclose the lien within such extended period, such lien shall be extinguished unless an order be granted by a court of record or a judge or justice thereof, continuing such lien, and such lien shall be redocketed as of the date of granting such order and a statement made that such lien is continued by virtue of such order. A lien on real property improved or to be improved with a single family dwelling may only be extended by an order of a court of record, or a judge or justice thereof. No lien shall be continued by court order for more than one year from the granting thereof, but a new order and entry may be made in each of two successive years. If a lienor is made a party defendant in an action to enforce another lien, and the plaintiff or such defendant has filed a notice of the pendency of the action within the time prescribed in this section, the lien of such defendant is thereby continued. Such action shall be deemed an action to enforce the lien of such defendant lienor. The failure to file a notice of pendency of action shall not abate the action as to any person liable for the payment of the debt specified in the notice of lien, and the action may be prosecuted to judgment against such person. The provisions of this section in regard to continuing liens shall apply to liens discharged by deposit or by order on the filing of an undertaking. Where a lien is discharged by deposit or by order, a notice of pendency of action shall not be filed.

(b) A lien, the duration of which has been extended by the filing of a notice of the pendency of an action as above provided, shall nevertheless terminate as a lien after such notice has been canceled as provided in section sixty-five hundred fourteen of the civil practice law and rules or has ceased to be effective as constructive notice as provided in section sixty-five hundred thirteen of the civil practice law and rules.

2. (a) No employee's lien on real property shall be a lien for a longer period than one year after the notice of lien has been filed, unless

an extension to such lien is filed with the county clerk of the county in which the notice of lien is filed within one year from the filing of the original notice of lien, continuing such lien and such lien shall be redocketed as of the date of filing such extension. Such extension shall contain the names of the lienor and the owner of the real property against whose interest therein such lien is claimed, a brief description of the property affected by such lien, the amount of such lien, and the date of filing the notice of lien. No lien shall be continued by such extension for more than one year from the filing thereof. In the event an action is not commenced to obtain judgment on the wage claim or to foreclose the lien within such extended period, such lien shall be extinguished unless an order be granted by a court of record or a judge or justice thereof, continuing such lien, and such lien shall be redocketed as of the date of granting such order and a statement made that such lien is continued by virtue of such order.

(b) No employee's lien on personal property shall be a lien for a longer period than one year after the financing statement has been recorded, unless an extension to such lien, is filed with the filing office in which the financing statement is required to be filed pursuant to section 9-501 of the uniform commercial code within one year from the filing of the original financing statement, continuing such lien. Such extension shall contain the names of the lienor and the owner of the property against whose interest therein such lien is claimed, a brief description of the prior financing statement to be extended, and the date of filing the prior financing statement. No lien shall be continued by such extension for more than one year from the filing thereof. In the event an action is not commenced to obtain judgment on the wage claim or to foreclose the lien within such extended period, such lien shall be extinguished unless an order be granted by a court of record or a judge or justice thereof, continuing such lien, and such lien shall be refiled as of the date of granting such order and a statement made that such lien is continued by virtue of such order.

(c) If a lienor is made a party defendant in an action to enforce another lien, and the plaintiff or such defendant has filed a notice of the pendency of the action within the time prescribed in this section, the lien of such defendant is thereby continued. Such action shall be deemed an action to enforce the lien of such defendant lienor. The failure to file a notice of pendency of action shall not abate the action as to any person liable for the payment of the debt specified in the notice of lien, and the action may be prosecuted to judgment against such person. The provisions of this section in regard to continuing liens shall apply to liens discharged by deposit or by order on the filing of an undertaking. Where a lien is discharged by deposit or by order, a notice of pendency of action shall not be filed.

(d) Notwithstanding the foregoing, if a lienor commences a foreclosure action or an action to obtain a judgment on the wage claim within one year from the filing of the notice of lien on real property or the recording of the financing statement creating lien on personal property, the lien shall be extended during the pendency of the action and for one hundred twenty days following the entry of final judgment in such action, unless the action results in a final judgment or administrative order in the lienor's favor on the wage claims and the lienor commences a foreclosure action, in which instance the lien shall be valid during the pendency of the foreclosure action. If a lien is extended due to the pendency of a foreclosure action or an action to obtain a judgment on the wage claim, the lienor shall file a notice of such pendency and

extension with the county clerk of the county in which the notice of lien is filed, containing the names of the parties to the action, the object of the action, a brief description of the property affected thereby, and the time of filing the notice of lien, or in the case of a lien on personal property shall file such notice with the office authorized to accept financing statements pursuant to section 9-501 of the uniform commercial code. For purposes of this section, an action to obtain judgment on a wage claim includes an action brought in any court of competent jurisdiction, the submission of a complaint to the department of labor or the submission of a claim to arbitration pursuant to an arbitration agreement. An action also includes an investigation of wage claims by the commissioner of labor or the attorney general of the state of New York, regardless of whether such investigation was initiated by a complaint.

(e) A lien, the duration of which has been extended by the filing of a notice of the pendency of an action as above provided, shall nevertheless terminate as a lien after such notice has been canceled as provided in section sixty-five hundred fourteen of the civil practice law and rules or has ceased to be effective as constructive notice as provided in section sixty-five hundred thirteen of the civil practice law and rules.

§ 17. Subdivisions 2 and 4 of section 19 of the lien law, subdivision 2 as amended by chapter 310 of the laws of 1962, subdivision 4 as added by chapter 582 of the laws of 2002 and paragraph a of subdivision 4 as further amended by section 104 of part A of chapter 62 of the laws of 2011, are amended to read as follows:

(2) By failure to begin an action to foreclose such lien or to secure an order continuing it, within one year from the time of filing the notice of lien, unless (i) an action be begun within the same period to foreclose a mortgage or another mechanic's lien upon the same property or any part thereof and a notice of pendency of such action is filed according to law, or (ii) an action is commenced to obtain a judgment on a wage claim pursuant to subdivision two of section seventeen of this article, but a lien, the duration of which has been extended by the filing of a notice of the pendency of an action as herein provided, shall nevertheless terminate as a lien after such notice has been cancelled or has ceased to be effective as constructive notice.

(4) Either before or after the beginning of an action by the employer, owner or contractor executing a bond or undertaking in an amount equal to one hundred ten percent of such lien conditioned for the payment of any judgment which may be rendered against the property or employer for the enforcement of the lien:

a. The execution of any such bond or undertaking by any fidelity or surety company authorized by the laws of this state to transact business, shall be sufficient; and where a certificate of qualification has been issued by the superintendent of financial services under the provisions of section one thousand one hundred eleven of the insurance law, and has not been revoked, no justification or notice thereof shall be necessary. Any such company may execute any such bond or undertaking as surety by the hand of its officers, or attorney, duly authorized thereto by resolution of its board of directors, a certified copy of which resolution, under the seal of said company, shall be filed with each bond or undertaking. Any such bond or undertaking shall be filed with the clerk of the county in which the notice of lien is filed, and a copy shall be served upon the adverse party. The undertaking is effective when so served and filed. If a certificate of qualification issued

pursuant to subsections (b), (c) and (d) of section one thousand one hundred eleven of the insurance law is not filed with the undertaking, a party may except, to the sufficiency of a surety and by a written notice of exception served upon the adverse party within ten days after receipt, a copy of the undertaking. Exceptions deemed by the court to have been taken unnecessarily, or for vexation or delay, may, upon notice, be set aside, with costs. Where no exception to sureties is taken within ten days or where exceptions taken are set aside, the undertaking shall be allowed.

b. In the case of bonds or undertakings not executed pursuant to paragraph a of this subdivision, the **employer,** owner or contractor shall execute an undertaking with two or more sufficient sureties, who shall be free holders, to the clerk of the county where the premises are situated. The sureties must together justify in at least double the sum named in the undertaking. A copy of the undertaking, with notice that the sureties will justify before the court, or a judge or justice thereof, at the time and place therein mentioned, must be served upon the lienor or his attorney, not less than five days before such time. Upon the approval of the undertaking by the court, judge or justice an order shall be made by such court, judge or justice discharging such lien.

c. If the lienor cannot be found, or does not appear by attorney, service under this subsection may be made by leaving a copy of such undertaking and notice at the lienor's place of residence, or if a corporation at its principal place of business within the state as stated in the notice of lien, with a person of suitable age and discretion therein, or if the house of his abode or its place of business is not stated in said notice of lien and is not known, then in such manner as the court may direct. The premises, if any, described in the notice of lien as the lienor's residence or place of business shall be deemed to be his said residence or its place of business for the purposes of said service at the time thereof, unless it is shown affirmatively that the person servicing the papers or directing the service had knowledge to the contrary. Notwithstanding the other provisions of this subdivision relating to service of notice, in any case where the mailing address of the lienor is outside the state such service may be made by registered or certified mail, return receipt requested, to such lienor at the mailing address contained in the notice of lien.

d. Except as otherwise provided in this subdivision, the provisions of article twenty-five of the civil practice law and rules regulating undertakings is applicable to a bond or undertaking given for the discharge of a lien on account of private improvements **or of an employee's lien**.

§ 18. Section 24 of the lien law, as amended by chapter 515 of the laws of 1929, is amended to read as follows:

§ 24. Enforcement of [~~mechanic's~~] lien. **(1) Real property.** The [~~mechanics'~~] liens **on real property** specified in this article may be enforced against the property specified in the notice of lien and which is subject thereto and against any person liable for the debt upon which the lien is founded, as prescribed in article three of this chapter.

(2) Personal property. An employee's lien on personal property specified in this article may immediately be enforced against the property through a foreclosure as prescribed in article nine of the uniform commercial code, or upon judgment obtained by the employee, commissioner of labor or attorney general of the state of New York, may be enforced in any manner available to the judgment creditor pursuant to article nine of the uniform commercial code or other applicable laws.

§ 19. Section 26 of the lien law, as amended by chapter 373 of the laws of 1977, is amended to read as follows:

§ 26. Subordination of liens after agreement with owner. In case an owner of real property shall execute to one or more persons, or a corporation, as trustee or trustees, a bond and mortgage or a note and mortgage affecting such property in whole or in part, or an assignment of the moneys due or to become due under a contract for a building loan in relation to such property, and in case such mortgage, if any, shall be recorded in the office of the register of the county where such real property is situated, or if such county has no register then in the office of the clerk of such county, and in case such assignment, if any, shall be filed in the office of the clerk of the county where such real property is situated; and in case lienors having [~~mechanics'~~] liens against said real property, notices of which have been filed up to and not later than fifteen days after the recording of such mortgage or the filing of such assignment, and which liens have not been discharged as in this article provided, shall, to the extent of at least fifty-five per centum of the aggregate amount for which such notices of liens have been so filed, approve such bond and mortgage or such note and mortgage, if any, and such assignment, if any, by an instrument or instruments in writing, duly acknowledged and filed in the office of such county clerk, then all mechanics' liens for labor performed or material furnished prior to the recording of such mortgage or filing of such assignment, whether notices thereof have been theretofore or are thereafter filed and which have not been discharged as in this article provided, shall be subordinate to the lien of such trust bond and mortgage or such trust note and mortgage to the extent of the aggregate amount of all certificates of interest therein issued by such trustee or trustees, or their successors, for moneys loaned, materials furnished, labor performed and any other indebtedness incurred after said trust mortgage shall have been recorded, and for expenses in connection with said trust mortgage, and shall also be subordinate to the lien of the bond and mortgage or note and mortgage, given to secure the amount agreed to be advanced under such contract for a building loan to the extent of the amount which shall be advanced by the holder of such bond and mortgage or such note and mortgage to the trustee or trustees, or their successors, under such assignment. The provisions of this section shall apply to all bonds and mortgages and notes and mortgages and all assignments of moneys due, or to become due under building loan contracts executed by such owner, in like manner, and recorded or filed, from time to time as hereinbefore provided. In case of an assignment to trustees under the provisions of this section, the trustees and their successors shall be the agents of the assignor to receive and receipt for any and all sums advanced by the holder of the building loan bond and mortgage or the building loan note and mortgage under the building loan contract and such assignment. No lienor shall have any priority over the bond and mortgage or note and mortgage given to secure the money agreed to be advanced under a building loan contract or over the advances made thereunder, by reason of any act preceding the making and approval of such assignment.

§ 20. Section 38 of the lien law, as amended by chapter 859 of the laws of 1930, is amended to read as follows:

§ 38. Itemized statement may be required of lienor. A lienor who has filed a notice of **mechanic's** lien shall, on demand in writing, deliver to the owner or contractor making such demand a statement in writing which shall set forth the items of labor and/or material and the value thereof which make up the amount for which he claims a lien, and which

shall also set forth the terms of the contract under which such items were furnished. The statement shall be verified by the lienor or his agent in the form required for the verification of notices in section nine of this [~~chapter~~] **article**. If the lienor shall fail to comply with such a demand within five days after the same shall have been made by the owner or contractor, or if the lienor delivers an insufficient statement, the person aggrieved may petition the supreme court of this state or any justice thereof, or the county court of the county where the premises are situated, or the county judge of such county for an order directing the lienor within a time specified in the order to deliver to the petitioner the statement required by this section. Two days' notice in writing of such application shall be served upon the lienor. Such service shall be made in the manner provided by law for the personal service of a summons. The court or a justice or judge thereof shall hear the parties and upon being satisfied that the lienor has failed, neglected or refused to comply with the requirements of this section shall have an appropriate order directing such compliance. In case the lienor fails to comply with the order so made within the time specified, then upon five days' notice to the lienor, served in the manner provided by law for the personal service of a summons, the court or a justice or judge thereof may make an order cancelling the lien.

§ 21. Section 39 of the lien law, as added by chapter 859 of the laws of 1930, is amended to read as follows:

§ 39. Lien wilfully exaggerated is void. In any action or proceeding to enforce a [~~mechanic's~~] lien upon a private or public improvement or in which the validity of the lien is an issue, if the court shall find that a lienor has wilfully exaggerated the amount for which he claims a lien as stated in his notice of lien, his lien shall be declared to be void and no recovery shall be had thereon. No such lienor shall have a right to file any other or further lien for the same claim. A second or subsequent lien filed in contravention of this section may be vacated upon application to the court on two days' notice.

§ 22. Section 40 of the lien law, as amended by chapter 515 of the laws of 1929, is amended to read as follows:

§ 40. Construction of article. This article is to be construed in connection with article two of this chapter, and provides proceedings for the enforcement of **employee's liens on real property, as well as** liens for labor performed and materials furnished in the improvement of real property, created by virtue of such article.

§ 23. Section 41 of the lien law, as amended by chapter 807 of the laws of 1952, is amended to read as follows:

§ 41. Enforcement of mechanic's **or employee's** lien on real property. A mechanic's lien **or employee's lien** on real property may be enforced against such property, and against a person liable for the debt upon which the lien is founded, by an action, by the lienor, his assignee or legal representative, in the supreme court or in a county court otherwise having jurisdiction, regardless of the amount of such debt, or in a court which has jurisdiction in an action founded on a contract for a sum of money equivalent to the amount of such debt.

§ 24. Section 43 of the lien law, as amended by chapter 310 of the laws of 1962, is amended to read as follows:

§ 43. Action in a court of record; consolidation of actions. The provisions of the real property actions and proceedings law relating to actions for the foreclosure of a mortgage upon real property, and the sale and the distribution of the proceeds thereof apply to actions in a court of record, to enforce mechanics' liens **and employees' liens** on

real property, except as otherwise provided in this article. If actions are brought by different lienors in a court of record, the court in which the first action was brought, may, upon its own motion, or upon the application of any party in any of such actions, consolidate all of such actions.

§ 25. Section 46 of the lien law, as amended by chapter 515 of the laws of 1929, is amended to read as follows:

§ 46. Action in a court not of record. If an action to enforce a mechanic's lien **or employee's lien** against real property is brought in a court not of record, it shall be commenced by the personal service upon the owner of a summons and complaint verified in the same manner as a complaint in an action in a court of record. The complaint must set forth substantially the facts contained in the notice of lien, and the substance of the agreement under which the labor was performed or the materials were furnished**, or if the lien is based upon a wage claim as defined in section two of this chapter, the basis for such wage claim**. The form and contents of the summons shall be the same as provided by law for the commencement of an action upon a contract in such court. The summons must be returnable not less than twelve nor more than twenty days after the date of the summons, or if service is made by publication, after the day of the last publication of the summons. Service must be made at least eight days before the return day.

§ 26. Section 50 of the lien law, as amended by chapter 515 of the laws of 1929, is amended to read as follows:

§ 50. Execution. Execution may be issued upon a judgment obtained in an action to enforce a mechanic's lien **or an employee's lien** against real property in a court not of record, which shall direct the officer to sell the title and interest of the owner in the premises, upon which the lien set forth in the complaint existed at the time of filing the notice of lien.

§ 27. Section 53 of the lien law, as amended by chapter 515 of the laws of 1929, is amended to read as follows:

§ 53. Costs and disbursements. If an action is brought to enforce a mechanic's lien **or an employee's lien** against real property in a court of record, the costs and disbursements shall rest in the discretion of the court, and may be awarded to the prevailing party. The judgment rendered in such an action shall include the amount of such costs and specify to whom and by whom the costs are to be paid. If such action is brought in a court not of record, they shall be the same as allowed in civil actions in such court. The expenses incurred in serving the summons by publication may be added to the amount of costs now allowed in such court.

§ 28. Section 59 of the lien law, as amended by chapter 515 of the laws of 1929, is amended to read as follows:

§ 59. Vacating of a [~~mechanic's~~] lien; cancellation of bond; return of deposit, by order of court. **1.** A mechanic's lien notice of which has been filed on real property or a bond given to discharge the same may be vacated and cancelled or a deposit made to discharge a lien pursuant to section twenty **of this chapter** may be returned, by an order of a court of record. Before such order shall be granted, a notice shall be served upon the lienor, either personally or by leaving it as his last known place of residence, with a person of suitable age, with directions to deliver it to the lienor. Such notice shall require the lienor to commence an action to enforce the lien, within a time specified in the notice, not less than thirty days from the time of service, or show cause at a special term of a court of record, or at a county court, in a

county in which the property is situated, at a time and place specified therein, why the notice of lien filed or the bond given should not be vacated and cancelled, or the deposit returned, as the case may be. Proof of such service and that the lienor has not commenced the action to foreclose such lien, as directed in the notice, shall be made by affidavit, at the time of applying for such order.

2. An employee's lien notice of which has been filed on real property or a bond given to discharge the same may be vacated and cancelled or a deposit made to discharge a lien pursuant to section twenty of this chapter may be returned, by an order of a court of record. Before such order shall be granted, a notice shall be served upon the lienor, either personally or by leaving it at his last known place of residence or attorney's place of business, with a person of suitable age, with directions to deliver it to the lienor. Such notice shall require the lienor to commence an action to enforce the lien, or to commence an action to obtain judgment on the wage claim upon which the lien was established, within a time specified in the notice, not less than ninety days from the time of service, or show cause at a special term of a court of record, or at a county court, in a county in which the property is situated, at a time and place specified therein, why the notice of lien filed or the bond given should not be vacated and cancelled, or the deposit returned, as the case may be. Proof of such service and that the lienor has not commenced the action to foreclose such lien or an action to obtain judgment on the wage claim upon which the lien was established, as directed in the notice, shall be made by affidavit, at the time of applying for such order.

§ 29. Section 62 of the lien law, as amended by chapter 697 of the laws of 1934, is amended to read as follows:

§ 62. Bringing in new parties. A lienor who has filed a notice of lien after the commencement of an action in a court of record to foreclose or enforce **an employee's lien or** a mechanic's lien against real property or a public improvement, may at any time up to and including the day preceding the day on which the trial of such action is commenced, make application upon notice to the plaintiff or his attorney in such action, to be made a party therein. Upon good cause shown, the court must order such lienor to be brought in by amendment. If the application is made by any other party in said action to make such lienor or other person a party, the court may in its discretion direct such lienor or other person to be brought in by like amendment. The order to be entered on such application shall provide the time for and manner of serving the pleading of such additional lienor or other person and shall direct that the pleadings, papers and proceedings of the other several parties in such action, shall be deemed amended, so as not to require the making or serving of papers other than said order to effectuate such amendment, and shall further provide that the allegations in the answer of such additional lienor or other person shall, for the purposes of the action, be deemed denied by the other parties therein. The action shall be so conducted by the court as not to cause substantially any delay in the trial thereof. The bringing in of such additional lienor or other person shall be without prejudice to the proceedings had, and if the action be on the calendar of the court, same shall retain its place on such calendar without the necessity of serving a new note of issue and new notices of trial.

§ 30. Subdivision 5 of section 6201 of the civil practice law and rules, as amended by chapter 860 of the laws of 1977 and as renumbered

by chapter 618 of the laws of 1992, is amended and a new subdivision 6 is added to read as follows:

5. the cause of action is based on a judgment, decree or order of a court of the United States or of any other court which is entitled to full faith and credit in this state, or on a judgment which qualifies for recognition under the provisions of article 53[~~.~~] **of this chapter; or**

6. the cause of action is based on wage claims. "Wage claims," when used in this chapter, shall include any claims of violations of articles five, six, and nineteen of the labor law, section two hundred fifteen of the labor law, and the related regulations or wage orders promulgated by the commissioner of labor, including but not limited to any claims of unpaid, minimum, overtime, and spread-of-hours pay, unlawfully retained gratuities, unlawful deductions from wages, unpaid commissions, unpaid benefits and wage supplements, and retaliation, and any claims pursuant to 18 U.S.C. § 1595, 29 U.S.C. § 201 et seq., and/or employment contract as well as the concomitant liquidated damages and penalties authorized pursuant to the labor law, the Fair Labor Standards Act, or any employment contract.

§ 31. Section 6210 of the civil practice law and rules, as added by chapter 860 of the laws of 1977, is amended to read as follows:

§ 6210. Order of attachment on notice; temporary restraining order; contents. Upon a motion on notice for an order of attachment, the court may, without notice to the defendant, grant a temporary restraining order prohibiting the transfer of assets by a garnishee as provided in subdivision (b) of section 6214. **When attachment is sought pursuant to subdivision six of section 6201, and if the employer contests the motion, the court shall hold a hearing within ten days of when the employer's response to plaintiffs' motion for attachment is due.** The contents of the order of attachment granted pursuant to this section shall be as provided in subdivision (a) of section 6211.

§ 32. Subdivision (b) of section 6211 of the civil practice law and rules, as amended by chapter 566 of the laws of 1985, is amended to read as follows:

(b) Confirmation of order. Except where an order of attachment is granted on the ground specified in subdivision one **or six** of section 6201, an order of attachment granted without notice shall provide that within a period not to exceed five days after levy, the plaintiff shall move, on such notice as the court shall direct to the defendant, the garnishee, if any, and the sheriff, for an order confirming the order of attachment. Where an order of attachment without notice is granted on the ground specified in subdivision one **or six** of section 6201, the court shall direct that the statement required by section 6219 be served within five days, that a copy thereof be served upon the plaintiff, and the plaintiff shall move within ten days after levy for an order confirming the order of attachment. If the plaintiff upon such motion shall show that the statement has not been served and that the plaintiff will be unable to satisfy the requirement of subdivision (b) of section 6223 until the statement has been served, the court may grant one extension of the time to move for confirmation for a period not to exceed ten days. If plaintiff fails to make such motion within the required period, the order of attachment and any levy thereunder shall have no further effect and shall be vacated upon motion. Upon the motion to confirm, the provisions of subdivision (b) of section 6223 shall apply. An order of attachment granted without notice may provide that the sheriff refrain

from taking any property levied upon into his actual custody, pending further order of the court.

§ 33. Subdivisions (b) and (e) of rule 6212 of the civil practice law and rules, subdivision (b) as separately amended by chapters 15 and 860 of the laws of 1977 and subdivision (e) as added by chapter 860 of the laws of 1977, are amended to read as follows:

(b) Undertaking. [~~On~~] **1. Except where an order of attachment is sought on the ground specified in subdivision six of section 6201, on** a motion for an order of attachment, the plaintiff shall give an undertaking, in a total amount fixed by the court, but not less than five hundred dollars, a specified part thereof conditioned that the plaintiff shall pay to the defendant all costs and damages, including reasonable attorney's fees, which may be sustained by reason of the attachment if the defendant recovers judgment or if it is finally decided that the plaintiff was not entitled to an attachment of the defendant's property, and the balance conditioned that the plaintiff shall pay to the sheriff all of his allowable fees.

2. On a motion for an attachment pursuant to subdivision six of section 6201, the court shall order that the plaintiff give an accessible undertaking of no more than five hundred dollars, or in the alternative, may waive the undertaking altogether. The attorney for the plaintiff shall not be liable to the sheriff for such fees. The surety on the undertaking shall not be discharged except upon notice to the sheriff.

(e) Damages. [~~The~~] **Except where an order of attachment is sought on the ground specified in subdivision six of section 6201, the** plaintiff shall be liable to the defendant for all costs and damages, including reasonable attorney's fees, which may be sustained by reason of the attachment if the defendant recovers judgment, or if it is finally decided that the plaintiff was not entitled to an attachment of the defendant's property. Plaintiff's liability shall not be limited by the amount of the undertaking.

§ 34. Section 6223 of the civil practice law and rules, as amended by chapter 860 of the laws of 1977, is amended to read as follows:

§ 6223. Vacating or modifying attachment. (a) Motion to vacate or modify. Prior to the application of property or debt to the satisfaction of a judgment, the defendant, the garnishee or any person having an interest in the property or debt may move, on notice to each party and the sheriff, for an order vacating or modifying the order of attachment. Upon the motion, the court may give the plaintiff a reasonable opportunity to correct any defect. [~~If~~] **Except as provided under subdivision (b), if**, after the defendant has appeared in the action, the court determines that the attachment is unnecessary to the security of the plaintiff, it shall vacate the order of attachment. Such a motion shall not of itself constitute an appearance in the action.

(b) Burden of proof. [~~Upon~~] **Except where an order of attachment is granted pursuant to subdivision six of section 6201, upon** a motion to vacate or modify an order of attachment the plaintiff shall have the burden of establishing the grounds for the attachment, the need for continuing the levy and the probability that he will succeed on the merits. **Upon a motion to vacate or modify an order of attachment granted pursuant to subdivision six of section 6201, the defendant shall have the burden to demonstrate that the attachment is unnecessary to the security of the plaintiff, in order to vacate or modify the attachment order.**

§ 35. Paragraph (b) of section 624 of the business corporation law, as amended by chapter 449 of the laws of 1997, is amended to read as follows:

(b) Any person who shall have been a shareholder of record of a corporation**, or who is or shall have been a laborer, servant or employee,** upon at least five days' written demand shall have the right to examine in person or by agent or attorney, during usual business hours, its minutes of the proceedings of its shareholders and record of shareholders and to make extracts therefrom for any purpose reasonably related to such person's interest as a shareholder**, laborer, servant or employee**. Holders of voting trust certificates representing shares of the corporation shall be regarded as shareholders for the purpose of this section. Any such agent or attorney shall be authorized in a writing that satisfies the requirements of a writing under paragraph (b) of section 609 (Proxies). A corporation requested to provide information pursuant to this paragraph shall make available such information in written form and in any other format in which such information is maintained by the corporation and shall not be required to provide such information in any other format. If a request made pursuant to this paragraph includes a request to furnish information regarding beneficial owners, the corporation shall make available such information in its possession regarding beneficial owners as is provided to the corporation by a registered broker or dealer or a bank, association or other entity that exercises fiduciary powers in connection with the forwarding of information to such owners. The corporation shall not be required to obtain information about beneficial owners not in its possession.

§ 36. Section 630 of the business corporation law, paragraph (a) as amended by chapter 5 of the laws of 2016, paragraph (c) as amended by chapter 746 of the laws of 1963, is amended to read as follows:

§ 630. Liability of shareholders for wages due to laborers, servants or employees.

(a) The ten largest shareholders, as determined by the fair value of their beneficial interest as of the beginning of the period during which the unpaid services referred to in this section are performed, of every domestic corporation or of any foreign corporation, when the unpaid services were performed in the state, no shares of which are listed on a national securities exchange or regularly quoted in an over-the-counter market by one or more members of a national or an affiliated securities association, shall jointly and severally be personally liable for all debts, wages or salaries due and owing to any of its laborers, servants or employees other than contractors, for services performed by them for such corporation. [~~**Before such laborer, servant or employee shall charge such shareholder for such services, he shall give notice in writing to such shareholder that he intends to hold him liable under this section. Such notice shall be given within one hundred and eighty days after termination of such services, except that if, within such period, the laborer, servant or employee demands an examination of the record of shareholders under paragraph (b) of section 624 (Books and records; right of inspection, prima facie evidence) of this article, such notice may be given within sixty days after he has been given the opportunity to examine the record of shareholders. An action to enforce such liability shall be commenced within ninety days after the return of an execution unsatisfied against the corporation upon a judgment recovered against it for such services.**~~] The provisions of this paragraph shall not apply to an investment company registered as such under an act of congress entitled "Investment Company Act of 1940."

(b) For the purposes of this section, wages or salaries shall mean all compensation and benefits payable by an employer to or for the account of the employee for personal services rendered by such employee **including any concomitant liquidated damages, penalties, interest, attorney's fees or costs**. These shall specifically include but not be limited to salaries, overtime, vacation, holiday and severance pay; employer contributions to or payments of insurance or welfare benefits; employer contributions to pension or annuity funds; and any other moneys properly due or payable for services rendered by such employee.

(c) A shareholder who has paid more than his pro rata share under this section shall be entitled to contribution pro rata from the other shareholders liable under this section with respect to the excess so paid, over and above his pro rata share, and may sue them jointly or severally or any number of them to recover the amount due from them. Such recovery may be had in a separate action. As used in this paragraph, "pro rata" means in proportion to beneficial share interest. Before a shareholder may claim contribution from other shareholders under this paragraph, he shall[~~, unless they have been given notice by a laborer, servant or employee under paragraph (a),~~] give them notice in writing that he intends to hold them so liable to him. Such notice shall be given by him within twenty days after the date that [~~notice was given to him by~~] **he became aware that** a laborer, servant or employee **may seek to hold him liable** under paragraph (a).

§ 37. This act shall take effect immediately with respect to liabilities owed to laborers, servants or employees whose services had not been terminated more than one hundred eighty days prior to the effective date of this act.

PART J

Section 1. Paragraph (vi) of subdivision (a) of section 115 of the family court act, as amended by chapter 222 of the laws of 1994, is amended to read as follows:

(vi) proceedings concerning juvenile delinquency as set forth in article three **of this act that are commenced in family court**.

§ 2. Subdivision (e) of section 115 of the family court act, as added by chapter 222 of the laws of 1994, is amended to read as follows:

(e) The family court has concurrent jurisdiction with the criminal court over all family offenses as defined in article eight of this act **and has concurrent jurisdiction with the youth part of a superior court over any juvenile delinquency proceeding resulting from the removal of the case to the family court pursuant to article seven hundred twenty-five of the criminal procedure law**.

§ 3. Subdivision (b) of section 117 of the family court act, as amended by chapter 7 of the laws of 2007, is amended to read as follows:

(b) For every juvenile delinquency proceeding under article three **of this act** involving an allegation of an act committed by a person which, if done by an adult, would [~~be a crime (i) defined in sections 125.27 (murder in the first degree); 125.25 (murder in the second degree); 135.25 (kidnapping in the first degree); or 150.20 (arson in the first degree) of the penal law committed by a person thirteen, fourteen or fifteen years of age; or such conduct committed as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; (ii) defined in sections 120.10 (assault in the first degree); 125.20 (manslaughter in the first degree); 130.35 (rape in the first degree); 130.50 (criminal sexual act in the first degree); 135.20 (kidnapping in~~

~~the second degree), but only where the abduction involved the use or threat of use of deadly physical force; 150.15 (arson in the second degree); or 160.15 (robbery in the first degree) of the penal law committed by a person thirteen, fourteen or fifteen years of age; or such conduct committed as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; (iii) defined in the penal law as an attempt to commit murder in the first or second degree or kidnapping in the first degree committed by a person thirteen, fourteen or fifteen years of age; or such conduct committed as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; (iv) defined in section 140.30 (burglary in the first degree); subdivision one of section 140.25 (burglary in the second degree); subdivision two of section 160.10 (robbery in the second degree) of the penal law; or section 265.03 of the penal law, where such machine gun or such firearm is possessed on school grounds, as that phrase is defined in subdivision fourteen of section 220.00 of the penal law committed by a person fourteen or fifteen years of age; or such conduct committed as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; (v) defined in section 120.05 (assault in the second degree) or 160.10 (robbery in the second degree) of the penal law committed by a person fourteen or fifteen years of age but only where there has been a prior finding by a court that such person has previously committed an act which, if committed by an adult, would be the crime of assault in the second degree, robbery in the second degree or any designated felony act specified in clause (i), (ii) or (iii) of this subdivision regardless of the age of such person at the time of the commission of the prior act; or (vi) other than a misdemeanor, committed by a person at least seven but less than sixteen years of age, but only where there has been two prior findings by the court that such person has committed a prior act which, if committed by an adult would be a felony**]** **constitute a designated felony act as defined in subdivision eight of section 301.2 of such article**:

(i) There is hereby established in the family court in the city of New York at least one "designated felony act part." Such part or parts shall be held separate from all other proceedings of the court, and shall have jurisdiction over all proceedings involving such an allegation **that are not referred to the youth part of a superior court**. All such proceedings shall be originated in or be transferred to this part from other parts as they are made known to the court.

(ii) Outside the city of New York, all proceedings involving such an allegation shall have a hearing preference over every other proceeding in the court, except proceedings under article ten **of this act**.

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

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

(a) who is:

(i) ten or eleven years of age who committed an act that would constitute a crime as defined in section 125.25 (murder in the second degree) of the penal law if committed by an adult; or

(ii) at least twelve years of age and less than eighteen years of age who committed an act that would constitute a crime if committed by an adult; or

(iii) sixteen or seventeen years of age who committed a violation of paragraph (a) of subdivision two of section sixty-five-b of the alcoholic beverage control law provided, however, that such person shall only be deemed to be a juvenile delinquent for the purposes of imposing license sanctions in accordance with subdivision four of section 352.2 of this article; and

(b) who is either:

(i) not criminally responsible for such conduct by reason of infancy; or

(ii) the defendant in an action based on such act that has been ordered removed to the family court pursuant to article seven hundred twenty-five of the criminal procedure law.

§ 5. Subdivisions 8 and 9 of section 301.2 of the family court act, subdivision 8 as amended by chapter 7 of the laws of 2007 and subdivision 9 as added by chapter 920 of the laws of 1982, are amended to read as follows:

8. "Designated felony act" means an act which, if done by an adult, would be a crime: (i) defined in sections [~~125.27 (murder in the first degree);~~] 125.25 (murder in the second degree); 135.25 (kidnapping in the first degree); or 150.20 (arson in the first degree) of the penal law committed by a person thirteen, fourteen [~~or~~], fifteen, sixteen, or seventeen years of age; or such conduct committed as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; (ii) defined in sections 120.10 (assault in the first degree); 125.20 (manslaughter in the first degree); 130.35 (rape in the first degree); 130.50 (criminal sexual act in the first degree); 130.70 (aggravated sexual abuse in the first degree); 135.20 (kidnapping in the second degree) but only where the abduction involved the use or threat of use of deadly physical force; 150.15 (arson in the second degree) or 160.15 (robbery in the first degree) of the penal law committed by a person thirteen, fourteen [~~or~~], fifteen, sixteen, or seventeen years of age; or such conduct committed as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; (iii) defined in the penal law as an attempt to commit murder in the first or second degree or kidnapping in the first degree committed by a person thirteen, fourteen [~~or~~], fifteen, sixteen, or seventeen years of age; or such conduct committed as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; (iv) defined in section 140.30 (burglary in the first degree); subdivision one of section 140.25 (burglary in the second degree); subdivision two of section 160.10 (robbery in the second degree) of the penal law; or section 265.03 of the penal law, where such machine gun or such firearm is possessed on school grounds, as that phrase is defined in subdivision fourteen of section 220.00 of the penal law committed by a person fourteen or fifteen years of age; or such conduct committed as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; (v) defined in section 120.05 (assault in the second degree) or 160.10 (robbery in the second degree) of the penal law committed by a person fourteen [~~or~~], fifteen, sixteen or seventeen years of age but only where there has been a prior finding by a court that such person has previously committed an act which, if committed by an adult, would be the crime of assault in the second degree, robbery in the second degree or any designated felony act specified in paragraph (i), (ii), or (iii) of this

subdivision regardless of the age of such person at the time of the commission of the prior act; [~~or~~] (vi) other than a misdemeanor committed by a person at least [~~seven~~] twelve but less than [~~sixteen~~] eighteen years of age, but only where there has been two prior findings by the court that such person has committed a prior felony; or (vii) defined in section 460.22 (aggravated enterprise corruption); 490.25 (crime of terrorism); 490.45 (criminal possession of a chemical weapon or biological weapon in the first degree); 490.50 (criminal use of a chemical weapon or biological weapon in the second degree); 490.55 (criminal use of a chemical weapon or biological weapon in the first degree); 120.11 (aggravated assault upon a police officer or a peace officer); 125.22 (aggravated manslaughter in the first degree); 215.17 (intimidating a victim or witness in the first degree); 265.04 (criminal possession of a weapon in the first degree); 265.09 (criminal use of a firearm in the first degree); 265.13 (criminal sale of a firearm in the first degree); 490.35 (hindering prosecution of terrorism in the first degree); 490.40 (criminal possession of a chemical weapon or biological weapon in the second degree); 490.47 (criminal use of a chemical weapon or biological weapon in the third degree); 121.13 (strangulation in the first degree); 490.37 (criminal possession of a chemical weapon or biological weapon in the third degree) of the penal law; or a felony sex offense as defined in paragraph (a) of subdivision one of section 70.80 of the penal law.

9. "Designated class A felony act" means a designated felony act [~~defined in paragraph (i) of subdivision eight~~] that would constitute a class A felony if committed by an adult.

§ 6. Subdivision 1 of section 302.1 of the family court act, as added by chapter 920 of the laws of 1982, is amended to read as follows:

1. The family court has exclusive original jurisdiction over any proceeding to determine whether a person is a juvenile delinquent commenced in family court and concurrent jurisdiction with the youth part of a superior court over any such proceeding removed to the family court pursuant to article seven hundred twenty-five of the criminal procedure law.

§ 6-a. Section 302.1 of the family court act is amended by adding a new subdivision 3 to read as follows:

3. Whenever a crime and a traffic infraction arise out of the same transaction or occurrence, a charge alleging both offenses may be made returnable before the court having jurisdiction over the crime. Nothing herein provided shall be construed to prevent a court, having jurisdiction over a criminal charge relating to traffic or a traffic infraction, from lawfully entering a judgment of conviction, whether or not based on a plea of guilty, for an offense classified as a traffic infraction.

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

§ 304.1. Detention. 1. A facility certified by the state [~~division for youth~~] office of children and family services as a juvenile detention facility must be operated in conformity with the regulations of the state [~~division for youth and shall be subject to the visitation and inspection of the state board of social welfare~~] office of children and family services.

2. No child to whom the provisions of this article may apply shall be detained in any prison, jail, lockup, or other place used for adults convicted of crime or under arrest and charged with crime without the approval of the state [~~division for youth~~] office of children and family services in the case of each child and the statement of its reasons

therefor. The state [~~division for youth~~] **office of children and family services** shall promulgate and publish the rules which it shall apply in determining whether approval should be granted pursuant to this subdivision.

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

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

§ 8. Intentionally omitted.

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

1. A private person may take a child [~~under the age of sixteen~~] **who may be subject to the provisions of this article for committing an act that would be a crime if committed by an adult** into custody in cases in which [~~he~~] **such private person** may arrest an adult for a crime under section 140.30 of the criminal procedure law.

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

2. An officer may take a child [~~under the age of sixteen~~] **who may be subject to the provisions of this article for committing an act that would be a crime if committed by an adult** into custody without a warrant in cases in which [~~he~~] **the officer** may arrest a person for a crime under article one hundred forty of the criminal procedure law.

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

(b) forthwith and with all reasonable speed take the child directly, and without his first being taken to the police station house, to the family court located in the county in which the act occasioning the taking into custody allegedly was committed, **or, when the family court is not in session, to the most accessible magistrate, if any, designated by the appellate division of the supreme court in the applicable department to conduct a hearing under section 307.4 of this part,** unless the officer determines that it is necessary to question the child, in which case he **or she** may take the child to a facility designated by the chief administrator of the courts as a suitable place for the questioning of children or, upon the consent of a parent or other person legally responsible for the care of the child, to the child's residence and there question him **or her** for a reasonable period of time; or

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

1. Following the arrest of a child alleged to be a juvenile delinquent, or the filing of a delinquency petition involving a child who has not been arrested, the arresting officer or other appropriate police officer or agency shall take or cause to be taken fingerprints of such child if:

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

(b) **the child is twelve years of age or older and the crime which is the subject of the arrest or which is charged in the petition constitutes a class A or B felony; or**

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

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

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

2. When practicable such agency may release a child before the filing of a petition to the custody of his **or her** parents or other person legally responsible for his **or her** care, or if such legally responsible person is unavailable, to a person with whom he **or she** resides, when the events occasioning the taking into custody appear to involve allegations that the child committed a delinquent act**; provided, however, that such agency must release the child if:**

(a) such events appear to involve only allegations that the child committed acts that would constitute more than a violation but no more than a misdemeanor if committed by an adult if:

(i) the alleged acts did not result in any physical injury as defined in subdivision nine of section 10.00 of the penal law to another person; and

(ii) the child was assessed at a low risk on the applicable detention risk assessment instrument approved by the office of children and family services unless the agency determines that detention is necessary because the respondent otherwise poses an imminent risk to public safety and states the reasons for such determination in the child's record; or

(b) such events appear to involve allegations that the child committed acts that would constitute a felony if committed by an adult if:

(i) the alleged acts did not result in any physical injury as defined in subdivision nine of section 10.00 of the penal law to another person;

(ii) the child does not have any prior adjudications for an act that would constitute a felony if committed by an adult;

(iii) the child has no more than one prior adjudication for an act that would constitute a misdemeanor if committed by an adult and that act also did not result in any physical injury to another person; and

(iv) the child was assessed at a low risk on the applicable detention risk assessment instrument approved by the office of children and family services unless the agency determines that detention is necessary because the respondent otherwise poses an imminent risk to public safety and states the reasons for such determination in the child's record.

3. If a child is released under this section, the child and the person legally responsible for his **or her** care shall be issued a family court appearance ticket in accordance with section 307.1.

4. If the agency for any reason does not release a child under this section, such child shall be brought before the appropriate family

court, or when such family court is not in session, to the most accessible magistrate, if any, designated by the appellate division of the supreme court in the applicable department; provided, however, that if such family court is not in session and if a magistrate is not available, such youth shall be brought before such family court within seventy-two hours or the next day the court is in session, whichever is sooner. Such agency shall thereupon file an application for an order pursuant to section 307.4 and shall forthwith serve a copy of the application upon the appropriate presentment agency. Nothing in this subdivision shall preclude the adjustment of suitable cases pursuant to section 308.1.

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

§ 308.1. [~~Rules of court for preliminary~~] Preliminary procedure; adjustment of cases. 1. [~~Rules of court shall authorize and determine the circumstances under which the~~] The probation service may confer with any person seeking to have a juvenile delinquency petition filed, the potential respondent and other interested persons concerning the advisability of requesting that a petition be filed in accordance with this section.

2. (a) Except as provided in subdivisions three [~~and~~], four, and thirteen of this section, the probation service [~~may, in accordance with rules of court,~~] shall attempt to adjust [~~suitable cases~~] a case before a petition is filed. Such attempts may include the use of a juvenile review board comprised of appropriate community members to work with the child and his or her family on developing recommended adjustment activities. The probation service may stop attempting to adjust such a case if it determines that there is no substantial likelihood that the child will benefit from attempts at adjustment in the time remaining for adjustment or the time for adjustment has expired.

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

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

3. The probation service shall not attempt to adjust a case that commenced in family court in which the child has allegedly committed a designated felony act that involves allegations that the child caused physical injury to a person unless [~~it~~] the probation service has received the written approval of the court.

4. The probation service shall not attempt to adjust a case in which the child has allegedly committed a delinquent act which would be a crime defined in section 120.25, (reckless endangerment in the first degree), subdivision one of section 125.15, (manslaughter in the second degree), subdivision one of section 130.25, (rape in the third degree), subdivision one of section 130.40, (criminal sexual act in the third degree), subdivision one or two of section 130.65, (sexual abuse in the

first degree), section 135.65, (coercion in the first degree), section 140.20, (burglary in the third degree), section 150.10, (arson in the third degree), section 160.05, (robbery in the third degree), subdivision two[~~,~~] **or** three [~~**or four**~~] of section 265.02, (criminal possession of a weapon in the third degree), section 265.03, (criminal possession of a weapon in the second degree), or section 265.04, (criminal possession of a [~~**dangerous**~~] weapon in the first degree) of the penal law where the child has previously had one or more adjustments of a case in which such child allegedly committed an act which would be a crime specified in this subdivision unless it has received written approval from the court and the appropriate presentment agency.

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

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

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

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

9. Efforts at adjustment [~~**pursuant to rules of court**~~] under this section may not extend for a period of more than two months [~~**without**~~]**, or, for a period of more than four months if the probation service determines that adjustment beyond the first two months is warranted because documented barriers to adjustment exist or changes need to be made to the child's services plan, except upon** leave of the court, which may extend the **adjustment** period for an additional two months.

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

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

12. The probation service shall certify to the division of criminal justice services and to the appropriate police department or law enforcement agency whenever it adjusts a case in which the potential respondent's fingerprints were taken pursuant to section 306.1 in any manner other than the filing of a petition for juvenile delinquency for an act which, if committed by an adult, would constitute a felony, provided, however, in the case of a child [~~**eleven or**~~] twelve years of age, such certification shall be made only if the act would constitute a class A or B felony**, or, in the case of a child eleven years of age, such certification shall be made only if the act would constitute a class A-1 felony**.

13. The [~~**provisions of this section**~~] **probation service** shall not [~~**apply**~~] **attempt to adjust a case** where the petition is an order of removal to the family court pursuant to article seven hundred twenty-

five of the criminal procedure law **unless it has received the written approval of the court**.

14. Where written approval is required prior to adjustment attempts, the probation department shall seek such approval.

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

(c) the fact that the respondent is a person [~~under sixteen years of~~] **of the necessary** age **to be a juvenile delinquent** at the time of the alleged act or acts;

§ 16. Subdivision 1 of section 320.5 of the family court act, as added by chapter 920 of the laws of 1982, is amended to read as follows:

1. At the initial appearance, the court in its discretion may **(a)** release the respondent or **(b)** direct his detention.

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

(a-1) Notwithstanding paragraph (a) of this subdivision, the court shall not direct detention if:

(i) such events appear to involve only allegations that the child committed acts that would constitute more than a violation but no more than a misdemeanor if committed by an adult if:

(1) the alleged acts did not result in any physical injury as defined in subdivision nine of section 10.00 of the penal law to another person; and

(2) the child was assessed at a low risk on the applicable detention risk assessment instrument approved by the office of children and family services unless the agency determines that detention is necessary because the respondent otherwise poses an imminent risk to public safety and states the reasons for such determination in the child's record; or

(ii) such events appear to involve allegations that the child committed acts that would constitute a felony if committed by an adult if:

(1) the alleged acts did not result in any physical injury as defined in subdivision nine of section 10.00 of the penal law to another person;

(2) the child does not have any prior adjudications for an act that would constitute a felony if committed by an adult;

(3) the child has no more than one prior adjudication for an act that would constitute a misdemeanor if committed by an adult and that act also did not result in any physical injury to another person; and

(4) the child was assessed at a low risk on the applicable detention risk assessment instrument approved by the office of children and family services unless the agency determines that detention is necessary because the respondent otherwise poses an imminent risk to public safety and states the reasons for such determination in the child's record.

§ 18. Subdivision 5 of section 322.2 of the family court act, as added by chapter 920 of the laws of 1982, paragraph (a) as amended by chapter 37 of the laws of 2016 and paragraph (d) as amended by chapter 41 of the laws of 2010, is amended to read as follows:

5. (a) If the court finds that there is probable cause to believe that the respondent committed a felony, it shall order the respondent committed to the custody of the commissioner of mental health or the commissioner of **the office for people with** developmental disabilities for an initial period not to exceed one year from the date of such order. Such period may be extended annually upon further application to the court by the commissioner having custody or his or her designee. Such application must be made not more than sixty days prior to the expiration of such period on forms that have been prescribed by the

chief administrator of the courts. At that time, the commissioner must give written notice of the application to the respondent, the counsel representing the respondent and the mental hygiene legal service if the respondent is at a residential facility. Upon receipt of such application, the court must conduct a hearing to determine the issue of capacity. If, at the conclusion of a hearing conducted pursuant to this subdivision, the court finds that the respondent is no longer incapacitated, he or she shall be returned to the family court for further proceedings pursuant to this article. If the court is satisfied that the respondent continues to be incapacitated, the court shall authorize continued custody of the respondent by the commissioner for a period not to exceed one year. Such extensions shall not continue beyond a reasonable period of time necessary to determine whether the respondent will attain the capacity to proceed to a fact finding hearing in the foreseeable future but in no event shall continue beyond the respondent's eighteenth birthday **or, if the respondent was at least sixteen years of age when the act was committed, beyond the respondent's twenty-first birthday**.

(b) If a respondent is in the custody of the commissioner upon the respondent's eighteenth birthday, **or if the respondent was at least sixteen years of age when the act resulting in the respondent's placement was committed, beyond the respondent's twenty-first birthday,** the commissioner shall notify the clerk of the court that the respondent was in his custody on such date and the court shall dismiss the petition.

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

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

§ 19. Subdivisions 1 and 5 of section 325.1 of the family court act, subdivision 1 as amended by chapter 398 of the laws of 1983, subdivision 5 as added by chapter 920 of the laws of 1982, are amended to read as follows:

1. At the initial appearance, if the respondent denies a charge contained in the petition and the court determines **in accordance with the requirements of section 320.5 of this part** that [~~he~~] **the respondent** shall be detained for more than three days pending a fact-finding hear-

ing, the court shall schedule a probable-cause hearing to determine the issues specified in section 325.3 **of this part**.

5. Where the petition consists of an order of removal pursuant to article seven hundred twenty-five of the criminal procedure law, unless the removal was pursuant to subdivision three of section 725.05 of such law and the respondent was not afforded a probable cause hearing [~~pursuant to subdivision three of section 180.75 of such law for a reason other than his waiver thereof pursuant to subdivision two of section 180.75 of such law~~], the petition shall be deemed to be based upon a determination that probable cause exists to believe the respondent is a juvenile delinquent and the respondent shall not be entitled to any further inquiry on the subject of whether probable cause exists. After the filing of any such petition the court must, however, exercise independent, de novo discretion with respect to release or detention as set forth in section 320.5.

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

1. [~~The~~] **Except when authorized in accordance with section 346.1 of this part involving a case removed to family court pursuant to article seven hundred twenty-five of the criminal procedure law, the** judge who presides at the commencement of the fact-finding hearing shall continue to preside until such hearing is concluded and an order entered pursuant to section 345.1 **of this part** unless a mistrial is declared.

2. The judge who presides at the fact-finding hearing or accepts an admission pursuant to section 321.3 **of this article** shall preside at any other subsequent hearing in the proceeding, including but not limited to the dispositional hearing **except where the case is removed to family court pursuant to article seven hundred twenty-five of the criminal procedure law after a fact-finding hearing has occurred**.

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

2. Following a determination that a respondent committed a crime and prior to the dispositional hearing, the court shall order a probation investigation**, a risk and needs assessment,** and may order a diagnostic assessment. **Based upon the assessment findings, the probation department shall recommend to the court that the respondent participate in any services necessary to mitigate identified risks and address individual needs.**

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

(a) In determining an appropriate order the court shall consider the needs and best interests of the respondent as well as the need for protection of the community. If the respondent has committed a designated felony act the court shall determine the appropriate disposition in accord with section 353.5. In all other cases the court shall order the least restrictive available alternative enumerated in subdivision one **of this section** which is consistent with the needs and best interests of the respondent and the need for protection of the community**; provided, however, that the court shall not direct the placement of a respondent with a commissioner of social services or the office of children and family services if:**

(i) such events appear to involve only allegations that the child committed acts that would constitute more than a violation but no more than a misdemeanor if committed by an adult if:

(1) the alleged acts did not result in any physical injury as defined in subdivision nine of section 10.00 of the penal law to another person; and

(2) the child was assessed at a low risk on the applicable detention risk assessment instrument approved by the office of children and family services unless the agency determines that detention is necessary because the respondent otherwise poses an imminent risk to public safety and states the reasons for such determination in the child's record; or

(ii) such events appear to involve allegations that the child committed acts that would constitute a felony if committed by an adult if:

(1) the alleged acts did not result in any physical injury as defined in subdivision nine of section 10.00 of the penal law to another person;

(2) the child does not have any prior adjudications for an act that would constitute a felony if committed by an adult;

(3) the child has no more than one prior adjudication for an act that would constitute a misdemeanor if committed by an adult and that act also did not result in any physical injury to another person; and

(4) the child was assessed at a low risk on the applicable detention risk assessment instrument approved by the office of children and family services unless the agency determines that detention is necessary because the respondent otherwise poses an imminent risk to public safety and states the reasons for such determination in the child's record.

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

4. Where a youth receives a juvenile delinquency adjudication for conduct committed when the youth was age sixteen or older that would constitute a crime under the vehicle and traffic law, or a violation of paragraph (a) of subdivision two of section sixty-five-b of the alcoholic beverage control law, the court shall notify the commissioner of motor vehicles of such adjudication. Where a youth receives a juvenile delinquency adjudication for conduct that would constitute a violation of any other provision of law which allows for the imposition of a license and registration sanction, the court shall notify the commissioner of motor vehicles of such adjudication. The court shall have the power to impose any suspension or revocation of driving privileges, ignition interlock devices, any drug or alcohol rehabilitation program, victim impact program, driver responsibility assessment, victim assistance fee, and surcharge as is otherwise required upon a conviction of a crime under the vehicle and traffic law, or an offense for which a license sanction is required, and, further, shall notify the commissioner of motor vehicles of said suspension or revocation.

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

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

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

(h) comply with such other reasonable conditions as the court shall determine to be necessary or appropriate to ameliorate the conduct which

gave rise to the filing of the petition or to prevent placement with the commissioner of social services or the [~~division for youth~~] office of children and family services.

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

(e) co-operate with a mental health, social services or other appropriate community facility or agency to which the respondent is referred, including a family support center pursuant to title twelve of article six of the social services law;

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

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

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

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

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

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

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

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

§ 24. The opening paragraph of subparagraph (iii) of paragraph (a) and paragraph (d) of subdivision 4 of section 353.5 of the family court act, as amended by section 6 of subpart A of part G of chapter 57 of the laws of 2012, are amended to read as follows:

after the period set under subparagraph (ii) of this paragraph, the respondent shall be placed in a residential facility for a period of twelve months; provided, however, that if the respondent has been placed from a family court in a social services district operating an approved juvenile justice services close to home initiative pursuant to section four hundred four of the social services law for an act committed when the respondent was under sixteen years of age, once the time frames in subparagraph (ii) of this paragraph are met:

(d) Upon the expiration of the initial period of placement, or any extension thereof, the placement may be extended in accordance with section 355.3 on a petition of any party or the office of children and family services, or, if applicable, a social services district operating an approved juvenile justice services close to home initiative pursuant to section four hundred four of the social services law, after a dispositional hearing, for an additional period not to exceed twelve months, but no initial placement or extension of placement under this section may continue beyond the respondent's twenty-first birthday, or, for an act that was committed when the respondent was sixteen years of age or older, the respondent's twenty-third birthday.

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

(d) Upon the expiration of the initial period of placement, or any extension thereof, the placement may be extended in accordance with section 355.3 on a petition of any party or the [~~division for youth~~] **office of children and family services** after a dispositional hearing, for an additional period not to exceed twelve months, but no initial placement or extension of placement under this section may continue beyond the respondent's twenty-first birthday**, or, for an act that was committed when the respondent was sixteen years of age or older, the respondent's twenty-third birthday**.

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

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

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

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

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

3. If the appropriate presentment agency does not originate a proceeding under section 310.1 for a case in which the potential respondent's fingerprints were taken pursuant to section 306.1, the presentment agen-

cy shall serve a certification of such action upon the division of criminal justice services, and upon the appropriate police department or law enforcement agency.

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

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

6. If a person fingerprinted pursuant to section 306.1 and subsequently adjudicated a juvenile delinquent for a felony, but in the case of acts committed when such a person was eleven [~~or twelve~~] years of age which would constitute a class [~~A or B~~] **A-1** felony only, **or, in the case of acts committed when such a person was twelve years of age which would constitute a class A or B felony only,** is subsequently convicted of a crime, all fingerprints and related information obtained by the division of criminal justice services pursuant to such section and not destroyed pursuant to subdivisions two, five and seven or subdivision twelve of section 308.1 shall become part of such division's permanent adult criminal record for that person, notwithstanding section 381.2 or 381.3.

7. When a person fingerprinted pursuant to section 306.1 and subsequently adjudicated a juvenile delinquent for a felony, but in the case of acts committed when such person was eleven [~~or twelve~~] years of age which would constitute a class [~~A or B~~] **A-1** felony only, **or, in the case of acts committed when such a person was twelve years of age which would constitute a class A or B felony only,** reaches the age of twenty-one, or has been discharged from placement under this act for at least three years, whichever occurs later, and has no criminal convictions or pending criminal actions which ultimately terminate in a criminal conviction, all fingerprints, palmprints, photographs, and related information and copies thereof obtained pursuant to section 306.1 in the possession of the division of criminal justice services, any police department, law enforcement agency or any other agency shall be destroyed forthwith. The division of criminal justice services shall notify the agency or agencies which forwarded fingerprints to such division pursuant to section 306.1 of their obligation to destroy those records in their possession. In the case of a pending criminal action which does not terminate in a criminal conviction, such records shall be destroyed forthwith upon such determination.

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

1. In any case in which the respondent has been placed pursuant to section 353.3 the respondent, the person with whom the respondent has been placed, the commissioner of social services, or the [~~division for youth~~] **office of children and family services** may petition the court to extend such placement. Such petition shall be filed at least sixty days

prior to the expiration of the period of placement, except for good cause shown but in no event shall such petition be filed after the original expiration date.

6. Successive extensions of placement under this section may be granted, but no placement may be made or continued beyond the respondent's eighteenth birthday without the child's consent **for acts committed before the respondent's sixteenth birthday** and in no event past the child's twenty-first birthday **except as provided for in subdivision four of section 353.5**.

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

5. Nothing in this section shall**: require that consent be obtained from the youth's parent or legal guardian to any medical, dental, or mental health service and treatment when no consent is necessary or the youth is authorized by law to consent on his or her own behalf;** preclude a youth from consenting on his or her own behalf to any medical, dental or mental health service and treatment where otherwise authorized by law to do so[~~, or the division for youth~~]**; or preclude the officer of children and family services or a social services district** from petitioning the court pursuant to section two hundred thirty-three of this act, as appropriate.

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

(b) subsequent permanency hearings shall be held no later than every twelve months following the respondent's initial twelve months in placement **but in no event past the respondent's twenty-first birthday**; provided, however, that they shall be held in conjunction with an extension of placement hearing held pursuant to section 355.3 of this [~~article~~] **part**.

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

2. At the time of his **or her** first appearance following the filing of a petition of violation the court must: (a) advise the respondent of the contents of the petition and furnish him **or her** with a copy thereof; (b) determine whether the respondent should be released or detained pursuant to section 320.5**, provided, however, that nothing herein shall authorize a respondent to be detained for a violation of a condition that would not constitute a crime if committed by an adult unless the court determines (i) that the respondent poses a specific imminent threat to public safety and states the reasons for the finding on the record or (ii) the respondent is on probation for an act that would constitute a violent felony as defined in section 70.02 of the penal law if committed by an adult and the use of graduated sanctions have been exhausted without success**; and (c) ask the respondent whether he **or she** wishes to make any statement with respect to the violation. If the respondent makes a statement, the court may accept it and base its decision thereon; the provisions of subdivision two of section 321.3 shall apply in determining whether a statement should be accepted. If the court does not accept such statement or if the respondent does not make a statement, the court shall proceed with the hearing. Upon request, the court shall grant a reasonable adjournment to the respondent to enable him **or her** to prepare for the hearing.

6. At the conclusion of the hearing the court may revoke, continue or modify the order of probation or conditional discharge. If the court

revokes the order, it shall order a different disposition pursuant to section 352.2**, provided, however, that nothing herein shall authorize the placement of a respondent for a violation of a condition that would not constitute a crime if committed by an adult unless the court determines (i) that the respondent poses a specific imminent threat to public safety and states the reasons for the finding on the record or (ii) the respondent is on probation for an act that would constitute a violent felony as defined in section 70.02 of the penal law if committed by an adult and the use of graduated sanctions have been exhausted without success**. If the court continues the order of probation or conditional discharge, it shall dismiss the petition of violation.

§ 32. Subdivision 6 of section 375.2 of the family court act, as added by chapter 926 of the laws of 1982 and renumbered by chapter 398 of the laws of 1983, is amended to read as follows:

6. Such a motion cannot be filed until the respondent's [~~sixteenth~~] **eighteenth** birthday.

§ 32-a. Section 712 of the family court act, as amended by chapter 920 of the laws of 1982, subdivision (a) as amended by section 7 of part G of chapter 58 of the laws of 2010, subdivision (b) as amended by chapter 465 of the laws of 1992, subdivision (g) as amended by section 2 of part B of chapter 3 of the laws of 2005, subdivision (h) as added by chapter 7 of the laws of 1999 and subdivision (i) as amended and subdivisions (j), (k), (l) and (m) as added by chapter 38 of the laws of 2014, is amended to read as follows:

§ 712. Definitions. As used in this article, the following terms shall have the following meanings:

(a) "Person in need of supervision". A person less than eighteen years of age who does not attend school in accordance with the provisions of part one of article sixty-five of the education law or who is incorrigible, ungovernable or habitually disobedient and beyond the lawful control of a parent or other person legally responsible for such child's care, or other lawful authority, or who violates the provisions of section 221.05 or 230.00 of the penal law, or who appears to be a sexually exploited child as defined in paragraph (a), (c) or (d) of subdivision one of section four hundred forty-seven-a of the social services law, but only if the child consents to the filing of a petition under this article.

(b) "Detention". The temporary care and maintenance of children away from their own homes [~~as defined in section five hundred two of the executive law~~] **in a foster care program certified by the office of children and family services or a certified or approved family boarding home, or in a city having a population of one million or more, a foster care facility established and maintained pursuant to social services law**.

(c) "[~~Secure detention~~] **Detention** facility". A facility [~~characterized by physically restricting construction, hardware and procedures~~] **operated in accordance with section five hundred three of the executive law**.

(d) [~~"Non-secure detention facility". A facility characterized by the absence of physically restricting construction, hardware and procedures.~~

~~(e)~~] "Fact-finding hearing". A hearing to determine whether the respondent did the acts alleged to show that he violated a law or is incorrigible, ungovernable or habitually disobedient and beyond the control of his parents, guardian or legal custodian.

[~~(f)~~] **(e)** "Dispositional hearing". A hearing to determine whether the respondent requires supervision or treatment.

[~~(g)~~] **(f)** "Aggravated circumstances". Aggravated circumstances shall have the same meaning as the definition of such term in subdivision (j) of section one thousand twelve of this act.

[~~(h)~~] **(g)** "Permanency hearing". A hearing held in accordance with paragraph (b) of subdivision two of section seven hundred fifty-four or section seven hundred fifty-six-a of this article for the purpose of reviewing the foster care status of the respondent and the appropriateness of the permanency plan developed by the social services official on behalf of such respondent.

[~~(i)~~] **(h)** "Diversion services". Services provided to children and families pursuant to section seven hundred thirty-five of this article for the purpose of avoiding the need to file a petition or direct the detention of the child. Diversion services shall include: efforts to adjust cases pursuant to this article before a petition is filed, or by order of the court, after the petition is filed but before fact-finding is commenced; and preventive services provided in accordance with section four hundred nine-a of the social services law to avert the placement of the child into foster care, including crisis intervention and respite services. Diversion services may also include, in cases where any person is seeking to file a petition that alleges that the child has a substance use disorder or is in need of immediate detoxification or substance use disorder services, an assessment for substance use disorder; provided, however, that notwithstanding any other provision of law to the contrary, the designated lead agency shall not be required to pay for all or any portion of the costs of such assessment or substance use disorder or detoxification services, except in cases where medical assistance for needy persons may be used to pay for all or any portion of the costs of such assessment or services.

[~~(j)~~] **(i)** "Substance use disorder". The misuse of, dependence on, or addiction to alcohol and/or legal or illegal drugs leading to effects that are detrimental to the person's physical and mental health or the welfare of others.

[~~(k)~~] **(j)** "Assessment for substance use disorder". Assessment by a provider that has been certified by the office of alcoholism and substance abuse services of a person less than eighteen years of age where it is alleged that the youth is suffering from a substance use disorder which could make a youth a danger to himself or herself or others.

[~~(l)~~] **(k)** "A substance use disorder which could make a youth a danger to himself or herself or others". A substance use disorder that is accompanied by the dependence on, or the repeated use or abuse of, drugs or alcohol to the point of intoxication such that the person is in need of immediate detoxification or other substance use disorder services.

[~~(m)~~] **(l)** "Substance use disorder services". Substance use disorder services shall have the same meaning as provided for in section 1.03 of the mental hygiene law.

(m) "Family support center". A program established pursuant to title twelve of article six of the social services law.

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

§ 720. Detention. 1. No child to whom the provisions of this article may apply, shall be detained in any prison, jail, lockup, or other place

used for adults convicted of crime or under arrest and charged with a crime.

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

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

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

5. (a) The court shall not order or direct detention under this article, unless the court determines that there is no substantial likelihood that the youth and his or her family will continue to benefit from diversion services**, and that continuation in the home would not be appropriate because such continuation would (A) continue or worsen the circumstances alleged in the underlying petition, or that created the need for a petition to be sought or (B) create a safety risk to the child or the child's family** and that all **other** available alternatives to detention have been exhausted; and

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

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

§ 33-a. Section 727 of the family court act, as amended by chapter 920 of the laws of 1982, subdivisions (a) and (b) as amended by chapter 419 of the laws of 1987, is amended to read as follows:

§ 727. Rules of court authorizing release before filing of petition. (a) The agency responsible for operating a [~~detention facility~~] **foster care program certified by the office of children and family services or a certified or approved family boarding home,** or in a city of one million or more, the agency responsible for operating a foster care facility, may release a child in custody before the filing of a petition to the custody of his parents or other relative, guardian or legal custodian when the events occasioning the taking into custody appear to involve a petition to determine whether a person is in need of super-

vision rather than a petition to determine whether a person is a juvenile delinquent.

(b) When a release is made under this section such release may, but need not, be conditioned upon the giving of a recognizance in accord with **paragraph (i) of subdivision (b) of** section seven hundred twenty-four [~~**(b) (i)**~~] **of this part**.

(c) If the probation service for any reason does not release a child under this section, the child shall promptly be brought before a judge of the court, if practicable, and section seven hundred twenty-eight **of this part** shall apply.

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

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

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

(c) An order of release under this section may, but need not, be conditioned upon the giving of a recognizance in accord with [~~**sections**~~] **section** seven hundred twenty-four (b) (i).

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

(i) that there is no substantial likelihood that the youth and his or her family will continue to benefit from diversion services**, that continuation in the home would not be appropriate because such continuation would (A) continue or worsen the circumstances alleged in the underlying petition, or that created the need for a petition to be sought or (B) create a safety risk to the child or the child's family** and that all **other** available alternatives to detention have been exhausted; and

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

(iii) where appropriate, whether reasonable efforts were made prior to the date of the court hearing that resulted in the detention order, to prevent or eliminate the need for removal of the child from his or her home or, if the child had been removed from his or her home prior to the

court appearance pursuant to this section, where appropriate, whether reasonable efforts were made to make it possible for the child to safely return home; and

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

§ 35. Section 735 of the family court act, as added by section 7 of part E of chapter 57 of the laws of 2005, subdivision (b) as amended by chapter 38 of the laws of 2014, paragraph (i) of subdivision (d) as amended by chapter 535 of the laws of 2011, and subdivision (h) as amended by chapter 499 of the laws of 2015, is amended to read as follows:

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

(b) The designated lead agency shall:

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

(ii) diligently attempt to prevent the filing of a petition under this article or, after the petition is filed, to prevent the placement of the youth into foster care **in accordance with section seven hundred fifty-six of this article**; and

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

(iv) **assess whether the youth is a sexually exploited child as defined in section four hundred forty-seven-a of the social services law and, if so, whether such youth should be referred to a safe house; and**

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

(vi) determine whether the youth and his or her family should be referred to an available family support center; [~~and~~]

(vii) assess whether remaining in the home would cause the continuation or worsening of the circumstances that created the need for a petition to be sought, or create a safety risk to the child or the child's family; and

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

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

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

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

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

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

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

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

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

(f) Efforts to prevent the filing of a petition pursuant to this section may extend until the designated lead agency determines that there is no substantial likelihood that the youth and his or her family will benefit from further attempts. Efforts at diversion pursuant to this section may continue after the filing of a petition where the designated lead agency determines that the youth and his or her family will benefit from further attempts to prevent **placement of** the youth from entering foster care **in accordance with section seven hundred fifty-six of this article**.

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

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

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

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

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

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

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

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

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

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

(ii) The court may, as a condition of an adjournment in contemplation of dismissal order: (A) in cases where the record indicates that the consumption of alcohol may have been a contributing factor, require the respondent to attend and complete an alcohol awareness program established pursuant to section 19.25 of the mental hygiene law; or (B) in cases where the record indicates that cyberbullying or sexting was the basis of the petition, require an eligible person to complete an education reform program in accordance with section four hundred fifty-eight-l of the social services law**; or (C) participate in services including but not limited to those provided by family support centers**.

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

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

§ 751. Order dismissing petition. If the allegations of a petition under this article are not established, the court shall dismiss the petition. The court may in its discretion dismiss a petition under this article, in the interests of justice where attempts have been made to adjust the case as provided for in sections seven hundred thirty-five and seven hundred forty-two of this article and the probation service has exhausted its efforts to successfully adjust such case as a result of the petition's failure to provide reasonable assistance to the probation service. **In dismissing a petition pursuant to this section, the court shall consider whether a referral of services would be appropriate to meet the needs of the respondent and his or her family.**

§ 39. Section 754 of the family court act, subdivision 1 as designated by chapter 878 of the laws of 1976, paragraph (c) of subdivision 1 as amended by section 4 of part V of chapter 383 of the laws of 2001, the closing paragraph of subdivision 1 as added by section 5 of part V of chapter 55 of the laws of 2012, subdivision 2 as amended by chapter 7 of the laws of 1999, subparagraph (ii) of paragraph (a) of subdivision 2 as amended by section 20 and the closing paragraph of paragraph (b) of subdivision 2 as amended by section 21 of part L of chapter 56 of the laws of 2015, is amended to read as follows:

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

(a) Discharging the respondent with warning;

(b) Suspending judgment in accord with section seven hundred fifty-five **of this part**;

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

(d) Putting the respondent on probation in accord with section seven hundred fifty-seven **of this part**.

The court may order an eligible person to complete an education reform program in accordance with section four hundred fifty-eight-l of the social services law, as part of a disposition pursuant to paragraph (a), (b) or (d) of this subdivision. **The court may also order services, including those provided by a family support center, as part of a disposition pursuant to paragraph (a), (b) or (d) of this subdivision.**

2. (a) **Notwithstanding any other provision of law to the contrary, the court shall not order placement with the local commissioner of social services pursuant to section seven hundred fifty-six of this part unless the court finds and states in writing that:**

(i) no appropriate suitable relative or suitable private person is available for placement pursuant to section seven hundred fifty-six of this part; and

(ii) placement in the child's home would not be appropriate because such placement would:

(A) continue or worsen the circumstances alleged in the underlying petition or,

(B) create a safety risk to the child or the child's family.

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

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

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

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

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

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

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

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

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

If the court determines that reasonable efforts are not required because of one of the grounds set forth above, a permanency hearing shall be held within thirty days of the finding of the court that such efforts are not required. At the permanency hearing, the court shall determine the appropriateness of the permanency plan prepared by the social services official which shall include whether and when the child: (A) will be returned to the parent; (B) should be placed for adoption with the social services official filing a petition for termination of parental rights; (C) should be referred for legal guardianship; (D) should be placed permanently with a fit and willing relative; or (E) should be placed in another planned permanent living arrangement with a significant connection to an adult willing to be a permanency resource for the child if the child is age sixteen or older and if the requirements of subparagraph (E) of paragraph (iv) of subdivision (d) of section seven hundred fifty-six-a of this part have been met. The social services official shall thereafter make reasonable efforts to place the child in a timely manner and to complete whatever steps are necessary to finalize the permanent placement of the child as set forth in the

permanency plan approved by the court. If reasonable efforts are determined by the court not to be required because of one of the grounds set forth in this paragraph, the social services official may file a petition for termination of parental rights in accordance with section three hundred eighty-four-b of the social services law.

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

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

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

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

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

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

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

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

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

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

(b) Placements under this section may be for an initial period of [~~twelve months~~] **ninety days**. The court may extend a placement pursuant

to section seven hundred fifty-six-a. In its discretion, the court may recommend restitution or require services for public good pursuant to section seven hundred fifty-eight-a in conjunction with an order of placement. [~~For the purposes of calculating the initial period of placement, such placement shall be deemed to have commenced sixty days after the date the child was removed from his or her home in accordance with the provisions of this article.~~] If the respondent has been in detention pending disposition, the initial period of placement ordered under this section shall be credited with and diminished by the amount of time spent by the respondent in detention prior to the commencement of the placement unless the court finds that all or part of such credit would not serve the best interests of the respondent.

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

§ 42. Section 756-a of the family court act, as added by chapter 604 of the laws of 1986, subdivision (a) as amended by chapter 309 of the laws of 1996, subdivisions (b) and (d) as amended by section 4 of part B of chapter 327 of the laws of 2007, subdivisions (c) and (e) as amended by chapter 7 of the laws of 1999, paragraph (ii) of subdivision (d) as amended by section 3 of part M of chapter 54 of the laws of 2016, paragraphs (iii), (iv) and (v) of subdivision (d) as amended by section 23 and subdivision (d-1) as amended by section 24 of part L of chapter 56 of the laws of 2015, is amended to read as follows:

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

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

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

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

(i) where appropriate, that reasonable efforts were made to make it possible for the child to safely return to his or her home, or if the permanency plan for the child is adoption, guardianship or some other permanent living arrangement other than reunification with the parent or

parents of the child, reasonable efforts are being made to make and finalize such alternate permanent placement including consideration of appropriate in-state and out-of-state placements;

(ii) in the case of a child who has attained the age of fourteen, (A) the services needed, if any, to assist the child to make the transition from foster care to successful adulthood; and (B)(1) that the permanency plan developed for the child, and any revision or addition to the plan shall be developed in consultation with the child and, at the option of the child, with up to two additional members of the child's permanency planning team who are selected by the child and who are not a foster parent of, or case worker, case planner or case manager for, the child, except that the local commissioner of social services with custody of the child may reject an individual so selected by the child if such commissioner has good cause to believe that the individual would not act in the best interests of the child, and (2) that one individual so selected by the child may be designated to be the child's advisor and, as necessary, advocate with respect to the application of the reasonable and prudent parent standard;

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

(iv) whether and when the child: (A) will be returned to the parent; (B) should be placed for adoption with the social services official filing a petition for termination of parental rights; (C) should be referred for legal guardianship; (D) should be placed permanently with a fit and willing relative; or (E) should be placed in another planned permanent living arrangement with a significant connection to an adult willing to be a permanency resource for the child if the child is age sixteen or older and (1) the social services official has documented to the court: (I) intensive, ongoing, and, as of the date of the hearing, unsuccessful efforts made by the social services district to return the child home or secure a placement for the child with a fit and willing relative including adult siblings, a legal guardian, or an adoptive parent, including through efforts that utilize search technology including social media to find biological family members for children, (II) the steps the social services district is taking to ensure that (A) the child's foster family home or child care facility is following the reasonable and prudent parent standard in accordance with guidance provided by the United States department of health and human services, and (B) the child has regular, ongoing opportunities to engage in age or developmentally appropriate activities including by consulting with the child in an age-appropriate manner about the opportunities of the child to participate in activities; and (2) the social services district has documented to the court and the court has determined that there are compelling reasons for determining that it continues to not be in the best interest of the child to return home, be referred for termination of parental rights and placed for adoption, placed with a fit and willing relative, or placed with a legal guardian; and (3) the court has made a determination explaining why, as of the date of the hearing, another planned living arrangement with a significant connection to an adult willing to be a permanency resource for the child is the best permanency plan for the child; and

(v) where the child will not be returned home, consideration of appropriate in-state and out-of-state placements.

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

provided, however, that if the respondent is age sixteen or older and the requested permanency plan for the respondent is placement in another planned permanent living arrangement with a significant connection to an adult willing to be a permanency resource for the respondent, the court must ask the respondent about the desired permanency outcome for the respondent.

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

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

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

(e) The court may order services deemed appropriate to address the circumstances alleged in the underlying petition including services provided by family support centers.

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

§ 758-a. Restitution. 1. In cases involving acts of [~~infants~~] **children** over [~~ten~~] **twelve** and less than [~~sixteen~~] **eighteen** years of age, the court may

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

replacement or damage, either in a lump sum or in periodic payments in amounts set by the court; and/or

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

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

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

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

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

(f) to participate in family counseling or other professional counseling activities, or other services, including **services provided by family support centers,** alternative dispute resolution services conducted by an authorized person or an authorized agency to which the youth has been referred or placed, deemed necessary for the rehabilitation of the youth, provided that such family counseling, other counseling activity or other necessary services are not contrary to such person's religious beliefs;

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

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

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

2-a. Notwithstanding any other provision of law to the contrary, state reimbursement shall be made available for one hundred percent of expenditures made by social services districts, exclusive of any federal funds made available for such purposes, for preventive services, aftercare services, independent living services and foster care services provided to youth age sixteen years of age or older when such services would not otherwise have been provided to such youth absent the provisions in a chapter of the laws of two thousand seventeen that increased the age of juvenile jurisdiction above fifteen years of age.

2-b. Notwithstanding any other provision of law to the contrary, state reimbursement shall be made available for one hundred percent of expenditures made by social services districts, exclusive of any federal funds made available for such purpose, for family support centers established pursuant to title twelve of this article.

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

5. "Juvenile delinquent" means a person [~~over seven and less than sixteen years of age who does any act which, if done by an adult, would constitute a crime~~] as defined in section 301.2 of the family court act.

6. "Person in need of supervision" means a person [~~less than eighteen years of age who is habitually truant or who is incorrigible, ungovernable or habitually disobedient and beyond the lawful control of a parent or other person legally responsible for such child's care, or other lawful authority~~] as defined in section seven hundred twelve of the family court act.

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

TITLE 12
FAMILY SUPPORT CENTERS

Section 458-m. Family support centers.
458-n. Funding for family support centers.

§ 458-m. Family support centers. 1. As used in this title, the term "family support center" shall mean a program established pursuant to this title to provide community-based supportive services to youth at risk of being, or alleged or adjudicated to be persons in need of supervision pursuant to article seven of the family court act, and their families. Family support centers may also provide community-based supportive services to youth who are alleged or adjudicated to be juvenile delinquents pursuant to article three of the family court act.

2. Family support centers shall provide comprehensive services to such children and their families, either directly or through referrals with partner agencies, including, but not limited to:

(a) rapid family assessments and screenings;

(b) crisis intervention;

(c) family mediation and skills building;

(d) mental and behavioral health services, as defined in subdivision fifty-eight of section 1.03 of the mental hygiene law, including cognitive interventions;

(e) case management;

(f) respite services; and

(g) other family support services.

3. To the extent practicable, the services that are provided shall be trauma sensitive, family focused, gender-responsive, where appropriate, and evidence and/or strength based and shall be tailored to the individ-

ualized needs of the child and family based on the assessments and screenings conducted by such family support center.

4. Family support centers shall have the capacity to serve families outside of regular business hours including evenings or weekends.

§ 458-n. Funding for family support centers. 1. Notwithstanding any other provision of law to the contrary, state reimbursement shall be made available for one hundred percent of expenditures made by social services districts, exclusive of any federal funds made available for such purpose, for family support centers statewide.

2. Notwithstanding any other provision of law to the contrary, family support centers shall be established in each social services district throughout the state with the approval of the office of children and family services, provided however that two or more social services districts may join together to establish, operate and maintain a family support center and may make and perform agreements in connection therewith.

3. Social services districts may contract with not-for-profit corporations or utilize existing programs to operate family support centers in accordance with the provisions of this title and the specific program requirements issued by the office. Family support centers shall have sufficient capacity to provide services to youth within the social services district or districts who are at risk of becoming, alleged or adjudicated to be persons in need of supervision pursuant to article seven of the family court act, and their families. In addition, to the extent practicable, family support centers may provide services to youth who are alleged or adjudicated under article three of the family court act.

4. Social services districts receiving funding under this title shall report to the office of children and family services, in the form and manner and at such times as determined by the office, on the performance outcomes of any family support center located within such district that receives funding under this title.

§ 50. Subdivisions 3 and 11 of section 398 of the social services law, subdivision 3 as amended by chapter 419 of the laws of 1987, paragraph (c) of subdivision 3 as amended by section 19 of part E of chapter 57 of the laws of 2005, subdivision 11 as added by chapter 514 of the laws of 1976, are amended to read as follows:

3. As to delinquent children and persons in need of supervision:

(a) Investigate complaints as to alleged delinquency of a child.

(b) Bring such case of alleged delinquency when necessary before the family court.

(c) Receive within fifteen days from the order of placement as a public charge any delinquent child committed or placed or in the case of a person in need of supervision placed, ten days, in his or her care by the family court provided, however, that the commissioner of the social services district with whom the child is placed may apply to the state commissioner or his or her designee for approval of an additional fifteen days, or in the case of a person in need of supervision, ten days, upon written documentation to the office of children and family services that the youth is in need of specialized treatment or placement and the diligent efforts by the commissioner of social services to locate an appropriate placement.

11. In the case of a child who is adjudicated a person in need of supervision or a juvenile delinquent and is placed by the family court with the [~~division for youth~~] office of children and family services and who is placed by [~~the division for youth~~] such office with an authorized

agency pursuant to court order, the social services official shall make expenditures in accordance with the regulations of the department for the care and maintenance of such child during the term of such placement subject to state reimbursement pursuant to **section one hundred fifty-three-k of** this title[~~, or article nineteen-G of the executive law in applicable cases~~].

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

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

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

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

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

year, the population of the previous July first through June thirtieth period shall be compared to the baseline year for determining any adjustments to a state fiscal year appropriation. When either population increases by ten percent or more, the reimbursement will be adjusted by a percentage equal to the larger of the percentage increase in either the number of probation intakes for alleged juvenile delinquents or the total population of adjudicated juvenile delinquents placed on probation combined with the population of adjudicated juvenile delinquents placed out of their homes in a setting other than a secure facility pursuant to section 352.2 of the family court act.

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

(a-1) State reimbursement shall be made available for one hundred percent of eligible expenditures made by a social services district, exclusive of any federal funds made available for such purposes, for approved juvenile justice services under an approved close to home initiative provided to youth age sixteen years of age or older when such services would not otherwise have been provided to such youth absent the provisions in a chapter of the laws of two thousand seventeen that increased the age of juvenile jurisdiction above fifteen years of age.

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

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

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

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

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

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

reduction in payment of state funds to the district unless the district requests that the department use a portion of the appropriation toward meeting the district's responsibility to repay the federal government for the disallowance or sanction and any related interest payments.

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

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

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

(a) A social services official shall provide preventive services to a child and his or her family, in accordance with the family's service plan as required by section four hundred nine-e of this chapter and the social services district's child welfare services plan submitted and approved pursuant to section four hundred nine-d of this chapter, upon a finding by such official that (i) the child will be placed, returned to or continued in foster care unless such services are provided and that it is reasonable to believe that by providing such services the child will be able to remain with or be returned to his or her family, and for a former foster care youth under the age of twenty-one who was previously placed in the care and custody or custody and guardianship of the local commissioner of social services or other officer, board or department authorized to receive children as public charges where it is reasonable to believe that by providing such services the former foster care youth will avoid a return to foster care or (ii) the child is the subject of a petition under article seven of the family court act, or has been determined by the assessment service established pursuant to section two hundred forty-three-a of the executive law, or by the probation service where no such assessment service has been designated, to be at risk of being the subject of such a petition, and the social services official determines that the child is at risk of placement into foster care. Such finding shall be entered in the child's uniform case record established and maintained pursuant to section four hundred nine-f of this chapter. The commissioner shall promulgate regulations to assist social services officials in making determinations of eligibility for mandated preventive services pursuant to this [~~subparagraph~~] **paragraph**.

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

§ 30.00 Infancy.

1. Except as provided in [~~subdivision~~] subdivisions two and three of this section, a person less than [~~sixteen~~] eighteen years old is not criminally responsible for conduct.

2. A person thirteen, fourteen [~~or~~], fifteen, sixteen, or seventeen years of age is criminally responsible for acts constituting murder in the second degree as defined in subdivisions one and two of section 125.25 and in subdivision three of such section provided that the underlying crime for the murder charge is one for which such person is criminally responsible or for such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 of [~~the penal law~~] this chapter; and a person fourteen [~~or~~], fifteen, sixteen or seventeen years of age is criminally responsible for acts constituting the crimes defined in section 135.25 (kidnapping in the first degree); 150.20 (arson in the first degree); subdivisions one and two of section 120.10 (assault in the first degree); 125.20 (manslaughter in the first degree); subdivisions one and two of section 130.35 (rape in the first degree); subdivisions one and two of section 130.50 (criminal sexual act in the first degree); 130.70 (aggravated sexual abuse in the first degree); 140.30 (burglary in the first degree); subdivision one of section 140.25 (burglary in the second degree); 150.15 (arson in the second degree); 160.15 (robbery in the first degree); subdivision two of section 160.10 (robbery in the second degree) of this chapter; or section 265.03 of this chapter, where such machine gun or such firearm is possessed on school grounds, as that phrase is defined in subdivision fourteen of section 220.00 of this chapter; or defined in this chapter as an attempt to commit murder in the second degree or kidnapping in the first degree, or for such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 of [~~the penal law~~] this chapter.

3. A person sixteen or seventeen years of age is criminally responsible for acts constituting the crimes defined in section 460.22 (aggravated enterprise corruption); 490.25 (crime of terrorism); 490.45 (criminal possession of a chemical or biological weapon in the first degree); 490.50 (criminal use of a chemical weapon or biological weapon in the second degree); 490.55 (criminal use of a chemical weapon or biological weapon in the first degree); 120.11 (aggravated assault upon a police officer or a peace officer); 125.22 (aggravated manslaughter in the first degree); 215.17 (intimidating a victim or witness in the first degree); 265.04 (criminal possession of a weapon in the first degree); 265.09 (criminal use of a firearm in the first degree); 265.13 (criminal sale of a firearm in the first degree); 490.35 (hindering prosecution of terrorism in the first degree); 490.40 (criminal possession of a chemical weapon or biological weapon in the second degree); 490.47 (criminal use of a chemical weapon or biological weapon in the third degree); 121.13 (strangulation in the first degree); 490.37 (criminal possession of a chemical weapon or biological weapon in the third degree) of this chapter; or a felony sex offense as defined in paragraph (a) of subdivision one of section 70.80 of this chapter.

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

§ 54. Subdivision 2 of section 60.02 of the penal law, as amended by chapter 471 of the laws of 1980, is amended to read as follows:

(2) If the sentence is to be imposed upon a youthful offender finding which has been substituted for a conviction for any felony, the court must impose a sentence authorized to be imposed upon a person convicted of a class E felony provided, however, that **(a)** the court must not impose a sentence of [~~conditional discharge or~~] unconditional discharge if the youthful offender finding was substituted for a conviction of a felony defined in article two hundred twenty of this chapter.

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

§ 60.10 Authorized disposition; juvenile offender.

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

2. Subdivision one of this section shall apply when sentencing a juvenile offender notwithstanding the provisions of any other law that deals with the authorized sentence for persons who are not juvenile offenders. Provided, however, that the limitation prescribed by this section shall not be deemed or construed to bar use of a conviction of a juvenile offender, other than a juvenile offender who has been adjudicated a youthful offender pursuant to section 720.20 of the criminal procedure law, as a previous or predicate felony offender under section 70.04, 70.06, **70.07,** 70.08[~~, or 70.10,~~] **or 70.80** when sentencing a person who commits a felony after [~~he~~] **such person** has reached the age of [~~sixteen~~] **eighteen**.

§ 56. Paragraph (b) of subdivision 2 of section 70.05 of the penal law, as added by chapter 481 of the laws of 1978, is amended and three new paragraphs (b-1), (f) and (g) are added to read as follows:

(b) For [~~the~~] **a** class [~~A~~] **A-I** felony [~~of arson in the first degree, or for the class A felony of kidnapping in the first degree~~] **other than murder in the second degree,** the term shall be fixed by the court, and shall be at least twelve years but shall not exceed fifteen years;

(b-1) For a class A-II felony the term shall be fixed by the court and shall be at least ten years but shall not exceed fourteen years;

(f) For a class E felony, the term shall be fixed by the court and shall not exceed two years;

(g) Notwithstanding any inconsistent provision of law, the court may sentence a juvenile offender to an alternative sentence, including probation or a definite sentence of imprisonment of one year or less, if such alternative sentence is authorized by law for a person eighteen years of age or older convicted of the same offense.

§ 57. Paragraph (b) of subdivision 3 of section 70.05 of the penal law, as added by chapter 481 of the laws of 1978, is amended and three new paragraphs (b-1), (c-1) and (d) are added to read as follows:

(b) For [~~the~~] **a** class [~~A~~] **A-I** felony [~~of arson in the first degree, or for the class A felony of kidnapping in the first degree~~] **other than murder in the second degree**, the minimum period of imprisonment shall be fixed by the court and shall be not less than four years but shall not exceed six years; and

(b-1) For a class A-II felony, the minimum period of imprisonment shall be fixed by the court and shall be not less than three years but shall not exceed five years; and

(c-1) For a class E felony, the minimum period of imprisonment shall be fixed by the court at one year.

(d) Notwithstanding any inconsistent provision of law, the court may sentence a juvenile offender to an alternative sentence, including

probation or a definite sentence of imprisonment of one year or less, if such alternative sentence is authorized by law for a person eighteen years of age or older convicted of the same offense.

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

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

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

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

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

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

§ 58-a. Subdivision d of section 74 of chapter 3 of the laws of 1995, enacting the sentencing reform act of 1995, as amended by section 19 of part B of chapter 55 of the laws of 2015, is amended and a new subdivision d-1 is added to read as follows:

d. Sections one-a through eight, ten through twenty, twenty-four through twenty-eight, thirty through thirty-nine, forty-two and forty-four of this act shall be deemed repealed on September 1, 2017;

d-1. Section nine of this act shall be deemed repealed on September 1, 2019;

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

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

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

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

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

4. (a) Notwithstanding any other provision of law to the contrary, a juvenile offender[~~,~~] or a juvenile offender who is adjudicated a youthful offender and given an indeterminate or a definite sentence, **and who is under the age of twenty-one at the time of sentencing,** shall be committed to the custody of the commissioner of the office of children and family services who shall arrange for the confinement of such offender in [~~secure~~] facilities of the office. The release or transfer of such offenders from the office of children and family services shall be governed by section five hundred eight of the executive law. **If the juvenile offender is convicted or adjudicated a youthful offender and is twenty-one years of age or older at the time of sentencing, he or she shall be delivered to the department of corrections and community supervision.**

(a-1) Notwithstanding any other provision of law to the contrary, a person who is sentenced to an indeterminate sentence as an adult for committing a crime when he or she was sixteen or seventeen years of age who is sentenced on or after December first, two thousand seventeen to a term of at least one year of imprisonment and who is under the age of eighteen at the time he or she is sentenced shall be committed to the custody of the commissioner of the office of children and family services who shall arrange for the confinement of such offender in facilities of the office. The release or transfer of such offenders from the office of children and family services shall be governed by section five hundred eight of the executive law.

(b) The court in committing [~~a juvenile offender and youthful offender~~] **an offender under eighteen years of age** to the custody of the office of children and family services shall inquire as to whether the parents or legal guardian of the youth, if present, will consent for the office of children and family services to provide routine medical, dental and mental health services and treatment.

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

(d) Nothing in this subdivision shall preclude a parent or legal guardian of an offender who is not yet eighteen years of age from making a motion on notice to the office of children and family services pursuant to article twenty-two of the civil practice law and rules objecting to

routine medical, dental or mental health services and treatment being provided to such offender under the provisions of paragraph (b) of this subdivision.

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

§ 60-a. Paragraph (f) of subdivision 1 of section 70.30 of the penal law, as added by chapter 481 of the laws of 1978 and relettered by chapter 3 of the laws of 1995, is amended to read as follows:

(f) The aggregate maximum term of consecutive sentences imposed upon a juvenile offender for two or more crimes, not including a class A felony, committed before he has reached the age of sixteen, shall, if it exceeds ten years, be deemed to be ten years. If consecutive indeterminate sentences imposed upon a juvenile offender include a sentence for [~~the~~] **a** class A felony [~~of arson in the first degree or for the class A felony of kidnapping in the first degree~~] **other than murder in the second degree**, then the aggregate maximum term of such sentences shall, if it exceeds fifteen years, be deemed to be fifteen years. Where the aggregate maximum term of two or more consecutive sentences is reduced by a calculation made pursuant to this paragraph, the aggregate minimum period of imprisonment, if it exceeds one-half of the aggregate maximum term as so reduced, shall be deemed to be one-half of the aggregate maximum term as so reduced.

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

18. "Juvenile offender" means (1) a person thirteen years old who is criminally responsible for acts constituting murder in the second degree as defined in subdivisions one and two of section 125.25 of this chapter or such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 of [~~the penal law; and~~] **this chapter;**

(2) a person fourteen [~~or~~]**,** fifteen**, sixteen or seventeen** years old who is criminally responsible for acts constituting the crimes defined in subdivisions one and two of section 125.25 (murder in the second degree) and in subdivision three of such section provided that the underlying crime for the murder charge is one for which such person is criminally responsible; section 135.25 (kidnapping in the first degree); 150.20 (arson in the first degree); subdivisions one and two of section 120.10 (assault in the first degree); 125.20 (manslaughter in the first degree); subdivisions one and two of section 130.35 (rape in the first degree); subdivisions one and two of section 130.50 (criminal sexual act in the first degree); 130.70 (aggravated sexual abuse in the first degree); 140.30 (burglary in the first degree); subdivision one of section 140.25 (burglary in the second degree); 150.15 (arson in the second degree); 160.15 (robbery in the first degree); subdivision two of section 160.10 (robbery in the second degree) of this chapter; or section 265.03 of this chapter, where such machine gun or such firearm is possessed on school grounds, as that phrase is defined in subdivision fourteen of section 220.00 of this chapter; or defined in this chapter as an attempt to commit murder in the second degree or kidnapping in the first degree, or such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 of [~~the penal law~~] **this chapter; and**

(3) a person sixteen or seventeen years of age is criminally responsible for acts constituting the crimes defined in section 460.22 (aggravated enterprise corruption); 490.25 (crime of terrorism); 490.45 (crim-

inal possession of a chemical weapon or biological weapon in the first degree); 490.50 (criminal use of a chemical weapon or biological weapon in the second degree); 490.55 (criminal use of a chemical weapon or biological weapon in the first degree); 120.11 (aggravated assault upon a police officer or a peace officer); 125.22 (aggravated manslaughter in the first degree); 215.17 (intimidating a victim or witness in the first degree); 265.04 (criminal possession of a weapon in the first degree); 265.09 (criminal use of a firearm in the first degree); 265.13 (criminal sale of a firearm in the first degree); 490.35 (hindering prosecution of terrorism in the first degree); 490.40 (criminal possession of a chemical weapon or biological weapon in the second degree); 490.47 (criminal use of a chemical weapon or biological weapon in the third degree); 121.13 (strangulation in the first degree); 490.37 (criminal possession of a chemical weapon or biological weapon in the third degree) of this chapter; or a felony sex offense as defined in paragraph (a) of subdivision one of section 70.80 of this chapter.

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

42. "Juvenile offender" means (1) a person, thirteen years old who is criminally responsible for acts constituting murder in the second degree as defined in subdivisions one and two of section 125.25 of the penal law, or such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; [~~and~~] (2) a person fourteen [~~or~~], fifteen, sixteen or seventeen years old who is criminally responsible for acts constituting the crimes defined in subdivisions one and two of section 125.25 (murder in the second degree) and in subdivision three of such section provided that the underlying crime for the murder charge is one for which such person is criminally responsible; section 135.25 (kidnapping in the first degree); 150.20 (arson in the first degree); subdivisions one and two of section 120.10 (assault in the first degree); 125.20 (manslaughter in the first degree); subdivisions one and two of section 130.35 (rape in the first degree); subdivisions one and two of section 130.50 (criminal sexual act in the first degree); 130.70 (aggravated sexual abuse in the first degree); 140.30 (burglary in the first degree); subdivision one of section 140.25 (burglary in the second degree); 150.15 (arson in the second degree); 160.15 (robbery in the first degree); subdivision two of section 160.10 (robbery in the second degree) of the penal law; or section 265.03 of the penal law, where such machine gun or such firearm is possessed on school grounds, as that phrase is defined in subdivision fourteen of section 220.00 of the penal law; or defined in the penal law as an attempt to commit murder in the second degree or kidnapping in the first degree, or such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; and (3) a person sixteen or seventeen years of age is criminally responsible for acts constituting the crimes defined in section 460.22 (aggravated enterprise corruption); 490.25 (crime of terrorism); 490.45 (criminal possession of a chemical weapon or biological weapon in the first degree); 490.50 (criminal use of a chemical weapon or biological weapon in the second degree); 490.55 (criminal use of a chemical weapon or biological weapon in the first degree); 120.11 (aggravated assault upon a police officer or a peace officer); 125.22 (aggravated manslaughter in the first degree); 215.17 (intimidating a victim or witness in the first degree); 265.04 (criminal possession of a weapon in the first degree); 265.09 (criminal use of a firearm in the first degree); 265.13 (criminal sale of a firearm in the first degree); 490.35 (hindering prosecution of terrorism in the first

degree); 490.40 (criminal possession of a chemical weapon or biological weapon in the second degree); 490.47 (criminal use of a chemical weapon or biological weapon in the third degree); 121.13 (strangulation in the first degree); 490.37 (criminal possession of a chemical weapon or biological weapon in the third degree) of this chapter; or a felony sex offense as defined in paragraph (a) of subdivision one of section 70.80 of this chapter.

§ 63. The article heading of article 100 of the criminal procedure law is amended to read as follows:

--COMMENCEMENT OF ACTION IN LOCAL CRIMINAL COURT OR YOUTH PART OF A SUPERIOR COURT--[~~LOCAL CRIMINAL COURT~~] ACCUSATORY INSTRUMENTS

§ 63-a. The opening paragraph of section 100.05 of the criminal procedure law is amended to read as follows:

A criminal action is commenced by the filing of an accusatory instrument with a criminal court, or, in the case of a juvenile offender, the youth part of the superior court, and if more than one such instrument is filed in the course of the same criminal action, such action commences when the first of such instruments is filed. The only way in which a criminal action can be commenced in a superior court is by the filing therewith by a grand jury of an indictment against a defendant who has never been held by a local criminal court for the action of such grand jury with respect to any charge contained in such indictment; provided, however, that when the criminal action is commenced against a juvenile offender, such criminal action, whatever the form of commencement, shall be filed in the youth part of the superior court or, if the youth part is not in session, filed with the most accessible magistrate designated by the appellate division of the supreme court in the applicable department to act as a youth part. Otherwise, a criminal action can be commenced only in a local criminal court, by the filing therewith of a local criminal court accusatory instrument, namely:

§ 63-b. The section heading and subdivision 5 of section 100.10 of the criminal procedure law are amended to read as follows:

Local criminal court and youth part of the superior court accusatory instruments; definitions thereof.

5. A "felony complaint" is a verified written accusation by a person, filed with a local criminal court, or youth part of the superior court, charging one or more other persons with the commission of one or more felonies. It serves as a basis for the commencement of a criminal action, but not as a basis for prosecution thereof.

§ 63-c. The section heading of section 100.40 of the criminal procedure law is amended to read as follows:

Local criminal court and youth part of the superior court accusatory instruments; sufficiency on face.

§ 63-d. The criminal procedure law is amended by adding a new section 100.60 to read as follows:

§ 100.60 Youth part of the superior court accusatory instruments; in what courts filed.

Any youth part of the superior court accusatory instrument may be filed with the youth part of the superior court of a particular county when an offense charged therein was allegedly committed in such county or that part thereof over which such court has jurisdiction.

§ 63-e. The article heading of article 110 of the criminal procedure law is amended to read as follows:

--REQUIRING DEFENDANT'S APPEARANCE
IN LOCAL CRIMINAL COURT **OR YOUTH PART OF SUPERIOR COURT**
FOR ARRAIGNMENT

§ 63-f. The section heading and subdivisions 1 and 2 of section 110.10 of the criminal procedure law are amended to read as follows:

Methods of requiring defendant's appearance in local criminal court **or youth part of the superior court** for arraignment; in general.

1. After a criminal action has been commenced in a local criminal court **or youth part of the superior court** by the filing of an accusatory instrument therewith, a defendant who has not been arraigned in the action and has not come under the control of the court may under certain circumstances be compelled or required to appear for arraignment upon such accusatory instrument by:

(a) The issuance and execution of a warrant of arrest, as provided in article one hundred twenty; or

(b) The issuance and service upon him of a summons, as provided in article one hundred thirty; or

(c) Procedures provided in articles five hundred sixty, five hundred seventy, five hundred eighty, five hundred ninety and six hundred for securing attendance of defendants in criminal actions who are not at liberty within the state.

2. Although no criminal action against a person has been commenced in any court, he may under certain circumstances be compelled or required to appear in a local criminal court **or youth part of a superior court** for arraignment upon an accusatory instrument to be filed therewith at or before the time of his appearance by:

(a) An arrest made without a warrant, as provided in article one hundred forty; or

(b) The issuance and service upon him of an appearance ticket, as provided in article one hundred fifty.

§ 63-g. Section 110.20 of the criminal procedure law, as amended by chapter 843 of the laws of 1980, is amended to read as follows:

§ 110.20 Local criminal court **or youth part of the superior court** accusatory instruments; notice thereof to district attorney.

When a criminal action in which a crime is charged is commenced in a local criminal court, other than the criminal court of the city of New York, **or youth part of the superior court,** a copy of the accusatory instrument shall be promptly transmitted to the appropriate district attorney upon or prior to the arraignment of the defendant on the accusatory instrument. If a police officer or a peace officer is the complainant or the filer of a simplified information, or has arrested the defendant or brought him before the local criminal court **or youth part of the superior court** on behalf of an arresting person pursuant to subdivision one of section 140.20, such officer or his agency shall transmit the copy of the accusatory instrument to the appropriate district attorney. In all other cases, the clerk of the court in which the defendant is arraigned shall so transmit it.

§ 63-h. The opening paragraph of subdivision 1 of section 120.20 of the criminal procedure law, as amended by chapter 506 of the laws of 2000, is amended to read as follows:

When a criminal action has been commenced in a local criminal court **or youth part of the superior court** by the filing therewith of an accusatory instrument, other than a simplified traffic information, against a defendant who has not been arraigned upon such accusatory instrument and has not come under the control of the court with respect thereto:

§ 63-i. Section 120.30 of the criminal procedure law is amended to read as follows:

§ 120.30 Warrant of arrest; by what courts issuable and in what courts returnable.

1. A warrant of arrest may be issued only by the local criminal court **or youth part of the superior court** with which the underlying accusatory instrument has been filed, and it may be made returnable in such issuing court only.

2. The particular local criminal court or courts **or youth part of superior court** with which any particular local criminal court **or youth part of the superior court** accusatory instrument may be filed for the purpose of obtaining a warrant of arrest are determined, generally, by the provisions of section 100.55 **or 100.60, as applicable**. If, however, a particular accusatory instrument may pursuant to said section 100.55 be filed with a particular town court and such town court is not available at the time such instrument is sought to be filed and a warrant obtained, such accusatory instrument may be filed with the town court of any adjoining town of the same county. If such instrument may be filed pursuant to said section 100.55 with a particular village court and such village court is not available at the time, it may be filed with the town court of the town embracing such village, or if such town court is not available either, with the town court of any adjoining town of the same county.

§ 63-j. Section 120.55 of the criminal procedure law, as amended by section 71 of subpart B of part C of chapter 62 of the laws of 2011, is amended to read as follows:

§ 120.55 Warrant of arrest; defendant under parole or probation supervision.

If the defendant named within a warrant of arrest issued by a local criminal court **or youth part of the superior court** pursuant to the provisions of this article, or by a superior court issued pursuant to subdivision three of section 210.10 of this chapter, is under the supervision of the state department of corrections and community supervision or a local or state probation department, then a warrant for his or her arrest may be executed by a parole officer or probation officer, when authorized by his or her probation director, within his or her geographical area of employment. The execution of the warrant by a parole officer or probation officer shall be upon the same conditions and conducted in the same manner as provided for execution of a warrant by a police officer.

§ 63-k. Subdivision 1 of section 120.70 of the criminal procedure law is amended to read as follows:

1. A warrant of arrest issued by a district court, by the New York City criminal court**, the youth part of a superior court** or by a superior court judge sitting as a local criminal court may be executed anywhere in the state.

§ 63-l. Section 120.90 of the criminal procedure law, as amended by chapter 424 of the laws of 1998, subdivision 8 as amended by chapter 96 of the laws of 2010, is amended to read as follows:

§ 120.90 Warrant of arrest; procedure after arrest.

1. Upon arresting a defendant for any offense pursuant to a warrant of arrest in the county in which the warrant is returnable or in any adjoining county, or upon so arresting him for a felony in any other county, a police officer, if he be one to whom the warrant is addressed, must without unnecessary delay bring the defendant before the local

criminal court **or youth part of the superior court** in which such warrant is returnable.

2. Upon arresting a defendant for any offense pursuant to a warrant of arrest in a county adjoining the county in which the warrant is returnable, or upon so arresting him for a felony in any other county, a police officer, if he be one delegated to execute the warrant pursuant to section 120.60, must without unnecessary delay deliver the defendant or cause him to be delivered to the custody of the officer by whom he was so delegated, and the latter must then proceed as provided in subdivision one.

3. Upon arresting a defendant for an offense other than a felony pursuant to a warrant of arrest in a county other than the one in which the warrant is returnable or one adjoining it, a police officer, if he be one to whom the warrant is addressed, must inform the defendant that he has a right to appear before a local criminal court of the county of arrest for the purpose of being released on his own recognizance or having bail fixed. If the defendant does not desire to avail himself of such right, the officer must request him to endorse such fact upon the warrant, and upon such endorsement the officer must without unnecessary delay bring him before the court in which the warrant is returnable. If the defendant does desire to avail himself of such right, or if he refuses to make the aforementioned endorsement, the officer must without unnecessary delay bring him before a local criminal court of the county of arrest. Such court must release the defendant on his own recognizance or fix bail for his appearance on a specified date in the court in which the warrant is returnable. If the defendant is in default of bail, the officer must without unnecessary delay bring him before the court in which the warrant is returnable.

4. Upon arresting a defendant for an offense other than a felony pursuant to a warrant of arrest in a county other than the one in which the warrant is returnable or one adjoining it, a police officer, if he be one delegated to execute the warrant pursuant to section 120.60, may hold the defendant in custody in the county of arrest for a period not exceeding two hours for the purpose of delivering him to the custody of the officer by whom he was delegated to execute such warrant. If the delegating officer receives custody of the defendant during such period, he must proceed as provided in subdivision three. Otherwise, the delegated officer must inform the defendant that he has a right to appear before a local criminal court for the purpose of being released on his own recognizance or having bail fixed. If the defendant does not desire to avail himself of such right, the officer must request him to make, sign and deliver to him a written statement of such fact, and if the defendant does so, the officer must retain custody of him but must without unnecessary delay deliver him or cause him to be delivered to the custody of the delegating police officer. If the defendant does desire to avail himself of such right, or if he refuses to make and deliver the aforementioned statement, the delegated or arresting officer must without unnecessary delay bring him before a local criminal court of the county of arrest and must submit to such court a written statement reciting the material facts concerning the issuance of the warrant, the offense involved, and all other essential matters relating thereto. Upon the submission of such statement, such court must release the defendant on his own recognizance or fix bail for his appearance on a specified date in the court in which the warrant is returnable. If the defendant is in default of bail, the officer must retain custody of him but must without unnecessary delay deliver him or cause him to be deliv-

ered to the custody of the delegating officer. Upon receiving such custody, the latter must without unnecessary delay bring the defendant before the court in which the warrant is returnable.

5. Whenever a police officer is required pursuant to this section to bring an arrested defendant before a town court in which a warrant of arrest is returnable, and if such town court is not available at the time, such officer must, if a copy of the underlying accusatory instrument has been attached to the warrant pursuant to section 120.40, instead bring such defendant before any village court embraced, in whole or in part, by such town, or any local criminal court of an adjoining town or city of the same county or any village court embraced, in whole or in part, by such adjoining town. When the court in which the warrant is returnable is a village court which is not available at the time, the officer must in such circumstances bring the defendant before the town court of the town embracing such village or any other village court within such town or, if such town court or village court is not available either, before the local criminal court of any town or city of the same county which adjoins such embracing town or, before the local criminal court of any village embraced in whole or in part by such adjoining town. When the court in which the warrant is returnable is a city court which is not available at the time, the officer must in such circumstances bring the defendant before the local criminal court of any adjoining town or village embraced in whole or in part by such adjoining town of the same county.

5-a. Whenever a police officer is required, pursuant to this section, to bring an arrested defendant before a youth part of a superior court in which a warrant of arrest is returnable, and if such court is not available at the time, such officer must bring such defendant before the most accessible magistrate designated by the appellate division of the supreme court in the applicable department to act as a youth part.

6. Before bringing a defendant arrested pursuant to a warrant before the local criminal court **or youth part of a superior court** in which such warrant is returnable, a police officer must without unnecessary delay perform all fingerprinting and other preliminary police duties required in the particular case. In any case in which the defendant is not brought by a police officer before such court but, following his arrest in another county for an offense specified in subdivision one of section 160.10, is released by a local criminal court of such other county on his own recognizance or on bail for his appearance on a specified date before the local criminal court before which the warrant is returnable, the latter court must, upon arraignment of the defendant before it, direct that he be fingerprinted by the appropriate officer or agency, and that he appear at an appropriate designated time and place for such purpose.

7. Upon arresting a juvenile offender, the police officer shall immediately notify the parent or other person legally responsible for his care or the person with whom he is domiciled, that the juvenile offender has been arrested, and the location of the facility where he is being detained.

8. Upon arresting a defendant, other than a juvenile offender, for any offense pursuant to a warrant of arrest, a police officer shall, upon the defendant's request, permit the defendant to communicate by telephone provided by the law enforcement facility where the defendant is held to a phone number located anywhere in the United States or Puerto Rico, for the purposes of obtaining counsel and informing a relative or friend that he or she has been arrested, unless granting the call

will compromise an ongoing investigation or the prosecution of the defendant.

§ 63-l-1. Subdivision 1 of section 120.90 of the criminal procedure law, as amended by chapter 492 of the laws of 2016, is amended to read as follows:

1. Upon arresting a defendant for any offense pursuant to a warrant of arrest in the county in which the warrant is returnable or in any adjoining county, or upon so arresting him or her for a felony in any other county, a police officer, if he or she be one to whom the warrant is addressed, must without unnecessary delay bring the defendant before the local criminal court **or youth part of the superior court** in which such warrant is returnable, provided that, where a local criminal court in the county in which the warrant is returnable hereunder is operating an off-hours arraignment part designated in accordance with paragraph (w) of subdivision one of section two hundred twelve of the judiciary law at the time of defendant's return, such police officer may bring the defendant before such local criminal court.

§ 63-m. Subdivision 1 of section 130.10 of the criminal procedure law, as amended by chapter 446 of the laws of 1993, is amended to read as follows:

1. A summons is a process issued by a local criminal court directing a defendant designated in an information, a prosecutor's information, a felony complaint or a misdemeanor complaint filed with such court, **or a youth part of a superior court directing a defendant designated in a felony complaint,** or by a superior court directing a defendant designated in an indictment filed with such court, to appear before it at a designated future time in connection with such accusatory instrument. The sole function of a summons is to achieve a defendant's court appearance in a criminal action for the purpose of arraignment upon the accusatory instrument by which such action was commenced.

§ 63-n. Section 130.30 of the criminal procedure law, as amended by chapter 506 of the laws of 2000, is amended to read as follows:

§ 130.30 Summons; when issuable.

A local criminal court **or youth part of the superior court** may issue a summons in any case in which, pursuant to section 120.20, it is authorized to issue a warrant of arrest based upon an information, a prosecutor's information, a felony complaint or a misdemeanor complaint. If such information, prosecutor's information, felony complaint or misdemeanor complaint is not sufficient on its face as prescribed in section 100.40, and if the court is satisfied that on the basis of the available facts or evidence it would be impossible to draw and file an authorized accusatory instrument that is sufficient on its face, the court must dismiss the accusatory instrument. A superior court may issue a summons in any case in which, pursuant to section 210.10, it is authorized to issue a warrant of arrest based upon an indictment.

§ 63-o. Subdivision 1 of section 140.20 of the criminal procedure law is amended by adding a new paragraph (f) to read as follows:

(f) If the arrest is for a person under the age of eighteen, such person shall be brought before the youth part of the superior court. If the youth part is not in session, such person shall be brought before the most accessible magistrate designated by the appellate division of the supreme court in the applicable department to act as a youth part.

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

6. Upon arresting a juvenile offender without a warrant, the police officer shall immediately notify the parent or other person legally responsible for his **or her** care or the person with whom he **or she** is domiciled, that the juvenile offender has been arrested, and the location of the facility where he **or she** is being detained. **If the officer determines that it is necessary to question a juvenile offender or a child under eighteen years of age who fits within the definition of a juvenile offender as defined in section 30.00 of the penal law, the officer must take the juvenile to a facility designated by the chief administrator of the courts as a suitable place for the questioning of children or, upon the consent of a parent or other person legally responsible for the care of the juvenile, to the juvenile's residence and there question him or her for a reasonable period of time. A juvenile shall not be questioned pursuant to this section unless the juvenile and a person required to be notified pursuant to this subdivision, if present, have been advised:**

(a) of the juvenile's right to remain silent;

(b) that the statements made by the juvenile may be used in a court of law;

(c) of the juvenile's right to have an attorney present at such questioning; and

(d) of the juvenile's right to have an attorney provided for him or her without charge if he or she is indigent.

In determining the suitability of questioning and determining the reasonable period of time for questioning such a juvenile offender, the juvenile's age, the presence or absence of his or her parents or other persons legally responsible for his or her care and notification pursuant to this subdivision shall be included among relevant considerations.

§ 64-a. Subdivision 2 of section 140.27 of the criminal procedure law, as amended by chapter 843 of the laws of 1980, is amended to read as follows:

2. Upon arresting a person without a warrant, a peace officer, except as otherwise provided in subdivision three **or three-a**, must without unnecessary delay bring him or cause him to be brought before a local criminal court, as provided in section 100.55 and subdivision one of section 140.20, and must without unnecessary delay file or cause to be filed therewith an appropriate accusatory instrument. If the offense which is the subject of the arrest is one of those specified in subdivision one of section 160.10, the arrested person must be fingerprinted and photographed as therein provided. In order to execute the required post-arrest functions, such arresting peace officer may perform such functions himself or he may enlist the aid of a police officer for the performance thereof in the manner provided in subdivision one of section 140.20.

§ 64-b. Section 140.27 of the criminal procedure law is amended by adding a new subdivision 3-a to read as follows:

3-a. If the arrest is for a person under the age of eighteen, such person shall be brought before the youth part of the superior court. If the youth part is not in session, such person shall be brought before the most accessible magistrate designated by the appellate division of the supreme court in the applicable department to act as a youth part.

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

5. Upon arresting a juvenile offender without a warrant, the peace officer shall immediately notify the parent or other person legally

responsible for his care or the person with whom he or she is domiciled, that the juvenile offender has been arrested, and the location of the facility where he or she is being detained. If the officer determines that it is necessary to question a juvenile offender or a child under eighteen years of age who fits within the definition of a juvenile offender as defined in section 30.00 of the penal law the officer must take the juvenile to a facility designated by the chief administrator of the courts as a suitable place for the questioning of children or, upon the consent of a parent or other person legally responsible for the care of the juvenile, to the juvenile's residence and there question him or her for a reasonable period of time. A juvenile shall not be questioned pursuant to this section unless the juvenile and a person required to be notified pursuant to this subdivision, if present, have been advised:

(a) of the juvenile's right to remain silent;

(b) that the statements made by the juvenile may be used in a court of law;

(c) of the juvenile's right to have an attorney present at such questioning; and

(d) of the juvenile's right to have an attorney provided for him or her without charge if he or she is indigent.

In determining the suitability of questioning and determining the reasonable period of time for questioning such a juvenile offender, the juvenile's age, the presence or absence of his or her parents or other persons legally responsible for his or her care and notification pursuant to this subdivision shall be included among relevant considerations.

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

5. If a police officer takes an arrested juvenile offender into custody, the police officer shall immediately notify the parent or other person legally responsible for his or her care or the person with whom he or she is domiciled, that the juvenile offender has been arrested, and the location of the facility where he or she is being detained. If the officer determines that it is necessary to question a juvenile offender or a child under eighteen years of age who fits within the definition of a juvenile offender as defined in section 30.00 of the penal law the officer must take the juvenile to a facility designated by the chief administrator of the courts as a suitable place for the questioning of children or, upon the consent of a parent or other person legally responsible for the care of the juvenile, to the juvenile's residence and there question him or her for a reasonable period of time. A juvenile shall not be questioned pursuant to this section unless the juvenile and a person required to be notified pursuant to this subdivision, if present, have been advised:

(a) of the juvenile's right to remain silent;

(b) that the statements made by the juvenile may be used in a court of law;

(c) of the juvenile's right to have an attorney present at such questioning; and

(d) of the juvenile's right to have an attorney provided for him or her without charge if he or she is indigent.

In determining the suitability of questioning and determining the reasonable period of time for questioning such a juvenile offender, the juvenile's age, the presence or absence of his or her parents or other persons legally responsible for his or her care and notification pursuant to this subdivision shall be included among relevant considerations.

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

5. Notwithstanding any other provision of this chapter, any uniform traffic ticket issued to a person sixteen or seventeen years of age pursuant to a violation of any provision of the vehicle and traffic law, or any local law, constituting a traffic infraction shall be returnable to the local city, town, or village court, or traffic violations bureau having jurisdiction.

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

§ 160.56 Sealing of certain convictions.

1. Definitions: As used in this section, the following terms shall have the following meanings:

(a) "Eligible offense" shall mean any offense defined in the laws of this state other than a sex offense defined in article one hundred thirty of the penal law, an offense defined in article two hundred sixty-three of the penal law, a felony offense defined in article one hundred twenty-five of the penal law, a violent felony offense defined in section 70.02 of the penal law, a class A felony offense defined in the penal law other than a class A felony offense defined in article two hundred twenty of the penal law, or an offense for which registration as a sex offender is required pursuant to article six-C of the correction law. For the purposes of this section, where the defendant is convicted of more than one eligible offense, committed as part of the same criminal transaction as defined in subdivision two of section 40.10 of this chapter, those offenses shall be considered one eligible offense.

2. A defendant who has been convicted of up to two eligible offenses but not more than one felony offense may petition the court in which he or she was convicted of the most serious offense to have such conviction or convictions sealed. If all offenses are offenses with the same classification, the petition shall be filed in the court in which the defendant was last convicted. On the defendant's motion, the court may order that all official records and papers relating to the arrest, prosecution and conviction for the defendant's prior eligible offenses be conditionally sealed when:

(a) the defendant has not been convicted of any other crime, including crimes sealed under section 160.58 of this chapter, other than the eligible offenses;

(b) for a misdemeanor, at least one year has passed since: the entry of the judgment or, if the defendant was sentenced to a conditional discharge or a period of probation, including a period of incarceration imposed in conjunction with a sentence of probation or conditional discharge, the completion of the defendant's term of probation or conditional discharge, or if the defendant was sentenced to incarceration, the defendant's release from incarceration, whichever is the longest; or

(c) for an eligible felony, at least three years have passed since: the entry of the judgment or, if the defendant was sentenced to a conditional discharge or a period of probation, including a period of incarceration imposed in conjunction with a sentence of probation or conditional discharge, the completion of the defendant's term of probation or conditional discharge, or if the defendant was sentenced to incarceration, the defendant's release from incarceration, whichever is the longest; and

(d) the sentencing court has requested and received from the division of criminal justice services or the federal bureau of investigation a fingerprint based criminal history record of the defendant, including

any sealed or suppressed information. The division of criminal justice services shall also include a criminal history report, if any, from the federal bureau of investigation regarding any criminal history information that occurred in other jurisdictions. The division is hereby authorized to receive such information from the federal bureau of investigation for this purpose. The parties shall be permitted to examine these records;

(e) the defendant or court has identified the misdemeanor conviction or convictions or felony conviction for which relief may be granted;

(f) the court has received documentation that the sentences imposed on the eligible convictions have been completed, or if no such documentation is reasonably available, a sworn affidavit that the sentences imposed on the prior eligible convictions have been completed;

(g) the court has notified the district attorney of each jurisdiction in which the defendant has been convicted of an offense with respect to which sealing is sought, and the court or courts of conviction for such offenses, that the court is considering sealing the records of the defendant's eligible convictions. Both the district attorney and the court shall be given a reasonable opportunity, which shall be up to thirty days, in which to comment and submit materials to aid the court in making such a determination. When the court notifies a district attorney of a sealing application, the district attorney shall provide notice to the victim, if any, of the sealing application by mailing written notice to the victim's last-known address. For purposes of this section "victim" means any person who has sustained physical or financial injury to person or to property as a direct result of the crime or crimes for which sealing is applied. The court shall provide the defendant with any materials submitted to the court in response to the defendant's petition; and

(h) no charges for any offense are pending against the defendant.

3. At the request of the defendant or the district attorney of a county in which the defendant committed a crime that is the subject of the sealing application, the court may conduct a hearing to consider and review any relevant evidence offered by either party that would aid the court in its decision whether to seal the records of the defendant's arrests, prosecutions and convictions. In making such a determination, the court shall consider any relevant factors, including but not limited to:

(a) the circumstances and seriousness of the offense or offenses that resulted in the conviction or convictions;

(b) the character of the defendant, including what steps the petitioner has taken since the time of the offense toward personal rehabilitation, including treatment, work, school, or other personal history that demonstrates rehabilitation;

(c) the defendant's criminal history;

(d) the impact of sealing the defendant's records upon his or her rehabilitation and his or her successful and productive reentry and reintegration into society, and on public safety; and

(e) any statements made by the victim of the offense where there is in fact a victim of the crime.

4. When a court orders sealing pursuant to this section, all official records and papers relating to the arrests, prosecutions, and convictions, including all duplicates and copies thereof, on file with the division of criminal justice services or any court shall be sealed and not made available to any person or public or private agency;

provided, however, the division shall retain any fingerprints, palmprints, photographs, or digital images of the same.

5. When the court orders sealing pursuant to this section, the clerk of such court shall immediately notify the commissioner of the division of criminal justice services, and any court that sentenced the defendant for an offense which has been conditionally sealed, regarding the records that shall be sealed pursuant to this section.

6. Records sealed pursuant to this section shall be made available to:

(a) the defendant or the defendant's designated agent;

(b) qualified agencies, as defined in subdivision nine of section eight hundred thirty-five of the executive law, and federal and state law enforcement agencies, when acting within the scope of their law enforcement duties;

(c) any state or local officer or agency with responsibility for the issuance of licenses to possess guns, when the person has made application for such a license;

(d) any prospective employer of a police officer or peace officer as those terms are defined in subdivisions thirty-three and thirty-four of section 1.20 of this chapter, in relation to an application for employment as a police officer or peace officer; provided, however, that every person who is an applicant for the position of police officer or peace officer shall be furnished with a copy of all records obtained under this paragraph and afforded an opportunity to make an explanation thereto; or

(e) the criminal justice information services division of the federal bureau of investigation, for the purposes of responding to queries to the national instant criminal background check system regarding attempts to purchase or otherwise take possession of firearms, as defined in 18 USC 921 (a) (3).

10. If, within ten years following the entry of the judgment or, if the defendant was sentenced to a conditional discharge or a period of probation, including a period of incarceration imposed in conjunction with a sentence of probation or conditional discharge, the completion of the defendant's term of probation or conditional discharge, or if the defendant was sentenced to incarceration, the defendant's release from incarceration, the person who is the subject of such records sealed pursuant to this section is arrested for or formally charged with any misdemeanor or felony offense, such records shall be unsealed immediately and remain unsealed; provided, however, that if such new misdemeanor or felony arrest results in a termination in favor of the accused as defined in subdivision three of section 160.50 of this article or by conviction for a non-criminal offense as described in section 160.55 of this article, such unsealed records shall be conditionally sealed pursuant to this section.

11. No defendant shall be required or permitted to waive eligibility for conditional sealing pursuant to this section as part of a plea of guilty, sentence or any agreement related to a conviction for an eligible offense and any such waiver shall be deemed void and wholly unenforceable.

§ 68. Section 180.75 of the criminal procedure law, as added by chapter 481 of the laws of 1978, paragraph (b) of subdivision 3 as amended by chapter 920 of the laws of 1982, subdivision 4 as amended by chapter 264 of the laws of 2003, and subdivisions 5 and 6 as added by chapter 411 of the laws of 1979, is amended to read as follows:

§ 180.75 Proceedings upon felony complaint; juvenile offender.

1. When **the youth part of a superior court is not in session and** a juvenile offender is arraigned before [~~a local criminal court~~] **the most accessible magistrate designated by the appellate division of the supreme court in the applicable department to act as a youth part**, the provisions of this section shall apply in lieu of the provisions of sections 180.30, 180.50 and 180.70 of this article.

2. [~~If~~] **Whether or not** the defendant waives a hearing upon the felony complaint, the court must [~~order that the defendant be held for the action of the grand jury of the appropriate superior court with respect to the charge or charges contained in the felony complaint~~] **transfer the action to the youth part of the superior court**. In such case the court must promptly transmit to such **youth part of the** superior court the order, the felony complaint, the supporting depositions and all other pertinent documents. Until such papers are received by the **youth part of the** superior court, the action is deemed to be still pending in the [~~local criminal court~~] **court designated by the appellate division of the supreme court in the applicable department to act as a youth part**.

3. If there be a hearing, then at the conclusion of the hearing, the court must dispose of the felony complaint as follows:

(a) If there is reasonable cause to believe that the defendant committed a crime for which a person under the age of [~~sixteen~~] **eighteen** is criminally responsible, the court must order that the defendant be held for the action of a grand jury of the appropriate superior court; or

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

(c) If there is not reasonable cause to believe that the defendant committed any criminal act, the court must dismiss the felony complaint and discharge the defendant from custody if he is in custody, or if he is at liberty on bail, it must exonerate the bail.

4. Notwithstanding the provisions of subdivisions two and three of this section, [~~a local criminal~~] **the** court shall, at the request of the district attorney, order removal of an action against a juvenile offender to the family court pursuant to the provisions of article seven hundred twenty-five of this chapter if, upon consideration of the criteria specified in subdivision two of section 210.43 of this chapter, it is determined that to do so would be in the interests of justice. Where, however, the felony complaint charges the juvenile offender with murder in the second degree as defined in section 125.25 of the penal law, rape in the first degree as defined in subdivision one of section 130.35 of the penal law, criminal sexual act in the first degree as defined in subdivision one of section 130.50 of the penal law, or an armed felony as defined in paragraph (a) of subdivision forty-one of section 1.20 of this chapter, a determination that such action be removed to the family court shall, in addition, be based upon a finding of one or more of the following factors: (i) mitigating circumstances that bear directly upon the manner in which the crime was committed; or (ii) where the defendant was not the sole participant in the crime, the defendant's participation was relatively minor although not so minor as to constitute a defense to the prosecution; or (iii) possible deficiencies in proof of the crime.

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

6. (a) If the court orders removal of the action to family court, it shall state on the record the factor or factors upon which its determination is based, and the court shall give its reasons for removal in detail and not in conclusory terms.

(b) the district attorney shall state upon the record the reasons for his consent to removal of the action to the family court where such consent is required. The reasons shall be stated in detail and not in conclusory terms.

(c) For the purpose of making a determination pursuant to subdivision four or five, the court may make such inquiry as it deems necessary. Any evidence which is not legally privileged may be introduced. If the defendant testifies, his testimony may not be introduced against him in any future proceeding, except to impeach his testimony at such future proceeding as inconsistent prior testimony.

(d) Where a motion for removal by the defendant pursuant to subdivision five has been denied, no further motion pursuant to this section or section 210.43 of this chapter may be made by the juvenile offender with respect to the same offense or offenses.

(e) Except as provided by paragraph (f), this section shall not be construed to limit the powers of the grand jury.

(f) Where a motion by the defendant pursuant to subdivision five has been granted, there shall be no further proceedings against the juvenile offender in any local or superior criminal court **including the youth part of the superior court** for the offense or offenses which were the subject of the removal order.

§ 68-a. The opening paragraph of section 180.80 of the criminal procedure law, as amended by chapter 556 of the laws of 1982, is amended to read as follows:

Upon application of a defendant against whom a felony complaint has been filed with a local criminal court **or the youth part of a superior court**, and who, since the time of his arrest or subsequent thereto, has been held in custody pending disposition of such felony complaint, and who has been confined in such custody for a period of more than one hundred twenty hours or, in the event that a Saturday, Sunday or legal holiday occurs during such custody, one hundred forty-four hours, without either a disposition of the felony complaint or commencement of a

hearing thereon, the [~~local criminal~~] court must release him on his own recognizance unless:

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

(a) Except as provided in subdivision six of section 200.20 of this chapter, a grand jury may not indict (i) a person thirteen years of age for any conduct or crime other than conduct constituting a crime defined in subdivisions one and two of section 125.25 (murder in the second degree) or such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; (ii) a person fourteen [~~or~~], fifteen**, sixteen or seventeen** years of age for any conduct or crime other than conduct constituting a crime defined in subdivisions one and two of section 125.25 (murder in the second degree) and in subdivision three of such section provided that the underlying crime for the murder charge is one for which such person is criminally responsible; 135.25 (kidnapping in the first degree); 150.20 (arson in the first degree); subdivisions one and two of section 120.10 (assault in the first degree); 125.20 (manslaughter in the first degree); subdivisions one and two of section 130.35 (rape in the first degree); subdivisions one and two of section 130.50 (criminal sexual act in the first degree); 130.70 (aggravated sexual abuse in the first degree); 140.30 (burglary in the first degree); subdivision one of section 140.25 (burglary in the second degree); 150.15 (arson in the second degree); 160.15 (robbery in the first degree); subdivision two of section 160.10 (robbery in the second degree) of the penal law; subdivision four of section 265.02 of the penal law, where such firearm is possessed on school grounds, as that phrase is defined in subdivision fourteen of section 220.00 of the penal law; or section 265.03 of the penal law, where such machine gun or such firearm is possessed on school grounds, as that phrase is defined in subdivision fourteen of section 220.00 of the penal law; or defined in the penal law as an attempt to commit murder in the second degree or kidnapping in the first degree, or such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law**; and (iii) a person sixteen or seventeen years of age is criminally responsible for acts constituting the crimes defined in section 460.22 (aggravated enterprise corruption); 490.25 (crime of terrorism); 490.45 (criminal possession of a chemical weapon or biological weapon in the first degree); 490.50 (criminal use of a chemical weapon or biological weapon in the second degree); 490.55 (criminal use of a chemical weapon or biological weapon in the first degree); 120.11 (aggravated assault upon a police officer or a peace officer); 125.22 (aggravated manslaughter in the first degree); 215.17 (intimidating a victim or witness); 265.04 (criminal possession of a weapon in the first degree); 265.09 (criminal use of a firearm in the first degree); 265.13 (criminal sale of a firearm in the first degree); 490.35 (hindering prosecution of terrorism in the first degree); 490.40 (criminal possession of a chemical weapon or biological weapon in the second degree); 490.47 (criminal use of a chemical weapon or biological weapon in the third degree); 121.13 (strangulation in the first degree); 490.37 (criminal possession of a chemical weapon or biological weapon in the third degree) of this chapter; or a felony sex offense as defined in paragraph (a) of subdivision one of section 70.80 of this chapter**.

(b) A grand jury may vote to file a request to remove a charge to the family court if it finds that a person [~~thirteen, fourteen or fifteen~~]

seventeen years of age **or younger** did an act which, if done by a person over the age of [~~sixteen~~] **eighteen**, would constitute a crime provided (1) such act is one for which it may not indict; (2) it does not indict such person for a crime; and (3) the evidence before it is legally sufficient to establish that such person did such act and competent and admissible evidence before it provides reasonable cause to believe that such person did such act.

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

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

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

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

§ 71. Subdivision 1 of section 210.43 of the criminal procedure law, as added by chapter 411 of the laws of 1979, paragraph (b) as amended by chapter 264 of the laws of 2003, is amended to read as follows:

1. After a motion by a juvenile offender, pursuant to subdivision five of section 180.75 of this chapter, or after arraignment of a juvenile offender upon an indictment, the **youth part of a** superior court may, on motion of any party or on its own motion:

(a) except as otherwise provided by paragraph (b) **of this section**, order removal of the action to the family court pursuant to the provisions of article seven hundred twenty-five of this chapter, if, after consideration of the factors set forth in subdivision two of this section, the court determines that to do so would be in the interests of justice**. Provided, however, that a youth part shall be required to order removal of an action against a juvenile offender accused of robbery in the second degree as defined in subdivision two of section 160.10 of this part, unless the district attorney proves by a preponderance of the evidence that the youth played a primary role in commission of the crime or that aggravating circumstances set forth in the memorandum in opposition submitted by the district attorney that bear directly on the manner in which the crime was committed are present**; or

(b) [~~with the consent~~] **after consideration of the recommendation** of the district attorney, order removal of an action involving an indictment charging a juvenile offender with murder in the second degree as defined in section 125.25 of the penal law; rape in the first degree, as defined in subdivision one of section 130.35 of the penal law; criminal sexual act in the first degree, as defined in subdivision one of section 130.50 of the penal law; or an armed felony as defined in paragraph (a) of subdivision forty-one of section 1.20, to the family court pursuant to the provisions of article seven hundred twenty-five of this chapter if the court finds one or more of the following factors: (i) mitigating circumstances that bear directly upon the manner in which the crime was

committed; (ii) where the defendant was not the sole participant in the crime, the defendant's participation was relatively minor although not so minor as to constitute a defense to the prosecution; or (iii) possible deficiencies in the proof of the crime, and, after consideration of the factors set forth in subdivision two of this section, the court determined that removal of the action to the family court would be in the interests of justice.

§ 72. Paragraph (g) of subdivision 5 of section 220.10 of the criminal procedure law, as amended by chapter 410 of the laws of 1979, subparagraph (iii) as amended by chapter 264 of the laws of 2003, the second undesignated paragraph as amended by chapter 920 of the laws of 1982 and the closing paragraph as amended by chapter 411 of the laws of 1979, is amended to read as follows:

(g) Where the defendant is a juvenile offender, the provisions of paragraphs (a), (b), (c) and (d) of this subdivision shall not apply and any plea entered pursuant to subdivision three or four of this section, must be as follows:

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

(ii) If the indictment does not charge a crime specified in subparagraph (i) of this paragraph, then any plea of guilty entered pursuant to subdivision three or four of this section must be a plea of guilty of a crime for which the defendant is criminally responsible unless a plea of guilty is accepted pursuant to subparagraph (iii) of this paragraph;

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

If the court is of the opinion based on specific factors set forth in [~~the district attorney's memorandum~~] **this subparagraph** that the interests of justice would best be served by removal of the action to the family court, a plea of guilty of a crime or act for which the defendant

is not criminally responsible may be entered pursuant to subdivision three or four of this section, except that a thirteen year old charged with the crime of murder in the second degree may only plead to a designated felony act, as defined in subdivision eight of section 301.2 of the family court act.

Upon accepting any such plea, the court must specify upon the record the portion or portions of the district attorney's statement the court is relying upon as the basis of its opinion and that it believes the interests of justice would best be served by removal of the proceeding to the family court. Such plea shall then be deemed to be a juvenile delinquency fact determination and the court upon entry thereof must direct that the action be removed to the family court in accordance with the provisions of article seven hundred twenty-five of this chapter.

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

§ 330.25 Removal after verdict.

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

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

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

§ 72-b. Subdivision 2 of section 410.40 of the criminal procedure law, as amended by chapter 652 of the laws of 2008, is amended to read as follows:

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

(b) If the court in which the warrant is returnable is a superior court, and such court and its youth part is not available, and the warrant is addressed to a police officer or appropriate probation officer certified as a peace officer, such executing officer shall, where a defendant is seventeen years of age or younger who allegedly commits an offense or a violation of his or her probation or conditional discharge imposed for an offense, bring the defendant to a juvenile detention facility, to be detained there until brought without unnecessary delay before the most accessible magistrate designated by the appellate division of the supreme court in the applicable department to act as a youth part.

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

§ 410.60 Appearance before court.

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

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

(b) A juvenile offender who has been taken into custody pursuant to section 410.40 or section 410.50 of this article for violation of a condition of a sentence of probation or a sentence of conditional discharge must forthwith be brought before the court that imposed the sentence. Where a violation of probation petition and report has been filed and the person has not been taken into custody nor has a warrant been issued, an initial court appearance shall occur within ten business days of the court's issuance of a notice to appear. If the court has reasonable cause to believe that such person has violated a condition of the sentence, it may commit him or her to the custody of the sheriff or in the case of a juvenile offender less than eighteen years of age to the custody of the office of children and family services, or fix bail or release such person on his or her own recognizance for future appearance at a hearing to be held in accordance with section 410.70 of this article. Provided, however, nothing herein shall authorize a juvenile to be detained for a violation of a condition that would not constitute a crime if committed by an adult unless the court determines (i) that the juvenile poses a specific imminent threat to public safety and states the reasons for the finding on the record or (ii) the use of graduated sanctions has been exhausted without success. If the court does not have reasonable cause to believe that such person has violated a condition of the sentence, it must direct that the juvenile be released.

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

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

(b) Notwithstanding paragraph (a) of this subdivision, nothing herein shall authorize the placement of a juvenile for a violation of a condition that would not constitute a crime if committed by an adult unless the court determines (i) that the juvenile poses a specific imminent threat to public safety and states the reasons for the finding on the

record or (ii) the use of graduated sanctions has been exhausted without success.

§ 75. The criminal procedure law is amended by adding a new section 410.90-a to read as follows:

§ 410.90-a Superior court; youth part.

Notwithstanding any other provisions of this article, all proceedings relating to a juvenile offender shall be heard in the youth part of the superior court having jurisdiction and any intrastate transfers under this article shall be between courts designated as a youth part pursuant to article seven hundred twenty-two of this chapter.

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

§ 510.15 Commitment of principal under [~~sixteen~~] eighteen.

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

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

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

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

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

3. The provisions of subdivisions one and two of this section requiring or authorizing the accusatory instrument filed against a youth to be sealed, and the arraignment and all proceedings in the action to be conducted in private shall not apply in connection with a pending charge of committing any [~~felony~~] sex offense as defined in the penal law. [~~The provisions of subdivision one requiring the accusatory instrument filed~~

~~against a youth to be sealed shall not apply where such youth has previously been adjudicated a youthful offender or convicted of a crime.~~]

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

1. Upon conviction of an eligible youth, the court must order a pre-sentence investigation of the defendant. After receipt of a written report of the investigation and at the time of pronouncing sentence the court must determine whether or not the eligible youth is a youthful offender. Such determination shall be in accordance with the following criteria:

(a) If in the opinion of the court the interest of justice would be served by relieving the eligible youth from the onus of a criminal record and by not imposing an indeterminate term of imprisonment of more than four years, the court may, in its discretion, find the eligible youth is a youthful offender; [~~and~~]

(b) Where the conviction is had in a local criminal court and the eligible youth had not prior to commencement of trial or entry of a plea of guilty been convicted of a crime or found a youthful offender, the court must find he is a youthful offender[~~.~~]**; and**

(c) There shall be a presumption to grant youthful offender status to an eligible youth, unless the district attorney upon motion with not less than seven days notice to such person or his or her attorney demonstrates to the satisfaction of the court that the interests of justice require otherwise.

§ 79-a. Subdivision 1 of section 720.35 of the criminal procedure law, as amended by chapter 402 of the laws of 2014, is amended to read as follows:

1. [~~A youthful~~] **Youthful** offender adjudication is not a judgment of conviction for a crime or any other offense, and does not operate as a disqualification of any person so adjudged to hold public office or public employment or to receive any license granted by public authority but shall be deemed a conviction only for the purposes of transfer of supervision and custody pursuant to section [~~two hundred fifty-nine-m~~] **two hundred fifty-nine-mm** of the executive law. A defendant for whom a youthful offender adjudication was substituted, who was originally charged with prostitution as defined in section 230.00 of the penal law or loitering for the purposes of prostitution as defined in subdivision two of section 240.37 of the penal law provided that the person does not stand charged with loitering for the purpose of patronizing a prostitute, for an offense allegedly committed when he or she was sixteen or seventeen years of age, shall be deemed a "sexually exploited child" as defined in subdivision one of section four hundred forty-seven-a of the social services law and therefore shall not be considered an adult for purposes related to the charges in the youthful offender proceeding or a proceeding under section 170.80 of this chapter.

§ 80. The criminal procedure law is amended by adding a new article 722 to read as follows:

ARTICLE 722

PROCEEDINGS AGAINST JUVENILE OFFENDERS; ESTABLISHMENT OF YOUTH PART AND RELATED PROCEDURES

Section 722.00 Probation case planning and services.
722.10 Youth part of the superior court established.
722.20 Proceedings in a youth part of superior court.

§ 722.00 Probation case planning and services.

1. Every probation department shall conduct a risk and needs assessment of any juvenile following arraignment by a youth part within its jurisdiction. In cases not otherwise disposed of at arraignment, the court shall order any such juvenile to report within seven calendar days to the probation department for purposes of assessment. Such juvenile shall have the right to have an attorney present throughout the assessment process. Based upon the assessment findings, the probation department shall refer the juvenile to available specialized and evidence-based services to mitigate any risks identified and to address individual needs.

2. Any juvenile agreeing to undergo services shall execute appropriate and necessary consent forms, where applicable, to ensure that the probation department may communicate with any service provider and receive progress reports with respect to services offered and/or delivered including, but not limited to, diagnosis, treatment, prognosis, test results, juvenile attendance and information regarding juvenile compliance or noncompliance with program service requirements, if any.

3. Nothing shall preclude the probation department, the juvenile and his or her counsel from entering into a voluntary written/formal case plan as to terms and conditions to be met, including, but not limited to, reporting to the probation department and other probation department contacts, undergoing alcohol, substance abuse, or mental health testing, participating in specific services, adhering to service program requirements, and school attendance, where applicable. Such juvenile shall confer with counsel prior to entering into any such case plan. Following the juvenile's successful completion of the conditions of his or her case plan, the court shall consider the dismissal of the indictment provided however, that nothing herein shall limit the court's authority to dismiss the case pursuant to section 210.40 of this chapter.

4. When preparing a pre-sentence investigation report of any such youth, the probation department shall incorporate a summary of the assessment findings, any referrals and progress with respect to mitigating risk and addressing any identified juvenile needs.

5. The probation department shall not transmit or otherwise communicate to the district attorney or the youth part any statement made by the juvenile offender to a probation officer. The probation department may make a recommendation regarding the completion of his or her case plan to the youth part and provide relevant information.

6. No statement made to an employee or representative of the probation department may be admitted in evidence prior to conviction on any charge or charges related thereto or, in the case of a matter proceeding before the court under the family court act, prior to an adjudication.

§ 722.10 Youth part of the superior court established.

1. The chief administrator of the courts is hereby directed to establish, in a superior court in each county of the state that exercises criminal jurisdiction, a part of court to be known as the youth part of the superior court for the county in which such court presides. Judges presiding in the youth part shall receive training in specialized areas, including, but not limited to, juvenile justice, adolescent development and effective treatment methods for reducing crime commission by adolescents. The youth part shall have exclusive jurisdiction of all proceedings in relation to juvenile offenders, except as provided in section 180.75 of this chapter.

2. The chief administrator of the courts shall also direct the presiding justice of the appellate division, in each judicial department of the state, to designate magistrates to serve as accessible magistrates,

for the purpose of acting as a youth part for certain initial proceedings involving youths, as provided by law. Magistrates so designated shall be superior court judges and judges of other courts, in each county of the state, that exercise criminal jurisdiction. A judge presiding as such a magistrate shall receive training in specialized areas, including, but not limited to, juvenile justice, adolescent development and effective treatment methods for reducing crime commission by adolescents.

§ 722.20 Proceedings in a youth part of superior court.

1. When a juvenile offender is arraigned before a youth part or transferred to a youth part pursuant to section 180.75 of this chapter, the provisions of this article shall apply.

2. If an action is not removed to the family court pursuant to the applicable provisions of this chapter, the youth part shall hear the case sitting as a criminal court or, in its discretion, when the defendant is sixteen or seventeen years of age the youth part may retain it as a juvenile delinquency proceeding for all purposes, and shall make such proceeding fully subject to the provisions and grant any relief available under article three of the family court act. Provided, however, that the provisions of paragraph (b) of subdivision one of section 210.43 of this chapter shall apply to any action involving an indictment charging a juvenile offender with any of the crimes enumerated in such paragraph.

§ 81. The opening paragraph of section 725.05 of the criminal procedure law, as added by chapter 481 of the laws of 1978, is amended to read as follows:

When a [~~court~~] youth part directs that an action or charge is to be removed to the family court the [~~court~~] youth part must issue an order of removal in accordance with this section. Such order must be as follows:

§ 82. Section 725.20 of the criminal procedure law, as added by chapter 481 of the laws of 1978, subdivisions 1 and 2 as amended by chapter 411 of the laws of 1979, is amended to read as follows:

§ 725.20 Record of certain actions removed.

1. The provisions of this section shall apply in any case where an order of removal to the family court is entered pursuant to a direction authorized by subdivision four of section 180.75, or section 210.43, or subparagraph (iii) of paragraph [~~(h)~~] (g) of subdivision five of section 220.10 of this chapter, or section 330.25 of this chapter.

2. When such an action is removed the court that directed the removal must cause the following additional records to be filed with the clerk of the county court or in the city of New York with the clerk of the supreme court of the county wherein the action was pending and with the division of criminal justice services:

(a) A certified copy of the order of removal;

(b) Where the direction is one authorized by subdivision four of section 180.75 of this chapter, a copy of [~~the~~] any statement of the district attorney made pursuant to paragraph (b) of subdivision six of section 180.75 of this chapter;

(c) Where the direction is authorized by section 180.75, a copy of the portion of the minutes containing the statement by the court pursuant to paragraph (a) of subdivision six of such section 180.75;

(d) Where the direction is one authorized by subparagraph (iii) of paragraph [~~(h)~~] (g) of subdivision five of section 220.10 or section 330.25 of this chapter, a copy of the minutes of the plea of guilty,

including the minutes of the memorandum submitted by the district attorney and the court;

(e) Where the direction is one authorized by subdivision one of section 210.43 of this chapter, a copy of that portion of the minutes containing [~~the~~] **any** statement by the court pursuant to paragraph (a) of subdivision five of section 210.43 **of this chapter**;

(f) Where the direction is one authorized by paragraph (b) of subdivision one of section 210.43 of this chapter, a copy of that portion of the minutes containing [~~the~~] **any** statement of the district attorney made pursuant to paragraph (b) of subdivision five of section 210.43 **of this chapter**; and

(g) In addition to the records specified in this subdivision, such further statement or submission of additional information pertaining to the proceeding in criminal court in accordance with standards established by the commissioner of the division of criminal justice services, subject to the provisions of subdivision three of this section.

3. It shall be the duty of said clerk to maintain a separate file for copies of orders and minutes filed pursuant to this section. Upon receipt of such orders and minutes the clerk must promptly delete such portions as would identify the defendant, but the clerk shall nevertheless maintain a separate confidential system to enable correlation of the documents so filed with identification of the defendant. After making such deletions the orders and minutes shall be placed within the file and must be available for public inspection. Information permitting correlation of any such record with the identity of any defendant shall not be divulged to any person except upon order of a justice of the supreme court based upon a finding that the public interest or the interests of justice warrant disclosure in a particular cause for a particular case or for a particular purpose or use.

§ 83. Subdivision 1 of section 500-a of the correction law is amended by adding a new paragraph (h) to read as follows:

(h) Notwithstanding any other provision of law, no county jail shall be used for the confinement of any person under the age of eighteen. Placement of any person who may not be confined to a county jail pursuant to this subdivision shall be determined by the office of children and family services.

§ 84. Subdivision 4 of section 500-b of the correction law is REPEALED.

§ 85. Subparagraph 3 of paragraph (c) of subdivision 8 of section 500-b of the correction law is REPEALED.

§ 86. Subdivision 13 of section 500-b of the correction law is REPEALED.

§ 87. Subparagraph 1 of paragraph d of subdivision 3 of section 3214 of the education law, as amended by chapter 425 of the laws of 2002, is amended to read as follows:

(1) Consistent with the federal gun-free schools act, any public school pupil who is determined under this subdivision to have brought a firearm to or possessed a firearm at a public school shall be suspended for a period of not less than one calendar year and any nonpublic school pupil participating in a program operated by a public school district using funds from the elementary and secondary education act of nineteen hundred sixty-five who is determined under this subdivision to have brought a firearm to or possessed a firearm at a public school or other premises used by the school district to provide such programs shall be suspended for a period of not less than one calendar year from participation in such program. The procedures of this subdivision shall apply

to such a suspension of a nonpublic school pupil. A superintendent of schools, district superintendent of schools or community superintendent shall have the authority to modify this suspension requirement for each student on a case-by-case basis. The determination of a superintendent shall be subject to review by the board of education pursuant to paragraph c of this subdivision and the commissioner pursuant to section three hundred ten of this chapter. Nothing in this subdivision shall be deemed to authorize the suspension of a student with a disability in violation of the individuals with disabilities education act or article eighty-nine of this chapter. A superintendent shall refer the pupil under the age of [~~sixteen~~] **eighteen** who has been determined to have brought a weapon or firearm to school in violation of this subdivision to a presentment agency for a juvenile delinquency proceeding consistent with article three of the family court act except a student [~~fourteen or fifteen years of age~~] who qualifies for juvenile offender status under subdivision forty-two of section 1.20 of the criminal procedure law. A superintendent shall refer any pupil [~~sixteen~~] **eighteen** years of age or older or a student [~~fourteen or fifteen years of age~~] who qualifies for juvenile offender status under subdivision forty-two of section 1.20 of the criminal procedure law, who has been determined to have brought a weapon or firearm to school in violation of this subdivision to the appropriate law enforcement officials.

§ 87-a. Paragraph d of subdivision 3 of section 3214 of the education law, as amended by chapter 181 of the laws of 2000, is amended to read as follows:

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

violation of this subdivision to the appropriate law enforcement officials.

§ 88. Paragraph b of subdivision 4 of section 3214 of the education law, as amended by chapter 181 of the laws of 2000, is amended to read as follows:

b. The school authorities may institute proceedings before a court having jurisdiction to determine the liability of a person in parental relation to contribute towards the maintenance of a school delinquent under [~~sixteen~~] **seventeen** years of age ordered to attend upon instruction under confinement. If the court shall find the person in parental relation able to contribute towards the maintenance of such a minor, it may issue an order fixing the amount to be paid weekly.

§ 89. Subdivisions 3 and 4 of section 246 of the executive law, as amended by section 10 of part D of chapter 56 of the laws of 2010, are amended to read as follows:

3. Applications from counties or the city of New York for state aid under this section shall be made by filing with the division of criminal justice services, a detailed plan, including cost estimates covering probation services for the fiscal year or portion thereof for which aid is requested. Included in such estimates shall be clerical costs and maintenance and operation costs as well as salaries of probation personnel**, family engagement specialists** and such other pertinent information as the commissioner of the division of criminal justice services may require. Items for which state aid is requested under this section shall be duly designated in the estimates submitted. The commissioner of the division of criminal justice services, after consultation with the state probation commission and the director of the office of probation and correctional alternatives, shall approve such plan if it conforms to standards relating to the administration of probation services as specified in the rules adopted by him or her.

4. **a.** An approved plan and compliance with standards relating to the administration of probation services promulgated by the commissioner of the division of criminal justice services shall be a prerequisite to eligibility for state aid.

The commissioner of the division of criminal justice services may take into consideration granting additional state aid from an appropriation made for state aid for county probation services for counties or the city of New York when a county or the city of New York demonstrates that additional probation services were dedicated to intensive supervision programs[~~,~~] **and** intensive programs for sex offenders [~~or programs defined as juvenile risk intervention services~~]. **The commissioner shall grant additional state aid from an appropriation dedicated to juvenile risk intervention services coordination by probation departments which shall include, but not be limited to, probation services performed under article three of the family court act or article seven hundred twenty-two of the criminal procedure law.** The administration of such additional grants shall be made according to rules and regulations promulgated by the commissioner of the division of criminal justice services. Each county and the city of New York shall certify the total amount collected pursuant to section two hundred fifty-seven-c of this chapter. The commissioner of the division of criminal justice services shall thereupon certify to the comptroller for payment by the state out of funds appropriated for that purpose, the amount to which the county or the city of New York shall be entitled under this section. **The commissioner shall, subject to an appropriation made available for such purpose, establish and provide funding to probation departments for a continuum**

of evidence-based intervention services for youth alleged or adjudicated juvenile delinquents pursuant to article three of the family court act or for eligible youth before or sentenced under the youth part in accordance with article seven hundred twenty-two of the criminal procedure law.

b. Additional state aid shall be made in an amount necessary to pay one hundred percent of the expenditures for evidence-based practices and juvenile risk and evidence-based intervention services provided to youth aged sixteen years of age or older when such services would not otherwise have been provided absent the provisions of a chapter of the laws of two thousand seventeen that increased the age of juvenile jurisdiction.

§ 89-a. The second undesignated paragraph of subdivision 4 of section 246 of the executive law, as added by chapter 479 of the laws of 1970, is amended to read as follows:

The [~~director~~] commissioner of the division of criminal justice services shall thereupon certify to the comptroller for payment by the state out of funds appropriated for that purpose, the amount to which the county or the city of New York shall be entitled under this section. The commissioner shall grant additional state aid from an appropriation dedicated to juvenile risk intervention services coordination by probation departments which shall include, but not be limited to, probation services performed under article three of the family court act or article seven hundred twenty-two of the criminal procedure law. The commissioner shall, subject to an appropriation made available for such purpose, establish and provide funding to probation departments for a continuum of evidence-based intervention services for youth alleged or adjudicated juvenile delinquents pursuant to article three of the family court act or for eligible youth before or sentenced under the youth part in accordance with article seven hundred twenty-two of the criminal procedure law.

§ 90. The executive law is amended by adding a new section 259-p to read as follows:

§ 259-p. Interstate detention. 1. Notwithstanding any other provision of law, a defendant subject to section two hundred fifty-nine-mm of this article, may be detained as authorized by the interstate compact for adult offender supervision.

2. A defendant shall be detained at a local correctional facility, except as otherwise provided in subdivision three of this section.

3. A defendant seventeen years of age or younger who allegedly commits a criminal act or violation of his or her supervision shall be detained in a juvenile detention facility.

§ 91. Subdivision 16 of section 296 of the executive law, as separately amended by section 3 of part N and section 14 of part AAA of chapter 56 of the laws of 2009, is amended to read as follows:

16. It shall be an unlawful discriminatory practice, unless specifically required or permitted by statute, for any person, agency, bureau, corporation or association, including the state and any political subdivision thereof, to make any inquiry about, whether in any form of application or otherwise, or to act upon adversely to the individual involved, any arrest or criminal accusation of such individual not then pending against that individual which was followed by a termination of that criminal action or proceeding in favor of such individual, as defined in subdivision two of section 160.50 of the criminal procedure law, or by a youthful offender adjudication, as defined in subdivision one of section 720.35 of the criminal procedure law, or by a conviction

for a violation sealed pursuant to section 160.55 of the criminal procedure law or by a conviction which is sealed pursuant to section **160.56 or** 160.58 of the criminal procedure law, in connection with the licensing, employment or providing of credit or insurance to such individual; provided, further, that no person shall be required to divulge information pertaining to any arrest or criminal accusation of such individual not then pending against that individual which was followed by a termination of that criminal action or proceeding in favor of such individual, as defined in subdivision two of section 160.50 of the criminal procedure law, or by a youthful offender adjudication, as defined in subdivision one of section 720.35 of the criminal procedure law, or by a conviction for a violation sealed pursuant to section 160.55 of the criminal procedure law, or by a conviction which is sealed pursuant to section **160.56 or** 160.58 of the criminal procedure law. The provisions of this subdivision shall not apply to the licensing activities of governmental bodies in relation to the regulation of guns, firearms and other deadly weapons or in relation to an application for employment as a police officer or peace officer as those terms are defined in subdivisions thirty-three and thirty-four of section 1.20 of the criminal procedure law; provided further that the provisions of this subdivision shall not apply to an application for employment or membership in any law enforcement agency with respect to any arrest or criminal accusation which was followed by a youthful offender adjudication, as defined in subdivision one of section 720.35 of the criminal procedure law, or by a conviction for a violation sealed pursuant to section 160.55 of the criminal procedure law, or by a conviction which is sealed pursuant to section **160.56 or** 160.58 of the criminal procedure law.

§ 92. Section 502 of the executive law, as added by chapter 465 of the laws of 1992, subdivision 3 as amended by section 1 of subpart B of part Q of chapter 58 of the laws of 2011, is amended to read as follows:

§ 502. Definitions. Unless otherwise specified in this article:

1. "Director" means the [~~director of the division for youth~~] **commissioner of the office of children and family services**.

2. [~~"Division~~] **"Division", "Office" or "division for youth"** means the [~~division for youth~~] **office of children and family services**.

3. "Detention" means the temporary care and maintenance of youth held away from their homes pursuant to article three [~~or seven~~] of the family court act, or held pending a hearing for alleged violation of the conditions of release from an office of children and family services facility or authorized agency, or held pending a hearing for alleged violation of the condition of parole as a juvenile offender, or held pending return to a jurisdiction other than the one in which the youth is held, or held pursuant to a securing order of a criminal court if the youth named therein as principal is charged as a juvenile offender or held pending a hearing on an extension of placement or held pending transfer to a facility upon commitment or placement by a court. Only alleged or convicted juvenile offenders who have not attained their [~~eighteenth~~] **twenty-first** birthday shall be subject to detention in a detention facility.

4. For purposes of this article, the term "youth" shall [~~be synonymous with the term "child" and means~~] **mean** a person not less than [~~seven~~] **ten** years of age and not more than [~~twenty~~] **twenty-three** years of age.

5. "Placement" means the transfer of a youth to the custody of the [~~division~~] **office** pursuant to the family court act.

6. "Commitment" means the transfer of a youth to the custody of the [~~division~~] **office** pursuant to the penal law.

7. "Conditional release" means the transfer of a youth from facility status to aftercare supervision under the continued custody of the [~~division~~] office.

8. "Discharge" means the termination of [~~division~~] office custody of a youth.

9. "Aftercare" means supervision of a youth on conditional release status under the continued custody of the division.

§ 93. Subdivision 7 of section 503 of the executive law, as amended by section 2 of subpart B of part Q of chapter 58 of the laws of 2011, is amended to read as follows:

7. The person in charge of each detention facility shall keep a record of all time spent in such facility for each youth in care. The detention facility shall deliver a certified transcript of such record to the office, social services district, or other agency taking custody of the youth pursuant to article three [~~or seven~~] of the family court act, before, or at the same time as the youth is delivered to the office, district or other agency, as is appropriate.

§ 94. Section 507-a of the executive law, as amended by chapter 465 of the laws of 1992, paragraph (a) of subdivision 1 as amended by chapter 309 of the laws of 1996, is amended to read as follows:

§ 507-a. Placement and commitment; procedures. 1. Youth may be placed in or committed to the custody of the [~~division~~] office of children and family services:

(a) for placement, as a juvenile delinquent pursuant to the family court act; or

(b) for commitment pursuant to the penal law.

2. (a) Consistent with other provisions of law, only those youth who have reached the age of [~~seven~~] ten, but who have not reached the age of twenty-one may be placed in[~~, committed to or remain in~~] the [~~division's~~] custody of the office of children and family services. Except as provided for in paragraph (a-1) of this subdivision, no youth who has reached the age of twenty-one may remain in custody of the office of children and family services.

(a-1) (i) A youth who is committed to the office of children and family services as a juvenile offender or youthful offender may remain in the custody of the office during the period of his or her sentence beyond the age of twenty-one in accordance with the provisions of subdivision five of section five hundred eight of this article but in no event may such a youth remain in the custody of the office beyond his or her twenty-third birthday; and (ii) a youth found to have committed a designated class A felony act who is restrictively placed with the office under subdivision four of section 353.5 of the family court act for committing an act on or after the youth's sixteenth birthday may remain in the custody of the office of children and family services up to the age of twenty-three in accordance with his or her placement order.

(a-2) Whenever it shall appear to the satisfaction of the [~~division~~] office of children and family services that any youth placed therewith is not of proper age to be so placed or is not properly placed, or is mentally or physically incapable of being materially benefited by the program of the [~~division~~] office, the [~~division~~] office shall cause the return of such youth to the county from which placement was made.

(b) The [~~division~~] office shall deliver such youth to the custody of the placing court, along with the records provided to the [~~division~~] office pursuant to section five hundred seven-b of this article, there

to be dealt with by the court in all respects as though no placement had been made.

(c) The cost and expense of the care and return of such youth incurred by the [~~division~~] **office** shall be reimbursed to the state by the social services district from which such youth was placed in the manner provided by section five hundred twenty-nine of this article.

3. The [~~division~~] **office** may photograph any youth in its custody. Such photograph may be used only for the purpose of assisting in the return of conditionally released children and runaways pursuant to section five hundred ten-b of this article. Such photograph shall be destroyed immediately upon the discharge of the youth from [~~division~~] **office** custody.

4. (a) A youth placed with or committed to the [~~division~~] **office** may, immediately following placement or commitment, be remanded to an appropriate detention facility.

(b) The [~~division~~] **office** shall admit a [~~child~~] **youth** placed [~~with the division~~] **under its care** to a facility of the [~~division~~] **office** within fifteen days of the date of the order of placement with the [~~division~~] **office** and shall admit a juvenile offender committed to the [~~division~~] **office** to a facility of the [~~division~~] **office** within ten days of the date of the order of commitment to the [~~division~~] **office**, except as provided in section five hundred seven-b of this article.

5. Consistent with other provisions of law, in the discretion of the [~~director, youth~~] **commissioner of the office of children and family services, youth placed within the office under the family court act** who attain the age of eighteen while in [~~division~~] custody **of the office and who are not required to remain in the placement with the office as a result of a dispositional order of the family court** may reside in a non-secure facility until the age of twenty-one, provided that such youth attend a full-time vocational or educational program and are likely to benefit from such program.

§ 95. Section 508 of the executive law, as added by chapter 481 of the laws of 1978 and as renumbered by chapter 465 of the laws of 1992, subdivision 1 as amended by chapter 738 of the laws of 2004, subdivision 2 as amended by chapter 572 of the laws of 1985, subdivisions 4, 5, 6 and 7 as amended by section 97 of subpart B of part C of chapter 62 of the laws of 2011, subdivision 8 as added by chapter 560 of the laws of 1984 and subdivision 9 as amended by chapter 37 of the laws of 2016, is amended to read as follows:

§ 508. Juvenile offender facilities. 1. The office of children and family services shall maintain [~~secure~~] facilities for the care and confinement of juvenile offenders committed [~~for an indeterminate, determinate or definite sentence~~] **to the office** pursuant to the sentencing provisions of the penal law. Such facilities shall provide appropriate services to juvenile offenders including but not limited to residential care, educational and vocational training, physical and mental health services, and employment counseling.

1-a. Any new facilities developed by the office of children and family services to serve the additional youth placed with the office as a result of raising the age of juvenile jurisdiction shall, to the extent practicable, consist of smaller, more home-like facilities located near the youths' homes and families that provide gender-responsive programming, services and treatment in small, closely supervised groups that offer extensive and on-going individual attention and encourage supportive peer relationships.

2. Juvenile offenders **committed to the office for committing crimes prior to the age of sixteen** shall be confined in such facilities [~~until the age of twenty-one~~] **in accordance with their sentences,** and shall not be released, discharged or permitted home visits except pursuant to the provisions of this section.

[~~(a) The director of the division for youth may authorize the transfer of a juvenile offender in his custody, who has been convicted of burglary or robbery, to a school or center established and operated pursuant to title three of this article at any time after the juvenile offender has been confined in a division for youth secure facility for one year or one-half of his minimum sentence, whichever is greater.~~

~~(b) The director of the division for youth may authorize the transfer of a juvenile offender in his custody, who has been convicted of burglary or robbery, and who is within ninety days of release as established by the board of parole, to any facility established and operated pursuant to this article.~~

~~(c) A juvenile offender may be transferred as provided in paragraphs (a) and (b) herein, only after the director determines that there is no danger to public safety and that the offender shall substantially benefit from the programs and services of another division facility. In determining whether there is a danger to public safety the director shall consider: (i) the nature and circumstances of the offense including whether any physical injury involved was inflicted by the offender or another participant; (ii) the record and background of the offender; and (iii) the adjustment of the offender at division facilities.~~

~~(d) For a period of six months after a juvenile offender has been transferred pursuant to paragraph (a) or (b) herein, the juvenile offender may have only accompanied home visits. After completing six months of confinement following transfer from a secure facility, a juvenile offender may not have an unaccompanied home visit unless two accompanied home visits have already occurred. An "accompanied home visit" shall mean a home visit during which the juvenile offender shall be accompanied at all times while outside the facility by appropriate personnel of the division for youth designated pursuant to regulations of the director of the division.~~

~~(e) The director of the division for youth shall promulgate rules and regulations including uniform standards and procedures governing the transfer of juvenile offenders from secure facilities to other facilities and the return of such offenders to secure facilities. The rules and regulations shall provide a procedure for the referral of proposed transfer cases by the secure facility director, and shall require a determination by the facility director that transfer of a juvenile offender to another facility is in the best interests of the division for youth and the juvenile offender and that there is no danger to public safety.~~

~~The rules and regulations shall further provide for the establishment of a division central office transfer committee to review transfer cases referred by the secure facility directors. The committee shall recommend approval of a transfer request to the director of the division only upon a clear showing by the secure facility director that the transfer is in the best interests of the division for youth and the juvenile offender and that there is no danger to public safety. In the case of the denial of the transfer request by the transfer committee, the juvenile offender shall remain at a secure facility. Notwithstanding the recommendation for approval of transfer by the transfer committee, the director of the division may deny the request for transfer if there is a danger to~~

~~public safety or if the transfer is not in the best interests of the division for youth or the juvenile offender.~~

~~The rules and regulations shall further provide a procedure for the immediate return to a secure facility, without a hearing, of a juvenile offender transferred to another facility upon a determination by that facility director that there is a danger to public safety.~~]

3. The [~~division~~] **office of children and family services** shall report in writing to the sentencing court and district attorney, not less than once every six months during the period of confinement, on the status, adjustment, programs and progress of the offender.

4. [~~The office of children and family services may apply to the sentencing court for permission to transfer a youth not less than sixteen nor more than eighteen years of age to the department of corrections and community supervision. Such application shall be made upon notice to the youth, who shall be entitled to be heard upon the application and to be represented by counsel. The court shall grant the application if it is satisfied that there is no substantial likelihood that the youth will benefit from the programs offered by the office facilities.~~

~~5.~~] The office of children and family services may transfer an offender not less than eighteen [~~nor more than twenty-one~~] years of age to the department of corrections and community supervision if the commissioner of the office certifies to the commissioner of corrections and community supervision that there is no substantial likelihood that the youth will benefit from the programs offered by office facilities.

[~~6. At age twenty-one, all~~] **5. (a) All** juvenile offenders **committed to the office for committing a crime** shall be transferred **at age twenty-three** to the custody of the department of corrections and community supervision for confinement pursuant to the correction law[~~.~~

~~7.~~]**; provided however, any offenders committed to the office for committing a crime on or after their sixteenth birthday who still have time left on their sentences of imprisonment shall complete at least two years of care in office of children and family services facilities before any transfer to the department of corrections and community supervision.**

(b) All juvenile offenders who are eligible to be released from an office of children and family services facility before they are required to be transferred to the department of corrections and community supervision and who are able to complete the full-term of their community supervision sentences before they turn twenty-three years of age shall remain with the office of children and family services for community supervision.

(c) All juvenile offenders released from an office of children and family services facility before they are transferred to the department of corrections and community supervision who are unable to complete the full-term of their community supervision before they turn twenty-three years of age shall be under the supervision of the department of corrections and community supervision until expiration of the maximum term.

6. While in the custody of the office of children and family services, an offender shall be subject to the rules and regulations of the office, except that his **or her** parole, temporary release and discharge shall be governed by the laws applicable to inmates of state correctional facilities and his **or her** transfer to state hospitals in the office of mental health shall be governed by section five hundred nine of this chapter. The commissioner of the office of children and family services shall,

however, establish and operate temporary release programs at office of children and family services facilities for eligible juvenile offenders and [~~contract with the department of corrections and community supervision for the provision of parole~~] **provide** supervision [~~services~~] for temporary releasees. The rules and regulations for these programs shall not be inconsistent with the laws for temporary release applicable to inmates of state correctional facilities. For the purposes of temporary release programs for juvenile offenders only, when referred to or defined in article twenty-six of the correction law, "institution" shall mean any facility designated by the commissioner of the office of children and family services, "department" shall mean the office of children and family services, "inmate" shall mean a juvenile offender residing in an office of children and family services facility, and "commissioner" shall mean the [~~director~~] **commissioner** of the office of children and family services. Time spent in office of children and family services facilities and in juvenile detention facilities shall be credited towards the sentence imposed in the same manner and to the same extent applicable to inmates of state correctional facilities.

[~~8~~] **7**. Whenever a juvenile offender or a juvenile offender adjudicated a youthful offender shall be delivered to the director of [~~a division for youth~~] **an office of children and family services** facility pursuant to a commitment to the [~~director of the division for youth~~] **office of children and family services**, the officer so delivering such person shall deliver to such facility director a certified copy of the sentence received by such officer from the clerk of the court by which such person shall have been sentenced, a copy of the report of the probation officer's investigation and report, any other pre-sentence memoranda filed with the court, a copy of the person's fingerprint records, a detailed summary of available medical records, psychiatric records and reports relating to assaults, or other violent acts, attempts at suicide or escape by the person while in the custody of a local detention facility.

[~~9~~] **8**. Notwithstanding any provision of law, including section five hundred one-c of this article, the office of children and family services shall make records pertaining to a person convicted of a sex offense as defined in subdivision (p) of section 10.03 of the mental hygiene law available upon request to the commissioner of mental health or the commissioner of **the office for persons with** developmental disabilities, as appropriate; a case review panel; and the attorney general; in accordance with the provisions of article ten of the mental hygiene law.

§ 96. Subdivisions 1, 2, 4, 5 and 5-a of section 529 of the executive law, subdivisions 1, 4 and 5 as added by chapter 906 of the laws of 1973, paragraph (c) of subdivision 1 as amended and paragraph (d) of subdivision 1 as added by chapter 881 of the laws of 1976, subdivision 2 as amended by chapter 430 of the laws of 1991, paragraph (c) of subdivision 5 as amended by chapter 722 of the laws of 1979 and subdivision 5-a as added by chapter 258 of the laws of 1974, are amended to read as follows:

1. Definitions. As used in this section:

(a) "authorized agency", "certified boarding home", "local charge" and "state charge" shall have the meaning ascribed to such terms by the social services law;

(b) "aftercare supervision" shall mean supervision of released or discharged youth, not in foster care; and,

(c) "foster care" shall mean residential care, maintenance and supervision provided to released or discharged youth, or youth otherwise in the custody of the [~~division for youth, in a division foster family home certified by the division.~~

~~(d) "division foster family home" means a service program provided in a home setting available to youth under the jurisdiction of the division for youth~~] office of children and family services.

2. [~~Expenditures~~] Except as provided in subdivision five of this section, expenditures made by the [~~division for youth~~] office of children and family services for care, maintenance and supervision furnished youth, including alleged and adjudicated juvenile delinquents and persons in need of supervision, placed or referred, pursuant to titles two or three of this article, and juvenile offenders committed pursuant to section 70.05 of the penal law, in the [~~division's~~] office's programs and facilities, shall be subject to reimbursement to the state by the social services district from which the youth was placed or by the social services district in which the juvenile offender resided at the time of commitment, in accordance with this section and the regulations of the [~~division,~~] office as follows: fifty percent of the amount expended for care, maintenance and supervision of local charges including juvenile offenders.

[~~4. Expenditures made by the division for youth~~] 3. The costs for foster care provided by voluntary authorized agencies to juvenile delinquents placed in the care of the office of children and family services shall be [~~subject to reimbursement to the state by~~] the responsibility of the social services district from which the youth was placed, and shall be subject to reimbursement from the state in accordance with [~~the regulations of the division, as follows: fifty percent of the amount expended for care, maintenance and supervision of local charges~~] section one hundred fifty-three-k of the social services law.

[~~5~~] 4. (a) [~~Expenditures~~] Except as provided in subdivision five of this section, expenditures made by the [~~division for youth~~] office of children and family services for aftercare supervision shall be subject to reimbursement to the state by the social services district from which the youth was placed, in accordance with regulations of the [~~division~~] office, as follows: fifty percent of the amount expended for aftercare supervision of local charges.

(b) Expenditures made by social services districts for aftercare supervision of adjudicated juvenile delinquents and persons in need of supervision [~~provided (prior to the expiration of the initial or extended period of placement or commitment) by the aftercare staff of the facility from which the youth has been released or discharged, other than those under the jurisdiction of the division for youth, in which said youth was placed or committed, pursuant to directions of the family court,~~] shall be subject to reimbursement by the state[~~, upon approval by the division and in accordance with its regulations, as follows:~~

~~(1) the full amount expended by the district for aftercare supervision of state charges;~~

~~(2) fifty percent of the amount expended by the district for aftercare supervision of local charges~~] in accordance with section one hundred fifty-three-k of the social services law.

(c) Expenditures made by the [~~division for youth~~] office of children and family services for contracted programs and contracted services pursuant to subdivision seven of section five hundred one of this article, except with respect to urban homes and group homes, shall be subject to reimbursement to the state by the social services district

from which the youth was placed, in accordance with this section and the regulations of the [~~division~~] office as follows: fifty percent of the amount expended for the operation and maintenance of such programs and services.

5. Notwithstanding any other provision of law to the contrary, no reimbursement shall be required from a social services district for expenditures made by the office of children and family services on or after December first, two thousand seventeen for the care, maintenance, supervision or aftercare supervision of youth age sixteen years of age or older that would not otherwise have been made absent the provisions of a chapter of the laws of two thousand seventeen that increased the age of juvenile jurisdiction above fifteen years of age or that authorized the placement in office of children and family services facilities of certain other youth who committed a crime on or after their sixteenth birthdays.

5-a. The social services district responsible for reimbursement to the state shall remain the same if during a period of placement or extension thereof, a child commits a criminal act while in [~~a division~~] an office of children and family services facility, during an authorized absence therefrom or after absconding therefrom and is returned to the [~~division~~] office following adjudication or conviction for the act by a court with jurisdiction outside the boundaries of the social services district which was responsible for reimbursement to the state prior to such adjudication or conviction.

§ 97. Subdivision 1 and subparagraph (iii) of paragraph (a) of subdivision 3 of section 529-b of the executive law, as added by section 3 of subpart B of part Q of chapter 58 of the laws of 2011, are amended to read as follows:

1. (a) Notwithstanding any provision of law to the contrary, eligible expenditures by an eligible municipality for services to divert youth at risk of, alleged to be, or adjudicated as juvenile delinquents or persons alleged or adjudicated to be in need of supervision, or youth alleged to be or convicted as juvenile offenders from placement in detention or in residential care shall be subject to state reimbursement under the supervision and treatment services for juveniles program for up to sixty-two percent of the municipality's expenditures, subject to available appropriations and exclusive of any federal funds made available for such purposes, not to exceed the municipality's distribution under the supervision and treatment services for juveniles program.

(b) The state funds appropriated for the supervision and treatment services for juveniles program shall be distributed to eligible municipalities by the office of children and family services based on a plan developed by the office which may consider historical information regarding the number of youth seen at probation intake for an alleged act of delinquency, the number of alleged persons in need of supervision receiving diversion services under section seven hundred thirty-five of the family court act, the number of youth remanded to detention, the number of juvenile delinquents placed with the office, the number of juvenile delinquents and persons in need of supervision placed in residential care with the municipality, the municipality's reduction in the use of detention and residential placements, and other factors as determined by the office. Such plan developed by the office shall be subject to the approval of the director of the budget. The office is authorized, in its discretion, to make advance distributions to a municipality in anticipation of state reimbursement.

(iii) a description of how the services and programs proposed for funding will reduce the number of youth from the municipality who are detained and residentially **or otherwise** placed; how such services and programs are family-focused; and whether such services and programs are capable of being replicated across multiple sites;

§ 98. Subdivisions 2, 4, 5, 6 and 7 of section 530 of the executive law, subdivisions 2 and 4 as amended by section 4 of subpart B of part Q of chapter 58 of the laws of 2011, paragraphs (a) and (d) of subdivision 2 as amended by section 1 of part M of chapter 57 of the laws of 2012, subdivision 5 as amended by chapter 920 of the laws of 1982, subparagraphs 1, 2 and 4 of paragraph (a) and paragraph (b) of subdivision 5 as amended by section 5 of subpart B of part Q of chapter 58 of the laws of 2011, subdivision 6 as amended by chapter 880 of the laws of 1976, and subdivision 7 as amended by section 6 of subpart B of part Q of chapter 58 of the laws of 2011, are amended and a new subdivision 8 is added to read as follows:

2. [~~Expenditures~~] **Except as provided for in subdivision eight of this section, expenditures** made by municipalities in providing care, maintenance and supervision to youth in detention facilities designated pursuant to sections seven hundred twenty and 305.2 of the family court act and certified by [~~the division for youth~~] **office of children and family services**, shall be subject to reimbursement by the state, as follows:

(a) Notwithstanding any provision of law to the contrary, eligible expenditures by a municipality during a particular program year for the care, maintenance and supervision in foster care programs certified by the office of children and family services, certified or approved family boarding homes, and non-secure detention facilities certified by the office for those youth alleged to be persons in need of supervision or adjudicated persons in need of supervision held pending transfer to a facility upon placement; and in secure and non-secure detention facilities certified by the office in accordance with section five hundred three of this article for those youth alleged to be juvenile delinquents; adjudicated juvenile delinquents held pending transfer to a facility upon placement, and juvenile delinquents held at the request of the office of children and family services pending extension of placement hearings or release revocation hearings or while awaiting disposition of such hearings; and youth alleged to be or convicted as juvenile offenders **and, youth alleged to be persons in need of supervision or adjudicated persons in need of supervision held pending transfer to a facility upon placement in foster care programs certified by the office of children and family services, certified or approved family boarding homes,** shall be subject to state reimbursement for up to fifty percent of the municipality's expenditures, exclusive of any federal funds made available for such purposes, not to exceed the municipality's distribution from funds that have been appropriated specifically therefor for that program year. Municipalities shall implement the use of detention risk assessment instruments in a manner prescribed by the office so as to inform detention decisions. Notwithstanding any other provision of state law to the contrary, data necessary for completion of a detention risk assessment instrument may be shared among law enforcement, probation, courts, detention administrators, detention providers, and the attorney for the child upon retention or appointment; solely for the purpose of accurate completion of such risk assessment instrument, and a copy of the completed detention risk assessment instrument shall be made available to the applicable detention provider, the attorney for the child and the court.

(b) The state funds appropriated for juvenile detention services shall be distributed to eligible municipalities by the office of children and family services based on a plan developed by the office which may consider historical information regarding the number of youth remanded to detention, the municipality's reduction in the use of detention, the municipality's youth population, and other factors as determined by the office. Such plan developed by the office shall be subject to the approval of the director of the budget. The office is authorized, in its discretion, to make advance distributions to a municipality in anticipation of state reimbursement.

(c) A municipality may also use the funds distributed to it for juvenile detention services under this section for a particular program year for sixty-two percent of a municipality's eligible expenditures for supervision and treatment services for juveniles programs approved under section five hundred twenty-nine-b of this title for services that were not reimbursed from a municipality's distribution under such program provided to at-risk, alleged or adjudicated juvenile delinquents or persons alleged or adjudicated to be in need of supervision, or alleged to be or convicted as juvenile offenders in community-based non-residential settings. Any claims submitted by a municipality for reimbursement for detention services or supervision and treatment services for juveniles provided during a particular program year for which the municipality does not receive state reimbursement from the municipality's distribution of detention services funds for that program year may not be claimed against the municipality's distribution of funds available under this section for the next applicable program year. The office may require that such claims be submitted to the office electronically at such times and in the manner and format required by the office.

[~~(d)(i)~~] **2-a. (a)** Notwithstanding any provision of law or regulation to the contrary, any information or data necessary for the development, validation or revalidation of the detention risk assessment instrument shall be shared among local probation departments, the office of probation and correctional alternatives and, where authorized by the division of criminal justice services, the entity under contract with the division to provide information technology services related to youth assessment and screening, the office of children and family services, and any entity under contract with the office of children and family services to provide services relating to the development, validation or revalidation of the detention risk assessment instrument. Any such information and data shall not be commingled with any criminal history database. Any information and data used and shared pursuant to this section shall only be used and shared for the purposes of this section and in accordance with this section. Such information shall be shared and received in a manner that protects the confidentiality of such information. The sharing, use, disclosure and redisclosure of such information to any person, office, or other entity not specifically authorized to receive it pursuant to this section or any other law is prohibited.

[~~(ii)~~] **(b)** The office of children and family services shall consult with individuals with professional research experience and expertise in criminal justice; social work; juvenile justice; and applied mathematics, psychometrics and/or statistics to assist the office in determining the method it will use to: develop, validate and revalidate such detention risk assessment instrument; and analyze the effectiveness of the use of such detention risk assessment instrument in accomplishing its intended goals; and analyze, to the greatest extent possible any

disparate impact on detention outcomes for juveniles based on race, sex, national origin, economic status and any other constitutionally protected class, regarding the use of such instrument. The office shall consult with such individuals regarding whether it is appropriate to attempt to analyze whether there is any such disparate impact based on sexual orientation and, if so, the best methods to conduct such analysis. The office shall take into consideration any recommendations given by such individuals involving improvements that could be made to such instrument and process.

[~~(iii)~~] **(c)** Data collected for the purposes of completing the detention risk assessment instrument from any source other than an officially documented record shall be confirmed as soon as practicable. Should any data originally utilized in completing the risk assessment instrument be found to conflict with the officially documented record, the risk assessment instrument shall be completed with the officially documented data and any corresponding revision to the risk categorization shall be made. The office shall periodically revalidate any approved risk assessment instrument. The office shall conspicuously post any approved detention risk assessment instrument on its website and shall confer with appropriate stakeholders, including but not limited to, attorneys for children, presentment agencies, probation, and the family court, prior to revising any validated risk assessment instrument. Any such revised risk assessment instrument shall be subject to periodic empirical validation.

4. (a) The municipality must notify the office of children and family services of state aid received under other state aid formulas by each detention facility for which the municipality is seeking reimbursement pursuant to this section, including but not limited to, aid for education, probation and mental health services.

(b) **Except as provided in subdivision eight of this section: (i)** In computing reimbursement to the municipality pursuant to this section, the office shall insure that the aggregate of state aid under all state aid formulas shall not exceed fifty percent of the cost of care, maintenance and supervision provided to detainees eligible for state reimbursement under subdivision two of this section, exclusive of federal aid for such purposes not to exceed the amount of the municipality's distribution under the juvenile detention services program.

[~~(c)~~] **(ii)** Reimbursement for administrative related expenditures as defined by the office of children and family services, for secure and nonsecure detention services shall not exceed seventeen percent of the total approved expenditures for facilities of twenty-five beds or more and shall not exceed twenty-one percent of the total approved expenditures for facilities with less than twenty-five beds.

5. (a) Except as provided in paragraph (b) of this subdivision, care, maintenance and supervision for the purpose of this section shall mean and include only:

(1) temporary care, maintenance and supervision provided **to** alleged juvenile delinquents and persons in need of supervision in detention facilities certified pursuant to sections seven hundred twenty and 305.2 of the family court act by the office of children and family services, pending adjudication of alleged delinquency or alleged need of supervision by the family court, or pending transfer to institutions to which committed or placed by such court or while awaiting disposition by such court after adjudication or held pursuant to a securing order of a criminal court if the person named therein as principal is under [~~sixteen~~] **eighteen years of age**; or[~~,~~]

(1-a) temporary care, maintenance, and supervision provided to alleged juvenile delinquents in detention facilities certified by the office of children and family services, pending adjudication of alleged delinquency by the family court, or pending transfer to institutions to which committed or placed by such court or while awaiting disposition by such court after adjudication or held pursuant to a securing order of a criminal court if the person named therein as principal is under twenty-one; or

(2) temporary care, maintenance and supervision provided juvenile delinquents in approved detention facilities at the request of the office of children and family services pending release revocation hearings or while awaiting disposition after such hearings; or

(3) temporary care, maintenance and supervision in approved detention facilities for youth held pursuant to the family court act or the interstate compact on juveniles, pending return to their place of residence or domicile[~~.~~]; or

(4) temporary care, maintenance and supervision provided youth detained in foster care facilities or certified or approved family boarding homes pursuant to article seven of the family court act.

(b) Payments made for reserved accommodations, whether or not in full time use, approved and certified by the office of children and family services [~~and certified pursuant to sections seven hundred twenty and 305.2 of the family court act~~], in order to assure that adequate accommodations will be available for the immediate reception and proper care therein of youth for which detention costs are reimbursable pursuant to paragraph (a) of this subdivision, shall be reimbursed as expenditures for care, maintenance and supervision under the provisions of this section, provided the office shall have given its prior approval for reserving such accommodations.

6. The [~~director of the division for youth~~] office of children and family services may adopt, amend, or rescind all rules and regulations, subject to the approval of the director of the budget and certification to the chairmen of the senate finance and assembly ways and means committees, necessary to carry out the provisions of this section.

7. The agency administering detention for each county and the city of New York shall submit to the office of children and family services, at such times and in such form and manner and containing such information as required by the office of children and family services, an annual report on youth remanded pursuant to article three or seven of the family court act who are detained during each calendar year including, commencing January first, two thousand twelve, the risk level of each detained youth as assessed by a detention risk assessment instrument approved by the office of children and family services. The office may require that such data on detention use be submitted to the office electronically. Such report shall include, but not be limited to, the reason for the court's determination in accordance with section 320.5 or seven hundred thirty-nine of the family court act, if applicable, to detain the youth; the offense or offenses with which the youth is charged; and all other reasons why the youth remains detained. The office shall submit a compilation of all the separate reports to the governor and the legislature.

8. Notwithstanding any other provisions of law to the contrary, state reimbursement shall be made available for one hundred percent of a municipality's eligible expenditures for the care, maintenance and supervision of youth sixteen years of age or older in non-secure and secure detention facilities when such detention would not otherwise have

occurred absent the provisions of a chapter of the laws of two thousand seventeen that increased the age of juvenile jurisdiction above fifteen years of age.

§ 99. Section 109-c of the vehicle and traffic law, as added by section 1 of part E of chapter 60 of the laws of 2005, is amended to read as follows:

§ 109-c. Conviction. 1. Any conviction as defined in subdivision thirteen of section 1.20 of the criminal procedure law; provided, however, where a conviction or administrative finding in this state or another state results in a mandatory sanction against a commercial driver's license, as set forth in sections five hundred ten, five hundred ten-a, eleven hundred ninety-two and eleven hundred ninety-four of this chapter, conviction shall also mean an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated.

2. A conviction shall include a juvenile delinquency adjudication for the purposes of sections five hundred ten; subdivision five of section five hundred eleven; five hundred fourteen; five hundred twenty-three-a; subparagraph (ii) of paragraph (b) of subdivision one of section eleven hundred ninety-three; subdivision two of section eleven hundred ninety-three; eleven hundred ninety-six; eleven hundred ninety-eight; eleven hundred ninety-eight-a; eleven hundred ninety-nine; eighteen hundred eight; eighteen hundred nine; eighteen hundred nine-c; and eighteen hundred nine-e of this chapter and paragraph (a) of subdivision six of section sixty-five-b of the alcoholic beverage control law only and solely for the purposes of allowing the family court to impose license and registration sanctions, ignition interlock devices, any drug or alcohol rehabilitation program, victim impact program, driver responsibility assessment, victim assistance fee, surcharge, and issuing a stay order on appeal. Nothing in this subdivision shall be construed as limiting or precluding the enforcement of section eleven hundred ninety-two-a of this chapter against a person under the age of twenty-one.

§ 100. Subdivision 1 of section 510 of the vehicle and traffic law, as amended by chapter 132 of the laws of 1986, is amended to read as follows:

1. Who may suspend or revoke. Any magistrate, justice or judge, in a city, in a town, or in a village, any supreme court justice, any county judge, any judge of a district court, any family court judge, the superintendent of state police and the commissioner of motor vehicles or any person deputized by him, shall have power to revoke or suspend the license to drive a motor vehicle or motorcycle of any person, or in the case of an owner, the registration, as provided herein.

§ 100-a. Severability. If any clause, sentence, paragraph, subdivision, section or part contained in any part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part contained in any part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature

that this act would have been enacted even if such invalid provisions had not been included herein.

§ 101. This act shall take effect immediately; provided, however, that:

1. sections one through seven, nine through twenty-four, twenty-six through fifty-eight, fifty-nine, sixty-one through sixty-three-l, sixty-three-m, sixty-six, sixty-eight through seventy-six, eighty through eighty-seven, eighty-eight, eighty-nine and ninety through one hundred-a of this act shall take effect on January 1, 2019;

2. sections sixty-seven, seventy-seven, seventy-eight, and seventy-nine of this act shall take effect on the sixtieth day after it shall have become a law;

3. the amendments to subparagraph (ii) of paragraph (a) of subdivision 1 of section 409-a of the social services law, made by section fifty-two of this act shall survive the expiration of such subparagraph pursuant to section 28 of part C of chapter 83 of the laws of 2002, as amended;

4. the amendments to subdivision 4 of section 353.5 of the family court act made by section twenty-four of this act shall not affect the expiration and reversion of such subdivision pursuant to section 11 of subpart A of part G of chapter 57 of the laws of 2012, as amended, and shall expire and be deemed repealed therewith, when upon such date the provisions of section twenty-five of this act shall take effect;

5. the amendments to section 153-k of the social services law made by section forty-seven of this act shall not affect the repeal of such section and shall expire and be deemed repealed therewith;

6. the amendments to section 404 of the social services law made by section fifty-one of this act shall not affect the repeal of such section and shall expire and be deemed repealed therewith;

7. the amendments to subdivision 1 of section 70.20 of the penal law made by section fifty-eight of this act shall not affect the expiration of such subdivision and shall expire and be deemed repealed therewith;

8. the amendments to paragraph (f) of subdivision 1 of section 70.30 of the penal law made by section sixty-a of this act shall not affect the expiration of such paragraph and shall be deemed to expire therewith;

9. the amendments to subparagraph 1 of paragraph d of subdivision 3 of section 3214 of the education law made by section eighty-seven of this act shall not affect the expiration and reversion of such paragraph pursuant to section 4 of chapter 425 of the laws of 2002, as amended, when upon such date the provisions of section eighty-seven-a of this act shall take effect; provided, however if such date of reversion is prior to January 1, 2019, section eighty-seven-a of this act shall take effect on January 1, 2019; and

10. the amendments to the second undesignated paragraph of subdivision 4 of section 246 of the executive law made by section eighty-nine of this act shall not affect the expiration and reversion of such paragraph pursuant to subdivision aa of section 427 of chapter 55 of the laws of 1992, as amended, when upon such date the provisions of section eighty-nine-a of this act shall take effect; provided, however if such date of reversion is prior to January 1, 2019, section eighty-nine-a of this act shall take effect on January 1, 2019.

PART K

Section 1. This part enacts into law major components of legislation which are necessary for the financing of various child welfare services.

Each component is wholly contained within a subpart identified as subparts A through B. The effective date for each particular provision contained within a subpart is set forth in the last section of such subpart. Any provision in any section contained within a subpart, including the effective date of the subpart, which makes reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the subpart in which it is found. Section three of this part sets forth the general effective date of this part.

SUBPART A

Section 1. Section 28 of part C of chapter 83 of the laws of 2002, amending the executive law and other laws relating to funding for children and family services, as amended by section 1 of part F of chapter 57 of the laws of 2012, is amended to read as follows:

§ 28. This act shall take effect immediately; provided that sections nine through eighteen and twenty through twenty-seven of this act shall be deemed to have been in full force and effect on and after April 1, 2002; provided, however, that section fifteen of this act shall apply to claims that are otherwise reimbursable by the state on or after April 1, 2002 except as provided in subdivision 9 of section 153-k of the social services law as added by section fifteen of this act; provided further however, that nothing in this act shall authorize the office of children and family services to deny state reimbursement to a social services district for violations of the provisions of section 153-d of the social services law for services provided from January 1, 1994 through March 31, 2002; provided that section nineteen of this act shall take effect September 13, 2002 and shall expire and be deemed repealed June 30, 2012; and, provided further, however, that notwithstanding any law to the contrary, the office of children and family services shall have the authority to promulgate, on an emergency basis, any rules and regulations necessary to implement the requirements established pursuant to this act; provided further, however, that the regulations to be developed pursuant to section one of this act shall not be adopted by emergency rule; and provided further that the provisions of sections nine through eighteen and twenty through twenty-seven of this act shall expire and be deemed repealed on June 30, [~~2017~~] **2022**.

§ 2. This act shall take effect immediately.

SUBPART B

Intentionally omitted

§ 2. Severability. If any clause, sentence, paragraph, subdivision or section of this part 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 or section 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 part would have been enacted even if such invalid provisions had not been included herein.

§ 3. This act shall take effect immediately; provided, however, that the applicable effective date of subparts A and B of this part shall be as specifically set forth in the last section of such subparts.

PART L

Section 1. Paragraph (iii) of subdivision (e) of section 1012 of the family court act, as amended by chapter 320 of the laws of 2006, is amended to read as follows:

(iii) **(A)** commits, or allows to be committed an offense against such child defined in article one hundred thirty of the penal law; **(B)** allows, permits or encourages such child to engage in any act described in sections 230.25, 230.30 and 230.32 of the penal law; **(C)** commits any of the acts described in sections 255.25, 255.26 and 255.27 of the penal law; [~~or~~] **(D)** allows such child to engage in acts or conduct described in article two hundred sixty-three of the penal law**; or (E) permits or encourages such child to engage in any act or commits or allows to be committed against such child any offense that would render such child either a victim of sex trafficking or a victim of severe forms of trafficking in persons pursuant to 22 U.S.C. 7102 as enacted by public law 106-386 or any successor federal statute; (F)** provided, however, that [~~(a)~~] **(1)** the corroboration requirements contained in the penal law and [~~(b)~~] **(2)** the age requirement for the application of article two hundred sixty-three of such law shall not apply to proceedings under this article.

§ 2. This act shall take effect immediately.

PART M

Section 1. Paragraph a of subdivision 2 of section 420 of the executive law, as amended by section 3 of part G of chapter 57 of the laws of 2013, is amended to read as follows:

a. **(1)** A municipality may submit to the office of children and family services a plan for the providing of services for runaway and homeless youth, as defined in article nineteen-H of this chapter. Where such municipality is receiving state aid pursuant to paragraph a of subdivision one of this section, such runaway and homeless youth plan shall be submitted as part of the comprehensive plan and shall be consistent with the goals and objectives therein.

(2) A runaway and homeless youth plan shall be developed in consultation with the municipal youth bureau and the county or city department of social services, shall be in accordance with the regulations of the office of children and family services, shall provide for a coordinated range of services for runaway and homeless youth and their families including preventive, temporary shelter, transportation, counseling, and other necessary assistance, and shall provide for the coordination of all available county resources for runaway and homeless youth and their families including services available through the municipal youth bureau, the county or city department of social services, local boards of education, local drug and alcohol programs and organizations or programs which have past experience dealing with runaway and homeless youth. [~~Such~~]

(3) In its plan **a municipality** may**:**

(i) include provisions for transitional independent living support programs [~~for homeless youth between the ages of sixteen and twenty-one~~] **and runaway and homeless youth crisis services programs** as provided in article nineteen-H of this chapter**;**

(ii) authorize services under article nineteen-H of this chapter to be provided to homeless young adults, as such term is defined in section five hundred thirty-two-a of this chapter;

(iii) authorize runaway and homeless youth to be served in accordance with any of the following provisions of this chapter:

(A) paragraphs (a) and (b) of subdivision two of section five hundred thirty-two-b;

(B) paragraph (b) of subdivision one of section five hundred thirty-two-d;

(C) paragraph (c) of subdivision two of section five hundred thirty two-b of this chapter;

(D) paragraph (c) of subdivision one of section five hundred thirty-two-d of this chapter;

(E) to allow a youth under the age of sixteen to be served in a transitional independent living program pursuant to subparagraph (ii) of paragraph (a) of subdivision one of section five hundred thirty-two-d of this chapter; and

(iv) if a municipality provides shelter in accordance with items (C), (D) and (E) of clause (iii) of subparagraph three of this paragraph, then such municipality shall, within sixty days, notify the office of children and family services in writing of the circumstances that made the provision of shelter necessary, efforts made by the program to find suitable alternative living arrangements for such youth, and the outcome of such efforts. If the office determines that such shelter was inappropriate, the office may instruct the program on how to seek a more suitable alternative living arrangement.

(4) Such plan shall also provide for the designation and duties of the runaway and homeless youth service coordinator defined in section five hundred thirty-two-a of this chapter who is available on a twenty-four hour basis and maintains information concerning available shelter space, transportation and services.

(5) Such plan may include provision for the per diem reimbursement for residential care of runaway and homeless youth in [~~approved~~] certified residential runaway and homeless youth programs which are authorized agencies[~~, provided that such per diem reimbursement shall not exceed a total of thirty days for any one youth~~].

§ 2. Subdivisions 1, 2, 4 and 6 of section 532-a of the executive law, subdivisions 1 and 2 as amended by chapter 800 of the laws of 1985, subdivisions 4 and 6 as amended by section 6 of part G of chapter 57 of the laws of 2013, are amended and a new subdivision 9 is added to read as follows:

1. "Runaway youth" shall mean a person under the age of eighteen years who is absent from his or her legal residence without the consent of his or her parent, legal guardian or custodian.

2. "Homeless youth" shall mean:

(a) a person under the age of [~~twenty-one~~] eighteen who is in need of services and is without a place of shelter where supervision and care are available; or

(b) a person who is under the age of twenty-one but is at least age eighteen and who is in need of services and is without a place of shelter.

(c) Provided however, when a municipality's approved comprehensive plan authorizes that services pursuant to this article be provided to "homeless young adults" as such term is defined in this section, then for purposes related to the provisions of that municipality's approved comprehensive plan that include "homeless young adults", the term "homeless youth" as used in this article shall be deemed to include "homeless young adults".

4. "[~~Approved runaway~~] **Runaway and homeless youth crisis services** program" shall mean**:**

(a) any non-residential program approved by the office of children and family services**,** after submission by the municipality[~~,~~] as part of its comprehensive plan, **that provides services to runaway youth and homeless youth, in accordance with the regulations of the office of children and family services;** or

(b) any residential [~~facility~~] **program** which is operated by an authorized agency as defined in subdivision ten of section three hundred seventy-one of the social services law, and [~~approved~~] **certified** by the office of children and family services [~~after submission by the municipality as part of its comprehensive plan, established and operated~~] to provide **short-term residential** services to runaway **youth** and homeless youth**,** in accordance with the **applicable** regulations of the office of temporary and disability assistance and the office of children and family services. [~~Such~~]

(c) Runaway and homeless youth crisis services programs may also provide non-residential crisis intervention and**, if certified,** residential respite services to youth in need of crisis intervention or respite services, as **such term is** defined in this section. Residential respite services in [~~an approved~~] **a certified** runaway **and homeless youth crisis services** program may be provided **to such youth** for no more than twenty-one days**,** in accordance with the regulations of the office of children and family services **and section seven hundred thirty-five of the family court act**.

6. "Transitional independent living support program" shall mean**:**

(a) any non-residential program approved by the office of children and family services**,** after submission by the municipality as part of its comprehensive plan, [~~or~~] **that provides supportive services to enable homeless youth to progress from crisis care and transitional care to independent living, in accordance with the applicable regulations of the office of children and family services; or**

(b) any residential [~~facility approved by the office of children and family services after submission by the municipality as part of its comprehensive plan to offer youth development programs,~~] **program** established and operated to provide supportive services, [~~for a period of up to eighteen months~~] in accordance with the regulations of the office of children and family services, to enable homeless youth [~~between the ages of sixteen and twenty-one~~] to progress from crisis care and transitional care to independent living.

[~~Such~~] **(c) A** transitional independent living support program may also provide services to youth in need of crisis intervention or respite services. Notwithstanding the time limitation in paragraph (i) of subdivision (d) of section seven hundred thirty-five of the family court act, residential respite services may be provided in a transitional independent living support program for a period of more than twenty-one days.

9. "Homeless young adult" shall mean a person who is age twenty-four or younger but is at least age twenty-one and who is in need of services and is without a place of shelter.

§ 3. Section 532-b of the executive law, as added by chapter 722 of the laws of 1978, the opening paragraph of subdivision 1 as amended by chapter 182 of the laws of 2002, paragraph (a) of subdivision 1 as amended by section 15 of part E of chapter 57 of the laws of 2005, paragraph (e) of subdivision 1 as amended by chapter 569 of the laws of 1994, and subdivision 2 as amended by section 7 of part G of chapter 57 of the laws of 2013, is amended to read as follows:

§ 532-b. Powers and duties of [~~approved~~] runaway [~~program~~] and homeless youth crisis services programs. 1. Notwithstanding any other provision of law, pursuant to regulations of the office of children and family services [~~an approved~~] a runaway and homeless youth crisis services program is authorized to and shall:

(a) provide assistance to any runaway or homeless youth or youth in need of crisis intervention or respite services as defined in this article;

(b) attempt to determine the cause for the youth's runaway or homeless status;

(c) explain to the runaway [~~and~~] or homeless youth his or her legal rights and options of service or other assistance available to the youth;

(d) work towards reuniting such youth with his or her parent or guardian as soon as practicable in accordance with section five hundred thirty-two-c of this article;

(e) assist in arranging for necessary services for runaway or homeless youth, and where appropriate, their families, including but not limited to food, shelter, clothing, medical care, education and individual and family counseling. Where the [~~approved~~] runaway and homeless youth crisis services program concludes that such runaway or homeless youth would be eligible for assistance, care or services from a local social services district, it shall assist the youth in securing such assistance, care or services as the youth is entitled to; [~~and~~]

(f) immediately report to the [~~local child protective service~~] statewide central register of child abuse and maltreatment or vulnerable persons' central register, as appropriate, where it has reasonable cause to suspect that the runaway or homeless youth has been abused or neglected or when such youth maintains such to be the case[~~.~~];

(g) contact the appropriate local social services district if it is believed that the youth may be a destitute child, as such term is defined in section one thousand ninety-two of the family court act. The office of children and family services shall provide appropriate guidance to the runaway and homeless youth crisis services program on how to accurately identify a youth that may be a destitute child; and

(h) provide information to eligible youth about their ability to re-enter foster care in accordance with article ten-B of the family court act, and in appropriate cases, refer any such youth who may be interested in re-entering foster care to the applicable local social services district. The office of children and family services shall provide the runaway and homeless youth crisis services program with the appropriate educational materials to give to eligible youth regarding their ability to re-enter foster care. The office of children and family services shall also provide appropriate guidance to the runaway and homeless youth crisis services program on how to accurately identify youth that may be eligible to re-enter foster care and how to refer such youth to the applicable local social services district if appropriate.

2. [~~The~~] (a) A runaway youth may remain in [~~the~~] a certified residential runaway and homeless youth crisis services program on a voluntary basis for a period not to exceed thirty days, or for a youth age fourteen or older for a period up to sixty days when authorized in the applicable municipality's approved comprehensive plan, from the date of admission where the filing of a petition pursuant to article ten of the family court act is not contemplated, in order that arrangements can be made for the runaway youth's return home, alternative residential place-

ment pursuant to section three hundred ninety-eight of the social services law, or any other suitable plan.

(b) If the runaway youth and the parent, guardian or custodian agree[~~,~~] in writing, the runaway youth may remain in [~~the runaway~~] **such** program up to sixty days**, or up to one hundred twenty days when authorized in the applicable municipality's approved county comprehensive plan,** without the filing of a petition pursuant to article ten of the family court act, provided that in any such case the facility shall first have obtained the approval of the applicable municipal runaway **and homeless youth services** coordinator, who shall notify the municipality's youth bureau of his or her approval together with a statement as to the reason why such additional residential stay is necessary and a description of the efforts being made to find suitable alternative living arrangements for such youth.

(c) A runaway youth may remain in a certified residential runaway and homeless youth crisis services program beyond the applicable period authorized by paragraph (a) or (b) of this subdivision if the municipality has notified the office of children and family services in accordance with clause (iv) of subparagraph three of paragraph (a) of subdivision two of section four hundred twenty of the executive law.

§ 4. Section 532-c of the executive law, as added by chapter 722 of the laws of 1978, is amended to read as follows:

§ 532-c. Notice to parent; return of runaway youth to parent; alternative living arrangements. 1. The staff of [~~the~~] **a residential runaway and homeless youth crisis services** program shall, to the maximum extent possible, preferably within twenty-four hours but within no more than seventy-two hours following the youth's admission into the program, notify such runaway youth's parent, guardian or custodian of his or her physical and emotional condition, and the circumstances surrounding the runaway youth's presence at the program, unless there are compelling circumstances why the parent, guardian or custodian should not be so notified. Where such circumstances exist, the [~~runaway~~] program director or his **or her** designee shall either file an appropriate petition in the family court, refer the youth to the local social services district, or in instances where abuse or neglect is suspected, report such case pursuant to title six of article six of the social services law.

2. Where custody of the youth upon leaving the [~~approved~~] program is assumed by a relative or other person, other than the parent or guardian, the staff of the program shall so notify the parent or guardian as soon as practicable after the release of the youth. The officers, directors or employees of [~~an approved runaway~~] **the** program shall be immune from any civil or criminal liability for or arising out of the release of a runaway or homeless youth to a relative or other responsible person other than a parent or guardian.

§ 5. Section 532-d of the executive law, as amended by chapter 182 of the laws of 2002, subdivisions (e) and (g) as amended and subdivision (f) as added by section 16 of part E of chapter 57 of the laws of 2005, is amended to read as follows:

§ 532-d. Residential [~~facilities operated as~~] transitional independent living support programs. Notwithstanding any inconsistent provision of law, pursuant to regulations of the office of children and family services, residential facilities operating as transitional independent living support programs are authorized to and shall:

[~~(a)~~] **1. (a) (i)** provide shelter to homeless youth [~~between the ages of sixteen and twenty-one as defined in this article~~] **who are at least age sixteen.**

(ii) Provided, however, that shelter may be provided to a homeless youth under the age of sixteen if the municipality has notified the office of children and family services in accordance with clause (iv) of subparagraph three of paragraph (a) of subdivision two of section four hundred twenty of the executive law.

(b) Shelter may be provided to a homeless youth in a transitional independent living program for a period of up to eighteen months, or up to twenty-four months when authorized in the applicable municipality's approved comprehensive plan;

(c) A homeless youth who entered a transitional independent living program under the age of twenty-one may continue to receive shelter services in such program beyond the applicable period authorized by paragraph (b) of this subdivision, if the municipality has notified the office of children and family services in accordance with clause (iv) of subparagraph three of paragraph (a) of subdivision two of section four hundred twenty of the executive law;

[~~(b)~~] 2. work toward reuniting such homeless youth with his or her parent, guardian or custodian, where possible;

[~~(c)~~] 3. provide or assist in securing necessary services for such homeless youth, and where appropriate, his or her family, including but not limited to housing, educational, medical care, legal, mental health, and substance and alcohol abuse services. Where such program concludes that such homeless youth would be eligible for assistance, care or services from a local social services district, it shall assist such youth in securing such assistance, care or services;

[~~(d)~~] 4. for a homeless youth whose service plan involves independent living, provide practical assistance in achieving independence, either through direct provision of services or through written agreements with other community and public agencies for the provision of services in the following areas; high school education or high school equivalency education; higher education assessment; job training and job placement; counseling; assistance in the development of socialization skills; guidance and assistance in securing housing appropriate to needs and income; and training in the development of skills necessary for responsible independent living, including but not limited to money and home management, personal care, and health maintenance; and

[~~(e)~~] 5. provide residential services to a youth in need of crisis intervention or respite services, as defined in this article; [~~and~~]

[~~(f)~~] 6. continue to provide services to a homeless youth who is not yet eighteen years of age but who has reached the [~~eighteen month~~] maximum time period provided by paragraph (b) of subdivision [~~six~~] one of this section [~~five hundred thirty-two-a of this article~~], until he or she is eighteen years of age or for an additional six months if he or she is still under the age of eighteen; and

[~~(g)~~] 7. contact the appropriate local social services district if it is believed that the youth may be a destitute child, as such term is defined in section one thousand ninety-two of the family court act. The office of children and family services shall provide appropriate guidance to the residential transitional independent living support program on how to accurately identify a youth that may be a destitute child;

8. provide information to eligible youth about their ability to re-enter foster care in accordance with article ten-B of the family court act, and in appropriate cases, refer any such youth who may be interested in re-entering foster care to the applicable local social services district. The office of children and family services shall provide the residential transitional independent living support program with the

appropriate educational materials to give to eligible youth regarding their ability to re-enter foster care. The office of children and family services shall also provide appropriate guidance to residential transitional independent living support program on how to accurately identify youth that may be eligible to re-enter foster care and how to refer such youth to the applicable local social services district if appropriate; and

9. provide such reports and data as specified by the office of children and family services.

§ 6. The executive law is amended by adding a new section 532-f to read as follows:

§ 532-f. Required certification for residential programs. Notwithstanding any other provision of law to the contrary, any residential program established for the purpose of serving runaway and homeless youth that serves any youth under the age of eighteen or that is contained in a municipality's approved comprehensive plan, must be certified by the office of children and family services and must be operated by an authorized agency as such term is defined in subdivision ten of section three hundred seventy-one of the social services law.

§ 7. Paragraph (iii) of subdivision (b) of section 724 of the family court act, as amended by section 4 of part E of chapter 57 of the laws of 2005, is amended to read as follows:

(iii) take a youth in need of crisis intervention or respite services to [~~an approved~~] a runaway and homeless youth crisis services program or other approved respite or crisis program; or

§ 8. Subdivision 2 of section 447-a of the social services law, as added by chapter 569 of the laws of 2008, is amended to read as follows:

2. The term "short-term safe house" means a residential facility operated by an authorized agency as defined in subdivision ten of section three hundred seventy-one of this article including a residential facility operating as part of [~~an approved~~] a runaway and homeless youth crisis services program as defined in subdivision four of section five hundred thirty-two-a of the executive law or a not-for-profit agency with experience in providing services to sexually exploited youth and approved in accordance with the regulations of the office of children and family services that provides emergency shelter, services and care to sexually exploited children including food, shelter, clothing, medical care, counseling and appropriate crisis intervention services at the time they are taken into custody by law enforcement and for the duration of any legal proceeding or proceedings in which they are either the complaining witness or the subject child. The short-term safe house shall also be available at the point in time that a child under the age of eighteen has first come into the custody of juvenile detention officials, law enforcement, local jails or the local commissioner of social services or is residing with the local runaway and homeless youth authority.

§ 9. This act shall take effect January 1, 2018; provided however, that:

(a) the office of children and family services is authorized to promulgate regulations regarding any of the provisions of this act on or before the effective date of such act. Provided, however, the office shall promulgate regulations specifying that services authorized in a municipality's consolidated services plan in accordance with items (A) and (B) of clause (iii) of subparagraph 3 of paragraph (a) of subdivision 2 of section 420 of the executive law as amended by section one of this act may be provided by a program but are not required;

(b) the amendments to article 19-H of the executive law made by section six of this act that require that certain residential runaway and homeless youth programs be operated by authorized agencies shall be deemed to apply to such programs that are certified by the office of children and family services on or after the effective date of this act;

(c) the amendments to:

(i) paragraph a of subdivision 2 of section 420 of the executive law, made by section one of this act, shall not affect the expiration and reversion of such subdivision pursuant to section 9 of part G of chapter 57 of the laws of 2013 and shall expire and be deemed repealed therewith; and

(ii) subdivisions 4 and 6 of section 532-a of the executive law, made by section two of this act, shall not affect the expiration and reversion of such subdivisions pursuant to section 9 of part G of chapter 57 of the laws of 2013 and shall expire and be deemed repealed therewith;

(iii) subdivision 2 of section 532-b of the executive law made by section three of this act, shall not affect the expiration and reversion of such subdivision pursuant to section 9 of part G of chapter 57 of the laws of 2013 and shall expire and be deemed repealed therewith.

PART N

Section 1. The public health law is amended by adding a new article 29-I to read as follows:

ARTICLE 29-I

MEDICAL SERVICES FOR FOSTER CHILDREN

Section 2999-gg. Voluntary foster care agency health facilities.

§ 2999-gg. Voluntary foster care agency health facilities. 1. In order for an authorized agency that is approved by the office of children and family services to care for or board out children to provide limited health-related services as defined in regulations of the department either directly or through a contract arrangement, such agency must obtain, in accordance with a schedule developed by the department in conjunction with the office of children and family services, a license issued by the commissioner in conjunction with the office of children and family services to provide such services. Such schedule shall require that all such authorized agencies operating on January first, two thousand nineteen obtain the license required by this section no later than January first, two thousand nineteen. Such licenses shall be issued in accordance with the standards set forth in this article and the regulations of the department. Provided however, that a license pursuant to this section shall not be required if such authorized agency is otherwise authorized to provide limited-health-related services under a license issued pursuant to article twenty-eight of this chapter or article thirty-one of the mental hygiene law. For the purposes of this section, the term authorized agency shall be an authorized agency as defined in paragraph (a) of subdivision ten of section three hundred seventy-one of the social services law.

2. Such license shall not be issued unless it is determined that the equipment, personnel, rules, standards of care and services are fit and adequate, and that the health-related services will be provided in the manner required by this article and the rules and regulations thereunder.

3. The commissioner and the commissioner of the office of children and family services shall enter into a memorandum of agreement for the purposes of administering the requirements of this section.

4. Proceedings involving the issuance of licenses for health-related services to authorized agencies:

(a) A license for health-related services under this article may be revoked, suspended, limited, annulled or denied by the commissioner, in consultation with the office of children and family services, if an authorized agency is determined to have failed to comply with the provisions of this article or the rules and regulations promulgated thereunder.

(b) No such license shall be revoked, suspended, limited, annulled or denied without a hearing. However, a license may be temporarily suspended or limited without a hearing for a period not in excess of thirty days upon written notice that the continuation of health-related services places the public health or safety of the recipients in imminent danger.

(c) The commissioner shall fix a time and place for the hearing. A copy of the charges, together with the notice of the time and place of the hearing, shall be served in person or mailed by registered or certified mail to the authorized agency at least twenty-one days before the date fixed for the hearing. The authorized agency shall file with the department not less then eight days prior to the hearing, a written answer to the charges.

(d) All orders or determinations hereunder shall be subject to review as provided in article seventy-eight of the civil practice law and rules. Application for such review must be made within sixty days after service in person or by registered or certified mail of a copy of the order or determination upon the applicant or agency.

§ 2. This act shall take effect immediately, provided, however, that the department of health, in consultation with the office of children and family services, shall issue any regulations necessary for the implementation of this act.

PART O

Intentionally Omitted

PART P

Section 1. Paragraphs (a), (b), (c) and (d) of subdivision 1 of section 131-o of the social services law, as amended by section 1 of part O of chapter 54 of the laws of 2016, are amended to read as follows:

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

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

(c) in the case of each individual receiving enhanced residential care, an amount equal to at least [~~$193.00~~] $194.00 for each month beginning on or after January first, two thousand [~~sixteen~~] seventeen.

(d) for the period commencing January first, two thousand [~~seventeen~~] eighteen, the monthly personal needs allowance shall be an amount equal

to the sum of the amounts set forth in subparagraphs one and two of this paragraph:

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

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

§ 2. Paragraphs (a), (b), (c), (d), (e) and (f) of subdivision 2 of section 209 of the social services law, as amended by section 2 of part O of chapter 54 of the laws of 2016, are amended to read as follows:

(a) On and after January first, two thousand [~~sixteen~~] seventeen, for an eligible individual living alone, [~~$820.00~~] $822.00; and for an eligible couple living alone, [~~$1204.00~~] $1,207.00.

(b) On and after January first, two thousand [~~sixteen~~] seventeen, for an eligible individual living with others with or without in-kind income, [~~$756.00~~] $758.00; and for an eligible couple living with others with or without in-kind income, [~~$1146.00~~] $1,149.00.

(c) On and after January first, two thousand [~~sixteen~~] seventeen, (i) for an eligible individual receiving family care, [~~$999.48~~] $1,001.48 if he or she is receiving such care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible couple receiving family care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland, two times the amount set forth in subparagraph (i) of this paragraph; or (iii) for an eligible individual receiving such care in any other county in the state, [~~$961.48~~] $963.48; and (iv) for an eligible couple receiving such care in any other county in the state, two times the amount set forth in subparagraph (iii) of this paragraph.

(d) On and after January first, two thousand [~~sixteen~~] seventeen, (i) for an eligible individual receiving residential care, [~~$1168.00~~] $1,170.00 if he or she is receiving such care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible couple receiving residential care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland, two times the amount set forth in subparagraph (i) of this paragraph; or (iii) for an eligible individual receiving such care in any other county in the state, [~~$1138.00~~] $1,140.00; and (iv) for an eligible couple receiving such care in any other county in the state, two times the amount set forth in subparagraph (iii) of this paragraph.

(e) (i) On and after January first, two thousand [~~sixteen~~] seventeen, for an eligible individual receiving enhanced residential care, [~~$1427.00~~] $1,429.00; and (ii) for an eligible couple receiving enhanced residential care, two times the amount set forth in subparagraph (i) of this paragraph.

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

§ 3. This act shall take effect December 31, 2017.

PART Q

Section 1. Section 412 of the social services law is amended by adding a new subdivision 9 to read as follows:

9. A "publicly-funded emergency shelter for families with children" means any facility with overnight sleeping accommodations and that is used to house recipients of temporary housing assistance and which houses or may house children and families with children.

§ 2. Paragraph (a) of subdivision 1 of section 413 of the social services law, as separately amended by chapters 126 and 205 of the laws of 2014, is amended to read as follows:

(a) The following persons and officials are required to report or cause a report to be made in accordance with this title when they have reasonable cause to suspect that a child coming before them in their professional or official capacity is an abused or maltreated child, or when they have reasonable cause to suspect that a child is an abused or maltreated child where the parent, guardian, custodian or other person legally responsible for such child comes before them in their professional or official capacity and states from personal knowledge facts, conditions or circumstances which, if correct, would render the child an abused or maltreated child: any physician; registered physician assistant; surgeon; medical examiner; coroner; dentist; dental hygienist; osteopath; optometrist; chiropractor; podiatrist; resident; intern; psychologist; registered nurse; social worker; emergency medical technician; licensed creative arts therapist; licensed marriage and family therapist; licensed mental health counselor; licensed psychoanalyst; licensed behavior analyst; certified behavior analyst assistant; hospital personnel engaged in the admission, examination, care or treatment of persons; a Christian Science practitioner; school official, which includes but is not limited to school teacher, school guidance counselor, school psychologist, school social worker, school nurse, school administrator or other school personnel required to hold a teaching or administrative license or certificate; full or part-time compensated school employee required to hold a temporary coaching license or professional coaching certificate; social services worker; **employee of a publicly-funded emergency shelter for families with children;** director of a children's overnight camp, summer day camp or traveling summer day camp, as such camps are defined in section thirteen hundred ninety-two of the public health law; day care center worker; school-age child care worker; provider of family or group family day care; employee or volunteer in a residential care facility for children that is licensed, certified or operated by the office of children and family services; or any other child care or foster care worker; mental health professional; substance abuse counselor; alcoholism counselor; all persons credentialed by the office of alcoholism and substance abuse services; peace officer; police officer; district attorney or assistant district attorney; investigator employed in the office of a district attorney; or other law enforcement official.

§ 3. Subdivision 3 of section 424-a of the social services law, as amended by section 8 of part D of chapter 501 of the laws of 2012, is amended to read as follows:

3. For purposes of this section, the term "provider" or "provider agency" shall mean**:** an authorized agency[~~,~~]**;** the office of children and family services[~~,~~]**;** juvenile detention facilities subject to the certification of [~~such~~] **the** office[~~,~~] **of children and family services;** programs established pursuant to article nineteen-H of the executive law[~~,~~]**;** non-residential or residential programs or facilities licensed or operated by the office of mental health or the office for people with

developmental disabilities except family care homes[~~,~~]; licensed child day care centers, including head start programs which are funded pursuant to title V of the federal economic opportunity act of nineteen hundred sixty-four, as amended[~~,~~]; early intervention service established pursuant to section twenty-five hundred forty of the public health law[~~,~~]; preschool services established pursuant to section forty-four hundred ten of the education law[~~,~~]; school-age child care programs[~~,~~]; special act school districts as enumerated in chapter five hundred sixty-six of the laws of nineteen hundred sixty-seven, as amended[~~,~~]; programs and facilities licensed by the office of alcoholism and substance abuse services[~~,~~]; residential schools which are operated, supervised or approved by the education department[~~,~~]; publicly-funded emergency shelters for families with children, provided, however, for purposes of this section, when the provider or provider agency is a publicly-funded emergency shelter for families with children, then all references in this section to the "potential for regular and substantial contact with individuals who are cared for by the agency" shall mean the potential for regular and substantial contact with children who are served by such shelter; and any other facility or provider agency, as defined in subdivision four of section four hundred eighty-eight of this chapter, in regard to the employment of staff, or use of providers of goods and services and staff of such providers, consultants, interns and volunteers.

§ 4. The social services law is amended by adding a new section 460-h to read as follows:

§ 460-h. Review of criminal history information concerning prospective employees, consultants, assistants and volunteers of publicly-funded emergency shelters for families with children. 1. Every provider of services to publicly-funded emergency shelters for families with children, as such phrase is defined in subdivision nine of section four hundred twelve of this chapter, shall request from the division of criminal justice services criminal history information, as such phrase is defined in paragraph (c) of subdivision one of section eight hundred forty-five-b of the executive law, concerning each prospective employee, consultant, assistant or volunteer of such provider who will have the potential for regular and substantial contact with children who are served by the publicly-funded emergency shelter for families with children.

(a) Prior to requesting criminal history information concerning any prospective employee, consultant, assistant or volunteer, a provider shall:

(1) inform the prospective employee, consultant, assistant or volunteer in writing that the provider is required to request his or her criminal history information from the division of criminal justice services and review such information pursuant to this section; and

(2) obtain the signed informed consent of the prospective employee, consultant, assistant or volunteer on a form supplied by the division of criminal justice services which indicates that such person has:

(i) been informed of the right and procedures necessary to obtain, review and seek correction of his or her criminal history information;

(ii) been informed of the reason for the request for his or her criminal history information;

(iii) consented to such request; and

(iv) supplied on the form a current mailing or home address.

(b) Upon receiving such written consent, the provider shall obtain a set of fingerprints of such prospective employee, consultant, assistant,

or volunteer and provide such fingerprints to the division of criminal justice services pursuant to regulations established by the division of criminal justice services.

2. A provider shall designate one or two persons in its employ who shall be authorized to request, receive and review the criminal history information, and only such persons and the prospective employee, consultant, assistant or volunteer to which the criminal history information relates shall have access to such information; provided, however, the criminal history information may be disclosed to other personnel authorized by the provider who are empowered to make decisions concerning prospective employees, consultants, assistants or volunteers and provided further that such other personnel shall also be subject to the confidentiality requirements and all other provisions of this section. A provider shall notify each person authorized to have access to criminal history information pursuant to this section.

3. A provider requesting criminal history information pursuant to this section shall also complete a form developed for such purpose by the division of criminal justice services. Such form shall include a sworn statement of the person designated by such provider to request, receive and review criminal history information pursuant to subdivision two of this section certifying that:

(a) such criminal history information will be used by the provider solely for purposes authorized by this section;

(b) the provider and its staff are aware of and will abide by the confidentiality requirements and all other provisions of this section; and

(c) the persons designated by the provider to receive criminal history information pursuant to subdivision two of this section shall upon receipt immediately mark such criminal history information "confidential," and shall at all times maintain such criminal history information in a secure place.

4. Upon receipt of the fingerprints and sworn statement required by this section, the provider shall promptly submit the fingerprints to the division of criminal justice services.

5. The division of criminal justice services shall promptly provide the requested criminal history information, if any, to the provider that transmitted the fingerprints to it. Criminal history information provided by the division of criminal justice services pursuant to this section shall be furnished only by mail or other method of secure and confidential delivery, addressed to the requesting provider. Such information and the envelope in which it is enclosed shall be prominently marked "confidential," and shall at all times be maintained by the provider in a secure place.

6. Upon receipt of criminal history information from the division of criminal justice services, the provider may request, and is entitled to receive, information pertaining to any crime identified on such criminal history information from any state or local law enforcement agency, district attorney, parole officer, probation officer or court for the purposes of determining whether any grounds relating to such crime exist for denying any application, renewal, or employment.

7. After receiving criminal history information pursuant to subdivisions five and six of this section and before making a determination, the provider shall provide the prospective employee, consultant, assistant or volunteer with a copy of such criminal history information and a copy of article twenty-three-A of the correction law and inform such prospective employee, consultant, assistant and volunteer of his or her

right to seek correction of any incorrect information contained in such criminal history information provided by the division of criminal justice services pursuant to the regulations and procedures established by the division of criminal justice services and the right of the prospective employee, consultant, assistant or volunteer to provide information relevant to such analysis.

8. Criminal history information obtained pursuant to subdivisions five and six of this section shall be considered by the provider in accordance with the provisions of article twenty-three-A of the correction law and subdivisions fifteen and sixteen of section two hundred ninety-six of the executive law.

9. A prospective employee, consultant, assistant or volunteer may withdraw from the application process, without prejudice, at any time regardless of whether he or she, or the provider, has reviewed his or her criminal history information. Where a prospective employee, consultant, assistant or volunteer withdraws from the application process, any fingerprints and criminal history information concerning such prospective employee, consultant, assistant or volunteer received by the provider shall, within ninety days, be returned to such prospective employee, consultant, assistant or volunteer by the person designated for receipt of criminal history information pursuant to subdivision two of this section.

10. Any person who willfully permits the release of any confidential criminal history information contained in the report to persons not permitted by this section to receive such information shall be guilty of a misdemeanor.

11. The commissioner of the division of criminal justice services, in consultation with the office of temporary and disability assistance, shall promulgate all rules and regulations necessary to implement the provisions of this section, which shall include convenient procedures for the provider to promptly verify the accuracy of the reviewed criminal history information and, to the extent authorized by law, to have access to relevant documents related thereto.

§ 5. Severability. If any clause, sentence, paragraph, subdivision, or section contained in this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or section 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 provision had not been included herein.

§ 6. This act shall take effect on the ninetieth day after it shall have become a law; provided however that: the commissioner of the office of children and family services, in consultation with the office of temporary and disability assistance, shall promulgate all rules and regulations necessary to implement the provisions of section two of this act; the commissioner of the office of temporary and disability assistance, in consultation with the office of children and family services, shall promulgate all rules and regulations necessary to implement the provisions of sections one and three of this act; and the commissioner of the division of criminal justice services, in consultation with the office of temporary and disability assistance, shall promulgate all rules and regulations necessary to implement the provisions of section four of this act; and provided further, the aforementioned rules or regulations may be promulgated on an emergency basis.

PART R

Section 1. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for purposes of the rural rental assistance program, a sum not to exceed twenty-two million nine hundred sixty thousand dollars for the fiscal year ending March 31, 2018. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the housing trust fund corporation, for the purposes of reimbursing any costs associated with rural rental assistance program contracts authorized by this section, a total sum not to exceed twenty-two million nine hundred sixty thousand dollars, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2016-2017 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than June 30, 2017.

§ 2. Notwithstanding any other provision of law, the housing finance agency may provide, for costs associated with the rehabilitation of Mitchell Lama housing projects, a sum not to exceed forty-one million dollars for the fiscal year ending March 31, 2018. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the housing finance agency, for the purposes of reimbursing any costs associated with Mitchell Lama housing projects authorized by this section, a total sum not to exceed forty-one million dollars, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2016-2017 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than March 31, 2018.

§ 3. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for purposes of the neighborhood preservation program, a sum not to exceed eleven million two hundred seventy-nine thousand dollars for the fiscal year ending March 31, 2018. Within this total amount, one hundred fifty thousand dollars shall be used for the purpose of entering into a contract with the neighborhood preservation coalition to provide technical assistance and services to companies

funded pursuant to article XVI of the private housing finance law. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the housing trust fund corporation, for the purposes of reimbursing any costs associated with neighborhood preservation program contracts authorized by this section, a total sum not to exceed eleven million two hundred seventy-nine thousand dollars, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2016-2017 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than June 30, 2017.

§ 4. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for purposes of the rural preservation program, a sum not to exceed four million seven hundred thirty-nine thousand dollars for the fiscal year ending March 31, 2018. Within this total amount, one hundred fifty thousand dollars shall be used for the purpose of entering into a contract with the rural housing coalition to provide technical assistance and services to companies funded pursuant to article XVII of the private housing finance law. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the housing trust fund corporation, for the purposes of reimbursing any costs associated with rural preservation program contracts authorized by this section, a total sum not to exceed four million seven hundred thirty-nine thousand dollars, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2016-2017 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than June 30, 2017.

§ 5. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for purposes of the rural and urban community investment fund program created pursuant to article XXVII of the private housing finance law, a sum not to exceed twenty-seven million three hundred thousand dollars for the fiscal year ending March 31, 2018. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of

directors of the state of New York mortgage agency shall authorize the transfer to the housing trust fund corporation, for the purposes of reimbursing any costs associated with rural and urban community investment fund program contracts authorized by this section, a total sum not to exceed twenty-seven million three hundred thousand dollars, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2016-2017 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than March 31, 2018.

§ 6. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for the purposes of carrying out the provisions of the low income housing trust fund program created pursuant to article XVIII of the private housing finance law, a sum not to exceed twenty-one million dollars for the fiscal year ending March 31, 2018. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the housing trust fund corporation, for the purposes of carrying out the provisions of the low income housing trust fund program created pursuant to article XVIII of the private housing finance law authorized by this section, a total sum not to exceed twenty-one million dollars, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2016-2017 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than March 31, 2018.

§ 7. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for purposes of the homes for working families program for deposit in the housing trust fund created pursuant to section 59-a of the private housing finance law and subject to the provisions of article XVIII of the private housing finance law, a sum not to exceed two million dollars for the fiscal year ending March 31, 2018. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the housing trust fund corporation, for the purposes of reimbursing any costs associated with homes for working families program contracts authorized by this section, a total sum not to exceed two million dollars, such transfer to be made from (i) the special account

of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2016-2017 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than March 31, 2018.

§ 8. Notwithstanding any other provision of law, the homeless housing and assistance corporation may provide, for purposes of the New York state supportive housing program, the solutions to end homelessness program or the operational support for AIDS housing program, or to qualified grantees under those programs, in accordance with the requirements of those programs, a sum not to exceed six million five hundred twenty-two thousand dollars for the fiscal year ending March 31, 2018. The homeless housing and assistance corporation may enter into an agreement with the office of temporary and disability assistance to administer such sum in accordance with the requirements of the programs. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the homeless housing and assistance corporation, a total sum not to exceed six million five hundred twenty-two thousand dollars, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2016-2017 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than March 31, 2018.

§ 9. Notwithstanding any other provision of law to the contrary, the state office for the aging may provide, for costs associated with naturally occurring retirement communities, a sum not to exceed one million dollars for the fiscal year ending March 31, 2018. Notwithstanding any other provision of law to the contrary, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the state office for the aging, for the purposes of reimbursing any costs associated with naturally occurring retirement communities authorized by this section, a total sum not to exceed one million dollars, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year

2016-2017 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than June 30, 2018.

§ 10. Notwithstanding any other provision of law to the contrary, the state office for the aging may provide, for costs associated with neighborhood naturally occurring retirement communities, a sum not to exceed one million dollars for the fiscal year ending March 31, 2018. Notwithstanding any other provision of law to the contrary, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the state office for the aging, for the purposes of reimbursing any costs associated with neighborhood naturally occurring retirement communities authorized by this section, a total sum not to exceed one million dollars, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2016-2017 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than June 30, 2018.

§ 11. Notwithstanding any other provision of law to the contrary, the New York City Housing Authority may provide, for the purposes of carrying out the resident watch program, a sum not to exceed one million two hundred thousand dollars for the fiscal year ending March 31, 2018. Notwithstanding any other provision of law to the contrary, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the New York City Housing Authority, for the purposes of carrying out the resident watch program authorized by this section, a total sum not to exceed one million two hundred thousand dollars, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2016-2017 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than June 30, 2018.

§ 12. Notwithstanding any other provision of law, the department of law may provide, for costs associated with foreclosure prevention services, a sum not to exceed ten million dollars for the fiscal year ending March 31, 2018. Notwithstanding any other provision of law, the board of directors of the state of New York mortgage agency shall authorize the transfer to the department of law for costs associated with foreclosure prevention services authorized by this section, a total sum not to exceed ten million dollars, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2016-2017 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than March 31, 2018.

§ 13. This act shall take effect immediately.

PART S

Intentionally Omitted

PART T

Section 1. Section 170.15 of the criminal procedure law is amended by adding a new subdivision 5 to read as follows:

5. Notwithstanding any provision of this section to the contrary, in any county outside a city having a population of one million or more, upon or after arraignment of a defendant on an information, a simplified information, a prosecutor's information or a misdemeanor complaint pending in a local criminal court, such court may, upon motion of the defendant and after giving the district attorney an opportunity to be heard, order that the action be removed from the court in which the matter is pending to another local criminal court in the same county, or with consent of the district attorney to another court in an adjoining county, that has been designated as a veterans court by the chief administrator of the courts, and such veterans court may then conduct such action to judgment or other final disposition; provided, however, that an order of removal issued under this subdivision shall not take effect until five days after the date the order is issued unless, prior to such effective date, the veterans court notifies the court that issued the order that:

(a) it will not accept the action, in which event the order shall not take effect, or

(b) it will accept the action on a date prior to such effective date, in which event the order shall take effect upon such prior date.

Upon providing notification pursuant to paragraph (a) or (b) of this subdivision, the veterans court shall promptly give notice to the defendant, his or her counsel and the district attorney.

§ 2. Section 180.20 of the criminal procedure law is amended by adding a new subdivision 4 to read as follows:

4. Notwithstanding any provision of this section to the contrary, in any county outside a city having a population of one million or more, upon or after arraignment of a defendant on a felony complaint pending in a local criminal court having preliminary jurisdiction thereof, such court may, upon motion of the defendant and after giving the district attorney an opportunity to be heard, order that the action be removed from the court in which the matter is pending to another local criminal court in the same county, or with consent of the district attorney to another court in an adjoining county, that has been designated as a veterans court by the chief administrator of the courts, and such veterans court may then conduct such action to judgment or other final disposition; provided, however, that an order of removal issued under this subdivision shall not take effect until five days after the date the order is issued unless, prior to such effective date, the veterans court notifies the court that issued the order that:

(a) it will not accept the action, in which event the order shall not take effect, or

(b) it will accept the action on a date prior to such effective date, in which event the order shall take effect upon such prior date.

Upon providing notification pursuant to paragraph (a) or (b) of this subdivision, the veterans court shall promptly give notice to the defendant, his or her counsel and the district attorney.

§ 3. Subdivision 2 of section 212 of the judiciary law is amended by adding a new paragraph (u) to read as follows:

(u) To the extent practicable, establish such number of veterans courts as may be necessary to fulfill the purposes of subdivision five of section 170.15 and subdivision four of section 180.20 of the criminal procedure law.

§ 4. This act shall take effect immediately.

PART U

Intentionally Omitted

PART V

Section 1. Subdivision 2 of section 410-x of the social services law, as amended by chapter 416 of the laws of 2000, is amended to read as follows:

2. (a) A social services district may establish priorities for the families which will be eligible to receive funding; provided that the priorities provide that eligible families will receive equitable access to child care assistance funds to the extent that these funds are available.

(b) A social services district shall set forth its priorities for child care assistance in the district's consolidated services plan. The commissioner of the office of children and family services shall not approve any plan that does not provide for equitable access to child care assistance funds.

(c) A social services district shall be authorized to set aside portions of its block grant allocation to serve one or more of its priority groups and/or to discontinue funding to families with lower priorities in order to serve families with higher priorities; provided that the method of disbursement to priority groups provides that eligible families within a priority group will receive equitable access to

child care assistance funds to the extent that these funds are available.

(d) **Notwithstanding any other provision of law to the contrary, the commissioner in any social services district that does not have sufficient funding to serve all eligible working families under two hundred percent of the state income standard, shall offer the twelve month work exemption provided in paragraph (d) of subdivision one of section three hundred thirty-two of this chapter, to any parent or other relative in receipt of public assistance who is personally providing care for a child under one year of age regardless of whether such parent or other relative has previously been offered an exemption under such section three hundred thirty-two. This section shall not apply to individuals who:**

(i) solely participate in work activities that provide earned income; or

(ii) participate in a combination of work activities; for the portion of work activities that provide earned income.

(e) In the event that a social services district must discontinue funding to a priority group it shall notify the office of children and family services within ten days of such action, identifying the particular group affected. In the event that funding is restored, the social services district shall notify the office of children and family services within ten days of such restoration.

(f) Each social services district shall collect and submit to the commissioner of the office of children and family services in a manner to be specified by the commissioner of the office of children and family services information concerning the disbursement of child care assistance funds showing geographic distribution of children receiving assistance within the district**, the number of working families who were otherwise eligible for child care assistance but who were denied because the district lacked sufficient funding to serve all eligible families and the number and age of children who could not be served as a result**.

[~~(e)~~] **(g)** The commissioner of the office of children and family services shall submit a report to the governor, temporary president of the senate and the speaker of the assembly on or before August thirty-first[~~, two thousand one~~] **of every year** concerning the implementation of this section. This report shall include information concerning the disbursement of child care assistance funds showing geographic distribution of children receiving assistance within the state. **Beginning August thirty-first, one year after the chapter of the laws of two thousand seventeen that amended this subdivision shall take effect, and each subsequent report thereafter, such report shall also:**

(i) identify the counties that have discontinued or restored funding to priority groups, as set forth in subdivision (e) of this section;

(ii) list the priority groups affected;

(iii) provide for each county for each of the twelve months covered by this report the number of working families who were otherwise eligible for child care assistance but who were denied because the district lacked sufficient funding to serve all eligible families; and

(iv) the number and age of children who could not be served as a result.

§ 2. This act shall take effect April 1, 2017.

PART W

Section 1. Subdivision 1 of section 336-a of the social services law, as amended by section 4 of part J of chapter 58 of the laws of 2014, is amended to read as follows:

1. Social services districts shall make available vocational educational training and educational activities. Such activities [~~may~~] **shall** include but need not be limited to, high school education or education designed to prepare a participant for a high school equivalency certificate, basic and remedial education, education in English proficiency and no more than a total of four years of post-secondary education (or the part-time equivalent). Educational activities pursuant to this section may be offered with any of the following providers which meet the performance or assessment standards established in regulations by the commissioner for such providers: a community college, licensed trade school, registered business school, or a two-year or four-year college; provided, however, that such post-secondary education must be necessary to the attainment of the participant's individual employment goal as set forth in the employability plan and such goal must relate directly to obtaining useful employment in a recognized occupation. When making any assignment to any educational activity pursuant to this subdivision, such assignment shall be permitted only to the extent that such assignment is consistent with the individual's assessment and employment plan goals in accordance with sections three hundred thirty-five and three hundred thirty-five-a of this title and shall require that the individual maintains satisfactory academic progress and hourly participation is documented consistent with federal and state requirements. For purposes of this provision "satisfactory academic progress" shall mean having a cumulative C average, or its equivalent, as determined by the academic institution. The requirement to maintain satisfactory academic progress may be waived if done so by the academic institution and the social services district based on undue hardship caused by an event such as a personal injury or illness of the student, the death of a relative of the student or other extenuating circumstances. Any enrollment in post-secondary education beyond a twelve month period must be combined with no less than twenty hours of participation averaged weekly in paid employment or work activities or community service when paid employment is not available.

§ 2. Section 336 of the social services law is amended by adding a new subdivision 9 to read as follows:

9. For any participant engaged in an educational or training activity pursuant to paragraphs (h), (i), (j), (k) or (n) of subdivision one of this section, homework expected or required by the educational institution, including up to one hour of unsupervised homework per hour of class time, plus additional hours of homework supervised by the educational institution, shall count towards satisfaction of the participant's work activity requirements under this title, to the extent that such participation shall not impair the need of the social services district to meet federal and state work activity participation requirements.

§ 3. This act shall take effect April 1, 2017.

PART X

Section 1. The education law is amended by adding a new article 128 to read as follows:

ARTICLE 128

PUBLIC UNIVERSITY AFFILIATED ORGANIZATIONS AND FOUNDATIONS

Section 6360. Public university and foundation oversight.

§ 6360. Public university and foundation oversight. 1. Definition. For purposes of this section, the term "affiliated organization or foundation" shall mean an organization or foundation formed under the not-for-profit corporation law or any other entity formed for the benefit of or controlled by the state university of New York or the city university of New York or their respective universities, colleges, community colleges, campuses or subdivisions, including the research foundation of the state university of New York and the research foundation of the city university of New York, to assist in meeting the specific needs of, or providing a direct benefit to, the respective university, college, community college, campus or subdivision or the university as a whole, that has control of, manages or receives one hundred thousand dollars or more annually, including alumni associations. For the purposes of this section, this term does not include a student-run organization comprised solely of enrolled students and formed for the purpose of advancing a student objective.

2. Financial control policies. (a) The trustees of the state university of New York and the city university of New York and each affiliated organization or foundation shall respectively adopt financial control policies designed to prevent corruption, fraud, criminal activity, conflicts of interest or abuse.

(b) The state university of New York, the city university of New York, and each affiliated organization or foundation shall each appoint compliance officers to provide assistance in oversight and monitoring of the financial control policies established pursuant to this section by the respective state university of New York, city university of New York or affiliated organization or foundation.

3. Reporting requirements. (a) The trustees of the state university of New York and the city university of New York shall require, on or before November first of each year, an annual report of any affiliated organization or foundation, in a standardized format developed by the chancellor. The annual reports required by this subdivision shall be posted publicly on the website of the state university of New York or the city university of New York, respectively, in a readable format by November first of each year. The reports shall include, but not be limited to:

(i) financial reports, including: audited financials following generally accepted accounting principles as defined in subdivision ten of section two of the state finance law; and any long-term liabilities;

(ii) a list of all contracts including amount, purpose and identifying vendor information of each; and

(iii) the total number of employees of such organization or foundation by department and job location and amount spent on personnel by department and job location, which shall include annual employee salaries, or other compensation, employee job titles and descriptions and employee benefits.

(b) The reports required by this subdivision shall not require disclosure of information that: (i) is specifically exempted from disclosure by state or federal law; (ii) if disclosed would constitute an unwarranted invasion of personal privacy under the provisions of subdivision two of section eighty-nine of the public officers law; (iii) if disclosed would impair imminent contract awards or collective bargaining negotiations; (iv) are trade secrets or is information that if disclosed would cause substantial injury to a competitive business position; (v) are records of an affiliated organization or foundation relating to charitable donors or prospective donors, provided that records relating

to fundraising strategies would, if disclosed, impair the ability of such affiliated organization or foundation to attract or gain donations, and provided, however, that the name of any donor and the amount of donation made by such donor shall be subject to disclosure if such donor, or any entity in which such donor has a substantial interest, seeks to transact business, or does transact business, with such affiliated organization or foundation to which the donation is made within three years of the date of such donation; and (vi) are academic or scientific research or research-related records, including any draft, preliminary or unfunded grant or contract document, whether sponsored by the affiliated organization or foundation itself or in conjunction with a third party, or records relating to such affiliated organization or foundation's intellectual property, which, if disclosed, would adversely affect license, patent, copyright or other rights of such affiliated organization or foundation. This paragraph shall not be construed to permit an affiliated organization or foundation to withhold records or portions thereof pertaining to the name, title, expenditure, source or amount of public funding relating to such research or intellectual property.

4. Access to records. a. Access to records of each affiliated organization or foundation which receives or distributes any public money, and which provides grants, funding or other support for economic development purposes, construction purposes, or other capital purposes, shall be governed pursuant to article six of the public officers law, provided, however, that such affiliated organization or foundation may also deny access to records or portions thereof that: (i) are records of an affiliated organization or foundation relating to charitable donors or prospective donors provided that records relating to fundraising strategies would, if disclosed, impair the ability of such affiliated organization or foundation to attract or gain donations, and provided, however, that the name of any donor and the amount of any donation made by such donor shall be subject to disclosure if such donor, or any entity in which such donor has a substantial interest, seeks to transact business, or does transact business, with such affiliated organization or foundation to which the donation is made within three years of the date of such donation; or (ii) are academic or scientific research or research-related records, including any draft, preliminary or unfunded grant or contract document, whether sponsored by the affiliated organization or foundation itself or in conjunction with a third party, or records relating to such affiliated organization or foundation's intellectual property, which, if disclosed, would adversely affect license, patent, copyright or other rights of such affiliated organization or foundation;

b. This subdivision shall not be construed to permit an affiliated organization or foundation to withhold records or portions thereof pertaining to the name, title, expenditure, source or amount of public funding relating to such research or intellectual property.

c. This subdivision shall be liberally construed to provide access to records to the greatest extent possible.

5. Open meetings. a. Meetings of each affiliated organization or foundation which receives or distributes any public money, and which provides grants, funding or other support for economic development purposes, construction purposes, or other capital purposes, shall be open to the public pursuant to article seven of the public officers law, provided, however, that an affiliated organization or foundation may upon a majority vote of its total membership, taken in an open meeting

pursuant to a motion identifying the specific subject to be considered may also conduct an executive session to discuss: (i) matters relating to charitable donors or prospective donors provided that discussion of such fundraising strategies would, if discussed in public, impair the ability of such affiliated organization or foundation to attract or gain donations; or (ii) matters that are academic or scientific research or research-related, including discussion of any draft, preliminary or unfunded grant or contract document, whether sponsored by the affiliated organization or foundation itself or in conjunction with a third party; or (iii) matters relating to such affiliated organization or foundation's intellectual property, which, if disclosed, would adversely affect license, patent, copyright or other rights of such affiliated organization or foundation.

b. This subdivision shall be liberally construed to permit public access to meetings of the affiliated organization or foundation to the greatest extent possible.

§ 2. This act shall take effect immediately.

PART Y

Section 1. Item 1 of clause (A) of subparagraph (i) of paragraph a of subdivision 3 of section 667 of the education law, as amended by section 1 of part H of chapter 58 of the laws of 2011, the opening paragraph as amended by section 2 of part X, subitem (a) as amended by section 2, subitem (b) as amended by section 3 and subitem (c) as amended by section 1 of part U of chapter 56 of the laws of 2014 and subitem (d) as added by section 1 of part E of chapter 58 of the laws of 2011, is amended to read as follows:

(1) In the case of students who have not been granted an exclusion of parental income, who have qualified as an orphan, foster child, or ward of the court for the purposes of federal student financial aid programs authorized by Title IV of the Higher Education Act of 1965, as amended, or had a dependent for income tax purposes during the tax year next preceding the academic year for which application is made, except for those students who have been granted exclusion of parental income who have a spouse but no other dependent:

(a) For students first receiving aid after nineteen hundred ninety-three--nineteen hundred ninety-four and before two thousand--two thousand one, four thousand two hundred ninety dollars, except starting in two thousand seventeen--two thousand eighteen such students shall receive four thousand six hundred twenty-five dollars; starting in two thousand eighteen--two thousand nineteen such students shall receive four thousand nine hundred sixty dollars; starting in two thousand nineteen--two thousand twenty such students shall receive five thousand two hundred ninety-five dollars; and starting in two thousand twenty--two thousand twenty-one and thereafter such student shall receive five thousand six hundred thirty dollars; or

(b) For students first receiving aid in nineteen hundred ninety-three--nineteen hundred ninety-four or earlier, three thousand seven hundred forty dollars, except starting in two thousand seventeen--two thousand eighteen such students shall receive four thousand seventy-five dollars; starting in two thousand eighteen--two thousand nineteen such students shall receive four thousand four hundred ten dollars; starting in two thousand nineteen--two thousand twenty such students shall receive four thousand seven hundred forty-five dollars; and starting in two thousand

twenty--two thousand twenty-one and thereafter such students shall receive five thousand eighty dollars; or

(c) For students first receiving aid in two thousand--two thousand one and thereafter, five thousand dollars, except starting in two thousand fourteen-two thousand fifteen and thereafter such students shall receive five thousand one hundred sixty-five dollars, except starting in two thousand seventeen--two thousand eighteen such students shall receive five thousand five hundred dollars; starting in two thousand eighteen--two thousand nineteen such students shall receive five thousand eight hundred thirty-five dollars; starting in two thousand nineteen--two thousand twenty such students shall receive six thousand one hundred seventy dollars; and starting in two thousand twenty--two thousand twenty-one and thereafter such students shall receive six thousand five hundred dollars; or

(d) For undergraduate students enrolled in a program of study at a non-public degree-granting institution that does not offer a program of study that leads to a baccalaureate degree, or at a registered not-for-profit business school qualified for tax exemption under section 501(c)(3) of the internal revenue code for federal income tax purposes that does not offer a program of study that leads to a baccalaureate degree, four thousand dollars. Provided, however, that this subitem shall not apply to students enrolled in a program of study leading to a certificate or degree in nursing.

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

(2) In the case of students receiving awards pursuant to subparagraph (iii) of this paragraph and those students who have been granted exclusion of parental income who have a spouse but no other dependent.

(a) For students first receiving aid in nineteen hundred ninety-four --nineteen hundred ninety-five and nineteen hundred ninety-five--nineteen hundred ninety-six and thereafter, three thousand twenty-five dollars, except starting in two thousand seventeen--two thousand eighteen such students shall receive three thousand three hundred sixty dollars; starting in two thousand eighteen--two thousand nineteen such students shall receive three thousand six hundred ninety-five dollars; starting in two thousand nineteen--two thousand twenty such students shall receive four thousand thirty dollars; and starting in two thousand twenty--two thousand twenty-one and thereafter such students shall receive four thousand three hundred sixty-five dollars; or

(b) For students first receiving aid in nineteen hundred ninety-two--nineteen hundred ninety-three and nineteen hundred ninety-three--nineteen hundred ninety-four, two thousand five hundred seventy-five dollars, except starting in two thousand seventeen--two thousand eighteen such students shall receive two thousand nine hundred ten dollars; starting in two thousand eighteen--two thousand nineteen such students shall receive three thousand two hundred forty-five dollars; starting in two thousand nineteen--two thousand twenty such students shall receive three thousand five hundred eighty dollars; and starting in two thousand twenty--two thousand twenty-one and thereafter such students shall receive three thousand nine hundred fifteen dollars; or

(c) For students first receiving aid in nineteen hundred ninety-one--nineteen hundred ninety-two or earlier, two thousand four hundred fifty dollars, except starting in two thousand seventeen--two thousand eighteen such students shall receive two thousand seven hundred eighty-five dollars; starting in two thousand eighteen--two thousand nineteen such

students shall receive three thousand one hundred twenty dollars; starting in two thousand nineteen--two thousand twenty such students shall receive three thousand four hundred fifty-five dollars; and starting in two thousand twenty--two thousand twenty-one and thereafter such students shall receive three thousand seven hundred ninety dollars; or

§ 3. This act shall take effect July 1, 2017.

PART Z

Section 1. Part 3 of article 14 of the education law is amended by adding a new section 685 to read as follows:

§ 685. Student loan refinance program. 1. The president, in collaboration with the dormitory authority of the state of New York, shall make recommendations for a program to allow qualified residents to refinance student loan debt from an eligible college at a favorable interest rate. The president and the dormitory authority of the state of New York may require qualified residents to meet minimum credit standards to refinance loans through any such program. Such recommendations shall be developed on or before November first, two thousand eighteen and the president and the dormitory authority of the state of New York shall issue a report at such time to the temporary president of the senate, the speaker of the assembly, and the chairs of the senate finance committee and the assembly ways and means committee on such recommendations.

2. Definitions. As used in this section, the following terms shall have the following meanings:

(a) "Qualified resident" shall mean: (i) a person who has legally resided in the state for at least seven of the previous ten years, including the most recent three years; and (ii) has been paying student loans on time for the past ten years.

(b) "Eligible college" shall mean a post-secondary institution eligible for funds under Title IV of the Higher Education Act of nineteen hundred sixty-five, as amended, or successor statute offering a two-year, four-year, graduate or professional degree granting or certificate program.

(c) "Student loans" shall mean loans that were secured to pay for the cost of attendance at an eligible college, including tuition and fees, books, room and board, and other educationally related expenses.

§ 2. This act shall take effect immediately.

PART AA

Section 1. The chancellor of the state university of New York and the chancellor of the city university of New York shall examine the process by which students, who are receiving support through opportunity programs or other programs that provide additional academic support, are able to maintain such support when such students transfer to a different campus or transfer from a community college to a senior or state operated college.

§ 2. This act shall take effect immediately.

PART BB

Section 1. Paragraph b of subdivision 2 of section 667-c of the education law as added by section 1 of part N of chapter 58 of the laws of 2006 is amended to read as follows:

b. has earned at least twelve credits in each of two consecutive semesters at one of the institutions named in paragraph a of this subdivision by the time of the awards, provided, however, that this paragraph shall not apply to part-time students enrolled at a community college;

§ 2. This act shall take effect July 1, 2017.

PART CC

Section 1. Subdivision c of section 2 of part K of chapter 58 of the laws of 2010 amending the social services law relating to establishing the savings plan demonstration, as amended by section 1 of part S of chapter 54 of the laws of 2016, is amended to read as follows:

c. this act shall expire and be deemed repealed March 31, [~~2017~~] 2019.

§ 2. This act shall take effect immediately.

PART DD

Section 1. Any construction project which is wholly or partially funded by (a) a competitive award of a regional economic development council; (b) resources made available from various state agencies through the Consolidated Funding Application; (c) resources allocated to the SUNY2020 and CUNY2020 challenge grant program; (d) financial assistance, including but not limited to tax exemptions, in excess of $150,000 per project made available by industrial development agencies formed pursuant to article 18-A of the general municipal law or industrial development authorities formed pursuant to article 8 of the public authorities law; or (e) resources allocated to Phase II of the Buffalo Regional Innovation Cluster (aka Buffalo Billion) shall be deemed public work and shall be subject to and performed in accordance with the provisions of article 8 of the labor law. For the purposes of this section, "construction" includes, but is not limited to, custom fabrication, demolition, reconstruction, excavation, rehabilitation, repair, installation, renovation, alteration, and associated site work with all of the foregoing.

§ 2. This act shall take effect immediately.

PART EE

Section 1. The education law is amended by adding a new article 120 to read as follows:

ARTICLE 120

NEW YORK STATE FIREARM VIOLENCE RESEARCH

Section 6010. New York state firearm violence research institute.

§ 6010. New York state firearm violence research institute. 1. Institute formation and goals. The New York state firearm violence research institute, hereinafter the "institute", is hereby created within the state university of New York. The purposes of the institute shall include:

(a) advising the governor, governmental agencies, the regents, and the legislature on matters relating to firearm violence in New York state;

(b) fostering, pursuing and sponsoring collaborative firearm violence research;

(c) increasing understanding by establishing and reporting on what is known and what is not known about firearm violence of the state;

(d) identifying priority needs for firearm violence research and inventory work within New York that currently are not receiving adequate

attention, and identifying public or private entities that are best situated to address such needs, thereby leading to better coordination of firearm violence research efforts in the state;

(e) promoting awareness of existing and new sources of firearm violence information and firearm violence while educating elected officials, governmental agencies, and the general public on firearm violence issues through such means as it may determine;

(f) organizing and sponsoring meetings on firearm violence topics;

(g) encouraging the establishment of networks of collaborating experts engaged in related aspects of firearm violence research;

(h) raising sensitivity to firearm violence concerns among state and local government agencies, and serving as a forum for enhanced interagency information sharing and cooperation;

(i) working on a continuing basis with policymakers in the legislature and state agencies to identify, implement, and evaluate innovative firearm violence prevention policies and programs;

(j) recruiting and providing specialized training opportunities for new researchers, including postdoctoral scholars, doctoral students, and undergraduates; and

(k) providing copies of their research publications to the legislature and to agencies supplying data used in the conduct of such research as soon as is practicable following publication.

2. Research. The institute shall foster, pursue, and sponsor basic, translational, and transformative research, field studies, and all other such activities to research:

(a) the nature of firearm violence, including individual and societal determinants of risk for involvement in firearm violence, whether as a victim or a perpetrator;

(b) the individual, community, and societal consequences of firearm violence;

(c) the prevention and treatment of firearm violence at the individual, community, and societal levels; and

(d) the effectiveness of existing laws and policies intended to reduce firearm violence and efforts to promote the responsible ownership and use of firearms.

3. Education and information transfer programs. The institute shall foster the collection, transfer, and application of firearm violence information in the state by:

(a) fostering access, compatibility, interchange, and synthesis of data about firearm violence maintained by public entities, academic and research institutions, and private organizations;

(b) employing advanced technology to coordinate for ease of use of the scattered firearm violence resources of the state; and

(c) supporting the preparation and publication of interpretative works that draw upon firearm violence resources.

4. Quinquennial reports. The institute shall prepare and submit a report on or before January first, two thousand eighteen and every five years thereafter to the governor and the legislature describing programs undertaken or sponsored by the institute, the status of knowledge regarding the state's firearm violence, and research needs related thereto.

5. Executive committee. The institute shall be guided by an executive committee. Members of the committee shall be from varying backgrounds with members selected from the scientific community, academic community, as well as from government service. Such committee shall consist of seventeen members including the commissioner, the commissioner of crimi-

nal justice services, the commissioner of health, the chancellor of the university or their designees, seven at large members appointed by the governor, one of whom shall be chairperson, two members appointed by the temporary president of the senate, one member appointed by the minority leader of the senate, two members appointed by the speaker of the assembly and one member appointed by the minority leader of the assembly. Appointed members shall serve for a term of three years, provided that such members may be reappointed. The executive committee shall:

(a) adopt policies, procedures, and criteria governing the programs and operations of the institute;

(b) recommend to the governor and legislature appropriate actions to deal with firearm violence within the state;

(c) develop and implement the research, education and information transfer programs of the institute;

(d) identify proposals for firearm violence research; and

(e) meet publicly at least twice a year. The committee shall widely disseminate notice of its meetings at least two weeks prior to each meeting. The commissioners on the executive committee and the chancellor of the university shall aid in such dissemination.

6. Scientific working group. The executive committee shall appoint a scientific working group composed of not more than fifteen individuals representing governmental agencies, academic or research institutions, educational organizations, the firearm industry and related non-profit organizations. Members of the scientific working group shall have knowledge and expertise in firearm violence research and shall serve for a term of three years, provided, however that members may be reappointed for more than one term at the discretion of the executive committee. The scientific working group shall make recommendations to the executive committee with respect to:

(a) the identification of priority firearm violence research needs in the state;

(b) the development and implementation of the institute's research, education, and information transfer programs; and

(c) identification of proposals for firearm violence research.

7. Institute director. The institute shall have a director who shall be appointed by the executive committee and shall after appointment be an employee of the state university. The institute director shall serve at the pleasure of the executive committee. The institute director shall serve as chief administrative officer of the institute and provide the necessary support for the executive committee.

8. Compensation. The members of the executive committee and the scientific working group shall serve without additional compensation, provided however, members of the executive committee representing state agencies may receive reimbursement for their actual and necessary expenses from their respective agencies. Members of the executive committee and scientific working group shall be considered state employees for the purposes of sections seventeen and nineteen of the public officers law.

9. Memorandum of understanding. The department, the department of health, the department of motor vehicles, and the division of criminal justice services shall enter into a written memorandum of understanding to facilitate the appropriate implementation of the firearm violence research institute and the goals, responsibilities, and programs established by this section.

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

PART FF

Section 1. The social services law is amended by adding a new section 131-bb to read as follows:

§ 131-bb. Home stability support program. 1. (a) Notwithstanding any other provision of law to the contrary, each local social services district shall provide a shelter supplement to eligible individuals and families with children to prevent eviction and address homelessness in accordance with this section.

(b) For the purposes of this section:

(i) "homeless" shall mean the lack of a fixed, regular, and adequate nighttime residence; having a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport or campground or other places not meant for human habitation; living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including hotels and motels paid for by federal, state or local government programs for low-income individuals or by charitable organizations, congregate shelters, or transitional housing); exiting an institution where they resided and will lack a regular fixed and adequate nighttime residence upon release or discharge; or are an unaccompanied youth and homeless families with children and youth defined as homeless under either this paragraph or federal statute who have experienced a long-term period without living independently in permanent housing; have experienced persistent instability as measured by frequent moves; and can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, the presence of a child or youth with a disability, or multiple barriers to employment, or other dangerous or life-threatening conditions, including conditions that relate to violence against an individual or a family member; and

(ii) "imminent loss of housing" shall mean having received a verified rent demand or a petition for eviction; having received a court order resulting from an eviction action that notifies the individual or family that they must leave their housing; facing loss of housing due to hazardous conditions, including but not limited to asbestos, lead exposure, mold, and radon; having a primary nighttime residence that is a room in a hotel or motel and lack the resources necessary to stay; facing loss of the primary nighttime residence, which may include living in the home of another household, where the owner or renter of the housing will not allow the individual or family to stay, provided further, that an assertion from an individual or family member alleging such loss of housing or homelessness shall be sufficient to establish eligibility; or, fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, human trafficking or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, provided further that an assertion from an individual or family member alleging such abuse and loss of housing shall be sufficient to establish eligibility.

2. (a) Each local social services district shall provide a shelter supplement to eligible individuals and families with children as defined in subdivision three of this section in an amount equal to eighty-five percent of the fair market rent in the district, as established by the federal department of housing and urban development, for the particular

household composition. The shelter supplement shall be issued by the local social services district directly to the landlord or vendor.

(b) A local social services district may also provide an additional supplement in an amount up to one hundred percent of the fair market rent in the district, as established by the federal department of housing and urban development. Provided, however, the cost of the additional supplement shall be paid by the local social services district.

(c) In addition to the shelter supplement referenced in this subdivision, when an eligible recipient, as defined in subdivision three of this section, incurs separate fuel for heating expenses, the local social services district shall also provide a heating allowance. The allowance shall be equivalent to the full amount of fuel for heating expenses, and shall be made directly to the vendor on behalf of the recipient. Any expenses incurred by the local social services district that are (i) in excess of a recipient's fuel for heating allowance authorized pursuant to paragraph (b) of subdivision two of section one hundred thirty-one-a of this title; (ii) made pursuant to section ninety-seven of this chapter; or (iii) to cover any arrears payments made to restore heating services or to prevent a shut-off, shall not be recoupable.

(d) Individuals not in receipt of public assistance, residing in a household that is benefiting from a shelter supplement under this section shall be required to contribute thirty percent of their gross income, or their pro rata share of the rent, whichever is less. Minor children without income shall not be counted in the pro rata share equation. In addition, the income of minor children shall not be considered part of the gross income.

(e) Any supplement or allowance provided under this section shall not be considered to be part of the standard of need as defined in paragraph (b) of subdivision ten of section one hundred thirty-one-a of this title.

(f) In the event that the local social services district determines that payment of rental arrears would prevent homelessness and subsequently pays such arrears, such payments shall not be recoupable.

3. (a) For the period beginning October first, two thousand seventeen until September thirtieth, two thousand eighteen, individuals, or families with children, who are eligible for public assistance, are either homeless or face an imminent loss of housing, and are not currently receiving another shelter supplement shall be eligible for the shelter supplement provided under this section.

(b) On and after October first, two thousand eighteen, (i) individuals, or families with children, who are eligible for public assistance and are either homeless or face an imminent loss of housing, and are not currently receiving another shelter supplement; or (ii) are currently in receipt of a shelter supplement, other than a supplement required by this section being transferred to the home stability support program pursuant to subdivision eight of this section shall be eligible for the shelter supplement provided under this section.

4. (a) Local social services districts shall provide the shelter supplement required under this section for up to five years, provided such individuals or families are otherwise eligible for public assistance. A shelter supplement may be provided for an additional length of time for good cause.

(b) If an individual or family with children receiving the shelter supplement is no longer eligible for public assistance, the local social services district shall continue to provide the shelter supplement, and

if appropriate heating allowance, for one year from the date of such determination, so long as their income does not exceed two hundred percent of the federal poverty level.

5. The shelter supplement and heating allowance shall not be affected by a recipient's sanction status.

6. (a) The commissioner shall contract with a not-for-profit agency, that has experience providing casework services to the homeless and at-risk of homelessness populations, for the purpose of providing home stability support case management services. Such services shall assist recipients, as defined in subdivision three of this section, in avoiding homelessness and achieving long-term housing stability. Such services shall include, but not limited to:

(i) services to resolve conflicts between landlords and tenants and to facilitate fair and workable solutions;

(ii) referrals to legal services to households threatened with the loss of their homes through eviction, harassment or other means;

(iii) benefit/entitlement advocacy to ensure that households are receiving all federal, state and local benefits to which they are entitled, such as temporary assistance to needy families, safety net assistance, supplemental nutrition assistance program, supplemental security income, rent security deposits, furniture and household moving expenses, medical assistance; and

(iv) relocation assistance which provides for the identification of and referral to permanent and habitable housing, transportation services, landlord/tenant lease negotiation services and assistance in establishing utility services.

(b) The commissioner shall issue a request-for-proposal for home stability support casework services. The request-for-proposal shall include:

(i) a description of the home stability support services to be provided, including procedures for intake, referral, outreach, the provision of services, follow-up and anticipated outcomes;

(ii) a description of the manner in which coordination with other federal, state, local and privately funded services will be achieved; and

(iii) a description of how the services will be designed to assist households to achieve housing stability.

(c) Prior to entering into a contract pursuant to this subdivision, the commissioner shall determine that the eligible applicant is a bona fide organization which shall have demonstrated by its past and current activities that it has the ability to provide such services, that the organization is financially responsible and that the proposal is appropriate for the needs of households to be served.

7. The home stability support program shall provide for up to a total of fourteen thousand new shelter supplements a year statewide, and funds shall be distributed to each local social services district based on their pro rata share of households below the federal poverty level in the state, using the most recent United States census data as of April first, two thousand seventeen, and annually thereafter.

8. If local social services districts offer a shelter supplement not required by this section, such districts may utilize supplements available under this section on or after October first, two thousand eighteen, to transfer eligible recipients as defined in subparagraph (ii) of paragraph (b) of subdivision three of this section into the home stability support program. Provided, however, a district shall not allocate one hundred percent of their shelter supplements provided under this

section to existing supplement recipients, unless there is no current or unmet need for supplements as defined in subparagraph (i) of paragraph (b) of subdivision three of this section in such district.

9. The commissioner shall issue a report on the home stability support program to the governor, the speaker of the assembly, the temporary president of the senate, the chairs of the senate and assembly social services committees, and the chairs of the assembly ways and means committee and the senate finance committee on or before October first of each year, starting October first, two thousand nineteen, regarding the effectiveness of the program, based on the information provided from the local social services districts. Each local district, upon the request of the office, shall provide the office the necessary data for the completion of the report. Each report shall include the following information for each district:

(a) the number of individuals participating in the program;

(b) factors contributing to households experiencing housing issues, including, but not limited to, health and safety and budgeting constraints;

(c) total funding utilized;

(d) estimated avoided costs in temporary shelter; and

(e) any other information or available data that the commissioner deems relevant and necessary for comprehensive evaluation of the current need of entitlements for public assistance recipients.

§ 2. Section 153 of the social services law is amended by adding a new subdivision 13 to read as follows:

13. Notwithstanding any other provision of law to the contrary, one hundred percent of costs for shelter supplements and home stability support services required by section one hundred thirty-one-bb of this article shall be subject to reimbursement by the state, as follows:

(a) by federal funds that can be properly applied to such expenditures; and

(b) the remainder to be paid by state funds.

§ 3. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2017.

PART GG

Section 1. Paragraph (e) of subdivision 2 of section 209 of the social services law is amended by adding two new subparagraphs (iii) and (iv) to read as follows:

(iii) (A) From January first, two thousand seventeen to December thirty-first, two thousand seventeen, for an eligible individual receiving enhanced residential care, $1429.00; and (B) for an eligible couple receiving enhanced residential care, two times the amount set forth in clause (A) of this subparagraph.

(iv) (A) From January first, two thousand eighteen and thereafter, for an eligible individual receiving enhanced residential care, $1549.00; and (B) for an eligible couple receiving enhanced residential care, two times the amount set forth in clause (A) of this subparagraph.

§ 2. This act shall take effect on the same date and in the same manner as section 2 of part P of a chapter of the laws of 2017 enacting into law major components of legislation necessary to implement the state education, labor, housing and family assistance budget for the 2017-2018 state fiscal year, takes effect.

PART HH

Section 1. Paragraph c of subdivision 2 of section 2023-a of the education law, as amended by section 1 of subpart C of part C of chapter 20 of the laws of 2015, is amended to read as follows:

c. "Capital local expenditures" means the taxes associated with budgeted expenditures resulting from the financing, refinancing, acquisition, design, construction, reconstruction, rehabilitation, improvement, furnishing and equipping of, or otherwise providing for school district capital facilities or school district capital equipment, including debt service and lease expenditures, and transportation capital debt service, subject to the approval of the qualified voters where required by law. The commissioner of taxation and finance shall, [~~as appropriate,~~] **within ninety days of the effective date of the chapter of the laws of two thousand seventeen that amended this paragraph,** promulgate rules and regulations which [~~may~~] **shall** provide for adjustment of capital local expenditures to reflect a school district's share of additional budgeted capital expenditures made by a board of cooperative educational services.

§ 2. Paragraph b of subdivision 2-a of section 2023-a of the education law, as amended by section 3 of subpart C of part C of chapter 20 of the laws of 2015, is amended to read as follows:

b. The commissioner of taxation and finance shall calculate a quantity change factor for the coming school year for each school district based upon the physical or quantity change, as defined by section twelve hundred twenty of the real property tax law, reported to the commissioner of taxation and finance by the assessor or assessors pursuant to section five hundred seventy-five of the real property tax law. The quantity change factor shall show the percentage by which the full value of the taxable real property in the school district has changed due to physical or quantity change between the second final assessment roll or rolls preceding the final assessment roll or rolls upon which taxes are to be levied, and the final assessment roll or rolls immediately preceding the final assessment roll or rolls upon which taxes are to be levied. The commissioner of taxation and finance shall, [~~as appropriate,~~] **within ninety days of the effective date of the chapter of the laws of two thousand seventeen that amended this paragraph,** promulgate rules and regulations regarding the calculation of the quantity change factor which [~~may~~] **shall** adjust the calculation based on the development on tax exempt land.

§ 3. Paragraph b of subdivision 3 of section 2023-a of the education law, as added by section 2 of part A of chapter 97 of the laws of 2011, is amended to read as follows:

b. **Notwithstanding paragraph a of this subdivision, such tax levy limit shall not be less than the tax levy limit that was applicable to such school district for the prior school year. Where the computation of the tax levy limit pursuant to paragraph a of this subdivision would produce such result, the tax levy limit for the coming school year shall be equal to the tax levy limit that was applicable to such school district for the prior school year.**

c. On or before March first of each year, any school district subject to the provisions of this section shall submit to the state comptroller, the commissioner, and the commissioner of taxation and finance, in a form and manner prescribed by the state comptroller, any information necessary for the calculation of the tax levy limit; and the school district's determination of the tax levy limit pursuant to this section shall be subject to review by the commissioner and the commissioner of taxation and finance.

§ 4. Subparagraph (i) of paragraph (b) of subdivision 3 of section 3-c of the general municipal law, as amended by section 2 of subpart C of part C of chapter 20 of the laws of 2015, is amended to read as follows:

(i) The commissioner of taxation and finance shall calculate a quantity change factor for each local government for the coming fiscal year based upon the physical or quantity change, as defined by section twelve hundred twenty of the real property tax law, reported to the commissioner of taxation and finance by the assessor or assessors pursuant to section five hundred seventy-five of the real property tax law. The quantity change factor shall show the percentage by which the full value of the taxable real property in the local government has changed due to physical or quantity change between the second final assessment roll or rolls preceding the final assessment roll or rolls upon which taxes are to be levied, and the final assessment roll or rolls immediately preceding the final assessment roll or rolls upon which taxes are to be levied. The commissioner of taxation and finance shall, [~~as appropriate,~~] **within ninety days of the effective date of the chapter of the laws of two thousand seventeen that amended this paragraph,** promulgate rules and regulations regarding the calculation of the quantity change factor which [~~may~~] **shall** adjust the calculation based on the development on tax exempt land.

§ 5. Subdivision 3 of section 3-c of the general municipal law is amended by adding a new paragraph (e) to read as follows:

(e) Notwithstanding paragraph (c) of this subdivision, such tax levy limit shall not be less than the tax levy limit that was applicable to such local government for the prior fiscal year. Where the computation of the tax levy limit pursuant to paragraph (c) of this subdivision would produce such result, the tax levy limit for the coming fiscal year shall be equal to the tax levy limit that was applicable to such local government for the prior fiscal year.

§ 6. This act shall take effect immediately; provided, however, that:

a. the amendments to section 2023-a of the education law made by sections one, two and three of this act shall not affect the repeal of such section and shall be deemed repealed therewith;

b. the amendments to section 3-c of the general municipal law made by sections four and five of this act shall not affect the repeal of such section and shall be deemed repealed therewith;

c. section three of this act shall first apply to school district budgets and the budget adoption process for the 2017-2018 school year; and

d. section five of this act shall apply to the levy of taxes by local governments for fiscal years commencing on and after April 1, 2017.

PART II

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

ARTICLE 129-C

ELECTRONIC AND ONLINE STUDENT RESOURCES

Section 6450. Electronic and online student resources.

§ 6450. Electronic and online student resources. The state university of New York and the city university of New York, shall undertake actions to make available and encourage the use of electronic and online student resources. Such universities shall, to the greatest extent practicable, offer current research resources through open source materials and provide access to appropriate source material. Such actions shall be

designed to provide students with access to high quality material and research at a cost that is lesser than traditional, non-electronic resources and material. No later than July first, two thousand eighteen, and each year thereafter, such universities shall prepare a report detailing the actions undertaken pursuant to this section and make such report available to the public via the universities' online websites.

§ 2. This act shall take effect immediately.

§ 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.

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